

REGULAR MEETING
Morning Session
Monday, March 27, 2017
Legislative Chambers

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers in Bath, NY on the 27th day of March, 2017 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 Hanna.

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

Chairman Hauryski asked Andrea English to come forward. Ms. English is an employee in the Department of Social Services. He presented her with a Certificate of Appreciation and a pin in recognition of her 10 years of service to Steuben County.

Chairman Hauryski asked Cathy Manning to come forward. Ms. Manning is an employee in the Department of Social Services. He presented her with a Certificate of Appreciation and a pin in recognition of her 15 years of service to Steuben County.

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

Wayne Wells, Cameron, spoke about his views on healthcare and President Trump.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs for Posting Upon Local Law Tentatively No. One for the Year 2017, Authorizing a Partial Exemption from Taxation by the County of Steuben for Certain Qualifying Mixed-Use Real Property in the City of Corning Pursuant to New York State Real Property Tax Law Section 485-N. Chairman Hauryski opened the floor to comments by members of the public. There being none, he declared the public hearing closed.

Motion adopting the minutes of the previous meeting(s) made by Mr. Schu, seconded by Mrs. Ferratella and duly carried.

RESOLUTION NO. 040-17

Introduced by S. Van Etten.

Seconded by J. Malter.

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

Pursuant to Section 2.07 of the Steuben County Charter.

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

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

RESOLVED, that certified copies of this resolution contained in Schedule "A" shall be forwarded to the Director of the Steuben County Real Property Tax Service Agency and the Steuben County Commissioner of Finance, together with the approved applications executed in duplicate by the Chairman of the County Legislature, and the Chairman of the Board of Assessors of the appropriate municipality.

SCHEDULE "A"

Resolution No. A-1
 Name Steven Doe
 Parcel No. 033.00-01-041.200
 Municipality Town of Prattsburgh
 Disposition 2017 Correction to Tax Bill

Resolution No. A-2
 Name Clara J. Folsbee
 Parcel No. 389.00-01-023.110
 Municipality Town of Lindley
 Disposition Parcel Split

Resolution No. A-3
 Name Donna M. Causer /David R. Stevens
 Parcel No. 423.00-01-026.110
 Municipality Town of Lindley
 Disposition 2015 Correction to Tax Bill

Resolution No. A-4
 Name David R. Stevens /Donna M. Causer
 Parcel No. 423.00-01-026.120
 Municipality Town of Lindley
 Disposition 2015 Correction to Tax Bill

Resolution No. A-5
 Name Mountainbrow Vill. Townhouses LP
 Parcel No. 317.11-01-001.000
 Municipality City of Corning
 Disposition 2015 Court Ordered Refund

Resolution No. A-6
 Name Mountainbrow Vill. Townhouses LP
 Parcel No. 317.11-01-001.000
 Municipality City of Corning
 Disposition 2016 Court Ordered Refund

Resolution No. A-7
 Name Mountainbrow Vill. Townhouses LP
 Parcel No. 317.11-01-001.000
 Municipality City of Corning
 Disposition 2017 Court Ordered Correction

Resolution No. A-8
 Name Manor Village Associates LP
 Parcel No. 159.05-04-027.000
 Municipality Village of Bath
 Disposition 2016-2022 Court Ordered Assessment Change

Ms. Fitzpatrick asked for an explanation of A-7 and A-8 relative to court-ordered corrections. Mr. Donnelly explained those properties were involved in tax certiorari proceedings and resulted in a reduced assessment for several parcels.

Mr. Mullen commented that he will be abstaining due to a client relationship.

Vote: Roll Call – Adopted. Yes – 9271; No – 0; Absent – 601; Abstained – 597 (Absent – Legislator Hanna; Abstained – Legislator Mullen)

RESOLUTION 041-17

Introduced by J. Hauryski.

Seconded by G. Roush.

RECEIVING AND ACCEPTING THE MARCH 27, 2017 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:

February 21, 2017

NYS Homes and Community Renewal – Re: Certificate of completion for the New York State Community Development Block Grant Project #1115ED785-13. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

February 24, 2017

NYS Homes and Community Renewal – Re: Fully executed agreement of the New York State Community Development Block Grant Project #1115WS339-16. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

Bishop Sheen Ecumenical Housing Foundation – Re: Notification of available program services for Steuben County. *Referred to: Human Services/Health & Education Committee; Patty Baroody, OFA Director; Dan McRae, Director of Veterans Services; and Amy Dlugos, Planning Director.*

TRC Solutions – Re: Visual Impact Survey request for Eight Point Wind Energy Center. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

SCS Global Services – Re: Notification of intent to audit International Veneer Company Inc. against FSC Chain of Custody Controlled Wood standard FSC-STD-40-005 V3-0. *Referred to: Amy Dlugos, Planning Director.*

March 2, 2017

Western Regional Off-Track Betting Corporation – Re: Check in the amount of \$2,400, which represents the January 2017 surcharge revenue for Steuben County. *Referred to: Finance Committee; and Patrick Donnelly, Commissioner of Finance.*

March 3, 2017

NYS Department of Transportation – Re: Notification of the availability of \$32.4 million in funding for capital and operating assistance to support public transportation services in rural areas with populations of less than 50,000. Completed applications will be accepted till April 10, 2017. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

March 6, 2017

NYS Department of Transportation – Re: Public notice on receipt of a Brownfield Cleanup Program (BCP) application for the site known as Miller Hill Yard (site #C851045) which is located at 7578 State Route 21 in the Town of Fremont. Comments regarding the application must be submitted no later than April 7, 2017. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

Cipro Settlement c/o A.B. Data, Ltd. – Re: Notification of a court order legal notice on a partial settlement for a class action lawsuit involving the antibiotic Cipro. *Referred to: Alan Reed, County Attorney.*

Constellation – Re: Notice of change in the law of the New York Clean Energy Standard which requires that 50 percent of the state's power come from renewable resources by 2030. The fees associated with the law will be passed on to the customers. *Referred to: Vince Spagnoletti, Commissioner of Public Works; Eric Rose, Superintendent of Building & Grounds; and Jack Wheeler, County Manager.*

March 7, 2017

Bath Electric, Gas and Water Systems – Re: Notification of the costs associated with the order of adopting the Clean Energy Standard in New York State will be passed onto every utility rate payer in New York. The billing surcharges will begin next month and be increased aggressively over a number of years. *Referred to: Vince Spagnoletti, Commissioner of Public Works; Eric Rose, Superintendent of Building & Grounds; and Jack Wheeler, County Manager.*

March 8, 2017

Seagate Alliance – Re: Annual Disclosure Notice in compliance with the Medicare/Medicaid Fraud and Abuse Law. *Referred to: Human Services/Health & Education Committee; Darlene Smith, Public Health Director and Kathy Muller; Commissioner of Social Services.*

March 10, 2017

NRG Curtailment Solutions, Inc. – Re: Payment for the participation in the PowerPay New York program for the summer of 2016. *Referred to: Jack Wheeler, County Manager.*

T&R Towing and Service Centers – Re: Letter of concern on the Steuben County towing policy. *Referred to: Public Safety & Corrections Committee; Andrew Morse, Purchasing Director; and Alan Reed, County Attorney.*

March 13, 2017

New York State Department of Environmental Conservation – Re: Notification of the proposed remedial decisions for residential areas adjacent to Corning-Painted Post High School (NYSDEC Project ID#851046 Operable Units 01, 02, 03, and 05). A public meeting is scheduled at the Radisson Hotel in Corning, NY on March 22, 2017 at 6:30pm. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

Corning Inc. – Re: The fact sheet and status update on the public meeting scheduled at the Radisson Hotel in Corning, NY on March 22, 2017 at 6:30pm for the NYSDEC Project ID#851046. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

Vote: Acclamation – Adopted.

RESOLUTION NO. 042-17

Introduced by G. Swackhamer.

Seconded by J. Malter.

PRESENTING LOCAL LAW TENTATIVELY NO. TWO FOR THE YEAR 2017, RELATIVE TO RESIDENCY REQUIREMENTS FOR THE OFFICE OF DEPUTY COMMISSIONER OF PUBLIC WORKS FOR THE COUNTY OF STEUBEN.

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

RESOLVED, there is hereby presented to each member of this Steuben County Legislature of the County of Steuben Local Law Tentatively No. Two for the Year 2017, relative to residency requirements for the Office of Deputy Commissioner of Public Works for the County of Steuben, as follows:

**COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. TWO FOR THE YEAR 2017**

A LOCAL LAW relative to residency requirements for the Office of Deputy Commissioner of Public Works for the County of Steuben.

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 modify the qualifications to hold the Office of Deputy Commissioner of Public Works, by dispensing with the requirement that they reside in the County of Steuben.

SECTION 2: QUALIFICATIONS OF OFFICE

In the County of Steuben, no provision of law, New York State or otherwise, requiring a person to be a resident of the political subdivision or municipal corporation of the State for which he/she shall be chosen or within which his/her official functions are required to be exercised, shall prevent a person from holding the Office of Deputy Commissioner of Public Works for the County of Steuben, provided that such person resides in the State of New York and the County of Steuben or in a county contiguous to the County of Steuben.

SECTION 3: EFFECTIVE DATE

This Local Law shall become effective immediately upon passage.

BE IT FURTHER RESOLVED, before said Local Law is adopted by the County Legislature, a Public Hearing shall be held on Monday, April 24, 2017, at 10:00 A.M. in the Steuben County Legislative Chambers, 3 East Pulteney Square in the Village of Bath, New York; and be it further

RESOLVED, the Clerk of the Legislature shall cause a notice of said Public Hearing to be posted at the Courthouses in the municipalities of Bath, Corning and 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, certified copies of this resolution shall be forwarded to the County Manager, County Attorney, Commissioner of Public Works, Commissioner of Finance and the Personnel Officer.

**Vote: Acclamation – Adopted. No – 597
(No – Legislator Mullen)**

RESOLUTION NO. 043-17

Introduced by B. Schu.

Seconded by G. Roush.

PRESENTING LOCAL LAW TENTATIVELY NO. THREE FOR THE YEAR 2017, PROVIDING FOR THE DEFENSE AND INDEMNIFICATION OF THE SHERIFF OF THE COUNTY OF STEUBEN.

WHEREAS, Steuben County provides for the indemnification of its public officers and employees under Resolution #036-85; and

WHEREAS, pursuant to a constitutional prohibition (see Public Officers Law §18) the office of County Sheriff is not included in those officials that may be indemnified; and

WHEREAS, the constitutional prohibition has been removed in Article XIII §13(a), [see Bardi v. Warren 194 A2d 21 (1993)]; and

WHEREAS, Steuben County historically and currently provides liability insurance coverage for the Steuben County Sheriff for actions taken in the performance of the Office of the Sheriff; and

WHEREAS, it is determined to be in the best interests of Steuben County to include indemnification of the Sheriff along with the other County Public Officers and employees.

NOW THEREFORE, BE IT

RESOLVED, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. Three for the Year 2017, providing for the Defense and Indemnification of the Sheriff of the County of Steuben.

**COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. THREE FOR THE YEAR 2017**

A Local Law, providing for the Defense and Indemnification of the Sheriff of the County of Steuben.

Pursuant to Municipal Home Rule Law §10 of the State of New York.

SECTION 1. LEGISLATIVE INTENT

It is the intent of the within resolution (a) to confer the benefits of Municipal Home Rule Law §10 which authorizes the County to govern its own affairs, to the extent authorized and under the terms and conditions set forth therein, upon the Sheriff of the County of Steuben, as defined in Public Officers Law Section 18(1)(b); and (b) to hold the County of Steuben liable for the costs incurred under the provisions of Municipal Home Rule Law §10.

SECTION 2. DUTY TO DEFEND

(a) Upon compliance by the Sheriff with the provisions of subdivision four of this section, the County of Steuben shall provide for the defense of the Sheriff in any civil action or proceeding, state or federal, arising out of any alleged act or omission which occurred or allegedly occurred while the Sheriff was acting within the scope of his/her public employment or duties. This duty to provide for a defense shall not arise where such civil action or proceeding is brought by or at the behest of the County of Steuben employing such Sheriff.

(b) In the event of a conflict of interest, the County Attorney shall act subject to the terms and conditions set forth in County Law §501.

SECTION 3. DUTY TO INDEMNIFY

In accordance with the terms and conditions of this Local Law as authorized under Municipal Home Rule §10 the County of Steuben shall indemnify and save harmless its Sheriff in the amount of any judgment obtained against such Sheriff in a state or federal court, or in the amount of any settlement of a claim.

SECTION 4. RESPONSIBILITIES OF SHERIFF

The duty to defend or indemnify and save harmless prescribed by this section shall be conditioned upon (i) delivery by the Sheriff to the County of Steuben or to the County Manager of a written request to provide for his/her defense together with the original or a copy of any summons, complaint, process, notice, demand or pleading within ten days after he/she is served with such document, and (ii) the full cooperation of the Sheriff in the defense of such action or and in defense of any action or proceeding against the County of Steuben based upon the same act or omission, and in the prosecution of any appeal.

SECTION 5. MISCELLANEOUS BENEFITS, OBLIGATIONS & RIGHTS –

The benefits of this section shall inure only to the Sheriff as defined and shall not enlarge or diminish the rights of any other party nor shall any provision of this section be construed to affect, alter or repeal any provision of the workers' compensation law; nor shall the within resolution be construed to be contrary to the provisions contained in Public Officers Law §18(7) through (13).

SECTION 6. EFFECTIVE DATE

This local law shall be effective immediately upon filing thereof with the Secretary of State.

BE IT FURTHER RESOLVED, before said Local Law is adopted by the County Legislature, a Public Hearing shall be held on Monday, April 24, 2017 at 10:00 A.M. in the Steuben County Legislative Chambers, 3 East Pulteney Square in the Village of Bath, New York; and be it further

RESOLVED, the Clerk of the Legislature shall cause a notice of said Public Hearing to be posted at the Courthouses in the municipalities of Bath, Corning and 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, certified copies of this resolution shall be forwarded to the County Manager, County Attorney and Steuben County Sheriff.

Vote: Acclamation – Adopted.

Secretary's Note: *A revised draft of the above Local Law was laid upon the desks of the Legislature on March 31, 2017.*

RESOLUTION NO. 044-17

Introduced by S. Van Etten.

Seconded by G. Swackhamer.

FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. ONE FOR THE YEAR 2017, AUTHORIZING A PARTIAL EXEMPTION FROM TAXATION BY THE COUNTY OF STEUBEN FOR CERTAIN QUALIFYING MIXED USE REAL PROPERTY IN THE CITY OF CORNING PURSUANT TO NEW YORK STATE REAL PROPERTY TAX LAW SECTION 485-N.

WHEREAS, there has been duly presented to the members of the Steuben County Legislature on February 27, 2017, County of Steuben Local Law Tentatively No. One for the Year 2017, authorizing a partial exemption from taxation by the County of Steuben for certain qualifying mixed use real property in the City of Corning pursuant to New York State Real Property Tax Law Section 485-N; and

WHEREAS, in accordance with said resolution and Notice of Public Hearing, this County Legislature of the County of Steuben did conduct a Public Hearing on March 27, 2017, at 10:00 A.M., and all persons appearing were given the opportunity to be heard, and the Clerk of this Legislature having filed proof of the publication and posting of the Notice of Public Hearing.

NOW THEREFORE, BE IT

RESOLVED, that County of Steuben Local Law Tentatively No. One for the Year 2017, as hereinafter set forth be, and the same hereby is, finally adopted, to wit:

**COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. ONE FOR THE YEAR 2017**

A Local Law, Authorizing an exemption from taxation by the County of Steuben for certain qualifying mixed use property in the City of Corning pursuant to New York State Real Property Tax Law Section 485-N.

SECTION 1: LEGISLATIVE AUTHORITY

This Local Law is enacted pursuant to the authority conferred by New York State Real Property Tax Law Section 485-N.

SECTION 2: DEFINITIONS

As used in this Local Law, the following terms shall have the following meanings:

- (a) "Applicant" means any person obligated to pay real property taxes on real property for which an exemption from taxes under this section is sought.
- (b) "Benefit area" means the areas within the municipality to which an exemption applies pursuant to Local Laws previously adopted by such municipality specifically identified in Appendix "A".
- (c) "Mixed-use property" means real property on which will exist, after completion of residential construction work or a combination of residential construction work and commercial construction work, a building or structure used for both residential and commercial purposes.
- (d) "Municipality" means the City of Corning located within Steuben County.
- (e) "Construction" work means the modernization, rehabilitation, expansion or other improvement of the portion of Mixed-use property.

SECTION 3: REAL PROPERTY TAX EXEMPTIONS

- (a) Mixed-use property that was converted, created, modernized, rehabilitated, expanded or otherwise improved, and which is located within the benefit areas designated by the municipality, shall be exempt from taxation and special ad valorem levies as provided hereinafter.
- (b) (i) For a period of twelve years following the approval of an application as hereinafter provided, the increase in assessed value of such property attributable to a conversion, creation, modernization, rehabilitation, expansion or other improvement shall be exempt as provided in subparagraph (b)(ii) of this section. Such exemption shall be computed with respect to the "exemption base." The exemption base shall be determined for each year in which there is an increase in assessed value so attributable from that of the previous year's assessed value.
- (ii) The tax exemption shall be computed as follows:

Year of exemption	Percentage of exemption
1 through 8	100% of exemption base
9	80% of exemption base
10	60% of exemption base
11	40% of exemption base
12	20% of exemption base

- (c) No such exemption shall be granted unless:
 - (i) Such conversion, creation, modernization, rehabilitation, expansion or other improvement was commenced subsequent to the date of the effective date of this local law; and
 - (ii) The cost of such conversion, creation, modernization, rehabilitation, expansion or other improvement exceeds the sum of ten thousand dollars (\$10,000.00) or such greater amount as may be specified by local law.
- (d) For the purposes of this section the term "conversion, creation, modernization, rehabilitation, expansion or other improvement" shall not include ordinary maintenance and repairs.
- (e) No such exemption shall be granted concurrent with or subsequent to any other real property tax exemption granted to the same improvements to the real property, except, where during the period of a previous exemption, payments in lieu of taxes or other payments were made to the municipalities in an amount that would have been equal to or greater than the amount of real property taxes that would have been paid on such improvements had such property been granted an exemption pursuant to this section. In such case, an exemption shall be granted for a number of years equal to the twelve year exemption granted pursuant to this section less the number of years the property would have been previously exempt from real property taxes.

SECTION 4: APPLICATION FOR EXEMPTION

(a) The exemption provided for herein shall be granted only upon application by the owner of real property on a form prescribed by the Commissioner of the New York State Department of Taxation and Finance. Such application shall be filed with the Municipality's assessor on or before the appropriate taxable status dates of the municipality

(b) If the assessor is satisfied that the applicant is entitled to an exemption pursuant to this local law, he or she shall approve the application and such real property shall thereafter be exempt from taxation and special ad valorem levies as provided herein commencing with the assessment roll prepared after the taxable status date occurring after the granting of the application.

(c) The assessed value of any exemption granted hereunder shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

SECTION 5: EFFECTIVE DATE

This local law shall be effective immediately upon filing thereof with the Secretary of State.

AND BE IT FURTHER RESOLVED, a Public Hearing on the within Local Law has been held on March 27, 2017 at 10:00 A.M. at the Legislative Chambers, Village of Bath, New York; and be it further

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

RESOLVED, within twenty (20) days after the final adoption by this County Legislature of said County of Steuben, Local Law Tentatively No. One for the Year 2017, the Clerk of this 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 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, the Clerk of the Legislature, in accordance with Section 214, shall cause a true copy of said Local Law to be published in the two County official newspapers within ten (10) days after such Local Law has become effective; and be it further

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

Mr. Van Etten asked was a predetermined list provided by the City? Mr. Wheeler replied yes, they identified nine properties. Mr. Van Etten asked can the City add to the list and if so, would that be subject to our approval, or is this local law just for these nine properties? Mr. Reed replied the City is limited to these nine parcels.

Mr. Maio commented the City selected these nine parcels and, theoretically, in the future could add parcels, but the intent was to be judicious about what we have. Mrs. Lando stated they could request additional parcels in the future and we don't know that.

Mr. Van Etten asked is this local law open ended or defined by the original nine parcels? Mr. Reed replied it is defined by the original nine parcels. If the City expands the number of properties and

requests the County to mirror the exemptions, then the Legislature would need to adopt an additional resolution.

Vote: Roll Call – Adopted.

RESOLUTION NO. 045-17

Introduced by R. Lattimer.

Seconded by R. Nichols.

AUTHORIZING PUBLIC HEARING ON LAND SUBMITTED FOR INCLUSION IN CERTIFIED AGRICULTURAL DISTRICTS DURING THE 2017 ANNUAL THIRTY-DAY PERIOD.

Pursuant to Article 25-AA, Section 303-b, of the Agriculture and Markets Law of the State of New York.

WHEREAS, the Steuben County Legislature established a required annual period from January 15 to February 15 for landowners to submit requests to add agricultural land to certified Agricultural Districts; and

WHEREAS, landowners submitted requests to add land and said requests were forwarded to the Steuben County Agriculture and Farmland Protection Board for their review; and

WHEREAS, the Steuben County Agriculture and Farmland Protection Board will review the matter and will submit a report to this Legislature.

NOW THEREFORE, BE IT

RESOLVED, that in accordance with Section 303-b of the Agriculture and Markets Law of the State of New York, a Public Hearing on this matter shall be held by this County Legislature on the 24th day of April, 2017, at 10:00 a.m.; and be it further

RESOLVED, that the Clerk of this Legislature shall cause a Notice of said Public Hearing to be published and mailed in accordance with Section 303-b of the Agriculture and Markets Law; and be it further

RESOLVED, that a certified copy of this resolution shall be forwarded to the Director of the Steuben County Planning Department.

Vote: Acclamation – Adopted.

RESOLUTION NO. 046-17

Introduced by R. Lattimer.

Seconded by H. Lando.

AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE 2017-2018 FEDERAL TRANSIT ADMINISTRATION FORMULA GRANTS FOR RURAL AREAS PROGRAM (SECTION 5311).

WHEREAS, the County of Steuben is submitting a request for a grant of funds to the New York State Department of Transportation, pursuant to Section 5311, Title 49 United States Code, for a project to provide public mass transportation service for fixed route and route deviation/demand response transportation services for Steuben Transit and Steuben Area Rides for Steuben County for the 2017 and 2018 fiscal years; and

WHEREAS, the County of Steuben and the State of New York have entered into a continuing agreement which authorizes the undertaking of the Project and reimbursement of the Federal and applicable State Shares; and

WHEREAS, the County of Steuben is contracting with a third party subcontractor for the project described above.

NOW THEREFORE, BE IT

RESOLVED, that the Planning Director is authorized to act on behalf of the County of Steuben to sign the application and to progress and complete the above named project; and be it further

RESOLVED, that the Planning Director is authorized to sign any contracts or agreements between the County of Steuben and any third party subcontractor necessary to complete the public transportation project, subject to the approval of the County Attorney; and be it further

RESOLVED, a certified copy of this resolution shall be distributed to the Steuben County Planning Director.

Vote: Roll Call – Adopted.

RESOLUTION NO. 047-17

Introduced by R. Lattimer.

Seconded by J. Malter.

APPOINTING A CERTIFYING OFFICER FOR THE STEUBEN COUNTY CDBG SEPTIC AND WATER WELL PROGRAM PROJECT AND DECLARING THE PROJECT A TYPE II ACTION FOR THE PURPOSES OF NYS ENVIRONMENTAL QUALITY REVIEW ACT.

WHEREAS, Steuben County has received a Community Development Block Grant (CDBG) to repair or replace failing septic systems or drinking water wells, or install water/sewer laterals, for low- and moderate-income homeowners throughout the county, CDBG Project #1115WS339-16; and

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

WHEREAS, a Certifying Officer must be appointed.

NOW THEREFORE, BE IT

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

RESOLVED, that the County Legislature designates Amy Dlugos, Steuben County Planning Director as the Certifying Officer, responsible for all activities associated with the environmental review process to be completed in conjunction with NYS Project #1115WS339-16; and be it further

RESOLVED, that for the purposes of the NYS Environmental Quality Review Act (SEQRA), CDBG Project #1115WS339-16 is a Type II action, with no further review required under NYS regulations; and be it further

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

Mr. Weaver asked what is the difference between a Type I and Type II action? Mrs. Dlugos replied the Woodlands Water/Sewer Improvement Project is specifically listed as a Type I. The CDBG grant for the Water and Septic program, because it is approved by the Department of Environmental Conservation (DEC) and the Department of Health (DOH), is listed as a Type I action.

Mr. Van Etten asked why is the County Planner considered the certifying officer for civil engineering issues and what is the liability if you certify that? Is that subject to DEC and engineering approval? Mrs. Dlugos replied that is required for the federal environmental review piece. The federal funding is coming through the NYS Office of Community Renewal and then is passed down to the County. She stated she is certifying that the environmental review has been done completely, accurately and that all forms have been filed out. She is just certifying the process.

Vote: Roll Call – Adopted.

RESOLUTION NO. 048-17

Introduced by R. Lattimer.

Seconded by B. Schu.

APPOINTING A CERTIFYING OFFICER FOR THE STEUBEN COUNTY CDBG THE WOODLANDS WATER/SEWER IMPROVEMENTS PROJECT.

WHEREAS, Steuben County has received a Community Development Block Grant (CDBG) to make water and sanitary sewer improvements at The Woodlands Community, Inc., a manufactured housing community located in the Town of Hornellsville, CDBG Project #1115PR170-16; and

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

WHEREAS, a Certifying Officer must be appointed.

NOW THEREFORE, BE IT

RESOLVED, that in accordance with the National Environmental Policy Act of 1069 (NEPA) and the related authorities listed at 24 CFP Part 58, the County Legislature of the County of Steuben announces its intent to conduct an environmental review of a project to construct public water and sewer improvements to serve The Woodlands Community, Inc., a manufactured housing cooperative located in the Town of Hornellsville; and be it further

RESOLVED, that the County Legislature designates Amy Dlugos, Steuben County Planning Director as the Certifying Officer, responsible for all activities associated with the environmental review process to be completed in conjunction with the NYS CDBG project number 1115PR170-16; and be it further

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

Mr. Swackhamer stated that is abstaining as he is involved with this project.

**Vote: Roll Call – Adopted. Yes – 8820; No – 0; Absent – 601; Abstain – 451
(Absent – Legislator Hanna; Abstain – Legislator Swackhamer)**

RESOLUTION NO. 049-17

Introduced by R. Lattimer.

Seconded by R. Weaver.

DECLARING THE STEUBEN COUNTY CDBG THE WOODLANDS WATER/SEWER IMPROVEMENTS PROJECT A TYPE 1 ACTION AND ANNOUNCING INTENT TO BE LEAD AGENCY.

Pursuant to the New York State Environmental Quality Review Act.

WHEREAS, Steuben County has received a Community Development Block Grant (CDBG) to make water and sanitary sewer improvements at The Woodlands Community, Inc., a manufactured housing community located in the Town of Hornellsville, CDBG Project #1115PR170-16; and

WHEREAS, an environmental review of said project must be completed.

NOW THEREFORE, BE IT

RESOLVED, that in accordance with the New York State Environmental Quality Review Regulations (SEQR), the County Legislature of the County of Steuben announces its intent to serve as Lead Agency to conduct an environmental review of a project to construct water and sanitary sewer improvements within the manufactured housing park known as The Woodlands Community, Inc., located on County Road 66 in the Town of Hornellsville, under Section 617.7 of the New York State Codes, Rules, and Regulations (NYSCRR); and be it further

RESOLVED, that the County Legislature has determined that, as the project requires approval from the NYS Department of Health (NYSDOH), the proposed action is a Type I action as defined by NYSDOH under 10 NYCRR97.14; and be it further

RESOLVED, that the County Legislature, in its capacity of lead agency, has caused to be prepared Part 1 of the Environmental Assessment Form for this project. The County Legislature hereby accepts the environmental assessment of the proposed project prepared by LaBella Associates, D.P.C., dated February 21, 2017; and be it further

RESOLVED, that in accordance with the requirements of the funding agency, the County Legislature will notify the Involved Agencies of its intent to act as Lead Agency for this project and will provide them with a copy of Part 1 of the long Environmental Assessment Form. Comments regarding the Environmental Assessment and the County's intention to assume Lead Agency status will be received from the Involved Agencies during the 30-day review period; and be it further

RESOLVED, a sealed, certified copy of this resolution shall be provided to the Steuben County Planning Director.

Mr. Swackhamer stated that he will be abstaining as he is involved with this project.

**Vote: Roll Call – Adopted. Yes – 8820; No – 0; Absent – 601; Abstain – 451
(Absent – Legislator Hanna; Abstain – Legislator Swackhamer)**

RESOLUTION NO. 050-17

Introduced by A. Mullen and S. Van Etten.

Seconded by G. Roush.

ACCEPTING AND APPROPRIATING THE 2016-2017 NEW YORK STATE PUBLIC SAFETY ANSWERING POINTS (PSAP) OPERATIONS GRANT.

Pursuant to Section 2.07(12) of the Steuben County Charter.

WHEREAS, Steuben County has a Public Safety Answering Point (911 Department) that answers emergency and non-emergency calls for assistance as well as dispatches responders to those requests; and

WHEREAS, New York State collects cell phone surcharges that allow for state support to counties with eligible public safety call-taking and dispatching expenses; and

WHEREAS, the New York State Division of Homeland Security and Emergency Services is responsible for the administration of grant allocation provided by the State Government; and

WHEREAS, the New York State Office of Homeland Security has awarded Steuben County with Federal Fiscal Year 2017 grant funds in the amount of \$190,105 under the State PSAP Grant; and

WHEREAS, \$190,105 of the funding will reimburse dispatch personnel payroll costs paid by the County and the grant reimbursement will be directed to a 911 Capital Project in the Steuben County Budget currently titled "E-911 Dispatch Console Replacement", being renamed to "E-911 Dispatch Upgrades".

NOW THEREFORE, BE IT

RESOLVED, that the County Manager be authorized to enter into agreement with the New York State Division of Homeland Security and Emergency Services to accept funding in the amount of \$190,105 for county 911 dispatch personnel payroll costs; and be it further

RESOLVED, that the County Manager, the 911 Director, and the Director of Emergency Services 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 accept the grant funding from the State 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 change the name of the Capital Project within the budget of the 911 Department from "E-911 Dispatch Console Replacement" to "E-911 Dispatch Upgrades"; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 051-17

Introduced by G. Swackhamer.

Seconded by C. Ferratella.

AUTHORIZING THE TRANSFER AND APPROPRIATION OF FUNDS TO THE COUNTY ROUTE 22 OVER CANISTEO RIVER "BRIDGE NY" PROJECT ACCOUNT.

WHEREAS, a project for the Bridge Replacement (BIN 3333290) CR 22 over the Canisteo River in the Town of Cameron, County of Steuben, P.I.N. 6755.06 ("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 95% federal funds and 5% non-federal funds; and

WHEREAS, the County of Steuben desires to advance the Project by making an initial commitment of 100% of the federal and 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 authorizes the transfer of \$22,500.00 from the Future Bridge Projects account (5120H0) and the appropriation of \$427,500.00 of Federal Bridge Aid to the County Route 22 over Canisteo River bridge project account (5120HG) in order to fund the federal (in the first instance) 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 Steuben County Department of Public Works and Finance offices.

Vote: Roll Call – Adopted.

RESOLUTION NO. 052-17

Introduced by G. Swackhamer.

Seconded by H. Lando.

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

WHEREAS, Sponsor will design, let and construct the “project”; and

WHEREAS, a Project for the Bridge NY Bridge Replacement (BIN 3333290) CR 22 over Canisteo River, Town of Cameron, Steuben County, P.I.N. 6755.06 (“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 95% Federal funds and 5% 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 Bridge NY Bridge Replacement (BIN 3333290) CR 22 over Canisteo River, Town of Cameron, Steuben County, P.I.N. 6755.06.

NOW, THEREFORE, the Steuben County Legislative Board, duly convened does hereby

RESOLVE, that the Steuben County Legislative Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Steuben County Legislative Board hereby 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 phase work for the Project or portions thereof; and it is further

RESOLVED, that the Steuben County Legislative Board hereby agrees that the County of Steuben shall be responsible for all cost of the project which exceed the amount of the NY Bridge Funding awarded to the County of Steuben; and it is further

RESOLVED, that the sum of \$450,000 is hereby appropriated and made available to cover the cost of participation in the above phases of the Project; and it is 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 further

RESOLVED, that the County of Steuben hereby agrees that construction of the Project shall begin no later than eighteen (18) months after award and that the project shall be completed within three years of commencing construction; and it is further

RESOLVED, that the County Manager of the County of Steuben be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or State-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 further

RESOLVED, that a certified copy of this resolution be filed with Andy Williams, RPPM, NYSDOT Region 6, 107 Broadway, Hornell, NY 14843, by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately.

Vote: Roll Call – Adopted.

RESOLUTION NO. 053-17

Introduced by S. Van Etten.

Seconded by R. Lattimer.

ESTABLISHING THE DATE, TIME, AND LOCATION FOR THE 2017 DELINQUENT REAL PROPERTY TAX PUBLIC AUCTION.

WHEREAS, the County of Steuben has commenced the annual Delinquent Real Property Tax In-Rem procedure pursuant to Article 11 of the New York State Real Property Tax Law; and

WHEREAS, it is desirable to establish the date, time, and location of the County Delinquent Real Property Tax Public Auction.

NOW THEREFORE, BE IT

RESOLVED, the 2017 Delinquent Real Property Tax Public Auction shall be conducted on Friday, July 14, 2017, commencing at 10:00 A.M. at the Campbell-Savona Jr./Sr. High School, 8455 County Route 125, Campbell, New York; and be it further

RESOLVED, that the Steuben County Commissioner of Finance is hereby authorized and directed to establish and publish the terms and conditions of the recited sale in advance of said sale; and be it further

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

Mr. Swackhamer noted the location has changed from the Bath Haverling School to the Campbell-Savona School. Mr. Donnelly stated Bath Haverling is doing construction at the main campus and that is what necessitated us moving the location.

Vote: Roll Call – Adopted.

RESOLUTION NO. 054-17

Introduced by S. Van Etten.

Seconded by G. Roush.

AUTHORIZING THE COMMISSIONER OF FINANCE TO ESTABLISH A TRUST ACCOUNT FOR THE STEUBEN COUNTY SHERIFF'S OFFICE TO USE FOR THE K9 PROGRAM.

WHEREAS, the Sheriff would like to establish a Trust Account for the K9 Program; and

WHEREAS, the Sheriff will give a check for \$1,332.06 to start this account; and

WHEREAS, it has been established that future donated funds will be deposited into this account upon the approval of the Public Safety and Corrections Committee.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Finance be and the same hereby is authorized and directed to establish an account to appropriate donations for the K9 Program; 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. 055-17

Introduced by R. Lattimer and S. Van Etten.

Seconded by C. Ferratella.

AUTHORIZING AND DIRECTING THE COMMISSIONER OF FINANCE TO APPROPRIATE \$400,000.00 FROM THE UNRESTRICTED FUND BALANCE INTO THE STEUBEN COUNTY OFFICE HVAC UPGRADE CAPITAL PROJECT.

WHEREAS, it is necessary to appropriate funds to increase the budget amount of \$312,000.00 adopted on November 28, 2016 to \$712,000.00 for the County Office HVAC Upgrade Capital Project; and

WHEREAS, funds are available within the Fund Balance.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Finance be, and the same hereby is, authorized and directed to appropriate the sum of \$400,000.00 from the Fund Balance to the Steuben County Office HVAC Upgrade Capital Project; and be it further

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

Mr. Weaver asked for an explanation. Mr. Wheeler stated in 2016 we budgeted \$312,000 for an HVAC upgrade. We are at a point now where our control system is no longer supported. We have been notified by different vendors, who are on State contract, that the other portions of our system are failing as well. This is a 30-year old system. It is essential that we perform a full upgrade of the control system in the County Office Building. This will also be the same system that will go into the New Office Building.

Mr. Mullen commented that he finds the newly appointed amount to be somewhat “chilling”.

Mr. Swackhamer stated this new unit will be connected to the Internet and Buildings and Grounds staff will get alerts on their smartphones. Mr. Wheeler stated this is a big ticket item, but when you walk around the building, there are large fluctuations in temperature. We are due to have it replaced.

Vote: Roll Call - Adopted.

RESOLUTION NO. 056-17

Introduced by S. Van Etten.

Seconded by J. Malter.

PROVIDING NOTICE TO MUNICIPALITIES FOR THE ADJUSTMENT OF SALES TAX DISTRIBUTION RELATIVE TO THEIR ELECTION FOR RECEIPT OF FUNDS.

WHEREAS, the County entered into a sales tax agreement dated December 30, 2014 pursuant to Tax Law §1262 and Municipal Home Rule §10; and

WHEREAS, the Tax Law §1262 and Municipal Home Rule §10 authorizes municipal elections to be made relating to receipt of sales tax between credits and cash; and

WHEREAS, the NYS Comptroller has determined that a change in a municipal election has a direct impact upon lowering the County's tax cap in any given fiscal year; and

WHEREAS, Tax Law §1262 and Municipal Home Rule §10 authorizes adjustments in distributions in areas outside of the cities upon notice to those municipalities [§1262(e)]; and

WHEREAS, various and continued exercise of municipal elections gives rise to a direct negative disruption of the County's ability to anticipate budgetary needs of the County; and

WHEREAS, it is determined to be in the best interest of the County to make adjustments in district on notice to the municipalities when an election change is exercised by a municipality.

NOW THEREFORE, BE IT

RESOLVED, the sales tax distribution (under the agreement with the cities,) to a town or a village which makes a change to any extent, in its election between credit or cash shall be adjusted to such an extent as to negate any negative impact upon the County to impose property taxes under the property tax cap without consideration of any tax cap override; and be it further

RESOLVED, that copies of this resolution shall be submitted to all municipalities, the Commissioner of Finance, the County Manager and the County Attorney.

Vote: Roll Call – Adopted.

RESOLUTION NO. 057-17

Introduced by B. Schu and S. Van Etten.

Seconded by H. Lando.

AUTHORIZING A TRANSFER OF \$45,000 FROM THE CONTINGENT FUND TO THE BOARD OF ELECTIONS FOR EQUIPMENT MAINTENANCE.

WHEREAS, Dominion Voting has offered Steuben County an extended warranty and maintenance for the Dominion Voting Machines and EMS system; and

WHEREAS, Steuben County has chosen to receive a 15% discount with a one-time full prepayment; and

WHEREAS, this extended warranty and maintenance agreement will expire December 31, 2021; and

WHEREAS, the Board of Elections will use \$78,097.50 from the Election Account 145000 Equipment Maintenance budget line #5 427 310; and

WHEREAS, the Board of Elections is requesting a transfer of \$45,000 from Account #5 499 000 Contingent fund budget line #199000 and, upon approval, that the funds be transferred into the Elections Equipment Maintenance budget line #5 427 310; and

WHEREAS, a total payment of \$122, 931.25 will be made to Dominion Voting; and

WHEREAS, OGS reference number is 322659, group number: 22300-Voting Machines, Systems.

NOW THEREFORE, BE IT

RESOLVED, that the Commissioner of Finance is hereby authorized and directed to appropriate \$45,000 from the Contingent Fund to the Board of Elections budget; and be it further

RESOLVED, that the Board of Elections is authorized to execute the necessary documents with Dominion Voting to extended the warranty & maintenance until December 31, 2021; and be it further

RESOLVED, the Steuben Board of Election will submit one payment for the 5 year contract; and be it further

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

Mr. Van Etten commented this resolution is for the extension of the maintenance contract for our current voting machines. There were two proposals; a three-year maintenance contract or a five-year maintenance contract. Elections was proposing the three-year contract as they had money in their budget to cover that. He stated his concern was that at some point we would need to replace the machines, and he felt it would be better to look at a five-year contract as that would give us more time to budget for new machines.

Mr. Weaver asked are we prepaying for the five-year contract? Mr. Van Etten replied yes. If we pay as a lump sum we save 15 percent.

Vote: Roll Call – Adopted.

RESOLUTION NO. 058-17

Introduced by R. Lattimer.

Seconded by D. Farrand.

AWARDING BIDS FOR THE NEW OFFICE BUILDING AND RECORDS STORAGE FACILITY.

WHEREAS, Steuben County issued bids for the construction of a new office building and records storage facility; and

WHEREAS, the Ad-Hoc Office Space Committee has received and reviewed said bids and have recommended award to the low bidders as recited below.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature does hereby award the bid to the following vendors, per discipline:

General Construction – **Edger Enterprises**, total bid with alternates - \$4,020,250.00
Electrical – **Schuler-Haas Electric Corp**, total bid with alternates - \$574,800.00
Mechanical - **Louis N. Picciano and Son, Inc.**, total bid with alternates - \$636,000.00
Plumbing – **Nairy Mechanical, LLC**, total bid with alternates - \$492,400.00

AND BE IT FURTHER RESOLVED, the County Manager is hereby authorized and directed to execute all necessary contracts, amendments, and change orders as approved by the Legislature; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 059-17

Introduced by R. Lattimer.

Seconded by D. Farrand.

AUTHORIZING A CHANGE ORDER FOR THE NEW OFFICE BUILDING PROJECT.

WHEREAS, Steuben County has received and awarded bids relative to the new office building and records storage facility; and

WHEREAS, these bids were lower than the approved budget; and

WHEREAS, this has resulted in the ability for the County to consider the addition of a third floor shell on the new office building, providing space for future County needs.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature does hereby approve a change order with awarded contractors, contingent upon the addition not exceeding the overall project budget, as approved by the County Legislature in Resolution No. 170-16; and be it further

RESOLVED, should the addition of the estimated cost of the change order exceed the approved overall project budget, this change order will be rejected; and be it further

RESOLVED, the County Manager is hereby authorized and directed to execute all necessary contracts should the change order fall within budget parameters; and be it further

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

Ms. Fitzpatrick stated that she would like to make an observation. When the agenda for the committee meeting went out, there was no link to the items on the agenda. When she went back to look at previous minutes, she could not see them on the website. Her thought process is if you authorized and approved a certain dollar amount, she does not like the concept of authorizing and adding something additional to spend simply because it was already approved. We have a duty to the taxpayers to spend less and that is what we should do.

Mr. Hauryski commented that with regard to Ms. Fitzpatrick's observation about the minutes; there were issues with the website and that is why they were unable to be viewed.

Mr. Mullen stated that he would like to see a hard look taken at this. With other bids being awarded, he would like to see us pulling the building out at the farm and putting records storage here. He thinks that it makes sense financially for the amount of square footage that we would be adding and then it would be available if the County needs space in the future. He had always thought we should look at vacant buildings, however, that is not something we will do in the future and he is okay with building a third floor.

Mr. Schu stated when they were building the current building, there was never a contingency for this. Now is the time to do this rather than going back to add a third floor. If you are going to build a third floor, do it now.

Mr. Van Etten stated he has always had mixed feelings about the project. We are walking down the path of putting in a building. The fact that the bids came in under budget, he does not think we are saying let's spend more, but can we add something that will be beneficial in the future. He stated that he sees this as being responsible. We are adding 33 percent more space that will be shelled in and drywalled. He thinks this is the smart thing to do. We can only do this at the beginning of the project, not five years from now.

Mrs. Lando stated she agrees with Mr. Van Etten. Based on what we heard from the Public Defender this morning, she thinks this is a smart move.

Ms. Lattimer stated she thinks we are using a lot of foresight in preparing for the future. She asked Mr. Wheeler to address the function of the new buildings.

Mr. Wheeler stated a lot of our records are inactive and are only accessed once every few months. However, we are required to maintain those records. Our active records will be located downtown. It is cost efficient for us to have a building at the farm to store our inactive records. This resolution will authorize the County Manager to sign a change order, providing the estimates for a third floor are within budget. If you pass this resolution, we will meet with the contractors. If the estimates exceed our budget, we will not sign the change order. He agrees that by doing this we would be planning for the future.

Mr. Weaver stated he opposes the building, however, he credits the committee for looking ahead and he will support this resolution.

Mr. Booth stated we should be discouraged by the fact that government has grown so much that this building is no longer enough.

Ms. Fitzpatrick stated as a new Legislator, having access to previous records is critical in order to get up to date, and routinely, technical issues prevent me from accessing information. She stated that she cannot access people on the weekends to help out. She is unprepared to vote because she cannot get access to information.

**Vote: Roll Call – Adopted. Yes – 8666; No – 605; Absent – 601
(No – Legislator Fitzpatrick; Absent – Legislator Hanna)**

RESOLUTION NO. 060-17

Introduced by S. Van Etten.

Seconded by G. Swackhamer.

**REQUESTING THE ADOPTION OF SENATE BILL NO. S.5035A AND ASSEMBLY BILL NO. A.6356A
EXTENDING THE ADDITIONAL ONE PERCENT (1%) SALES TAX FOR STEUBEN COUNTY.**

Pursuant to Article IX of the Constitution of the State of New York and Section 40 of the Municipal Home Rule Law.

WHEREAS, it appears that the County could be facing a sizeable tax increase without extension of the additional sales tax; and

WHEREAS, this increase would impose a disproportionate share of the increase on property owners; and

WHEREAS, the need for additional revenues should be spread among all segments of the County's populace in order to minimize impact on any one segment of the people; and

WHEREAS, the Steuben County Legislature heretofore requested Home Rule legislation authorizing an additional one percent sales tax pursuant to Resolution No. 034-17 duly adopted February 27, 2017; and

WHEREAS, the Finance Committee subsequently approved increasing the cities shares to \$780,000 each for Hornell and Corning, and in addition, the sum of \$750,000 to the towns and villages of the County of Steuben, based on their respective equalized full value; and

WHEREAS, Senate Bill No. S.5035A and Assembly Bill No. A.6356A have been introduced authorizing the extension of the one percent sales tax relative to a home rule request for an extension of an additional one percent sales tax; and

WHEREAS, a necessity exists for the passage of such legislation by the New York State Legislature.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature hereby requests the New York State Legislature adopt special Home Rule legislation as presented in Senate Bill No. S.5035A and Assembly Bill No. A.6356A, to authorize the Steuben County Legislature to extend the additional one percent sales tax; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Honorable Andrew M. Cuomo, New York State Governor, New York State Capitol Building, Albany, NY 12224; Honorable John J. Flanagan, NYS Senate Republican Conference Leader, 909 Legislative Office Building, Albany, NY 12247; Honorable Jeffrey Klein, NYS Senate Independent Conference Leader, 913 Legislative Office Building, Albany, NY 12247; Honorable Andrea Stewart-Cousins, Minority Leader, New York State Senate, 907 Legislative Office Building, Albany, NY 12247; Honorable Carl E. Heastie, Speaker, New York State Assembly, 932 Legislative Office Building, Albany, NY 12248; Honorable Joseph D. Morelle, Majority Leader, New York State Assembly, 926 Legislative Office Building, Albany, NY 12248; Honorable Brian M. Kolb, Minority Leader, New York State Assembly, 933 Legislative Office Building, Albany, NY 12248; Honorable Thomas M. O'Mara, New York State Senator, 848 Legislative Office Building, Albany, NY 12247; Honorable Philip A. Palmesano, New York State Assemblyman, 320 Legislative Office Building, Albany, NY 12248; Honorable Joseph M. Giglio, New York State Assemblyman, 439 Legislative Office Building, Albany, NY 12248; Honorable Joseph A. Errigo, New York State Assemblyman, 527 Legislative Office Building, Albany, NY 12248; and Bruce Kastor, Esq., New York State Department of Taxation and Finance, W.A. Harriman Campus, Bldg. 9, Room 100, Albany, NY 12227-0125.

RESOLUTION NO. 061-17

Introduced by R. Lattimer.

Seconded by R. Weaver.

APPOINTING MEMBERS TO THE SOIL AND WATER CONSERVATION DISTRICT BOARD OF DIRECTORS.

Pursuant to Section 12.20 of the Steuben County Charter and Section 7 of the Soil Conservation District Law of the State of New York.

WHEREAS, the Chairman of the Legislature has recommended that **Melvin Hann** of Bath, NY, be appointed as the Pomona Grange Representative to the Soil and Water Conservation District Board of Directors, and **David Stull** of Addison, NY, be reappointed as the At-Large Representative to the Soil and Water Conservation District Board of Director.

NOW THEREFORE, BE IT

RESOLVED, that Melvin Hann of 5321 Chamberlain Road, Bath, New York, be appointed as the Pomona Grange Representative to the Soil and Water Conservation District Board of Directors for a three-year term commencing January 1, 2016 and ending December 31, 2018; and be it further

RESOLVED, that David Stull of 3461 County Route 3, Addison, New York, be reappointed as the At-Large Representative to the Soil and Water Conservation District Board of Directors for a three-year term commencing January 1, 2016 and ending December 31, 2018; and be it further

RESOLVED, said appointees shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of his duties on the Soil and Water Conservation District Board of Directors; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the above-named appointees, the County Auditor and the Steuben County Soil and Water Conservation District Office, 415 West Morris Street, Bath, New York 14810.

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. Farrand, seconded by Mr. Roush and duly carried.

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

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