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 thirteen districts comprising the towns and cities of Steuben County convened in the Legislative Chambers, Bath, New York, on Thursday, the 2nd day of January, 2020, at 10:00 a.m. for the purpose of organizing the County Legislature of Steuben County for the years 2020 and 2021 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, Brenda K. Mori.

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

The Honorable Philip J. Roche, County and Family Court Justice, administered the Oaths of Office to all newly-elected members of the Legislature.

The Clerk called for nominations for a Temporary Chair. Mrs. Ferratella nominated Mr. Swackhamer for Temporary Chair, seconded by Mr. Hanna. There being no further nominations, the nominations were closed and Mr. Swackhamer was duly elected Temporary Chair.

Motion to Adjourn Regular Session and Reconvene in Executive Session Pursuant to Public Officers’ Law, Article 7 § 105.1.F. The 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. Roush and duly carried.

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

Temporary Chair Swackhamer reconvened the Organizational Meeting of the Legislature. He led the Pledge of Allegiance and asked Mr. Mullen to provide the Invocation.

Temporary Chair Swackhamer called for nominations for Chair of the Steuben County Legislature for 2020 and 2021. Mr. Potter nominated Scott J. Van Etten, seconded by Mr. Mullen.

Motion to close nominations for Chair of the Steuben County Legislature made by Mr. Potter, seconded by Ms. Fitzpatrick and duly carried.

RESOLUTION NO. 001-20

Introduced by Mr. Potter. Seconded by M. Mullen.


Pursuant to Section 2.04 of the Steuben County Charter 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 2020, been duly organized and has, in accordance with Section 2.04 of the Steuben County Charter, duly selected County Legislator SCOTT J. VAN ETTEN of Corning, New York, as Chair of the Legislature for a two-year term commencing January 1, 2020.
NOW THEREFORE, BE IT

RESOLVED, SCOTT J. VAN ETTEEN of Corning, New York, be and the same hereby is appointed Chair of the Legislature of Steuben County for a two-year term commencing January 1, 2020, and within twenty days (s)he shall cause to be filed in the Office of the Steuben County Clerk an Oath of Office as such Chair; and be it further

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

Vote: Roll Call – Adopted.

Chairman Van Etten stated, that has a nice ring to it, doesn’t it Mrs. Lando. Not a bad progression for a high school senior that interned with County Supervisor Lynn Morse back in 1983 under the Youth in Government program. Back then there were 34 Supervisors, Mr. Alger was the County Planner, and they smoked cigars in the chamber. We have come a long ways.

The retirement of Chairman Hauryski is a significant change for this legislative body, but one that I believe we will adapt to and continue moving forward. Mr. Schu and I began our first term as Legislators on the same day in 2008 as Mr. Hauryski, Mr. Weaver, and Mr. Crossett. As Joe detailed in his farewell address, we encountered a number of challenges over those 12 years, we addressed each and every one of them in the best way possible, always keeping in mind the impact to County Employees and County Taxpayers.

A lot of turnover occurred during those 12 years. We had some great Legislators that we served with such as Mr. Roche, Mr. McAllister, Mr. Donnelly, Mr. Argentieri, Mr. Schwartz, Mr. Stachnik, Mr. Gehl, Mr. Creath, Mr. Walsh and Mr. Farrand. Some retired, some termed out, and some became County Judges.

We also saw turnover occur in the ranks of the County staff. Most of them good, some not so much. We have had 4 Sheriffs, 2 District Attorneys, 3 County Attorneys, 2 Clerks of the Legislature, 2 County Managers, 3 Deputy Managers, 3 Personnel Directors, 3 County Treasurers/Finance Directors, 3 Real Property Tax Directors, 2 County Planners and 1 County Clerk. Change can be good, but sometimes longevity ensures consistency in the delivery of services. That is the case with our two largest departments where we have had the same Public Works Commissioner and Social Services Commissioner all 12 years.

So, where do we head now? What are the areas that we need to focus on in 2020 and beyond? Obviously, the multi-phase Court Room Renovations are getting under way. Once completed, we believe that OCA will be satisfied with our campus as it relates to the operation of County Courts. Economic development in our County remains a high priority. We see the results of the collaboration of the IDA, County and State working together with Upstate Niagara to keep the cheese plant in Campbell open and operating under new ownership. We’ve also seen positive activity in Hornell as the rail car industry and supporting businesses continue to grow. Having an IDA that is responsive, adaptable, and collaborative with other agencies is critical to fostering future growth in our County.

Given what we have seen come down the pike from Albany in the past few years, it is impossible to predict what new harebrained program they will be handing down in the form of an unfunded mandate. When put to the task, our County displayed a great deal of ingenuity in scrambling to design and implement a CAP Court last year. Working with the towns and cities, we implemented a plan that appears to be successful, as long as we continue to monitor and make minor adjustments. The one year anniversary of the CAP Court is coming up, and it will be interesting to see the statistics.
Our Public Works Department continues to do an excellent job of maintaining the vast network of County roads and landfills. The implementation of the strategic five-year road plan has brought consistency while allowing flexibility to address unforeseen issues caused by significant weather events. The growing pains of implementing that five-year road plan are behind us, but it is critical that we continue to fund and maintain the road and bridge system based on an annually updated plan, since our residents/taxpayers have grown accustomed to roads being in top condition.

Finally, you cannot expect an Accountant to lead an organization like this without mentioning our fiscal management and financial position. Our County is unique in that we are in very good financial shape. It was not always the case, as Mr. Swackhamer and Mr. Malter can attest. But after many years of tightening belts, developing budgets with conservative estimates in both revenue and departmental expenditure lines, we have steadily grown our Fund Balance to a comfortable level. Combine that with the fact that we have very little long-term debt that we need to service on an annual basis, and it allows us to be reactive, and address almost an unexpected issue with the comfort of knowing that when pressed, we can pay for it. When we needed $600,000 to purchase land next to the Landfill, we had it. As we look at a $10 million Court Renovation building project, we have the unique ability to pay for it and avoid bonding. We all saw the comparable charts and graphs of our adjacent counties during last fall’s budget process. Some are facing significant financial challenges, and it is good to know that we are not one of them. But, we cannot rest on our laurels. We must continue to protect our financial position, budget responsibly, always question/challenge budget overages, and never get lax about any requests for transfers from Contingency or Fund Balance. Because a financial house that is not built on a solid foundation, is nothing more than a house of cards.

I would like to welcome Mr. Horton and Mr. Van Caeseele. I hope that you enjoy your first year of serving with this group of Legislators. You will learn that while we sometimes have significant disagreements on issues, we always seem to find a common ground to move forward while keeping the best interests of the County and taxpayers in mind. As a legislative body we do not micromanage the County operations. We leave that to the County Manager, his Deputy and all of the Department Heads throughout the organization. They are the professionals, trained and experienced in their specific disciplines. They may come to us for advice, or strategic direction, but the day to day functioning of this large organization is Mr. Wheeler’s responsibility.

So with that, I would like to thank you all for your vote of confidence in my ability to lead this Legislature. I will be finalizing committee assignments in the next week and get those distributed. I am not looking to totally shuffle the deck where committee assignments are concerned. They have seemed to be very productive in the last couple of years and why fix it if it is not broken.

As in the past, I would ask that each Committee propose at least one 2020 goal that we can use when developing our Legislative Goals and Objectives for this year. With that, let’s finish up this agenda. Thank you.

Chairman Van Etten called for nominations for Vice Chair of the Steuben County Legislature.  Mrs. Ferratella nominated Robin K. Lattimer, seconded by Mr. Hanna.

Motion to close nominations for the Vice Chair of the Steuben County Legislature made by Mr. Roush, seconded by Mr. Nichols and duly carried.

RESOLUTION NO. 002-20

Introduced by C. Ferratella.  Seconded by Mr. Hanna.

Pursuant to Section 2.04 of the Steuben County Charter.

WHEREAS, this Steuben County Legislature has on this 2nd day of January 2020, been duly organized and has in accordance with Section 2.04 of the Steuben County Charter, duly selected County Legislator ROBIN K. LATTIMER of Bath, New York, as Vice Chair of the Legislature for a two-year term commencing January 1, 2020.

NOW THEREFORE, BE IT

RESOLVED, ROBIN K. LATTIMER of Bath, New York, be and the same hereby is appointed Vice Chair of the Legislature of Steuben County for a two-year term commencing January 1, 2020, and within twenty days (s)he shall cause to be filed in the Office of the Steuben County Clerk an Oath of Office as such Vice Chair; and be it further

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

Vote: Roll Call – Adopted.

Ms. Lattimer stated I appreciate your vote and am humbled by your support. I look forward to joining the leadership with Chairman Van Etten and he keeps a really good eye on the County’s financials and that is a basis for how well we do. We are a very cohesive group; we have healthy debate and a good concerted effort when we come together. I appreciate everyone coming to the table and bringing their skill sets and we will continue to do that.

The Republican and Democratic members adjourned for caucus.

Chairman Van Etten reconvened the Organizational Meeting of the Legislature.

RESOLUTION NO. 003-20


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

Pursuant to Section 2.04 of the Steuben County Charter.

BE IT RESOLVED, Legislator GARY D. SWACKHAMER be and the same hereby is designated Majority Leader of the Steuben County Legislature; and be it further

RESOLVED, the aforesaid designation of GARY D. SWACKHAMER of Hornell, New York, be and the same hereby is accepted for filing, said designation to be for a two-year term commencing January 1, 2020; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 004-20


RECEIVING AND FILING THE DESIGNATION OF THE MINORITY LEADER OF THE STEUBEN COUNTY LEGISLATURE.
Pursuant to Section 2.04 of the Steuben County Charter.

BE IT RESOLVED, Legislator HILDA T. LANDO be and the same hereby is designated Minority Leader of the Steuben County Legislature; and be it further

RESOLVED, the aforesaid designation of HILDA T. LANDO 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, 2020; and be it further

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

Vote:  Roll Call – Adopted.

RESOLUTION NO. 005-20

Introduced by G. Swackhamer.  Seconded by H. Lando.


Pursuant to Section 2.04 of the Steuben County Charter and the Rules of Procedure of the Steuben County Legislature.

RESOLVED, this Legislature does hereby recognize the authority of the Chair of the Legislature of Steuben County to appoint such designated members of this Legislature as (s)he shall select to the various standing and special committee positions for the years 2020 and 2021, 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 Chair of this Legislature, within thirty (30) days of 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 2020 and 2021; 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:  Acclamation – Adopted.

RESOLUTION NO. 006-20


REGULATING THE PUBLICATION OF CERTAIN OFFICIAL MATTERS.

Pursuant to Section 2.09 of the Steuben County Charter.

WHEREAS, The Leader of Corning, New York, and The Evening Tribune/Spectator 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 2020 and 2021;

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/Spectator 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/Spectator 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: Acclamation – Adopted.

RESOLUTION NO. 007-20

Introduced by G. Swackhamer. Seconded by R. Lattimer.

DESIGNATION OF OFFICIAL NEWSPAPER BY THE REPUBLICAN MEMBERS OF THE LEGISLATURE.

Pursuant to 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 2020 and 2021:

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 2020; and the Clerk is directed to forward certified copies to the Secretary of State at Albany, New York; the Steuben County Clerk; the Commissioner of Finance; the Steuben County Board of Elections; and the above-named newspaper.

Dated: January 2, 2020

/s/ Carol A. Ferratella
/s/ Frederick G. Potter

/s/ Kelly H. Fitzpatrick
/s/ Gary B. Roush
RESOLUTION NO. 008-20

Introduced by H. Lando. Seconded by S. Maio.

DESIGNATION OF OFFICIAL NEWSPAPER BY THE DEMOCRATIC MEMBERS OF THE LEGISLATURE.

Pursuant to 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 2020 and 2021:

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

The above-named designations are filed with the Clerk of this Legislature this 2nd day of January 2020; and the Clerk is directed to forward certified copies to the Secretary of State at Albany, New York; the Steuben County Clerk; the Commissioner of Finance; the Steuben County Board of Elections; and the above-named newspaper.

Dated: January 2, 2020

/s/ Hilda T. Lando

/s/ Steven P. Maio

/s/ John V. Malter

Vote: Acclamation – Adopted.

The Honorable Philip J. Roche, County and Family Court Justice, administered the oaths of office to the Chair and Vice Chair of the Steuben County Legislature

Motion to Adjourn made by Mr. Mullen, seconded by Mr. Hanna and duly carried.
REGULAR MEETING
Morning Session
Monday, January 27, 2020
Legislative Chambers

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers in Bath, NY on the 27th day of January, 2020 at 10:00 a.m. and was called to order by the Chairman of the Legislature, Scott J. Van Etten.

Roll Call and all members present except Legislators Ferratella, Lattimer, Ryan and Swackhamer.

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

Chairman Van Etten opened the floor for the opportunity for public comments.

Kyle Peterson, Campbell, stated originally we were coming here to officially introduce the Second Amendment Sanctuary Ordinance to you, the Legislature. However, after our meeting on the 21st, we are here to make this more of an information meeting and to inform you we are slowing things down in order to seek legal advice and gather even more supporters. I have served almost 10 years in the United States Army, 4 years of which was on active duty where I had deployed to Iraq and Kuwait. I had a secret clearance and served on a personal security detachment where I trained regularly with various types of firearms. Understandably, every time another mass tragedy and loss of innocent lives happens, the country is shaken and debate arises. All over the news you see how someone illegally used a gun to commit a crime and after every one of these crimes, politicians want to immediately push legislation about gun control. These gun laws do much more harm to law-abiding citizens, than to the criminals who don’t follow the laws. These laws are just making it harder for law-abiding citizens to own guns for lawful purposes. Now with all the weapons I have trained on and fired, not once did one go rogue and shoot somewhere I did not aim and never once did it shoot by itself. Triggers don’t pull themselves so guns are not where the blame lies. The blame lies with the person committing the crime. Governor Cuomo’s new bail reform has/will release hundreds to thousands of inmates charged with crimes such as, but not limited to: Manslaughter in the 2nd degree; unlawful imprisonment in the 1st degree; criminal sale of a controlled substance in the 1st degree; money laundering in support of terrorism in the 3rd and 4th degree; and many other crimes that are violent, drug or child/sexual related. With the release of these types of criminals without bail, our communities and the victims in our communities are put in further and unnecessary danger, leaving many in fear due to the current firearm laws and proposed firearm bills. Both the U.S. Constitution and the NYS Civil Rights Laws (Article 2, Section 4) protect our right to keep and bear arms. “A well-regulated militia, being necessary to the security of a free state; the right of the people to keep and bear arms shall not be infringed”. Many of these gun laws that are being passed and introduced are in violation of our 1st, 4th, 5th, 9th, 10th and 14th amendments. Furthermore, to make it clear to all, we are not giving up, quitting or stepping away from this issue at hand. We are simply postponing until a later date. We look forward to further communication with County officials.

Wayne Wells, Cameron, spoke about his concern for the businesses we have lost due to the economy under the leadership of President Trump.

Doug Mitchell, Addison, stated as a Steuben County resident and the Chairman of the Steuben County SCOPE Chapter. I want to thank you for your wisdom and political will in passing a resolution for your concern and repugnance with the NY SAFE Act passed in January 2013 in the dead of night. And for memorializing that same resolution again last March 2019 when one of your own members and the Shooters Committee on Political Education brought you nearly 1500 signatures requesting an ordinance to establish a sanctuary county. With the reality of Governor Cuomo’s bevy of attorneys, his huge amount of state money defending the state’s pre-emption laws, his deference for his State Troopers over duly elected Sheriffs and District Attorneys and his veiled threats regarding his ability to fire Sheriffs and
District Attorneys, the desired ordinance became a resolution. A good start, but it’s not enough. There are approximately 100 million firearm owners in the United States...5 million of them are military with a boss and a gun use protocol. Another 5 million are law enforcement with a boss and a gun use protocol. That leaves 90 million folks or ninety percent with no boss and no gun use protocol, and that scares the “you know what” out of so many ambitious politicians needing control. And that’s just what the Founding Fathers intended; a government always held in check by civil elections by citizens with rights rather than privileges “the right to keep and bear arms shall not be infringed”. The NY SAFE Act, the Red Flag Laws and, most recently, the Bail Reform Laws all contribute to the destruction or erosion of “due process” and common sense justice. We Upstate seem to be the frogs in the pot of water. Each time one of these laws, unfunded mandates or regulatory changes is handed down, the water temperature goes up, and the frog adjusts and tolerates it a bit longer until it dies or moves to another state with better weather. Maybe it’s time to jump out of the pot so to speak. Maybe it’s time to put some teeth into our resolve. And to Mr. Cuomo and his hoplophobic cadre, a quote from a recent poster and excuse the indelicate vernacular “if you need to disarm a society to govern, you ‘suck’ at governing”. Thank you.

There being no further public comment, Chairman Van Etten declared the opportunity for public comment closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs of Posting Upon the Agricultural District within the Village of Addison, Towns of Addison, Bath, Cameron, Campbell, Caton, Corning, Erwin, Hornby, Lindley, Rathbone, Thurston, Tuscarora, Woodhull and the City of Corning, New York, known as Agricultural District No. 6, to consider the recommendations of the Agricultural and Farmland Protection Board, and any proposed modification of the District. Chairman Van Etten opened the floor to comments by members of the public. There being none, he declared the public hearing closed.

Motion adopting the minutes of the previous meeting(s) made by Mr. Malter, seconded by Ms. Fitzpatrick and duly carried.

RESOLUTION NO. 009-20

Introduced by K. Fitzpatrick
Seconded by F. Potter

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

Pursuant to Section 2.07 of the Steuben County Charter.

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

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

RESOLVED, that certified copies of this resolution contained in Schedule “A” shall be forwarded to the Director of the Steuben County Real Property Tax Service Agency and the Steuben County Commissioner of Finance, together with the approved applications executed in duplicate by the Chairman of the County Legislature, the Chairman of the Board of Assessors of the appropriate municipality, and the Clerk of the Board of Education of the appropriate School District.
<table>
<thead>
<tr>
<th>Resolution No.</th>
<th>Name</th>
<th>Parcel No.</th>
<th>Municipality</th>
<th>Disposition</th>
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<tr>
<td>A-1</td>
<td>Daniel G. Kamin</td>
<td>158.11-01-015.00</td>
<td>Village of Bath</td>
<td>2020 Court Ordered Correction</td>
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<td>A-2</td>
<td>WH Greenhow Company</td>
<td>151.71-03-012.100</td>
<td>City of Hornell</td>
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<td>Daniel C. Michaloski</td>
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<td>Town of Lindley</td>
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<td>Juergen and Deirdre Tinz</td>
<td>276.00-01-007.000</td>
<td>Town of Rathbone</td>
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<td>A-5</td>
<td>Magan Kay Stalbird</td>
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<td>Village of Savona</td>
<td>2020 Correction of Acreage</td>
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<td>A-6</td>
<td>Magan Kay Stalbird</td>
<td>191.13-01-068.000</td>
<td>Village of Savona</td>
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<td>A-7</td>
<td>New York State</td>
<td>209.00-01-005.000</td>
<td>Town of Hornby</td>
<td>2020 – Tax Exempt</td>
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<td>A-8</td>
<td>James Tagliareni</td>
<td>295.00-01-005.110</td>
<td>Town of Addison</td>
<td>2020 Parcel Split</td>
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<td>A-9</td>
<td>Kenneth and Janine Owens</td>
<td>324.00-01-009.210</td>
<td>Town of Jasper</td>
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<td>A-10</td>
<td>Bus and Laura J. Fenton</td>
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<td>Lldon and Myrtle Jamison</td>
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<td>Town of Canisteo</td>
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<td>Jerome and Deanne Rarrick</td>
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<td>Marcy and James Travis</td>
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<td>Town of Prattsburgh</td>
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<td>2020 Correction of Exemption</td>
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<td>Sarah F. Miles, John and Beverly Scanlon</td>
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<td>Town of Addison</td>
<td>2020 Parcel Split</td>
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Resolution No.  A-17
Name Gail D. and James E. Harris
Parcel No. 226.00-01-004.000
Municipality Town of Campbell
Disposition 2020 Parcel Split

**Vote:**  Roll Call – Adopted. Yes – 7113; Abstained – 597; Absent – 2162
(Abstained – Mullen due to client conflict; Absent – Ferratella, Lattimer, Ryan, Swackhamer)

RESOLUTION NO. 010-20


**RECEIVING AND ACCEPTING THE JANUARY 27, 2020 COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY MANAGER’S OFFICE.**

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

**December 9, 2019**

Steuben County Industrial Development Agency – Re: Notice of public hearing regarding the Steuben County Industrial Development Agency and Riedman Purcell CH II LLC (Phase II Project) is scheduled for Thursday, December 19, 2019 at 11:00am at the Corning City Hall located at 500 Civic Center Plaza, Second Floor Council Chambers, Corning, New York. Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.

**December 10, 2019**
NYS Department of Transportation – Re: Notification of the initiated payment process for the Accelerated Fourth Quarter SFY 2019-2020 Statewide Mass Transportation Operating Assistance (STOA) payments. Referred to: Amy Dlugos, Planning Director and filed with Brenda Mori, Clerk of the Legislature.

**December 13, 2019**
NYS Board on Electric Generation Siting and the Environment – Re: Correspondence letter on the application for the Canisteo Wind Energy LLC Project (Case#16-F-0205). Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.

**December 16, 2019**
NYS Homeland Security and Emergency Services – Re: Notification of being awarded $796,257 under the New York State 2019 Statewide Interoperable Communications Grant Program (2019 SICG-Formula). Referred to: Public Safety & Corrections Committee; and Timothy Marshall, Emergency Services Director.


**December 18, 2019**
Harris Beach PLLC, Attorneys at Law – Re: Steuben County Industrial Development Agency and Abundant Solar Power (Troupsburg) LLC (payment in lieu of tax) agreement and RP-412-a form for property located at 2985 County Route 84, Troupsburg, NY. Referred to: Finance and Administration Committees; Tammy Hurd-Harvey, Commissioner of Finance; Wendy Jordan, RPTSA Director; and Jennifer Prossick, County Attorney.
NYS Parks, Recreation and Historic Preservation – Re: Notification of the Withdrawal and Consumptive Use Application has been submitted to the Susquehanna River Basin Commission (SRBC). Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.

December 26, 2019
NYS Board on Electric Generation Siting and the Environment – Re: Notice of issuance of the recommended decision and schedule for filing exceptions issued December 23, 2019 for the Canisteo Wind Energy LLC Project (Case#16-F-0205). Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.

NYS Board on Electric Generation Siting and the Environment – Re: Notice seeking comment on recommended decision issued December 24, 2019 for the Canisteo Wind Energy LLC Project (Case#16-F-0205). Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.

January 2, 2020
NYS Public Service Commission – Re: Ruling adopting protective order issued December 31, 2019 for the Canisteo Wind Energy LLC Project (Case#19-T-0041). Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.

NYS Department of Environmental Conservation – Re: Site reclassification notice for property located at 6666 Babcock Hollow Road, Bath, NY (Site Name: Steuben-Allegany BOCES, Site#851019, Tax Map No#174-1-33). Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.

Harris Beach PLLC, Attorneys at Law – Re: City of Hornell Industrial Development Agency and The Residences of Hornell II LLC (payment in lieu of tax) agreement and RP-412-a form for property located at Airport Road, City of Hornell, NY. Referred to: Finance and Administration Committees; Tammy Hurd-Harvey, Commissioner of Finance; Wendy Jordan, RPTSA Director; and Jennifer Prossick, County Attorney.

Harris Beach PLLC, Attorneys at Law – Re: City of Hornell Industrial Development Agency and the Iron Shore Properties LLC (payment in lieu of tax) agreement and RP-412-a form for property located at 1, 3, 5, and Prindle Ave, City of Hornell, NY. Referred to: Finance and Administration Committees; Tammy Hurd-Harvey, Commissioner of Finance; Wendy Jordan, RPTSA Director; and Jennifer Prossick, County Attorney.

January 6, 2020
NYS Public Service Commission – Re: Ruling memorializing agreement reached at procedural conference issued January 3, 2020 for the Canisteo Wind Energy LLC Project (Case#19-T-0041). Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.

January 8, 2020
Western Regional Off-Track Betting Corporation – Re: Check in the amount of $2,192, which represents the November 2019 surcharge payment for Steuben County. Referred to: Finance Committee; and Tammy Hurd-Harvey, Commissioner of Finance.

Vote: Acclamation – Adopted.

RESOLUTION NO. 011-20

Introduced by S. Van Etten. Seconded by H. Lando.

RATIFYING THE ACTS TAKEN FROM JANUARY 1, 2020 THROUGH JANUARY 6, 2020, 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, 2020, through and including January 6, 2020.

NOW THEREFORE, BE IT

RESOLVED, the acts of the standing committees as composed and sitting on January 1, 2020 through January 6, 2020, inclusive, and as reflected by the aforesaid minutes be, and the same hereby are, ratified.

Vote: Roll Call – Adopted.

RESOLUTION NO. 012-20

Introduced by B. Schu and K. Fitzpatrick. Seconded by J. Malter.

REQUESTING AN EXTENSION OF THE MORTGAGE TAX.

Pursuant to New York State Tax Law Section 253-i, renumbered as Section 253-s.

WHEREAS, the Administration and Finance Committees of the Steuben County Legislature have requested the extension of the County Recording Tax on obligations secured by a mortgage; and

WHEREAS, the County of Steuben has adopted by Local Law No. Six of the Year 2008 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 local law adopting the recited recording tax is without a termination date; and

WHEREAS, Tax Law Section 253-i, renumbered as Section 253-s, contains an expiration date of December 1, 2020, as set forth in Law 2005 C 365 §3, as amended by Law 2017 C 61 (Subpart H)(Part C); and

WHEREAS, said additional tax revenues will continue to lessen the burden on the real property tax levy in the provision of necessary governmental services by Steuben County.

NOW THEREFORE, BE IT

RESOLVED, the Legislature of Steuben County requests the passage of legislation by the New York State Legislature extending the expiration of Tax Law Section 253-s for an additional three years, or be made permanent; and be it further


Vote: Roll Call – Adopted.
RESOLUTION NO. 013-20

Introduced by K. Fitzpatrick.  Seconded by R. Nichols.

REQUESTING LEGISLATION FOR AN EXTENSION AUTHORIZING AN ADDITIONAL ONE PERCENT SALES TAX FOR STEUBEN COUNTY.

Pursuant to Section 40 of the Municipal Home Rule Law.

WHEREAS, an increase in the rate of the Steuben County Sales and Use Tax from 3 percent to 4 percent for the period beginning December 1, 1992 through November 30, 2020, has heretofore been adopted; and

WHEREAS, it is necessary and desirable to continue to impose the additional one percent rate to avoid a disproportionate increase of the tax burden on real property owners; and

WHEREAS, the New York State Legislature could authorize the Steuben County Legislature to continue to impose an additional one percent sales tax in order to equitably spread the need for additional revenues; and

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

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature hereby requests the New York State Legislature to adopt special legislation authorizing the Steuben County Legislature to establish an additional one percent sales tax for the period commencing December 1, 2020 through November 30, 2023, or be made permanent; and be it further

RESOLVED, from said additional revenues for the period December 1, 2020 through November 30, 2023, the County of Steuben shall pay or cause to be paid annually to the City of Hornell the sum of $820,000.00; and to the City of Corning the sum of $820,000.00; and in addition, the sum of $790,000.00 to the towns and villages of the County of Steuben, based upon their respective equalized full value; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Honorable Andrew M. Cuomo, New York State Governor, New York State Capitol Building, Albany, NY 12224; Honorable Andrea Stewart-Cousins, NYS Senate Majority Leader, 907 Legislative Office Building, Albany, NY 12247; Honorable John J. Flanagan, NYS Senate Minority Leader, 909 Legislative Office Building, Albany, NY 12247; Honorable Carl E. Heastie, Speaker, New York State Assembly, 932 Legislative Office Building, Albany, NY 12248; Honorable Crystal D. Peoples-Stokes, NYS Assembly Majority Leader, 926 Legislative Office Building, Albany, NY 12248; Honorable William A. Barclay, NYS Assembly Minority Leader, Capitol 444, Albany, NY 12248; Honorable Thomas M. O’Mara, New York State Senator, 406 Legislative Office Building, Albany, NY 12247; Honorable Philip A. Palmesano, New York State Assemblyman, 320 Legislative Office Building, Albany, NY 12248; Honorable Joseph M. Giglio, New York State Assemblyman, 525 Legislative Office Building, Albany, NY 12248; Honorable Marjorie Byrnes, New York State Assemblywoman, 723 Legislative Office Building, Albany, NY 12248; and Deborah R. Liebman, Esq., New York State Department of Taxation and Finance, W.A. Harriman Campus, Bldg. 9, Room 228, Albany, NY 12227.

Vote: Roll Call – Adopted.

RESOLUTION NO. 014-20

Introduced by B. Schu and K. Fitzpatrick.  Seconded by H. Lando.

AUTHORIZING THE COMMISSIONER OF FINANCE TO TRANSFER FUNDS FROM VARIOUS BOARD OF ELECTIONS OPERATING ACCOUNTS TO THE VOTING MACHINES CAPITAL PROJECT.
WHEREAS, the Board of Elections will need to purchase new voting machines in the future; and

WHEREAS, the Board of Elections having excess funds for 2019 in various accounts that can be transferred to a capital project for said future purchases as follows:

- Printing account 5 403 100 having excess funds of $55,000.00;
- Postage account 5 405 100 having excess funds of $10,000.00;
- Inspectors & Custodians account 5 421 600 having excess funds of $35,000.00;
- Election Equip Maintenance account 5 427 310 having excess funds of $5,000.00; and
- Voting Equip Transport account 5 453 140 having excess funds of $4,000.00.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Finance is hereby authorized to transfer the sum of $109,000.00 from the above-referenced accounts to the Voting Machines Capital Project (H0900 1450H2) for the future purchase of voting machines; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 015-20


AUTHORIZING THE COMMISSIONER OF FINANCE TO REAPPROPRIATE FUNDS FROM THE 2019 JAIL BUDGET INTO THE 2020 JAIL BUDGET.

WHEREAS, the Sheriff having $7,700 appropriated in 2019 for the purchase of a UPS with bypass switch for the control room in the Jail; and

WHEREAS, the Sheriff and Purchasing were unable to get final pricing on a UPS with bypass switch for the Control Room in the Jail during 2109; and

WHEREAS, the Sheriff anticipates the final quote in early January of 2020; and

WHEREAS, the Sheriff will then be able to create and process a purchase order.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Finance is authorized to reappropriate $7,700 from the 2019 Major Equipment Account (315000-5290000) and add $7,700 to the 2020 Major Equipment Account (315000-5290000); and be it further

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

Mr. Mullen asked would this be increasing the 2020 budget? Mr. Van Eten stated this will modify the 2020 budget and moves it from 2019 to 2020. It does affect the 2020 budget.
Mr. Mullen asked does it affect the overage that went into the fund balance? Mrs. Hurd-Harvey stated no because the fund balance is based on actual dollars, not budgeted dollars.

Vote: Roll Call – Adopted.

RESOLUTION NO. 016-20


AUTHORIZING THE COMMISSIONER OF FINANCE TO REAPPROPRIATE $32,700 FROM THE JAIL’S 2019 MAJOR EQUIPMENT LINE TO THE CAPITAL PROJECT ENTITLED “REPLACE WATER LINES IN THE JAIL”.

WHEREAS, $37,500 was budgeted for the purchase of a dishwasher for the Jail in 2019; and

WHEREAS, to achieve cost savings and efficiencies, a replacement dishwasher was leased for $4,800 per year instead; and

WHEREAS, leasing leaves $32,700 in additional funds that are now needed to replace water lines in the jail.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Finance is authorized to reappropriate $32,700 from the 2019 Major Equipment Account (315000-5290000) to the Replace Water Lines in the Jail Capital Project Account (3150HB-5250000); and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 017-20

Introduced by H. Lando and K. Fitzpatrick. Seconded by S. Maio.

ACCEPTING AND APPROPRIATING THE UNITED WAY OF THE SOUTHERN TIER LEAD GRANT.

WHEREAS, the United Way of the Southern Tier is administering funds relative to the Lead Grant; and

WHEREAS, high blood levels in children put them at risk for life long developmental and cognitive delays; and

WHEREAS, increased on time testing and reducing lead exposure are evidenced based strategies to prevent the risk of delays in children with high blood lead level; and

WHEREAS, the United Way of the Southern Tier Lead grant proposes to reduce risk of Lead exposure in children in Steuben County by increasing training to providers, staff, parents and the community, as well as provide the necessary materials in the form of lead free paint and supplies for mitigation of homes with tested high lead levels; and

WHEREAS, Steuben County Public Health and Nursing Services has been awarded the United Way of the Southern Tier Lead Grant in the amount of $3,000.

NOW THEREFORE, BE IT
RESOLVED, the Steuben County Legislature authorizes the Commissioner of Finance to accept and appropriate $3,000 in grant funds into the 2020 Steuben County Public Health Lead supply budget (402100); and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Director of Public Health and Nursing Services and the Commissioner of Finance.

Vote: Roll Call – Adopted.

RESOLUTION NO. 018-20

Introduced by K. Hanna. Seconded by R. Nichols.

ACCEPTING A GRANT FROM THE APPALACHIAN REGIONAL COMMISSION.

WHEREAS, multiple regional economic development studies have identified workforce recruitment and retention as crucial to economic growth; and

WHEREAS, the same studies identify lack of appropriate housing as an impediment to recruiting a 21st century workforce; and

WHEREAS, the Planning Director submitted an application to the Appalachian Regional Commission (ARC) in September 2018 seeking funds to conduct a housing demand analysis study to assess workforce housing needs countywide; and

WHEREAS, the County has already budgeted $12,500 to match an anticipated award of $12,500 from the ARC; and

WHEREAS, the Planning Director was notified of said grant award on December 5, 2019; and

WHEREAS, the Agriculture, Industry, and Planning Committee approved said grant.

NOW THEREFORE, BE IT

RESOLVED, Steuben County hereby accepts said grant and agrees to appropriate the budgeted $12,500 to match the ARC award of $12,500; and be it further

RESOLVED, the Planning Director is hereby authorized to sign a grant agreement and any other necessary documents with ARC; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 019-20

Introduced by J. Malter. Seconded by H. Lando.

AUTHORIZING THE DIRECTOR OF PROBATION TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH LEGAL ASSISTANCE OF WESTERN NY (LawNY) FOR THE JUSTICE FOR FAMILIES PROGRAM GRANT.

WHEREAS, LawNY is applying for a three year Federal Grant released by the Office on Violence Against Women at the U.S. Department of Justice which supports a number of project components, all in the interest of improving the safety of victims of Domestic Violence and improving offender accountability; and
WHEREAS, the Probation Department in the course of their duties, provides court ordered supervision for Domestic Violence offenders sentenced to Probation; and

WHEREAS, this grant project would provide up to $30,000 each year for three (3) years to the Probation Department to assist with personnel costs of having specialized caseloads supervising Domestic Violence offenders and training; and

WHEREAS, the submission of the grant application required the submission of a Memorandum of Understanding that is signed by all project partners by January 22, 2020.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature ratifies the Director of Probation having entered into a Memorandum of Understanding with LawNY for the Justice for Families Program Grant for an amount up to $30,000 for each of three (3) years; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Director of Probation and the Commissioner of Finance.

Vote: Roll Call – Adopted.

RESOLUTION NO. 020-20

Introduced by K. Hanna. Seconded by R. Nichols.

AUTHORIZING THE COUNTY MANAGER TO ENTER INTO AN INTER-MUNICIPAL AGREEMENT WITH THE TOWN OF ADDISON FOR CODE ENFORCEMENT SERVICES.

WHEREAS, the Town of Addison in 1983, by Local Law, opted out of the enforcement of the State of New York Uniform Fire Prevention and Building Code; and

WHEREAS, since 1983 the County has acted as Code Enforcement under the State of New York Uniform Fire Prevention and Building Code for the Town through a contract with a qualified code enforcement official; and

WHEREAS, the County and the Town of Addison desire to enter into an agreement to document and memorialize the responsibilities of the County and the Town of Addison for Code Enforcement services; and

WHEREAS, permit fees cover the costs of said Code Enforcement Services and any costs not covered by permit fees are billed to the Town of Addison.

NOW THEREFORE, BE IT

RESOLVED, the County Manager is hereby authorized to sign the Inter-Municipal Agreement with the Town of Addison for Code Enforcement Services upon review of the County Attorney; and be it further

RESOLVED, certified copies of this resolution be forwarded to the Steuben County Planning Director and Jack Thompson, Supervisor, Town of Addison, 21 Main St., Addison NY 14801.

Mr. Mullen mentioned that they discussed in committee about passing on additional overhead costs that we have to pay for with this contract.

Vote: Roll Call – Adopted.
RESOLUTION NO. 021-20

Introduced by B. Schu and K. Fitzpatrick. Seconed by H. Lando.

AUTHORIZING THE COUNTY MANAGER TO ENTER INTO AN INTER-MUNICIPAL AGREEMENT FOR A BROADBAND EXPANSION STUDY.

WHEREAS, Steuben County, as a founding partner of the Southern Tier Network (STN), has a long history of actively working towards the expansion of broadband services in our communities; and

WHEREAS, STN has been successful in providing dark fiber and middle mile access to businesses, carriers, governments, and non-profits; and

WHEREAS, despite these efforts, there remains significant gaps in access to suitable broadband services in many locations, particularly in our rural areas; and

WHEREAS, to address this issue, Steuben, along with the partner counties of Schuyler, Yates, and Tioga, have proposed a joint study, led and coordinated by STN, to examine gaps in broadband availability and to develop operational and funding options for the provision of broadband services throughout the region; and

WHEREAS, Steuben County’s financial share of the study shall not exceed $75,000; and

WHEREAS, the Administration and Finance Committees have approved said action.

NOW THEREFORE, BE IT

RESOLVED, the County Manager is hereby authorized and directed to enter into an intermunicipal agreement with the counties of Schuyler, Yates, and Tioga for the broadband expansion study; and be it further

RESOLVED, funding for this study, not to exceed $75,000, shall be paid from the Southern Tier Fiber Capital Project (H0100 1230H1); and be it further

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

Mr. Mullen asked how is this cost split between municipalities? Mr. Wheeler stated Tioga County will pay a higher amount because they weren’t part of the original creation of STN. Yates and Schuyler pay half of what we pay due to their size.

Vote: Roll Call – Adopted.

RESOLUTION NO. 022-20

Introduced by B. Schu. Seconed by F. Potter.

AMENDING THE ADMINISTRATIVE CODE

WHEREAS, the Administrative Code’s Rehabilitation Policy has been reviewed by the County Manager and Risk Manager; and

WHEREAS, upon review said Policy requires amending to make the Policy more effective and clear; and

WHEREAS, the Administration Committee has authorized and approved the requested amendment.
NOW THEREFORE, BE IT

RESOLVED, the Administrative Code’s Rehabilitation Policy is hereby amended as follows:

PART XVI: REHABILITATION/EMPLOYEE ASSISTANCE/REINSTATEMENT, Section 10, paragraph 1.

Rehabilitation

In the event of a positive drug or alcohol test, the drug program coordinator shall make an ADMINISTRATIVE REFERRAL to an accredited S.A.P. (Substance Abuse Professional) or to a clinical coordinator of the employee assistance contract group. The employee must provide proof of enrollment into an accredited program within 24 hours of referral and sign a release of information to allow the S.A.P. to keep the employer contact informed of the person’s participation in the program. If the employee does NOT contact the Department of Transportation Substance Abuse Professional within 24 hours, the employee’s employment will be deemed abandoned with Steuben County.

All responsibility for their participation in a rehabilitation program belongs with the employee. Any cost involved in services by the Medical Review Officer, which is required by Federal Regulations, shall be paid by the employer. Any cost not covered by insurance that is incurred by an employee for their initial treatment by a Substance Abuse Professional due to being referred as a result of a first time positive alcohol and/or prohibited drug test will be paid by the employer. Any additional cost involved in required treatment will be the responsibility of the employee per Section 5.1 of the Addendum IV of the CSEA contract.

AND BE IT FURTHER RESOLVED, the Administrative Code’s Department of Transportation Substance Abuse Professional Process is hereby added as follows:

DOT SAP PROCESS – STEUBEN COUNTY

Employee tests positive for prohibited drugs as defined in 49 CFR or alcohol levels at or exceeding .04% in a DOT regulated test, the employee is immediately removed from “safety sensitive duties” and placed on suspension.

The following process needs to be completed before the driver can return to “safety sensitive duty” as defined in 395.2 U.S. Federal Motor Carrier Safety Regulations:

1. The employee will first need to meet with a DOT Certified SAP – Substance Abuse Professional. You must call within 24 hours, Joe DiMaria 585-865-7446. If the employee does NOT contact the DOT SAP within 24 hours, your employment will be deemed abandoned with Steuben County.

2. Any cost involved in services provided by the Medical Review Officer, which is required by Federal Regulations, shall be paid by the employer. Any cost not covered by insurance that is incurred by an employee for their initial treatment by a Substance Abuse Professional due to being referred as a result of a first time positive alcohol and/or prohibited drug test that cost will be paid by the employer. Any additional cost involved in required treatment will be the responsibility of the employee per Section 5.1 of Addendum IV of the CSEA contract.

3. The DOT SAP will meet with the employee to do an evaluation and determine next steps; treatment, counseling, meetings, etc. may be required. This process could take as little as 6–8 weeks or up to 6–8 months, depending on the evaluation. Once the DOT SAP is satisfied the employee has fulfilled the requirements, the DOT SAP will notify Steuben County you are able to return to safety sensitive duty. You will be required to take an observed “return to duty” alcohol/drug test prior to returning. If this test is negative, you will be able to return to work at Steuben County. A second positive test is immediate termination of employment.

4. Once back to work, you will be required to take random observed “follow up” tests. There will be 6 tests per year, from 1 year up to 5 years, determined by the DOT SAP. Any failed observed test will be grounds for termination.

5. If you agree and want to follow this “return to duty process”, please sign here and return this signed policy process letter within 5 days to the Risk Management Office, Steuben County 3 East Pulteney Square, Bath NY 14810.

- I AGREE TO FOLLOW THE DOT SAP PROCESS - ____________________________
AND BE IT FURTHER RESOLVED, the Risk Manager is directed to notify each and every County Employee affected by this new requirement; and be it further

RESOLVED, certified copies of this Resolution shall be forwarded to the Risk Manager, the County Manager, and the County Attorney.

Vote: Roll Call – Adopted.

RESOLUTION NO. 023-20

Introduced by K. Hanna. Seconded by R. Nichols.

MODIFYING AND ADOPTING AGRICULTURAL DISTRICT NO. 6, AS A RESULT OF THE EIGHT YEAR REVIEW OF SAID DISTRICT.


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

WHEREAS, this Legislature did hold a Public Hearing on the proposed modification to said district recommended by the Agricultural and Farmland Protection Board on January 27, 2020.

NOW THEREFORE, BE IT

RESOLVED 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, 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. 6 in the County of Steuben for a period of eight years; and be it further

RESOLVED, the Clerk of this Legislature 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, the Clerk of this Legislature shall forward certified copies of this resolution to the Commissioner of the New York State Department of Agriculture and Markets, 10B Airline Drive, Albany, New York 12235; Steuben County Planning Director and Director of the Steuben County Real Property Tax Service Agency.
Vote: Roll Call – Adopted.

Motion to group resolutions numbered 17 through 31 under one acclamation vote and dispense with the reading made by Mr. Nichols, seconded by Mr. Roush and duly carried.

Motion adopting resolutions numbered 17 through 31 made by Mr. Mullen, seconded by Mr. Roush and duly carried.

RESOLUTION NO. 024-20


APPOINTING MEMBERS TO THE STEUBEN COUNTY ALTERNATIVES TO INCARCERATION ADVISORY BOARD.


WHEREAS, the Alternatives to Incarceration Program has been in effect since 1985; and

WHEREAS, there is a requirement that said Board exist in order for the County to procure funding for certain Alternatives to Incarceration Programs.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Manager appoints the following persons as members of the Steuben County Alternatives to Incarceration Advisory Board for a three (3) year term commencing January 1, 2020 and expiring December 31, 2022:

Honorable Philip J. Roche  
Steuben County Court Judge/ATI Advisory Board Chairperson

Honorable Chauncey J. Watches  
Steuben County Judge

Honorable Patrick F. McAllister  
Steuben County Surrogate Court Judge

Honorable Mathew K. McCarthy  
City Court Judge

Brooks T. Baker, Esq.  
Steuben County District Attorney

Shawn M. Sauro, Esq.  
Steuben County Public Defender

Chairman or Designee  
Public Safety & Corrections Committee

Jennifer K. Prossick  
Steuben County Attorney

Jack K. Wheeler  
Steuben County Manager

James L. Allard  
Steuben County Sheriff

Cheryl Crocker, Director  
Steuben County Probation

Craig Pomplas  
ATI Representative

Sienna Evingham  
Crime Victim

Henry W. Chapman, Psy.D., Director  
Steuben County Community Services/
NYS Certified Alcohol and Substance Abuse Treatment Provider

To be appointed by Chairman of the Steuben County Legislature:

Ex-Offender
AND BE IT FURTHER RESOLVED, the above-named Advisory Board members shall serve without compensation and shall be entitled to receive reimbursement for necessary expenses, including mileage, long-distance telephone calls and meals, with proper receipts, and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the above-named appointees; the County Auditor, the County Commissioner of Finance, and Robert Maccarone, Deputy Commissioner and Director, NYS Department of Probation and Correctional Alternatives, 4 Tower Place, Albany, NY 12203.

Vote:  Acclamation – Adopted.

RESOLUTION NO. 025-20


APPOINTING MEMBERS TO THE EMPLOYEE ASSISTANCE PROGRAM ADVISORY COMMITTEE.

Pursuant to Section 12.19 of the Steuben County Charter, 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 Memorandum 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**
Robin K. Lattimer

**Management Members**
Nathan Alderman
Amy R. Dlugos
Kimberly Jessup
Darlene Smith

**Civil Service Employees’ Association Members**
Chris Myers
Brenda Campbell

**Steuben County Deputy Sheriffs’ Association, Inc. Member**
Matthew Sorge

**Correction Officers, Dispatchers & Court Security Officer 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 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. 026-20


FILLING A VACANCY ON THE STEUBEN COUNTY FIRE ADVISORY BOARD.

Pursuant to Section 12.19 of the Steuben County Charter and Section 225-a of the County Law of the State of New York.

WHEREAS, a vacancy currently exists on the Steuben County Fire Advisory Board.

NOW THEREFORE, BE IT

RESOLVED, Jeffrey P. O’Neil of 307 Granger Road, Wayland, New York is hereby appointed a member of the Fire Advisory Board to fill the vacancy of a term that commenced January 1, 2019 and ends December 31, 2020; and be it further

RESOLVED, said member 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 appointee, the County Auditor, and the Steuben County Emergency Management Office.

Vote: Acclamation – Adopted.

RESOLUTION NO. 027-20


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

Pursuant to Section 12.19 of the Steuben County Charter and Article 4, Title 4 of the Public Authorities Law.

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, 2020 through December 31, 2021; 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 individual at 9260 State Route 21, Cohocton, NY 14826; Brendan Tydings, Administrator, Genesee Valley Regional Market Authority, 900 Jefferson Road, Rochester, NY 14623; and the County Auditor.

Vote: Acclamation – Adopted.

RESOLUTION NO. 028-20


APPOINTING REPRESENTATIVES TO THE INTERCOUNTY ASSOCIATION OF WESTERN NEW YORK.

Pursuant to Section 12.20 of the Steuben County Charter.

BE IT RESOLVED, from January 1, 2020 through December 31, 2021, the Steuben County Legislature does hereby designate the following as representatives of this Legislature to the Inter County Association of Western New York:

1. CAROL A. FERRATELLA, voting representative
2. HILDA T. LANDO, voting representative
3. BRENDA K. MORI, voting representative
4. JACK K. WHEELER, alternate voting representative
5. CHRISTOPHER BREWER, alternate voting representative

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

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 029-20


APPOINTING A REPRESENTATIVE TO THE STEUBEN COUNTY JURY BOARD.

Pursuant to Section 12.19 of the Steuben County Charter and 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 the Jury Board has expired.

NOW THEREFORE, BE IT
RESOLVED, Hilda T. Lando, Steuben County Legislator representing District 2, is hereby appointed as the Legislative Representative to the Steuben County Jury Board for a two (2) year term commencing January 1, 2020 and expiring December 31, 2021; and be it further

RESOLVED, said representative shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of her 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, 99 Exchange Boulevard, Rochester, NY 14614; the Commissioner of Jurors; County Clerk; and County Auditor.

Vote: Acclamation – Adopted.

RESOLUTION NO. 030-30


APPOINTING MEMBERS TO THE STEUBEN COUNTY LAND BANK CORPORATION, A NEW YORK LAND BANK.

Pursuant to Article 16 of the Not-for-Profit Corporation Law.

WHEREAS, the Steuben County Land Bank Corporation was established July 25, 2016, by Resolution No. 126-16; and

WHEREAS, the Board of Directors shall consist of seven (7) members who shall, pursuant to Article III, Section 2 (c) of the By-Laws of the Steuben County Land Bank Corporation, be appointed by the Chairman of the Steuben County Legislature for two year terms; and

WHEREAS, the “Municipal Representative” of the Board of Directors shall, pursuant to Article III, Section 2 (f) of the By-Laws of the Steuben County Land Bank Corporation, be appointed by the Chairman of the Steuben County Legislature and confirmed by a majority vote of the Steuben County Legislature as well as the governing board of the Municipal Representative’s municipality consenting to his/her appointment.

NOW THEREFORE, BE IT

RESOLVED, the following individuals, as recommended by the Chairman of the Legislature, are hereby appointed as members of the Steuben County Land Bank Corporation for a term of two years commencing January 1, 2020 and expiring December 31, 2021:

1. Scott J. Van Etten, Chairman of the Steuben County Legislature
2. Hilda T. Lando, Steuben County Legislator, District 2
3. Jack K. Wheeler, County Manager
4. Tammy Hurd-Harvey, Commissioner of Finance
5. Jennifer Miller, Corning City Planning Director, Municipal Representative
6. William von Hagn, Village of Bath Mayor, Municipal Representative
7. John Buckley, Hornell City Mayor, Municipal 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 Steuben County Land Bank Corporation; and be it further
RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointees, the County Auditor, the County Manager, and the County Attorney.

**Vote:**  Acclamation – Adopted.

**RESOLUTION NO. 031-20**

Introduced by S. Van Etten.  
Seconded by J. Malter.

**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 one appointment who shall serve a term of one (1) year; and

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

**NOW THEREFORE, BE IT**

RESOLVED, the following persons, as recommended by the Steuben County Manager, 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, 2020 through December 31, 2022**

Michael L. Nisbet, 20 Bennet Street, Canisteo, NY 14823
Anthony Russo, Southern Tier Provisions, 6683 Route 54 S, Bath, NY 14810

**January 1, 2018 through December 31, 2020**

Christine G. Sharkey, Corning Enterprises, One West Market Street – 6th Floor, Corning, NY 14831
Michael J. Doyle, 54 Lake Street, Hammondsport NY 14840

**January 1, 2020 through December 31, 2020**

Scott J. Van Etten, Chairman, Steuben County Legislature, 11331 Hendy Hollow Road, Corning NY 14830

**January 1, 2019 – December 31, 2021**

Mark R. Alger, County Resident, 109 Rumsey Street, Bath, NY 14810
Dean Strobel, General Manager, Upstate Niagara Coop, 8600 Main Street, Campbell NY 14821
*(filling unexpired term of James R. Frame)*

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 Jeff Evans, Esq. of Welch and Zink, 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 above-named appointees, the County Planning Director, James C. Johnson, Executive Director, Steuben County Industrial Development Agency, 7234 Route 54 N, PO Box 393, Bath, NY 14810; Chelsea Robertson, Executive Director, Southern Tier Central Regional Planning & Development Board, 8 Denison Parkway East, Suite 301, Corning, NY 14830; counsel to the agency and the County Auditor.

Vote:  Acclamation – Adopted.

RESOLUTION NO. 032-20


APPOINTING MEMBERS TO THE SOUTHERN TIER CENTRAL REGIONAL PLANNING AND DEVELOPMENT BOARD’S STEUBEN COUNTY HUMAN SERVICES COMMITTEE.

WHEREAS, at its July 1973 meeting, the Southern Tier Central Regional Planning and Development Board appropriated a proposal to recognize a Human Services Committee in each of the three participating counties to act as each respective County’s human services advisory council to the Southern Tier Central Regional Planning and Development Board and in addition, said Board voted to encourage the Legislature in each County to support its County Human Services Committee and to send representatives to such Committee; and

WHEREAS, vacancies have occurred on the committee.

NOW THEREFORE, BE IT

RESOLVED, that the following individuals are hereby authorized, in their fair and reasonable discretion and in relevant matters connected with human rights services, to represent their agencies and the County on the Southern Tier Regional Planning and Development Board’s Human Services Committee:

SOCIAL SERVICES
Teresa Stever, Deputy Commissioner
Department of Social Services

MENTAL HEALTH
Henry W. Chapman, Psy.D., Director
Office of Community Services

HOUSING PROGRAM
Wanda Carl
Arbor Development

HEALTH
Lorelei Wagner, Public Health Educator
Steuben County Public Health

AGING PROGRAM
Patty Baroody, Director
Office for the Aging

Christine Towner, RSVP Coordinator

EDUCATION
Dan Porter, Executive Director
CSS Workforce NY

COUNTY PLANNING
Amy R. Dlugos
Director of Planning

POVERTY PROGRAM
Laura Rossman, Executive Director
ProAction of Steuben and Yates

YOUTH
Bill Caudill
Youth Bureau Coordinator

STEUBEN COUNTY LEGISLATOR
Carol A. Ferratella, District 13

COOPERATIVE EXTENSION
Theresa McKinley, Executive Director
(filling unexpired term of Larkin Podsiedlik)
BE IT FURTHER RESOLVED, that said appointees shall serve at the pleasure of the Legislature, for a two (2) year term commencing January 1, 2019 and not beyond December 31, 2020; 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 Regional Human Services Committee; 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 Central Regional Planning and Development Board, 8 Denison Parkway East, Suite 301, Corning, NY 14830.

Vote: Acclamation – Adopted.

RESOLUTION NO. 033-20


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


RESOLVED, the recommended appointments made by the Steuben County Manager 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, 2020 and ending December 31, 2021.

LEGISLATOR MEMBERS
1. Scott J. Van Etten, 11331 Hendy Hollow Road, Corning, NY
2. Robert V. Nichols, 743 Thompson Road, Addison, NY
3. Steven P. Maio, 319 East Second Street, Corning, NY

REPRESENTATIVE OF STEUBEN COUNTY PLANNING BOARD
1. Amy R. Dlugos, Director, Steuben County Planning Department

MUNICIPAL OFFICERS
1. Jennifer Miller, Corning City Planning & Economic Development Director
2. John Buckley, Mayor, City of Hornell

REGIONAL COMMERCE-BUSINESS REPRESENTATIVE
1. James C. Johnson, 7234 Route 54 North, PO Box 393, Bath, NY

REGIONAL AGRICULTURE REPRESENTATIVE
1. Joseph J. Hauryski, 6031 County Route 17, Campbell, NY

AT-LARGE REPRESENTATIVE
1. Jack K. Wheeler, Steuben County Manager

EX-OFFICIO MEMBERS
1. Steuben County Commissioner of Public Works
2. Steuben County Commissioner of Finance
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 Avenue, Albany, NY 12231; the County Auditor and to Chelsea Robertson, Executive Director, Southern Tier Regional Planning and Development Board, 8 Denison Parkway East, Suite 301, Corning, NY 14830.

Vote: Acclamation – Adopted.

RESOLUTION NO. 034-20


APPOINTING MEMBERS TO THE STEUBEN AREA ECONOMIC DEVELOPMENT CORPORATION.

WHEREAS, by resolution dated July 28, 2011, the Steuben County Industrial Development Agency adopted certain amendments to the Certificate of Incorporation and By-Laws of the Steuben Area Economic Development Corporation to reflect that the sole member of the Corporation shall be the County of Steuben acting by and through the Chair of the Legislature of the County; and

WHEREAS, the County desires to appoint the Board of Directors of the Steuben Area Economic Development Corporation; and

WHEREAS, the By-Laws of the Steuben County Area Economic Development Corporation authorize that the number of Directors of the Corporation shall be seven (7); and

WHEREAS, the Directors of the Corporation are appointed to serve three (3) year staggered terms, excepting one appointee who shall serve a term of one (1) year.

NOW THEREFORE, BE IT

RESOLVED, the following persons recommended by the Steuben County Manager, are hereby appointed as members of the Steuben Area Economic Development Corporation for the terms as indicated and shall hold office until reappointed or a successor is appointed, and has qualified to wit:

January 1, 2020 through December 31, 2022
Michael L. Nisbet, 20 Bennett Street, Canisteo, NY 14823
Anthony Russo, Southern Tier Provisions, 6683 Route 54 S, Bath, NY 14810

January 1, 2018 through December 31, 2020
Christine G. Sharkey, Corning Enterprises, One West Market Street – 6th Floor, Corning, NY 14830
Michael J. Doyle, 54 Lake Street, Hammondsport, NY 14840

January 1, 2020 through December 31, 2020
Scott J. Van Etten, Chairman, Steuben County Legislature, 11331 Hendy Hollow Road, Corning, NY 14830

January 1, 2019 through December 31, 2021
Mark R. Alger, County Resident, 109 Rumsey Street, Bath, NY 14810
Dean Strobel, General Manager, Upstate Niagara Coop, 8600 Main Street, Campbell NY 14821
(filling unexpired term of James R. Frame)
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 Area Economic Development Corporation; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to each of the above-named appointees; James C. Johnson, Executive Director, Steuben County Industrial Development Agency, 7234 Route 54N, PO Box 393, Bath, NY; Chelsea Robertson, Executive Director, Southern Tier Central Regional Planning & Development Board, 8 Denison Parkway East, Suite 301, Corning, NY; Counsel to the Steuben County Industrial Development Agency; and the County Auditor.

Vote: Acclamation – Adopted.

RESOLUTION NO. 035-20

Introduced by S. Van Etten.  
Seconded by J. Malter.

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, 2020 through December 31, 2021:

1. Mark R. Alger, Community Representative, 109 Rumsey St., Bath, NY 14810
2. Summer Deming, Youth Member, Bath, NY
3. Ashilee Dickinson, Legal Assistance of Western New York, 16 West William St., Bath, NY 14810
4. Cheryl Crocker, Steuben County Probation Department, 3 East Pulteney Sq., Bath, NY 14810
5. Alexis Loss, Youth Member, Bath, NY
6. Lynn Lewis, Steuben County Community Services, 115 Liberty St., Bath, NY 14810
7. John McNelis, Steuben County Undersheriff, 7007 Rumsey St. Ext., Bath, NY 14810
8. Kathryn A. Muller, Steuben County Department of Social Services, 3 East Pulteney Sq., Bath, NY 14810
9. Kris Pashley, Community Representative, 27 Fero Ave., Corning, NY 14830
10. Cora Saxton, Wayland-Cohocton Central School District, 310 East Naples St., Wayland, NY 14572
11. Darlene Smith, Steuben County Public Health, 3 East Pulteney Sq., 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; Matthew Newman, NYS Office of Children and Family Services, Division of Youth Development and Partnerships for Success, 52 Washington Street, Room 338, Rensselaer, NY 12144; the County Auditor; and the Youth Programs Coordinator.

Vote: Acclamation – Adopted.
RESOLUTION NO. 036-20

Introduced by S. Van Etten. Secended by J. Malter.

APPOINTING MEMBERS TO THE STEUBEN COUNTY COOPERATIVE EXTENSION BOARD OF DIRECTORS.

Pursuant to Section 12.19 of the Steuben County Charter, Section 224 of the County Law and upon the request of the said Association.

WHEREAS, pursuant to Article V, Section 3 (B) of the Association By-Laws, the County governing body shall be requested annually to appoint two legislators to serve as Directors on the Association Board of Directors.

NOW THEREFORE BE IT

RESOLVED, the appointment of Jeffrey P. Horton, Legislator, District 8, and Frederick G. Potter, Legislator, District 10, by the Steuben County Manager as Legislator representatives on the Board of Directors of the Cooperative Extension Association of Steuben County for a one (1) year term beginning January 1, 2020 and expiring December 31, 2020, 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.

Vote: Acclamation – Adopted.

RESOLUTION NO. 037-20

Introduced by S. Van Etten. Secended by J. Malter.

FILLING VACANCIES ON THE STEUBEN COUNTY CONFERENCE & VISITORS’ BUREAU BOARD OF DIRECTORS.

Pursuant to Section 12.19 of the Steuben County Charter.

WHEREAS, the Steuben County Legislature adopted Resolution No. 056-93 on October 25, 1993, authorizing and directing the creation of the Steuben County Conference & Visitors’ Bureau and establishing the appointment of voting members on the Board of Directors as staggered three (3) year terms, with the exception of one member who shall serve a one (1) year term; and

WHEREAS, the term for some Board members expired December 31, 2019.

NOW THEREFORE, BE IT

RESOLVED, the following individuals, as recommended by the Steuben County Manager, are hereby appointed as members of the Steuben County Conference & Visitors’ Bureau Board of Directors for the terms as indicated, and shall hold office until reappointed or a successor is appointed and qualified to wit:
VOTING MEMBERS

Accommodations
Linda Wright, General Manager, Hilton Garden Inn Corning 01/01/20 – 12/31/22
Brett Bixby, General Manager, Hampton Inn, Corning – Painted Post 01/01/18 – 12/31/20
Ronald F. Leonard, President, Keuka Lakeside Inn, Hammondsport 01/01/19 – 12/31/21

Attractions
Ryan Doolittle, Tourism Sales Specialist, Corning Museum of Glass 01/01/20 – 12/31/22
Joe Hope, Weis Vineyards, Hammondsport 01/01/18 – 12/31/20
Nate Basch, Director of Events, Corning’s Gaffer District 01/01/19 – 12/31/21
(filling unexpired term of Coleen Fabrizi)

Community-At-Large
Justin Recktenwald, Owner, Wild Brute Winery, Arkport 01/01/20 – 12/31/22
Ariel Kirk, Agriculture Educator, Cornell Cooperative Extension of Steuben County 01/01/18 – 12/31/20
(filling unexpired term of Larkin Podsiedlik)
Chris Waters, Community Arts Manager, The ARTS Council of Southern Finger Lakes 01/01/19 – 12/31/21

Chamber of Commerce Representative
Jim Presley, President, Hammondsport Chamber of Commerce 01/01/20 – 12/31/20

County Manager Designee
Amy Dlugos, Planning Director 01/01/19 – 12/31/21

County Legislators
K. Michael Hanna, District 5 01/01/19 – 12/31/21
Hilda T. Lando, District 2 01/01/18 – 12/31/20

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 the Executive Director of the Steuben County Conference and Visitors’ Bureau, Inc., 1 West Market Street, Baron Steuben Building, Suite 301, Corning, NY 14830.

Vote: Acclamation – Adopted.

RESOLUTION NO. 038-20

Introduced by K. Hanna.  Seconded by J. Malter.

SUPPORTING AN INCREASE IN THE STATE APPROPRIATION FOR CORNELL COOPERATIVE EXTENSION.

WHEREAS, Cornell Cooperative Extension is a formal collaboration between the National Institute of Food and Agriculture at USDA, New York State, County Governments and the Citizens of the State that has served to apply unbiased, research-based knowledge from Cornell, New York’s Land Grant University, to the needs of New Yorkers and their communities for over 100 years; and

WHEREAS, local extension educators are key community partners in helping to implement state initiatives including maximizing agriculture and local food systems, strengthening the economy, promoting healthier eating habits
and access to good nutrition, fighting poverty particularly in rural areas, protecting water quality and stewardship of New York’s natural resources, building opportunity through STEM based youth education and leadership skills in 4-H, promoting renewable energy options while protecting farmland resources, and partnering where appropriate in Taste NY initiatives to promote tourism and local food and farm businesses, and

WHEREAS, support from Federal, State and County sources is essential to the continued success of locally-governed county cooperative extension associations; and

WHEREAS, state appropriations for county cooperative extension associations to match county government appropriations as authorized by Section 224 (8) of the County Law have remained stagnant for twenty years; and

WHEREAS, state funding is needed to ensure that the Cornell Cooperative Extension system can equitably work for all New York residents through increased resources to support rural, suburban, and urban community development needs.

NOW THEREFORE, BE IT

RESOLVED, the Legislature of Steuben County supports increasing the State appropriation for Cornell Cooperative Extension associations to $8 million, such funds to be distributed directly to the associations through Cornell University as agent for the state as provided by law; and be it further

RESOLVED, certified copies of this resolution shall be provided to Honorable Philip A. Palmesano, New York State Assemblyman, 320 Legislative Office Building, Albany, NY 12248; Honorable Thomas M. O’Mara, New York State Senator, 406 Legislative Office Building, Albany, NY 12247; Honorable Marjorie Byrnes, New York State Assemblywoman, 723 Legislative Office Building, Albany, NY 12248 and Honorable Joseph M. Giglio, New York State Assemblyman, 525 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.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 Made By Mr. Malter, seconded by Mr. Mullen and duly carried.

Motion to adjourn executive session and reconvene in regular session made by Mr. Roush, seconded by Mr. Mullen and duly carried.

RESOLUTION NO. 039-20

Introduced by K. Hanna and K. Fitzpatrick. Seconded by B. Schu.

AUTHORIZING THE COUNTY MANAGER TO ENTER INTO A CONTRACT FOR THE PURCHASE OF CERTAIN REAL PROPERTY IN THE TOWN OF ERWIN.

WHEREAS, there is an available parcel of land with an existing building available for purchase in the Town of Erwin; and

WHEREAS, the County is desirous of purchasing the property for use as a possible DMV location; and

WHEREAS, the owners of 77 Victory Highway, ServU Federal Credit Union, have agreed to sell said parcel to the County of Steuben for $450,000.00 total; and

WHEREAS, funds are available in unrestricted fund balance; and
WHEREAS, this purchase amount is within the guidelines set by the Ad-Hoc Office Space Committee.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Finance is hereby authorized to appropriate $450,000 from the unrestricted fund balance for this purchase; and be it further

RESOLVED, the County Manager is authorized and directed to execute all contracts and agreements for purchase of said parcel of land; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the County Manager, Commissioner of Finance, County Auditor, Real Property Tax Director and the Risk Manager.

Mr. Mullen stated Mr. Wheeler did an excellent job on this. Mr. Wheeler stated the credit also needs to go to Mr. Brewer and Ms. Prossick.

Vote: Roll Call – Adopted.

Motion to adjourn made by Mr. Roush, seconded by Mr. Mullen and duly carried.
The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers in Bath, NY on the 24th day of February, 2020 at 10:00 a.m. and was called to order by the Chairman of the Legislature, Scott J. Van Etten.

Roll Call and all members present except Legislators Lando, Lattimer and Swackhamer.

Mrs. Ferratella provided the Invocation and the Pledge of Allegiance was led by Mr. Nichols.

Chairman Van Etten asked Courtney Hagadone to come forward. Ms. Hagadone is an employee in the Office for the Aging. He presented her with a Certificate of Appreciation and a pin in recognition of her 10 years of service to Steuben County.

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

Chairman Van Etten asked Debby Spencer to come forward. Ms. Spender is an employee in the Department of Social Services. He presented her with a Certificate of Appreciation and a pin in recognition of her 10 years of service to Steuben County.

Chairman Van Etten asked Jason Barrett to come forward. Mr. Barrett is an employee in the 911 Department. He presented him with a Certificate of Appreciation and a pin in recognition of his 15 years of service to Steuben County.

Chairman Van Etten opened the floor for comments by members of the public.

Doug Mitchell, Addison, stated he is here today representing the Steuben County SCOPE Chapter. Sadly, I stand here today even more concerned than I was 7 years, 1 month and 10 days ago when the NY SAFE Act was presented under a “message of necessity”, in the dead of night with no desire or prospect of public input or debate. Truly cowardly and tyrannical with no apologies offered. Those who voted in favor of this “feel good” legislation said it was “common sense” legislation that the public wanted…that gun owners were unreasonable and paranoid about their rights and the Constitution. Well, here we are in NY 7 years later…we have a mandated ammo database that is nonexistent, a mandated universal background check procedure that is not always followed, and 95 percent non-compliance in registering existing AR platform rifles. But it sure felt good when they passed it! We now have a “common sense” red flag law that violates “due process” and several other customs we have enjoyed in the past in a “free and just” society. If a person is considered a danger to himself and others, why only confiscate firearms? Why not cars, knives, hammers, screwdrivers, ice picks, baseball bats and golf clubs? Wouldn’t it be easier to just lock up the person rather than all the instruments you think might be a problem (or that you’re scared of)? I believe it is time that the citizens of Steuben County peacefully, but emphatically say “enough is enough”…that we can do a better job of governing ourselves than NYC or Albany. One size does not fit all. A lot can change in 5, 8 or 10 years…evidence being the NY SAFE Act, the Red Flag Law, the Green Light Law, Bail Reform & Discovery Law in NYS. I will leave you with a quote, not mine, by the way…”This year will go down in history. For the first time, a civilized nation has full gun registration. Our streets will be safer, our police more efficient and the world will follow our lead into the future.” 1935 – Adolf Hitler. Mr. Mitchell stated he sincerely hopes this body will consider the wishes of so many Steuben County residents and consider a sensible Ordinance ensuring both the safety and the rights of your constituents. Thank you.
David Sutfin, Hornell, stated socialism kills and he imagines all of you are aware of that. The average Republic lasts about 200 years. Your duly elected Governor has gone from a civil society to near chaos. This always starts with gun control. The Governor has disregard for the U.S. and State Constitution and has turned gun owners into felons overnight. New York State has become a sanctuary for illegal aliens, we have decriminalized drug use and have instituted bail reform. Criminals are now free to do what they want at will. Where do all the drug addicts get the money to feed their habits? Crime is definitely on the rise. Shootings are up 60 percent in NYC since Bail Reform. Private citizens in NYC are worried they will not get their city back and they cannot protect themselves from criminals. Do you really believe that criminals purchase guns at a gun dealer? They do not register their weapons and there is no background check. Mr. Sutfin stated we need a simple ordinance for a Second Amendment Sanctuary. How close are we to destroying the greatest republic in the world? This county and others across the State are being extorted by the Governor. Without action it will only get worse. When people fear government there is tyranny. When governments fear the people then there is freedom.

Kyle Peterson, Campbell, stated he is here today to re-inform everyone that we are still working on revising the Second Amendment Sanctuary Ordinance. We have been getting more feedback from other counties recently and have made more revisions since the last time I spoke with you all. So, I will leave the current revised copy for everyone to review; this revision comes after Gregg (the person heading the Chemung ordinance) had a meeting with Chemung County Legislators, along with the County Attorney. Again, this is just another revision and we encourage as much feedback from everyone as you are able to give. He would also like to provide everyone with some more information today. If anyone has done research of some of the current firearm bills that have been introduced, you have probably seen some of these bills I am going to talk about. If you have not seen them, I encourage you to go to nysenate.gov, then search bills and type “firearm” in the “title” section. There are hundreds of bills out there related to firearms. A few of them are Senate Bill S3565, S1834, A2847 (multiple versions), A7640, S7065, S1412 and A1724. Mr. Peterson recited the provisions of each of these bills. To make it clear, these are only some of the bills that have been introduced. There are many more out there, but not all of them are bad either. There are some that would be beneficial, such as A5087 which makes amendments to the SAFE Act. Furthermore, since I have started working on this ordinance, I have heard a lot about preemption. Preemption is based off of the Supremacy Clause with Article VI of the U.S. Constitution which dictates that federal law is the “supreme law of the land” and federal law preempts state law, even when the laws conflict. However, in absence of federal law, or when a state law would provide more protection for consumers, employees, and other residents than what is available under existing federal law, then state law holds. On the federal level, we have the National Firearms Act (1934), the Federal Firearms Act (1938), the Gun Control Act of 1968, the Firearms Owners Protection Act (1986), the Brady Act (1993), the Federal Assault Weapons Ban (1994), the Lawful Commerce in Arms Act and Child Safety Lock Act (2005), and the National Instant Criminal Background Check System Improvement Amendments Act (2007). Although we have all these Federal regulations and laws of firearms, NYS continues to introduce and pass more and more firearms restrictions. Some have been within reason, and some have not been within reason. All affect law abiding citizens and few affect criminals as they do not follow the law to begin with. To conclude, the 2nd Amendment states a well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed. As quoted from Samuel Adams, “If ye love wealth better than liberty, the tranquility of servitude better than the animating contest of freedom, go home from us in peace. We ask not your counsels or your arms. Crouch down and lick the hands which feed you. May your chains set lightly upon you, and may posterity forget that you were our countrymen.”

Wayne Wells, Cameron, provided his opinion on President Trump and corruption.

Chairman Van Etten thanked everyone for their comments and declared the opportunity for public comment closed.

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Legislative Meeting
Monday, February 24, 2020
Dr. William Mullaney, President of Corning Community College presented his 2020 annual report. He introduced Board of Trustee members Gail Baity and Ronald Allison. He also introduced Financial Officer, Todd Garnier. Dr. Mullaney stated the success of the college is built upon our dedication to the students. The community has been very warm and welcoming and is very supportive of the college. He stated Dr. Douglas accomplished many things during her eight-year tenure, including the construction of the residence halls and the Health Education Center. Dr. Mullaney reviewed various highlights from 2018 through the present. During the Fall of 2018 they introduced the new program in Sustainability Studies. Additionally they partnered with CAF USA, a Spanish-owned railcar manufacturing company with a branch in Elmira to manage employee development training. He noted that they have the highest transfer rates in New York and during the winter 2018 semester they signed a new collaborative agreement with SUNY Oswego. This 2+2 agreement allows students to complete two years of undergraduate study at SUNY CCC and then apply to SUNY Oswego to earn a Bachelor of Arts in Music. During the 2019 spring semester we held the ceremonial groundbreaking for the College’s STEAM Innovation Center where state-of-the-art equipment will allow the College to explore and expand public-private partnerships with local employers in order to meet their workforce needs. Additionally, this will allow the College to reduce our carbon footprint, improvement energy efficiency and raise student awareness about the importance of environmental sustainability. During the summer of 2019 we implemented free tuition for students who take SUNY CCC courses that are taught in their high schools. We also celebrated the retirement of Dr. Katherine Douglas. The SUNY Chancellor visited the College this past fall and Dr. Mullaney stated we were very proud of how our students and staff presented our College to the Chancellor. We were also recognized as a 2020 Best College by Niche; we were ranked fifth in New York State. Dr. Mullaney stated the *Journal of Microbiology and Biology Education* accepted for publication an article by one of our professors, Dr. Matthew Skerritt.

Dr. Mullaney presented a brief PowerPoint presentation on their STEAM Innovation Zone. The Innovation Zone offers programming and develops collaborations for life-long access to high-quality STEAM education in Healthcare, Information Technology, Digital Design, Engineering, Advanced Manufacturing and Clean Energy. We welcome collaboration with industry, agencies, non-profits and community organizations. Dr. Mullaney outlined the STEAM Innovation Zone programs for 2020 – 2022. These include installing the equipment for the Digital Dome Theatre by Summer 2020 and open for use by Fall 2020; develop and begin offering the Megatronics curriculum by Fall 2020; partnering with Siemens for energy retrofit with a goal of reducing energy use by 20 percent by Summer 2021; develop the Makerspace as a laboratory for design, manufacturing, and information technology course projects by Fall 2021 and creating a STEM summer bridge program to promote STEM careers by Summer 2022.

Mr. Nichols asked it looks like you have a deficit of $4 million; how did that happen? Dr. Mullaney replied that decrease is largely the result of the depreciation of assets at the college. Mr. Garnier commented that is non-cash. Mr. Van Etten asked what has happened with enrollment? It is interesting that it picked up in 2018 and has dropped down in 2019. Dr. Mullaney replied for the past five years they have seen an enrollment decline at the college. When the economy is doing well, enrollment declines. There are also fewer high school students graduating, however, we did see an increase with the ACE Program and that made up for that decline. Ms. Fitzpatrick asked have the Excelsior Scholarships had any effect on the decreased enrollment? Dr. Mullaney replied by most accounts it has; it seems to have had a more positive effect on the four-year universities. Mrs. Ferratella asked what about international students? Dr. Mullaney replied international students are a small part of our population. We have continued our outreach efforts. One of our largest growth areas is with students from New York City. We would like to look at expanding our international student population.

*Motion adopting the minutes of the previous meeting(s) made by Mr. Malter, seconded by Ms. Fitzpatrick and duly carried.*
Mr. Wheeler stated he would like to recognize the most recent winners of the Employee Innovation Award. Dr. Ryan Peterson, Lisa Hamilton and Karen Adam presented a proposal for making double-sided printing the default in an effort to save paper and we will start doing that. Our estimate is this will result in an annual savings of $2,500 - $4,500.

Chairman Van Etten stated the Legislators should have all received via email a copy of a letter that Mayor Buckley sent thanking the County for our cooperation with the Preston Avenue site. Mr. Wheeler stated the Legislature has done great work with this and he would also like to recognize Chris Brewer and Steve Orcutt as they have been instrumental in coordinating everything.

RESOLUTION NO. 040-20

Introduced by K. Fitzpatrick.  
Seconded by G. Roush.

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

Pursuant to Section 2.07 of the Steuben County Charter.

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

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

RESOLVED, the Steuben County Commissioner of Finance is authorized and directed to cancel any unpaid taxes against the assessed gas well contained in Schedule "B", pursuant to Real Property Tax Law §558, as approved by the Steuben County Finance Committee on February 11, 2020; and be it further

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

SCHEDULE “A”

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**Vote:** Roll Call – Adopted.
RESOLUTION NO. 041-20


RECEIVING AND ACCEPTING THE FEBRUARY 24, 2020 COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY MANAGER’S OFFICE.

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

January 17, 2020
NYS Department of Transportation – Re: Notification of up to $43 million in funding for operating assistance and capital projects to support public transportation services in rural areas with populations of less than 50,000. Referred to: Amy Dlugos, Planning Director.

Harris Beach PLLC, Attorneys at Law – Re: Steuben County Industrial Development Agency and Canandaigua Power Partners, LLC amended and restated tax agreement. Referred to: Finance and Administration Committees; Tammy Hurd-Harvey, Commissioner of Finance; Wendy Jordan, RPTSA Director; and Jennifer Prossick, County Attorney.

January 21, 2020
NYS Department of Environmental Conservation – Re: Preliminary data results from the site investigation at the Steuben County Wayland Landfill. Referred to: Public Works Committee; Steve Orcutt; Assistant Commissioner of Landfill, and Jennifer Prossick, County Attorney.

Steuben County Industrial Development Agency – Re: Notice of public hearing regarding the Steuben County Industrial Development Agency and Canisteo Wind LLC proposed financial assistance is scheduled for Tuesday, February 11, 2020 at 3:30pm and 5:30pm at the Troupsburg Town Hall located at 873 Main Street, Troupsburg, New York. Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.


January 27, 2019
Harris Beach, PLLC, Attorneys at Law – Re: Steuben Tobacco Asset Securitization Corporation annual meeting and accountability materials. Referred to: Jack Wheeler, County Manager; Jennifer Prossick, County Attorney; Tammy Hurd-Harvey, Commissioner of Finance; and Brenda Mori, Clerk of the Legislature.

City of Hornell – Re: Resolution confirming the reappointment of Mayor John Buckley to the Steuben County Land Bank Corporation for a term of two years commencing on January 1, 2020 and expiring on December 31, 2021. Referred to: Amy Dlugos, Steuben County Land Bank Corporation Executive Director; and Brenda Mori, Clerk of the Legislature.

January 28, 2020
NYS Parks, Recreation and Historic Preservation – Re: Notification of the application approval for the 2019-2020 snowmobile trail development and maintenance assistance in the amount of $42,084.00. Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.

January 31, 2020
Innogy Renewables US LLC – Re: Notification of a public open house for Baron Winds LLC is scheduled on February 12, 2020 from 6:30pm-8:30pm at the Cohocton Development Corporation, located at 71 Maple Avenue, Cohocton, NY. Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.
Honorable Craig Doran, NYS Supreme Court Justice, 7th Judicial District Administrative Judge - Letter requesting support from the Steuben County Legislature on Chief Judge DiFiore’s proposal for the Trial Court Consolidation.  
Referred to:  Ad Hoc Office Space Committee; and Jack Wheeler, County Manager.

February 3, 2020
Western Regional Off-Track Betting Corporation – Re: Check in the amount of $1,761, which represents the December 2019 surcharge revenues for Steuben County.  Referred to: Finance Committee; and Tammy Hurd-Harvey, Commissioner of Finance.

February 5, 2020
Steuben County Industrial Development Agency – Re: Notice of public hearing regarding the Steuben County Industrial Development Agency and Canisteo Wind LLC proposed financial assistance is RESCHEDULED to Wednesday, February 26, 2020 at 4:00pm and 6:00pm at the Troupsburg Fire Hall located at 893 State Route 36, Troupsburg, New York.  Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.

February 12, 2020
NYS Department of Transportation – Re: Notification of the initiated payment process to fully expend the SFY 2019-2020 Statewide Mass Transportation Operating Assistance (STOA) payment.  Referred to: Amy Dlugos, Planning Director and filed with Brenda Mori, Clerk of the Legislature.

Vote:  Acclamation – Adopted.

RESOLUTION NO. 042-20

Introduced by C. Ferratella and K. Fitzpatrick.  

AUTHORIZING THE TRANSFER OF FUNDS FROM THE STEUBEN COUNTY DIABETES COALITION TO THE S2AY RURAL HEALTH NETWORK.

WHEREAS, the Steuben County Diabetes Coalition (coalition) was formed on October 15, 2010; and

WHEREAS, the coalition covered Steuben, Chemung and Schuyler Counties; and

WHEREAS, coalition members now attend the Living Healthy Regional Coalition chaired by the S2AY Rural Health Network; and

WHEREAS, due to the establishment of the Living Healthy Regional Coalition, the Steuben County Diabetes Coalition was disbanded on July 17, 2019; and

WHEREAS, Steuben County Diabetes Coalition members voted to use the remaining money raised by the coalition to fund scholarships for children with a Diabetes diagnosis that live in Steuben, Chemung and Schuyler Counties to attend the American Diabetes Association’s Camp Aspire; and

WHEREAS, the S2AY Rural Health Network has agreed to accept and distribute the remaining money for Camp Aspire scholarships.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature authorizes the Commissioner of Finance to transfer $4,559.29 to the S2AY Rural Health Network from the Steuben County Diabetes Coalition (A 26004025); and be it further
RESOLVED, a certified copy of this resolution shall be forwarded to the Director of Public Health and Nursing Services, the Commissioner of Finance, and the Executive Director of the S2AY Rural Health Network, PO Box 390, Canandaigua, NY 14424.

Vote: Roll Call – Adopted.

RESOLUTION NO. 043-20

Introduced by J. Malert and K. Fitzpatrick. Seconded by F. Potter.

AUTHORIZING ACCEPTANCE OF THE FY19 STATEWIDE INTEROPERABLE COMMUNICATIONS FORMULA GRANT.

WHEREAS, Steuben County has a County-wide Communications System to support emergency response; and

WHEREAS, County emergency responders are dependent on the County-wide Communications System; and

WHEREAS, the County has implemented a County-wide 911 system for notification and operation of the county responders; and

WHEREAS, the County has identified the need for additional capabilities within the system to address interoperable communications with all response agencies to address operational issues; and

WHEREAS, the County has identified the need for funding to sustain and maintain our communications system for interoperability with all response agencies; and

WHEREAS, the New York State Department of Homeland Security and Emergency Services (DHSES) Office of Interoperable & Emergency Communications (OIEC) is responsible for the administration of the Statewide Interoperable Communications Grants; and

WHEREAS, the New York State DHSES has awarded the County grant funds in the amount of $796,257 to facilitate the development, consolidation, improvement, sustainability and maintenance of public safety communications to support and enhance statewide interoperable communications for first responders.

NOW THEREFORE, BE IT

RESOLVED, the County Manager is hereby authorized to execute such documents or agreements with the New York State DHSES to accept funding in the amount of $796,257 for implementation of the Round 8 Statewide Interoperable Communications Formula Grant to support improved operations of public safety communications and interoperability; and be it further

RESOLVED, the Commissioner of Finance is hereby authorized to appropriate funding to a capital project entitled “Round 8 Interoperable Communications Grant” to the grant award amount of $796,257; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the New York State DHSES OIEC, 1220 Washington Avenue, State Office Building 7A, Albany NY 12226; the Commissioner of Finance; and the Office of Emergency Services Director.

Vote: Roll Call – Adopted.
RESOLUTION NO. 044-20

Introduced by K. Fitzpatrick. Seconded by J. Malter.

AUTHORIZING A TRANSFER FROM THE 2019 CONTINGENT FUND.

Pursuant to Section 2.07 of the Steuben County Charter.

WHEREAS, the Steuben County budget for the Nichol Inn Capital Project contains insufficient funds to cover expenditures; and

WHEREAS, environmental monitoring costs will continue to be incurred related to the property known as “The Nichol Inn”; and

WHEREAS, the Finance Committee has approved this transfer from the 2019 Contingent Fund to cover the 2019 expenditures and future years’ environmental monitoring costs.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Finance is hereby authorized and directed to adjust the following accounts in the 2019 budget and transfer funds from the County General Fund (A) to the Nichol Inn capital project fund (H3164):

ACCOUNTS:
Account 199000 5-499-000 Contingent Expenditures- ($35,000.00)
Account 995000 5-936-000 Provisions for Capital Projects Expenditures - $35,000.00
Account 1364H1 4-503-1900 Interfund Transfer Revenue - $35,000.00
Account 1364H1 5-250-000 Capital Projects Expenditures - $35,000.00

AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Finance.

Vote: Roll Call – Adopted.

RESOLUTION NO. 045-20

Introduced by R. Nichols. Seconded by G. Roush.

AUTHORIZING STEUBEN COUNTY TO ENTER INTO A MAINTENANCE AGREEMENT WITH NYSDOT TO MAINTAIN A PORTION OF COUNTY ROUTE 60.

WHEREAS, the New York State Department of Transportation (NYSDOT) has submitted to the County of Steuben a proposed agreement by which the County of Steuben is to maintain 0.016 centerline miles of a County Road (shown as part numbered 6 on the Table of Maintenance) known as County Road 60 Christian Hollow Road and to be designated as a portion of New York Project No. 6048.24, D264118; and

WHEREAS, prior to the County’s maintenance of said road, NYSDOT will provide improvements under United States Federal Highway Administration funds; and

WHEREAS, said proposed agreement also provides for the County to request the NYSDOT, to submit the aforementioned project with the recommendation that it be approved by the Administrator of the United States Federal Highway Administration; and

Legislative Meeting
Monday, February 24, 2020
WHEREAS, if such project is approved and constructed by NYSDOT and the Administrator of the United States Federal Highway Administration, the County will thereafter at its own cost and expense maintain the previously described portion of this project in a manner satisfactory to NYSDOT and the Administrator of the United States Federal Highway Administration, or their authorized representatives, and make ample provision each year for such maintenance.

NOW THEREFORE, BE IT

RESOLVED, the County of Steuben shall maintain said portion of said road and guarantees the maintenance of such road when constructed and will pay the cost of such maintenance and will maintain the project in a manner satisfactory to NYSDOT or its authorized representatives and will make ample provisions each year for such maintenance; and be it further

RESOLVED, the County recommends that NYSDOT submit such project to the Administrator of the United States Federal Highway Administration and recommend to him/her 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, the County Manager is hereby authorized to enter into an agreement with NYSDOT, for the maintenance of that certain part of County Route 60 after NYSDOT project is completed; and be it further

RESOLVED, two certified copies of this resolution shall be submitted to the State Department of Transportation; the Commissioner of Public Works; County Attorney and the Administrator of the United States Federal Highway Administration.

Vote: Roll Call – Adopted.

RESOLUTION NO. 046-20

Introduced by R. Nichols. Seconded by F. Potter.

AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO WAIVE THE OVERNIGHT CABIN FEE AT KANAKADEA PARK.

WHEREAS, Kanakadea Park has a lean-to shelter and outhouse located in the County park limits; and

WHEREAS, both are in disrepair and in need of replacement; and

WHEREAS, the Finger Lakes Trail traverses through Kanakadea Park; and

WHEREAS, the Finger Lakes Trail Conference, Inc. (FLTC) volunteers will be furnishing all labor and materials to replace both of the aforementioned structures; and

WHEREAS, the FLTC volunteers have requested the County waive the nightly fees for the use of two cabins, one campsite with electric and one campsite without electric for four nights at Kanakadea Park; and

WHEREAS, the Public Works Committee has determined that it is in the best interest of the County to waive the cabin and camping fees in exchange for the replacement of the above-mentioned structures and authorized the Commissioner of Public Works to waive the said fees to the FLTC volunteers.

NOW THEREFORE, BE IT
RESOLVED, the Commissioner of Public Works is hereby authorized and directed to waive the nightly fees for two cabins, one campsite with electric and one campsite without electric for four nights at Kanakadea Park for the FLTC volunteers for the replacement of the lean-to shelter and outhouse; 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. 047-20

Introduced by R. Nichols. Seconded by J. Malter.

ESTABLISHING A TIP FEE FOR STABILIZED AND UN-STABILIZED WASTE WATER TREATMENT PLANT SLUDGE.

Pursuant to Section 226-b of the NY State County Law.

WHEREAS, 6NYCRR Part 360 defines two types of waste water treatment plant sludge, stabilized - 360.2(b) and untreated solids – 360.2(b); and

WHEREAS, the un-stabilized/untreated waste water treatment plant sludge presents unique environmental, health and safety issues that require different waste screening and handling practices as well as handling costs; and

WHEREAS, 6 NYCRR 363-7.1(j) requires that all bio-solids accepted for disposal must be stabilized, dewatered to 20 percent solids, and exhibit no free liquids; and

WHEREAS, bio-solids that do not meet the above criteria require authorization from NYSDEC for disposal in the landfill; and

WHEREAS, the current unilateral tip fee at the Bath Landfill for the waste water treatment plant sludge is $36.00/ton; and

WHEREAS, the Solid Waste Division desires to establish a $37.00/ton tip fee for stabilized waste water treatment plant sludge and a $50.00/ton tip fee for un-stabilized waste water treatment plant sludge.

NOW THEREFORE, BE IT

RESOLVED, the Legislature recognizes that un-stabilized/untreated waste water treatment plant sludge possesses more complex environmental, health and safety issues; and be it further

RESOLVED, the Legislature hereby authorizes the Commissioner of Public Works to establish the $37.00/ton tip fee for stabilized waste water treatment plant sludge and the $50.00/ton tip fee for the un-stabilized/untreated waste water treatment plant sludge; and be it further

RESOLVED, the new tip fees will take effect on March 1, 2020; and be it further

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

Vote: Roll Call – Adopted.
RESOLUTION NO. 048-20


AUTHORIZING AN APPLICATION TO THE 2019-2020 FEDERAL TRANSIT ADMINISTRATION (FTA) FORMULA GRANTS FOR RURAL AREAS PROGRAM (SECTION 5311).

WHEREAS, the County of Steuben is submitting a request for a grant of funds to the New York State Department of Transportation, pursuant to 49 USC. 5311, for a project to provide public mass transportation services for Steuben County operated by First Transit, Inc. and Steuben Area Rides (Arc of Steuben) for the 2019 and 2020 fiscal years; and

WHEREAS, the County and the State of New York have entered into a continuing agreement which authorizes the undertaking of the Project and payment of the Federal Share; and

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

NOW THEREFORE, BE IT

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

RESOLVED, 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, subject to the approval of the County Attorney; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 049-20

Introduced by B. Schu. Seconded by K. Fitzpatrick.

AUTHORIZING INTER-MUNICIPAL AGREEMENTS FOR INFORMATION TECHNOLOGY SERVICES.

WHEREAS, the Department of Information Technology enters into contracts with the Cities, Towns, Villages and School Districts of Steuben County for purposes of printing tax bills, as well as providing Information Technology services to the City of Corning; and

WHEREAS, in an effort to streamline and clarify the approval process to properly comply with General Municipal Law governing inter-municipal agreements it is necessary for the County Legislature to formally approve entering into the current and future agreements for these services; and

WHEREAS, any such future agreements would still require standing committee authorization and oversight.

NOW THEREFORE, BE IT

RESOLVED, this Legislature authorizes the County Manager to enter into inter-municipal agreements with the Cities, Towns, Villages and School Districts of Steuben County; and be it further
RESOLVED, the Administration Committee of this Legislature is authorized to approve future agreements and is directed to provide oversight of such agreements subject to the Rules of Procedure of this County Legislature; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Manager and the Director of Information Technology.

Vote: Roll Call – Adopted.

RESOLUTION NO. 050-20

Introduced by R. Nichols. Seconded by C. Ferratella.

AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY LOCATED IN THE TOWN OF CAMERON FOR THE PURPOSE OF REPLACING AND MAINTAINING THEREON THE COUNTY ROUTE 119 BRIDGE OVER THE CANISTEO RIVER.

WHEREAS, the Bridge Replacement Project, P.I.N. 6755.17, CR 119 over the Canisteo River, BIN 3334430, Town of Cameron, County of Steuben ("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, 15% State funds and 5% local funds; and

WHEREAS, the County of Steuben ("the County") has entered into an agreement with the New York State Department of Transportation to advance the Project by making a commitment of 100% of the non-federal share of the design and right-of-way costs of the Project; and

WHEREAS, in order to construct and maintain the Project, the County desires to acquire in fee a parcel of land from Steven Thomas Jenks, being a portion of his property, Tax Parcel ID 255.00-01-006.000, located at 5772 County Route 119, Town of Cameron, County of Steuben; and

WHEREAS, the fee acquisition contains 1.613 acres of real property as delineated on Steuben County Highway Department Acquisition Map No. 1, Parcel No. 1 for the Project; and

WHEREAS, Steven Thomas Jenks, the grantor, in consideration of up to five thousand dollars ($5000.00) to be paid by the County, the grantee, desire to convey this parcel of property to the County.

NOW THEREFORE, BE IT

RESOLVED, that this Legislature does hereby approve of acquiring in fee the 1.613 acre parcel of land from Steven Thomas Jenks, being a portion of his property, Tax Parcel ID 255.00-01-006.000, located at 5772 County Route 119, Town of Cameron, County of Steuben; and

RESOLVED, that the County Manager, is authorized to make and enter into agreements on behalf of the County of Steuben, to execute any and all documents associated with the acquisition of the aforementioned property; and be it further

RESOLVED, that certified copies of this resolution shall be filed with the County Clerk, Director of the Real Property Tax Service Agency, Commissioner of Public Works and County Manager.

Vote: Roll Call – Adopted.
RESOLUTION NO. 051-20

Introduced by J. Malter, B. Schu and K. Fitzpatrick. Seconded by S. Maio.

WAIVING THE 16B PROCESS AND AUTHORIZING THE CREATION OF ADDITIONAL POSITIONS WITHIN THE PUBLIC DEFENDER’S OFFICE AND THE CONFLICT DEFENDER’S OFFICE TO COMPLY WITH HURRELL-HARRING.

WHEREAS, pursuant to Hurrell-Harring mandates, and per Indigent Legal Services (ILS), additional positions are necessary in the Public Defender’s Office and Conflict Defender’s Office; and

WHEREAS, the State has mandated duties of a Data Control Officer under the ILS mandate to assist with coordinating communications of data from all three indigent defense departments to ILS to ensure compliance; and

WHEREAS, a Senior Typist position, Grade VI, is necessary to comply with the State mandated duties of Data Control Officer in the Public Defender’s Office; and

WHEREAS, a Senior Assistant Public Defender position, Management Grade I, will assist with the caseload cap in the Public Defender’s Office; and

WHEREAS, a Typist position, Grade IV and Paralegal Assistant position, Grade XI, will support the additional attorneys required in the Public Defender’s Office; and

WHEREAS, a Part-time Assistant Conflict Defender position, Management Grade H, will assist with the caseload cap in the Conflict Defender’s Office, which will potentially result in fewer cases being sent to Assigned Counsel, thereby saving the County money; and

WHEREAS, the funding for said positions is currently available within the 2020 budget.

NOW THEREFORE, BE IT

RESOLVED, Rule 16B of the Rules of Procedure be and the same hereby is waived; and be it further

RESOLVED, the following positions are hereby created and funded for the denoted department:

<table>
<thead>
<tr>
<th>Department/Position</th>
<th>Quantity</th>
<th>Grade</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Conflict Defender</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assistant Conflict Defender</td>
<td>1</td>
<td>H (Mgmt.)</td>
<td>$28,746 - $34,147</td>
</tr>
<tr>
<td><strong>Public Defender</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Typist</td>
<td>1</td>
<td>IV</td>
<td>$26,279 - $37,099</td>
</tr>
<tr>
<td>Senior Typist</td>
<td>1</td>
<td>VI</td>
<td>$28,442 - $40,151</td>
</tr>
<tr>
<td>Paralegal Assistant</td>
<td>1</td>
<td>XI</td>
<td>$35,279 - $49,804</td>
</tr>
<tr>
<td>Senior Assistant Public Defender</td>
<td>1</td>
<td>I (Mgmt.)</td>
<td>$63,232 – $75,116</td>
</tr>
</tbody>
</table>

AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the Public Defender, Conflict Defender, Commissioner of Finance and the Personnel Officer.

Vote: Roll Call – Adopted. Yes – 7681; No – 593; Absent – 1598
(No – Legislator Ryan; Absent – Legislators Lando, Lattimer and Swackhamer)
LOST

RESOLUTION NO. 052-20

Introduced by J. Malter, B. Schu and K. Fitzpatrick.                     Seconded by S. Maio.

WAIVING THE 16B PROCESS AND AUTHORIZING THE CREATION OF ONE PART-TIME ASSISTANT DISTRICT ATTORNEY POSITION IN THE DISTRICT ATTORNEY’S OFFICE.

WHEREAS, the District Attorney previously shared an Assistant District Attorney position on a part-time basis with Schuyler County through an inter-municipal agreement; and

WHEREAS, Schuyler County now needs the shared Assistant District Attorney to work full-time for Schuyler County; and

WHEREAS, the District Attorney is requesting a 16B waiver to create one (1) Part-time Assistant District Attorney position, Management Grade H; and

WHEREAS, it is desirable to create one (1) Part-time Assistant District Attorney position, Management Grade H, to cover the workload previously handled by the shared Part-time Assistant District Attorney; and

WHEREAS, the funding for said positions is currently available within the 2020 budget; and

WHEREAS, Rule 16B of the Rules of Procedure of the County Legislature requires an extraordinary majority to create the aforesaid position as a result of said request not having been anticipated for the year 2020.

NOW THEREFORE, BE IT

RESOLVED, Rule 16B of the Rules of Procedure be and the same hereby is waived; and be it further

RESOLVED, the following position is hereby created and funded for the denoted department:

<table>
<thead>
<tr>
<th>Department/Position</th>
<th>Quantity</th>
<th>Grade</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>District Attorney</td>
<td>1</td>
<td>H (Mgmt.)</td>
<td>$28,746 - $34,147</td>
</tr>
</tbody>
</table>

AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the District Attorney, Commissioner of Finance and the Personnel Officer.

Mr. Mullen stated he will not vote for this. He understands there was a part-time position in the office and the District Attorney is looking to fill that void, but he believes that we recently added additional positions and before we add another, he would like to get data on how the other positions are functioning. He would like that data to also include CAP court attendance and who is actually going; work performed for youthful offenders and also the volume of work due to the new Discovery requirements. We should have more data.

Vote: Roll Call – Lost. Yes – 4691; No – 3583; Absent – 1598
(No – Legislators Fitzpatrick, Hanna, Horton, Mullen, Potter and Ryan; Absent – Legislators Lando, Lattimer and Swackhamer)
RESOLUTION NO. 053-20

Introduced by C. Ferratella and B. Schu. 
Seconded by G. Roush.

RECLASSIFYING ONE (1) ZERO-BASED STAFF PSYCHOLOGIST POSITION, GRADE XIX TO AN ASSISTANT DIRECTOR OF COMMUNITY SERVICES POSITION, MANAGEMENT GRADE I.

Pursuant to Section 204 of the County Law of the State of New York.

WHEREAS, a Staff Psychologist position in the Office of Community Services is vacant and zero-based; and

WHEREAS, there is a need for an Assistant Director of Community Services position in the Office of Community Services; and

WHEREAS, the Personnel Officer, County Manager, Human Services Health & Education Committee, and Administration Committee have reviewed said position and funding for said position within the Office of Community Services and have approved the recommended change.

NOW THEREFORE, BE IT

RESOLVED, effective with the adoption of this resolution, the following position is hereby reclassified and funded as follows:

Fund & Reclassify:
One (1) zero-based Staff Psychologist position, Grade XIX ($68,445 - $96,631) to an Assistant Director of Community Services, Management Grade I ($63,232 - $75,116)

AND BE IT FURTHER RESOLVED, the 2020 County Job Classification and Salary Schedule and Management Salary Plan are hereby amended to reflect the above-stated change; and be it further

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

Vote: Roll Call – Adopted.

Motion to postpone resolution #15 until the March 23, 2020, Legislative Meeting made by Mr. Potter, seconded by Mr. Roush and duly carried.

RESOLUTION NO. 054-20

Introduced by S. Van Etten. 
Seconded by K. Fitzpatrick.

APPOINTING MEMBERS TO THE HALL OF FAME COMMITTEE.

Pursuant to Section 12.20 of the Steuben County Charter.

BE IT RESOLVED, the County Manager is recommending the following individuals for appointment to the Hall of Fame Committee for a three-year term commencing January 1, 2020 and ending December 31, 2022:

LEGISLATIVE REPRESENTATIVE
Robin K. Lattimer, Legislator, District 3, 7600 County Route 14, Bath, NY 14810
EDUCATION REPRESENTATIVE  
Sheri Golder, 58 River Road, Corning, NY 14830

PRIVATE INDUSTRY REPRESENTATIVE  
Minnie Brennan, Haines Equipment, 25 Chase Street, Avoca, NY 14809

AT-LARGE REPRESENTATIVES  
Kathy Hagenbuch, 4737 Clawson Drive, Campbell, NY 14821  
Carol Mykel, 2018 Michigan Road, Wayland, NY 14572  
Becky Stranges, 117 West Washington Street, Bath, NY 14810

AND BE IT FURTHER RESOLVED, the above-named appointees shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Hall of Fame Committee; and be it further

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 055-20

Introduced by S. Van Etten.  
Seconded by F. Potter.

APPOINTING A MEMBER TO THE CORNING COMMUNITY COLLEGE REGIONAL BOARD OF TRUSTEES.

Pursuant to §6306 of the Education Law of the State of New York and §12.20 of the Steuben County Charter.

WHEREAS, by resolution duly adopted on May 20, 2019, George W. Welch, Jr. of Corning, New York was appointed to the Regional Board of Trustees of Corning Community College for a term to expire June 30, 2024; and

WHEREAS, George W. Welch, Jr. has submitted his resignation to said Board; and

WHEREAS, the Chairman of the Legislature has recommended Thomas F. Beers of Hornell, New York, for appointment to the Regional Board of Trustees to fill the unexpired term of George W. Welch, Jr. through June 30, 2024.

NOW THEREFORE, BE IT

RESOLVED, that Thomas F. Beers of Hornell, New York, be and the same hereby is appointed to the Corning Community College Board of Trustees for the above-mentioned terms; and be it further

RESOLVED, said member shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Corning Community College Regional Board of Trustees; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to Dr. William Mullaney, President of Corning Community College, 1 Academic Drive, Corning, New York 14830; Thomas F. Beers, 145 Main Street, Hornell, New York 14843; and the County Auditor.

Vote: Acclamation – Adopted.
Motion to Adjourn Regular Session and Reconvene in Executive Session Pursuant to Public Officers’ Law, Article 7 § 105.1.D. Discussions Regarding Proposed, Pending or Current Litigation made by Mr. Malter, seconded by Mr. Ryan and duly carried.

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

RESOLUTION NO. 056-20

Introduced by J. Malter. Seconded by F. Potter.

MATTER(S) PERTAINING TO THE SETTLEMENT OF CLAIM(S) BY OR AGAINST THE COUNTY.

WHEREAS, the County of Steuben maintains a County Self-Insurance Plan as authorized under Article 5 of the Workers’ Compensation Law and as established under Local Law No. 2 of 1956; and

WHEREAS, certain claims made under the recited Plan remain open; and

WHEREAS, the Third Party Administrator of the Steuben County Self Insurance Plan has requested authorization to settle a claim with respect to a claimant, Gregory L. Mullen; and

WHEREAS, it is in the best interest of the County to settle the claim.

NOW THEREFORE, BE IT

RESOLVED, the County does hereby ratify the settlement of the above-entitled claim in the amount of One Hundred Sixty Five Thousand Dollars ($165,000); 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 the County Manager, County Attorney, Risk Manager and PERMA, 9 Cornell Road, Latham, New York 12110.

Vote: Roll Call – Adopted. Yes – 7732; No – 542; Absent – 1598
(No – Legislator Maio; Absent – Legislators Lando, Lattimer and Swackhamer)

Motion to Adjourn made by Mr. Ryan, seconded by Mr. Roush and duly carried.
The County Legislature of the County of Steuben convened in Regular Session via teleconference on the 23rd day of March, 2020 at 10:05 a.m. and was called to order by the Chairman of the Legislature, Scott J. Van Etten.

Roll Call and all members present except Legislator Hanna.

Chairman Van Etten stated we would ask that Mrs. Ferratella please provide the Invocation. Mrs. Ferratella stated thank you. Lord, today we need your guidance and spirit as we meet under these challenging circumstances involving the Corona Virus. We are thankful for the dedication of our County employees as they help us navigate these uncharted waters. We are also praying for all of the people, worldwide, that are being affected by this pandemic. In Jesus’ name we pray, Amen.

Chairman Van Etten led the Pledge of Allegiance.

Chairman Van Etten stated we are getting through this. Again, for any motions, comments or anything, just identify yourself when you speak because the rules are the Clerks have to provide a verbatim set of minutes of these meetings. So, speak slowly, speak clearly, which is a problem for me, and make sure you identify yourself.

Okay, so adoption of last month’s minutes. Is there a motion?

Motion adopting the minutes of the previous meeting(s) made by Mr. Nichols, seconded by Mr. Swackhamer and duly carried.

Reports of Standing Committees – None.

Reports of Special Committees – None.

Reports of County Officers. Mr. Van Etten stated I have something I would like to read and then we have Jack, Darlene and Tim in the EOC, that are going to give us an update. So, I just want to take a moment and recognize and thank our County’s professionals for the outstanding job that they’ve done these last 2 weeks. As soon as information started coming in that we were facing an eminent crisis, Jack, Darlene and the team of key EMO individuals setup the command center in the 911 building. They have worked there from early in the morning to late into the nights to prepare us for what lies ahead. I stopped in last Monday and spent a couple hours there. I was amazed at how organized and professional they were all working together as a team. I know that I probably will miss mentioning some of the folks but Jack Wheeler, Chris Brewer, Darlene Smith & Matt Marmour from Public Health, Tim Marshall and Ken Forenz from EMO, Dave Hopkins and Tina Goodwin from 911, Sheriff Allard, Eric Rose From Buildings & Grounds, Rob Wolverton from IT. and all of their staff deserve special recognition for the work that they have done to make our County as prepared as possible for this epidemic. And to Darlene’s Public Health Nurses that are manning the phones, and meeting with people that have been quarantined, tested, and either have or are awaiting their results, we appreciate your outstanding service to our community. I stayed in contact with Jack via multiple texts or phone calls every day. We had to make some decisions on the fly that would otherwise go to Committees, but given the immediacy of the situation we made them.

I’ll be the first to admit that I’ve been a skeptic of some of the EMO efforts over the years; the mock disasters, and drills that they have. Well, it’s times like this where all of that planning, experience, and
preparedness pays off. The systems, practices, and processes that have been used these past 2 weeks by the team in the EOC are of the highest quality and our residents in the County are the benefactors of that hard work. So thank you and with that, I’ll turn it over to Jack.

Mr. Wheeler stated thank you Chairman, and thanks everyone. I would echo that, all departments as well. Like Chairman Van Etten said, there are too many to name, but everyone has had to step up. We have been planning for weeks, but it came to a head last Sunday and they all worked very closely together to implement a concise, clear plan. I think we have a good direction. I think we are well prepared and we will just roll with the punches as the days come. Tim and Darlene as you mentioned, are here in the EOC with me and we are in separate rooms to take this call, but I will have Darlene give you a brief update of where we are at with our situational response efforts.

Mrs. Smith (Darlene) stated good morning everyone and thank you Mr. Chairman and all the Legislators for your support. I can tell you that as of this morning, we received our fifth confirmed positive Covid case. The individual resides in Corning and we are working out the details of all of that right now; making some phone calls and trying to find out all the potential sources of exposure and contact. The numbers as of this morning are five positive Covid cases and at least seventy that we are following in isolation and in quarantine. I expect both of those numbers to increase not only today, but in the coming days. We have a lot of tests out right now waiting on results. A number of them are related to one of the other Covid positive cases that we have had in recent days. So the numbers are going to go up for sure, so don’t be alarmed when you see them. Thank you very much. If you have any questions, I’ll be happy to answer.

Mr. Swackhamer stated I have a question. Do we have enough tests in the County at this point? Mrs. Smith replied the providers and hospitals do still have testing kits available. I am going to say for the hospitals, on average, well two out of the three on average have 75 – 100 tests left available to them. The third hospital has significantly less in number. I’m not sure how many the providers currently have. We have ordered supplies in case we need to stand up a drive-thru testing and we are waiting for better direction from the NYS Department of Health on that. But even if the word came today from them to get going, I can’t do it without the supplies, but we have ordered supplies to do many, many. And we really put that order in I’m going to say it was two weeks ago; ten days to two weeks ago. So, we were ahead of the curve on that, but just we’re stalled with it right now. All attention and supplies currently are going downstate to where the numbers are so high. Mr. Swackhamer stated thank you. Mrs. Smith stated you are welcome.

Mr. Van Etten asked Mr. Wheeler (Jack), does Mr. Marshall (Tim) want to speak?

Mr. Marshall stated so, we have been working, as the Chairman said, working pretty straight through for the last two weeks. A lot of our planning got started when this kicked off in China back in early January. We have been coordinating with Public Health all along and I think the efforts we put forth in our planning have brought us to the point of where we are today. Our biggest struggle has been supplies. As Mrs. Smith (Darlene) said, a lot of the supplies seem to be going downstate. We had a request in to the State to fill a supply request for at least ten days, probably two weeks now and we haven’t seen the supplies coming in. We did receive some hand sanitizer from the State which we are trying to coordinate and distribute out to County agencies as well as other support agencies, but they came in gallon jugs and they are meant to be refillers of smaller containers so we have been doing that the best we can. We have ordered some supplies of the smaller containers to be able to distribute out to law enforcement, and fire and EMS, as well as to the hospitals. We are waiting for that order to come in for the smaller bottles to be able to distribute that. The other thing, as far as distribution of supplies, we are getting out a stockpile of expired 1095 masks that the Federal government has said that we can use in this event, so we are trying to get those out to fire, law enforcement and EMS today using some of the assistance of our deputy fire coordinators and some of our office staff that are not working in the EOC, to try to get those resources out to our first responders. So we have had two conference calls with fire and EMS over the last week.
keeping them updated on the current situation, protocol changes from the State and recommended response efforts. So it has been very good. I think we are in a good spot. I feel very comfortable with our plan right now. The biggest thing is, is just to keep people home and keep them safe.

Chairman Van Etten stated thank you very much. If there are no announcements, we will move to the general orders of the day. I’ll ask the Clerk to please read Resolution number 1.

RESOLUTION NO. 057-20


AUTHORIZING THE STEUBEN COUNTY LEGISLATURE TO CONDUCT COMMITTEE AND FULL BOARD MEETINGS BY TELECONFERENCE DURING THE COVID-19 STATE(S) OF EMERGENCY.

Pursuant to Governor Cuomo’s Executive Order No 202.1 and the County Charter Section 2.07(1)

WHEREAS, on March 12, 2020, via Executive Order 202.1, the New York State Governor suspended portions of Article 7 of the New York’s Public Officers Law allowing the attendance of public meetings by public officers telephonically; and

WHEREAS, said Order further allows any public body to meet and take actions authorized by law without public in-person access provided the public has the ability to view or listen to such proceedings and that such meetings are recorded and later transcribed; and

WHEREAS, Steuben County as of March 13, 2020, has declared an on-going State of Emergency for COVID-19 and as a result will be exercising the Governor’s above-stated suspension of Open Meetings law to protect its’ officials, employees and the public at large; and

WHEREAS, in exercising said suspension the County Legislature hereby enacts, pursuant to the County Charter Section 207(1) and the adoption of this resolution, the following rules:

All Legislative Committee and Board Meetings can be conducted and votes taken via teleconference during the Governor’s Suspension pursuant to Executive Order 202.1 and

The public at large will not be allowed to physically attend said meetings in person, or publicly address the Legislature via teleconference during said meetings, but regular minutes of each meeting will be taken and transcribed for the public.

NOW THEREFORE, BE IT

RESOLVED, all Legislative Committee and Board Meetings can be conducted and votes taken via teleconference during the Governor’s Suspension of portions of New York’s Public Officer's Law (Open Meetings Law) pursuant to Executive Order 202.1; and it is further

RESOLVED, the public at large will not be allowed to physically attend said meetings in person but regular minutes of each meeting will be taken and transcribed for the public; and it is further

RESOLVED, Rule 5. of the Legislature’s Rules of Procedure allowing members of the public to address the Legislature are hereby waived until Executive Order 202.1 has expired; and be it further

RESOLVED, certified copies of this resolution shall be provided to the Clerk of Legislature, County Manager and County Attorney.
RESOLUTION NO. 058-20

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

Pursuant to Section 2.07 of the Steuben County Charter.

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

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

WHEREAS, the Steuben County Legislature adopted a Resolution on August 26, 2019, identified as Permanent No. 135-19, D-2, authorizing the Commissioner of Finance to cancel the unpaid 2013 through 2018 Town and County Taxes against a certain property identified as Tax Map No. 151.80-01-041.000 in the City of Hornell and contained in Schedule D-2 of Resolution 135-19, pursuant to Real Property Tax Law §558; and

WHEREAS, the delinquent taxes identified in Resolution No. 135-19, D-2, having not yet been cancelled against the parcel; and it being determined to be in the best interest of the County to retain the oldest tax lien against the parcel as recited in Resolution No. 135-19, D-2, that being the 2013 Town and County Tax; it is therefore

RESOLVED, that Resolution No. 135-19, D-2, is hereby amended such that the Steuben County Commissioner of Finance is authorized and directed to cancel only the unpaid 2014 through 2018 Town and County Taxes against the parcel identified as Tax Map No. 151.80-01-041.000 in the City of Hornell and contained in this resolution on Schedule B, and retain the 2013 Town and County Tax as an unpaid lien against the property, as approved by the Finance Committee on March 10, 2020; and

WHEREAS, the Steuben County Legislature adopted Resolution No. 040-20, B-1 and B-2, on February 24, 2020, authorizing the Commissioner of Finance to cancel the unpaid 2016-2017 School Taxes and the 2017 Town and County Taxes against a certain gas well identified as Tax Map No. 563.00-06-004.000 in the Town of Corning and contained in Schedule B-1 and B-2 of Resolution No. 040-20, pursuant to Real Property Tax Law §558; and

WHEREAS, prior to the adoption of Resolution No. 040-20, B-1 and B-2, but after sufficient time to publicly notify and amend said Resolution, the delinquent taxes having been paid to the Commissioner of Finance on February 20, 2020 and there being no delinquent taxes remaining against the gas well; it being determined to be in the best interests of Steuben County to amend Resolution No. 040-20, and take no action relating to Tax Map No. 563.00-06-004.000 in the Town of Corning and contained herein as Schedules C-1 and C-2; it is therefore

RESOLVED, that the Resolution adopted as No. 040-20, B-1 and B-2, authorizing the Commissioner of Finance to cancel the unpaid 2016-2017 School Taxes and the 2017 Town and County Taxes against a certain gas well identified as Tax Map No. 563.00-06-004.000 in the Town of Corning, is hereby amended to state that no action shall be taken against the recited parcel relative to the 2016-2017 School Taxes and the 2017 Town and County Taxes, as approved by the Finance Committee on March 10, 2020, and contained herein as Schedules C-1 and C-2; and

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

SCHEDULE “A”

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<td>Paula J. and James Friant</td>
<td>Name</td>
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<td>Parcel No.</td>
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<td>Name</td>
<td>Joseph L. Cowell Jr.</td>
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SCHEDULE “B”

Resolution No. | B-1, Amending Resolution 135-19, D-2
Name | Leon Babcock Sr.
Parcel No. | 151.80-01-041.000
Municipality | City of Hornell
Disposition | Cancellation of Void Taxes:
| 2014-2018 Town and County Taxes

SCHEDULE “C”

Resolution No. | C-1, Amending Resolution 040-20, B-1
Name | Talisman Energy USA Inc. (Andrews Gas Well)
Parcel No. | 563.00-06-004.000
Municipality | Town of Corning
Disposition | No Action to Cancel Void Taxes:
| 2016-2017 City School Taxes

Resolution No. | C-2, Amending Resolution 040-20, B-2
Name | Talisman Energy USA Inc. (Andrews Gas Well)
Parcel No. | 563.00-06-004.000
Municipality | Town of Corning
Disposition | No Action to Cancel Void Taxes:
| 2017 Town and County Taxes

During the roll call vote, Legislator Lattimer stated I have to recuse myself as I have a relationship with one of the property owners on the list.

During the roll call vote, Legislator Mullen stated I have to abstain as I have some clients with some matters on this list.

**Vote:** Roll Call – Adopted. Yes – 8069, No – 0, Abstained – 1202, Absent – 601
(Abstained: Legislator Lattimer due to relationship with individual listed on resolution, Legislator Mullen due to client being listed on resolution; Absent: Legislator Hanna)

RESOLUTION NO. 059-20


RECEIVING AND ACCEPTING THE MARCH 23, 2020 COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY MANAGER’S OFFICE.

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

February 18, 2020
NYS Public Service Commission – Re: Factsheet and notice of public hearing for the Baron Winds, LLC Project (Case#19-E-0277). Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.

February 21, 2020
Young/Sommer LLC, Attorneys at Law – Re: Notice of Submission of Moraine Solar Energy Center Preliminary Scoping Statement (Case#18-F-0498). Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.

February 24, 2019
NYS Office for the Aging – Re: Notification of Grant Award and approved application for the Medicare Improvements for Patients and Providers Act – Aging and Disability Resource Center (MIPPA/ADRC) for the period of September 30, 2019 through September 29, 2020. Referred to: Human Services/Health & Education Committee; and Patricia Baroody, OFA Director.
Harris Beach PLLC, Attorneys at Law – Re: Steuben County Industrial Development Agency and Riedman Purcell CH II LLC partial termination of tax agreement. **Referred to:** Finance and Administration Committees; Tammy Hurd-Harvey, Commissioner of Finance; Wendy Jordan, RPTSA Director; and Jennifer Prossick, County Attorney.

Harris Beach PLLC, Attorneys at Law – Re: City of Hornell Industrial Development Agency and PG Rockland Silk Mill LLC (payment in lieu of tax) agreement and RP-412-a form for property located at 18 North Main Street, City of Hornell, NY. **Referred to:** Finance and Administration Committees; Tammy Hurd-Harvey, Commissioner of Finance; Wendy Jordan, RPTSA Director; and Jennifer Prossick, County Attorney.

**February 26, 2020**

NYS Board on Electric Generation Siting and the Environment – Re: Notice of meeting scheduled for Friday, March 13, 2020 @ 10:30am for the Canisteo Wind Energy LLC Project (Case#16-F-0205). **Referred to:** A.I.P. Committee; and Amy Dlugos, Planning Director.

NYS Department of Transportation – Re: Notification to submit the annual report by March 23, 2020 in order to be in compliance with the Federal Transit Administration (FTA) funding under the Section 5311 Formula Grants for Rural Areas Program. **Referred to:** Amy Dlugos, Planning Director.

**February 28, 2020**

Young/Sommer LLC, Attorneys at Law – Re: Preliminary scoping statement for the EDF Renewables Development Inc. (Case#18-F-0498). **Referred to:** A.I.P. Committee; and Amy Dlugos, Planning Director.

**March 2, 2020**

Roman Catholic Diocese of Rochester – Re: Notice of deadline for filing proofs of claim. **Referred to:** Jack Wheeler; County Manager; and Jennifer Prossick, County Attorney.

NYS Board on Electric Generation Siting and the Environment – Re: Notice of availability of the pre-application intervenor funds and schedule to request funds for the EDF Renewables Development Inc. (Case#18-F-0498). **Referred to:** A.I.P. Committee; and Amy Dlugos, Planning Director.

NYS Board on Electric Generation Siting and the Environment – Re: Notice of availability of a preliminary scoping statement and deadline for submitting comments on the EDF Renewables Development Inc. (Case#18-F-0498) project. **Referred to:** A.I.P. Committee; and Amy Dlugos, Planning Director.

NYS Board on Electric Generation Siting and the Environment – Re: Notification to nominate four candidates to potentially serve as ad hoc public members of the siting board for EDF Renewables, Inc. (Case#18-F-0498) by March 13, 2020. **Referred to:** A.I.P. Committee; and Amy Dlugos, Planning Director.

Pandion Optimization Alliance – Re: Annual Disclosure Notice in compliance with the Medicare/Medicaid Fraud and Abuse Law. **Referred to:** Darlene Smith, Public Health Director; Kathy Muller; Commissioner of Social Services and Tammy Hurd-Harvey, Commissioner of Finance.

**March 9, 2020**

Western Regional Off-Track Betting Corporation – Re: Check in the amount of $12,747, which represents the fourth quarter earnings for 2019 from all OTB operations. **Referred to:** Finance Committee; and Tammy Hurd-Harvey, Commissioner of Finance.

Western Regional Off-Track Betting Corporation – Re: Check in the amount of $1,935, which represents the January 2020 surcharge payment for Steuben County. **Referred to:** Finance Committee; and Tammy Hurd-Harvey, Commissioner of Finance.
NYS Office for the Aging – Re: Notification of Grant Award for the 2020 federal fiscal year Nutrition Services Incentive Program (NSIP) for the period of October 1, 2019 through September 30, 2020. Referred to: Human Services/Health & Education Committee; and Patricia Baroody, OFA Director.

NYS Board on Electric Generation Siting and the Environment – Re: Ruling awarding additional application-stage intervenor funding for the Canisteo Wind Energy LLC Project (Case#16-F-0205). Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.

NYS Board on Electric Generation Siting and the Environment – Re: Notice of the location change for the March 13, 2020 meeting at 10:30am for the Canisteo Wind Energy LLC Project (Case#16-F-0205). The meeting will also be webcast live at the following link http://www.dps.ny.gov/Webcastshtml. Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.

March 12, 2020
New York State Department of Labor – Re: Notice of violation and order to comply with the inspection held on 10/24/2019 at the Steuben County Equipment Maintenance Shop. Referred to: Vince Spagnoletti, Commissioner of Public Works; and Scott Sprague, Risk Manager.

Western Regional Off-Track Betting Corporation – Re: Summary of monies distributed over the years to participating municipalities. Referred to: Steuben County Legislature; Tammy Hurd-Harvey, Commissioner of Finance; and Jack Wheeler, County Manager.

Vote: Acclamation – Adopted.

RESOLUTION NO. 060-20

Introduced by B. Schu. Seconded by G. Swackhamer.

REQUESTING THE ADOPTION OF SENATE BILL NO. S7816 AND ASSEMBLY BILL NO. A9796 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. S7816 and Assembly Bill No. A9796 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, 2020, to December 1, 2023; 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. S7816 and Assembly Bill No. A9796, extending Tax Law Section 253-s; and be it further

Mr. Wheeler stated Mr. Chairman if I could jump in. This resolution and your next one, from what we are hearing from NYSAC (New York State Association of Counties), is all of these renewals of local revenue bills are likely to be taken up by an omnibus bill that just extends them all. So we can do this, but it will likely end up being moved because they are likely to just be rolled into one bill that will be passed, probably by the end of this week. But, it is still good to get it done since we have the bill numbers, but you know it might be just taken care of by the State. Just wanted to give you that heads up. Chairman Van Etten stated okay, thank you.

Vote: Roll Call – Adopted.

RESOLUTION NO. 061-20

Introduced by G. Swackhamer.  

REQUESTING THE ADOPTION OF SENATE BILL NO. S1885B AND ASSEMBLY BILL NO. A9704A EXTENDING THE ADDITIONAL ONE PERCENT (1%) SALES TAX FOR STEUBEN COUNTY.

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

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

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

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

WHEREAS, the Steuben County Legislature heretofore requested Home Rule legislation authorizing an additional one percent sales tax pursuant to Resolution No. 013-20 duly adopted January 27, 2020; and

WHEREAS, the Finance Committee subsequently approved increasing the cities shares to $820,000 each for Hornell and Corning, and in addition, the sum of $790,000 to the towns and villages of the County of Steuben, based on their respective equalized full value; and

WHEREAS, Senate Bill No. S1885B and Assembly Bill No. A9704A have been introduced authorizing the extension of the one percent sales tax relative to a home rule request for an extension of an additional one percent sales tax; and

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

RESOLVED, the Steuben County Legislature hereby requests the New York State Legislature adopt special Home Rule legislation as presented in Senate Bill No. S1885B and Assembly Bill No. A9704A to authorize the Steuben County Legislature to extend the additional one percent sales tax; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Honorable Andrew M. Cuomo, New York State Governor, New York State Capitol Building, Albany, NY  12224; Honorable Andrea Stewart-Cousins, NYS Senate Majority Leader, 907 Legislative Office Building, Albany, NY  12247; Honorable John J. Flanagan, NYS Senate Minority Leader, 909 Legislative Office Building, Albany, NY  12247; Honorable Carl E. Heastie, Speaker, New York State Assembly, 932 Legislative Office Building, Albany, NY  12248; Honorable Crystal D. Peoples-Stokes, NYS Assembly Majority Leader, 926 Legislative Office Building, Albany, NY  12248; Honorable William A. Barclay, NYS Assembly Minority Leader, Capitol 444, Albany, NY  12248; Honorable Thomas M. O’Mara, New York State Senator, 406 Legislative Office Building, Albany, NY  12247; Honorable Philip A. Palmesano, New York State Assemblyman, 320 Legislative Office Building, Albany, NY  12248; Honorable Joseph M. Giglio, New York State Assemblyman, 525 Legislative Office Building, Albany, NY  12248; Honorable Marjorie Byrnes, New York State Assemblywoman, 723 Legislative Office Building, Albany, NY  12248; and Deborah R. Liebman, Esq., New York State Department of Taxation and Finance, W.A. Harriman Campus, Bldg. 9, Room 228, Albany, NY  12227.

Vote:  Roll Call – Adopted.

RESOLUTION NO. 062-20


AUTHORIZING THE ACCEPTANCE OF THE NEW YORK STATE 2019-2020 PUBLIC SAFETY ANSWERING POINTS OPERATIONS GRANT.

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

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

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

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

WHEREAS, the New York State Office of Homeland Security has awarded Steuben County with Federal Fiscal Year 2020 grant funds in the amount of $187,468 under the State PSAP Grant; and

WHEREAS, $187,468 of the funding will reimburse dispatch personnel payroll costs paid by the County and the grant reimbursement will be directed to Capital Project 3020H7 in the Steuben County Budget currently titled “E-911 Dispatch Upgrades”.

NOW THEREFORE, BE IT

RESOLVED, the County Manager is hereby authorized to enter into an agreement with the New York State Division of Homeland Security and Emergency Services to accept funding in the amount of $187,468 for county 911 dispatch personnel payroll costs; and be it further
RESOLVED, the County Manager, the 911 Director, and the Director of Emergency Services are authorized and directed to execute the requisite documentation to effectuate this grant and agreement; and be it further

RESOLVED, the Commissioner of Finance be and the same hereby is authorized to accept the grant funding from the State Government and the New York State Office of Homeland Security; and be it further

RESOLVED, the Commissioner of Finance be and the same hereby is authorized to appropriate such grant revenue received to 911 Capital Project 3020H7 (E-911 Dispatch Upgrades) within the budget of the Steuben County 911 Department; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the New York State Office of Homeland Security, 1220 Washington Avenue, State Office Building 7A, Albany NY 12226; the Commissioner of Finance; the 911 Director and the Director of Emergency Services.

Vote: Roll Call – Adopted.

RESOLUTION NO. 063-20

Introduced by B. Schu. Seconded by H. Lando.

ACCEPTING THE CENSUS OUTREACH GRANT.

WHEREAS, enumerating every resident in Steuben County during the national census 2020 is crucial to receiving numerous revenue streams from the Federal and State governments; and

WHEREAS, the New York State Census Outreach Grant will assist in strategically targeting and enumerating hard to count populations; and

WHEREAS, the County Senior Planner submitted an application to Empire State Development (ESD) in February 2020 seeking funds to assist with complete count outreach efforts; and

WHEREAS, the County Senior Planner was notified of said grant award on or about Monday March 16, 2020; and

WHEREAS, the Administration Committee approved said grant and issuance of a request for proposals.

NOW THEREFORE, BE IT

RESOLVED, the County hereby accepts said grant award of $180,910; and be it further

RESOLVED, the County Manager is hereby authorized to sign a grant agreement and any other necessary documents with ESD; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Planning Director, the Commissioner of Finance and the County Manager.

Chairman Van Etten stated he would encourage everyone to go online if you got your mailer and do your online census. I did it yesterday and it took me about five minutes. So make sure to let your neighbors and your family know to do it as well because in this State with everyone moving out, we are going to need as many heads counted as possible.

Vote: Roll Call – Adopted.
RESOLUTION NO. 064-20

Introduced by R. Nichols. Seconded by F. Potter.

AUTHORIZING THE TRANSFER AND APPROPRIATION OF FUNDS TO THE COUNTY ROUTE 119 OVER THE CANISTEO RIVER FEDERAL-AID BRIDGE PROJECT ACCOUNT.

WHEREAS, a project for the Bridge Replacement (BIN 3334430) of the CR 119 bridge over the Canisteo River in the Town of Cameron, County of Steuben, P.I.N. 6755.17 (“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 desires to advance the Project by making an initial commitment of 100% of the Federal and non-Federal share of the costs of the Project; and

WHEREAS, the current cost of Design, Right of Way Incidentals and Acquisition, and Construction/Construction Inspection work for the Project included in the New York State Department of Transportation’s Supplemental Agreement No. 2 for the Project is $4,940,000; and

WHEREAS, the total estimated cost included in NYSDOT’s Initial Project Proposal for the aforementioned phases of the Project was $4,640,000; and

WHEREAS, the current Steuben County Budget for the Project includes $4,685,000 for the aforementioned phases of the Project.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature authorizes the transfer of $15,000 from the Future Bridge Projects account (5120H0) and the appropriation of $285,000 of Federal and State Bridge Aid to the Project account (5120HI) in order to fund in the first instance 100% of the Federal and non-Federal share of the cost of Design, Right of Way Incidentals and Acquisition, and Construction/Construction Inspection work for the Project or portions thereof; and be it further

RESOLVED, a certified copy of this resolution shall be filed with the Commissioner of Public Works and Commissioner of Finance.

Mr. Mullen stated I was wondering why the budget on this went up if the contract that we discussed in Public Works is under $4 million. Mr. Spagnoletti stated when we originally entered into the agreement with NYS Department of Transportation to fund it, our agreement with them was for $4,640,000. This was made prior to any hydraulic analysis, meaning water flow through the stream, and before any soils testing was done, which is related to the number of pylons you have to drill. Since we did that agreement with them, and you do the soils and hydraulics after the initial agreement, it required a much bigger project so that’s why the project price was increased to $4,940,000 and this requires us to appropriate that funding from the State for the State to pay for it. Mr. Mullen stated okay I thought on the Public Works call that the contract was for $3 million. It is $4.9 million? Mr. Spagnoletti replied just a second. The contract to build it, to Twin Tiers is approximately $4 million. In addition to that you pay $400,000 to design it, $450,000 for the inspectors on the job while they are building it, $50,000 for the railroad design and about another $45,000 for right-of-way purchase and eminent domain and appraisal. So beyond the bid of $3,994,000, you have about another $995,000 cost for those four items. Mr. Mullen stated okay. Chairman Van Etten stated good question and thank you Vince (Mr. Spagnoletti) for the explanation.

Vote: Roll Call – Adopted.
RESOLUTION NO. 065-20

Introduced by R. Nichols. Seconded by G. Swackhamer.

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.

WHEREAS, a Project for the Bridge Replacement (BIN 3334430) of the CR 119 bridge over the Canisteo River, Town of Cameron, Steuben County, P.I.N. 6755.17 (“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 an initial commitment of 100% of the non-federal share of the costs of the Project.

NOW THEREFORE, BE IT

RESOLVED, this Legislature authorizes the County to pay in the first instance 100% of the federal and non-federal share of the cost of Design, Right of Way Incidentals and Acquisition, and Construction/Construction Inspection work for the Project or portions thereof; and it is further

RESOLVED, the sum of $4,940,000 (of which $525,000 has been previously appropriated for the cost of Design and Right of Way Incidentals and Acquisition) is appropriated and made available to cover the cost of participation in the above phase(s) of the Project; and it is further

RESOLVED, in the event the full federal and non-federal share costs of the Project exceed the amount appropriated above, the County shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

RESOLVED, the County Manager 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 it is further

RESOLVED, a certified copy of this resolution forwarded to the Commissioner of Public Works, the County Manager, and be filed with the New York State Department of Transportation, Regional Planning and Program Management Unit, 107 Broadway, Hornell, NY 14843 by attaching it to any necessary Agreement in connection with the Project.

Vote: Roll Call – Adopted.

RESOLUTION NO. 066-20

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

WAIVING THE ESTABLISHED TIP FEES FOR ROADSIDE CLEANUP WEEKS FOR LOCAL MUNICIPALITIES.

Pursuant to Article 5 of the County Law of the State of New York.
WHEREAS, the County operates a mixed municipal solid waste landfill in the Town of Bath; and

WHEREAS, the County recognizes that the Cities, Villages and Towns collect garbage and tires along the streets and roadways in an effort to keep their communities clean; and

WHEREAS, the current tip fees at the landfill are $44.00/ton for garbage, bulk loads; $200.00/ton for passenger vehicle tires up to 20” and $300.00/ton for large truck and tractor tires; and

WHEREAS, the Public Works Committee desires to assist these local municipalities by waiving the posted tip fees for the disposal of 20 tons of garbage and 10 tons of tires for a two (2) week period each year; and

WHEREAS, the waiver is for road side debris that is collected during routine maintenance activities; and

WHEREAS, the Public Works Committee has directed the Commissioner of Public Works to establish guidelines for participation in the Roadside Cleanup Weeks.

NOW THEREFORE, BE IT

RESOLVED, the Legislature does hereby authorize the Commissioner of Public Works to waive posted tip fees for the disposal of garbage, bulk loads and tires and forward the guidelines for the Roadside Cleanup Weeks to all Cities, Villages and Towns; and be it further

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

Vote:  Roll Call – Adopted.

RESOLUTION NO. 067-20

Introduced by R. Nichols.  Seconded by F. Potter.

AUTHORIZING A TIRE AMNESTY WEEK AND ESTABLISHING AN EVENT RECYCLE FEE.

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

WHEREAS, the Solid Waste Division (Division) provides an ongoing tire recycling program for the residents and businesses of Steuben County; and

WHEREAS, the established recycle fee for tires is $2.50 per passenger vehicle tire; and

WHEREAS, residents expressed concerns that there continues to be an abundance of abandoned tires on properties located within Steuben County; and

WHEREAS, a tire amnesty event would assist with the cleanup of abandoned tires; and

WHEREAS, the Public Works Committee recommends that the Division provide one (1) week each year for a week-long tire amnesty event at the landfill and transfer stations, appropriately named “Tire Dollar Days”; and

WHEREAS, “Tire Dollar Days” is for the recycling of passenger vehicle tires only; normal posted recycle fees apply to large commercial, construction and agricultural tires; and

WHEREAS, the Public Works Committee has established the recycle fee of $1.00 per tire for passenger vehicle tires delivered to the landfill and transfer stations.
NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature does hereby authorize the Commissioner of Public Works to host “Tire Dollar Days” for one (1) week each year for the recycling of passenger vehicle tires at the landfill and transfer stations and has established a $1.00 per tire recycle fee for that one week only; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 068-20

Introduced by R. Nichols. Seconded by G. Swackhamer.

AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO ENTER INTO AN INTER-MUNICIPAL AGREEMENT WITH TOWN OF HORNELLSVILLE.

WHEREAS, the Steuben County Solid Waste Division desires to purchase a tractor with a boom mower for maintenance of County Landfill properties; and

WHEREAS, a tractor with boom mower was added to the 2020 major equipment list; and

WHEREAS, the Town of Hornellsville owns a surplus 2019 Kubota Tractor with a Boom Mower; and

WHEREAS, the Town of Hornellsville desires to sell the above mentioned for $130,000 to the County; and

WHEREAS, the Public Works and Finance Committees recommend an Inter-Municipal Agreement (IMA) for the purchase of the 2019 Kubota Tractor with a Boom Mower from the Town of Hornellsville.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Public Works is authorized to sign an Inter-Municipal Agreement with the Town of Hornellsville for the purchase of the 2019 Kubota Tractor with a Boom Mower for $130,000; and be it further

RESOLVED, said Agreement is subject to the approval of the County Law Department; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 069-20

Introduced by R. Nichols. Seconded by G. Roush.

AUTHORIZING THE PURCHASE OF A PERMANENT EASEMENT ON AND OVER CERTAIN REAL PROPERTY IN THE TOWN OF CAMERON FOR THE PURPOSE OF REPLACING AND MAINTAINING THEREON THE COUNTY ROUTE 119 BRIDGE OVER THE CANISTEO RIVER.

WHEREAS, the Bridge Replacement Project, P.I.N. 6755.17, CR 119 over the Canisteo River, BIN 3334430, Town of Cameron, County of Steuben (“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, 15% State funds and 5% local funds; and
WHEREAS, the County of Steuben (“the County”) has entered into an agreement with the New York State Department of Transportation to advance the Project by making an initial commitment of 100% of the federal and non-federal share of the design and right-of-way costs of the Project; and

WHEREAS, in order to construct and maintain the Project, the County desires to acquire a permanent easement on and over property owned by Norfolk Southern Railway Company, being a portion of Tax Parcel ID 237.00-01-046.00, located adjacent to County Route 119, in the vicinity of Railroad Mile Post 314.75, Town of Cameron, County of Steuben; and

WHEREAS, the permanent easement contains 0.237± acres of real property as delineated on Steuben County Acquisition Map No. 3, Parcel No. 3 for the Project and is described as follows:

BEGINNING at a point on the existing southerly right-of-way (by use) of County Route 119 at its intersection with the westerly boundary of Norfolk Southern Railway Company (reputed owner) [a.k.a. railroad], said point being 25.4± feet distant westerly measured at right angles from station 18+48.2± of the hereinafter described survey baseline for the reconstruction of County Route 119 over the Canisteo River; thence, southerly along the westerly railroad boundary being an arc to the left having a chord bearing of S7°50'43"E, a chord distance of 94.60 feet, a delta of 3°16'43" and a radius of 1653.28 feet to a point being 59.8± feet distant westerly measured at right angles from station 19+36.3± of said baseline; thence, through the property of the railroad the following two (2) courses and distances: (1) S72°03'21"E a distance of 72.7± feet to a point being 10.36 feet distant westerly measured at right angles from station 19+89.59 of said baseline; thence (2) S25°36'29"E a distance of 168.4± to a point on the easterly boundary of said railroad, said point being 20.9± feet distant westerly measured at right angles from station 21+57.6± of said baseline; thence, northerly along the easterly railroad boundary being an arc to the right having a chord bearing of N13°48'35"W, a chord distance of 156.80 feet, a delta of 5°46'57" and a radius of 1554.28 feet to a point at the intersection with the first mentioned southerly right-of-way, said point being 20.7± feet distant easterly measured at right angles from station 20+06.4± of said baseline; thence, through the property of said railroad and along said southerly right-of-way the following four (4) courses and distances: (1) N16°24'38"W a distance of 27.7± feet to a point being 26.8± feet distant easterly measured at right angles from station 19+79.4± of said baseline; thence (2) N31°14'24"W a distance of 41.2± feet to a point being 25.4± feet distant easterly measured at right angles from station 19+38.3± of said baseline; thence (3) N50°06'33"W a distance of 67.9± feet to a point being 1.2± feet distant easterly measured at right angles from station 18+74.9± of said baseline; thence (4) N73°59'55"W a distance of 37.7± feet to the point of beginning, being 10,306± square feet or 0.237± acre, more or less.

RESERVING, however, to the owner of any right, title or interest in and to the property above delineated, and such owner's successors or assigns, the right of access and right of using said property and such use shall not be further limited or restricted under this easement beyond that which is necessary to effectuate its purposes for, and as established by, the construction or reconstruction and as so constructed or reconstructed, the maintenance, of the herein identified project.

Subject to the easements, restrictions and rights of others of record including but not limited to CNG Transmission R.O.W.

The horizontal datum used in the preparation of the survey baseline and mapping shown herein is referenced to the New York State Plane Coordinate System, Central Zone, based on the North American Datum of 1983/2011 (NAD 83/2011). The survey baseline was established for the proposed reconstruction of the County Route 119 over the Canisteo River and is described as follows:

Beginning at Station 10+00.00; thence, N 80°35'33"E to Station 18+00.61; thence, S29°12'16"E to Station 22+10.21.

All bearings referred to True North at the 76°35'00" Meridian of West Longitude; and

WHEREAS, Norfolk Southern Railway Company, the grantor, in consideration of up to five hundred dollars ($500.00) to be paid by the County, the grantee, desires to convey this permanent easement to the County.

NOW THEREFORE, BE IT
RESOLVED, this Legislature does hereby approve of acquiring a permanent easement, for the sum of up to five hundred dollars ($500.00), on and over the aforementioned property owned by Norfolk Southern Railway Company, being a portion of Tax Parcel ID 237.00-01-046.00, located adjacent to County Route 119, Town of Cameron, County of Steuben; and be it further

RESOLVED, the County Manager is authorized to make and enter into agreements on behalf of the County of Steuben to execute any and all documents associated with the acquisition of a permanent easement on and over the aforementioned property; and be it further

RESOLVED, certified copies of this resolution shall be filed with the County Clerk, Director of the Real Property Tax Service Agency, Commissioner of Public Works and County Manager.

Vote: Roll Call – Adopted.

RESOLUTION NO. 070-20

Introduced by R. Nichols. Seconded by J. Malter.

AUTHORIZING THE PURCHASE OF LAND ADJACENT TO THE LANDFILL IN THE TOWN OF BATH.

WHEREAS, Steuben County Department of Public Works – Solid Waste Division wishes to expand landfill operations at the Bath Landfill; and

WHEREAS, in order to expand, the County is desirous of purchasing 28 (+/-) acres along CR 15, Knight Settlement Road adjoining lands currently owned by the County, for public use at the existing landfill; and

WHEREAS, the landowner(s), have agreed to sell the same for $2,000 per acre for a total of (+/-) $56,000; and

WHEREAS, the County agrees to pay for the survey and appropriate recording costs if warranted; and

WHEREAS, the funds are available in the Bath Landfill Expansion Capital Project EL/HL 6201; and

WHEREAS, the Public Works and Finance Committees of this Legislature have authorized the land purchase.

NOW THEREFORE, BE IT

RESOLVED, the County Manager is hereby authorized to enter into a Purchase and Sale Agreement for 28 (+/-) acres per the terms set forth herein; and be it further

RESOLVED, the Commissioner of Finance is hereby authorized and directed to make appropriate intra-fund adjustments within the Bath Landfill Capital Project EL/HL 6201 for said purchase; and be it further

RESOLVED, the County Manager is authorized to execute the document and effectuate the purchase; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the County Manager, Commissioner of Public Works, Commissioner of Finance, County Attorney, County Auditor, Real Property Tax Director and the Risk Manager.

Vote: Roll – Call – Adopted.
RESOLUTION NO. 071-20

AUTHORIZING THE ACQUISITION BY EMINENT DOMAIN TWO PARCELS OF REAL PROPERTY BOTH LOCATED IN THE TOWN OF CAMERON, FOR THE PURPOSE OF REPLACING AND MAINTAINING THEREON THE COUNTY ROUTE 119 BRIDGE OVER THE CANISTEO RIVER.

WHEREAS, the Bridge Replacement Project, P.I.N. 6755.17, CR 119 over the Canisteo River, BIN 3334430, Town of Cameron, County of Steuben (“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, 15% State funds and 5% local funds; and

WHEREAS, the County of Steuben (“the County”) has entered into an agreement with the New York State Department of Transportation to advance the Project by making an initial commitment of 100% of the federal and non-federal share of the design and right-of-way costs of the Project; and

WHEREAS, the County has caused to be performed extensive title searches of the records of the Steuben County Clerk’s Office as such pertain to ownership of Unknown Owner Parcel 1 and Unknown Owner Parcel 2, that are necessary for this Project and the County has been unable to ascertain the identity of persons or entities presently in existence who/which might hold fee title to such parcels; and

WHEREAS, as a consequence of the County’s inability to ascertain the identities of persons or entities presently in existence who/which hold fee title to Unknown Owner Parcel 1 and Unknown Owner Parcel 2, it is necessary for the County to acquire the aforementioned fee interests in and to portions of Unknown Owner Parcel 1 and Unknown Owner Parcel 2, as depicted and described in maps 5 and 2, respectively, by means of EDPL Article 4 acquisition proceedings; and

WHEREAS, EDPL Article 2 requires, as a condition precedent to acquiring title by means of an EDPL Article 4 proceeding, that the County conduct a public hearing to inform the public and to review the public use to be served by the proposed project and the impact on the environment and residents of the locality where the proposed Project will be constructed unless such Project is exempt from the EDPL Article 2 hearing requirements in accordance with EDPL §206; and

WHEREAS, EDPL §206 (A) provides that the County is exempt from compliance with the provisions of Article 2 when pursuant to other state, federal, or local law or regulation it considers and submits factors similar to those enumerated in Article 2, subdivision (B) of section 204, to a state, federal, or local government agency, board, or commission before proceeding with the acquisition and obtains a license, a permit, a certificate of public convenience or necessity, or other similar approval from such agency, board, or commission; and

WHEREAS, all such licenses, permits, certificates of public convenience or necessity, or other similar approvals from such agency(ies), board(s), or commission(s) has been received; and

WHEREAS, in accordance with the requirements of 23 U.S.C.A. §128 and other applicable Federal and State statutes and regulations, the County, on prior notice to the public and potentially affected landowners, conducted a public informational meeting on July 31, 2019, to present information regarding the Project, including the use, benefit and purpose of the Project, the approximate location of the Project and the reasons for selecting the location, and the general effect of the Project on the environment and residents of the locality, and to obtain comments from individuals, groups, officials, and local agencies; and

WHEREAS, in light of the foregoing, the Legislature is of the opinion that it is exempt from the hearing requirements of EDPL Article 2 with respect to the project; and
WHEREAS, in order to construct and maintain the Project, the County desires to acquire by Eminent Domain in fee a parcel of land from Owner Unknown, being a portion of Tax Parcel ID 256.00-01, located adjacent to the Project on County Route 119, Town of Cameron, County of Steuben containing 0.263± acres of real property as delineated on Steuben County Acquisition Map No. 2, Parcel No. 2 for the Project and is described as follows:

BEGINNING at a point on the existing southerly right-of-way (by use) of County Route 119 at its intersection with the westerly boundary of Norfolk Southern Railway Company (reputed owner) [a.k.a. railroad], said point being 25.4± feet distant westerly measured at right angles from station 18+48.2± of the hereinafter described survey baseline for the reconstruction of County Route 119 over the Canisteo River; thence, southerly along the westerly railroad boundary being an arc to the left having a chord bearing of S7°50'43"E, a chord distance of 94.60 feet, a delta of 3°16'43" and a radius of 1653.28 feet to a point being 59.8± feet distant westerly measured at right angles from station 19+36.3± of said baseline; thence, through the property of an unknown owner the following two (2) courses and distances: (1) S87°44'09"W a distance of 85.8± feet to a point being 136.28 feet distant westerly measured at right angles from station 18+97.4± of said baseline; thence (2) N64°00'58"W a distance of 58.0± feet to a point at the center of the Canisteo River, said point being 103.6± feet distant southerly measured at right angles from station 16+57.9± of said baseline; thence along the centerline of the river N16°40'44"W a distance of 35.0± feet to a point at its intersection with the property line of Riverside Cemetery to the north, being the former centerline of the original County Route 119, said point being 68.9± feet distant southerly measured at right angles from station 16+53.4± of said baseline; thence, along the last mentioned property line and former County Route centerline N62°07'52"E a distance of 102.0± feet to a point being 36.5± feet distant southerly measured at right angles from station 17+61.5± of said baseline; thence, along said southerly right-of-way S73°59'55"E a distance of 34.7± feet to the point of beginning, being 11,466± square feet or 0.263± acre, more or less.

Subject to the easements, restrictions and rights of others of record including but not limited to CNG Transmission R.O.W.

The horizontal datum used in the preparation of the survey baseline and mapping shown herein is referenced to the New York State Plane Coordinate System, Central Zone, based on the North American Datum of 1983/2011 (NAD 83/2011). The survey baseline was established for the proposed reconstruction of the County Route 119 over the Canisteo River and is described as follows:

Beginning at Station 10+00.00; thence, N 80°35'33"E to Station 18+00.61; thence, S29°12'16"E to Station 22+10.21.

All bearings referred to True North at the 76°35'00" Meridian of West Longitude; and

WHEREAS, the appraised value of this parcel of property is five hundred dollars ($500.00); and

PARCEL 2

WHEREAS, in order to construct and maintain the Project, the County desires to acquire by Eminent Domain in fee a second parcel of land from Owner Unknown, being a portion of Tax Parcel ID 256.00-01-001.000, Riverside Cemetery, located adjacent to County Route 119, Town of Cameron, County of Steuben containing 0.048± acres of real property as delineated on Steuben County Acquisition Map No. 5, Parcel No. 5 for the Project and is described as follows:

BEGINNING at a point on the existing southerly right-of-way (by use) of County Route 119 at its intersection with the centerline of the Canisteo River, said point being 30.6± feet distant southerly measured at right angles from station 16+46.3± of the hereinafter described survey baseline for the reconstruction of County Route 119 over the Canisteo River; thence, along the center of the river S26°21'09"E a distance of 13.0± feet to a point being 43.0± feet distant southerly measured at right angles from station 16+50.1± of said baseline; thence, continuing along the center of the river S16°40'44"E a distance of 26.0± feet to a point at its intersection with the assumed southerly property line of Riverside Cemetery also being the former original centerline of County Route 119, said point being 68.9± feet distant southerly measured at right angles from station 16+53.4± of said baseline; thence, along the last mentioned line N62°07'52"E a distance of 102.0± feet to a point being 36.6± feet distant southerly measured at right angles from station 17+50.2± of said baseline; thence, continuing along said line N90°00'00"E a
distance of 11.5± feet to a point on the first mentioned southerly right-of-way, said point being 38.5± feet distant southerly measured at right angles from station 17+61.5± of said baseline; thence, along said right-of-way N73°59'55"W a distance of 11.2± feet to a point being 33.7± feet distant southerly measured at right angles from station 17+51.4± of said baseline; thence, continuing along said right-of-way S82°15'30"W a distance of 105.1± feet to the point of beginning, being 2,110± square feet or 0.048± acre, more or less.

The horizontal datum used in the preparation of the survey baseline and mapping shown herein is referenced to the New York State Plane Coordinate System, Central Zone, based on the North American Datum of 1983/2011 (NAD 83/2011). The survey baseline was established for the proposed reconstruction of the County Route 119 over the Canisteo River and is described as follows:

Beginning at Station 10+00.00; thence, N 80°35'33"E to Station 18+00.61; thence, S29°12'16"E to Station 22+10.21.

All bearings referred to True North at the 76°35'00" Meridian of West Longitude; and

WHEREAS, the appraised value of this parcel of property is one hundred dollars ($100.00).

NOW THEREFORE, BE IT

RESOLVED, that this Legislature has considered all relevant information pertaining to the proposed CR 119 Bridge over Canisteo River Project and has determined the project development process implemented by the County qualifies the Project to be exempt from the hearing requirements of EDPL Article 2, pursuant to EDPL Section 206 (A) and (C); and it is further

RESOLVED, this Legislature does hereby approve of acquiring in fee by, Eminent Domain, for the sum of five hundred dollars ($500.00), the aforementioned 0.263± acre parcel of land from Owner Unknown, being a portion of Tax Parcel ID 256.00-01, located adjacent to the Project on County Route 119, Town of Cameron, County of Steuben; and be it further

RESOLVED, this Legislature does hereby approve of acquiring in fee, by Eminent Domain, for the sum of one hundred dollars ($100.00), the aforementioned 0.048± acre parcel of land from Owner Unknown, being a portion of Tax Parcel ID 256.00-01-001.000, Riverside Cemetery, located adjacent to the Project on County Route 119, Town of Cameron, County of Steuben; and be it further

RESOLVED, the County Manager is authorized to make and enter into agreements on behalf of the County of Steuben to execute any and all documents associated with the acquisition of the aforementioned property; and be it further

RESOLVED, certified copies of this resolution shall be filed with the County Clerk, Director of the Real Property Tax Service Agency, Commissioner of Public Works and County Manager, and County Attorney.

Mr. Maio stated I just have a question on this. Because we don’t know the owners of the property, who are we going to make the payment to if we acquire it? Ms. Prossick replied what happens is we will file a petition with the court for eminent domain and the court most likely will order that the money be held by the Commissioner of Finance to place a claim against that money. Mr. Maio stated okay thanks.

Vote: Roll Call – Adopted.
TABLED

RESOLUTION NO. 072-20

Introduced by B. Schu.

WAIVING THE 16B PROCESS AND AUTHORIZING THE CREATION OF ONE (1) PART-TIME ASSISTANT DISTRICT ATTORNEY POSITION IN THE DISTRICT ATTORNEY’S OFFICE.

WHEREAS, the District Attorney previously shared an Assistant District Attorney position on a part-time basis with Schuyler County through an inter-municipal agreement; and

WHEREAS, Schuyler County now needs the shared Assistant District Attorney to work full-time for Schuyler County; and

WHEREAS, the District Attorney is requesting a 16B waiver to create one (1) Part-time Assistant District Attorney position, Management Grade H; and

WHEREAS, it is desirable to create one (1) Part-time Assistant District Attorney position, Management Grade H, to cover the workload previously handled by the shared Part-time Assistant District Attorney; and

WHEREAS, the funding for said positions is currently available within the 2020 budget; and

WHEREAS, Rule 16B of the Rules of Procedure of the County Legislature requires an extraordinary majority to create the aforesaid position as a result of said request not having been anticipated for the year 2020.

NOW THEREFORE, BE IT

RESOLVED, Rule 16B of the Rules of Procedure be and the same hereby is waived; and be it further

RESOLVED, the following position is hereby created and funded for the denoted department:

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<th>Department/Position</th>
<th>Quantity</th>
<th>Grade</th>
<th>Salary</th>
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<tr>
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<td>$28,746 - $34,147</td>
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AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the District Attorney, Commissioner of Finance and the Personnel Officer.

Motion to table made by Ms. Fitzpatrick. Seconded by Mr. Swackhamer

Mr. Van Etten asked Ms. Fitzpatrick if she has a defined date. Ms. Fitzpatrick replied the April Meeting.

Motion amending the previous motion to table until the April 27, 2020 Legislative Meeting made by Ms. Fitzpatrick. Seconded by Mr. Swackhamer. Acclamation vote carries with Legislator Maio opposed.
RESOLUTION NO. 073-20


AUTHORIZING THE RECLASSIFICATION OF ONE (1) VACANT MOTOR EQUIPMENT OPERATOR
POSITION, GRADE VIII, TO AN AUTOMOTIVE MECHANIC POSITION, GRADE X IN THE
DEPARTMENT OF PUBLIC WORKS.

Pursuant to Section 204 of the County Law of the State of New York.

WHEREAS, there is need for an Automotive Mechanic in the Department of Public Works; and

WHEREAS, there is one vacant Motor Equipment Operator in the Department of Public Works; and

WHEREAS, the Personnel Officer, the Public Works Committee and Administration 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 Department of Public
Works is hereby reclassified as follows:

One (1) Vacant Motor Equipment Operator Position #2680-46, Grade VIII, ($30,909 - $43,637), to One (1)
Automotive Mechanic Position, Grade X, ($33,749 - $47,644);

AND BE IT FURTHER RESOLVED, the 2020 County Job Classification and Salary Schedule is hereby
amended to reflect the above stated changes; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 074-20


AUTHORIZING THE RECLASSIFICATION OF ONE (1) VACANT MOTOR EQUIPMENT OPERATOR
POSITION, GRADE VIII, TO A DISTRICT SUPERVISOR, GRADE XV IN THE DEPARTMENT OF PUBLIC
WORKS.

Pursuant to Section 204 of the County Law of the State of New York.

WHEREAS, there is need for a District Supervisor in the Department of Public Works; and

WHEREAS, there is one vacant Motor Equipment Operator in the Department of Public Works; and

WHEREAS, the Personnel Officer, the Public Works Committee and Administration 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 Department of Public Works is hereby reclassified as follows:

One (1) Vacant Motor Equipment Operator Position #2680-08, Grade VIII, ($30,909 - $43,637), to One (1) District Supervisor, Grade XV, ($41,825 - $59,046);

AND BE IT FURTHER RESOLVED, that the 2020 County Job Classification and Salary Schedule is hereby amended to reflect the above stated changes; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 075-20


AUTHORIZING THE RECLASSIFICATION OF ONE (1) TYPIST POSITION, GRADE IV, TO AN ACCOUNT CLERK-TYPIST POSITION, GRADE VI IN THE DEPARTMENT OF PUBLIC WORKS.

Pursuant to Section 204 of the County Law of the State of New York.

WHEREAS, the Typist in the Department of Public Works performs Account Clerk-Typist duties; and

WHEREAS, the Account Clerk-Typist will have added duties of performing higher level clerical and account keeping duties; and

WHEREAS, an Account Clerk-Typist position more appropriately performs these duties; and

WHEREAS, the Personnel Officer, the Public Works Committee and Administration 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 Department of Public Works is hereby reclassified as follows:

One (1) Typist Position #4360-01, Grade IV ($26,279 - $37,099), to
One (1) Account Clerk-Typist Position, Grade VI, ($28,442 - $40,151);

AND BE IT FURTHER RESOLVED, that the 2020 County Job Classification and Salary Schedule is hereby amended to reflect the above stated changes; and be it further

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

Vote: Roll Call – Adopted.
RESOLUTION NO. 076-20

Introduced by B. Schu.  Seconded by G. Swackhamer.

DECLARING APRIL AS DONATE LIFE MONTH.

WHEREAS, through our membership with the New York State Association of Counties and the New York State Association of County Clerks, New York Counties have come together to collectively support April as Donate Life Month; and

WHEREAS, this observance pays tribute to organ and tissue donors and their families whose meaningful decision enables others to receive life-saving organs or tissue, whereby a transplant not only improves the quality of life for the recipient, but in many cases can save a life; and

WHEREAS, a single individual’s donation of organs can save up to 8 lives while a donation of tissue can save the lives of up to 75 others; and

WHEREAS, there are nearly 9,700 men, women and children waiting for an organ transplant in New York State which represents the third highest need in the nation, and there are approximately 400 New Yorkers that die every year while waiting for an organ transplant; and

WHEREAS, only 40 percent of New York State residents are currently signed up to be organ, eye and tissue donors, and there are tens of thousands persons nationwide in need of bone, corneal or other tissue transplant, with names added to the waiting list each day; and

WHEREAS, New Yorkers can help save another’s life by joining the New York State Donate Life Registry located at www.donatelife.ny.gov and enrolling when they apply for, or renew, their New York State driver’s license, or non-driver’s license identification card, when they apply for health insurance through the New York State of Health Official Health Plan Marketplace or on voter registration forms.

NOW THEREFORE, BE IT

RESOLVED, this Legislature does hereby declare the month of April 2020 as DONATE LIFE MONTH and encourages all residents of Steuben County to consider enrolling as an organ donor through the New York State Donate Life Registry; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Clerk.

Vote: Acclamation – Adopted.

RESOLUTION NO. 077-20

Introduced by G. Swackhamer.  Seconded by R. Lattimer.

ESTABLISHING THE DATE, TIME AND PLACE FOR THE 2020 DELINQUENT REAL PROPERTY TAX PUBLIC AUCTION.

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

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

RESOLVED, the 2020 Delinquent Real Property Tax Public Auction shall be conducted on Friday, July 10, 2020, commencing at 10:00 A.M. at the Bath/Haverling High School, 25 Ellas Avenue, Bath, New York; and be it further

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

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

Mr. Swackhamer stated since everything is happening, this is going to be a pie in the sky to hold this date, but this may be changed in the future. Chairman Van Etten stated that’s right, yep. Mr. Mullen stated that was my thought as well. I just want to make sure that we could change the date if needed. Mr. Swackhamer stated yes, I think there is a certain time that we would have to put forward. Mr. Donnelly called me and asked me and said that he was kind of concerned about the date and that we may have to push it back. So that’s just for information for the future.

Ms. Prossick stated I think we have currently about a month wiggle room in our calendar. So we’ll see what happens. At this point we normally proceed with default judgement in May. There are no default judgements at this point in time and we could probably do it as late as June and probably still make this date. We will just monitor.

Vote: Roll Call – Adopted.

Chairman Van Etten asked can we do the next five, do we need a motion to do that? Is there someone willing to make a motion to combine resolutions 23 – 26 as one and waive the reading.

Motion combining resolutions 23 – 26 as one and waiving the reading made by Mr. Schu, seconded by Mr. Potter and duly carried.

RESOLUTION NO. 078-20

Introduced by S. Van Etten. Seconded by B. Schu.

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

Pursuant to Section 12.19 of the Steuben County Charter, and Section 224 of the County Law of the State of New York.

BE IT RESOLVED, upon the recommendation of the Steuben County Manager, Kevin Costello, Executive Director of the Steuben County Conference & Visitors’ Bureau, be and the same hereby is appointed as the Legislature’s representative to serve on the Board of Directors of the Finger Lakes Tourism Alliance, Inc., for a term three (3) years commencing January 1, 2020 through December 31, 2022; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointee at 1 West Market Street, Suite 201, 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. 079-20

Introduced by S. Van Etten.  Seconded by B. Schu.

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 Steuben County Manager has recommended the following appointments, subject to confirmation by the Steuben County Legislature:

<table>
<thead>
<tr>
<th>Community Services Board</th>
<th>TERM</th>
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<tbody>
<tr>
<td>1. Cora Saxton</td>
<td>01/01/17 – 12/31/20</td>
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<tr>
<td>310 East Naples Street</td>
<td></td>
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<tr>
<td>Wayland, NY 14572</td>
<td></td>
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<tr>
<td>2. Darlene Smith, Director (filling unexpired term of Victoria Fuerst)</td>
<td>01/01/17 – 12/31/20</td>
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<tr>
<td>Steuben County Public Health</td>
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<td>3 East Pulteney Square</td>
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<tr>
<td>Bath, NY 14810</td>
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<tr>
<td>3. Mark R. Alger</td>
<td>01/01/18 – 12/31/21</td>
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<td>109 Rumsey Street</td>
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<tr>
<td>Bath, NY 14810</td>
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<tr>
<td>4. The Honorable Gary D. Swackhamer</td>
<td>01/01/18 – 12/31/21</td>
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<tr>
<td>Steuben County Legislator</td>
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<td>67 N. Main Street</td>
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<tr>
<td>Hornell, NY 14843</td>
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<td>5. Gina Reagan</td>
<td>01/01/18 – 12/31/21</td>
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<td>Catholic Charities of Steuben</td>
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<td>23 Liberty Street</td>
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<td>Bath, NY 14810</td>
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<td>6. Doreen Patterson (filling unexpired term of Mark Rectenwald)</td>
<td>01/01/19 – 12/31/22</td>
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<td>Arbor Development</td>
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<td>26 Bridge Street</td>
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<td>Corning, NY 14830</td>
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<td>7. Kathryn Muller, Commissioner</td>
<td>01/01/20 – 12/31/23</td>
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<tr>
<td>Steuben County Department of Social Services</td>
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<td>3 East Pulteney Square</td>
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<tr>
<td>Bath, NY 14810</td>
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<tr>
<td>8. Matt Mehlenbacher</td>
<td>01/01/20 – 12/31/23</td>
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<tr>
<td>Steuben ARC</td>
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<td>One Arc Way</td>
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<tr>
<td>Bath, NY 14810</td>
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</tbody>
</table>
9. Robert Cole, M.D.  
10101 Grandview Lane  
Hammondsport NY  14840  
01/01/20 – 12/31/23

**Mental Health Subcommittee**

1. Cora Saxton  
310 East Naples Street  
Wayland, NY  14572  
01/01/17 – 12/31/20

2. Craig Pomplas  
Steuben County Probation  
3 East Pulteney Square  
Bath, NY  14810  
01/01/17 – 12/31/20

3. Kathryn Muller, Commissioner  
Steuben County Department of Social Services  
3 East Pulteney Square  
Bath, NY  14810  
01/01/18 – 12/31/21

4. Harmony Aries-Friedlander *(filling unexpired term of Barbara Eskridge)*  
Family Service Society, Inc.  
280 Princeton Avenue Ext.  
Corning, NY  14830  
01/01/18 – 12/31/21

5. Doreen Patterson  
Arbor Development  
26 Bridge Street  
Corning, NY  14830  
01/01/19 – 12/31/22

6. Vacant  
01/01/19 – 12/31/22

7. Gina Reagan  
Catholic Charities of Steuben  
23 Liberty Street  
Bath, NY  14810  
01/01/20 – 12/31/23

8. Lynn M. Goodwin  
Pathways, Inc.  
33 Denison Parkway East  
Corning, NY  14830  
01/01/20 – 12/31/23

9. Rick McInroy  
Center for Dispute Settlement  
25 Wilkes Avenue  
Bath, NY  14810  
01/01/20 – 12/31/23

**Chemical Dependency Subcommittee**

1. Colleen Banik *(filling unexpired term of Norman McCumiskey)*  
Steuben Prevention Coalition  
8 East Morris Street  
Bath, NY  14810  
01/01/17 – 12/31/20
2. Darlene Smith, Director (filling unexpired term of George Basher)
Steuben County Public Health
3 East Pulteney Square
Bath, NY 14810
01/01/17 – 12/31/20

3. Ruth Goodwin (filling unexpired term of Carly Cushing)
Family Service Society, Inc.
280 Princeton Avenue Ext.
Corning, NY 14830
01/01/18 – 12/31/21

4. Rick McInroy
Center for Dispute Settlement
25 Wilkes Avenue
Bath, NY 14810
01/01/18 – 12/31/21

5. Susan Hooker
Hornell Area Concern for Youth
76 East Main Street
Hornell, NY 14843
01/01/19 – 12/31/22

6. Chad Mullen, Chief
Bath Police Department
110 Liberty Street
Bath, NY 14810
01/01/19 – 12/31/22

7. James Bassage
Bath Area Hope for Youth
8 Pulteney Square
Bath, NY 14810
01/01/20 – 12/31/23

8. Gina Reagan
Catholic Charities of Steuben
23 Liberty Street
Bath, NY 14810
01/01/20 – 12/31/23

9. Robert Cole, M.D.
10101 Grandview Lane
Hammondsport, NY 14840
01/01/20 – 12/31/23

Developmental Disabilities Committee
1. Matt Mehlenbacher
Steuben ARC
One Arc Way
Bath, NY 14810
01/01/17 – 12/31/20

2. Charlene Robinson (filling unexpired term of Victoria Fuerst)
5788 Bonny Hill Road
Bath, NY 14810
01/01/17 – 12/31/20

3. Sandra Buto
Capabilities, Inc.
1149 Sullivan Street
Elmira, NY 14901
01/01/18 – 12/31/21
NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature shall confirm the appointment of 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 the above-named appointees; Henry W. Chapman, Psy. D., Director of Community Services; and the County Auditor.

Vote: Acclamation – Adopted.

RESOLUTION NO. 080-20

Introduced by S. Van Etten. Seconded by B. Schu.

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, 2019.

NOW THEREFORE, BE IT

RESOLVED, that Norman (Ed) Schneider of 4488 Lent Hill Road, 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 four (4) year term commencing January 1, 2020 through December 31, 2023; 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 appointed; the New York State Racing and Wagering Board, 1 Watervliet Avenue Extension, Suite #2, Albany, NY 12206; and Henry F. Wojtaszek, President and CEO, Western Regional Off-Track Betting Corporation, 700 Ellicott Street, Batavia, NY 14020.

Vote: Acclamation – Adopted.

RESOLUTION NO. 081-20

Introduced by J. Malter.               Seconded by B. Schu.

URGING THE GOVERNOR AND NEW YORK STATE LEGISLATURE TO SUPPORT S.7280 AND A.9107 THE "EMERGENCY FIRST RESPONDERS PRIVACY AND PROTECTION ACT".

WHEREAS, new discovery reform laws were passed in the 2019-2020 NYS Budget that overhauled the discovery process, requiring an expedited timeline to provide materials such as police reports, radio transmissions, body-worn and dash-cam video, along with other data related to prosecution; and

WHEREAS, the current law protects law enforcement personnel by allowing their personal identifying information to be excluded from discovery documents and records, but does not include protections for first responders, who in many instances provide service at crime scenes; and

WHEREAS, ambulance services personnel, advanced life support first response services, certified first responders, firefighters, emergency medical technicians or advanced emergency medical technicians, who are employed by or enrolled members of any such service should also have their personal identifying information protected from discovery so they are not subject to retaliation or witness tampering.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature hereby encourages all members of the New York State Senate and Assembly to support S.7280/A.09107, the "Emergency First Responders Privacy and Protection Act"; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Honorable Andrew M. Cuomo, New York State Governor, New York State Capitol Building, Albany, NY 12224; Honorable Andrea Stewart-Cousins, NYS Senate Majority Leader, 907 Legislative Office Building, Albany, NY 12247; Honorable John J. Flanagan, NYS Senate Minority Leader, 909 Legislative Office Building, Albany, NY 12247; Honorable Carl E. Heastie, Speaker, New York State Assembly, 932 Legislative Office Building, Albany, NY 12248; Honorable Crystal D. Peoples-Stokes, NYS Assembly Majority Leader, 926 Legislative Office Building, Albany, NY 12248; Honorable William A. Barclay, NYS Assembly Majority Leader, 919 Legislative Office Building, Albany, NY 12248; Honorable K. Anthony Scardina, NYS Assembly Majority Leader, 920 Legislative Office Building, Albany, NY 12248; Honorable Todd Kaminsky, NYS Assembly Majority Leader, 921 Legislative Office Building, Albany, NY 12248; and Honorable Joseph D. Morelle, NYS Assembly Minority Leader, 83 Legislative Office Building, Albany, NY 12248.
Minority Leader, Capitol 444, Albany, NY 12248; Honorable Thomas M. O’Mara, New York State Senator, 406 Legislative Office Building, Albany, NY 12247; Honorable Philip A. Palmesano, New York State Assemblyman, 320 Legislative Office Building, Albany, NY 12248; Honorable Joseph M. Giglio, New York State Assemblyman, 525 Legislative Office Building, Albany, NY 12248; Honorable Marjorie Byrnes, New York State Assemblywoman, 723 Legislative Office Building, Albany, NY 12248; Stephen Acquario, Executive Director, NYSAC, 540 Broadway, 5th Floor, Albany, NY 12207; and Inter County Association of WNY, Brooke Harris, President, c/o Allegany County Legislature, 7 Court Street, Belmont, NY 14813.

Vote: Roll Call – Adopted.

RESOLUTION NO. 082-20

Introduced by C. Ferratella. Seconded by B. Schu.

RESOLUTION CALLING ON THE GOVERNOR AND NEW YORK STATE LEGISLATURE TO PRESERVE THE ZERO PERCENT MEDICAID GROWTH CAP FOR ALL COUNTIES AND NEW YORK CITY.

WHEREAS, spending in New York State for Medicaid is the single largest expense in the State budget; and

WHEREAS, the funding to support the Medicaid program is provided by a combination of federal, state and local resources; and

WHEREAS, the required county and New York City contribution is $7.6 billion annually; and

WHEREAS, the local share of Medicaid funding paid in New York is the highest of any state in the country and is more than what 43 individual states pay in State share for their Medicaid programs; and

WHEREAS, this large local funding share for Medicaid and other state programs is a major contributor to New York’s high local tax burden compared to other states; and

WHEREAS, the Governor and legislative leaders recognize the fiscal burden the financing of Medicaid is for local taxpayers and initiated steps to relieve part of that burden by capping the growth in local costs in this program; and

WHEREAS, in 2012, one of the most prominent property tax reduction and mandate relief initiatives in state history was Governor Cuomo’s establishment of the zero percent Medicaid growth cap; and

WHEREAS, this zero percent growth cap enables counties to keep funding for the growing cost of many vital state programs and services, while continuing local quality of life services demanded by taxpayers; and

WHEREAS, the Medicaid budget is facing billions of dollars in annual deficits over the next several years; and

WHEREAS, these Medicaid deficits are contributing to the largest budget deficit the state has faced since the Great Recession; and

WHEREAS, the Governor’s Executive Budget Recommendation is proposing a variety of ways to address these combined fiscal shortfalls; and

WHEREAS, budget proposals advanced by the Governor rely on a minimum of $150 million in Medicaid program costs assumed by local taxpayers; and include:

• Using county government federal enhanced Medicaid match savings;
• Losing state Medicaid growth cap if counties breach the state property tax cap;

Legislative Meeting
Monday, March 23, 2020
• Shifting the local share of Medicaid growth above the Medicaid Global Cap rate (currently 3%) to counties, if counties cannot contain costs under the Medicaid Global Cap rate; and

WHEREAS, the Potential Fiscal Impact for Steuben County is $1,618,845 to $3,889,668 dependent on the final expenditures and calculation factors; and

WHEREAS, the State in the Global Cap Report for April – December 2019, has identified the factors that are placing upward pressure on State-share Medicaid spending (which includes spending under and outside the Global Cap) include, but are not limited to: Long Term Care (increased enrollment and costs in managed long-term care); reimbursement to providers for the cost of the increase in the minimum wage; the phase-out of enhanced Federal funding; and payments to financially distressed hospitals; and

WHEREAS, this allowable growth rate is significantly less than estimates for health care spending growth by the Federal Centers for Medicare and Medicaid Service Office of the Actuary which estimate growth 5.5 percent annual growth on average between 2018 and 2027.

WHEREAS, counties do not have tools to control the Medicaid program growth; some of these limitations include:

• The ability to audit the Medicaid program;
• The ability to control the cost of prescription drugs;
• The ability to set provider reimbursement rates;
• The ability to modify eligibility and benefit levels for Medicaid recipients;
• The ability to control changing demographics across the state;
• The ability to control provider contracts; and

WHEREAS, if state experts in the Medicaid program are unable to develop solutions to control growth in the Medicaid program, it will be difficult for counties to do so, since they do not have this authority to control costs.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature urges the Governor and legislative leaders to maintain the zero percent Medicaid growth cap for counties and New York City as they address state budget shortfalls in order to keep downward pressure on the local tax burden; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Honorable Andrew M. Cuomo, New York State Governor, New York State Capitol Building, Albany, NY 12224; Honorable Andrea Stewart-Cousins, NYS Senate Majority Leader, 907 Legislative Office Building, Albany, NY 12247; Honorable John J. Flanagan, NYS Senate Minority Leader, 909 Legislative Office Building, Albany, NY 12247; Honorable Carl E. Heastie, Speaker, New York State Assembly, 932 Legislative Office Building, Albany, NY 12248; Honorable Crystal D. Peoples-Stokes, NYS Assembly Majority Leader, 926 Legislative Office Building, Albany, NY 12248; Honorable William A. Barclay, NYS Assembly Minority Leader, Capitol 444, Albany, NY 12248; Honorable Thomas M. O’Mara, New York State Senator, 406 Legislative Office Building, Albany, NY 12247; Honorable Philip A. Palmesano, New York State Assemblyman, 320 Legislative Office Building, Albany, NY 12248; Honorable Joseph M. Giglio, New York State Assemblyman, 525 Legislative Office Building, Albany, NY 12248; Honorable Marjorie Byrnes, New York State Assemblywoman, 723 Legislative Office Building, Albany, NY 12248; Stephen Acquario, Executive Director, NYSAC, 540 Broadway, 5th Floor, Albany, NY 12207; and Inter County Association of WNY, Brooke Harris, President, c/o Allegany County Legislature, 7 Court Street, Belmont, NY 14813.

Vote: Acclamation – Adopted.

Chairman Van Etten stated Mr. Wheeler had a comment. Mr. Wheeler stated thank you. One person who wasn’t recognized at the beginning is the Chairman himself. I think if he knew what was about to happen
when he ran, he may have reconsidered it. He has been doing an awesome job. You know I have been on the phone and texts with him all hours of the day and night. All you Legislators need to be recognized for really supporting the staff and the safety of the public, and Chairman Van Etten specifically because he has been there. It makes our job out here and the departments’ jobs much easier when we have great leadership and guidance and support, so thank you.

Mr. Ryan asked do you have any suggestions on what we can do locally here? Any ideas of how we can help and pitch in as Legislators in our communities? Mr. Wheeler replied yeah that is a good question and he has been communicating with a lot of you by text and email. I think what we need your help with is just spreading the Public Health messages that you see and that we send to you and that is on Facebook. And that is whenever there is a positive case reported, we are going to get more, you know, just spread the calming messages. Public Health is putting out as much information as we possibly can about where individuals are known to be without violating HIPAA or any other laws because it is a public health concern. Just help calm your residents and I mean obviously, stay inside, stay inside, stay inside. But it is not a time for panic. It is a time for action.

Chairman Van Etten stated all right, is there anything else for open session? Ms. Mori stated okay, before you adjourn. Mr. Ryan stated I do have a question. Ms. Mori stated go ahead. Mr. Ryan stated the question I have about the next meeting do we use the same number? Ms. Mori replied because the next meeting is executive session, we need to keep the numbers in-house so that nobody can listen in at all right. The second email I sent you, that has executive session at the top, it’s the same number, it’s just a different access code. Mr. Ryan stated right, that’s my question, thank you. Ms. Mori stated the access code does start with 716, okay? Once you adjourn you hang up your phone and you call the number again.

Motion to Adjourn Regular Session and Reconvene in Executive Session Pursuant to Public Officers’ Law, Article 7 § 105.1.D. Discussions Regarding Proposed, Pending or Current Litigation made by Mr. Swackhamer. Seconded by Mr. Mullen for discussion.

Chairman Van Etten stated we will vote on this and hang up. It will take about five minutes before you can call back in, that’s what our IT folks are telling us. So, you gotta let this one drop off, wait five minutes and then call back in to the other number. Mr. Malter asked if we are sitting out there and going to adjourn the regular session or are we going to sit out there and go into executive session and then come back into regular session and then adjourn? Ms. Mori replied we will probably have to come back into the regular session because we hopefully will be getting a vote. Mr. Swackhamer stated good question. Chairman Van Etten stated that’s because the vote needs to be in public session? Ms. Mori replied yes. Mr. Schu asked so will the number that we called into this time still be active to call back in after the executive session? Ms. Mori stated I am looking to my IT guys…Mr. Wolverton stated it depends how long it lasts. Mr. Ryan (Cody) stated this number is good for two hours. Ms. Mori stated it won’t take long. Chairman Van Etten stated so the original call was for a two hour window, so when we go to executive session, that won’t take long and then we will still have time to call into the original one again. Mr. Mullen asked for the public listening in and not on the line we are on to speak, if they want to hear what happens when we come back into public session, can they just stay on their line right now? Ms. Mori replied yes, the line will be kept open.

Vote on previous motions. All being in favor. Motion carries.

Chairman Van Etten stated all right, we will talk in five minutes, at 11:10 a.m.

Motion to Adjourn Executive Session and Reconvene in Regular Session made by Mr. Swackhamer, Seconded by Mr. Potter and duly carried.
RESOLUTION NO. 083-20

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 Steuben County Supreme Court, State of New York:

JENA FAITH

Plaintiff,

vs.

STEUBEN COUNTY, SHERIFF JAMES ALLARD,
JAIL SUPERINTENDENT MATTHEW WHITMORE,
JAIL PHYSICIAN BRUCE MACKELLAR and DOE
DEFENDANTS 1-5

Defendants.

; and

WHEREAS, the parties having entered into settlement negotiations in this matter and the parties having agreed to settle the County’s portion of this claim, in the amount of Thirty Thousand Dollars ($30,000.00).

NOW THEREFORE, BE IT

RESOLVED, the County does hereby ratify the above recited settlement of the above-entitled claim and of the payment of the County’s portion thereof in the amount of, Thirty Thousand Dollars ($30,000.00), to be paid by Steuben County subject to the approval of the County Attorney; and be it further

RESOLVED, the Sheriff is authorized to execute all necessary Releases and Stipulations of Settlement; 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 David Fitch, Esq., Underberg & Kessler LLP 300 Bausch & Lomb Place, Rochester, NY 14604; Steuben County Sheriff and Scott Sprague, Risk Manager.

Vote: Roll Call – Adopted. Yes – 6904, No – 1673, Abstained – 0, Absent – 1295
(No – Legislators Mullen, Potter and Van Caeseele; Absent – Legislator Maltar)

Chairman Van Etten stated if there is no other business, he will entertain a motion to adjourn.

Mrs. Lando stated that I wanted to just thank everybody who got this whole thing started because this teleconferencing wasn’t bad. I don’t think it was bad at all. Thank you everybody.

Mr. Malter stated as far as the committee meetings, how are we handling them? Ms. Mori replied we will still be doing them by teleconference as well. I will be working with IT to do it in a way that you can log into Webex and leave a call-in number, like a call me back, and the system will call you back when we are ready to start. So we will know who is actually on the call. Mr. Malter asked so as far as the chairmen, of these committees, how will they be able to handle this situation? Ms. Mori stated well we haven’t gotten that far yet. Probably what’s going to happen is Mrs. Chapman and or myself will have to proctor the session just so we know who is on and who is not, and then just let the chairman take over
running the meeting. But we will work on it; we’ve got about a week before we have to worry about it, so we’ll be working on it.

Ms. Lattimer stated so we will continue in this fashion until further notice? Ms. Mori stated correct. Chairman Van Etten stated that is correct.

*Motion to adjourn made by Mr. Potter, seconded by Mrs. Lando and duly carried.*
The County Legislature of the County of Steuben convened in Regular Session via teleconference on the 27th day of April, 2020 at 10:00 a.m. and was called to order by the Chairman of the Legislature, Scott J. Van Etten.

Roll Call and all members present.

Chairman Van Etten asked Mr. Swackhamer to lead the Invocation and Chairman Van Etten led the Pledge of Allegiance.

*Secretary’s Note: The minutes of the March 23rd Legislative Meeting had not been released as they were being held pending resolution of a settlement. These minutes will be presented for approval at the May Legislative Meeting*

Mr. Wheeler stated Mrs. Smith is here to provide an update on Covid response. Mrs. Smith stated the numbers as of this morning we have 221 positive Covid cases. There are 236 individuals under isolation/quarantine. There are 10 individuals hospitalized. We have 49 positive Covid cases in our nursing homes. There have been 33 deaths in the County however, by the end of the day that number will be updated to reflect 35 deaths as she was just notified this morning of two additional deaths.

Mr. Roush asked do you have an estimate of how many have not been reported to be infected, or even dying? Mrs. Smith replied no. Honestly, we don’t know what we don’t know. I’m sure there are multiple individuals that have it and not know it, but if they were tested and came back positive, then I can say with relative certainty we would know that. We are also pretty on top of the deaths.

Mr. Swackhamer asked how are we determining what they died from; heart attack, virus, etc.? Mrs. Smith explained the guidance is saying if an individual is known to be a positive Covid case and they die, physicians and coroners are listing Covid as the cause of death. We sometimes question that as well, however, that is out of our hands. Guidance is saying if they are known to be Covid positive, then that is what is listed on the death certificate.

Mr. Horton asked with the 33 deaths, is any number known as to how many of those had DNR’s? Mrs. Smith replied no, I don’t have access to that information.

Mr. Van Caeseele asked is there any record of the other causes of death in the County? Mrs. Smith replied generally on an everyday basis, we have that. My office receives all the death certificates in the county and we track that. The purpose of us receiving that information is for trending and tracking causes of death. Mr. Van Caeseele stated he would be interested in seeing some of those other numbers since the beginning of the Covid crisis, to see the relationship. Mrs. Smith stated I can get that information and will send it out to the Legislators.

Mr. Maio asked before Covid, were there clusters of deaths in the nursing homes? Mrs. Smith replied no.

Mrs. Lando asked when people are being quarantined, where are they being quarantined? Mrs. Smith replied they are quarantined at their home. We have a combination of quarantines and isolation. The quarantines are those individuals that do not have symptoms and are waiting for test results. Mrs. Smith stated for individuals in isolation, she has a written mandatory isolation order. This means their test results have come back positive or that they are a contact or a member of the household of an individual testing positive. They are someone that has had close, sustained proximity and contact with an individual who has tested positive.
Ms. Lattimer asked with the 33 deaths, I’m guessing at least half are the nursing homes? Mrs. Smith replied 24 are nursing home deaths. There are two that we were just notified of this morning and they were also residents of nursing homes.

Mr. Mullen asked if Mrs. Smith had information about the antibody testing and if she could explain the requirement for reopening around the number of hospitalizations. Mrs. Smith explained the hospitalization rates need to stay at less than 10 new admissions over the past 10 days before the local hospitals can move forward with elective procedures. So far we have remained at less than 10 new hospitalizations over the course of 10 days. She stated with regard to antibody testing, this is still very new to our area. We were notified last week of a local physician who will be receiving 200 antibody testing kits tomorrow and wants to start. There are steps to that. These tests need to be approved through the Wadsworth Lab in Albany. I have not received the proof yet that those tests have been approved for this physician. This is very new and we have talked with regional Department of Health and they have indicated they are getting reports of pop-up providers wanting to do tests because it is billable. These tests need to be approved by Wadsworth and that approval needs to be demonstrated to us. We are going to see more and more of that as the days progress.

Mr. Van Etten asked has there been any data on people that have tested positive, gone through the 14-day isolation period, recovered and then relapsed? Mrs. Smith replied yes. We have had multiple individuals that met the criteria to be recovered and they tested positive again. When that occurs, the clock resets and they go back into isolation for another 14 days.

Mr. Van Caeseele asked for those individuals with returning symptoms, do they normally have an immunity deficiency? Mrs. Smith replied she does not have that information.

Mr. Wheeler stated on the operational side, we are announcing today the continuation of the closure to most of our facilities to walk-ins until May 15th. This matches up to the Governor’s Executive Order. We are talking with our departments and others about making sure we can address needs for walk-in appointments. We have been doing things by appointment since the beginning. He stated we have talked with the County Clerk about whether we can expand DMV hours between now and May 15th. We have been doing things by appointment and so far, so good. If there are any issues or questions, please let me know. The Governor’s Executive Order prohibits us from exceeding our 50 percent of capacity in government facilities. We are status quo in terms of County operations.

Mr. Ryan asked when we do start letting people in, do we have protective screens for those areas where people come in contact? Mr. Wheeler replied yes, Buildings and Grounds have actively been working on that. We will have temperature checks and a supply of masks for people that come in if they don’t have a mask.

Mr. Horton stated he has heard that DMV is telling private citizens that there is no by appointment. I know several people that are trying to get new plates and they can’t do it. There are a couple of guys with CDL Class A licenses that are worried about their license running out and they have to come in to take an eye test in order to renew it and they don’t want to be out of state and have their CDL expire. They are being told on the phone that it is dealer only and there are no appointments for private citizens. Mr. Wheeler stated we will work on that and work with Mrs. Hunter to address those concerns. Ms. Prossick stated her recollection is that the State shut down the DMV’s and there are no appointments at all by State’s Executive Order. Mr. Wheeler stated we would have to go back and look at that. Ms. Prossick commented licenses have not technically expired due to the Governor’s Executive Order.

Mr. Van Caeseele asked what is the outlook on reopening the County parks? Mr. Wheeler stated he reviews that Executive Order every five days and he thinks that review is coming up again in three days. He will talk with the Sheriff and Public Works to see what we can do there. He will keep the Legislators posted.
Mr. Van Etten stated as we go through the General Orders of the Day, please state your name when you second a motion. If we adopt the first resolution, during the acclamation vote, if you want to vote no, please state your name when we ask for the no votes.

**AMENDED**

RESOLUTION NO 084-20

Introduced by S. Van Etten.  
Seconded by R. Lattimer.

**SUSPENDING RULE 8 OF THE RULES OF PROCEDURE RELATIVE TO THE PROCEDURE ON ADOPTION OF RESOLUTIONS.**

WHEREAS, NYS Governor Andrew Cuomo’s Executive Order No. 202.1 allows for municipal governments to hold meetings via teleconference during the COVID-19 Pandemic; and

WHEREAS, holding meetings via teleconference has increased Legislators’ attendance at all Standing Committee meetings, enabling them to participate in the discussion on issues requiring full Legislative approval prior to the monthly Legislative meeting, resulting in Legislative action on resolutions becoming more of a formality in process; and

WHEREAS, voting on resolutions before the Legislature by roll call vote during a meeting held via teleconference is cumbersome and causes significant delays in handling the Legislature’s general orders of the day; and

WHEREAS, while some resolutions require a roll call vote for passage due to state or federal statute, the remaining resolutions require a roll call vote for passage according to the County’s internal *Administrative Code*; and

WHEREAS, it is desirable to reduce the delays caused by roll call voting on resolutions where a roll call vote is not required by state or federal statute.

**NOW, THEREFORE, BE IT**

**RESOLVED,** the Steuben County Legislature hereby suspends Rule 8 of the *Rules of Procedure* relative to the procedure on adoption of resolutions wherein those resolutions that require a roll call vote pursuant to a provision of the *Administrative Code* will be voted on by acclamation of the Legislature, however if a Legislator desires a roll call vote, then a roll call vote shall be taken; and be it further

**RESOLVED,** this suspension of Rule 8 of the *Rules of Procedure* is temporary and effective only during meetings of the full Steuben County Legislature held via teleconference for the length of the shutdown as ordered by the State of New York; and be it further

**RESOLVED,** certified copies of this resolution shall be forwarded to the Clerk of the Legislature and the County Attorney.

Mr. Mullen stated if we want a roll call vote can we request that? If so, he would like to amend the resolution to allow that if any Legislator desires a roll call vote, that we have a roll call vote.

**Motion:** Amending Resolution 084-20 to allow that if any Legislator desires a roll call vote, that a roll call vote be taken made by Mr. Mullen. Seconded by Mr. Van Caeseele for discussion.

Mr. Maio asked don’t Parliamentary Rules cover this? Ms. Mori replied generally in Robert’s Rules of Order, if we cannot determine from the acclamation whether or not a resolution passed or failed, then you can require a roll call vote. Mr. Maio asked how many Legislators have to call for a roll call vote? Ms.
Prossick replied there would have to be a determination that we could not tell who was yes and who was no before that motion could be made. Mr. Maio asked who makes that determination? Ms. Mori replied we do. If I cannot determine whether or not the resolution passes, then we would do it that way. Usually, if you are going to vote against any resolutions by acclamation, as long as you state your name and that you are opposed, I should be able to determine it without having to go through the roll call. It is still technically a roll call vote, we are just not individually calling everyone’s name. If you want to vote against a resolution, you just state opposed and your name.

Vote on Amendment – Roll Call - Adopted. Yes – 6082; No – 3790
(No: Legislators Lattimer, Malter, Nichols, Roush, Schu and Van Etten)

Vote: Roll Call - Adopted.

RESOLUTION NO. 085-20

Introduced by G. Swackhamer. Seconded by F. Potter.

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

Pursuant to Section 2.07 of the Steuben County Charter.

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

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

RESOLVED, it being hereby determined that there is no practical method to enforce the collection of delinquent tax liens against the parcel(s) contained in Schedule “A”, and it being further determined that there is no practical method to enforce the collection of tax liens arising hereafter against said parcel(s); the Steuben County Commissioner of Finance is authorized and directed to cancel the unpaid taxes against the property(ies) set forth in Schedule “A” pursuant to Real Property Tax Law §558; and be it further

RESOLVED, the Commissioner of Finance is further authorized to issue forthwith a Certificate of Prospective Cancellation for the recited parcel(s) contained in Schedule “A”, as approved by the Finance Committee on April 14, 2020; and be it further

RESOLVED, the Commissioner of Finance shall file a copy of the recited certificate(s) with the assessor(s) of the respective assessing unit(s) in which the recited parcel(s) are located and with the Director of Real Property Tax Services; and upon the filing as directed such parcel(s) shall become and be exempt from further taxation, and be it further

RESOLVED, that certified copies of this resolution contained in Schedule “A” shall be forwarded to the Steuben County Commissioner of Finance, the Director of the Steuben County Real Property Tax Service Agency, the Chairman of the Board of Assessors of the appropriate municipality, and the Clerk of the Board of Education of the appropriate School District.
RESOLUTION NO. 086-20


RECEIVING AND ACCEPTING THE APRIL 27, 2020 COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY MANAGER’S OFFICE.

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

March 13, 2020
NYS Board on Electric Generation Siting and the Environment – Re: Ruling requiring continued access to real property information for the Canisteo Wind Energy LLC Project (Case#16-F-0205). Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.

March 18, 2020
NYS Board on Electric Generation Siting and the Environment – Re: Order granting certificate of environmental compatibility and public need, with conditions for the Canisteo Wind Energy LLC Project (Case#16-F-0205). Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.

March 20, 2020
Town of Dansville – Re: Nomination for the Ad Hoc siting board for the EDF Renewables Development, Inc. (Moraine Solar) project. Referred to: A.I.P. Committee; Amy Dlugos, Planning Director and Jack Wheeler, County Manager.

Stantec – Re: Petition of Baron Winds LLC for an Amendment to the Certificate of Environmental Compatibility & Public Need for the Baron Winds Project (THUMBDRIVE) Case#15-F-0122. Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.

March 25, 2020
NYS Department of Environmental Conservation – Re: Status update for the study area (#851046) for property located in Corning, NY. Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.
RESOLUTION NO. 087-20

Introduced by G. Swackhamer. Seconded by H. Lando.

EXTENDING THE INCREASE OF THE RATE OF TAXES ON SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND OF CERTAIN SERVICES, AND ON OCCUPANCY OF HOTEL ROOMS AND AMUSEMENT CHARGES, PURSUANT TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK.

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

Section 1. The first sentence of section two of Resolution No. 321 as enacted in 1967, as amended, is amended to read as follows:

SECTION 2. Imposition of sales tax.

On and after March 1, 1972, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing December 1, 1992 and ending November 30, 2023, there is hereby imposed and there shall be paid an additional tax of one percent upon:

Section 2. Subdivision (g) of section three of Resolution 321 as enacted in 1967, as amended, is amended to read as follows:

(g) With respect to the additional tax of one percent imposed for the period commencing December 1, 1992, and ending November 30, 2023, the provisions of subdivisions (a), (b), (c), (d) and (e) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (a), (b), (c) and (d) to an effective date shall be read as referring to December 1, 1992, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to August 1, 1992, and the reference in said subdivision (b) to the date immediately preceding the effective date shall be read as referring to November 30, 1992. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to December 1, 1992 any transaction, which may not be subject to the additional tax, imposed effective on that date.

Section 3. Section four of Resolution No. 321 as enacted in 1967, as amended, is amended to read as follows:

SECTION 4. Impositions of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after December 1, 1992, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of
any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business or (ii) if items are used as such or incorporated into a structure, building or real property, by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7) and (8) of subdivision (c) of section two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed, (E) of any telephone answering service described in subdivision (b) of section two and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, for the period commencing December 1, 1992, and ending November 30, 2023, the tax shall be at the rate of four percent, and on and after December 1, 2023, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which the service was performed, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land.

(c) For purposes of sub-clause (i) of clause (B) of subdivision (a) of this section, for the period commencing December 1, 1992, and ending November 30, 2023, the tax shall be at the rate of four percent, and on and after December 1, 2023 the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of sub-clause (ii) of clause (B) of subdivision (a) of this section, for the period commencing December 1, 1992, and ending November 30, 2023, the tax shall be at the rate of four percent, and on and after December 1, 2023, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land.

(f) For purposes of clauses (C), (D) and (E) of subdivision (a) of this section, for the period commencing December 1, 1992, and ending November 30, 2023, the tax shall be at the rate of four percent, and on and after December 1, 2023, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, for the period commencing December 1, 1992, and ending November 30, 2023, the tax shall be at the rate of four percent, and on and after December 1, 2023, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or other creator shall not be deemed a taxable use by such person.
Section 4. Subdivision (k) of section six of Resolution No. 321 as enacted in 1967, as amended, is amended to read as follows:

(k) Exemption of certain energy sources and related services from additional one percent rate of tax. Notwithstanding any inconsistent provision of this resolution, receipts from the retail sale or use of fuel oil and coal used for residential purposes; the receipts from the retail sale or use of wood used for residential heating purposes; and the receipts from every sale, other than for resale, or use of propane (except when sold in containers of less than one hundred pounds), natural gas, electricity, steam and gas, electric and steam services used for residential purposes shall be exempt from the additional one percent rate of sales and compensating use taxes imposed, by Sections 2 and 4, respectively, of this resolution for the period commencing December 1, 1992, and ending November 30, 2023.

Section 5. Paragraph (B) of Subdivision one of section eleven of Resolution No. 321 as enacted in 1967, as amended, is amended to read as follows:

(B) With respect to the additional tax of one percent imposed for the period beginning December 1, 1992, and ending November 30, 2023, in respect to the use of property used by the purchaser in this County prior to December 1, 1992.

Section 6. Subdivision (d) of section fourteen of Resolution No. 321 as enacted in 1967, as amended, is amended to read as follows:

(d) Notwithstanding any provision of law or this resolution to the contrary, of the net collections received from the additional one percent rate of sales and compensating use taxes imposed, respectively, by sections two and four of this resolution during the period beginning December 1, 2020 and ending November 30, 2023, the County shall annually pay or cause to be paid to the City of Hornell the sum of seven hundred eighty thousand dollars ($780,000.00), to the City of Corning the sum of seven hundred eighty thousand dollars ($780,000.00), and the sum of seven hundred fifty thousand dollars ($750,000.00) to the towns and villages of the County, on the basis of the ratio which the full valuation of real property in each town or village bears to the aggregate full valuation of real property in all of the towns and villages in such area. The remainder of the net collections received from such additional one percent rate of sales and compensating use taxes imposed during such period shall be set aside for County purposes and shall be available for any County purpose.

Section 7. This resolution shall take effect December 1, 2020.

Section 8. Certified copies of this resolution shall be forwarded to Deborah R. Liebman, Esq., Deputy Counsel, New York State Dept. of Taxation and Finance, W. A. Harriman Campus, Building 9, Room 123, Albany, NY 12227-0125; Rossana Rosado, Secretary of State, Office of the Secretary of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231; Thomas P. DiNapoli, Comptroller, Office of the State Comptroller, 110 State St., Albany, NY 12236; Judith M. Hunter, County Clerk; Jack K. Wheeler, County Manager; Tammy Hurd-Harvey, Commissioner of Finance; and Jennifer K. Prossick, County Attorney.

Vote: Roll Call – Adopted.

RESOLUTION NO. 088-20

Introduced by C. Ferratella and G. Swackhamer. Seconded by F. Potter.

ACCEPTING AND APPROPRIATING THE COVID-19 RESPONSE GRANT.

WHEREAS, the New York State Department of Health is administering funds relative to COVID-19 Response; and

WHEREAS, the threat of COVID-19 disease is a top national public health priority; and
WHEREAS, these awards are to be used for COVID-19 Response, Recovery, Information Management, Countermeasures & Mitigation, Surge Management and Bio-surveillance; and

WHEREAS, Public Health & Nursing Services has been awarded a COVID-19 Response Grant in the amount of $158,307.00; and

WHEREAS, these funds will be used to comply with existing and future guidance from the U.S. Secretary of Health & Human Services regarding control of the spread of COVID-19.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Finance be and the same hereby is authorized and directed to accept $158,307.00 as revenue and appropriate that amount in the 2020 Public Health Budget as follows:

- Account 403000 4401900 COVID 19 Response: $158,307
- Account 403000 51900003 Overtime-RNs: $40,000
- Account 403000 5420100 Medical Supplies: $37,855
- Account 403000 5420400 LPN/RN: $50,000
- Account 403000 5420410 LPN/RN Mileage: $3,000
- Account 403000 5446460 Administration: $14,392
- Account 403000 5479100 Volunteer Travel & Other Expenses: $10,000
- Account 403000 5830000 Social Security: $3,060

AND BE IT FURTHER RESOLVED, a certified copy of this resolution shall be forwarded to the Public Health Director and the Commissioner of Finance.

Vote: Acclamation – Adopted.

RESOLUTION NO. 089-20

Introduced by G. Swackhamer. Seconded by H. Lando.

AUTHORIZING A CONTINGENT FUND TRANSFER TO COVER EXPENSES RELATED TO THE COUNTY’S RESPONSE TO THE COVID-19 PANDEMIC.

Pursuant to Section 2.07 of the Steuben County Charter.

WHEREAS, the County Budget currently has no amount of money budgeted for the costs associated with the County’s response to the COVID-19 pandemic; and

WHEREAS, the County Budget does have monies for said anticipated costs available in the Contingent Fund; and

WHEREAS, the Finance Committee has approved a $50,000.00 transfer from the Contingent Fund to cover expenditures related to these pandemic costs.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Finance is hereby authorized and directed to adjust the following accounts in the 2020 budget:

ACCOUNTS:
- Account 199000 5499000 Contingent Expenditures ($50,000.00)
AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Finance and County Manager.

Vote:  Acclamation – Adopted.

RESOLUTION NO. 090-20

Introduced by R. Lattimer.  Secended by F. Potter.

ACCEPTING A COMMUNITY DEVELOPMENT BLOCK GRANT.

WHEREAS, the Legislature authorized the County Planning Department to submit an application for a Community Development Block Grant (CDBG) on November 25, 2019; and

WHEREAS, the County has been awarded Grant 1115HR339-19 for $500,000 as a result of said application; and

WHEREAS, the grant will address the need for well and septic repairs; water and sewer later hookups; and mobile home replacements for low-income homeowners; and

WHEREAS, the County will use Arbor Housing and Development of Corning, NY as a sub-recipient to implement the projects funded by this grant; and

WHEREAS, the Agriculture, Industry, and Planning Committee approved acceptance of said grant at its April 1, 2020 meeting.

NOW THEREFORE, BE IT

RESOLVED, the Planning Director is hereby authorized to sign the grant agreement; and be it further

RESOLVED, the Planning Director is hereby authorized to sign any other necessary documents to implement said grant; and be it further

RESOLVED, the Commissioner of Finance is authorized to appropriate grant funds in the following accounts:

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<th>Description</th>
<th>Amount</th>
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<tr>
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<tr>
<td>802000 4 4789000</td>
<td>COVID-19 Comm Disease Inv Meals +</td>
<td>$14,000.00</td>
</tr>
</tbody>
</table>

; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Planning Director and the Commissioner of Finance.

Vote:  Acclamation – Adopted.

RESOLUTION NO. 091-20

Introduced by J. Malter and G. Swackhamer.  Secended by T. Ryan.

ACCEPTING A TRAFFIC EDUCATION MOBILE EXHIBIT GRANT FROM STATE FARM.
WHEREAS, State Farm is awarding the Sheriff’s Office $24,750 in grant funding; and

WHEREAS, these grant funds must be used for a mobile exhibit program on driving safely.

NOW THEREFORE, BE IT

RESOLVED, the Sheriff is hereby authorized to accept said grant funds in the amount of $24,750 and execute any documentation to effectuate the receipt of the funds; and be it further

RESOLVED, the Commissioner of Finance is authorized to deposit the grant funds into Account 311000-42705000 “Gifts & Donations”; and be it further

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

Mrs. Lando asked if we approve this, when will it be up and running? Undersheriff McNelis replied it will probably take about a year, hopefully a little less. This will be customized construction. We hope to acquire a plan from Otsego County who has the Amy Stock trailer and are waiting on information from them and will hopefully move that process along. Mrs. Lando stated she would encourage the Sheriff to work with the Prevention Coalition and it would work really well if the two groups would put their heads together. Undersheriff McNelis stated absolutely.

Vote: Acclamation – Adopted.

RESOLUTION NO. 092-20

Introduced by J. Malter and G. Swackhamer. Seconded by K. Fitzpatrick.

ACCEPTING A MATCHING GRANT FOR LIVESCAN EQUIPMENT FROM DCJS.

WHEREAS, the Division of Criminal Justice Services (DCJS) is awarding the Sheriff’s Office $30,000 in matching grant funding; and

WHEREAS, DCJS requires that these grant funds be used to purchase/upgrade Livescan Digital Fingerprint equipment at the Sheriff’s Office; and

WHEREAS, the Sheriff’s Office will address the $30,000 matching funds in its 2021 Budget.

NOW THEREFORE, BE IT

RESOLVED, the Sheriff is hereby authorized to accept the $30,000 in granting funding and execute any required documentation for its acceptance; and be it further

RESOLVED, the Commissioner of Finance is authorized and directed to accept the $30,000 upon receipt and deposit the same into 311000-5290000; and be it further

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

Vote: Acclamation – Adopted.
RESOLUTION NO. 093-20

Introduced by B. Schu. Seconded by G. Roush.

AMENDING THE BROADBAND EXPANSION STUDY INTER-MUNICIPAL AGREEMENT.

WHEREAS, Steuben County, as a founding partner of the Southern Tier Network (STN), has entered into an inter-municipal agreement with the partner counties of Schuyler, Yates and Tioga to participate in a joint study, led and coordinated by STN, to examine gaps in broadband availability and to develop operational and funding options for the provision of broadband services throughout the region; and

WHEREAS, Chemung County wishes to participate in this study as well; and

WHEREAS, including Chemung County in the study will reduce the proportional share of the total cost of the joint study for all counties involved; and

WHEREAS, the Administration Committee of the Steuben County Legislature has approved said action.

NOW THEREFORE, BE IT

RESOLVED, the County Manager is hereby authorized to amend the inter-municipal agreement with the counties of Schuyler, Yates, and Tioga for the broadband expansion study to include Chemung County; and be it further

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

Mrs. Lando asked is this to add Chemung? Mr. Wheeler replied yes and our share of the cost of the study goes down about $10,000.

Vote: Roll Call – Adopted.

T A B L E D

RESOLUTION NO. 094-20

Introduced by G. Swackhamer. Seconded by R. Lattimer.

AMENDING THE EXISTING CONTRACT WITH STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY FOR AN EMERGENCY RELIEF PROGRAM.

WHEREAS, Steuben County provides funding to procure Economic Development Services with Steuben County Industrial Agency (SCIDA) and has continued to; and

WHEREAS, SCIDA has the knowledge, skills, and experience to perform these services; and

WHEREAS, Steuben County is increasing the existing contract by $150,000 to then be given to REDEC for the purpose of establishing a Steuben County Emergency Relief Program; and

WHEREAS, the Steuben County Emergency Relief Program administered by REDEC is solely for Steuben County businesses adversely affected by the COVID-19 pandemic and will provide direct assistance to qualifying businesses; and
WHEREAS, the Finance Committee of the Steuben County Legislature has approved said action and has authorized the additional $150,000 to be appropriated from the Economic Development Fund for this purpose.

NOW THEREFORE, BE IT

RESOLVED, the County Manager is hereby authorized to increase the existing contract with the Steuben County Industrial Development Agency for the establishment of the Steuben County Emergency Relief Program; and be it further

RESOLVED, certified copies of this resolution shall be sent to the County Manager, County Attorney, Commissioner of Finance, the Planning Director, and James Johnson, Executive Director, Steuben County Industrial Development Agency, P.O. Box 393, Bath, NY 14810.

Motion to table until the May 18, 2020 Legislative Meeting made by Ms. Fitzpatrick. Seconded by Mr. Potter for discussion.

Mr. Maio asked do you have a plan in mind for how to administer this? Ms. Prossick replied yes, but we have to go back to the drawing board. Late Friday we found out there were some concerns. We will have that discussion and present it at the May AIP meeting.

Mr. Maio asked is REDEC telling people to hold up on their applications? Ms. Prossick replied she is not sure of the situation and she believes they have other funding and that would be their call. She stated we will be talking with Mr. Brewer about this later today.

Mr. Van Etten commented REDEC does have other funding and already have approved loans.

Vote on Motion to Table – Acclamation – Adopted.

RESOLUTION NO. 095-20


AUTHORIZING AN INTER-MUNICIPAL AGREEMENT BETWEEN THE SHERIFF AND THE CHEMUNG COUNTY SHERIFF.

WHEREAS, Article 5 of the GML permits municipalities to enter into cooperative agreements for the provision of various services and activities; and

WHEREAS, should there be an outbreak of a communicable disease amongst the County Road Deputies and/or the County’s Corrections Officers in the Sheriff’s Office requiring quarantine/isolation of an entire shift, the resources at the Sheriff’s Office would be inadequate to address public safety issues and/or the housing of the County Jail’s inmates; and

WHEREAS, the Sheriff’s Office is desirous of responding to requests in Chemung County and/or requesting mutual aid from Chemung County during a declared emergency or communicable disease outbreak.

NOW THEREFORE, BE IT

RESOLVED, that the County Manager is hereby authorized to enter into an Inter-Municipal Agreement with the Chemung County Sheriff to provide for and/or receive special out-of-county Road Deputies and/or Corrections Officers during a declared emergency or an outbreak of a communicable disease; and be it further

RESOLVED, that all details of the Inter-Municipal Agreement shall be memorialized in an Agreement which shall be approved by the County Attorney prior to execution; and be it further
RESOLVED, the Agreement shall remain in force for one (1) year and shall be renewed annually, for a total of five (5) years, upon the approval of extensions(s) by the Public Safety and Corrections Committee of the Steuben County Legislature; and be it further

RESOLVED, certified copies of this Resolution shall be forwarded to the Sheriff, the Chemung County Sheriff at 203 William St., P.O. Box 558. Elmira, NY 14902, County Auditor, County Attorney, County Manager, Personnel Officer and Commissioner of Finance.

Vote: Roll Call – Adopted. Yes – 9421; No – 451
(No – Legislator Van Caeseele)

RESOLUTION NO. 096-20

Introduced by J. Malter.                Seconded by C. Ferratella.

AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE TO ENTER INTO A CONTRACT WITH LABELLA FOR ELECTRICAL ENGINEERING SERVICES AT THE 911 CENTER.

WHEREAS, Steuben County has initiated a project to upgrade the generator and uninterrupted power supply at the 911 Center; and

WHEREAS, ongoing power issues have caused delays with this project; and

WHEREAS, County staff does not have an expertise to determine the cause of the ongoing electrical issues; and

WHEREAS, to eliminate delays and determine the cause of ongoing issues, the need to hire an electrical engineer to assist with this project is required; and

WHEREAS, formal quotes for services were acquired following Steuben County Administrative Code Policy; and

WHEREAS, LaBella Associates PC was selected based on their quote and scope of work; and

WHEREAS, the Public Safety and Corrections Committee of this County Legislature has recommended entering into a contract with LaBella Associates PC of Elmira, NY, for the purpose of Electrical Engineering at the 911 Center.

NOW THEREFORE, BE IT

RESOLVED, the Emergency Services Director is authorized to enter into a contract with LaBella Associates PC in the amount of $5,700 for the purpose of Electrical Engineering at the 911 Center; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to LaBella Associates PC, 100 W. Water St. Suite 101 Elmira, NY 14901 and the Director of Emergency Services.

Vote: Roll Call – Adopted.

RESOLUTION NO. 097-20


AUTHORIZING THE TRANSFER OF FUNDS TO THE COUNTY ROUTE 119 OVER THE CANISTEEO RIVER FEDERAL-AID BRIDGE PROJECT ACCOUNT.
WHEREAS, a project for the Bridge Replacement (BIN 3334430) of the CR 119 bridge over the Canisteo River in the Town of Cameron, County of Steuben, P.I.N. 6755.17 ("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 an initial commitment of 100% of the Federal and non-Federal share of the costs of the Project; and

WHEREAS, the current cost of Design, Right of Way Incidentals and Acquisition, Construction and Construction Inspection, and Railroad Construction and Engineering phases of work for the Project included in the New York State Department of Transportation’s Supplemental Agreement No. 3 for the Project is $5,580,000; and

WHEREAS, the total estimated cost of the above phases of the Project is $5,708,000.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature authorizes the transfer of $48,000 from the Future Bridge Projects account (5120 H0) and $80,000 from the CR 22 over Canisteo River Bridge Project account (5120 HG) to the Project account (5120 HI) in order to fund the difference between the funds allocated in NYSDOT’s Supplemental Agreement No. 3 and the total estimated cost of the above phases of the Project; and be it further

RESOLVED, a certified copy of this resolution shall be filed with the Commissioner of Public Works and Commissioner of Finance.

Vote: Acclamation – Adopted.

RESOLUTION NO 098-20

Introduced by R. Nichols.          Seconded by F. Potter.

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 IN THE TOWN OF CAMERON.

WHEREAS, a Project for the Bridge Replacement (BIN 3334430) of the CR 119 bridge over the Canisteo River, Town of Cameron, Steuben County, P.I.N. 6755.17 ("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 a portion of certain costs for such program to be borne at the ration of 90% Federal funds and the 10% State match being funded under the provisions of Title 23 USC Section 120(j) – Toll Credits; and

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

NOW THEREFORE, BE IT

RESOLVED, this Legislature hereby approves the Project; and it is further

RESOLVED, this Legislature authorizes the County to pay in the first instance 100% of the federal and non-federal share of the cost of Design, Right of Way Incidentals and Acquisition, and Construction/Construction Inspection work for the Project or portions thereof; and it is further

RESOLVED, the sum of $5,580,000 (of which $4,940,000 has been previously appropriated) is appropriated and
RESOLVED, in the event the full federal and non-federal share costs of the Project exceed the amount appropriated above, the County of Steuben shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

RESOLVED, the County Manager 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 it is further

RESOLVED, four certified copies of this resolution shall be forwarded to the Commissioner of Public Works and be filed with the New York State Department of Transportation, Regional Planning and Program Management Unit, 107 Broadway, Hornell, NY 14843 by attaching them to any necessary Agreement in connection with the Project.

Vote: Roll Call – Adopted.

RESOLUTION NO. 099-20

Introduced by R. Nichols. Seconded by G. Roush.

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 IN THE TOWN OF HORNELLSVILLE.

WHEREAS, a Project for the Bridge Replacement (BIN 3333840) of the CR 66 bridge over the Canisteo River in the Town of Hornellsville, Steuben County, P.I.N. 6754.97 (“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 an initial commitment of 100% of the non-federal share of the costs of the Project.

NOW THEREFORE, BE IT

RESOLVED, this Legislature hereby approves the Project; and it is further

RESOLVED, this Legislature authorizes the County to pay in the first instance 100% of the federal and non-federal share of the cost of Design, Construction and Construction Inspection work for the Project or portions thereof; and it is further

RESOLVED, the sum of $2,582,085 (of which $2,445,085 has been previously appropriated) is appropriated and made available to cover the cost of participation in the above phase(s) of the Project; and it is further

RESOLVED, in the event the full federal and non-federal share costs of the Project exceed the amount appropriated above, the County of Steuben shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

RESOLVED, the County Manager 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 to provide for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of all
Project costs within appropriations therefore that are not so eligible; and it is further

RESOLVED, four certified copies of this resolution shall be forwarded to the Commissioner of Public Works and be filed with the New York State Department of Transportation, Regional Planning and Program Management Unit, 107 Broadway, Hornell, NY 14843 by attaching them to any necessary Agreement in connection with the Project.

Vote: Roll Call – Adopted.

RESOLUTION NO. 100-20

Introduced by R. Nichols. Seconded by R. Lattimer.

AUTHORIZING INTER-MUNICIPAL AGREEMENTS WITH TOWNS, CITIES AND VILLAGES FOR HAULING AND TRANSPORTING OF EQUIPMENT AND MATERIALS.

WHEREAS, the county owns and operates multiple Heavy Duty Gooseneck Trailers and Tractors used for hauling and transporting materials and equipment; and

WHEREAS, the Towns, Cities and Villages with Steuben County, at various times, request that the County haul and relocate their equipment and materials for them within and outside the limits of the county; and

WHEREAS, the insurance company requires a special signed agreement; and

WHEREAS, the Risk Manager and Public Works Committee recommends an Inter-Municipal Agreement (IMA) for this service.

NOW THEREFORE, BE IT

RESOLVED, the County Manager is authorized to sign an Inter-Municipal Agreement with the Towns, Cities and Villages within Steuben County who request this service; and be it further

RESOLVED, said Agreement is subject to the approval of the County Attorney; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Manager, Risk Manager, County Attorney and the Commissioner of Public Works.

Vote: Roll Call – Adopted.

RESOLUTION NO. 101-20

Introduced by R. Nichols. Seconded by G. Roush.

AUTHORIZING THE ABANDONMENT OF THE COUNTY’S RIGHT-OF-WAY/EASEMENT ON AND OVER A PARCEL OF REAL PROPERTY OWNED BY NORFOLK SOUTHERN RAILWAY COMPANY IN THE TOWN OF CAMERON IN CONNECTION WITH THE COUNTY ROUTE 119 BRIDGE REPLACEMENT PROJECT OVER THE CANISTEO RIVER.

WHEREAS, the Bridge Replacement Project, P.I.N. 6755.17, CR 119 over the Canisteo River, BIN 3334430, Town of Cameron, County of Steuben (“the Project”) includes the realignment of CR 119; and

WHEREAS, such realignment requires relocation of the existing railroad crossing and the acquisition by the County of a permanent easement on and over property owned by Norfolk Southern Railway Company (“the Railroad”) for the new crossing; and
WHEREAS, the existing alignment of CR 119 includes a right-of-way/easement on and over property owned by the Railroad resulting in a real property interest being held by the County; and

WHEREAS, upon completion of the Project, the existing bridge and approach roadway will no longer be in use and the aforementioned right-of-way/easement will no longer be needed.

NOW THEREFORE, BE IT

RESOLVED, the abandonment of the aforementioned right-of-way/easement, as the property is no longer needed and is on and over property owned by the Railroad upon completion of the Project is approved; and be it further

RESOLVED, the County Manager is hereby authorized to execute any and all documents associated with the abandonment of the aforementioned right-of-way/easement; and be it further

RESOLVED, certified copies of this resolution shall be filed with the County Manager, County Attorney, and the Commissioner of Public Works.

Vote: Roll Call – Adopted.

RESOLUTION NO. 072-20

Introduced by B. Schu. Seconded by H. Lando.

WAIVING THE 16B PROCESS AND AUTHORIZING THE CREATION OF ONE (1) PART-TIME ASSISTANT DISTRICT ATTORNEY POSITION IN THE DISTRICT ATTORNEY’S OFFICE.

WHEREAS, the District Attorney previously shared an Assistant District Attorney position on a part-time basis with Schuyler County through an inter-municipal agreement; and

WHEREAS, Schuyler County now needs the shared Assistant District Attorney to work full-time for Schuyler County; and

WHEREAS, the District Attorney is requesting a 16B waiver to create one (1) Part-time Assistant District Attorney position, Management Grade H; and

WHEREAS, it is desirable to create one (1) Part-time Assistant District Attorney position, Management Grade H, to cover the workload previously handled by the shared Part-time Assistant District Attorney; and

WHEREAS, the funding for said positions is currently available within the 2020 budget; and

WHEREAS, Rule 16B of the Rules of Procedure of the County Legislature requires an extraordinary majority to create the aforesaid position as a result of said request not having been anticipated for the year 2020.

NOW THEREFORE, BE IT

RESOLVED, Rule 16B of the Rules of Procedure be and the same hereby is waived; and be it further

RESOLVED, the following position is hereby created and funded for the denoted department:

<table>
<thead>
<tr>
<th>Department/Position</th>
<th>Quantity</th>
<th>Grade</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assistant District Attorney PT</td>
<td>1</td>
<td>H (Mgmt.)</td>
<td>$28,746 - $34,147</td>
</tr>
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</table>

Legislative Meeting
Monday, April 27, 2020
AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the District Attorney, Commissioner of Finance and the Personnel Officer.

Ms. Fitzpatrick stated she would like reassurances this position will not be filled until court is back in session. Mr. Van Etten stated that was pretty much the message in the DA’s email to us this week. If the courts are opening in July, he will hire in June or if the courts open in September, he would hire in August. Mr. Wheeler stated we cannot hold the required orientations at this point.

Mr. Mullen asked in the DA’s email, he referenced that he would be zero-basing a paralegal position? Mr. Van Etten replied yes, and that helps to cover the cost of the part-time Assistant District Attorney.

Motion to amend to include language that if this approved, that it has to go back to the Public Safety & Corrections Committee before it is filled made by Mr. Malter. Seconded by Ms. Fitzpatrick for discussion

Mr. Van Etten asked what is the point of it going to back to committee again? Mr. Malter replied he wants to make sure the position is needed and he also does not want to fill it before the courts are back in session. Mr. Wheeler stated if you want that understanding, we won’t sign the vacancy until the courts are open or until we get a date when they will open. We can handle that administratively if you would rather.

Motion to withdraw previous motion made by Mr. Malter and seconded by Ms. Fitzpatrick.

Mr. Swackhamer asked was this the position that was tabled last month? Mr. Van Etten replied yes. Mr. Swackhamer asked and who brought it up? Ms. Mori explained this was tabled to a date certain, which was this month’s meeting.

Vote: Roll Call – Adopted. Yes – 8828; No – 1044.
(No – Legislators Ryan and Van Caeseele)

RESOLUTION NO. 102-20

Introduced by J. Malter and B. Schu. Seconded by S. Maio.

AUTHORIZING THE RECLASSIFICATION OF ONE (1) DEPUTY SHERIFF POSITION, GRADE XI TO ONE (1) DEPUTY SHERIFF CORPORAL POSITION, GRADE XII IN THE SHERIFF’S OFFICE.

Pursuant to Section 204 of the County Law of the State of New York.

WHEREAS, this Deputy Sheriff position in the Sheriff’s Office performs basic Law Enforcement work; and

WHEREAS, this Deputy Sheriff will have added duties of more complex law enforcement on an assigned shift, and will assist in the investigation of offenses and assist deputies in coping with difficult law enforcement situations. The work is performed under the general supervision of the Deputy Sheriff Sergeant, Sheriff and Undersheriff; and

WHEREAS, a Deputy Sheriff Corporal position more appropriately performs these duties; and

WHEREAS, the Personnel Officer, the Public Safety Committee and Administration Committee have reviewed said position within the Sheriff’s Office 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 Sheriff’s Office is hereby reclassified as follows:
AND BE IT FURTHER RESOLVED, the 2020 County Job Classification and Salary Schedule is hereby amended to reflect the above stated changes; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 103-20

Introduced by G. Swackhamer. Seconded by H. Lando.

DESIGNATING THE PERSONNEL OFFICER TO RECEIVE SECOND STAGE GRIEVANCES FROM ALL BARGAINING UNITS ON BEHALF OF THE LEGISLATURE.

WHEREAS, in an effort to make the process for filing grievances for all bargaining units consistent; and

WHEREAS, it has been requested that the Personnel Officer receive the filing of grievances of all bargaining units on the behalf of the Legislature,

NOW THEREFORE, BE IT

RESOLVED, the Legislature designates the Personnel Officer to receive second stage grievances from all bargaining units on behalf of the Legislature; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Manager, the Personnel Officer, James Towner, Unit President Steuben County CSEA Correction Officers, Dispatchers, and Court Security Officers Unit, Matthew Sorge, Unit President Steuben County Deputy Sheriffs Association and Chris Myers, Unit President Steuben County CSEA Main Unit.

Vote: Acclamation – Adopted.

RESOLUTION NO. 104-20

Introduced by G. Swackhamer. Seconded by G. Roush.

URGING GOVERNOR CUOMO TO INITIATE THE RESTORATION OF NORMAL BUSINESS OPERATIONS IN NEW YORK STATE.

WHEREAS, on March 7, 2020, Governor Cuomo issued Executive Order 202 declaring a disaster emergency in the State of New York; and

WHEREAS, between the dates of March 16, 2020, and April 16, 2020, Governor Cuomo issued multiple executive orders forcing the initial and continued closure of restaurants, bars, casinos, gyms, theaters, schools, indoor shopping malls, public amusement operations, and multiple other manufacturing, distribution and retail establishments; and

WHEREAS, the closure of these businesses is creating a financial crisis across every City, Town and Village across the State; and
WHEREAS, these closures and the disruption to the supply chain are forcing our farmers to dump their milk because there is nowhere for it to go; and

WHEREAS, the closures and the disruption to the supply chain are forcing our farmers to destroy other crops; and

WHEREAS, the security of our residents, our livelihoods and other elements of our existence are facing a grave threat created by this financial crisis; and

WHEREAS, the operations of nonprofit organizations are being affected negatively; and

WHEREAS, the financial crisis due to the closure of these businesses and the shut-down of the State economy results in a devastating reduction in sales tax revenues; and

WHEREAS, the extreme reduction in sales tax revenues will have catastrophic consequences on the budgets of State and local municipalities; and

WHEREAS, the substantial decrease in a revenue source for state and local governments will cause a drastic reduction in services provided along with an unacceptable increase in property taxes which will threaten the fiber of our society; and

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature urges Governor Cuomo to rescind the executive orders that substantially impede normal business operations in New York State; and be it further

RESOLVED, that this Legislature supports the immediate restoration of normal business operations with reasonable safety measures; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Honorable Andrew M. Cuomo, New York State Governor, New York State Capitol Building, Albany, NY 12224; Letitia James, NYS Attorney General, The Capitol, Albany, NY 12224-0341; Honorable Andrea Stewart-Cousins, NYS Senate Majority Leader, 907 Legislative Office Building, Albany, NY 12247; Honorable John J. Flanagan, NYS Senate Minority Leader, 909 Legislative Office Building, Albany, NY 12247; Honorable Carl E. Heastie, Speaker, New York State Assembly, 932 Legislative Office Building, Albany, NY 12248; Honorable Crystal D. Peoples-Stokes, NYS Assembly Majority Leader, 926 Legislative Office Building, Albany, NY 12248; Honorable William A. Barclay, NYS Assembly Minority Leader, Capitol 444, Albany, NY 12248; Honorable Thomas M. O’Mara, New York State Senator, 406 Legislative Office Building, Albany, NY 12247; Honorable Philip A. Palmesano, New York State Assemblyman, 320 Legislative Office Building, Albany, NY 12248; Honorable Joseph M. Giglio, New York State Assemblyman, 525 Legislative Office Building, Albany, NY 12248; Honorable Marjorie Byrnes, New York State Assemblywoman, 723 Legislative Office Building, Albany, NY 12248; United States Attorney, US Department of Justice, 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001; Congressman Thomas Reed, 89 W. Market Street, Corning, NY 14830; Senator Charles Schumer, United States Senate, 322 Hart Senate Office Building, Washington, DC 20510-3202; and Senator Kirsten Gillibrand, United States Senate, 100 State St., Room 4195, Rochester, NY 14614.

Mrs. Ferratella stated I think we all want our area and State to be open, but I feel we need to do it in a more cautious way and in phases, from a health standpoint. We need to work with former Lieutenant Governor Robert Duffy, who is the Governor’s point person for the Finger Lakes Region, for strategizing reopening and she stated she would vote no on this resolution.

Mrs. Lando stated I agree with Mrs. Ferratella and we need to consider safety. She asked Mr. Wheeler and Mrs. Smith for their opinions.
Mr. Wheeler replied I believe that everyone wants everything open as soon as possible. This is a policy matter for the Legislature and is not really for me to comment.

Ms. Lattimer stated this resolution demonstrates to the Governor how we feel about his Executive Order and getting open for businesses and industry and trying to support what our constituents want and understanding that we have to be careful about it. She doesn’t think this resolution will make anything happen overnight, but it shows that we are very interested in reopening.

Mr. Van Etten stated he would agree with Ms. Lattimer.

Mr. Mullen stated I think that when the Governor initially shut down, he was looking at a 3 – 5 percent mortality rate and I don’t think data nationwide supports that number and we should not do this again because of how damaging it is.

Ms. Fitzpatrick stated I don’t think it is any surprise that this resolution comes from me. I wanted to write to urge the Governor to get on a path to reopening. I have a tremendous amount of respect for Mr. Wheeler and the staff, however, this is another voice, from the farms and community members. Unemployment was not designed for this many people or for sole proprietors. The majority of people want to get the State on a path to reopening and we need to get on this sooner rather than later. We cannot hide for 12 – 18 months. We have to learn how to function with the virus in our presence.

Mr. Maio stated I think what most bothers me is that there is not one word about the public health. The resolution itself is inherently contradictory because you asking to rescind the Executive Order and open business under reasonable safety orders. I agree with Ms. Lattimer too, but this says to rescind. There is no subtlety and no acknowledgement that we are in a public health crisis. This sends the County a mixed message. Every day when you provide an update, you urge people to follow the rules and now the Legislature is saying to get back to normal. I am asking for a roll call vote on this.

Mr. Van Caeseele stated the argument is getting back to business with reasonable safety measures. There is a regional difference between downstate and Steuben County. There will always be someone that says now is not the time and we need to move forward. We may be losing lives, but we are destroying people’s future.

Mrs. Lando asked don’t you think the Governor knows we all want to get back to normal and has stipulated a plan that will ensure we get back to business? He is looking at hospitalization rates among other things in order to start opening things up. He will not be surprised that we all want to be back in business again.

Mr. Van Caeseele stated I don’t think his plan is moving fast enough for this area.

Ms. Fitzpatrick stated it is good for the constituents to see that we hear all sides of these issues.

Mr. Van Caeseele stated the other causes of death in the County need to be put in perspective. He would like to see that comparison and it sounds heartless, but regionally we are not putting this in perspective.

Mr. Nichols stated it would be nice if we could see some things start to open up. People may need to wear masks, restaurants may need to open with social distancing and doing temperature checks. We need to get back to business a little because this is hurting the restaurants and the farmers. There are hundreds of thousands of dollars’ worth of milk being dumped on the ground. I know we need to have safety, but we need to have some common sense and this just tells the Governor to not forget about it. It doesn’t hurt to notify him.
Mr. Van Caeseele stated in this area, non-essential businesses are essential for making a living. These are the situations we need to think about. This is not just about government workers. The Governor seems satisfied because his check is still coming.

Mr. Maio stated if this resolution called for a measured response and a measured reopening, that would be one thing. This resolution says to rescind and calls for an immediate restoration; that is not a measured response.

Mrs. Ferratella stated that was my point. We aren’t asking to open with caution.

Mr. Potter stated my concern is that this sends the wrong message to people that they can go out as business as usual and if that happens, we will have a second wave which will be more detrimental economically and health wise.

Mr. Van Caeseele asked if the resolution were amended to state that the reopening of the State be more cautious, would that help? Mrs. Lando replied no, that would not satisfy me.

Vote: Roll Call – Adopted. Yes – 6990; No – 2882)
(No – Legislators Ferratella, Lando, Maio, Potter and Schu)

Mr. Van Etten stated that he talked with Mr. Wheeler this past weekend about this and he would like to create an ad hoc committee that will be focused on the reopening and recovery of the County. The committee members will be the chairs of the committees and myself for a total of 7 members. The committee will be focused on not only how we phase the reopening and scheduling, but Mr. Wheeler and Mr. Brewer are working with the Department Heads on their reopening plans as well. We will also be looking at the financial impact on the current year. We need a group of people to start focusing on this. Mr. Van Etten stated we will start getting that together and scheduling meetings.

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 Services Law made by Mr. Mullen, seconded by Mr. Roush and duly carried.

Motion to Adjourn Executive Session and Reconvene in Regular Session made by Ms. Lattimer, seconded by Mr. Roush and duly carried.

RESOLUTION NO. 105-20

Introduced by B. Schu. Seconded by G. Swackhamer.

APPROVING A MEMORANDUM OF AGREEMENT WITH THE CSEA CORRECTION OFFICERS, DISPATCHERS, AND COURT SECURITY OFFICERS UNIT RELATIVE TO A NEW CATEGORY OF PAID LEAVE ESTABLISHED TO BE KNOWN AS COVID-19 LEAVE.

WHEREAS, the County and the CSEA Correction Officers, Dispatchers, and Court Security Officers Unit have met for the purpose of discussing matters related to additional benefits for certain County employees who have performed services during the COVID-19 pandemic; and

WHEREAS, a new category of paid leave time is hereby established to be known as the COVID-19 Leave; and

WHEREAS, the Steuben County Manager, Steuben County Sheriff, Director of 911, Personnel Officer and the Administration Committee have reviewed and recommended the proposed changes; and
WHEREAS, the CSEA Correction Officers, Dispatchers, and Court Security Officers Unit have accepted this Amendment.

NOW THEREFORE, BE IT

RESOLVED, the proposed changes contained in the Proposed Memorandum of Agreement (MOA) between Steuben County and the CSEA Correction Officers, Dispatchers, and Court Security Officers Unit of the County of Steuben are hereby approved; and be it further

RESOLVED, the County Manager is hereby authorized to sign the MOA; and be it further

RESOLVED, that the above-referenced changes will become effective the pay period following the signing of the attached Memorandum of Agreement; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Manager; County Attorney; Personnel Officer; Commissioner of Finance; and James Towner, Unit President Steuben County CSEA Correction Officers, Dispatchers, and Court Security Officers Unit.

MEMORANDUM OF AGREEMENT

By and Between

The County of Steuben
(hereinafter referred to as the “County”)

and

The Civil Service Employees Association, Inc., Local 1000, AFL-CIO for the Steuben County Correction Officers, Dispatchers and Court Security Officers Unit Steuben County Local #851
(hereinafter referred to as the “CSEA”)

This Agreement is made the ___ day of April, 2020, by the County of Steuben (“County”) and the Civil Service Employees Association, Inc., Local 1000, AFL-CIO for the Steuben County Correction Officers, Dispatchers and Court Security Officers Unit Steuben County Local #851 (“CSEA”).

WHEREAS, the County and the CSEA have met for the purpose of discussing matters related to additional benefits for certain County employees who have performed services during the COVID-19 pandemic and, as a result, the County and CSEA have agreed upon certain matters which they wish to memorialize by this Memorandum of Agreement as follows:

1. A new category of paid leave time is hereby established to be known as the COVID-19 Leave.
2. This additional leave time applies to employees who were/are required to report to a County facility to perform their duties or to employees who were required to work remotely beginning on March 14, 2020 for the duration of the requirement for the County to allow 50% or more of its workforce to work remotely.

3. Eligible employees will receive one (1) hour of COVID-19 leave for every hour worked at a County facility up to a maximum number of hours that equate to fifteen (15) work days for employees who normally work five 7.5 hour or 8 hour days, or up to a maximum number of hours that equate to twelve (12) work days for those employees who normally work four 10 hour days. If the majority (50% or greater) of the employee’s work during this period is/was performed at a County facility, they will be eligible for this benefit.

4. Eligible employees will receive one (1) hour of COVID-19 leave for every hour worked remotely up to a maximum number of hours that equate to ten (10) work days for employees who normally work five 7.5 hour or 8 hour days, or up to a maximum number of hours that equate to eight (8) work days for those employees who normally work four 10 hour days. If the majority (50% or greater) of the employee’s work during this period is/was performed remotely, the employee will be eligible for this benefit.

5. An employee will be eligible for one of the foregoing leave benefits, but not both.

6. Use of COVID-19 paid leave requires the approval of the employee’s supervisor and is limited to five (5) days in a calendar year for employees with a normal work week of five 7.5 hour or 8 hour days, and is limited to four (4) days in a calendar year for employees with a normal work week of four 10 hour days.

7. There is no ability to convert this leave time to a monetary equivalent under any circumstances.

8. All employees required to report to County facilities may be required to have a temperature check at the discretion of the County.

This Agreement constitutes the full and complete agreement regarding any special or additional employee benefits related to all service for the duration of the COVID-19 pandemic and the Executive Orders or other regulatory matters related to the COVID-19 pandemic, and is in lieu of any grievances related to services performed during this period of time.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this ______ day of April, 2020.
Mr. Mullen stated we already have a contract in place and unemployment is the highest it has been since the Great Depression. We need every man hour we can get and this is a poor policy to grant additional vacation time.

Mr. Van Caeseele stated I understand this from the employee’s perspective, but this is taxpayer dollars and if this was a referendum, it would be turned down.

Vote: Roll Call – Adopted. Yes – 8824; No – 1048
(No – Legislators Mullen and Van Caeseele)

RESOLUTION NO. 106-20

Introduced by B. Schu. Seconded by C. Ferratella.

APPROVING A MEMORANDUM OF AGREEMENT WITH THE DEPUTY SHERIFF’S ASSOCIATION RELATIVE TO A NEW CATEGORY OF PAID LEAVE ESTABLISHED TO BE KNOWN AS COVID-19 LEAVE.

WHEREAS, Steuben County and the Deputy Sheriffs Association have met for the purpose of discussing matters related to additional benefits for certain County employees who have performed services during the COVID-19 pandemic; and

WHEREAS, a new category of paid leave time is hereby established to be known as the COVID-19 Leave; and

WHEREAS, the Steuben County Manager, the Steuben County Sheriff, the Personnel Officer and the Administration Committee have reviewed and recommended the proposed changes; and

WHEREAS, the Deputy Sheriffs Association has accepted this Amendment.

NOW THEREFORE, BE IT

RESOLVED, the changes contained in the Proposed Memorandum of Agreement (MOA) between Steuben County and the Deputy Sheriffs Association of the County of Steuben are hereby approved; and be it further
RESOLVED, the County Manager is hereby authorized to sign the MOA; and be it further

RESOLVED, the above-referenced changes will become effective the pay period following the signing of the attached Memorandum; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Manager; County Attorney; Personnel Officer; Commissioner of Finance; and Matthew Sorge, Unit President Steuben County Deputy Sheriffs Association.

MEMORANDUM OF AGREEMENT

By and Between

The County of Steuben
(hereinafter referred to as the “County”)

and

The Deputies Association of the County of Steuben
(hereinafter referred to as the “Deputy Sheriffs’ Union”)

This Agreement is made the ___ day of April, 2020, by the County of Steuben (“County”) and the Deputies Association of the County of Steuben (“Deputy Sheriffs’ Union”).

WHEREAS, the County and the Deputy Sheriffs’ Union have met for the purpose of discussing matters related to additional benefits for certain County employees who have performed services during the COVID-19 pandemic and, as a result, the County and the Deputy Sheriffs’ Union have agreed upon certain matters which they wish to memorialize by this Memorandum of Agreement as follows:

1. A new category of paid leave time is hereby established to be known as the COVID-19 Leave.

2. This additional leave time applies to employees who were/are required to report to a County facility to perform their duties or to employees who were required to work remotely beginning on March 14, 2020 for the duration of the requirement for the County to allow 50% or more of its workforce to work remotely.

3. Eligible employees will receive one (1) hour of COVID-19 leave for every hour worked at a County facility up to a maximum number of hours that equate to fifteen (15) work days for employees with a normal work week of five 7.5 hour or 8 hour days, or up to a maximum number of hours that equate to twelve (12) work days for employees with a normal work week of four 10 hour days. If the majority (50% or greater) of the employee’s work during this period is/was performed at a County facility, they will be eligible for this benefit.
4. Eligible employees will receive one (1) hour of COVID-19 leave for every hour worked remotely up to a maximum number of hours that equate to ten (10) work days for employees with a normal work week of five 7.5 hour or 8 hour days, or up to a maximum number of hours that equate to eight (8) work days for employees with a normal work week of four 10 hour days. If the majority (50% or greater) of the employee’s work during this period is/was performed remotely, the employee will be eligible for this benefit.

5. An employee will be eligible for one of the foregoing leave benefits, but not both.

6. Use of COVID-19 paid leave requires the approval of the employee’s supervisor and is limited to five (5) days in a calendar year for employees with a normal work week of five 7.5 hour or 8 hour days, and is limited to four (4) days in a calendar year for employees with a normal work week of four 10 hour days.

7. There is no ability to convert this leave time to a monetary equivalent under any circumstances.

8. All employees required to report to County facilities may be required to have a temperature check at the discretion of the County.

This Agreement constitutes the full and complete agreement regarding any special or additional employee benefits related to all service for the duration of the COVID-19 pandemic and the Executive Orders or other regulatory matters related to the COVID-19 pandemic, and is in lieu of any grievances related to services performed during this period of time.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this _____ day of April, 2020.

COUNTY OF STEUBEN

By: ____________________________
    Jack Wheeler, County Manager

By: ____________________________

THE DEPUTIES ASSOCIATION OF THE COUNTY OF STEUBEN

By: ____________________________
    Brent Underwood, Labor Relations Specialist

By: ____________________________

By: ____________________________
RESOLUTION NO. 107-20

APPROVING A MEMORANDUM OF AGREEMENT WITH THE CSEA MAIN UNIT RELATIVE TO A NEW CATEGORY OF PAID LEAVE ESTABLISHED TO BE KNOWN AS COVID-19 LEAVE.

WHEREAS, Steuben County and the CSEA Main Unit have met for the purpose of discussing matters related to additional benefits for certain County employees who have performed services during the COVID-19 pandemic; and

WHEREAS, a new category of paid leave time is hereby established to be known as the COVID-19 Leave; and

WHEREAS, the Steuben County Manager, Personnel Officer and the Administration Committee have reviewed and recommended the proposed changes; and

WHEREAS, the CSEA Main Unit has accepted this Amendment.

NOW THEREFORE, BE IT

RESOLVED, the changes contained in the Proposed Memorandum of Agreement (MOA) between Steuben County and the CSEA Main Unit of the County of Steuben are hereby approved; and be it further

RESOLVED, the County Manager is hereby authorized to sign the MOA; and be it further

RESOLVED, the above-referenced changes will become effective the pay period following the signing of the attached Memorandum; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Manager; County Attorney; Personnel Officer; Commissioner of Finance; and Chris Myers, Unit President Steuben County CSEA Main Unit.

MEMORANDUM OF AGREEMENT

By and Between

The County of Steuben
(hereinafter referred to as the “County”)

and

The Civil Service Employees Association, Inc., Local 1000, AFL-CIO for the Steuben County Local #851
(hereinafter referred to as the “CSEA”)

This Agreement is made the ___ day of April, 2020, by the County of Steuben (“County”) and the Civil Service Employees Association, Inc., Local 1000, AFL-CIO for the Steuben County Local #851 (“CSEA”).
WHEREAS, the County and the CSEA have met for the purpose of discussing matters related to additional benefits for certain County employees who have performed services during the COVID-19 pandemic and, as a result, the County and CSEA have agreed upon certain matters which they wish to memorialize by this Memorandum of Agreement as follows:

1. A new category of paid leave time is hereby established to be known as the COVID-19 Leave.

2. This additional leave time applies to employees who were/are required to report to a County facility to perform their duties or to employees who were required to work remotely beginning on March 14, 2020 for the duration of the requirement for the County to allow 50% or more of its workforce to work remotely.

3. Eligible employees will receive one (1) hour of COVID-19 leave for every hour worked at a County facility up to a maximum number of hours that equate to fifteen (15) work days for employees who normally work five 7.5 hour or 8 hour days, or up to a maximum number of hours that equate to twelve (12) work days for employees who normally work four 10 hour days. If the majority (50% or greater) of the employee’s work during this period is/was performed at a County facility, they will be eligible for this benefit.

4. Eligible employees will receive one (1) hour of COVID-19 leave for every hour worked remotely up to a maximum number of hours that equate to ten (10) work days for employees who normally work five 7.5 hour or 8 hour days, or up to a maximum number of hours that equate to eight (8) work days for employees who normally work four 10 hour days. If the majority (50% or greater) of the employee’s work during this period is/was performed remotely, the employee will be eligible for this benefit.

5. An employee will be eligible for one of the foregoing leave benefits, but not both.

6. Use of COVID-19 paid leave requires the approval of the employee’s supervisor and is limited to five (5) days in a calendar year for employees with a normal work week of five 7.5 hour or 8 hour days, and is limited to four (4) days in a calendar year for employees with a normal work week of four 10 hour days.

7. There is no ability to convert this leave time to a monetary equivalent under any circumstances.

8. All employees required to report to County facilities may be required to have a temperature check at the discretion of the County. All employees who worked remotely, any percentage of time, during the COVID-19 State of Emergency have no ability hereunder or in the future, unless specifically negotiated otherwise, to recover or be
reimbursed for any expenses they may have incurred for telecommuting, including but not limited to, home internet, non-work issued/owned cell phones, non-County issued equipment or supplies.

This Agreement constitutes the full and complete agreement regarding any special or additional employee benefits related to all service for the duration of the COVID-19 pandemic and the Executive Orders or other regulatory matters related to the COVID-19 pandemic, and is in lieu of any grievances related to services performed during this period of time.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this ______ day of April, 2020.

COUNTY OF STEUBEN

By: ____________________________
Jack Wheeler, County Manager

By: ____________________________

CSEA, INC., LOCAL 1000 AFL-CIO, STEUBEN COUNTY UNIT OF STEUBEN COUNTY LOCAL #851

By: ____________________________
Brent Underwood, Labor Relations Specialist

By: ____________________________

By: ____________________________

Vote: Roll Call – Adopted. Yes – 8824; No – 1048
(No – Legislators Mullen and Van Caeseele)

Motion to Adjourn made by Mr. Roush, seconded by Ms. Lattimer and duly carried.
The County Legislature of the County of Steuben convened in Regular Session via teleconference on the 18th day of May, 2020 at 10:00 a.m. and was called to order by the Chairman of the Legislature, Scott J. Van Etten.

Roll Call and all members present except Legislator Van Caeseele.

Chairman Van Etten asked Mrs. Lando to lead the Invocation and Chairman Van Etten led the Pledge of Allegiance.

Motion adopting the minutes of April 27th meeting made by Mrs. Ferratella, seconded by Mrs. Lando and duly carried.

Mrs. Ferratella asked do we still need to approve the minutes from the March meeting? Chairman Van Etten stated yes, thank you.

Motion adopting the minutes of the March 23rd meeting made by Mr. Potter, seconded by Ms. Lattimer and duly carried.

Mr. Wheeler provided an update to the Legislature. He stated they have been focused on reopening logistics. Our caseloads have been relatively low. We had two additional deaths at the end of last week. Over the weekend we had one positive case and we have been averaging one case per day. Our case count is looking good. Mr. Wheeler stated we have been working on the logistics of reopening and testing at the nursing homes. Steuben Centers will be completing their universal swabbing today. After that, all of our nursing homes will have been universally swabbed. The current requirements of the State are that nursing homes are required to do testing twice a week and we are trying to help as much as we can. There is a lab capacity issue. He stated we will not wind down the EOC at this time. The staff continues to do a great job and we appreciate all of your support.

Mr. Van Etten asked can you explain the volume of the testing now compared to what we have done? Mr. Wheeler replied we have conducted 3,500 – 3,600 tests over the past two months. To test every nursing home and adult care employee that has been 2,400 tests per week in our County. The State lab has told us not to send the tests as they don’t have the capacity. Additionally, U of R cannot process them as they don’t have the capacity. We have serious concerns as you could see staff tested four times before they get the results back. Practically, it will be a challenge to complete.

Mr. Van Etten asked this is not just related to us. It has to be statewide. Mr. Wheeler replied yes. Our concern is that our track record has shown that testing at the nursing homes is a good idea and it is effective. Testing nursing homes twice a week with the current lab capacity is an issue as well as testing people who are symptomatic. Testing capacity did click up in the State for people in the community and that was very good. Delays with test results could become a real problem. The State says there is capacity, but we are hearing from the labs that there is not.

Mrs. Lando asked can we petition the State to have it changed to once a week? We certainly need to do the testing. Mr. Wheeler replied some health care professionals have suggested universal testing for everyone and then test the staff every two weeks. There is much more to come on this. The State is very aware of the issues and the current testing requirement was done by Executive Order which is not easily changed.
Ms. Fitzpatrick asked do the employees have to pay for the tests? Mr. Wheeler replied no. Our understanding is they charge their health insurance first. If the large insurers will not pay then it becomes the facilities’ responsibility. Ms. Fitzpatrick stated that will be a big bill to have to pay. Mr. Wheeler stated there are estimates that it will be tens of thousands of dollars per month.

Mr. Maio asked are labs being particular about prioritizing? Mr. Wheeler replied they are prioritizing nursing home residents and essential workers. It is a capacity issue.

Mr. Nichols asked has there been any word on churches? He has been getting a lot of questions and people asking about parking lot services. Mr. Wheeler replied we bring that up daily on our regional calls. The State is saying no in-person church services. We have asked specifically and are asking about drive-up services. We need to make a decision on a regional level. The Executive Order says no, but we keep pushing. That is the frustration with the regional control room; we don’t have a lot of authority under that. If the State is not making affirmative decisions on these more nuanced things, why can’t the regional representatives. At this point the State is saying no, but that changes daily. The State is juggling as much as they can but there is still confusion.

Mr. Ryan stated he has heard that Chemung County is allowing church services. If they are, why can’t we? Is this a fact? Mr. Wheeler stated he has heard that Chemung County is allowing it in some cases. The Executive Order talks about gatherings for places of worship and that individuals can access those services virtually. Chemung County is just not enforcing it.

Mrs. Ferratella stated she continues to get calls about DMV. Are they opening by appointment only? Mr. Wheeler replied DMV is still closed. There was a lot of discussion last week on our regional call. All DMV’s were closed by Executive Order. Mrs. Hunter is doing more business by drop-off and we are encouraging people to call the DMV office. The Executive Order that has been extended to June 6th also closes DMV’s to in-person transactions.

Mr. Van Etten thanked Mr. Wheeler and stated we appreciate the update.

RESOLUTION NO. 108-20

Introduced by G. Swackhamer. Seconded by K. Fitzpatrick.

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

Pursuant to Section 2.07 of the Steuben County Charter.

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

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

RESOLVED, it being hereby determined that there is no practical method to enforce the collection of delinquent tax liens against the parcel(s) contained in Schedule “A”, and it being further determined that there is no practical method to enforce the collection of tax liens arising hereafter against said parcel(s); and be it further

RESOLVED, the Commissioner of Finance is authorized and directed to cancel the unpaid taxes against the property (ies) set forth in Schedule “A” pursuant to Real Property Tax Law §558; and the Commissioner of Finance is further
authorized to issue forthwith a Certificate of Prospective Cancellation for the recited parcel(s) contained in Schedule “A”, as approved by the Finance Committee on May 12, 2020; and be it further

RESOLVED, the Commissioner of Finance shall file a copy of the recited certificate(s) with the assessor(s) of the respective assessing unit(s) in which the recited parcel(s) are located and with the Director of Real Property Tax Services; and upon the filing as directed such parcel(s) shall become and be exempt from further taxation, and be it further

RESOLVED, that certified copies of this resolution contained in Schedule “A” shall be forwarded to the Steuben County Commissioner of Finance, the Director of the Steuben County Real Property Tax Service Agency, the Chairman of the Board of Assessors of the appropriate municipality, and the Clerk of the Board of Education of the appropriate School District.

SCHEDULE “A”

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Vote:  Roll Call – Adopted.

RESOLUTION NO. 109-20

Introduced by S. Van Etten.  
Seconded by G. Roush.

RECEIVING AND ACCEPTING THE MAY 18, 2020 COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY MANAGER’S OFFICE.

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

Proclamations:
National Nurses Week, May 6 – 12, 2020
Peace Officers Day, May 15, 2020

April 29, 2020
NYS Office for the Aging – Re: Conditional Notification of Grant Awards (NGAs) for the CMC2 and HDC2 programs of the Families First Coronavirus Response Act (FFCRA) for the period of March 20, 2020 through September 30, 2021. Referred to: Human Services/Health & Education Committee; and Patricia Baroody, OFA Director.

NYS Office for the Aging – Re: Conditional Notification of Grant Awards for the Title III-B, Title III-C-1, Title III-C-2 and Title III-E programs of the Older Americans Act for the period of January 1, 2020 through December 31, 2020. Referred to: Human Services/Health & Education Committee; and Patricia Baroody, OFA Director.

April 30, 2020
NYS Office for the Aging – Re: 2020-2021 advances for Title III-B, Title III-C-1, Title III-C-2 and Title III-E programs of the Older Americans Act. Referred to: Human Services/Health & Education Committee; and Patricia Baroody, OFA Director.
May 6, 2020
Federal Aviation Administration – Re: Notification of an aeronautical study (ASN# 2019-WTE-8428-OE) concerning the project located in Prattsburgh, NY. Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.

Young/Sommer LLC., Counselors at Law – Re: Responses to address compliance under Article 10 of the Public Service Law and Siting Board’s regulations for the EDF Renewables Development, Inc./Moraine Solar Energy Project (Case#18-F-0498). Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.

Vote: Acclamation – Adopted.

RESOLUTION NO. 110-20

Introduced by B. Schu and G. Swackhamer. Seconded by R. Lattimer.

AUTHORIZING DISTRIBUTION OF MORTGAGE TAX RECEIPTS.

Pursuant to Section 261 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, 2019 to the 31st day of March 2020, pursuant to provisions of Section 261 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 Commissioner of Finance of this County, is hereby and in all things ratified and confirmed and such statement shall be to the said Commissioner a sufficient Warrant for the payment by him 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 Commissioner of Finance, the Real Property Tax Service Agency, and the County Clerk:

MORTGAGE TAX APPORTIONMENT

The amount of money in your hands on March 31, 2020, 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, 2019, 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 $763,784.94.

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 - May 2020

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123

Legislative Meeting
Monday, May 18, 2020
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**TOTAL** 705,325.32  **58,459.62**  **763,784.94**

Foregoing shall be your sufficient warrant for the payment of said sums as above directed.

DATED at Bath, New York: May ____, 2020

STEUBEN COUNTY LEGISLATURE

By: Scott J. Van Etten, Chairman
I, Brenda K. Mori, Clerk of the County Legislature of Steuben County, DO HEREBY CERTIFY that the foregoing apportionment of Mortgage Tax, pursuant to Law, is correct.

DATED: May ____, 2020

Brenda K. Mori, Clerk of the Legislature

**Vote:** Roll Call – Adopted.

**RESOLUTION NO. 111-20**

Introduced by R. Nichols and G. Swackhamer. 

Seconded by G. Roush.

**AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO ACCEPT EXTREME WINTER RECOVERY AND PAVE-NY FUNDING.**

WHEREAS, Steuben County is expected to be funded by the State’s 2020 Extreme Winter Recovery funding of $642,568.88 and Pave NY funding of $1,011,150.07 totaling $1,653,718.95.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Public Works is hereby authorized and directed to execute all necessary documents to accept this funding; and be it further

RESOLVED, the Commissioner of Finance is hereby authorized to accept and appropriate funding of $1,653,718.95 to revenue account D 999901 4350100 and the expense account for Permanent Improvement D 511200 and Capital Projects 5 520 000; and be it further

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

**Vote:** Roll Call – Adopted.

**RESOLUTION NO. 112-20**

Introduced by B. Schu and G. Swackhamer. 

Seconded by H. Lando.

**AUTHORIZING THE COUNTY TO PARTICIPATE IN TAX CERTIORARI PROCEEDINGS IN THE CITY OF CORNING.**

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

WHEREAS, it is in the interest of the County to participate in the appraisals for Tax Certiorari Proceedings where the equalized full value is in excess of $2 million for roll section one and six parcels as previously set forth in Resolution 010-93, as amended in Resolution 132-03, and as amended in Resolution 047-12; and

WHEREAS, a requesting assessment unit should have completed in due course a town/city wide reassessment program and filed a cyclical reassessment plan; and

WHEREAS, the City of Corning has recently completed a cyclical reassessment plan and has further requested the County to participate in one (1) Tax Certiorari Proceeding Index No: E2019-0874CV pursuant to the County’s participation policy; and

WHEREAS, the recited requests comply with the policy of the County to so participate; and
WHEREAS, the counsel for the City of Corning has submitted preliminary estimates for consultation services of $800; and

WHEREAS, the Real Property Tax Service Agency has computed the County’s share of participation as set forth under the County’s policy to participate at $340.64.

NOW THEREFORE, BE IT

RESOLVED, that the Commissioner of Finance is authorized and directed to disburse to the City of Corning a total sum of $340.64 in and for the recited proceeding; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Director of the Real Property Tax Service Agency; Commissioner of Finance; Mark Ryckman, City of Corning City Manager, 500 Nasser Civic Center Plaza, Corning, NY 14830; Kathryn Kruger, City of Corning City Finance Director, 500 Nasser Civic Center Plaza, Corning, NY 14830 and Barbara Roberts, City of Corning Appointed Assessor, 500 Nasser Civic Center Plaza, Corning, NY 14830.

Vote: Acclamation – Adopted.

RESOLUTION NO. 113-20

Introduced by C. Ferratella and G. Swackhamer. Seconded by R. Lattimer.

ACCEPTING NEW YORK STATE OFFICE OF ADDICTION SERVICES AND SUPPORTS COST OF LIVING ALLOCATION (COLA).

WHEREAS, the New York State Office of Addiction Services and Supports is awarding the Department of Community Services Cost-of-Living Adjustment (COLA) funding in the amount of $14,643; and

WHEREAS, the COLA funding can only be used to support salary and salary-related fringe benefit increases for Substance Abuse staff as set forth in the Office of Alcohol and Substance Abuse guidelines; and

WHEREAS, the County is not required to provide any local funding to secure the $14,643.

NOW THEREFORE, BE IT

RESOLVED, this Legislature hereby authorizes the Commissioner of Finance to accept the New York State Office of Addiction Services and Supports COLA funding on behalf of the Department of Community Services; and be it further

RESOLVED, the Department of Community Services attests that said funding will be used solely for support salary and salary-related fringe benefit increases as set forth in the Office of Addiction Services and Supports guidelines; and be it further

RESOLVED, certified copies of this resolution shall be sent to the NYS OASAS Division of Fiscal Administration, ATTN: Bureau of Budget Management, 1450 Western Avenue, 5th Floor, Albany, NY 12203, no later than May 31st 2020; Commissioner of Finance and Director of the Department of Community Services.

Vote: Roll Call – Adopted.
RESOLUTION NO. 114-20

Introduced by C. Ferratella and G. Swackhamer.  Seconded by F. Potter.

ACCEPTING AND APPROPRIATING THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT GRANT.

WHEREAS, the Office for the Aging is administering funds relative to COVID-19 Response; and

WHEREAS, the threat of COVID-19 disease is a top national public health priority; and

WHEREAS, these awards are to be used for COVID-19 response to support the needs of older County residents; and

WHEREAS, the Office for the Aging has been awarded a Families First Coronavirus Response Act grant in the amount of $23,428 under CMC2, and $46,847 under HDC2, totaling $70,275; and

WHEREAS, these funds will be used to comply with existing and future guidance from the New York State Office for the Aging regarding the response to the needs of older persons related to the COVID-19 pandemic.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Finance is hereby authorized and directed to accept $70,275 as revenue and appropriate the amount in the 2020-2021 Office for the Aging budget as follows:

Revenue:
- 677300 4 4772750 $8,000
- 677400 4 4772750 $45,000
- 677700 4 3772770 $16,000
- 677800 4 4772730 $1,275

Expenses:
- 677300 5 406000 $8,000
- 677400 5 440524 $40,000
- 677400 5 434661 $5,000
- 677700 5 440122 $11,000
- 677700 5 434630 $5,000
- 677800 5 440750 $1,275

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 115-20


ACCEPTING AND APPROPRIATING INSURANCE PROCEEDS RELATED TO A NEW STONE CHIPPER.

WHEREAS, insurance proceeds of $59,250 have been received in connection with the motor vehicle accident with the Stone Chipper; and

WHEREAS, a replacement Stone Chipper is on the Major Equipment list.

NOW THEREFORE, BE IT
RESOLVED, the Commissioner of Finance is hereby authorized to accept and appropriate $59,250 to the Machinery Highway Major equipment account:

Increase Highway Machinery Insurance Recovery Revenue (999902-42680000) by $59,250
Increase Machinery Highway Major equipment expenditures (DM 513000-5290000) by $59,250;
and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Commissioner of Finance, Risk Manager and Commissioner of Public Works.

Vote: Acclamation – Adopted.

RESOLUTION NO. 116-20

Introduced by R. Lattimer and G. Swackhamer. Seconded by K. Fitzpatrick.

AUTHORIZING A CONTINGENT FUND TRANSFER TO THE MOBILITY MANAGEMENT CAPITAL PROJECT.

WHEREAS, the County contracts with the Institute for Human Services (IHS) for transportation coordination services that the County is obligated to provide; and

WHEREAS, the IHS Mobility Management Program to provide these services is funded with Section 5311 Federal Transportation Funding and funding from the New York State Department of Transportation (NYSDOT); and

WHEREAS, 5311/NYSDOT funding from the previous grant has been fully expended; and

WHEREAS, the Department of Planning submitted a grant application to NYSDOT in February 2020 for said services and NYSDOT has indicated an award announcement will be made in early summer; and

WHEREAS, it is fully anticipated that the grant award will reimburse these costs once a contract with NYSDOT is in place; and

WHEREAS, IHS has requested $170,788.13 to cover mobility management costs through June 2020 during the funding delay; and

WHEREAS, an amendment to the County’s contract with IHS is needed to advance funds to IHS; and

WHEREAS, the Agriculture, Industry and Planning Committee and Finance Committee have authorized the transfer of $170,788.13 from the contingent fund to the Mobility Management Capital Project to continue transportation coordination as this critical time.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Finance is hereby authorized and directed to transfer $170,788.13 from the contingent fund to Capital Project 5630H2 Mobility Management; and be it further

RESOLVED, the County contingent fund shall be reimbursed $170,788.13 upon receipt of Section 5311/NYSDOT mobility management funds from NYSDOT; and be it further

RESOLVED, the Director of the Department of Planning shall sign a contract amendment with IHS to affect this resolution; and be it further
RESOLVED, certified copies of this resolution shall be sent to the Commissioner of Finance and the Director of the Department of Planning.

**Vote:** Roll Call – Adopted.

RESOLUTION NO. 117-20

Introduced by B. Schu and G. Swackhamer.  Seconded by C. Ferratella.

**ACCEPTING AND APPROPRIATING THE CARES ACT COVID-19 GRANT.**

WHEREAS, the threat of COVID-19 disease is a top national public health priority; and

WHEREAS, the Federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act), enacted March 27, 2020, includes $400 million in new Help America Vote Act (HAVA) funds, made available to states to prevent, prepare for, and respond to the corona virus for the 2020 Federal election cycle; and

WHEREAS, New York State has been allocated $20,567,088 from the federal government and New York State’s 20 percent match of $4,113,417; and

WHEREAS, the New York State Board of Elections will be administering a total of $24,680,505 in funds relative to COVID-19 pandemic; and

WHEREAS, Steuben County’s portion of the CARES Covid-19 Grant is $116,778.00; and

WHEREAS, the CARES Covid-19 Grant program is in place only for the federal 2020 election cycle; and

WHEREAS, the funds are to be used for additional costs incurred in order to implement the necessary measures for safe, responsible, and fair elections during the Covid-19 pandemic during the federal election cycle 2020.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Finance be and the same hereby is authorized and directed to accept $116,778.00 as revenue and appropriate that amount to the 2020 Board of Elections Budget; and be it further

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

**Vote:** Roll Call – Adopted.

RESOLUTION NO. 118-20

Introduced by J. Malter and G. Swackhamer.  Seconded by H. Lando.

**AUTHORIZING THE DISTRICT ATTORNEY TO ENTER INTO A CONTRACT WITH DIVERSION MANAGEMENT LLC.**

WHEREAS, the Office of the District Attorney has requested authorization to enter into a contract with Diversion Management LLC to manage the intake and process of the Steuben County Traffic Diversion Program, which was established under Local Law Number 4 of the year 2019; and

WHEREAS, the fees to pay for this service agreement will be derived from fees collected by the Steuben County Traffic Diversion Program.
NOW THEREFORE, BE IT

RESOLVED, the District Attorney is hereby authorized to enter into a contract with Diversion Management LLC for services with the Steuben County Traffic Diversion Program; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the District Attorney and the Commissioner of Finance.

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

RESOLUTION NO. 119-20

Introduced by B. Schu and G. Swackhamer. Seconded by T. Ryan.

AUTHORIZING THE DIRECTOR OF THE INFORMATION TECHNOLOGY DEPARTMENT TO ENTER INTO A CONTRACT FOR VIDEO CONFERENCING.

WHEREAS, the COVID-19 Pandemic has required and will continue to require the County to hold numerous conferences, appointments and meetings not in person; and

WHEREAS, the County does not currently have a contract for a Video Conferencing software program; and

WHEREAS, the Administration and Finance Committees have approved entering into such a contract for one (1) year.

NOW THEREFORE, BE IT

RESOLVED, the Director of the Information Technology Department is hereby authorized to enter into a contract with Zoom Video Communications, Inc. for software licensing for $23,667.00; and be it further

RESOLVED, the funding for this contract is hereby approved from Account #5 250 000- EDP Equipment; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Director of the Information Technology Department, Commissioner of Finance and the County Manager.

Mr. Swackhamer stated Zoom was having some issues with security. Have those issues been fixed? Mr. Van Etten stated the number we have for the public is different than what we use and there are no speaking rights.

Mr. Roush asked can Ms. Mori control who is on the call and if someone is inappropriate can she cut them out? Ms. Mori replied she is hopeful. She stated she has only used Zoom once, but she is sure that Information Technology will train her.

Mr. Roush stated the Town of Erwin uses Zoom and it works fairly well. Will the municipalities be able to participate with this? Mr. Van Etten stated there are 150 licenses, so I don’t think they will. We could ask if they can piggyback on this. Mr. Wolverton stated all of the security concerns have been taken care of. Since this is an enterprise account we can select that all of our traffic will not leave the United States.

Vote: Roll Call – Adopted.
RESOLUTION NO. 120-20

CONSENTING TO A PROPOSED PILOT AGREEMENT AND PILOT PAYMENT DISTRIBUTION TO BE PROVIDED BY THE STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY IN CONNECTION WITH A CERTAIN PROJECT TO BE UNDERTAKEN BY CANISTEO WIND ENERGY, LLC.

WHEREAS, CANISTEO WIND ENERGY LLC, for itself or on behalf of an entity to be formed by it or on its behalf (collectively, the "Company"), has submitted an application (the "Application") to the Steuben County Industrial Development Agency (the "Agency") requesting the Agency's assistance with a certain project (the "Project"), consisting of: (i) the acquisition by the Agency of leasehold, easement or other interest in multiple parcels (or portions thereof) of land located in the Towns of Cameron, Canisteo, Greenwood, Jasper, Troupsburg, and West Union, Steuben County, New York (the "Land"), (ii) the construction, installation and operation on the Land of between 117 wind turbines – with a generating capacity of 290.7 MW – together with the associated collection lines (below grade and overhead), access roads, meteorological towers, substation and an operation and maintenance (O&M) building (the "Improvements"), and (iii) the acquisition and installation by the Company in and around the Improvements of certain items of equipment and other tangible personal property to undertake the Project (the "Equipment"; and, collectively with the Land and the Improvements, the "Facility"); and

WHEREAS, in connection with the Application, and in furtherance of the Project's positive financial impact within the County of Steuben (the "County"), the Company has requested the Agency's consideration for a payment-in-lieu-of-tax agreement ("PILOT Agreement") that would provide twenty (20) years of real property tax exemption relating to the Improvements and a PILOT payment structure as follows: (i) initial fixed annual PILOT payment of $5,300.00 per Megawatt ("MW") of production capacity for the Project (the "Base PILOT Payment"), which would escalate two percent (2%) per year, compounded; and (ii) requirement to pay all taxes associated with the value of the Land upon which the Project is situated, as assessed prior to the acquisition of the Land and construction and installation of the Project (the "Land PILOT Payments", such Land PILOT Payments to be distributed by the Agency to the Affected Tax Jurisdictions (as defined hereafter) pro-rata based upon each respective annual tax rate); and

WHEREAS, the Agency and the Company have further requested the School District's consent to a PILOT distribution structure (the "PILOT Distribution") whereby the Agency would distribute the Base PILOT Payments received from the Company in connection with the Project among Steuben County, the Town of Cameron, Town of Canisteo, Town of Greenwood, Town of Jasper, Town of Troupsburg, Town of West Union, the Addison School District, the Canisteo Greenwood School District, and the Jasper Troupsburg School District (collectively, the "Affected Tax Jurisdictions"), based upon a negotiated formula; and

WHEREAS, the Agency and the Company have requested the consent of the Town to the PILOT Distribution pursuant to and in accordance with General Municipal Law Section 858(15), and in reliance upon the same, anticipate entering into certain project development agreements and memorializing the terms of the PILOT Agreement.

NOW THEREFORE, BE IT

RESOLVED BY THE LEGISLATURE OF STEUBEN COUNTY AS FOLLOWS:

Section 1. The County hereby consents to and approves the PILOT Distribution and PILOT Agreement, and authorizes and directs the Agency to undertake the PILOT Distribution pursuant to the terms of the PILOT Agreement.

Section 2. The Chair of the Legislature (or other authorized representative) is hereby authorized to execute and deliver a consent certificate (the "Certificate"), such Certificate to be delivered to the Agency as evidence of the County's consent to undertake the PILOT Distribution.

Section 3. This Resolution shall take effect immediately.

Legislative Meeting
Monday, May 18, 2020
RESOLUTION NO. 121-20

Introduced by R. Lattimer and G. Swackhamer.  Seconded by H. Lando.

AUTHORIZING AN AMENDMENT TO THE EXISTING CONTRACT WITH THE REGIONAL ECONOMIC DEVELOPMENT AND ENERGY CORPORATION (REDEC).

WHEREAS, Steuben County has provided funding to assist REDEC in their daily operations of assisting small businesses in Steuben County for many years; and

WHEREAS, REDEC in response to the COVID-19 Pandemic has had to alter their standard business model and has incurred increased operational costs in doing so; and

WHEREAS, REDEC has the knowledge, skills, and experience to perform services that assist small businesses in Steuben County during the COVID-19 Pandemic; and

WHEREAS, the AIP and Finance Committees of the Steuben County Legislature have approved the requested increase in funding.

NOW THEREFORE, BE IT

RESOLVED, the County Manager is hereby authorized to increase the existing contract with the Regional Economic Development and Energy Corporation (REDEC) by $150,000.00, to be paid for from the Economic Development Fund; and be it further

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 122-20

Introduced by R. Nichols.  Seconded by G. Roush.

AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY IN THE TOWN OF CAMERON FOR THE COUNTY ROUTE 119 BRIDGE OVER THE CANISTEO RIVER PROJECT.

WHEREAS, the Bridge Replacement Project, P.I.N. 6755.17, CR 119 over the Canisteo River, BIN 3334430, Town of Cameron, County of Steuben (“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, 15% State funds and 5% local funds; and

WHEREAS, the County of Steuben (“the County”) has entered into an agreement with the New York State Department of Transportation to advance the Project by making an initial commitment of 100% of the federal and non-federal share of the design and right-of-way costs of the Project; and

(Abstained – Legislator Maio - represents the town of Cameron which may be a beneficiary in this; Legislator Mullen - represents all towns listed in the PILOT and Legislator Ryan - may realize a potential financial benefit; Absent – Legislator Van Caeseele)
WHEREAS, in order to construct and maintain the Project, the County desires to acquire in fee a parcel of land from Marie Dartt-Bentley of 6021 County Route 119, Cameron, NY, 14819 being a portion of Tax Parcel ID 256.00-01-30.110, located adjacent to the Project; and

WHEREAS, the fee acquisition contains 0.263± acres of real property as delineated on Steuben County Acquisition Map No. 2, Parcel No. 2 for the Project and is described as follows:

BEGINNING at a point on the existing southerly right-of-way (by use) of County Route 119 at its intersection with the westerly boundary of Norfolk Southern Railway Company (reputed owner) [a.k.a. railroad], said point being 25.4± feet distant westerly measured at right angles from station 18+48.2± of the hereinafter described survey baseline for the reconstruction of County Route 119 over the Canisteo River; thence, southerly along the westerly railroad boundary being an arc to the left having a chord bearing of S7°50'43"E, a chord distance of 94.60 feet, a delta of 3°16'43" and a radius of 1653.28 feet to a point being 59.8± feet distant westerly measured at right angles from station 19+36.3± of said baseline; thence, through the property of an unknown owner the following two (2) courses and distances: (1) S87°44'09"W a distance of 85.8± feet to a point being 136.28 feet distant westerly measured at right angles from station 18+97.4± of said baseline; thence (2) N64°00'58"W a distance of 58.0± feet to a point at the center of the Canisteo River, said point being 103.6± feet distant southerly measured at right angles from station 16+57.9± of said baseline; thence along the centerline of the river N16°40'44"W a distance of 35.0± feet to a point at its intersection with the property line of Riverside Cemetery to the north, being the former centerline of the original County Route 119, said point being 68.9± feet distant southerly measured at right angles from station 16+53.4± of said baseline; thence, along the last mentioned property line and former County Route centerline N62°07'52"E a distance of 102.0± feet to a point being 36.6± feet distant southerly measured at right angles from station 17+50.2± of said baseline; thence, continuing along said line N90°00'00"E a distance of 11.5± feet to a point on the first mentioned southerly right-of-way, said point being 38.5± feet distant southerly measured at right angles from station 17+61.5± of said baseline; thence, along said southerly right-of-way S3°59'55"E a distance of 34.7± feet to the point of beginning, being 11,466± square feet or 0.263± acre, more or less.

Subject to the easements, restrictions and rights of others of record including but not limited to CNG Transmission R.O.W.

The horizontal datum used in the preparation of the survey baseline and mapping shown herein is referenced to the New York State Plane Coordinate System, Central Zone, based on the North American Datum of 1983/2011 (NAD 83/2011). The survey baseline was established for the proposed reconstruction of the County Route 119 over the Canisteo River and is described as follows:

Beginning at Station 10+00.00; thence, N 80°35'33"E to Station 18+00.61; thence, S29°12'16"E to Station 22+10.21.

All bearings referred to True North at the 76°35'00" Meridian of West Longitude; and

WHEREAS, the appraised value of this parcel of property is five hundred dollars ($500.00).

NOW THEREFORE, BE IT

RESOLVED, this Legislature does hereby approve of acquiring in fee, for the sum of one thousand dollars ($1,000.00), the aforementioned 0.263± acre parcel of land from Marie Dartt-Bentley of 6021 County Route 119, Cameron, NY, 14819, being a portion of Tax Parcel ID 256.00-01-30.110, located adjacent to the Project; and be it further

RESOLVED, the County Manager is authorized to make and enter into agreements on behalf of the County of Steuben and to execute any and all documents associated with the acquisition of the aforementioned property; and be it further

RESOLVED, certified copies of this resolution shall be filed with the County Clerk, Director of the Real Property Tax Service Agency, Commissioner of Public Works, County Attorney, and County Manager.

Vote:  Roll Call – Adopted.  Yes – 8816; No – 605; Abstained – 0; Absent – 451
(No – Legislator Fitzpatrick)
RESOLUTION NO. 123-20

Introduced by J. Malter. Seconded by R. Lattimer.

AUTHORIZING THE COUNTY MANAGER TO ENTER INTO AN INTER-MUNICIPAL AGREEMENT WITH SCHUYLER COUNTY E-911 FOR A 911 CALL PROCESSING SYSTEM.

WHEREAS, Steuben and Schuyler Counties would like to build and share a 911 call processing system and utilize the Southern Tier Fiber Network to connect the respective sites and related computer systems; and

WHEREAS, substantial cost savings may be realized when two or more counties consolidate 911 call processing services and equipment; and

WHEREAS, the Public Safety and Corrections Committee approved this proposed Inter-Municipal Agreement.

NOW THEREFORE, BE IT

RESOLVED, the County Manager is hereby authorized to execute the Inter-Municipal Agreement, subject to approval by the County Attorney; and be it further

RESOLVED, certified copies of this resolution are provided to the County Manager, Director, E-911Department, Director, Office of Emergency Services, County Attorney and Schuyler County Administrator Timothy O’Hearn 105 Ninth St. Unit 37 Watkins Glen, NY 14891.

Mr. Mullen asked where will this be built and what will be the cost? Mr. Wheeler replied we don’t have that yet. This is really establishing a more formal working relationship to get quotes. This is just the starting point. Mr. Mullen stated I thought it was a good idea generally.

Vote: Roll Call – Adopted.

RESOLUTION NO. 124-20

Introduced by R. Lattimer. Seconded by C. Ferratella.

APPOINTING A CERTIFYING OFFICER FOR THE CDBG PROJECT AND DECLARING THE PROJECT A TYPE II ACTION.

WHEREAS, the County has received a Community Development Block Grant (CDBG) to repair or replace failing septic systems or drinking water wells, or install water/sewer laterals, and replace manufactured homes, for low- and moderate-income homeowners throughout the county, CDBG Project #1115HR339-19; and

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

WHEREAS, a Certifying Officer must be appointed for the environmental review.

NOW THEREFORE, BE IT

RESOLVED, that in accordance with the National Environmental Policy Act of 1069 (NEPA) and the related authorities listed at 24 CFR Part 58, the County Legislature of the County of Steuben announces its intent to conduct an environmental review of said project; and be it further
RESOLVED, that the County Legislature designates Amy Dlugos, Director, Department of Planning, as the Certifying Officer, responsible for all activities associated with the environmental review process to be completed in conjunction with NYS Project #1115HR339-19; and be it further

RESOLVED, that for the purposes of the NYS Environmental Quality Review Act (SEQRA), CDBG Project #1115WS339-19 is a Type II action, with no further review required under NYS regulations; and be it if further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 125-20

Introduced by S. Van Etten. Seconded by G. Swackhamer.

CALLING ON THE STATE OF NEW YORK TO RELEASE ENHANCED FEDERAL MEDICAID MATCHING FUNDS TO COUNTIES AND NEW YORK CITY.

WHEREAS, in response to the COVID-19 pandemic, Congress has enacted extraordinary measures to help states and localities with increased costs and lost revenues; and

WHEREAS, a key action enacted by the Federal Government was a 6.2 percent increase in the Federal Medical Assistance Percentage (FMAP); and

WHEREAS, Congress has used this mechanism to provide fiscal relief to states and their local government Medicaid funding partners to reduce the financial burden they often experience in an economic downturn; and

WHEREAS, counties and New York City are struggling with higher costs responding to COVID-19 and experiencing extensive revenue declines due to the shutdown of large swaths of the economy; and

WHEREAS, we project that each quarter of enhanced FMAP funding is worth hundreds of millions of dollars for counties and New York City.

NOW THEREFORE, BE IT

RESOLVED, that the County of Steuben, is respectfully requesting financial assistance through Federal FMAP monies by reducing county weekly Medicaid payments retroactive to January 1, 2020 to provide some partial fiscal relief to the current conditions; and be it further

RESOLVED, we also respectfully request that the State provide a timeline to all counties on the release of the enhanced Federal Medicaid matching funds related to the Affordable Care Act “reconciliation funds” that have been withheld for over three years and the likely mechanism on how these funds will be delivered to counties and New York City; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Honorable Andrew M. Cuomo, New York State Governor, New York State Capitol Building, Albany, NY 12224; Honorable Andrea Stewart-Cousins, NYS Senate Majority Leader, 907 Legislative Office Building, Albany, NY 12247; Honorable John J. Flanagan, NYS Senate Minority Leader, 909 Legislative Office Building, Albany, NY 12247; Honorable Carl E. Heastie, Speaker, New York State Assembly, 932 Legislative Office Building, Albany, NY 12248; Honorable Crystal D. Peoples-Stokes, NYS Assembly Majority Leader, 926 Legislative Office Building, Albany, NY 12248; Honorable William A. Barclay, NYS Assembly Minority Leader, Capitol 444, Albany, NY 12248; Honorable Thomas M. O’Mara, New York State Senator, 406 Legislative Office Building, Albany, NY 12247; Honorable Philip A. Palmesano, New York State Assemblyman, 320 Legislative Office Building, Albany, NY 12248; Honorable Joseph M. Giglio, New York State Assemblyman, 525 Legislative Office Building, Albany, NY 12248; Honorable Marjorie Byrnes, New York State Assemblywoman, 723

Legislative Meeting
Monday, May 18, 2020
MEMORIALIZING THE UNITED STATES CONGRESS TO PROVIDE DIRECT AID TO LOCAL GOVERNMENTS.

WHEREAS, the largest single source of revenue for many counties in New York State is sales tax, and Counties such as Steuben rely on the economic activity of a strong tourist industry and the substantial occupancy tax that is generated by that industry; and

WHEREAS, the New York State Association of Counties predicts that counties across New York State will face revenue shortfalls in excess of two billion dollars from lost sales and occupancy taxes, gaming revenue, and other fees as a consequence of the social distancing measures necessary to stop the spread of COVID-19; and

WHEREAS, in response to the Covid-19 pandemic counties are facing unprecedented fiscal stress as revenue has plummeted at the same time that counties are experiencing record demand for services; and

WHEREAS, County Health Departments, Emergency Response Departments, 911, Office for the Aging, and many other County departments and agencies are on the front lines in the fight against COVID-19 and are extending every possible resource to help flatten the curve, save lives and return our County to normal operation as soon as possible; and

WHEREAS, the healthy function of our democratic society depends on effective and responsive local government in order to provide necessary services and resources; and

WHEREAS, the NYS Division of Budget has announced that budget shortfalls resulting from the COVID-19 pandemic could result in cuts of up to 50% in State aid to local governments, and that “The scope and depth of the reductions to local aid programs needed to balance the FY 2021 Budget have no precedent in modern times” and that "In the absence of Federal aid, nearly every activity funded by state government in the aid to localities budget ... will face steep cuts”; and

WHEREAS, local property taxpayers cannot absorb the cost of this loss of these revenues and state aid cuts; and

WHEREAS, the dissolution or bankruptcy or disintegration of our local government is clearly undesirable and a threat to the public good; and

WHEREAS, H.R. 748 Corona Virus Aid, Relief and Economic Security Act (CARES) has not yet provided any direct aid to local governments; and

WHEREAS, New York State Residents paid $22 billion more to the Federal Government than they got back in Federal spending in 2019, and more than $116 billion over the past four years; and

WHEREAS, New York pays more to the Federal Government than the next two largest donor states combined.

NOW THEREFORE, BE IT

RESOLUTION NO. 126-20

Introduced by S. Van Etten. Seconded by F. Potter.
RESOLVED, as Congress negotiates the next COVID-19 response package, the Steuben County Legislature calls upon our United States Congressional Representatives to demand direct assistance to County and Local Governments; and be it further

RESOLVED, the Clerk of the Legislature shall send a copy of this resolution to United States Senators Charles E. Schumer and Kirsten Gillibrand and Congressman Thomas Reed.

**Vote:** Acclamation – Adopted.

Chairman Van Etten stated New York on Pause has been extended to June 6th. We have four committee meetings scheduled the first week of June and we will continue to do those via teleconference. Hopefully, if the Pause is lifted, we will be on site the following week.

**Motion to Adjourn made by Mr. Mullen, seconded by Mr. Roush and duly carried.**
The County Legislature of the County of Steuben convened in Special Session via teleconference on the 22nd day of May, 2020 at 10:00 a.m. and was called to order by the Chairman of the Legislature, Scott J. Van Etten.

Roll Call and all members present except Legislator Mullen.

Chairman Van Etten asked Mrs. Ferratella to lead the Invocation and Chairman Van Etten led the Pledge of Allegiance.

RESOLUTION NO. 127-20

Introduced by G. Swackhamer. Seconded by K. Fitzpatrick.

REQUESTING THE ADOPTION OF SENATE BILL NO. S.8345 AND ASSEMBLY BILL NO. A.10416 EXTENDING THE ADDITIONAL ONE PERCENT (1%) SALES TAX FOR STEUBEN COUNTY.

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

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

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

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

WHEREAS, the Steuben County Legislature heretofore requested Home Rule legislation authorizing an additional one percent sales tax pursuant to Resolution No. 013-20 duly adopted January 27, 2020; and

WHEREAS, the Finance Committee subsequently approved increasing the cities shares to $820,000 each for Hornell and Corning, and in addition, the sum of $790,000 to the towns and villages of the County of Steuben, based on their respective equalized full value; and

WHEREAS, Senate Bill No. S8345 and Assembly Bill No. A10416 have been introduced authorizing the extension of the one percent sales tax relative to a home rule request for an extension of an additional one percent sales tax; and

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

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature hereby requests the New York State Legislature adopt special Home Rule legislation as presented in Senate Bill No. S8345 and Assembly Bill No. A10416 to authorize the Steuben County Legislature to extend the additional one percent sales tax; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Honorable Andrew M. Cuomo, New York State Governor, New York State Capitol Building, Albany, NY 12224; Honorable Andrea Stewart-Cousins, NYS Senate Majority Leader, 907 Legislative Office Building, Albany, NY 12247; Honorable John J. Flanagan, NYS Senate Minority Leader, 909 Legislative Office Building, Albany, NY 12247; Honorable Carl E. Heastie, Speaker, New York State
Vote: Roll Call – Adopted. Yes – 9275; No – 0; Absent – 597; Abstained – 0  
(Absent – Legislator Mullen)

Motion to Adjourn made by Mr. Roush, seconded by Ms. Lattimer and duly carried.
REGULAR MEETING  
Morning Session  
Monday, June 22, 2020  
Annex Building Conference Rooms

The County Legislature of the County of Steuben convened in Regular Session in the Annex Building Conference Rooms in Bath, NY on the 22nd day of June, 2020 at 10:00 a.m. and was called to order by the Chairman of the Legislature, Scott J. Van Etten.

Roll Call and all members present except for Legislator Hanna and Legislator Maio who was recorded as late.

Secretary’s Note:  Legislators Potter, Roush and Ryan attended via Zoom.  While Legislator Ryan was in attendance, due to technical issues, we were unable to hear him and therefore not able to record his votes, so for voting purposes he is recorded as absent.

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

Ms. Mori asked that if someone in attendance wishes to speak, there is a microphone that will be brought to you.  When a Legislator is seconding a resolution, we will announce it so that those individuals attending via Zoom will hear.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication relative to the possible submission of one or more Community Development Block Grant (CDBG) applications for the 2020 program year.  The public will be afforded the opportunity to submit written comment not later than Monday, June 29, 2020.

Motion adopting the minutes of the previous meeting(s) made by Ms. Lattimer, seconded by Mrs. Lando and duly carried.

Chairman Van Etten asked the Clerk to read into the record the Proclamation regarding the Stronger Together Program.

“RECOGNIZING MULTI MEDIA SERVICES OF CORNING AND LOCAL SPONSORS FOR THE STRONGER TOGETHER PROGRAM.”

WHEREAS, New York State closed all schools and non-essential businesses in March 2020 due to the COVID-19 Pandemic, leaving many individuals without jobs, businesses without incoming revenue and high school seniors losing out on several rights of passage after working so hard to reach their goal of graduation; and

WHEREAS, Multi Media Services of Corning was deemed an essential business, enrolled in the Payroll Protection Program to keep their employees working, but learned that with many businesses being closed, there was not enough work to keep employees busy; and

WHEREAS, in an effort to keep their employees’ jobs safe and to try to make the rest of the school year memorable for high school seniors, they created the Stronger Together! Program; and

WHEREAS, when learning of the efforts of Multi Media Services, other local businesses joined in the effort by sponsoring this program, including Arnot Health, Guthrie, Corning Credit Union, First Heritage Federal Credit Union, Serv U Credit Union and Sharkey Designs; and

WHEREAS, through their combined funding, the Stronger Together! Program produced over 4,200 picture banners recognizing the high school seniors of 49 school districts in 7 counties at no cost to the schools or the seniors; and
WHEREAS, this act of community support deserves recognition, especially in a time when we all need to be stronger together.

NOW THEREFORE, I, SCOTT J. VAN ETten, Chairman of the Steuben County Legislature, on behalf of the members of this Legislature, do hereby recognize Multi Media Services of Corning and local sponsors of the Stronger Together! Program for their community support of local high school seniors through the COVID-19 Pandemic and call upon the citizens of Steuben County to take the time to thank these businesses for their efforts.

Dated: June 22, 2020
Bath, New York

Chairman Van Etten stated this project took 900 hours of staff time, 38 liters of ink, 45 rolls of banner materials. This was pretty amazing. All of these banners laid side by side would equal 8,400 feet.

RESOLUTION NO. 128-20

Introduced by G. Swackhamer. Seconded by K. Fitzpatrick.

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

Pursuant to Section 2.07 of the Steuben County Charter.

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

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

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

<table>
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<tr>
<th>Resolution No.</th>
<th>A-1</th>
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<th>A-2</th>
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<td>2018-19 Correction - Water/Sewer Charge.</td>
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<td>Disposition</td>
<td>2020 Correction of Exemption</td>
<td>Disposition</td>
<td>2020 Correction of Exemption</td>
</tr>
</tbody>
</table>
RESOLUTION NO. 129-20

Introduced by S. Van Etten.

SECONDED BY G. ROUSH.

RECEIVING AND ACCEPTING THE JUNE 22, 2020 COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY MANAGER’S OFFICE.

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

May 13, 2020
NYS Board on Electric Generation Siting and the Environment – Re: Order approving the amendment to the Baron Winds LLC project (Case#15-F-0122). Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director

NYS Assemblywoman, Marjorie L. Byrnes – Re: Correspondence letter on the nomination to the Ad Hoc siting board for the EDF Renewables Development, Inc. (Moraine Solar) project (Case#18-F-0498). Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.

Steuben County Industrial Development Agency – Re: Notice of public hearing and proposed financial assistance for the Bath I LLC project is scheduled via toll-free conference bridge at (866) 804-5312, passcode 585-419-8718 for Friday, May 15, 2020 at 10:00am at the agency’s office located at 7234 Route 54 North, Bath, New York. Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.

Steuben County Industrial Development Agency – Re: Notice of public hearing and proposed financial assistance for the Bright Hill Solar LLC project is scheduled via toll-free conference bridge at (866) 804-5312, passcode 585-419-8718 for Friday, May 15, 2020 at 11:30am at the agency’s office located at 7234 Route 54 North, Bath, New York. Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.

May 15, 2020
Cathy Manning, Steuben County Dept. of Social Services Employee – Re: Thank you letter. Referred to: Steuben County Legislature; and Jack Wheeler, County Manager.

May 20, 2020
NYS Department of Environmental Conservation – Re: Study Area, Corning NY Residential Properties Investigation & Cleanup (Site#851046). Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.

June 10, 2020
Steuben County Industrial Development Agency – Re: Notice of public hearing and proposed financial assistance for the B&H Rail Corp project is scheduled via toll-free conference bridge at (866) 804-5312, passcode 585-419-8718 for Friday, June 19, 2020 at 11:00am at the agency’s office located at 7234 Route 54 North, Bath, New York. Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.
CSEA Employee Benefit Fund – Re: Sunrise Dental and Platinum 12 Vision w/Twin Tiers Rider current rates effective through December 31, 2020. **Referred to: Nathan Alderman, Personnel Officer; Tammy Hurd-Harvey, Commissioner of Finance; and filed with the Clerk of Legislature, Brenda Mori.**

**Vote:** Acclamation – Adopted.

**RESOLUTION NO. 130-20**

Introduced by R. Lattimer and G. Swackhamer. Seconded by C. Ferratella.

**ACCEPTING CARES ACT 2020 FUNDING FOR PUBLIC TRANSPORTATION MOBILITY MANAGEMENT SERVICES.**

WHEREAS, Public Law No. 116-136 (3/27/20), authorized temporary additional funding for operating activities related to COVID-19 that occur on or after January 20, 2020; and

WHEREAS, Steuben County has been awarded $249,017 in additional funds for Mobility Management Services; and

WHEREAS, Mobility Management Services are provided for Steuben County through a contract with the Institute for Human Services (IHS); and

WHEREAS, the Agriculture, Industry, and Planning Committee and the Finance Committee approved acceptance of said CARES Act 2020 funding.

NOW THEREFORE, BE IT

**RESOLVED**, this County hereby accepts said funding; and be it further

**RESOLVED**, the Planning Director is hereby authorized to sign Comptroller’s Contract No. C0044201 and any other necessary documents to implement said grant; and be it further

**RESOLVED**, the Commissioner of Finance is authorized to appropriate grant funds in the following accounts:

| 563000 5 440122 | $249,017.00 |
| 563000 4 458900 | $249,017.00; and be it further |

**RESOLVED**, four certified and notarized originals of this resolution shall be given to the Planning Director to be forwarded to the New York State Department of Transportation.

**Vote:** Roll Call – Adopted.

**RESOLUTION NO. 131-20**

Introduced by R. Lattimer and G. Swackhamer. Seconded by F. Potter.

**ACCEPTING CARES ACT 2020 FUNDING FOR PUBLIC TRANSPORTATION OPERATING ASSISTANCE.**

WHEREAS, Public Law No. 116-136 (3/27/20), authorized temporary additional funding for public transportation operating activities related to COVID-19 that occur on or after January 20, 2020; and

WHEREAS, Steuben County has been awarded $563,575.00 in additional funds for operating assistance; and
WHEREAS, public bus operations are provided to the County through contracts with First Transit and Arc of Steuben d/b/a Steuben Area Rides; and

WHEREAS, the Agriculture, Industry, and Planning Committee and the Finance Committee approved acceptance of said CARES Act 2020 funding.

NOW THEREFORE, BE IT

RESOLVED, this County hereby accepts said funding; and be it further

RESOLVED, the Planning Director is hereby authorized to sign Comptroller’s Contract No. C004185 and any other necessary documents to implement said grant; and be it further

RESOLVED, the Commissioner of Finance is authorized to appropriate grant funds in the following accounts:

- 563000 5 440100 $463,575.00
- 563000 5 440550 $100,000.00
- 563000 4 458900 $563,575.00; and be it further

RESOLVED, four certified and notarized originals of this resolution shall be given to the Planning Director to be forwarded to the New York State Department of Transportation.

Vote: Roll Call – Adopted.

RESOLUTION NO. 132-20


ACCEPTING SECTION 5311 FEDERAL TRANSIT OPERATING ASSISTANCE FUNDS.

WHEREAS, the County of Steuben submitted an application to the New York State Department of Transportation, pursuant to Section 5311, Title 49 United States Code, for a project to provide public mass transportation service for fixed route and demand response transportation service for Steuben Transit and Steuben Area Rides for Steuben County; and

WHEREAS, Steuben County has been awarded funds pursuant to a Federal Transit Operating Agreement Comptroller’s Contract No. C004099 between the County and the New York State Department of Transportation; and

WHEREAS, the Federal Share of said project is $405,020 and has already been appropriated in the Steuben County Budget.

NOW THEREFORE, BE IT

RESOLVED, that the Planning Director is authorized to act on behalf of the County of Steuben to sign Comptroller’s Contract No. C004099 for such Section 5311 funds and to progress and complete the above named project; and be it further

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

RESOLVED, a certified copy of this resolution shall be distributed to the Planning Director.
Mr. Swackhamer asked are people using transportation as much today? Mr. Wheeler replied yes, my understanding is it is definitely picking up. It is not what it was. We can get data on that if you would like.

Vote: Roll Call – Adopted.

RESOLUTION NO. 133-20

Introduced by C. Ferratella. Seconded by H. Lando.

AUTHORIZING AN INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN THE COUNTY OF STEUBEN AND THE FINGER LAKES’ COUNTIES FOR MUTUAL AID DURING A PUBLIC HEALTH EMERGENCY.

Pursuant to GML Section 119-o

WHEREAS, the counties of Chemung, Monroe, Livingston, Ontario, Schuyler, Seneca, Steuben, Wayne and Yates are referred to as the “Finger Lakes Counties”; and

WHEREAS, the County Health Departments of the Finger Lakes Counties all have responsibilities for public health emergency planning and response; and

WHEREAS, some public health problems may require public health services that exceed the capacities of the individual County Public Health Departments; and

WHEREAS, the County Public Health Departments of the Finger Lakes Counties are desirous of establishing an inter-municipal agreement to provide mutual aid during a Public Health emergency.

NOW THEREFORE, BE IT

RESOLVED, the County Manager is hereby authorized to enter into an intergovernmental agreement with the Finger Lakes Counties for mutual aid during a public health emergency under such terms as approved by the Human Services, Health & Education Committee and approved as to form by the County Attorney; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Public Health Director.

Vote: Roll Call – Adopted.

RESOLUTION NO. 134-20

Introduced by R. Lattimer. Seconded by R. Nichols.

AUTHORIZING A PUBLIC HEARING ON LAND SUBMITTED FOR INCLUSION IN CERTIFIED AGRICULTURAL DISTRICTS DURING THE 2020 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 February 15 to March 17 for landowners to submit requests to add agricultural land to certified Agricultural Districts; and

WHEREAS, landowners submitted requests to add land and said requests will be forwarded to the Steuben County Agriculture and Farmland Protection Board for their review, and
WHEREAS, the Steuben County Agriculture and Farmland Protection Board will review the matter and will submit a report to this Legislature;

NOW THEREFORE, BE IT

RESOLVED, 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 28th day of July, 2020, at 10:00 a.m.; and be it further

RESOLVED, 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, should social distancing requirements and the Governor’s Executive Orders prevent the public’s attendance at said hearing on July 28, 2020, the hearing shall be held in such a manner that written comments may be submitted by the public; and be it further

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 135-20

Introduced by G. Swackhamer. Seconded by K. Fitzpatrick.

RESCINDING RESOLUTION NO. 077-20 ESTABLISHING THE DATE, TIME AND PLACE FOR THE 2020 DELINQUENT REAL PROPERTY TAX PUBLIC AUCTION.

WHEREAS, Resolution No. 077-20 dated March 23, 2020 was passed to establish the date, time and place for the 2020 delinquent real property tax public auction; and

WHEREAS, due to the Covid-19 pandemic and public health safety issues, the public real property tax auction is unable to be held as previously scheduled.

NOW THEREFORE, BE IT

RESOLVED, that Resolution No. 077-20, establishing the date, time and place for the 2020 delinquent real property tax public auction, is hereby rescinded; be it further

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

Mrs. Lando asked have we set another date? Mr. Wheeler replied not yet.

Mr. Swackhamer explained there are many different reasons why we are doing it such as where will you have it. The courts are just getting opened and a lot of the properties have to go through the courts before we can do anything.

Mr. Mullen stated I don’t know what we can do about the auction. Maybe it would be good to consider adding an online format and that might reduce the number of people that would show up.

Chairman Van Etten stated Mr. Donnelly did say that Pirrung can do online auctions. We are not sure if they could do a mix. Because the schools may actually be in session in the fall, we have the option of using the fairgrounds or we could do it under a tent at the County Farm.
Mr. Horton stated that Pinnacle Rental does have an outdoor projector system.

Ms. Fitzpatrick commented from personal experience, I know that the auction could be done both online and in-person. It may slow it down, but they should be able to do that.

Mrs. Lando asked how many properties do we have? Ms. Prossick replied we have about 150, but that does not take into account the orders to show cause which is about 20.

**Vote:** Roll Call – Adopted.

**RESOLUTION NO. 136-20**

Introduced by R. Lattimer.  
Seconded by F. Potter.

**DESIGNATING THE STEUBEN COUNTY CONFERENCE & 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 Steuben County Agriculture, Industry & Planning Committee (AIP) in its administrative function for tourism matters is qualified to recommend the appropriate agency for official Tourism Promotion Agency (TPA) designation; and

**WHEREAS,** the State of New York has made available to its counties “matching funds” for the promotion of tourism; and

**WHEREAS,** the New York State Tourist Promotion Act requires the legislature of each county to designate a Tourism Promotion Agency as the applicant for and the recipient of such funds; and

**WHEREAS,** the Steuben County Conference and Visitors’ Bureau is charged with the duty to promote tourism within Steuben County.

**NOW, THEREFORE BE IT**

**RESOLVED,** the Steuben County Legislature hereby designates the Steuben County Conference & Visitors’ Bureau as the official Tourism Promotion Agency for the County of Steuben for the period January 1, 2020 through December 31, 2020; and be it further

**RESOLVED,** the President of the Steuben County Conference and Visitors’ Bureau shall report any changes that may occur in State tourism funding requirements to the Steuben County Manager; and be it further

**RESOLVED,** certified copies of this resolution shall be forwarded to Kevin Costello, President, Steuben County Conference and Visitors’ Bureau, Inc., 1 West Market Street, Suite 201, Corning, NY 14830.

**Vote:** Roll Call – Adopted. Yes – 8136; No – 0; Abstained – 542; Absent – 1194
(Abstained – Legislator Maio abstained as he just walked in prior to the vote; Absent – Legislators Hanna and Ryan)
RESOLUTION NO. 137-20

Introduced by B. Schu. Seconded by R. Lattimer.

APPROVING THE STANDARD WORK DAY AND RETIREMENT REPORTING RESOLUTION AS REQUIRED BY THE NEW YORK STATE COMPTROLLER.

WHEREAS, the New York State and Local Employees’ Retirement System adopted 2 NYCRR §315.4, a regulation on retirement reporting for elected and appointed officials which became effective August 12, 2009; and

WHEREAS, the regulation requires an expanded record of work activities, a more detailed resolution and specific time frames within which requirements must be completed.

NOW THEREFORE, BE IT

RESOLVED, the County of Steuben hereby establishes the following standard work days for the listed titles and will report the officials to the New York State and Local Employees’ Retirement System based on their record of activities:

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<th>TITLE</th>
<th>STANDARD WORKDAY (HRS/DAY)</th>
<th>NAME</th>
<th>TIER 1 MEMBER</th>
<th>CURRENT TERM BEGINS/ENDS</th>
<th>ROA Result</th>
<th>ROA Not Submitted</th>
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AND BE IT FURTHER RESOLVED, elected and appointed officials who are not members of the State Retirement System are not subject to the provisions of this law; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Finance Commissioner, the Personnel Officer and the New York State Comptroller following 30 days of public posting.

Chairman Van Etten commented this is an annual juggernaut to get people to submit their information. The Clerk is frustrated as people in the District Attorney’s Office needed numerous reminders. She should not have to beg people to submit their information. Mrs. Lando commented it hurts them if they do not do it. Chairman Van Etten replied yes and the District Attorney told them that in an email.

Ms. Mori commented I will not chase people down as it does not affect me either way. Chairman Van Etten stated it is frustrating and it should not have to happen. Ms. Mori stated this is a very time consuming process.

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Monday, June 22, 2020
Mrs. Ferratella asked who is still outstanding? Ms. Mori replied there is one Assistant District Attorney and one Assistant Public Defender who have not submitted their information. There are also two individuals who started weeks after COVID and the State will let them wait to record time until after the courts are open.

Mr. Maio asked Ms. Mori why is this your job? Ms. Mori replied this was gifted to the Clerks of the Board by the State Comptroller. We are third in the process of double checks. Personnel submits a report monthly and that has to balance with what I submit to the State annually. It is just to make sure that everyone is getting credited the appropriate time; and through this process we have found mistakes.

Vote: Roll Call – Adopted. Yes – 8081; No – 597, Absent – 1194
(No – Legislator Mullen; Absent – Legislators Hanna and Ryan)

RESOLUTION NO. 138-20

Introduced by R. Nichols. Seconded by G. Swackhamer.

URGING NY STATE TO UPDATE ELECTRONICS RECYCLING AND REUSE ACT.

WHEREAS, the main reasons for the adoption of the New York State Electronic Equipment Recycling and Reuse Act (Act) in 2010 were to assist local governments with managing the fast-growing electronics waste stream by relying on electronics manufacturers to fund a recycling infrastructure and relieve municipalities from the recycling and end-of-life management costs; and

WHEREAS, the Act requires electronics manufacturers to fund electronics recycling programs that are effective, continuous, and convenient to all consumers across the state at no cost; and

WHEREAS, due to deficiencies in the Act, Steuben County and municipalities across the state continue to bear the burden of organizing the recovery, as well paying the cost to recycle the materials; and

WHEREAS, this has resulted in many local governments across the state having grappled with the burden to fund or cease electronics collection, or to pass these costs on to the residents; and

WHEREAS, we recommend that:

- For all counties with populations between 65,000 and 300,000 people, in no event shall there be less than 3 (three) permanent collection locations.

- The so-called “mail back” provision shall be removed from the statute, as it undermines the requirement that manufacturers provide convenient drop-off for residents.

- Any materials collected at a permanent municipal collection site shall be accepted by manufacturers, or their agents, at no cost to the municipality, including reasonable costs for preparation and transport.

NOW THEREFORE, LET IT BE

RESOLVED, that Steuben County does hereby call upon Governor Cuomo, the New York State Assembly, and the New York State Senate to update the New York State Electronic Equipment Recycling and Reuse Act on its 10-year anniversary in 2020, by adopting the above referenced changes to the Act's Convenience Standard and clarifying electronic equipment manufacturers’ requirements to provide year-round, no-cost collection of electronics for residents, and thereby also helping alleviate the immediate extreme financial pressures faced by local governments; and be it further
RESOLVED, certified copies of this resolution shall be forwarded to Honorable Andrew M. Cuomo, New York State Governor, New York State Capitol Building, Albany, NY 12224; Honorable Todd Kaminsky, New York State Senator, Environmental Conservation Committee Chairmen, Legislative Office Building Room 307, Albany, NY 12247; New York State Assemblyman Steve Englebright, Legislative Office Building 62, Albany, NY 12248; Honorable Thomas M. O’Mara, New York State Senator, 307 Legislative Office Building, Albany, NY 12247; Honorable Philip A. Palmesano, New York State Assemblyman, 320 Legislative Office Building, Albany, NY 12248; Brooke Harris, President, Inter-County Association of Western New York, c/o Allegany County Legislature, 7 Court Street, Belmont, NY14813; and New York State Association of Counties, 540 Broadway, 5th Floor, Albany, NY 12207.

**Vote:** Acclamation – Adopted.

**RESOLUTION NO. 139-20**

Introduced by J. Malter. Seconded by K. Fitzpatrick.

SUPPORTING AN AMENDMENT TO THE VEHICLE AND TRAFFIC LAW IN RELATION TO ACCESSIBLE PARKING SPACE REQUIREMENTS FOR PERSONS WITH DISABILITIES AND ENFORCEMENT OF ILLEGAL PARKING.

WHEREAS, State Senator Patty Ritchie and Assemblyman Will Barclay have introduced Senate Bill S.5459 and Assembly Bill A.6215, which will update accessible parking requirements to bring New York State law in line with the Americans with Disabilities Act (ADA) and International Building Code as adopted by New York State; and

WHEREAS, under the current 1981 law, shopping facilities with more than five stores and at least twenty parking spaces must designate 5 percent or ten spaces (whichever is less) as accessible parking spaces, and law enforcement can ticket and/or tow violators if a local law is in place; and

WHEREAS, current law does not align with International Building Code, and local law enforcement is often unable to ticket violators if no local law is in place, creating unnecessary hardships for persons with disabilities; and

WHEREAS, the term "handicapped" is no longer a phrase used when referring to persons with disabilities; and

WHEREAS, the proposed legislation amends Section 1203-c of the Vehicle and Traffic law to give law enforcement the authority to ticket and tow illegally parked vehicles in spaces and access aisles designated for persons with disabilities, and removes the provision that accessible parking requirements only apply to shopping centers or facilities with five separate retail stores; and

WHEREAS, the proposed legislation clarifies that the number of accessible parking spaces shall be in compliance with the International Building Code as adopted by New York State; and

WHEREAS, the proposed legislation amends Section 1203 of the Vehicle and Traffic Law to replace the term "handicapped" with the term "persons with disabilities".

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature supports Senate Bill S.5459 and Assembly Bill A.6215, which amends the Vehicle and Traffic law in relation to accessible parking space requirements for persons with disabilities and enforcement of illegal parking; and be it further

Mrs. Lando commented this bill is confusing. Once this is approved, do we have to go back to the local municipalities to tell them to change their parking restrictions and to add spaces? Mr. Wheeler explained we are urging the State to amend the Vehicle and Traffic Law so that it aligns with the ADA (Americans with Disabilities Act) and International Building Code.

Mrs. Lando asked are we adding spaces? What does it mean? Ms. Prossick explained there is one part of the ADA that is not compliant and the two laws use two different terms; the State law uses handicapped and ADA does not. The other issue is law enforcement is not allowed to ticket people in violation because there had to be a local law in place to authorize law enforcement to enforce.

Mr. Malter commented this is for private parking spaces. Mr. Maio stated it is also his understanding that they have to have a designated number of spots and now they are taking that out. That means that places like Home Depot, Wal-Mart and other similar places would have to have designated spots.

Ms. Prossick explained the ADA law has a grandfather clause and a lot of those types of lots are grandfathered in. Now they can enforce what they have.

Vote: Acclamation – Adopted.

Motion to Adjourn Regular Session and Reconvene in Executive Session Pursuant to Public Officers’ Law, Article 7§105.1.D. Discussions Regarding Proposed, Pending or Current Litigation made by Mr. Malter, seconded by Mrs. Lando and duly carried.

Motion to Adjourn Executive Session and Reconvene Regular Session made by Ms. Lattimer, seconded by Mrs. Ferratella and duly carried.

Motion to Adjourn made by Mr. Mullen, seconded by Mrs. Lando and duly carried.
The County Legislature of the County of Steuben convened in Regular Session in the Annex Building Conference Rooms in Bath, NY on the 27th day of July, 2020 at 10:00 a.m. and was called to order by the Chairman of the Legislature, Scott J. Van Etten.

Roll Call and all members present except for Legislator Ryan.

Secretary’s Note: Legislators Hanna, Roush and Van Caeseele attended via Zoom.

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

Jennifer Karius, Partnership Specialist with the New York Regional Census Center provided the Legislature with a brief presentation on the census. She explained their job is to promote self-response to the census. The census is still happening and the Census Bureau is the largest statistical agency in the United States. In addition to the U.S. population census that is conducted every 10 years, they also conduct over 130 other surveys to collect statistical data about people, places and the economy. The census is a process mandated by the U.S. Constitution to account for the 330 million people living in the United States. It is important to participate more than ever now and there is an online opportunity to participate this year. The results of the census determine representation as well as funding for the next ten years. There is $675 billion in funding that is being allocated through federal programs which include roads and bridges, housing, schools, special programs for schools and health services for rural areas. Our businesses also rely on the census information.

Ms. Karius stated the census is safe and we cannot share information under Title 13. We have to adhere to the highest security levels in handling this data. The census survey consists of 10 simple questions. The census can be completed online, by phone or through the mail. We are just ramping up now for our door-to-door operation. We will never ask for social security numbers or bank information. On the online survey as well as the phone survey, there are 12 languages to choose from. There is also a 59-language guide that can be found on YouTube.

Ms. Karius stated they have been delayed due to COVID and have requested a 120-day extension. The self-response phase has been extended to October 31, 2020. We are now up and starting to train people. Once training has been completed, the door knockers will start going out August 11th to contact the non-responders. Ms. Karius showed the Legislature the response outreach area mapping. This estimates how likely you are to have a high or low response rate. In Steuben County you are having a slightly lower response. This information is accessible online. The self-response rate for Steuben County is at 58 percent and the national average is 63 percent. The average for New York State right now is 65 percent as of today. Bath has a higher response rate at 64 percent. The southwest and northeast portions of the County are pulling the overall response numbers down. She stated that the Legislature can make a request for our assistance in providing outreach to those specific areas.

Mr. Potter commented in my district we have a large Amish population and they will probably not fill out and return the census. Ms. Karius stated they are considered a harder to count population and we have colleagues who are currently working with the Amish in Yates and Seneca counties. I could have my colleagues contact you. Mr. Van Etten asked are you doing anything above and beyond to identify the Amish communities? Ms. Karius replied no, but I believe this community is being addressed specifically. For you as Legislators, we are looking to you to assist with the outreach. She provided her phone number and also the phone number of her colleague, Jason Eastman.
Mr. Maio asked how do you keep track of or find the homeless or transient population? Ms. Karius replied that is very challenging. We have a list of shelters and food pantries. Someone is visiting on the ground and goes out and does the count. If you know of where those populations are, you can forward that information to me and she will forward that on to a separate operation that is based in Rochester.

Mrs. Lando stated I spoke with Ms. Karius before and she went to Corning City Council and hopefully they will put the link on the website. I would encourage this Legislature to go out and speak at municipal meetings and encourage them to put the link on their websites, and we should also put it on the County website. Ms. Karius stated the link is www.2020census.gov.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication relative to parcels for inclusion in certified Agricultural Districts 1, 3 and 6 during the annual thirty-day review period. The public will be afforded the opportunity to submit written comment not later than Friday, July 31, 2020.

*Motion adopting the minutes of the previous meeting(s) made by Mr. Mullen, seconded by Mr. Potter and duly carried.*

**RESOLUTION NO. 140-20**

Introduced by G. Swackhamer. Seconded by H. Lando.

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

Pursuant to Section 2.07 of the Steuben County Charter.

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

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

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

**SCHEDULE “A”**

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Legislative Meeting  
Monday, July 27, 2020
RESOLUTION NO. 141-20

Introduced by S. Van Etten. Seconded by R. Lattimer.

RECEIVING AND ACCEPTING THE JULY 27, 2020 COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY MANAGER’S OFFICE.

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

June 15, 2020
NYS Office for the Aging – Re: Notification of Grant Awards (NGAs) for the CMC2 and HDC2 programs under the Families First Coronavirus Response Act (FFCRA) for the period of March 20, 2020 through September 30, 2021. In addition, Notification of Grant Awards (NGAs) for the SSC3, HDC3 and FCC3 programs under the CARES Act for the period of April 1, 2020 through September 30, 2021. Referred to: Human Services/Health & Education Committee; and Patricia Baroody, OFA Director.

June 22, 2020
NYS Board on Electric Generation Siting and the Environment – Re: Notice of a teleconference meeting for the Canisteo Wind Energy LLC Project (Case#16-F-0205) will be held on Tuesday, June 30, 2020 at 10:30am. The meeting will be webcast live on the internet, for listening purposes only, and may be accessed at http://www.dps.ny.gov/Webcasts.html. Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.

NYS Office for the Aging – Re: Revised Notification of Grant Awards for the Title III-B, Title III-C-1, Title III-C-2, Title III-D and Title III-E programs of the Older Americans Act for the period of January 1, 2019 through December 31, 2019. Referred to: Human Services/Health & Education Committee; and Patricia Baroody, OFA Director.

July 6, 2020
Western Regional Off-Track Betting Corporation – Re: Check in the amount of $7, which represents the May 2020 surcharge payment for Steuben County. Referred to: Finance Committee; Administration Committees; and Tammy Hurt-Harvey, Commissioner of Finance.

NYS Board on Electric Generation Siting and the Environment – Re: Order on rehearing for the Canisteo Wind Energy LLC Project (Case#16-F-0205). Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.

Steuben County Industrial Development Agency – Re: Notice of public hearing and proposed financial assistance for the Tyoga Container Company is scheduled via toll-free conference bridge at (866) 804-5312, passcode 585-419-8718 for Thursday, July 16, 2020 at 11:00am at the agency’s office located at 7234 Route 54 North, Bath, New York. Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.

NYS Department of Transportation – Re: Request to review and provide comments on NYSDOT’s current “Procedures for Consultation with Public Officials in Rural Areas” (https://www.dot.ny.gov/programs/smart-planning/repository/RuralConsult2016FINAL.pdf) by September 8, 2020 to Jacob.Roloson@dot.ny.gov. Referred to: Public Safety & Corrections Committee; and Vince Spagnoletti, Commissioner of Public Works.
Legislative Meeting
Monday, July 27, 2020

July 10, 2020
Harris Beach PLLC, Attorneys at Law – Re: Steuben County Industrial Development Agency and NY Bath I, LLC (payment in lieu of tax) agreement and RP-412-a form for property located at Wildflower Way, Bath NY. Referred to: Finance and Administration Committees; Tammy Hurd-Harvey, Commissioner of Finance; Wendy Jordan, RPTSA Director; and Jennifer Prossick, County Attorney.

NYS Homeland Security and Emergency Services – Re: Notification of being awarded $21,641 under the FY2020 Emergency Management Performance Grant COVIS-19 Supplemental (EMPG-S) program. Referred to: Public Safety & Corrections Committee; and Timothy Marshall, Emergency Services Director.

NYS Seventh Judicial District – Re: Correspondence letter on the draft innovative plan for electronic appearances. Referred to: Public Safety & Corrections Committee; Sheriff Allard; Brooks Baker, District Attorney; and Shawn Sauro, Public Defender.

Mr. Malter asked with regard to the correspondence from Western Regional Off-Track Betting, we received a $7.00 payment? Mr. Wheeler replied yes.

Vote: Acclamation – Adopted.

RESOLUTION NO. 142-20

Introduced by B. Schu. Seconded by F. Potter.

PRESENTING LOCAL LAW TENTATIVELY NO. ONE FOR THE YEAR 2020, STEUBEN COUNTY ETHICS LAW.


WHEREAS, Steuben County passed Local Law No. 5 of 1990, as amended, “Steuben County Ethics and Disclosure Law in Compliance with Article 8 of the General Municipal Law”; and

WHEREAS, the 1990 Law, as amended, does not meet current needs of the County as prescribed under Article 18 of the General Municipal Law; and

WHEREAS, it is the intent of this Local Law to replace the existing 1990 Law after said 1990 Law is repealed before the passage of this Local Law, “Steuben County Ethics Law”.

NOW THEREFORE, BE IT

RESOLVED, it is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. One for the Year 2020, “Steuben County Ethics Law”, replacing Local Law No. 5 of 1990, as amended, in full as follows:

STEUBEN COUNTY ETHICS LAW

PART A

LEGISLATIVE INTENT:

It is the intent of the within Local Law to replace Local Law No. Five for the Year 1990, as amended, Resolution No. 200-90, titled “Steuben County Ethics and Disclosure Law in Compliance with Article 8 of the General Municipal Law”.

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Legislative Meeting
Monday, July 27, 2020
SECTION 1. DEFINITIONS

Unless otherwise indicated, the following terms shall be defined as such for purposes of this article:

AGENCY — The Steuben County Industrial Development Agency ("SCIDA"), the Steuben County Land Bank Corporation, Steuben Tobacco Asset Securitization Corporation and any other nongovernment organization or entity that performs or is organized to perform County-related functions. An initial list of agencies that are subject to this Ethics Law shall be created by resolution of the County Legislature.

APPROPRIATE BODY — Pursuant to Article 18 of General Municipal Law, the Board of Ethics of the County of Steuben.

CHILD — Any son, daughter, stepson or stepdaughter of a County official, employee or County elected or appointed official.

CONTRACT — An agreement with the County, express or implied, and shall include the designation of a depository of public funds and the designation of a newspaper, including but not limited to an official newspaper, for the publication of any notice, resolution, ordinance or other proceeding where such publication is required or authorized by law.

COUNTY — The County of Steuben or any department, board, division, institution, office, branch, bureau, commission, or agency thereof.

COUNTY OFFICIAL
   A. Local officers or employees:
      1. The heads (other than County elected officials) and any members of the Board of Directors of any County agency, department, division, council, board, commission or bureau and their deputies and assistants, whether paid or not;
      2. Other employees of such departments, divisions, boards, bureaus, commissions, councils or agencies who hold policy-making positions, whether paid or not;
      3. The term "local officer or employee" shall not mean a judge, justice, officer or employee of the Unified Court System, unless the individual is also a County employee.
   B. County elected officials: County Legislators, Clerk, Sheriff, Coroners and District Attorney.
   C. Other employees: other employees of the County whose duties involve the negotiation, authorization or approval of:
      1. Contracts, leases, franchises, revocable consents, concessions, variances, special permits or licenses;
      2. The purchase, sale, rental or lease of real property, goods or services, or a contract therefor;
      3. The obtaining of grants of money or loans; or
      4. The adoption or repeal of any rule or regulation having the force and effect of law.
   D. "Specific Listing," not in limitation of the positions, titles or entities covered by Subsections A, B and C, above, the County Legislature shall, by resolution, set forth a specific list of the positions, titles and entities which shall be particularly covered by this article, and such resolution shall remain in full force and effect unless and until modified in a subsequent resolution by a majority of the County Legislature.

DEPENDENT — Any person, related or unrelated, living in the same household with a County official or employee and claimed as a dependent for income tax purposes by said County official.

EMPLOYEE — Any employee or official of the County of Steuben, other than those designated as County officials herein.
INTEREST —
A. A direct or indirect financial or material benefit accruing to a County official, employee, his or her relative or dependent, whether as a result of a contract with the County or otherwise. A benefit shall include, but not be limited to, employment, a gift, service, payment, permit, approval, waiver, authorization, travel, entertainment, hospitality, or gratuity, or a promise of any of the foregoing. A County official shall be deemed to have an interest in a contract of:
   1. His or her dependent or relative except a contract of employment with the County;
   2. A firm, partnership or association of which such County official or his or her dependent or relative is a member or employee;
   3. A corporation of which such County official or his or her dependent or relative is an officer or director; or
   4. A corporation, at least 10% of the outstanding capital stock of which is owned by a County official or his or her dependent or relative.

B. A financial or material benefit shall not include a campaign contribution authorized by law.

C. An "interest" shall not include the setting of County official and employee salaries and benefits, or an action statutorily mandated upon a County official when there is no other County official authorized to undertake such statutorily mandated action. In that event, the statutorily mandated action shall not be undertaken until the County official delivers written disclosure of the interest to the Clerk of the Legislature.

JURISDICTION — Having authority, capacity, power or right to act with regard to the management and administration of policy and supervision of personnel of the County or agency.

LEGISLATION — A matter which has been placed upon the calendar or agenda of the Legislature of Steuben County or a committee thereof, upon which official action has been or may be taken, and shall include adopted acts, local laws, ordinances or resolutions.

RELATIVE — A spouse, child, grandchild, sibling, child of a sibling or parent of a County official.

SIBLING — A brother or sister, half-brother or half-sister, stepbrother or stepsister of a County official.

SIGNIFICANT OTHER — An individual, whether of the same sex or the opposite sex, living in a current spousal relationship, but who is not legally a spouse of, a County official.

SPOUSE — A husband, wife, or domestic partner, whether of the same sex or the opposite sex, of a County official, unless legally separated from the County official.

SECTION 2. CODE OF ETHICS

A. Every County official and employee shall be subject to and abide by standards of conduct. These standards of conduct are in addition to those which apply to County employees as set forth in the Steuben County Employee Handbook distributed to each employee at his/her orientation session.

B. Prohibited activities.
   1. No County official or employee shall use or permit the use of County property (including land, vehicles, equipment, materials and/or any other property) for personal convenience or profit, except when such use is available to County citizens generally, or is provided as a condition of County employment or is set as a matter of County policy.
2. Certain County officials are precluded from taking part in the purchase of real or personal property owned by the County of Steuben. The titles and positions of those County officials who may not bid for, or acquire or purchase real or personal property, in any manner, offered for sale by the County of Steuben as a result of the tax delinquency of such parcel or parcels or otherwise, shall be separately identified by resolution of the County Legislature. Exempt from this provision are Agency Board members, unless the individual is subject to this prohibition by another law. This includes a prohibition against bidding upon or acquiring or purchasing such properties directly or through an agent, representative, attorney or other third party, including, but not limited to, a relative, sibling, spouse or significant other. It shall be presumptive proof of a violation of this article if such County official shall have acquired any interest in the property whatsoever, including, but not limited to, the holding of a mortgage, lien or other financial interest, no matter how acquired, either directly or through any third parties, within two years of the date upon which such property was sold or conveyed by the County of Steuben.

3. A County official or employee shall take no action on a matter before or against the County or agency, including, but not limited to, official acts and legislation, when he or she has an interest in such matter, as defined herein, which, to his or her knowledge, would conflict with or impair the proper discharge of his or her official duties unless authorized by specific law(s). The County official or employee shall disclose such interest, in writing, to the County Legislature, as soon as he or she has knowledge of such interest. Every such written disclosure shall be made part of and set forth in the official record of the proceedings of the County Legislature.

4. A County official or employee may not receive or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any matter before any agency of which he or she is an officer, member or employee or over which he or she has jurisdiction, or to which he or she has the power to appoint any member, officer or employee. This preclusion does not include circumstances when the Legislature declares there to be an urgent need for the specific services so long as any conflict of interest is disclosed in writing and prior to a vote of the Legislature regarding same.

5. A County official may not receive or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any agency whereby his or her compensation is to be dependent or contingent upon any action by such agency with respect to such matter.

6. A County official or employee shall not vote on, or administer, a matter in which he or she has a direct financial interest.

7. A County official shall not knowingly invest or hold any investment, directly or indirectly, in any financial, business, commercial or other private transaction, which creates a conflict of interest with his or her official duties. The County official shall disclose the conflict within 10 business days of attaining knowledge of same, and shall immediately undertake efforts either to divest himself or herself of the investment or resign his or her position. The conflict must be resolved within a reasonable time, but no later than 60 days from the date the County official first learned of it. During the period of time the conflict of interest exists, the County official shall not have direct oversight of the underlying matter and shall recuse himself or herself from any involvement in, discussion of, or vote upon, the matter.

8. A County official shall not engage in, solicit, negotiate for, or promise to accept, private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of official duties.

9. A County official shall not, for one year after the termination of service or employment, appear before his or her own board, agency or division of the County of Steuben in relation to any case, proceeding or application in which he or she
personally participated or over which he or she had jurisdiction during the period of his or her service or employment.

10. No County official shall use or attempt to use his/her official position to advance or obtain any unwarranted privilege, exemption or advantage for himself, herself or others, not generally available to County citizens.

11. No County official shall directly or indirectly solicit or accept gifts, whether in the form of money, services, loan, travel, entertainment, hospitality, item or promise, or otherwise under circumstances in which it reasonably could be perceived to influence the performance of official duties or was intended as a reward for any official action. In addition to, and notwithstanding the foregoing, in no event shall a County official accept any gift or benefit which alone or in the aggregate exceeds $75 in any given twelve-month period, from any person or firm that he or she knows or should know, does or intends to do, business with the County of Steuben. Nothing contained herein shall prohibit a County official from accepting a gift from a family member or personal friend which is customary on family and social occasions. A County official should seek an advisory opinion from the Board of Ethics prior to accepting a gift from such a person or firm in the event the County official believes that acceptance of the gift may create a conflict of interest. Violation of this Subsection B (11) shall constitute a conflict of interest.

12. No County elected official shall use his or her official position or office, or take or fail to take any action, in a matter in which he or she knows or has reason to know, may result in a benefit to a person or entity from whom the County elected official has received election campaign contributions of more than $250 in the aggregate during the 12 months prior to taking or failing to take such action. The County elected official shall disclose his or her perceived conflict of interest and thereafter shall abstain on any vote involving the person or entity. The abstention shall not be counted as a vote in favor of the matter before the County elected official.

13. No County official or County elected official shall engage in bid-rigging or any coercive conduct, such as: influence peddling, threats, fear of retribution, loss of job, intimidation, bullying, or loss of business, for the sake of personal gain or benefit.

C. Confidential information.

1. No County official or County employee subject to the provisions of this article shall disclose confidential information or use such information to further a personal interest.

2. Public Officers Law of New York State requires counties to make certain records available for public inspection and copying. Permissible exceptions to this requirement are listed in §87, Subdivision 2 of that law. Information defined by this Code of Ethics as either disclosable or confidential are intended to be consistent with the provisions of that law.

3. For the purposes of this section, all information falls into one of three categories: the class of information which is never confidential; the class of information which is always confidential; and the class of information which may be confidential.

a) Never confidential:
   i. Some internal or interagency records, communications and reports are never confidential. According to the Public Officers Law, these include information that is:
      1) The result of an external audit; or
      2) Statistical data; or
      3) An instruction to staff that affects the public; or
      4) A final policy or determination made by the county or one of its departments.

   ii. Disclosure or use of such information is not restricted by this article.

b) Always confidential:
   i. Information is always confidential when its disclosure would:
      1) Impair current or imminent contract awards or collective bargaining negotiations; or
      2) Interfere with law enforcement investigations or judicial proceedings; or
3) Deprive a person of his or her right to a fair trial or impartial adjudication; or
4) Constitute an unwarranted invasion of privacy; or
5) Endanger the life or safety of any person.

ii. Information that is always confidential includes:
1) Civil service examination questions or answers prior to the administration of the exam; or
2) Computer access codes; or
3) Information that is specified as non-disclosable by federal or state law.

iii. No County official may disclose such information, unless pursuant to court order, statute or specific law and may never use such information to further a personal interest.

c) May be confidential:
Information which does not clearly fall into one of the above categories may still be confidential. In those instances where a request has not been filed pursuant to §87 of the Public Officers Law (F.O.I.L.), and a County official or employee is uncertain as to whether information may be disclosed or used, prior to any determination being made with regard to disclosure or personal use, all County officials and employees must submit a written request to the County Attorney as to whether a given piece of information is confidential or not. The County Attorney shall advise whether the County official or employee is at that time legally obliged to deem the information confidential. The County Attorney shall make every best effort to provide the requesting party with a written determination within five business days.

4. The restrictions on disclosure and use of confidential information apply without regard to the circumstances in which the information was sought or acquired.

D. Failure to comply with this Section may result in the imposition of any appropriate penalty set forth in Section 5 hereof.

SECTION 3. BOARD OF ETHICS

A. Membership and eligibility. There shall be a County Board of Ethics, the members of which shall be appointed by the County Manager, subject to confirmation by the County Legislature. The Board of Ethics shall consist of three members, only one of whom shall be a County official or employee. Members of the Board of Ethics shall be volunteers, and shall receive no compensation for the performance of duties as members. The Board shall have access to and the assistance of County administrative staff to the extent required to conduct its business, at no expense to the Board. County administrative staff shall be required to maintain complete confidentiality of all matters brought before and discussed by the Board. The Board shall be entitled to legal counsel. Each member of the Board shall be a resident of the County of Steuben.

B. Term. Each member of the Board of Ethics shall serve a term of three years and may be reappointed without term limitation. Each member shall serve until his or her successor has been appointed, except that of the three members first appointed, one shall serve for one year; one shall serve for two years; and one shall serve for three years.

C. Quorum. Two members shall constitute a quorum.

D. Meetings.
1. Annual meeting. The Board of Ethics shall meet annually on or before June 1st. Such meeting shall serve as an orientation for any new members. At the meeting, the Board shall review the annual disclosure statement filings submitted by required County Officials and employees, and any other business that may come before it.
2. Regular meetings. The Board of Ethics may hold additional meetings throughout the year as shall be called by the Chair or any two members, provided a meeting of the Board of Ethics shall be held within 15 days after the filing of a complaint alleging a violation of this section, at which meeting such complaint shall be considered by the Board in the manner set forth in Section 4 hereof.

E. Vacancies and removals.
1. In the event a vacancy occurs, it shall be filled for the unexpired term in the same manner as the original appointment. Such appointment shall be made no later than 30 days after the vacancy occurs, or as soon as practicable.
   a) A member may be removed for cause by the County Manager, with confirmation of the County Legislature. Grounds for removal are: substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office, or violation of this Ethics Law or conviction of a crime.
   b) The provisions of Section 4 shall control and be applied to removals sought pursuant to this section.

F. Powers and duties of the Board of Ethics.
1. The Board of Ethics shall have the following powers and duties:
   a) To prescribe and promulgate rules and regulations governing its own internal organization and procedures in a manner consistent with this article;
   b) To review financial disclosure statements submitted by Steuben County officials, employees and agencies required to file said statements;
   c) Upon review of a financial or transactional statement, if it is determined to be deficient or reveals a potential violation of this article, the Board shall notify the person in writing of the deficiency or potential violation and of the penalties for failure to comply with this article. A copy of such notice shall be provided to the County Manager and County Attorney. The notice shall be confidential and shall not be subject to disclosure unless required in an employee disciplinary or removal proceeding or by order of court;
   d) To investigate any alleged impropriety and recommend or undertake appropriate actions and proceedings, as required. To do so, the Board shall have the power to, among other things, administer oaths, affirmations, subpoena witnesses, compel their attendance, and require the production of relevant or material books and records;
   e) To review the filing of waivers or extensions of time to file financial disclosure statements as set forth in detail in Part B of this article;
   f) To render, index and maintain on file advisory opinions;
   g) To recommend any changes to the Ethics Law, including provision of definitions, disclosure forms and instructions for filling them out and filing procedures;
   h) To maintain records of its reports, proceedings, recommendations, financial disclosure filings and Ethics attestations as recommended by NYS Archives and Records Administration’s CO-2 Schedule. Records deemed "confidential" shall be segregated from all other records to maintain their confidentiality until they are destroyed.

2. Meetings and proceedings of the Board concerning an alleged violation of this article shall not be open to the public except upon the request of the accused County official or employee or as required by law.

3. The Board of Ethics may act only with respect to Steuben County officials and employees, or on behalf of local municipalities who submit a request for the same in writing to the Steuben County Manager due to their inability to seat a Board of Ethics at the local level. The resignation or termination of a County official or employee from a County office or from employment subsequent to the filing of a complaint, shall not affect the jurisdiction of the Board.
4. The following records of the Board of Ethics shall be available for public inspection:
   a) The information set forth in the annual statement of financial disclosure filed pursuant to Part B of this article, except the categories of value or amount and personal information, which shall remain confidential.
   b) Notices of civil assessments imposed under this article.
   c) Documents required to be disclosed by Public Officers Law §87, Subdivision 2; however, at no time shall a document produced or made available as part of a confidential investigation be released or made available for inspection.
   d) Documents mandated to be disclosed by court order.

SECTION 4. INVESTIGATION OF ALLEGED VIOLATIONS; ADVISORY OPINIONS

A. Complaints. Upon receipt of a complaint of a person alleging a violation of this article, or upon determining on its own initiative that a violation of this article may exist, the Board of Ethics shall have the power and duty to undertake an investigation to determine whether a violation has occurred.

1. A proceeding may be commenced by the filing of a complaint, or by the Board of Ethics' own determination to investigate.
   a) In the event a proceeding is commenced by complaint, within five business days or as soon as practicable, the Board shall review the allegations to determine whether or not a violation of this article has occurred. The Board shall render its determination by majority vote. In the event the Board determines that the complaint does not result in a violation of this article, the complaint shall be dismissed and simple notice of the complaint and of its dismissal, without further detail, shall be mailed to the complainant and the subject of the complaint. The complaint and the determination shall be sealed and not available to any person who is not a member of the Board of Ethics.
   b) In the event a member of the Board of Ethics raises the possibility of a violation by a County official or employee, the Board shall first determine, by majority vote, whether the alleged conduct, if undertaken, would constitute a violation of this article. In the event the Board determines that the conduct would not constitute a violation of this article, it shall render a written determination. The allegation, preliminary investigation and determination shall be sealed and not available to any person who is not a member of the Board of Ethics.

2. In the event the Board determines that an allegation, if true, would constitute a violation of this article, it shall mail written notification to the accused individual. The Board's notification shall describe the alleged violation and provide a fifteen-day period in which the accused individual may submit a sworn, written response setting forth information and/or documentation relating to the alleged violation. The Board's notification shall also inform the accused individual of its rules regarding the conduct of adjudicatory proceedings, appeals, and the due process procedural mechanisms available to such individual. In the event the Board of Ethics determines at any stage of the proceeding that there is no violation or that any potential conflict of interest or violation has been rectified, it shall provide written notice to the accused individual and the complainant, if any. The foregoing shall be kept confidential, except the subject of the complaint may disclose the facts alleged and determination of the Board.
   a) In the event the Board of Ethics determines there is reasonable cause to believe a violation has occurred, it shall, within 20 days, provide written notice either in person or by certified mail, of reasonable cause; to the accused individual; to the complainant, if any; in the case of a County official or employee, to the appointing authority for such person; and, in the case of a County elected official, to the Chair of the County Legislature. In the event of a conflict with the Chair,
then to the Vice Chair. Such determination of reasonable cause shall be confidential and shall not be made public or disclosed unless required by Public Officers Law or required for use in a discipline or proceeding under this article involving the subject individual, complainant, or another County official.

b) Once reasonable cause has been established, the Board of Ethics shall schedule a hearing, to be held within 60 days, at which the accused individual is entitled to legal representation of his or her own choosing and at his or her own expense. Testimony shall be taken under oath and the proceeding shall be recorded. The Board shall issue a decision containing specific findings within 30 days of the completion of the hearing. A copy of the decision shall be served, by certified mail, on the accused individual or his or her legal representative, the complainant, the Clerk of the Legislature and, if appropriate, the District Attorney. The decision of the Board of Ethics shall not be deemed confidential.

3. Dispositions. The Board shall state in writing the disposition of every sworn complaint it receives and of every investigation it conducts and shall set forth the reasons for the disposition. The report shall be made in accordance with Section 3, subject to the confidentiality requirements set forth herein.

4. Advisory opinions.
   a) A County official or employee may request an advisory opinion from the Board of Ethics prior to that County official or employee engaging in any behavior which he or she reasonably believes may cause a violation of this article. The request for an advisory opinion shall be written and contain sufficient facts to permit the Board to make its determination. An individual requesting the opinion is obligated to be forthcoming and cooperative throughout the process, in the absence of which no advisory opinion will be provided. The Board shall endeavor to provide written notice of its determination within 10 business days.
   b) Advisory opinions shall be filed with the Clerk of the Legislature; however, the Board of Ethics shall first redact all names, identifying features, and any other information which would tend to identify the complainant and the subject of the request for the advisory opinion.
   c) In the event a complaint is subsequently filed against a County official or employee in which a violation of this code is alleged based upon the facts which formed the basis of the request for the advisory opinion, it shall be a complete defense to the alleged violation that the County official or employee acted consistent with, and in reliance upon, said advisory opinion. An unredacted advisory opinion shall be available to the County official who sought or needs it to defend himself or herself.

5. Complaints against the Board of Ethics. The Board of Ethics shall not conduct an investigation of itself or any of its members or staff. In the event the Board of Ethics receives a sworn complaint in which it is alleged that the Board or any of its members or staff has violated any provision of this article or any other law, it shall transmit a copy of the complaint to the Chair of the Legislature, County Manager and the County Attorney within 48 hours of receipt of same. The Chair of the Legislature shall, within five business days, create a three-person subcommittee of Legislators, at least one of whom is a member of a minority party, to address the complaint, and provide the complainant with written notice of the subcommittee members. The subcommittee shall thereafter conduct whatever investigation or hearing necessary in the same manner and with the same authority as provided generally in this section. A copy of the subcommittee's decision shall be distributed to all members of the Legislature. Further action, if any, shall comply with the provisions of this article.

6. False complaints. Any person who knowingly files a false complaint may be subject to disciplinary action, civil liability, or criminal prosecution.
SECTION 5. PENALTIES FOR OFFENSES

A. Any person who willfully and knowingly violates this article shall be subject to a civil action, civil penalty, disciplinary action or relevant criminal prosecution. Penalties are not exclusive.

B. In addition to the foregoing, a person who knowingly and intentionally violates the provisions of this article may be fined up to $10,000 per occurrence, unless the violator is subject to the protections and limitations set forth in the Civil Service Law. A County official or County employee may also be reprimanded, suspended, or removed from office or employment, subject to the provisions of the Civil Service Law or any collective bargaining agreement.

SECTION 6. VOIDABLE CONTRACTS

Any contract knowingly entered into in violation of this article shall be voidable at the discretion of the County Legislature.

SECTION 7. SUITS AGAINST COUNTY

Nothing set forth herein shall be deemed to bar or prevent the filing of a lawsuit or claim for or against the County of Steuben under any other provision of law.

SECTION 8. TESTIMONY

No County officer or employee shall decline or refuse to answer any question specifically or directly related to the performance of his or her official duties before any official, board or agency authorized or empowered to so inquire into the performance of such duties. This section shall not be construed to bar any Steuben County officer or employee from exercising his constitutional privileges against self-incrimination; however, when such body or agency is wholly civil in nature, failure to cooperate with and diligently answer the inquiries shall constitute grounds for dismissal or removal, subject to any other provision of law.

SECTION 9. CONFLICT WITH OTHER PROVISIONS

In the event two or more provisions of this article are in conflict with one another, the more restrictive provision shall apply.

SECTION 10. DISTRIBUTION OF CODE OF ETHICS

The Clerk of the Steuben County Legislature shall cause a copy of this Ethics Law to be distributed to every County official and employee, electronically or otherwise, and posted on the County website, within 30 days of its effective date. Each County official, elected or appointed, and each employee thereafter, shall be furnished with a copy of this article as a part of their employment orientation, electronically or otherwise, before entering upon the duties of his office or employment. Acknowledgement of receipt of this article shall be submitted to the Clerk of the Legislature by regular or inter-office mail and must be provided by each County official or employee who is subject to its terms. Receipt of the acknowledgement shall be required in order to commence employment or volunteer work. Acknowledgement of receipt of this article shall be required by current County officials within 30 days after its effective date.

SECTION 11. EFFECTIVE DATE

This article shall take effect 60 days after adoption, upon filing with the New York State Secretary of State, subject to all applicable provisions of law.
PART B  
(Financial Disclosure)

SECTION 12. DEFINITIONS

In addition to the definitions set forth in Part A of this law, the following terms shall have the meanings described below:

ANNUAL FINANCIAL DISCLOSURE STATEMENT — A form adopted by the Legislature of the County of Steuben which requires the identification of certain personal and business assets of a required filer.

REPORTING CATEGORY — For the purpose of completing annual financial disclosure statements, the category of interest, income, value or worth of reported items. All amounts are to be indicated using the following categories only:

A. Under $5,000.
B. Five thousand dollars to under $20,000.
C. Twenty thousand dollars to under $60,000.
D. Sixty thousand dollars to under $100,000.
E. One hundred thousand dollars to under $250,000.
F. Two hundred fifty thousand dollars or over.

REQUIRED FILER — A County elected official, County official, or other employee and any other individual whose position within or with the government of the County of Steuben requires him or her to file an annual financial disclosure statement.

A. On or before the 1st of April of each year, the Chair of the County Legislature shall identify those positions which require the filing of annual financial disclosure statements.

B. On or before the 1st of March of each year, the Board of Ethics may recommend to the Chair of the County Legislature modifications to the positions listed as required filers.

SECTION 13. ANNUAL FINANCIAL DISCLOSURE STATEMENTS

A. Time period. On or before the 15th day of May of each year, required filers shall complete and file their annual financial disclosure statements. An individual who accepts a position or is appointed to a position identified as a required filer by the Chair of the County Legislature after May 1 of any year shall file an annual financial disclosure statement for the year within 30 days of accepting the position.

B. Place to file. A required filer shall submit to the Clerk of the County Legislature a completed annual financial disclosure statement on the form prescribed by the Steuben County Board of Ethics.

C. Request for extension of time. On or before May 1 of each year, a required filer may request an extension of time to file his or her annual financial disclosure statement for a period not to exceed 30 days. Such request shall be made in writing to the Clerk of the Legislature. The request shall be approved only upon a showing of justifiable cause or undue hardship. The Clerk shall provide the required filer with written notice of his or her determination within five business days of receipt of such request.

SECTION 14. RESPONSIBILITIES OF CLERK OF LEGISLATURE

A. The Clerk of the Legislature shall be the official repository of all annual financial disclosure statements and shall not release for observation or otherwise any such statement unless authorized to do so by this or other law.
B. Upon written request, and as required by the Freedom of Information Law, the Clerk of the Legislature shall make an annual financial disclosure statement available, but shall withhold from inspection personal information as permitted by law. All written requests for access to annual financial disclosure statements shall be kept on file by the Clerk of the Legislature.

C. The Clerk of the Legislature shall receive and catalog all annual financial disclosure statements to determine whether a required filer has filed his or her financial disclosure statement. In the event a required filer has failed to file an annual financial disclosure statement, the Clerk shall provide written notice of the violation and 10 days to correct it. In the event the violation is not cured within 10 days, the Clerk shall report it to the Board of Ethics. In the event the required filer is a member of the Board of Ethics, the Clerk shall report the violation to the Chair of the Legislature.

SECTION 15. VIOLATIONS

A. A required filer who violates this article may be warned, reprimanded, suspended or removed from office or employment, or be subject to any other sanction as authorized by law. A warning, reprimand, suspension, removal or other authorized sanction may be imposed in addition to any other penalty contained in this article or in any other related provision of law.

B. In the event of a violation of this article, or in the event the Board of Ethics receives a complaint alleging a violation, or in the event the Board of Ethics determines on its own initiative to investigate a possible violation, the Board of Ethics shall provide written notice to the required filer, in which the alleged violation is set forth in detail. The Board of Ethics shall provide a 10 day period in which the required filer shall submit a detailed written response

1. In the event the Board of Ethics determines further inquiry is justified, it shall provide the required filer with an opportunity to be heard.
2. The Board of Ethics shall inform the required filer of its rules regarding the conduct of adjudicatory proceedings and appeals and the due process procedural mechanisms available as set forth in Part A, Section 4, hereof.
3. In the event the Board of Ethics determines at any stage of the proceeding that there is no violation or that a violation has been cured, it shall so advise the required filer and the complainant, if any. All of the foregoing proceedings shall be confidential.

C. In the event the Board of Ethics determines there is reasonable cause to believe that a violation exists, it shall send a notice of reasonable cause to: the required filer; the complainant, if any; and, in the case of a County official, his or her appointing authority.

1. The Board's determination of reasonable cause shall not be made public or disclosed unless required by the Freedom of Information Law (Public Officers Law, Article 6) or required for use in a discipline or proceeding involving the required filer.
2. Any further proceedings shall adhere to the procedural requirements set forth in Part A, Section 4, of this article.
3. In the event the Board of Ethics determines that a violation of this article has occurred, it shall provide a copy of its determination to the required filer's appointing authority or, in the event the required filer is a County elected official or member of the Board of Ethics, to the Chair of the County Legislature, for further action. The determination of the Board of Ethics shall include a recommendation as to penalty, sanction or other action.
BE IT FURTHER RESOLVED, before said Local Law is adopted by the Steuben County Legislature, a Public Hearing shall be held at the Steuben County Legislative Meeting on the 24th day of August 2020, 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 Courthouse in the municipality of Bath, Corning City Hall, and the DMV office in 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 Clerk of the Steuben County Legislature and the County Attorney.

Mr. Mullen asked do you have a redline version of the changes? Mrs. Scotchmer replied this was a total rewrite of the Local Law and I emailed the Legislature the previous local law to use for comparison. Ms. Prossick stated if this goes forward, then next month they will repeal the previous law. Mrs. Scotchmer stated it will be a repeal of Local Law No. 5 of 1990.

Vote: Acclamation – Adopted.

RESOLUTION NO. 143-20

Introduced by B. Schu. Seconded by K. Fitzpatrick.

AUTHORIZING THE CLERK OF THE LEGISLATURE, COUNTY ATTORNEY AND COUNTY MANAGER TO CONDUCT A REVIEW OF THE STEUBEN COUNTY CHARTER.

WHEREAS, the present Steuben County Charter was approved by the voters of Steuben County and became effective January 1, 2014; and

WHEREAS, this Legislature recognizes the need to conduct a review of said Charter from time to time, to make sure it remains cogent and workable.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature authorizes the Clerk of the Legislature, County Attorney and County Manager to conduct a review of the Steuben County Charter; and be it further

RESOLVED, proposed changes are to be presented to the Steuben County Legislature’s Administration Committee for review and recommendation; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Clerk of the Legislature, County Attorney and County Manager.

Mr. Van Etten asked why do you need permission? Mrs. Scotchmer replied in the State law it requires that we form a committee or designate officials to review the charter.

Vote: Acclamation – Adopted.
RESOLUTION NO. 144-20

Introduced by C. Ferratella and G. Swackhamer. Seconded by H. Lando.

ACCEPTING AND APPROPRIATING CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITIES (CARES) ACT FUNDING.

WHEREAS, the Office for the Aging is administering funds relative to COVID-19 response; and

WHEREAS, the threat of COVID-19 disease is a top national public health priority; and

WHEREAS, these awards are to be used for COVID-19 response to support the needs of older County residents; and

WHEREAS, the Office for the Aging has been awarded CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITIES (CARES) ACT FUNDING in the amount of $58,314 under SSC3, and $140,541 under HDC3, and $31,004 under FCC3, totaling $229,859; and

WHEREAS, the Office for the Aging has been awarded CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITIES (CARES) ACT FUNDING in the amount of $21,612 under the Aging and Disabilities Resource Center (ADRC); and

WHEREAS, these funds will be used to comply with existing and future guidance from the New York State Office for the Aging regarding the response to the needs of older persons related to the COVID-19 pandemic.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Finance is hereby authorized and directed to accept $251,471 as revenue and appropriate $187,157 into the 2021 Office for the Aging budget and $64,314 into the 2020 Office for the Aging budget as follows:

Revenue:  
677400 4 4772750 $46,000  
677700 4 4772850 $6,000  
677800 4 3772800 $4,000  
677800 4 4772730 $8,314  

Expenses: 
677400 5 434 661 $6,000  
677400 5 440 524 $40,000  
677700 5 434 630 $6,000  
677800 5 440 520 $4,000  
677800 5 440 750 $8,314  

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 145-20

Introduced by R. Lattimer. Seconded by R. Nichols.

APPROVING THE ADDITION OF AGRICULTURAL LANDS TO CERTIFIED AGRICULTURAL DISTRICTS.

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Legislative Meeting
Monday, July 27, 2020
Pursuant to Article 25-AA, Section 303-b, of the Agriculture and Markets Law of the State of New York.

WHEREAS, this Legislature established a required annual period from February 15 to March 17 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 27th day of July, 2020 at 10:00 a.m.; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), the addition of these parcels to existing agricultural districts is considered an Unlisted Action and an Environmental Assessment Form has been completed.

NOW THEREFORE, BE IT

RESOLVED, the proposed action will not result in any significant adverse environmental impacts; and be it further

RESOLVED, that the following tax parcels shall be added to Agricultural District No. 1:

463289 217.00-01-016.000; and be it further

RESOLVED, that the following tax parcels shall be added to Agricultural District No. 3:

462201 113.12-01-050.114
462289 099.00-01-023.200; and be it further

RESOLVED, that the following tax parcels shall be added to Agricultural District No. 6:

466400 276.00-01-002.111
466400 348.00-01-013.200
466400 294.00-01-013.210
466400 294.00-01-013.220
468200 383.00-01-021.121
468200 383.00-01-021.122; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Director of the Planning Department; and Richard A. Ball, Commissioner, New York State Department of Agriculture and Markets, 10B Airline Drive, Albany, New York 12235.

Vote: Roll Call – Adopted.
RESOLUTION NO. 146-20

Introduced by J. Malter.  
Seconded by F. Potter.

AUTHORIZING THE DIRECTOR OF EMERGENCY SERVICES TO ENTER INTO A CONTRACT WITH MIDSTATE COMMUNICATION & ELECTRONICS INC.

WHEREAS, the County has a County-wide Communications System to support emergency response; and

WHEREAS, this system is made up of various communications towers and components; and

WHEREAS, the County must comply with FCC and FAA regulations for Tower Operations; and

WHEREAS, the County has identified the need for replacement of tower lighting at the Mount Washington and Call Hill Tower Sites to maintain FCC and FAA Regulations; and

WHEREAS, Mid-State Communications & Electronics Inc. of Oriskany, NY is Motorola’s authorized Premier Service Partner in our region; and

WHEREAS, the New York State Department of Homeland Security and Emergency Services (DHSES) Office of Interoperable & Emergency Communications (OIEC) has provided grant funding to support and fund the installation of new tower lighting through the FY17 Statewide Interoperable Communication Grant.

NOW THEREFORE, BE IT

RESOLVED, the Director of Emergency Services is hereby authorized to execute a contract with Mid-State Communication & Electronics Inc. for the purpose of Tower Lighting Replacement not to exceed $36,000; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Mid-State Communication & Electronics Inc. C/O Scott Musacchio 185 Clear Road, Oriskany, NY 13424 and the Director of Emergency Services.

Vote: Roll Call – Adopted.

RESOLUTION NO. 147-20

Introduced by B. Schu.  
Seconded by G. Swackhamer.

APPROVING THE 2021 WORKERS’ COMPENSATION BUDGET.

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, 2020 for the Budget Year 2021.

NOW THEREFORE, BE IT

RESOLVED, that the estimated cost (Budget for 2021), a copy of which is 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 2021 Steuben County Budget; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Finance 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, 2021

Your Administrator for Workers' Compensation Insurance respectfully submits the annual estimate of expenses for the Steuben County Self-Insurance Plan for the fiscal year beginning January 1, 2021 and ending December 31, 2021, pursuant to Section 67, Paragraph 1 of the Workers' Compensation Law.

APPROPRIATED BUDGET FOR 2021

<table>
<thead>
<tr>
<th>Account</th>
<th>Account Title</th>
<th>2021 Budget</th>
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</thead>
<tbody>
<tr>
<td>51100000</td>
<td>Estimated Expenditures</td>
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<tr>
<td>5298090</td>
<td>SALARIES &amp; WAGES</td>
<td>$45,500</td>
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<tr>
<td>5402990</td>
<td>MACH &amp; EQUIP - MISC</td>
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<tr>
<td>5403800</td>
<td>TELEPHONE-CHARGEBACKS</td>
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<tr>
<td>5404100</td>
<td>MEMBERSHIPS &amp; DUES</td>
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</tr>
<tr>
<td>5405100</td>
<td>POSTAGE</td>
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<td>OFFICE SUPPLIES</td>
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<tr>
<td>5407200</td>
<td>TRAINING &amp; CONFERENCES</td>
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<tr>
<td>5407310</td>
<td>SAFETY TRAINING</td>
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<td>5410100</td>
<td>INSURANCE</td>
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<tr>
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<td>EXCESS WC INSURANCE</td>
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<td></td>
<td>PERMA COSTS</td>
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<td></td>
<td>WC MEDICAL &amp; INDEMNITY BENEFITS</td>
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<td></td>
<td>WCB TOTAL ASSESSMENTS</td>
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<td>5410400</td>
<td>AWARDS &amp; BENEFITS (IBNR)</td>
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<td>INVESTIGATION EXPENSE</td>
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<td>5444400</td>
<td>THIRD PARTY ADMINISTRATOR</td>
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<td>MOTOR POOL CHARGEBACKS</td>
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<td>DEPRECIATION EXPENSE</td>
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<td>OTHER EXPENSES</td>
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<td>NYS EMPLOYEES RETIREMENT</td>
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<td>ADDITION TO FUND BALANCE</td>
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<td><strong>TOTAL EXPENDITURES</strong></td>
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<td>Participant Fees</td>
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<tr>
<td>42401000</td>
<td>Interest</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Reimbursement of Expenses (from withdrawn munic)</td>
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</tr>
<tr>
<td></td>
<td><strong>TOTAL</strong></td>
<td><strong>$2,700,000</strong></td>
</tr>
</tbody>
</table>
Mr. Van Etten stated I want to thank Mr. Sprague for his very good work on getting the Workers’ Compensation Plan under control and managing it effectively and for making it attractive for the municipalities that want to join back in. He has done a very good job.

**Vote:** Roll Call – Adopted.

**RESOLUTION NO. 148-20**

Introduced by B. Schu. Seconded by J. Malter.

**APPROVING THE 2021 WORKERS’ COMPENSATION TABLE OF APPORTIONMENT.**

Pursuant to Article 5 of the Workers' Compensation Law of the State of New York.

WHEREAS, on July 14, 2020 the Administration Committee of this Legislature had filed and approved the estimated cost for Fiscal Year 2021 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 2021, 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 2021 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 2021; and be it further

RESOLVED, that the Administrator of the Self-Insurance Plan shall notify all participating members of their share; and be it further

RESOLVED, that any participating member shall pay its share directly to the Steuben County Finance Department not later than June 1, 2021; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Commissioner of Finance, Director of the Real Property Tax Service Agency, and 36 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.

**2021 TABLE OF APPORTIONMENT**

<table>
<thead>
<tr>
<th>MUNICIPALITY</th>
<th>CLASS</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>STEUBEN COUNTY</td>
<td>I</td>
<td>$1,543,495</td>
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<tr>
<td>ADDISON</td>
<td>I</td>
<td>$11,900</td>
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<td>AVoca</td>
<td>I</td>
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<td>$11,245</td>
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<td>CAMERON</td>
<td>I</td>
<td>$21,618</td>
</tr>
<tr>
<td>CAMPBELL</td>
<td>I</td>
<td>$53,912</td>
</tr>
</tbody>
</table>
CANISTEO I $ 18,730
DANSVILLE I $ 21,811
FREMONT I $ 17,583
GREENWOOD I $ 21,650
HARTSVILLE I $ 7,526
HORNBY I $ 24,038
HORNELLSVILLE I $ 34,146
HOWARD I $ 36,019
JASPER I $ 25,005
LINDLEY I $ 28,656
PRATTSBURGH I $ 37,606
PULTENEY I $ 34,340
THURSTON I $ 27,203
TROUGSBURG I $ 26,304
TUSCARORA I $ 18,227
UGBANA I $ 29,500
WEST UNION I $ 13,309
WHEELER I $ 27,265
WOODHULL I $ 27,271

TOWNS TOTAL $ 607,530

ADDISON I $ 33,406
ARKPORT I $ 11,612
AVOCA I $ 12,618
BATH I $ 168,000
CANISTEO I $ 45,404
COHOCTON I $ 12,793
HAMMONDSPORT I $ 10,980
NORTH HORNELL I $ 12,543
PAINTED POST I $ 51,643
SAVONA I $ 15,500
WAYLAND I $ 14,476

VILLAGES TOTAL $ 388,975
HORNELL CITY I $ 160,000

GRAND TOTAL $ 2,700,000

Vote: Roll Call – Adopted.

Motion to Adjourn Regular Session and Reconvene in Executive Session Pursuant to Public Officers’ Law Article 7§ 105.1.D. Discussion Regarding Proposed, Pending or Current Litigation made by Mr. Mullen, seconded by Mr. Swackhamer and duly carried.

Motion to Adjourn Executive Session and Reconvene in Regular Session made by Ms. Lattimer, seconded by Mr. Horton and duly carried.

Motion to Adjourn made by Mr. Potter, seconded Mrs. Ferratella and duly carried.