ADJOURNED MEETING

Morning Session

Bath, New York, December 29, 1980

The Board of Supervisors of the County of Steuben convened in Adjourned Meeting in the Supervisors' Chambers, Bath, New York, on December 29, 1980, at 10:00 a.m., and was called to order by Chairman of the Board, Fred E. Lewis.

Roll Call and all members present except Supervisors Argentieri, Gehl, Keefer, McKinley, Solinas, and Warner.

The Invocation was offered by Mr. Stewart and the Pledge of Allegiance was led by Mr. Blackwell.

It was moved by Mr. Stover, seconded by Mr. Swackhamer, and duly carried, the Board recessed to hold the public hearing on Local Law No. 2 of 1980, establishing the annual salary of the Steuben County District Attorney for the year 1981.

The Clerk read the Official Notice of Public Hearing on Local Law No. 2 of 1980, and filed Proofs of Publication in the official newspapers, and affidavits of posting in the three County Court Houses.

District Attorney Larry Bates stated he would like to clear up a couple of misunderstandings. The District Attorney has not had a pay raise in the last five years. He further stated Section 185A of the Judiciary Law has been in effect since 1964; and, as he understands that Section, it directs the District Attorney's salary shall be equal to the County Judge's.

It was moved by Mr. Stewart, seconded by Mr. Babcock, and duly carried, the public hearing on Local Law No. 2 of 1980 be closed and the Board go back into regular session.

It was moved by Mr. Swackhamer, seconded by Mr. Drake and duly carried, the Board recess to hold a public hearing on Local Law No. 1 of 1981, establishing the annual salaries of certain elected, appointed and departmental officials of the County of Steuben for the year 1981.

The Clerk read the official Notice of Public Hearing and submitted for filing Proofs of Publication in the official newspapers, and Affidavits of Posting in the three County Court Houses.

The Chairman asked if anyone present wished to be heard.

There being no one wishing to be heard, it was moved by Mr. Swackhamer, seconded by Mr. Stover and duly carried, the Public Hearing be closed and the Board go back into regular session.

RESOLUTION NO. 499

Introduced by Foster.
Seconded by Swackhamer.
Vote — Roll Call: Ayes 24 Noes 5 Abstained 1 Absent 4.
Noes — Ball, E. Clark, Frey, Hauryksi, McKinley — 5.
Abstained — Giambone — 1.
Absent — Argentieri, Gehl, Keefer, Solinas — 4.

FINAL ADOPTION OF COUNTY OF STEUBEN LOCAL LAW NO.
TWO OF THE YEAR 1980 ESTABLISHING THE ANNUAL SALARY OF THE
STEUBEN COUNTY DISTRICT ATTORNEY FOR THE FISCAL YEAR 1981.
Pursuant to Sections 201 and 265 of the County Law and Articles 2 and 3 of the Municipal Home Rule Law of the State of New York.

WHEREAS, there has been duly presented to the members of the Board of Supervisors of the County of Steuben on December 15, 1980 County of Steuben Local Law No. Two of the Year 1980 establishing the annual salary of the Steuben County District Attorney for the fiscal year 1981, and this Board of Supervisors, by resolution, preliminarily adopted said Local Law on December 15, 1980, making the final adoption of said Local Law subject to a Public Hearing to be held on December 25, 1980, and

WHEREAS, in accordance with said resolution and Notice of Public Hearing, this Board of Supervisors of the County of Steuben did conduct a Public Hearing on the 29th day of December, 1980 at 10:00 A.M., and all persons appearing were given the opportunity to be heard, and the Clerk of this Board 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 No. Two of the Year 1980, as hereinafter set forth be, and the same hereby is, finally adopted, to wit:

County of STEUBEN
Local Law No. TWO of the Year 1980

A local law establishing the annual salary of the Steuben County District Attorney for the fiscal year 1981.

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

SECTION 1. That commencing with the effective date of this local law, the Steuben County Board of Supervisors shall establish the annual salary to be received by the Steuben County District Attorney.

SECTION 2. That said Board in setting the annual salary shall use whatever criteria it shall deem necessary and shall not be bound by any other state statute, ordinance or prior local law.

SECTION 3. That commencing with the effective date of this local law, the salary for the Steuben County District Attorney for the fiscal year 1981 shall be the sum of Forty Thousand Dollars ($40,000.00).

SECTION 4. This local law is intended to supersede Article 6-A, Section 189-a of the Judiciary Law of the State of New York as enacted by Chapter 496 of the Laws of 1971 and amended thereafter, which requires that “the district attorney of any county, the Board of Supervisors of which has designated such office as a full-time position pursuant to subdivision eight of section seven hundred of the county law, shall receive an annual salary equivalent to that of county judge in the county in which the district attorney is elected or appointed . . . . ”

SECTION 5. This Local Law shall take effect immediately.

BE IT FURTHER RESOLVED, that within five (5) days after the final adoption by this Board of Supervisors of said County of Steuben Local Law No. Two of the Year 1980, the Clerk of this Board shall cause one certified copy thereof to be filed in the Office of the Steuben County Clerk, one certified copy in the office of the New York State Comptroller and four certified copies 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 him for such records, and be it further
RESOLVED, that the Clerk of this Board, in accordance with Section 214, shall cause a true copy of said Local Law to be published in the two county official newspapers at least once a week for two successive weeks, the first publication of which shall be had within ten days after such Local Law has become effective, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Steuben County District Attorney, Steuben County Treasurer and the Executive Secretary of the Steuben County Civil Service Commission.

Mr. Ball stated he thought it time to change and moved the position be made part-time at half-salary. Seconded by Hauryski.

Mr. H. Clark stated he did not agree, as it is most certainly a full-time job.

Mr. Ball’s amendment was LOST BY A ROLL CALL VOTE of 2 yes, 28 no, 4 absent.


Absent — Argentieri, Gehl, Keeler, Solinas — 4.

Following considerable discussion, Resolution No. 499 was ADOPTED BY ROLL CALL VOTE of 24 yes, 5 no, 1 abstention, 4 absent.

Mr. Giambrone stated he abstained as he felt the Local Law would be thrown out if it were contested.

RESOLUTION NO. 500

Introduced by Foster.
Seconded by Stewart.


Absent — Argentieri, Gehl, Solinas — 3.


Pursuant to Sections 200, 201 and 214 of the County Law and Article 2 of the Municipal Home Rule Law of the State of New York.

WHEREAS, in accordance with the Municipal Home Rule Law of the State of New York there has been duly placed upon the desk of each member of the Board of Supervisors of the County of Steuben at the regular Board Meeting on December 15, 1980 a copy of Steuben County Local Law No. One for the year 1981 establishing the annual salaries of certain elected, appointed and departmental officials of the County of Steuben for the fiscal year 1981, and thereafter said Local Law was duly presented to said Board at its regular meeting held on December 15, 1980, and

WHEREAS, by resolution duly adopted by said Board on December 15, 1980, said Local Law was preliminarily adopted in its final form and its final adoption made subject to the holding of a public hearing on December 29, 1980 at 10:00 A.M. in the Supervisors’ Chambers at Bath, New York and also subject to a permissive referendum, and
WHEREAS, the required public hearing was duly held on said local law as above mentioned and all persons appearing were given the opportunity to be heard and the Clerk of this Board having filed proof of the publication and posting of the notice of public hearing and requirement for a permissive referendum, and

WHEREAS, said local law in its final form was thereafter duly presented and read to this Board of Supervisors.

NOW THEREFORE, BE IT

RESOLVED, that County of Steuben Local Law No. One of the Year 1981 as hereinafter set forth be and hereby is finally adopted as follows, to wit:

County of STEUBEN
Local Law No. ONE of the Year 1981

A local law establishing the annual salaries of certain elected, appointed and departmental officials of the County of Steuben for the fiscal year 1981.

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

SECTION 1. That commencing with the first county payroll for the county fiscal year 1981 the annual salaries, which do not include earned longevity increments, of the elected, appointed and departmental officials of the County of Steuben, are hereby established for the fiscal year 1981 as follows, to wit:

<table>
<thead>
<tr>
<th>Position</th>
<th>1980</th>
<th>1981</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clerk of the Board of Supervisors (Grade 15-5)</td>
<td>$15,716.00</td>
<td>$16,796.00</td>
</tr>
<tr>
<td>County Attorney (Grade 21-2)</td>
<td>33,694.00</td>
<td>35,952.00</td>
</tr>
<tr>
<td>Chairman, Board of Supervisors</td>
<td>11,270.00</td>
<td>12,009.00</td>
</tr>
<tr>
<td>Supervisors</td>
<td>2,705.00</td>
<td>2,854.00</td>
</tr>
<tr>
<td>Administrator of Indigent Defendant Service</td>
<td>10,357.00</td>
<td>10,857.00</td>
</tr>
<tr>
<td>Coroner (4)</td>
<td>5,413.00</td>
<td>5,663.00</td>
</tr>
<tr>
<td>Sheriff (Grade 19-1)</td>
<td>21,145.00</td>
<td>24,067.00</td>
</tr>
<tr>
<td>County Clerk (Grade 17-4)</td>
<td>16,322.00</td>
<td>19,133.00</td>
</tr>
<tr>
<td>Medical Director of Physically Handicapped</td>
<td>8,077.00</td>
<td>8,327.00</td>
</tr>
<tr>
<td>Children’s Program (Part-time)</td>
<td>12,286.00</td>
<td>13,749.00</td>
</tr>
<tr>
<td>Director of Veterans’ Service (Grade 12-3)</td>
<td>14,973.00</td>
<td>15,293.00</td>
</tr>
<tr>
<td>Director of Civil Defense (Grade 14-0)</td>
<td>2,362.00</td>
<td>2,382.00</td>
</tr>
<tr>
<td>Commissioner of Civil Service (3)</td>
<td>4,409.00</td>
<td>4,409.00</td>
</tr>
<tr>
<td>Commissioner of Elections (2)</td>
<td>16,037.00</td>
<td>17,917.00</td>
</tr>
<tr>
<td>Director of Real Property Tax Service Agency</td>
<td>33,754.00</td>
<td>34,654.00</td>
</tr>
<tr>
<td>County Treasurer (Grade 18-0)</td>
<td>20,636.00</td>
<td>20,009.00</td>
</tr>
<tr>
<td>Commissioner of Social Services (Grade 19-5)</td>
<td>27,151.00</td>
<td>28,231.00</td>
</tr>
<tr>
<td>Superintendent of Highways (Grade 19-3)</td>
<td>24,436.00</td>
<td>26,349.00</td>
</tr>
<tr>
<td>Jail Physician</td>
<td>2,908.00</td>
<td>3,158.00</td>
</tr>
<tr>
<td>Assistant Jail Physician</td>
<td>2,737.00</td>
<td>2,737.00</td>
</tr>
<tr>
<td>Commissioner of Jurors</td>
<td>3,194.00</td>
<td>2,444.00</td>
</tr>
<tr>
<td>Budget Director</td>
<td>1,021.00</td>
<td>1,021.00</td>
</tr>
</tbody>
</table>

SECTION 2. Any of the above positions in this Local Law No. One for the Year 1981 which are given a salary based on the accompanying grid which lists a grade and step that should become vacant and subsequently be filled by another employee shall have a salary adjustment to the base step of the same grade upon the attached salary grid automatically upon the filling of the vacant position for the balance of the fiscal year 1981 unless the Board of Supervisors by local law directs otherwise.
SECTION 3. 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, that within ten (10) days after such Local Law is adopted the Clerk of this Board of Supervisors of the County of Steuben shall cause a copy of the Local Law to be published once a week for two (2) successive weeks in the two officially designated county newspapers, the Corning Leader and the Evening Tribune, 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 Board 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, that within five (5) days after the expiration of the time for the filing of petitions for a permissive referendum on said Local Law, the Clerk of this Board shall cause one certified copy thereof to be filed in the Office of the Steuben County Clerk, one certified copy in the Office of the New York State Comptroller, and four certified copies 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 him for such records, and be it further

RESOLVED, that the Clerk of this Board shall forward certified copies of this resolution to the Steuben County Treasurer, the Executive Secretary of the County Civil Service Commission, and the county offices listed in the schedule of salaries.

Mr. W. Tobin moved to amend the position of County Attorney to part-time at a salary of $30,000.00. Seconded by Mr. Ball.

Mr. Tobin's amendment was LOST BY A ROLL CALL VOTE of 5 yea, 25 no, 3 abstain.


Absent — Argentieri, Gehl, Solinas — 3.

RESOLUTION NO. 501

Introduced by Babcock.

Seconded by Drake.


RESOLUTION MODIFYING AND ADOPTING THE NORTH JASPER AGRICULTURAL DISTRICT AS A RESULT OF THE EIGHT-YEAR REVIEW OF SAID DISTRICT TO INCLUDE THE ORIGINAL DISTRICT AND PARCELS IN THE TOWNS OF JASPER, CAMERON, WOODHULL, CANISTEO, RATHBONE, TROUSBURG, AND ADDISON,

Pursuant to Article 25-AA of the Agriculture and Markets Law requiring the County legislative body to review an agricultural district eight years after the date of its creation and every eight years thereafter.

WHEREAS, the Department of Agriculture and Markets has set forth procedures and a timetable for said eight-year reviews; and