Pursuant to Section 151 of the County Law and the Rules of Procedure of the County Legislature adopted August 23, 1993, the Legislators from the several districts comprising the towns and cities of the County convened in the Legislative Chambers, Bath, New York, on Wednesday, the 2nd day of January, 2008, at 10:00 A.M. for the purpose of organizing the County Legislature of Steuben County for the years 2008 and 2009 and for the transaction of such other business as would properly and lawfully come before the meeting.

The meeting was called to order by the Clerk of the Legislature, Christine Kane.

The Deputy Clerk called the Roll and all members were present.

Mr. Roche offered the Invocation and the Pledge of Allegiance was led by Mr. Argentieri.

The Honorable Joseph Latham, County and Family Court Justice, administered the Oath of Office to all newly elected members of the Legislature.

The Clerk called for nominations for a Temporary Chairman. Mr. Schwartz nominated Mr. Creath for Temporary Chairman, seconded by Mr. Argentieri. There being no further nominations the nominations were closed and Mr. Creath was duly elected Temporary Chairman.

Temporary Chairman Creath called for a Republican and Democratic caucus.

Motion to adjourn into a Republican and Democratic caucus made by Mr. McAllister, seconded by Mr. Argentieri and duly carried.

Temporary Chairman Creath reconvened the Organizational Meeting of the Legislature.

Temporary Chairman Creath called for nominations for Chairman of the Steuben County Legislature for 2008 and 2009. Mr. Gehl nominated Philip Roche, seconded by Mr. Argentieri.

Motion to close the nominations for Chairman of the Steuben County Legislature made by Mr. Schwartz, seconded by Mr. McAllister and duly carried.

Motion to waive the casting of written ballots made by Mr. Argentieri, seconded by Mr. McAllister and duly carried.

RESOLUTION NO. 001-08

Introduced by F. Gehl.  
Seconded by R. Argentieri.


Pursuant to Sections 151 and 450 of the County Law of the State of New York and Local Law No. Four of the Year 1981 for the County of Steuben.

WHEREAS, this Steuben County Legislature has on this 2nd day of January, 2008, been duly organized and has in accordance with Section 151 of the County Law, duly selected County Legislator Philip J. Roche of Painted Post, New York, as Chairman of the Legislature for a two-year term commencing January 1, 2008.
NOW THEREFORE, BE IT

RESOLVED, Philip J. Roche of Painted Post, New York, be and the same hereby is appointed Chairman of the Legislature of Steuben County for a two-year term commencing January 1, 2008, and within twenty days he shall cause to be filed in the Office of the Steuben County Clerk an Oath of Office as such Chairman; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the County Clerk, to the above-named appointee, the County Treasurer, and the Personnel Officer.

Vote: Roll Call – Adopted.

Mr. Creath asked Legislators Stachnik and Gehl to escort Chairman Roche to the chair.

Mrs. Kane administered the Oath of Office to Mr. Roche for the position of Chairman of the Legislature.

Chairman Roche stated anybody interested in any particular committees should please contact me within the next couple of weeks. We’ll also begin working on the goals for the Legislature as well. Thank you all, it has been an interesting experience the past 4 years and it will be even more interesting for the next 2 years with 5 new legislators.

Chairman Roche opened the floor for nominations for Vice Chair. Mr. McAllister nominated Patrick Donnelly, seconded by Mr. Stachnik.

Motion to close the nominations for Vice Chair made by Mr. Schwartz, seconded by Mr. Argentieri and duly carried.

RESOLUTION NO. 002-08

Introduced by P. Roche. Seconded by R. Argentieri.


Pursuant to Section 151, Subdivision 3, of the County Law of the State of New York.

WHEREAS, this Steuben County Legislature has on this 2nd day of January, 2008, been duly organized and has in accordance with Section 151, Subdivision 3 of the County Law, duly selected County Legislator Patrick F. Donnelly of Bath, New York, as Vice-Chairman of the Legislature for a two-year term commencing January 1, 2008.

NOW THEREFORE, BE IT

RESOLVED, Patrick F. Donnelly of Bath, New York be and the same hereby is appointed Vice-Chairman of the Legislature of Steuben County for a two-year term commencing January 1, 2008, and within twenty days he shall cause to be filed in the Office of the Steuben County Clerk an Oath of Office as such Vice-Chairman; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the County Clerk, to the above-named appointee, County Treasurer, and the Personnel Officer.

Vote: Roll Call – Adopted.
RESOLUTION NO. 003-08

Introduced by P. Roche. Seconded by T. Schwartz.

RECEIVING AND FILING THE DESIGNATION OF THE MAJORITY LEADER OF THE STEUBEN COUNTY LEGISLATURE.

BE IT RESOLVED, Legislator Donald B. Creath be and the same hereby is designated Majority Leader of the Steuben County Legislature; and be it further

RESOLVED, the aforesaid designation of Donald B. Creath of Corning, New York, be and the same hereby is accepted for filing, said designation to be for a two-year term commencing January 1, 2008; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above designee.

Vote: Roll Call – Adopted.

RESOLUTION NO. 004-08

Introduced by P. Roche. Seconded by R. Argentieri.

RECEIVING AND FILING THE DESIGNATION OF THE MINORITY LEADER OF THE STEUBEN COUNTY LEGISLATURE.

BE IT RESOLVED, Legislator Francis L. Gehl be and the same hereby is designated Minority Leader of the Steuben County Legislature; and be it further

RESOLVED, the aforesaid designation of Francis L. Gehl of Corning, New York be and the same hereby is accepted for filing, said designation to be for a two-year term commencing January 1, 2008; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above designee.

Vote: Roll Call – Adopted.

RESOLUTION NO. 005-08

Introduced by P. Donnelly. Seconded by R. Nichols.

REAPPOINTING THE COUNTY ATTORNEY OF THE COUNTY OF STEUBEN.

Pursuant to Section 500 of the County Law of the State of New York.

WHEREAS, Frederick H. Ahrens, Jr. of Corning, New York, has been recommended by the Administration Committee for reappointment as County Attorney to serve for a four-year term.

NOW THEREFORE, BE IT

RESOLVED, Frederick H. Ahrens, Jr. of Corning, New York, be and the same hereby is reappointed County Attorney for the County of Steuben for a four-year term commencing January 1, 2008, through December 31, 2011; and be it further
RESOLVED, his Oath of Office shall be filed in the Steuben County Clerk's Office, and that the Clerk of this Legislature is directed to file certified copies of this resolution with the above named appointee, the Steuben County Clerk, the Steuben County Treasurer and the Personnel Officer.

**Vote:** Roll Call – Adopted.

**RESOLUTION NO. 006-08**

Introduced by P. Donnelly. Seconded by F. Gehl.

**REAPPOINTING THE CLERK OF THE LEGISLATURE OF THE COUNTY OF STEUBEN.**

Pursuant to Sections 400 & 475 of the County Law of the State of New York.

WHEREAS, Christine Kane of Prattsburgh, New York, has been recommended by the Administration Committee for reappointment as Clerk of the Legislature to serve for a four-year term.

NOW THEREFORE, BE IT

RESOLVED, Christine Kane of Prattsburgh, New York, be and the same hereby is reappointed Clerk of the Legislature for the County of Steuben for a four-year term commencing January 1, 2008, through December 31, 2011; and be it further

RESOLVED, her Oath of Office shall be filed in the Steuben County Clerk's Office, and that the Clerk of this Legislature is directed to file certified copies of this resolution with the above named appointee, the Steuben County Clerk, the Steuben County Treasurer and the Personnel Officer.

**Vote:** Roll Call – Adopted.

**RESOLUTION NO. 007-08**

Introduced by P. Donnelly. Seconded by F. Gehl.

**REAPPOINTING THE COUNTY AUDITOR OF THE COUNTY OF STEUBEN.**

Pursuant to Section 600 of the County Law of the State of New York.

WHEREAS, Stanley Wraight of Bath, New York, has been recommended by the Administration Committee for reappointment as County Auditor to serve for a four-year term.

NOW THEREFORE, BE IT

RESOLVED, Stanley Wraight of Bath, New York, be and the same hereby is reappointed County Auditor for the County of Steuben for a four-year term commencing January 1, 2008, through December 31, 2011; and be it further

RESOLVED, his Oath of Office shall be filed in the Steuben County Clerk's Office, and that the Clerk of this Legislature is directed to file certified copies of this resolution with the above named appointee, the Steuben County Clerk, the Steuben County Treasurer and the Personnel Officer.

**Vote:** Roll Call – Adopted.
RESOLUTION NO. 008-08

Introduced by P. Donnelly. Seconded by R. Nichols.

REAPPOINTING THE PUBLIC DEFENDER OF THE COUNTY OF STEUBEN.

Pursuant to Section 716 of the County Law of the State of New York.

WHEREAS, Byrum Cooper of Hammondsport, New York, has been recommended by the Administration Committee for reappointment as Public Defender to serve for a four-year term.

NOW THEREFORE, BE IT

RESOLVED, Byrum Cooper of Hammondsport, New York, be and the same hereby is reappointed Public Defender for the County of Steuben for a four-year term commencing January 1, 2008, through December 31, 2011; and be it further

RESOLVED, his Oath of Office shall be filed in the Steuben County Clerk's Office, and that the Clerk of this Legislature is directed to file certified copies of this resolution with the above named appointee, the Steuben County Clerk, the Steuben County Treasurer and the Personnel Officer.

Vote: Roll Call – Adopted.

RESOLUTION NO. 009-08

Introduced by P. Roche. Seconded by F. Gehl.


In accordance with Section 154 of the County Law of the State of New York and the Rules of Procedure of the Steuben County Legislature.

RESOLVED, this Legislature does hereby recognize the authority of the Chairman of the Legislature of Steuben County to appoint such designated members of this Legislature as he shall select to the various standing and special committee positions for the years 2008 and 2009, which have heretofore been established and set up by the Steuben County Legislature and said committees shall each consist of the same number of members as prescribed in the "Rules of Procedure" of the Steuben County Legislature until such committee is abolished or changed by a majority vote of the Legislature membership pursuant to the "Rules of Procedure"; and be it further

RESOLVED, members of a special committee shall serve for the period specified in the resolution or until the committee is discharged and in no event for a longer period than the term for which the members were elected as legislators; and be it further

RESOLVED, the Chairman of this Legislature, within thirty (30) days of his election to the Chairmanship, shall duly submit and file in the Office of the Clerk of this Legislature the committees' roster appointed for the years 2008 and 2009; and the Clerk of the Legislature shall duly and properly furnish to each member of this Legislature a complete list of the said committees' roster.

Vote: Roll Call – Adopted.
RESOLUTION NO. 010-08

Introduced by P. Roche. Seconded by R. Argentieri.


WHEREAS, The Leader of Corning, New York, and The Evening Tribune of Hornell, New York, have a circulation covering the entire County, but there are occasions when publications are limited to one newspaper in a given area.

NOW THEREFORE, BE IT

RESOLVED, whenever this Legislature does not designate the particular newspaper or newspapers for the publication of a certain matter in a specific resolution, this resolution shall govern the officer or officers having the publication in charge for the years 2008 and 2009;

1. Where the matter is of county-wide interest as hereinafter enumerated, the same shall be published in The Leader of Corning, New York, and The Evening Tribune of Hornell, New York, and such other newspaper as may be deemed advisable:
   a. Notice of hearing on a proposed local law;
   b. Local Law as finally adopted;
   c. Notice of submission to bid for purchase of supplies or equipment;
   d. Notice of submission to bid for public works and services;
   e. Notice of hearing on proposed amendments to civil service rules;
   f. Notice of civil service examinations; and
   g. Such other notice or statement of countywide interest required by law to be published.

2. Where the matter is of local effect as hereinafter enumerated, the same shall be published in either The Leader of Corning, New York, or The Evening Tribune of Hornell, New York, and such other newspaper published in the area as may be deemed advisable:
   a. Notice of submission to bid on parcels of land offered for sale, as tax title and welfare owned;
   b. Notice of closing of any county highway;
   c. Proclamation of a term of court with a grand jury;
   d. Legalizing act of the Legislature; and
   e. Such other notices or statements of similar nature required by law to be published in a limited area.

BE IT FURTHER RESOLVED, a certified copy of this resolution shall be forwarded to all County offices and departments and each of the above-named newspapers.

Vote: Roll Call – Adopted.

RESOLUTION NO. 011-08

Introduced by D. Creath. Seconded by T. Schwartz.


In pursuance of Section 214, Subdivision 1 of the County Law, we, the Republican members of the Steuben County Legislature, hereby designate the following official newspaper for the years 2008 and 2009:
Concurrent resolutions, tax sale notices and tax redemption notices - The Leader of Corning, New York.
Election notices - The Leader of Corning, New York.
Official election canvas - The Leader of Corning, New York.

The above-named designations are filed with the Clerk of this Legislature this 2nd day of January, 2008; and the Clerk is directed to forward certified copies to the Secretary of State at Albany, New York; the Steuben County Clerk; the Steuben County Treasurer; the Steuben County Board of Elections; and the above-named newspaper.

Dated: January 2, 2008

/s/ Donald B. Creath

/s/ Patrick F. McAllister, Esq.

/s/ Lawrence Crossett

/s/ Robert V. Nichols

/s/ Patrick F. Donnelly

/s/ Philip J. Roche, Esq.

/s/ Dan C. Farrand

/s/ Thomas J. Ryan

/s/ Joseph Hauryski

/s/ Brian Schu, Esq.

/s/ Thomas C. Schwartz

/s/ Scott VanEtten

/s/ David R. Stachnik

/s/ John Walsh

Vote: Roll Call – Adopted.

RESOLUTION NO. 012-08

Introduced by F. Gehl. Seconded by R. Argentieri.


In pursuance of Section 214, Subdivision 1 of the County Law, we, the Democratic members of the Steuben County Legislature, hereby designate the following official newspaper for the years 2008 and 2009:

Concurrent resolutions, tax sale notices and tax redemption notices - The Evening Tribune of Hornell, New York.
Election notices - The Evening Tribune of Hornell, New York.
Official election canvas - The Evening Tribune of Hornell, New York.

The above-named designations are filed with the Clerk of this Legislature this 2nd day of January, 2008; and the Clerk is directed to forward certified copies to the Secretary of State at Albany, New York; the Steuben County Clerk; the Steuben County Treasurer; the Steuben County Board of Elections; and the above-named newspaper.
Dated: January 2, 2008

/s/__________________________    /s/______________________________
    Richard A. Argentieri      Randolph Weaver

/s/__________________________
    Francis L. Gehl

Vote: Roll Call – Adopted.

Motion to adjourn made by Mr. Gehl, seconded by Mr. Argentieri and duly carried.
REGULAR MEETING
Morning Session
Bath, New York
Tuesday, January 22, 2008

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, NY on Tuesday, the 22nd day of January, 2008 at 10:00 a.m. and was called to order by the Chairman of the Legislature, Philip J. Roche, Esq.

Roll call and all members present except Legislators Argentieri and Stachnik.

Mr. Nichols offered the Invocation and the Pledge of Allegiance was led by Mr. Schwartz.

Mrs. Kane asked Byrum Cooper and Melissa Olin to come forward. Ms. Olin was nominated by Byrum Cooper, Jr., Public Defender, for the Employee of the Month Award in the category of outstanding performance. Mr. Cooper read the following nomination: Melissa has worked for our office since February of 2005. She is extremely competent, going beyond the typical work activities, and she always puts her job first throughout the day – every day. An example of how she goes beyond her typical work activities is that as a “Typist” Melissa does far more than answer the telephone and give out routine information. She interprets complex information and gives it out in a highly professional manner not only when communicating with Judges and Attorneys and their respective staffs, but with our clients and their families who come to the office under the anxiety of pending criminal charges with severe consequences for themselves and their loved ones. Melissa, without fail, uses excellent judgment, measured by her compassion when dealing with our clients and her caring attitude has diffused what could have been very volatile situations. Recently, Melissa successfully dealt with extra demands of compensating for three full-time vacancies and independently developed an orientation program for incoming attorneys which has proven to be incredibly helpful to everyone in the office. Melissa manages time, priorities and duties with a consistently high level of care. We are proud to nominate Melissa for the honor of Employee of the Month. CONGRATULATIONS MELISSA!

Chairman Roche opened the floor for comments by members of the public.

Jim Waight, introduced himself as a candidate for Steuben County Sheriff. If anyone would like to speak with me, I’m listed in the Bath phone book. Thank you for your time.

Martha Weale, Addison, stated I’m here to urge you to repeal your prior action of term limitations. Some of you are worthy of re-election so please extend your term limits.

The minutes of the previous month’s meetings were adopted upon the motion of Mr. Gehl, seconded by Mr. Ryan and duly carried.

Judy Hunter introduced Jennifer Bailey as the new Deputy County Clerk. She has worked in the District Attorney’s Office for 10 years so she has a wealth of legal knowledge and will be an asset to our office.

Tim Wixom introduced Tina Goodwin as the new Deputy E911 Director. She has 20 years of experience in EMS and has worked 5 years in the Sheriff’s Department.

RESOLUTION NO. 013-08


MATTERS PERTAINING TO COUNTY REAL PROPERTY TAX SALES, CORRECTIONS OF ASSESSMENTS, PROPERTY TAXES, AND OTHER REAL PROPERTY DISPOSITIONS.
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 Treasurer 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 Treasurer, together with the approved applications executed in duplicate by the Chairman of the County Legislature, and the Chairman of the Board of Assessors.

SCHEDULE "A"

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<tr>
<th>Resolution #</th>
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<tr>
<td>Name</td>
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<td>Parcel #</td>
<td>349.00-01-013.110</td>
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<tr>
<td>Municipality</td>
<td>Addison Town</td>
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<td>Disposition</td>
<td>Correction (parcel split)</td>
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<td>Brennan Enterprises</td>
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<td>Parcel #</td>
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<td>William Edwards</td>
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<td>Correction &amp; Refund</td>
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<td>Family Life Ministries Inc</td>
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<td>Parcel #</td>
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<td>Name</td>
<td>Richard A Gerych</td>
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<td>Parcel #</td>
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<td>Bath Town</td>
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<td>Disposition</td>
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Resolution # A-7
Name Janneith Rumsey
Parcel # 145.00-03-015.000
Municipality Bath Town
Disposition Correction (parcel split)

Resolution # A-8
Name Larry E Bevens
Parcel # 146.00-01-002.111
Municipality Bath Town
Disposition Correction (parcel split)

Resolution # A-9
Name Richard L Ellison
Parcel # 157.00-01-021.211
Municipality Bath Town
Disposition Correction (parcel split)

Resolution # A-10
Name Campers Haven LLC
Parcel # 157.00-01-022.120
Municipality Bath Town
Disposition Correction (parcel split)

Resolution # A-11
Name Harold & Minnie Hargraves
Parcel # 157.00-01-028.121
Municipality Bath Town
Disposition Correction (parcel split)

Resolution # A-12
Name Leroy & Mary Ann Wager
Parcel # 159.00-01-043.110
Municipality Bath Town
Disposition Correction (parcel split)

Resolution # A-13
Name Village of Bath
Parcel # 173.00-01-054.000
Municipality Bath Town
Disposition Correction

Resolution # A-14
Name Fay & Nancy Faucett
Parcel # 175.00-01-013.100
Municipality Bath Town
Disposition Correction (parcel split)

Resolution # A-15
Name Warren Thompson
Parcel # 190.00-01-021.000
Municipality Bath Town
Disposition Correction (parcel split)
Resolution #_____A-16______________________________
Name__________John & Betty Jean Berk____________________
Parcel # ________238.00-01-020.120
Municipality ____Cameron Town__________________________
Disposition _____Correction_____________________________

Resolution #_____A-17______________________________
Name__________Barbara Landau & Reich Gerhard____________
Parcel # ________239.00-01-017.200
Municipality ____Cameron Town__________________________
Disposition _____Correction_____________________________

Resolution #_____A-18______________________________
Name__________Roland E Stuart Sr________________________
Parcel # ________256.13-01-036.000
Municipality ____Cameron Town__________________________
Disposition _____Correction_____________________________

Resolution #_____A-19______________________________
Name__________Sharon A & Rodney Wilson_________________
Parcel # ________208.00-03-033.111
Municipality ____Campbell Town__________________________
Disposition _____Correction_(parcel split)_________________

Resolution #_____A-20______________________________
Name__________Richard & Rita White______________________
Parcel # ________225.00-01-003.100
Municipality ____Campbell Town__________________________
Disposition _____Correction_(parcel split)_________________

Resolution #_____A-21______________________________
Name__________Anthony & Merlyn Cavallaro_______________
Parcel # ________224.00-02-012.000
Municipality ____Campbell Town__________________________
Disposition _____Correction__(2008 Town & County)________

Resolution #_____A-22______________________________
Name__________Anthony & Merlyn Cavallaro_______________
Parcel # ________224.00-02-012.000
Municipality ____Campbell Town__________________________
Disposition _____Correction_(2007-2008 School)___________

Resolution #_____A-23______________________________
Name__________Anthony & Merlyn Cavallaro_______________
Parcel # ________224.00-02-013.100
Municipality ____Campbell Town__________________________
Disposition _____Correction_____________________________

Resolution #_____A-24______________________________
Name__________Stewart C Fleischman____________________
Parcel # ________005.00-01-017.000
Municipality ____Cohocton Town__________________________
Disposition _____Correction_____________________________
Resolution #_____A-25___________________________________
Name__________Constance Miller__________________________
Parcel # ________017.00-01-011.000________________________
Municipality ____Cohocton Town__________________________
Disposition _____Correction_______________________________

Resolution #_____A-26___________________________________
Name__________Malcom Onyan Jr_________________________
Parcel # ________017.15-01-029.000________________________
Municipality ____Cohocton Town__________________________
Disposition _____Correction_______________________________

Resolution #_____A-27___________________________________
Name__________Susan Dickson___________________________
Parcel # ________043.00-01-055.000________________________
Municipality ____Cohocton Town__________________________
Disposition _____Correction_______________________________

Resolution #_____A-28___________________________________
Name__________Allen R Gay_____________________________
Parcel # ________044.00-01-016.200________________________
Municipality ____Cohocton Town__________________________
Disposition _____Correction_______________________________

Resolution #_____A-29___________________________________
Name__________Cornerstone Homes Inc____________________
Parcel # ________055.00-01-009.000________________________
Municipality ____Cohocton Town__________________________
Disposition _____Correction_______________________________

Resolution #_____A-30__________________________________
Name__________Steven Rowe & Elizabeth Vileno____________
Parcel # ________337.04-01-060.000_______________________
Municipality ____Corning Town___________________________
Disposition _____Correction_(per Small Claims Assessment Review)

Resolution #_____A-31___________________________________
Name__________John & Sharon Niedrich____________________
Parcel # ________337.04-01-076.000________________________
Municipality __Corning Town____________________________
Disposition _____Correction_(per Small Claims Assessment Review)

Resolution #_____A-32___________________________________
Name__________Will & Marian Davie_______________________
Parcel # ________066.00-01-039.200________________________
Municipality ____Dansville Town_________________________
Disposition _____Correction_(parcel split)____________________

Resolution #_____A-33___________________________________
Name__________Upstate Partners LC LLC___________________
Parcel # ________298.00-01-003.115________________________
Municipality ____Erwin Town_____________________________
Disposition _____Correction_(parcel split)____________________
Resolution #_____A-34
Name__________April Stoudt_____________________________
Parcel # ________315.00-01-019.113________________________
Municipality ____Erwin Town_____________________________
Disposition _____Correction_(name only)____________________

Resolution #_____A-35
Name__________April Stoudt_____________________________
Parcel # ________315.00-01-019.114________________________
Municipality ____Erwin Town_____________________________
Disposition _____Correction_______________________________

Resolution #_____A-36
Name__________GBR Erwin Two LLC______________________
Attn: Gibralter Management Co Inc_______________________
Parcel # ________280.00-01-015.100________________________
Municipality ____Erwin Town_____________________________
Disposition _____Correction & Refund_(per Court Order)_______

Resolution #_____A-37
Name__________Robert C Baker___________________________
Attn: Gibralter Management Co Inc_______________________
Parcel # ________298.08-01-018.000________________________
Municipality ____Erwin Town_____________________________
Disposition _____Correction & Refund__(per Court Order)_______

Resolution #_____A-38
Name__________Corning Erwin Holdings LP________________
Attn: Gibralter Management Co Inc_______________________
Parcel # ________298.08-01-019.000________________________
Municipality ____Erwin Town_____________________________
Disposition ____Correction & Refund__(per Court Order)_______

Resolution #_____A-39
Name__________Myron Rider Estate_______________________
Parcel # ________095.00-01-034.111_______________________
Municipality ____Fremont Town___________________________
Disposition ____Correction_(parcel split)___________________

Resolution #_____A-40
Name__________Merilee H Stewart_______________________
Parcel # ________196.00-01-004.000_______________________
Municipality ____Hartsville Town_________________________
Disposition ____Correction_(parcel split)___________________

Resolution #_____A-41
Name__________Aaron & Lisa Miller_______________________
Parcel # ________246.00-01-052.200_______________________
Municipality ____Hornby Town____________________________
Disposition ____Correction_(per Small Claims Assessment Review)
Resolution #_____A-42
Name__________Jon & Lori Coots___________________________________
Parcel # ________179.00-01-007.100________________________
Municipality ____Hornellsville Town________________________
Disposition _____Correction_(parcel split)____________________

Resolution #_____A-43
Name__________Richard Argentieri________________________
Parcel # ________166.06-05-042.000________________________
Municipality ____Hornell City_____________________________
Disposition _____Correction_(per Small Claims Assessment Review)

Resolution #_____A-44
Name__________Frederick P Lang________________________
Parcel # ________140.00-01-027.117________________________
Municipality ____Howard Town____________________________
Disposition _____Correction_(parcel split)____________________

Resolution #_____A-45
Name__________Floyd Helm___________________________________
Parcel # ________156.00-03-003.114________________________
Municipality ____Howard Town____________________________
Disposition _____Correction_(parcel split)____________________

Resolution #_____A-46
Name__________Richard & Alberta Lathrop__________________
Parcel # ________171.00-03-009.000________________________
Municipality ____Howard Town____________________________
Disposition _____Correction_(parcel split)____________________

Resolution #_____A-47
Name__________Richard & Alberta Lathrop__________________
Parcel # ________171.00-03-011.000________________________
Municipality ____Howard Town____________________________
Disposition _____Correction_(parcel split)____________________

Resolution #_____A-48
Name__________Richard & Alberta Lathrop__________________
Parcel # ________185.00-01-008.100________________________
Municipality ____Howard Town____________________________
Disposition _____Correction_(parcel split)____________________

Resolution #_____A-49
Name__________Verizon New York Inc_____________________
Parcel # ________546.00-06-002.000________________________
Municipality ____Howard Town____________________________
Disposition _____Correction_(per Court Order)________________

Resolution #_____A-50
Name__________Verizon New York Inc_____________________
Parcel # ________546.00-06-002.100________________________
Municipality ____Howard Town____________________________
Disposition _____Correction_(per Court Order)________________
Resolution #_____A-51___________________________________
Name__________Verizon New York Inc_____________________
Parcel # ________546.00-06-002.200________________________
Municipality ____Howard Town____________________________
Disposition _______Correction_(per Court Order)______________________

Resolution #_____A-52___________________________________
Name__________John Hershberger_________________________
Parcel # ________307.00-01-009.110________________________
Municipality ____Jasper Town_____________________________
Disposition _______Correction_(parcel split)______________________

Resolution #_____A-53___________________________________
Name__________Daniel Festa_____________________________
Parcel # ________019.00-02-044.230________________________
Municipality ____Prattsburgh Town_________________________
Disposition _______Correction_______________________________

Resolution #_____A-54___________________________________
Name__________John Dempsey___________________________
Parcel # ________059.00-01-028.300________________________
Municipality ____Prattsburgh Town_________________________
Disposition _______Correction_(per Small Claims Assessment Review)______________________

Resolution #_____A-55___________________________________
Name__________Donald & Mary Jane Peek__________________
Parcel # ________037.00-02-039.100________________________
Municipality ____Pulteney Town___________________________
Disposition _______Correction_______________________________

Resolution #_____A-56___________________________________
Name__________Sarah Houghtaling________________________
Parcel # ________341.00-01-011.370________________________
Municipality ____Troupsburg Town_________________________
Disposition _______Correction_(name & address only)______________________

Resolution #_____A-57___________________________________
Name__________Richard F & Susan M Mason________________
Parcel # ________377.00-01-028.000________________________
Municipality ____Troupsburg Town_________________________
Disposition _______Correction_(parcel split)______________________

Resolution #_____A-58___________________________________
Name__________Charles & Sandra Szepansky________________
Parcel # ________378.16-01-014.000________________________
Municipality ____Troupsburg Town_________________________
Disposition _______Correction_______________________________

Resolution #_____A-59___________________________________
Name__________Evergreen Forest Products________________
Parcel # ________416.00-01-010.110________________________
Municipality ____Troupsburg Town_________________________
Disposition _______Correction_(parcel split)______________________
Resolution # A-60
Name Scott McEachren & Barbara Denby
Parcel # 091.09-01-012.200
Municipality Urbana Town
Disposition Correction (per Small Claims Assessment Review)

Resolution # A-61
Name John Pierce
Parcel # 091.09-01-016.000
Municipality Urbana Town
Disposition Correction (per Small Claims Assessment Review)

Resolution # A-62
Name Joy E Goodsell
Parcel # 119.00-01-019.400
Municipality Urbana Town
Disposition Correction (parcel split)

Resolution # A-63
Name Conrad Farms LLC
Parcel # 026.00-03-005.000
Municipality Wayland Town
Disposition Correction

Resolution # A-64
Name Wendy G Flaitz
Parcel # 078.00-01-037.110
Municipality Wayne Town
Disposition Correction (parcel split)

Resolution # A-65
Name Henry Woll & Phyllis Kephart
Parcel # 074.00-01-046.000
Municipality Wheeler Town
Disposition Correction (per Small Claims Assessment Review)

Resolution # A-66
Name Steven L & Alberta S Reeve
Parcel # 156.00-03-006.200
Municipality Howard Town
Disposition Correction

Resolution # A-67
Name Thomas Gonta
Parcel # 336.10-01-052.200
Municipality Corning Town
Disposition Correction

Vote: Roll Call – Adopted.
RESOLUTION NO. 014-08

Introduced by P. Roche.                              Seconded by F. Gehl.

RECEIVING AND ACCEPTING THE JANUARY 22, 2008 COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY ADMINISTRATOR’S OFFICE.

BE IT RESOLVED, that the following communications were received, accepted and filed by the County of Steuben, and referred to the appropriate Standing Committee and/or Department Head for information and/or action, to wit:

Proclamations Issued:

- Proclamation Declaring the Month of January 2008, as “Stalking Awareness Month” in Steuben County.

December 7, 2007
U.S. Congressman John R. Kuhl, Jr. – Re: Letter indicating he has joined several of his colleagues in signing a letter to the House Appropriations Subcommittee on Labor, Health and Human Services, and Education in opposition to the proposed $335 million rescission to current Workforce Investment Act formula funding in the House measure. Refereed to: Mark R. Alger, County Administrator.

December 10, 2007
New York State Division of Housing and Community Renewal – Re: A copy of the New York State’s Performance Report for Program year 2006, as approved by the U.S. Department of Housing and Urban Development (HUD). Filed with Greg Heffner, Planning Director.

December 14, 2007
United States Senate – Re: Notification of deadline for the National Endowment for the Humanities (NEH) We the People Bookshelf Program on “Created Equal” are due by January 25, 2008. Referred to: Health & Education Committee.

December 17, 2007
Town of Rathbone – Re: Request to pay the remainder that is due on the Workman’s Compensation Insurance over the next five years, in equal yearly payments. Referred to: Administration Committee; Lew Eason, Risk Manager; and Carol Whitehead, Treasurer.

NYS Office for Small Cities – Re: Notification that the Annual Performance Report for Grant No#1115HR154-06 is due by January 15, 2008. Referred to: A.I.P. Committee; Greg Heffner, Planning Director; and Carol Whitehead, Treasurer.

NYS Office of the State Comptroller – Re: Report on Policies and Procedures of County Self-Insured Workers’ Compensation Plans. Referred to: Administration Committee; Lew Eason, Risk Manager; and filed with the Clerk of the Legislature.

December 19, 2007

Steuben County Industrial Development Agency – Re: Notification of public hearing that is scheduled for Friday, January 18, 2008 at 10:00am in the Town Court Facility, 19 Main Street, Atlanta, New York 14808 to discuss the project with Steuben County Industrial Development Agency and Canandaigua Power Partners. Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.

Steuben County Industrial Development Agency – Re: Recirculating the PILOT Deviation Notice to all affected tax jurisdictions regarding the project with Canandaigua Power Partners, LLC, and Canandaigua Power Partners II, LLC. The Agency will hold a meeting on January 24, 2008, at 12:00pm, at the Agency’s office located at 7234 Route 54 North,
Bath New York 14810 to consider the approval of all documents necessary in connection with this project. **Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.**

**December 20, 2007**
NYS Office of Parks, Recreation & Historic Preservation – Re: Notification of the State review Board recommended to the Commissioner of Parks, Recreation and Historic Preservation that Hammondsport School, 41 Lake Street, Hammondsport, NY 14840 be listed on the New York State Register of Historic places and nominated to the National Register of Historic Places. **Referred to: A.I.P. Committee; Greg Heffner, Planning Director; and Twila O’Dell, Historian.**

**December 21, 2007**
NYS Department of Transportation – Re: Fourth Quarter SFY 2007-2008 Statewide Mass Transportation Operating Assistance (STOA) payments. An application needs to be submitted in January, 2008 for the October-December, 2007 actual passenger and vehicle mile statistics. **Referred to: Greg Heffner, Planning Director.**

**December 24, 2007**
NYS Sheriffs’ Association Institute, Inc. – Re: Notification of contract with the Government Payment Services (GPS), a company that offers credit card bail payment programs to county jails throughout the State of New York is DUE TO EXPIRE ON APRIL 16, 2008. **Referred to: Public Safety & Corrections Committee; Sheriff Tweddell; and Fred Ahrens, County Attorney.**

NYS Sheriffs’ Association Institute, Inc. – Re: Notification of contract with AT&T (now Global Tel*Link), a company that has worked to enhance the quality of jail inmate telephone systems throughout the State of New York is DUE TO EXPIRE ON MARCH 1, 2008. **Referred to: Public Safety & Corrections Committee; Sheriff Tweddell; and Fred Ahrens, County Attorney.**

NYS Office of the Aging – Re: Notification of revised Grant Award (NGA) for the Health Insurance Information, Counseling and Assistance Program (HICAP) for the period of April 1, 2007 through March 31, 2008. **Referred to: Human Services Committee; and Linda Tetor, OFA Director.**

Harris Beach PLLC, Attorneys at Law – Re: Steuben County Industrial Development Agency and Corning Property Management Corporation (Sullivan Park Expansion) – Distribution of RP-412-a and PILOT (Payment in Lieu of Tax) Agreement. **Referred to: Finance and Administration Committees; Carol Whitehead, County Treasurer; Donna Hatch, RPTSA Director; and Fred Ahrens, County Attorney.**

**January 2, 2008**
Governor’s Office for Small Cities - Re: Request to submit the Federal Assistance Expenditure (10-1) form (within 60 days of the County’s fiscal end date). **Referred to: Greg Heffner, Planning Director and Carol Whitehead, Treasurer.**

NYS Governor’s Traffic Safety Committee, Department of Motor Vehicles – Re: Notification of approval of Steuben County’s 2008 STOP-DWI Plan. **Referred to: Public Safety & Correction Committee, and Sheriff Tweddell.**

**January 8, 2008**
Western Regional Off-Track Betting Corporation – Re: Check #45494 in the amount of $5,451 representing the November 2007 retained surcharge revenue for Steuben County. **Referred to: Finance and Rules Committees; and Carol Whitehead, County Treasurer.**

**January 10, 2008**
Finger Lakes SPCA, Inc. – Re: Updated 2007 Summary Report on the Animal Cruelty Program as well as Thanking Steuben County for their generous contribution of $39,000. **Referred to: A.I.P. & Finance Committees; and Greg Heffner, Planning Director.**

**Vote:** Acclamation – Adopted.
RESOLUTION NO. 015-08

Introduced by P. Roche. Seconded by T. Schwartz.

RATIFYING THE ACTS TAKEN FROM JANUARY 1, 2008 THROUGH JANUARY 22, 2008, INCLUSIVE, BY THE STANDING COMMITTEES THAT HELD MEETINGS.

Pursuant to Section 154 of the County Law of the State of New York.

WHEREAS, prior to the assignments of members of the Legislature to the various standing committees of the County of Steuben by the Chairman of the Legislature it was necessary and desirable for several standing committees, as previously composed, to conduct certain business as reflected by the minutes of their meetings held on the 1st day of January, 2008, through and including January 22, 2008.

NOW THEREFORE, BE IT

RESOLVED, the acts of the standing committees as composed and sitting on January 1, 2008 through January 22, 2008, inclusive, and as reflected by the aforesaid minutes be, and the same hereby are, ratified.

Vote: Roll Call – Adopted.

RESOLUTION NO. 016-08

Introduced by P. Donnelly. Seconded by D. Farrand.

REQUESTING LEGISLATION FROM THE STATE OF NEW YORK EXTENDING TAX LAW §253-s RELATIVE TO THE RECORDING MORTGAGE TAX FOR THE COUNTY OF STEUBEN.

WHEREAS, Tax Law §253-s establishes a mortgage recording tax of twenty-five cents for each one hundred dollars; and

WHEREAS, Tax Law §253-s expires and is deemed repealed December 1, 2008; and

WHEREAS, the generation of such mortgage recording tax fees are essential revenues for the operation of the County.

NOW THEREFORE, BE IT

RESOLVED, the Legislature and Governor of the State of New York be and the same hereby are requested to extend Tax Law §253-s; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Eliot Spitzer, Executive Chamber, State Capitol, Albany, NY 12224; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, Malcolm A. Smith, 508 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 717 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, James Tedisco, 933 Legislative Office Building, Albany, NY 12248; Senator George H. Winner, 802 Legislative Office Building, Albany, NY 12247; and Assemblyman James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248, and Patricia Pinto, Esq., State of NY Dept. of Taxation and Finance, W.A. Harriman Campus, Albany, NY 12227.

Mr. Donnelly stated if we had to raise this money through real estate taxes, it would be at least another 1 percent increase in the tax levy.

Vote: Roll Call – Adopted.
RESOLUTION NO. 017-08

Introduced by R. Nichols.          Seconded by D. Creath.

INCREASING PRIVATE PAY RATES FOR BOTH SEMI-PRIVATE AND PRIVATE ROOMS AT THE STEUBEN COUNTY HEALTH CARE FACILITY EFFECTIVE MARCH 1, 2008, TOGETHER WITH THE 6 PERCENT NEW YORK STATE CASH RECEIPTS ASSESSMENT.

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

WHEREAS, the Steuben County Health Care Facility needs to increase the semi-private room rate from $230 to $240 per day and the private room rate from $235 to $250 per day together with the 6 percent New York State Cash Receipts Assessment (total $254.40 Semi-Private and $265.00 Private); and

WHEREAS, the Health and Education Committee has approved this increase.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Health Care Facility is hereby authorized to implement these changes effective March 1, 2008; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer and the Administrator of the Health Care Facility.

Vote: Roll Call – Adopted.

RESOLUTION NO. 018-08


AUTHORIZING AN ADDITIONAL APPROPRIATION OF $1,100,000 FOR PRESCHOOL SPECIAL EDUCATION EXPENSE TO BE FUNDED WITH TRANSFERS OF $550,000 FROM THE CONTINGENCY FUND AND $20,000 FROM EARLY INTERVENTION PLUS ADJUSTMENTS TO MEDICAID AND STATE AID ANTICIPATED REVENUES.

WHEREAS, the NYS Education Department adjusted Preschool Special Education rates back to the 1999-2000 school year for center-based programs totaling more than $1,530,600; and

WHEREAS, the Steuben County 2007 budget for Preschool Special Education contains insufficient funds for these prior year adjustments; and

WHEREAS, the Health and Education Committee and Finance Committee have approved this transfer and the adjustments to anticipated revenues.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Treasurer is hereby authorized to adjust the following accounts in the 2007 budget:

EXPENSE ACCOUNTS:
Account 199000-5-499-000 Contingency - $550,000
Account 405900-5-420-550 EI Services - $ 20,000
Account 296000-5-453-100 Transportation +$110,000
Account 296000-5-407-820 Tuition +$ 865,000
Account 296000-5-407-830 CPSE Costs +$ 125,000

REVENUE ACCOUNTS:
Account 296000-4-1620-200 Medicaid - $250,000
Account 296000-4-3277-000 State Aid +$780,000

AND BE IT FURTHER RESOLVED, that certified copies of this resolution shall be forwarded to the Administrative Officer of the Department of Special Children’s Services and the County Treasurer.

Mr. Alger explained that these appropriations are a result of charges that date back to 1999. The NYS Education Department has notified us that we will be required to pay a variety of providers at the new rates dating back to services provided at that time. These are unanticipated costs and more than we appropriated for in the 2007 budget. They are significant increases. We previously passed a resolution against the methodology of how the State sets these rates because they can go back so far. The program works where the provider submits a bill, based upon the going rate, to the County and we pay it. The State then reimburses us. The provider can appeal the rate and the State then can determine if they need a new rate. At this point the program ends up being the largest single program increase in recent memory and it rivals the Medicaid program in its rate of increase. We budgeted an additional $600,000 for this program in 2008 and don’t anticipate another retroactive rate adjustment next year, so we hope the budget will be adequate. I don’t recall an appropriation from the contingency fund of this magnitude.

Mr. Schu asked is there a statute of limitations? Mr. Ahrens stated we can’t withhold the money and if we were unwilling to pay this money they would just take it from advances in another program such as DSS.

Mr. Alger stated this program is the legislative priority for NYSAC.

Mr. Alger stated it was late enough in 2007 so that we are using 2007 money. There is adequate funding in the contingent fund to cover it so it isn’t being taken out of the 2008 budget.

Mr. Schwartz stated we’ve been held hostage by New York State for quite some time. I fervently oppose this resolution. We should lean on our State representatives to correct this situation. It is a school district program and should be paid by the school taxpayers.

Mr. Alger stated that we don’t have to pay the bill, they can just withhold funds from us to effectuate the payment of the bill.

Mr. Schwartz stated sometimes legislative bodies across the State have to make a stand against these mandates. Somewhere you have to draw the line. If everybody made a stand, it would change.

Mr. Ryan stated I have to vote against this resolution because I protest this. Government needs to be accountable. The formula is done in a fashion so that we can’t understand it. These kinds of shenanigans shouldn’t fly.

Mr. Gehl noted this directive is from a State agency, not the State Legislature.

Mr. Nichols asked can we take 8 or 9 years to pay it back?

Mr. Alger stated it isn’t as simple as it appears. These providers have been notified that the rates were adjusted. The providers have to provide a bill back to the County with proper documentation so it isn’t an automatic payment to them. Honestly, we don’t know if they will all bill us. The provider has to go back and get that information from their records.
Chairman Roche asked which providers? Mr. Alger stated it involves school districts and private non-profits that provide these services.

Mr. Creath stated I share everyone’s concern but I would like to see us clear the books for 2007 and pass this resolution. We can fight very vociferously in Albany at the NYSAC meeting.

Mr. Weaver stated the bills were submitted and paid and now the State is saying we need to pay them more?

Mr. Alger stated yes because somewhere along the way providers appealed the rate based upon their expenses.

Mr. VanEtten stated the rate changes are from 1999 to 2006? So we could expect 2007 rate adjustments?

Mr. Alger stated yes, as we have some programs out there that don’t have a reimbursement rate established yet. You’ll find that they’ll operate up to a year with no rate at all.

Mr. Ryan asked what accountability is there that they provided these services? Mr. Alger stated the rate adjustment process is something the State goes through. They look at the detailed financial statements of the vendor. We are an unwilling partner in this program. The State reimburses us 59.5 percent of what we pay.

Mr. Farrand asked how long does the provider have to submit an adjusted bill to the County? Mr. Alger stated he would assume within a reasonable time frame.

Mr. Farrand stated so there is a good chance that a couple of providers won’t submit a bill. How long before we could put that money back into the contingent fund?

Mr. Alger stated we’re establishing an accounts payable for this process and if the bill doesn’t come within that reasonable time frame, then we can put the money back in to the fund. Discussion followed.

Mr. Schwartz stated the Federal Government only requires 3 years of records on your income tax and the state is saying they can go back 7 years? The whole process has to stop.

Chairman Roche stated this is a good resolution for the new legislators to see what we have been dealing with for awhile. The State will simply take the money. He noted that if this doesn’t pass today, we’ll still have to deal with it later.

**Vote:** Roll Call – Adopted. Yes - 6666; No - 2154; Absent - 1052.  
*(No: Ryan, Schwartz, Walsh and Weaver. Absent: Argentieri and Stachnik)*

RESOLUTION NO. 019-08

Introduced by F. Gehl and P. Donnelly.  
Seconded by L. Crossett.

**AUTHORIZING THE ACCEPTANCE AND APPROPRIATION OF FUNDING FROM THE NEW YORK STATE DEPARTMENT OF STATE LOCAL ENHANCED WIRELESS 911 PROGRAM.**

**WHEREAS,** Steuben County has developed a 911 system that is able to handle Phase II wireless calls; and

**WHEREAS,** the New York State Department of State has developed the Local Enhanced Wireless 911 Grant Program and has awarded Steuben County funding in the amount of $58,530 through this program; and
WHEREAS, the monies secured from this grant will enable Steuben County to continue to ensure the 911 Center will remain Phase II compliant in regards to answering wireless 911 calls.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized to accept $58,530 in additional revenue into account #302000.43389000 State Aid – Wireless 911 and appropriate the same into account #302000.5290000 Major Equipment; and be it further

RESOLVED, the E911 Director is hereby authorized and directed to execute all necessary documents or agreements in order to receive this funding; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer and the E911 Director.

Vote: Roll Call – Adopted.

RESOLUTION NO. 020-08

Introduced by F. Gehl and P. Donnelly. Seconded by D. Farrand.

AUTHORIZING THE DEPARTMENT OF SOCIAL SERVICES TO ACCEPT THE LEGISLATIVE MEMBER ITEM AWARD FROM THE NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES IN THE AMOUNT OF $20,000 AND PURCHASE OF TWO VANS FOR THE COUNTY WORK PROGRAM AS APPROPRIATED IN THE 2008 BUDGET.

WHEREAS, the New York State Office of Children and Family Services has awarded Steuben County a Legislative Member Item Award in the amount of $20,000; and

WHEREAS, the Department of Social Services desires to apply the award to purchase two vans for the County Work Program to support efforts to achieve the employment participation rates in Steuben County; and

WHEREAS, the Steuben County Department of Social Services has appropriated this award in the 2008 Budget.

NOW THEREFORE, BE IT

RESOLVED, the County of Steuben hereby accepts the Legislative Member Item Award from the New York State Office of Children and Family Services in the amount of $20,000; and be it further

RESOLVED, the Department of Social Services, having appropriated said award, is directed to purchase two vans in accordance with State Contract Bid for use in the County Work Program; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Social Services and the County Treasurer.

Vote: Roll Call – Adopted.
RESOLUTION NO. 021-08

Introduced by P. Donnelly.          Seconded by D. Creath.

TRANSFERRING THE BALANCE AT THE END OF 2007 IN THE DEPARTMENT 136400 “TAX ACQUIRED PROPERTY” TO THE FOLLOWING CAPITAL PROJECTS: NICHOL INN AND AIRPORT ROAD.

WHEREAS, costs of $4,146.39 for Title Insurance, Continuation Search, and legal fees for acquisition of the Airport Road property was originally expensed to 136400 “Tax Acquired Property” and should be expensed to the capital project HB5001 “Airport Road Property”, which has insufficient funds; and

WHEREAS, there is an unexpended balance at the end of 2007 in 136400 “Tax Acquired Property” of $21,347.83; and

WHEREAS, the “Nichol Inn Project” 1364H1 is a tax acquired property and has insufficient funds to complete the remediation phase.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is authorized to transfer the unexpended balance of $25,494.22 from 136400 “Tax Acquired Property” to the following capital projects:

HB5001 – Airport Road $ 4,146.39, and
1364H1 – Nichol Inn $21,347.83

and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Administrator and the County Treasurer.

Vote: Roll Call – Adopted.

RESOLUTION NO. 022-08

Introduced by D. Creath and P. Donnelly.        Seconded by F. Gehl.

AUTHORIZING THE CLOSING OF THREE 2007 CAPITAL PROJECTS AND RETURNING THE UNEXPENDED BALANCES BACK TO THE REPAIR AND RENOVATIONS RESERVE.

WHEREAS, three capital projects have been completed which contain unexpended balances which were originally funded from the Repair and Renovations Reserve.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized to close the following capital projects:

<table>
<thead>
<tr>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>HB 0802 5 250000 Parking Lot-18 E. Morris</td>
<td>$ 1,311.65</td>
</tr>
<tr>
<td>HB 1003 5 250000 Roof Replacement- 117 E. Steuben St.</td>
<td>$ 1,255.77</td>
</tr>
<tr>
<td>HB 1006 5 250000 Seal/Strip Parking Lot-117 E. Steuben</td>
<td>$ 4,728.84</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$ 7,296.26</strong></td>
</tr>
</tbody>
</table>

AND BE IT FURTHER RESOLVED, the unexpended balances, plus interest, shall be transferred to the Repair and Renovations Reserve Fund; and be it further
RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer, and the Superintendent of Buildings and Grounds.

Vote: Roll Call – Adopted.

RESOLUTION NO. 023-08


RECLASSIFICATION OF A PART-TIME FOOD SERVICE HELPER POSITION, GRADE IV TO A PHYSICAL THERAPY ASSISTANT POSITION, GRADE XI WITHIN THE STEUBEN COUNTY HEALTH CARE FACILITY.

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

WHEREAS, a position exists within the Steuben County Health Care Facility that is inappropriately titled and not consistent with the duties for said position; and

WHEREAS, the Steuben County Personnel Officer, the Health and Education Committee and the Administration Committee have reviewed and approved the recommended change for said position.

NOW THEREFORE, BE IT

RESOLVED, effective with the adoption of this resolution, the following position in the Steuben County Health Care Facility is hereby reclassified:

Part-Time Food Service Helper, Grade IV ($22,576-$31,870) to
Physical Therapy Assistant, Grade XI ($30,306-$42,784)

AND BE IT FURTHER RESOLVED, the Job Classification and Salary Schedule is hereby amended to reflect the above-stated change; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Personnel Officer, the County Treasurer, and the Administrator of the Steuben County Health Care Facility.

Vote: Roll Call – Adopted.

RESOLUTION NO. 024-08

Introduced by F. Gehl. Seconded by D. Farrand.

RECLASSIFICATION OF TWO CORRECTIONAL OFFICER POSITIONS, GRADE X TO ONE CAPTAIN POSITION, MANAGEMENT GRADE D, AND ONE SERGEANT POSITION, GRADE XII WITHIN THE JAIL.

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

WHEREAS, the New York State Commission of Corrections has required a modification in supervisory positions as a requisite for operating the new addition to the Jail; and

WHEREAS, the Steuben County Personnel Officer, the Administration Committee, and the Public Safety and Corrections Committee have reviewed said positions within the Steuben County Sheriff's Department and have approved the recommended positions.

NOW THEREFORE, BE IT
RESOLVED, effective with the adoption of this resolution, the following positions in the Steuben County Sheriff’s Department are hereby reclassified:

Correction Officer, Grade X ($24,746-$31,983) to
Assistant Jail Superintendent (Captain), Management Grade D ($37,557-$59,279), and

Correction Officer, Grade X ($24,746-$31,983) to
Correction Sergeant, Grade XII ($26,810-$34,763)

AND BE IT FURTHER RESOLVED, the Job Classification and Salary Schedule is hereby amended to reflect the above-stated change; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Personnel Officer, the County Treasurer, and the Steuben County Sheriff.

Mr. VanEtten asked for an explanation of this resolution.

Sheriff Tweddell stated we’re reclassifying two Correctional Officer positions to supervisory positions because the NYS Commission of Corrections will no longer allow us to utilize “acting” Sergeants.

Mr. Donnelly stated we knew we would need to make staffing changes with the new expansion and this just puts that into place.

Vote: Roll Call – Adopted.

Motion waiving the reading of the appointment resolutions and approving said resolution with one vote made by Mr. Schwartz, seconded by Mr. Donnelly and duly carried.

RESOLUTION NO. 025-08

Introduced by P. Roche. Seconded by P. Donnelly.

APPROVING THE APPOINTMENTS OF THE STEUBEN COUNTY EARLY INTERVENTION OFFICIAL TO THE LOCAL EARLY INTERVENTION COORDINATING COUNCIL.

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

WHEREAS, Article 25 of Title II-A of the Public Health Law creates an Early Intervention Program for infants and toddlers with disabilities and their families; and

WHEREAS, Section 2554 of the Act requires the establishment of a Local Early Intervention Coordinating Council; and

WHEREAS, the county's Early Intervention Official is authorized to make appointments to said Council; and

WHEREAS, it is desirable for the County Legislature to ratify said appointments; and

WHEREAS, the Health & Education Committee has recommended ratification of the appointments.

NOW THEREFORE, BE IT

RESOLVED, the following appointments are hereby ratified and affirmed by the Steuben County Legislature:
BE IT FURTHER RESOLVED, the members shall serve without compensation except for necessary expenses related to fulfillment of their duties on the Council; and be it further
RESOLVED, certified copies of this resolution be forwarded to the above-named appointees, New York State Department of Health, Attn: Barbara McTague, Director, Early Intervention Program, Corning Tower Building, Albany, NY 12237-0618; County Treasurer; County Auditor; and to the Early Intervention Official/Administrative Officer of Special Children’s Services.

**Vote:** Acclamation – Adopted.

**RESOLUTION NO. 026-08**

Introduced by P. Roche.  
Seconded by P. Donnelly.

**REAPPOINTING THE COUNTY REPRESENTATIVE TO THE WESTERN REGIONAL OFF-TRACK BETTING CORPORATION BOARD OF DIRECTORS.**


WHEREAS, it is necessary for the County of Steuben to have a legal representative by and through a member on the Board of Directors of the Western Regional Off-Track Betting Corporation in order to participate in the operation of said Corporation; and

WHEREAS, the term of the current representative has expired effective December 31, 2007.

NOW THEREFORE, BE IT

RESOLVED, that John Clifford of Cohocton, New York, be and the same hereby is, reappointed as Steuben County's representative to the Western Regional Off-Track Betting Corporation Board of Directors for a term commencing January 1, 2008 through December 31, 2011; and be it further

RESOLVED, that as a member of said Board of Directors the appointee is hereby authorized and empowered to make decisions and recommendations, and to participate in those activities which would be normally and legally commensurate with the position of a Director of said corporation; and be it further

RESOLVED, that said appointee shall serve without compensation except for necessary expenses as provided for by the Western Regional Off-Track Betting Corporation Board of Directors; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the above-named appointee; the New York State Racing and Wagering Board, 1 Watervliet Avenue Extension, Suite #2, Albany, NY 12206; and Martin C. Basinait, President and CEO, Western Regional Off-Track Betting Corporation, 700 Ellicott Street, Batavia, NY 14020.

**Vote:** Acclamation – Adopted.

**WITHDRAWN**

**RESOLUTION NO. 027-08**

Introduced by P. Roche.  
Seconded by P. Donnelly.

**APPOINTING MEMBERS OF THE AFFIRMATIVE ACTION COMMITTEE, AN ADVISORY COUNCIL TO THE COMMITTEE, AN AFFIRMATIVE ACTION OFFICER AND AN EQUAL EMPLOYMENT OPPORTUNITY COUNSELOR.**

Resolution withdrawn.
RESOLUTION NO. 028-08

Introduced by P. Roche. Seconded by P. Donnelly.

APPOINTING THE STEUBEN COUNTY REPRESENTATIVE TO THE BOARD OF DIRECTORS OF THE FINGER LAKES TOURISM ALLIANCE, INC.

Pursuant to Section 224 of the County Law of the State of New York.

BE IT RESOLVED, upon the recommendation of the Chairman of the Steuben County Legislature, Randy Lehman, Owner, Hickory Hill Family Camping Resort, be and the same hereby is reappointed as the Legislature's representative to serve on the Board of Directors of the Finger Lakes Tourism Alliance, Inc., for a term of three (3) years commencing January 1, 2008 through December 31, 2010, and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointee at 7531 County Route 13, Bath, NY 14810; Peggy Coleman, Executive Director, Steuben County Conference & Visitors' Bureau, Inc., 1 West Market Street, Baron Steuben Building, Suite 301, Corning, NY 14830; and Cynthia Kimble, Executive Director, Finger Lakes Tourism Alliance, Inc., 309 Lake Street, Penn Yan, NY 14527-1831.

Vote: Acclamation – Adopted.

RESOLUTION NO. 029-08

Introduced by P. Roche. Seconded by P. Donnelly.

APPOINTING MEMBERS TO THE EMPLOYEE ASSISTANCE PROGRAM ADVISORY COMMITTEE.

Pursuant to Article 5 of the County Law and Article 16 of the Civil Service Law of the State of New York.

WHEREAS, by Resolution of the Steuben County Legislature adopted November 25, 1996 a Memoranda of Agreement with the County's three collective bargaining units was authorized to establish an Employee Assistance Program; and

WHEREAS, an oversight committee was created which is comprised of representatives from all three unions, management and the Legislature; and

WHEREAS, due to changes in personnel, vacancies now exist on the oversight committee.

NOW, THEREFORE BE IT

RESOLVED, the following individuals shall be appointed to the Employee Assistance Program Advisory Committee:

Legislator Member
Brian C. Schu, Esq.

Management Members
Gregory P. Heffner
Carolyn Gutierrez
Victoria Fuerst
Robert F. Biehl

Civil Service Employees' Association Members
Michael Stone
Brenda Campbell

Steuben County Deputy Sheriffs' Association, Inc. Member
Eileen Schmidt
Correction Officers, Dispatchers & Court Security Officers Unit Member
James Towner

AND BE IT FURTHER RESOLVED, the members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Employee Assistance Program Advisory Committee; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointees and to the Personnel Officer.

Vote: Acclamation – Adopted.

RESOLUTION NO. 030-08

Introduced by P. Roche. Seconded by P. Donnelly.

APPOINTING REPRESENTATIVES TO THE FISH AND WILDLIFE MANAGEMENT ACT BOARD.

Pursuant to Section 11-0501, Paragraph 4(a) of the Environmental Conservation Law of the State of New York.

BE IT RESOLVED, upon the recommendation of the Chairman of the Steuben County Legislature, the following individuals are appointed to serve as members of the Fish and Wildlife Management Act Board for a term of two (2) years commencing on January 1, 2008, and ending December 31, 2009:

Steuben County Sportsman Representative: David Lannoye
49 Grant Street
Avoca, NY 14809

Steuben County Legislative Representative: Thomas J. Ryan
Steuben County Legislator
41 Chestnut Street
Canisteo, NY 14823

BE IT FURTHER RESOLVED, upon the recommendation of the Chairman of the Steuben County Legislature, the following individuals are appointed to serve as alternate members of the Fish and Wildlife Management Act Board for a term of two (2) years commencing January 1, 2008, and ending December 31, 2009, and that the alternate members are directed and authorized to attend any and all meetings of the Fish and Wildlife Management Act Board when authorized by the representative member who is unable to attend the meetings and that said alternate members shall have the same rights and obligations of the regularly-appointed representatives to said Board:

Alternate Sportsman Representative: Richard Stephens
47 Fourth Street
Canisteo, NY 14823

Alternate Legislative Representative: Gregory P. Heffner
30 Robie Street
Bath, NY 14810

AND BE IT FURTHER RESOLVED, the members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Fish and Wildlife Management Act Board; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointees; the NYS Department of Environmental Conservation, 6274 E. Avon-Lima Road, Avon, NY, 14414; and the County Auditor.
Vote: Acclamation – Adopted.

RESOLUTION NO. 031-08

Introduced by P. Roche. Seconded by P. Donnelly.

APPOINTING THE STEUBEN COUNTY REPRESENTATIVE TO THE BOARD OF DIRECTORS OF THE GENESEE VALLEY REGIONAL MARKET AUTHORITY.

Pursuant to the Agriculture and Markets Law of the State of New York and upon the recommendation of the Chairman of the Steuben County Legislature.

WHEREAS, it is in the best interest of Steuben County to have a representative on the Board of Directors of the Genesee Valley Regional Market Authority.

NOW THEREFORE, BE IT

RESOLVED, John Meyer of Joseph L. Meyer & Sons, Inc., is hereby appointed as the Steuben County representative on the Board of Directors of the Genesee Valley Regional Market Authority for a term of two (2) years from January 1, 2008 through December 31, 2009; and be it further

RESOLVED, said member shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of his duties on the Genesee Valley Regional Market Authority; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointee at 9260 State Route 21, Cohocton, NY 14826; the County Auditor; and to William J. Mulligan, Jr., Administrator, Genesee Valley Regional Market Authority, 900 Jefferson Road, Rochester, NY, 14623.

Vote: Acclamation – Adopted.

RESOLUTION NO. 032-08

Introduced by P. Roche. Seconded by P. Donnelly.

APPOINTING REPRESENTATIVES TO THE INTERCOUNTY ASSOCIATION OF WESTERN NEW YORK.

BE IT RESOLVED, from January 1, 2008 through December 31, 2009, this Steuben County Legislature does hereby designate the following as representatives of this Legislature to the InterCounty Association of Western New York:

1. FRANCIS L. GEHL, voting representative
2. THOMAS J. RYAN, voting representative
3. LAWRENCE P. CROSSETT, voting representative
4. CHRISTINE KANE, alternate voting representative
5. MARK R. ALGER, alternate voting representative

AND BE IT FURTHER RESOLVED, the members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the InterCounty Association of Western New York; and be it further

RESOLVED, certified copies of this resolution be forwarded to the above-named representatives, the County Auditor, and the President of the InterCounty Association of Western New York.

Vote: Acclamation – Adopted.
RESOLUTION NO. 033-08

APPOINTING REPRESENTATIVES TO THE FINGER LAKES RESOURCE CONSERVATION AND DEVELOPMENT COUNCIL.

RESOLVED, that Gregory P. Heffner, Planning Director, be and hereby is appointed as Steuben County’s Representative to the Finger Lakes Resource Conservation and Development Council, Inc., for a term of two (2) years, commencing January 1, 2008, and ending December 31, 2009; and be it further

RESOLVED, that Amy Dlugos, Senior Planner, be and hereby is appointed as the Alternate Steuben County Representative; and be it further

RESOLVED, the members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties to the Finger Lakes Resource Conservation and Development Council, Inc.; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointees, Richard Winnett, Executive Director, Finger Lakes Resource Conservation & Development Council, Inc., 415 W. Morris Street, Bath, NY, and the County Auditor.

Vote: Acclamation – Adopted.

RESOLUTION NO. 034-08

APPOINTING MEMBERS TO THE STEUBEN COUNTY CONFERENCE AND VISITORS' BUREAU BOARD OF DIRECTORS.

WHEREAS, the Steuben County Legislature adopted Resolution No. 156-93 on October 25, 1993 authorizing and directing the establishment of a Steuben County Conference and Visitors’ Bureau, and

WHEREAS, Resolution No. 156-93 stated that the terms of appointment for voting members of the Board of Directors shall be three (3) years, and

WHEREAS, the term has expired for various members of the Board.

NOW THEREFORE, BE IT

RESOLVED, the following persons, as recommended by the Chairman of the Legislature, are hereby appointed as members of the Steuben County Conference and Visitors' Bureau Board of Directors for the terms as indicated and shall hold office until reappointed or a successor is appointed and has qualified to wit:
### VOTING MEMBERS

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<tr>
<th>Attractions</th>
<th>TERMS</th>
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<tbody>
<tr>
<td>Mary Shupp, Pinnacle State Park</td>
<td>01/01/08 – 12/31/10</td>
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<tr>
<td>Beth Duane, Marketing Manager, Corning Glass Museum</td>
<td>01/01/06 – 12/31/08</td>
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<tr>
<td>Beth Harvey, Marketing &amp; Communications Specialist, Rockwell Museum</td>
<td>01/01/07 – 12/31/09</td>
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<tr>
<td>Joe Serphillips, Dr. Konstantin Frank Vinifera Wine Cellars</td>
<td>01/01/06 – 12/31/08</td>
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<tr>
<th>Accommodations</th>
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<tr>
<td>Jan Ebeling, General Manager, Radisson Hotel Corning</td>
<td>01/01/08 – 12/31/10</td>
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<td>Jim Heil, Vinehurst Inn, Hammondsport</td>
<td>01/01/06 – 12/31/08</td>
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<tr>
<td>Yvonne Sloan, Halcyon Place Bed and Breakfast</td>
<td>01/01/08 – 12/31/10</td>
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<th>Restaurants</th>
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<tr>
<td>Robert Pfuntner, Pembrook Pines Media Group and Keuka Maid</td>
<td>01/01/07 – 12/31/09</td>
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<th>Professional Services Representative</th>
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<td>Jeffrey A. James, Five Star Bank</td>
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<th>Travel Agency</th>
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<tr>
<td>Terry Lewis, Vice President, Covered Wagon &amp; Finger Lakes Tours</td>
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<th>Campground</th>
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<td>Randy Lehman, Hickory Hill Camping Resort</td>
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<th>Community-at-Large</th>
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<td>Allen Fusco</td>
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<th>County Legislators</th>
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<tr>
<td>Donald B. Creath, District 2</td>
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<th>County Administrator Designee</th>
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<tr>
<td>Greg Heffner, Planning Director/Deputy County Administrator</td>
<td>01/01/07 – 12/31/09</td>
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**BE IT FURTHER RESOLVED**, the above-named appointees shall serve without compensation other than necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Steuben County Conference and Visitors’ Bureau Board of Directors, and be it further **RESOLVED**, a certified copy of this resolution shall be forwarded to the above-named appointees and Peggy Coleman, Executive Director, Steuben County Conference and Visitors’ Bureau, Inc., 1 West Market Street, Baron Steuben Building, Suite 301, Corning, New York, 14830.

**Vote**: Acclamation – Adopted.

**RESOLUTION NO. 035-08**

Introduced by P. Roche. Seconded by P. Donnelly.

APPOINTING REPRESENTATIVES TO THE SOUTHERN TIER REGIONAL EMERGENCY MEDICAL SERVICES COUNCIL.

WHEREAS, by resolution of the Steuben County Board of Supervisors of December 16, 1974, it was authorized that the County of Steuben be a participant in the Emergency Medical Services Program in the Southern Tier Ten-County Region of the State of New York.

NOW THEREFORE, BE IT

RESOLVED, upon the recommendation of the Chairman of the Steuben County Legislature, Michael Sprague, Director, Office of Emergency Services, and Tina Goodwin, Deputy Director, 911 Enhanced Department, be and the same hereby are, duly designated and appointed as Steuben County’s representatives on the Southern Tier Regional Emergency Medical Services Council to serve at the pleasure of this Legislature for a term of two years commencing January 1, 2008, through December 31, 2009; and be it further

RESOLVED, the members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Southern Tier Regional Emergency Medical Services Council; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointees, the County Auditor and to the Southern Tier Regional Emergency Medical Services Council, P.O. Box 3492, Elmira, New York 14905-0492.

Vote: Acclamation – Adopted.

RESOLUTION NO. 036-08

Introduced by P. Roche.         Seconded by P. Donnelly.

APPOINTING MEMBERS TO THE STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY.


WHEREAS, the by-laws of the Steuben County Industrial Development Agency authorize as many as seven (7) members to serve on the Steuben County Industrial Development Agency; and

WHEREAS, the Board members are appointed to serve three (3) year staggered terms, excepting the Legislative appointee who shall serve a term of two (2) years, and

WHEREAS, the term of some board members expired December 31, 2007.

NOW THEREFORE, BE IT

RESOLVED, the following persons, as recommended by the Chairman of the Legislature, are hereby appointed (reappointed) as members of the Steuben County Industrial Development Agency for the terms as indicated and shall hold office until reappointed or a successor is appointed, and has qualified to wit:

January 1, 2006 through December 31, 2008
Michael J. Doyle, 54 Lake Street, Hammondsport, NY, 14840.
Douglas Malone, CFO, Five Star Bank, 44 Liberty Street, Bath, NY 14810.

January 1, 2007 through December 31, 2009
Richard Weakland, President, Corning Property Management, MP-BH-03, Corning, NY 14831.
John Siranni, 10770 Hidden Meadow Trail, Corning, NY 14830.
January 1, 2008 through December 31, 2010
George Connors, Connors Mercantile, 16 East Market Street, Corning, NY 14830.
Michael L. Nisbet, 20 Bennett Street, Canisteo, NY 14823.

January 1, 2008 through December 31, 2009
Philip J. Roche, Esq., County Legislator, 145 West High Street, Painted Post, NY 14870.

AND BE IT FURTHER RESOLVED, the members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Steuben County Industrial Development Agency, and be it further

RESOLVED, certificates of appointment, as required by law, shall be filed with the Secretary of the State of New York by Attorney John F. Leyden, Counsel to the Steuben County Industrial Development Agency, and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to each of the appointees; the Steuben County Planning Director; James Sherron, Executive Director, Steuben County Industrial Development Agency, 7234 Route 54N, P.O. Box 393, Bath, NY; Marcia Weber, Executive Director, Southern Tier Central Regional Planning & Development Board, 145 Village Square, Painted Post, NY, 14870; John F. Leyden, Esq., Counsel to said Agency, 110 N. Main Street, Wayland, NY, 14572; and the County Auditor.

Vote: Acclamation – Adopted.

RESOLUTION NO. 037-08
Introduced by P. Roche. Seconded by P. Donnelly.

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

Pursuant to Section 7 of the Soil Conservation District Law of the State of New York.

WHEREAS, vacancies have occurred on the Steuben County Soil and Water Conservation District Board of Directors; and

WHEREAS, the Chairman of the Steuben County Legislature has recommended that Joseph J. Hauryski, District 8, be appointed as a Legislative Representative to the Soil and Water Conservation District Board of Directors, filling the unexpired term of Kenneth E. Isaman, and David Stull of Addison, New York, be reappointed as the At-Large Representative to the Soil and Water Conservation District Board of Directors.

NOW THEREFORE, BE IT

RESOLVED, that County Legislator Joseph J. Hauryski of District 8, be and the same hereby is appointed as a Legislative Representative to the Board of Directors of the Steuben County Soil and Water Conservation District, filling the unexpired term of Kenneth E. Isaman, through December 31, 2008; and be it further

RESOLVED, that David Stull of Addison, New York, be and the same hereby is appointed as the At-Large Representative to the Board of Directors of the Steuben County Soil and Water Conservation District for a term of two (2) years commencing January 1, 2008, and not beyond December 31, 2009; and be it further

RESOLVED, the members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Soil and Water Conservation District Board of Directors; and be it further
RESOLVED, a certified copy of this resolution shall be forwarded to each appointee, the County Auditor and the Steuben County Soil and Water Conservation District Office, 415 W. Morris Street, Bath, NY 14810.

**Vote:** Acclamation – Adopted.

*Motion to adjourn made by Mr. Schwartz, seconded by Mr. Walsh and duly carried.*
The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 25th day of February, 2008 at 10:00 a.m. and was called to order by the Chairman of the Legislature, Philip J. Roche, Esq.

Roll call and all members present except Legislator Schwartz.

Mr. Nichols offered the Invocation and the Pledge of Allegiance was led by Mr. Weaver.

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

Chairman Roche asked Judy Brill, Darla Stratton and Donna Hooper to come forward. These individuals were nominated for the Team of the Month award by Sue Hopkins of the Information Technology Department. Mrs. Kane read the following nomination: This team staff has had to change their daily tasks and learn a new way to work. Originally this staff was charged with data entry of information into the mainframe computer system. When the mainframe was retired, the Help Desk Staff stepped up, worked hard and had to learn many new things so they could help the County with the day-to-day problems encountered with software and hardware problems on computers and printers. The staff has handled at least fifty percent of the 2,418 calls that came to the Help Desk in 2007. This saves valuable time for the programmers and system analysts that are working on projects from various departments. The extra effort and dedication that the staff has committed to, shows their commitment to the quality of service they have been striving for. The help desk staff not only helps the whole County in resolving computer related problems, they handle special folding and paper drilling jobs for all County departments and perform routine PC Maintenance on all County PC’s. Their latest endeavor to learn and grow as a department is their willingness to assist in the installation of software of the Microsoft Office 2007 upgrade. This shows their drive to want to learn more. The help desk has been very involved with the United Way campaign. Each of them has contributed their time and effort to help make the United Way pledge drive a successful one over the past few years. The members of this team have worked together to create a more efficient operation of all County Departments through their quick response to software and hardware issues. **CONGRATULATIONS!**

Chairman Roche asked Donna Hooper to come forward. Mrs. Hooper is an employee in the Information Technology Department. He presented her with a plaque and Certificate of Appreciation in recognition of her retirement following 34 years of service with Steuben County. **CONGRATULATIONS DONNA!**

Michael Sprague, Director of Emergency Management, introduced Michael Hitchcock, Eagle Scout Candidate from Campbell, Scout Master Scott Devine, and Dave Nicosea, of NOAA Binghamton. Mr. Sprague stated Mike selected an Eagle Scout project to make his community safer. In the town of Campbell, flooding is a big hazard. Michael met with Steve Catherman, myself and NYSDOT about the project and he learned about the Federal DOT regulations that regulated his project. He also met with Tom Austin, Highway Superintendent in Campbell. He had to hold a fundraiser in order to successfully complete his project. He ran two fundraising programs with the assistance of his group, Troop 2042, on the expressway rest area where they raised $3,000. In addition, he received donations from 3M and the Elmira Sign Shop for the materials.

Mr. Sprague stated Mike made 40 DOT approved “Turn Around, Don’t Drown” incident signs to be given out to the community. He stated the Town of Campbell received 10 signs and he is here today to present the remaining signs to the Steuben County Legislature. Mr. Sprague stated this was no small
undertaking. They will be meeting with the MEO Supervisors and Commissioner Spagnoletti to determine where the signs should be distributed. Mike Hitchcock presented a sign to Chairman Roche.

Dave Nicosea presented Mike Hitchcock with the Department of Commerce and National Weather Service Award in recognition of his efforts. He stated flooding is a major concern in Steuben County. Floods kill more people than any other natural hazard nationwide. In 2003, the National Weather Service started the “Turn Around, Don’t Drown” Campaign. I can’t think of a better project for this community. It is only a matter of time when we get hit so when these signs are up, it’ll make people think twice.

CONGRATULATIONS!

Michael Hitchcock stated the project was very long, but I enjoyed doing it. Legislator Gehl stated I’ve been affiliated with scouting for over 40 years and this project will live on forever. This is excellent, congratulations.

Richard McCandless introduced this year’s interns for the Youth in Government Program. He stated this is the 24th year of the program and over 900 students have participated.

Chairman Roche opened the floor for comments by members of the public.

James Hall, Cohocton Wind Watch, stated there is a serious problem with the Steuben County Industrial Development Agency (SCIDA). We’ve been following the actions of SCIDA and the PILOTS they approved the previous month were done illegally. It is curious to note that the NYS Legislature has not reauthorized the existence of the IDA’s. Their authority to operate expired on January 31st this year. You gentlemen appoint the board members of SCIDA and you have the responsibility of oversight. There was an audit done last year by the State Comptroller and there were no measures instituted to rectify the deficiencies of SCIDA. Public hearings, organized by SCIDA, did not provide information regarding the proposed PILOT agreements. How can the public comment at a public hearing on a PILOT program if it isn’t available for the public to read? Freedom of Information requests have not been properly performed. When we submit FOIL requests for the PILOT agreements, all we get are numbers. Why does the public have to go to court to hold people accountable? We ask you to recommend a grand jury probe into the conduct of SCIDA. Certain members of SCIDA are benefitting from the decisions they are making. Why don’t board members recuse themselves from voting on tax exemptions when their employer is benefitting? I thank you for the opportunity to present this and please exercise your duty and responsibility.

Steve Trude, Cohocton Wind Watch, distributed information to the Legislature. The purpose of addressing you today is to inform the elected County officials of the problems with SCIDA. You appoint them and the NYS Legislature in the past has provided the authority for IDAs. That extension expired on January 31, 2008 and they have not reinstated the IDAs. Therefore, SCIDA has no lawful authority to meet. SCIDA has done little or nothing to address the harsh criticism of the State Comptroller’s audit report of SCIDA on March 28, 2007. Reports have been made that individuals on the board have benefitted personally from decisions made by the SCIDA board. This warrants a full investigation into SCIDA as an organization. The Cohocton Wind Watch asks the County Legislature to recommend the grand jury to look into the practices of SCIDA. He presented the Clerk of the Legislature with a DVD recording of the January 24, 2008, meeting of the Steuben County IDA. He stated the recording shows that Open Meetings Law was violated. Please address the serious misconduct that is becoming the norm. We’ve very closely watched the County having foreign LLC’s come into our area buying up property. Now there may be eminent domain problems because of this. In the long term, it will hurt our counties.

Mark Stephens, Public Works Department employee, stated my question is personal. I’ve asked my Union to set up a meeting with Commissioner Spagnoletti and he will not meet with me regarding the issues I have. The request was made 4 months ago. That’s all I have to say.

Ken Isaman, Hornellsville Town Supervisor, distributed pictures of a house that was being lived in until one month ago. A number of agencies were called in to give the people help and the Town has taken over
ownership of the home in order to demolish it. The town obviously did not include money in the budget for this. I do know that the County in the past has taken down homes in this condition. He is requesting a shared services project where the town would provide trucks to haul materials to the Bath Landfill. Town employees would help the County to tear it down and the Town will check for lead and asbestos. There are going to be other houses across the County where this same situation would occur. He asked for an unanimous decision to help the town. This house has to be removed as quickly as possible. I appreciate your consideration on this resolution. Thank you.

Motion adopting the minutes of the previous month’s meeting made by Mr. Stachnik, seconded by Mr. Argentieri and duly carried.

Mr. Alger asked Commissioner Spagnoletti to come forward. Mr. Spagnoletti was recognized for completing the Dennis A. Pelletier County Government Institute. Mr. Alger stated the Commissioner was recognized by NYSAC at their conference last month and was awarded a Certificate of Achievement. CONGRATULATIONS!

RESOLUTION NO. 038-08

Introduced by P. Donnelly. Seconded by F. Gehl.

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

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 Treasurer 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 Treasurer, together with the approved applications executed in duplicate by the Chairman of the County Legislature, and the Chairman of the Board of Assessors.

SCHEDULE "A"

Resolution # A-1
Name Vrooman & Judy Tyler
Parcel # 037.19-01-086.000
Municipality Pulteney Town
Disposition Correction

Resolution # A-2
Name Multiple Parcels within Addison School District
Parcel # Multiple
Municipality Addison Village & Town, Cameron Town, Erwin Town, Rathbone Town, Thurston Town, Tuscarora Town & Woodhull Town
Disposition Correction
Resolution # A-3
Name Joseph & Marion Gaigal Trust
Parcel # 099.14-01-024.000
Municipality Avoca Town
Disposition Correction

Resolution # A-4
Name Joseph C & Marion V Gaigal
Parcel # 099.14-01-028.000
Municipality Avoca Town
Disposition Correction

Resolution # A-5
Name Wayne & Miriam Wells
Parcel # 202.00-01-019.210
Municipality Cameron Town
Disposition Correction (parcel split)

Resolution # A-6
Name Dixie A Jones
Parcel # 224.34-01-014.000
Municipality Campbell Town
Disposition Correction

Resolution # A-7
Name Gordon A Hakes
Parcel # 300.00-01-022.110
Municipality Corning Town
Disposition Correction (parcel split)

Resolution # A-8
Name Dorothy Drumm Connelly
Parcel # 424.00-01-036.000
Municipality Lindley Town
Disposition Correction

Resolution # A-9
Name Clark Specialty Co
Parcel # 118.13-01-015.000
Municipality Urbana Town
Disposition Correction

Resolution # A-10
Name Kevin & Kris Brundage
Parcel # 130.00-01-026.000
Municipality Urbana Town
Disposition Correction

Resolution # A-11
Name Town of Urbana
Parcel # 131.06-01-019.000
Municipality Urbana Town
Disposition Correction
Resolution #____A-12___________________________________
Name__________Town of Urbana__________________________
Parcel # ________132.00-01-002.000________________________
Municipality ____Urbana Town____________________________
Disposition _____Correction_______________________________

Resolution #____A-13___________________________________
Name__________Rex & Carmen Hargrave___________________
Parcel # ________346.00-01-033.220________________________
Municipality ____Woodhull Town__________________________
Disposition _____Correction_______________________________

Resolution #____A-14___________________________________
Name__________Robert E Wheeler Jr_______________________
Parcel # ________147.00-01-001.000________________________
Municipality ____Bradford Town___________________________
Disposition _____Correction__(parcel split)___________________

Resolution #____A-15___________________________________
Name__________Leo D Parulski___________________________
Parcel # ________178.00-01-014.100________________________
Municipality ____Bradford Town___________________________
Disposition _____Correction__(parcel split)___________________

Resolution #____A-16___________________________________
Name__________Patrick Ragusa & William Winter____________
Parcel # ________206.00-03-056.400________________________
Municipality ____Campbell Town___________________________
Disposition ______Correction_______________________________

Resolution #____A-17___________________________________
Name__________Niki Mills_______________________________
Parcel # ________037.20-01-020.200________________________
Municipality ____Pulteney Town___________________________
Disposition ______Correction_______________________________

Resolution #____A-18___________________________________
Name__________Linda Uhler & Priscilla Shanks c/o Emery Hough
Parcel # ________092.16-01-010.000________________________
Municipality ____Wayne Town_____________________________
Disposition ______Correction_______________________________

Resolution #____A-19___________________________________
Name__________Darwin Stewart___________________________
Parcel # ________115.00-01-039.110________________________
Municipality ____Wheeler Town____________________________
Disposition _____Correction__(parcel split)___________________

Resolution #____A-20___________________________________
Name__________William & Jane Zanavich___________________
Parcel # ________377.00-01-014.000________________________
Municipality ____Troupsburg Town_________________________
Disposition _____Correction__(parcel split)___________________
Resolution # A-21
Name David E Weeks
Parcel # 414.00-01-003.100
Municipality Troupsburg Town
Disposition Correction (parcel split)

Resolution # A-22
Name John B Lozier & Robin L Munn
Parcel # 414.00-01-008.100
Municipality Troupsburg Town
Disposition Correction (parcel split)

Resolution # A-23
Name Vaughn A & Joyce Vanskiver
Parcel # 242.12-01-002.000
Municipality Campbell Town
Disposition Correction

Resolution # A-24
Name Eleanor C White
Parcel # 107.19-01-075.110/13
Municipality Hornellsville Town
Disposition Correction

Resolution # A-25
Name Raymond G Niver
Parcel # 151.05-01-047.000
Municipality Hornellsville Town
Disposition Correction

Resolution # A-26
Name Herbert & Florence Emery
Parcel # 063.00-01-016.110
Municipality Pulteney Town
Disposition Correction

Resolution # A-27
Name Dennis Prutsman
Parcel # 343.00-03-002.111
Municipality Troupsburg Town
Disposition Correction (parcel split)

Resolution # A-28
Name Teresa Mehlenbacher Weber
Parcel # 054.00-01-015.100
Municipality Wayland Town
Disposition Correction (parcel split)

Resolution # A-29
Name Lyndon & Evonne Beiler
Parcel # 410.00-01-005.110
Municipality West Union Town
Disposition Correction
Resolution # A-30  
Name Mountainbrow Village Townhouses LP  
Parcel # 317.11-01-001.000  
Municipality Corning City  
Disposition __Correction & Refund (per Court Order)__

Resolution # A-31  
Name Raymond R Gingrich  
Parcel # 087.00-01-026.100  
Municipality Wheeler Town  
Disposition __Correction__

Resolution # A-32  
Name Beverly Robinson c/o Alice Robinson  
Parcel # 113.08-02-032.000  
Municipality Avoca Village  
Disposition __Correction__

Vote:  Roll Call – Adopted.

RESOLUTION NO. 039-08  
Introduced by P. Roche. Seconded by D. Stachnik.

RECEIVING AND ACCEPTING THE FEBRUARY 25, 2008 COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY ADMINISTRATOR’S OFFICE.

BE IT RESOLVED, that the following communications were received, accepted and filed by the County of Steuben, and referred to the appropriate Standing Committee and/or Department Head for information and/or action, to wit:

Proclamations Issued:  
- Proclamation Declaring February 11, 2008, as “2-1-1 HELPLINE DAY” in Steuben County.

January 11, 2008  
NYS Department of Transportation – Re: Notification of Steuben County’s Federal Section 5311 Operating Assistance Allocations for the non-urbanized area public transportation program for 2007 and 2008 fiscal years. Referred to: Greg Heffner, Planning Director.

John C. Tunney, Steuben County District Attorney – Re: Letter requesting his annual salary be increased to $136,000 effective January 1, 2008. Referred to: Administration Committee and Fred Ahrens, County Attorney.

January 14, 2008  
NYS Office of Parks, Recreation & Historic Preservation – Re: Rowe House, 11763 County Route 38, Wayland – The State review board has recommended that the property be listed on the New York State Register of Historic Places and be nominated to the National Register of Historic Places. Referred to: A.I.P. Committee; Greg Heffner, Planning Director; and Twila O’Dell, County Historian.

January 18, 2008  
David G. Wallace, P.C. – RE: 2008 proposal to provide services to Steuben County for the Assigned Counsel Program in the amount of $42,000. Referred to: Administration Committee and Fred Ahrens, County Attorney.

NYS Office of the State Comptroller - Re: Indigent Legal Services Fund (ILSF) Report for 2007. The report is due to the State Comptroller Office by March 1, 2008. Referred to: Public Safety & Corrections Committee; Byrum Cooper, Public Defender; and Carol Whitehead, Treasurer.
January 22, 2008

NYS Department of Health – Re: Proposed Preventive Health and Health Services Block Grant Application for the Federal Fiscal Year (FFY) 2008 (October 1, 2007-September 30, 2008). Persons wishing to comment at the Public Hearing are requested to complete an application. Referred to: Health & Education Committee and Vicki Fuerst, Director of Public Health Nursing.

New York State Association of Counties – Re: Notification that Vincent Spagnoletti, Steuben County Commissioner of Public Works, has completed his educational requirements and will be awarded a Certificate of Achievement from the Dennis A Pelletier County Government Institute. The certificate will be awarded at the NYSAC Legislative Conference which is being held on January 28-30, 2008 at the Desmond Hotel in Albany, New York. Referred to: Public Works Committee and Vincent Spagnoletti, Commissioner of Public Works.

Joseph J. Hauryski, Steuben County Legislature, District 8 – Re: Correspondence to Chairman Roche indicating abstention on voting on the issue of the County considering a landfill gas to energy project, due to his membership on the Board of the Steuben Rural Electric Cooperative. Copy of letter filed w/Clerk of Legislature.

Monroe County Department of Public Health – Re: 2008-2010 Inter-Municipal Agreement (I.A.) with Monroe County Forensic Pathology Services. Referred to: Public Safety & Correction Committee; Mike Sprague, Director of EMO; and Fred Ahrens, County Attorney.

January 30, 2008
Emergency Medical Services Training, Administration & Resources (formerly STREMS) - Fourth Quarter Report for 2007 and invoice for payment in the amount of $1,406.25. Referred to: Health & Education Committee; Victoria Fuerst, PHN Director; Public Safety & Corrections Committee; and Mike Sprague, EMO Director.

January 31, 2008
NYS Department of Environmental Conservation – Re: Notification of property located at 343 West Pulteney Street in the City of Corning, Steuben County (Crystal Cleaners/Site #851022) has been recently added as a Class Code 2, which signifies a significant threat to the public health or environment-action required. Referred to: A.I.P. Committee; Greg Heffner, Planning Director; Amy Duglos, Steuben County Environmental Management Council; Fred Ahrens, County Attorney; and Carol Whitehead, Treasurer.

February 4, 2008

February 5, 2008
Western Regional Off-Track Betting Corporation – Re: Check in the amount of $5,476 representing the December 2007 retained surcharge revenue for Steuben County from the WROTB. Referred to: Rules and Finance Committees and Carol Whitehead, County Treasurer.

February 8, 2008
New York State Association of Counties – Re: Memo on the New York State Department of Correctional Services’ Food Production Center Tour that is scheduled for Wednesday, February 27, 2008 @ 11:00 am in Rome, New York. Referred to: Public Safety & Correction Committee and Sheriff Tweddell.
February 11, 2008
NYS Department of Transportation - Re: Notification that the request for funding for the Federal Section 5311 capital project (rural public transit system) has been approved in the amount of $329,600. (Grant agreement needs to be executed and returned as soon as possible) Referred to: Greg Heffner, Planning Director.

NYS Department of Transportation – Re: Request to join in articulating New York’s needs in identifying the framework for transportation choices (20 year needs assessment). Forums are being set up on February 19th (Henrietta, NY) & 21st 2008 (Binghamton, NY), if not able to attend, comments can be submitted through mail or via the following website at www.nydost.gov/20yearneedsassessment. Referred to: Public Works Committee and Vincent Spagnoletti, Commissioner of Public Works.

NYS Governor’s Traffic Safety Committee, - Re: Notification of the availability for New York State Governor’s Traffic Safety Committee’s (GTSC) grant funding program for federal fiscal year 2009. Completed and signed grant applications are due to (GTSC) by May 15, 2008. Referred to: Public Safety & Correction Committee and Sheriff Tweddell.

February 14, 2008
Steuben County Industrial Development Agency – Re: Request to accept/decline changes to the distribution of real estate taxes for the Gunlocke Company (Proposed PILOT). Referred to: A.I.P. Committee; Finance Committee; Administration Committee; Greg Heffner, Planning Director; Fred Ahrens, County Attorney; Donna Hatch, RPTSA Director; and Carol Whitehead, County Treasurer.

Vote: Acclamation – Adopted.

RESOLUTION NO. 040-08
Introduced by P. McAllister. Seconded by All Legislators Present.

PRESENTING LOCAL LAW TENTATIVELY NO. ONE FOR THE YEAR 2008 ENACTING A REAL PROPERTY TAX EXEMPTION FOR COLD WAR VETERANS.

Pursuant to New York State Real Property Tax Law Section 458-b.

RESOLVED, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. One for the Year 2008, enacting a real property tax exemption for Cold War veterans, as follows:

COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. ONE FOR THE YEAR 2008

A LOCAL LAW enacting a real property tax exemption for Cold War veterans.

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 adopt a Local Law to provide a qualified owner an exemption for qualifying residential real property from taxation to the extent of fifteen percent of the assessed value of such property which exemption shall not exceed twelve thousand dollars and in addition to provide a disability exemption to the multiple of fifty percent of the disability rating not to exceed forty thousand dollars, all as set forth in Real Property Tax Law Section 458-b.

SECTION 2: COLD WAR VETERANS EXEMPTION

(a) As is authorized by Real Property Tax Law Section 458-b, the County of Steuben does hereby provide that qualifying residential real property shall be exempt from taxation to the extent of fifteen percent of the assessed value of such property; provided however, that such exemption shall not exceed twelve
thousand dollars or the product of twelve thousand dollars multiplied by the latest state equalization rate of the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.

(b) In addition, as is authorized by Real Property Tax Law Section 458-b, to the exemption provided by paragraph (a) of this subdivision, where the Cold War veteran received a compensation rating from the United States veterans affairs or from the United States department of defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by fifty percent of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed forty thousand dollars, or the product of forty thousand dollars multiplied by the latest state equalization rate for the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.

SECTION 3: EFFECTIVE DATE

The within Local Law shall be effective immediately upon passage subject to Real Property Tax Law Section 458-b.

BE IT FURTHER RESOLVED, before said Local Law is adopted by the County Legislature, a Public Hearing shall be held on March 24, 2008 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 Treasurer; the Director of Real Property Tax Services Agency; Town Supervisors; City Mayors; and Town and City Assessors.

Mr. Gehl asked that the entire Legislature second this resolution. There were no objections to his request.

Mr. Farrand stated this has been long overdue to those veterans who never served in combat. To me, this has been an injustice to those who served our country, even though it wasn’t in a time of war. Discussion followed.

Mrs. Hatch stated this covers all veterans who hadn’t previously received the exemption. This fills in the gap.

Vote: Acclamation – Adopted.
RESOLVED, by the County Legislature of the County of Steuben, as follows:

Section 1. It is hereby determined that the County Legislature adopting this resolution declares itself to be the lead agency under the State Environmental Quality Review Act and the regulations promulgated thereunder for purposes of determining the environmental impact of the project described in Section 3 hereof.

Section 2. Based upon the Environmental Assessment Form verified the 20th day of February 2008 and filed with the Clerk of the Legislature and the Planning Department and made a part hereof as incorporated by reference, it is hereby determined that the project described in Section 3 hereof is an Unlisted Action which will not have a significant impact upon the environment.

Section 3. The project which is the subject of this resolution is described as follows:

A landfill gas to energy project at the County landfill in Bath, New York, including original furnishings, equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith.

Section 4. This resolution shall take effect immediately.

AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the Planning Director; Commissioner of Public Works; Thomas E. Myers, Esq., ORRICK, HERRINGTON & SUTCLIFFE LLP, 666 Fifth Avenue, New York, NY 10103-0001; and Kevin E. Voorhees, Barton & Loguidice, P.C., 290 Elwood Davis Road, Box 3107, Syracuse, NY 13220.

Vote: Roll Call – Adopted.

RESOLUTION NO. 042-08

Introduced by R. Nichols. Seconded by T. Ryan.

AUTHORIZING THE EXECUTION OF A QUIT CLAIM DEED RELATIVE TO PROPERTY REMAINING UNUSED AFTER THE COMPLETION OF COUNTY HIGHWAY RELOCATION AND CONSTRUCTION ON COUNTY ROUTE 28 IN THE TOWN OF CANISTEO.

WHEREAS, heretofore, the County relocated and constructed certain portions of County Route 28 in the Town of Canisteo a/k/a Purdy Creek Road, intending to abandon the portions of said road no longer necessary or within the bounds of the relocated road; and

WHEREAS, the County is informed that the process of abandonment of the unnecessary portions of said road may not have been completed; and

WHEREAS, the owner of certain lands upon which a portion of the old road intended to be abandoned has requested that the County execute a quit claim deed that releases all interest into said portion intended to be abandoned to said owner thereby clearing title to the grounds presently occupied by the residence and other structures; and

WHEREAS, the County is amenable to abandoning and releasing any interest in such old section of the said County Route 28.

NOW THEREFORE, BE IT

RESOLVED, the County Administrator shall be and is hereby authorized and directed to execute a quit claim deed releasing all interest into said portion intended to be abandoned to said owner thereby clearing title to the grounds presently occupied by the residence and other structures; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Public Works and Director of Real Property Tax Service Agency.
RESOLUTION NO. 043-08

RECEIVING AND ACCEPTING THAT REAL PROPERTY COMMONLY KNOWN AS 6239 CRITTENDEN STREET, TOWN OF HORNELLSVILLE, FROM THE TOWN OF HORNELLSVILLE.

WHEREAS, Kenneth E. Isaman, Town Supervisor for the Town of Hornellsville, offered to convey to the County that parcel of real property commonly known and designated as 6239 Crittenden Street, Town of Hornellsville, Tax Map Number 166.18-01-07.000; and

WHEREAS, the Public Works Committee has recommended the County accept said conveyance; and

WHEREAS, due to the highly deteriorated condition of the house situate on said parcel, demolition of same is appropriate; and

WHEREAS, greatest economies for the taxpaying public will be realized by the County accepting the subject parcel and demolishing the structure through shared services.

NOW THEREFORE, BE IT

RESOLVED, the County be and the same hereby accepts the conveyance of the subject parcel; and be it further

RESOLVED, the County Administrator is authorized and directed to execute the requisite documents to complete said conveyance; and be it further

RESOLVED, that a certified copy of this resolution shall be forwarded to Kenneth E. Isaman, Town Supervisor, Town of Hornellsville, 4 Park Street, PO Box 1, Arkport, NY 14807.

Mr. Argentieri asked will this set a precedent? Mr. Ahrens stated this property would ultimately come back to the County anyway. They could condemn it, tear it down and put it back onto the tax rolls where the County would have to make the town whole, thereby paying the cost for a private contractor to demolish it. However, it is more economical to all County taxpayers to handle it this way and we have done this in the past.

Mr. Argentieri stated should other municipalities decide to follow suit is it viable? Mr. Ahrens stated if it is an uncollectable charge against the property, because the County makes the towns whole. When we do have these types of properties, I encourage the Legislature to avail itself of this option.

Mr. Argentieri asked would the City of Hornell have this same opportunity? Mr. Alger stated we’re intervening at a step prior to the normal process; we’re doing it sooner than later.

Mr. Weaver asked what happens after the property is cleaned up? Mr. Alger stated we will include it in the County tax auction.

Vote: Roll Call – Adopted. Yes: 8665; Absent: 513; Abstained: 694
(McAllister abstained as he is also the Hornellsville Town Attorney)
RESOLUTION NO. 044-08

Introduced by R. Nichols. Seconded by F. Gehl.


WHEREAS, the Steuben County Recycling Coordinator educates the public in recycling as well as, coordinating the County programs; and

WHEREAS, the State of New York provides financial aid for municipal waste reduction and municipal recycling projects, including funding 50 percent of the Recycling Coordinator (herein referred to as the “Manager”) salary; and

WHEREAS, Steuben County (hereinafter referred to as “the Municipality”) has examined and duly considered the applicable laws of the State of New York and the Municipality deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a Contract by and between the people of the State of New York (herein referred to as the “State”) and the Municipality be executed for such State Aid.

NOW THEREFORE, BE IT

RESOLVED, that the filing of an application for a grant to fund 50 percent of the Manager salary in the form required by the State, in conformity with the applicable laws of the State of New York, including all understanding and assurances contained in said application, is hereby authorized; and be it further

RESOLVED, that Vincent Spagnoletti, Commissioner of Steuben County Department of Public Works, is directed and authorized as the official representative of the Municipality, to act in connection with the application and to provide such additional information as may be required, and to sign the resulting contract if or when said application is approved by the State; and be it further

RESOLVED, that the Municipality agrees that it will fund its portion of the cost of said Municipal Waste Reduction and/or Recycling Project; and be it further

RESOLVED, five (5) certified copies of this resolution shall be forwarded to the New York State Department of Environmental Conservation, Albany, New York 12233-7253, together with a completed application; and be it further

RESOLVED, that this resolution shall take effect immediately.

Vote: Roll Call – Adopted.

RESOLUTION NO. 045-08

Introduced by P. McAllister. Seconded by R. Argentieri.

AMENDING THE INVESTMENT POLICY OF THE COUNTY OF STEUBEN AND THE DESIGNATION OF DEPOSITORIES.

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

WHEREAS, the Steuben County Administration Committee reviewed and adopted on December 11, 2007, numerous revisions to the Investment Policy of Steuben County pertaining to the deposit and investment of monies.

NOW THEREFORE, BE IT
RESOLVED, that the Investment Policy reviewed and revised December 11, 2007 and filed with the Clerk of the Legislature be, and the same hereby is, adopted by the Steuben County Legislature, effective immediately; and be it further

RESOLVED, that the amounts authorized for deposit or investment with the listed banks are shown in Appendix B of the aforesaid Investment Policy, as follows:

Appendix B
Authorized Banking and Investment Entities

<table>
<thead>
<tr>
<th>Authorized Banking and Investment Entities</th>
<th>Maximum Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bank of America</td>
<td>25%</td>
</tr>
<tr>
<td>Five Star Bank</td>
<td>25%</td>
</tr>
<tr>
<td>Steuben Trust Company</td>
<td>25%</td>
</tr>
<tr>
<td>Community Bank, NA</td>
<td>25%</td>
</tr>
<tr>
<td>First State Bank</td>
<td>25%</td>
</tr>
<tr>
<td>Chemung Canal Trust</td>
<td>25%</td>
</tr>
<tr>
<td>M&amp;T Bank &amp; Trust</td>
<td>25%</td>
</tr>
<tr>
<td>J.P. Morgan Chase</td>
<td>25%</td>
</tr>
<tr>
<td>North Fork Bank – Mattituck, NY</td>
<td>15%</td>
</tr>
<tr>
<td>Key Bank</td>
<td>15%</td>
</tr>
<tr>
<td>HSBC</td>
<td>15%</td>
</tr>
<tr>
<td>Cooperative Liquid Assets Securities</td>
<td>10%</td>
</tr>
<tr>
<td>Morgan-Stanley/Dean Witter</td>
<td>10%</td>
</tr>
</tbody>
</table>

AND BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be forwarded to the Steuben County Treasurer.

Vote: Roll Call – Adopted.

RESOLUTION NO. 046-08

Introduced by D. Stachnik and P. Donnelly. Seconded by D. Creath.

AUTHORIZING THE ACCEPTANCE OF ADDITIONAL REVENUE FROM THE DEPARTMENT OF SOCIAL SERVICES TO THE STEUBEN COUNTY YOUTH BUREAU FOR PREVENTIVE SERVICES IN THE AMOUNT OF $35,012.

WHEREAS, the Department of Social Services has appropriated funds in the 2008 budget; and

WHEREAS, the Department of Social Services contracts with the Steuben County Youth Bureau for preventive services; and

WHEREAS, the contracted preventive services include support of the Corning Area Youth Center.

NOW THEREFORE, BE IT
RESOLVED, the Steuben County Youth Bureau accepts additional preventive services revenue from Steuben County Department of Social Services in the amount of $35,012; and be it further

RESOLVED, the above revenue shall be utilized to fund current Corning Area Youth Center program maintenance and implement additional prevention programming for Family Service Society, Inc.; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Dr. Robin Foster, Director, Family Service Society, Inc., 280 Princeton Avenue Extension, Corning, NY 14830; the Steuben County Auditor; Steuben County Department of Social Services Commissioner; Steuben County Youth Bureau Director; and Steuben County Treasurer.

Vote: Roll Call – Adopted.

RESOLUTION NO. 047-08

Introduced by D. Creath. Seconded by P. Donnelly.

AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR SECTION 5311 ANNUAL OPERATING ASSISTANCE FOR PUBLIC TRANSPORTATION.

WHEREAS, Section 5311 of Title 49, United States Code, provides federal financial assistance for public transportation in rural and small urban areas by way of a formula grant program administered by the States; and

WHEREAS, Steuben County is submitting a request to the New York State Department of Transportation for such federal aid for operating assistance for a Project to provide for fixed route and demand response public mass transportation service on a continuing basis in Steuben County, for the fiscal years 2007 and 2008; and

WHEREAS, Steuben County and the State of New York have entered into a continuing Agreement for a ten-year period which authorizes the undertaking of the Project and payment of the Federal Share, identified as State Contract No. C003650.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature does hereby authorize the Chairman of the Legislature to sign the annual grant application for such Section 5311 funds; and be it further

RESOLVED, that the Planning Director is authorized to act on behalf of Steuben County 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 Steuben County and any third party subcontractor necessary to complete the public transportation Project; and be it further

RESOLVED, certified copies of this resolution shall be distributed to Gregory P. Heffner, AICP, Steuben County Planning Director; and to Ms. Stephanie Mielnik, Program Manager, Rural Section, Passenger Transportation Division, NYSDOT, State Campus, Building 4, Room 134, Albany, NY 12232-0414.

Vote: Roll Call – Adopted.
RESOLUTION NO. 048-08

Introduced by F. Gehl. Seconded by R. Argentieri.

APPROVING SUBMISSION BY THE STEUBEN COUNTY PROBATION DEPARTMENT OF THE ANNUAL ALTERNATIVE TO INCARCERATION PLAN AND EXPENDITURE OF FUNDS RECEIVED FOR THE ALTERNATIVE PROGRAMS.

WHEREAS, the Steuben County Probation Department has prepared an application submitted to the New York State Division of Probation & Correctional Alternatives for operation and funding of the Community Service Program, Pre-Trial Release Program, and the Alcohol and Substance Intervention Program; and

WHEREAS, this plan has been approved by the Steuben County Alternatives to Incarceration Board.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature approves of the submission of said plan and the expenditure of funds received toward the Alternatives to Incarceration Programs; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer and the Director of Probation.

Vote: Roll Call – Adopted.

RESOLUTION NO. 049-08

Introduced by D. Creath. Seconded by D. Stachnik.

AUTHORIZING A PUBLIC HEARING ON LAND SUBMITTED FOR INCLUSION IN CERTIFIED AGRICULTURAL DISTRICTS DURING THE 2008 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 has reviewed the matter and submitted 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 March, 2008, 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 certified copies of this resolution shall be forwarded to the Chairman of the County Agricultural and Farmland Protection Board, Andrew Spencer, 8997 Burns Rd., Arkport, NY 14807; the Director of the Steuben County Planning Department; and James Grace, Cornell Cooperative Extension - Steuben County.

53 Monday, February 25, 2008
RESOLUTION NO. 050-08

APPOINTING MEMBERS TO THE HEALTH SERVICES ADVISORY BOARD OF THE STEUBEN COUNTY DEPARTMENT OF PUBLIC HEALTH AND NURSING SERVICES.

Pursuant to Section 357 of the Public Health Law of the State of New York.

WHEREAS, the Steuben County Health Services Advisory Board acts in an advisory capacity to the Steuben County Legislature which in turn acts as the County Board of Health; and

WHEREAS, a vacancy exists on the Steuben County Health Services Advisory Board; and

WHEREAS, the Health Services Advisory Board has recommended the following appointments:

<table>
<thead>
<tr>
<th>Role</th>
<th>Name</th>
<th>Term</th>
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<tbody>
<tr>
<td>Steuben County Consumer</td>
<td>E. Beth Clark</td>
<td>01/01/08-12/31/11 (Four year term)</td>
</tr>
<tr>
<td></td>
<td>221 East Steuben Street</td>
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<td></td>
<td>Bath, NY 14810</td>
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<tr>
<td>Steuben County Legislator</td>
<td>The Honorable Francis L. Gehl</td>
<td>01/01/07-12/31/09 (Three year term)</td>
</tr>
<tr>
<td></td>
<td>355 West First Street</td>
<td></td>
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<tr>
<td></td>
<td>Corning, NY 14830</td>
<td></td>
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<tr>
<td>Steuben County Provider</td>
<td>Marty Blumenstock, Executive Director</td>
<td>01/01/06-12/31/09 (Four year term)</td>
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<tr>
<td></td>
<td>Family Planning Center</td>
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<td></td>
<td>160 Main Street</td>
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<tr>
<td></td>
<td>Penn Yan, NY 14527</td>
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</table>

NOW THEREFORE, BE IT

RESOLVED, the Chairman of the Steuben County Legislature hereby appoints the aforementioned persons to the Health Services Advisory Board of the Steuben County Department of Public Health and Nursing Services for the terms above-indicated; and be it further

RESOLVED, the members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Health Services Advisory Board; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the above-named appointees; Salvatore W. Page, Regional Health Director of the New York State Department of Health, Buffalo Region, 584 Delaware Avenue, Buffalo, New York, 14202; County Auditor; and to the Steuben County Department of Public Health and Nursing Services.

RESOLUTION NO. 051-08

APPOINTING MEMBERS OF THE STEUBEN COUNTY ALTERNATIVES TO INCARCERATION ADVISORY BOARD.
WHEREAS, members of the Alternatives to Incarceration Board were established on December 18, 2006 to serve a term until December 31, 2009; and

WHEREAS, the Honorable Dewitt T. Baker, D.V.M., was a setting member of said board and Chairman of the Public Safety Committee until his retirement from the Steuben County Legislature; and

WHEREAS, the Honorable Francis L. Gehl is the present Chairman of the Public Safety Committee.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature approves amending Resolution No. 223-06 establishing the Honorable Francis L. Gehl as a member of the Alternatives to Incarceration Board to serve the position vacated by the retirement of the Honorable Dewitt T. Baker D.V.M.; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the above-named appointee; the County Auditor; and the Director of the NYS Division of Probation and Correctional Alternatives, 80 Wolf Road, Albany, NY 12205.

Vote: Acclamation – Adopted.

RESOLUTION NO. 052-08

Introduced by P. Roche. Seconded by R. Argentieri.

APPOINTING MEMBERS TO THE STEUBEN COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL.

Pursuant to Article 47 of the Environmental Conservation Law of the State of New York and the County of Steuben Local Law No. Two of the Year 1971.

WHEREAS, Local Law No. Two of the Year 1971, created a County Environmental Management Council for the County of Steuben; and

WHEREAS, the Chairman of the Steuben County Legislature recommends appointment of members to the Environmental Management Council.

NOW THEREFORE, BE IT

RESOLVED, that the following appointments are hereby made to said Environmental Management Council:

MEMBERS
1. Lee Hersh, 5362 Duvall Rd, PO Box 449, Painted Post, NY 14870
2. Iva Putman, 4641 Stony Ridge Road, Campbell, NY 14821
3. Janet Thigpen, 4557 Dyke Road, Corning, NY 14830
4. Rachel Treichler, 7988 Van Amburg Rd., Hammondsport, NY 14840
5. Bonnie Vance, 71 East Third Street, Corning, NY 14830
6. Miles Vance, 71 East Third Street, Corning, NY 14830
7. Gene Stolfi, 2930 Gorton Road, Corning, NY 14830-9104

MEMBERS EX-OFFICIO
1. Members of the Agriculture, Industry, and Planning Committee
2. Commissioner of Public Works
3. County Attorney
4. Soil and Water Conservation District Chairman or designee
5. Cornell Cooperative Extension Association President or designee
6. County Planning Director
DESIGNATED OFFICERS
Chairperson - Janet Thigpen
Vice-chairperson – Lee Hersh

AND BE IT FURTHER RESOLVED, that all said appointees shall serve at the pleasure of the Steuben County Legislature for a term of two (2) years, January 1, 2008 through December 31, 2009; and be it further

RESOLVED, the members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Environmental Management Council; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the above appointees; to Joe Hamm, NYS Department of Environmental Conservation, 6274 East Avon-Lima Road, Avon, NY, 14414; and the County Auditor.

Vote: Acclamation – Adopted.

RESOLUTION NO. 053-08

APPOINTING MEMBERS TO THE STEUBEN COUNTY AGRICULTURAL AND FARMLAND PROTECTION BOARD.

WHEREAS, the terms of office of certain members of the Agricultural and Farmland Protection Board will expire; and

WHEREAS, Article 25AA of the Agriculture and Markets Law requires staggered four-year terms.

NOW THEREFORE, BE IT

RESOLVED, that the following persons are appointed with terms commencing January 1, 2008 and ending December 31, 2011:

Andrew Spencer, 8997 Burns Road, Arkport, NY 14807
Mike Slayton, 7195 County Route 27, Hornell, NY 14843

AND BE IT FURTHER RESOLVED, the members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Agricultural and Farmland Protection Board; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointees; the Planning Department; and the County Auditor.

Vote: Acclamation – Adopted.

RESOLUTION NO. 054-08

MEMORIALIZING PRESIDENT BUSH IN OPPOSITION TO PROPOSED BUDGET CUTS TO DOMESTIC PROGRAMS.

WHEREAS, the federal budget for 2008 being proposed by President Bush contains significant reductions for domestic programs; and
WHEREAS, those cuts are proposed for each of the four years after 2008, with the largest being in 2012, when domestic programs would be cut $34 billion, as compared to 2007, and adjusted for inflation; and

WHEREAS, the programs slated for cuts would have significant impacts on the Steuben County budget, and include the Low Income Heat Energy Assistance Program (LIHEAP), the Social Services Block Grant, Foster Care, and Child Support Administration; and

WHEREAS, cuts in federal support for these and other programs will result in either a reduction in services or an increase in local costs.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature does hereby oppose cuts in federal support for domestic programs; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to President George W. Bush, 1600 Pennsylvania Avenue, Washington, DC; U. S. Senator Charles E. Schumer, 313 Hart Senate Office Bldg., Washington, DC 20510-3202; U. S. Senator Hillary Rodham-Clinton, 476 Russell Senate Office Building, Washington, DC 20510; and U. S. Congressman John R. Kuhl, Jr., 22 Buell Street, Bath, NY 14810.

Mr. Alger stated in the course of a conversation with Commissioner Muller, we identified several cuts arising from the proposed Federal budget. The cuts will occur at the State level and they could cost the County $500,000 in local funds.

Mr. Argentieri stated I submitted an article regarding these cuts, which helped precipitate this resolution.

Vote: Acclamation – Adopted.

RESOLUTION NO. 055-08

Introduced by D. Stachnik. Seconded by R. Argentieri.

MEMORALIZING THE STATE LEGISLATURE TO OPPOSE THE PROPOSED SHIFT OF THE STATE’S HISTORIC SHARE OF PUBLIC ASSISTANCE TO COUNTIES.

WHEREAS, Steuben County believes that the 2008-2009 Executive Budget has broken an historic, fundamental state/local partnership by proposing to increase the county share of public assistance by two percent, while simultaneously decreasing the state share by two percent; and

WHEREAS, this shift in cost sets a policy from the Governor that mandates local property taxpayers increase their taxes for public assistance, while the State saves itself $40.5 million per year; and

WHEREAS, since 1938, counties and New York State have equally shared in the cost of public assistance at a 50 percent state, 50 percent local split for this program; and

WHEREAS, the 2008-2009 Executive Budget proposes to break this historic state/local fiscal partnership by shifting a portion of the State’s cost for the Family Assistance and the Safety Net program; and

WHEREAS, the Governor’s proposed budget includes another serious impact to counties by implementing a local share for the cost of carving out two-parent families from the federal work participation rates, by removing the local district hold-harmless provision; and

WHEREAS, this carve-out of the two-parent families will save the state approximately $7.5 million per year, but directly, negatively impact county budgets; and
WHEREAS, the estimated increase in Steuben County’s share as a result of the shift is in excess of $200,000 in 2008; and

WHEREAS, the proposed cost shift is inconsistent with the Governor’s appointment of a Commission on Property Tax Relief.

NOW THEREFORE, BE IT

RESOLVED, that Steuben County opposes any policy or fiscal initiative like the proposed increased local share for public assistance and “two-parent carve-out” that changes the fundamental promise Governor Spitzer made to the counties of New York State about ongoing, historic state and local partnerships; and be it further

RESOLVED, Steuben County urges the Governor and New York State Legislature to reconsider the shift of State costs to the County Government; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Eliot Spitzer, Executive Chamber, State Capitol, Albany, NY 12224; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, Malcolm A. Smith, 508 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 717 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, James Tedisco, 933 Legislative Office Building, Albany, NY 12248; Senator George H. Winner, 802 Legislative Office Building, Albany, NY 12247; Assemblyman James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248; Stephen Acquario, Esq., Executive Director, New York State Association of Counties, 111 Pine Street, Albany, NY 12207; and to Wayne E. Zyra, President, InterCounty Association of Western New York, c/o Monroe County Legislature, 39 West Main Street, Rochester, NY 14614.

Mr. Alger stated this resolution addresses the shift from the State government to the County government, relative to the State’s share of welfare.

Vote: Acclamation – Adopted.

RESOLUTION NO. 056-08

Introduced by D. Stachnik. Seconded by S. VanEtten.

MEMORIALIZING THE STATE LEGISLATURE TO OPPOSE THE PROPOSED SHIFT OF 100 PERCENT OF THE COST OF JUVENILE DETENTION FACILITIES TO COUNTIES.

WHEREAS, the Steuben County Legislature strongly opposes the unprecedented 2008-09 Executive Budget proposal that ends the state/local partnership in funding the costs associated with operating local detention facilities by requiring counties to assume 100 percent of the cost; and

WHEREAS, according to the 2008-09 Executive Budget proposal, effective April 1, 2008, counties will assume the full cost of youth placed by the Family Court in secure and non-secure detention facilities; and

WHEREAS, currently, the State reimburses counties 50 percent for secure and non-secure detention costs but by shifting the cost completely to counties, the State’s estimated savings for this initiative is $35.4 million; and

WHEREAS, the policy rationale behind this cost-shift is the State’s recommendation that counties find alternative, diversion programs for these youth, such as community-based solutions, however, there is no possibility of diversion or other community-based alternatives for a youth who has been placed in a secure detention facility; and

WHEREAS, this is an example of a break in a state/local partnership, where local property taxpayers will be directly impacted; and
WHEREAS, at the time of this proposal, the State is currently in the process of closing many of their state owned and operated secure detention facilities, which will result in immediate state savings; and

WHEREAS, the shift in cost to Steuben County is estimated to be approximately $300,000 per year depending upon the number of secure placements.

NOW THEREFORE, BE IT

RESOLVED, that Steuben County urges the State Legislature to oppose this policy and fiscal shift of 100 percent of the cost of juvenile detention facilities to counties, and to focus on strengthening, not severing, the local/state partnership; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Eliot Spitzer, Executive Chamber, State Capitol, Albany, NY 12224; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, Malcolm A. Smith, 508 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 717 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, James Tedisco, 933 Legislative Office Building, Albany, NY 12248; Senator George H. Winner, 802 Legislative Office Building, Albany, NY 12247; Assemblyman James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248; Stephen Acquario, Esq., Executive Director, New York State Association of Counties, 111 Pine Street, Albany, NY 12207; and to Wayne E. Zyra, President, InterCounty Association of Western New York, c/o Monroe County Legislature, 39 West Main Street, Rochester, NY 14614.

Mr. Gehl stated the InterCounty Association of Western New York has formed a special committee to inform each Senator and Assemblyman that we can’t have these cuts.

Vote: Acclamation – Adopted.

Chairman Roche stated the next resolution was not on the agenda. Are there any objections to entertaining this resolution? There were no objections.

RESOLUTION NO. 057-08

Introduced by P. Roche. Seconded by All Legislators Present.

MEMORIALIZING THE GOVERNOR AND NEW YORK STATE LEGISLATURE TO RESOLVE THE UNIQUE PROBLEMS FACED BY COUNTY OPERATED NURSING HOMES DUE TO THE UPPER PAYMENT LIMIT CAP.

WHEREAS, Federal law gives states considerable flexibility regarding payments to health care providers, but it stipulates that, in general, Medicaid payments can be no higher than the amount that Medicare would pay for the same service; and

WHEREAS, county operated nursing facilities are uniquely impacted by this “upper payment limit” for Medicaid as local government-owned facilities are treated as a separate class from private facilities, thus significantly limiting available Medicaid reimbursement; and

WHEREAS, current calculations by the New York State Department of Health indicate that county operated nursing facilities have reached the maximum level of allowable Medicaid payment and that they do not qualify for any additional Medicaid reimbursement; and

WHEREAS, county nursing facilities were provided limited fiscal relief as part of the 2006-2007 New York State Budget, including a four year phase in of a $100 million public nursing facility grant proposal; and
WHEREAS, even with these grants, the federal payment restriction has eroded financial support for the county operated facilities and created a crisis that jeopardizes the “safety net” mission of these facilities and places an unfair burden on the property tax payers that would be required to fund their deficits; and

NOW, THEREFORE, BE IT RESOLVED, that Steuben County calls on the Governor and the New York State Legislature to resolve the unique problems faced by county operated nursing homes due to the upper payment limit cap; and

BE IT FURTHER RESOLVED, that Steuben County call on the Governor and the New York State Legislature to develop a long term plan to resolve the future viability of these county facilities; and

BE IT FURTHER RESOLVED, that certified copies of this resolution be forwarded to Governor Eliot Spitzer, Executive Chamber, State Capitol, Albany, NY 12224; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, Malcolm A. Smith, 508 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 717 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, James Tedisco, 933 Legislative Office Building, Albany, NY 12248; Senator George H. Winner, 802 Legislative Office Building, Albany, NY 12247; Assemblyman James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248; Steve Acquario, Esq., Executive Director, New York State Association of Counties, 111 Pine Street, Albany, NY 12207; and to Wayne E. Zyra, President, InterCounty Association of Western New York, c/o Monroe County Legislature, 39 West Main Street, Rochester, NY 14614.

Mr. Alger stated this deals with the upper payment limit cap which caps the amount of reimbursement on the nursing homes. They are calling for a further reduction in the reimbursement rates to County facilities. This directly impacts the County’s funding of the facility.

Mr. Donnelly asked that all Legislators be sponsors of this resolution. There were no objections to the request.

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; 105.1.E. Collective Negotiations Pursuant To Article Fourteen Of The Civil Service Law; and 105.1.F. The Medical, Financial, Credit Or Employment History Of A Particular Person Or Corporation, Or Matters Leading To The Appointment, Employment, Promotion, Demotion, Discipline, Suspension, Dismissal Or Removal Of A Particular Person Or Corporation Made By Mr. VanEtten, seconded by Mr. Donnelly and duly carried.

Motion to adjourn Executive Session and Reconvene in Regular Session made by Mr. Weaver, seconded by Mr. Argentieri and duly carried.

RESOLUTION NO. 058-08

Introduced by D. Creath. Seconded by R. Argentieri.

PRESENTATION OF THE NAMES OF PERSONS SELECTED FOR INDUCTION INTO THE STEUBEN COUNTY HALL OF FAME AND CONFIRMATION BY THE STEUBEN COUNTY LEGISLATURE.

WHEREAS, the Steuben County Legislature sponsors a Steuben County Hall of Fame through its Hall of Fame Committee for the purpose of honoring those persons who have enhanced the County of Steuben and presenting an opportunity for the public to learn more about these persons; and

WHEREAS, said Steuben County Hall of Fame Committee has solicited nominations from citizens of Steuben County for the induction of five (5) persons into the Hall of Fame, selected this year; and
WHEREAS, nominations were allowed to be made by anyone; there were no limits on the number of nominations; the nominees could be living or dead; male or female; could have been born elsewhere as long as they enhanced the name of Steuben County; may have helped develop the County; may have been Steuben County natives who gained fame elsewhere, or those who should be especially remembered; and

WHEREAS, the Steuben County Hall of Fame Committee, authorized to be composed of ten (10) persons representative of the people of Steuben County, has reviewed the nominations submitted and has recommended the names of five (5) persons to be inducted into said Hall of Fame this year.

NOW THEREFORE, BE IT

RESOLVED, that this Steuben County Legislature does hereby receive, approve, ratify and confirm the selection and recommendation of the Steuben County Hall of Fame Committee for honoring and inducting into the Steuben County Hall of Fame the following named persons:

1. Otis Bullard (1816 - 1853) – Born in Howard, NY. At the age of 21, he went to NYC to pursue studies in portrait painting. Upon his return to Howard in 1841 he married Angeline Olmstead. He returned to NYC and exhibited several paintings in the National Academy of Design and at the American Art Union. His most famous accomplishment was a panorama of NYC, painted during the period of 1846 – 1850 with the help of several other American artists. This work was shown for 17 years across the Midwest and East Coast. Some of his paintings hang in the Houghton Library in Massachusetts and the Smith College Museum in Massachusetts.

2. Dr. Lucy M. Maltby (1900 – 1984) – Born in Corning, NY to Henry and Lucy Swingle Maltby. She earned her B.S. degree at Cornell, M.S. degree at Iowa State University and her Ph.D. from Syracuse University. She is the author of the book “It’s Fun to Cook”. She was the Founder and Director for 36 years of the Corning Glass Works Home Economics Department and Test Kitchen. Dr. Maltby served as a consumer advocate providing a link between homemakers and corporate structure. Among her many awards, she was inducted into the Hall of Fame of Home Economists in 1963; was the first recipient of the NYS Home Economics Teachers’ Association Award in 1963; Iowa State Alumni Award and is also listed in the Who’s Who of American Women and Who’s Who in the East.

3. Charles R. McGrady (1924 – 1999) – Born in Corning, NY to Genesis and Margaret Bodwell. Served in the U.S. Army during WWII and was involved in Normandy and the Battle of the Bulge. Was part of the first Allied Troops to liberate the German Concentration Camp at Dachau. In 1949 he married Odessa L. Hannon. Mr. McGrady was best known as the Pioneer of Civil Rights in Steuben County. He worked at Corning Glass as Community Relations Director from 1968 – 1987 and during his tenure handled a wide variety of complaints, including civil rights matters, wage and welfare problems.

4. Marion Springer (1924 – 2006) – Born in Jasper, NY, she married Clifford Springer in 1943 and was the mother of four and foster parent of 19. She was the Fremont Town Clerk for 12 years and a Senior Clerk in the Steuben County Clerk’s Office for 34 years. After her retirement from the Steuben County Clerk’s Office, she volunteered at the County Historian’s Office as Researcher, proofreading data, collecting obituaries, indexing vital statistics. She devoted her life to serving the public and truly was a Keeper of the Records.

5. Mary Lu Walker (1926 - ) – Is well known locally as a singer and composer who generously performs with many local folk bands. She also is known internationally as she has led popular children’s educational programs in the Ukraine, Australia and the Fiji Islands. She has recorded many CD’s and also has composed several songbooks. Many religious dominations worldwide include her works in their hymnals.

AND BE IT FURTHER RESOLVED, the Agriculture, Industry and Planning Committee and the County Historian, for and on behalf of the Steuben County Legislature, shall take all necessary steps and ceremony to appropriately enroll and enshrine the names of the inductees into the Steuben County Hall of Fame; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the County Historian and to any other persons as may be directed by the County Historian.
Vote: Roll Call – Adopted.

Motion to adjourn made by Mr. Gehl, seconded by Mr. Nichols and duly carried.
The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 24th day of March, 2008 at 10:00 a.m. and was called to order by the Chairman of the Legislature, Philip J. Roche, Esq.

Roll call and all members present except Legislator Argentieri.

Mr. Nichols offered the Invocation and the Pledge of Allegiance was led by Mr. Weaver.

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

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

Judy Hunter stated during a 1 week period in October, 5 students from Haverling attended the People to People Leadership Conference. She introduced Mark Schlecter, whose daughter was one the delegates in attendance. Mr. Schlecter stated I was lucky enough to attend the conference as a chaperone. We have a lot of appreciation for the school as they were very supportive of this program. These 5 students have been sharing their experience with other students, which has resulted in a new group of students participating this year. The students provided the legislature with a power point presentation of their trip to Washington DC in October. Chairman Roche thanked them for their presentation.

Dr. Floyd Amann, President of Corning Community College, stated coming before the Legislature is a process we follow approximately every 5 years at CCC. All construction projects at the college must be approved through the approval of a master plan by each of the 3 legislatures. We’ve received approval from Schuyler and we will be meeting with Chemung County this evening. We are required to raise 50% of the total cost locally and the state will fund the remaining 50%. We have been encouraged by the Governor’s office to submit projects to bring CCC up to contemporary standards. Five years ago, we presented a $30 million project plan to you and we completed $15 million worth of those projects. This plan has a higher cost associated with it and we historically have used the capital chargebacks as a means to provide the local funds. He asked Tom Carr, Vice President of Administrative Services, to provide a brief sketch of the master plan.

Mr. Carr stated as with any facilities master plan, there are 2 phases: expansion and renewal projects and critical maintenance projects. The critical maintenance projects are not included in the handout. The expansion and renewal projects include the athletic facilities. Our current athletic facility does not meet the standards of community colleges across the State, or the standards of many of the high schools across the state. The plan includes the construction of an 800,000 square foot facility. We’re not going to be able to build that facility on $2 million worth of funding. Therefore, we have broken it out into stages. Phase 1 is just the addition of a field house to the campus. It will relieve some of the crowding in the gym. That project is $10 million. In later phases, we would then move on to further expansion of the athletic area, including a new gym. We would like to put on a 10,000 square foot addition to the library to provide more learning resources. This will be done in phases also. We would also like to renovate the commons building to provide better student services. Another part of the plan is to bring the child care center from Denison Parkway to the Spencer Hill campus, which is desperately needed by our students. Finally, we would like to expand and renew the criminal justice facility on Goff Road.
Dr. Amann stated there is a rumor in Albany that the State may pick up a greater share of these capital projects. Again, this plan is just for the renewals and it doesn’t refer to any renovation of facilities outside of Steuben County. He asked that the Legislature endorse this plan conceptually. It would then be our responsibility to find the funds for these projects.

Mr. Schwartz asked do you anticipate asking for a chargeback increase to fund these projects? Dr. Amann stated that it is a statewide number so we wouldn’t be coming back to ask for additional funding unless some movement happened across the state to change the funding mechanism.

Mr. Nichols asked about the fine arts facility and how much that project would be. Mr. Carr stated it is in the $20 million range but it is a project that would be done further down the road. Discussion followed. Chairman Roche thanked Dr. Amann and Mr. Carr for their presentation.

The Clerk of the Legislature read the Notice of Public Hearing and provided proof of posting and publication regarding the Public Hearing authorizing and directing the Steuben County Treasurer to appropriate an amount up to $275,000 from the “Building Repair and Renovations Reserve” to a capital project entitled “Balcom House Renovations”. Chairman Roche asked if there were any comments regarding this public hearing. There being none, he declared the public hearing closed.

The Clerk of the Legislature read the Notice of Public Hearing and provided proof of posting and publication regarding the Public Hearing relative to parcels for inclusion in Certified Agricultural Districts #7 and #17 during the annual thirty-day review period. Chairman Roche asked if there were any comments regarding this public hearing. There being none, he declared the public hearing closed.

The Clerk of the Legislature read the Notice of Public Hearing and provided proof of posting and publication regarding the Public Hearing upon Local Law Tentatively No. One for the Year 2008, Enacting a Real Property Tax Exemption for Cold War Veterans. Chairman Roche asked if there were any comments regarding this public hearing. There being none, he declared the public hearing closed.

Chairman Roche opened the floor for comments by members of the public.

Judith Hall stated I am a resident of Cohocton and I also pay taxes in Prattsburgh. I recently read that the State is contemplating passing on their budget cuts to the County, which has caused great concern. Yet last month this Legislature had no problem passing on more tax breaks to foreign companies. The Steuben County Industrial Development Agency has in recent months approved PILOT agreements for several wind power projects in the County. The taxing jurisdictions haven’t been properly informed of these PILOT agreements. There have been no building permits, road permits or DEC permits issued for these projects. The construction crews are continually ticketed by police for violations. There is still not proper bonding in place for the projects. Mr. McAllister also sat in the meeting where Jack Zigenfus, Cohocton Town Supervisor, asked for a 5-year repayment plan for the CR21 road project when the town had just received $725,000 for a host payment this year for the wind power project. Why wouldn’t Mr. McAllister inform the Committee that the Town of Cohocton could afford the payment? The tax money give away by SCIDA has ensured that none of you will run unopposed in future elections. Please do your job and show proper vigilance in overseeing SCIDA.

There being no further comments, Chairman Roche declared the public comment portion of the meeting closed.

The minutes of the previous month’s meeting were approved upon the motion of Mr. Gehl, seconded by Mr. VanEtten and duly carried.
RESOLUTION NO. 059-08


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

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

RESOLVED, the Steuben County Treasurer is further authorized and directed to make the necessary cancellations, charges, deductions, and adjustments with respect to the parcels contained in Schedule "B", 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 Treasurer, together with the approved applications executed in duplicate by the Chairman of the County Legislature, and the Chairman of the Board of Assessors; and certified copies of this resolution contained in Schedule "B" shall be forwarded to the Steuben County Treasurer, the Director of the Steuben County Real Property Tax Service Agency, the Chairman of the Board of Assessors of the appropriate municipality, the Clerk of the Board of Education of the appropriate School District, and the taxpayers.

SCHEDULE "A"

Resolution # A-1
Name Gary Hammond
Parcel # 097.00-01-006.110
Municipality Howard Town
Disposition Correction (parcel split)

Resolution # A-2
Name Jeffrey & Donna Kerrick
Parcel # 092.00-01-015.600
Municipality Wayne Town
Disposition Correction

Resolution # A-3
Name Bath & Hammondsport RR
Parcel # 118.10-01-012.000
Municipality Urbana Town
Disposition Correction

Resolution # A-4
Name William C Taylor
Parcel # 225.03-01-011.000
Municipality Campbell Town
Disposition Correction
Resolution #_____A-5____________________________________
Name__________Christopher Beauvier______________________
Parcel # ________225.00-01-064.314________________________
Municipality ____Campbell Town__________________________
Disposition _____Correction_____________________________

Resolution #_____A-6____________________________________
Name__________David, Ann, Lynn Powers___________________
Parcel # ________243.00-01-026.000_________________________
Municipality ____Campbell Town___________________________
Disposition _____Correction________________________________

Resolution #_____A-7____________________________________
Name__________James Kull_______________________________
Parcel # ________212.00-01-003.600_________________________
Municipality ____Hartsville Town_________________________
Disposition _____Correction_(parcel split)_________________

Resolution #_____A-8____________________________________
Name__________Towner Living Trust_______________________
Parcel # ________300.00-01-022.110________________________
Municipality ____Corning Town___________________________
Disposition _____Correction________________________________

SCHEDULE "B"

Resolution #_____B-1____________________________________
Name__________Village of Bath, Mossy Bank Park_____________
Parcel # ________173.00-01-054.000_________________________
Municipality ____Bath Village____________________________
Disposition _____CANCELLATION OF ALL TAXES PURSUANT TO REAL PROPERTY TAX LAW §558 SUBJECT TO CANCELLATION OF ALL OTHER EXISTING MUNICIPAL TAXES.

Vote: Roll Call – Adopted.

RESOLUTION NO. 060-08

Introduced by P. Roche. Seconded by D. Stachnik.

RECEIVING AND ACCEPTING THE MARCH 24, 2008 COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY ADMINISTRATOR’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 14, 2008
NYS Department of Transportation – Re: UPDATED/ Request to join in articulating New York’s needs in identifying the framework for transportation choices (20 year needs assessment). Forums begin @ 2:00pm and are scheduled for February 19th (Henrietta, NY) & 21st 2008 (Binghamton, NY), if not able to attend, comments can be submitted through
mail or via the following website at www.nydost.gov/20yearneedsassessment. Referred to: Public Works Committee and Vincent Spagnoletti, Commissioner of Public Works.

February 15, 2008
Arlington Storage Company, LLC – Re: Notification of open house meeting for the landowners affected by the Arlington Storage and Thomas Corners Storage Project. The meeting is scheduled for Thursday, February 21, 2008 from 6:00-8:00pm at the American Legion Post 846 which is located at 61 West Main Street, Canisteo, NY 14823. Referred to: A.I.P. Committee and Greg Heffner, Planning Director.

Regional Economic Development & Energy Corporation/REDEC Relending Corporation - Re: Request for funding from Steuben County in the amount of $10,000. The funds requested will be used to upgrade their technology (purchase three computers, a scanner/copier and expand their technical assistance program), which is a requirement of the SBA micro lender program. Referred to: A.I.P. Committee; Finance Committee; and Greg Heffner, Planning Director.

February 19, 2008
NYS Office of Parks, Recreation & Historic Preservation – Re: 2007-2008 application for Snowmobile Trail Development & Maintenance Assistance has been approved for $19,800. Grant will provide assistance in maintaining 99 miles of approved trails. Referred to: A.I.P. Committee and Greg Heffner, Planning Director.

February 21, 2008
Harris Beach PLLC, Attorneys at Law – Re: Pilot agreement between Steuben County Industrial Development Agency and SWP Environmental, LLC dated as of October 1, 2002 (Property: 11399 Route 21, Town of Wayland) Revised Schedule A to PILOT agreement. Referred to: A.I.P. Committee; Finance Committee; Administration Committee; Greg Heffner, Planning Director; Fred Ahrens, County Attorney; Donna Hatch, RPTSA Director; and Carol Whitehead, County Treasurer.

Steuben County Industrial Development Agency – Re: Notice of public hearing for 72 E.M.S. Associates LLC Project (the acquisition of title to or a leasehold interest in a parcel of land located at 72 E. Market Street in the City of Corning, Steuben County), on Wednesday, March 26, 2008 at 10:00am, in the Council Chambers of the Corning City Hall, 1 Nasser Civic Center Plaza, Corning, New York 14830. Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.

February 22, 2008
Governor Eliot Spitzer – Re: Acknowledgement of letter recently submitted about concerns on the new prevailing wage requirement. Referred to: Mark R. Alger, Steuben County Administrator.

New York State Commission on Property Tax Relief – Re: Invitation to participate in the upcoming meetings to identify and examining the root causes of New York’s property tax burden: Wednesday, March 5, 2008 in Long Island/Westchester; Thursday, March 20, 2008 in Rochester; Wednesday, April 2, 2008 in Buffalo; Thursday, April 10, 2008 in Syracuse; and Wednesday, April 23, 2008 in Albany. Referred to: Steuben County Legislature.

February 25, 2008
NYS Office of Parks, Recreation & Historic Preservation – Re: (Updated Letter) 2007-2008 application for Snowmobile Trail Development & Maintenance Assistance has been approved for $19,800. The grant will provide assistance in maintaining 99 miles of approved trails. The snowmobile program is sponsoring a one day program for county/government employee representatives who administer the snowmobile trail program to attend a conference on March 19, 2008 at the Double tree Hotel in Syracuse, New York. Referred to: A.I.P. Committee and Greg Heffner, Planning Director.

February 27, 2008
Steuben County Hunger Coalition – Re: Letter acknowledging the generous gift to the food banks of the Southern Tier. Referred to: Steuben County Legislature and Greg Heffner, Planning Director.
February 29, 2008
NYS Office for the Aging – Re: The 2008-2012 Four Year Plan (FYP) and the Annual Implementation Plan for 2008-09 for Steuben County Office for the Aging has been approved. Additionally, applications for Older Americans Act Title III-B, Title III-C-1, Title III-C-2, Title III-D and Title III-E funds have also been approved. Also the application for State aid under the Expanded In-home Services for the Elderly Program, the Community Services for the Elderly Program, the Supplemental Nutrition Assistance Program, and the Congregate Services Initiative and Caregiver Resource Center Renewal Application for 4/1/08-3/31/09 has been approved. Referred to: Human Services Committee and Linda Tetor, OFA Director.

Bishop Sheen Ecumenical Housing Foundation, Inc. – Re: Availability of funding for the Home and Access to Home Programs. A request to provide agreement letters from the service providers/referral agencies by Tuesday, March 11, 2008. Referred to: Greg Heffner, Planning Director.

March 3, 2008
Western Regional Off-Track Betting Corporation – Re: Check in the amount of $5,538 representing the January 2008 retained surcharge revenue for Steuben County from the WROTBC. Referred to: Rules and Finance Committees; and Larry Crossett, County Treasurer.

NYS Office for the Aging – Re: Revised notification of the Grant Award (NGA) and Annual Implementation Plan budget for the CSI program for the period of April 1, 2007 through March 31, 2008. Referred to: Human Services Committee and Linda Tetor, Director, OFA.

NYS Department of Environmental Conservation Division of Water – Re: Notice of Dam Safety Regulation Public Hearings that have been scheduled for the following dates: Tuesday, April 15, 2008 at the Samuel Morse Site in Poughkeepsie, New York from 10:00am-2:00pm; Friday, April 18, 2008 at the Holiday Inn Rochester-Marketplace in Rochester, New York from 10:00am-2:00pm; and Friday, May 2, 2008 at the NYSDEC in Albany, New York from 10:00am-2:00pm. Referred to: A.I.P. Committee and Greg Heffner, Planning Director.

NYS Department of Transportation – Re: Notification that vouchers were recently sent to the State Comptroller that distribute “clean-up” SFY 2007-2008 Statewide Mass Transportation Operating Assistance (STOA) payments to the upstate formula bus systems. The next quarterly payment you should anticipate will be the first quarter SFY 2008-2009 STOA distribution due in May, 2008. Referred to: Greg Heffner, Planning Director.

United Way of the Southern Tier – Re: A thank you letter, as well as the 2007 Silver Employee Award to Steuben County for their dedication and results from the United Way Campaign. Referred to: Ken Peaslee, IT Director.

March 4, 2008
Harris Beach PLLC, Attorneys at Law – Re: Steuben County Industrial Development Agency and Automated Cells & Equipment: Distribution of Form RP-412a and Amended and Restated Payment in Lieu of Tax Agreement (Amended PILOT Agreement). Referred to: Finance and Administration Committees; Carol Whitehead, County Treasurer; Donna Hatch, RPTSA Director; and Fred Ahrens, County Attorney.

Harris Beach PLLC, Attorneys at Law – Re: Steuben County Industrial Development Agency and Canandaigua Power Partners, LLC: Distribution of Form RP-412a and PILOT (payment in lieu of taxes) Agreement (DUTCH HILL PROJECT). Referred to: Finance and Administration Committees; Carol Whitehead, County Treasurer; Donna Hatch, RPTSA Director; and Fred Ahrens, County Attorney.

Harris Beach PLLC, Attorneys at Law – Re: Steuben County Industrial Development Agency and Canandaigua Power Partners, LLC: Distribution of Form RP-412a and PILOT (payment in lieu of taxes) Agreement (COHOCTON PROJECT). Referred to: Finance and Administration Committees; Carol Whitehead, County Treasurer; Donna Hatch, RPTSA Director; and Fred Ahrens, County Attorney.
March 7, 2008
NYS Office of Parks, Recreation and Historic Preservation – Re: Notification that the Rowe House located at 11763 CR 38, Wayland, New York, has been listed on the National Register of Historic Places. Properties owned by municipalities and not-for-profit organizations are eligible to apply for state historic preservation matching grants. Referred to: A.I.P. Committee; Greg Heffner, Planning Director; and Twila O’Dell, Historian.

Fortuna Energy Inc. – Re: Notice of intent to construct a natural gas gathering pipeline in the Towns of Bradford and Campbell, New York. Referred to: A.I.P. Committee; and Gregory P. Heffner, Planning Director.

Bishop Sheen Ecumenical Housing Foundation, Inc. – Re: A request to provide municipal certification, as well as a letter of support, no later than Friday, March 14, 2008 in order for them to apply for funds through the NYS Affordable Housing Corporation. Referred to: Greg Heffner, Planning Director.

March 10, 2008
Regional Economic Development & Energy Corporation – Re: Additional information provided with regards to their funding request. Referred to: A.I.P. Committee and Greg Heffner, Planning Director.

Steuben County Industrial Development Agency – Re: Notice of public hearing for the Howard Wind LLC project on Thursday, April 10, 2008 at 5:00pm, at the Town of Howard Fire Hall, 3622 County Route 70A, Avoca New York 14830 (25 Wind Turbines located in the Town of Howard, Steuben County). Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.

Harris Beach PLLC, Attorneys at Law – Re: Steuben Tobacco Asset Securitization Corporation Annual Meeting and Accountability Materials. Referred to: Administration Committee; Fred Ahrens, County Attorney; and Carol Whitehead, County Treasurer.

March 12, 2008
NYS Office for Small Cities – Re: Notification to submit the Federal Assistance Expenditure Form as soon as possible. Referred to: Greg Heffner, Planning Director and Carol Whitehead, Treasurer.

United States Senate – Re: Notification of applications being accepted for Picturing America, a new initiative of the NEH (National Endowment for the Humanities) We the People program. These applications are due by Tuesday, April 15, 2008. Referred to: Health & Education Committee.

NYS Office of Real Property Services – Re: Notification of approval for the 2007-2008 CPTAP County Assessing Initiative Award #A46 in the amount of $25,000 for the preparation of a study to implement a county-wide assessing program. Referred to: Administration Committee; Donna Hatch, Real Property Tax Director; and Carol Whitehead, Treasurer.

NYS Department of Motor Vehicles - Re: Biennial Report: Handicapped Parking Education Programs - due to the State DMV on or before 4/1/08, as required by the Vehicle & Traffic Law, §1203-g(3)(b). Referred to: Public Safety & Corrections Committee and Sheriff Tweddell.

Vote: Acclamation – Adopted.

RESOLUTION NO. 061-08


ACCEPTING AND RECOMMENDING APPROVAL OF THE “FACILITIES MASTER PLAN “2008” FOR CORNING COMMUNITY COLLEGE.
WHEREAS, the State University of New York requires all Community Colleges to prepare a “Facilities Master Plan”; and

WHEREAS, Corning Community College has engaged Joy, McCoola & Zilch, Architects and Planners to develop and prepare a current “Facilities Master Plan 2008”; and

WHEREAS, the architects and planners have worked with the State University Construction Fund, and the Corning Community College faculty and administration to develop a “Facilities Master Plan 2008” intended to meet the College needs; and

WHEREAS, the “Facilities Master Plan 2008” was presented to members of the Steuben County Health & Education Committee at the Committee’s regular monthly meeting on March 5, 2008; and

WHEREAS, the Steuben County Health & Education Committee accepted and recommended approval of the “Facilities Master Plan 2008” for Corning Community College, as presented to the Committee.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature hereby accepts and approves the “Facilities Master Plan 2008” for Corning Community College as prepared by Joy, McCoola & Zilch; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to Dr. Floyd Amann, President of Corning Community College, One Academic Drive, Corning, NY 14830.

Vote: Roll Call – Adopted. (Mr. Creath abstained)

RESOLUTION NO. 062-08

Introduced by P. McAllister. Seconded by All Legislators.

FINAL ADOPTION LOCAL LAW TENTATIVELY NO. ONE FOR THE YEAR 2008 ENACTING A REAL PROPERTY TAX EXEMPTION FOR COLD WAR VETERANS.

WHEREAS, there has been duly presented to the members of the Steuben County Legislature on February 25, 2008, County of Steuben Local Law Tentatively No. One for the Year 2008, relative to enacting a real property tax exemption for Cold War veterans, and this Legislature by resolution, preliminarily adopted said Local Law on February 25, 2008, making the final adoption of said Local Law subject to a Public Hearing to be held on March 24, 2008; 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 24, 2008, 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 2008, 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 2008

A LOCAL LAW enacting a real property tax exemption for Cold War veterans.
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 adopt a Local Law to provide a qualified owner an exemption for qualifying residential real property from taxation to the extent of fifteen percent of the assessed value of such property which exemption shall not exceed twelve thousand dollars and in addition to provide a disability exemption to the multiple of fifty percent of the disability rating not to exceed forty thousand dollars, all as set forth in Real Property Tax Law Section 458-b.

SECTION 2: COLD WAR VETERANS EXEMPTION

(c) As is authorized by Real Property Tax Law Section 458-b, the County of Steuben does hereby provide that qualifying residential real property shall be exempt from taxation to the extent of fifteen percent of the assessed value of such property; provided however, that such exemption shall not exceed twelve thousand dollars or the product of twelve thousand dollars multiplied by the latest state equalization rate of the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.

(d) In addition, as is authorized by Real Property Tax Law Section 458-b, to the exemption provided by paragraph (a) of this subdivision, where the Cold War veteran received a compensation rating from the United States veterans affairs or from the United States Department of Defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by fifty percent of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed forty thousand dollars, or the product of forty thousand dollars multiplied by the latest state equalization rate for the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.

SECTION 3: EFFECTIVE DATE

The within Local Law shall be effective immediately upon passage subject to Real Property Tax Law Section 458-b.

AND BE IT FURTHER RESOLVED, a Public Hearing on the within Local Law has been held on March 24, 2008 at 10:00 A.M. at the Legislative Chambers, 3 East Pulteney Square in the 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 proof of posting and publication to be 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 2008, the Clerk of this Legislature shall cause one certified copy thereof to be filed in the Office of the Steuben County Clerk, and one certified copy 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 Treasurer; the Director of Real Property Tax Services Agency; Steuben County Town Supervisors; Steuben County City Mayors; and Steuben County Town and City Assessors.

Vote: Roll Call – Adopted.

RESOLUTION NO. 063-08


PRESENTING LOCAL LAW TENTATIVELY NO. TWO FOR THE YEAR 2008 AUTHORIZING THE LEASE OF A PortION OF THE STEUBEN COUNTY LANDFILL TOGETHER WITH GAS ASSIGNMENTS AND OTHER REQUISITE DOCUMENTATION FOR SUCH PURPOSES TO IMPLEMENT A GAS TO ENERGY PROJECT AT SAID LANDFILL.

Pursuant to Article 5 of the County Law of the State of New York, Section 226-b thereof, and Municipal Home Rule Law Section 24.

WHEREAS, the Public Works and Finance Committees have recommended the County engage in a landfill gas to energy project at the Steuben County Landfill.

NOW THEREFORE, BE IT

RESOLVED, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. Two for the Year 2008, authorizing the lease of a portion of the Steuben County Landfill together with gas assignments and other requisite documentation for such purposes to implement a gas to energy project at said Landfill, as follows:

COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. TWO FOR THE YEAR 2008

A LOCAL LAW authorizing the lease of a portion of the Steuben County Landfill together with landfill gas assignments and other requisite documentation for such purposes to implement a landfill gas to energy project at said Landfill.

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

SECTION 1. LEGISLATIVE INTENT:

The County of Steuben owns and operates solid waste facilities located at the Turnpike Road in the Town of Bath. It is the intent of this Local Law to authorize the execution of a lease or leases, gas assignments and such other requisite documentation, hereafter "contracts", with a developer as may be necessary and desirable to develop a landfill gas utilization project at said landfill facilities.

SECTION 2. DEFINITIONS:

(a) "County" means the County of Steuben.
"Preferred Developer" means a municipality or other governmental body, public corporation or authority, private corporation, partnership or individual.

"Project" means the recovery of gas generated at the Steuben County Landfill for utilization as an energy product as resource therefrom as well as any ancillary uses, such as, but not limited to utilization of waste heat.

SECTION 3. AUTHORIZATION TO CONTRACT:

Notwithstanding the provisions of any other law, general, special or local relating to the length, duration and terms of contracts which a municipality may enter into, the County may enter into a contract or contracts with any preferred developer, upon such terms and conditions as may be agreed upon, for the Project or for landfill gas recovery, for a period not to exceed twenty-five years. Said contract or contracts with a Preferred Developer for the project shall be approved by resolution or other legalizing act of this Legislature. Award of any such contracts may be made upon an evaluation of proposals submitted in response to a request for proposals and need not be made pursuant to General Municipal Law Sections 103 or 120-w.

The County may make such contracts awarded to any responsible Preferred Developer selected pursuant to this subparagraph based on a determination by the County that the selected proposal is most responsive to the request for proposals and may negotiate with any proposer for Preferred Developer status.

SECTION 4. EFFECTIVE DATE:

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

BE IT FURTHER RESOLVED, before said Local Law is adopted by the Steuben County Legislature, a Public Hearing shall be held at the Legislative Meeting on April 28, 2008, at 10:00 A.M. or such other date and time that may be adjourned, at Steuben County Offices, 3 East Pulteney Square, Bath, New York 14810, and the Local Law is subject to a permissive referendum of the qualified electors of the County of Steuben by filing of a legal petition within forty-five (45) days after its final adoption, with the Clerk of the Legislature of the County of Steuben protesting such Local Law; and be it further

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 064-08


AUTHORIZING THE CONSTRUCTION OF CELL NO. 2 AT THE STEUBEN COUNTY SANITARY LANDFILL, IN AND FOR THE COUNTY OF STEUBEN, NEW YORK, AT A MAXIMUM ESTIMATED COST OF $7,815,000 AND AUTHORIZING THE ISSUANCE OF $6,400,000 BONDS OF SAID COUNTY TO PAY THE COST THEREOF.
WHEREAS, all conditions precedent to the financing of the capital project construction of Cell No. 2 hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital project.

NOW THEREFORE, BE IT

RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the County Legislature of the County of Steuben, New York, as follows:

Section 1. The construction of Cell No. 2 at the Steuben Sanitary Landfill, in and for the County of Steuben, New York, including capping costs for Cell No. 1, as well as other incidental improvements and costs and expenses in connection therewith, is hereby authorized at a maximum estimated cost of $7,815,000.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is (i) by the issuance of $6,400,000 bonds of said County hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law, and (ii) by the application of grants and/or other available funds.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty years, pursuant to subdivision 6-a of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the County Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said County Treasurer, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said County of Steuben, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property in said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the County Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as the County Treasurer shall deem best for the interests of the County.

Section 7. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the County Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the County Treasurer. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the County Treasurer shall determine.
Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or

2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Public Works; Fiscal Advisors and Marketing, Inc., Attention: John Shehadi, CIPFA, 120 Walton Street - Suite 600, Syracuse, NY 13202; Thomas E. Myers, Esq., ORRICK, HERRINGTON & SUTCLIFFE LLP, 666 Fifth Avenue, New York, NY 10103-0001; and Kevin E. Voorhees, Barton & Loguidice, P.C., 290 Elwood Davis Road, Box 3107, Syracuse, NY 13220.

Vote: Roll Call – Adopted.

RESOLUTION NO. 065-08


AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT FOR THE REPLACEMENT OF BIN 3334460, CR 73 OVER THE TIOGA RIVER, TOWN OF LINDLEY, STEUBEN COUNTY, PIN 6754.07, AND APPROPRIATING FUNDS THEREFORE.

WHEREAS, a Project for the replacement of BIN 3334460, County Route 73 over the Tioga River, Town of Lindley, Steuben County, PIN 6754.07 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

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

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature, duly convened does hereby approve the above-subject Project; and be it further

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

RESOLVED, that the Steuben County Legislature has requested that the New York State Department of Transportation appropriate property necessary for the Project; and be it further

RESOLVED, that the County of Steuben agrees to accept title and maintenance responsibilities of the appropriated property upon completion and acceptance of the Project; and be it further

RESOLVED, that the updated sum of $363,000.00 is hereby appropriated and made available to cover the cost of participation in the above phases of the Project (of which $325,000.00 has been previously appropriated); and the County of Steuben has issued an additional check in the amount of $7,600.00 payable to the New York State Department of Transportation. (The County of Steuben has previously submitted Check No. 051436 in the amount of $5,000.00 covering the cost of the non-Federal share of the original estimated phase amount of $25,000) for the Administration of the Right-of-Way Incidental and Acquisition phases of the Project by the New York State Department of Transportation; and be it further

RESOLVED, that in the event the full Federal and non-Federal share costs of the Project exceeds the amount appropriated above, the Steuben County Legislature 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 be it further

RESOLVED, that the Chairperson of the Steuben County Legislature of the County of Steuben be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Steuben with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid and State-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project; and be it further

RESOLVED, this resolution shall take effect immediately.

Vote: Roll Call – Adopted.

RESOLUTION NO. 066-08

Introduced by R. Nichols. Seconded by F. Gehl.

AUTHORIZING THE ACCEPTANCE OF APPROXIMATELY 1.05 MILES OF STATE ROUTE 15 FROM THE NEW YORK/ PennsylvaniA LINE NORTH TO A POINT 1100' SOUTH OF WATSON CREEK ROAD IN THE TOWN OF LINDLEY FROM THE STATE OF NEW YORK.

WHEREAS, the Public Works Committee of the Steuben County Legislature, at their October 2, 2007 meeting, approved the acceptance of approximately 1.05 miles of State Route 15 from the New York/Pennsylvania Line north to a point 1100' south of Watson Creek Road in the Town of Lindley from the State of New York; and

WHEREAS, the acceptance of this property in its entirety is inclusive of all Rights, Titles and Interests and is contingent upon notification by the New York State Department of Transportation of the approval of this abandonment; and

WHEREAS, this abandonment is in accordance with Section 10, Article 2, Paragraph 32 of the New York State...
Highway Law.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Steuben County Legislature, duly convened, does hereby approve the above-subject abandonment; and be it further

**RESOLVED**, that upon the completion and acceptance of Mile 1 of State Route 15 (proposed Route I99) - New York/Pennsylvania Line to Watson Creek, and if the State of New York approves the abandonment of all Rights, Titles, and Interests now held by the People of the State of New York in and to the existing State Route 15 Highway Right-of-Way from the New York/Pennsylvania Line northerly approximately 1683 meters, (5520 feet), to a point approximately 335 meters, (1100 feet), southerly from the intersection of the existing State Route 15 with Watson Creek Road; and be it further

**RESOLVED**, that upon notification by the New York State Department of Transportation of the approval of said abandonment, the Steuben County Legislature hereby approves the acceptance of the above-subject property in its entirety inclusive of all Rights, Titles and Interests; and be it further

**RESOLVED**, that the Chairperson of the Steuben County Legislature of the County of Steuben be and is hereby authorized to execute all necessary agreements or certifications on behalf of the County of Steuben with the New York State Department of Transportation in connection with the advancement or approval of the said abandonment; and be it further

**RESOLVED**, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation; Commissioner of Public Works; Steuben County Treasurer; and Steuben County Administrator.

Mr. Creath asked how does this fit in with the construction of Interstate 99? Mr. Spagnoletti stated when the State finishes the one mile of road to the Pennsylvania border, they will turn the road over to the County. Currently there is a temporary exit ramp that will be removed once they are done working on I-99. If the County takes possession of the road now, we could use that ramp to route traffic around while we are replacing the bridge. This will save a considerable amount of money as we won’t have to build a temporary bridge. Discussion followed.

**Vote**: Roll Call – Adopted.

**RESOLUTION NO. 067-08**

Introduced by D. Creath. Seconded by D. Farrand.

**ACCEPTING A GRANT PURSUANT TO SECTION 5311, TITLE 49, U.S.C., FOR THE PURCHASE OF BUSES AND RELATED EQUIPMENT AND MODIFYING THE STEUBEN COUNTY BUDGET TO APPROPRIATE FUNDS FOR THE PURCHASES AND TO ANTICIPATE AN EQUAL AMOUNT OF REVENUE.**

WHEREAS, the County of Steuben has been approved for a grant of funds by the New York State Department of Transportation, pursuant to Section 5311, Title 49, United States Code, for a Project described as the purchase of three buses, five bus stop shelters, bus stop signs, and related equipment; and

WHEREAS, the County of Steuben and the State of New York are entering into an Agreement which authorizes the undertaking of the Project and payment of the Federal and State shares for the Project; and

WHEREAS, the County of Steuben is also entering into an agreement with First Transit, Inc. which requires First Transit, Inc. to provide the ten (10) percent local match required for the Section 5311 Grant.
NOW THEREFORE, BE IT

RESOLVED, that the Chairman of the Steuben County Legislature and the Steuben County Planning Director, as appropriate, are hereby authorized to sign any and all Agreements between the County of Steuben and the State of New York for the above-named Project; any and all Agreements between the County of Steuben and any third party subcontractors necessary to complete the Project; and any and all Agreements between the County of Steuben and any vendor for the purchase and/or installation of vehicles and/or equipment or facilities necessary to complete the Project; and be it further

RESOLVED, that the Steuben County Treasurer is hereby authorized to modify the 2008 Steuben County Budget to account for the above-named Project in the amount of $329,600 and to anticipate a like amount of revenue, to include $263,680 Federal share, $32,960 from the State of New York, and $32,960 from First Transit, Inc.; and be it further

RESOLVED, that certified copies of this resolution shall be distributed to the Steuben County Planning Director; the Steuben County Treasurer; and to Bradley A. Thomas, First Transit, Inc., 17 Aviation Dr., Horseheads, NY 14845.

Vote: Roll Call – Adopted.

RESOLUTION NO. 068-08

Introduced by D. Creath and P. Donnelly. Seconded by F. Gehl.

ACCEPTING AND APPROPRIATING COURT FACILITIES REIMBURSEMENT AID IN THE AMOUNT OF $19,764 FOR TENANT WORK COMPLETED IN THE JUDICIAL OFFICES IN THE COUNTY OFFICE BUILDINGS.

WHEREAS, Steuben County Buildings and Grounds Department has been reimbursed for the judicial space tenant work in the County Office Buildings; and

WHEREAS, it is desirable to accept the reimbursement for tenant work.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature hereby accepts the Judicial Facilities Reimbursement Aid in the amount of $19,764; and be it further

RESOLVED, the Steuben County Treasurer is authorized and directed to appropriate the following amounts in the Office Renovations Capital Project (HB0105):

43021000-Court Facilities Aid (Revenue)
5250000-Capital Project (Expense)

AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the County Administrator; Superintendent of Buildings and Grounds; and the County Treasurer.

Vote: Roll Call – Adopted.
RESOLUTION NO. 069-08

Introduced by D. Creath and P. Donnelly. Seconded by J. Walsh.

ACCEPTING AND APPROPRIATING A GRANT IN THE AMOUNT OF $188,194 IN COURT FACILITIES REIMBURSEMENT AID FOR THE REPAIR AND RENOVATION OF THE JUDICIAL OFFICES IN THE BALCOM HOUSE AND APPROPRIATING AN ADDITIONAL $86,806 FROM THE BUILDING REPAIR AND RENOVATION RESERVE FOR THE COUNTY SHARE OF THE REPAIR AND RENOVATION OF THE BALCOM HOUSE, KNOWN AS THE CAPITAL PROJECT "BALCOM HOUSE CHAMBER RENovation".

WHEREAS, the Superintendent of Buildings and Grounds has been notified that Steuben County has been awarded a grant to renovate the judicial space at the Balcolm House; and

WHEREAS, it is desirable to accept the grant to improve this property.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature hereby accepts the Judicial Facilities Reimbursement Aid in the amount of $188,194; and be it further

RESOLVED, the County Administrator is authorized to execute all documents necessary to facilitate receipt of the grant; and be it further

RESOLVED, the Steuben County Treasurer is authorized and directed to appropriate the following amounts in the 2008 budget:

- Appropriating to the Balcolm House Chamber Renovation Capital Project (HB0502)-
  - $188,194 43021000-Court Facilities Aid
  - $ 86,806 45031900-Interfund Transfer
  - $275,000 5250000-Capital Projects

Appropriating the transfer of the County share of $86,806 from the Repair and Renovations Reserve Account A-38781620- to Transfer to Capital Projects - 995000-5963000

AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the County Administrator; Superintendent of Buildings and Grounds; and the County Treasurer.

Vote: Roll Call – Adopted.

RESOLUTION NO. 070-08

Introduced by P. Donnelly. Seconded by D. Stachnik.

AUTHORIZING THE REVISION OF THE CONTRACT WITH NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (NYS DEC) TO INCREASE THE FUNDING FOR THE NICHOL INN REMEDIATION PROJECT BY $76,049.12.

WHEREAS, the Nichol Inn property #037-20-1-12.000 in the Town of Pulteney has been sited as being in need of remediation by the NYS DEC; and

WHEREAS, Steuben County applied for a grant pursuant to Resolution #013-06 adopted 01-23-06 and subsequently received an award of $113,788 for this purpose; and
WHEREAS, the contract with NYS DEC has been expanded to include the remediation phase of the project with increased State funding; and

WHEREAS, the County is required to provide a share of the funding for this project.

NOW THEREFORE, BE IT

RESOLVED, the County Treasurer is hereby authorized and directed to appropriate State grant funds of $62,258.00 plus the County match of $13,791.12; $8,522.34 from Account A 136400 42701000 and $5,268.78 from Account A 136400 5413400 to said Capital Project 1364H1 5250000 in the amount of $76,049.12; and be it further

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

Mr. Weaver asked is this an increase on the previous amount? Mr. Spagnoletti stated since the original estimate, we’ve discovered that the siding on the building is asbestos so it will cost more due to the abatement.

Vote: Roll Call – Adopted.

RESOLUTION NO. 071-08

Introduced by D. Creath. Seconded by R. Nichols.

APPROVING THE ADDITION OF AGRICULTURAL LANDS TO CERTIFIED AGRICULTURAL DISTRICTS.

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 has reviewed the matter, found the land to be viable for agricultural production, and submitted a report to this Legislature; and

WHEREAS, inclusion of these viable agricultural lands in certified agricultural districts will serve the public interest by helping to maintain the agricultural industry of Steuben County; and

WHEREAS, the Steuben County Legislature gave legal notice of and held the required public hearing of this matter on the 24th day of March, 2008 at 10:00 a.m.

NOW THEREFORE, BE IT

RESOLVED, that the following tax parcels shall be added to Agricultural District No. 7:

<table>
<thead>
<tr>
<th>Parcel Number</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>463289 182.00-01-001.210</td>
<td>464000 025.00-01-032.100</td>
</tr>
<tr>
<td>463289 182.00-01-004.000</td>
<td>464000 025.00-01-033.000</td>
</tr>
<tr>
<td>463289 182.00-01-017.200</td>
<td>464000 026.00-01-014.000</td>
</tr>
<tr>
<td>464000 025.00-01-027.000</td>
<td>464000 026.00-01-016.000</td>
</tr>
<tr>
<td>464000 038.00-01-031.110</td>
<td>464000 038.00-01-031.200</td>
</tr>
<tr>
<td>464000 038.00-01-039.100</td>
<td>464000 039.00-01-001.000</td>
</tr>
</tbody>
</table>
AND BE IT FURTHER RESOLVED, that the following tax parcels shall be added to Agricultural District No. 17:

462289 085.00-01-006.110 462289 085.00-01-006.200 462289 099.00-01-021.1
AND BE IT FURTHER RESOLVED, that certified copies of this resolution shall be forwarded to the Chairman of the County Agricultural and Farmland Protection Board, Andrew Spencer, 8997 Burns Rd., Arkport NY 14807; the Director of the Steuben County Planning Department; James Grace, Cornell Cooperative Extension - Steuben County; Patrick Hooker, Commissioner, New York State Department of Agriculture and Markets.

Vote: Roll Call – Adopted.

RESOLUTION NO. 072-08

Introduced by P. Roche. Seconded by T. Schwartz.


BE IT RESOLVED, the regular meeting of the Steuben County Legislature be, and the same hereby is, established for May 2008, on Tuesday, May 27, 2008 at 10:00 A.M. in the Legislative Chambers, 3 East Pulteney Square, Bath, New York; and be it further RESOLVED, the date and time of any Public Hearings arising by virtue of the within meeting which are inconsistent with this resolution be and the same hereby are amended to reflect the date and time above-stated; and be it further RESOLVED, the Clerk of this Legislature shall forward the necessary, proper and legal notice of the above meeting to all County Legislators and Department Heads of the County of Steuben.

Vote: Acclamation – Adopted.

RESOLUTION NO. 073-08

Introduced by D. Creath. Seconded by S. VanEtten.

APPOINTING MEMBERS TO THE MARSH DITCH WATERSHED PROTECTION DISTRICT ADMINISTRATIVE BOARD.

WHEREAS, vacancies have occurred on the Marsh Ditch Watershed Protection District Administrative Board; and

WHEREAS, the following appointees have been recommended for appointment by the District's Board of Directors, the Soil and Water Conservation District, and the Agriculture, Industry & Planning Committee of the Steuben County Legislature for the term as indicated:

Andrew Merry 
8507 Canaseraga Road, Arkport, NY 14807 01/01/07 – 12/31/10

Robert Mahany
10046 Route 36 South, Dansville, NY 14437 01/01/07 – 12/31/10

Gary Mahany
8790 Oak Hill Road, Arkport, NY 14807 01/01/08 – 12/31/11

Andrew Spencer
8997 Burns Road, Arkport, NY 14807 01/01/08 – 12/31/11

John Auckland
8790 Oak Hill Road, Arkport, NY 14807 01/01/08 – 12/31/11
NOW THEREFORE, BE IT

RESOLVED, that these appointees are hereby appointed to the Marsh Ditch Watershed Protection District Administrative Board for terms as indicated; and be it further

RESOLVED, members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Marsh Ditch Watershed Protection District Administrative Board; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointees; the Steuben County Auditor; and the Steuben County Soil & Water Conservation District.

Vote: Acclamation – Adopted.

RESOLUTION NO. 074-08

APPOINTING MEMBERS TO THE SOUTHERN TIER CENTRAL REGIONAL PLANNING AND DEVELOPMENT BOARD.


RESOLVED, the recommended appointments made by the Chairman of the Steuben County Legislature for membership on the Southern Tier Central Regional Planning and Development Board and set forth below are hereby approved, ratified and confirmed for two (2) year terms commencing January 1, 2008, ending December 31, 2009.

LEGISLATOR MEMBERS
1. Scott J. VanEtten, 11310 Hendy Hollow Road, Corning, NY
2. Donald B. Creath, 86 Cintra Lane East, Corning, NY
3. Philip J. Roche, Esq., 145 West High Street, Painted Post, NY

REPRESENTATIVE OF STEUBEN COUNTY PLANNING BOARD
1. Gregory Heffner, Director, Steuben County Planning Department

MUNICIPAL OFFICIALS
1. Jim Goodling, Economic Development Director, City of Corning
2. Honorable Shawn Hogan, Mayor, City of Hornell

REGIONAL COMMERCE - BUSINESS REPRESENTATIVE
1. James W. Griffin, 40 Main St., Hornell, NY

REGIONAL AGRICULTURAL REPRESENTATIVE
1. Robert V. Nichols, 743 Thompson Rd., Addison, NY

AT-LARGE REPRESENTATIVE
1. Mark R. Alger, Steuben County Administrator

EX-OFFICIO MEMBERS
1. Steuben County Commissioner of Public Works
2. Steuben County Treasurer
3. Steuben County Agricultural Program Leader
4. Steuben County Attorney

AND BE IT FURTHER RESOLVED, the members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Southern Tier Central Regional Planning and Development Board; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointees; the New York State Division of Community Affairs, 162 Washington Ave., Albany, NY, 12231; the County Auditor and to Marcia Weber, Executive Director, Southern Tier Central Regional Planning and Development Board, 8 Denison Parkway East, Suite 310, Corning, NY.

Vote: Acclamation – Adopted.

RESOLUTION NO. 075-08

Introduced by P. Roche. Seconded by S. VanEtten.

APPOINTING MEMBERS TO THE STEUBEN COUNTY YOUTH BOARD.


WHEREAS, by resolution of the Steuben County Board of Supervisors duly adopted on the 21st day of March 1977, a Steuben County Youth Board was established.

NOW THEREFORE, BE IT

RESOLVED, the following individuals are hereby appointed and designated as members of the Steuben County Youth Board for a term commencing on January 1, 2008 through December 31, 2008.

1. Mark R. Alger, Steuben County Administrator, 3 E. Pulteney Sq., Bath, NY 14810
2. Kathryn A. Muller, Steuben County DSS Commissioner, 3 E Pulteney Sq., Bath, NY 14810
3. Peter Bradstreet, Family Court Judge, 3 E. Pulteney Sq., Bath, NY 14810
4. Amy L. Christensen, Southern Tier Legal Services, 104 E. Steuben St., Bath, NY 14810
6. Patrick J. Fuller, 7617 County Route 20, Bradford, NY 14815 (youth)
7. Kris Pashley, Director, Corning Parks & Recreation, 8 Civic Cent. Plz., Corning, NY 14830
8. Patrick Rogers, Director, Institute for Human Services, 6666 County Rd. 11, Bath, NY 14810
9. Cora Saxton, 310 E. Naples St., Wayland, NY 14572
10. Rhonda Sweet, Five Star Bank, 44 Liberty St., Bath, NY 14810
11. Milt VonHagn, 4 Mountainview Rd., Bath, NY 14810

AND BE IT FURTHER RESOLVED, the members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Youth Board; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above named designees; Lydia Dzus, NYS Office of Children & Family Services, Youth Development, 259 Monroe Ave., Room 309, Rochester, NY 14607; the Steuben County Auditor, and the Steuben County Youth Bureau Director.

Vote: Acclamation – Adopted.

RESOLUTION NO. 076-08

84 Monday, March 24, 2008
APPOINTING MEMBERS TO THE DISTRICT FOREST PRACTICE BOARD, REGION 8.


WHEREAS, the term of office of the Legislative representative of the District Forest Practice Board, Region 8, expired December 31, 2007; and

WHEREAS, the term of office of the Non-Legislator members of the District Forest Practice Board, Region 8, expired February 28, 2008; and

WHEREAS, the New York State Department of Environmental Conservation has requested that Steuben County appoint one (1) Legislative representative for a term of two (2) years and two (2) Non-Legislator members for terms of three (3) years, and that said Non-Legislator members be owners or representatives of corporate owners of forest land in Steuben County.

NOW THEREFORE, BE IT

RESOLVED, the Chairman of this Legislature hereby appoints Randolph J. Weaver, Legislator, District 1, as Legislator member of the District Forest Practice Board, Region 8, for a term of two (2) years commencing January 1, 2008 through December 31, 2009, and not beyond his term of office as County Legislator; and be it further

RESOLVED, the Chairman of this Legislature hereby appoints David Generalli and Robert Franzen as Non-Legislator members of the District Forest Practice Board, Region 8, for a term of three (3) years commencing February 29, 2008 through February 28, 2011; and be it further

RESOLVED, members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the District Forest Practice Board; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointees at 181 Seneca Street, Hornell, NY 14843; 487 Bennett Parkway, Hornell, NY 14843 and 2801 Davis Road, Corning, NY 14830, respectively; the County Auditor and to the Forestry Division of the NYS Department of Environmental Conservation, 7291 Coon Road, Bath, NY, 14810-7923.

Vote: Acclamation – Adopted.

RESOLUTION NO. 077-08

APPOINTING A REPRESENTATIVE TO THE STEUBEN COUNTY JURY BOARD.

Pursuant to Section 503 of the Judiciary Law of the State of New York.

WHEREAS, Resolution No. 188-88, adopted by the Steuben County Legislature on May 23, 1988, appointed a Legislative Representative to the Steuben County Jury Board; and

WHEREAS, the term of the Legislative Representative to said Jury Board has expired.

NOW THEREFORE, BE IT
RESOLVED, Patrick F. McAllister, Steuben County Legislator representing District 4, is hereby appointed as the Legislative Representative to the Steuben County Jury Board for a two-year term commencing January 1, 2008 and expiring December 31, 2009; and be it further

RESOLVED, said representative shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of his duties on the Steuben County Jury Board; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointee; the Administrative Justice of the Seventh Judicial District of the State of New York, Supreme Court Chambers, Hall of Justice, Rochester, NY; the Commissioner of Jurors; the County Clerk; and the County Auditor.

Vote: Acclamation – Adopted.

RESOLUTION NO. 078-08

Introduced by P. Roche. Seconded by S. VanEtten.

APPOINTING MEMBERS TO THE E 911 ADVISORY BOARD.

WHEREAS, the Steuben County Legislature adopted Resolution No. 058-02 on February 25, 2002, appointing the members of the E911 Advisory Board; and

WHEREAS, the Board members were appointed to serve three-year rotating terms with the initial appointments including seven (7) members appointed for three (3) years; seven (7) members appointed for two (2) years, and three (3) members appointed for one (1) year; and

WHEREAS, the term of some board members expired December 31, 2007.

NOW THEREFORE, BE IT

RESOLVED, as recommended by the Chair of the Steuben County Legislature, the following individuals are hereby appointed (reappointed) to the E 911 Advisory Board for a three year term as indicated:

E 911 ADVISORY BOARD

<table>
<thead>
<tr>
<th>MEMBERS</th>
<th>TERM</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Fire Service Representatives (1 paid city; 3 volunteer)</strong></td>
<td></td>
</tr>
<tr>
<td>James Orme, Bath</td>
<td>01/01/08 – 12/31/10</td>
</tr>
<tr>
<td>Joseph F. Dick, North Hornell</td>
<td>01/01/06 – 12/31/08</td>
</tr>
<tr>
<td>Brian McCarthy, Painted Post</td>
<td>01/01/06 – 12/31/08</td>
</tr>
<tr>
<td>Dan Smith, Hornell City Fire Chief (filling unexpired term of Vince Kelly)</td>
<td>01/01/07 – 12/31/09</td>
</tr>
</tbody>
</table>

| **Volunteer Ambulance Representatives**      |                       |
| Rick Andrews (Woodhull)                      | 01/01/07 – 12/31/09   |
| Gregg Learned (Hammondsport)                 | 01/01/08 – 12/31/10   |

| **Paid Ambulance Representative**            |                       |
| Alan Lewis, Rural Metro                      | 01/01/08 – 12/31/10   |

| **Local Police Representative**              |                       |
| David Rouse, Bath Village Police Chief       | 01/01/08 – 12/31/10   |
State Police Representative
Captain Jack Fay, Bath Zone Commander 01/01/08 – 12/31/10

Sheriff Representative
Richard C. Tweddell, Sheriff 01/01/08 – 12/31/10

City Police Representative
Salvatore Trentanelli, Corning City Police Chief 01/01/07 – 12/31/09

City At-Large Representatives
Shawn Hogan, Hornell City Mayor 01/01/07 – 12/31/09
Mark L. Ryckman, Corning City Manager 01/01/07 – 12/31/09

County Government Representative
Mark R. Alger, County Administrator 01/01/07 – 12/31/09
Alternate: Gregory P. Heffner
Planning Director/Deputy Administrator

County Legislature Representatives
Francis L. Gehl, District 2 (filling expired term of Lldon Jamison) 01/01/07 – 12/31/09
Brian C. Schu, District 6 (filling unexpired term of DeWitt Baker) 01/01/06 – 12/31/08
Philip J. Roche, Esq., Legislative Chair 01/01/07 – 12/31/09

Ex-Officio Members (Non-voting)
Timothy Wixom, E911 Director
Michael Sprague, EMO Director

AND BE IT FURTHER RESOLVED, the Chair of the Steuben County Legislature hereby appoints Mark R. Alger to serve as the Chair of the Advisory Board and Sal Trentanelli to serve as the Vice Chair of the Advisory Board; and be it further

RESOLVED, the members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the E911 Advisory Board; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointees and the County Auditor.

Vote: Acclamation – Adopted.

RESOLUTION NO. 079-08

Introduced by P. Roche. Seconded by S. VanEtten.

APPOINTING A REPRESENTATIVE TO THE FINGER LAKES HEALTH SYSTEMS AGENCY BOARD OF DIRECTORS AND THE SOUTHERN TIER SUBAREA COUNCIL.

BE IT RESOLVED, David McCarroll be, and he hereby is, appointed by this Steuben County Legislature as the Steuben County Consumer Representative on the Finger Lakes Health Systems Agency Board of Directors and the Southern Tier Subarea Council for a term of two (2) years commencing January 1, 2008 and ending December 31, 2009; and be it further
RESOLVED, said member shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of his duties on the Finger Lakes Health Systems Agency Board of Directors; and be it further

RESOLVED, a certified copy of this resolution be forwarded to the above-named appointee, the County Auditor and to the Finger Lakes Health Systems Agency, 1150 University Avenue, Rochester, New York 14607.

Vote: Acclamation – Adopted.

RESOLUTION NO. 080-08

Introduced by D. Creath. Seconded by T. Schwartz.

MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES IN SUPPORT OF FULL FUNDING FOR THE USDA RESOURCE CONSERVATION AND DEVELOPMENT PROGRAM.

WHEREAS, the Finger Lakes Resource Conservation and Development Council (RC&D) is a six-county organization which includes Steuben County, and is administered by the U.S. Department of Agriculture and affiliated with the Natural Resource Conservation Service; and

WHEREAS, in 2007 alone, the RC&D program was successful in obtaining over $1.5 million in grant funding for a variety of programs, including financial assistance to improve water quality, assist in support of local agriculture, support tourism, administer the Venison Donation program, and many others; and

WHEREAS, the Administration’s proposed budget reduces the number of RC&D Coordinators from 375, one for each council, to 50, one for each state; and

WHEREAS, the loss of the Coordinator for each council would seriously reduce the effectiveness of the councils in performing the variety of important tasks currently provided to the member counties.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature does hereby memorialize the President and the Congress of the United States to provide sufficient funding in the Farm Bill to support one fulltime Coordinator and administrative support for each RC&D council; and be it further

RESOLVED, that the RC&D funding in the Farm Bill should be provided as a sustained, long term, commitment to allow for the long term implementation which is characteristic of many RC&D projects; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to President George W. Bush, 1600 Pennsylvania Avenue, Washington, DC; Senator Charles E. Schumer, 313 Hart Senate Office Bldg., Washington, DC 20510-3202; Senator Hillary Rodham-Clinton, 476 Russell Senate Office Building, Washington, DC 20510; Congressman John R. Kuhl, Jr., 22 Buell Street, Bath, NY 14810; and Richard Winnett, Executive Director, Finger Lakes RC&D Council, 415 W. Morris St., Bath, NY 14810.

Vote: Acclamation – Adopted.
RESOLUTION NO. 081-08

Introduced by P. Donnelly. Seconded by D. Creath.

MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK IN OPPOSITION TO BILL S6649/A9894 WHICH WOULD PROHIBIT PUBLIC EMPLOYERS FROM REDUCING HEALTH CARE BENEFITS OR CONTRIBUTIONS MADE BY PUBLIC EMPLOYERS FOR THE PAYMENT OF HEALTH INSURANCE BENEFITS FOR PUBLIC SECTOR RETIREES.

WHEREAS, Steuben County was recently notified of proposed Bill S6649/A9894; and

WHEREAS, the Bill will prohibit counties and all municipal employers from diminishing the health insurance benefits, or the contributions made by the municipal employers for such benefits, for public retirees unless a corresponding diminution of benefits or contributions is affected from the present level for active employees; and

WHEREAS, municipal employers are finding themselves overburdened by the skyrocketing cost of health care coverage and despite this increasing cost, almost all municipalities provide some form of health insurance benefits to their retirees, often at little or no cost to the individual; and

WHEREAS, the broad language of this bill effectively locks all municipal employers to the existing benefit structure and contribution level for health insurance retirees thus eliminating potential cost savings options for governments desperately seeking ways to meet the financial challenges of today’s economic realities; and

WHEREAS, this Bill represents a new personnel mandate that would result in higher personnel costs for municipalities and increased property taxes; and

WHEREAS, increasing property taxes are in direct conflict with the desire of the Steuben County Legislature and with the stated intentions of the New York State Legislature and the Governor.

NOW THEREFORE, BE IT

RESOLVED, that the Governor and the New York State Legislature are urged to reject the proposed legislation S6649/A9894; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor David Paterson, Executive Chamber, State Capitol, Albany, NY  12224; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY  12247; Senate Minority Leader, Malcolm A. Smith, 508 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 717 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, James Tedisco, 933 Legislative Office Building, Albany, NY 12248; Senator George H. Winner, 802 Legislative Office Building, Albany, NY 12247; Assemblyman James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248; Stephen Acquario, Esq., Executive Director, New York State Association of Counties, 540 Broadway, 5th Floor, Albany, NY  12207; and to Wayne E. Zyra, President, Inter-County Association of Western New York, c/o Monroe County Legislature, 39 West Main Street, Rochester, NY  14614.

Mr. Schwartz asked for an explanation regarding this resolution.

Mr. Alger stated there’s a Bill in the Senate that would block public entities from being able to negotiate retiree benefits. With the new GASB 45 ruling, we need to have that capability.

Chairman Roche stated opposing this Bill would allow us the capability to change retiree health benefits if we choose to.
RESOLUTION NO. 082-08


MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK IN OPPOSITION TO THE PROPOSED CONSOLIDATION OF STATE TAXES ON MOTOR FUEL.

WHEREAS, the Governor’s proposal to consolidate all State taxes on motor fuel would also eliminate local sales taxes; and

WHEREAS, the conversion to a single State excise tax on motor fuel would effectively increase State revenues by $13 million in 2008-2009 and $56 million in 2009-2010; and

WHEREAS, the Counties will have the limited ability to monitor the new excise tax system; and

WHEREAS, it remains unclear what methodology would be employed to determine the City’s share of the County excise tax; and

WHEREAS, there are other means to achieve the improvements suggested.

NOW THEREFORE, BE IT

RESOLVED, that Steuben County Legislature urges the Governor and New York State Legislature to drop the proposed change to a State excise tax on motor fuel; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor David Paterson, Executive Chamber, State Capitol, Albany, NY 12224; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, Malcolm A. Smith, 508 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 717 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, James Tedisco, 933 Legislative Office Building, Albany, NY 12248; Senator George H. Winner, 802 Legislative Office Building, Albany, NY 12247; Assemblyman James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248; Stephen Acquario, Esq., Executive Director, New York State Association of Counties, 540 Broadway, 5th Floor, Albany, NY 12207; and to Wayne E. Zyra, President, Inter-County Association of Western New York, c/o Monroe County Legislature, 39 West Main Street, Rochester, NY 14614.

Mr. Donnelly stated this is another attempt by the State to take revenues away from the County. I urge everyone to support this.

Vote: Acclamation – Adopted.

RESOLUTION NO. 083-08


MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK TO MOVE FORWARD WITH THE REBASING OF ALL COUNTY NURSING FACILITIES IN THE STATE.

WHEREAS, the New York State Legislature recognized the deepening financial crisis confronting New York’s nursing facilities, especially the publicly sponsored facilities, by enacting reforms to update the 225-year old reimbursement system and provide transition payments to providers in 2007 and 2008; and

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Monday, March 24, 2008
WHEREAS, the State has not obtained the necessary federal waivers for the new methodology; and

WHEREAS, the State has failed to release the desperately needed transition payments.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature memorializes the Governor and the New York State Legislature to proceed with the necessary steps to implement the 2002 rebasing of rates for all County nursing facilities; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor David Paterson, Executive Chamber, State Capitol, Albany, NY 12224; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, Malcolm A. Smith, 508 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 717 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, James Tedisco, 933 Legislative Office Building, Albany, NY 12248; Senator George H. Winner, 802 Legislative Office Building, Albany, NY 12247; Assemblyman James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248; Stephen Acquario, Esq., Executive Director, New York State Association of Counties, 540 Broadway, 5th Floor, Albany, NY 12207; and to Wayne E. Zyra, President, Inter-County Association of Western New York, c/o Monroe County Legislature, 39 West Main Street, Rochester, NY 14614.

Vote: Acclamation – Adopted.

Motion to adjourn Regular Session and reconvene in Executive Session Pursuant to Public Officers’ Law, Article 7§105.1.E. Collective Negotiations Pursuant To Article Fourteen Of The Civil Service Law made by Mr. Donnelly, seconded by Mr. Weaver and duly carried.

Motion to adjourn Executive Session and reconvene in Regular Session made by Mr. Gehl, seconded by Mr. Ryan and duly carried.

Motion to adjourn Mr. Gehl, seconded by Mr. Ryan and duly carried.
The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 28\textsuperscript{th} day of April, 2008 at 10:00 a.m. and was called to order by the Chairman of the Legislature, Philip J. Roche, Esq.

Roll call and all members present.

Mr. Nichols offered the Invocation and the Pledge of Allegiance was led by Mr. Weaver.

Legislator Stachnik presented Cody Hutcheson with a Certificate of Commendation for winning the Division II, 171 pound class Wrestling Championships. Mr. Hutcheson stated the community has been very supportive and he would like to thank everyone for that.

Chairman Roche asked Margaret Hudacsek to come forward. Ms. Hudacsek is an employee in the Probation Department. Chairman Roche presented her with a pin and a Certificate of Appreciation in recognition of her 15 years of service with Steuben County.

Chairman Roche asked Patty Kelly to come forward. Ms. Kelly is an employee in the Buildings and Grounds Department. Chairman Roche presented her with a pin and a Certificate of Appreciation in recognition of her 25 years of service to Steuben County.

Chairman Roche asked Jennifer Bailey to come forward. Ms. Bailey is an employee in the County Clerk’s Office. Chairman Roche presented her with a pin and a Certificate of Appreciation in recognition of her 10 years of service to Steuben County.

Kathryn Muller stated as Commissioner of Social Services, it is a pleasure to represent the Steuben County Task Force for the Prevention of Child Abuse. The Task Force is made up of members from various agencies working with youth. I would like to thank our own Shelly Bentley, Assistant Director of Services within the department, for her dedication and hard work as coordinator of the Task Force. The month of April is proclaimed as Child Abuse Prevention Month. You may have noticed the t-shirt and t-shirt designs displayed in the lobby. The task force sponsored a countywide contest for fourth through sixth grades. The kids created t-shirt designs illustrating what it means to them to be a child. The winning designs are hanging on the display. Again, it is another effort on behalf of the task force in promoting the prevention of child abuse.

Commissioner Muller stated the Child Abuse Prevention Award is presented to an individual, or in this year’s case, a team ….the award recognizes outstanding efforts for helping the youth in our community to improve their lives. The team receiving this year’s award are employees of a program that serve countless children in the Corning area. This year’s recipient is the Corning Area Youth Center operating under the umbrella of the Family Service Society. If I could please ask the following individuals from the youth center to join me at the podium….Robin Foster, Executive Director; Michelle Mayer, Director Of Youth Programs; Tricia Shyre, Coordinator Of The Youth Center; Chris Remchuk, Brian Rose, Dennis Root, Beth Cronk, Joan Cates (26 year board member), Michael Gabrielle, President; and Brooks Baker, Board Member.

Commissioner Muller stated there were fourteen nominations made by members of numerous agencies and individuals in the community who have had some contact with those who have benefited from the Corning Area Youth Center.
Commissioner Muller stated the program at the Corning Area Youth Center provides a variety of safe and
well-supervised activities to youth from ages 8 to 18 regardless of social or economic situations. The
children receive free meals, opportunities to engage in recreational activities such as swimming, basketball, football, ping-pong, arts and crafts, and also many educational forums are offered. They also receive assistance with their homework and free computer access. Most importantly they are given an opportunity to develop healthy relationships with positive role models, all while developing their own sense of confidence, self-pride and hope for their future.

Commissioner Muller stated many of the children who have attended this program state this is their “safe place” and the place where they always feel accepted and supported; a place where they can go and laugh and have fun without worry. The children are able to develop a healthy relationship with an adult whom they can trust and talk about the things in life that may be troubling them.

Commissioner Muller stated the staff members of the Corning Area Youth Center also provide a support network for the parents of the children who attend this program. The center is a blessing to many parents who no longer have to worry about where their children will be or who they will be with during that time period after school and before the parents get home from work. The stress this can relieve and the support the youth center provides to these parents can be the one thing that prevents the parent from becoming abusive. Again, with a record high of 14 nominations, it is my distinct pleasure to present the 2008 Child Abuse Prevention Award to the Corning Area Youth Center. Congratulations and thank you for all you do for the children of our county.

John Clifford, Steuben County Director, Western Regional Off-Track Betting Corporation (“WROTBC”), stated thank you for having me here today. Mr. Clifford provided the Legislature with an overview on the beginnings of the WROTB Corporation. He stated there are three locations in Steuben County and the profits this year will exceed $80,000 for Steuben County alone. In addition to the OTB branches, WROTB owns and operates the harness track in Batavia. Thank you, it was my pleasure to be here with you today. The full text of the report has been filed with the Clerk of the Legislature for your review.

Chairman Roche asked what is the future of OTB? Mr. Clifford stated the video lottery terminals at Batavia Downs have insured the future of harness racing. Without those, the horse racing industry in Western New York was on its way out. He noted that they are planning a Legislative Day at Batavia Downs for some time in October. You will be receiving an invitation and I hope you attend. Discussion followed.

Ristiina Wigg, Southern Tier Library System, stated there are 17 public libraries in the County and we have 5 representatives here today who will speak with you about activities at their public libraries that were made possible through funding from the County.

Alice Taychert, Hornell Public Library, stated this past year we purchased a genealogical database for the library and the amount this database is used is outstanding. We have 8,000 people using the library on an annual basis. We have not had this database for a year yet, but we have already had over 5,000 people use this service.

Hope Decker, Cohocton Public Library, provided the Legislature with a newspaper article that describes their programs. She stated they purchase crafts and other items to encourage kids to come to the library. Our patron visits have increased due to the number of kids programs we have incorporated. We feel it is important that everybody has access to the library. Your funding helps us to provide these services and we thank you for your support.

Karen Deutsch, Wayland Free Library, stated our computers have had a huge impact on our library. We have people in our library every day using them. The County’s funding has helped provide the matching
funds needed for a separate grant that allows them to replace their computers with newer technology. Thank you.

Lorraine Nelson, Howard Public Library, stated as soon as I open our doors every day, people rush in to use our computers. She noted their computers are the only ones with a DSL line in Howard, which is why they are used so often. Thank you very much for our funds.

Carol Berry, Dormann Library, stated my Board of Directors and I have had many discussions on how to reach our young adults. One resource we have added is the Overdrive Audio Books that allow users to listen to books using an I-pod size device and a pair of head phones. We hope this will encourage our young adults to use the library.

Ms. Wigg stated as you can see, your funding has provided many resources for our libraries. Chairman Roche thanked the libraries for their presentation.

The Clerk of the Legislature read the Notice of Public Hearing and provided proof of posting and publication regarding the Public Hearing upon Local Law Tentatively No. Two for the Year 2008, Authorizing the lease of a portion of the Steuben County Landfill together with landfill gas assignments and other requisite documentation for such purposes to implement a landfill gas to energy project at said landfill. Chairman Roche asked if there were any comments regarding this public hearing. There being none, he declared the public hearing closed.

The Clerk of the Legislature read the Notice of Public Hearing and provided proof of posting and publication regarding the Public Hearing authorizing and directing the Steuben County Treasurer to appropriate an amount up to $10,500 from the “Building Repair and Renovations Reserve” to a capital project entitled “Exterior Painting of Bath Courthouse”. Chairman Roche asked if there were any comments regarding this public hearing. There being none, he declared the public hearing closed.

Chairman Roche opened the floor for comments by members of the public.

Mark Stevens, Cameron Mills, stated I’m an employee in the Department of Public Works. I do not have a County vehicle and my job location in the County has been changed. With the price of gas continually rising, I can barely afford to drive to work. You need to do something about it.

There being no further comments, Chairman Roche closed the public comment portion of the meeting.

The minutes of the previous month’s meeting were adopted upon the motion of Mr. Nichols, seconded by Mr. McAllister and duly carried.

Mr. Nichols asked Mr. Spagnoletti to provide a report on the reduction of vehicles assigned to the Public Works Department.

Mr. Spagnoletti stated when he became Commissioner of Public Works in 1992 the issue was the number of pickups being driven home by Public Works employees. We worked with the Rules Committee, the Public Works Committee, the Law Department, County Administrator, Personnel Officer and the Union and we were able to reduce the number of pickups driven home by employees from 42 to 11. The whole reduction in pickups being driven home has been a good thing.
RESOLUTION NO. 084-08


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

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 Treasurer 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 Treasurer, together with the approved applications executed in duplicate by the Chairman of the County Legislature, and the Chairman of the Board of Assessors.

SCHEDULE "A"

Resolution # A-1
Name Charles Berlew
Parcel # 128.00-01-001.220
Municipality Avoca Town
Disposition Correction

Vote: Roll Call – Adopted.

RESOLUTION NO. 085-08

Introduced by P. Roche.        Seconded by R. Argentieri.

RECEIVING AND ACCEPTING THE APRIL 28, 2008 COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY ADMINISTRATOR’S OFFICE.

BE IT RESOLVED, that the following communications were received, accepted and filed by the County of Steuben, and referred to the appropriate Standing Committee and/or Department Head for information and/or action, to wit:

Proclamations Issued:
- Declaring the month of April as “Child Abuse Prevention Month” in Steuben County.
- Declaring April 2, 2008, as “Autism Day” in Steuben County.
- Declaring the week of April 21st- 25th as “Administrative Professional Week” in Steuben County.
- Declaring April 22, 2008 as “Earth Day” in Steuben County.
- Declaring the month of May as “Mental Health Month” in Steuben County.

March 14, 2008
NYS Office of Real Property Services – Re: Notification of approval for the 2007-2008 CPTAP County Tax Collection Information Initiative Award #T46 in the amount of $25,000 for the preparation of a study to implement a centralized county-level database for tax collection information. Referred to: Administration Committee; Donna Hatch, Real Property Tax Director; and Carol Whitehead, Treasurer.
NYS Office for the Aging – Re: 1st notification of Grant Award (NGA) for the federal fiscal year (FFY 2008) Nutrition Services Incentive Program (NSIP). Referred to: Human Services Committee; and Linda Tetor, OFA Director.

Steuben County Industrial Development Agency – Re: Notice of public hearing for Corning Property Management Corporation (the acquisition of title to or a leasehold interest in a parcel of land located at 107 Arthur Street in the City of Corning, Steuben County), on Tuesday, April 15, 2008 at 10:00am, in the Corning City Hall, 1 Nasser Civic Center Plaza, Second Floor Council Chambers, Corning, New York 14830. Referred to: A.I.P. Committee and Greg Heffner, Planning Director.

March 17, 2008
Empire State Development – Re: The new Governor’s commitment to reversing the trend of Upstater’s leaving New York to find work elsewhere, and his commitment to the $1 billion Upstate Revitalization Fund. Referred to: A.I.P. Committee and Greg Heffner, Planning Director.

Town of Cheektowaga – Re: Request to support and pass a resolution that would ban texting on cell phones while driving a vehicle. Referred to: Steuben County Legislature.

NYS Department of Environmental Conservation – Re: Request to have a County representative appointed on the Region 8 Open Space Advisory Committee. The nomination form needs to be returned by March 28, 2008. Referred to: A.I.P. Committee; Greg Heffner, Planning Director; and Judy Hunter, County Clerk.

United States Senate – Re: Notification of applications being accepted for Preservation Assistance Grants for Smaller Institutions Program. Applications must be submitted electronically through www.grants.gov by Thursday, May 15, 2008. Referred to: A.I.P. Committee; Greg Heffner, Planning Director; and Twila O’Dell, Historian.

United States Senate – Re: Notification of the application period for the 2008 Save America’s Treasures Grant Program is open from March 11, 2008 through Tuesday, March 20, 2008. Applications must be submitted electronically through www.grants.gov. Referred to: A.I.P. Committee; Greg Heffner, Planning Director; and Twila O’Dell, Historian.

New York State Association of Counties – Re: Notification that NYSAC Board of Directors voted to partner with the Municipal Electric and Gas Alliance (MEGA), a 10-year old consortium of counties that is based in Ithaca. Referred to: Greg Heffner, Planning Director and Jim Gleason, Purchasing Director.

March 19, 2008
New York State Electric & Gas Re: Case 29211 Order Requiring Submittal of Semiannual Inventory Reports of PCB (Pure Polychlorinated Biphenyls) Equipment. Referred to: Public Safety & Corrections Committee and Michael Sprague, EMO Director.

March 20, 2008
New York State Association of Counties Re: Memo on the New York State Department of Correctional Services’ Food Production Center Tour (“Cook/Chill” process) that is scheduled for Thursday, April 10, 2008 @ 10:30 a.m. in Rome, New York. Referred to: Public Safety & Correction Committee and Sheriff Tweddell.

March 24, 2008
NYS Department of Transportation - Re: Request to develop and forward project proposals for funding within the Safe, Accountable, Flexible, Efficient Transportation Equity Act, known as SAFTEA-LU. Referred to: Public Works and A.I.P. Committees; Vince Spagnoletti, PW Commissioner; and Greg Heffner, Planning Director.

Municipal Electric & Gas Alliance - Re: Offer to participate and designate a preferred supplier for renewable energy credits for participants in the Municipal Electric and Gas Alliance (MEGA). The agreement form and selection sheet needs to be faxed to (585) 235-3023 in order to participate. Referred to: Greg Heffner, Planning Director and Jim Gleason, Purchasing Director.
Steuben County Industrial Development Agency – The 2007 Steuben County Industrial Development Agency proposed Annual Report and the required backup documentation to meet the Public Authorities Accountability Act (PAA). Notification, going forward the annual reports will be posted on the SCIDA website and hard copies will not be generated. 

**Referred to:** A.I.P. Committee and Greg Heffner, Planning Director.

NYS Department of State – Re: The extension of the Expedited Deployment Grant Contract #C911093 has been approved by the 911 Board. **Referred to:** Public Safety & Correction Committee and Tim Wixom, 911 Director.

NYS Office of Real Property Services – Re: The assessment improvement study grant under the Centralized Property Tax Administration Program (2007-2008) and a request to provide a contact person who will be the liaison with ORPS during the study. **Referred to:** Administration Committee; Donna Hatch, Real Property Tax Director; and Carol Whitehead, Treasurer.

NYS Office of Real Property Services – Re: A study grant for a shared tax collection database under the Centralized Property Tax Administration Program (2007-2008) and a request to provide a contact person who will be the liaison with ORPS during the study. **Referred to:** Administration Committee; Donna Hatch, Real Property Tax Director; and Carol Whitehead, Treasurer.

Empire Pipeline – Re: Status on the construction of the Empire Connector Pipeline as well as notification of upcoming public hearing meetings for the impacted areas. **Referred to:** A.I.P. Committee and Greg Heffner, Planning Director.

Greater Southern Tier BOCES – Re: Letter with regards to Steuben County’s assistance in helping GST BOCES’ with the seniority status of therapists as a result of the merger with the former Steuben Allegany & Schuyler-Chemung-Tioga BOCES. **Referred to** Mark Alger, County Administrator and Robert Biehl, Personnel Director.

March 25, 2008
Corning Incorporated – Re: Letter encouraging Steuben County Industrial Development Agency to negotiate a PILOT agreement with JD Young on his Henkel Building project at 72 East Market Street in Corning, New York. **Referred to:** A.I.P. Committee and Greg Heffner, Planning Director.

March 26, 2008
Steuben County Industrial Development Agency – Re: Notice of public hearing for The Gunlock Company (a leasehold interest in a parcel of land located at One Gunlocke Drive in the Town of Wayland, Steuben County), on Monday, April 28, 2008 at 10:00am, at the Wayland Town Hall, Wayland, New York 14572. **Referred to:** A.I.P. Committee and Greg Heffner, Planning Director.

March 27, 2008
NYS Department of Motor Vehicles – Re: Announcing two new initiatives within the Department of Motor Vehicles concerning driver safety (younger and older drivers) and asking for support as the new programs are launched. **Referred to:** Administration and Public Safety & Corrections Committees; Judy Hunter, County Clerk; Sheriff Tweddell; and Linda Tetor, OFA Director.

April 1, 2008
Steuben County Industrial Development Agency – Re: Copies of Steuben County Industrial Development Agency’s Annual Report; Letter of Management; Audit; and Investment Reports for the fiscal year ending December 31, 2007.  **Referred to:** A.I.P. Committee and Greg Heffner, Planning Director.

April 4, 2008
Steuben County Industrial Development Agency – Re: Howard Wind Power Project SEQRA Coordinated Review Findings Statement. **Referred to:** A.I.P. Committee and Greg Heffner, Planning Director.
Steuben County Industrial Development Agency – Re: Notification that at the May 15, 2008 meeting, the agency plans to reconsider the proposed deviation from its UTEP and is now issuing the superseding deviation notice which replaces its November 16, 2007 notice with respect to the Windfarm Prattsburgh, LLC Project. Referred to: A.I.P. Committee and Greg Heffner, Planning Director.

NYS Department of State – Re: In order for approval of Contract Extension Requests (Wireless E-911 Expedited Deployment #C9110093 & #C911040), you must submit additional information by May 2, 2008 to be considered at the May 7, 2008 911 Board Meeting. Referred to: Public Safety & Correction Committee, and Tim Wixom, 911 Director.

Office of the New York State Comptroller – Notice effective April 1, 2008, as required by Title 2 New York Codes, Rules and Regulations Part 315, the chief fiscal officer must assess the status of any individual newly engaged by the participating employer in the capacity of attorney, physician, engineer, architect, accountant or auditor (Certification form #RS2414 must be certified and submitted to the retirement system). Referred to: Administration Committee; Robert Biehl: Personnel Director; and Carol Whitehead, Treasurer.

NYS Public Service Commission – Re: Fortuna Energy Inc. is granted a certificate of Environmental Compatibility and Public Need to construct a Fuel Gas Transmission line containing approximately 3,238 fee of 4-inch coated steel pipeline, located in the Towns of Bradford and Campbell, Steuben County. Referred to: A.I.P. Committee and Greg Heffner, Planning Director.

Fiscal Advisors & Marketing, Inc. – Re: Contract to provide assistance in compliance requirements with the U.S. Securities and Exchange Commission Rule, 15c2-12 which pertains to the $5,800,000 Public Improvement (Serial) Bonds, 2008. Referred to: Rules & Finance Committees; Fred Ahrens, County Attorney; and Carol Whitehead, Treasurer.

NYS Office of Parks, Recreation & Historic Preservation – Re: Notification of the State review Board recommended to the Commissioner of Parks, Recreation and Historic Preservation that Hammondsport School, 41 Lake Street, Hammondsport, NY 14840, be listed on the New York State Register of Historic places and nominated to the National Register of Historic Places. If approved by the Keeper of the National Register, the property will be listed on the National Register. Referred to: A.I.P. Committee; Greg Heffner, Planning Director; and Twila O’Dell, Historian.

New York State Office of Cyber Security & Critical Infrastructure Coordination – Re: 2007 Versions of the NYSDOP imagery which contains sensitive features and recommends that the County follow the New York State Cyber Security Policy P03-002 and Cyber Security Standard S05-001. Referred to: Michael Sprague, EMO Director; Tim Wixom, 911 Director; Donna Hatch, Director of Real Property Tax Service; Tom Sears, GIS Coordinator; and Greg Heffner, Planning Director.

Southern Tier Tobacco Awareness Community Partnership – Re: Report along with the survey findings on “Community Tobacco Survey of Adult Residents of Chemung, Schuyler, and Steuben Counties. Referred to: Vicki Fuerst, Director of Public Health & Nursing; and Gary Pruyn, Youth Bureau Director.

NYS Emergency Management Office – Re: Notification that they are now accepting Letters of Intent for the 2008 Flood Mitigation Grant Program to be funded with Hazard Mitigation Grant Program (HMGP) monies provided by the Federal Emergency Management Agency (FEMA). Letters of Intent need to be returned no later than April 16, 2008. Referred to: Public Safety & Correction Committee and Mike Sprague, EMO Director.

NYS Office of the Attorney General – The Attorney General is investigating various employment practices of New York’s School districts, local government and special districts. They are requesting information relating to attorneys, physicians,
engineers, architects, accountants or auditors who were on the payroll in their professional capacity as employees of local government or district. Steuben County is required to complete and submit an electronic questionnaire no later than April 21, 2008 to [http://www.oag.state.ny.us/professionals/questionnaire](http://www.oag.state.ny.us/professionals/questionnaire). Referred to: Administration Committee; Robert Biehl, Personnel Director; and Carol Whitehead, Treasurer.

Susquehanna River Basin Commission – SRBC is required by the Susquehanna River Basin Compact to produce an annual water resources program consisting of the programs and projects proposed in the upcoming years to address identified water resources needs. The 60-page 2008 Water Resources program is available on the following website: [www.srbc.net/planning](http://www.srbc.net/planning). Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.

April 15, 2008

NYS Office for the Aging - Re: Notification of Grant Award (NGAs) for Title III-B, III-C, III-C-2, III-D and III-E programs for the periods of January 1, 2008 through December 31, 2008. This also includes ceilings which reflect the final Title III allocation levels. Referred to: Human Services Committee and Linda Tetor, OFA Director.

James Hall, Town of Cohocton Resident – Re: Letter concerning Violations with UPC and Mortenson on the Road Contract Agreement. Referred to Steuben County Legislature; Vincent Spagnoletti, Public Works Commissioner; and Greg Heffner, Planning Director.

Harris Beach PLLC, Attorneys at Law - Re: T&K Realty, LLC - distribution of second Amended PILOT agreement (Payment in Lieu of Tax) along with the Form RP-412-a. Referred to: A.I.P. Committee; Finance Committee; Administration Committee; Greg Heffner, Planning Director; Fred Ahrens, County Attorney; Donna Hatch, RPTSA Director; and Carol Whitehead, County Treasurer.

Fiscal Advisors & Marketing, Inc. – Re: Requirements in order to sell the 2008 $5,800,000 Public Improvement (Serial) Bonds. Referred to: Finance and Administration Committees; Carol Whitehead, County Treasurer; Fred Ahrens, County Attorney; and Judy Hunter, County Clerk.

April 17, 2008

Allegany County Board of Legislators - Re: Request for review and consideration on the proposed Allegany County’s Comprehensive Plan. Referred to: A.I.P. Committee and Greg Heffner, Planning Director.

Vote: Acclamation – Adopted.

RESOLUTION NO. 086-08

Introduced by R. Nichols and P. Donnelly. Seconded by D. Creath.

FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. TWO FOR THE YEAR 2008 AUTHORIZING THE LEASE OF A PORTION OF THE STEUBEN COUNTY LANDFILL TOGETHER WITH GAS ASSIGNMENTS AND OTHER REQUISITE DOCUMENTATION FOR SUCH PURPOSES TO IMPLEMENT A GAS TO ENERGY PROJECT AT SAID LANDFILL.

Pursuant to Article 5 of the County Law of the State of New York, Section 226-b thereof, and Municipal Home Rule Law Section 24.

WHEREAS, there has been duly presented to the members of the Steuben County Legislature on March 24, 2008, County of Steuben Local Law Tentatively No. Two for the Year 2008, authorizing the lease of a portion of the Steuben County Landfill together with gas assignments and other requisite documentation for such purposes to implement a gas to energy project at said Landfill, and this Legislature by resolution, preliminarily adopted said Local Law on March 24, 2008, making the final adoption of said Local Law subject to a Public Hearing to be held on April 28, 2008, and also subject to a permissive referendum; 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 April 28, 2008 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 and requirement for a permissive referendum.

NOW THEREFORE, BE IT

RESOLVED, that County of Steuben Local Law Tentatively No. Two for the Year 2008, as hereinafter set forth be and the same hereby is finally adopted, to wit:

COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. TWO FOR THE YEAR 2008

A LOCAL LAW authorizing the lease of a portion of the Steuben County Landfill together with landfill gas assignments and other requisite documentation for such purposes to implement a landfill gas to energy project at said Landfill.

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

SECTION 1. LEGISLATIVE INTENT:

The County of Steuben owns and operates solid waste facilities located at the Turnpike Road in the Town of Bath. It is the intent of this Local Law to authorize the execution of a lease or leases, gas assignments and such other requisite documentation, hereafter "contracts", with a developer as may be necessary and desirable to develop a landfill gas utilization project at said landfill facilities.

SECTION 2. DEFINITIONS:

(d) "County" means the County of Steuben.

(e) "Preferred Developer" means a municipality or other governmental body, public corporation or authority, private corporation, partnership or individual.

(f) "Project" means the recovery of gas generated at the Steuben County Landfill for utilization as an energy product as resource therefrom as well as any ancillary uses, such as, but not limited to utilization of waste heat.

SECTION 3. AUTHORIZATION TO CONTRACT:

Notwithstanding the provisions of any other law, general, special or local relating to the length, duration and terms of contracts which a municipality may enter into, the County may enter into a contract or contracts with any preferred developer, upon such terms and conditions as may be agreed upon, for the Project or for landfill gas recovery, for a period not to exceed twenty-five years. Said contract or contracts with a Preferred Developer for the project shall be approved by resolution or other legalizing act of this Legislature. Award of any such contracts may be made upon an evaluation of proposals submitted in response to a request for proposals and need not be made pursuant to General Municipal Law Sections 103 or 120-w.

The County may make such contracts awarded to any responsible Preferred Developer selected pursuant to this subparagraph based on a determination by the County that the selected proposal is most responsive to the request for proposals and may negotiate with any proposer for Preferred Developer status.
SECTION 4. EFFECTIVE DATE:

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

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

RESOLVED, within five (5) days after the expiration of the time for the filing of petitions for a permissive referendum of said Local Law, the Clerk of the Legislature shall cause one (1) certified copy thereof to be filed in the office of the Steuben County Clerk, and one (1) certified copy in the office of the Secretary of State of the State of New York, and the said Secretary of State is to be requested to publish the Local Law in the supplement to the Session Laws and the Steuben County Clerk is to be requested to file the Local Law in a separate book kept by her for such records; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 087-08


PRESENTING LOCAL LAW TENTATIVELY NO. THREE FOR THE YEAR 2008 AUTHORIZING APPOINTMENTS TO THE COMMUNITY SERVICES BOARD WITHOUT LIMITATION FOR MEMBERS AS TO THE NUMBER OF CONSECUTIVE TERMS.

WHEREAS, Mental Hygiene Law (MHL) Article 41 authorizes the development of unified comprehensive mental hygiene related services for local governments, including the County of Steuben; and

WHEREAS, said statute calls for the creation of a Community Services Board (hereinafter "board") for overview of said services; and

WHEREAS, MHL §41.11 restricts membership to the board to no more than two consecutive terms unless otherwise authorized by Local Law; and

WHEREAS, it is deemed necessary and desirable to remove said restriction as to the number of consecutive terms served.

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 2008, removing the limitation on the number of consecutive terms served on the Community Services Board, as follows:
COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. THREE FOR THE YEAR 2008

A LOCAL LAW removing the limitation on the number of consecutive terms served on the Community Services Board.

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

SECTION 1. LEGISLATIVE INTENT:

It is the intent of this Local Law to remove the restrictions on the number of consecutive terms for services on the Community Services Board (hereinafter "Board") all as is authorized by MHL §41.11(d).

SECTION 2. REAPPOINTMENT TO THE BOARD:

Pursuant to this Local Law members of the Board may be reappointed without limitation on the number of consecutive terms to which they may serve.

SECTION 3. EFFECTIVE DATE:

This Local Law is 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 May 27, 2008 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, a certified copy of this resolution shall be forwarded to Robert W. Anderson, Ph.D., Director Steuben County Community Services.

Vote: Acclamation – Adopted.

RESOLUTION NO. 088-08


AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT FOR THE REPLACEMENT OF BIN 1011100 ON US 15 OVER COWANESQUE RIVER IN THE TOWN OF LINDLEY, COUNTY OF STEUBEN, P.I.N. 6754.21, AND APPROPRIATING FUNDS THEREFORE.

WHEREAS, a Project for the replacement of BIN 1011100 on US 15 over Cowanesque River in the Town of Lindley, County of Steuben, P.I.N. 6754.21 ("the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% State funds; and
WHEREAS, the County of Steuben desires to advance the Project by making a commitment to pay in the first instance 100% of the Federal and non-Federal share of the cost of Design work for the Project.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature hereby approves the above-subject Project; and be it further

RESOLVED, that the Steuben County Legislature 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 work for the Project or portions thereof; and be it further

RESOLVED, that the sum of $300,000 is hereby appropriated and made available to cover the cost of participation in the above phase of the Project; and be it further

RESOLVED, that in the event the full Federal and non-Federal share costs of the project exceeds the amount appropriated above, the Steuben County Legislature 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 be it further

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

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, this resolution shall take effect immediately.

Vote: Roll Call – Adopted.

RESOLUTION NO. 089-08

Introduced by D. Creath and P. Donnelly. Seconded by D. Farrand.

AUTHORIZING AND DIRECTING THE STEUBEN COUNTY TREASURER TO APPROPRIATE $10,500 FROM THE "REPAIR AND RENOVATIONS RESERVE" TO INCREASE THE BUDGET FOR THE BATH COURTHOUSE – EXTERIOR PAINTING CAPITAL PROJECT.

WHEREAS, it is necessary to appropriate funds to increase the budget amount of $17,000 adopted on November 26, 2007 to $27,500 for the Bath Courthouse – Exterior Painting Capital Project; and

WHEREAS, funds are available within the Buildings and Grounds Department "Repair and Renovations Reserve".

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer be, and the same hereby is, authorized and directed to appropriate the sum of $10,500 from the "Repair and Renovations Reserve" to the Bath Courthouse – Exterior Painting Capital Project; and be it further
RESOLVED, certified copies of this resolution shall be forwarded to the Steuben County Treasurer, and the Steuben County Superintendent of Buildings and Grounds.

Vote: Roll Call – Adopted.

RESOLUTION NO. 090-08

Introduced by P. Donnelly. Seconded by D. Creath.


WHEREAS, Steuben County, herein called the “Municipality”, after thorough consideration of the various aspects of the environmental problem with Parcel No. 03720-1-12.000, in the Town of Pulteney, NY, and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the “Project”, is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, Article 56 of the Environmental Conservation Law authorizes State Assistance to municipalities for environmental restoration projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith.

NOW THEREFORE, BE IT

RESOLVED, that Resolution No. 175-05 duly adopted November 28, 2005 and Resolution No. 013-06 adopted January 23, 2006 be amended to read as follows:

1. The Steuben County Treasurer is the representative authorized to act on behalf of the Municipality in all matters related to State Assistance under ECL Article 56, Title 5. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality’s governing body in all matters related to the Project and to State Assistance;

2. That the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project’s field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation;

3. That one (1) certified copy of this resolution shall be forwarded to the Albany office of the New York State Department of Environmental Conservation together with the application for State Assistance;

4. That this authorization shall take effect immediately; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer; Steve Orcutt, Department of Public Works, and Matthew P. Gillette, PE, Environmental Engineer, NYS Dept. of Environmental Conservation, Div. of Environmental Remediation, Region 8, 6274 East Avon-Lima Road, Avon, NY 14414-9519.

Vote: Roll Call – Adopted.

Motion to vote on resolutions 8 through 13 on the agenda as one vote and waiving the reading of said resolutions made by Mr. Schwartz, seconded by Mr. McAllister and duly carried.
RESOLUTION NO. 091-08


APPOINTING MEMBERS TO THE COMMUNITY SERVICES BOARD AND SUBCOMMITTEES.

WHEREAS, vacancies exist on the Steuben County Community Services Board and Subcommittees; and

WHEREAS, Article 41.11 of the Mental Hygiene Law requires that said appointments be made by local government; and

WHEREAS, the Community Services Board has recommended the following appointments:

**Community Services Board**

1. Janis Conklin
   1910 Lake Demon Road
   Bath, NY 14810
   (Term 1/1/06 through 12/31/09)
2. Vicki Fuerst
   7863 Miller Road
   Avoca, NY 14809
   (Term 1/1/05 through 12/31/08)
3. Robert Cole, M.D.
   1285 E. Lake Road
   Hammondsport, NY 14840
   (Term 1/1/08 through 12/31/11)
4. Ralph Schnell
   30 Seneca Street
   Hornell, NY 14843
   (Term 1/1/06 through 12/31/09)
5. Nancy Bartell
   7 Pearl Street
   Hornell, NY 14843
   (Term 1/1/08 through 12/31/11)
6. The Honorable Patrick Donnelly
   Steuben County Legislator
   301 Maple Heights
   Bath, NY 14810
   (Term 1/1/06 through 12/31/09)
7. Cora Saxton, M.S.
   310 E. Naples Street
   Wayland, NY 14572
   (Term 1/1/05 through 12/31/08)
8. Hannah Young
   Alfred University
   Division of School Psychology and Counseling
   1 Saxon Drive
   Alfred, NY 14802
   (Term 1/1/08 through 12/31/11)
9. John Merchant
   Salvation Army
   32 Denison Parkway
   Corning, NY 14830
   (Term 1/1/08 through 12/31/11)

**Mental Health Subcommittee**

1. Kathryn Muller
   3 E. Pulteney Square
   Bath, NY 14810
   (Term 1/1/06 through 12/31/09)
2. Joseph Willson  
   St. James Mercy Hospital  
   411 Canisteo Street  
   Hornell, NY 14843  
   (Term 1/1/08 through 12/31/11)

3. Cora Saxton, M.S.  
   310 E. Naple Street  
   Wayland, NY 14572  
   (Term 1/1/05 through 12/31/08)

4. Nancy Bartell  
   7 Pearl Street  
   Hornell, New York 14843  
   (Term 1/1/08 through 12/31/11)

5. Barbara Eskridge  
   P. O. Box 1404  
   Corning, NY 14830  
   (Term 1/1/06 through 12/31/09)

6. Sylvia Radford  
   11180 Haradon Road  
   Corning, NY 14830  
   (Term 1/1/05 through 12/31/08)

7. Barbara Blank  
   5340 Babbish Road  
   Beaver Dams, NY 14812  
   (Term 1/1/06 through 12/31/09)

8. Marcia Ribble  
   Steuben Churchpeople Against Poverty  
   16 West William Street  
   P. O. Box 31  
   Bath, NY 14810  
   (Term 1/1/08 through 12/31/11)

   Pathways, Inc.  
   33 Denison Parkway West  
   Corning, NY 14830  
   (Term 1/1/08 through 12/31/11)

10. Patrick Rogers  
    Institute for Human Services  
    6666 County Rt. 11  
    Bath, NY 14810  
    (Term 1/1/08 through 12/31/11)

11. Kim Lesso  
    249 Princeton Avenue  
    Corning, NY 14830  
    (Term 1/1/08 through 12/31/11)

12. Hannah Young, Psy.D.  
    Alfred University  
    Division of School Psychology and Counseling  
    1 Saxon Drive  
    Alfred, NY 14802  
    (Term 1/1/08 through 12/31/11)

**Chemical Dependency**

1. Christopher Wilkins  
   DePaul Addiction Treatment Ctr.  
   774 West Main Street  
   Rochester, NY 14611  
   (Term 1/1/08 through 12/31/11)

2. Ralph Schnell  
   80 Seneca Street  
   Hornell, NY 14843  
   (Term 1/1/06 through 12/31/09)
3. Frank Justice  
3 E. Pulteney Square  
Bath, NY 14843  
(Term 1/1/06 through 12/31/09)

4. Vicki Fuerst  
7863 Miller Road  
Avoca, NY 14843  
(Term 1/1/05 through 12/31/08)

5. Susan Hooker  
Hornell Area Concern for Youth  
76 East Main Street  
Hornell, NY 14843  
(Term 1/1/08 through 12/31/11)

6. Michele Mayer  
Family Service Society  
280 Princeton Avenue Ext.  
Corning, NY 14830  
(Term 1/1/08 through 12/31/11)

7. James Bassage  
Bath Area Hope for Youth  
8 Pulteney Square  
Bath, NY 14810  
(Term 1/1/08 through 12/31/11)

8. Debra Stegenga  
MATCH  
1 Bethesda Drive  
Hornell, NY 14843  
(Term 1/1/08 through 12/31/11)

9. Robert Cole, M.D.  
1285 E. Lake Road  
Hammondsport, NY 14840  
(Term 1/1/08 through 12/31/11)

Mental Retardation and Developmental Disabilities Subcommittee

1. Janis Conklin  
1910 Demon Pond Road  
Bath, NY 14810  
(Term 1/1/05 through 12/31/08)

2. Tony Zajchenko  
Pathways, Inc.  
33 Denison Parkway West  
Corning, NY 14830  
(Term 1/1/05 through 12/31/08)

3. Bernard Burns  
Steuben ARC  
1 Arc Way  
Bath, NY 14810  
(Term 1/1/06 through 12/31/09)

4. Douglas Walker  
621 Manor Village  
Bath, NY 14810  
(Term 1/1/08 through 12/31/11)

5. The Honorable Patrick Donnelly  
Steuben County Legislator  
301 Maple Heights  
Bath, NY 14810  
(Term 1/1/06 through 12/31/09)

6. Mary Perham  
1976 W. Shore Road  
Bath, NY 14810  
(Term 1/1/08 through 12/31/11)
NOW THEREFORE, BE IT

RESOLVED, the Chairman of the Steuben County Legislature appoints the aforesaid persons to the Community Services Board for the terms indicated; and be it further

RESOLVED, the members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Community Services Board and Subcommittees; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to said appointees; Robert W. Anderson, Ph.D., Director of Community Services and the County Auditor.

Vote: Acclamation – Adopted.

RESOLUTION NO. 092-08

Introduced by P. Roche. Seconded by P. McAllister.

APPOINTING MEMBERS TO THE STEUBEN COUNTY LOCAL EMERGENCY PLANNING COMMITTEE (LEPC).

Pursuant to Title III of the Superfund Amendments and Reauthorization Act of 1986.

WHEREAS, on October 17, 1986, the Superfund Amendments and Reauthorization Act of 1986 (SARA) was enacted into law; and

WHEREAS, one part of the new SARA provisions is Title III: the Emergency Planning and Community Right-to-Know Act of 1986; and

WHEREAS, Title III establishes requirements for Federal, State and local governments and industry regarding emergency planning and community right-to-know reporting on hazardous and toxic chemicals; and

WHEREAS, this legislation builds upon Environmental Protection Agency's Chemical Emergency Preparedness Program (CEPP) and numerous State and local programs aimed at helping communities to better meet their responsibilities in regard to potential chemical emergencies; and

WHEREAS, Title III required each State to establish an Emergency Response Commission, and required that the State Commission designate local emergency planning districts and appoint local emergency planning committees to develop local emergency response plans.

NOW THEREFORE, BE IT
RESOLVED, the following members are hereby endorsed to the Steuben County Local Emergency Planning Committee by the Chairman of the Steuben County Legislature, to be appointed by the New York State Emergency Response Commissioner (SERC), as follows:

**MEMBERS**

**LOCAL & STATE GOVERNMENT REPRESENTATIVES**

<table>
<thead>
<tr>
<th>Name and Title</th>
<th>Address</th>
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<tbody>
<tr>
<td>Honorable Philip J. Roche, Chair, or designee</td>
<td>Honorable George Winner or designee</td>
</tr>
<tr>
<td>Steuben County Legislature</td>
<td>New York State Senator</td>
</tr>
<tr>
<td>3 East Pulteney Square</td>
<td>105 E. Steuben Street</td>
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<tr>
<td>Bath, New York 14810</td>
<td>Bath, New York 14810</td>
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<th>Name and Title</th>
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<tr>
<td>Honorable Francis L. Gehl or designee</td>
<td>Honorable James Bacalles or designee</td>
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<tr>
<td>Steuben County Legislator</td>
<td>New York State Assemblyman</td>
</tr>
<tr>
<td>Public Safety &amp; Corrections Committee Liaison</td>
<td>105 E. Steuben Street</td>
</tr>
<tr>
<td>3 East Pulteney Square</td>
<td>Bath, New York 1481</td>
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**EMERGENCY SERVICES REPRESENTATIVES**

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<thead>
<tr>
<th>Name and Title</th>
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<tbody>
<tr>
<td>Michael A. Sprague, Director</td>
<td>David Herrington</td>
</tr>
<tr>
<td>Emergency Management Office</td>
<td>EMO Volunteer</td>
</tr>
<tr>
<td>3 East Pulteney Square</td>
<td>260 Victory Highway, Lot 328</td>
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<tr>
<td>Bath, New York 14810</td>
<td>Painted Post, New York 14870</td>
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<tr>
<td>Timothy D. Marshall, Deputy Director</td>
<td>Timothy Wixom, Director</td>
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<tr>
<td>Emergency Management Office/LEPC Chairman</td>
<td>9-1-1 Enhanced Department</td>
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<tr>
<td>3 East Pulteney Square</td>
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<tr>
<td>Tina Goodwin, Deputy Director, Alternate</td>
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<td>9-1-1 Enhanced Department</td>
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<td>3 East Pulteney Square</td>
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**LAW ENFORCEMENT REPRESENTATIVES**

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<th>Name and Title</th>
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<tbody>
<tr>
<td>Richard C. Tweddell</td>
<td>David Cole, Alternate</td>
</tr>
<tr>
<td>Steuben County Sheriff</td>
<td>Steuben County Undersheriff</td>
</tr>
<tr>
<td>P.O. Box 271 - Public Safety Building</td>
<td>P. O. Box 271 - Public Safety Building</td>
</tr>
<tr>
<td>Bath, New York 14810</td>
<td>Bath, New York 14810</td>
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**FIRE COMPANY REPRESENTATIVES**

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<th>Name and Title</th>
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<tbody>
<tr>
<td>Dan Smith, Chief</td>
<td>Stephen Monroe, Chief</td>
</tr>
<tr>
<td>Hornell City Fire Department</td>
<td>Corning City Fire Department</td>
</tr>
<tr>
<td>110 Broadway</td>
<td>Corning Boulevard</td>
</tr>
<tr>
<td>Hornell, New York 14843</td>
<td>Corning, New York 14830</td>
</tr>
</tbody>
</table>
HEALTH SERVICES REPRESENTATIVES

Tom Klaeseus
NYS Department of Health
107 Broadway
Hornell, New York 14843

Victoria Fuerst, Director
Public Health and Nursing Services
3 East Pulteney Square
Bath, New York 14810

HOSPITAL REPRESENTATIVES

Allen Wells
Corning Hospital
176 Denison Parkway, E.
Corning, New York 14830

Peg Gelser-Webb
St. James Mercy Health
411 Canisteo Street
Hornell, New York 14843

Dona Rickard
Ira Davenport Hospital
Box 305, NYS Route 54
Bath, New York 14810

Larry Day
Veterans Administration
Medical Center
Bath, New York 14810

Michael Hunt, Alternate
Ira Davenport Hospital
Box 305, NYS Route 54
Bath, New York 14810

INDUSTRIAL REPRESENTATIVES

Joe Kane, LEPC Vice-Chairman
Corning Incorporated
HP-ME-02-50
Corning, New York 14831

Sharon Baker, Alternate
Corning Incorporated
ER-DN-01
Corning, New York 14831

Leon E. Tuttle
Dresser Rand Company
Painted Post, New York 14870

Roger Cole
North American Philips
State Route 54
Bath, New York 14810

Robert Smith
ALSTOM Transportation
One Transit Drive
Hornell, New York 14843

John Istler
Pollio Dairy
Main Street
Campbell, New York 14821

ENVIRONMENTAL REPRESENTATIVES

Chad Kehoe
NYS Department of Environmental Conservation
276 Sing Sing Road
Horseheads, New York 14845

Paul Lindenfelser
NYS Department of Environmental Conservation
7291 Coon Road
Bath, New York 14810
BE IT FURTHER RESOLVED, that said members shall serve at the pleasure of the Steuben County Legislature and shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Steuben County Local Emergency Planning Committee; and be it further

RESOLVED, the Clerk of the Legislature is directed to forward certified copies of this resolution to the above-named appointees, the County Auditor and the NYS Emergency Response Commissioner.

Vote: Acclamation – Adopted.

RESOLUTION NO. 093-08

APPOINTING MEMBERS TO THE STEUBEN COUNTY ETHICS BOARD.

Pursuant to Steuben County Local Law Number Five of the Year 1990.

WHEREAS, due to the expiration of terms of the Steuben County Ethics Board it is necessary to reappoint and/or appoint the following:

PROPOSED FOR APPOINTMENT BY THE MAJORITY LEADER
Michael H. Sweet, 16 Robie Street, Bath, NY 14810
For a three (3) year term, January 1, 2008 through December 31, 2010.

Christopher G. Quinlan, Esq., 2 W. Market Street, Corning, NY 14830
Filling the unexpired term of Thomas W. Reed, Esq., through December 31, 2009.

PROPOSED FOR APPOINTMENT BY THE MINORITY LEADER
Roberta Smith, 400 Buffalo Street, Corning, NY 14830
For a three (3) year term, January 1, 2008 through December 31, 2010.

PROPOSED FOR APPOINTMENT BY THE CHAIRMAN OF THE LEGISLATURE
Fred E. Lewis, 4268 Lake Road-A, Avoca, NY 14809.
For a three (3) year term, January 1, 2008 through December 31, 2010.

NOW THEREFORE, BE IT

RESOLVED, the members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Ethics Board, and be it further
RESOLVED, that the Clerk of the Legislature is hereby authorized and directed to forward a certified copy of this resolution to the County Auditor and all members of the Steuben County Ethics Board.

Vote: Acclamation – Adopted.

RESOLUTION NO. 094-08

Introduced by P. Roche. Seconded by P. McAllister.

APPOINTING MEMBERS TO THE STEUBEN COUNTY FIRE ADVISORY BOARD.

Pursuant to Section 225-a of the County Law of the State of New York.

RESOLVED, the following persons are hereby appointed members of the Steuben County Fire Advisory Board for a term of 2 years, commencing January 1, 2008 and ending December 31, 2009:

**LEGISLATIVE MEMBER**
1. John Walsh, 8261 Hemlock Hill Road, Bath, NY 14810-9573

**NON-LEGISLATIVE MEMBERS**
2. John Ford, 236 Beartown Road, Painted Post, NY 14870
3. Keith Jordan, 1582 County Route 103, Woodhull, NY 14898
4. William Todd Hall, 117 Evergreen Dr, Painted Post, NY 14870
5. Joseph Dick, 306 First Street, Hornell, NY 14843
6. Michael Sprague, Director of Emergency Management, Bath, NY 14810
7. Steven Monroe, 1 Corning Boulevard, Corning, NY 14830
8. William Fries, 7344 Fish Hatchery Road, Bath, NY 14810
9. Douglas Heinemann, 8425 Jacobs Ladder Road, Avoca, NY 14809
10. Brian McCarthy, 3834 West Hill Rd, Painted Post, NY 14870
11. Michael Gilman, PO Box 274, Cohocton NY 14826
12. Chris Lasnick, 12669 West Lake Road, Hammondsport, NY 14840
13. David Swan, 5373 McNutt Run Rd, Campbell, NY 14821
14. Evan Brown, 10 Pershing St, Corning, NY 14830
15. J. David Sawyer, P.O. Box 11, Woodhull, NY 14898
16. Johnny Yarka, 4508 County Route 10, Cameron, NY 14819
17. Larry Day, Pres., County Fire Chiefs Association, 9623 CR 87, Hammondsport, NY 14840
18. Timothy Wixom, E911 Director, Bath, NY 14810
19. Tina Goodwin, E911 Deputy Director, Bath, NY 14810
20. Tom Jamison, 4 Eleventh St, Canisteo, NY 14823

**EX-OFFICIO MEMBERS**
22. Donald Fredericy, DFC, 27 East Main Street, Wayland, NY 14572
23. Dean Patterson, DFC, 579 Victory Highway, Painted Post, NY 14870
24. Louis Martin, DFC, 6299 CR 100, Addison, NY 14801
25. Michael Wilson, DFC, 5522 Ordway Lane, Canisteo, NY 14823
26. Spencer Longwell, Chief DFC, 7647 Mitchellsville Road, Bath, NY 14810

BE IT FURTHER RESOLVED, members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Fire Advisory Board; 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 Emergency Management Office.
RESOLUTION NO. 095-08

Introduced by P. Roche. Seconded by P. McAllister.

APPOINTING A MEMBER TO THE SOUTHERN TIER CENTRAL REGIONAL PLANNING AND DEVELOPMENT BOARD.


RESOLVED, the recommended appointment by the Chairman of the Steuben County Legislature to fill the unexpired term of the Jim Goodling to the Southern Tier Central Regional Planning and Development Board, as set forth below, is hereby approved, ratified and confirmed effective from the date of adoption of this resolution and through December 31, 2009:

MUNICIPAL OFFICIALS

1. Mark Ryckman, City Manager, City of Corning

AND BE IT FURTHER RESOLVED, said member shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of his duties on the Southern Tier Central Regional Planning and Development Board; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the above-named appointee; the New York State Division of Community Affairs, 162 Washington Avenue, Albany, NY 12231; the County Auditor; and to Marcia Weber, Executive Director, Southern Tier Central Regional Planning and Development Board, 8 Denison Parkway East, Suite 310, Corning, NY 14830.

Vote: Acclamation – Adopted.

RESOLUTION NO. 096-08

Introduced by P. Roche. Seconded by P. McAllister.

APPOINTING MEMBERS TO THE BOARD OF DIRECTORS OF THE COOPERATIVE EXTENSION ASSOCIATION OF STEUBEN COUNTY.

Pursuant to Section 224 of the County Law and upon the request of the Cooperative Extension Association of Steuben County.

BE IT RESOLVED, the appointments of John Walsh, Legislator, District 7, and Robert V. Nichols, Legislator, District 11, by the Chairman of the Steuben County Legislature as Legislator representatives on the Board of Directors of the Cooperative Extension Association of Steuben County, for terms of two (2) years each beginning January 1, 2008, and ending December 31, 2009, be, and the same hereby are approved; and be it further

RESOLVED, the members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Cooperative Extension Association Board of Directors; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointees, the County Auditor and to the Cooperative Extension Association of Steuben County, 3 East Pulteney Square, Bath, NY, 14810.
RESOLUTION NO. 097-08

Introduced by F. Gehl. Seconded by All Legislators.

MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK TO INCREASE THE FUNDING FOR FIREFIGHTER TRAINING IN ORDER TO ESTABLISH A REALISTIC FUNDING BASE TO INSURE THE DELIVERY OF FIRE SERVICE PROTECTION WITHIN NEW YORK STATE.

WHEREAS, the County of Steuben (hereinafter, “County”) has identified the need for volunteer firefighters in order to deliver fire service protection; and

WHEREAS, the County has identified the shortage of trained emergency response personnel; and

WHEREAS, the initial training of new firefighters is crucial to develop an enthusiastic, proficient and safety conscious volunteer; and

WHEREAS, the County has a need to train up to 80 new firefighters annually; and

WHEREAS, the County has a need to train existing firefighters in advanced level training to advance the skills and knowledge of the Steuben County Fire Service annually; and

WHEREAS, the New York State Office of Fire Prevention and Control (“OFP&C”) operates the sole training program which provides such initial firefighter training programs; and

WHEREAS, the current OFP&C assignment of 4 State Fire instructors is insufficient to support this level of training; and

WHEREAS, the current New York State budget will reduce the number of hours the OFP&C Training section will be able to provide for training; and

WHEREAS, it has been identified that there is a significant shortfall within the OFP&C budget to provide sufficient training funds to support the County's need for the annual fire training program; and

WHEREAS, the basis for all levels of emergency response within the County of Steuben depend on well trained Volunteer Fire and EMS service.

NOW THEREFORE, BE IT

RESOLVED, the County of Steuben memorializes New York State to immediately increase the field training budget for the Office of Fire Prevention and Control by a minimum of $400,000 to meet all of the needs of the State Fire Training Program; and be it further

RESOLVED, the County of Steuben memorializes New York State to conduct an in depth review of the training needs of the fire service to establish a realistic funding base for the delivery of fire service protection within New York State. Such review needs to reflect the size of the training base, the types of training that are required and the conditions that this service is expected to be delivered resulting in realistic funding of the program to properly accomplish what is expected; and be it further
RESOLVED, certified copies of this resolution shall be forwarded to Governor David Paterson, Executive Chamber, State Capitol, Albany, NY 12224; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, Malcolm A. Smith, 508 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 717 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, James Tedisco, 933 Legislative Office Building, Albany, NY 12248; Senator George H. Winner, 802 Legislative Office Building, Albany, NY 12247; Assemblyman James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248; Ms. Lorraine A. Cortes-Vazquez, Secretary of State, 41 State St., Albany, NY 12231; Mr. Floyd A. Patterson, State Fire Administrator, NYS Office of Fire Prevention and Control, 41 State St., Albany, NY 12231; Stephen Acquario, Esq., Executive Director, New York State Association of Counties, 540 Broadway, 5th Floor, Albany, NY 12207; and to Wayne E. Zyra, President, Inter-County Association of Western New York, c/o Monroe County Legislature, 39 West Main Street, Rochester, NY 14614; and Michael Sprague, Director Steuben County Office of Emergency Services.

Vote: Acclamation – Adopted.

RESOLUTION NO. 098-08

Introduced by P. McAllister. Seconded by R. Argentieri.

MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK IN OPPOSITION TO STATE MANDATED MODIFICATIONS OF COLLECTIVE BARGAINING AGREEMENTS WITH RESPECT TO FRINGE BENEFITS.

WHEREAS, the State of New York has engaged in a pattern of imposing upon counties and other municipalities fringe benefits in excess of those contained in existing Collective Bargaining Agreements (“CBAs”); and

WHEREAS, as an example, time off has been unilaterally granted to municipal employees for various screenings for medical purposes; and

WHEREAS, the CBAs reflect the terms and conditions of employment mutually agreed to by and between labor and management; and

WHEREAS, the CBAs cover the need for medical exams and preventive services including colon cancer; and

WHEREAS, said unilaterally imposed State mandates work to undermine the relationship between labor and management and impose additional benefits which are the mandatory subject of collective bargaining.

NOW THEREFORE, BE IT

RESOLVED, the Governor and the Legislature of the State of New York are memorialized in opposition to the imposition of additional benefits to organized labor which are the subject of mandatory collective bargaining; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor David Paterson, Executive Chamber, State Capitol, Albany, NY 12224; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, Malcolm A. Smith, 508 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 717 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, James Tedisco, 933 Legislative Office Building, Albany, NY 12248; Senator George H. Winner, 802 Legislative Office Building, Albany, NY 12247; and Assemblyman James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248; Stephen Acquario, Esq., Executive Director, New York State Association of Counties, 540 Broadway, 5th Floor, Albany, NY 12207; and to Wayne E. Zyra, President, Inter-County Association of Western New York, c/o Monroe County Legislature, 39 West Main Street, Rochester, NY 14614.
RESOLUTION NO. 099-08

MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO REPEAL THE TAX INCREASE PREVENTION AND RECONCILIATION ACT (“TIPRA”).

WHEREAS, in 2006, the United States Congress passed the TIPRA with an effective date of January 1, 2011; and

WHEREAS, the TIPRA mandates governments that spend more than $100 million per year on goods and services to withhold three (3) percent of payments made to vendors and contractors; and

WHEREAS, the TIPRA requires reporting and remittance of the three (3) percent to the Federal government; and

WHEREAS, this would cause a significant collection and reporting burden on the County; and

WHEREAS, this act could detrimentally impact the County’s ability to acquire goods and services at competitive prices.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature does hereby memorialize the President and the Congress of the United States to repeal the Tax Increase Prevention and Reconciliation Act; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to President George W. Bush, The White House, 1600 Pennsylvania Ave. N.W., Washington, DC 20500; U. S. Senator Charles E. Schumer, 313 Hart Senate Office Bldg., Washington, DC 20510-3202; U. S. Senator Hillary Rodham-Clinton, 476 Russell Senate Office Building, Washington, DC 20510; and U. S. Congressman John R. Kuhl, Jr., 22 Buell Street, Bath, NY 14810.

Vote: Acclamation – Adopted.

Motion to Adjourn Regular Session and Reconvene in Executive Session Pursuant to Public Officers’ Law, Article 7§ 105.1.E. Collective Negotiations Pursuant To Article Fourteen Of The Civil Service Law; and 105.1.F. The Medical, Financial, Credit Or Employment History Of A Particular Person Or Corporation, Or Matters Leading To The Appointment, Employment, Promotion, Demotion, Discipline, Suspension, Dismissal Or Removal Of A Particular Person Or Corporation Made By Mr. Gehl, Seconded by Mr. Donnelly and Duly Carried.

Motion to Adjourn Executive Session and Reconvene in Regular Session Made by Mr. Nichols, Seconded by Mr. Stachnik and Duly Carried.

Motion to Adjourn Made by Mr. Crossett, Seconded by Mr. Donnelly and Duly Carried.
The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, NY on Tuesday, the 27th day of May, 2008 at 10:00 a.m. and was called to order by the Chairman of the Legislature, Philip J. Roche, Esq.

Roll call and all members present except Legislators Creath and Stachnik.

Mr. Nichols offered the Invocation and the Pledge of Allegiance was led by Mr. Haurycki.

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

Chairman Roche asked Brenda Mori to come forward. Ms. Mori is an employee in the Clerk of the Legislature’s Office. Chairman Roche presented her with a pin and a Certificate of Appreciation in recognition of her 15 years of service with Steuben County.

Chairman Roche asked Patricia Sherer to come forward. Ms. Sherer is an employee in the Department of Social Services. Chairman Roche presented her with a plaque and a Certificate of Appreciation in recognition of her retirement following over 29 years of service with Steuben County.

Chairman Roche asked Lynn Ricotta and Linda Losey to come forward. Ms. Ricotta nominated Ms. Losey for Employee of the Month for the month of June, in the category of outstanding performance. Ms. Ricotta stated she wanted Ms. Losey to be recognized for all the work she does for the Steuben County Youth Bureau. In my time here, it seems to me that she is pretty much the heart of the Youth Bureau. She is wonderfully organized and is always willing to stop what she’s doing to help out anybody who needs it. I would like to thank her and tell her how much I appreciate everything she does. **CONGRATULATIONS LINDA!**

Chairman Roche stated we have one more Certificate of Appreciation. He asked Christine Kane to come forward. Mrs. Kane is the Clerk of the Legislature. Chairman Roche presented her with a pin and a Certificate of Appreciation in recognition of her 20 years of service with Steuben County.

The Clerk of the Legislature read the Notice of Public Hearing and provided proof of posting and publication regarding the Public Hearing upon Local Law Tentatively No. Three for the Year 2008, Removing the limitation on the number of consecutive terms served on the Community Services Board. Chairman Roche asked if there were any comments regarding this public hearing. There being none, he declared the public hearing closed.

**The minutes of the previous month’s meeting were approved upon the motion of Mr. VanEtten, seconded by Mr. Donnelly and duly carried.**

Mr. Alger introduced Jack Wheeler, the new Assistant County Administrator. He stated Mr. Wheeler brings a lot of good experience to us and I’m sure you’ll all get a chance to meet with him to discuss the projects he is working on.

Mr. Biehl announced that his State Association is holding their annual conference next Monday through Wednesday at the Radisson in Corning. Feel free to stop in to see us.
RESOLUTION NO. 100-08


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

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 Chairman of the Steuben County Legislature 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, as it appears to be in the best interest of the County to sell the properties listed on Schedule "B" for the consideration offered, the Steuben County Treasurer is hereby authorized and directed to convey and deliver a County Tax Deed to the grantee(s) upon receipt of the consideration indicated within thirty (30) days from the date hereof, and be it further

RESOLVED, the said grantee(s) must accept the parcel "as is" together with the obligation of removing any persons, if any, claiming any interest in the parcel if need be, 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 Treasurer, together with the approved applications executed in duplicate by the Chairman of the County Legislature, and the Chairman of the Board of Assessors; and certified copies of this resolution contained in Schedule "B" shall be forwarded to the Steuben County Treasurer, the Director of the Steuben County Real Property Tax Service Agency, the Chairman of the Board of Assessors of the appropriate municipality, and the grantee(s).

SCHEDULE "A"

Resolution #   A-1
Name          Ernst A & Theresa Lamonica
Parcel #      318.13-01-022.000
Municipality  Corning City
Disposition   Correction

Resolution #   A-2
Name          NYS DOT
Parcel #      299.18-01-060.000
Municipality  Corning Town
Disposition   Correction

Resolution #   A-3
Name          Kathleen S Rossettie
Parcel #      318.13-02-004.000
Municipality  Corning City
Disposition   Correction
Resolution #____ A-4
Name____ Frederick A & Christine E Stull
Parcel #____ 316.11-04-004.110
Municipality____ Erwin Town
Disposition_____ Correction

SCHEDULE "B"

Resolution #_____ B-1
Former Owner___ Fred Coogan
In Rem Index No. 93123, 2005 sale
Parcel #___ 151.00-02-021.150
Municipality___ Hornellsville Town
Grantee(s)___ Fred Coogan
Grantee(s) Address__ 6608 Beecher Cross Rd, Hornell, NY 14843
Consideration $6,940.86, together with $121.00 recording fees
Any and all liens and/or judgments filed against the party of the
second part, which had not been satisfied prior to the County
obtaining title, will be reinstated with the recording of this deed.

Resolution #_____ B-2
Former Owner___ Carla Schneider
In Rem Index No. 93123, 2005 sale
Parcel #____ 116.00-01-002.000
Municipality___ Wheeler Town
Grantee(s)___ Carla Schneider
Grantee(s) Address__ 8319 Erways Rd, Bath, NY 14810
Consideration $2,458.07, together with $121.00 recording fees
Any and all liens and/or judgments filed against the party of the
second part, which had not been satisfied prior to the County
obtaining title, will be reinstated with the recording of this deed.

Resolution #_____ B-3
Former Owner___ Yvonne M White
In Rem Index No. 95453, 2006 sale
Parcel #____ 247.20-01-024.000
Municipality___ Hornby Town
Grantee(s)___ Yvonne M White
Grantee(s) Address__ 7151 Kniffen Rd, Bath, NY 14810
Consideration $815.08, together with $121.00 recording fees
Any and all liens and/or judgments filed against the party of the
second part, which had not been satisfied prior to the County
obtaining title, will be reinstated with the recording of this deed.

Vote: Roll Call – Adopted.

RESOLUTION NO. 101-08

Introduced by P. Roche. Seconded by R. Argentieri.

RECEIVING AND ACCEPTING THE MAY 27, 2008 COMMUNICATIONS LOG AS PREPARED BY THE
STEUBEN COUNTY ADMINISTRATOR’S OFFICE.
BE IT RESOLVED, that the following communications were received, accepted and filed by the County of Steuben, and referred to the appropriate Standing Committee and/or Department Head for information and/or action, to wit:

Proclamations Issued:
- Proclamation declaring the week of May 12th, 2008 as Nursing Home Week in Steuben County.

April 18, 2008
NYS Office of Homeland Security – Re: Update on the status and new requirements of the Federally Mandated National Incident Management System (NIMS) in New York. Referred to: Public Safety & Corrections Committee; Greg Heffner, Planning Director; and Mike Sprague, EMO Director.

Emergency Medical Services Training, Administration & Resources (EMSTAR) – RE: 2008 First Quarterly Report and Payment Request for $1,406.25. Referred to: Health & Education Committee; Vicki Fuerst, PHN Director; Public Safety & Corrections Committee; and Mike Sprague, EMO Director.

Steuben County Industrial Development Agency – Re: Public Hearing regarding the Arlington Storage Company, LLC. (Phase 1 Project), on Monday, May 19, 2008 at 10:00 a.m., located in the Bath Village Hall Board Room, Municipal Building, 110 Liberty Street, Bath, NY. Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.

April 21, 2008
Office for Small Cities – Re: Notification of approval on the Closeout Grant for the Small Cities Project #1115HR122-04. Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.

NYS Department of State – Re: Announcing applications are now being accepted for the Appalachian Regional Commission (ARC) for funding under its Area Development Program for federal fiscal year (FY) 2009. The deadline for submission is June 6, 2008. Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.

April 23, 2008
Fiscal Advisors & Marketing Inc. – Re: Debt Statement with regards to selling of the $5,800,000 Public Improvement (Serial) Bonds on April 30, 2008. Referred to: Rules & Finance Committees; Fred Ahrens, County Attorney; and Carol Whitehead, Treasurer.

NYS Division of Alcoholic Beverage Control State Liquor Authority Re: Changes and recommendations on the Agency’s licensing application process for retail licenses as well as more pertinent data on license certificates. Referred to: Public Safety & Corrections Committee; Sheriff Tweddell; and filed with Clerk of the Legislature.

April 24, 2008
Schuyler County Purchasing – Re: Thank you letter for providing assistance with options on improving Schuyler County’s Purchasing Department. Referred to: Mark Alger, County Administrator.

City of Corning, Office of the Mayor – Re: Nomination for Mark Ryckman, Corning City Manager to succeed Jim Goodling on the Southern Tier Central Regional Planning Commission’s Board of Directors. Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.

April 25, 2008
NYS Office of the Attorney General – Additional notice, the Attorney General is investigating various employment practices of New York’s School districts, local government and special districts. They are requesting information relating to attorneys, physicians, engineers, architects, accountants or auditors who were on the payroll in their professional capacity as employees of local government or district. Steuben County is required to complete and submit an electronic questionnaire no later than May 2, 2008 to http://www.oag.state.ny.us/professionals/questionaire. The previous submission needs to include all information as stated in the letter. Referred to: Administration Committee; Robert Biehl, Personnel Director; and Carol Whitehead, Treasurer.
April 28, 2008
Office for Small Cities – Re:  Project completion notice for Project #1115HR154-06 needs to be completed by September 30, 2008. There is also a balance of unexpended grant funds which needs to be completed in a timely manner as to avoid the reallocation of grant funds. Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.

April 30, 2008
James P. Ferratella, Esq. – Re: 2008 proposal to provide services to Steuben County for the Assigned Counsel Program in the amount of $45,000. Referred to: Administration Committee; and Fred Ahrens, County Attorney.

May 2, 2008
Western Regional Off-Track Betting Corporation – Re:  Check #45812 in the amount of $5,950 representing the March 2008 retained surcharge revenue for Steuben County. Referred to: Finance and Rules Committees; and Carol Whitehead, County Treasurer.

Town of Erwin – Re: Letter to New York State Department of State of Transportation, Region 6, indicating the Town of Erwin prohibits u-turns at the Chatfield intersection and does not grant permission to the Department of Transportation to detour I86 onto Town roads. Referred to: Legislature Chair.

May 5, 2008
NYS Department of State - Re: Invitation to a series of public information meetings regarding the availability of funds for environmental projects funded under the Environmental Protection Fund. Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.

New York State Department of Environmental Conservation – Re: 2008 Application Brochure for the fifth Annual Environmental Excellence Awards program. Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.

May 7, 2008
NYS Department of Transportation – Re: State Environmental Quality Review finding statements for the Cohocton and Dutch Hill Wind Power Projects. Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.

New York State Elks Association – Re: A Thank you for the presentation that was provided by Denis Oliver, Service Officer who presented at the New York State Elks National Veterans Committee workshop held on April 25, 2008 in Buffalo New York. Referred to: Human Services Committee; and Dan McRae, Director of Veterans Affairs


May 8, 2008
NYS Commission of Investigation – Re: Notification of the release of the 2007 Commission’s Annual Report. This report can be found on the following State website: www.sic.state.ny.us. Referred to: Legislature Chair.

May 9, 2008
Monroe County Department of Public Health – Re: Reminder on contract status with the 2008-2010 Inter-Municipal Agreement (I.A.) with Monroe County Forensic Pathology Services. Referred to: Public Safety & Corrections Committee; Mike Sprague, Director of EMO; and Fred Ahrens, County Attorney.

NYS Department of Transportation, Region 6 – Re: Correspondence regarding Route 15/Interstate 86, Interchange Project in the Town of Erwin, Steuben County. Referred to: Legislature Chair.

Environmental Protection Fund and Land & Water Conservation Fund – Re: Invitation to a series of public information meetings (May 5-16, 2008) regarding the availability of funds for environmental projects funded under the Environmental Protection Fund and the Land & Water Conservation Fund. Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.
May 12, 2008
NYS Assembly, James Bacalles – Re: Correspondence regarding the Medicaid travel reimbursement rates for Steuben County. Referred to: Human Services Committee; Kathryn Muller, Commissioner of Social Services; and Mark Alger, County Administrator.

May 13, 2008
NYS Department of Environmental Conservation – Re: Notification of property located at 17 Wheeler Avenue (Mercury Aircraft, Inc.), located in the Village of Hammondsport, Steuben County, is considered to be in violation of Article 17 of the Environmental Conservation Law for failure to comply with the law governing the discharge of pollutants to the waters of the state and the terms of its State Pollutant Discharge Elimination System Permit. Referred to: A.I.P. Committee; Greg Heffner, Planning Director; Amy Duglos, Steuben County Environmental Management Council; and Fred Ahrens, County Attorney.

May 15, 2008
Steuben County Industrial Development Agency – Re: Correspondence on the Windfarm Prattsburgh, LLC Project (PILOT Agreement). Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.

Vote: Acclamation – Adopted.

RESOLUTION NO. 102-08


FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. THREE FOR THE YEAR 2008 AUTHORIZING APPOINTMENTS TO THE COMMUNITY SERVICES BOARD WITHOUT LIMITATION FOR MEMBERS AS TO THE NUMBER OF CONSECUTIVE TERMS.

WHEREAS, there has been duly presented to the members of the Steuben County Legislature on April 28, 2008, County of Steuben Local Law Tentatively No. Three for the Year 2008, relative to removing the limitation on the number of consecutive terms served by members of the Community Services Board, and this Legislature by resolution, preliminarily adopted said Local Law on April 28, 2008, making the final adoption of said Local Law subject to a Public Hearing to be held on May 27, 2008; 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 May 27, 2008, 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. Three for the Year 2008, as hereinafter set forth be, and the same hereby is, finally adopted, to wit:

COUNTY OF STEUBEN

LOCAL LAW TENTATIVELY NO. THREE FOR THE YEAR 2008

A LOCAL LAW removing the limitation on the number of consecutive terms served by members of the Community Services Board.

Be it enacted by the Legislature of the County of Steuben as follows:
SECTION 1. LEGISLATIVE INTENT:

It is the intent of this Local Law to remove the restrictions on the number of consecutive terms for services on the Community Services Board (hereinafter "Board") all as is authorized by MHL §41.11(d).

SECTION 2. REAPPOINTMENT TO THE BOARD:

Pursuant to this Local Law members of the Board may be reappointed without limitation on the number of consecutive terms to which they may serve.

SECTION 3. EFFECTIVE DATE:

This Local Law is effective immediately upon passage.

AND BE IT FURTHER RESOLVED, a Public Hearing on the within Local Law has been held on May 27, 2008 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. Three for the Year 2008, the Clerk of this Legislature shall cause one certified copy thereof to be filed in the Office of the Steuben County Clerk, and one certified copy 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, a certified copy of this resolution shall be forwarded to Robert W. Anderson, Ph.D., Director, Steuben County Community Services.

Mr. Weaver stated I am opposed to this because I think it is wrong to have appointments without limitations.

Dr. Anderson stated the Community Services Board is the governing board for my department. By law, they actually supersede the Legislature as my employer. When we find people who are qualified to serve on the board, we like to keep them as it is hard to find members to serve on the board. In order to make the law in the County comply with what the policies and procedures of the Community Services Board say, this became the most parsimonious approach. This is what other counties are doing to meet the need we have.

Mr. Ahrens stated it is hard to recruit individuals with the right credentials to serve on the board. The appointments still come back to the Legislature for final approval. If somebody’s term has expired, you are always able to not vote them back onto the board. This resolution simply removes the limitation on the number of consecutive terms they can serve. Discussion followed.
RESOLUTION NO. 103-08

Introduced by P. Donnelly. Seconded by F. Gehl.

REQUESTING THE ADOPTION OF SENATE BILL NO. S.6919 AND ASSEMBLY BILL NO. A.9979 EXTENDING THE EXPIRATION DATE OF THE MORTGAGE RECORDING TAX FOR THE COUNTY OF STEUBEN.

Pursuant to the Tax Law of the State of New York.

WHEREAS, Steuben County has heretofore, pursuant to Resolution No. 016-08, requested legislation from the State of New York extending Tax Law Section 253-s relative to the mortgage recording tax for the County; and

WHEREAS, Tax Law Section 253-s must be reauthorized; and

WHEREAS, Senate Bill No. S.6919 and Assembly Bill No. A.9979 request the amendment of Section 3 of Chapter 365 of the Laws of 2005, extending the Steuben County mortgage recording tax expiration date from December 1, 2008 to December 1, 2011; and

WHEREAS, the generation of such mortgage recording tax fees are essential revenues for the operation of the County.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature hereby requests the Governor and the New York State Legislature to adopt special Home Rule legislation as presented in Senate Bill No. S.6919 and Assembly Bill No. A.9979, extending Tax Law Section 253-s; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor David Paterson, Executive Chamber, State Capitol, Albany, NY 12224; Senate Majority Leader, Joseph L. Bruno, 909 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, Malcolm A. Smith, 508 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 717 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, James Tedisco, 933 Legislative Office Building, Albany, NY 12248; Senator George H. Winner, 802 Legislative Office Building, Albany, NY 12247; and Assemblyman James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248.

Mr. Donnelly stated this resolution requests the extension of the expiration date of the mortgage tax by three years. If this isn’t approved, it will significantly reduce the amount of revenue the County receives.

Vote: Roll Call – Adopted.

RESOLUTION NO. 104-08


AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO ENTER INTO A STATE ASSISTANCE CONTRACT WITH THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR CLOSURE OF THE LINDLEY LANDFILL.

Pursuant to Article 5 of the County Law of the State of New York.
WHEREAS, the Commissioner of Public Works is authorized and directed as the official representative of Steuben County to act in connection with any application between Steuben County, hereinafter referred to as the “municipality”, and the New York State Department of Environmental Conservation for funding Lindley Landfill Closure Project; and

WHEREAS, this application was submitted to the Department of Environmental Conservation, and subsequently approved by them; and

WHEREAS, the Department of Environmental Conservation has a tentative agreement to reimburse the municipality up to $606,235.00, which is 50% of the cost for landfill closure.

NOW THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works is hereby directed to sign the contract for State Assistance Payments for municipal landfill closure; and be it further

RESOLVED, that the Clerk of the Legislature is hereby authorized and directed to forward seven certified copies of this resolution to the Commissioner of Public Works.

Vote: Roll Call – Adopted.

RESOLUTION NO. 105-08


AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO ACCEPT $529,872.48 IN ADDITIONAL STATE CHIPS FUNDING AND APPROPRIATING IT INTO THE PUBLIC WORKS DEPARTMENT’S CAPITAL CONSTRUCTION ACCOUNT.

WHEREAS, the 2008 CHIPS funding was budgeted at $3,158,520; and

WHEREAS, the CHIPS funding was increased Statewide by $60 million to $363 million; and

WHEREAS, the County of Steuben’s new allocation is $3,688,392.48; and

WHEREAS, the costs of liquid asphalt and blacktop for the 2008 projects have increased by $750,000 since January; and

WHEREAS, this added CHIPS funding is required to build the 2008 projects as originally scheduled.

NOW THEREFORE, BE IT

RESOLVED, the additional CHIPS funding of $529,872.48 is hereby accepted; and be it further

RESOLVED, the Steuben County Treasurer is hereby authorized to accept and appropriate the additional CHIPS funding of $529,872.48 to the revenue account for CHIPS D 999901 4350100 and the expense account for Permanent Improvements, Capital Projects D 511200 5250000; and be it further

RESOLVED, the Commissioner of Public Works is hereby authorized and directed to execute all necessary documents or agreements relative to the additional CHIPS funding; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer and the Commissioner of Public Works.
RESOLUTION NO. 106-08


AUTHORIZING THE STEUBEN COUNTY EMERGENCY MANAGEMENT OFFICE TO ACCEPT $60,000 IN LEGISLATIVE INITIATIVE GRANT FUNDING.

WHEREAS, the Legislature of the State of New York has appropriated legislative initiative grant funding in the amount $60,000 to the Steuben County Emergency Management Office; and

WHEREAS, the Legislature of the State of New York identified $35,000 in funding for the purpose of the replacement of 5 thermal imaging cameras placed with 5 regional fire departments; and

WHEREAS, the fire departments in Steuben County will benefit from the life saving abilities of these cameras; and

WHEREAS, the Legislature of the State of New York also identified $25,000 in funding for the purpose of expansion of the parking facilities at the Civil Defense/Fire Training Center; and

WHEREAS, the fire training facility must expand the parking area to support fire training.

NOW THEREFORE, BE IT

RESOLVED, the County of Steuben accepts the State legislative initiative grant as anticipated revenue; and be it further

RESOLVED, such funding shall be applied to the Office of Emergency Management’s 2008 budget for the purposes as directed by the grant; and be it further

RESOLVED, the Steuben County Treasurer be empowered to accept $60,000 into #364200 43089300 – G10LEG08 43089300 and appropriate $35,000 to #364200 5290000 – G10LEG08 5290000 (Cameras) and $25,000 to #364200 5290000 (Paving) in order to facilitate completion of said grant; and be it further

RESOLVED, the County Administrator is hereby authorized and directed to execute all necessary agreements relative to receiving such grant funding; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer and the Director of Emergency Management.

Vote: Roll Call – Adopted.

RESOLUTION NO. 107-08

Introduced by P. Donnelly.          Seconded by F. Gehl.

ESTABLISHING THE DATES FOR THE REAL PROPERTY DELINQUENT TAX AUCTION AND THE LAST DATE FOR REPURCHASE.

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 Law; and
WHEREAS, it is desirable to establish the date of the County Delinquent Real Property Tax Auction and the final repurchase date for parcels in said auction.

NOW THEREFORE, BE IT

RESOLVED, the 2008 Delinquent Real Property Tax Auction shall be conducted on Wednesday, July 16, 2008, commencing at 10:00 A.M. at the Haverling High School, Bath, New York; and be it further

RESOLVED, the final date to repurchase parcels listed for auction prior thereto is Friday, July 11, 2008, with a 25% late fee on all taxes due, together with all other costs and fees associated therewith; and be it further

RESOLVED, that the County by action of the Finance Committee reserves the right to retain title on any parcel by denying the option to repurchase; and be it further

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

Vote: Acclamation – Adopted.

Motion to adjourn Regular Session and reconvene in Executive Session Pursuant to Public Officers’ Law, Article 7§ 105.1.E. Collective Negotiations Pursuant To Article Fourteen Of The Civil Service Law Made By Mr. Donnelly, seconded by Mr. McAllister and duly carried.

Motion to adjourn Executive Session and reconvene in Regular Session made by Mr. Gehl, seconded by Mr. Ryan and duly carried.

Motion to adjourn made by Mr. Donnelly, seconded by Mr. Crossett and duly carried.
The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, New York on Monday, the 23rd day of June, 2008 at 10:00 a.m. and was called to order by the Chairman of the Legislature, Philip J. Roche, Esq.

Roll call and all members present.

Mr. Nichols offered the Invocation and the Pledge of Allegiance was led by Mr. Schwartz.

Chairman Roche opened the floor for comments by members of the public.

Joanne Van Aken, Bath, New York, stated that she has read in the paper how you are going to put a ban on burning outside. She stated that she has a farm of less than 100 acres and burns her papers, but now pays to have her garbage picked up. She commented that the farmers who are burning are not going to let the fires get out of control. It’s just one more example of how my rights are being taken away from me. What are you going to do with the campgrounds? They have campfires at night. How are you going to enforce that? She asked the Legislators to consider this before putting a ban on outdoor burning.

Chairman Roche commented, as a point of clarification, that this is a state regulation and the resolution on today’s agenda is in opposition to that.

Fred Lewis, West Union, New York, commented regard to the burning ban proposal, the DEC can’t take care of what they do now, let alone having a new requirement. He stated that he is here to request the Legislature to consider removing the county sales tax from gasoline. Per gallon of gas, we are paying 11.9 cents in county sales tax, 8 cents for excise tax, 16.4 cents for petroleum tax, plus the state sales tax. The federal tax is 18 cents. He commented that he knows of a lot of people who are driving to Pennsylvania to purchase their gas as they can get it cheaper.

Mr. Lewis stated the other issue he would like to address is the poor condition of County Route 84 in the Town of West Union. Approximately a year ago he met with Commissioner Spagnoletti and Mr. Nichols and they assured me, as well as Mr. Farrand, that CR 84 would be repaired. He commented currently you cannot drive any faster than 30mph on that road without fear of going into the ditch. This is the worst road in the County.

Roderick Stamp stated that he is here today to speak about your proposed opposition to the new DEC law. In fact, there are portions of this law that are good. If nothing else, he would like to remind the legislators that they have a responsibility and stewardship of our environment, specifically as it relates to burning garbage. With the new law, complainants would not have to sign a complaint form and they can call the ECO and issue a summons. Presently you have to sign a complaint form and most people really don’t like to do that. I don’t have to tell you how many contaminants are in garbage and I feel very strongly about it. He asked the Legislators that if they oppose this, to not do it en masse and to at least express their concern over the farming portion of it.

There being no further comments, Chairman Roche declared the public comment portion of the meeting closed.

Sandra Denison, Elections stated that she is here to report on the transition to the new voting machines. All 60 HAVA machines have been delivered. They are in the storage facility at the Health Care Facility and we are preparing to do the acceptance testing of the machines. We did submit to the State Board of Elections a grant requesting funds for training both the inspectors and to provide voter education. We
have received a training grant of approximately $47,000 and this does require a 5 percent match from the County.

Ms. Denison stated they will be holding election inspector training on July 14, 2008 on site at Hornell, Bath and Corning where they will be training 450 inspectors. The inspectors will be trained on both the lever machines and HAVA machines. We also anticipate scheduling a super user training in August.

Ms. Denison stated that they had put out an RFP for the movement of the machines from the storage facility to the voting places and then back to the storage facility as the machines can no longer be stored at the voting places. We found the price to be exorbitant; approximately $12,000 per election. Instead, we will rent trucks, and utilize the workfare program and that will be less costly.

Mr. Nichols asked have these machines been approved by the State Board of Elections? Ms. Denison replied no. We have not received final approval. Mr. Nichols asked is there a risk that if the State Board of Elections does not approve these that we will have to junk these and buy new machines? Ms. Denison replied there is a slight risk of that as we had to order the machines by February 2, 2008. We had to find and purchase machines in a seven-month timeframe and we had no other choice.

Mr. Stachnik asked what is the likelihood of these machines not being approved and of us needing to replace them? Ms. Denison replied it really is slim to none.

Mr. Donnelly commented there are 50 other counties that purchased this same machine.

Mr. McAllister asked will everyone use these machines exclusively? Ms. Denison replied there will be two types of voting machines this year. We will have the lever machine and the new HAVA machines for the handicapped.

Mr. Donnelly asked if a handicapped individual wants to use the lever machines, can they? Ms. Denison replied yes. Sharlene Thompson commented that they have the new machines in their office if anyone would like to look at them.

Motion adopting the minutes of the previous month’s meeting made by Mr. Schwartz, seconded by Mr. Argentieri and duly carried.

Mr. Spagnoletti reviewed his list of projects for 2008. This year County Route 84 will be paved or patched. The road is in the bottom fifth on our roads for the number of cars per day. We can pave or patch one mile of the eleven mile road. At the end of July we will look and see if we can do more of that road. Mr. Spagnoletti stated we have a lot of roads and we had to make a cut somewhere. People are upset about the road and we will fix the worst of it the best we can in about three weeks.

RESOLUTION NO. 108-08


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

RESOLVED, as it appears to be in the best interest of the County to sell the properties listed on Schedule "A" for the consideration offered, the Steuben County Treasurer is hereby authorized and directed to convey and deliver a County Tax Deed to the grantee(s) upon receipt of the consideration indicated within thirty (30) days from the date hereof, and be it further

RESOLVED, the said grantee(s) must accept the parcel "as is" together with the obligation of removing any persons, if any, claiming any interest in the parcel if need be, and be it further
RESOLVED, that certified copies of this resolution contained in Schedule "A" shall be forwarded to the Steuben County Treasurer, the Director of the Steuben County Real Property Tax Service Agency, the Chairman of the Board of Assessors of the appropriate municipality, and the grantee(s).

SCHEDULE "A"

Resolution #_____A-1____________________________________
Former Owner ___Douglas L Clark__________________________
In Rem Index No. 95453, 2006 sale__________________________
Parcel # ____299.14-05-003.000______________________________
Municipality ___Corning Town______________________________
Grantee(s) ____Douglas L Clark____________________________
Grantee(s) Address _3324 Clark St Ext, Corning, NY 14830_______
Consideration $1,940.94, together with $211.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution #_____A-2____________________________________
Former Owner ___Allis Dickinson___________________________
In Rem Index No. 95453, 2006 sale__________________________
Parcel # ____049.00-01-016.000______________________________
Municipality ___Pulteney Town____________________________
Grantee(s) ____Allis Dickinson c/o Atty Peter Baker__________
Grantee(s) Address _51 Main St, Hammondsport, NY 14840_______
Consideration $5,657.02, together with $121.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution #_____A-3____________________________________
Former Owner ___Lawrence A McIntyre & Kenneth Foskey_______
In Rem Index No. 93123, 2005 sale__________________________
Parcel # ____371.00-03-059.000______________________________
Municipality ___Caton Town______________________________
Grantee(s) ____Lawrence A McIntyre & Kenneth Foskey_______
Grantee(s) Address _10640 W Caton Rd, Corning, NY 14830______
Consideration $2,796.58, together with $121.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution #_____A-4____________________________________
Former Owner ___Joshua D Gebhart_________________________
In Rem Index No. 95453, 2006 sale__________________________
Parcel # ____053.00-01-047.700______________________________
Municipality ___Dansville Town____________________________
Grantee(s) ____Joshua D Gebhart____________________________
Grantee(s) Address _9668 Co Rd 46, Arkport, NY 14807_________
Consideration $1,129.91, together with $211.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.
Resolution # A-5
Former Owner ___Joshua D Gebhart_________________________
In Rem Index No. 95453, 2006 sale
Parcel # ______066.02-01-003.000________________________
Municipality ___Dansville Town___________________________
Grantee(s) _____Joshua D Gebhart_________________________
Grantee(s) Address _9668 Co Rd 46, Arkport, NY 14807_________
Consideration $2,004.60, together with $121.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution # A-6
Former Owner ___Malcolm Lane____________________________
In Rem Index No. 95453, 2006 sale
Parcel # ______128.00-01-001.212__________________________
Municipality ___Avoca Town_____________________________
Grantee(s) _____Malcolm Lane____________________________
Grantee(s) Address _7202 State Route 54, Bath, NY 14810________
Consideration $2,017.06 together with $211.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution # A-7
Former Owner ___Phillip L Wheaton_________________________
In Rem Index No. 93123, 2005 sale
Parcel # ______276.00-01-009.115__________________________
Municipality ___Rathbone Town___________________________
Grantee(s) _____Phillip L Wheaton_________________________
Grantee(s) Address _7180 Chappel Rd, Addison, NY 14801_______
Consideration $800.41, together with $121.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution # A-8
Former Owner ___William Albright_________________________
In Rem Index No. 95453, 2006 sale
Parcel # ______127.00-01-011.300__________________________
Municipality ___Avoca Town_____________________________
Grantee(s) _____William Albright_________________________
Grantee(s) Address _12140 Jerusalem Rd, Kingsville, MD 21007-0186
Consideration $1,699.06, together with $211.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution # A-9
Former Owner ___Kirsten I Isachsen_________________________
In Rem Index No. 95453, 2006 sale
Parcel # ______051.00-01-026.200__________________________
Municipality ___Dansville Town___________________________
Grantee(s) _____Kirsten I Isachsen_________________________
Grantee(s) Address _PO Box 392, Dansville, NY 14437-0392_______
Consideration $5,115.03, together with $121.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.
Resolution # A-10
Former Owner  Harvey G Doolittle
In Rem Index No. 95453, 2006 sale
Parcel # 159.10-02-027.200
Municipality  Bath Village
Grantee(s)  Harvey G Doolittle
Grantee(s) Address  258 McMaster St, Bath, NY 14810
Consideration $326.43, together with $211.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution # A-11
Former Owner  Harvey G Doolittle
In Rem Index No. 95453, 2006 sale
Parcel # 175.00-01-033.000
Municipality  Bath Town
Grantee(s)  Harvey G Doolittle
Grantee(s) Address  258 McMaster St, Bath, NY 14810
Consideration $3,233.61, together with $121.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution # A-12
Former Owner  Patricia A Faber
In Rem Index No. 95453, 2006 sale
Parcel # 048.00-01-001.130
Municipality  Prattsburgh Town
Grantee(s)  Patricia A Faber
Grantee(s) Address  10499 Town Line Rd, Prattsburgh, NY 14873
Consideration $2,203.73, together with $211.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution # A-13
Former Owner  Shane M & Tammy L Wheaton
In Rem Index No. 95453, 2006 sale
Parcel # 398.00-01-027.200
Municipality  Troupsburg Town
Grantee(s)  Shane M & Tammy L Wheaton
Grantee(s) Address  553 Reynolds Rd, Woodhull, NY 14898
Consideration $21,100.20, together with $121.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.
RESOLUTION NO. A-14

Former Owner ___Thomas & Monica Flaitz____________________

In Rem Index No. 95453, 2006 sale

Parcel # ________166.00-01-033.000________________________

Municipality ____Hornellsville Town________________________

Grantee(s) ______Thomas & Monica Flaitz____________________

Grantee(s) Address _6275 County Route 29, Hornell, NY 14843____

Consideration $4,352.28, together with $121.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Vote: Roll Call – Adopted.

RESOLUTION NO. 109-08


RECEIVING AND ACCEPTING THE JUNE 23, 2008 COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY ADMINISTRATOR’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:

May 19, 2008
City of Hornell Industrial Development Agency - Re: Public Hearing regarding Lowe’s Home Center, Inc., on 6/17/08 at 10:00 a.m., at the Agency’s offices located at 40 Main Street, Hornell, NY. Referred to: A.I.P. Committee and Greg Heffner, Planning Director.

Robert G. Hutter, Attorney at Law – Re: 2008 proposal to provide services to Steuben County for the Assigned Counsel Program in the amount of $29,500. Referred to: Administration Committee and Fred Ahrens, County Attorney.

Fisher-Vogt Appraisals- Re: Concerns with the real property tax assessments and a request to take a look at alternatives/potential cost savings for Steuben County. Referred to: Administration Committee and Donna Hatch, Real Property Tax Service Director.

Town of Erwin – Re: Correspondence on the Route 15/I86 Interchange Project and gives an (additional) official notice that the Town prohibits u-turns at the Chatfield Drive and Robert Dann Drive. In addition, the Town of Erwin requires the Department of Transportation to not place any signs that would sanction u-turns in this intersection. Referred to: Legislature Chair.

NYS Department of State – Re: Notification of grant applications available under the Title II of the Environmental Protection Fund to prepare or implement Local Waterfront Programs. The complete request for applications package can be obtained from the Division of Coastal Resources’ website at www.nyswaterfronts.com. (Application deadline is by 4:00pm on June 30, 2008). Referred to: A.I.P. Committee and Greg Heffner, Planning Director.

May 28, 2008
City of Corning, Mark Ryckman – Re: May 2008 Corning, New York Emergency Medical Services Feasibility Study which was completed by MMA Consulting Group, Inc. Referred to: Public Safety & Corrections Committee and Tim Wixom, 911 Director.
June 2, 2008

NYS Department of Transportation – Re Formula for the first quarter SFY 2008-2009 Statewide Mass Transportation Operating Assistance (STOA) payments. Referred to: Greg Heffner, Planning Director.

June 3, 2008
Western Regional Off-Track Betting Corporation – Re: Check in the amount of $6,030 representing the April 2008 retained surcharge revenue for Steuben County from WROTB. Referred to: Finance and Rules Committees and Carol Whitehead, County Treasurer.

June 5, 2008
NYS Office of Parks, Recreation and Historic Preservation – Re: Notification that Hammondsport School, which is located at 41 Lake Street, Hammondsport, New York, has been listed on the National Register of Historic Places. Properties owned by municipalities and not-for-profit organizations are eligible to apply for state historic preservation matching grants. Referred to: A.I.P. Committee; Greg Heffner, Planning Director; and Twila O’Dell, Historian.


June 6, 2008
NYS Office of Children & Family Services – Re: Notification of the 2% reduction for YDDP, SDPP and RHYA funding for calendar year 2009. In addition, as part of the passage of this year’s budget, funds from the 2007-2008 budget must be reallocated. These re-appropriations also received a 2% reduction. The OCFS must reduce YDDP and RHYA funding in the current calendar year. The SDPP funds will not be impacted in 2008. The revised allocation for Steuben County is $202,004. All Counties are required to submit a program summary indicating changes to funding in red by Friday, July 11, 2008. Referred to: Human Service Committee and Gary Pruyn, Youth Bureau Director.

June 12, 2008
NYS Department of Transportation – Re: Correspondence on the Route 15/I86 Interchange Project regarding U-Turns on Chatfield Drive and Robert Dann Drive. Referred to: Legislature Chair.

Allegany County Board of Legislators – Re: Allegany County Comprehensive Plan: SEQRA Determination of No Significant Impact & Notice of Public Hearing (Resolution No. 100-08 and 101-08). Referred to: A.I.P. Committee and Greg Heffner, Planning Director.

Vote: Acclamation – Adopted.

RESOLUTION NO. 110-08

Introduced by: P. McAllister. Seconded by: P. Donnelly

PRESENTING LOCAL LAW TENTATIVELY NO. FOUR FOR THE YEAR 2008 GRANTING AN EXEMPTION FROM TAXATION TO HISTORIC REAL PROPERTY ALTERED OR REHABILITATED.

WHEREAS, the Administration Committee has found it in the County’s best interest to exempt improvements made to historic real property; and

WHEREAS, this Legislature is desirous of doing the same.

NOW THEREFORE, BE IT
RESOLVED, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. Four for the Year 2008, granting an exemption from taxation to historic real property altered or rehabilitated, as follows:

COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. FOUR FOR THE YEAR 2008

A LOCAL LAW granting an exemption from taxation to historic real property altered or rehabilitated.

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

SECTION 1. LEGISLATIVE INTENT.

It is the intent of this Local Law to grant historic property exemption from taxation to the extent authorized by Real Property Tax Law §444-a.

SECTION 2. HISTORIC PROPERTY EXEMPTION.

Real property altered or rehabilitated subsequent to the effective date of this local law shall be exempt from taxation and special ad valorem levies as herein provided. A copy of this law shall be filed with the state board and the assessor of such county, city, town or village who prepares the assessment roll on which the taxes of such county are levied.

SECTION 3. PERCENT OF EXEMPTION.

(a) Historic property shall be exempt from taxation to the extent of any increase in value attributable to such alteration or rehabilitation pursuant to the following schedule:

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<th>year of exemption</th>
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<td>40</td>
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<td>20</td>
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</table>

(b) No such exemption shall be granted for such alterations or rehabilitation unless:

(i) Such property has been designated as a landmark, or is a property that contributes to the character of an historic district, created by a local law passed pursuant to §96-a or 119-dd of the General Municipal Law;

(ii) Alterations or rehabilitation must be made for means of historic preservation;

(iii) Such alterations or rehabilitation of historic property meet guidelines and review standards in the local preservation law;

(iv) Such alterations or rehabilitation of historic property are approved by the local preservation commission prior to
commencement of work;

(v) Alterations or rehabilitation are commenced subsequent to the effective date of the local law or resolution adopted pursuant to this section.

SECTION 4. APPLICATION FOR EXEMPTION.

Such exemption shall be granted only by application of the owner or owners of such historic real property on a form prescribed by the state board. The application shall be filed with the assessor of the county, city, town or village having power to assess property for taxation on or before the appropriate taxable status date of such county, city, town or village.

SECTION 5. GRANTING OF EXEMPTION.

Such exemption shall be granted where the assessor is satisfied that the applicant is entitled to an exemption pursuant to this section. The assessor shall approve such application and such property shall thereafter be exempt from taxation and special ad valorem levies as herein provided commencing with the assessment roll prepared on the basis of the taxable status date referred to in subdivision three of this section. The assessed value of any exemption granted pursuant to this section 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 6. EFFECTIVE DATE.

This Local Law is 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 July 28, 2008 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 Director of Real Property Tax Service Agency; County Treasurer; New York State Office of Real Property Services, 16 Sheridan Ave., Albany, NY 12210-2714; and all assessors within the County of Steuben.

Vote: Acclamation – Adopted.

RESOLUTION NO. 111-08


AUTHORIZING THE EXECUTION OF A QUITCLAIM DEED RELATIVE TO PROPERTY REMAINING UNUSED AFTER THE REALIGNMENT OF A PORTION OF COUNTY ROUTE 113 IN THE TOWN OF URBANA.

WHEREAS, heretofore, a portion of County Route 113 between Lockwood Road and Longwell Road in the Town of Urbana was realigned; and
WHEREAS, after the completion of said realignment there remains a parcel (hereinafter described) being the former right of way; and

WHEREAS, the County has no need for or plans regarding the former and now unused portion of said right of way; and

WHEREAS, the County has effectively abandoned said former and now unused portion of said right of way; and

WHEREAS, the owners of the lands upon which the abandoned portion of said right of way is located have requested that the County execute and deliver a Quitclaim Deed relinquishing any interest or theory of interest of the public in and to said parcel, thereby clearing title to the grounds.

NOW THEREFORE, BE IT

RESOLVED, the County Administrator shall be and is hereby authorized and directed to execute a Quitclaim Deed in favor of the present owners of the lands affected relinquishing any and all interest or theory of interest of the County or the public in and to the portion of County Route 113, between Lockwood Road and Longwell Road in the Town of Urbana, which has effectively been abandoned through realignment more particularly described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Urbana, County of Steuben and State of New York bounded and described as follows:

Beginning at a point at the intersection of the west line of Lot 4 and the centerline of an old road bed, all as more fully shown on a survey map entitled “Plan of lands of Eldon V. Hough and Marian Hough” surveyed by McConnell & Muller Land Surveyors dated September 10, 1994 and filed in the Steuben County Clerk’s Office as map no. 10971, said point being North 5°00'00" East a distance of 123.52 feet northerly along the west line of Lot 4 from the intersection of the centerline of County Route 113 and the west line of Lot 4;

Thence the following courses along the centerline of an old road bed:

North 17°28'30" East – 26.44 feet to a point;
North 30°21'10" East – 49.53 feet to a point;
North 48°13'12" East – 68.52 feet to a point;
North 61°41'42" East – 50.30 feet to a point;
North 86°25'44" East – 43.75 feet to a point on the north line of County Route 113; and

BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Public Works, the County Administrator and the Real Property Tax Service Agency Director.

Mr. English explained a realignment occurred 50 years ago from the County right-of-way to take a sharp turn out of the road. The County did not own that property. The landowner who currently owns this piece of property considers himself to be encumbered by the public right-of-way and has requested a quick claim deed.

Mr. Gehl asked what does this do? Mr. English replied this is relinquishing any interest we have in this property.

Vote: Roll Call – Adopted.
RESOLUTION NO. 112-08


AUTHORIZING DISTRIBUTION OF MORTGAGE TAX RECEIPTS.

Pursuant to Section 261 (2) of the Tax Law of the State of New York.

RESOLVED, that the apportionment of tax on mortgages in the County of Steuben collected by the County Clerk from the 1st day of October, 2007, to the 31st day of March, 2008, pursuant to provisions of Section 261 (2) of the Tax Law, as made by the Clerk of this Legislature be and the same hereby is ratified and confirmed, and the statement of such apportionment in compliance with the provisions of said Law, filed with the County Treasurer of this County, is hereby and in all things ratified and confirmed and such statement shall be to the County Treasurer a sufficient Warrant for the payment by her of the various sums as apportioned for the various purposes as designed by Law, and be it further

RESOLVED, that the Clerk of this Legislature shall forward certified copies of this resolution to the Steuben County Treasurer, the Steuben County Real Property Tax Service Agency, and the Steuben County Clerk:

MORTGAGE TAX APPORTIONMENT

The amount of money in your hands on April 30, 2008, which was received by you from the County Clerk as taxes paid to her upon the real property mortgages filed in her office since October 1, 2007, the date of the last apportionment, and which must be distributed to the various tax districts of the County of Steuben, pursuant to Section 261 of the Tax Law, is the sum of $561,777.97.

You are therefore commanded to pay the various towns and cities the amount placed opposite the name of said towns and cities and pay over to the various village officers the amount hereinafter stated to be the distributive amounts due said districts for village purposes, as follows:

MORTGAGE TAX DISTRIBUTION - 5/2008

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<th>TOWN &amp; CITIES</th>
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<th>VILLAGES AMT DUE</th>
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Monday, June 23, 2008
ARKPORT (2) 1,462.73
HOWARD 5,015.44
JASPER 4,691.20
LINDLEY 7,174.19
PRATTSBURGH 8,431.42
PULTENEY 23,071.49
RATHBONE 3,538.72
THURSTON 6,824.27
TROUSPSBURG 4,831.09
TUSCARORA 4,538.44
URBANA 27,245.17
WAYLAND 14,424.22
WAYNE 15,144.22
WEST UNION 2,939.47
WHEELER 4,501.38
WOODHULL 5,233.49
Total 519,002.74
V’N HORNELL (3) 1,684.70
HORNELLsville 16,435.25
HOWARD 5,015.44
JASPER 4,691.20
LINDLEY 7,174.19
PRATTSBURGH 8,431.42
PULTENEY 23,071.49
RATHBONE 3,538.72
THURSTON 6,824.27
TROUSPSBURG 4,831.09
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URBANA 27,245.17
WAYLAND 14,424.22
WAYNE 15,144.22
WEST UNION 2,939.47
WHEELER 4,501.38
WOODHULL 5,233.49
Total 519,002.74

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

DATED at Bath, New York, June 23, 2008. STEUBEN COUNTY LEGISLATURE

By: Philip Roche, Chairman

I, Christine Kane, Clerk of the County Legislature of Steuben County, DO HEREBY CERTIFY, that the foregoing apportionment of Mortgage Tax, pursuant to Law, is correct.

DATED: June 23, 2008.

Christine Kane, Clerk
Steuben County Legislature

Vote: Roll Call – Adopted.

RESOLUTION NO. 113-08


RECLASSIFICATION OF A SENIOR CLERK POSITION, GRADE VI, TO A PRINCIPAL CLERK POSITION, GRADE VIII, WITHIN THE STEUBEN COUNTY DEPARTMENT OF SOCIAL SERVICES.

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

WHEREAS, a position exists within the Steuben County Department of Social Services that is inappropriately titled and not consistent with the duties of said position; and

WHEREAS, the Steuben County Personnel Officer and the Human Services and Administration Committees have reviewed and approved the recommended changes for that position.

NOW THEREFORE, BE IT

RESOLVED, effective with the adoption of this resolution, the following position in the Steuben County Department of Social Services is hereby reclassified:
AND BE IT FURTHER RESOLVED, the Job Classification and Salary Schedule is hereby amended to reflect the above-stated change; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Personnel Officer, County Treasurer, and the Commissioner of Social Services.

Vote: Roll Call – Adopted.
Motion to vote on resolutions 8 – 10 on the agenda as one vote and waiving the reading of said resolutions made by Mr. Schwartz, seconded by Mr. Farrand and duly carried.

RESOLUTION NO. 114-08


COMMENCING THE REVIEW PERIOD FOR AGRICULTURAL DISTRICT NO. 2.

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

WHEREAS, owners of certain land in the Towns of Bath, Campbell, and Thurston did submit to the Steuben County Board of Supervisors a proposal to create an agricultural district within the specified areas of said Towns; and

WHEREAS, said proposal was filed with the Steuben County Board of Supervisors and the appropriate procedures were thereafter followed which led to a certification of the creation of said district effective July 6, 1975; and

WHEREAS, the next review date for said district is April 22, 2009 and it is anticipated that the Notice of Review from the State of New York, Department of Agriculture and Markets will be forthcoming from said Department of Agriculture and Markets within the next 90 days, and that, pursuant to said Law, the procedure for the necessary review of the Steuben County Agricultural District No. 2 will be required to commence thereafter; and

WHEREAS, it is in the best interests of the County to commence this review period at this time.

NOW THEREFORE, BE IT

RESOLVED, that the Review period of the said Agricultural District located in the Towns of Bath, Bradford, Campbell, and Thurston, County of Steuben and State of New York commences effective upon filing of a Notice of Review with the office of the Steuben County Clerk, said Review period to be for a period of thirty (30) days; and be it further

RESOLVED, that the Clerk of this Legislature is hereby directed to file said Notice of Review in the Office of the Steuben County Clerk and provide notice of such review by publishing the "Notice" in the Corning Leader and Evening Tribune, which are two (2) newspapers having general circulation within the said District, and by posting such "Notice" in five (5) conspicuous places within the said district. Said "Notice" shall contain information as required in accordance with Section 303-a of the Agriculture and Markets Law of the State of New York; and be it further

RESOLVED, that the Clerk of this Legislature shall file the necessary affidavits of publication and posting of such "Notice" with this County Legislature, and this Legislature shall receive any proposals for modification of said district which may be submitted by landowners or municipalities, within thirty (30) days of the filing of the Notice of Review in the Steuben County Clerk's Office; and be it further

RESOLVED, that upon termination of said thirty (30) day period such review and any proposed modifications shall be referred by this Legislature to the Steuben County Agricultural and Farmland Protection Board, which Board
RESOLVED, that the Clerk of this Legislature shall forward certified copies of this resolution to the Steuben County Clerk; Andrew Spencer, Chairman of the County Agricultural and Farmland Protection Board, 8997 Burns Rd., Arkport, NY 14807; Director of the Steuben County Planning Department; and James Grace, Cooperative Extension Agent at Bath, New York.

Vote: Acclamation – Adopted.

RESOLUTION NO. 115-08


COMMENCING THE REVIEW PERIOD FOR AGRICULTURAL DISTRICT NO. 12.

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

WHEREAS, owners of certain land in the Town Wayne did submit to the Steuben County Board of Supervisors a proposal to create an agricultural district within the specified areas of said Towns; and

WHEREAS, said proposal was filed with the Steuben County Board of Supervisors and the appropriate procedures were thereafter followed which led to a certification of the creation of said district effective April 27, 1984; and

WHEREAS, the next review date for said district is April 22, 2009 and it is anticipated that the Notice of Review from the State of New York, Department of Agriculture and Markets will be forthcoming from said Department of Agriculture and Markets within the next 90 days, and that, pursuant to said Law, the procedure for the necessary review of the Steuben County Agricultural District No. 12 will be required to commence thereafter; and

WHEREAS, it is in the best interests of the County to commence this review period at this time.

NOW THEREFORE, BE IT

RESOLVED, that the Review period of the said Agricultural District located in the Town of Wayne and the Town of Bradford County of Steuben and State of New York commences effective upon filing of a Notice of Review with the office of the Steuben County Clerk, said Review period to be for a period of thirty (30) days; and be it further

RESOLVED, that the Clerk of this Legislature is hereby directed to file said Notice of Review in the Office of the Steuben County Clerk and provide notice of such review by publishing the "Notice" in the Corning Leader and Evening Tribune, which are two (2) newspapers having general circulation within the said District, and by posting such "Notice" in five (5) conspicuous places within the said district. Said "Notice" shall contain information as required in accordance with Section 303-a of the Agriculture and Markets Law of the State of New York; and be it further

RESOLVED, that the Clerk of this Legislature shall file the necessary affidavits of publication and posting of such "Notice" with this County Legislature, and this Legislature shall receive any proposals for modification of said district which may be submitted by landowners or municipalities, within thirty (30) days of the filing of the Notice of Review in the Steuben County Clerk's Office; and be it further

RESOLVED, that upon termination of said thirty (30) day period such review and any proposed modifications shall be referred by this Legislature to the Steuben County Agricultural and Farmland Protection Board, which Board shall report to the Steuben County Legislature their recommendations concerning the review and proposed modifications, and thereafter the County Legislature shall hold a Public Hearing as required by Law; and be it further
RESOLVED, that the Clerk of this Legislature shall forward certified copies of this resolution to the Steuben County Clerk: Andrew Spencer, Chairman of the County Agricultural and Farmland Protection Board, 8997 Burns Rd., Arkport, NY 14807; Director of the County Planning Department; and James Grace, Cooperative Extension Agent at Bath, New York.

Vote: Acclamation – Adopted.

RESOLUTION NO. 116-08


COMMENCING THE REVIEW PERIOD FOR AGRICULTURAL DISTRICT NO. 14.

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

WHEREAS, owners of certain land in the Towns of Bath, Canisteo, and Howard did submit to the Steuben County Board of Supervisors a proposal to create an agricultural district within the specified areas of said Towns; and

WHEREAS, said proposal was filed with the Steuben County Board of Supervisors and the appropriate procedures were thereafter followed which led to a certification of the creation of said district effective August 20, 1984; and

WHEREAS, the next review date for said district is April 22, 2009 and it is anticipated that the Notice of Review from the State of New York, Department of Agriculture and Markets will be forthcoming from said Department of Agriculture and Markets within the next 90 days, and that, pursuant to said Law, the procedure for the necessary review of the Steuben County Agricultural District No.14 will be required to commence thereafter; and

WHEREAS, it is in the best interests of the County to commence this review period at this time.

NOW THEREFORE, BE IT

RESOLVED, that the Review period of the said Agricultural District located in the Towns of Bath, Cameron, Canisteo, Howard and Thurston, County of Steuben and State of New York commences effective upon filing of a Notice of Review with the office of the Steuben County Clerk, said Review period to be for a period of thirty (30) days; and be it further

RESOLVED, that the Clerk of this Legislature is hereby directed to file said Notice of Review in the Office of the Steuben County Clerk and provide notice of such review by publishing the "Notice" in the Corning Leader and Evening Tribune, which are two (2) newspapers having general circulation within the said District, and by posting such "Notice" in five (5) conspicuous places within the said district. Said "Notice" shall contain information as required in accordance with Section 303-a of the Agriculture and Markets Law of the State of New York; and be it further

RESOLVED, that the Clerk of this Legislature shall file the necessary affidavits of publication and posting of such "Notice" with this County Legislature, and this Legislature shall receive any proposals for modification of said district which may be submitted by landowners or municipalities, within thirty (30) days of the filing of the Notice of Review in the Steuben County Clerk's Office; and be it further

RESOLVED, that upon termination of said thirty (30) day period such review and any proposed modifications shall be referred by this Legislature to the Steuben County Agricultural and Farmland Protection Board, which Board shall report to the Steuben County Legislature their recommendations concerning the review and proposed modifications, and thereafter the County Legislature shall hold a Public Hearing as required by Law; and be it further

RESOLVED, that the Clerk of this Legislature shall forward certified copies of this resolution to the Steuben County Clerk; Andrew Spencer, Chairman of the County Agricultural and Farmland Protection Board, 8997 Burns Rd.,
Arkport NY 14807; the Director of the Steuben County Planning Department; and James Grace, Cooperative Extension Agent at Bath, New York.

**Vote:** Acclamation – Adopted.

RESOLUTION NO. 117-08

Introduced by: D. Creath.                Seconded by: R. Weaver.

REAPPOINTING A MEMBER TO THE SOIL AND WATER CONSERVATION DISTRICT BOARD OF DIRECTORS.

Pursuant to Section 7 of the Soil Conservation District Law of the State of New York.

WHEREAS, the Steuben County Pomona Grange has recommended that Walter Freeman be reappointed to the Soil and Water Conservation District Board of Directors.

NOW THEREFORE, BE IT

RESOLVED, that Walter Freeman of 2511 Hunter Hill, Jasper, New York, be reappointed to the Soil and Water Conservation District Board of Directors for a three year term commencing January 1, 2006 through December 31, 2008; and be it further

RESOLVED, said appointee 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 appointee, the County Auditor and the Steuben County Soil and Water Conservation District Office, 415 W. Morris Street, Bath, New York 14810.

**Vote:** Acclamation – Adopted.

RESOLUTION NO. 118-08

Introduced by: D. Creath.                Seconded by: All Legislators Present.

MEMORIALIZING THE COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION OF THE STATE OF NEW YORK IN OPPOSITION TO THE NEW PART 215 AND RELATED SECTIONS RELATIVE TO AUTHORIZED AND RESTRICTED BURNINGS.

WHEREAS, the Commissioner of the Department of Environmental Conservation has promulgated a proposed new part 215 regulating and restricting outdoor fire and smoke; and

WHEREAS, said provisions of the proposed rule are ambiguous, inconsistent, difficult to administer and are arbitrary and capricious; and

WHEREAS, most importantly, said restrictions place substantial obstacles to the maintenance and promotion of agricultural pursuits in the State of New York thus adversely impacting an important component of Steuben County’s economy.

NOW THEREFORE, BE IT
RESOLVED, that the Commissioner of the Department of Environmental Conservation be and the same hereby is memorialized in opposition to the proposed new part 215 and related sections; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to Pete Grannis, Commissioner of the Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-1011.

Mr. Schwartz asked the entire Board to sponsor this resolution. He understands banning the burning of garbage, but this is another way to take away people’s rights.

Mr. Argentieri asked what will this resolution accomplish? Mr. Roche replied this is a memorializing resolution.

Mr. Ahrens stated the Department of Environmental Conservation is holding a comment period regarding this and are soliciting public comments. There is no better way to make a comment than to memorialize a State agency.

Mr. Argentieri commented that he would like to separate the burning of garbage from the other. Mr. Ahrens stated this resolution does separate the two. There are many problems with this, as the way it is drafted it will be difficult to enforce it. A campfire is permitted, but it cannot exceed 36x36x36. However, a celebratory bonfire has no limits. Mr. Ahrens urged the legislators to vote in favor of this resolution.

Discussion followed.

Vote: Acclamation – Adopted.

Motion to adjourn regular session and reconvene in Executive Session pursuant to Public Officers’ Law, Article 7§ 105.1.E. Collective Negotiations Pursuant to Article Fourteen of the Civil Service Law made by Mr. Gehl, Seconded by Mr. Weaver and duly carried.

Motion ratifying the Improper Labor Practice charge dated June 17, 2008 against the CSEA on behalf of the Corrections Officers made by Mr. Argentieri, seconded by Mr. Stachnik. Vote: Roll Call – Adopted.

Motion to adjourn made by Mr. Schwartz, seconded by Mr. Weaver and duly carried
The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, New York on Monday, the 28th day of July, 2008 at 10:00 a.m. and was called to order by the Chairman of the Legislature, Philip J. Roche, Esq.

Roll call and all members present except Legislator Stachnik.

The Invocation was provided by Legislator Nichols and the Pledge of Allegiance was led by Legislator Hauryski.

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

Chairman Roche asked Helen Brutsman to come forward. Mrs. Brutsman is the Administrative Officer for the Department of Special Children’s Services. Chairman Roche presented her with a plaque and a Certificate of Appreciation in honor of her retirement following 30 years of service with Steuben County. Mrs. Brutsman stated she appreciates everybody’s support. It has been great working here and I will miss the people, not the work.

Chairman Roche asked Joe Hadley and Carl Terbury to come forward. He presented them with Certificates of Appreciation and recognized them for their composure and quick thinking on May 8, 2008 when they performed CPR on a fellow employee, saving his life.

The Clerk of the Legislature read the Notice of Public Hearing and provided proof of posting and publication regarding the Public Hearing upon Local Law Tentatively No. Four for the Year 2008, Granting an Exemption from Taxation to Historic Real Property Altered or Rehabilitated.

Sylvia Huber, Chairman of the Corning Area United Taxpayer Association, stated since February, the Town of Corning, Town of Erwin and City of Corning, as well as other communities, have been victims of reassessment programs that have increased their property assessments $20,000 to $60,000. These increases have financially devastated many homeowners. The explanation always used by the assessors of any municipality is that it creates equal assessments for all property owners. That is a false statement. This morning you will consider further exemptions for properties that meet the guidelines for “historical status”. Property owners will have to pay additional taxes at the city, town, village and county levels, plus to the school districts to make up the differences. Do you realize the financial disaster that now exists? How do you expect taxpayers to continue to make up the difference of all the tax exemption programs you offer? Please don’t say it creates jobs. Vote no; the taxpayers cannot afford it.

There being no further comments, Chairman Roche declared the public hearing closed.

Chairman Roche opened the floor for comments by members of the public.

Patricia Eaton, Bath, stated she would like to address the status of the old health care facility building. The newspaper makes it sound like you are emptying this building. The cost estimates listed in the paper for making that building into assisted living and office space are not true. We need health care and you all ignore it. I hope you are happy with yourselves.
James Hall, Cohocton Wind Watch, stated I appreciate the opportunity to speak again. Today my purpose is simple. I would like to distribute a copy of a press release from Attorney General Cuomo. The Attorney General has confirmed our concerns for a full-scale inquisition into wind developments. This press release acknowledges that everything we have been saying is correct. District Attorney Tunney acknowledges receipt of my second letter to him and he has said he will read it. I also am looking for support from the Legislators to encourage Mr. Tunney to meet with us regarding criminal activity among the wind farm companies in the county. Cohocton Wind Watch is now part of a larger organization called Citizens Power Alliance that is monitoring wind farm organizations across the state. A copy of Cohocton Wind Watch’s letter to District Attorney Tunney and the Attorney General’s press release are on file in the Clerk of the Legislature’s Office.

There being no further comments, Chairman Roche declared the public comment portion of the meeting closed.

Jack Wheeler, Assistant County Administrator, introduced Mike Maenza and Dave Warner of ProAct. Mr. Maenza stated we are here to discuss a prescription drug program that we have administered in various counties over the year. Mr. Maenza stated we are currently working with 10 counties. In Steuben County, there are 11,547 adults and children that are uninsured. Any resident, regardless of age, would be able to participate in the program. There is no application process and there is no cost to the county or the participants. The discount comes from the pharmacies themselves. When they agree to be in a network, they agree to honor discounts as well. The discount card can be used at any participating pharmacy nationwide. The discount program covers all prescriptions, brand or generic. The average savings is 10 to 20 percent on brand drugs and 20 to 50 percent on generic drugs. He reviewed various statistics showing how much savings the average member receives. The program is anonymous as they mail the discount cards to every household in the County. As soon as they receive it in the mail, they can take it to the pharmacy to get a discount on their prescriptions. This is not insurance – it is a discount program. There are instances where people might have insurance but a particular prescription isn’t covered by their plan, then they could use the card. Also, those who have to reach a certain deductible before their prescriptions are covered; they could use the card as well. Considerable discussion followed.

Chairman Roche thanked Mr. Maenza and Mr. Warner for their presentation.

The minutes of the previous month’s meeting were adopted upon the motion of Mr. Schwartz, seconded by Mr. Creath and duly carried.

Mr. Ahrens announced three years ago, the County entered into litigation regarding chargebacks to the Medicaid system. He announced that Steuben County received a $50,000 settlement from Bristol Meyers Squibb, the first company to settle in the lawsuit.

Mr. Schwartz announced that he recently learned that polling locations in his district were closed. He stated he thinks it is important for County Legislators to be notified when the Board of Elections takes such action.

RESOLUTION NO. 119-08


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

RESOLVED, as it appears to be in the best interest of the County to sell the properties listed on Schedule "A" for the consideration offered, the Steuben County Treasurer is hereby authorized and directed to convey and deliver a County Tax Deed to the grantee(s) upon receipt of the consideration indicated within thirty (30) days from the date hereof, and be it further
RESOLVED, the said grantee(s) must accept the parcel "as is" together with the obligation of removing any persons, if any, claiming any interest in the parcel if need be, and be it further

RESOLVED, that certified copies of this resolution contained in Schedule "A" shall be forwarded to the Steuben County Treasurer, the Director of the Steuben County Real Property Tax Service Agency, the Chairman of the Board of Assessors of the appropriate municipality, and the grantee(s).

SCHEDULE "A"

Resolution # A-1
Former Owner__ Eric M Wheeler
In Rem Index No. 95453, 2006 sale
Parcel # 197.11-05-020.000
Municipality __ Canisteo Village
Grantee(s) ___ Eric M Wheeler
Grantee(s) Address _ PO Box 400, Lugoff, SC 29078
Consideration $665.20, together with $121.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution # A-2
Former Owner__ Sharon Ste Marie
In Rem Index No. 90918, 2004 sale
Parcel # 118.09-01-004.000
Municipality __ Hammondsport Village
Grantee(s) ___ Sharon Ste Marie
Grantee(s) Address _ 2320 Argyle Ave, Dayton, OH 45420
Consideration $32,335.29, together with $121.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution # A-3
Former Owner__ Bonnie A Swift
In Rem Index No. 95453, 2006 sale
Parcel # 166.06-02-039.000
Municipality __ Hornell City
Grantee(s) ____ Bonnie A Swift
Grantee(s) Address _ 327 Lilly Ave, Hornell, NY 14843
Consideration $556.05, together with $211.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution # A-4
Former Owner__ Judith Rosekrans
In Rem Index No. 95453, 2006 sale
Parcel # 091.00-02-001.300
Municipality __ Urbana Town
Grantee(s) ____ Judith Rosekrans
Grantee(s) Address _ 8570 Urbana Rd, Hammondsport, NY 14840
Consideration $4,816.55, together with $121.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.
Resolution # A-5
Former Owner __ _______ Salvatore Croce & Marylynn Bianchi
In Rem Index No. 95453, 2006 sale
Parcel # _______ 019.00-02-024.000
Municipality ___Prattsburgh Town
Grantee(s) ____ Salvatore Croce & Marylynn Bianchi
Grantee(s) Address _61 Images Way, Rochester, NY 14626-4707_
Consideration $1,763.36, together with $211.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution # A-6
Former Owner __ _______ Pearl M Schaffer
In Rem Index No. 95453, 2006 sale
Parcel # _______ 242.12-01-015.000
Municipality ___Campbell Town
Grantee(s) ___ Pearl M Schaffer c/o Carol S Whitehead
Grantee(s) Address _3 E Pulteney Square, Bath, NY 14810___
Consideration $3,931.41, together with $121.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution # A-7
Former Owner __ _______ Darrin R King
In Rem Index No. 95453, 2006 sale
Parcel # _______ 299.15-01-073.000
Municipality ___Corning City___
Grantee(s) ___ Darrin R King
Grantee(s) Address _10290 Griswold Rd, Corning, NY 14830___
Consideration $2,987.46, together with $121.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution # A-8
Former Owner __ _______ Nathaniel Hendricks
In Rem Index No. 95453, 2006 sale
Parcel # _______ 310.00-02-002.000
Municipality ___Cameron Town___
Grantee(s) ___ Nathaniel Hendricks
Grantee(s) Address _336 State Street, Brooklyn, NY 11217___
Consideration $28,694.13, together with $121.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution # A-9
Former Owner __ _______ Windfarm Prattsburgh LLC
In Rem Index No. 95453, 2006 sale
Parcel # _______ 033.00-01-038.200
Municipality ___Prattsburgh Town______
Grantee(s) _____Windfarm Prattsburgh LLC
Grantee(s) Address _85 Wells Ave, Suite 305, Newton, MA 02459
Consideration $1,673.15, together with $211.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.
Resolution #_____A-10___________________________________
Former Owner ___Caroline G Saltsman______________________
In Rem Index No. 95453, 2006 sale_________________________
Parcel # __________060.00-01-070.000_______________________
Municipality ___Prattsburgh Town_________________________
Grantee(s) _____Caroline G Saltsman_______________________
Grantee(s) Address _8851 Brown Rd, Pulteney, NY 14874_______
Consideration $13,337.49, together with $121.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been
satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution #_____A-11___________________________________
Former Owner ___Russell B Cragg__________________________
In Rem Index No. 95453, 2006 sale_________________________
Parcel # __________048.00-01-043.000_______________________
Municipality ___Prattsburgh Town_________________________
Grantee(s) _____Russell B Cragg___________________________
Grantee(s) Address _1981 Clinton Ave S, Rochester, NY 14618___
Consideration $2,862.49, together with $211.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been
satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution #_____A-12___________________________________
Former Owner ___Rodney LaDieu & Michelle R LaDieu________
In Rem Index No. 93123, 2005 sale_________________________
Parcel # __________242.00-01-044.200_______________________
Municipality ___Campbell Town___________________________
Grantee(s) _____Rodney LaDieu & Michelle R LaDieu________
Grantee(s) Address _PO Box 162, Campbell, NY 14821_________
Consideration $1,140.20, together with $211.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been
satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution #_____A-13___________________________________
Former Owner ___Sharon L Eason__________________________
In Rem Index No. 93123, 2005 sale_________________________
Parcel # __________151.09-02-022.000_______________________
Municipality ___Hornell City_____________________________
Grantee(s) _____Sharon L Eason__________________________
Grantee(s) Address _175 Madison Ave, Hornell, NY 14843_____
Consideration $7,374.36, together with $121.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been
satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution #_____A-14___________________________________
Former Owner ___Albert F Crouch & Ellie M Crouch__________
In Rem Index No. 95453, 2006 sale_________________________
Parcel # __________261.01-01-026.000_______________________
Municipality ___Campbell Town___________________________
Grantee(s) _____Albert F Crouch & Ellie M Crouch__________
Grantee(s) Address _8837 County Rte 96, Hammondsport, NY 14840
Consideration $6,138.38, together with $121.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been
satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.
Resolution #_____A-15___________________________________
Former Owner ___Simonson Properties LLC____________________
In Rem Index No. 95453, 2006 sale__________________________
Parcel # ________159.05-03-022.000________________________
Municipality ____Bath Village _____________________________
Grantee(s) _____Simonson Properties LLC____________________
Grantee(s) Address _1 Ellas Ave, Bath, NY 14810-1107_________
Consideration $4,654.88, together with $121.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution #_____A-16___________________________________
Former Owner ___Diana L Zschoche__________________________
In Rem Index No. 95453, 2006 sale__________________________
Parcel # ________182.00-01-029.000________________________
Municipality ____Canisteo Town ___________________________
Grantee(s) _____Diana L Zschoche__________________________
Grantee(s) Address _5842 Dineen Rd, Hornell, NY 14843_______
Consideration $1,690.99, together with $121.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution #_____A-17___________________________________
Former Owner ___Matthew A Retherford & Allen Retherford____
In Rem Index No. 95453, 2006 sale__________________________
Parcel # ________416.00-01-010.330________________________
Municipality ____Troupsburg Town __________________________
Grantee(s) _____Matthew A Retherford & Allen Retherford___
Grantee(s) Address _3525 Market Street, Camp Hill, PA 17011____
Consideration $1,279.11 together with $211.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution #_____A-18___________________________________
Former Owner ___Arthur Spencer & Lonita Spencer___________
In Rem Index No. 95453, 2006 sale__________________________
Parcel # ________150.12-01-037.200________________________
Municipality ____Hornellsville Town _________________________
Grantee(s) _____Arthur Spencer & Lonita Spencer___________
Grantee(s) Address _c/o Attorney Paul Argentieri, 188 Main Street,
                 Hornell, NY 14843_____________________________
Consideration $332.21, together with $211.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution #_____A-19___________________________________
Former Owner ___Thomas J Wallis___________________________
In Rem Index No. 95453, 2006 sale__________________________
Parcel # ________159.13-03-042.000________________________
Municipality ____Bath Village _____________________________
Grantee(s) _____Thomas J Wallis___________________________
Grantee(s) Address _2630 Britannia Ct, Toledo, OH 43617-2326___
Consideration $7,060.81, together with $121.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.
Resolution # A-20
Former Owner __ David D Sick & Jacquelyn Sick
In Rem Index No. 95453, 2006 sale
Parcel # _____042.00-01-026.112_________
Municipality ____ Cohocton Town ________
Grantee(s) __  David D Sick & Jacquelyn Sick
Grantee(s) Address _19 Brookhill Lane, Apt F, Rochester, NY 14625
Consideration $383.48, together with $211.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution # A-21
Former Owner __  David D Sick & Jacquelyn Sick
In Rem Index No. 95453, 2006 sale
Parcel # _____042.00-01-026.120_________
Municipality ____ Cohocton Town ________
Grantee(s) __  David D Sick & Jacquelyn Sick
Grantee(s) Address _19 Brookhill Lane, Apt F, Rochester, NY 14625
Consideration $5,888.96, together with $211.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution # A-22
Former Owner __ Earl Sutton & Beverly Sutton, et al
In Rem Index No. 95453, 2006 sale
Parcel # _____299.14-05-005.000_________
Municipality __ Corning Town ________
Grantee(s) __  Earl Sutton & Beverly Sutton, et al
c/o Sean Riley
Grantee(s) Address _2320 Clark St Ext, Painted Post, NY 14870___
Consideration $1,527.10, together with $211.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution # A-23
Former Owner __ Edward W Kish
In Rem Index No. 95453, 2006 sale
Parcel # _____317.11-02-044.000_________
Municipality __ Corning City ________
Grantee(s) __  Edward W Kish
Grantee(s) Address _2980 Edgehill Rd, Cleveland Heights, OH 44018___
Consideration $7,956.19, together with $121.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution # A-24
Former Owner __ Robert D Kolp
In Rem Index No. 95453, 2006 sale
Parcel # _____318.13-03-022.000_________
Municipality __ Corning City ________
Grantee(s) __  Robert D Kolp
Grantee(s) Address _PO Box 382, Corning, NY 14830________
Consideration $1,011.00, together with $211.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.
Resolution # A-25
Former Owner ___Robert D Kolp___________________________
In Rem Index No. 95453, 2006 sale
Parcel # ___318.13-03-023.000_______________________________
Municipality ____Corning City_____________________________
Grantee(s) ___Robert D Kolp_______________________________
Grantee(s) Address _PO Box 382, Corning, NY 14830__________
Consideration $7,444.43, together with $121.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution # A-26
Former Owner ___Steven Hooker & Stanley Hooker___________
In Rem Index No. 93123, 2005 sale
Parcel # ___122.00-03-040-200______________________________
Municipality __Fremont Town______________________________
Grantee(s) ___Steven Hooker & Stanley Hooker_______________
Grantee(s) Address _2187 County Rd 24, Swain, NY 14884-9737_
Consideration $15,194.00, together with $211.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution # A-27
Former Owner ___Alan B Pearl & Anna L Pearl_______________
In Rem Index No. 95453, 2006 sale
Parcel # ___166.10-02-025.000______________________________
Municipality ____Hornell City_____________________________
Grantee(s) ___Alan B Pearl & Anna L Pearl___________________
Grantee(s) Address _PO Box 1432, Lake Wales, FL 33859-1432__
Consideration $10,184.88, together with $121.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution # A-28
Former Owner ___Brenda M Heins St Mary__________________
In Rem Index No. 95453, 2006 sale
Parcel # __019.00-02-034.100______________________________
Municipality __Prattsburgh Town___________________________
Grantee(s) ___Brenda M Heins St Mary_____________________
Grantee(s) Address _11483 County Route 9, Prattsburgh, NY 14873
Consideration $4,402.21, together with $121.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution # A-29
Former Owner ___Loretta J Moses__________________________
In Rem Index No. 95453, 2006 sale
Parcel # ___367.00-01-053.100______________________________
Municipality ____Tuscarora Town___________________________
Grantee(s) ___Loretta J Moses_____________________________
Grantee(s) Address _7441 S Addison Rd, Addison, NY 14801_____ 
Consideration $9,993.38, together with $121.00 recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.
Resolution # A-30
Former Owner __Larry J Thompson________________________
In Rem Index No. 95453, 2006 sale _______________________
Parcel # ______197.07-01-035.000________________________
Municipality __Canisteo Village________________________
Grantee(s) ______Village of Canisteo________________________
Grantee(s) Address _35 Main St, Canisteo, NY 14823___________
Consideration $5,590.07, together with $121.00 recording fees

Vote:  Roll Call – Adopted.

RESOLUTION NO. 120-08

Introduced by P. Roche. Seconded by F. Gehl

RECEIVING AND ACCEPTING THE JULY 28, 2008 COMMUNICATIONS LOG AS PREPARED BY THE
STEUBEN COUNTY ADMINISTRATOR’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:

June 13, 2008
Alger, County Administrator.

June 16, 2008
New York State Association of Counties – Re: Request to indefinitely delay implementation of the Early Intervention
(EI) Cost of Living Adjustment (COLA). Referred to: Health & Education Committee; Finance Committee; and
Helen Brutsman, Administrative Officer for Special Children’s Services.

June 17, 2008
New York State Office for the Aging – Re: Notification of Grant Award and approved application for the Long Term
Care Insurance Education and Outreach Program (LTCIEOP) for the period of April 1, 2008 through March 31, 2009.
Referred to: Human Services Committee; and Linda Tetor, OFA Director.

New York State Office for the Aging – Re: Notification of Grant Award and approved application for the Long Term
Care Ombudsman Program Support (State LTCOP) for the period April 1, 2008 to March 31, 2009 and the Older
American Act (OAA) Title VII program for the period of January 1, 2008-December 31 2008. Referred to: Human
Services Committee; and Linda Tetor, OFA Director.

June 18, 2008
The Steuben County Chapter, NYSARC, Inc. (The ARC of Steuben) – Re: Notification of intent to down size their
existing (14) person residence and to construct an additional residence for (6) person on property located at 225 East
Steuben Street, Bath, New York. Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.

June 19, 2008
New York State Office for the Aging – Re: 2nd notification of Grant Award (NGA) for the federal fiscal year (FFY
2008) Nutrition Services Incentive Program (NSIP). Referred to: Human Services Committee; and Linda Tetor, OFA
Director.

Regional Economic Development & Energy Corporation/REDEC Relending Corporation – Re: Request of an allocation
of $10,000 in the 2009 budget, with similar commitments for 2010 and 2011 budgets. Referred to: A.I.P. Committee;
Finance Committee; and Greg Heffner, Planning Director.

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Monday, July 28, 2008
June 27, 2008
Steuben County Industrial Development Agency – Re: Notice of public hearing for Millennium Pipeline Company, L.L.C. (the acquisition of fee title to or a leasehold or other interest in certain properties located in the Town of Corning, Steuben County for the construction and equipping on the Land of a portion of the Company’s 182 mile long, 30 inch diameter natural gas pipeline to replace the existing Columbia A-5 pipeline, beginning in Corning, New York and traversing the Southern Tier ending in Ramapo), on Monday, July 28, 2008 at 10:00 am, in the Corning Town Hall, 20 South Maple Street, Corning, New York 14830. Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.

NYS Division of Criminal Justice Services – Re: Contract #AD08088221, fully executed Aid to Defense Grant contract between NYS Division of Criminal Justice Services and Steuben County. Referred to: Public Safety & Corrections Committee; Finance Committee; Byrum Cooper, Public Defender; and Carol Whitehead, County Treasurer.

July 7, 2008
Western Regional Off-Track Betting Corporation – Re: Check in the amount of $7,918 representing the May 2008 retained surcharge revenue for Steuben County from WROTB. Referred to: Finance and Rules Committees; and Carol Whitehead, County Treasurer.


Steuben County Industrial Development Agency – Re: REVISED Notice of public hearings for Millennium Pipeline Company, L.L.C. (the acquisition of fee title to or a leasehold or other interest in certain properties located in the Town of Corning, Steuben County for the construction and equipping on the Land of a portion of the Company’s 182 mile long, 30 inch diameter natural gas pipeline to replace the existing Columbia A-5 pipeline, beginning in Corning, New York and traversing the Southern Tier ending in Ramapo), on Monday, July 28, 2008 at 10:00 am, in the Corning Town Hall, 20 South Maple Street, Corning, New York 14830 and at 11:30 am, in the Greenwood Municipal Offices, 2686 Main Street Greenwood, New York 14839. Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.

State of New York Public Employment Relations Board – Re: Case NO. C-5816 County of Steuben Notice of Conference scheduled for 10:00 am on Thursday, July 24, 2008. Referred to: Administration Committee; Robert Biehl, Personnel Officer; and Fred Ahrens, County Attorney.

New York State Association of Counties – Re: Endorsed a County Discount Prescription Drug Card Program administered by ProAct Inc., a subsidiary of Kinney Drugs Inc. This is a voluntary program and is FREE to county residents. Referred to: Administration Committee.

Office of Community Renewal – Re: Notice of Project Status Report for Project NO. 1115HR154-06, New York State Community Development Block Grant (CDBG) is due no later than July 31, 2008. The report is available on the following website: www.nysocr.org. Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.

U.S. House of Representatives, John R. “Randy” Kuhl, Jr. – Re: Request to check into some of the concerns with a taxpayer’s property tax assessment in the village of Painted Post. Referred to: Administration Committee; and Donna Hatch, Real Property Tax Service Agency Director.

July 8, 2008
NYS Office for the Aging – RE: Official notifications of Grant Award for CSE (Community Services for the Elderly); CSI (Congregate Services Initiative); EISEP (Expanded In-Home Services for the Elderly); CRC (Caregiver Resources Center); and SNAP (Supplemental Nutrition Assistance) for 4/1/08 to 3/31/09. Referred to: Human Services Committee; and Linda Tetor, OFA Director.
State of New York Public Employment Relations Board – Re: Case NO. C-5816 County of Steuben REVISED Notice of Conference scheduled for 10:30am on Thursday, July 24, 2008 at PERB’S Buffalo Office, 535 Washington Street, Suite 302 Buffalo, New York 14203. Referred to: Administration Committee; Robert Biehl, Personnel Officer; and Fred Ahrens, County Attorney.

July 10, 2008
NYS Division of Criminal Justice Services – Re: Contract #BJ07820737, Drug Enforcement Unit Grant between NYS Division of Criminal Justice Services and Steuben County. Referred to: Public Safety & Corrections Committee; Finance Committee; Richard C. Tweddell, Sheriff; and Carol Whitehead, County Treasurer.

Vote: Acclamation – Adopted.

RESOLUTION NO. 121-08


FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. FOUR FOR THE YEAR 2008 GRANTING AN EXEMPTION FROM TAXATION TO HISTORIC REAL PROPERTY ALTERED OR REHABILITATED.

WHEREAS, there has been duly presented to the members of the Steuben County Legislature on June 23, 2008, County of Steuben Local Law Tentatively No. Four for the Year 2008, relative to granting an exemption from taxation to historic real property altered or rehabilitated, and this Legislature by resolution, preliminarily adopted said Local Law on June 23, 2008, making the final adoption of said Local Law subject to a Public Hearing to be held on July 28, 2008; 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 July 28, 2008, 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. Four for the Year 2008, as hereinafter set forth be, and the same hereby is, finally adopted, to wit:

COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. FOUR FOR THE YEAR 2008

A LOCAL LAW granting an exemption from taxation to historic real property altered or rehabilitated.

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

SECTION 1. LEGISLATIVE INTENT.

It is the intent of this Local Law to grant historic property exemption from taxation to the extent authorized by Real Property Tax Law §444-a.

SECTION 2. HISTORIC PROPERTY EXEMPTION.

Real property altered or rehabilitated subsequent to the effective date of this local law shall be exempt from taxation and special ad valorem levies as herein provided. A copy of this law shall be filed with the state board and the assessor of such county, city, town or village who prepares the assessment roll on which the taxes of such county are levied.
SECTION 3. PERCENT OF EXEMPTION.

(a) Historic property shall be exempt from taxation to the extent of any increase in value attributable to such alteration or rehabilitation pursuant to the following schedule:

<table>
<thead>
<tr>
<th>year of exemption</th>
<th>percent of exemption</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
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</table>

(b) No such exemption shall be granted for such alterations or rehabilitation unless:

(i) Such property has been designated as a landmark, or is a property that contributes to the character of an historic district, created by a local law passed pursuant to §96-a or 119-dd of the General Municipal Law;

(ii) Alterations or rehabilitation must be made for means of historic preservation;

(iii) Such alterations or rehabilitation of historic property meet guidelines and review standards in the local preservation law;

(iv) Such alterations or rehabilitation of historic property are approved by the local preservation commission prior to commencement of work;

(v) Alterations or rehabilitation are commenced subsequent to the effective date of the local law or resolution adopted pursuant to this section.

SECTION 4. APPLICATION FOR EXEMPTION.

Such exemption shall be granted only by application of the owner or owners of such historic real property on a form prescribed by the state board. The application shall be filed with the assessor of the county, city, town or village having power to assess property for taxation on or before the appropriate taxable status date of such county, city, town or village.

SECTION 5. GRANTING OF EXEMPTION.

Such exemption shall be granted where the assessor is satisfied that the applicant is entitled to an exemption pursuant to this section. The assessor shall approve such application and such property shall thereafter be exempt from taxation and special ad valorem levies as herein provided commencing with the assessment roll prepared on the basis of the taxable status date referred to in subdivision three of this section. The assessed value of any exemption granted pursuant to this section 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 6. EFFECTIVE DATE.

This Local Law is effective immediately upon passage.

AND BE IT FURTHER RESOLVED, a Public Hearing on the within Local Law has been held on July 28, 2008 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. Four for the Year 2008, the Clerk of this Legislature shall cause one certified copy thereof to be filed in the Office of the Steuben County Clerk, and one certified copy 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 Director of Real Property Tax Service Agency; County Treasurer; New York State Office of Real Property Services, 16 Sheridan Ave., Albany, NY 12210-2714; and all assessors within the County of Steuben.

Mr. Schwartz stated urban decay is at an all time high. We need growth and development in the area, particularly in Corning. This is a way to encourage developers to come in and fix up these buildings.

Mr. Weaver noted that the exemption only applies to the improvement portion of the property, not to the entire property value.

Vote: Roll Call – Adopted. Yes-8820; Absent-601; Abstained-451. (Absent-Stachnik; Abstain-Argentieri)

Chairman Roche stated they’ve been informed that there is a NYSAC presentation at the same date and time as our August Legislative Meeting. Mr. Alger stated NYSAC is travelling around the state and the last meeting is in Elmira. They are presenting to the counties the impact of the 2% reduction that is taking place on the county programs. We are encouraging all Legislators to attend so we should change the date of our meeting. The individual who is presenting was the former budget director for the State for many years. There is nobody in the State more qualified to make this presentation. Discussion followed.

Chairman Roche asked if there were any objections to presenting a resolution not on the agenda in order to change the date of the August Legislative Meeting. There were no objections.

RESOLUTION NO. 122-08

Introduced by P. Roche

SETTING THE DATE OF THE AUGUST 2008 MEETING OF THE STEUBEN COUNTY LEGISLATURE.
BE IT RESOLVED, the regular meeting of the Steuben County Legislature be, and the same hereby is established for August 2008, on Tuesday, August 26, 2008, at 10:00 A.M. in the Legislative Chambers, 3 East Pulteney Square, Bath, New York; and be it further

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

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 123-08

Introduced by P. McAllister. Seconded by P. Donnelly.

PRESENTING LOCAL LAW TENTATIVELY NO. FIVE FOR THE YEAR 2008, EXTENDING THE IMPOSITION OF ADDITIONAL MORTGAGE TAX OF TWENTY-FIVE CENTS ($0.25) PER ONE HUNDRED DOLLARS ($100.00) OF MORTGAGE PROCEEDS ENACTED BY LOCAL LAW NO. ELEVEN FOR THE YEAR 2005, PRESENTED AS LOCAL LAW TENTATIVELY NO. FOUR FOR THE YEAR 2005.

Pursuant to New York State Tax Law Section 253-i, renumbered as Section 253-s.

WHEREAS, the Administration Committee of the Steuben County Legislature has requested the imposition of a County Recording Tax on obligations secured by a mortgage; and

WHEREAS, the County of Steuben has adopted Tax Law Section 253-i, renumbered as Section 253-s, for the imposition of a County Recording Tax on obligations secured by a mortgage; and

WHEREAS, said additional tax revenues will lessen the burden on the real property tax levy.

NOW THEREFORE, BE IT

RESOLVED, there is hereby presented to each member of this County Legislature of the County of Steuben Local Law Tentatively No. Five for the Year 2008, for the imposition of a County Recording Tax on obligations secured by a mortgage, as follows:

COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. FIVE FOR THE YEAR 2008

A LOCAL LAW for the imposition of a County Recording Tax on obligations secured by a mortgage.

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

SECTION 1.

In accordance with Section 253-i, renumbered as Section 253-s, of the New York State Tax Law, Steuben County, does hereby adopt a local law imposing in such county a tax of twenty-five cents ($0.25) for each $100.00 and each remaining major fraction thereof of principal debt or obligation which is or under any contingency which may be secured at the date of execution thereof, or at any time thereafter, by a mortgage on real property situated within such county and recorded on or after the date upon which such tax takes effect and a tax of twenty-five cents ($0.25) on such mortgage if the principal debt or obligation which is or by any contingency which may be secured by such mortgage is less than one hundred dollars ($100.00).
SECTION 2.

The taxes imposed under the authority of this local law shall be administered and collected in the same manner as the taxes imposed under subdivision 1 of Section 253 and paragraph (b) of subdivision 1 of Section 255 of the New York State Tax Law. Except as otherwise provided in this local law, all the provisions of the New York State Tax Law relating to or applicable to the administration and collection of the taxes imposed by such subdivisions shall apply to the taxes imposed under the authority of this local law with such modifications as may be necessary to adapt such language to the tax so authorized. Such provisions shall apply with the same force and effect as if those provisions had been set forth in full in this local law except to the extent that any provision is either inconsistent with a provision of this local law or not relevant to the tax authorized by this local law. For purposes of this local law, any reference in the New York State Tax Law to the tax or taxes imposed by this local law shall be deemed to refer to a tax imposed pursuant to this local law, and any reference to the phrase “within this state” shall be read as “within Steuben County”, unless a different meaning is clearly required.

SECTION 3.

Where the real property covered by the mortgage subject to the tax imposed pursuant to the authority of this local law is situated in this state, but within and without the county imposing such tax, the amount of such tax due and payable to such county shall be determined in a manner similar to that prescribed in the opening paragraph of section 260 of the New York State Tax Law which concerns real property situated in two or more counties. Where such property is situated both within such county and without the state, the amount due and payable to such county shall be determined in the manner prescribed in the second undesignated paragraph of such Section 260 which concerns property situated within and without the state. Where real property is situated within and without the county imposing such tax, the recording officer of the jurisdiction in which the mortgage is first recorded shall be required to collect the taxes imposed pursuant to this local law.

SECTION 4.

A tax imposed pursuant to the authority of this local law shall be in addition to the taxes imposed by Section 253 of the New York State Tax Law.

SECTION 5.

Notwithstanding any provision of the New York State Tax Law to the contrary, the balance of all moneys paid to the recording officer of the County of Steuben during each month upon account of the tax imposed pursuant to the authority of this local law, after deducting the necessary expenses of his or her office as provided in Section 262 of this article, except taxes paid upon mortgages which under the provisions of this local law or Section 260 of the New York State Tax Law are first to be apportioned by the Commissioner, shall be paid over by such officer on or before the 10th day of each succeeding month to the Treasurer of Steuben County and, after the deduction by such Treasurer of the necessary expenses of his or her office provided in Section 262 of the New York State Tax Law shall be deposited in the General Fund of the County of Steuben for expenditure on any county purpose. Notwithstanding the provisions of the preceding sentence, the tax so imposed and paid upon mortgages covering real property situated in two or more counties, which under the provisions of this local law or Section 260 of the New York State Tax Law are first to be apportioned by the Commissioner, shall be paid over by the recording officer receiving the same as provided by the determination of the Commissioner.

SECTION 6.

This local law imposing a tax pursuant to the authority of Section 253-i, renumbered as Section 253-s of the New York State Tax Law or repealing or suspending such a tax shall take effect only on the 1st day of a calendar month. Such a local law shall not be effective unless a certified copy thereof is mailed by registered or certified mail to the New York State Department of Taxation and Finance at its office in Albany at least thirty (30) days prior to the date the local law shall take effect. Certified copies of any local law described in this section shall also be filed with the County Clerk of the County of Steuben, the Secretary of State and the State Comptroller within (5) days after the date it is duly enacted.
SECTION 7.

This local law shall take effect on November 1, 2008.

BE IT FURTHER RESOLVED, before said Local Law is adopted by the County Legislature, a Public Hearing shall be held on the 26th day of August 2008 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, a certified copy of this resolution shall be forwarded to the New York State Department of Taxation and Finance, Attention: Barbara G. Billet, (Acting) Commissioner, Bldg. 9, W.A. Harriman Campus, Albany, NY 12227-0125; Thomas P. DiNapoli, Comptroller of the State of New York, 110 State Street, Albany, NY 12236; Steuben County Clerk; and the Steuben County Treasurer.

Vote: Acclamation – Adopted. (Mr. Schwartz opposed)

RESOLUTION NO. 124-08


ACCEPTING $100,000 IN BUDGET INITIATIVE FUNDING TOWARD THE PURCHASE OF A TRUCK TRACTOR TO BE USED IN A SHARED SERVICE PROGRAM AND AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR SAME.

WHEREAS, the Steuben County Department of Public Works transports equipment for the New York State Department of Transportation, the New York State Department of Environmental Conservation and the Town Highway Departments as well as for its own operations; and

WHEREAS, Steuben County’s truck tractor at the Woodhull shop is a 1986 model and needs to be replaced and put in the auction; and

WHEREAS, a new tractor will cost $125,000 with Senator Winner and Assemblyman Bacalles having sponsored $100,000 of the funding from the New York State Department of Transportation; and

WHEREAS, the truck tractor will be added to the Major Equipment list with no additional funding except for this $100,000.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Public Works Department is hereby authorized to enter into an agreement with the New York State Department of Transportation for said Budget Initiative; and be it further

RESOLVED, the amount of $100,000 is hereby accepted; and be it further

RESOLVED, the Steuben County Treasurer is hereby authorized to anticipate the $100,000 in revenue and appropriate the $100,000 in grant funds to the Steuben County Public Works Department’s Major Equipment budget for 2008; and be it further
RESOLVED, the Commissioner of Public Works is hereby authorized and directed to execute all necessary documents or agreements; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 125-08


AUTHORIZING THE ACCEPTANCE OF THE ENTIRE STRUCTURE (BIN 1011160) ABOVE AND BELOW BOTH GROUND AND WATER, CARRYING NORTH/SOUTH HAMILTON STREET OVER THE COHOCTON RIVER IN THE TOWN OF ERWIN FROM THE STATE OF NEW YORK.

WHEREAS, the Public Works Committee of the Steuben County Legislature, at their meeting held on the 1st day of July, 2008, approved the acceptance of the entire structure (BIN 1011160) above and below both ground and water, carrying North/South Hamilton Street over the Cohocton River located beginning at Station H10+674+/- to Station H10+900+/- shown as Part No. 6 on the Maintenance Jurisdiction Table sheets 150 through 154 of 1419 sheets from the Plans for Contract D259816, Interstate 86-US Route 15 Interchange in the Town of Erwin from the State of New York; and

WHEREAS, the acceptance of the structure (BIN 1011160) above and below both ground and water, in its entirety is inclusive of all Rights, Titles, and Interests and is contingent upon notification by the New York State Department of Transportation of the approval of this abandonment; and

WHEREAS, this abandonment is in accordance with Article 2, Section 10, Subdivision 32 of the New York State Highway Law.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature, duly convened does hereby approve the above subject abandonment; and be it further

RESOLVED, that upon the completion and acceptance of Interstate 86 – US Route 15 Interchange Phase III Project, and if the State of New York approves the abandonment of all rights, titles, and interests now held by the People of the State of New York in and to the existing structure (BIN 1011160) above and below both ground and water, carrying North/South Hamilton Street over the Cohocton River located beginning at Station H10+674+/- to Station H10+900+/- in the Town of Erwin reserving to the People of the State of New York, under the jurisdiction of the New York State Department of Transportation, the Fee title to the property on which the structure is located; and be it further

RESOLVED, that upon notification by the New York State Department of Transportation of the approval of said abandonment, the Steuben County Legislature hereby approves the acceptance of the above-subject property in its entirety inclusive of all rights, titles, and interests; and be it further

RESOLVED, that the Chairperson of the Steuben County Legislature of the County of Steuben be and is hereby authorized to execute all necessary agreements or certification on behalf of the County of Steuben with the New York State Department of Transportation in connection with the advancement or approval of the said abandonment; and be it further

RESOLVED, that a certified copy of the resolution be filed with the New York State Commissioner of Transportation; Commissioner of Public Works; Steuben County Treasurer; and Steuben County Administrator.
Mr. Spagnoletti stated when the State built the new interchange, they built another bridge and that gave them the right to turn the original bridge over to us. It actually is a brand new bridge. It connects the local road from Painted Post to Gang Mills. The deck of the bridge is rated 25 to 50 years. Discussion followed.

Vote: Roll Call – Adopted. Yes-8729; No-542; Absent-601. (No-Gehl; Absent-Stachnik)

RESOLUTION NO. 126-08


AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE COSTS OF THE SR 21 AND SR 371 DRAINAGE IMPROVEMENTS PROJECT, AND APPROPRIATING FUNDS THEREFORE.

WHEREAS, a Project for the SR 21 and SR 371 Drainage Improvements, Town of Cohocton, Steuben County, P.I.N. 6084.36.301 (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 0% Federal funds and 100% non-Federal funds; and

WHEREAS, the County of Steuben desires to advance the Project by making a commitment of 100% of the non-Federal share of the costs of SR 21 and SR 371 Drainage Improvements in the Town of Cohocton, Steuben County.

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

RESOLVE, that the Steuben County Legislature hereby approves the above-subject Project; and be it further

RESOLVED, that the Steuben County Legislature hereby authorizes the County of Steuben to pay in the first instance 100% of the non-Federal share of the cost of construction phase work for the Project or portions thereof; and be it further

RESOLVED, that the sum of $898,243.00 (an increase of $28,243.00 in the State’s share of the Project funding) is hereby appropriated and made available to cover the cost of participation in the above phase of the Project; and be it further

RESOLVED, that in the event the full non-Federal share costs of the Project exceeds the amount appropriated above, the Steuben County Legislature of 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 be it further

RESOLVED, that the Chairperson of the Steuben County Legislature of the County of Steuben be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for 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 State-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, this resolution shall take effect immediately.

Vote: Roll Call – Adopted.
RESOLUTION NO. 127-08


ACCEPTING "HELP AMERICA VOTE ACT" ("HAVA") GRANT FUNDING FOR POLL WORKER TRAINING, VOTER EDUCATION, AND VOTER OUTREACH FROM THE FEDERAL GOVERNMENT.

WHEREAS, the "Help America Vote Act" ("HAVA") calls upon the states to implement electronic voting systems; and

WHEREAS, Steuben County selected Sequoia ImageCast Voting Systems based on expected testing and certification by the New York State Board of Election; and

WHEREAS, the County is responsible for helping voters and election workers make the transition from the lever machines to an electronic voting system; and

WHEREAS, the Governor and the New York State Legislature are receiving Federal financial assistance for training, voter education, and voter outreach; and

WHEREAS, the Steuben County Board of Elections has written a grant proposal that outlines the requirements of the County’s voter education and poll worker training that has been approved by the State Board of Elections in the amount of $47,275.97.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature accepts the approved HAVA grant funding; and be it further

RESOLVED, that the Steuben County Legislature accepts responsibility for funding 5 percent of the grant money; and be it further

RESOLVED, the Steuben County Treasurer is authorized and directed to appropriate said grant to the appropriate accounts; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Steuben County Board of Elections and the County Treasurer.

Vote: Roll Call – Adopted.

RESOLUTION NO. 128-08


Pursuant to Article 5 of the Workers' Compensation Law of the State of New York.

WHEREAS, an estimate of the cost is to be filed with this County Legislature on or before August 15, 2008 for the Budget Year 2009.

NOW THEREFORE, BE IT
RESOLVED, that the estimated cost (Budget for 2009), a copy attached hereto, as presented by the Administrator of the Steuben County Self-Insurance Workers' Compensation Plan and by the Administration Committee is received, adopted and ordered to be incorporated into the 2009 Steuben County Budget; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Steuben County Treasurer and the Administrator of the Steuben County Self-Insurance Workers' Compensation Plan.

STEUBEN COUNTY SELF-INSURANCE PLAN
ANNUAL ESTIMATE OF EXPENSES
FISCAL YEAR BEGINNING JANUARY 1, 2009

Your Committee on Workers' Compensation Insurance respectfully submits the annual estimate of expenses for the Steuben County Self-Insurance Plan for the fiscal year beginning January 1, 2009 and ending December 31, 2009, pursuant to Section 67, Paragraph 1 of the Workers' Compensation Law.

### APPROPRIATED BUDGET FOR 2009

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**BUDGET TOTAL**  $2,000,757.00
RESOLUTION NO. 129-08


RECLASSIFYING AND TRANSFERRING TWO POSITIONS TO THE HEALTH CARE FACILITY AND AUTHORIZING THE COUNTY TREASURER TO APPROPRIATE THE NECESSARY FUNDS IN THE 2008 BUDGET.

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

WHEREAS, there is a need for physical therapy and occupational therapy assistance at the Steuben County Health Care Facility; and

WHEREAS, there is a vacant position within Veterans’ Services and a vacant position within Public Health and Nursing Services that can be transferred; and

WHEREAS, the Health & Education Committee, the Administration Committee, and the Finance Committee have approved reclassification of the positions listed below and transferring said positions to the Health Care Facility.

NOW THEREFORE, BE IT

RESOLVED, effective with the adoption of this resolution, the following positions in Steuben County are reclassified as follows:

TRANSFER AND RECLASSIFY

FROM Veterans’ Services One (1) Typist, Grade 4, Start $22,576  
TO Health Care Facility One (1) Occupational Therapy Assistant, Grade 11, Start $30,306

FROM Public Health and Nursing Services One (1) Home Health Aide, Grade 5, Start $23,438  
TO Health Care Facility One (1) Physical Therapist, Grade 18, Start $50,357

AND BE IT FURTHER RESOLVED, that these positions are to be funded and placed in the 2008 Budget. The 2008 County Job Classification and Salary Schedule is hereby amended to reflect the above-stated changes; and be it

RESOLVED, a certified copy of this resolution shall be forwarded to the Personnel Officer, the County Treasurer, the Director of the Health Care Facility, the Director of Veterans’ Services and the Director of Patient Services/Public Health.

Vote: Roll Call – Adopted. Yes-8820; No-451; Absent-601. (No-Argentieri; Absent-Stachnik)
RESOLUTION NO. 130-08

Introduced by P. McAllister.                Seconded by F. Gehl.

AUTHORIZING THE COUNTY ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH PROACT, INC., FOR A COUNTY DISCOUNT PRESCRIPTION DRUG CARD PROGRAM.

WHEREAS, the Steuben County Legislature recognizes that there are families and individuals residing within the County who do not have health insurance coverage or are underinsured; and

WHEREAS, ProAct, Inc., a subsidiary of Kinney Drugs, Inc., offers a Discount Prescription Drug Program that could be used by all Steuben County residents, regardless of age or income; and

WHEREAS, ProAct, Inc., provides a discount prescription drug card at no cost to the County and at no cost to the residents of the County; and

WHEREAS, Steuben County residents could realize a 10-20% discount on brand name prescription drug costs and a 20-50% discount on generic prescription drug costs; and

WHEREAS, this program will enhance the prescription plans of those families and individuals who have prescription drug coverage when prescribed drugs are not covered under their present plan; and

WHEREAS, the discount prescription drug card can be used at any participating pharmacy in Steuben County and across the United States.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature hereby endorses the establishment of a County Discount Prescription Drug Program through ProAct, Inc., a subsidiary of Kinney Drugs, Inc.; and be it further

RESOLVED, the County Administrator is hereby authorized to enter into an agreement with ProAct, Inc., for the purposes of administering a Discount Prescription Drug Program to all of the residents of Steuben County; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Administrator, the County Attorney and ProAct, Inc., 443 Electronics Parkway, Building One, Suite 200, Liverpool, NY 13088.

Mr. Weaver stated they are using the County to increase their presence. They eventually start encouraging people to get their prescriptions by mail which drives business out of the county. I’m opposed to outfits like this.

Mr. Ryan stated he thinks it is another assessment fee on our local businesses.

Mr. Alger stated there are two drug prescription programs that are promoted in New York State. NYSAC endorses the ProAct program because it is a New York State company. That company, whether we sponsor it or not, offers this discount. If they don’t have a card, they pay full price. That benefit is something right now that our County residents do not have. They don’t enroll them in this program. The program sponsored by NACO they actually have to enroll in. Because of the way this program is run, they don’t send out solicitations for purchasing prescriptions by mail. Discussion followed.

Mr. Gehl stated he supports this program. There are people out there that need it.

Vote: Roll Call – Adopted. Yes-6603; No-2668; Absent-601. (No-Ryan, Schu, Schwartz, Weaver, Argentieri; Absent-Stachnik)
RESOLUTION NO. 131-08

Introduced by D. Creath. Seconded by T. Schwartz.

APPOINTING MEMBERS TO THE SOUTHERN TIER EXTENSION RAILROAD AUTHORITY.

Pursuant to 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, a vacancy currently exists on the Authority; and

WHEREAS, the term of a current member is due to expire.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature does hereby appoint/reappoint the following individuals to serve as members of the Southern Tier Extension Railroad Authority for the terms as indicated:

Thomas J. Ryan
Steuben County Legislator
41 Chestnut Street
Canisteo, NY 14823
Term: September 1, 2007 through August 31, 2010

James W. Griffin, Executive Director
Hornell Industrial Development Agency
40 Main Street
Hornell, NY 14843
Term: September 1, 2008 through August 31, 2011

AND BE IT FURTHER RESOLVED, members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their 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.

RESOLUTION NO. 132-08

Introduced by D. Creath. Seconded by D. Farrand.

AUTHORIZING A PUBLIC HEARING ON EIGHT-YEAR REVIEW OF AGRICULTURAL DISTRICT NO. 7.
Pursuant to Article 25-AA, Section 303-a, of the Agriculture and Markets Law of the State of New York.

WHEREAS, Agricultural District No.7, located in the Towns of Avoca, Canisteo, Dansville, Fremont, Hartsville, Hornellsville and Howard, Steuben County, is now being reviewed pursuant to said Law; and

WHEREAS, the Clerk of the Legislature did file a copy of the Notice of Review in the Steuben County Clerk's office and did properly publish and have posted the thirty day (30) Notice as required by Law, and the affidavits of publication and posting of the Notice of Review of the Agricultural District having been received and filed on behalf of this Legislature; and

WHEREAS, upon completion of the thirty day review period, any and all proposals filed were referred to the Steuben County Agricultural and Farmland Protection Board and said Board did file written reports with this County Legislature containing their recommendations and any proposed modifications concerning the same. Said reports being hereby approved, ratified, and confirmed by this County Legislature.

NOW THEREFORE, BE IT

RESOLVED, that in accordance with Section 303-a of the Agriculture and Markets Law of the State of New York, a Public Hearing on the review of said Agricultural District together with any modification thereof set forth in the reports of the Agricultural and Farmland Protection Board shall be held by this County Legislature on the 26th day of August, 2008, 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-a of the Agriculture and Markets Law; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Chairman of the County Agricultural and Farmland Protection Board, Andrew Spencer, 8997 Burns Rd., Arkport NY 14807; the Director of the Steuben County Planning Department; and James Grace, Cornell Cooperative Extension - Steuben County.

Vote: Acclamation – Adopted.

LOST

RESOLUTION NO. 133-08


MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION PROVIDING FOR CLOSER AND MORE RIGID REGULATION OF COATINGS USED IN THE FOOD INDUSTRY ESPECIALLY WITH REGARD TO FRUIT.

WHEREAS, countless Americans are diagnosed with some form of food allergy or condition which prohibits them from consuming certain food additives; and

WHEREAS, additives are currently being used to coat fruits which may be harmful to the health and well-being of the citizenry; and

WHEREAS, the current Federal regulations concerning the edible films used to coat fruits are in need of more stringent regulation.

NOW THEREFORE, BE IT
RESOLVED, that the President and the Congress of the United States be and the same hereby are memorialized to enact legislation to provide avoidance of edible food films which may pose potential hazards to the public; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to President George W. Bush, The White House, 1600 Pennsylvania Ave. N.W., Washington, DC 20500; U. S. Senator Charles E. Schumer, 313 Hart Senate Office Bldg., Washington, DC 20510-3202; U. S. Senator Hillary Rodham-Clinton, 476 Russell Senate Office Building, Washington, DC 20510; and U. S. Congressman John R. Kuhl, Jr., 22 Buell Street, Bath, NY 14810.

Mr. Argentieri stated this is for the people for their protection.

Mr. Creath stated these items should be discussed in more detail at the Committee level. If we send frivolous memorializing resolutions, it ruins our credibility. Considerable discussion followed.

Vote: Acclamation – Lost.

(Opposed-Creath, Crossett, Donnelly, Farrand, Gehl, Hauryski, McAllister, Nichols, Roche, Ryan, VanEtten and Weaver)

RESOLUTION NO. 134-08

Introduced by R. Argentieri. Seconded by D. Farrand.

MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK TO AMEND THE NEW YORK STATE INSURANCE LAW TO PERMIT INTERNET BASED DRIVER SAFETY COURSES.

WHEREAS, New York State Insurance Law Section 2336 does not accept internet based driver safety courses as qualifying for the statutorily mandated discount; and

WHEREAS, numerous on-line driver safety courses are available and are accepted in a majority of the States with the exception of New York, among others; and

WHEREAS, organizations such as AARP provide such safety courses which would assist senior citizens in qualifying for the statutory discount.

NOW THEREFORE, BE IT

RESOLVED, that the Governor and the Legislature of the State of New York be and the same hereby are memorialized to amend such New York State Insurance Law Section 2336 to authorize on-line internet based driver safety courses to qualify for mandated APC discounts; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor David Paterson, Executive Chamber, State Capitol, Albany, NY 12224; Senate Majority Leader, Dean G. Skelos, 503 State Capitol, Albany, NY 12247; Senate Minority Leader, Malcolm A. Smith, 508 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 717 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, James Tedisco, 933 Legislative Office Building, Albany, NY 12248; Senator George H. Winner, 802 Legislative Office Building, Albany, NY 12247; and Assemblyman James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248.

Vote: Acclamation – Adopted.
MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK TO PLACE RESTRICTION ON TRAILER HITCHES.

WHEREAS, trailer hitches pose a serious threat to the welfare and well-being of the traveling public by protruding from the rear of vehicles, which protrusions are not readily identifiable through rearview mirrors; and

WHEREAS, to avoid property damage and personal injury as a result of said protrusions, it is necessary and desirable to require that said trailer hitches be removable or in the alternative not to exceed five (5) inches in length.

NOW THEREFORE, BE IT

RESOLVED, that the Governor and the Legislature of the State of New York be and the same hereby are memorialized to adopt legislation limiting the protrusion of the length of a trailer hitch to a maximum of five (5) inches from the bumper of the vehicle or in the alternative requiring said trailer hitches to be removable; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor David Paterson, Executive Chamber, State Capitol, Albany, NY 12224; Senate Majority Leader, Dean G. Skelos, 503 State Capitol, Albany, NY 12247; Senate Minority Leader, Malcolm A. Smith, 508 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 717 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, James Tedisco, 933 Legislative Office Building, Albany, NY 12248; Senator George H. Winner, 802 Legislative Office Building, Albany, NY 12247; and Assemblyman James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248.

Mr. Gehl stated I think the government is in our pocket enough.

Mr. Ryan stated I believe this is more of an industry issue.

Mr. Van Etten stated he doesn’t support this.

Mr. Argentieri stated these hitches are not distinguishable. I’m only asking for them to be retractable so they aren’t sticking out when they aren’t in use.

Vote: Acclamation – Lost. (Opposed: Creath, Crossett, Donnelly, Farrand, Gehl, Hauryski, McAllister, Nichols, Roche, Ryan, Schu, Schwartz, Stachnik, Van Etten, Walsh and Weaver)

MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK TO ADVANCE FUNDING AND EXPEDITE THE TIMETABLES TO COMPLETE THE APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.

WHEREAS, Governors have made commitments to the revitalization and improvement of the economy of “Upstate” New York; and

WHEREAS, Steuben County, along U.S. Route 15 (I-99), and thirteen other counties along U.S. Route 17 (I-86) corridor make up the three Local Development Districts in the thirteen state Appalachian Regional Commission; and
WHEREAS, U.S. Route 15 (I-99) Corridor U-1 and U.S. Route 17 (I-86) Corridor T are New York State’s section of the thirteen state Appalachian Development Highway System (the “ADHS”) and as such are eligible for Appalachian funding; and

WHEREAS, completing the I-99 U-1 Corridor fulfills the desires of both the Commonwealth of Pennsylvania and the State of New York to accelerate economic development opportunities in the area of Appalachia as well as respond to the increasing traffic volumes (primarily commercial vehicles) in the Route 15 Corridor since the passage of the North American Free Trade Agreement; and

WHEREAS, U.S. Route 15 is the only north/south route in Central Pennsylvania that serves as a vital and direct link between western New York and Canada and the ports of Baltimore and Philadelphia and the mid-Atlantic states; and

WHEREAS, completing Corridor T, which terminates in Broome County at I-81, and the U-1 Corridor in Steuben County will complete the ADHS in New York State; and

WHEREAS, the New York I-86 Economic Development Benefit Study, issued in January 2000, which was widely accepted and quoted at all levels of government, called for an aggressive eight-year construction period that would result in a 3.2 billion dollar direct economic benefit to communities along the I-86 Highway Corridor once the conversion has been completed; and

WHEREAS, Governor Pataki and the New York State Department of Transportation committed to a ten-to-twelve year construction program to complete the Route 17 conversion to I-86 beginning with the first designation (177 miles Chemung County West to Pennsylvania) on December 3, 1999; and

WHEREAS, the Pennsylvania Department of Transportation has projected a completion date for the conversion of Route 15 to Interstate standards (I-99) to the New York State border by the end of 2010; and

WHEREAS, the designation of New York State Route 17 to I-86 and Route 15 to I-99 will provide a highway network with connection to every Interstate Highway located within New York State and Interstates leading into Pennsylvania; and

WHEREAS, the Appalachian Regional Commission has recently released a study the “Economic Impact of Completing the Appalachian Development Highway System” stating that “Completion of the Appalachian Development Highway System (ADHS) would yield significant economic benefits for both the Appalachian Region and the nation…By facilitating national freight flows, reducing travel times, improving safety, and enhancing access to markets, completion of the ADHS would create new jobs and greater value-added activity, returning $3 in economic benefits to the nation for every $1 spent to complete the system”.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature does hereby express its support for those projects contained within the 2005 Transportation Bond Act and the Transportation Plan for the State of New York Department of Transportation; and be it further

RESOLVED, the Steuben County Legislature does hereby urge the Governor and the Legislature of the State of New York to advance funding necessary to expedite the time tables set forth and complete the ADHS in New York State and meet the Pennsylvania Department of Transportation’s timetable; and be it further

RESOLVED, the Clerk of the Legislature is hereby authorized and directed to forward a certified copy of this resolution to Governor David A. Paterson, Executive Chamber, State Capitol, Albany, NY 12224; Senate Majority Leader, Dean G. Skelos, 503 State Capitol, Albany, NY 12247; Senate Minority Leader, Malcolm A. Smith, 508 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 717 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, James Tedisco, 933 Legislative Office Building, Albany, NY 12248; Senator George H.
Chairman Roche stated they need to finish the last bit of road that runs from Painted Post to the Pennsylvania line.

**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; 105.1.E. Collective Negotiations Pursuant To Article Fourteen Of The Civil Service Law; and 105.1.F. The Medical, Financial, Credit Or Employment History Of A Particular Person Or Corporation, Or Matters Leading To The Appointment, Employment, Promotion, Demotion, Discipline, Suspension, Dismissal Or Removal Of A Particular Person Or Corporation Made By Mr. Donnelly, seconded by Mr. McAllister and duly carried.*

*Motion to adjourn Executive Session and reconvene in Regular Session made by Mr. Gehl, seconded by Mr. Crossett and duly carried.*

**RESOLUTION NO. 137-08**

Introduced by F. Gehl. Seconded by L. Crossett.

**AUTHORIZING A CONTRACT FOR ADMINISTRATION OF THE COUNTY’S ASSIGNED COUNSEL PROGRAM**

WHEREAS, the Office of Court Administration has recommended the separation of the Assigned Counsel Program and Public Defender’s Office; and

WHEREAS, the separation is intended to clearly avoid even the appearance of any impropriety or conflict of interest; and

WHEREAS, Assigned Counsel Administrator and his firm are not permitted to receive or make any assignments themselves; and

WHEREAS, the County Administrator has made recommendations to the Public Safety and Corrections Committee following issuance of request for proposals; and

WHEREAS, the Public Safety & Corrections Committee is recommending a contract with Attorney David G. Wallace of Bath, New York for the annual sum of $39,900;

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Administrator is hereby authorized to execute a contract with Attorney David G. Wallace to provide the Assigned Counsel Administrator services; and be it further

RESOLVED, that said contract shall be for one year for the sum of $39,900; and be it further
RESOLVED, that the Steuben County Treasurer is hereby authorized and directed to establish a separate budget for the Assigned Counsel Program transferring all the funds from the Public Defender line item 423.200 Assigned Counselor to the new budget 1173 Assigned Counsel; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Attorney David G. Wallace, 108 East Steuben Street, Bath, NY 14810; Steuben County Administrator; Steuben County Attorney; and Steuben County Treasurer.

Vote: Roll Call – Adopted.

RESOLUTION NO. 138-08

Introduced by P. Roche. Seconded by F. Gehl.

MATTER(S) PERTAINING TO THE SETTLEMENT OF CLAIM(S) BY OR AGAINST THE COUNTY.

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

WHEREAS, the following civil action has been initiated in the United States District Court, Western District of New York:

LORETTA ROUSE,

Plaintiff,

v.

RICHARD TWEDDELL, Sheriff of Steuben County, individually and in his official capacity; STEUBEN COUNTY, a municipal corporation,

Defendants.

CASE NO. 08-CV-6039

WHEREAS, the matter has been referred to mediation following a conference with the Federal Magistrate; and

WHEREAS, the parties are desirous of settling said claim.

NOW THEREFORE, BE IT

RESOLVED, the County does hereby ratify the settlement of the above-entitled claim in the amount of Two Hundred Thousand Dollars ($200,000.00); and be it further

RESOLVED, the within resolution shall be reported out within five (5) days following the execution of the settlement documents; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to Davidson & O’Mara, P.C., Attention: Pamela Doyle Gee, Esq., 243 Lake Street, Elmira, NY 14901-3192; and Lewis Eason, Steuben County Risk Manager.

Vote: Roll Call – Adopted.

Motion to adjourn made by Mr. Gehl, seconded by Mr. McAllister and duly carried.
REGULAR MEETING
Morning Session
Bath, New York
Tuesday, August 26, 2008

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, NY on Tuesday, the 26th day of August, 2008 at 10:00 a.m. and was called to order by the Chairman of the Legislature, Philip J. Roche, Esq.

Roll call and all members present except Legislators Gehl, Schwartz and Van Etten.

Mr. Nichols led the Invocation and the Pledge of Allegiance was led by Mr. Argentieri.

Chairman Roche asked Peggy White to come forward. Ms. White is an employee in the Department of Social Services. Chairman Roche presented her with a Certificate of Appreciation in honor of her retirement following 20 years of service with Steuben County.

Chairman Roche asked Janis Caparulo and Shelley Pierce to come forward. Ms. Pierce has nominated Ms. Caparulo for Employee of the Month and read the following nomination:

Janis is the primary “go to” person for the inner workings of Payroll. Janis knows the inside out of how Finance Plus’ HRM module works and how are extra hook into the databases through the Steuben Sungard Interface works. Janis is responsible for the payroll procedures run each pay run, month, quarter, and end of year. At the end of the year she is responsible to run the end of year procedures, and ensure that everyone is up to speed with what gets done and when. When new requirements come up, they come to Janis to see how or if it can be done. Janis then has to program whatever is necessary to get it done. Her involvement with payroll is very in-depth and involved. She is always on the phone with various county departments fielding endless payroll-related questions and performing general pay run fixes. Janis is rarely absent from the job and consistently provides the same level and quality of service to anyone who approaches her for help and assistance. I admire Janis’ ability to always be friendly, upbeat and positive and when I say always, I mean ALWAYS, that is no exaggeration. If Janis ever has a bad day she never shows it. I have honestly never seen her grumpy. And, she has never had a bad word to say about anybody. I can say I have never seen any other county employee display as much professionalism as Janis does in that respect.

Payroll is a huge responsibility but doesn’t encompass everything that Janis does at Information Technology. Janis is also responsible for maintaining the Office for the Aging’s “Social Assistance Management Software” (SAMS) system. Janis routinely performs upgrades on this system and assists OFA personnel with questions and problems that arise. She also maintains the Telecommunications Department’s Call Accounting system which controls and administers telecom costs at Steuben County. She also maintains the Healthy Shots and COCASA programs at Public Health Nursing. And in between, Janis still finds time to answer and resolve help desk calls. Janis has taken on a lot of responsibility at Steuben County Information Technology. Janis also volunteers regularly to serve as team captain for the Employee Wellness Program. CONGRATULATIONS JANIS!

Chairman Roche asked Steven Catherman, Steven Orcutt, Bryce Foster, Phil Hink, Bonnie Kastner, Doreen Ames, Kathy Loza, Pat McDonald, Sam Hadley, Eric Prutsman, Peter Messmer and Vincent Spagnoletti to come forward. These individuals have been nominated for Team of the Month. Mrs. Kane read a letter received from Lieutenant Colonel Gerard John Messmer, III:

I would like to personally thank you and your team for your incredible support to my G-9, Civil-Military Operations Staff. Many people promise support from the United States in a “reach back” capacity, but few respond the way Steuben County did, professionally, patriotically and rapidly.
When I initially approached my brother, Peter, we were at an impasse with getting the Civil Service Department Program designed and approved at our higher headquarters. In fact, our proposal was rejected more than 12 times before we used the Steuben County information. The first time we submitted your information it was over-looked by the Multi-National Corps-Iraq Engineers and I had to bring your data to their attention for a formal review. Once they understood our comparison of your operation and data to the proposal, we gained the support of the engineer staff to help achieve approval.

One of my staff members used your data to create the equipment and manning structures that can be tailored to each individual Civil Service Department and their requirements. These requirements were then funded with Demobilization, Disarmament and Reintegration Funds (U.S. tax dollars) to train military aged males that would otherwise be fighting against us as a means of financial support for their families. The criminal organizations in Iraq recruit from these young, unemployed males for their fighting forces.

The first Civil Service Department in West Rashid, and the organization design we created from your structure has led to over 30 Civil Service Departments and initiatives for the Beladiyahs (boroughs) and the Amanat (Mayor’s Office). We are creating skill sets and capabilities that have not existed in Baghdad for many years. The citizens of Iraq, that once had these skill sets, have either been killed during fighting or have left the country. Steuben County is directly responsible for the re-creation of these skill sets to improve the lives of Iraqis and ultimately improve the security in Baghdad, thus saving American Soldiers’ lives.

CONGRATULATIONS!

John Clifford, Western Regional Off-Track Betting Corporation, stated in 1974 Steuben County made any investment of $22,800.00 in the new to be formed Western Region Off-Track Betting Corporation. Since then they have received over $5.5 million dollars. Mr. Clifford stated he is here today to present a check in the amount of $35,750.00 to Steuben County. The current distribution is the largest to be received by the county in over ten years due to recent legislation supported by Senator George Winner and Assemblyman Jim Bacalles, that allowed a larger share of gaming revenues to be distributed to local governments. In addition to over 40 betting parlors and E/Z Bet locations, Western Regional Off-Track Betting Corporation also owns and operates Batavia Downs Gaming.

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

The Clerk of the Legislature read the Notice of Public Hearing and provided proof of posting and publication regarding the Public Hearing upon the Agricultural District within the Towns of Avoca, Canisteo, Dansville, Fremont, Hartsville, Hornellsville and Howard, New York, known as Agricultural District No. 7, to consider the recommendations of the County Planning Board and the Agricultural and Farmland Protection Board, and any proposed modifications of the District. Chairman Roche asked if there were any comments regarding this public hearing. There being none, he declared the public hearing closed.

The Clerk of the Legislature read the Notice of Public Hearing and provided proof of posting and publication regarding the Public Hearing upon Local Law Tentatively No. Five for the Year 2008, for the imposition of a County Recording Tax on obligations secured by a mortgage. Chairman Roche asked if there were any comments regarding this public hearing. There being none, he declared the public hearing closed.

The minutes of the previous month’s meeting were approved upon the motion of Mr. Argentieri, seconded by Mr. Farrand and duly carried.

Mr. Alger commented it was an outstanding effort by the Legislature yesterday to attend the meeting in Elmira. It was a good indication of your concern for the breadth of the issues we face at the County level with the State budget. Thank you for attending and recognizing the significance.
RESOLUTION NO. 139-08


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

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 Treasurer 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, as it appears to be in the best interest of the County to sell the properties listed on Schedule "B" for the consideration offered, the Steuben County Treasurer is hereby authorized and directed to convey and deliver a County Tax Deed to the grantee(s) upon receipt of the consideration indicated within thirty (30) days from the date hereof, and be it further

RESOLVED, the said grantee(s) must accept the parcel "as is" together with the obligation of removing any persons, if any, claiming any interest in the parcel if need be, and be it further

RESOLVED, the Steuben County Treasurer is authorized and directed to convey those parcels sold at the Delinquent Tax Auction held on July 16, 2008, contained in Schedule "C", and she is further authorized and directed, in the event of a default by the highest bidder by failure to make full payment within thirty (30) days, to convey those parcels to the second highest bidder, and said transfers made pursuant hereto be and the same hereby are ratified, 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 Treasurer, together with the approved applications executed in duplicate by the Chairman of the County Legislature, and the Chairman of the Board of Assessors; and certified copies of this resolution contained in Schedule "B" shall be forwarded to the Steuben County Treasurer, the Director of the Steuben County Real Property Tax Service Agency, the Chairman of the Board of Assessors of the appropriate municipality, and the grantee(s); and certified copies of this resolution contained in Schedule “C” shall be forwarded to the Steuben County Treasurer, the Director of the Steuben County Real Property Tax Service Agency, the Chairman of the Board of Assessors of the appropriate municipality, the Clerk of the Board of Education of the appropriate School District, and the taxpayers.
SCHEDULE "A"

Resolution # A-1
Name ______________ Darryl S Marshall __________________
Parcel # __________ 131.00-03-003.000 __________________
Municipality ______ Bath Town _________________________
Disposition ______ Correction __________________________

Resolution # A-2
Name ______________ Christopher & Skye Tubbs ______________
Parcel # ___________ 316.07-03-020.000 _______________________
Municipality ______ Erwin Town __________________________
Disposition ______ Correction & Refund __________________

Resolution # A-3
Name ______________ Merilee Stewart ________________________
Parcel # ___________ 196.00-01-004.000 _______________________
Municipality ______ Hartsville Town ________________________
Disposition ______ Refund & Credit _________________________

Resolution # A-4
Name ______________ Debra Meldrum and Bruce L & Cathryn M White
Parcel # ___________ 427.00-01-044.000 _______________________
Municipality ______ Caton Town __________________________
Disposition ______ Correction & Refund __________________

SCHEDULE "B"

Resolution # B-1
Former Owner _____ Judy A Tychi ___________________________
In Rem Index No. 95453, 2006 sale ___________________________
Parcel # ___________ 151.64-02-032.000 _______________________
Municipality ______ Hornell City __________________________
Grantee(s) _______ City of Hornell _________________________
Grantee(s) Address _82 Main St, PO Box 627, Hornell, NY 14843__
Consideration $6,997.80, together with $121.00 recording fees

Resolution # B-2
Former Owner _____ Charles & Ina Slaght ___________________
In Rem Index No. 95453, 2006 sale __________________________
Parcel # ___________ 166.11-02-048.000 _______________________
Municipality ______ Hornell City __________________________
Grantee(s) _______ City of Hornell _________________________
Grantee(s) Address _82 Main St, PO Box 627, Hornell, NY 14843__
Consideration $7,838.66, together with $121.00 recording fees

Resolution # B-3
Former Owner _____ Jeffrey L Stuckey ______________________
In Rem Index No. 95453, 2006 sale __________________________
Parcel # ___________ 166.11-05-011.000 _______________________
Municipality ______ Hornell City __________________________
Grantee(s) _______ City of Hornell _________________________
Grantee(s) Address _82 Main St, PO Box 627, Hornell, NY 14843__
Consideration $7,900.79, together with $121.00 recording fees
<table>
<thead>
<tr>
<th>Resolution #</th>
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<tbody>
<tr>
<td>Former Owner:</td>
<td>Donald J Peterson</td>
</tr>
<tr>
<td>In Rem Index No, 95453, 2006 sale</td>
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<tr>
<td>Date of Tax Sale:</td>
<td>July 16, 2008</td>
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<tr>
<td>Parcel #:</td>
<td>332.17-02-073.000</td>
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<tr>
<td>Municipality:</td>
<td>Addison Village</td>
</tr>
<tr>
<td>Highest Bidder:</td>
<td>FICS INC</td>
</tr>
<tr>
<td>Highest Bidder’s Address:</td>
<td>25 Community Drive, Addison, NY 14801</td>
</tr>
<tr>
<td>Consideration:</td>
<td>$1,700.00, together with buyers premium &amp; recording fees</td>
</tr>
<tr>
<td>Second Highest Bidder:</td>
<td>Ronald Robertson</td>
</tr>
<tr>
<td>Second Highest Bidder’s Address:</td>
<td>450 Stover Rd, Bradford, NY 14815</td>
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<tr>
<th>Resolution #</th>
<th>C-2</th>
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<tbody>
<tr>
<td>Former Owner:</td>
<td>Beverly &amp; Thomas Henry</td>
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<td>July 16, 2008</td>
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<tr>
<td>Parcel #:</td>
<td>349.08-01-006.000</td>
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<td>Municipality:</td>
<td>Addison Village</td>
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<tr>
<td>Highest Bidder:</td>
<td>Danny L &amp; Jammie L Putnam</td>
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<tr>
<td>Highest Bidder’s Address:</td>
<td>649 Button Hill Rd, Tioga, PA 16946</td>
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<tr>
<td>Consideration:</td>
<td>$14,500.00, together with buyers premium &amp; recording fees</td>
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<tr>
<td>Second Highest Bidder:</td>
<td>Paul Jayne</td>
</tr>
<tr>
<td>Second Highest Bidder’s Address:</td>
<td>1375 Gibson Rd, Dundee, NY 14837</td>
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</table>

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<tr>
<th>Resolution #</th>
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</thead>
<tbody>
<tr>
<td>Former Owner:</td>
<td>Christine Hardy</td>
</tr>
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<td>Date of Tax Sale:</td>
<td>July 16, 2008</td>
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<tr>
<td>Parcel #:</td>
<td>099.00-01-021.200</td>
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<tr>
<td>Municipality:</td>
<td>Avoca</td>
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<tr>
<td>Highest Bidder:</td>
<td>Jonas &amp; Fannie Gingerich</td>
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<tr>
<td>Highest Bidder’s Address:</td>
<td>6228 Co Rt 8, Avoca, NY 14809</td>
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<tr>
<td>Consideration:</td>
<td>$5,000.00, together with buyers premium &amp; recording fees</td>
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<tr>
<td>Second Highest Bidder:</td>
<td>James Biano</td>
</tr>
<tr>
<td>Second Highest Bidder’s Address:</td>
<td>360 N Long Beach Rd, Rockville Center, NY 11570</td>
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<table>
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<tr>
<th>Resolution #</th>
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<tr>
<td>Former Owner:</td>
<td>Phillip A Rossi III</td>
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<td>In Rem Index No, 95453, 2006 sale</td>
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<tr>
<td>Date of Tax Sale:</td>
<td>July 16, 2008</td>
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<tr>
<td>Parcel #:</td>
<td>158.12-03-024.000</td>
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<td>Municipality:</td>
<td>Bath Village</td>
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<tr>
<td>Highest Bidder:</td>
<td>Carlton F Gleason Sr</td>
</tr>
<tr>
<td>Highest Bidder’s Address:</td>
<td>120 W William St, Bath, NY 14810</td>
</tr>
<tr>
<td>Consideration:</td>
<td>$2,000.00, together with buyers premium &amp; recording fees</td>
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<tr>
<td>Second Highest Bidder:</td>
<td>Alicia Nichols-Hoad</td>
</tr>
<tr>
<td>Second Highest Bidder’s Address:</td>
<td>7042 Co Rt 89, Bath, NY 14810</td>
</tr>
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Resolution # C-5
Former Owner: Diana Cwikla Marquez
In Rem Index No. 95453, 2006 sale
Date of Tax Sale: July 16, 2008
Parcel #: 159.14-02-003.000
Municipality: Bath Village
Highest Bidder: Paul E O’Brien
Highest Bidder’s Address: 15 Park Lane, Big Flats, NY 14814
Consideration: $11,600.00, together with buyers premium & recording fees
Second Highest Bidder: James Coots
Second Highest Bidder’s Address: 7284 Coon Rd, Bath, NY 14810

Resolution # C-6
Former Owner: Ahmed Qudrat
In Rem Index No. 93123, 2005 sale
Date of Tax Sale: July 16, 2008
Parcel #: 144.02-01-020.200
Municipality: Bath
Highest Bidder: Dragon Arch Inc
Highest Bidder’s Address: 400 East 66th St - Suite 19D, New York, NY 10065
Consideration: $30,000.00, together with buyers premium & recording fees
Second Highest Bidder: Paul Jayne
Second Highest Bidder’s Address: 1375 Gibson Rd, Dundee, NY 14837

Resolution # C-7
Former Owner: Richard D Lindsay
In Rem Index No. 86329, 2002 sale
Date of Tax Sale: July 16, 2008
Parcel #: 159.14-03-003.000
Municipality: Bath
Highest Bidder: Paul Jayne
Highest Bidder’s Address: 1375 Gibson Rd, Dundee, NY 14837
Consideration: $96,000.00, together with buyers premium & recording fees
Second Highest Bidder: John K Sincerbox
Second Highest Bidder’s Address: 37 Clubview Drive, Bath, NY 14810

Resolution # C-8
Former Owner: Rebecca C Flynn
In Rem Index No. 95453, 2006 sale
Date of Tax Sale: July 16, 2008
Parcel #: 159.19-01-003.000
Municipality: Bath
Highest Bidder: Fay E & Nancy C Faucett
Highest Bidder’s Address: 6220 Rte 415, Savona, NY 14879
Consideration: $39,000.00, together with buyers premium & recording fees
Second Highest Bidder: Scott Allison
Second Highest Bidder’s Address: 131 E Morris St, Bath, NY 14810
Resolution # C-9
Former Owner: Gladys M Prouty
In Rem Index No. 95453, 2006 sale
Date of Tax Sale: July 16, 2008
Parcel #: 186.00-01-007.211
Municipality: Bath
Highest Bidder: Southern Tier Properties LLC
Highest Bidder’s Address: 7935 Center Park Circle, Alexandria, VA 22309
Consideration: $9,500.00, together with buyers premium & recording fees
Second Highest Bidder: Dragon Arch, Inc
Second Highest Bidder’s Address: 400 East 66th St - Suite 19D, New York, NY 10065

Resolution # C-10
Former Owner: John B Mack
In Rem Index No. 95453, 2006 sale
Date of Tax Sale: July 16, 2008
Parcel #: 191.00-01-034.000
Municipality: Bath
Highest Bidder: Joseph Benedetto
Highest Bidder’s Address: 2644 Edgemere Dr, Rochester, NY 14612-1149
Consideration: $14,000.00, together with buyers premium & recording fees
Second Highest Bidder: Barbara A Towner
Second Highest Bidder’s Address: 3855 S Goodhue Lake Rd-PO Box 10, Addison, NY 14801

Resolution # C-11
Former Owner: Canisteo River Restaurant
In Rem Index No. 95453, 2006 sale
Date of Tax Sale: July 16, 2008
Parcel #: 274.00-01-004.114
Municipality: Cameron
Highest Bidder: Jeffrey P Horton
Highest Bidder’s Address: 8848 County Rt 4, Campbell, NY 14821
Consideration: $20,000.00, together with buyers premium & recording fees
Second Highest Bidder: Alicia Nichols-Hoad
Second Highest Bidder’s Address: 7042 Co Rt 89, Bath, NY 14810

Resolution # C-12
Former Owner: Russell S Stevens
In Rem Index No. 93123, 2005 sale
Date of Tax Sale: July 16, 2008
Parcel #: 275.00-02-005.200
Municipality: Cameron
Highest Bidder: Sarah L Cole
Highest Bidder’s Address: 4149 County Rt 24, Cameron Mills, NY 14820
Consideration: $8,000.00, together with buyers premium & recording fees
Second Highest Bidder: Michael Foster
Second Highest Bidder’s Address: 54 Tuscarora St, Addison, NY 14801
Resolution #    C-13
Former Owner:  Deirdre Decker
In Rem Index No. 95453, 2006 sale
Date of Tax Sale: July 16, 2008
Parcel #:  242.08-02-057.000
Municipality:  Campbell
Highest Bidder:  Charles L & Diane K Wheeler
Highest Bidder’s Address: 3468 Co Rd 2, Addison, NY 14801
Consideration: $36,000.00, together with buyers premium & recording fees
Second Highest Bidder: Burton Smith
Second Highest Bidder’s Address: Box 327, Campbell, NY 14821

Resolution #    C-14
Former Owner:  Clair T & Ann R Heckart
In Rem Index No. 95453, 2006 sale
Date of Tax Sale: July 16, 2008
Parcel #:  236.00-01-031.000
Municipality:  Canisteo
Highest Bidder:  Ronald D Robertson
Highest Bidder’s Address: 450 Stover Rd, Bradford, NY 14815
Consideration: $5,500.00, together with buyers premium & recording fees
Second Highest Bidder: Michael Foster
Second Highest Bidder’s Address: 54 Tuscarora St, Addison, NY 14801

Resolution #    C-15
Former Owner:  John B Peckham
In Rem Index No. 95453, 2006 sale
Date of Tax Sale: July 16, 2008
Parcel #:  409.00-01-041.000
Municipality:  Caton
Highest Bidder:  Towner Living Trust
Highest Bidder’s Address: 3855 S Goodhue Lake Rd, PO Box 10, Addison, NY 14801
Consideration: $3,500.00, together with buyers premium & recording fees
Second Highest Bidder: Charles Fink
Second Highest Bidder’s Address: PO Box 301 Painted Post, NY 14870

Resolution #    C-16
Former Owner:  John B Peckham
In Rem Index No. 95354, 2006 sale
Date of Tax Sale: July 16, 2008
Parcel #:  409.00-01-043.120
Municipality:  Caton
Highest Bidder:  Towner Living Trust
Highest Bidder’s Address: 3856 S Goodhue Lake Rd, PO Box 10, Addison, NY 14801
Consideration: $13,000.00, together with buyers premium & recording fees
Second Highest Bidder: Gerald Schichtel
Second Highest Bidder’s Address: 1917 Perry Point Rd, Penn Yan, NY 14527
Resolution # C-17
Former Owner: Heiko J Lesterhuis
In Rem Index No. 95453, 2006 sale
Date of Tax Sale: July 16, 2008
Parcel #: 056.05-03-038.000
Municipality: Cohocton Village
Highest Bidder: Cornerstone Homes, Inc
Highest Bidder’s Address: 11801 Harrington Drive, Corning, NY 14830
Consideration: $17,500.00, together with buyers premium & recording fees
Second Highest Bidder: Christopher Todd
Second Highest Bidder’s Address: 6691 Robbins Rd, Bath, NY 14810

Resolution # C-18
Former Owner: Ross & Eileen Wolfer
In Rem Index No. 95453, 2006 sale
Date of Tax Sale: July 16, 2008
Parcel #: 017.15-02-008.100
Municipality: Cohocton
Highest Bidder: Randy D & Brenda S Yeoman
Highest Bidder’s Address: PO Box 57, Atlanta, NY 14808
Consideration: $1,200.00, together with buyers premium & recording fees
Second Highest Bidder: Alicia Nichols-Hoad
Second Highest Bidder’s Address: 7042 Co Rt 89, Bath, NY 14810

Resolution # C-19
Former Owner: Joseph & Robert J Bliss
In Rem Index No. 95453, 2006 sale
Date of Tax Sale: July 16, 2008
Parcel #: 042.00-01-056.000
Municipality: Cohocton
Highest Bidder: Darrell J Hoad
Highest Bidder’s Address: 5568 Wolf Run Rd, Campbell, NY 14821
Consideration: $1,200.00, together with buyers premium & recording fees
Second Highest Bidder: Charles Fink
Second Highest Bidder’s Address: PO Box 301 Painted Post, NY 14870

Resolution # C-20
Former Owner: Thomas Comstock
In Rem Index No. 95453, 2006 sale
Date of Tax Sale: July 16, 2008
Parcel #: 057.00-02-036.000
Municipality: Cohocton
Highest Bidder: James Bianco
Highest Bidder’s Address: 360 N Longbeach Rd, Rockville Center, NY 11570
Consideration: $6,000.00, together with buyers premium & recording fees
Second Highest Bidder: Christopher Przygoda
Second Highest Bidder’s Address: 5597 Van Fleet Rd, Painted Post, NY 14870
Resolution # C-21
Former Owner: Donald Morse
In Rem Index No. 78446, 1998 sale
Date of Tax Sale: July 16, 2008
Parcel #: 317.43-01-021.000
Municipality: Corning City
Highest Bidder: James F Seiger Jr
Highest Bidder’s Address: 5600 Learn Rd, Cameron Mills, NY 14820
Consideration: $1,800.00, together with buyers premium & recording fees
Second Highest Bidder: Steven Tarcza
Second Highest Bidder’s Address: 3032 S Oakwod Dr, Painted Post, NY 14870

Resolution # C-22
Former Owner: James F & Lisa Atkinson
In Rem Index No. 95453, 2006 sale
Date of Tax Sale: July 16, 2008
Parcel #: 318.13-01-026.000
Municipality: Corning City
Highest Bidder: Burton C & Susan M Smith
Highest Bidder’s Address: 8489 Main St, Campbell, NY 14821
Consideration: $23,000.00, together with buyers premium & recording fees
Second Highest Bidder: Jabe E Warren
Second Highest Bidder’s Address: 1091 Alder Run, Millerton, PA 16936

Resolution # C-23
Former Owner: Michael L Allen
In Rem Index No. 95453, 2006 sale
Date of Tax Sale: July 16, 2008
Parcel #: 318.54-01-062.000
Municipality: Corning City
Highest Bidder: Peter M Marchese
Highest Bidder’s Address: 2814 Forest Hill Dr, Cornings, NY 14830
Consideration: $35,000.00, together with buyers premium & recording fees
Second Highest Bidder: Cornerstone Homes
Second Highest Bidder’s Address: 11801 Harrington Drive, Cornings, NY 14830

Resolution # C-24
Former Owner: Lolita Henry
In Rem Index No. 95453, 2006 sale
Date of Tax Sale: July 16, 2008
Parcel #: 318.18-02-084.000
Municipality: S. Corning Village
Parcel #: 318.00-02-013.200
Municipality: Corning City
Highest Bidder: Dragon Arch Inc
Highest Bidder’s Address: 400 East 66th St - Suite 19D, New York, NY 10065
Consideration: $2,600.00, together with buyers premium & recording fees
Second Highest Bidder: James F Seiger Jr
Second Highest Bidder’s Address: 5600 Learn Road, Cameron Mills, NY 14820
Resolution # C-25
Former Owner: Vladimer Gomez
In Rem Index No. 95453, 2006 sale
Date of Tax Sale: July 16, 2008
Parcel #: 318.15-01-035.000
Municipality: Corning
Highest Bidder: Charles M Ellis
Highest Bidder’s Address: 6917 Tomy Lee Trail, Tallahassee, Fl 32309
Consideration: $1,000.00, together with buyers premium & recording fees
Second Highest Bidder: Alicia Nichols-Hoad
Second Highest Bidder’s Address: 7042 Co Rt 89, Bath, NY 14810

Resolution # C-26
Former Owner: Norman & Virginia Frey
In Rem Index No. 95453, 2006 sale
Date of Tax Sale: July 16, 2008
Parcel #: 318.15-01-070.000
Municipality: Corning
Highest Bidder: James F Seiger, Jr
Highest Bidder’s Address: 5600 Learn Rd, Cameron Mills, NY 14820
Consideration: $1,900.00, together with buyers premium & recording fees
Second Highest Bidder: Alicia Nichols-Hoad
Second Highest Bidder’s Address: 7042 Co Rt 89, Bath, NY 14810

Resolution # C-27
Former Owner: Cathy A Milder
In Rem Index No. 95453, 2006 sale
Date of Tax Sale: July 16, 2008
Parcel #: 040.00-01-010.200
Municipality: Dansville
Highest Bidder: Dragon Arch Inc
Highest Bidder’s Address: 400 East 66th St - Suite 19D, New York, NY 10065
Consideration: $8,000.00, together with buyers premium & recording fees
Second Highest Bidder: Karen A Whiteside
Second Highest Bidder’s Address: 23 Dakin St, Mumford, NY 14511

Resolution # C-28
Former Owner: John T & Mary H Lusk
In Rem Index No. 95453, 2006 sale
Date of Tax Sale: July 16, 2008
Parcel #: 093.00-02-067.000
Municipality: Dansville
Highest Bidder: Dragon Arch Inc
Highest Bidder’s Address: 400 East 66th St - Suite 19D, New York, NY 10065
Consideration: $300.00, together with buyers premium & recording fees
Second Highest Bidder: Jabe E Warren
Second Highest Bidder’s Address: 1091 Alder Run, Millerton, PA 16936
Resolution # C-29
Former Owner: George W Butler
In Rem Index No. 95453, 2006 sale
Date of Tax Sale: July 16, 2008
Parcel #: 297.00-01-038.000
Municipality: Erwin
Highest Bidder: James F Seiger, Jr
Highest Bidder’s Address: 5600 Learn Rd, Cameron Mills, NY 14820
Consideration: $2,500.00, together with buyers premium & recording fees
Second Highest Bidder: David Sisson
Second Highest Bidder’s Address: Box 955, Bath, NY 14810

Resolution # C-30
Former Owner: Robert Shields
In Rem Index No. 95453, 2006 sale
Date of Tax Sale: July 16, 2008
Parcel #: 096.00-01-040.000
Municipality: Fremont
Highest Bidder: Michael D & Jeffrey P Horton
Highest Bidder’s Address: 9037 State Rt 415, Campbell, NY 14821
Consideration: $40,000.00, together with buyers premium & recording fees
Second Highest Bidder: Dragon Arch, Inc
Second Highest Bidder’s Address: 400 East 66th St - Suite 19D, New York, NY 10065

Resolution # C-31
Former Owner: Pamela L Taggart
In Rem Index No. 95453, 2006 sale
Date of Tax Sale: July 16, 2008
Parcel #: 096.02-01-007.000
Municipality: Fremont
Highest Bidder: Philip G Jones
Highest Bidder’s Address: 8787 Isaman Rd, Arkport, NY 14807
Consideration: $9,000.00, together with buyers premium & recording fees
Second Highest Bidder: Charles Fink
Second Highest Bidder’s Address: PO Box 301 Painted Post, NY 14870

Resolution # C-32
Former Owner: James W Adams
In Rem Index No. 95453, 2006 sale
Date of Tax Sale: July 16, 2008
Parcel #: 124.00-01-008.200
Municipality: Fremont
Highest Bidder: Cornerstone Homes, Inc
Highest Bidder’s Address: 11801 Harrington Drive, Corning, NY 14830
Consideration: $6,000.00, together with buyers premium & recording fees
Second Highest Bidder: Christopher Przygoda
Second Highest Bidder’s Address: 5597 Van Fleet Rd, Painted Post, NY 14870
Resolution # C-33  
Former Owner: Margaret Carney  
In Rem Index No: 93123, 2005 sale  
Date of Tax Sale: July 16, 2008  
Parcel #: 213.00-01-008.000  
Municipality: Hartsville  
Highest Bidder: Christopher S Przygoda  
Highest Bidder’s Address: 5597 VanFleet Rd, Painted Post, NY 14870  
Consideration: $4,000.00, together with buyers premium & recording fees  
Second Highest Bidder: Amber Soles  
Second Highest Bidder’s Address: 5397 Bonny Hill Rd, Bath, NY 14810

Resolution # C-34  
Former Owner: Donald & Leah Nisbet  
In Rem Index No: 95453, 2006 sale  
Date of Tax Sale: July 16, 2008  
Parcel #: 122.00-01-046.000  
Municipality: Hornellsville  
Highest Bidder: Noel & Doris Bilby  
Highest Bidder’s Address: 3437 Co Rt 3, Addison, NY 14801  
Consideration: $14,500.00, together with buyers premium & recording fees  
Second Highest Bidder: Cornerstone Homes  
Second Highest Bidder’s Address: 11801 Harrington Drive, Corning, NY 14830

Resolution # C-35  
Former Owner: Elizabeth L Schneider  
In Rem Index No: 95453, 2006 sale  
Date of Tax Sale: July 16, 2008  
Parcel #: 149.00-01-044.000  
Municipality: Hornellsville  
Highest Bidder: Ronald D Robertson  
Highest Bidder’s Address: 450 Stover Rd, Bradford, NY 14815  
Consideration: $2,000.00, together with buyers premium & recording fees  
Second Highest Bidder: Jabe E Warren  
Second Highest Bidder’s Address: 1091 Alder Run, Millerton, PA 16936

Resolution # C-36  
Former Owner: Samuel J Austin  
In Rem Index No: 93123, 2005 sale  
Date of Tax Sale: July 16, 2008  
Parcel #: 151.05-01-043.000  
Municipality: Hornellsville  
Highest Bidder: Rex O & Donna L Depew  
Highest Bidder’s Address: 33 Webster St, Hornell, NY 14843  
Consideration: $8,500.00, together with buyers premium & recording fees  
Second Highest Bidder: Joy Goodsell  
Second Highest Bidder’s Address: 74 W Lamoka Ave, Savona, NY 14879
Resolution # C-37
Former Owner: Vera M Lewis
In Rem Index No. 95453, 2006 sale
Date of Tax Sale: July 16, 2008
Parcel #: 151.19-03-029.000
Municipality: Hornell City
Highest Bidder: Rex O & Donna L Depew
Highest Bidder’s Address: 33 Webster St, Hornell, NY 14843
Consideration: $7,750.00, together with buyers premium & recording fees
Second Highest Bidder: Godin Pascal
Second Highest Bidder’s Address: 50 Davenport, Hornell, NY 14843

Resolution # C-38
Former Owner: Anthony F Defalco & D Fisk
In Rem Index No. 95453, 2006 sale
Date of Tax Sale: July 16, 2008
Parcel #: 151.56-02-044.000
Municipality: Hornell City
Highest Bidder: Cornerstone Homes, Inc
Highest Bidder’s Address: 11801 Harrington Drive, Corning, NY 14830
Consideration: $8,000.00, together with buyers premium & recording fees
Second Highest Bidder: Daniel S Kerr
Second Highest Bidder’s Address: 39 E Washington, Hornell, NY 14843

Resolution # C-39
Former Owner: Robert Brown
In Rem Index No. 95453, 2006 sale
Date of Tax Sale: July 16, 2008
Parcel #: 151.64-02-018.000
Municipality: Hornell City
Highest Bidder: Wallace J Shrock
Highest Bidder’s Address: 2983 Drake Hill Rd, Jasper, NY 14855
Consideration: $7,750.00, together with buyers premium & recording fees
Second Highest Bidder: Godin Pascal
Second Highest Bidder’s Address: 50 Davenport, Hornell, NY 14843

Resolution # C-40
Former Owner: City of Hornell
In Rem Index No. 95453, 2006 sale
Date of Tax Sale: July 16, 2008
Parcel #: 166.25-03-046.000
Municipality: Hornell City
Highest Bidder: Mary Anne Gibbs
Highest Bidder’s Address: 46 E Washington St, Hornell, NY 14843
Consideration: $3,250.00, together with buyers premium & recording fees
Second Highest Bidder: Godin Pascal
Second Highest Bidder’s Address: 50 Davenport, Hornell, NY 14843
Resolution #C-41
Former Owner: Paul & Shirley Dodson
In Rem Index No. 93123, 2005 sale
Date of Tax Sale: July 16, 2008
Parcel #: 185.00-01-073.000
Municipality: Howard
Highest Bidder: Michael & Marcia Wall
Highest Bidder’s Address: 10277 Deal Rd, North Fort Myers, Fl 33917-5239
Consideration: $3,250.00, together with buyers premium & recording fees
Second Highest Bidder: Charles Fink
Second Highest Bidder’s Address: PO Box 301 Painted Post, NY 14870

Resolution #C-42
Former Owner: Walter & Margaret Vosburg
In Rem Index No. 95453, 2006 sale
Date of Tax Sale: July 16, 2008
Parcel #: 288.00-01-022.112
Municipality: Jasper
Highest Bidder: Donna M Lavallee
Highest Bidder’s Address: 2346 Taft Rd, Woodhull, NY 14898
Consideration: $1,200.00, together with buyers premium & recording fees
Second Highest Bidder: Ronald Eason
Second Highest Bidder’s Address: 111 Wilshire Rd, Cheektowaga, NY 14225

Resolution #C-43
Former Owner: Nancy Wilson
In Rem Index No. 95453, 2006 sale
Date of Tax Sale: July 16, 2008
Parcel #: 405.00-01-018.112
Municipality: Lindley
Highest Bidder: Jerry Buman
Highest Bidder’s Address: 9336 Bellman Rd, Lindley, NY 14858
Consideration: $1,300.00, together with buyers premium & recording fees
Second Highest Bidder: Donna LaVallee
Second Highest Bidder’s Address: 18 Widemarsh Beach, Fairhaven, MA 02719

Resolution #C-44
Former Owner: Theresa Bulluck Estate
In Rem Index No. 95453, 2006 sale
Date of Tax Sale: July 16, 2008
Parcel #: 020.00-01-059.100
Municipality: Prattsburgh
Highest Bidder: James Bianco
Highest Bidder’s Address: 360 N Longbeach Rd, Rockville Center, NY 11570
Consideration: $11,000.00, together with buyers premium & recording fees
Second Highest Bidder: Donna LaVallee
Second Highest Bidder’s Address: 18 Widemarsh Beach, Fairhaven, MA 02719
Resolution # C-45
Former Owner: Theresa Bulluck Estate
In Rem Index No: 95453, 2006 sale
Date of Tax Sale: July 16, 2008
Parcel #: 020.00-01-060.000
Municipality: Prattsburgh
Highest Bidder: Ecogen Wind LLC
Highest Bidder’s Address: 950-A Union Rd, Suite 20, West Seneca, NY 14224
Consideration: $14,000.00, together with buyers premium & recording fees
Second Highest Bidder: James Bianco
Second Highest Bidder’s Address: 360 N Long Beach Rd, Rockville Center, NY 11570

Resolution # C-46
Former Owner: John F Salsman
In Rem Index No: 95453, 2006 sale
Date of Tax Sale: July 16, 2008
Parcel #: 034.19-01-014.000
Municipality: Prattsburgh
Highest Bidder: Timothy T Goodall
Highest Bidder’s Address: 1059 Kashong Switch Rd, Geneva, NY 14456-9773
Consideration: $4,500.00, together with buyers premium & recording fees
Second Highest Bidder: Joy Goodsell
Second Highest Bidder’s Address: 74 W Lamoka Ave, Savona, NY 14879

Resolution # C-47
Former Owner: Charles Graner III
In Rem Index No: 95453, 2006 sale
Date of Tax Sale: July 16, 2008
Parcel #: 047.08-01-045.000
Municipality: Prattsburgh
Highest Bidder: Dale A Lane
Highest Bidder’s Address: 1675 Oak Leaf Lane, Penn Yan, NY 14527
Consideration: $16,000.00, together with buyers premium & recording fees
Second Highest Bidder: Dragon Arch, Inc
Second Highest Bidder’s Address: 400 East 66th St - Suite 19D, New York, NY 10065

Resolution # C-48
Former Owner: Prattsburgh Railway Co
In Rem Index No: 93123, 2005 sale
Date of Tax Sale: July 16, 2008
Parcel #: 047.12-01-002.100
Municipality: Prattsburgh
Highest Bidder: Robert Lafler Jr
Highest Bidder’s Address: 8225 Briglin Rd, Hammondsport, NY 14840
Consideration: $1,200.00, together with buyers premium & recording fees
Second Highest Bidder: Kim Beechner
Second Highest Bidder’s Address: 10617 Cty Rt 74, Prattsburgh, NY 14873
Resolution # C-49
Former Owner: John & Liane Zona
In Rem Index No. 95453, 2006 sale
Date of Tax Sale: July 16, 2008
Parcel #: 060.00-01-055.000
Municipality: Prattsburgh
Highest Bidder: Cornerstone Homes, Inc
Highest Bidder’s Address: 11801 Harrington Drive, Corning, NY 14830
Consideration: $19,500.00, together with buyers premium & recording fees
Second Highest Bidder: Dragon Arch, Inc
Second Highest Bidder’s Address: 400 East 66th St - Suite 19D, New York, NY 10065

Resolution # C-50
Former Owner: Carl E & Karen Southard
In Rem Index No. 95453, 2006 sale
Date of Tax Sale: July 16, 2008
Parcel #: 257.00-03-006.112
Municipality: Thurston
Highest Bidder: Andrew C Braman
Highest Bidder’s Address: 182 Hamilton Circle, Painted Post, NY 14870
Consideration: $40,000.00, together with buyers premium & recording fees
Second Highest Bidder: Alicia Nichols-Hoad
Second Highest Bidder’s Address: 7042 Co Rt 89, Bath, NY 14810

Resolution # C-51
Former Owner: William & Anna Eddy
In Rem Index No. 95453, 2006 sale
Date of Tax Sale: July 16, 2008
Parcel #: 276.11-01-020.000
Municipality: Thurston
Highest Bidder: Donna M & Lucas A Lavalle
Highest Bidder’s Address: 2346 Taft Rd, Woodhull, NY 14898
Consideration: $850.00, together with buyers premium & recording fees
Second Highest Bidder: Rahul N Dixit
Second Highest Bidder’s Address: 22 Maple St A2, Hornell, NY 14843

Resolution # C-52
Former Owner: Richard D Lindsay
In Rem Index No. 84256, 2001 sale
Date of Tax Sale: July 16, 2008
Parcel #: 002.20-01-011.110
Municipality: Wayland Village
Highest Bidder: Cornerstone Homes, Inc
Highest Bidder’s Address: 11801 Harrington Drive, Corning, NY 14830
Consideration: $18,000.00, together with buyers premium & recording fees
Second Highest Bidder: David L Ferry
Second Highest Bidder’s Address: 722 Italy Valley Rd, Naples, NY 14512
Resolution # C-53
Former Owner: Richard D Lindsay
In Rem Index No. 84256, 2001 sale
Date of Tax Sale: July 16, 2008
Parcel #: 003.13-02-042.100
Municipality: Wayland Village
Highest Bidder: Cornerstone Homes, Inc
Highest Bidder’s Address: 11801 Harrington Drive, Corning, NY 14830
Consideration: $21,000.00, together with buyers premium & recording fees
Second Highest Bidder: David L Ferry
Second Highest Bidder’s Address: 722 Italy Valley Rd, Naples, NY 14512

Resolution # C-54
Former Owner: Ricky D Johnston
In Rem Index No. 86329, 2002 sale
Date of Tax Sale: July 16, 2008
Parcel #: 041.00-01-025.110
Municipality: Wayland
Highest Bidder: Wayne G & Debra K Johnson
Highest Bidder’s Address: 2711 Emo Rd, Wayland, NY 14572
Consideration: $17,000.00, together with buyers premium & recording fees
Second Highest Bidder: Martin Ellis
Second Highest Bidder’s Address: 322 Halsey Manor Rd, Manorville, NY 11949

Resolution # C-55
Former Owner: Brian & Meredith Schenk
In Rem Index No. 93123, 2005 sale
Date of Tax Sale: July 16, 2008
Parcel #: 072.00-01-031.000
Municipality: Wheeler
Highest Bidder: Donna M & Catherine A Lavallee
Highest Bidder’s Address: 2346 Taft Rd, Woodhull, NY 14898
Consideration: $450.00, together with buyers premium & recording fees
Second Highest Bidder: Dorsie G Klem
Second Highest Bidder’s Address: 19 Speer Drive, PO Box 783, Corning, NY 14830

Vote: Roll Call – Adopted.

RESOLUTION NO. 140-08


TITLE: RECEIVING AND ACCEPTING THE AUGUST 26, 2008 COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY ADMINISTRATOR’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:

July 11, 2008
Fortuna Energy Inc. – Re: Notice of Intent to construct a natural gas gathering pipeline (Bosket D1 4” pipeline to existing Austin D1 Well) in the Town of Campbell, Steuben County, New York. Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.
July 14, 2008
Department of Public Health, Monroe County – Re: Fully executed Inter-municipal Agreement/Medical Examiner Services between Monroe County and Steuben County (effective January 1, 2008 through December 31, 2010). Referred to: Public Safety & Correction Committee; Mike Sprague, Director of EMO; and Fred Ahrens, County Attorney.

July 16, 2008
Northeastern Subcontractors Association – Re: A request to avoid adopting project labor agreements simply as a means to avoid the Wicks Law on future County projects. They also request that if the County does consider the adoption of project labor agreements on future projects, they ask to be contacted. Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.

Don McIntyre – Re: Letter stressing concerns and possible options with New York State in trying to reduce taxes, as well as hopes in bringing residents back into New York State. Referred to: Mark Alger, County Administrator.

July 18, 2008
Tioga County Legislature – Re: Copy of resolution that was adopted by the Tioga County Legislature to advance funding and expedite the timetables to complete the Appalachian Development Highway System (Corridor U-1 I-99 and Corridor T I-86). Referred to: Clerk of the Legislature.

Fortuna Energy Inc. – Re: REVISED notice of intent to construct a natural gas gathering pipeline (Bosket D1 4” pipeline to existing Austin D1 Well) in the Town of Campbell, Steuben County, New York. Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.

Fortuna Energy Inc. – Re: ADDITIONAL REVISION/notice of intent to construct a natural gas gathering pipeline (Bosket D1 4” pipeline to existing Austin D1 Well) in the Town of Campbell, Steuben County, New York. Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.

July 21, 2008
Steuben County Soil and Water Conservation – Re: Request assistance and direction on the upcoming USDA NRCS Rental Agreement. Referred to: A.I.P. Committee; Greg Heffner, Planning Director; and Mark Alger, County Administrator.

New York State Emergency Management Office – Re: Notification that additional documents are required to be submitted in order to apply for assistance under the Emergency Management Performance Grant for Federal Fiscal Year 2008 (FFY08). Referred to: Public Safety & Corrections Committee; and Michael Sprague, Director of EMO.

New State Office for the Aging – Re: The New York State Office for the Aging (NYSOFA) is working with the Finger Lakes Geriatric Center (FLGEC) to conduct a statewide assessment of caregiver support services. Referred to: Human Services Committee; and Linda Tetor, Director of Office for the Aging.

July 25, 2008
New York State Emergency Management Office – Re: Notification that additional documents are required to be submitted in order to apply for assistance under the Emergency Management Performance Grant for Federal Fiscal Year 2008 (FFY08). These items were not included in the original packet. In addition, the due date for this application has been extended through August 30, 2008. Referred to: Public Safety & Corrections Committee; and Michael Sprague, Director of EMO.

July 30, 2008
Emergency Medical Services Training, Administration & Resources (formerly STREMS) – Re: 2nd Quarter Report for 2008 and an invoice for payment in the amount of $1,406.25. Referred to: Health & Education Committee; Victoria Fuerst, PHN Director; Public Safety & Corrections Committee; and Mike Sprague, Director of EMO.
July 31, 2008
Finger Lakes SPCA, Inc. – Re: Request for 2009 funding in the amount of $39,000 ($15,000 of which is usually provided from the dog license fee revenues). Referred to: A.I.P. and Finance Committees; Greg Heffner, Planning Director; and Carol Whitehead, County Treasurer.
Allegany County Board of Legislators – Re: Copy of Resolution NO. 123-08 requesting Governor Paterson and New York State Legislature to advance funding and expedite the timetables to complete the Appalachian Development Highway System, Corridor U-1 I-99 and Corridor T I-86 which was approved by the Allegany County Board of Legislators on July 28, 2008. Referred to: Clerk of the Legislature.
United States Senate – Re: Notification that the National Endowment for the Humanities (NEH) is currently accepting applications for funding under the America’s Historical and Cultural Organizations Grants Program (All applications are due by Wednesday, August 27, 2008). Referred to: Twila O’Dell, Historian.
Harris Beach PLLC, Attorneys at Law – Re: Steuben County Industrial Development Agency and Corning Property Management Corporation: Distribution of Form RP-412-a and PILOT (payment in lieu of taxes) Agreement for New Corning Children’s Center. Referred to: Finance and Administration Committees; Carol Whitehead, County Treasurer; Donna Hatch, RPTSA Director; and Fred Ahrens, County Attorney.

August 1, 2008
New York State Association of Counties – Re: Announcing that New York Safety Program (NYSP) will sponsor an eight hour “Train the Trainer” session at the 2008 NYSAC Fall Seminar. The seminar is scheduled for Thursday, September 25th, from 9:00am to 5:00pm in the La Salle Room at the Conference Center of Niagara Falls. NYSAC encourages counties to send a representative who will become a certified trainer. Referred to: Lew Eason, Risk Manager

NYS Department of Public Service – Re: Case 08-T-0821, Notice of Intent filed by Fortuna Energy Inc. for a certificate of Environmental Compatibility and Public Need is filed or otherwise in compliance with the public Service Law §121-a(2) as of July 18, 2008. Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.

Western Regional Off-Track Betting Corporation - Re: Check in the amount of $35,350 representing the June 2008 retained surcharge revenues ($29,163) and the municipality’s share of the 2nd quarter 2008 net revenues ($6,187). Referred to: Finance and Rules Committees; and Carol Whitehead, County Treasurer.

August 4, 2008
NYS Office for the Aging – Re: Letter summarizing the findings for the Annual Evaluation of the Steuben County Office for the Aging that was on conducted on July 17, 2008. Referred to: Human Services Committee; and Linda Tetor, Director of Office for the Aging.
NYS Office for the Aging – Re: Notification of Grant Award and approved application for the Health Insurance Information, Counseling and Assistance Program (HICAP) for the period of April 1, 2008 through March 31, 2009. Referred to: Human Services Committee; and Linda Tetor, Director of Office for the Aging.

August 5, 2008
NYS Division of Criminal Justice Services – Re: Aid to Prosecution #AP08088179 grant contract in the amount of $40,734.00 for the period of 4/1/2008 through 3/31/2009. Referred to: Public Safety & Correction Committee; John Tunney, District Attorney; and Carol Whitehead, County Treasurer.

August 7, 2008
Office of Community Renewal – Re: Notification of Project Completion, 60-day Notice on Project #1115HR154-06, New York State Community Development Block Grant (CDBG) award must be completed and all funds expended by September 30, 2008. Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.
**August 8, 2008**
United States Senate – Re: Notification of the opening of the second round of Picturing America, a new initiative of the National Endowment for the Humanities (NEH), We the People program. The Picturing America application period is open from August 4, 2008 through Friday, October 31, 2008. *Referral to: Health & Education Committee.*

**August 11, 2008**
Office of Community Renewal – Re: Notification of award in the amount of $398,780 for the New York State Community Development Block Grant (Housing Rehabilitation Program Project #1115HR22-08), as part of the 2008 NYS CDBG Competitive Round. *Referral to: A.I.P. Committee; and Greg Heffner, Planning Director.*
Village of Wayland, Mayor Brian McCoy – Re: Request for a letter of support in the development of the infra-structure to 390 Expressway and Route 21 (Wayland, NY/Steuben County). *Referral to: Legislature Chair.*

**August 13, 2008**
City of Hornell, Planning Office – Re: The City of Hornell is currently updating their comprehensive plan. The board would like to extend an invitation to the Regionalism and Inter-municipal Cooperation Committee meeting that will be held on August 18th @ 10:00am in the 2nd floor conference room of the City Hall. *Referral to: Greg Heffner, Planning Director.*

**August 14, 2008**
NYS Department of Environmental Conservation, Office of General Counsel, Region 8 – Re: Notification of sufficient evidence to commence an enforcement action against Damin Farms LLC for violations of Article 17 of the ECL which occurred at 10926 Fairgrounds Road, in the town of Prattsburgh for failure to obtain its State Pollutant Discharge Elimination System (SPDES) permit for construction and failure to comply with the terms of their SPDES General Permit for concentrated animal feeding operations (CAFOs). *Referral to: A.I.P. Committee; Greg Heffner, Planning Director; Amy Dlugos, Steuben County Environmental Management Council; and Fred Ahrens, County Attorney.*

**Vote:** Acclamation – Adopted.

**RESOLUTION NO. 141-08**

Introduced by: P. McAllister.  
Seconded by: D. Farrand.


**WHEREAS,** there has been duly presented to the members of the Steuben County Legislature on July 28, 2008, County of Steuben Local Law Tentatively No. Five for the Year 2008, for the imposition of a County Recording Tax on obligations secured by a mortgage, and this Legislature by resolution, preliminarily adopted said Local Law on July 28, 2008, making the final adoption of said Local Law subject to a Public Hearing to be held on August 26, 2008; 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 August 26, 2008, 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. Five for the Year 2008, as hereinafter set forth be, and the same hereby is, finally adopted, to wit:
COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. FIVE FOR THE YEAR 2008

A LOCAL LAW for the imposition of a County Recording Tax on obligations secured by a mortgage.

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

SECTION 1.

In accordance with Section 253-i, renumbered as Section 253-s, of the New York State Tax Law, Steuben County, does hereby adopt a local law imposing in such county a tax of twenty-five cents ($0.25) for each $100.00 and each remaining major fraction thereof of principal debt or obligation which is or under any contingency which may be secured at the date of execution thereof, or at any time thereafter, by a mortgage on real property situated within such county and recorded on or after the date upon which such tax takes effect and a tax of twenty-five cents ($0.25) on such mortgage if the principal debt or obligation which is or by any contingency which may be secured by such mortgage is less than one hundred dollars ($100.00).

SECTION 2.

The taxes imposed under the authority of this local law shall be administered and collected in the same manner as the taxes imposed under subdivision 1 of Section 253 and paragraph (b) of subdivision 1 of Section 255 of the New York State Tax Law. Except as otherwise provided in this local law, all the provisions of the New York State Tax Law relating to or applicable to the administration and collection of the taxes imposed by such subdivisions shall apply to the taxes imposed under the authority of this local law with such modifications as may be necessary to adapt such language to the tax so authorized. Such provisions shall apply with the same force and effect as if those provisions had been set forth in full in this local law except to the extent that any provision is either inconsistent with a provision of this local law or not relevant to the tax authorized by this local law. For purposes of this local law, any reference in the New York State Tax Law to the tax or taxes imposed by this local law shall be deemed to refer to a tax imposed pursuant to this local law, and any reference to the phrase “within this state” shall be read as “within Steuben County”, unless a different meaning is clearly required.

SECTION 3.

Where the real property covered by the mortgage subject to the tax imposed pursuant to the authority of this local law is situated in this state, but within and without the county imposing such tax, the amount of such tax due and payable to such county shall be determined in a manner similar to that prescribed in the opening paragraph of section 260 of the New York State Tax Law which concerns real property situated in two or more counties. Where such property is situated both within such county and without the state, the amount due and payable to such county shall be determined in the manner prescribed in the second undesignated paragraph of such Section 260 which concerns property situated within and without the state. Where real property is situated within and without the county imposing such tax, the recording officer of the jurisdiction in which the mortgage is first recorded shall be required to collect the taxes imposed pursuant to this local law.

SECTION 4.

A tax imposed pursuant to the authority of this local law shall be in addition to the taxes imposed by Section 253 of the New York State Tax Law.

SECTION 5.

Notwithstanding any provision of the New York State Tax Law to the contrary, the balance of all moneys paid to the recording officer of the County of Steuben during each month upon account of the tax imposed pursuant to the authority of this local law, after deducting the necessary expenses of his or her office as provided in Section 262 of this article, except taxes paid upon mortgages which under the provisions of this local law or Section 260 of the New York State Tax Law are first to be apportioned by the Commissioner, shall be paid over by such officer on or before the 10th day of each succeeding month to the Treasurer of Steuben County and, after the deduction by such Treasurer of the necessary expenses of his or her office provided in Section 262 of the New York State Tax Law shall be deposited in the General Fund of the County of Steuben for
expenditure on any county purpose. Notwithstanding the provisions of the preceding sentence, the tax so imposed and paid upon mortgages covering real property situated in two or more counties, which under the provisions of this local law or Section 260 of the New York State Tax Law are first to be apportioned by the Commissioner, shall be paid over by the recording officer receiving the same as provided by the determination of the Commissioner.

SECTION 6.

This local law imposing a tax pursuant to the authority of Section 253-i, renumbered as Section 253-s of the New York State Tax Law or repealing or suspending such a tax shall take effect only on the 1st day of a calendar month. Such a local law shall not be effective unless a certified copy thereof is mailed by registered or certified mail to the New York State Department of Taxation and Finance at its office in Albany at least thirty (30) days prior to the date the local law shall take effect. Certified copies of any local law described in this section shall also be filed with the County Clerk of the County of Steuben, the Secretary of State and the State Comptroller within (5) days after the date it is duly enacted.

SECTION 7.

This local law shall take effect on November 1, 2008.

AND BE IT FURTHER RESOLVED, a Public Hearing on the within Local Law has been held on August 26, 2008 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. Five for the Year 2008, the Clerk of this Legislature shall cause one certified copy thereof to be filed in the Office of the Steuben County Clerk, and one certified copy 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 New York State Department of Taxation and Finance, Attention: Barbara G. Billet, (Acting) Commissioner, Bldg. 9, W.A. Harriman Campus, Albany, NY 12227-0125; Thomas P. DiNapoli, Comptroller of the State of New York, 110 State Street, Albany, NY 12236; Steuben County Clerk; and the Steuben County Treasurer.

Mr. Ryan commented that Mr. Van Etten had concerns regarding this. He stated that his concern is that this is another tax. It’s hard enough on young people to get mortgages and he cannot support another tax.

Mr. Stachnik asked what is the expected revenue? Mr. Alger replied this is an extension of something that already exists. This was done a couple of years ago. The amount of revenue generated is $1.2 million and that is a lot of money. This piece would generate about half of that; $600,000. This
represents 1.5 percent on the tax levy. Absent this revenue, you would be looking at an additional $600,000 in revenue to be found.

Mr. Nichols commented if this doesn’t come out of the mortgage tax, it will have to come out of property tax.

Mr. Roche commented the mortgage tax total is 1 percent of the mortgage amount. If you purchase a $100,000 home, you will pay $1,000 in tax.

Mr. Farrand stated several other counties have this program and it does alleviate the burden on taxpayers.

Mr. Stachnik stated we are better off doing it this way than with property tax as this is a one-time charge. It is not a recurring expense.

Chairman Roche commented this requires State approval every two years.

Vote: Roll Call – Adopted. (No: Mr. Ryan; Absent: Mr. Gehl, Mr. Schwartz and Mr. Van Etten)

RESOLUTION NO. 142-08


Pursuant to Article 5 of the Workers' Compensation Law of the State of New York.

WHEREAS, on July 28, 2008 this Steuben County Legislature had filed and approved the estimated cost for Fiscal Year 2009 of the Steuben County Self-Insurance Workers' Compensation Plan; and

WHEREAS, the Administrator of the Steuben County Self-Insurance Workers' Compensation Plan, based on the number of members and the estimated cost for the year 2009, has caused a Table of Apportionment to be developed.

NOW THEREFORE, BE IT

RESOLVED, that the Table of Apportionment for the participating members of the Steuben County Self-Insurance Plan for Workers' Compensation for the year 2009 is hereby received and adopted and filed herewith; and be it further

RESOLVED, this resolution together with said Table of Apportionment shall serve as due and proper notice of their liability to the plan for the year 2009; and be it further

RESOLVED, that any participating member may elect to pay its share direct to the Steuben County Treasurer by notifying the Clerk of the Steuben County Legislature or the Administrator of the Self-Insurance Plan not later than October 1, 2008, otherwise the respective share will be levied upon the taxable real property comprising the territory of such member; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Steuben County Treasurer, Director of the Steuben County Real Property Tax Service Agency, and 39 certified copies to the Administrator of the Steuben County Self-Insurance Workers' Compensation Plan for distribution to the Town/Village Clerks of the participating members.
# Workers Compensation Apportionment

## 2009 Budget Year

### Apportioned Cost

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<td>Village of Addison</td>
<td>17,740</td>
</tr>
<tr>
<td>Village of Arkport</td>
<td>5,292</td>
</tr>
<tr>
<td>Village of Avoca</td>
<td>4,085</td>
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<tr>
<td>Village of Bath</td>
<td>70,831</td>
</tr>
<tr>
<td>Village of Canisteo</td>
<td>14,662</td>
</tr>
<tr>
<td>Village of Cohocton</td>
<td>5,802</td>
</tr>
<tr>
<td>Village of North Hornell</td>
<td>4,587</td>
</tr>
<tr>
<td>Village of Painted Post</td>
<td>15,656</td>
</tr>
<tr>
<td>Village of Wayland</td>
<td>10,752</td>
</tr>
<tr>
<td><strong>Sub Total Villages</strong></td>
<td><strong>$149,405</strong></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$1,650,757</strong></td>
</tr>
</tbody>
</table>
Mr. Farrand asked Mr. Alger to explain the basic formula of how this is charged. Mr. Alger explained we have distributed to you a comparison of this year versus last year. Last year the Local Law changed the methodology for distributing the costs of the Worker’s Compensation Program. Now the formula is 42 percent based on the real property tax assessment, 42 percent based on the payroll of the town and 15 percent based on experience. This is the second year we have used this methodology. We are not convinced that the new formula is the right one. We have tried to factor in the experience. With 15 percent being based on experience, you do see a surplus at the town level. We need to look at this formula again. There have been discussions at great length in committee and we have discussed making it a five-year average or changing the percentage again. When we did one-third for each category, the increases seen by the municipalities were substantial. We went back to the 15 percent and that moderated the municipalities costs somewhat, but increased the County share. We are not sure how to adjust it, but we need to continue to review this as we don’t want to penalize the municipalities.

Mr. Donnelly commented it is important to note that certain insured people in the pool are not calculated in the rate base, such as volunteer firefighters. Mr. Alger stated the group that is high risk are the volunteer firefighters and policemen. In this group, some of the most significant losses have been with volunteer firefighters because of the nature of what they do. There is nothing in the law to take into consideration the number of volunteers or their experience.

Mr. Farrand commented this is a voluntary program and towns can elect not to be a part of the plan.

**Vote:** Roll Call – Adopted. (No: Mr. Ryan; Absent: Mr. Gehl, Mr. Schwartz and Mr. Van Etten)

**RESOLUTION NO. 143-08**


**TITLE:** AUTHORIZING AND DIRECTING THE STEUBEN COUNTY TREASURER TO TRANSFER $10,000 FROM THE CONTINGENT FUND TO THE STEUBEN COUNTY BOARD OF ELECTIONS 2008 BUDGET.

WHEREAS, Steuben County has acquired electronic voting systems in accordance with its responsibilities under the Help America Vote Act; and

WHEREAS, it will be necessary to deliver to and pick-up from the election districts throughout the County the electronic voting systems; and

WHEREAS, Steuben County Board of Elections budget is insufficient to cover the costs of delivery and pick-up of the electronic voting systems.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized to transfer from the Contingent Fund the amount of $10,000 to the 2008 Board of Elections budget as follows:

From A199000 5 499 000 $10,000 Contingent Fund
To A145000 5 453 140 $10,000 Board of Elections

AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer and the Steuben County Board of Elections.

**Vote:** Roll Call – Adopted.
RESOLUTION NO. 144-08


TITLE: MODIFYING AND ADOPTING AGRICULTURAL DISTRICT NO. 7 AS A RESULT OF THE EIGHT YEAR REVIEW OF SAID DISTRICT.


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 August 26, 2008.

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. 7 in the County of Steuben for a period of eight years; 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 Andrew Spencer, Chairman of the Steuben County Agricultural and Farmland Protection Board, 8997 Burns Rd. Arkport, NY 14807; to the Director of the Steuben County Real Property Tax Service Agency; and to James Grace, Steuben County Cooperative Extension Agent at Bath.

Vote: Roll Call – Adopted.
RESOLUTION NO. 145-08


TITLE: APPROPRIATING $19,200 FROM THE UPPER FIVE MILE CREEK WATERSHED FUND BALANCE TO COVER THE COST OF A NEW POWER UNIT TO PUMP 1.

WHEREAS, the Upper Five Mile Creek Watershed was required to purchase a new power unit for pump 1 that was not included in the 2008 budget; and

WHEREAS, the Upper Five Mile Creek Watershed has sufficient monies in the District’s Fund Balance that was not appropriated towards the 2008 budget.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized to appropriate $19,200 from the Upper Five Mile Creek Watershed Fund Balance (A 39058740) to Upper Five Mile Creek Major Equipment budget for 2008 (874000 5290000); and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer.

Vote: Roll Call – Adopted.

RESOLUTION NO. 146-08


TITLE: PROVIDING AN ALTERNATE PROGRAM FOR RETIREES' HEALTH INSURANCE BENEFITS.

WHEREAS, the County began offering a Medicare replacement policy as an alternative to the County’s standard health insurance policy for eligible retirees; and

WHEREAS, in an effort to provide coverage more universal, the Steuben County Treasurer has identified Health Net as a viable alternative; and

WHEREAS, it is desirable to offer all eligible retirees reasonable Medicare replacement policy options; and

WHEREAS, the County is providing the retirees with a choice of plans; and

WHEREAS, the County continues to search for other viable alternate programs.

NOW THEREFORE, BE IT

RESOLVED, that all eligible retirees be given the option to replace the current available Medicare replacement plan with the Health Net – PFFS Plan; and be it further
RESOLVED, that the conversion of those eligible, be completed by the end of the third quarter of 2008 or as soon thereafter as practical; and be it further

RESOLVED, that the County will continue to pay its appropriate share as defined by the terms in existence when the retiree left service; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Steuben County Personnel Officer and Steuben County Treasurer.

**Vote:** Roll Call – Adopted.

Mr. Weaver asked is this an additional plan? Mr. Alger replied yes. This is an additional, voluntary plan.

Motion to Adjourn Regular Session and Reconvene in Executive Session pursuant to Public Officer’s Law, Article 7§ 105.1.E. Collective Negotiations pursuant to Article Fourteen of the Civil Service Law made by Mr. Farrand, seconded by Mr. Stachnik and duly carried.

RESOLUTION NO. 147-08


Pursuant to the provisions of the New York State Public Employees' Fair Employment Act known as the "Taylor Law" and Section 205 of the County Law of the State of New York.

WHEREAS, the negotiating committee for the Steuben County Legislature has, for several months, been meeting with the negotiating committee of the Steuben County Local #851 of the Civil Service Employees' Association, Inc. (CSEA), the bargaining unit for Correction Officers, Dispatchers and Court Security Officers as to recommended proposals for terms and working conditions for County employees for the years 2008, 2009 and 2010; and

WHEREAS, the CSEA has accepted in whole the aforesaid recommended proposals.

NOW THEREFORE, BE IT

RESOLVED, the proposed Agreement, as recommended by the respective negotiating committees, having heretofore been approved by the members of the said CSEA covering the years 2008, 2009 and 2010 be, and the same hereby is, duly ratified, confirmed and adopted; and be it further

RESOLVED, the Chairman of the Steuben County Legislature is hereby authorized and empowered, for and on behalf of this Legislature and the County of Steuben, to execute a final and complete agreement regarding the terms and conditions of public employment between the County and the Steuben County Local #851 of the Civil Service Employees' Association, Inc., for the fiscal years 2008, 2009 and 2010, which agreement shall be drafted by the County Attorney in accordance with the proposed agreement, and upon its approval by the Administration Committee of the Steuben County Legislature and its prior approval and execution by the President of the Steuben County Local #851 of the Civil Service Employees' Association, Inc.; and be it further

RESOLVED, when said final agreement is properly and duly executed as above stated, the original agreement shall be properly filed in the Office of the Clerk of the Legislature and a duplicate original shall be delivered to the President of the Steuben County Local #851 of the Civil Service Employees' Association, Inc., and an additional copy shall be filed with the Public Employees' Relations Board; and be it further
RESOLVED, upon the filing of said agreement with the Clerk of the Legislature, President of CSEA, the Steuben County Treasurer and the Steuben County Personnel Officer, the same shall be, and hereby is, confirmed, ratified and approved as the entire agreement between the County of Steuben and the County employees included in said Employees' Association bargaining unit as to the terms and conditions of employment for the years 2008, 2009 and 2010; and be it further

RESOLVED, that the Steuben County Treasurer be and the same hereby is authorized and directed to appropriate sufficient funds for the above salaries to the appropriate line items; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the County Administrator, County Attorney, County Personnel Officer, Clerk of the Legislature, County Treasurer and to the President of the Steuben County Local #851 of the Civil Service Employees' Association, Inc.

Vote: Roll Call – Adopted.

Motion to adjourn Executive Session and reconvene in Regular Session made by Mr. Farrand, seconded by Mr. Argentieri and duly carried.

Motion to adjourn made by Mr. Stachnik, seconded by Mr. McAllister and duly carried.
The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, New York on Monday, the 22nd day of September, 2008 at 10:00 a.m. and was called to order by the Chairman of the Legislature, Philip J. Roche, Esq.

Roll call and all members present except Legislator Argentieri.

The Invocation was provided by Legislator Nichols and the Pledge of Allegiance was led by Legislator Schwartz.

The Clerk of the Legislature read the following Memoriam:

IN MEMORIAM
LOLA J. TEARS
1928 - 2008

The death of our former colleague, Lola Tears, who passed away on September 14th, 2008, is acknowledged by this Legislature with deep sadness.

Lola was born on June 2nd, 1928 to Nelson and Minerva Woodmansee. Lola was married to Raymond Tears who predeceased her.

Mrs. Tears was a graduate of Corning Free Academy and Rochester Business Institute. She worked for Hugh Keenan, DDS, Westinghouse and Corning Glass Works, retiring in 1984. After 1984 Lola entered the public service field serving first as Mayor of Savona and then Bath Town Supervisor. Mrs. Tears served with great distinction as a member of the Steuben County Legislature as the District 3 representative from 1994 – 2001. During her tenure on the Legislature Mrs. Tears served as a member of the County’s Finance Committee, Human Services Committee, Health and Education Committee, Rules Committee and Administration Committee. During her tenure on the Legislative Committees, Mrs. Tears also held the position of Chair of the Rules Committee and Administration Committee and Vice-Chair of the Health and Education Committee.

Mrs. Tears was also a member of various outside Boards and Associations during her tenure on the Legislature. She served as a member of the County’s Affirmative Action Committee from 1999-2001; the County’s Health Services Advisory Board from 2000-2002; Regional Human Services Committee from 1996-2001; Pro-Action from 1996-2001; Community Services Board from 1996-2003; Inter-County Association of Western New York from 1996-2001; Resource, Conservation and Development Board from 1994-2007, serving as President during that time, and the Steuben County Youth Board from 1995-1999.

Lola was very active in the Women’s Republican Club, Bath Business and Professional Women’s Club, Bath Rotary and Quota Club. Lola was honored for her tireless dedication to the members of the community and particularly to Pro Action and the Office for the Aging with a room named in her honor in the Steuben-Yates Pro Action Building.

Lola will be remembered as a member of the Legislature who was always fair-minded. She considered the impact of her decisions on all the residents of the County, not just the few. She worked tirelessly to find balance in the most difficult of situations. Lola was a dedicated public servant who was always generous to her community with her time, talents and support.

The members of this Steuben County Legislature respectfully move that the above “Memoriam” be spread upon the minutes of this meeting and that the Clerk of the Legislature forward a copy of this Memoriam to
Mrs. Melissa Ford, Corning, New York, as an expression of the sympathy felt by this Legislature on the passing of their loved one.

Adopted by rising silent affirmation.

Chairman Roche asked David Payne to come forward. Mr. Payne is an employee in the Department of Social Services. Chairman Roche presented him with a pin and a Certificate of Appreciation in recognition of his 15 years of service with Steuben County.

The Clerk of the Legislature asked the following individuals to come forward: Kim Jessup, Julie Haar, Sharyl Buckpitt, Shari Schnell, Keith Hoffman, Kathy Burns, Joleene McCormick, Heidi McClain, Janine Allington, Christine Donlon, Lynn Bob, Dr. Michelle Rougeux and Carolyn Gutierrez. She stated these individuals comprise the Steuben County Alcoholism & Substance Abuse Services, who were nominated by Carolyn Gutierrez for the Team of the Month Award in the category of outstanding performance. Ms. Gutierrez read the following nomination: The staff of Steuben County Alcoholism & Substance Abuse Services deserves recognition for outstanding performance because of their attitude and motivation. The agency consistently achieves the highest license available from the New York State Office of Alcoholism and Substance Abuse Services. The staff interacts with a broad spectrum of clients in providing outpatient treatment to individuals addicted to alcohol and/or drugs. They are founding members of four area drug courts and serve clients referred by numerous county and private agencies as well as self-referrals.

Steuben County Alcoholism and Substance Abuse Services also has been selected as only one of four in the State to participate in a three-year Best Practices Study by the New York State Office of Alcoholism and Substance Abuse Services and has been described as “one of the best agencies in the State”. As a part of the Best Practices study, the staff has taken on extra work to improve services to clients and to re-design clinical supervision, which ultimately will strengthen counselor skills. They have invested their own time, talent and effort in all aspects of the study and have been daunting in their dedication and pursuit of excellence. They have worked together with zest and good humor while balancing more challenging caseloads than ever before. Their commitment to encourage addicted clients to establish abstinence-based recovery is inspirational. CONGRATULATIONS!

Mrs. Kane stated the nominee for Employee of the Month is unable to be here today as he is in court and the nominator was unable to attend as well. Therefore, she asked the members of the Public Defender’s Office to come forward and represent Braddock Pearce, Assistant Public Defender, who was nominated for Employee of the Month by Court Security Officer Patricia Clarkson. Mrs. Kane read the following nomination: Mr. Pearce shows the utmost respect to all Judges and Magistrates. He is always professional and courteous, even with the most difficult of clients. Despite his heavy caseload, Mr. Pearce treats each client with concern, devotion and compassion. Mr. Pearce has done an excellent job filling in for Mr. Tad Cooper while he has been out of the office. He is deliberate and well prepared. His cooperation and regard toward opposing counsel makes him a vital link to the court system. CONGRATULATIONS!

Chairman Roche opened the floor for comments by members of the public. There being no comments, the public comment portion of the meeting was closed.

The minutes of the previous month’s meeting were approved upon the motion of Mr. Gehl, seconded by Mr. Creath and duly carried.

Chairman Roche announced that everyone received a copy of the budget workshop schedule for the Finance Committee, as well as changes made to the November meeting calendar. Please make note of these changes.

Chairman Roche announced that the United Way Campaign has begun and Mr. Peaslee, IT Director, is in charge of the campaign for Steuben County. From 2006 to 2007, participation by the Legislature increased by 100%, going from 2 people contributing to 4 people. He hopes that number will double again this year. He encouraged everybody to make a donation to the United Way.
RESOLUTION NO. 148-08

Introduced by P. Donnelly. Seconded by D. Creath.

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

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 Treasurer 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, as it appears to be in the best interest of the County to sell the properties listed on Schedule "B" for the consideration offered, the Steuben County Treasurer is hereby authorized and directed to convey and deliver a County Tax Deed to the grantee(s) upon receipt of the consideration indicated within thirty (30) days from the date hereof, and be it further

RESOLVED, the said grantee(s) must accept the parcel "as is" together with the obligation of removing any persons, if any, claiming any interest in the parcel if need be, 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 Treasurer, together with the approved applications executed in duplicate by the Chairman of the County Legislature, and the Chairman of the Board of Assessors; and certified copies of this resolution contained in Schedule "B" shall be forwarded to the Steuben County Treasurer, the Director of the Steuben County Real Property Tax Service Agency, the Chairman of the Board of Assessors of the appropriate municipality, and the grantee(s).

SCHEDULE "A"

Resolution # A-1
Name ____________________________
Addison Place Association
Parcel # __________________________
349.12-01-001.000
Municipality ______________________
Addison Town
Disposition ________________________
Refund (per Court Order)

Resolution # A-2
Name ____________________________
David T & Tosha Johnson
Parcel # __________________________
265.00-03-011.111
Municipality ______________________
Corning Town
Disposition ________________________
Correction & Refund

SCHEDULE "B"

Resolution # B-1
Former Owner _____________________
Amarjit Singh
In Rex Index No. 90918, 2004 sale
Parcel # __________________________
a portion of 055.08-01-019.000, approximately 3.233± acres
Municipality ________________________
Cohocton Village
Grantee(s) _________________________
Steuben County Industrial Development Agency
Grantee(s) Address __________________
PO Box 393, Bath, NY 14810
Consideration: value to community, together with all recording and filing fees, anticipated to be approximately $221.00
Contingent upon execution of Purchase Contract by Grantee

Monday, September 22, 2008
Resolution #_____B-2_____________________________________
Former Owner ___Amarjit Singh_____________________________
In Rex Index No. 84256, 2001 sale___________________________
Parcel # ________042.20-01-060.000_________________________
Municipality ___Cohocton Village__________________________
Grantee(s) ______Steuben County Industrial Development Agency__
Grantee(s) Address _PO Box 393, Bath, NY 14810_______________
Consideration: value to community, together with all recording and filing
fees, anticipated to be approximately $221.00
Contingent upon execution of Purchase Contract by Grantee

Resolution #_____B-3_____________________________________
Former Owner ___Amarjit Singh_____________________________
In Rex Index No. 90918, 2004 sale___________________________
Parcel # ________a portion of 055.08-01-019.000_____________
Municipality ___Cohocton Village__________________________
Grantee(s) ______Village of Cohocton________________________
Grantee(s) Address _PO Box 330, Cohocton, NY 14826___________
Consideration: value to community, together with all recording and filing
fees, anticipated to be approximately $221.00
Contingent upon execution of Purchase Contract by Grantee

Resolution #_____B-4_____________________________________
Former Owner ___Amarjit Singh_____________________________
In Rex Index No. 82183, 2000 sale___________________________
Parcel # ________042.20-01-025.000_________________________
Municipality ___Cohocton Village__________________________
Grantee(s) ______Village of Cohocton________________________
Grantee(s) Address _PO Box 330, Cohocton, NY 14826___________
Consideration: value to community, together with all recording and filing
fees, anticipated to be approximately $221.00
Contingent upon execution of Purchase Contract by Grantee

Resolution #_____B-5____________________________________
Former Owner ___Lawrence A McIntyre ______________________
In Rem Index No. 93123, 2005 sale__________________________
Parcel # ________371.00-03-059.000________________________
Municipality ___Caton Town______________________________
Grantee(s) ______Lawrence A McIntyre______________________
Grantee(s) Address _10640 W Caton Rd, Corning, NY 14830_____
Consideration: Correction Deed, together with $121.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not been
satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Vote:   Roll Call – Adopted.

RESOLUTION NO. 149-08

Introduced by P. Roche. Seconded by P. Donnelly.

RECEIVING AND ACCEPTING THE SEPTEMBER 22, 2008 COMMUNICATIONS LOG AS PREPARED BY
THE STEUBEN COUNTY ADMINISTRATOR’S OFFICE.

BE IT RESOLVED, that the following communications were received, accepted and filed by the County of
Steuben, and referred to the appropriate Standing Committee and/or Department Head for information and/or
action, to wit:
August 15, 2008
CSEA AFSCME Local 1000, AFL-CIO Employee Benefit Fund – Re: Notification pursuant to the current agreement between the CSEA Employee Benefit Fund and Steuben County Corrections Officers, monthly rates to be charged for coverage under the plan for the period beginning July 1, 2008 and ending December 31, 2008. (Request to sign and return letter as proof of receipt). Referred to: Administration Committee; Robert Biehl, Personnel Director; and Carol Whitehead, Treasurer.

August 18, 2008
CSEA AFSCME Local 1000, AFL-CIO Employee Benefit Fund – Re: Additional Notification pursuant to the current agreement between the CSEA Employee Benefit Fund and Steuben County Corrections Officers, monthly rates to be charged for coverage under the plan for the period beginning July 1, 2008 and ending December 31, 2008. (Request to sign and return letter as proof of receipt). Referred to: Administration Committee; Robert Biehl, Personnel Director; and Carol Whitehead, Treasurer.

Finger Lakes Tourism Alliance – Re: Notification of the 2009 partner bill will be mailed on September 1st and to announce the creation of a new online partner registration center. Referred to: Greg Heffner, Planning Director.

August 21, 2008
NYS Department of Transportation – Re: Notification that vouchers were recently sent to the State Comptroller that distribute the second quarter SFY 2008-2009 Statewide Mass Transportation Operating Assistance (STOA) payments. Referred to: Greg Heffner, Planning Director.

Chesapeake Appalachia, L.L.C. Energy – Re: Notice of proposal to drill a well, (Peck #626912) along with all the pertinent information with regards to property located in the Town of Prattsburgh, Steuben County. Referred to: A.I.P Committee; and Greg Heffner, Planning Director.

August 22, 2008
NYS Office of Parks, Recreation and Historic Preservation – Re: Notification of approval of the 2007-2008 Phase III of the snowmobile trail development and maintenance state aid. Steuben County is now eligible to receive the remaining 30%, in the amount of $5,940.00. Referred to: A.I.P Committee; and Greg Heffner, Planning Director.

NYS Public Service Commission – Re: Fortuna Energy Inc. is granted a certificate of Environmental Compatibility and Public Need to construct a Fuel Gas Transmission line containing approximately 13,2680 feet of 4-inch coated steel pipeline, located in the Town of Campbell, Steuben County. Referred to: A.I.P Committee; and Greg Heffner, Planning Director.

August 25, 2008
Office of Community Renewal – Re: Notification of being selected as a recipient of the 2008 New York State Community Development Block Grant (CDBG) Project #1115HR22-08. The (2) signed grant agreements, along with two required forms must be returned within 45 days of receipt of this letter. Referred to: A.I.P Committee; and Greg Heffner, Planning Director.

New York State Association of Counties – Re: Announcing NYSAC has negotiated a preferred fee arrangement for counties with the law firm of Bond, Schoeneck & King, PLLC. (BS&K). BS&K has worked with NYSAC to develop a protocol to perform a “law audit” of the underlying legal sources of your GASB 45 related obligations. Referred to: Administration Committee; Bob Biehl, Personnel Director; Carol Whitehead, Treasurer; and the County Attorney.

August 28, 2008
Fortuna Energy Inc. – Re: Notice of Intent to construct a natural gas gathering pipeline (Rush D1A 4” pipeline to existing Elliot G1 Pipeline) in the Town of Campbell, Steuben County, New York. Referred to: A.I.P Committee; and Greg Heffner, Planning Director.
August 29, 2008
Southern Tier Regional EMS Council – Re: Revisions to Regional EMS Policies, request to supply comments by September 15, 2008. Referred to: Health & Education Committee; Victoria Fuerst, PHN Director; Public Safety & Corrections Committee; and Mike Sprague, EMO Director.

September 3, 2008
Western Regional Off-Track Betting Corporation - Re: Check in the amount of $5,698 representing the July 2008 retained surcharge revenues for Steuben County. Referred to: Finance and Rules Committees; and Carol Whitehead, Treasurer.

Municipal Electric & Gas Alliance (MEGA) – Re: MEGA’S renewable energy purchase program as well as information on a grant program to assist with purchases. Referred to: Greg Heffner, Planning Director; and Jim Gleason, Purchasing Director.

September 8, 2008
Fortuna Energy Inc. – Re: Request to amend the certificate of Environment Compatibility & Public Need to construct a natural gas gathering pipeline (Rush D1A 4” pipeline to existing Elliot G1 Pipeline) in the Town of Campbell, Steuben County, New York. Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.

NYS Department of Health – Re: Survey Report from the Steuben County Infirmary Survey Exit that was held on 8/22/08 (Article 28 and Medicare/Medicaid). The Plan of Correction needs to be submitted by 9/14/08. Referred to: Health & Education Committee; and Dave McCarroll, HCF Administrator.

NYS Division of Housing and Community Renewal – Re: Notice of the 30 day public comment for public participation in the development of the draft for the Annual Action Plan (AAP) for 2009. The public comment will begin on Monday, September 8, 2008 and end on Wednesday, October 8, 2008. Referred to: Greg Heffner, Planning Director.

United State Senate – Re: Notification of the Institute of Museum and Library Services is currently accepting applications for the 2009 Museums for America Grant Program. Applications must be submitted electronically through www.grants.gov by Saturday, November 1, 2008. Referred to: Twila O’Dell, Historian.

Vote: Acclamation – Adopted.

RESOLUTION NO. 150-08

Introduced by P. McAlister. Seconded by D. Creath.

DIRECTING THE DIRECTOR OF STEUBEN COUNTY REAL PROPERTY TAX SERVICE AGENCY TO SUBMIT A LIST OF CHARGES BY ASSESSING UNIT FOR THE REAL PROPERTY SYSTEM VERSION 4 (RPS V4) TO THE COUNTY TREASURER TO BE INCLUDED IN THE TOTAL COUNTY CHARGEBACKS FOR EACH TOWN AND CITY.

Pursuant to County Law, Section 233a.

WHEREAS, the Administration Committee has approved the report of RPS V4 charges by assessing unit which includes an annual charge for the New York State Office of Real Property Services License Fee and a fee for county support of this system; and

WHEREAS, the Real Property Tax Service Agency has paid the assessing units annual license fee charge to the State for this fiscal year.

NOW THEREFORE, BE IT

RESOLVED, the list of charges be forwarded to the County Treasurer to be included in the report of total Town and City chargebacks for the next tax levy; for Towns, the chargebacks will be added to the town tax levy and tax rate and
for Cities, the chargeback will be added to the cities share of the county tax levy and tax rate, both payable to the County Treasurer; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to the County Treasurer, the Director of Real Property Tax Service Agency and to each Town and City.

Mrs. Hatch stated the RPS V4 is a software system that is maintained by the NYS Office of Real Property Services. The package is distributed to all towns and cities within the county and all 34 assessing units have it installed at their sites. There is a licensing fee for the system and it is based on the number of parcels in each assessing unit. The state sends one bill, which the county pays, and then we charge the cost back to the towns. We also charge a County support fee.

**Vote:** Roll Call – Adopted.
RESOLUTION NO. 151-08


AUTHORIZING AND DIRECTING THE COUNTY TREASURER TO TRANSFER $160,000 FROM THE CAP BATH LANDFILL CAPITAL PROJECT TO THE LANDFILL GAS (LFG) SYSTEM UPGRADE CAPITAL PROJECT.

WHEREAS, the Solid Waste Division is upgrading the landfill gas collection system for the Bath Landfill Cell #2 Expansion; and

WHEREAS, no additional funding is required for this project; and

WHEREAS, the Solid Waste Division needs to transfer $160,000 from the Cap Bath Landfill Capital Project to the LFG System Upgrade Capital Project; and

WHEREAS, the Public Works Committee and the Finance Committee of the Steuben County Legislature have authorized the transfer of funds from Cap Bath Landfill Capital Project to LFG System Upgrade Capital Project.

NOW THEREFORE, BE IT

RESOLVED, that Steuben County Treasurer is hereby authorized and directed to make the following transfers:

- Decrease HL/EL6205.5250000 Cap Bath Landfill by $160,000
- Decrease HL/EL6205.43989400 Cap Bath Landfill State Aid by $80,000
- Decrease HL/EL6205.45031900 Cap Bath Landfill Interfund by $80,000
- Increase HL/EL6208.5250000 LFG system Upgrade by $160,000
- Increase HL/EL6208.4398400 LFG System Upgrade State Aid by $80,000
- Increase HL/EL6208.45031900 LFG System Upgrade Interfund by $80,000

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 152-08

Introduced by R. Nichols and P. Donnelly. Seconded by D. Creath.

AUTHORIZING THE TRANSFER OF FUNDS FROM THE COUNTY ROAD CONSTRUCTION ACCOUNT TO THE HIGHWAY MACHINERY VEHICLE FUEL ACCOUNTS.

WHEREAS, the price of fuel has increased from $2.60/gallon in 2007 to $4.56/gallon in 2008; and

WHEREAS, the machinery fund budget for fuel in 2008 is $900,000 and is projected to have an actual cost of $1,374,000; and

WHEREAS, $128,000 had previously been added to the 2008 fuel budget; and

WHEREAS, the Public Works and Finance Committees of the Steuben County Legislature have approved the additional transfer of $126,000 from the County Road Construction account D511200 5250000 to the Unleaded Gasoline account DM513000 5450320 and $220,000 from the County Road Construction account D511200 5250000 to the Diesel Fuel account DM513000 5450330.
NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature duly convened does hereby approve the above-subject transfers; and be it further

RESOLVED, that the County Legislature approves the transfer of $126,000 to the Unleaded Gasoline account DM513000 5450320 and $220,000 to the Diesel Fuel account DM513000 5450330 from the County Road Construction account D511200 5250000; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 153-08

Introduced by R. Nichols. Seconded by F. Gehl.

AUTHORIZING THE ACCEPTANCE OF A 0.05 ACRE PERMANENT EASEMENT FROM THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYSDOT) ADJACENT TO CR 39 AND CR 36 IN THE HAMLET OF ATLANTA, TOWN OF COHOCTON.

WHEREAS, the NYSDOT acquired a 0.05 acre permanent easement (P.E.) for a drainage pipe and drop inlet as part of the N. Cohocton and Atlanta Drainage Improvement Project (PIN 6084.36); and

WHEREAS, this 0.05 acre permanent easement is delineated on the NYSDOT conveyance map No. 11-C for this project; and

WHEREAS, it was an element of the project planning and execution that the Steuben County Department of Public Works accept and maintain this easement as part of the Steuben County Highway System.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature hereby authorizes the acceptance of this 0.05 acre permanent easement adjacent to CR 39 and CR 36 in the Hamlet of Atlanta, Town of Cohocton; and be it further

RESOLVED, the Steuben County Department of Public Works is hereby authorized and directed to maintain this easement as part of the County Highway System; and be it further

RESOLVED, the Commissioner of Public Works is hereby authorized and directed to execute and deliver all documents as may be necessary on behalf of the County; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Glenn Meteer, Regional Real Estate Officer, New York State Department of Transportation, 107 Broadway, Hornell, NY 14843; Astrid C. Glynn, Commissioner, New York State Department of Transportation, 50 Wolf Road, 6th Fl, Albany, NY 12232; the Commissioner of Public Works and the Director of the Real Property Tax Service Agency.

Vote: Roll Call – Adopted.

RESOLUTION NO. 154-08

Introduced by P. McAllister. Seconded by F. Gehl.

AUTHORIZING THE EXECUTION OF AN OIL AND GAS LEASE AMENDMENT RELATIVE TO PROPERTY LOCATED ON STATE ROUTE 414 IN THE TOWN OF HORNBY.
WHEREAS, on January 1, 2004, the County executed an oil and gas lease with Fortuna Energy, Inc. relative to a parcel of land containing approximately 0.23 acres on NY State Route 414 in the Town of Hornby; and

WHEREAS, Fortuna Energy, Inc. has proposed an amendment of said lease that would provide for a Storage Clause relative to the storage of gas within said parcel; and

WHEREAS, the consideration for said oil and gas lease amendment is proposed to be $1,523.00; and

WHEREAS, the County is amenable to granting the proposed lease amendment.

NOW THEREFORE, BE IT

RESOLVED, the County Administrator shall be and is hereby authorized to execute an amendment to the oil and gas lease with Fortuna Energy, Inc. dated January 1, 2004 providing for a Storage Clause relative to the storage of gas within the parcel of land containing approximately 0.23 acres on NY State Route 414 in the Town of Hornby in exchange for $1,523.00, provided that said lease amendment be reviewed and approved by the County Attorney; and be it further

RESOLVED, that a certified copy of this resolution shall be forwarded to Burt Wienke, Land Agent, Fortuna, Inc., 337 Daniel Zenker Drive, Horseheads, NY 14845; and to the Steuben County Attorney.

Mr. Farrand asked how long is the lease for?

Mr. English stated 5 years. We already had a lease from 2004. This is an amendment to allow storage associated with that same lease.

Vote: Roll Call – Adopted.

RESOLUTION NO. 155-08

Introduced by P. McAllister. Seconded by F. Gehl.

AUTHORIZING THE EXECUTION OF AN OIL AND GAS LEASE RELATIVE TO RIGHTS TO PROPERTY LOCATED WITHIN THE BOUNDS OF STATE ROUTE 53 IN THE TOWN OF WHEELER.

WHEREAS, heretofore the County acquired an interest in certain parcels of land in the Town of Wheeler comprising approximately 0.27 acres, for the purpose of highway construction relative to the construction of the public highway which is now NY State Route 53; and

WHEREAS, Chesapeake Appalachia, L.L.C. has proposed a five-year oil and gas lease of the said parcels in exchange for $300.00 in respect of the interests of the County as the same may appear of record in the Steuben County Clerk’s Office; and

WHEREAS, the County is amenable to granting the proposed lease so long as there are no grants of surface rights in and to the said parcels, and no representations of title accompanying the grant.

NOW THEREFORE, BE IT

RESOLVED, the County Administrator shall be and is hereby authorized to execute a paid-up oil and gas lease with Chesapeake Appalachia, L.L.C. for the term of five years in exchange for $300.00 relative to the interests of the County in and to certain parcels of land in the Town of Wheeler comprising approximately 0.27 acres located in NY State Route 53 provided said lease does not grant surface rights to the lessee and does not contain representations of title, and provided further that said lease be reviewed and approved by the County Attorney, and be it further

RESOLVED, that a certified copy of this resolution shall be forwarded to Chesapeake Appalachia, L.L.C., Land Department, PO Box 6070, Charleston, WV 25362-0070; and to the Steuben County Attorney.
RESOLUTION NO. 156-08

Introduced by D. Creath and P. Donnelly. Seconded by D. Farrand.

ACCEPTING A COMMUNITY DEVELOPMENT BLOCK GRANT FROM THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL.

WHEREAS, Steuben County has been awarded $398,780.00 by the New York State Office of Community Renewal (DHCR), as part of the Community Development Block Grant (CDBG) Small Cities Program; and

WHEREAS, the purpose of said grant is to fund activities by Arbor Development, Inc. to provide for housing rehabilitation activities, including the replacement of defective residential wells and septic systems for low and moderate income residents of Steuben County.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature does hereby accept the CDBG Small Cities grant of $398,780.00 from the Office of Community Renewal; and be it further

RESOLVED, that the Chairman of the Legislature and the Steuben County Planning Director, as appropriate, are hereby authorized to sign all documents necessary to accept and administer said grant; and be it further

RESOLVED, that the Steuben County Planning Department is hereby authorized to carry out all activities necessary to administer said grant; and be it further

RESOLVED, that the Steuben County Treasurer is hereby authorized to modify the 2008 and 2009 Steuben County Budgets to account for said grant; and be it further,

RESOLVED, that certified copies of this resolution be distributed to Jeffrey Eaton, Executive Director, Arbor Development, Inc., 16 W. William Street, Bath, NY 14810; Gregory P. Heffner, AICP, Steuben County Planning Director; and Carol Whitehead, Steuben County Treasurer.

Vote: Roll Call – Adopted.

RESOLUTION NO. 157-08


RECLASSIFICATION OF A HEALTH CARE FISCAL SPECIALIST, GRADE XVI POSITION, TO A CHIEF FISCAL OFFICER, MANAGEMENT GRADE F POSITION WITHIN THE OFFICE OF PUBLIC HEALTH AND NURSING SERVICES.

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

WHEREAS, there is one position in the Office of Public Health & Nursing Services which is inappropriately titled and not consistent with the duties for said position; and

WHEREAS, the Steuben County Personnel Officer, the Administration Committee and the Health and Education Committee have reviewed said position within the Office of Public Health & Nursing Services that requires a job title change, and have approved the recommended change.

NOW THEREFORE, BE IT
RESOLVED, that effective with the adoption of this resolution, the following position within the Office of Public Health & Nursing Services is hereby reclassified:

Health Care Fiscal Specialist, Grade XVI ($38,174.00-$53,891.00) to
Chief Fiscal Officer, Management Grade F ($43,908.00-$69,297.00)

AND BE IT FURTHER RESOLVED, that the 2008 County Job Classification and Salary Schedule is hereby amended to reflect the above stated change; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Personnel Officer, the County Treasurer, and the Director of Public Health & Nursing Services.

Vote: Roll Call – Adopted.

RESOLUTION NO. 158-08


RECLASSIFICATION OF A TYPIST, GRADE IV POSITION, TO A SENIOR TYPIST, GRADE VI POSITION, WITHIN THE STEUBEN COUNTY PROBATION DEPARTMENT.

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

WHEREAS, a position exists within the Steuben County Probation Department that is inappropriately titled and not consistent with the duties for said position; and

WHEREAS, the Steuben County Personnel Officer and the Public Safety & Corrections and Administration Committees have reviewed and approved the recommended change for said position.

NOW THEREFORE, BE IT

RESOLVED, effective with the adoption of this resolution, the following position within the Steuben County Probation Department is hereby reclassified:

Typist, Grade IV ($22,576-$31,870) to
Senior Typist, Grade VI ($24,433-$34,495)

AND BE IT FURTHER RESOLVED, the 2008 Job Classification and Salary Schedule is hereby amended to reflect the above-stated change; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Personnel Officer, County Treasurer and the Director of Probation.

Vote: Roll Call – Adopted.

RESOLUTION NO. 159-08

Introduced by P. Roche. Seconded by D. Creath.

DESIGNATING THE STEUBEN COUNTY CONFERENCE AND VISITORS’ BUREAU AS THE OFFICIAL TOURISM PROMOTION AGENCY FOR THE COUNTY OF STEUBEN.

Pursuant to Article 5 of the County Law of the State of New York.
WHEREAS, the New York State Grants Program is designed to encourage tourism promotion throughout the regions of New York State; and

WHEREAS, the Steuben County Conference and Visitors’ Bureau, a non-profit organization established by the Steuben County Legislature through adoption of Resolution No. 156-93 on October 25, 1993, has requested to be designated in 2008-2009 as the official tourism promotion agency for Steuben County for the purpose of the New York State Grants Program.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Conference and Visitors’ Bureau be and the same hereby is designated by the Steuben County Legislature to make application for and receive grants on behalf of the County of Steuben pursuant to the New York State Tourism Promotion Act; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Peggy Coleman, Executive Director, Steuben County Conference and Visitors’ Bureau, Inc., 1 West Market Street, Suite 301, Corning, NY 14830.

Vote: Roll Call – Adopted.

RESOLUTION NO. 160-08


REAFFIRMING THE DESIGNATION OF THE COUNTY OF STEUBEN AS LEAD AGENCY FOR SEQRA PURPOSES FOR THE GAS TO ENERGY PROJECT AT THE STEUBEN COUNTY LANDFILL AND CONFIRMING THE DETERMINATION THAT THE PROPOSED PROJECT WILL NOT HAVE A SIGNIFICANT IMPACT UPON THE ENVIRONMENT.

WHEREAS, by Resolution No. 041-08 dated February 25, 2008, the County Legislature designated itself as the lead agency under the State Environmental Quality Review Act (SEQRA) and the regulations promulgated thereunder for purposes of determining the environmental impact of the proposed landfill gas to energy project at the Steuben County landfill in Bath, New York described in Section 3, hereof; and

WHEREAS, by that same resolution, upon review of the Environmental Assessment Form verified the 20th day of February 2008 and filed with the Clerk of the Legislature and the Planning Department and made a part thereof as incorporated by reference, it was determined that the proposed project described in Section 3 hereof is an Unlisted Action which will not have a significant impact upon the environment; and

WHEREAS, subsequent to the adoption of Resolution No. 041-08, by letter dated April 11, 2008 to the Steuben County Commissioner of the Department of Public Works, in accordance with the SEQRA coordinated review process the New York State Department of Environmental Conservation stated that it has no objection to the Steuben County Legislature serving as the SEQRA lead agency for the environmental review of the proposed project described in Section 3 hereof; and

WHEREAS, following completion of the SEQRA coordinated review process, it is desirable to reaffirm the actions taken by the Steuben County Legislature under Resolution No. 041-08.

NOW THEREFORE, BE IT

RESOLVED, by the County Legislature of the County of Steuben, as follows:

Section 1. It is hereby determined that the County Legislature adopting this resolution reaffirms and declares itself to be the lead agency under the State Environmental Quality Review Act and the regulations promulgated thereunder, pursuant to the SEQRA coordinated review process, for purposes of determining the environmental impact of the project described in Section 3 hereof.
Section 2. Based upon the Environmental Assessment Form verified the 20th day of February 2008 and filed with the Clerk of the Legislature and the Planning Department and made a part hereof as incorporated by reference, it is hereby reaffirmed and determined that the project described in Section 3 hereof is an Unlisted Action which will not have a significant impact upon the environment.

Section 3. The project which is the subject of this resolution is described as follows:

A landfill gas to energy project at the County landfill in Bath, New York, including original furnishings, equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith. The project will initially generate up to 3.2 megawatts of electricity and will include the construction of pipelines on the landfill site plus an approximately two mile power line to deliver power into the grid.

Section 4. This resolution shall take effect immediately.

AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the Planning Director; Commissioner of Public Works; Thomas E. Myers, Esq., ORRICK, HERRINGTON & SUTCLIFFE LLP, 666 Fifth Avenue, New York, NY 10103-0001; and Kevin E. Voorhees, Barton & Loguidice, P.C., 290 Elwood Davis Road, Box 3107, Syracuse, NY 13220.

Vote: Roll Call – Adopted.

RESOLUTION NO. 161-08

Introduced by P. Roche. Seconded by F. Gehl.

DESIGNATION OF STEUBEN RURAL ELECTRIC COOPERATIVE, INC. (HEREINAFTER “SREC”) AS THE PREFERRED DEVELOPER PURSUANT TO LOCAL LAW NO. FOUR FOR THE YEAR 2008 AUTHORIZING THE LEASE OF A PORTION OF THE STEUBEN COUNTY LANDFILL TOGETHER WITH GAS ASSIGNMENTS AND OTHER REQUISITE DOCUMENTATION FOR PURPOSES OF IMPLEMENTING A GAS TO ENERGY PROJECT AT SAID LANDFILL.

WHEREAS, by Local Law No. Four for the Year 2008 authorization was given for the lease of a portion of the Steuben County Landfill together with gas assignments and other requisite documentation for such purposes to implement a gas to energy project at said Landfill; and

WHEREAS, authorization to contract, pursuant to Section 3 of said Law, has been authorized with a Preferred Developer for such purposes of implementation of the Project; and

WHEREAS, SREC has been recommended as said Preferred Developer.

NOW THEREFORE, BE IT

RESOLVED, that the County Administrator of the County of Steuben be and the same hereby is authorized to execute the requisite documentation designating SREC as the Preferred Developer; and be it further

RESOLVED, said County Administrator be and the same hereby is authorized and directed to enter into such contract or contracts for a period not to exceed twenty-five (25) years; and be it further

RESOLVED, the within resolution shall be effective immediately; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Public Works and Steuben Rural Electric Cooperative, Inc., 9 Wilson Avenue, Bath, NY 14810.

Mr. Nichols and Mr. Hauryski both stated that they will be abstaining from voting as they are members of SREC’s Board of Directors.
Mr. Van Etten commended Mr. Alger, Mr. Spagnoletti and Mr. Ahrens for working so hard negotiating this project.

Mr. Spagnoletti introduced Dick Moyle, Executive Director of SREC and Gordon Foster, President of the SREC Board of Directors. He thanked both Mr. Moyle and Mr. Foster for their work on this project as well as Kevin Voorhees, Barton Loguidice, Dan Darragh, Environmental Attorney, and Rick McCarthy from Environmental Capital. The in-house committee that guided us through this process included Fred Ahrens, Mark Alger, Carol Whitehead, Jim Gleason and Steve Orcutt. They were a lot of help throughout this process.

Chairman Roche stated this is an environmentally and financially sound decision.

**Vote:** Roll Call – Adopted.
**Yes:** 8264; **Abstained:** 1157; **Absent:** 451. (Abstained: Hauryski, Nichols. Absent: Argentieri)

**RESOLUTION NO. 162-08**

Introduced by P. Roche. Seconded by All Legislators Present.

**MEMORIALIZING THE NEW YORK CONGRESSIONAL DELEGATION TO SUPPORT AN INCREASE IN THE FEDERAL MEDICAL ASSISTANCE PERCENTAGE (FMAP) TO PROVIDE NEW YORK COUNTIES WITH PROPERTY TAX RELIEF.**

WHEREAS, under Federal Law, local governments are not responsible for any portion of Medicaid funding, however, Congress has given states the ability to require local governments to share in financing the non-federal share of Medicaid costs; and

WHEREAS, the United States Centers for Medicare & Medicaid Services, data demonstrates that no other state in the country financially burdens its localities as New York State; and

WHEREAS, Medicaid represents the largest single program expense in every county budget and siphons away the limited resources needed to fund other critical budgetary needs at the county level; and

WHEREAS, the National Governor’s Association (NGA), including Governor Paterson, have supported a proposal for a temporary increase in the federal medical assistance percentage (FMAP) as an economic stimulus option that would provide more federal funding for state Medicaid programs; and

WHEREAS, the NGA has indicated that it would both help to stimulate the nation’s economy and shore up the safety net for low-income families; and

WHEREAS, this proposal would provide nearly $1.6 billion in fiscal relief to New York State, including $480 million in relief to county government; and

WHEREAS, this FMAP increase would reduce the local Medicaid burden and provide immediate property tax relief to the residents of New York State.

NOW THEREFORE, BE IT

RESOLVED, that the County of Steuben memorializes the New York Congressional Delegation to support an increase in the federal medical assistance percentage (FMAP) to provide New York’s local taxpayers with relief from the crushing financial burden of the Medicaid program; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this resolution to U. S. Congressman John R. Kuhl, Jr., 22 Buell Street, Bath, NY 14810; U. S. Senator Charles E. Schumer, 313 Hart Senate Office Bldg., Washington, DC 20510-3202; U. S. Senator Hillary Rodham-Clinton, 476 Russell Senate Office Building,
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 and 105.1.E. Collective Negotiations Pursuant To Article Fourteen Of The Civil Service Law Made By Mr. Donnelly, seconded by Mr. Van Etten and Duly Carried.

Motion to adjourn Executive Session and reconvene in Regular Session made by Mr. Gehl, seconded by Mr. McAllister and Duly Carried.

Motion to adjourn made by Mr. Schwartz, seconded by Mr. Nichols and duly carried.
REGULAR MEETING
Morning Session
Monday, October 27, 2008
Legislative Chambers, Bath, New York

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, New York on Monday, the 27th day of October, 2008 at 10:00 a.m. and was called to order by the Chairman of the Legislature, Philip J. Roche, Esq.

Roll call and all members present except Legislators McAllister and Schu (late).

The Invocation was provided by Legislator Nichols and the Pledge of Allegiance was led by Legislator Weaver.

Mr. McCandless introduced this semester’s Youth in Government Interns. This is the 25th year for the program and we have 22 students; 20 seniors and 2 juniors.

Mrs. Kane asked Cynthia Smith, Donna Gerych and Tammy Hurd-Harvey to come forward. Ms. Smith and Ms. Gerych have been awarded the Team of the Month Award for the month of November. They were nominated by Carol Whitehead, Treasurer. Mrs. Whitehead could not attend today so her deputy, Mrs. Hurd-Harvey, read the following nomination: Donna Gerych and Cynthia Smith were recruited to work on a special assignment in addition to their normal work duties. They accepted willingly and embraced this project with creativity and enthusiasm. The task was to recreate the internet website of the County Treasurer’s Office with a focus on customer service providing easily accessible and user-friendly information and to develop a clear and concise Taxpayer’s Guide. The website is complete but is intended to continually evolve and improve with new and revised materials. The Taxpayer’s Guide basically consists of two graphics that every effectively display the real property tax assessment and collection cycle and the enforcement process. This guide is being made available through several municipal and county offices and it is also being distributed at other sites that may be involved with real estate transactions or real property tax. Donna and Cindy researched the websites of other Counties and of other departments within the County to gather ideas on design and to review information included on the websites of other County Treasurer’s Offices. Cindy focused on the design and the development of FAQ while Donna artistically created the tax related charts. They jointly developed concise and clearly displayed information. These two employees have demonstrated the value of teamwork. The results of their efforts exemplify the value that can be achieved with a team approach. Donna and Cindy are not strangers to team efforts or leadership. They both are consistently involved in supporting community activities such as “Relay for Life” and “Turtle Beach”. They demonstrated their leadership skills this past year organizing and actively participating in several fundraising events. Thank you for a job well done and for all you do. CONGRATULATIONS!

Mrs. Kane asked Tom Sears to come forward. Mr. Sears is an employee in the Planning Department. Chairman Roche presented him with a Certificate of Appreciation and pin in recognition of 25 years of service to Steuben County. Mr. Sears stated I previously worked in the Data Processing Department but the past few years I’ve worked for Greg Heffner and he is the best department head in the County. Thank you. CONGRATULATIONS!

Chairman Roche opened the floor for comments by members of the public. There being no comments, he declared the public comment portion of the meeting closed.

Legislator Farrand introduced Ken Knowles and stated his group, the Steuben County Landowners’ Coalition (SCLC), is here today to make a presentation. Mr. Knowles stated the SCLC is a new organization. It was created 4 months ago and they currently have members, whose property consists of 120,000 acres. Of those 120,000 acres, there are 6,000 or 7,000 acres that are leasable. Our members own over 2,000 parcels and we are nearing 1,000 members. This is a volunteer organization. Our purpose is to educate landowners so they understand the true value of the mineral rights in our area. Together, we can ensure that landowners receive fair and equitable reimbursement should they choose to lease those rights.
Mr. Knowles stated we started with a small group of landowners and 250 people attended our first meeting. We created an Executive Committee that consists of myself, John Bloise, Dan Knowles, Nicole Gwardyak, Lease Negotiating Specialist, who will be paid by the leasing company, and Mary Hickey, who works directly for Ms. Gwardyak. Ms. Gwardyak and Ms. Hickey are the only two individuals in this entire group who are paid. Anybody can join the coalition, there are no dues.

Mr. Knowles stated of the 120,000 acres in the coalition, 45 percent are ready to go to market. In New York, we believe rights can be leased for $1,500 per acre. Our coalition members are mostly from the southern part of the county, but we have received calls from individuals in Urbana and Pulteney who have been approached by oil and gas companies so they are starting to branch out to the northern part of the county. We are looking for what is fair and equitable for mineral rights. If half of the acreage hits wells using 640 acre spacing between wells, that would equate to 42 wells using the acreage total for the current members of the coalition. The average well generates $700 per acre per month, earning $18,816,000 per month $225,792,000 per year. Obviously, the money for the landowner is in the royalties. The biggest leaser in Steuben County is Fortuna, who won’t move away from the standard 12.5% royalty rate, but we think we can secure a 15 percent royalty rate. Discussion followed. Chairman Roche thanked Mr. Knowles for his presentation.

The minutes of the previous month’s meeting were approved upon a motion by Mr. Stachnik, seconded by Mr. Weaver and duly carried.

Chairman Roche announced that anyone wishing to serve on a NYSAC Standing Committee should contact Mrs. Kane as soon as possible.

RESOLUTION NO. 163-08

Introduced by P. Donnelly. Seconded by S. Van Etten.

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

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 Treasurer 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, as it appears to be in the best interest of the County to sell the properties listed on Schedule "B" for the consideration offered, the Steuben County Treasurer is hereby authorized and directed to convey and deliver a County Tax Deed to the grantee(s) upon receipt of the consideration indicated within thirty (30) days from the date hereof, and be it further

RESOLVED, the said grantee(s) must accept the parcel "as is" together with the obligation of removing any persons, if any, claiming any interest in the parcel if need be, 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 Treasurer, together with the approved applications executed in duplicate by the Chairman of the County Legislature, and the Chairman of the Board of Assessors; and certified copies of this resolution contained in Schedule "B" shall be forwarded to the Steuben County Treasurer, the Director of the Steuben County Real Property Tax Service Agency, the Chairman of the Board of Assessors of the appropriate municipality, and the grantee(s).
SCHEDULE "A"

Resolution # A-1
Name ______Amy A Kelly & Roger J Knowles______________
Parcel # ______156.00-01-009.100_______________________
Municipality ___Bath Town____________________________
Disposition ______Correction & Refund__________________

Resolution # A-2
Name ______Merilee Stewart__________________________
Parcel # ______196.00-01-004.000_______________________
Municipality ___Hartsville Town________________________
Disposition ______Refund & Credit_____________________

SCHEDULE "B"

Resolution # B-1
Former Owner ___Dorothy R Seager Estate________________
In Rem Index No. 95453, 2006 sale_______________________
Parcel # ______158.12-03-018.000_______________________
Municipality ___Bath Village___________________________
Grantee(s) ______Dorothy R Seager Estate_______________
Grantee(s) Address _4 E Washington St, Bath, NY 14810_____
Consideration $15,019.51, together with $121.00 recording fees
Any and all liens and/or judgments filed against the party of the second part, which had not
been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Vote: Roll Call – Adopted.

RESOLUTION NO. 164-08

Introduced by P. Roche. Seconded by F. Gehl.

RECEIVING AND ACCEPTING THE OCTOBER 27, 2008 COMMUNICATIONS LOG AS PREPARED BY
THE STEUBEN COUNTY ADMINISTRATOR'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:

September 12, 2008
United States Senate – Re: Notification of applications being accepted for funding under the Brownfields Assessment and
Cleanup Cooperative Agreements Program. The deadline for the application is Friday, November 14, 2008. Referred to:
A.I.P. Committee; Greg Heffner, Planning Director; and Amy Dlugos, Steuben County EMC.

September 15, 2008
New York State Association of Counties – Re: Request to urge Congress to authorize an increase in the Federal Medical
Assistance Percentage to provide New York Counties with property tax relief. Referred to: Steuben County Legislature.

September 16, 2008
NYS Office for the Aging – Re: Notification of Grant Award and approved application for the Retired and Senior
Volunteer Program for the period of April 1, 2008 through March 31, 2009. Referred to: Human Services Committee;
and Linda Tetor, OFA Director.

September 17, 2008
NYS Department of State – Re: Local Enhanced Wireless 911 Program - Steuben County eligible to apply for
reimbursement of certain costs associated with the provision of Wireless 911 services - allocation from the 2008-2009
budget for costs incurred from 4/1/08 through 3/31/11 is $53,624. Referred to: Public Safety & Corrections Committee;
Tina Goodwin, Acting 911 Director; and Carol Whitehead, County Treasurer.
September 18, 2008
NYSEG – Re: Notification of NYSEG/RG&E offering a free training program on handling natural gas emergencies. Referred to: PS&C Committee; Tina Goodwin, Acting 911 Director; Michael Sprague, EMO Director.

NYS Department of Public Service – Re: Fortuna Energy Inc.’s application for a certificate of Environmental Compatibility and Public Need to construct a Fuel Gas Transmission line containing approximately 16,125 feet of 4-inch coated steel pipeline, located in the Towns of Bath and Bradford, Steuben County, has been filed and in compliance with Public Service Law §121a(2) as of September 5, 2008. Referred to: AIP Committee; Greg Heffner, Planning Director.

NYS Division of Criminal Justice Services – Re: Fully executed grant Contract #LG08088631, District Attorney’s Recruitment & Retention Program between NYS Division of Criminal Justice Services and Steuben County. Referred to: PS&C Committee; Finance Committee; John Tunney, District Attorney; and Carol Whitehead, County Treasurer.

September 19, 2008
Steuben County Soil and Water Conservation District – Re: Letter formally asking the County to provide office space after October 1, 2009. Referred to: Mark Alger, County Administrator; and Greg Heffner, Planning Director.

September 22, 2008
NYS Office of Children & Family Services – Re: Steuben County’s Resource Allocation Plan (RAP) for 2008 and request for State aid in the amount of $202,004 has been approved. Referred to: Human Services Committee; Kathryn Muller, Commissioner of Social Services; and Gary Pruyn, Youth Bureau Director.

Bishop Sheen Ecumenical Housing Foundation, Inc. – Re: Notice on the HOME 2008 program filed with Clerk of the Legislature.

September 29, 2008
NYS Department of Environmental Conservation – Re: Announcing the availability of funds for projects to eradicate terrestrial invasive species from the ecosystems of New York State. Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.

NYS Division of Criminal Justice Services – Re: Notification of desk audit on Contract #T-078049, AP-07 (Aid to Prosecution Grant). A written response is needed by October 9, 2008. Referred to: Public Safety & Corrections Committee; John Tunney, District Attorney; and Carol Whitehead, Treasurer.

NYS Department of Health – Re: Notification of the supplemental Medicaid Upper Payment Limit (UPL) payments have been allocated to the public nursing facility in Steuben County in accordance with State Law. The requested payment dates and amounts for Steuben County nursing facilities need to be submitted by October 24, 2008. Referred to: Health & Education Committee; Human Services Committee; David McCarroll, HCF Administrator; Kathryn Muller, Commissioner of Social Services; and Carol Whitehead, Treasurer.

United States Senate – Re: The Institute of Museum and Library Services (IMLS) is currently accepting applications for funding under the 2009 Laura Bush 21st Century Library Program. All applications are due by Monday, December 15, 2008. Referred to: Health & Education Committee.

NYS Department of Health – Re: Notification of receipt of Plan of Correction was received and is acceptable (Steuben County Infirmary, Medicare Provider #335309, Survey exit date 8/22/2008). Referred to: Health & Education Committee; and David McCarroll, HCF Administrator.

September 30, 2008
NYS Office for the Aging – Re: Revised Notifications of Grant Award for CSE, CSI, EISEP, SNAP, HIICAP, LTCIEOP, STATE LTCIEOP, State LTCOP and State Transportation for the period April 1, 2008 to March 31, 2009. Referred to: Human Services Committee; and Linda Tetor, OFA Director.

NYS Office for the Aging – Re: Notification of the third and final notification of Grant award for the federal fiscal year 2008 Nutrition Services Incentive Program. Referred to: Human Services Committee; and Linda Tetor, OFA Director.
NYS Department of Health - Re: Final State Fiscal Year 2007-2008 Medicaid Local Share Cap Reconciliation (April 1, 2007 to March 31, 2008). The district achieved a savings of $245,084 under the cap, therefore no refund is due. Referred to: Human Services & Finance Committees; Kathryn Muller, Commissioner of Social Services; Carol Whitehead, Treasurer.

October 2, 2008
Corning Community College – Re: Notification of the new county chargeback rate ($2,597 per FTE) and an estimate of the total chargebacks (Jan-Dec 2009 Operating 3,011,116/Capital 344,248). Referred to: Health & Education Committee; Finance Committee; and Carol Whitehead, Treasurer.

October 3, 2008
NYS Office of Children & Family Services – Re: Notification of the reduction of the county allocations with undisbursed balances by 6% for the period of January 1, 2008 through December 31, 2008. The undisbursed balance less 6% for Steuben County is as follows: (YDDP - $144,227.02) (SDPP - $45,656.74). Referred to: Human Services Committee; Finance Committee; Carol Whitehead, Treasurer; and Gary Pruyn, Youth Bureau Director.

October 6, 2008
NYS Office of Community Renewal – Re: Written Termination Notice of NYSCDBG Grant #1115HR154-06. Any drawdown request received by Office of Community Renewal after 4 p.m. on, or postmarked after, October 31, 2008 will be deemed ineligible. Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.

NYS Public Service Commission – Re: Notice of Intent Filed by Fortuna Energy, Inc. to construct a fuel gas transmission line, containing approximately 16,125 feet of four-inch coated steel pipeline, located in the towns of Bath and Bradford, Steuben County. Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.

NYS Office for the Aging – Re: Notification of Grant Award and approved application for the Weatherization and Packaging Program for the period of August 1, 2008 through March 31, 2009. Referred to: Human Services Committee; and Linda Tetor, OFA Director.

New York State Association of Counties – Re: Correspondence regarding the Preschool Special Education Rate Methodology Reform Initiative. Referred to: Health & Education Committee; Vicki Fuerst, Special Children Services.

October 7, 2008
Cindy Whitcomb, Town of Wayne Resident – Re: Concerns with the Town of Wayne Lakefront property assessments; request for the Town of Wayne to review, as well as an audit performed on how they derived their property value assessments. Referred to: Administration Committee; and Donna Hatch, RPTSA Director.

October 8, 2008
NYS Office of Homeland Security – Re: Notification of grant award in the amount of $165,000 from the FY08 State Homeland Security Program (SHSP). A point of contract for each program needs to be identified and faxed to the Federal Grant Program Administration Division At (518) 485-0146. Applications for each grant will then be submitted electronically by Thursday, October 30, 2008. Referred to: Public Safety & Correction Committee; Michael Sprague, EMO Director; and Sheriff Tweddell.

October 9, 2008
United States Senate – Re: Notification of deadline for the Institute of Museum and Library Services (IMLS) 2009 Museums for America Grant Program is due by Saturday, November 1, 2008. Referred to: A.I.P. Committee; Greg Heffner, Planning Director; and Twila O’Dell, Historian.

New York State Association of Counties – Re: Resolution urging the Governor and the State Legislature to reduce State spending without shifting costs for State programs to County Government. Referred to: Steuben County Legislature.

October 10, 2008
NYS Unified Court System Seventh Judicial District – Re: Steuben County Court Facilities Five-Year Agreement between the Unified Court System to fund Court Facilities. Referred to: Bill Partridge, Superintendent of Building & Grounds.
October 14, 2008
NYS Department of Labor – Re: Notice of Violation and Order to Comply with the inspection held on 9/30/2008 at the Steuben County Department of Public Works Woodhull Shop. Referred to: Public Works Committee; Vince Spagnoletti, Commissioner of Public Works; Fred Ahrens, County Attorney; and Lew Eason, Risk Manager.

NYS Occupational Safety & Health Hazard Abatement Board – Re: Notice indicating the Hazard Abatement Board has determined that capital abatement projects funds may be awarded to applicants who voluntarily choose to undertake construction of a completely new facility as the method of correcting safety and health violations or complying with hazard abatement recommendations issued by the public employee consultant program. Eligible public employers may apply for reimbursement of 75% of the reasonable cost of capital abatement projects. Referred to: Health & Education Committee; A.I.P. Committee; and Greg Heffner, Planning Director.

October 16, 2008
Kathryn A. Muller, LCSW-R, Department of Social Services Commissioner – Re: Disclosure of having a landlord-tenant relationship. This notification is compliant with the ethics provisions covering County Officers and Employees. Referred to: Human Services Committee; and Fred Ahrens, County Attorney.

Chesapeake Appalachia, L.L.C. – Re: Application for a permit to drill a gas well at Chetney 1 (626948) in the town of Wheeler, Steuben County. Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.

Town of Bath, Office of the Town Clerk – Re: Resolution opposing the proposed changes to the Public Health Law, Consolidating Local Registrars of Vital Statistics. Referred to: Steuben County Legislature.

Vote: Acclamation – Adopted.

Mr. Gehl asked that the resolutions reappointing the Commissioner of Public Works and the County Administrator be addressed in Executive Session at the end of the meeting.

RESOLUTION NO. 165-08
Introduced by P. Roche. Seconded by P. Donnelly.

SETTING THE DATE AND TIME FOR A SPECIAL LEGISLATIVE MEETING FOR THE PRESENTATION OF THE 2009 BUDGET.

BE IT RESOLVED, a Special Legislative Meeting of the Steuben County Legislature be, and the same hereby is, established for Friday, November 14, 2008, at 10:00 A.M. in the Legislative Chambers, 3 East Pulteney Square, Bath, New York, for the presentation of the 2009 Budget; and be it further

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 166-08
Introduced by P. Donnelly. Seconded by D. Farrand.


Pursuant to Sections 354, 355, 356 and 359 of the County Law.

WHEREAS, the Budget Officer shall prepare and the Finance Committee shall present the Steuben County Tentative Budget and the Budget Message for the Fiscal Year 2009 with its recommendations to this Steuben County
Legislature, which Tentative Budget and Budget Message together with copies, shall be filed with the Clerk of the Legislature on or before November 14, 2008.

NOW THEREFORE, BE IT

RESOLVED, the Tentative Budget and the Budget Message setting forth the appropriations for the conduct of County Government for the Fiscal Year 2009, shall be filed with the Clerk of this County Legislature on or before November 14, 2008, and shall be received and filed with this Legislature by filing same with the Clerk thereof as the official record of the filing of the same and that said Tentative Budget shall serve as the proposed appropriation resolution; and be it further

RESOLVED, the Public Hearing on the Tentative Budget for Steuben County for the Fiscal Year 2009, as herein filed, shall be held on November 24, 2008, at 6:00 P.M. in the Legislative Chambers, Bath, New York, and the Clerk of this Legislature is hereby authorized and directed to publish the Notice of Public Hearing as required by Section 359 of the County Law in the two official newspapers of the County; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the County Treasurer.

Vote: Roll Call – Adopted.

RESOLUTION NO. 167-08

Introduced by P. Donnelly. Seconded by F. Gehl.

FIXING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE COMPLETION AND FILING OF THE ASSESSMENT ROLL FOR THE MARSH DITCH WATERSHED PROTECTION DISTRICT.

Pursuant to Section 270 of the County Law and upon the recommendation of the Administration Committee.

RESOLVED, the Public Hearing on the Assessment Roll for the Year 2008, for the Budget Year of 2009, for the Marsh Ditch Watershed Protection District shall be held on November 24, 2008 at 6:00 P.M. in the Legislative Chambers, County Office Building, East Pulteney Square in the Village of Bath, New York and the Clerk of the Legislature is hereby authorized and directed to publish the Notice of Public Hearing as required by Section 270 of the County Law in the two official newspapers of the County, and the Clerk is further directed to forward a certified copy of this resolution to the Attorney for the Watershed District, to the President of the Board of Managers for said Watershed District, to the Director of Real Property Tax Service Agency, and the County Treasurer.

Vote: Acclamation – Adopted.

RESOLUTION NO. 168-08

Introduced by P. Donnelly. Seconded by R. Argentieri.

FIXING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE COMPLETION AND FILING OF THE ASSESSMENT ROLL FOR THE UPPER FIVE MILE CREEK WATERSHED PROTECTION DISTRICT.

Pursuant to Section 270 of the County Law and upon the recommendation of the Administration Committee.

RESOLVED, that the Public Hearing on the Assessment Roll for the Year 2008, for the Budget Year of 2009 for the Upper Five Mile Creek Watershed Protection District shall be held on November 24, 2008 at 6:00 P.M. in the Legislative Chambers, County Office Building, East Pulteney Square in the Village of Bath, New York and the Clerk of the Legislature is hereby authorized and directed to publish the Notice of Public Hearing as required by Section 270 of the County Law in the two official newspapers of the County, and the Clerk is further directed to forward a certified copy of this resolution to the Attorney for the Watershed District, to the President of the Board of Managers for said Watershed District, to the Director of Real Property Tax Service Agency, and the County Treasurer.

Vote: Acclamation – Adopted.
RESOLUTION NO. 169-08

Introduced by P. Donnelly. Seconded by F. Gehl.

FIXING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE COMPLETION AND FILING OF THE ASSESSMENT ROLL FOR THE WANETA/LAMOKA LAKES’ PROTECTION AND REHABILITATION DISTRICT.

Pursuant to Section 270 of the County Law and upon the recommendation of the Administration Committee.

RESOLVED, the Public Hearing on the Assessment Roll for the Year 2008, for the Budget Year of 2009, for the Waneta/Lamoka Lakes’ Protection and Rehabilitation District shall be held on November 24, 2008 at 6:00 P.M. in the Legislative Chambers, County Office Building, East Pulteney Square in the Village of Bath, New York and the Clerk of the Legislature is hereby authorized and directed to publish the Notice of Public Hearing as required by Section 270 of the County Law in the two official newspapers of the County, and the Clerk is further directed to forward a certified copy of this resolution to the Attorney for the Waneta/Lamoka Lakes’ Protection and Rehabilitation District, Thomas E. Myers, Esq., Orrick, Herrington & Sutcliffe, LLP, 666 Fifth Avenue, New York, NY 10103; Schuyler County Legislature, 105 Ninth Street, Unit 6, Watkins Glen, NY 14891; Director of Real Property Tax Service Agency, and the County Treasurer.

Vote: Acclamation – Adopted.

RESOLUTION NO. 170-08


AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE “MARCHISELLI” PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT FOR THE REPLACEMENT OF BIN 3334460, COUNTY ROUTE 73 OVER THE TIOGA RIVER, TOWN OF LINDLEY, STEUBEN COUNTY, PIN 6754.07 AND APPROPRIATING FUNDS THEREFORE.

WHEREAS, a Project for the replacement of BIN3334460, County Route 73 over the Tioga River, Town of Lindley, Steuben County, PIN 6754.07 (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Steuben desires to advance the Project by making a commitment of 100% of the non-Federal share of the costs of replacement of BIN 3334460, County Route 73 over the Tioga River, Town of Lindley, Steuben County, PIN 6754.07.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature, duly convened does hereby approve the above-subject project; and be it further

RESOLVED, that the Steuben County Legislature hereby authorizes the County of Steuben to pay in the first instance 100% of the Federal and non-Federal share of the cost of PE/Design, ROW Incidents and Acquisition, and Construction work for the Project or portions thereof; and be it further

RESOLVED, that the Steuben County Legislature has requested that the New York State Department of Transportation appropriate property necessary for the Project; and be it further

RESOLVED, that the County of Steuben agrees to accept title and maintenance responsibilities of the appropriated property upon completion and acceptance of the project; and be it further

RESOLVED, that the updated sum of $3,463,000 is hereby appropriated and made available to cover the cost of participation in the above phases of the Project (of which $363,000 has been previously appropriated and an additional
$3,100,000 is hereby appropriated and the County of Steuben has previously issued Check No. 062364 in the amount of $7,600 payable to the New York State Department of Transportation, along with previously submitted Check No. 051436 in the amount of $5,000 covering the cost of the non-Federal share of the ROW I/A phase amount of $63,000) for the Administration of the Right of Way Incidentals and Acquisition phase of the Project by New York State Department of Transportation; and be it further

RESOLVED, that in the event the full Federal and non-Federal share costs of the project exceeds the amount appropriated above, the Steuben County Legislature 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 be it further

RESOLVED, that the Chairperson of the Legislature of the County of Steuben be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Steuben with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality’s first instance funding of Project costs and permanent funding of the local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, this resolution shall take effect immediately.

Vote: Roll Call – Adopted.

RESOLUTION NO. 171-08

Introduced by R. Nichols. 
Seconded by F. Gehl.

AUTHORIZING AN AGREEMENT BETWEEN THE COUNTY OF STEUBEN AND THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR THE COUNTY TO MAINTAIN CERTAIN COUNTY ROADS AND BRIDGE STRUCTURES, WHICH ARE A PORTION OF THE U.S. ROUTE 15 PROJECT, PHASE 1, NY/PA STATE LINE TO WATSON CREEK PROJECT DESIGNATED AS NEW YORK PROJECT PIN 6008.39, D260389.

WHEREAS, the Steuben County Legislature, on March 24, 2008, authorized the acceptance of approximately 1.05 miles of U.S. 15 from the NY/PA border north to a point 1100' south of Watson Creek Road in the Town of Lindley from the State of New York; and

WHEREAS, the New York State Department of Transportation has submitted to the County Legislative Board of the County of Steuben a proposed agreement by which the County of Steuben is to maintain 1.7168 centerline kilometers (approx. 1.07 miles) of County roads (ownership to be transferred to County of Steuben on, or about, October 15, 2008) shown as Part Numbers 2, 5, and 6 on the Table of Maintenance, and for snow removal only Part Numbers 2, 5, 6, and 8, and two bridge structures; one structure (BIN 1011100) shown as Part No. 8 and one structure (BIN 2217460) shown as Part No. 11 and to be designated as a portion of New York Project No. 6008.39, D260389 and said proposed agreement also provides for the County of Steuben to request the Department of Transportation, to submit the aforementioned project with the recommendation that it be approved by the Administrator of the United States Federal Highway Administration, and that if such project is approved and constructed by the Department and the Administrator of the United States Federal Highway Administration, the County of Steuben will thereafter at its own cost and expense maintain the previously described portions of this project in a manner satisfactory to the Department of Transportation and the Administrator of the United States Federal Highway Administration, or their authorized representatives, and make ample provision each year for such maintenance and snow removal.

NOW THEREFORE, BE IT

RESOLVED, that the County of Steuben shall maintain such roads and structures and guarantee the maintenance and snow removal of same when constructed and will pay the cost of such maintenance and snow removal and will
maintain the project in a manner satisfactory to the New York State Department of Transportation or its authorized representatives, and will make ample provisions each year for such maintenance and snow removal; and be it further

RESOLVED, that the New York State Department of Transportation submit such project to the Administrator of the United States Federal Highway Administration and recommend to him the approval of the same for construction with funds apportioned to the State for construction of highways and related projects under the provisions of Federal Highway Acts; and be it further

RESOLVED, that the County Legislative Board of the County of Steuben act through its Chairperson and Legislative Clerk which are hereby authorized to act for this Legislative Board and make and enter into agreement with the State Department of Transportation, in manner and form and substance as herein stated and in accordance with the form of contract herein mentioned as having been submitted to this Legislative Board of the County of Steuben for action, and that this Board furnish three certified copies of this resolution authorizing the Chairperson of the Steuben County Legislature and Clerk of this County of Steuben to execute the agreements on behalf of the Legislative Board of the County of Steuben such Chairperson and Legislative Clerk being fully authorized and directed to make and enter into agreements on behalf of the Legislative Board of the County of Steuben in any manner and form required by the Department of Transportation, or the Administrator of the United States Federal Highway Administration and attach the seal of Steuben County thereto; and be it further

RESOLVED, that the Clerk of this Board is hereby directed to transmit three (3) certified copies of the foregoing resolution to the State Department of Transportation.

Vote: Roll Call – Adopted.

RESOLUTION NO. 172-08

Introduced by R. Nichols. Seconded by D. Farrand.

AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO AMEND THE COUNTY HIGHWAY MAP TO INCLUDE 1.05 MILES OF COUNTY ROUTE 115 (CR 115), THE LAWRENCEVILLE-PRESHO ROAD.

WHEREAS, the Steuben County Legislature, on March 24, 2008, authorized the acceptance from the State of New York of approximately 1.05 miles of U.S. 15 from the NY/PA border north to a point 1,100' south of Watson Creek Road in the Town of Lindley; and

WHEREAS, the Steuben County Public Works Committee, on Oct. 7, 2008, recommended that this new section of county road be named CR 115, the Lawrenceville-Presho Road, and added to the County Highway map.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature, duly convened, does hereby approve of naming the above-mentioned section of highway CR 115, the Lawrenceville-Presho Road; and be it further

RESOLVED, that the Steuben County Legislature does hereby authorize the Commissioner of Public Works to amend the County Highway map to include this newly named road CR 115, the Lawrenceville-Presho Road; and be it further

RESOLVED, that a certified copy of this resolution be filed with the NYS Commissioner of Transportation and the Steuben County Commissioner of Public Works.

Mr. Argentieri asked why are we changing the road’s name? Mr. Spagnoletti stated it is currently a state road and we are taking over ownership of the road, therefore we had to name it. The Public Works Committee chose to name it CR115.

Vote: Roll Call – Adopted.

Legislator Schu came into the Chambers.
RESOLUTION NO. 173-08


AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO SIGN THE 2007-08 AMENDMENT B SNOW AND ICE AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION (“NYSDOT”).

WHEREAS, the original contract called for NYSDOT to pay the Steuben County Department of Public Works $632,106.66 for the 2007-08 winter snow and ice control; and

WHEREAS, NYSDOT has increased the contract by $34,395.10 to pay for the severity of the winter and the increased cost of fuel; and

WHEREAS, the County of Steuben’s new contact has increased to $666,501.76; and

WHEREAS, the County’s snow and ice contracts with the Towns provides for a fuel price adjustment; and

WHEREAS, the 2007-08 fuel adjustment for the Towns is $39,735.65.

NOW THEREFORE, BE IT

RESOLVED, the additional $34,395.10 is hereby accepted from NYSDOT; and be it further

RESOLVED, the Steuben County Treasurer is hereby authorized to accept and appropriate the additional funding of $34,395.10 to the Town-Snow Removal account D514200.5.444510; and be it further

RESOLVED, the Commissioner of Public Works is hereby authorized and directed to execute all necessary documents or agreements relative to the additional NYSDOT 2007-08 snow and ice funding; and be it further

RESOLVED, certified copies of the resolution shall be forwarded to the County Treasurer and the Commissioner of Public Works.

Mr. Weaver asked do we have to come up with this much more money? Mr. Spagnoletti stated the State is paying this to the County.

Mr. Gehl asked what happens if the State decides to cut down on plowing this year? Mr. Spagnoletti stated they are discussing that possibility, but our contract with them is written so that the County receives at least two-thirds of the total contract amount, even if we don’t plow for them. So we are protected.

Vote: Roll Call – Adopted.

RESOLUTION NO. 174-08

Introduced by P. Donnelly. Seconded by D. Creath.

ADJUSTING THE 2008 BUDGET BY APPROPRIATING REFUNDS OF PRIOR YEAR EXPENDITURES FROM THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) BUDGET AND THE SAFETY NET BUDGET TO THE MEDICAID BUDGET FOR PAYMENTS OF THE MEDICAID INTERGOVERNMENTAL TRANSFER AS DIRECTED BY THE STATE OF NEW YORK.

WHEREAS, Steuben County received notification from New York State Department of Health that the Supplemental Medicaid Upper Payment Limit (“UPL”) had been allocated to the Steuben County Health Care Facility in the amount of $4,234,116.00; and

WHEREAS, Steuben County is responsible for transferring fifty percent of the UPL to the State prior to the Health Care Facility payment being released; and
WHEREAS, this payment must be directed from the budget of the Steuben County Department of Social Services.

NOW THEREFORE, BE IT

RESOLVED, Steuben County adjusts and appropriates these funds in the 2008 Steuben County Budget as follows:

| 610900 42701000 Refund Prior Year Expenditures | $748,000.00 |
| 614000 42701000 Refund Prior Year Expenditures | $127,000.00 |
| 610000 5445400 Local Share MMIS | $875,000.00 |

AND BE IT FURTHER RESOLVED, a certified copy of this resolution shall be forwarded to the Commissioner of Social Services and the County Treasurer.

Vote: Roll Call – Adopted.

RESOLUTION NO. 175-08

Introduced by D. Stachnik and P. Donnelly. Seconded by F. Gehl.

ACCEPTING AND APPROPRIATING $53,445.43 IN SETTLEMENT FUNDS RECEIVED BY THE NEW YORK STATE ATTORNEY GENERAL’S OFFICE FROM A SETTLEMENT OF AVERAGE WHOLESALE PRICE LITIGATION WITH BRISTOL MEYERS.

WHEREAS, Steuben County was party to this litigation and approved as a participant in the pharmaceutical litigation demonstration project.

NOW THEREFORE, BE IT

RESOLVED, the County of Steuben accepts $53,445.43 and adjusts the 2008 Social Services Budget to reflect this additional funding; and be it further

RESOLVED, Steuben County adjusts and appropriates these funds in the 2008 Steuben County Budget as follows:

Revenues:

| 610000 41801000 Local Administrative Funds | $53,445.43 |

Expenditures:

| 610000 5445400 MMIS | $53,445.43 |

AND BE IT FURTHER RESOLVED, a certified copy of this resolution shall be forwarded to the Commissioner of Social Services and the County Treasurer.

Vote: Roll Call – Adopted.

RESOLUTION NO. 176-08

Introduced by P. Donnelly. Seconded by D. Farrand.

OFFERING MEDICARE ELIGIBLE RETIREES OPTIONS FOR HEALTH INSURANCE COVERAGE.

WHEREAS, Steuben County has approved (3) separate Medicare Advantage plans for eligible retirees; and

WHEREAS, with the inclusion of the Health Net Program, the options for coverage very closely follow the benefits available to retirees under the County’s Excellus PPO plan; and

Monday, October 27, 2008
WHEREAS, the County will continue to contribute the same amount towards the Medicare Advantage policy as determined by when the individual retired; and

WHEREAS, the Health Net Program provides coverage at a reduced annual maximum out of pocket expense and is accepted anywhere Medicare is accepted without any out-of-network changes in deductible or coverage; and

WHEREAS, the move to the Medicare Advantage plan will save employees considerable money on premiums; and

WHEREAS, the change will also provide the County with a fixed contribution for the retirees health benefits and remove their claims from our experience and loss history.

NOW THEREFORE, BE IT

RESOLVED, prior to January 1, 2009, each Medicare eligible participant shall have selected one of the three available plans and shall have enrolled in said plan during the open enrollment period; and be it further

RESOLVED, the only exception shall be for those with pre-existing conditions which make them ineligible for any of the plans; and be it further

RESOLVED, any eligible retiree that fails to make a selection during the enrollment period will be placed in the default plan, which shall be the one with the lowest premium for that calendar year; and be it further

RESOLVED, that retirees may opt to change plans during the annual enrollment period; and be it further

RESOLVED, certified copies of this Resolution shall be forwarded to the County Treasurer and the Personnel Officer.

Mr. Schwartz stated currently the County pays a portion of health insurance only for those employees with 15 or more years of service. With Legislators having term limits, this means they would not be eligible for this benefit. We need to open up this benefit for those employees with less than 15 years of service. Either that or eliminate term limits for Legislators.

Chairman Roche stated the eligibility for health insurance benefits is a contractual obligation and I’m not sure how we would do that unilaterally. Changing term limits would require a mandatory referendum, which is voted on by the public.

Mr. Alger stated the application of this resolution is to retirees. If employees retire and meet the qualifications, they would be eligible. The management group, which is your general department heads, is tied to the bargaining unit’s benefits. You can, however, choose to take whatever action for yourselves at any point in time.

Mr. Schwartz stated I think we should present eliminating term limits to the public. If people don’t want you in office, they have the opportunity to vote you out in the election. Restricting time in public office isn’t fair.

Chairman Roche stated if you want to change the requirements for eligibility for Legislators, you could bring that up to the Rules Committee.

Mr. Alger stated the 15 years only applies to the County’s retirement plan. This resolution is about a completely different topic.

Mr. Van Etten stated this is two separate issues. This resolution offers another package to the retirees. If we want to hash over the eligibility requirements, we can send that to the Rules Committee.

Mr. Schwartz stated to summarily say you can only serve 12 years because of term limits, and looking at the rising cost of medical benefits, it is imperative to those working in government. All I want is the same
percentage rate being paid towards medical benefits that 15 year employees receive. Considerable discussion followed.

**Vote:** Roll call – Adopted. Yes: 8214; No: 513; Absent: 694; Abstained: 451.
*(No: Schwartz; Absent: McAllister. Mr. Argentieri abstained stating the “issue is cloudy”).*

RESOLUTION NO. 177-08

Introduced by D. Creath. Seconded by R. Argentieri.

AUTHORIZING A PUBLIC HEARING ON THE EIGHT-YEAR REVIEW OF AGRICULTURAL DISTRICT NO. 2, AGRICULTURAL DISTRICT NO. 12, AND AGRICULTURAL DISTRICT NO. 14.

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

WHEREAS, Agricultural District No.2, located in the Towns of Bath, Campbell and Thurston, Steuben County, New York was certified on July 6, 1975; and

WHEREAS, Agricultural District No.12, located in the Towns of Wayne and Bradford, Steuben County, New York was certified on April 27, 1976; and

WHEREAS, Agricultural District No.14, located in the Towns of Bath, Cameron, Canisteo, Howard, and Thurston, Steuben County, New York was certified on August 20, 1984; and

WHEREAS, pursuant to said Law said Districts are now being reviewed; and

WHEREAS, the Clerk of the Legislature did file copies of the Notices of Review in the Steuben County Clerk's office and did properly publish and have posted the thirty day (30) Notices as required by Law, and the affidavits of publication and posting of the Notices of Review of the Agricultural Districts having been received and filed on behalf of this Legislature; and

WHEREAS, upon completion of the thirty day review period, any and all proposals filed were referred to the Steuben County Agricultural and Farmland Protection Board and said Board did file written reports with this County Legislature, containing their recommendations and any proposed modifications concerning the same. Said reports being hereby approved, ratified, and confirmed by this County Legislature.

NOW THEREFORE, BE IT

RESOLVED, that in accordance with Section 303-a of the Agriculture and Markets Law of the State of New York, a Public Hearing on the review of said Agricultural Districts together with any modification thereof set forth in the reports of the Agricultural and Farmland Protection Board shall be held by this County Legislature at the Legislative Chambers at 3 East Pulteney Square, in the Village of Bath, New York, on the 24th day of November, 2008, at 3:00 P.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-a of the Agriculture and Markets Law; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Steuben County Clerk; Andrew Spencer, Agricultural & Farmland Protection Board Chair, 8997 Burns Rd. Arkport, NY 14807; the Planning Director; and James Graces, Cooperative Extension Agent at Bath, New York.

**Vote:** Roll Call – Acclamation.

RESOLUTION NO. 178-08

RECLASSIFICATION OF A PERSONAL COMPUTER OPERATOR, GRADE VI POSITION TO A HELP DESK TECHNICAL ASSISTANT, GRADE VIII POSITION WITHIN THE DEPARTMENT OF SOCIAL SERVICES.

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

WHEREAS, a Personal Computer Operator in Department of Social Services does assist others with computer operation; and

WHEREAS, a Personal Computer Operator also assists other employees when they experience problems with equipment and/or software; and

WHEREAS, a Help Desk Technical Assistant position more appropriately performs these duties; and

WHEREAS, the Personnel Officer, the Administration Committee, and Human Services Committee have reviewed said position within the Department of Social Services that requires a job title change and have 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 Operator, Grade VI ($24,433 to $34,495) to Help Desk Technical Assistant, Grade VIII ($26,552 to $37,488)

AND BE IT FURTHER RESOLVED, that the 2008 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 County Treasurer, Personnel Officer, and the Commissioner of Social Services.

Vote: Roll Call – Adopted. Yes: 8727; No: 451; Absent: 694
(No: Argentieri; Absent: McAllister)

RESOLUTION NO. 179-08


RECLASSIFICATION OF A MOTOR EQUIPMENT OPERATOR, GRADE VIII POSITION TO AN AUTOMOTIVE MECHANIC, GRADE X POSITION WITHIN THE PUBLIC WORKS DEPARTMENT.

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

WHEREAS, a Motor Equipment Operator in the Highway Department does metal fabrication and equipment repair work full time at the Mt. Washington equipment repair shop; and

WHEREAS, an Automotive Mechanic position appropriately performs these duties; and

WHEREAS, the Personnel Officer, the Administration Committee, and Public Works Committee have reviewed said position within the Department of Public Works that requires a job title change and have approved the recommended change.

NOW THEREFORE, BE IT

RESOLVED, effective with the adoption of this resolution, the following position in the Public Works Department is hereby reclassified as follows:
AND BE IT FURTHER RESOLVED, that the 2008 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 County Treasurer, Personnel Officer, and the Commissioner of Public Works Department.

Vote: Roll Call – Adopted. Yes: 8727; No: 451; Absent: 694
(No: Argentieri; Absent: McAllister)

RESOLUTION NO. 180-08


RECLASSIFICATION OF A GARAGE LABORER, GRADE VIII POSITION TO AN AUTOMOTIVE MECHANIC, GRADE X POSITION WITHIN THE PUBLIC WORKS DEPARTMENT.

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

WHEREAS, the Garage Laborer at the Mt. Washington Equipment Repair Shop is responsible for tire maintenance on the County fleet and does brake repairs and other equipment repairs; and

WHEREAS, an Automotive Mechanic position appropriately performs these duties; and

WHEREAS, the Personnel Officer, the Administration Committee, and Public Works Committee have reviewed said position within the Department of Public Works that requires a job title change and have approved the recommended change.

NOW THEREFORE, BE IT

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

Garage Laborer, Grade VIII ($26,552 to $37,488) to
Automotive Mechanic, Grade X ($28,992 to $40,928)

AND BE IT FURTHER RESOLVED, that the 2008 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 County Treasurer, Personnel Officer, and the Commissioner of Public Works Department.

Vote: Roll Call – Adopted. Yes: 8727; No: 451; Absent: 694
(No: Argentieri; Absent: McAllister)

RESOLUTION NO. 181-08

Introduced by R. Nichols and P. Donnelly. Seconded by D. Creath.

RECLASSIFICATION OF AN ACCOUNT CLERK, GRADE V POSITION TO AN ACCOUNT CLERK-TYPIST, GRADE VI POSITION WITHIN THE PUBLIC WORKS DEPARTMENT.

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

WHEREAS, an Account Clerk in the Highway Department does all of the accounts payable for the Machinery Fund; and
WHEREAS, an Account Clerk helps manage the Mobile Work Program by being in charge of assigning the welfare clients to a work crew and scheduling the public requests for projects; and

WHEREAS, an Account Clerk-Typist position more appropriately performs these duties; and

WHEREAS, the Personnel Officer, the Administration Committee, and Public Works Committee have reviewed said position within the Department of Public Works that requires a job title change and have approved the recommended change.

NOW THEREFORE, BE IT

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

Account Clerk, Grade V ($23,438 to $33,089) to
Account Clerk-Typist, Grade VI ($24,433 to $34,495)

AND BE IT FURTHER RESOLVED, that the 2008 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 County Treasurer, Personnel Officer, and the Commissioner of Public Works Department.

Vote: Roll Call – Adopted. Yes: 8727; No: 451; Absent: 694
(No: Argentieri; Absent: McAllister)

RESOLUTION NO. 182-08

Introduced by P. Roche. Seconded by T. Schwartz.

DIRECTING THE CLOSING OF ALL STEUBEN COUNTY OFFICES ON FRIDAY, NOVEMBER 28, 2008.

Pursuant to Section 206-a of the County Law and the current agreement between the County of Steuben and the Civil Service Employees' Association, Inc.

WHEREAS, the County of Steuben, by contractual agreement with the employees of Steuben County has declared the day after Thanksgiving day to be a holiday for all employees, with the exception of the County Clerk, the County Treasurer, the Clerk of this Legislature, and the Sheriff's Office; and

WHEREAS, this County Legislature feels because of the lack of the traditional business volume on the day after Thanksgiving, coupled together with the savings of energy costs and unnecessary payroll expenses that it would be in the best interest of the County, the taxpayers and its employees to close all of the offices of Steuben County on the day after Thanksgiving, November 28, 2008.

NOW THEREFORE, BE IT

RESOLVED, that this County Legislature declares November 28, 2008 to be a County holiday pursuant to the present contract with the Civil Service Employees' Association, Inc.; and be it further

RESOLVED, that all of the department heads, in particular the County Clerk, the County Treasurer, the Clerk of this Legislature, and the Sheriff, are directed to close their respective offices on said date, except the field operations of the Solid Waste Division of the Steuben County Public Works Department whose normal operation includes service on Fridays, which operation shall be open for one-half (1/2) day (in the morning) of Friday, November 28, 2008; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Clerk; County Treasurer; Clerk of the Legislature; Sheriff; and the Commissioner of Public Works.
RESOLUTION NO. 183-08

Introduced by P. Roche. Seconded by R. Argentieri.

SETTING THE TIME FOR THE NOVEMBER 2008 MEETING OF THE STEUBEN COUNTY LEGISLATURE.

BE IT RESOLVED, the regular meeting of the Steuben County Legislature be, and the same hereby is, established for November 2008, on Monday, November 24, 2008, at 3:00 P.M. in the Legislative Chambers, 3 East Pulteney Square, Bath, New York, and be it further

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

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

RESOLUTION NO. 184-08

Introduced by D. Creath. Seconded by T. Ryan.

MEMORIALIZING GOVERNOR DAVID PATERTSON TO EXPEDITE THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION’S STUDY OF HORIZONTAL DRILLING METHODS TO BE USED IN THE GAS DRILLING OF THE MARCELLUS SHALE STRATUM.

WHEREAS, Governor Paterson has recently signed legislation into law that makes drilling for natural gas in New York State more attractive to gas companies; and

WHEREAS, the same law requires the Department of Environmental Conservation to complete a new Environmental Impact Statement (“EIS”) regarding the anticipated drilling methods to access the Marcellus Shale Stratum; and

WHEREAS, it is important to evaluate the environmental impacts of the horizontal drilling methods which were not evaluated in the previous EIS; and

WHEREAS, it is also important to complete this EIS, and to promulgate any resulting rules and regulations, in a timely fashion, thereby allowing the leasing and drilling of potential gas deposits in Steuben County and other areas of New York State.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature does hereby memorialize Governor David Paterson to take whatever actions are necessary to expedite the completion by the New York State Department of Environmental Conservation of the updated EIS for drilling in the Marcellus Shale Stratrum; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor David Paterson, Executive Chamber, State Capitol, Albany, NY 12224; and to Pete Grannis, Commissioner, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-1011.

RESOLUTION NO. 185-08

Introduced by P. Roche. Seconded by D. Farrand.
URGING THE GOVERNOR AND THE NEW YORK STATE LEGISLATURE TO REDUCE STATE SPENDING WITHOUT SHIFTING COSTS FOR STATE PROGRAMS TO COUNTY GOVERNMENT.

WHEREAS, Counties in New York have long served as the principal partner in administering the State’s most critical programs in areas such as health, human services and public protection; and

WHEREAS, as part of administering these programs, the State mandates that counties fund a significant portion of these programs through the county budget; and

WHEREAS, these State mandates are the root cause of high property taxes at the county level; and

WHEREAS, the enacted budget for State Fiscal Year 2008-09 included an across the board 2 percent reduction that affected over 100 county programs; and

WHEREAS, the majority of the programs affected by this across the board reduction are State mandated, thus significantly limiting a county’s ability to mitigate the fiscal burden of this State action; and

WHEREAS, as State policy makers continue to address looming State budget deficits, it is critical that they draw a clear distinction between “cuts” in State funding and simple cost shifting that requires counties to fund a larger share of State mandated services; and

WHEREAS, as experienced managers who must balance their own budgets, county officials understand and support the need for spending restraint, especially in difficult times; and

WHEREAS, counties believe that it is preferable to restructure and eliminate unnecessary and wasteful spending than to implement across the board reductions without examining the merits of each program and services.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature calls upon the Governor and New York State Legislature to reduce State spending without shifting the costs for State programs to County government; and be it further

RESOLVED, that the Steuben County Legislature believes that by working together, the State and its counties can fashion program efficiencies and changes that provide real, timely, and mutual fiscal benefit, while minimizing the impact on taxpayers; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor David Paterson, Executive Chamber, State Capitol, Albany, NY 12224; Senate Majority Leader, Dean G. Skelos, 503 State Capitol, Albany, NY 12247; Senate Minority Leader, Malcolm A. Smith, 508 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 717 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, James Tedisco, 933 Legislative Office Building, Albany, NY 12248; Senator George H. Winner, 802 Legislative Office Building, Albany, NY 12247; Assemblyman James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248; and to Stephen Acquario, Esq., Executive Director, New York State Association of Counties, 540 Broadway, 5th Floor, Albany, NY 12207.

Vote: Acclamation – Adopted.

RESOLUTION NO. 186-08


AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO PURCHASE 1.2± ACRES OF LAND ALONG TURNPIKE ROAD FOR THE PURPOSE OF MAINTAINING A BUFFER FOR THE STEUBEN COUNTY BATH LANDFILL IN THE TOWN OF BATH.

Pursuant to Article 5 of the County Law of the State of New York.
WHEREAS, the Steuben County Department of Public Works – Solid Waste Division wishes to maintain a buffer between Turnpike Road and the Bath Landfill; and

WHEREAS, in order to maintain the buffer, the County is desirous of purchasing 1.2± acres along Turnpike Road; and

WHEREAS, Richard L. and Dolores M. Ellison, the landowners, have agreed to sell the said 1.2± acres for $40,000.00 with the County paying the survey, abstract, and other closing costs; and

WHEREAS, the Public Works Committee of the Steuben County Legislature has approved the purchase from the “Bath Landfill Expansion” HL/EL 6201 account.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Public Works is authorized and directed to purchase said parcel of land from Richard L. and Dolores M. Ellison at a cost of $40,000.00; and be it further

RESOLVED, the County Attorney is authorized and directed to perform all necessary actions and to file all necessary forms to transfer title to the property at no expense to the landowners; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Public Works; County Treasurer; County Auditor; Real Property Tax Director; Risk Manager; and Richard L. and Dolores M. Ellison, 37213 Pepper Dr., Zephyrhills, FL 33542.

Mr. Argentieri asked about the price for this property. Mr. Ahrens stated this item is appropriate for executive session.

Motion to adjourn Regular Session and reconvene in Executive Session Pursuant to Public Officers' Law, Article 7§ 105.1.H. The Proposed Acquisition, Sale Or Lease Of Real Property Or The Proposed Acquisition Of Securities, Or Sale Or Exchange Of Securities Held By Such Public Body, But Only When Publicity Would Substantially Affect The Value Thereof; 105.1.F. The Medical, Financial, Credit Or Employment History Of A Particular Person Or Corporation, Or Matters Leading To The Appointment, Employment, Promotion, Demotion, Discipline, Suspension, Dismissal Or Removal Of A Particular Person Or Corporation; and 105.1.D. Discussions Regarding Proposed, Pending Or Current Litigation Made By Mr. Donnelly, seconded by Mr. Crossett and duly carried.

Motion to adjourn Executive Session and reconvene in Regular Session made by Mr. Farrand, seconded by Mr. Donnelly and duly carried.

Vote: Roll Call – Adopted. Yes: 8214; No: 964; Absent: 694. (No: Argentieri and Schwartz; Absent: McAllister)

RESOLUTION NO. 187-08


REAPPOINTING VINCENT SPANOLETTI OF HAMMONDSPORT, NEW YORK, AS THE COMMISSIONER OF THE STEUBEN COUNTY DEPARTMENT OF PUBLIC WORKS.

Pursuant to Section 100 of the Highway Law of the State of New York.

WHEREAS, the term of office for Vincent Spagnoletti as Commissioner of the Steuben County Department of Public Works terminates on November 8, 2008; and

WHEREAS, Vincent Spagnoletti has again been recommended by the Public Works Committee for a four-year term, commencing November 9, 2008 and terminating November 8, 2012.

NOW THEREFORE, BE IT
RESOLVED, that Vincent Spagnoletti of Hammondsport, New York, be, and the same hereby is, reappointed as Commissioner of the Steuben County Department of Public Works for a term commencing November 9, 2008 and terminating November 8, 2012; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Personnel Officer, the County Treasurer, and to Vincent Spagnoletti.

Vote: Roll Call – Adopted. Yes: 8581; No: 597; Absent: 694.
(No: Walsh; Absent: McAllister)

RESOLUTION NO. 188-08

Introduced by P. Donnelly. Seconded by F. Gehl.

AUTHORIZING AND DIRECTING THE CHAIRMAN OF THE LEGISLATURE TO ENTER INTO A WRITTEN MANAGEMENT SALARY PLAN WITH MARK R. ALGER, COUNTY ADMINISTRATOR, PROVIDING FOR SALARY INCREMENTS BASED ON TIME OF SERVICE AND REAPPOINTING SAID INDIVIDUAL.

Pursuant to County Law §201 and Municipal Home Rule Law §24 subd. 2.h.

WHEREAS, the current term of appointment of the County Administrator expires December 31, 2008; and

WHEREAS, the County is desirous of appointing Mark R. Alger to another term and to provide a salary plan extending salary increments based on time of service in order to foster stability for said incumbent.

NOW THEREFORE, BE IT

RESOLVED, Mark R. Alger of Bath, New York, be, and the same hereby, is reappointed to the position of County Administrator effective January 1, 2009; and be it further

RESOLVED, the salary increments based on time of service are as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>$105,040</td>
</tr>
<tr>
<td>2010</td>
<td>$109,242</td>
</tr>
<tr>
<td>2011</td>
<td>$114,704</td>
</tr>
<tr>
<td>2012</td>
<td>$120,439</td>
</tr>
</tbody>
</table>

; and be it further

RESOLVED, said individual shall enjoy all of the management fringe benefits to the extent same as provided to the County Management Group; and be it further

RESOLVED, in the event Mark R. Alger shall vacate said office he shall provide ninety (90) days written notice, and failure to do so will result in loss of any accrued leave compensation; and be it further

RESOLVED, this management salary plan is personal to Mark R. Alger and creates no entitlement to any successor appointment; and be it further

RESOLVED, the Chairman of the Legislature is authorized and directed to reflect an agreement consistent with this resolution; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Personnel Officer, the County Treasurer, and to Mark R. Alger.

Mr. Argentieri stated this is nothing personal, but I don’t think it is right to encumber the county 3 years into the future with pay increases. I think it should be discussed on a yearly basis. No question he is doing a good job but given the crisis of the economy, I don’t think it is morally correct to increase anybody’s pay 4 years into the future and I also think it sends a poor message to the union.
Motion amending the resolution to set increases at three percent for all four years made by Mr. Schwartz, seconded by Mr. Argentieri. Vote: Roll Call – Lost. Yes: 2186; No: 6992; Absent: 694. (No: Creath, Crossett, Donnelly, Gehl, Hauryski, Nichols, Roche, Ryan, Schu, Stachnik, Van Etten and Weaver. Absent: McAllister)

Motion amending the resolution to provide for a four percent increase the first year and have increases be renegotiated every year for the balance of the contract made by Mr. Argentieri. Mr. Ahrens stated the purpose of this resolution is to provide stability to the individual and this would provide no stability at all. Discussion followed. Motion fails due to lack of a second.

Vote: Roll Call – Adopted. Yes: 8214; No: 964; Absent: 694.
(No: Argentieri, Schwartz. Absent: McAllister)

Motion to adjourn made by Mr. Donnelly, seconded by Mr. Van Etten and duly carried.
The County Legislature of the County of Steuben convened in Special Session in the Legislative Chambers, Bath, New York, on Friday, the 14th day of November, 2008, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Philip J. Roche, Esq.

Roll call and all members present except Legislators Nichols (late) and Stachnik.

Mr. Schwartz offered the invocation and the Pledge of Allegiance was led by Mr. Walsh.

Chairman Roche opened the floor to comments from members of the public. There being no comments, the public comment portion of the meeting was declared closed.

Mark Alger, County Administrator, presented the following 2009 Budget Message:

PRESENTATION OF BUDGET MESSAGE

INTRODUCTION

Today I am here to present the Tentative 2009 Steuben County Budget. This budget continues the change initiated in 2006 with the State/County relationship on the single largest line item the budget contains, Medicaid, with the State’s continuation of a limited growth “cap.” The cap limits growth in 2009 to 3.0% of the base year. We have increased the Medicaid line item $500,000 from 2008, to a total of 19.2 million in local funds for 2009. The budget also continues the commitment to Public Works funding. Once again, we are increasing Public Works’ local share of the budget more than any other Department. This year another $1.254 million has been appropriated for Public Works. Other areas with significant changes include fuel cost for the Sheriff’s Department, Special Children’s Services and Department of Social Services. These programs are being impacted by State mandated program expansions, especially Special Children’s Pre-School and Early Intervention Programs, which are up $325,000 for next year, and continue to represent the fastest growing mandated services.

I want to thank all of those who once again have made this budget process work. The Finance Committee with Chairman Pat Donnelly, Vice Chairman Bob Nichols, and committee members, Don Creath, Larry Crossett, and Scott Van Etten, as well as the Legislative Chairman, Phil Roche, are to be commended. I would also like to recognize the committee chairmen for their assistance, Pat McAllister, Dave Stachnik, Tom Ryan, Don Creath, Fran Gehl, and Dan Farrand, all contributed to the success of the process. I would point out the key roles the County Treasurer, Carol Whitehead and Planning Director/Deputy County Administrator, Greg Heffner, have had in the preparation of this budget. Without the Treasurer’s Office, this would be a much more difficult task. I would also be remiss if I didn’t recognize Assistant Administrator, Jack Wheeler for his help and analysis of various items. We also called upon the Personnel Officer, Bob Biehl, and Deputy Personnel Officer, Nancy Smith, for assistance with the personnel impacts. I want to once again acknowledge the efforts of the Commissioners of Social Services and Public Works, Kathy Muller and Vince Spagnoletti. Every County department has cooperated to arrive at this budget.

We began in early 2008 to prepare for the 2009 Budget. I suggest we continue early budget discussions and closely monitor 2009 expenditures. An early start on budget discussions provides direction to routine activities throughout the year. With the limited resources available, we must constantly be looking ahead to the following year. Spending constraints and funding availability dictate how we view each expenditure. Budget information and management is an ongoing team effort. The department heads are key to its success. This year the budget provides for a 2 to 4% salary increase for managers. The total cost is approximately $166,914 or 0.38% of the tax levy. The department heads are the individuals making the day-to-day decisions on how to save or how to improve operations. With the Medicaid cap in place, we are seeing the positive changes managers are having.
Budget Goals

The Budget Goals that have been established for 2009 are as follows:

1. Reduce tax rate for 2009.
2. Minimize any property tax impact through careful review of expenditures and maximizing alternative revenues.
3. Provide increased funding for Public Works.
4. Provide sufficient funds for State mandated Medicaid and Social Services’ programs.

Total Budget

The total proposed budget for 2009 is $179,497,241, representing a decrease of $1,383,392 in total expenditures. The areas of increase include your enterprise fund, Health Care Facility up 3.6%; Highways up 7.2%; Education up 4.6%; and Public Safety up 4.3%. While not a large percentage increase, the 2.75% increase in Economic Assistance represents a significant County cost increase.

The County budgets for the past five years are as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td>$147,094,225</td>
</tr>
<tr>
<td>2006</td>
<td>$149,355,083</td>
</tr>
<tr>
<td>2007</td>
<td>$164,889,796</td>
</tr>
<tr>
<td>2008</td>
<td>$180,880,633</td>
</tr>
<tr>
<td>2009</td>
<td>$179,497,241</td>
</tr>
</tbody>
</table>

The average increase in expenditures between 2005 and 2008 is 5.85%. The decrease anticipated from 2008 to 2009 is a reflection of a decrease in Department of Social Services as a result of the State claiming direct HEAP payments and capital projects. The decrease is partially offset by increases described above in Public Works, Department of Social Services and Special Children Services.

MAJOR CHANGES BY DEPARTMENT

Highways

The total proposed budget for transportation stands at $25,470,518 compared to $25,669,617 in 2008, with a County cost increase of $1,254,148 or 7.2%. The slight reduction in total budget reflects the removal of the $1.5 million special capital project for paving. The Finance Committee is again proposing that we budget $1,200,000 next year to replace key pieces of equipment and $50,000 in small equipment funding. My recommendation again for 2009, is that only replacement equipment be purchased. The budget contains $5,158,100 in capital projects with a local share of $137,500 for the Highway Division, plus $1.065 million for Bath Landfill capital and expansion. The Highway capital projects represent a replacement of a bridge and fire suppression system.

Department of Social Services

The total 2008 County cost for the Department of Social Services increased in various programs a total of $751,880. The Medicaid appropriation has increased from $18.7 million to $19.2 million for 2008; an increase of $500,000 in local cost.

I would also note several concerns with the major welfare programs. TANF and SafetyNet are not increased, but remain the same with appropriations of $3.7 million and $3.8 million respectively. While the current expenditure rates and caseloads would normally signal a decrease, the dramatic shift in the economy wouldn’t warrant such a change. The budget remaining stable provides limited flexibility for additional growth in caseloads next year. The other concern which we will know more about after next week is the impact of state budget reductions on the Department of Social Services budget. The probability is high; some direct impacts will be felt in Social Services. What is unknown is the
extent and type of reductions we are facing. Additionally, should the economy continue to falter, we will see an increase in program expenses in Department of Social Services.

**Sheriff and Jail**

There are two significant budget issues within the Sheriff’s budget. The Sheriff’s regular budget is up as a result of the salary adjustments and fringe benefit costs. As significant in the Sheriff’s budget though is the increase for fuel costs. There are minimal offsetting revenues resulting from an increase in the civil fees collected.

The Jail budget also is impacted by the increase in salaries and fringe benefits. The recently approved contract with the Corrections Officers and Dispatchers resulted in a compounded impact on the 2009 budget as the increase exceeded the amount budgeted for 2008. With the new housing units open and staff in place we are projecting an increase in both the fee for out of County/Federal inmates and also a slight increase in the number. The increase in the fee and number combined; off sets the additional cost for operations of the new housing units. It is critical the new Sheriff continues a solid working relationship with the Federal Marshals to maintain the revenue stream. At this time, we are projecting $1.6 million for boarding in prisoners.

**Health Care Facility**

The 2009 budget is anticipated to benefit from the recent implementation of a new Intergovernmental Transfer (IGT). The Intergovernmental Transfer while including a local share greatly benefits County owned facilities. The payments for the Intergovernmental Transfer will be first received in November for fiscal years 2006, 2007 and 2008. A total of $4.2 million will be realized by the Health Care Facility. As a result, it will not require a direct subsidy for 2009. However, it also appears as though the infusion of cash will only last about 2 ½ years, given the current operating losses within the facility. That would mean no later than 2011, the County will be faced with providing a direct subsidy to the Health Care Facility.

There are still several unknowns in the future of the facilities finances. The first is the new base rate which will be established after the facility has been in operations for a year. That rate will be set sometime in late 2009 or early 2010. Additionally, there will be an Intergovernmental Transfer in 2009, but it is unclear how much it will be. As a result, we can’t accurately project it, but have estimated a value for 2009.

**COUNTY REVENUES**

**Sales Tax**

The 2008 sales tax receipts are up over 2007 collections, resulting from slow growth this year. As a result, we have anticipated an additional million dollars in sales tax for 2009. While there will likely be a drop in our fourth quarter as a result of the current economic turmoil, the projection is conservative and is less than the collections for 2007.

The increase takes into consideration the $140,000 per quarter repayment we are paying, which will end in June 2009. As you also know, we must extend the additional 1% next year. That will require negotiations with the two cities once again.

Budgeted sales tax revenues for the last five years are as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td>$21,500,000</td>
</tr>
<tr>
<td>2006</td>
<td>$22,500,000</td>
</tr>
<tr>
<td>2007</td>
<td>$23,500,000</td>
</tr>
<tr>
<td>2008</td>
<td>$24,450,000</td>
</tr>
<tr>
<td>2009 (Estimated)</td>
<td>$25,450,000</td>
</tr>
</tbody>
</table>

**Fund Balance**
The County’s Fund Balance has stabilized in the past several years. The Tentative Budget includes a General Fund appropriation of $2.6 million for 2009. The Fund Balance will be critical as we learn more about the impact of State decisions on our 2009 budget.

**Real Property Taxes**

The implementation of the Medicaid limited growth cap is enabling the County to again provide Public Works with a significant increase for 2009. The increase in Public Works is the largest departmental increase in the budget. The tax levy is proposed to increase 3.8% with a decrease of 4.85% in the full value tax rate.

The property tax collections and average full value rate for the last five years are as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Tax Levy</th>
<th>Rate Per Thousand</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td>$39,407,242</td>
<td>$10.29</td>
</tr>
<tr>
<td>2006</td>
<td>$40,475,052</td>
<td>$9.99</td>
</tr>
<tr>
<td>2007</td>
<td>$41,322,313</td>
<td>$9.54</td>
</tr>
<tr>
<td>2008</td>
<td>$42,591,089</td>
<td>$9.30</td>
</tr>
<tr>
<td>2009 (Proposed)</td>
<td>$44,215,932</td>
<td>$8.85</td>
</tr>
</tbody>
</table>

**CONCLUSION**

In these uncertain budget times, we have worked hard to continue our commitment to Public Works funding. Last year a special project valued at $1.5 million was added for paving. Even with the price of materials rising at unpredictable rate in 2008, we were able to accomplish more work than in any recent year. Next year we have provided an additional $800,000 in capital to Public Works to assure the program continues at the level required despite the increased prices. The $800,000 represents more than half the added funds provided in 2008 for construction or a 17.8% increase in construction funds for 2009. Additionally, Public Works equipment account is funded once again at $1,200,000, with the equipment bond payment, we are budgeting a total of $1.3 million for equipment. Once again, I strongly urge we only fund replacement equipment and not expand the fleet. With this level of funding we are still not at a point where we should be expanding long term replacement costs. Finally, we have increased Public Works fuel allocation of $480,000 for next year.

Social Service Programs are a concern for next year given the state of our national economy. We have maintained last year’s funding levels even though current caseloads don’t indicate the need. Since, most of the economic change has occurred in the last two months, we are just beginning to see an impact on our Department of Social Services caseload. However, Steuben County typically is slower to experience a downturn and also slower to recover. So, we must anticipate an impact in 2009. Additionally we have budgeted for the increase cost of Medicaid for 2009. Our 3% increase represents $500,000 in local funds, or almost 1¼% on the tax levy. The $19.2 million budgeted for Medicaid continues to make it the single largest expense the County has ever had to fund and represents nearly 45% of the tax levy.

The continued growth of Special Children Service Programs is very concerning. For the last several years we have seen very high growth. This budget contains an 11% increase for 2009, or over $325,000 in additional programs costs. While the projected costs for 2009 aren’t increasing at as a high a rate as 2008’s, they are still alarming. The costs are of particular concern because they are directly mandated and represent programs over which the County has virtually no control.

Finally, and maybe most importantly, we have prepared this budget based upon the information we have available today. We know however, that next week the state Legislature is meeting to close an additional $1.5 billion budget gap. We know we will likely be impacted, but do not know how. As a result, we have made the budget as reasonable and realistic as possible based upon our current knowledge. Once the special session has ended, we will know more.

Additionally, we also recognize the State is facing a huge budget gap of $12.5 billion for its 2009-2010 State fiscal year. Even with that knowledge it is impossible for us to know what the impact upon our 2009 budget may be. As a result, I strongly suggest we remain conservative in our approach to expenditures and carefully monitor the budget into 2009.
In conclusion, we’ve formulated a plan based upon the best information we currently have, knowing it will be subject to change. We must be ready for the change and react as quickly as possible once we know what the changes are. The New York State Associations of Counties has given us a package of proposals which were presented to the Governor for review at the November special session. The package amounts to $1 billion in savings to the State. We will also have to make changes if these proposals are implemented. New York State Association of Counties proposals however, don’t merely shift costs, they allow for actual reductions. We must stand ready to make reductions when the time comes. I will present more information when we know what our next steps will be.

Thank you.

Chairman Roche asked does anybody have any questions concerning Mr. Alger’s presentation?

Mr. Schwartz asked how much money is in the reserve fund?

Mr. Alger stated we are in the range of $30 million in the reserve fund.

Mr. Schwartz stated with the housing market declining, the value of people’s homes decline as well. During the revaluation process, I’d like to know why people’s assessments never decrease like property values decrease. They never reduce the assessment on the properties so your taxes continue increasing, even though your property value is lower.

Mr. Alger stated the towns handle the property assessments; the county is not responsible for them.

Mr. Schwartz stated we should have a countywide assessment program and put an end to all of the nonsense that goes on in the towns, villages and cities. Mr. Alger stated everybody recognizes that the assessment program has its flaws. However, it would require a mandatory referendum in every taxing jurisdiction (48) and the referendum would have to pass in every taxing jurisdiction as well. Former Governor Spitzer had promoted the concept of doing more assessments at the county level. It, frankly, would require action by the State Legislature because they would have to change the process.

Mr. Argentieri asked does the City or County have any control over the revaluations? Mr. Alger stated the City definitely does but the County does not. The assessors handle the revaluation program and the town boards and city councils are most certainly involved in that process. Do they do the revaluation? No, but they have influence over it. Discussion followed.

Mr. Alger stated once a municipality decides to contract for an outside consultant to do a revaluation program, the assessor makes the decision to accept, reject, or modify the values.

Mr. Argentieri stated if there is a discrepancy in the assessment, do they have the right to adjust it? Mr. Alger stated yes, the municipality can override the assessment. Discussion followed.

Mr. Schwartz stated even though we reduce the tax rate, if a person’s assessment increases, their taxes still increase. My point is when the economy is depressed, the housing value decreases but the assessors never decrease the assessments.

Mr. Argentieri asked do the revenues for the Jail cover the expenses? Mr. Alger stated no, they do not. Mr. Argentieri commented that the jail, then, is not a self sustaining organization.

Mr. Donnelly stated he thinks Mr. Alger did an excellent job on this budget message by comparing apples to apples. Chairman Roche asked does anybody have any announcements to make?

Mr. Donnelly announced there will be a special Finance Committee meeting immediately following this meeting.

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Mr. Farrand recognized Joel Ordway, Sheriff-Elect, and Ray Dell, his Undersheriff.

Mr. Argentieri asked would it be appropriate to hold off on approving our budget until the State passes their budget?

Mr. Alger stated he doesn’t know if we’ll see anything happen November 18th. He noted that the State has already approved their budget, they are just making adjustments to the budget. The bigger problem will be when they adopt their next fiscal budget. The current impacts we’ve seen aren’t something that we would hold up passing our budget for. I think we’re okay as it currently stands.

Chairman Roche noted we are required by law to adopt our budget by December 20th.

RESOLUTION NO. 189-08


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

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

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

WHEREAS, the Administration Committee has reviewed and studied the evaluations pursuant to the Plan concerning the salaries of certain elected or appointed officials of the County of Steuben who have a fixed term of office for the Fiscal Year 2009, which individuals are presently serving mid-term; and

WHEREAS, said Administration Committee has recommended County of Steuben Local Law Tentatively No. Six for the Year 2008, establishing the annual salaries of such appointed officials for the Fiscal Year 2009.

NOW THEREFORE, BE IT

RESOLVED, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. Six for the Year 2008, establishing the annual salaries of certain elected or appointed officials and department heads of the County of Steuben who have a fixed term of office for the Fiscal Year 2009, as follows:

COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. SIX FOR THE YEAR 2008

A LOCAL LAW establishing the annual salaries of certain elected or appointed officials and department heads of the County of Steuben who have a fixed term of office for the Fiscal Year 2009.

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

**SECTION 2:** Effective with the first county payroll for the County Fiscal Year 2009, the annual salaries of the certain elected or appointed officials and department heads of the County of Steuben who have a fixed term of office are hereby established for the Fiscal Year 2009 as follows, to wit:

<table>
<thead>
<tr>
<th>TITLE</th>
<th>2008 SALARY</th>
<th>2009 SALARY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clerk of Legislature</td>
<td>$ 54,743</td>
<td>$ 56,933</td>
</tr>
<tr>
<td>Commissioner, Social Services</td>
<td>$ 81,890</td>
<td>$ 85,166</td>
</tr>
<tr>
<td>Public Defender</td>
<td>$ 72,582</td>
<td>$ 74,760</td>
</tr>
<tr>
<td>County Treasurer</td>
<td>$ 79,040</td>
<td>$ 82,202</td>
</tr>
<tr>
<td>County Attorney</td>
<td>$ 123,000</td>
<td>$ 127,920</td>
</tr>
<tr>
<td>Director, Real Property Tax</td>
<td>$ 65,487</td>
<td>$ 68,106</td>
</tr>
<tr>
<td>Personnel Officer</td>
<td>$ 83,896</td>
<td>$ 87,252</td>
</tr>
<tr>
<td>County Clerk</td>
<td>$ 51,797</td>
<td>$ 53,351</td>
</tr>
</tbody>
</table>

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

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

**BE IT FURTHER RESOLVED,** before said Local Law is adopted by the Steuben County Legislature, a Public Hearing shall be held at the Special Legislative Meeting on November 24, 2008, at 6:00 P.M. or such other date and time that may be adjourned, at Steuben County Offices, 3 East Pulteney Square, Bath, New York 14810, and the Local Law is subject to a permissive referendum of the qualified electors of the County of Steuben by filing of a legal petition within forty-five (45) days after its final adoption, with the Clerk of the Legislature of the County of Steuben protesting such Local Law; and be it further

**RESOLVED,** the Clerk of the Legislature 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 Treasurer, Personnel Officer, and all appointed and elected officials mentioned above.
Mr. Argentieri stated he thought maybe the Chairman would come up with a stimulus package at the County level by holding the line on any salary increases.

Mr. Schwartz stated due to the economic outlook, he doesn’t think management or the union should receive any pay increases for one year. *Motion to table made by Mr. Schwartz, seconded by Mr. Argentieri. Vote: Roll Call – Motion Fails.* (No: Creath, Crossett, Donnelly, Farrand, Gehl, Hauryski, Mcallister, Nichols, Roche, Ryan, Schu, Van Etten and Weaver. Absent: Stachnik)

Mr. Schwartz stated I have people in my district who can’t even buy groceries and we’re giving raises to our employees? I think that is unconscionable. It is not good government and it creates a leadership vacuum in these chambers.

*Vote: Acclamation – Adopted.* (No: Argentieri, Schwartz and Walsh; Absent: Stachnik)

_Motion to adjourn Regular Session and reconvene in Executive Session Pursuant to Public Officers' Law, Article 7§ 105.1.E. Collective Negotiations Pursuant To Article Fourteen Of The Civil Service Law Made By Mr. Donnelly, seconded by Mr. McAllister and duly carried. (Mr. Argentieri and Mr. Schwartz opposed)_

_Motion to adjourn Executive Session and Reconvene in Regular Session made by Mr. Crossett, seconded by Mr. Gehl and duly carried._

**RESOLUTION NO. 190-08**

Introduced by P. McAllister. 

Seconded by F. Gehl.


Pursuant to the provisions of the New York State Public Employees' Fair Employment Act known as the "Taylor Law" and Section 205 of the County Law of the State of New York.

**WHEREAS**, the negotiating committee for the Steuben County Legislature has, for several months, been meeting with the negotiating committee of the Steuben County Local #1000 of the Civil Service Employees' Association, Inc. (CSEA), the bargaining unit for County employees, excepting the Sheriff’s Department, as to recommended proposals for terms and working conditions for County employees for the years 2009, 2010 and 2011; and

**WHEREAS**, the CSEA has accepted in whole the aforesaid recommended proposals.

**NOW THEREFORE, BE IT**

**RESOLVED**, the proposed Agreement, as recommended by the respective negotiating committees, having heretofore been approved by the members of the said CSEA covering the years 2009, 2010 and 2011, be and the same hereby is duly ratified, confirmed and adopted; and be it further

**RESOLVED**, the Chairman of the Steuben County Legislature is hereby authorized and empowered, for and on behalf of this Legislature and the County of Steuben, to execute a final and complete agreement regarding the terms and conditions of public employment between the County and the Steuben County Local #1000 of the Civil Service Employees' Association, Inc., for the fiscal years 2009, 2010 and 2011, which agreement shall be drafted by the County Attorney in accordance with the proposed agreement, and upon its approval by the Administration Committee of the Steuben County Legislature and its prior approval and execution by the President of the Steuben County Local #1000 of the Civil Service Employees' Association, Inc.; and be it further
RESOLVED, when said final agreement is properly and duly executed as above stated, the original agreement shall be properly filed in the Office of the Clerk of the Legislature and a duplicate original shall be delivered to the President of the Steuben County Local #1000 of the Civil Service Employees' Association, Inc., and an additional copy shall be filed with the Public Employees' Relations Board; and be it further

RESOLVED, upon the filing of said agreement with the Clerk of the Legislature, President of CSEA, the filing of the same with the Steuben County Treasurer and the Steuben County Personnel Officer, the same shall be, and hereby is, confirmed, ratified and approved as the entire agreement between the County of Steuben and the County employees included in said Employees' Association bargaining unit as to the terms and conditions of employment for the years 2009, 2010 and 2011; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Administrator, County Attorney, County Personnel Officer, Clerk of the Legislature, County Treasurer and to the President of the Steuben County Local #1000 of the Civil Service Employees’ Association, Inc.

Mr. Schwartz stated I believe this resolution should be withdrawn as well; none of the County employees should be receiving raises.

Vote: Roll Call – Adopted. (Yes: 8307; No: 964; Absent: 601)
(No: Argentieri and Schwartz; Absent: Stachnik)

BUDGET WORKSHOP

Chairman Roche stated today is the first of three opportunities to make changes to the tentative budget. He asked if anybody had any changes they’d like to make today.

There being none, the meeting was adjourned upon the motion of Mr. Donnelly, seconded by Mr. McAllister and duly carried.
The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 24th day of November, 2008, at 3:00 p.m. and was called to order by the Chairman of the Legislature, Philip J. Roche, Esq.

Roll Call and all members present except Legislators Gehl (late), Ryan and Stachnik (late).

Mr. Nichols provided the Invocation and the Pledge of Allegiance was led by Mr. Weaver.

The Clerk of the Legislature read the following Memoriam:

**IN MEMORIAM**

**JAMES W. CRAWFORD**

The death of our former colleague, James W. Crawford, who passed away on October 23rd, 2008, is acknowledged by this Legislature with sadness.

Mr. Crawford served with distinction as a member of the Steuben County Board of Supervisors from 1948 – 1967. Mr. Crawford, during his term, served on the following committees: Expenses of Supervisors, Post Audit, Public Health, Reforestation and Soil Conservation, Probation, County Highways, Equalization and Fire Council.

Mr. Crawford served as the Rathbone Town Supervisor for 28 years. He was also a Director of Community National Bank, President of Town Line Cemetery and Chairman of the Steuben County Democratic Committee.

Mr. Crawford was a member and Past Master of the Cameron Mills Lodge Free and Accepted Masons, a 32nd Degree Mason, a member of the Consistory of Corning, Williams-Greengrass Post, American Legion of Addison and the Cameron Mills United Methodist Church.

The members of this Steuben County Legislature respectfully move that the above “Memoriam” be spread upon the minutes of this meeting and that the Clerk of the Legislature forward a copy of this Memoriam to the surviving members of Mr. Crawford's family, as an expression of the sympathy felt by this Legislature on the passing of their loved one.

Adopted by rising silent affirmation.

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 Districts No. 2 (located within the towns of Bath, Campbell and Thurston), No. 12 (located within the towns of Wayne and Bradford) and No. 14 (located within the towns of Bath, Cameron, Canisteo, Howard and Thurston), to consider the recommendations of the County Planning Board and the Agricultural and Farmland Protection Board, and any proposed modifications to the District. Chairman Roche asked if anyone wished to speak relative to this Public Hearing. There being none, he declared the Public Hearing closed.

Chairman Roche opened the floor for comments by members of the public.

Ristiina Wigg, Southern Tier Library System, stated we have been sending information to the Finance Committee about the funding for the libraries so I thought I would come and give a brief history and answer questions. A portion of the money that Steuben County provides goes to electronic services for the
libraries. These services are funded under a cost share agreement with our member libraries, so some of
the money is used for that and some is used to purchase materials to be used by our communities.
Chairman Roche thanked Ms. Wigg for her comments.

Peter Kehoe, Executive Director of the New York State Sheriff’s Association, stated he would like to
announce that the Steuben County Sheriff’s Department’s Civil Division has completed the steps
necessary to receive their accreditation. This is a major achievement. This isn’t just about bragging rights;
this is one of only 12 counties in the State able to achieve this level. It provides a standard for
measurement by the Sheriff's Office and improves services to the public. Today we are here to honor
Sheriff Tweddell and the Civil Office employees. Congratulations to Sheriff Tweddell, the men and
women of the Sheriff’s Department and the Civil Office. He presented Sheriff Tweddell with a plaque for
accreditation of the Sheriff’s Civil Division. In addition, he recognized Major Chris Lian, Corporal
William Norton and Chief Civil Officer Joyce Pierson for their contributions to the accreditation process.

Sheriff Tweddell stated once again the outstanding employees of the Sheriff’s Department have come
forward to make us look good. We were very lucky to get it done when we did. It was the outstanding
work from these three individuals who made this possible. I would like to thank them and also the
Legislature for their support. CONGRATULATIONS!

Jennifer Sanfilippo, Regional Director for Governor Paterson, stated as Regional Director, I’m your
communication pipeline to the Governor’s Office. My region covers 8 counties and my job is to talk to
municipalities, community leaders and organizations to share with you what’s happening and learn each
other’s priorities. Mrs. Kane has my information if you need to speak with me. This is the most
interesting time I’ve ever spent in government. We’ve seen an extreme change in the Federal level as well
as in the State Senate. I encourage you to stay connected and in touch with your State Representatives as
budget negotiations unfold; we want to hear from you. As you know, the Governor met with the
Legislative leaders last week and he will be releasing his Executive Budget by December 16th. Having not
made progress with the two houses last week, most of his cost reduction proposals will go into his
proposed budget. We’re certainly looking into all avenues of revenue generation but, first and foremost,
we are looking at cost reductions. Agencies are being asked what their core mission is and to look at what
programs might not meet with that core mission. Those items will be the focus of cost reductions. The
Governor does not want to lay off employees or raise taxes at all. If you are hearing from your
populations, I would like to know. Thank you.

Mr. Nichols stated no matter what cuts the Governor makes, I do not want those costs to be put back onto
municipalities.

Mr. Farrand asked will the CHIPs funding to municipalities and counties remain intact? Ms. Sanfilippo
stated she hasn’t seen anything directly related to reductions in CHIPs funding. I’ll be honest, everything
is on the table, but I’ll check into it.

Mr. Stachnik asked what is the future of the STAR program? Ms. Sanfilippo stated that seems to still be
supported. I haven’t heard of that program being discussed for reduction or elimination.

Mr. Creath stated NYSAC presented the Governor with recommendations for reductions and I would like
to see that put on the table.

Mr. Farrand asked has there been any discussion on retirement incentives? Ms. Sanfilippo stated I have
heard that rumor, but I haven’t heard from anybody in the Budget Office about that. She will check into it.

Mr. Schwartz stated he thinks the Governor is trying but the leadership of the Legislature is doing
nothing. They are out of reality; they need to correct this situation for the people who pay the bills.

Chairman Roche thanked Ms. Sanfilippo for coming.
Mr. Donnelly announced that there will be a Budget Workshop immediately following this meeting and later tonight.

Mr. Spagnoletti stated we are required by DEC to submit financial standards to the State for landfill closures. The DEC office in Albany notified its Avon office that the financial standards package that we submitted is one of the best, most accurate package of all the counties and should serve as a standard for everyone to follow.

Mrs. Hatch presented the county equalization report for 2009 and reviewed it for the Legislature. She stated the distribution report shows you what the impact is for all the assessment changes in equalization. Discussion followed.

Mr. Argentieri stated the tax rate is going down for the County, but the tax rate in the cities of Hornell and Corning will increase because of revaluations.

Mr. Schwartz stated the revaluations are done every 3 years and assessments increase with the increased market value. However, assessors never reduce the assessment when market values decrease. Mrs. Hatch stated reassessments can be done in any cycle. Some municipalities do them every year and they are based on market.

Mr. Schwartz asked if the real estate sales show a decrease in value, can you ask for a reduction in assessment? Mrs. Hatch stated when revaluations are done, they use several sales over a period of time, not just one sale. Also, any property owner can attend the grievance session and request a change in assessment during that time. Discussion followed.

RESOLUTION NO. 191-08


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

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 Treasurer 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, as it appears to be in the best interest of the County to sell the properties listed on Schedule "B" for the consideration offered, the Steuben County Treasurer is hereby authorized and directed to convey and deliver a County Tax Deed to the grantee(s) upon receipt of the consideration indicated within thirty (30) days from the date hereof, 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 Treasurer, together with the approved applications executed in duplicate by the Chairman of the County Legislature, and the Chairman of the Board of Assessors; and certified copies of this resolution contained in Schedule "B" shall be forwarded to the Steuben County Treasurer, the Director of the Steuben County Real Property Tax Service Agency, the Chairman of the Board of Assessors of the appropriate municipality, and the grantee(s).
SCHEDULE "A"

Resolution #_____A-1____________________________________
Name__________Kevin & Julie Robinson_____________________
Parcel #_______191.18-01-015.000_________________________
Municipality ____Savona Village___________________________
Disposition _____Correction & Refund_______________________

Resolution #_____A-2____________________________________
Name__________Thomas G Bodnovich Sr____________________
Parcel #_______422.00-03-008.000_________________________
Municipality ____Lindley Town____________________________
Disposition _____Correction__(parcel split)_________________

SCHEDULE "B"

Resolution #_____B-1____________________________________
Former Owner ___Margo T Seager___________________________
In Rem Index No. 95453, 2006 sale _________________________
Parcel #_______159.13-01-060.000_________________________
Municipality ____Bath Village____________________________
Grantee(s) ______Margo T Seager___________________________
Grantee(s) Address _4 E Washington St, Bath, NY 14810________
Consideration $15,250.13, together with $121.00 recording fees
Any and all liens and/or judgments filed against the party of the
second part, which had not been satisfied prior to the County
obtaining title, will be reinstated with the recording of this deed.

Vote: Roll Call – Adopted.

RESOLUTION NO. 192-08

Introduced by P. Roche.                        Seconded by S. Van Etten.

RECEIVING AND ACCEPTING THE NOVEMBER 24, 2008 COMMUNICATIONS LOG AS PREPARED BY
THE STEUBEN COUNTY ADMINISTRATOR’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:

October 17, 2008
Allegany County Board of Legislators – Re: A request to support a resolution memorializing the State Legislature to
cause corridor studies to be done of the Extension Southerly of State Route 408 and the Extension Easterly of State Route
243. Referred to: Steuben County Legislature.

New York State Division of Housing and Community Renewal – Re: Notification of a 15-day public comment period to
review and comment on the proposed Neighborhood Stabilization Program (NSP) Action Plan for New York State that
begins on Friday, November 7, 2008 and will end on Friday, November 21, 2008. Referred to: A.I.P. Committee; Greg
Heffner, Planning Director.

United States Senate – Re: Notification of the deadline for the Brownfields Assessment and Cleanup Cooperative
Agreements Program is Friday, November 14, 2008. Referred to: A.I.P. Committee; Greg Heffner, Planning Director.
October 20, 2008
U.S. Congressman John R. Kuhl, Jr. – Re: Correspondence in support for an increase of the Medicaid Federal Medical Assistance Percentage (FMAP). Referred to: Mark R. Alger, County Administrator.

Steuben County Industrial Development Agency – Re: Meeting notice for Ecogen Wind, LLC on November 20, 2008 @ 12:00 p.m., located at 7234 Route 54 North, Bath, N.Y. to consider the approval of all the documents necessary in connection with the construction and equipping of sixteen (16) wind turbines located in Steuben County. Referred to: A.I.P. Committee; Greg Heffner, Planning Director.

New York State Department of Labor – Re: Workforce Investment Area PY 2007 Unsatisfactory Performance Notification. The performance improvement plan needs to be submitted by Friday, November 14, 2008. Referred to: Mark R. Alger, County Administrator.

New York State Office of Homeland Security – Re: Announcement of funding available to the State’s Hazardous Materials (HazMat) response teams. Applications must be submitted via the agency’s E-grant system no later than Friday, December 19, 2008. Referred to: Public & Safety and Corrections Committee; Mike Sprague, EMO Director.

October 21, 2008
Dresser-Rand – Re: Request to forward any updated and/or new local environmental regulations to the attention of Leon Tuttle, Health, Safety & Environmental Manager at 100 Chemung Street, Painted Post, N.Y. 14870. Referred to: A.I.P. Committee; Greg Heffner, Planning Director; Fred Ahrens, County Attorney.

October 23, 2008
New York State Department of Environmental Conservation – Re: Public Notice on Wednesday, November 12, 2008 at the Haverling High School Auditorium, 25 Ellis Avenue, Bath, N.Y. 14810, to give the public an opportunity to participate in the analysis of the potential environmental impacts of high-volume hydraulic fracturing of horizontal wells in New York’s natural gas-bearing Marcellus and Utica shale formations. Referred to: A.I.P. Committee; Greg Heffner, Planning Director.

October 24, 2008
NYS Department of Health – Re: Notification of requirement to make survey reports and the Nursing Home Survey Profile Summary available to residents and their representatives (Steuben County Infirmary Survey: Exit Date 8/22/08, Review of Plan of Correction 9/26/08, Date of Allegation of Compliance 10/21/08). Referred to: Health & Education Committee; Dave McCarroll, HCF Administrator.

NYS Department of State- Re: Notification of the availability of grant applications to participate in the Brownfield Opportunity Areas (BOA) Program. Two or more eligible applicants may, and are encouraged to partner to submit a joint application. Referred to: A.I.P. Committee; Greg Heffner, Planning Director.

Hornell Residents – Re: Numerous letters have been received from residents of Hornell stressing concerns with the decision made to move the Steuben County Offices to property recently purchased on Airport Road, Hornell, NY. Referred to: Steuben County Legislature Chair.

October 27, 2008
Harris Beach, PLLC – Re: Steuben Tobacco Asset Securitization Corporation (TASC Acquisitions, LLC) schedule K-1 for the 2007 tax year. Referred to: Fred Ahrens, County Attorney; Carol Whitehead, County Treasurer.

Office of Community Renewal - Re: 2008 fully executed New York State Community Development Block Grant #1115HR22-08. Referred to: A.I.P. Committee; Greg Heffner, Planning Director.

NYS Division of Criminal Justice Services – Re: DCJS#RR06110419- STEPS/Road to Recovery fully executed grant contract between the NYS Division of Criminal Justice Services and Steuben County. Referred to: Public Safety & Corrections Committee; Finance Committee; John Tunney, District Attorney; Carol Whitehead, County Treasurer.
Steuben County Industrial Development Agency - Re: Public Hearing regarding Ecogen LLC is scheduled on Thursday, November 13, 2008 at 10:00 a.m., at the Prattsburgh Town Hall, 19 North Main Street, Prattsburgh, NY 14873 to consider the approval of all the documents necessary in connection with the construction and equipping of sixteen (16) wind turbines within Steuben County. **Referred to: A.I.P. Committee; Greg Heffner, Planning Director.**

Steuben County Industrial Development Agency – Re: Public Hearing regarding Ecogen LLC is scheduled on Thursday, November 20, 2008 at 12:00 p.m., at 7234 Route 54 North, Bath, New York 14810 to consider the approval of all the documents necessary in connection with the Project, including the PILOT agreement by and between the Agency and the company, the terms of which are proposed to contain a deviation from the Agency’s Uniform Tax Exemption Policy (UTEP). **Referred to: A.I.P. Committee; Greg Heffner, Planning Director.**

**October 28, 2008**

Cindy Whitcomb – Re: Correspondence regarding concerns with the current tax assessment for the Town of Wayne. **Referred to: Administration Committee; Donna Hatch, RPTSA Director.**

Chesapeake Appalachia, L.L.C. – Re: Permit application along with all other pertinent information necessary for the proposal to drill a well (Family Life Ministries #626949), located in the Town of Wheeler, Steuben County. **Referred to: A.I.P. Committee; Greg Heffner, Planning Director.**

**October 29, 2008**

United States Senate – Re: Notification of deadline for the Institute of Museum and Library Services’ 2009 Laura Bush 21st Century Librarian Program applications are due by Monday, December 15, 2008. **Referred to: Health & Education Committee.**

Finger Lakes Health Systems Agency – Re: 2009 Budget request in the amount of $24,682. **Referred to: Finance Committee; David McCarroll, HCF Administrator; Dr. Anderson, Director of Community Services; Vicki Fuerst, PHN Director; Carol Whitehead, County Treasurer.**

**November 3, 2008**

New York State Association of Counties – Re: State Budget Impact to County Government Operations. **Filed with the Clerk of the Legislature.**

New York State Office for the Aging – Re: Revised Notification of Grant Award (NGAs) and Annual Implementation Plan budget pages for Title III-B, Title III-C1, Title III-C-2, Title III-D and Title III-E programs for the period of January 1, 2008 through December 31, 2008. **Referred to: Human Services Committee; Linda Tetor, OFA Director.**

John Wilderman, Town of Bath Resident – Re: Letter stressing his concerns with the current economic crisis we are facing. **Referred to: Legislature Chairman.**

VAC Employees Federal Credit Union – Re: Request to use the adjacent parking lot as an alternate site in case of a disaster for the VAC Employees Federal Credit Union. They are also requesting the use of the County’s Communication system until their own system could be re-established. **Referred to: Administration Committee.**

**November 5, 2008**

NYS Office of Parks, Recreation & Historic Preservation – Re: Notification of the June Bug Flight Site on Route 54, Hammondsport, New York (located in Steuben County) will be considered by the State Review Board at its next meeting for nomination to the National and State Registers of Historic Places. **Referred to: A.I.P. Committee; Greg Heffner, Planning Director; Twila O’Dell, Historian.**

NYS Department of Environmental Conservation – Re: Erwin Unit Management Plan. **Referred to: A.I.P. Committee; Greg Heffner, Planning Director.**

Deborah Lovette-Watkins – Re: Letter stressing concerns with her rental property. **Referred to: Kathryn Muller, Commissioner of Social Services.**
November 6, 2008
United States Senate – Re: October was National Cyber Security Awareness Month and there are important resources available online at the following website: www.consumer.gov/idtheft to help fight identity theft. Referred to: Ken Peaslee, IT Director.

Western Regional Off-Track Betting Corporation – Re: Check in the amount of $14,154 representing the September 2008 retained surcharge revenues ($4,832) and the municipality’s share of the 3rd quarter 2008 net revenues ($9,322). Referred to: Finance and Rules Committees; Carol Whitehead, County Treasurer.

November 7, 2008

November 10, 2008
NYS Department of Health – Re: Notification of the Medicaid Upper Payment Limit (UPL) payments to the public nursing facilities have been scheduled for Wednesday, November 19, 2008. Referred to: Health & Education Committee; Human Services Committee; David McCarroll, HCF Administrator; Kathryn Muller, Commissioner of Social Services; Carol Whitehead, County Treasurer.

Emergency Medical Services Training, Administration & Resources (formerly STREMS) – Re: 3rd Quarter Report for 2008. Referred to: Health & Education Committee; Victoria Fuerst, PHN Director; Public Safety & Corrections Committee; Mike Sprague, EMO Director.

Vote: Acclamation – Adopted.

RESOLUTION NO. 193-08


AMENDING THE INVESTMENT POLICY OF THE COUNTY OF STEUBEN.

Pursuant to Article 5 of the County Law of the State of New York and Article 10 of the General Municipal Finances Law.

WHEREAS, the Steuben County Administration Committee reviewed and adopted on October 14, 2008, revisions to Appendix B of the Investment Policy of Steuben County pertaining to the amount of investment in each depository.

NOW THEREFORE, BE IT

RESOLVED, that the Investment Policy reviewed and revised on October 14, 2008, be filed with the Clerk of the Legislature, and the same hereby is, adopted by the Steuben County Legislature, effective immediately; and be it further

RESOLVED, that the amounts authorized for deposit or investment with the listed banks are shown in Appendix B of the aforesaid Investment Policy, as follows:
Appendix B
Authorized Banking and Investment Entities

<table>
<thead>
<tr>
<th>Authorized Bank/Entity</th>
<th>Maximum Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bank of America</td>
<td>25%</td>
</tr>
<tr>
<td>Five Star Bank</td>
<td>25%</td>
</tr>
<tr>
<td>Steuben Trust Company</td>
<td>35%</td>
</tr>
<tr>
<td>Community Bank, NA</td>
<td>25%</td>
</tr>
<tr>
<td>First State Bank</td>
<td>25%</td>
</tr>
<tr>
<td>Chemung Canal Trust</td>
<td>25%</td>
</tr>
<tr>
<td>M&amp;T Bank &amp; Trust</td>
<td>25%</td>
</tr>
<tr>
<td>J.P. Morgan Chase</td>
<td>35%</td>
</tr>
<tr>
<td>North Fork Bank – Mattituck, NY</td>
<td>15%</td>
</tr>
<tr>
<td>Key Bank</td>
<td>15%</td>
</tr>
<tr>
<td>HSBC</td>
<td>15%</td>
</tr>
<tr>
<td>Cooperative Liquid Assets Securities</td>
<td>10%</td>
</tr>
<tr>
<td>Morgan-Stanley/Dean Witter</td>
<td>10%</td>
</tr>
</tbody>
</table>

AND BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be forwarded to the Steuben County Treasurer.

Vote: Roll Call – Adopted.

RESOLUTION NO. 194-08

Introduced by J. Walsh. Seconded by D. Stachnik.

INCREASING PRIVATE PAY RATES FOR BOTH SEMI-PRIVATE AND PRIVATE ROOMS AT THE STEUBEN COUNTY HEALTH CARE FACILITY EFFECTIVE JANUARY 1, 2009 TOGETHER WITH THE 6 PERCENT NEW YORK STATE CASH RECEIPTS ASSESSMENT.

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

WHEREAS, the Steuben County Health Care Facility needs to increase the semi-private room rate from $240 to $250 per day and the private room rate from $250 to $260 per day together with the 6 percent New York State Cash Receipts Assessment (total $265.00 Semi-Private and $275.60 Private); and

WHEREAS, the Health and Education Committee and Finance Committee have approved this increase.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Health Care Facility is hereby authorized to implement these changes effective January 1, 2009; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer and the Administrator of the Health Care Facility.

Vote: Roll Call – Adopted.
RESOLUTION NO. 195-08

Introduced by F. Gehl. Seconded by D. Farrand.

AWARDING THE CONTRACT FOR ANALYSIS OF STEUBEN COUNTY E911 OPERATIONS (RFP# GC-08-017-P) TO MATRIX CONSULTING GROUP, AT A TOTAL COST OF $27,500.

WHEREAS, the Steuben County Legislature recognizes the need for a comprehensive, independent analysis of Steuben County E911 operations, along with the beneficial recommendations such a study will provide; and

WHEREAS, the Steuben County Public Safety and Corrections Committee evaluated submitted proposals and interviewed the three finalist firms; and

WHEREAS, Matrix Consulting Group has effectively demonstrated their knowledge of public safety and emergency communications analysis; and

WHEREAS, Matrix Consulting Group offered the most robust proposed study, at the lowest cost of $27,500.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature hereby awards the contract for analysis of Steuben County E911 operations (RFP# GC-08-017-P) to Matrix Consulting Group; and be it further

RESOLVED, the County Administrator is hereby authorized to enter into a contract with Matrix Consulting Group for the provision of these services at a total cost of $27,500; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Attorney, Purchasing Director, Acting Director of E911, and Matrix Consulting Group, 300 Brickstone Place, Suite 201, Andover, MA 01810.

Vote: Roll Call – Adopted.

RESOLUTION NO. 196-08

Introduced by D. Creath. Seconded by T. Schwartz.

AUTHORIZATION FOR THE COUNTY ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH THE NEW YORK STATE UNIFIED COURT SYSTEM FOR CLEANING SERVICES AS WELL AS MINOR AND EMERGENCY REPAIRS.

WHEREAS, the County Administrator has advised the Agriculture, Industry & Planning Committee that the New York State Unified Court System is desirous of entering into an agreement with Steuben County for cleaning services as well as minor and emergency repairs to the court facilities.

NOW THEREFORE, BE IT

RESOLVED, that the County Administrator is hereby authorized to enter into an agreement for cleaning services as well as minor and emergency repairs for the period of State Fiscal Years 2008-2009 through 2012-2013, effective April 1, 2008 and terminating March 31, 2013; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Gail Francis, New York State Unified Court System, 161 Hall of Justice, Rochester, NY 14614.

Vote: Roll Call – Adopted.
RESOLUTION NO. 197-08

Introduced by P. McAllister.  Seconded by D. Farrand.

AUTHORIZING DISTRIBUTION OF MORTGAGE TAX RECEIPTS.

Pursuant to Section 261 (2) of the Tax Law of the State of New York.

RESOLVED, that the apportionment of tax on mortgages in the County of Steuben collected by the County Clerk from the 1st day of April, 2008, to the 30th day of September, 2008, pursuant to provisions of Section 261 (2) of the Tax Law, as made by the Clerk of this Legislature be and the same hereby is ratified and confirmed, and the statement of such apportionment in compliance with the provisions of said Law, filed with the County Treasurer of this County, is hereby and in all things ratified and confirmed and such statement shall be to the County Treasurer a sufficient Warrant for the payment by her of the various sums as apportioned for the various purposes as designed by Law; and be it further

RESOLVED, that the Clerk of this Legislature shall forward certified copies of this resolution to the Steuben County Treasurer, the Steuben County Real Property Tax Service Agency, and the Steuben County Clerk:

MORTGAGE TAX APPORTIONMENT

The amount of money in your hands on September 30, 2008, which was received by you from the County Clerk as taxes paid to her upon the real property mortgages filed in her office since April 1, 2008, the date of the last apportionment, and which must be distributed to the various tax districts of the County of Steuben, pursuant to Section 261 of the Tax Law, is the sum of $651,826.31.

You are therefore commanded to pay the various towns and cities the amount placed opposite the name of said towns and cities and pay over to the various village officers the amount hereinafter stated to be the distributive amounts due said districts for village purposes, as follows:

<table>
<thead>
<tr>
<th>TOWN</th>
<th>TOWN/CITY</th>
<th>AMT DUE</th>
<th>VILLAGES</th>
<th>AMT DUE</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADDISON</td>
<td>ADDISON</td>
<td>2,310.94</td>
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<td></td>
<td>7,782.54</td>
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<tr>
<td>AVOCA</td>
<td>AVOCA</td>
<td>1,486.52</td>
<td></td>
<td></td>
<td>12,915.09</td>
</tr>
<tr>
<td>BATH (1)</td>
<td>BATH</td>
<td>16,281.62</td>
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<td></td>
<td>75,309.85</td>
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<tr>
<td>SAVONA (2)</td>
<td></td>
<td>1,593.49</td>
<td></td>
<td></td>
<td>75,309.85</td>
</tr>
<tr>
<td>BATH</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>75,309.85</td>
</tr>
<tr>
<td>BATH</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>75,309.85</td>
</tr>
<tr>
<td>BRADFORD</td>
<td></td>
<td>3,520.43</td>
<td></td>
<td></td>
<td>3,520.43</td>
</tr>
<tr>
<td>CAMERON</td>
<td></td>
<td>5,008.25</td>
<td></td>
<td></td>
<td>5,008.25</td>
</tr>
<tr>
<td>CAMPBELL</td>
<td></td>
<td>14,909.22</td>
<td></td>
<td></td>
<td>14,909.22</td>
</tr>
<tr>
<td>CANISTEO</td>
<td>CANISTEO</td>
<td>3,704.06</td>
<td></td>
<td></td>
<td>15,146.05</td>
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<tr>
<td>CATON</td>
<td></td>
<td>16,899.25</td>
<td></td>
<td></td>
<td>16,899.25</td>
</tr>
<tr>
<td>COHOCTON</td>
<td>COHOCTON</td>
<td>1,493.07</td>
<td></td>
<td></td>
<td>12,542.01</td>
</tr>
<tr>
<td>CORNING CITY</td>
<td></td>
<td>87,372.07</td>
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<td>87,372.07</td>
</tr>
<tr>
<td>RIVERSIDE (1)</td>
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<td>CORNING TOWN</td>
<td>S CORNING (2)</td>
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<td>DANSVILLE</td>
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<td>11,869.78</td>
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<td>11,869.78</td>
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<tr>
<td>ERWIN</td>
<td>PAINTED POST</td>
<td>6,543.34</td>
<td></td>
<td></td>
<td>88,999.75</td>
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<tr>
<td>FREMONT</td>
<td></td>
<td>4,772.75</td>
<td></td>
<td></td>
<td>4,772.75</td>
</tr>
<tr>
<td>GREENWOOD</td>
<td></td>
<td>1,913.66</td>
<td></td>
<td></td>
<td>1,913.66</td>
</tr>
<tr>
<td>HARTSVILLE</td>
<td></td>
<td>4,057.79</td>
<td></td>
<td></td>
<td>4,057.79</td>
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<tr>
<td>HORNBY</td>
<td></td>
<td>7,282.50</td>
<td></td>
<td></td>
<td>7,282.50</td>
</tr>
<tr>
<td>HORNELL CITY</td>
<td></td>
<td>28,844.46</td>
<td></td>
<td></td>
<td>28,844.46</td>
</tr>
</tbody>
</table>

260  Monday, November 24, 2008
### RESOLUTION NO. 198-08

Introduced by P. McAllister. Seconded by F. Gehl.

**DIRECTING THE DIRECTOR OF THE COUNTY REAL PROPERTY TAX SERVICE AGENCY TO ADD OMITTED TAXES AND/OR PRO-RATED OMITTED TAXES ON EXEMPT PARCELS.**

Pursuant to Sections 553 and 558 of the Real Property Tax Law of the State of New York.

**RESOLVED,** the report of the Steuben County Treasurer of 2008 omitted taxes, and/or pro-rated omitted taxes on exempt parcels be and hereby is received and filed, and the Director of the County Real Property Tax Service Agency is hereby directed to levy the amounts thereof upon the parcels in accordance with said report; and be it further

**RESOLVED,** certified copies of this resolution shall be forwarded to the Steuben County Treasurer and the Director of Real Property Tax Service Agency.

Mr. Argentieri asked how do taxes get omitted? Mrs. Hatch stated in cases where individuals who purchased real property during the year aren’t eligible for the same exemptions the previous owner received. This resolution allows the assessor to add those taxes to the tax bill.

**Vote:** Roll Call – Adopted.

### RESOLUTION NO. 199-08

Introduced by P. McAllister. Seconded by D. Farrand.

**DIRECTING THE LEVY OF RETURNED UNPAID SCHOOL TAXES FOR THE YEAR 2008.**

Pursuant to Article 13 of the Real Property Tax Law of the State of New York.

**RESOLVED,** the report of the Steuben County Treasurer of the several amounts of “Returned Unpaid School Taxes for the Year 2008” be and the same hereby is received and filed; and be it further
RESOLVED, the Director of the Steuben County Real Property Tax Service Agency be and hereby is directed to levy the amounts set forth in said report upon the respective parcels therein listed; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 200-08

Introduced by P. McAllister. Seconded by D. Farrand.


Pursuant to Article 13 of the Real Property Tax Law of the State of New York.

RESOLVED, the report of the Steuben County Treasurer of the several amounts of “Returned Unpaid Village Taxes for the Year 2008” be and the same hereby is received and filed; and be it further

RESOLVED, the Director of the Steuben County Real Property Tax Service Agency be and the same hereby is directed to levy the amounts set forth in said report upon the respective parcels therein listed; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 201-08

Introduced by P. McAllister. Seconded by R. Nichols.


Pursuant to Article 5 of the Workers’ Compensation Law of the State of New York.

WHEREAS, on July 28, 2008, there was received and filed with this County Legislature a report of the Administrator of the Workers’ Compensation Plan showing the estimated cost of the Self-Insurance Plan for the Year 2009; and

WHEREAS, on August 26, 2008, there was received and filed with this County Legislature a Table of Apportionment for the Fiscal Year 2009, showing all of the participating members’ proportionate projected share of the estimated costs of the plan; and

WHEREAS, all of the participating members of the Steuben County Self-Insurance Plan have been forwarded copies of the 2009 Table of Apportionment.

NOW THEREFORE, BE IT

RESOLVED, the Affidavit of the Administrator of the Self-Insurance Plan is hereby filed, and the Director of the Steuben County Real Property Tax Service Agency is hereby directed to levy the respective share of the 2009 Fiscal Year Workers’ Compensation cost of the County upon all the taxable real property of the County, and the respective share of Workers’ Compensation cost of each participating Town and Village member, excepting those having already paid in
cash, upon the real property in each respective municipality, as the 2009 Table of Apportionment previously filed with this Legislature provides; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Steuben County Treasurer, the Director of Real Property Tax Service Agency, and the Administrator of the Steuben County Self-Insurance Plan.

Vote: Roll Call – Adopted.

RESOLUTION NO. 202-08

Introduced by P. McAllister. Seconded by P. Donnelly.

ADOPTING THE TABLE OF EQUALIZATION RATES FOR THE SPREAD AND LEVY OF THE COUNTY TAX UPON THE TAXABLE REAL PROPERTY OF THE SEVERAL TAX DISTRICTS CONSTITUTING THE COUNTY OF STEUBEN.

Pursuant to Title 2 of Article 8 of the Real Property Tax Law of the State of New York.

WHEREAS, the Director of the Steuben County Real Property Tax Service Agency and the Administration Committee have submitted to the County Legislature of the County of Steuben, the equalization rates for the spread and levy of the County Tax upon the taxable real property of the several tax districts constituting the County of Steuben, and said Administration Committee has recommended the adoption of such equalization rates.

NOW THEREFORE, BE IT

RESOLVED, the Table of Rates of Equalization for the County of Steuben, as submitted by the County Administration Committee, be and the same hereby is received and filed; and be it further

RESOLVED, the several rates therein set forth in said Table of Equalization Rates of the several tax districts constituting the County of Steuben be and the same hereby are adopted as the rates of equalization for the spread and levy of the County Tax for the Fiscal Year 2009; and be it further

RESOLVED, the Clerk of the Legislature is hereby directed to forward to the State Board of Real Property Services, a certified copy of this resolution, together with the Table of Rates, so that the same may be published in the annual report of said Commissioner; and be it further

RESOLVED, certified copies of this resolution shall also be forwarded to the Steuben County Treasurer and the Director of Real Property Tax Service Agency.

<table>
<thead>
<tr>
<th>MUNICIPALITY</th>
<th>2008 COUNTY EQ RATES FOR 2009 TAX LEVY</th>
</tr>
</thead>
<tbody>
<tr>
<td>CITY OF CORNING</td>
<td>100.00</td>
</tr>
<tr>
<td>CITY OF HORNELL</td>
<td>100.00</td>
</tr>
<tr>
<td>ADDISON</td>
<td>100.00</td>
</tr>
<tr>
<td>AVOCA</td>
<td>99.00</td>
</tr>
<tr>
<td>BATH</td>
<td>51.00</td>
</tr>
<tr>
<td>BRADFORD</td>
<td>93.50</td>
</tr>
<tr>
<td>CAMERON</td>
<td>100.00</td>
</tr>
<tr>
<td>CAMPBELL</td>
<td>3.50</td>
</tr>
<tr>
<td>CANISTEO</td>
<td>61.70</td>
</tr>
<tr>
<td>CATON</td>
<td>60.00</td>
</tr>
<tr>
<td>Location</td>
<td>Rate</td>
</tr>
<tr>
<td>-------------------</td>
<td>-------</td>
</tr>
<tr>
<td>COHOCTON</td>
<td>100.00</td>
</tr>
<tr>
<td>CORNING TOWN</td>
<td>100.00</td>
</tr>
<tr>
<td>DANSVILLE</td>
<td>100.00</td>
</tr>
<tr>
<td>ERWIN</td>
<td>100.00</td>
</tr>
<tr>
<td>FREMONT</td>
<td>100.00</td>
</tr>
<tr>
<td>GREENWOOD</td>
<td>3.52</td>
</tr>
<tr>
<td>HARTSVILLE</td>
<td>100.00</td>
</tr>
<tr>
<td>HORNBY</td>
<td>100.00</td>
</tr>
<tr>
<td>HORNELLSVILLE</td>
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<tr>
<td>HOWARD</td>
<td>60.00</td>
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<tr>
<td>JASPER</td>
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<tr>
<td>LINDLEY</td>
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<tr>
<td>PRATTSBURGH</td>
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<td>PULTENEY</td>
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<td>RATHBONE</td>
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<td>THURSTON</td>
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<tr>
<td>WHEELER</td>
<td>100.00</td>
</tr>
<tr>
<td>WOODHULL</td>
<td>100.00</td>
</tr>
</tbody>
</table>

Mr. Argentieri asked why this is done prior to adopting the budget. Mrs. Hatch stated the rates are established in September by the State. The rate is used to determine full value for each assessing unit.

**Vote:** Roll Call – Adopted.

**RESOLUTION NO. 203-08**

Introduced by P. McAllister.  
Seconded by P. Donnelly.

**FILING THE REPORT OF COUNTY EQUALIZATION FOR THE YEAR 2009 BASED ON ASSESSMENT ROLLS COMPLETED, VERIFIED AND FILED IN 2008.**

Pursuant to Title 2 of Article 8 of the Real Property Tax Law of the State of New York.

WHEREAS, Title 2 of Article 8 requires the County to determine the total full valuation of taxable real property for all cities and towns within the County by dividing the taxable assessed value of taxable real property of the city or town plus the amount of assessed value partially exempt from County taxation pursuant to Real Property Tax Law Section 458 and 458 A (Veterans), Section 460 (Clergy), Section 464 (Volunteer Firemen's Association) and at County option Section 467 (Senior Citizens) by the corresponding County Equalization rate.

NOW THEREFORE, BE IT

RESOLVED, the Report of County Equalization for the Year 2009, be and the same hereby is received and filed by this Legislature; and be it further
RESOLVED, a certified copy of this resolution shall be forwarded to the Real Property Tax Director.
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SIGNED: DONNA P. HATCH, DIRECTOR, STEUBEN COUNTY REAL PROPERTY TAX SERVICE AGENCY

DATED: 11/24/08

**Vote:** Roll Call – Adopted.
RESOLUTION NO. 204-08

Introduced by D. Creath. Seconded by R. Nichols.

MODIFYING, ADOPTING, AND CONSOLIDATING AGRICULTURAL DISTRICTS NO. 2, NO. 12, AND NO. 14 AS A RESULT OF THE EIGHT YEAR REVIEWS OF SAID DISTRICTS.


WHEREAS, pursuant to the procedures and timetable set forth by the Department of Agriculture and Markets, the County Planning Board and the County Agricultural and Farmland Protection Board have filed their recommendations, relative to the eight year reviews of these Agricultural Districts with this Legislature; and

WHEREAS, said districts are adjacent to one another and similar in composition; and

WHEREAS, this Legislature did hold Public Hearings on the proposed modifications to said districts recommended by the County Planning Board and the Agricultural and Farmland Protection Board on November 24, 2008.

NOW THEREFORE, BE IT

RESOLVED, that District No. 2, District No. 12, and District No. 14 shall be consolidated into one district called District No. 2; 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 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 detered 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 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 Commissioner of the New York State Department of Agriculture and Markets, 10B Airline Dr., Albany, NY  12235; Steuben County Planning Director; Andrew Spencer, Chairman of the Steuben County Agricultural and Farmland Protection Board, 8997 Burns Rd., Arkport, NY  14807; the Real Property Tax Service Director; and James Grace, Cooperative Extension.

Vote:  Roll Call – Adopted.
RESOLUTION NO. 205-08

Introduced by R. Nichols. Seconded by R. Argentieri.

AUTHORIZING AND DIRECTING THE COMMISSIONER OF PUBLIC WORKS TO APPLY FOR A GRANT WHICH WOULD FUND 50 PERCENT OF THE PURCHASE COST OF A WHEEL LOADER.

WHEREAS, the Steuben County Department of Public Works Solid Waste Division has purchased a wheel loader for $54,995; and

WHEREAS, the State of New York provides financial aid for municipal waste reduction and municipal recycling projects, including funding 50 percent for recycling equipment purchases; and

WHEREAS, Steuben County (hereinafter referred to as “the Municipality”) has examined and duly considered the applicable laws of the State of New York and the Municipality deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a contract by and between the people of the State of New York (hereinafter referred to as the “State”) and the Municipality be executed for such State Aid.

NOW THEREFORE, BE IT

RESOLVED, that the filing of an application for a grant of $27,497.50 for the purchase of a wheel loader, for recycling, in the form required by the State, in conformity with the applicable laws of the State of New York, including all understanding and assurances contained in said application is hereby authorized; and be it further

RESOLVED, that Vincent Spagnoletti, Commissioner of Steuben County Department of Public Works, is directed and authorized as the official representative of the Municipality, to act in connection with the application and to provide such additional information as may be required, and to sign the resulting contract if or when said application is approved by the State; and be it further

RESOLVED, five (5) certified copies of this resolution shall be forwarded to the New York State Department of Environmental Conservation, Albany, New York 12233-7253, together with a completed application; and be it further

RESOLVED, that this resolution shall take effect immediately.

Vote: Roll Call – Adopted.

RESOLUTION NO. 206-08

Introduced by R. Nichols. Seconded by D. Creath.


WHEREAS, the people of Steuben County have a need to dispose of household hazardous waste; and

WHEREAS, the total cost of Steuben County’s 2008 household hazardous waste day was $19,000; and

WHEREAS, the State of New York provides 50% financial aid for household hazardous waste programs; and
WHEREAS, Steuben County, herein called the “Municipality” has examined and duly considered the applicable laws of the State of New York and the Municipality deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a contract by and between the people of the State of New York, herein called the “State” and the Municipality be executed for such State Aid.

NOW THEREFORE, BE IT

RESOLVED, by the Steuben County Legislature as follows:

1. The filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.

2. Vincent Spagnoletti, Commissioner, or his designee is directed and authorized as the official representative of the Municipality to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the State.

3. The Municipality agrees that it will fund the entire cost of said household hazardous waste program and will be reimbursed by the State for its share of such costs.

4. The Municipality or Municipalities set forth their respective responsibilities by attached joint resolution relative to a joint program.

AND BE IT FURTHER RESOLVED, this resolution shall take effect immediately; and be it further

RESOLVED, five (5) certified copies of this resolution shall be forwarded to the Commissioner of Public Works.

Vote: Roll Call – Adopted.

RESOLUTION NO. 207-08

Introduced by R. Nichols. Seconded by D. Farrand.

AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO PURCHASE 3.035± ACRES OF LAND ALONG TURNPIKE ROAD FOR THE PURPOSE OF MAINTAINING A BUFFER FOR THE STEUBEN COUNTY BATH LANDFILL IN THE TOWN OF BATH.

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

WHEREAS, the Steuben County Department of Public Works-Solid Waste Division wishes to maintain a buffer between Turnpike Road and the Bath Landfill; and

WHEREAS, in order to maintain the buffer, the County is desirous of purchasing 3.035± acres along Turnpike Road; and

WHEREAS, Archie E. and Sue A. Cleland, the landowners, have agreed to sell the said 3.035± acres for $10,000 with the County paying the survey, abstract, and other closing costs; and

WHEREAS, the Public Works Committee of the Steuben County Legislature has approved the purchase from the “Bath Landfill Expansion” HL/EL 6201 account.

NOW THEREFORE, BE IT
RESOLVED, the Commissioner of Public Works is authorized and directed to purchase said parcel of land from Archie E. and Sue A. Cleland at a cost of $10,000; and be it further

RESOLVED, the County Attorney is authorized and directed to perform all necessary actions and to file all necessary forms to transfer title to the property at no expense to the landowners; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Public Works; County Treasurer; County Auditor; Real Property Tax Director; Risk Manager; and Archie E. and Sue A. Cleland, 8117 Kanona Road, Avoca, NY 14809.

Mr. Argentieri questioned the price. Mr. Spagnoletti stated they had an appraisal done of the property and the price is well below market value. Discussion followed.

Vote: Roll Call – Adopted.

RESOLUTION NO. 208-08

Introduced by P. McAllister. Seconded by R. Argentieri.

AUTHORIZING THE EXECUTION OF TWO OIL AND GAS LEASES RELATIVE TO RIGHTS TO PROPERTY LOCATED WITHIN THE BOUNDS OF STATE ROUTE 53 IN THE TOWN OF WHEELER.

WHEREAS, heretofore the County acquired an interest in certain parcels of land in the Town of Wheeler, the first comprising approximately 0.23 acres and the second comprising approximately 0.98 acres, for the purpose of highway construction relative to the construction of the public highway which is now NY State Route 53; and

WHEREAS, Chesapeake Appalachia, L.L.C. has proposed a five-year oil and gas lease on each of the said parcels in exchange for $300.00 for each in respect of the interests (if any) of the County as the same may appear of record in the Steuben County Clerk’s Office; and

WHEREAS, the County is amenable to granting the proposed leases so long as there are no grants of surface rights in and to the said parcels, and no representations of title accompanying the grant.

NOW THEREFORE, BE IT

RESOLVED, the County Administrator shall be and is hereby authorized to execute two paid-up oil and gas leases with Chesapeake Appalachia, L.L.C. for the term of five years each in exchange for $300.00 for each lease relative to the interests of the County in and to certain parcels of land in the Town of Wheeler comprising approximately 0.23 acres and 0.98 acres located in NY State Route 53 provided said leases do not grant surface rights to the lessee and do not contain representations of title, and provided further that said leases be reviewed and approved by the County Attorney; and be it further

RESOLVED, that copies of this resolution shall be forwarded to Chesapeake Appalachia, L.L.C., Land Department, P.O. Box 6070, Charleston, WV 25362; and to the Steuben County Attorney.

Vote: Roll Call – Adopted.

BUDGET WORKSHOP

Chairman Roche stated anyone wishing to address the tentative 2009 budget is welcome to do so at this time.

Mr. Donnelly stated they have received bids to complete renovations to the Balcom House. The Agriculture, Industry and Planning and Finance Committees met today and accepted a bid for $481,500.
The Balcom House Capital Project is short $78,694 to complete the job. He recommended amending the
2009 budget by appropriating $78,694 from the Renovations Reserve to the project. Discussion followed.

Motion appropriating $78,694 from the Repairs and Renovations Reserve to the Balcom House Capital Project, and
amending the tentative 2009 budget to reflect the same made by Mr. Donnelly, seconded by Mr. Creath. Vote: Roll Call
– Motion Carries. Yes: 8315; No: 964; Absent: 593. (No-Argentieri and Schwartz; Absent-Ryan).

Mr. Schwartz stated he would like to request a one-time appropriation of an additional $100,000 from the
reserve fund to the Southern Tier Food Bank (Acct#614300.5.434670) due to the hard economic times.

Motion requesting a one-time appropriation of $100,000 in additional funding to the Southern Tier Food Bank made
by Mr. Schwartz, seconded by Mr. Argentieri. Discussion followed.

Mr. Farrand stated a lot of the food donations the Food Bank receives come from private corporations.
Their largest expense is the delivery of the food. I would suggest possibly initiating County local aid to
provide delivery of the food rather than funding not-for-profit organizations.

Mr. Stachnik stated this budget has been out for awhile and this is the second budget workshop. I would
feel better if a large appropriation had been discussed earlier than hours before the budget is to be
adopted.

Mr. Van Etten stated this organization helps counties throughout the Southern Tier; our taxpayer money
could go to people in Broome County.

Mr. Donnelly stated they didn’t request additional funding; they received the amount they requested.

Mr. Schwartz stated people are hurting and we’re giving raises to employees, but you don’t want to
donate money to the food bank?

Mr. Farrand stated maybe we could invite the Executive Director, Mary Pomanteer, to one of our
meetings to discuss an additional appropriation. I know they solicited towns for additional funding, but
the State Comptroller’s Office ruled that it is illegal for towns to appropriate money to not-for-profits.

Mr. McAllister stated he thinks it is a worthy request but if our money wouldn’t be going to just those in
Steuben County, I would want all the member counties to make the same appropriation.

Motion tabling the request for a one-time appropriation of $100,000 from the Reserve Fund to the Southern Tier Food
Bank until 2009 and recommending the Southern Tier Food Bank make a request to Steuben County for additional
funding if needed made by Mr. Van Etten, seconded by Mr. Stachnik. Vote: Roll Call – Motion Carries. Yes: 7718; No:
1048; Absent: 593. (No-Argentieri and Walsh; Absent-Ryan; Mr. Schwartz refused to vote on the motion).

Mr. Donnelly stated the Southern Tier Library System requested an appropriation of $125,000 but was
only allocated $110,000.

Motion increasing the appropriation to the Southern Tier Library System (Acct#741000.5.440280) by $15,000 bringing
their total allocation to $125,000 made by Mr. Creath, seconded by Mr. Donnelly.

Motion tabling the request to increase the appropriation to the Southern Tier Library System by $15,000 made by Mr.
Schwartz, seconded by Mr. Gehl. Vote: Roll Call – Motion Carries. Yes: 7018; No: 2261; Absent: 593. (No-Creath,
Donnelly, Stachnik and Van Etten; Absent-Ryan).

Motion to adjourn made by Mr. Donnelly, seconded by Mr. McAllister and duly carried.
The County Legislature of the County of Steuben convened in Special Session in the Legislative Chambers, Bath, New York, on Monday, November 24, 2008, at 6:00 p.m. and was called to order by the Chairman of the Legislature, Philip J. Roche.

Roll Call and all members present except Legislators McAllister (late) and Ryan.

Mr. Schwartz provided the invocation and Mr. Van Etten led the group in the Pledge of Allegiance.

Chairman Roche opened the floor for comments by members of the public. There being none, he declared the public comment portion of the meeting 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 Local Law Tentatively No. Six for the Year 2008, Establishing the annual salaries of certain elected or appointed officials and department heads of the County of Steuben who have a fixed term of office for the Fiscal Year 2009. Chairman Roche asked if anyone wished to address the Legislature relative to the Public Hearing. There being none, he declared the Public Hearing closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs of Posting for the Public Hearing upon the Tentative Budget of said County for the fiscal year 2009. Chairman Roche asked if anyone wished to address the Legislature relative to the Public Hearing.

Pat Eaton, Bath, stated I know I’m an old lady, but I care. Yesterday morning when I picked up the Corning Leader which had listed the Department Head salaries, I considered that an insult. There were over $20,000 worth of raises, for what? You say it is to be competitive. Who are you competing with this year in this economy? Tom Schwartz, just one legislator, was the only one who spoke up about it. I think you ought to do more thinking on this budget and say no increases for anybody this year. This whole country is in a depression this year. Why do you think Steuben County is not?

Ristiina Wigg, Southern Tier Library System, stated I want to thank you so much for maintaining your support of the libraries during these tough times.

Pauline Emery, Southeast Steuben Library, stated we appreciate your support. We’ve seen a significant increase in usage compared to last year. We’re literally seeing thousands more people coming into our library. We’re trying to provide free computer courses. This helps people with finding jobs. Thank you again for your support.

Mary-Ann Robinson, Dormann Library, stated we’re always very busy. I echo what everyone else has said as far as increase in usage. There are 15 libraries in the system. We have big plans on the horizon with a new addition to our building, which will be completed with no expense to the taxpayers. Thank you for supporting the libraries.

Carol Mozes, Dormann Library Trustee, stated I wanted to thank you for including us in this tough budget year. We have a lot of dedicated employees who do a terrific job. The goal for the expansion to our library is to create more of a community center rather than just a library. We’re working on a greener environment with it as well.
Jenny Peer, Savona library, stated we are probably the smallest library in this County, but we’ve seen tremendous increases in the usage. We are over 80 percent higher in the amount of circulation over last year. We had an increase in the number of participants in our summer reading program. Thank you so much for your continued support because we couldn’t do it without it.

Lorraine Nelson, Howard Library, stated the services provided by the Southern Tier Library System are so important. Our library is becoming a community center. The computers are in constant use. Recently we had students who needed to take online computer tests and they used our computers for this. Thanks to your generosity, our services will continue to be utilized.

Bill Misnick, Corning, stated I’m a retired taxpayer and a volunteer fireman. I support Tom Schwartz 100 percent. Why are you increasing your pay for what you are doing today? You’re doing the same as you were doing last year. It is ridiculous in these economic times for you to propose an increase for yourselves and department heads. You are here as a volunteer and this is your secondary income. Don’t try to reap benefits from a volunteer job.

Gloria Misnick, Corning, stated I commend Tom Schwartz. He’s the only one in this group who had the guts to say no. Legislator Argentieri stated he would like it noted for the record that he and Mr. Walsh also voted against the pay increases. Mrs. Misnick stated you must hold the budget to the current level. You should not increase it at all. If Chemung County can do it, Steuben County can do it as well.

There being no further comments, Chairman Roche declared the public hearing on the tentative 2009 budget closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs of Posting for the Public Hearing upon the Notice of Completion and Filing of the Assessment Roll for the year 2008 for the Marsh Ditch Watershed Protection District in the Towns of Dansville and Hornellsville. Chairman Roche asked if anyone wished to address the Legislature relative to the Public Hearing. There being none, he declared the Public Hearing closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs of Posting for the Public Hearing upon the Notice of Completion and Filing of the Assessment Roll for the year 2008 for the Upper Five Mile Creek Watershed Protection District in the Towns of Prattsburgh, Wheeler and Urbana. Chairman Roche asked if anyone wished to address the Legislature relative to the Public Hearing. There being none, he declared the Public Hearing closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs of Posting for the Public Hearing upon the Notice of Completion and Filing of the Assessment Roll for the year 2008 for the Lamoka/Waneta Lakes' Protection and Rehabilitation District in the Towns of Wayne and Bradford. Chairman Roche asked if anyone wished to address the Legislature relative to the Public Hearing. There being none, he declared the Public Hearing closed.

Mr. Schwartz stated we received a copy of a letter Commissioner Spagnoletti sent to three employees commending them with saving a co-worker’s life. I would also like to recognize and thank David Abbey, Mike Cornell and Don Cady for the quick action they took to free Frank Paddock when he was pinned under the front tire of a truck on September 29, 2008. They should be commended for saving his life.

**BUDGET WORKSHOP**

Chairman Roche asked if anybody would like to recommend amendments to the proposed 2009 budget.

Mr. Donnelly stated he requested Mr. Alger to compile the amounts that have been unexpended in the personal services line items this year and appropriate that to the 2009 budget to reduce the tax levy. They
have determined that there is $417,497 in unexpended personal services funding. This appropriation would reduce the tax levy to approximately 2.8 percent.

Mr. Schwartz asked how come this money wasn’t located during the regular budget process? Mr. Donnelly stated we’ve been working on it for several days and the actual dollar amount just came to fruition today.

**Motion to make a one-time appropriation of $417,497 in unexpended 2008 personal services surplus funding to the 2009 budget made by Mr. Donnelly, seconded by Mr. Gehl. Vote: Roll Call – Adopted.**

Mr. Gehl stated when I came in today, I planned on not voting for any increases to the budget. I’m glad to see us come up with a reduction of this magnitude.

Mr. Donnelly stated as a retiree, I spend a lot of time at the library and I have noticed that there is a marked increase in the library usage. I would like to offer a motion to increase the allocation to the library system by $14,500 by adding it to the tax levy.

**Motion increasing the allocation to the library system by $14,500 and adding it to the tax levy made by Mr. Donnelly, seconded by Mr. Creath.**

Mr. Schwartz called for a point of order stating this very issue was tabled at this afternoon’s meeting. Mr. Ahrens stated under Roberts Rules of Order, the motion to remove the issue from the table can be made when sufficient progress has been made. The proper motion would be to remove the issue from the table. Mr. Ahrens further stated that in order to be removed from the table, the motion would have to be made by somebody who voted in favor of tabling this issue. Previous motion declared out of order.

**Motion to remove from the table the issue of appropriating $15,000 to the Southern Tier Library System made by Mr. McAllister, seconded by Mr. Donnelly. Vote: Roll Call – Motion fails. Yes: 3004; No: 6275; Absent: 593. (No-Argentieri, Crossett, Farrand, Gehl, Nichols, Roche, Schu, Schwartz, Van Etten, Walsh and Weaver; Absent-Ryan)**

Mr. Schwartz stated he wants the public present tonight to know that he made a motion earlier to appropriate an additional $100,000 to the Southern Tier Food Bank and it failed.

**RESOLUTION NO. 209-08**

Introduced by P. McAllister. Seconded by F. Gehl.


**WHEREAS,** there has been duly presented to the members of the Steuben County Legislature on November 14, 2008, County of Steuben Local Law Tentatively No. Six for the Year 2008, establishing the annual salaries of certain elected or appointed officials and department heads of the County of Steuben who have a fixed term of office for the Fiscal Year 2009, and this Legislature by resolution, preliminarily adopted said Local Law on November 14, 2008, making the final adoption of said Local Law subject to a Public Hearing to be held on November 24, 2008, and also subject to a permissive referendum; 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 November 24, 2008 at 6:00 P.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 and requirement for a permissive referendum.

NOW THEREFORE, BE IT

RESOLVED, that County of Steuben Local Law Tentatively No. Six for the Year 2008, as hereinafter set forth be and the same hereby is finally adopted, to wit:

COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. SIX FOR THE YEAR 2008

A LOCAL LAW establishing the annual salaries of certain elected or appointed officials and department heads of the County of Steuben who have a fixed term of office for the Fiscal Year 2009.

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

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

SECTION 2: Effective with the first county payroll for the County Fiscal Year 2009, the annual salaries of the certain elected or appointed officials and department heads of the County of Steuben who have a fixed term of office are hereby established for the Fiscal Year 2009 as follows, to wit:

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<tr>
<td>Personnel Officer</td>
<td>$ 83,896</td>
<td>$ 87,252</td>
</tr>
<tr>
<td>County Clerk</td>
<td>$ 51,797</td>
<td>$ 53,351</td>
</tr>
</tbody>
</table>

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

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

BE IT FURTHER RESOLVED, within twenty (20) days after such Local Law is adopted the Clerk of this Legislature of the County of Steuben shall cause a copy of the Local Law to be published in the two officially designated
RESOLVED, within five (5) days after the expiration of the time for the filing of petitions for a permissive referendum of said Local Law, the Clerk of the Legislature shall cause one (1) certified copy thereof to be filed in the office of the Steuben County Clerk, and one (1) certified copy in the office of the Secretary of State of the State of New York, and the said Secretary of State is to be requested to publish the Local Law in the supplement to the Session Laws and the Steuben County Clerk is to be requested to file the Local Law in a separate book kept by her for such records; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer, the Personnel Officer and the above named employees.

Mr. Argentieri stated because there are thousands of people being laid off, now is not the time to give anybody raises. We don’t know what is going to happen to the economy from one day to the next. These individuals do their jobs and do it well, but we need to pull our horns in and stop spending somewhere. That is why I’m voting against pay raises at this time.

Mr. Schwartz stated it isn’t appropriate to give management and union raises. People do a good job and do deserve it, but we need to hold the line.

Mr. Stachnik stated by offering these raises, we are simply reflecting what private industry is doing in the marketplace today. Sixty-eight percent of all companies have given their employees raises. I think we should do so as well.

Vote: Roll Call – Adopted. Yes: 7267; No: 2012; Absent: 593
(No-Argentieri, Schwartz, Walsh and Weaver; Absent-Ryan)

RESOLUTION NO. 210-08


APPROVING AND CREATING THE FUNDED 16 (B) POSITIONS CONTAINED IN THE TENTATIVE 2009 BUDGET OF THE COUNTY OF STEUBEN.

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

WHEREAS, the following 16B requests for new positions were approved by the various committees; and

WHEREAS, all of these positions are funded in the 2009 Budget as listed; and

WHEREAS, it is necessary for the Legislature to authorize said positions.

NOW THEREFORE, BE IT

RESOLVED, the following positions are hereby authorized and approved for the following departments:

<table>
<thead>
<tr>
<th>Department/Position</th>
<th>Number</th>
<th>Grade</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social Services</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transportation Coordinator</td>
<td>1</td>
<td>12</td>
<td>$32,756 - $46,241</td>
</tr>
</tbody>
</table>
AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer, Personnel Officer, and Commissioner of Social Services.

Mr. Argentieri stated at the last meeting I voted against upgrading 3 positions. The general public didn’t know about that but I’m telling them tonight. I’m voting against these positions as well.

Mr. Alger stated this position is fully funded by the State and there are no County tax dollars in this budget for this position.

Vote: Roll Call – Adopted. Yes: 7718; No: 1561; Absent: 593
(No: Argentieri, Schwartz and Walsh; Absent: Ryan)

RESOLUTION NO. 211-08

Introduced by P. McAllister and P. Donnelly. Seconded by D. Creath.

APPROVING AND CREATING THE ZERO-BASED 16 (B) POSITIONS CONTAINED IN THE TENTATIVE 2009 BUDGET OF THE COUNTY OF STEUBEN.

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

WHEREAS, the following 16B requests for zero-based positions were approved by the various committees; and

WHEREAS, all of these positions are zero-based in the 2009 Budget as listed; and

WHEREAS, it is necessary for the Legislature to authorize the said positions.

NOW THEREFORE, BE IT

RESOLVED, the following positions are hereby created and zero-based for the Departments listed:

<table>
<thead>
<tr>
<th>Department/Position</th>
<th>Number</th>
<th>Grade</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buildings &amp; Grounds</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cleaner</td>
<td>2</td>
<td>5</td>
<td>$24,141 - $34,081</td>
</tr>
<tr>
<td>Laborer</td>
<td>1</td>
<td>5</td>
<td>$24,141 - $34,081</td>
</tr>
<tr>
<td>Building Maintenance Mechanic</td>
<td>1</td>
<td>9</td>
<td>$28,514 - $40,256</td>
</tr>
</tbody>
</table>

AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer, Personnel Officer, and Superintendent of Buildings & Grounds.

Mr. Nichols stated these positions aren’t funded. Mr. Alger stated correct, before they can be filled they would have to be funded.

Vote: Roll Call – Adopted. Yes: 7718; No: 1561; Absent: 593
(No: Argentieri, Schwartz and Walsh; Absent: Ryan)

RESOLUTION NO. 212-08

Introduced by P. Donnelly. Seconded by F. Gehl.

Pursuant to Sections 360 of the County Law and Sections 24 and 25 of the Local Finance Law of the State of New York.

WHEREAS, the Tentative Budget, Budget Message and the Proposed Appropriation Resolution of the County of Steuben for the Fiscal Year 2009 were duly filed with the Clerk of the County Legislature on or before November 14, 2008, and appropriate action taken thereupon and fixing the date, time and place for holding the required public hearings; and

WHEREAS, the duly advertised Public Hearings on the Tentative Budget and for the Watershed Protection Districts were opened, held and completed on November 24, 2008, commencing at 6:00 P.M. in the Legislative Chambers in the Village of Bath; and

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

NOW THEREFORE, BE IT

RESOLVED, the Clerk of the Legislature is hereby directed to cause to be filed in her office proofs of publication of the notices of the hearings on the above stated Tentative Budget and Watershed Protection Districts for the Fiscal Year 2009; and be it further

RESOLVED, pursuant to Sections 356 and 360 of the County Law of the State of New York said Tentative Budget for the County of Steuben for the Fiscal Year 2009 as may have been changed, amended, altered and revised by this County Legislature to date be and the same hereby is adopted by this Legislature as the Budget of the County of Steuben for the Fiscal Year 2009; and be it further

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

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

RESOLVED, the several sums therein mentioned for expenditures and revenues are appropriated for the objects and purposes enumerated, including, but not limited to, the salaries for public officers and officials who are appointed by the Legislature or who are appointed by the Legislature to fixed terms of office commencing January 1, 2009 or thereafter in the Year 2009, and that the salary set forth in the Salary Schedule for Chairman of the Legislature and Legislators be adopted; and be it further

RESOLVED, there be and the same hereby are approved, created and established the following capital projects for 2009:

<table>
<thead>
<tr>
<th>Department/Project</th>
<th>Total Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buildings &amp; Grounds</td>
<td>$ 403,694</td>
</tr>
<tr>
<td>County Clerk</td>
<td>7,500</td>
</tr>
<tr>
<td>Information Technology &amp; Telecommunications</td>
<td>405,600</td>
</tr>
<tr>
<td>County Roads</td>
<td>3,325,000</td>
</tr>
<tr>
<td>Solid Waste</td>
<td>1,065,000</td>
</tr>
<tr>
<td>Parks</td>
<td>30,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$ 5,236,794</strong></td>
</tr>
</tbody>
</table>

AND BE IT FURTHER RESOLVED, those Capital Projects denoted as "Buildings and Grounds" are hereby appropriated from the Capital Reserve Building Repairs and Renovations; and be it further

Monday, November 24, 2008
RESOLVED, in pursuance of Section 355, subdivision 1-(j) of the County Law, the balances at the end of the Fiscal Year of 2008 in the County Road Fund and County Machinery Fund are hereby reappropriated for the same objects and purposes; and be it further

RESOLVED, from and after January 1, 2009, the County Treasurer is authorized to issue tax anticipation and revenue anticipation notes in such amounts as may be necessary to pay lawful charges, pending the receipt of the taxes and revenues herein appropriated and not longer than a period to January 1, 2010, without the authority of the Legislature and not in excess of the amount of taxes and revenues herein appropriated, and such notes shall be issued to the capital building reserve fund, without interest, unless the money is not available when such notes may be sold at private sale at not exceeding the legal rate of interest pursuant to the Local Finance Law of the State of New York; and be it further

RESOLVED, the above Budget as herein adopted shall be entered in the minutes of this County Legislature and printed in the annual volume of printed Proceedings for the Year 2008 and within thirty (30) days after the date of the adoption of this resolution the Steuben County Treasurer is hereby directed to file a certified copy of said 2009 Steuben County Budget with the New York State Comptroller in accordance with State Finance Law, Section 54-a; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Real Property Tax Director; County Treasurer; and Patrick F. Donnelly, Chairman, Finance Committee.

Vote: Roll Call – Adopted. Yes: 7718; No: 1561; Absent: 593
(No-Argentieri, Schwartz and Walsh; Absent-Ryan)

RESOLUTION NO. 213-08

Introduced by P. Donnelly. Seconded by F. Gehl.


Pursuant to Section 360 of the County Law of the State of New York and Local Law No. 4 for the Year 2002 in the County of Steuben, and in accordance with the official Rules and Regulations of the New York State Department of Audit and Control.

WHEREAS, the Legislature, by resolution on even date herewith, has adopted a Budget for the Fiscal Year 2009, for the County of Steuben; and

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

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

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Budget for the Fiscal Year 2009, as previously adopted on even date herewith, is hereby amended to provide that the amount for non-property taxes be applied to the Towns’ share of the County tax levy so
that the Sales taxes anticipated shall be used to reduce real property taxes on a part-County basis, and hereby directing that the anticipation of Sales tax credit is to be applied on a part-County basis against the County-wide tax levy; and be it further

RESOLVED, other than the amendment, as set forth in the above paragraph of this resolution, the Steuben County Budget for the Fiscal Year 2009 shall remain the same as recorded and adopted in accordance with said prior Budget adoption resolution of even date herewith; and be it further

RESOLVED, the several amounts specified in the 2009 County Budget be and hereby are appropriated for the objects and purposes enumerated therein; and be it further

RESOLVED, the total appropriation required in the Steuben County Budget for the Fiscal Year 2009 to be raised by taxes amounting to the sum of $43,798,435 and reduced by anticipation of the sales tax credit in the amount of $7,233,176 in accordance with the above-stated regulation as to application, shall be levied and assessed upon the property within the County liable therefore for the Fiscal Year beginning January 1, 2009; and be it further

RESOLVED, pursuant to Sections 356 and 360 of the County Law of the State of New York, the Proposed Appropriation Resolution presented November 14, 2008 and filed with the Clerk of the Legislature on November 14, 2008 for the Year 2009, and as amended, altered, or revised by this County Legislature to date, be and the same hereby is adopted by this Legislature as the appropriation resolution for Fiscal Year 2009; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Real Property Tax Director, and County Treasurer.

Mr. Roche asked Mr. Alger to provide the final figures for the budget based upon changes that were made tonight. Mr. Alger stated the changes we made reduced the levy to 2.8 percent and the tax rate is 8.7 percent. This results in a 5.18 percent decrease in the tax rate.

Mr. Donnelly stated every year the budget process gets more involved and time consuming. He expressed his thanks to Mr. Alger, Mr. Heffner and Mr. Wheeler; Mrs. Whitehead, Ms. Harvey, and the department heads; as well as the Finance Committee.

Vote: Roll Call – Adopted. Yes: 8315; No: 964; Absent: 593
(No-Argentieri and Schwartz; Absent-Ryan)

RESOLUTION NO. 214-08

Introduced by P. McAllister. Seconded by F. Gehl.

COMPLETION AND FILING OF THE ASSESSMENT ROLL FOR THE YEAR 2008 FOR THE MARSH DITCH WATERSHED PROTECTION DISTRICT IN THE TOWNS OF DANSVILLE AND HORNELLSVILLE IN THE COUNTY OF STEUBEN AND STATE OF NEW YORK.

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

WHEREAS, the assessment roll for the Year 2008, for the Marsh Ditch Watershed Protection District in the Towns of Dansville and Hornellsville, in the County of Steuben, and State of New York for the Budget Year 2009, has been completed and properly filed with the Steuben County Real Property Tax Service Agency at its office in the Steuben County Office Building, 3 East Pulteney Square in the Village of Bath, New York for review and inspection by the public and interested parties; and

WHEREAS, proper notice of the completion and filing of said assessment roll, and also proper notice that the Public Hearing on the assessment roll would be held by the County Legislature of the County of Steuben in the Legislative Chambers of the County Office Building in the Village of Bath, New York on November 24, 2008, at 6:00 P.M. to hear and consider any objections pertaining to said assessment roll; and

284 Monday, November 24, 2008
WHEREAS, due and proper proof of the publication of the notice of the aforesaid Public Hearing has been filed in the Office of the Clerk of the Legislature; and

WHEREAS, the aforesaid Public Hearing was duly held on November 24, 2008, and any persons appearing in regard to the said assessment roll having been heard.

NOW THEREFORE, BE IT

RESOLVED, said assessment roll for the Year 2008 for the Marsh Ditch Watershed Protection District in the Towns of Dansville and Hornellsville in the County of Steuben and State of New York be and the same hereby is approved as completed and filed in the office of the Steuben County Real Property Tax Service Agency; and be it further

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

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 215-08

Introduced by P. McAllister. Seconded by D. Farrand.

ACCEPTING THE 2009 BUDGET OF THE MARSH DITCH WATERSHED PROTECTION DISTRICT.

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

RESOLVED, the Budget for the Marsh Ditch Watershed Protection District be and the same hereby is established in the amount of $18,400 of which sum $16,900 shall be appropriated from surplus; and be it further

RESOLVED, the Steuben County Legislature hereby accepts the report of the Marsh Ditch Watershed Protection District and adopts the respective Budget for 2009; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 216-08

Introduced by P. McAllister. Seconded by F. Gehl.

COMPLETION AND FILING OF THE ASSESSMENT ROLL FOR THE YEAR 2008 FOR THE UPPER FIVE MILE CREEK WATERSHED PROTECTION DISTRICT IN THE TOWNS OF PRATTSBURGH, WHEELER AND URBANA IN THE COUNTY OF STEUBEN AND STATE OF NEW YORK.

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

WHEREAS, the assessment roll for the Year 2008 for the Upper Five Mile Creek Watershed Protection District in the Towns of Prattsburgh, Wheeler and Urbana in the County of Steuben and State of New York for the Budget Year 2009 has been completed and properly filed with the Steuben County Real Property Tax Service Agency at its office in the
WHEREAS, proper notice of the completion and filing of said assessment roll, and also proper notice that the Public Hearing on the assessment roll would be held by the County Legislature of the County of Steuben in the Legislative Chambers of the County Office Building in the Village of Bath, New York on the 24th day of November 2008, at 6:00 P.M. to hear and consider any objections pertaining to said assessment roll; and

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

WHEREAS, the aforesaid Public Hearing was duly held on the 24th day of November 2008, and any persons appearing in regard to the said assessment roll having been heard.

NOW THEREFORE, BE IT

RESOLVED, said assessment roll for the Year 2008 for the Upper Five Mile Creek Watershed Protection District in the Towns of Prattsburgh, Wheeler and Urbana in the County of Steuben and State of New York, be and the same hereby is, approved as completed and filed in the Office of the Steuben County Real Property Tax Service Agency; and be it further

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

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 217-08

Introduced by P. McAllister. Seconded by D. Farrand.

DIRECTING THE LEVY OF THE UPPER FIVE MILE CREEK WATERSHED PROTECTION DISTRICT TAXES DUE JANUARY 2009.

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

RESOLVED, the report of the Administrative Board of the Upper Five Mile Creek Watershed Protection District of the several amounts of taxes due January 2009, levied upon the various parcels of land in the said Protection District be received and filed, and the Director of the Steuben County Real Property Tax Service Agency is directed to levy the amount upon the various parcels therein mentioned in accordance with said report; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 218-08

Introduced by P. McAllister. Seconded by D. Farrand.
COMPLETION AND FILING OF THE ASSESSMENT ROLL FOR THE YEAR 2008 FOR THE LAMOKA/WANETA LAKES' PROTECTION AND REHABILITATION DISTRICTS IN THE TOWNS OF WAYNE AND BRADFORD IN THE COUNTY OF STEUBEN AND STATE OF NEW YORK.

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

WHEREAS, the assessment roll for the Year 2008 for the Lamoka/Waneta Lakes’ Protection and Rehabilitation Districts in the Towns of Wayne and Bradford in the County of Steuben and State of New York for the Budget Year 2009 has been completed and properly filed with the Steuben County Real Property Tax Service Agency at its office in the Steuben County Office Building, 3 East Pulteney Square in the Village of Bath, New York for review and inspection by the public and interested parties; and

WHEREAS, proper notice of the completion and filing of said assessment roll and also proper notice that the Public Hearing on the assessment roll would be held by the County Legislature of the County of Steuben in the Legislative Chambers of the County Office Building in the Village of Bath, New York on November 24, 2008, at 6:00 P.M. to hear and consider any objections pertaining to said assessment roll; and

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

WHEREAS, the aforesaid Public Hearing was duly held on 24th day of November 2008, and any persons appearing in regard to the said assessment roll having been heard.

NOW THEREFORE, BE IT

RESOLVED, said assessment roll for the Year 2008 for the Lamoka/Waneta Lakes’ Protection and Rehabilitation Districts in the Towns of Wayne and Bradford in the County of Steuben and State of New York be and the same hereby is approved as completed and filed in the Office of the Steuben County Real Property Tax Service Agency; and be it further

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

RESOLVED, certified copies of this resolution shall be forwarded to the Real Property Tax Director; County Treasurer; Attorney for said Lakes’ Protection and Rehabilitation Districts; the Lamoka/Waneta Lakes’ District Commission and the Clerk of the Schuyler County Legislature.

Vote: Roll Call – Adopted.

RESOLUTION NO. 219-08

Introduced by P. McAllister. Seconded by J. Hauryski.


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

RESOLVED, the report of the Lamoka/Waneta Lakes’ District Commission of the several amounts of taxes due January 2009, levied upon the various parcels of land in the said Lakes’ Protection and Rehabilitation Districts be received and filed, and the Director of the Steuben County Real Property Tax Service Agency is directed to levy the amount upon the various parcels therein mentioned in accordance with said report; and be it further
RESOLVED, certified copies of this resolution shall be forwarded to the Real Property Tax Director; Attorney for the Lakes’ Protection and Rehabilitation Districts; the Lamoka/Waneta Lakes’ Districts Commission, and the Clerk of the Schuyler County Legislature.

Vote: Roll Call – Adopted.

Motion to adjourn made by Mr. Gehl, seconded by Mr. Van Etten and duly carried.
The County Legislature of the County of Steuben, convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 22nd day of December, 2008 at 10:00 a.m. and was called to order by the Chairman of the Legislature, Philip J. Roche, Esq.

Roll call and all members were present except Legislators Argentieri, Creath, Crossett, Gehl and Stachnik.

Mr. Nichols provided the Invocation and the Pledge of Allegiance was led by Mr. Schwartz.

Chairman Roche asked Amanda Chapman to come forward. Ms. Chapman is an employee in the Clerk of the Legislature’s Office. Chairman Roche presented her with a Certificate of Appreciation and a pin in recognition of 15 years of service with Steuben County.

Mrs. Kane asked Michelle Rougeux and Carolyn Gutierrez to come forward. Dr. Rougeux nominated Carolyn Gutierrez for employee of the month. She read the following nomination: Carolyn has consistently shown outstanding commitment to the program. She works long hours, is always available to staff and parents who have concerns, and her attention to detail has us earning kudos and maximum certification from the State office. She is an active member of her church, serving in various capacities as needed. She has been a volunteer for several political campaigns and taught addiction studies for several years at Corning Community College. Carolyn has been the glue that brings our staff together.

CONGRATULATIONS!

Ms. Gutierrez stated thank you very much, I’m very grateful.

Mrs. Kane asked Jamie Kalisnikow to come forward. Ms. Kalisnikow and Tammra Duby nominated Team Keuka of the Health Care Facility for the Team of the Month award. Team Keuka consists of the following individuals: Jami Pruden, Brenda Kolbe, Molly Leon, Jessica Clark, Kaela Hoad, Sherry Fox, Julie Brown, Ruth Fitzgerald, Kim Gardner, Anna Preston, Yvette Gleason, Yvonne Fell, Trisha Cox, Katie Lern, Eileen Fleishman, Ginger Youngs, Starla Campbell, Donna Wraight, Judy Snell, Dawn Bonicave, Helen Pisaneschi, Donna Cross and Robin Civitello. She read the following nomination: Since the recent move to our new building, the Keuka Unit C.N.A.’s have worked above and beyond the usual exemplary quality care. Staff has maintained a positive attitude despite the increased stress from the move. To ease the stress of the move for the residents, staff came in on their days off and brought their children and family members to help with the move on their own time, with at least five coming in on their days off. They have contributed countless over-time hours and during this time have kept the facility residents foremost in their thoughts and actions. This is a Team that frequently volunteers to bring in cookie dough to bake cookies with the residents. This Team is truly a team; they socialize and build team spirit on duty as well as off duty; they’re there for each other during good and bad times. They consider the residents part of their own families. When a resident is in the hospital, staff on Keuka Unit frequently go to visit them in the hospital on their own time. There also has been a situation when a resident was dying and had no family, so several staff stayed with the resident, holding their hand until they had passed. As a way of coping with the loss they see, Keuka Unit staff has made a scrapbook of memories of folks who have passed as a way of celebrating their lives – it was developed, designed and is maintained by staff. They’ve also been known to purchase special items for the residents out of their own money, as they would do for a family member. The Keuka Unit Team’s spirit and dedication is quietly and effectively communicated when you look at the photograph hung in the wing. It is a photograph showing the hands of the oldest resident and a young staff member – it says it all! CONGRATULATIONS!

Mrs. Kane asked Legislator Ryan and Richard “Pete” Stephens to come forward. Mr. Ryan presented Mr. Stephens with a certificate of appreciation in recognition of being selected the “Outstanding Sportsman of
Mr. Stephens thanked the Legislature for all of the support they’ve given the sportsmen of the County through the years. I thank you for all you’ve done for us. CONGRATULATIONS!

Chairman Roche opened the floor for comments by members of the public.

Frank Haftl, Cameron, stated I noticed an article in the newspaper about farm plastic. In this article it states that it has become a difficult problem as it can’t be burned, recycled or put into the landfill. If this plastic is harmful to the environment, then why are we feeding the hay stored in this plastic to livestock? How long will it be before these chemicals get into the food chain? This plastic is a convenience item and isn’t necessary. They need to come up with a material that is more environmentally friendly. I urge you to pass a law banning the use of this material. I don’t believe any of you have the political will to implement this ban, but I hope you prove me wrong. Money, greed and lack of common sense will be the downfall of this country. Thank you.

Wayne Wells, Cameron, stated we’ve seen over a time that the environment is an important part of our quality of life. I have terminal cancer that I received while in Vietnam. There is no cancer on either side of my family, but it took 40 years for me to get this. There is an onslaught of drilling for gas that is going on in the county. There are vast quantities of toxic water that will be released through this drilling. The money these drilling companies will be offering will bring a tremendous pressure onto landowners. The issue of drilling needs to be addressed before this happens. I took a prominent lead in the fight against the Dixon Corporation, who was hiding their toxic waste under the sanctity of cow manure. Something needs to be done to ban this practice of gas drilling. I wish to remind everyone that our environment is our greatest treasure in this County. In this vein, there are many people putting thoughtful arguments down on paper. Their proposals were ignored by DEC. It took legal action to shut down the Dixon Corporation in Cameron, but with the spreading that was done on those fields over the years; the damage was done and will take many years to dissipate. We need to look at the long term. Please address the issue of drilling now. Thank you.

Chairman Roche asked James Gleason to come forward to make the traditional fruitcake presentation. Mr. Gleason stated good morning all! Once again it is time to transfer custody of the County fruit cake! A time-honored tradition of the December legislative meeting, another lucky individual is appointed caretaker for one of Steuben County’s most revered and treasured assets.

In the past, much has been written about the history of fruit cake, so I thought it time to do a little research into the history of the “County Fruit Cake”. The County fruitcake was purchased by Mark Alger in 1991 from then-Chairman of the Legislature Lynn Morse, who was selling them as a fundraiser for the Kiwanis Club. That year, Mark gave the fruit cake to Chris Kane, who gave it back to Mark in 1992 (the first occurrence of County re-gifting). The tradition was born!

The County fruitcake is a 32 ounce sliced product of Benson’s Old Home Kitchens of Bogart, Georgia. Benson has been a supplier of quality bakery products since 1918. The second generation Benson got the company into the fruitcake business in 1953. H.E. Benson, a member of the Athens, Georgia, Jaycees came up with the idea of selling holiday fruitcakes as a fundraiser (and, I think, to promote his new product line – quite the business man, huh?!). Today, Benson’s Old Home Kitchens is managed by the grandson of the founder, which represents the third generation to manage the company.

After my initial surprise of being named the “caretaker of the County fruitcake” for 2008, I realized that I had assumed a tremendous responsibility for the safe keeping of one of the County’s most valued assets. I had some big shoes to fill, following the likes of Mark Alger, Sheriff Tweddell, Greg Heffner, Chris Kane, Kathryn Muller and Vince Spagnoletti to name a few! To accomplish this monumental task, I had to rely on my experience as the keeper of the County assets – I assigned the County fruitcake Steuben County Asset #29001 and put it in the Purchasing Department warehouse freezer for safe keeping! I would like to transfer custody of the County fruitcake for the year 2009 to Jack Wheeler, Assistant County Administrator! Thank you for your time.
The minutes of the previous month’s meetings were adopted upon the motion of Mr. Donnelly, seconded by Mr. Van Etten and duly carried.

Judy Hunter, County Clerk, announced I have become aware of a direct mailing being sent to homeowners in the County offering to provide them with a certified copy of their deed for a fee of $59.50. No Steuben County homeowner needs to pay this excessive fee. Certified copies of deeds are available in the County Clerk’s Office for a fee of $5.00. Please let your constituents know. Thank you.

Mr. Alger stated Governor Paterson has released his budget and while we don’t have specific impacts yet, it will have a direct impact on the County. There are a significant number of program areas that will be impacted. We’re in the process of gathering information and I will provide you with it as soon as we have it together.

Chairman Roche announced that Joel Ordway will be sworn in on January 1, 2009, at noon in the Legislative Chambers. You are all invited to attend.

RESOLUTION NO. 220-08


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

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 Treasurer 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 Treasurer, together with the approved applications executed in duplicate by the Chairman of the County Legislature, and the Chairman of the Board of Assessors

SCHEDULE "A"

Resolution #______A-1____________________________________
Name__________Christopher & Skye Tubbs___________________
Parcel # ________316.07-03-020.000________________________
Municipality ____Erwin Town____________________________
Disposition _____Correction & Refund_______________________

Vote: Roll Call – Adopted.

RESOLUTION NO. 221-08

Introduced by P. Roche. Seconded by S. Van Etten.

RECEIVING AND ACCEPTING THE DECEMBER 22, 2008 COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY ADMINISTRATOR’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 20, 2008
NYS Department of Transportation – Re: Notification that vouchers were recently sent to the State Comptroller that distribute the third quarter SFY 2008-2009 Statewide Mass Transportation Operating Assistance (STOA) payments. 
Referred to: Greg Heffner, Planning Director.

New York State Office of Medicaid Inspector General – Re: Notification of a check in the amount of $207,357.00, which is a result of “Notice of Rate Changes” dated October 17, 2008 will arrive in the next few weeks. Referred to: Health & Education Committee; Human Services Committee; Dave McCarroll, HCF Administrator; Kathryn Muller, Commissioner of Department of Social Services; and Carol Whitehead, Treasurer.

November 24, 2008
New York State Department of Transportation – Re: Notification of approval for the grant application for Federal Section 5311 operating assistance projecting in the amounts of $49,200 for 2007 and $70,900 for 2008. Referred to: Greg Heffner, Planning Director.

New York State Association of Counties – Re: Encouraging the participation with Municipal Electric and Gas Alliance (MEGA) to get comprehensive energy supply proposals which will help control energy costs as well as meet public bidding requirements. Referred to: Greg Heffner, Planning Director; and Jim Gleason, Purchasing Director.

December 1, 2008
Steuben County Republican Committee, William Hatch, Chairman – Re: Nomination of Veronica “Vicky” Olin to fill the position of Commissioner of the Board of Elections for the Republican Party. Referred to: Administration Committee; and Mark Alger, County Administrator.

CSEA, AFSME Local 1000, AFL-CIO Employee Benefit Fund – Re: Notification of current rates as well as two additional years of rates while Steuben County is in contract negotiations for dental and vision monthly rates (Steuben County and the CSEA Employee benefit fund). Referred to: Administration Committee; Robert Biehl, Personnel Director; and Carol Whitehead, Treasurer.

CSEA, AFSME Local 1000, AFL-CIO Employee Benefit Fund – Re: Notification of current rates as well as two additional years of rates while Steuben County is in contract negotiations for dental and vision monthly rates (Steuben County and the Correction Officers). Referred to: Administration Committee; Robert Biehl, Personnel Director; and Carol Whitehead, Treasurer.

New York State Department of Transportation – Re: Updated schedule and contract obligations with the bridge replacement on State Route 415 over Wolf Run in the Town of Campbell. Referred to: Public Works Committee; and Vince Spagnoletti, Public Works Commissioner.

December 3, 2008
NYS Division of Criminal Justice Services- Re: Notification of the budget decrease has been approved for Aid to Defense #AD08088221. Referred to: Public Safety and Correction Committee; Byrum Cooper, Public Defender; and Carol Whitehead, Treasurer.

NYS Emergency Management Office – Re: Approval notification of the Steuben County Emergency Service’s grant application in the amount of $19,055.22. Referred to: Public Safety and Correction Committee; Mike Sprague, EMO Director; and Carol Whitehead, Treasurer.

December 4, 2008
Western Regional Off-Track Betting Corporation – Re: Check in the amount of $5,611 representing the October 2008 retained surcharge revenue for Steuben County from the WROTB. Referred to: Rules and Finance Committees; and Carol Whitehead, Treasurer.

Office of Community Renewal – Re: Notification to submit the Federal Assistance Expenditure Form (Form 9-1) per the Office of Community Renewal (OCR) Grant Administration Manual. Referred to: Greg Heffner, Planning Director; and Carol Whitehead, Treasurer.
December 8, 2008
Office of Community Renewal – Re: Notification of Annual Performance Report for Grant No. 1115HR22-08 (Rehabilitation Project) is due to the Office of Community Renewal (OCR) no later than January 15, 2009. Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.

NYS Department of Health & Environmental Facilities Corporation – Re: A final Intended use Plan (IUP) for the Drinking Water State Revolving Fund (DWSRF). Referred to: Greg Heffner, Planning Director.

Corcraft Products, Division of Industries, NYS Department of Correctional Services – Re: quote for the removal of asbestos from the former nursing home facility owned by Steuben County. Referred to: A.I.P. Committee; Jack Wheeler, Assistant County Administrator; and Greg Heffner, Planning Director.

December 9, 2008
Steuben County Board of Elections – Re: 2008 Annual Report effective January 1, 2008 through December 31, 2008. Referred to: Administration Committee; and filed with the Clerk of the Legislature.

December 10, 2008
NYS Office of Parks, Recreation and Historic Preservation – Re: Approval notification for the 2008-2009 application for snowmobile trail development and maintenance assistance in the amount of $61,175.00. Referred to: A.I.P. Committee; Greg Heffner, Planning Director; and Carol Whitehead, Treasurer.

December 11, 2008
Steuben County Industrial Development Agency – Re: Notice of Public Hearing regarding the Arlington Storage Company, LLC (Phase II Project) is scheduled on Tuesday, January 13, 2009 @ 10:00am at the Bath Village Hall Board Room, Municipal Building, 110 Liberty Street, Bath, NY 14810. Referred to: A.I.P. Committee; and Greg Heffner, Planning Director.

Vote: Acclamation – Adopted.

RESOLUTION NO. 222-08


Pursuant to Sections 900, 902, 904 and 1330 of the Real Property Tax Law and Section 361 of the County Law of the State of New York.

WHEREAS, this County Legislature pursuant to Section 361 of the County Law of the State of New York, is deemed to have passed a budget for Fiscal Year 2009, and also by prior resolution duly adopted, made appropriations for the conduct of the County government for the Fiscal Year 2009; and

WHEREAS, the County Real Property Tax Service Director has prepared the statement of taxes due January 1, 2009, for all towns and cities showing the respective real property tax levies and tax rates; and

WHEREAS, upon the tax rolls of the several tax districts, the several taxes have been duly extended as provided by Law and said completed tax rolls have been laid before this County Legislature for its approval.

NOW THEREFORE, BE IT
RESOLVED, the said statement of taxes due January 1, 2009, tax rates and tax rolls for the taxes for the Year 2009 extended on the several assessment valuations of parcels of land of the several tax districts for County and Town purposes be approved as so completed; that the taxes so extended upon the tax rolls in the several amounts extended against each parcel of property upon the said rolls are hereby determined to be the taxes due thereon as set forth therein; and be it further

RESOLVED, there be annexed to each of said rolls a tax warrant in the form prepared by the Clerk of the Legislature and heretofore laid before this Legislature for its approval, as provided by Section 904 of the Real Property Tax Law; that such Warrants shall be in the respective amounts heretofore authorized to be levied upon each of said rolls; that the several Warrants be signed by the Chairman and Clerk of this Legislature, under the Seal of the Legislature; and that the said rolls with the said Warrants annexed thereto be forthwith delivered to the respective collectors of the several tax districts in the County; and be it further

RESOLVED, the Warrant shall designate the amount payable to the County Treasurer and the amount payable to the Supervisor, and shall constitute the authority of such collectors of taxes to collect and receive the several amounts thereof to be paid over to the respective County Treasurer and Supervisor on or before April 1, 2009; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 223-08


WHEREAS, the New York State Department of Transportation ("NYSDOT") Commissioner and Steuben County (the "Municipality") have entered into an Agreement No. D014728 entitled “Indexed Lump Sum Snow and Ice Agreement between the New York State Department of Transportation and Municipality of County of Steuben”, dated January 11, 2006; and

WHEREAS, the term of the said Agreement is for a period of three (3) years commencing July 1, 2005 and the said Agreement provides that the parties may at the end of each year of the term of the Agreement extend such term for an additional year; and

WHEREAS, the present term of the Agreement, as extended, expires June 30, 2009; and

WHEREAS, Section 7 of the said Agreement provides that the NYSDOT Commissioner shall furnish the Municipality with a suitable map for each term of the Agreement, or for any extended term thereof, modified to show the changes, if any, to the State Highways affected by this Agreement; and

WHEREAS, Section 9 of the said Agreement provides for an annual update of the estimated expenditure to be determined by the NYSDOT Commissioner subject to the provisions of Section 9 at the time for extension of the Agreement; and

WHEREAS, Section 9 of the said Agreement also provides for an adjustment to the actual payment amount based on the intensity and severity of the winter season.

NOW THEREFORE, BE IT

RESOLVED, in consideration of the mutual covenants and benefits between the parties,
1. The aforementioned “Indexed Lump Sum Snow and Ice Agreement between New York State Department of Transportation and the Municipality” is hereby extended for a period of one (1) year; now to expire on June 30, 2010, unless further extended.

2. The State Highways or parts thereof affected by this Agreement are as delineated on the map showing Steuben County responsibility for snow and ice control on State Highways for the season of 2007/8-2009/10, agreed upon by the NYSDOT Commissioner and the Municipality, which shall be effective for the remainder of the term of the Agreement commencing July 1, 2009, unless changed by future agreement between the NYSDOT Commissioner and the Municipality.

3. All the terms and conditions of the original contract remain in effect except as follows. The indexed lump sum estimated expenditure specified in Section 9 of the aforementioned Agreement shall be $3,523.41 per lane mile for 213.54 lane miles for a total of $752,389.85 for the 2007-2008 season and for the remainder of the term of the Agreement commencing July 1, 2007, unless changed by future update.

AND BE IT FURTHER RESOLVED, a certified copy of this resolution shall be forwarded to the Commissioner of Public Works.

Vote: Roll Call – Adopted.

RESOLUTION NO. 224-08

Introduced by T. Ryan. Seconded by D. Farrand.

AUTHORIZING THE ADJUSTMENT OF RATES FOR ALL SERVICES IN STEUBEN COUNTY PUBLIC HEALTH AND NURSING SERVICES.

Pursuant to Section 215 of the County Law of the State of New York.

WHEREAS, upon review of the cost study of the first six months of 2008 and based on cost and visit projections for 2009, the Medicare and Medicaid cost limits, as well as the estimated 2009 Medicaid rates, it has been determined that an adjustment to the rates will be necessary to establish customary charges for services rendered during 2009; and

WHEREAS, by establishing customary charges above reasonable costs, all third party revenue will be maximized; and

WHEREAS, the Steuben County Health and Education Committee has approved the following rates: Skilled Nursing $150/visit, Physical Therapy $135/visit, Occupational Therapy $135/visit, Speech Therapy/Audiology $135/visit, Medical Social Services $135/visit, Nutritionist $125/visit, Home Health Aide $55.00/hour or $80.00/visit, Personal Care Aide $55.00/hour, and Homemaker $50.00/hour.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature does hereby grant authorization to the Steuben County Public Health and Nursing Services to adjust the customary charges for services rendered based on the 2008 cost study and that these rates will become effective January 1, 2009; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to Robert Furlani, Assistant Regional Director, New York State Health Department, 584 Delaware Ave., Buffalo, New York, 14202; the County Treasurer; and the Director, Public Health and Nursing Services.

Vote: Roll Call – Adopted.
RESOLUTION NO. 225-08


DIRECTING THE TRANSFER OF $210,000 FROM UNALLOCATED FUNDS IN THE PUBLIC SAFETY BUILDING ("PSB") JAIL EXPANSION PROJECT TO THE FORMER HEALTH CARE FACILITY RENOVATION PROJECT AND AUTHORIZING THE COUNTY ADMINISTRATOR TO ENTER INTO A CONTRACT WITH CORCRAFT PRODUCTS FOR THE REMOVAL OF ASBESTOS-CONTAINING MATERIAL IN THE FORMER HEALTH CARE FACILITY.

WHEREAS, asbestos sampling has determined that all floor tile, interior doors, and certain countertops in the former Steuben County Health Care Facility must be removed to properly abate this building; and

WHEREAS, Corcraft Products, New York State Department of Correctional Services, Division of Industries has conducted an initial audit and submitted a price quote of $179,374 for this sixteen-week project; and

WHEREAS, Steuben County will require additional funding for independent air quality sampling during the removal process; and

WHEREAS, adequate surplus funding is present within the PSB Jail Expansion Project.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Treasurer is hereby authorized and directed to transfer two hundred and ten thousand dollars ($210,000) from the PSB Jail Expansion Project (3150H4) to the Former Health Care Facility Renovation Project (HB0301); and be it further

RESOLVED, the Steuben County Administrator is hereby authorized to enter into a contract with Corcraft Products, New York State Department of Correctional Services, Division of Industries for the provision of asbestos abatement services; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Administrator, County Treasurer, County Attorney, and Sean Waite, Corcraft Products, 550 Broadway, Albany, New York 12204.

Vote: Roll Call – Adopted. Yes: 6025; No: 1106; Absent: 2741
(No: Ryan and Schwartz. Absent: Argentieri, Creath, Crossett, Gehl and Stachnik)

RESOLUTION NO. 226-08

Introduced by P. McAllister. Seconded by P. Donnelly.

AUTHORIZING THE STEUBEN COUNTY ADMINISTRATOR TO SUBMIT A JOINT APPLICATION FOR A 2008-2009 NEW YORK STATE LOCAL GOVERNMENT EFFICIENCY PROGRAM GRANT FOR INFORMATION TECHNOLOGY SERVICES CONSOLIDATION ACROSS SELECT MUNICIPALITIES WITHIN THE COUNTY.

WHEREAS, the County Administrator has requested that the Steuben County Legislature designate the Steuben County Administrator as the Lead Applicant Contact Person responsible for the development and submission of a joint grant application, in the amount of $372,800 in funding from the New York State Local Government Efficiency ("LGE") grant program in cooperation with the City of Corning, the Town of Bath, and the Village of Bath; and

WHEREAS, the funds received from the proposed LGE grant award for the Information Technology ("IT") Services Consolidation project will be utilized to transition the support, maintenance, and development functions of municipal IT assets to the Steuben County Department of Information Technology, allowing participating municipalities
WHEREAS, leadership from the City of Corning, the Town of Bath and the Village of Bath have expressed their intention of partnering in this joint application and contributing $9,000, $8,000, and $8,000 respectively over three years, to satisfy their share of the overall $37,280 required as matching funding; and

WHEREAS, the County Administrator has requested that the County Legislature authorize the expenditure of $12,280 over three years to serve as the County’s share of the required ten percent local cash match;

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature hereby designates the Steuben County Administrator as the Lead Applicant Contact Person responsible for the development and submission of a joint application to the New York State Department of State, requesting funding in the amount of $372,800 from the 2008-2009 Local Government Efficiency grant program, the proceeds of which will be used to conduct the referenced Information Technology Services Consolidation project in cooperation with the City of Corning, the Town of Bath, and the Village of Bath; and be it further

RESOLVED, that the Steuben County Legislature hereby authorizes the County Administrator or his designee(s) to execute all financial and administrative processes relating to the submission of this joint application, including the preparation of intermunicipal agreements between Steuben County and all municipal co-applicants in support of this joint application and the execution of a grant contract between Steuben County and the New York State Department of State, subject to review and approval of the Steuben County Attorney; and be it further

RESOLVED, that the Steuben Legislature hereby commits to provide $12,280 over three years as the amount required to satisfy Steuben County’s portion of the ten percent local cash share; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Administrator; Director of Information Technology; Mark Ryckman, Corning City Manager, 1 Civic Center Plaza, Corning, NY 14830; Fred Muller, Jr., Bath Town Supervisor, 110 Liberty St., Bath, NY 14810; and David G. Wallace, Bath Village Mayor, 110 Liberty St., Bath, NY 14810.

Mr. Weaver asked what is this grant for? Mr. Wheeler stated this grant falls under the shared services initiative. The plan is to take over the I.T. support functions for the municipalities included in the grant proposal. Once the funding runs out, we’ll try to get more municipalities involved in the program. Discussion followed.

Vote: Roll Call – Adopted.

RESOLUTION NO. 227-08

Introduced by P. McAllister. Seconded by D. Farrand.


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

WHEREAS, William O. Hatch, 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, 2009 and terminating December 31, 2010; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointee at 6321 Crosby Creek Rd., Hornell, New York 14843; William O. Hatch, P.O. Box 98, Canisteo, New York 14823; the County Clerk; the Personnel Officer; and the Clerk of the Steuben County Board of Elections.

Vote: Roll Call – Adopted.

RESOLUTION NO. 228-08

Introduced by J. Walsh. Seconded by P. Donnelly.

REAPPOINTING THE COMMISSIONER OF THE STEUBEN COUNTY DEPARTMENT OF SOCIAL SERVICES.

Pursuant to Section 116 of the Social Services Law of the State of New York.

BE IT RESOLVED, Kathryn Muller of Bath, New York, is hereby reappointed as the Commissioner of the Steuben County Department of Social Services for a term commencing on February 15, 2009 and expiring on February 15, 2014; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the County Treasurer, Personnel Officer and the above-named appointee.

Vote: Roll Call – Adopted.

RESOLUTION NO. 229-08

Introduced by P. Roche. Seconded by S. Van Etten.

APPOINTING MEMBERS TO THE STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY.


WHEREAS, the by-laws of the Steuben County Industrial Development Agency authorize as many as seven (7) members to serve on the Steuben County Industrial Development Agency; and

WHEREAS, the Board members are appointed to serve three (3) year staggered terms, excepting the Legislative appointee who shall serve a term of two (2) years; and

WHEREAS, one member has resigned and another member’s term is due to expire December 31, 2008.

NOW THEREFORE, BE IT

RESOLVED, the following persons, as recommended by the Chairman of the Legislature, are hereby appointed (reappointed) as members of the Steuben County Industrial Development Agency for the terms as indicated and shall hold office until reappointed or a successor is appointed, and has qualified to wit:

December 22, 2008 through December 31, 2009
Patrick F. Donnelly, Steuben County Legislator, 301 Maple Heights, Bath, NY 14810
(Filling the unexpired term of Richard Weakland, President, Corning Property Management)
January 1, 2009 through December 31, 2011
Michael J. Doyle, 54 Lake Street, Hammondsport, NY 14840

AND BE IT FURTHER RESOLVED, the members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Steuben County Industrial Development Agency; and be it further

RESOLVED, certificates of appointment, as required by law, shall be filed with the Secretary of the State of New York by Attorney John F. Leyden, Counsel to the Steuben County Industrial Development Agency; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to each of the appointees; the Steuben County Planning Director; James Sherron, Executive Director, Steuben County Industrial Development Agency, 7234 Route 54N, P.O. Box 393, Bath, NY; Marcia Weber, Executive Director, Southern Tier Central Regional Planning & Development Board, 145 Village Square, Painted Post, NY 14870; John F. Leyden, Esq., Counsel to said Agency, 110 N. Main Street, Wayland, NY 14572; and the County Auditor.

Vote: Acclamation – Adopted.

RESOLUTION NO. 230-08

Introduced by D. Farrand. Seconded by S. Van Etten.

MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK TO ADOPT INTO LAW SENATE BILL 2123 ("S2123") AND ASSEMBLY BILL 4154 ("A4154") AUTHORIZING THE SUSPENSION OF A DRIVERS' LICENSE FOR PERSONS UNLAWFULLY POSSESSING MARIHUANA UNDER PENAL LAW §221.05, A VIOLATION, WHERE SAID PERSON FAILS TO PAY A FINE IMPOSED.

WHEREAS, Penal Law §221.05 makes it unlawful for persons to possess marihuana, a violation; and

WHEREAS, a disposition for a violation of said statute is a fine not to exceed one hundred dollars for the first offense; and

WHEREAS, in the event there is a determination sustaining such a charge a loop hole currently exists whereby the failure to pay said fine is without meaningful consequences for enforcement; and

WHEREAS, S2123 and A4154 would close said loop hole by permitting the court to suspend the offenders driver's license until the payment of the fine.

NOW THEREFORE, BE IT

RESOLVED, that the Governor and the Legislature of the State of New York be and the same hereby are memorialized to adopt into law S2123 and A4154; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor David Paterson, Executive Chamber, State Capitol, Albany, NY 12224; Senate Majority Leader, Dean G. Skelos, 503 State Capitol, Albany, NY 12247; Senate Minority Leader, Malcolm A. Smith, 508 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 717 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, James Tedisco, 933 Legislative Office Building, Albany, NY 12248; Senator George H. Winner, 802 Legislative Office Building, Albany, NY 12247; Assemblyman James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248.

Vote: Acclamation – Adopted.
RESOLUTION NO. 231-08

MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK TO ADOPT INTO LAW SENATE BILL 1721 (S1721) AND ASSEMBLY BILL 125 (A125) AUTHORIZING THE SUSPENSION OF A DRIVERS' LICENSE FOR UNDERAGE PERSONS UNLAWFULLY POSSESSING ALCOHOLIC BEVERAGES WHERE SAID PERSON FAILS TO PAY A FINE OR MEET OTHER CONDITIONS OF THEIR DISPOSITION.

WHEREAS, Alcoholic Beverage Control Law §65-c.3 makes it unlawful for persons under twenty-one to possess alcoholic beverages with intent to consume same; and

WHEREAS, a disposition for a violation of said statute is a fine not to exceed fifty dollars and/or completion of an alcohol awareness program and/or community service; and

WHEREAS, in the event there is a determination sustaining such a charge a loop hole currently exists whereby the failure to pay said fine and/or complete counseling and/or community service is without meaningful consequences for enforcement; and

WHEREAS, S1721 and A125 would close said loop hole by permitting the court to suspend the offenders driver's license until the terms of the disposition are satisfied.

NOW THEREFORE, BE IT

RESOLVED, that the Governor and the Legislature of the State of New York be and the same hereby are memorialized to adopt into law S1721 and A125; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor David Paterson, Executive Chamber, State Capitol, Albany, NY 12224; Senate Majority Leader, Dean G. Skelos, 503 State Capitol, Albany, NY 12247; Senate Minority Leader, Malcolm A. Smith, 508 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 717 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, James Tedisco, 933 Legislative Office Building, Albany, NY 12248; Assemblyman James G. Bacalles, 439 Legislative Office Building, Albany, NY 12248. 

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; and 105.1.F. The Medical, Financial, Credit Or Employment History Of A Particular Person Or Corporation, Or Matters Leading To The Appointment, Employment, Promotion, Demotion, Discipline, Suspension, Dismissal Or Removal Of A Particular Person Or Corporation made by Mr. Van Etten, seconded by Mr. Donnelly and duly carried.

Motion to adjourn Executive Session and reconvene in Regular Session made by Mr. Nichols, seconded by Mr. Hauryzki and duly carried.

RESOLUTION NO. 232-08

APPOINTING THE E-911 DIRECTOR AND SETTING THE SALARY.
WHEREAS, it is the recommendation of the Public Safety and Corrections Committee to fill the vacancy in the position of the E-911 Director with the appointment of David Hopkins of Cohocton, New York, effective December 22, 2008.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature hereby appoints David Hopkins of Cohocton, New York, as the E-911 Director effective December 22, 2008 at the annual compensation of $66,376 per annum (Management Grade G); and be it further

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

Vote: Roll Call – Adopted.

Motion designating the Chairman of the Legislature, the County Administrator and the County Attorney with the authority to authorize the settlement of average wholesale price litigation provided that items approved are reported to the Legislature at the first possible opportunity made by Mr. Donnelly, seconded by Mr. Farrand. Vote: Roll Call – Adopted.

Motion to adjourn made by Mr. Schwartz, seconded by Mr. McAllister and duly carried.