TEE IN RELATION TO THE PROPERTY DAMAGES AGAINST MR. RANDY WOOD in pursuance of Section 215 of the County Law, duly adopted by the Board of Supervisors of Steuben County, New York on the 20th day of June, 1977, a quorum of said Board being present and 34 Supervisors voting in favor thereof and no Supervisors voting against the same.

RESOLVED, that the act of the Steuben County Deputy Highway Superintendent and the County Highway Committee in accepting the sum of Two Hundred Twenty Three and 26/100 Dollars ($223.26), from Safeco Insurance Company, P.O. Box 132, 2136 Five Mile Line Road, Penfield, New York 14526 in full settlement of the claim of the County Highway Department for damages to the guide railing on Bridge 87-1, on the Hammondsport-Wayne Road in the Town of Urbana occasioned by an accident on or about March 23, 1977 by a vehicle reportedly owned and operated by Mr. Rancey W. Wood residing at Hammondsport, New York in the amount of Two Hundred Twenty Three and 26/100 Dollars ($223.26) be, and the same hereby is, authorized, approved and ratified, and be it further

RESOLVED, that the Clerk of this Board shall forward certified copies of this resolution to the Steuben County Deputy Superintendent of Highways, to the Insurance Carrier mentioned above and to the Steuben County Treasurer.

RESOLUTION NO. 275

Introduced by Stover.
Seconded by Walden.
Vote: Roll Call — Adopted

RESOLUTION RATIFYING THE ACT OF THE DEPUTY COUNTY HIGHWAY SUPERINTENDENT AND THE COUNTY HIGHWAY COMMITTEE IN RELATION TO THE PROPERTY DAMAGES AGAINST THE ADDISON MILK PRODUCER CO-OP, ASSOCIATION, INC., in pursuance of Section 215 of the County Law, duly adopted by the Board of Supervisors of Steuben County, New York on the 20th day of June, 1977, a quorum of said Board being present and 34 Supervisors voting in favor thereof and no Supervisors voting against the same.

RESOLVED, that the act of the Steuben County Deputy Highway Superintendent and the County Highway Committee in accepting the sum of Four Hundred Fifty and 68/100 Dollars ($450.68), from Assina Insurance Company, Hartford, Conn., in full settlement of the damages to the concrete bridge abutment on Bridge 29-2, the Canisteo-Hornell Back Road in the Town of Canisteo occasioned by an accident on or about April 7, 1977 by a vehicle reportedly owned by the Addison Milk Producer Co-op, Association, Inc. and operated by Thurman B. Jones of R.D. #2, Box 257A of Addison, New York in the amount of Four Hundred Fifty and 68/100 dollars ($450.68) be, and the same hereby is, authorized, approved and ratified, and be it further

RESOLVED, that the Clerk of this Board shall forward certified copies of this resolution to the Steuben County Deputy Highway Superintendent, to the Steuben County Treasurer and to the above mentioned insurance carrier.

RESOLUTION NO. 277

Introduced by Littrell.
Seconded by Walden.
Vote — Roll Call: Ayes 22 Noes 12 Abstained — Absent —

FINIAL ADOPTION OF COUNTY OF STEUBEN LOCAL LAW NO. ONE OF THE YEAR 1977 PROVIDING FOR ENVIRONMENTAL QUALITY
REVIEW OF ACTIONS WHICH MAY HAVE A SIGNIFICANT EFFECT ON
THE ENVIRONMENT.

Pursuant to Article 8 of the Environmental Conservation Law, Section
10 of the Municipal Home Rule Law and Section 214 of the County Law of
the State of New York.

WHEREAS, there was duly presented and introduced to this Board of
Supervisors of the County of Steuben at a regular meeting held May 16, 1977,
a proposed local law entitled "County of Steuben Local Law No. One of the
Year 1977 Pursuant to Article 8 of the New York State Environmental Quali-
ty Review of Actions Which May Have A Significant Effect On The Environ-
ment", and said local law was preliminarily adopted by this Board May 16.
1977, subject to the holding of a Public Hearing to be held June 20, 1977, and

WHEREAS, in accordance with said resolution this Board did conduct
the Public Hearing June 20, 1977 at 10:00 A.M. on the matter of the final
adoption of said local law in final form the same as when presented, intro-
duced and preliminarily adopted, and

WHEREAS, all persons appearing at said Public Hearing were given
the opportunity to be heard and the Clerk of this Board having filed proof
of the publication of such Notice of Public Hearing and the posting thereof.

NOW THEREFORE, BE IT

RESOLVED, that County of Steuben Local Law No. One of the Year
1977, be, and said local law hereby is, finally adopted as follows, to wit: —

County of STEUBEN

Local Law No. ONE of the year 1977

A local law pursuant to Article 8 of the New York State Environmental
Conservation Law providing for an Environmental Quality Review of actions
which may have a significant effect on the environment.

Be it enacted by the BOARD OF SUPERVISORS of the County of
STEUBEN as follows:

Section 1.

(a) The County of Steuben hereby adopts Article 8 of the New York
State Environmental Conservation Law as the environmental law applicable
in the County of Steuben.

(b) Unless the text shall otherwise require, the terms, phrases, words
and their derivatives used in this local law shall have the same meaning as
those defined in section 6-0105 of the Environmental Conservation Law and
Part 617 of Title 6 of the "Official Compilation of Codes, Rules and Regula-
tions of the State of New York".

(c) "County" shall mean the County of Steuben.

(d) "Designee" shall mean the Steuben County Department of Plan-
ing.

(e) "County Board" shall mean the Steuben County Board of Super-
visors.

(f) "Applicant" shall mean any private individual, partnership, firm
or corporation that proposes to undertake an action which requires the is-

(6) "Internal Action" is any action proposed by the County of Steu-
ben including any departments, agencies, boards, commissions, bureaus, offi-
cers or employees of the County.
(h) "External Action" is any action proposed by an applicant other than the County of Steuben, including its departments, agencies, bureaus, boards, commissions, officers or employees.

(1) "Actions" include (1) projects or activities directly undertaken by any agency; or supported in whole or in part through contracts, grants, subsidies, loans or other forms of funding assistance from one or more agencies; or involving the issuance to a person of a lease, permit, license, certificate or other entitlement for use or permission to act by one or more agencies; (2) policy, regulations and procedure making.

(j) Actions do not include (1) enforcement proceedings of prosecutorial discretion in determining whether or not to institute such proceedings; (2) official acts of a ministerial nature, involving no exercise of discretion; (3) maintenance or repair involving no substantial changes in existing structure or facility.

Section 2. No decision to carry out, approve or permit an action other than an action listed in section 3(b) or 3(c) hereof or section 617.12 of Title 6 NYCRR shall be made by the county board or by any department, board, commission, officer or employee of the county until there has been full compliance with all requirements of this local law and Part 617 of Title 6 NYCRR, provided however, that nothing herein shall be construed as prohibiting

(a) the conducting of contemporaneous environmental, engineering, economic feasibility or other studies and preliminary planning necessary to the formulation of a proposal for action which do not commit the county to approve, commence or engage in such proposed action, or

(b) the approval of any part of an action which relates only to technical specifications and requirements, provided that no such partial approval shall entitle or permit commencement of the proposed action until all requirements of this local law and Part 617 of Title 6 NYCRR have been fulfilled.

Section 3.

(a) For the purposes of this local law, any action or type of action which any department, board, commission, officer or employee of the county is empowered under law to commence and directly undertake, permit and/or which the county board has determined, by resolution, to be an action or type of action which is likely to have a significant effect on the environment, in addition to those actions listed in section 617.12 of Title 6 NYCRR as Type I actions, shall become actions likely to have significant effect on the environment.

(b) Consistent with Part 617 of Title 6 NYCRR and the criteria therein, the following actions, in addition to those listed in section 617.12 of Title 6 NYCRR as Type II actions, which may be commenced and directly undertaken or permitted by any department, board, commission, officer or employee of the county, are deemed not to have a significant effect on the environment:

1. Minor reconstruction of an existing roadway, including such work as: shoulder widening; adding auxiliary lanes for local use such as climbing, weaving, turning and speed change; and the correction of substandard curves, grades and sight distances. Minor amounts of additional right-of-way may be required.

2. Reconditioning and preservation of an existing roadway. These are essentially maintenance projects with improvements to correct substandard features. They include minor pavement and shoulder widenings, drainage improvements, resurfacing and replacement or repair of deteriorated roadway elements. Minor amounts of additional right-of-way may be required.
(3) Spot correction of deteriorated or substandard elements of existing highway. These projects are for the attainment of specific localized objectives. This includes the correction of any substandard feature, such as the rehabilitation, demolition or replacement of deteriorated bridges or culverts. Minor amounts of additional right-of-way may be required.

(4) Installation of new or upgrading of existing highway adjults. These projects are designed to maintain or increase the safety and operational standards of existing roadways including, but not limited to, installation of impact attenuators, guide rails, signs, delineators, traffic control devices and pavement markings.

(5) The expansion or addition of minor highway maintenance sites such as for gravel stockpiling.

(6) Approval or funding of highway construction projects meeting Type II criteria.

(7) All actions meeting Type II criteria performed under contract for the county highway department.

(8) Recognized forestry management practices on county reforested lands.

(9) Chemical applications on highways for snow and ice control purposes.

(10) All waterways maintenance activities required to protect highway structures and maintain highway safety standards including, but not limited to, repair or replacement of bank protection materials, and excavating silt and gravel refill to restore channel dimensions.

(11) Actions which may be designated, after the effective date of this local law, by resolution of the county board, as Type II actions, be they modifications of the above or new.

(c) Consistent with the definition of “exempt action” in section 617.13(h) of Title 6 NYCRR, the following actions are deemed to be exempt actions:

(1) All highway maintenance activities including, but not limited to, pavement maintenance, shoulder maintenance, roadside maintenance, maintenance of drainage systems, maintenance and repair of bridges, physical removal of snow and ice on highways, and equipment maintenance.

(2) Maintenance and repair of county buildings.

(3) Actions necessitated by emergencies, including, but not limited to, cleanup of flood and storm damage, emergency local assistance and accident cleanup.

(4) Ministerial actions as defined in section 617.13(l) of Title 6 NYCRR and more particularly, the following:

(i) Compliance with the New York State Manual of Uniform Traffic Control Devices.

(5) Actions which may be designated, after the effective date of this local law, by resolution of the county board of supervisors as exempt actions, be they modifications of the above or new.

Section 4.

(a) Each proposed action to be commenced and directly undertaken or permitted by any department, board, commission, officer or employee of the county, except those actions which are a Type II action under section 3(b) of this local law or an exempt action under section 3(c) of this local
law, shall be submitted in writing, to the designee. In such form and detail as the designee may require to determine whether the proposed action may or will not have a significant effect on the environment. For the purpose of assisting in the determination of whether an action may or will not have a significant effect on the environment, applicants for permits or other approvals shall file a written statement with the designee setting forth the name of the applicant; the location of the real property affected, if any; a description of the nature of the proposed action and the effect it may have on the environment. In addition, applicants may include a detailed statement of the reasons why, in their view, a proposed action may or will not have a significant effect on the environment. Where the action involves an application, the statement shall be filed simultaneously with the application for the action. The statement provided herein shall be upon a form prescribed by the designee and shall contain such additional relevant information as shall be required in the prescribed form. Such statement shall be accompanied by drawings, sketches and maps, if any, together with any other relevant explanatory material required by the designee.

(b) Each such department, board, commission, officer and employee which has jurisdiction to commence and directly undertake or permit any proposed action shall determine whether such proposed action requires the submission of the action to the designee and the designee is hereby directed to assist any such department, board, commission, officer and employee which requests the designee’s assistance to make such determination; provided, however, in the event that the designee has knowledge of any proposed action which it believes requires a written submission to it, as aforesaid, and such proposed action has not been or will not be submitted to it for any reason whatsoever, then, in such event, the designee shall notify in writing the planning committee of the county board who shall submit the question to the county board for such determination. The decision of said committee or the county board, as the case may be, shall be final.

Section 5. If the designee determines that the proposed action which is required to be submitted pursuant to section four of this local law, will not have a significant effect on the environment, the designee shall prepare, file and circulate a “Negative Declaration” form which shall contain at least the following:

(a) An identifying number;
(b) A brief description of the action;
(c) The location of the action;
(d) A discussion of the environmental factors considered; and
(e) A statement that the designee has determined that the action will not have a significant effect on the environment.

The Negative Declaration shall be filed according to section 617.7 of Part 617 of Title 6 NYCRR. The proposed action may then be processed without further regard to the provisions of this local law.

Section 6. If the designee determines that the proposed action may have a significant effect on the environment, the designee shall prepare, file and circulate in the same manner as a Negative Declaration, a “Positive Declaration” form. The Positive Declaration form shall include at least the following:

(a) An identifying number:
(b) A brief description of the action; and
(c) A brief statement of possible significant effects of the action.

Section 7. After the filing of a Positive Declaration, the designee, with the assistance and full cooperation of the department, board, commission, officer or employee of the county submitting the proposed action, shall prepare a draft environmental impact statement as required by Part 617 of Title 6
NYCRR: provided, however, that if the department, board, commission, officer or employee of the county does not wish to undertake the proposed action, it may withdraw, with written notification to the designee, from the proposed action.

Section 8. Following a determination that a proposed action may have a significant effect on the environment, the designee shall, in accordance with the provisions of Part 617 of Title 6 NYCRR:

(a) in the case of an action involving an applicant, immediately notify the applicant of the determination and shall request the applicant to prepare an environmental impact report in the form of a draft environmental statement, or

(b) in the case of an action not involving an applicant, shall prepare a draft environmental impact statement. If the applicant decides not to submit an environmental impact report, the designee shall prepare or cause to be prepared the draft environmental impact statement, or in its discretion notify the applicant that the processing of the application will cease and that no approval will be issued. The designee may require an applicant to submit a fee to defray the expense of preparing a draft environmental impact statement or reviewing same if it is prepared by the applicant. Such fee shall be one-half of one percent of the action’s total cost to the applicant pursuant to section 617.11 of Title 6 NYCRR. (This is optional. It can be less, but no more.)

Section 9. Upon completion of the draft environmental impact statement, and before issuance of a notice of completion, the designee shall determine whether a public hearing should be held on a draft environmental impact statement. If the designee determines that a public hearing will not be held, it shall prepare, file and circulate a notice of completion as provided in section 617.7(e) and (f) of Title 6 NYCRR. If the designee determines that a public hearing will be held, it shall prepare, file and circulate the notice of completion, as aforesaid, including therein the date, time and place of the public hearing, and publish the notice of completion, all in the manner provided by section 617.7 of Title 6 NYCRR.

Section 10. If the proposed action has been withdrawn or if, on the basis of a draft environmental impact statement or public hearing thereon, the designee determines that an action will not have a significant effect on the environment, the proposed action may be processed without further regard to this local law.

Section 11. If the designee, on the basis of the draft environmental impact statement or public hearing thereon, determines that the proposed action may or will have a significant effect on the environment, the designee shall prepare or cause to be prepared a final environmental impact statement in accordance with the provisions of Part 617 of Title 6 NYCRR, provided further that if the action involves an application made by an applicant, the designee shall request the applicant to prepare the final environmental impact statement which shall be accompanied by a fee of one-half of one percent of the action’s total cost to the applicant pursuant to section 617.11 of Title 6 NYCRR. (This is optional: It can be less, but no more.)

Section 12. The county board, upon review of the final environmental impact statement, shall determine whether to carry out or approve a proposed action which may or will have a significant effect on the environment. If the county board determines that a proposed action should be carried out or approved, it shall comply with section 617.8(d) of Title 6 NYCRR.

Section 13. The designee shall maintain files, available for public inspection, containing all Negative Declarations, Positive Declarations, notices of completion, draft and final environmental impact statements, and decisions it has prepared or caused to be prepared. A copy of any of the fore-
going documents shall be available to the public at a cost determined in accordance with provisions implemented under the State Freedom of Information Law.

Section 14. Where more than one agency is involved in an action, the procedures of Section 617.4 and 617.8 of Part 617 of Title 6 NYCRR shall be followed.

Section 15. This local law shall take effect immediately upon filing with the Secretary of State and shall be enforced in accordance with the time schedule as set forth in Section 8-0117 of the Environmental Conservation Law, and any amendments which may be made by the New York State Legislature to Article 8 of the New York State Environmental Conservation Law pertaining thereto.

BE IT FURTHER RESOLVED, that within five (5) days after the final adoption of said local law, the Clerk of this Board shall cause to be filed the original and three (3) certified copies of said local law with the Secretary of State of the State of New York, one (1) certified copy in the Office of the New York State Comptroller and one (1) certified copy in the Office of the Steuben County Clerk, and shall request that the Secretary of State publish said local law in the supplement to the Session Laws and request that the Steuben County Clerk file said local law in a separate book kept by him for such records, and be it further

RESOLVED, that the Clerk of this Board shall cause a true copy of said local law to be published in the county official newspapers at least once a week for two (2) successive weeks, the first publication of which shall be had within ten (10) days after such local law has become effective, and be it further

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

RESOLUTION NO. 278

Introduced by Ketch.

Seconded by Hauryshl.

Vote — Roll Call: Ayes 33 Noes 1 Abstained — Absent —

NOES — Ball — 1.


Pursuant to Sections 201 and 214 of the County Law and Article 2 of the Municipal Home Rule Law of the State of New York.

WHEREAS, there had been duly presented and placed on the desks of each member of the Board of Supervisors of the County of Steuben copies of County of Steuben Local Law No. Two of the Year 1977 establishing the annual salaries of certain elected, appointed and departmental officials of the County of Steuben for the fiscal year 1977, and said resolution was duly tabled to this Board Meeting of June 20, 1977 for the holding of a public hearing on said date, and

WHEREAS, in pursuance of this June 20, 1977 Resolution, said tabled resolution was taken from the table for action and adoption as hereinafter set forth, and