

REGULAR MEETING
Morning Session
Monday, December 19, 2016
Legislative Chambers, Bath, New York

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 19th day of December, 2016, 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 for Legislator Farrand.

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

Chairman Hauryski asked Cheryl Crane to come forward. Ms. Crane is an employee in Buildings & Grounds. He presented her with a Certificate of Appreciation and a pin in recognition of her 20 years of service to Steuben County.

Chairman Hauryski asked Betty Green to come forward. Ms. Green is an employee in the Office of Community Services. He presented her with a Certificate of Appreciation and a pin in recognition of her 25 years of service to Steuben County.

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

Chairman Hauryski asked Kathy Hamilton to come forward. Ms. Hamilton is an employee in Buildings & Grounds. He presented her with a Certificate of Appreciation in recognition of her 30 years of service to Steuben County.

Chairman Hauryski asked Michelle Mills to come forward. Ms. Mills is an employee in the Department of Social Services. He presented her with a Certificate of Appreciation and a clock in recognition of her retirement with 31 years of service to Steuben County. *Congratulations!*

Chairman Hauryski asked Sheriff David Cole to come forward. He presented Sheriff Cole with a plaque and a badge in recognition of his retirement with 41 years of law enforcement service. This plaque commemorates the Sheriff for his commitment to the community, the County, the State, and the nation. *Congratulations!*

Chairman Hauryski opened the floor for comments by members of the public. There being no comments, 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 Proofs for Posting for the Public Hearing Upon the Agricultural District within the Towns of Bath, Bradford, Campbell, Canisteo, Howard, Rathbone, Thurston, Urbana and Wayne, and Villages of Bath and Savona, New York, known as Agricultural District No. 2, to consider the recommendations of the County Planning Board and the Agricultural and Farmland Protection Board, and any proposed modifications of the District. Chairman Hauryski asked if anyone wished to address the Legislature relative to the Public Hearing. There being no comments, he declared the Public Hearing closed.

Chairman Hauryski stated it is that time of the year again for the annual Fruitcake Presentation. He asked last year's recipient, Darlene Smith to come forward. Mrs. Smith provided the following presentation:

The legend of the county fruitcake
Has a rich and storied past
It was passed to me on a date
That in my memory it may not last

In 1991, Mark Alger gave to Christine Kane
A fruitcake adorned in red, green and gold
Year and year, decade after decade
It makes its annual appearance from the freezer of the cold

“Keep passing the cake, it will be fun”, they said
For by now, the cake is like lead
The decades of passing this cake
Has rendered it stiff and heavy and will never break

By now its mold and toxic waste
Will be deemed hazardous is left out of place
To avoid isolation and quarantine we all must work together
To keep the fruitcake legend alive forever

You see, each year its whereabouts are often unknown
As thievery and deceit have been sown
Ransom, pictures, videos and bribes
Are all part of the legend that still survives

My name has now been added to the long list of others
The company is good in...Alger, Spagnoletti, Muller, Rose and Wheeler
Those who were chosen to continue the tradition
Know that it must be received without condition

So Christmas is here again and it's my time to let it go
Who shall be the lucky one and does he know
We're not sure how they do it in Allegany County
But Mitch Alger is in Steuben now and must receive the bounty

So, Mitch, you can run but you can't hide
Your early morning treadmill runs are a nice try
They will help you become fast and strong
But keeping the fruitcake safe is now where you belong

You must promise to guard it and keep it safe
This legend which is now at **your** place
Your joy will be complete when into **your** freezer it goes
My work here is done as all who have witnessed surely knows

Congratulations Mitch!

Mr. Alger stated thank you very much. He is not sure that he is happy to receive it, but he will gladly carry on the tradition and he won't forget where it is coming from. He left the group with two thoughts; first, Mr. Rose is not the only one with a master key to the building, and second, the Legislators are not off limits.

Motion adopting the minutes from the previous meeting(s) made by Mr. Van Etten, seconded by Mr. Roush and duly carried.

Mrs. Ferratella announced the new data collector was introduced at last week's AdHoc Municipal Coordination Committee meeting. His name is Mike Ryan and he is currently in training. He will be assisting the towns that have signed the 1537 agreements. We have twenty towns that have signed the 1537 agreements.

RESOLUTION NO. 196-16

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 Chairman of the Steuben County Legislature, in accordance with the application filed herewith, is hereby authorized and empowered on behalf of this Legislature to execute the necessary documentation for the disposition of application for correction of real property taxes levied on the parcel 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 parcel contained in Schedule "A", as set forth in the approved application, a copy of which shall be forwarded to the taxpayer and collecting authority; 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 application executed in duplicate by the Chairman of the County Legislature, and the Chairman of the Board of Assessors of the appropriate municipality.

SCHEDULE "A"

Resolution No.	<u>A-1</u>
Name	<u>Michael R. Sullivan Sr.</u>
Parcel No.	<u>287.00-03-005.111</u>
Municipality	<u>Town of Jasper</u>
Disposition	<u>Parcel Split</u>

Vote: Roll Call – Adopted.

RESOLUTION NO. 197-16

Introduced by J. Hauryski.

Seconded by G. Roush.

RECEIVING AND ACCEPTING THE DECEMBER 19, 2016 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:

November 15, 2016

NYS Office for the Aging – Re: Annual Evaluation and Progress Report from April 1, 2016 through March 31, 2017. *Referred to: Human Services/Health & Education Committee; and Patty Baroody, OFA Director.*

November 17, 2016

NYS Department of Transportation – Re: Notification of vouchers recently sent to the State Comptroller that distributes the third quarter 2016-2017 Statewide Mass Transportation Operating Assistance (STOA) payments. *Referred to: Amy Dlugos, Planning Director.*

November 18, 2016

NYS Department of Public Service – Re: Request to assist in the winter outreach and education campaign to help consumers manage their energy bills. *Referred to: Human Services/Health & Education Committee; Patty Baroody, OFA Director; and Kathy Muller, Commissioner of Social Services.*

November 21, 2016

Steuben County Republican Committee – Re: Appointment of Veronica Olin to the position of Republican Election Commissioner of Steuben County pursuant to the New York State Election Law for a two year term beginning January 1, 2017. *Referred to: filed with the Clerk of the Legislature, Brenda Mori.*

November 22, 2016

Steuben County Democratic Committee – Re: Appointment of Kelly J. Penziul to the position of Democratic Election Commissioner of Steuben County pursuant to the New York State Election Law for a two year term beginning January 1, 2017. *Referred to: filed with the Clerk of the Legislature, Brenda Mori.*

November 23, 2016

The Greater Hammondsport Chamber of Commerce – Re: 2016 FY Annual Report. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

November 28, 2016

DLA Piper LLP – Re: Application of Eight Point Wind, LLC for a certificate of Environmental Compatibility and Public Need Pursuant to Article 10 to construct a 103.4 MW Wind Energy Project (Case 16-F-0062). *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

New York Site Board on Electric Generation Siting and the Environment – Re: Third notice of availability of pre-application intervenor funds and deadline for submitting funding request for Baron Winds LLC wind power project. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

December 1, 2016

NYS Homes and Community Renewal – Re: On-site monitoring visit on the New York State Community Development Block Grant Projects #1115HR65-11 & 1115HR3-13 is scheduled for December 15, 2016 at 12:30pm. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

December 5, 2016

Western Regional Off-Track Betting – Re: Check in the amount of \$2,858, which represents the October 2016 surcharge for Steuben County. *Referred to: Finance Committee and Patrick Donnelly, Commissioner of Finance.*

Steuben County Soil & Water Conservation District – Re: Thank you letter for the recognition at the full legislature meeting on the national award for conservation. *Referred to: Joseph Hauryski, Legislature Chairman.*

Renovus Energy, Inc. d/b/a Renovus Solar – Re: Notification of the intent to undertake the construction of a solar energy system in the Town of Wayne (Tax Map #105.00-03-22.22). *Referred to: A.I.P. Committee; Amy Dlugos, Planning Director; and Wendy Jordan, Acting Real Property Director.*

NRG Curtailment Solutions, Inc. – Re: Payment for the participation in the PowePay New York Program for the summer 2016 participation period (5/1/16-10/31/16). *Referred to: A.I.P. Committee; Patrick Donnelly, Commissioner of Finance; and Jack Wheeler, County Manager.*

Vote: Acclamation – Adopted.

RESOLUTION NO. 198-16

Introduced by A. Mullen and B. Schu.

Seconded by H. Lando.

AUTHORIZING THE STEUBEN COUNTY SHERIFF’S OFFICE TO ACCEPT CERTAIN PRIVATE DONATIONS.

WHEREAS, the Sheriff’s Office has received donations from the public; and

WHEREAS, the Sheriff’s Office recently received a donation from Mr. James Taylor in the amount of \$50 for the K9 Program and a donation from Dr. Robert Wylie for a Pet Chip Reader and the accompanying software.

NOW THEREFORE, BE IT

RESOLVED, the Sheriff’s Office is authorized to accept the donation from Mr. James Taylor and Dr. Robert Wylie; and be it further

RESOLVED, going forward, the Public Safety and Corrections Committee is hereby authorized to approve and accept all private donations to the Sheriff’s Office in the amount of three thousand five hundred dollars (\$3,500.00) or less; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 199-16

Introduced by G. Swackhamer.

Seconded by J. Malter.

ACCEPTING MAINTENANCE JURISDICTION FROM THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR APPROXIMATELY 0.6 ACRES OF OLD STATE ROUTE 415 IN THE TOWN OF CAMPBELL AND CONVEYING THE PROPERTY TO THE ADJACENT LANDOWNER

WHEREAS, the New York State Department of Transportation (NYSDOT) wishes to abandon its maintenance jurisdiction to the County of Steuben for approximately 425’ x 65’ (0.6 acres±) of old State Route 415 located adjacent to 9001 State Route 415 in the Town of Campbell; and

WHEREAS, the County of Steuben wishes to accept maintenance jurisdiction from the NYSDOT for this parcel of land; and

WHEREAS, upon receiving the Official Order for the transfer of maintenance jurisdiction from the NYSDOT, the County of Steuben is desirous of conveying this parcel to the adjacent landowner, Joseph and Michelle Seeley, 9001 State Route 415, Campbell, NY, including any and all rights the County may have to the land.

NOW THEREFORE, BE IT

RESOLVED, that this Steuben County Legislature does hereby approve of accepting the maintenance jurisdiction from the NYSDOT for said parcel of land; and be it further

RESOLVED, that this Steuben County Legislature does hereby approve of conveying this parcel to Joseph and Michelle Seeley upon receiving the Official Order for the transfer of maintenance jurisdiction from the NYSDOT, should there be nothing in said order restraining the County from such a transfer; and be it further

RESOLVED, that a certified copy of this resolution shall be mailed to the NYSDOT Region 6 Property Manager, 107 Broadway, Hornell, NY 14843; and be it further

RESOLVED, that this conveyance shall be recorded in the Steuben County Clerk's Office.

Vote: Roll Call – Adopted.

RESOLUTION NO. 200-16

Introduced by G. Swackhamer.

Seconded by R. Weaver.

RELINQUISHING ANY INTEREST THE COUNTY MAY HAVE TO THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR APPROXIMATELY 0.077 ACRES OF PROPERTY AT THE CORNER OF WINFIELD STREET AND STATE ROUTE 414 IN THE TOWN OF CORNING

WHEREAS, in 1989 the New York State Department of Transportation (NYSDOT) appropriated property in the Town of Corning, Steuben County in connection with the DENMARK HILL ACCESS ROAD, TOWN OF CORNING project; and

WHEREAS, the property shown on Map 2, Parcel 2 for said project was acquired in the name of the People of the State of New York in fee for purposes connected with the County road system of the County of Steuben, Town of Corning, State of New York; and

WHEREAS, the NYSDOT has reached an agreement with the North Corning Fire Department (NCFD) whereby the State will sell and the NCFD will buy approximately 0.077 acres of the property shown on Map 2, Parcel 2; and

WHEREAS, before the sale of the subject parcel to the NCFD can be completed, the consent of Steuben County is required.

NOW THEREFORE, BE IT

RESOLVED, that the parcel to be sold to the NCFD is not needed for the Steuben County road system; and be it further

RESOLVED, that this Steuben County Legislature hereby consents to relinquishing any interest the County may have in this parcel and has no objection to the sale of a portion of the Map 2, Parcel 2 property to the NCFD; and be it further

RESOLVED, that a certified copy of this resolution shall be mailed to the NYSDOT Region 6 Property Manager, 107 Broadway, Hornell, NY 14843.

Vote: Roll Call – Adopted.

RESOLUTION NO. 201-16

Introduced by G. Swackhamer.

Seconded by J. Malter.

AUTHORIZING THE ADDITION OF TELEVISIONS AND COMPUTER MONITORS TO THE SOLID WASTE FEE SCHEDULE EFFECTIVE JANUARY 1, 2017.

WHEREAS, the New York State Electronic Equipment Recycling and Reuse Act implemented a frame work for recycling E-Waste generated in New York State. The New York State Department of Environmental Conservation (DEC) was empowered by law to administer the new program. Beginning April 1, 2011 equipment manufacturers were required to accept E-Waste for recycling or pay a surcharge to DEC based upon their respective market share of electronics sold in the State for the purpose of funding the E-Waste program; and

WHEREAS, in 2012 the Steuben County Solid Waste Division (County) implemented an E-Waste Recycling Program and began receiving E-Waste from the public without fee at all of its facilities; and

WHEREAS, the County has been informed that cathode ray tube televisions and computer monitors (collectively CRT's) along with other E-Waste no longer have a zero cost channel for recycling and some recyclers are now forced to charge for CRT's and other electronic waste generated in New York State due to financial weaknesses in the program structure currently administered by DEC and an apparent lack of market options for recycling items such as hazardous CRT's and other electronic waste; and

WHEREAS, the County has been forced to restructure the local E-Waste program and implement a \$20.00 per item fee for all CRT and non-CRT televisions and computer monitors to ensure that the people of the County continue to have a safe and reliable program for the recycling of E-Waste.

NOW THEREFORE, BE IT

RESOLVED, that the County will implement a \$20.00 per item fee for all CRT and non-CRT televisions and computer monitors; and be it further

RESOLVED, the \$20.00 per item fee will take effect on January 1, 2017; and be further

RESOLVED, the Clerk of the Legislature is hereby directed to forward copies of this Resolution to the Commissioner of Public Works.

Mr. Weaver asked in the future, will it revert back to the State or the manufacturers' to pick up the cost of recycling? Mr. Spagnoletti replied the State has stopped providing additional funding for recycling TV's and monitors.

Mr. Mullen commented he is against raising the fee from \$0 to \$20 because it will cause the residents to potentially throw the TV's out along the roadside.

Ms. Lattimer asked for an explanation of the financials related to this proposition. Mr. Spagnoletti replied if we institute a \$20 fee, at the end of 2017, we will probably break even with a \$14,000 surplus. If we keep the fee at \$0, then we will lose \$34,000, based on the 6,000 TV's and monitors that we brought in during 2016. We are the only County not charging a fee.

Ms. Lattimer commented in the Public Works minutes, you stated there were a number of out-of-County TV's and monitors coming into Steuben and you stated that you have a difficult time policing that. It seems that this is not fair. Mr. Spagnoletti replied it is not fair. We have discussed in our department, options to prevent this from happening and it is difficult to do. When we have tire amnesty days, the businesses send in convoys of employees. Setting a fee will stop some of that.

Mrs. Lando asked are neighboring counties charging more? Mr. Spagnoletti replied Chemung is charging \$40.

Mr. Van Etten asked what about other electronics. He stated that Corning, Inc. used to sponsor an electronics waste recycling day. Mr. Spagnoletti stated this fee is just for TV's and monitors. We still have electronics waste recycling at no charge.

Mr. Booth asked the State picks up a portion if you don't charge. When you charge a fee, that reimbursement goes away? Mr. Spagnoletti replied that is correct. If we charge a fee, then we will not receive any State funding, but we have accounted for that in the choices you have. You can impose a fee and come out ahead a little, or if you do not impose a fee, you will lose \$34,000 even with State funding.

Mr. Nichols commented his concern is that living in a rural area, the valleys will fill up with old TV's and monitors. The \$20 fee is not a lot from an economics standpoint. With human nature, he is afraid we will see trash on the side of the roads. He stated that he will be voting against this.

Mr. Spagnoletti stated that he surveyed five surrounding counties. Of those that charged a fee, three did not see any roadside dumping and two saw a little change.

**Vote: Roll Call – Adopted. Yes – 7462; No – 1785; Absent – 625.
(No – Legislators Booth, Mullen and Nichols; Absent – Legislator Farrand)**

RESOLUTION NO. 202-16

Introduced by G. Swackhamer.

Seconded by J. Malter.

AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO ENTER INTO A COMMERCIAL WASTE DISPOSAL AGREEMENT WITH NEW ENGLAND WASTE SERVICES OF NY, INC.

WHEREAS, Steuben County owns and operates a solid waste landfill facility (the "Facility") located in the Town of Bath designed and permitted for the disposal of solid waste as defined in New York Environmental Conservation Law, Article 27, Title 7 6NYCRR Part 360; and

WHEREAS, the Facility is authorized to dispose of 500 tons per day of solid waste, the Facility currently has excess disposal capacity within that daily limit; and

WHEREAS, Steuben County is willing to make 20,000 tons per year of capacity available for the disposal of mixed municipal solid waste from New England Waste Services of NY, Inc. for the disposal of solid waste; and

WHEREAS, New England Waste Services of NY, Inc. desires to contract with Steuben County to provide for the disposal of 20,000 tons per year of municipal solid waste at a rate of \$33.00/ton at the Facility for a period of five (5) years; and

WHEREAS, the parties are desirous of entering into a commercial waste disposal agreement for said purposes.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Public Works is hereby authorized to enter into a commercial waste disposal agreement with the New England Waste Services of NY, Inc. for the disposal of mixed municipal solid waste at the Steuben County Bath Landfill where such agreement is subject to the County Attorney's approval to form; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 203-16

Introduced by C. Ferratella.

Seconded by R. Lattimer.

AUTHORIZING THE ACCEPTANCE OF FUNDING FROM SUNY ALBANY.

WHEREAS, Steuben County Office for the Aging/ Retired and Senior Volunteer Program was recently presented with challenge award payments from QTAC-NY, a division of the University at Albany, School of Social Welfare, for attendance of participants in evidence-based Tai Chi for Arthritis classes; and

WHEREAS, the conditions are designated for program development, it is in the best interest of the County of Steuben to receive these funds.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Commissioner of Finance is hereby authorized and directed to accept up to \$900 into account number 677200 as revenue from account 4 2770 000 and appropriate the same to expenditure line 5 437 630; and it is further

RESOLVED, that certified copies of this resolution shall be forwarded to the Director of Office for the Aging and the Commissioner of Finance.

Vote: Roll Call – Adopted.

RESOLUTION NO. 204-16

Introduced by C. Ferratella and B. Schu.

Seconded by H. Lando.

RECLASSIFYING A PERSONAL COMPUTER COORDINATOR, GRADE X POSITION TO COMPUTER SYSTEMS ANALYST, GRADE XV POSITION WITHIN THE DEPARTMENT OF SOCIAL SERVICES.

Pursuant to Steuben County Charter Section 2.07.

WHEREAS, the position duties of the Personal Computer Coordinator align with the position title of Computer Systems Analyst as the work involves responsibility for reviewing, analyzing, troubleshooting, programming and developing specifications and documentation of changes to existing and new computer systems; and

WHEREAS, this position must assist with the operations in accordance with State and Federal guidelines and provide guidance on operational needs and deficiencies as the systems relate to State processes, promote efficiencies, maintain compliance and keep pace with advances in technology and systems; and

WHEREAS, this Position will have direct supervision over the work of support staff including a Help Desk Technical Assistant; and

WHEREAS, a Computer Systems Analyst position more appropriately performs these duties; and

WHEREAS, the Personnel Officer, the Human Services, Health and Education Committee and Administration Committee ha reviewed said position within the Department of Social Services that requires a job title change and has approved the recommended change.

NOW THEREFORE, BE IT

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

Personal Computer Coordinator, Grade X (\$31,880-\$45,006) to
Computer Systems Analyst, Grade XV (\$39,510-\$55,777)

AND BE IT FURTHER RESOLVED, that the 2016 County Job Classification and Salary Schedule is hereby amended to reflect the above stated changes; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 205-16

Introduced by C. Ferratella and B. Schu.

Seconded by R. Lattimer.

RECLASSIFYING TWO VACANT ACCOUNT CLERK-TYPIST, GRADE VI POSITIONS TO TWO SENIOR ACCOUNT CLERK, GRADE VIII POSITIONS WITHIN THE DEPARTMENT OF SOCIAL SERVICES.

Pursuant to Steuben County Charter Section 2.07.

WHEREAS, the position duties these two Account Clerk-Typist positions align with the position title of Senior Account Clerk as they perform a higher level of account keeping; and

WHEREAS, these two Account Clerk-Typist positions will have added duties of highly responsible clerical and account-clerical work, which requires an extensive knowledge of specific department functions and applicable laws, rules, policies and procedures; and

WHEREAS, these two Account Clerk-Typists will have direct supervision over the work of supporting clerical and account-clerical employees; and

WHEREAS, a Senior Account Clerk position more appropriately performs these duties; and

WHEREAS, the Personnel Officer, the Human Services, Health and Education Committee and Administration Committee has reviewed said positions within the Department of Social Services that requires a job title change and has approved the recommended changes.

NOW THEREFORE, BE IT

RESOLVED, effective with the adoption of this resolution, the following positions in the Department of Social Services are hereby reclassified as follows:

Two Account Clerk-Typists, Grade VI (\$26,867 to \$37,928) to
Two Senior Account Clerk, Grade VIII (\$29,198 to \$41,221)

AND BE IT FURTHER RESOLVED that the 2016 County Job Classification and Salary Schedule is hereby amended to reflect the above-stated changes; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 206-16

Introduced by R. Lattimer.

Seconded by K. Fitzpatrick.

MODIFYING AND ADOPTING AGRICULTURAL DISTRICT NO. 2 AS A RESULT OF THE EIGHT-YEAR REVIEW OF SAID DISTRICT.

Pursuant to Article 25-AA of the Agriculture and Markets Law of the State of New York.

WHEREAS, pursuant to the procedures and timetable set forth by the New York State Department of Agriculture and Markets, the County Agricultural and Farmland Protection Board has filed its recommendations, relative to the eight year review of this Agricultural District with this Legislature; and

WHEREAS, this Legislature did hold a Public Hearing on the proposed modifications to said district recommended by the Agricultural and Farmland Protection Board on December 19, 2016; and

WHEREAS, modifying an Agricultural District is an Unlisted Action and a Short Environmental Assessment Form was prepared.

NOW THEREFORE, BE IT

RESOLVED, that in accordance with Section 303-a of the Agriculture and Markets Law of the State of New York, this Legislature does find as follows:

- (1) Within the district as recommended to be modified, the number of participating farms and farm acreage thereof is consistent with and substantially furthers the objective of encouraging and protecting viable farming in the area, for which the district was originally created; and
- (2) The district has since its creation been of substantial assistance to a majority of participating farmers in maintaining an active farm economy in the area; and
- (3) Continuation of this district is consistent with the County's important agricultural economy and predominantly rural pattern of development; and
- (4) The district deters local government adoption of land use regulations unduly restrictive of normal farm activities, supports orderly patterns of community development, and helps to sustain active farming for its important economic and environmental values; and be it further

RESOLVED, that in accordance with Section 303-a of the Agriculture and Markets Law of the State of New York, this Legislature has deliberated on said District and modifications, and does hereby adopt the proposed modifications of Agricultural District No. 2 in the County of Steuben for a period of eight years; and be it further

RESOLVED, that modifying the District will not have a significant adverse environmental impact; and be it further

RESOLVED, that the Clerk of this Legislature be, and she hereby is, directed to submit said proposal to the Commissioner of Agriculture and Markets with such reports, maps, materials, and documentation as required by law; and be it further

RESOLVED, that the Clerk of this Legislature shall forward certified copies of this resolution to the Commissioner of the Department of Agriculture and Markets at Albany; to the Director of the Steuben County Planning Department; to the Director of the Steuben County Real Property Tax Service Agency; and to Cornell Cooperative Extension – Steuben County.

Vote: Roll Call – Adopted.

RESOLUTION NO. 207-16

Introduced by B. Schu.

Seconded by R. Weaver.

AUTHORIZING A TRANSFER FROM THE REAL PROPERTY TAX SERVICE AGENCY TEMPORARY HIRE LINE ITEM TO THE CAPITAL PROJECT ENTITLED “DIGITIZATION” .

Pursuant to Section 2.07 of the Steuben County Charter.

WHEREAS, it is determined to be in the best interests of Steuben County to contract with PMI Document Solutions, Inc. to digitize assessment records; and

WHEREAS, it is further in the best interests of Steuben County to utilize the Temporary Hire Account in the amount of \$5,000 together with existing allocations in the amount of approximately \$18,609.62 remaining in the RPTS Digitization Capital project account for the digitization of assessment records.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature authorizes the Real Property Tax Service Agency to enter into a contract with PMI Document Solutions, Inc. for the digitization of assessment records for a cost not to exceed \$23,609.62; and be it further

RESOLVED, the Commissioner of Finance is hereby authorized and directed to transfer the sum of \$5,000 from the Temporary Hire Account to the RPTS Digitization Capital Project and appropriate this amount as follows:

1355-1800000	Temporary Hire Account Transfers
135H-250000	RPTSA Digitization Capital Project

and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 208-16

Introduced by S. Van Etten.

Seconded by B. Schu.

AUTHORIZING A TRANSFER FROM THE CONTINGENT FUND TO THE 2016 BUDGET FOR THE ASSIGNED COUNSEL PROGRAM.

Pursuant to Section 2.07 of the Steuben County Charter.

WHEREAS, the Steuben County 2016 budget for Assigned Counsel Program contains insufficient funds to cover expenditures; and

WHEREAS, the Public Safety & Corrections and Finance Committees have approved this transfer from the Contingent Fund to cover the 2016 expenditures.

NOW THEREFORE, BE IT

RESOLVED, that the Commissioner of Finance is hereby authorized and directed to adjust the following accounts in the 2016 budget:

EXPENSE ACCOUNTS:

Account 199000 5-499-000 Contingent - (\$155,000.00)
Account 117300 5-423-200 Assigned Counsel - \$155,000.00

AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the administrative offices of the Assigned Counsel Administrator, the Public Defender, and the Commissioner of Finance.

Vote: Roll Call – Adopted.

RESOLUTION NO. 209-16

Introduced by B. Schu.

Seconded by G. Roush.

APPOINTING THE REPUBLICAN COMMISSIONER OF ELECTIONS OF THE COUNTY OF STEUBEN FOR A TERM COMMENCING JANUARY 1, 2017.

Pursuant to Section 3-204 of the Election Law of the State of New York.

WHEREAS, Joseph Sempolinski, Chairman of the County Committee of the Republican Party of the County of Steuben has, in pursuance of law, made, signed, and filed with the Clerk of the County Legislature, in proper form, his certification that Veronica Olin, residing in Hornell, County of Steuben and State of New York, is a suitable and qualified person to be appointed as a Commissioner of Elections.

NOW THEREFORE, BE IT

RESOLVED, Veronica Olin, residing in Hornell, Steuben County, New York, be and is hereby appointed a Commissioner of Elections in and for the County of Steuben for a term of two (2) years commencing January 1, 2017 and terminating December 31, 2018 and setting the salary at \$52,131; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointee at 6321 Crosby Creek Road, Hornell, NY 14843; Joseph Sempolinski, Chairman, Steuben County Republican Committee, PO Box 198, Corning, NY 14830; the County Clerk; the Personnel Officer; and the Clerk of the Steuben County Board of Elections.

Vote: Roll Call – Adopted.

RESOLUTION NO. 210-16

Introduced by B. Schu.

Seconded by H. Lando.

APPOINTING THE DEMOCRATIC COMMISSIONER OF ELECTIONS OF THE COUNTY OF STEUBEN FOR A TERM COMMENCING JANUARY 1, 2017.

Pursuant to Section 3-204 of the Election Law of the State of New York.

WHEREAS, Shawn D. Hogan, Chairman of the County Committee of the Democratic Party of the County of Steuben, has in pursuance of law, made, signed, and filed with the Clerk of the County Legislature, in proper form, his certification that Kelly J. Penziul, residing in Painted Post, County of Steuben and State of New York, is a suitable and qualified person to be appointed as a Commissioner of Elections.

NOW THEREFORE, BE IT

RESOLVED, that Kelly J. Penziul, residing in Painted Post, Steuben County, New York, be and is hereby appointed a Commissioner of Elections in and for the County of Steuben for a term of two (2) years commencing January 1, 2017 and terminating December 31, 2018 and setting the salary at \$52,131; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the above-named appointee at 175 Beartown Rd., Painted Post, NY, 14870; Shawn Hogan, P.O. Box 627, 82 Main Street, Hornell, New York, 14843; the Steuben County Clerk; Personnel Officer, and to the Clerk of the Steuben County Board of Elections.

Vote: Roll Call – Adopted.

RESOLUTION NO. 211-16

Introduced by B. Schu.

Seconded by A. Mullen.

CONFIRMING THE APPOINTMENT OF THE STEUBEN COUNTY PERSONNEL OFFICER AND SETTING THE SALARY.

Pursuant to Section 7.00 of the Steuben County Charter.

WHEREAS, there exists a vacancy for the position of Steuben County Personnel Officer; and

WHEREAS, it is necessary to fill such vacancy; and

WHEREAS, the Steuben County Manager has conducted a search for eligible candidates; and

WHEREAS, the Steuben County Manager has recommended that Nathan A. Alderman of Bath, New York, be appointed as the Steuben County Personnel Officer; and

WHEREAS, the Administration Committee of the Steuben County Legislature has recommended the confirmation of this appointment; and

WHEREAS, it is also the recommendation of the Administration Committee to set the salary of the Personnel Officer at \$84,553.00 per annum (Management Grade H).

NOW THEREFORE, BE IT

RESOLVED, that Nathan A. Alderman of Bath, New York, is hereby confirmed as Steuben County Personnel Officer at a salary of \$84,553.00 per annum, effective December 19, 2016, and filling an unexpired six year term ending December 31, 2021; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the above-named appointee, the County Manager, the Commissioner of Finance, and the Personnel Officer.

Mr. Wheeler stated that, under the Charter, he is authorized to appoint up to the mid-point. At the

Administration Committee meeting, he mistakenly quoted the mid-point salary as \$82,895, which was from the 2015 salary grid. The correct amount should be \$84,553.

Vote: Roll Call – Adopted.

Mr. Alderman thanked the Legislature and stated that he is humbled and honored and hopes to do a good job.

RESOLUTION NO. 212-16

Introduced by J. Hauryski.

Seconded by R. Weaver.

APPOINTING A MEMBER TO THE SOUTHERN TIER EXTENSION RAILROAD AUTHORITY.

Pursuant to Section 12.20 of the Steuben County Charter and Article 8, Title 28-AA of the Public Authorities Law.

WHEREAS, Article 8, Title 28-AA of the Public Authorities Law creates the Southern Tier Extension Railroad Authority Act to continue and strengthen the system of railroads serving Allegany, Cattaraugus, Chautauqua and Steuben Counties through the creation of a regional, public benefit corporation; and

WHEREAS, Section 2642-C of the Act requires the establishment of the Southern Tier Extension Railroad Authority; and

WHEREAS, the County Legislature is authorized to appoint three voting members to the Authority upon the recommendation of the Legislative Chair; and

WHEREAS, one members' term has expired.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature does hereby appoint the following individual to serve as a member of the Southern Tier Extension Railroad Authority for the term as indicated:

John V. Malter
Steuben County Legislator
P.O. Box 129
Perkinsville, NY 14529

Term: September 1, 2016 through August 31, 2019

AND BE IT FURTHER RESOLVED, said members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of his duties on the Southern Tier Extension Railroad Authority; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the above-named appointees; the Southern Tier Extension Railroad Authority, Center for Regional Excellence, 4039 Route 219, Salamanca, NY 14779-1493; and the County Auditor.

Vote: Acclamation - Adopted

Motion to Adjourn made by Mr. Mullen, Seconded by Ms. Lattimer and duly carried.