

**REGULAR MEETING**  
**Morning Session**  
**Monday, April 27, 2015**  
**Legislative Chambers, Bath, New York**

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 27<sup>th</sup> day of April, 2015, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Joseph J. Hauryski.

Roll Call and all members present except for Legislator Farrand.

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

Chairman Hauryski asked George Sawyer to come forward. Mr. Sawyer is an employee in the Department of Social Services. He presented him with a Certificate of Appreciation and a pin in recognition of his 20 years of service to Steuben County.

Chairman Hauryski asked Eric Tyner to come forward. Mr. Tyner is an employee in the Sheriff's Office. He presented him with a Certificate of Appreciation and a pin in recognition of his 20 years of service to Steuben County.

Chairman Hauryski asked Daniel Brown to come forward. Mr. Brown is an employee in the Sheriff's Office. He presented him with a Certificate of Appreciation and a pin in recognition of his 20 years of service to Steuben County.

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

Wayne Wells, Cameron, stated he recently attended an international conference on Leukemia in Canada. They discussed better ways to deliver cancer healthcare using the internet and cellular access. The manner in which healthcare is delivered is broken. In the United States, we spend more money per capita than any other nation and yet we are ranked 13<sup>th</sup>. This is reflective of our poor communications infrastructure. This will place a hidden economic and quality of life burden on the county. Most households in our county live in the dark fiber age. The problem is that we have talked for years about better access and he is seeing no progress. The capability of acting decisively and quickly exists if you are motivated. Please do yourself a service by viewing the YouTube presentation of Dr. Patrick Soon-Shiong. Technology will be for the betterment of the County.

Sue Preset, Corning, stated she is a member of Tanner's Paw, a no-kill rescue facility located in Corning. They have circulated a petition regarding the condition of horses found about a month ago in very poor condition, with one having to be euthanized. We have gotten over three thousand signatures. Several animals come through our facility with no support whatsoever. We give the animal cruelty officer names and nothing has been done. No arrests have been made. The issue is not just for horses, but for all animals. We need help.

Teresa Matterazzo, Corning, stated she is the Community Engagement Coordinator for STTAC (Southern Tier Tobacco Awareness Coalition). She stated that recently STTAC has started a new five-year grant cycle. For the last twenty years we have worked on the Tobacco Free Outdoors initiative where we work with municipalities to implement tobacco free outdoor areas like parks, playgrounds and beaches as well as work with local employers to implement tobacco free worksites. Two additional initiatives are the Smoke Free Housing, where we work with local housing authorities and landlords to increase the number of smoke free living options available. The second initiative is SFM, commonly known as Reality Check. This is a group of three youth groups that work to reduce the number of tobacco incidences in movies and on the internet. The Point of Sale initiative has been in place for the last twenty years, and we are now

trying to decrease the overall number of retailers in a specific area and decrease the social acceptability of tobacco use. Several communities in Massachusetts and California have been successful with this. In New York, the cities of Rochester and Binghamton have done this. In the City of Newburg and in Ulster County, they have created local licensing requirements for tobacco retailers in addition to the State license. Ms. Matterazzo informed the Legislature that they will be holding a community education training event at the end of next month. We will be talking more about our Point of Sale initiative and how tobacco marketing affects our communities.

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

Ms. Muller stated across the nation, April is recognized as Child Abuse Prevention Month. This marks the 21<sup>st</sup> year for Steuben County's Task Force for the Prevention of Child Abuse. Today I would like to share some history about the inception of the child protection movement and how it linked to the animal welfare movement. It was in the late 1800's when the first legal intervention against child abuse was initiated. It is called the case of Mary Ellen.

Living in New York City, Mary Ellen's biological father died shortly after her birth. She was boarded, a common practice back then, with another family while her mother sought employment. Mary Ellen's mother could not make it financially, she missed visits with her and eventually Mary Ellen was turned over to the City's Department of Charities. The Department of Charities placed Mary Ellen in the home of Thomas and Mary McCormack. She was placed illegally, without proper documentation, and literally without any oversight or monitoring. Thomas McCormack died shortly thereafter and Mary remarried a man by the name of Francis Connolly.

Francis and Mary moved with Mary Ellen, several times. Mary horribly mistreated Mary Ellen. Neighbors were aware as they overheard her cries and screams as she was beaten. In 1874 one of the original neighbors to the Connolly's reached out to a Methodist mission worker named Etta Wheeler. She asked her to check on the welfare of Mary Ellen. Etta agreed and went to the newest tenement the family was living in. She interviewed neighbors. She manipulated her way into the apartment where Mary Ellen and her family were living and observed firsthand the suspicious report to her. What she saw was a very young child, a tiny mite, one who appeared to be the age of 5, although in reality Mary Ellen was actually 9 years old. She was wearing threadbare clothing, standing on a stool doing dishes and wrestling with a pan which appeared to be heavier than she. On the table lay a whip made of leather strands. Mary Ellen's meager arms and legs bore many bruises, scrapes and scars. Etta felt the saddest when looking at the expression on her face...her look was one of suppression and misery. The face of a child unloved; a child with vacant eyes who had seen only the fearsome side of life.

Etta Wheeler left the apartment that day, determined to rescue this young girl named Mary Ellen. Even though New York had a law permitting the State to remove children who were neglected by their caregivers, New York City authorities were reluctant to intervene. Etta Wheeler continued in her efforts. While the City would not get involved, Etta reached out to a gentleman by the name of Henry Bergh. Mr. Bergh was a leader of the animal humane movement in the United States and founder of the American Society for the Prevention of Cruelty to Animals, otherwise known as the ASPCA. Etta Wheeler presented her case which included written documentation and a list of neighbors past and present who agreed to testify. After much deliberation Mr. Bergh agreed to help, although shielded his role in the ASPCA, claiming he was pursuing the case as a private citizen, although...all the while using his connections with the press and his ties to the legal system. Mr. Bergh sent out a New York SPCA investigator to the home of Mary Ellen, posing as a census worker to gain entrance into the apartment. Upon verifying the facts of the situation, Mr. Bergh arranged for an ASPCA attorney to prepare a petition to remove Mary Ellen.

April 10, 1874, Mary Ellen was brought to court and appeared before Judge Lawrence. She was dressed in ratty clothing, her body still covered in bruises and a gash over her left eye and down her cheek where Mary Connolly struck her with a pair of scissors. Mary Ellen speaks to the abuse in her testimony: “My father and mother are both dead. I don’t know how old I am. I have no memory of a time when I did not live with the Connolly’s...mama has been in the habit of whipping and beating me almost every day...with a twisted whip, made of rawhide. The whip always leaves black and blue marks on my body. I now have the black and blue marks on my head which were made by mama and also a cut on the left side of my forehead which was made by a pair of scissors. She struck me with the scissors and cut me. I have no recollection of ever having been kissed by anyone – have never been kissed by mama. I have never been taken on my mama’s lap and caressed or petted. I never dared to speak to anybody, because if I did, I would get whipped...I do not know for what I was whipped...mama never said anything to me when she whipped me. I do not want to go back to live with mama because she beats me so. I have no member ever being on the street in my life.”

Mary Ellen did not return to the Connolly’s. Mary Connolly was found guilty of felony assault and was sentenced one meager year of hard labor in the penitentiary. Initially, Mary Ellen was placed in a home for grown girls, some of them wayward, some being trained for the service. Eventually, the judge allowed Etta Wheeler to take responsibility of Mary Ellen. Etta took her to her mother’s in Rochester where she would make her new home. Mary Ellen grew and lived a productive life. She married, had two children, became a foster parent, and is known as the successful crusader for the protection of children throughout the world.

This true story is one of many examples of abuse and neglect our children face every day. Some events worse, some not. Regardless, the emotional scars are the same. This story in its entirety has many backdrops and events I obviously do not have time to share this morning. The details are disturbing and reinforce the positive developments the system has made over these past 141 years, almost to the day. Those who dedicate their work to help the Mary Ellen’s of the world are to be commended. Much like Etta, they are driven, persistent and above all, a lifesaver. We owe them a world of thanks. Over these years we have made great strides, both regulatory and within our service delivery, in the child welfare system. I am especially honored to say services in Steuben County have grown beyond expectations. With these changes we have developed and enhanced preventive services which continually improve the Mary Ellen’s and the families we serve. I would like to thank Mr. Alger, the Chairman, and this body for your continued support of these programs. It has made a tremendous difference in the identification and awareness of child abuse, the prevention of child abuse and the healing of child abuse for those affected. I would also like to thank Bill Caudill, Director of the Youth Bureau; Edna Kayes, Assistant Director of Social Services programs overseeing the Child Protective and Prevention Units; and the rest of the task force members for taking the time to make this task force work. And finally, a huge thanks to the rest of my staff, Administration, both direct and indirect staff. Your selfless work is noticed and does make a difference in improving the quality of life for the children and families we serve.

This brings me to today’s recognition. Today we recognize an individual who has significantly contributed to the child welfare system and the prevention of child abuse in Steuben County. If I could ask Deborah Flint and Emily Hofelich-Bowler to join me at the podium. Deborah Flint is the principal at Addison Central School. Emily Hofelich-Bowler is the Executive Director of the Addison Youth Center who wrote the following nomination:

Deborah Flint is not only responsible for the safety of the students during the school day, but she is also a champion for the youth and families of Addison, outside of the school day. Act N Do is a group Deborah helped create and grow. She met with local business leaders to try to find a way to support the community by meeting an unmet need. This program delivers meals to community members in need of food and companionship. The program engages volunteers which further helps to foster the community of Addison while helping our neighbors. Deborah also oversees the latchkey program which provides quality afterschool care for youths ages 3 and 4. This allows parents to continue to work and know their child is

safe and secure. Deborah is at every community event whether it is to volunteer, or to simply engage and enjoy the community. She knows the names of each of her children, where they live, and their family story. She cares. She also uses her extensive knowledge of resources to make sure families that may not have funds to buy Christmas presents, have these gifts under their tree. She is an inspiration and role model to youth everywhere. Deborah considers the whole family. She recognizes hardships parents often have to face. She provides not only important resources, but also fun resources. She never gives up. If you ever need something, call Mrs. Flint; if she can't fix it, she will find someone who will. She collaborates and encourages collaboration. She deserves this recognition for her continued commitment. She is the last one to leave school and the first to call in a crisis. She is an advocate for youth and families. She is hardworking and committed. Deborah protects youth from all walks of life.

Ms. Muller stated it is her pleasure, on behalf of the Steuben County Task Force for the Prevention of Child Abuse to present the Child Abuse Prevention Award to Deborah Flint. *Congratulations!*

Ms. Flint stated thank you so much. Putting into action what is necessary for the welfare of children is something we do together, not alone.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs for Posting for the Public Hearing Authorizing and Directing the Commissioner of Finance to Transfer \$49,529.00 from the Repairs & Renovations Reserve and Appropriate \$17,417.00 to the Capital Project Entitled "Sealing and Striping of County Parking Lots"; and \$32,112.00 to a New Capital Project Entitled "ProAction Elevator Repair". Chairman Hauryski asked if anyone wished to address the Legislature relative to the Public Hearing. There being no comments, he declared the Public Hearing closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs for Posting for the Public Hearing Relative to Land Submitted for Inclusion in Certified Agricultural Districts 3, 6 and 7 During the 2015 Annual Thirty-Day Review Period, to Consider the Recommendations of the Agricultural and Farmland Protection Board, and Proposed Modifications of said Certified Agricultural Districts. Chairman Hauryski asked if anyone wished to address the Legislature relative to the Public Hearing. There being no comments, he declared the Public Hearing closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs for Posting for the Public Hearing Upon County of Steuben Local Law Tentatively No. Two for the Year 2015, Amending the Steuben County Charter, Establishing the Term Limits of County Legislators at Four (4) Successive Full Terms. Chairman Hauryski asked if anyone wished to address the Legislature relative to the Public Hearing.

Charles Ron Harmon, Avoca Town Supervisor, stated the Local Law the County is considering is not subject to referendum. The Town of Avoca is opposed and we would urge you not to adopt this proposed law.

Jack Zigenfus, Cohocton Town Supervisor read the following letter from Republic Chairman Rusty Smith:

As Chairman of the Steuben County Republican Party, I urge the County Legislature not to repeal or amend the current term limit on members of your body by local law. The current term limit was put in place by a referendum of the people and the margin in that referendum was overwhelmingly in favor of a twelve-year term limit. Changing that limit years later, without a referendum process, is unfair to the people of Steuben County. Having the Legislature extend their own term limits via this process will also undermine faith in the county government since it will appear self-serving, even if the motives are genuine and legitimate.

I urge you to table this resolution and find a way to include the people of the county in this process. If the current charter language is a barrier to having a referendum, then I urge you to amend the charter to allow for a referendum on this matter.

Mr. Zigenfus stated I come before this Legislature as a citizen of this great County that I have lived in my entire life. I have had the privilege of voting in every single election, including national, state, county and local, since 1972. On November 8, 1994, I and over 13,000 other Steuben County voters, voted and cast their vote on Steuben County proposal Number 1, Local Law Tentatively No. 9-93. That ballot question was “do you want 12 year term limitations for County Legislators”? Also on the ballot was another local law, making Legislators’ terms four years. According to *The Evening Tribune* of Hornell dated November 10, 1994, both propositions were approved, and I quote “overwhelmingly” by the people of Steuben County. To be more precise, the vote to have four year terms was passed 14,149 to 6,813 and the vote to limit Legislators to 12 successive years in office was passed 13,497 to 6,793. Those two proposals passed in every single election district but one; that being one district in the City of Corning, which was edged by only 4 votes. Last month, I, along with many others learned that this legislative body voted to have that law changed from what the people of this County voted for. I get the opinion from the County Attorney, that yes, you now have the authority to make the change without the “of the, by the, or for the people.” I also understand that a similar action happened in New York City with Mayor Bloomberg and some judge ruled it legal. Well, this isn’t New York City, this is Steuben County. You Legislators represent every town and city in this County. I would like to ask you a simple question. Have any of you asked the people in your district, that you represent, what they thought about you voting to change the law that the people in every town and city voted for? I would venture a guess that the answer to that is “no”. Even our federal and state representatives seek guidance on issues facing them from their constituents. You can debate the issue of term limits both positive and negative forever, but the fact remains that the Legislature of this County took the right action back in 1994 and asked the people that they represent to vote on it. I would like this Legislative body to safeguard and respect what the people of Steuben County voted for, and not take an action that would undermine their right when they voted on what this County asked them to vote on. Please consider what I have asked of you today in the interest of the people that you represent. It is not a legal issue, but a moral one. Thank you for your time and consideration on such an important issue.

Wayne Wells, Cameron, stated that he could not have said that any better and he supports the last speaker’s sentiments.

Len McConnell, Prattsburgh Town Supervisor, stated that he supports Mr. Zigenfus in this matter.

***Secretary’s Note: A letter from Legislator Farrand expressing his opinion is on file in the Clerk of the Legislature’s Office, along with resolutions received from the Towns of West Union, Rathbone, and Avoca in opposition to Local Law Tentatively No. Two for the Year 2015.***

***Motion approving the minutes of the previous meeting(s) made by Mr. Van Etten, seconded by Mr. McAllister and duly carried.***

Mr. Donnelly provided the Legislature with an update on the distribution of the 3 percent sales tax to the Towns, Villages and two cities. The local law was effective March 1, 2015 and the revenue from the first quarter, which is approximately \$275,000, will be distributed in the second quarter.

#### **RESOLUTION NO. 054-15**

Introduced by R. Weaver.

Seconded by H. Lando.

**FILLING THE VACANCY CAUSED BY THE RESIGNATION OF LEGISLATOR GEORGE J. WELCH, JR.**

Pursuant to the Steuben County Charter, Article II, Section 2.03 and Article 5 of the County Law of the State of New York.

**WHEREAS**, due to the resignation of George J. Welch, Jr. on March 2, 2015, a vacancy has arisen for the Office of Steuben County Legislator, District #2; and

**WHEREAS**, George J. Welch, Jr. is a member of the Democratic Party; and

**WHEREAS**, the Steuben County Democratic Committee, at a Special Meeting held on or about April 17, 2015, recommends Steven Maio to the County Legislature for appointment to the recited vacant Office of County Legislator for such period as prescribed by law; and

**WHEREAS**, Steven Maio, is a member of the Democratic Party and a resident of District #2, being the City of Corning, to wit: 134 E. Second Street, City of Corning, New York; and is otherwise qualified to hold the Office of Steuben County Legislator.

**NOW THEREFORE, BE IT**

**RESOLVED**, that **STEVEN MAIO** of Corning, New York, be and the same hereby is, appointed to said vacancy effective immediately, said appointment to terminate by operation of law December 31, 2015; and be it further

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

**Vote: Roll Call – Adopted. (Yes – 8192, No – 513, Absent – 625)**  
**(No – Legislator Van Etten; Absent – Legislator Farrand)**

Mrs. Hunter administered the Oath of Office to Steven Maio, for the position of Legislator, District 2.

Chairman Hauryski asked Legislator Lando to escort Legislator Maio to his chair.

**RESOLUTION NO. 055-15**

Introduced by L. Crossett.

Seconded by R. Lattimer.

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

Pursuant to the Steuben County Charter, Article II, Section 2.07.

**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**, as it appears to be in the best interest of the County to sell the property(ies) listed on Schedule "B" for the consideration offered, the Steuben County Commissioner of Finance is hereby authorized and directed to convey and deliver a County Tax Deed to the grantee(s) upon receipt of the consideration indicated within thirty (30) days from the date hereof and as upon the "Notice to Bidders and Terms of Sale – 2014" as applicable; and be it further

**RESOLVED**, the said grantee(s) must accept the parcel(s) "as is" together with the obligation of removing any persons, if any, claiming any interest in the parcel(s) if need be; and be it further

**RESOLVED**, the Steuben County Commissioner of Finance is further authorized and directed to convey and deliver a County Quitclaim Deed with respect to the parcel contained in Schedule "C" to the grantee listed, with the parcel being the same premises described in a Deed, and in replacement thereof, between the parties dated the 3<sup>rd</sup> day of June 1985 and signed by John W. Young as County Treasurer of Steuben County, New York, on that date; and be it further

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

SCHEDULE "A"

Resolution No.	<u>A-1</u>
Name	<u>Habitat for Humanity Inc.</u>
Parcel No.	<u>316.07-02-022.300</u>
Municipality	<u>Erwin</u>
Disposition	<u>Correction</u>

SCHEDULE "B"

Resolution No.	<u>B-1 (Correction to A-1, Resolution No. 217-14)</u>
Former Owner	<u>Angela K. Allington-Wilcox &amp; Mark A. Allington</u>
In Rem Index No.	<u>2012-1440CV, Judgment Filed 04/29/2014</u>
Parcel No.	<u>299.14-04-005.000</u>
Municipality	<u>Corning Town</u>
Grantee(s)	<u>Anjela K. Radford (fka Angela K. Allington-Wilcox)</u>
Grantee(s) Address	<u>3415 Fenderson St. Ext., Painted Post, NY 14870</u>
Consideration	<u>\$5,609.73, inclusive of recording fees</u>

**Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.**

Resolution No.	<u>B-2</u>
Former Owner	<u>Marlea A. Sherwood</u>
In Rem Index No.	<u>2013-1427CV</u>
Parcel No.	<u>159.53-01-058.000</u>
Municipality	<u>Bath Village</u>
Grantee(s)	<u>Thomas Urusky</u>
Grantee(s) Address	<u>6866 Lake Salubria Drive, Bath NY</u>
Consideration	<u>\$4,805.00</u>

**Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.**

Resolution No.	<u>B-3</u>
Former Owner	<u>Lisa P. Jones</u>
In Rem Index No.	<u>2011-1564CV, Judgment Filed 05/06/2013</u>
Parcel No.	<u>158.16-01-090.000</u>
Municipality	<u>Bath Village</u>
Grantee(s)	<u>Neil M. Fagan</u>
Grantee(s) Address	<u>6705 Pheasant Lane, Bath, NY 14810</u>
Consideration	<u>\$2,805.00</u>

**Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.**

SCHEDULE "C"

Resolution No.	<u>C-1</u>
Former Owner	<u>Edward F. Collins</u>
Parcel No.	<u>205.00-01-010.000</u>
Municipality	<u>Town of Thurston</u>
Grantee(s)	<u>Edward F. Collins</u>
Grantee(s) Address	<u>2366 Turk Hill Road, Victor, NY 14564</u>
Disposition	<u>Quitclaim Deed</u>

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 056-15**

Introduced by J. Hauryski.

Seconded by G. Roush.

**RECEIVING AND ACCEPTING THE APRIL 27, 2015 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 16, 2015**

NYS Office of Parks, Recreation and Historic Preservation – Re: Notification of property located at 117 West Washington Street, Bath, NY (James H. Bolton House) in Steuben County is listed on the National Register of Historic Places. *Referred to: A.I.P. Committee; and Eleanor Silliman, County Historian.*

Steuben County Hunger Coalition – Re: 2014 Steuben County Hunger Coalition Statistics. *Referred to: Human Services/Health & Education Committee; and Kathryn Muller, Commissioner of Social Services.*

NYS Office of Homeland Security and Emergency Services – Re: The Intrastate Mutual Aid Program (IMAP) standard operating guidelines. *Referred to: Public Safety & Corrections Committee; and Tim Marshall, EMO Director.*

Finger Lakes SPCA – Re: The Animal Cruelty Investigation Program Report. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

**March 17, 2015**

NYS Department of Environmental Conservation – Re: Notification of a Public Hearing scheduled for Thursday, March 26, 2015 at the Ramada Inn located at 304 South Hamilton Street in Painted Post, NY from 6:30pm – 8:00pm (Northeastern portion of the City of Corning). *Referred to: A.I.P. Committee; Amy Dlugos, Planning Director; and Steuben County Environmental Management Council.*

Corning Incorporated – Fact Sheet on NYSDEC Project ID#851046, Corning, New York. *Referred to: A.I.P. Committee; Amy Dlugos, Planning Director; and Steuben County Environmental Management Council.*

**March 23, 2015**

Civil Service Employees’ Association, Inc. (CSEA Local 851) – Re: Employee Grievance. *Referred to: Mark Alger, County Manager; and Nancy Smith, Personnel Director.*

Civil Service Employees’ Association, Inc. (CSEA Local 851) – Re: Employee Grievance. *Referred to: Mark Alger, County Manager; and Nancy Smith, Personnel Director.*

NYS Office of the State Comptroller – Re: Certificate approving the allocation of sales and compensation use taxes set forth in the agreement between the County of Steuben and the Cities of Corning and Hornell dated December 30, 2014. *Referred to: Brenda Mori, Clerk of the Legislature.*

NYS Homeland Security and Emergency Services - Re: Notification of the Mutualink deployment will be available to all counties in New York at no charge. In order for the county to participate, counties will need to designate a project manager and provide the signed memorandum of agreement (MOA) within thirty days. *Referred to: Public Safety & Corrections Committee; and Tim Marshall, EMO Director.*

NYSAC – Listing of programs/partnerships designed to help New York State counties save taxpayer dollars. *Referred to: Mark Alger, County Manager.*

**March 24, 2015**

Environmental Emergency Services, Inc. – Re: Thank you letter for the 2015 appropriation. *Referred to: Public Safety & Corrections Committee; and Tim Marshall, EMO Director.*

The New York State Citizen Review Panels for Child Protective Services – Re: 2014 Annual Report and recommendations is available at [www.citizenreviewpanelsny.org](http://www.citizenreviewpanelsny.org). *Referred to: Human Services/Health & Education Committee; and Kathryn Muller, Commissioner of Social Services.*

NYS Department of Taxation & Finance, Office of Real Property Tax Services – Re: Notice of 2015 Oil and Gas unit of Production Values. *Referred to: Wendy Flaitz, Real Property Director; and Patrick Donnelly, Commissioner of Finance.*

**March 30, 2015**

Harris Beach PLLC, Attorneys at Law – Re: Steuben County Industrial Development Agency and Hawkes, LLC distribution of the real property tax exemption form (RP-412a) along with the tax agreement for property located at 75-79 West Market Street, City of Corning. *Referred to: Finance and Administration Committees; Patrick Donnelly, Commissioner of Finance; Wendy Flaitz, Real Property Director; and Alan Reed, County Attorney.*

**April 6, 2015**

Harris Beach PLLC, Attorneys at Law – Re: Steuben County Industrial Development Agency and Hawkes, LLC distribution of corrected/replacement page 2 of the real property tax exemption form (RP-412a) for property located at 75-79 West Market Street, City of Corning. *Referred to: Finance and Administration Committees; Patrick Donnelly, Commissioner of Finance; Wendy Flaitz, Real Property Director; and Alan Reed, County Attorney.*

NYS Office for the Aging – Re: Notification of Grant Award for the federal fiscal year 2015 (FFY 2015) Nutrition Services Incentive Program. *Referred to: Human Services/Health & Education Committee; and Patricia Baroody, OFA Director.*

Western Regional Off-Track Betting Corporation – Re: Check in the amount of \$2,473, which represents the February 2015 surcharge revenue for Steuben County. *Referred to: Finance and Administration Committees; and Patrick Donnelly, Commissioner of Finance.*

New York State Housing Trust Fund Corporation (HTFC) – Re: Notice of intent to request release of funds. *Referred to: Amy Dlugos, Planning Director.*

**April 9, 2015**

Emergency Medical Services Training, Administration & Resources – Re: First Quarter Report for 2015. *Referred to: Human Services/Health & Education Committee; Public Safety & Corrections Committee; Victoria Fuerst, PHN Director; and Tim Marshall, EMO Director.*

Steuben County Industrial Development Agency – Re: Notice of public hearing regarding the Steuben County Industrial Development Agency and Crop Productions Services, Inc. is scheduled for Monday, April 20, 2015 at 10:00am at the Cohocton Development Corporation Building located at 71 Maple Avenue, Cohocton, New York. *Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.*

**April 10, 2015**

Bishop Sheen Ecumenical Housing Foundation – Re: Environmental Review Record (HOME 2013 Program) on file for review for the public until May 13, 2015. *Referred to: Amy Dlugos, Planning Director and filed with Brenda Mori, Clerk of the Legislature.*

**April 15, 2015**

NYS Division of Homeland Security – Re: Notification of tentatively being awarded \$130,000 under the FY2015 State Homeland Security Program (SHSP). As per Federal guidelines, 25 percent (\$32,500) of your award must be directed towards law enforcement terrorism prevention activities. *Referred to: Public Safety & Corrections Committee; Tim Marshall, EMO Director; and Sheriff Cole.*

**April 16, 2015**

New York State Homes & Community Renewal – Re: Notification of the grant agreement 12-month completion notice for the NYS CDBG Project#1115HR3-13 is April 10, 2016. *Referred to: Amy Dlugos, Planning Director.*

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 057-15**

Introduced by P. McAllister.

Seconded by H. Lando.

**FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. TWO FOR THE YEAR 2015, AMENDING THE STEUBEN COUNTY CHARTER, ESTABLISHING THE TERM LIMITS OF COUNTY LEGISLATORS AT FOUR (4) SUCCESSIVE FULL TERMS.**

Pursuant to the Steuben County Charter, Article II, Section 2.07(5).

**WHEREAS**, there has been duly presented to the members of the Steuben County Legislature on March 23, 2015, County of Steuben Local Law Tentatively No. Two for the Year 2015, Amending the Steuben County Charter, Establishing the Term Limits of County Legislators at Four (4) Successive Full Terms, preliminarily adopted said Local Law on March 23, 2015, making the final adoption of said Local Law subject to a Public Hearing to be held on April 27, 2015; and

**WHEREAS**, in accordance with said resolution and Notice of Public Hearing, this County Legislature of the County of Steuben did conduct a Public Hearing on April 27, 2015, at 10:00 A.M., and all persons appearing were given the opportunity to be heard, and the Clerk of this Legislature having filed proof of the publication and posting of the Notice of Public Hearing.

**NOW THEREFORE, BE IT**

**RESOLVED**, that County of Steuben Local Law Tentatively No. Two for the Year 2015, as hereinafter set forth be, and the same hereby is, finally adopted, to wit:

**COUNTY OF STEUBEN  
LOCAL LAW TENTATIVELY NO. TWO FOR THE YEAR 2015**

A Local Law, Amending the Steuben County Charter, Establishing the Term Limits of County Legislators at Four (4) Successive Full Terms.

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

**SECTION 1. LEGISLATIVE INTENT:** It is the intent of the Steuben County Legislature to amend the Steuben County Charter to include provision for term limits at four (4) successive full terms of office for County Legislators and to supersede any other local law pertaining thereto.

**SECTION 2. AMENDMENT TO THE STEUBEN COUNTY CHARTER:** The Steuben County Charter, be and the same, hereby is amended by adding a third paragraph to Article II, Section 2.01 with all other provisions of the Steuben County Charter remaining in full force and effect, to read as follows:

Notwithstanding any law to the contrary as limited only to the provisions of Section 1.02 of this Charter, the number of terms of office for which an individual County Legislator is qualified to serve shall be limited to four (4) successive full terms of office as a Steuben County Legislator, without regard to beginning date of the initial full term. A "full term" is a term where the full number of years are to be served under the "term of office" as provided under this Charter, Article II Section 2.02. Any disqualification under this limitation of four (4) successive full terms shall only be operative against an individual for one full term immediately following a four (4) successive full terms limit.

NOTE: Old law is in brackets [ ] and deleted;  
New matter is underlined.

**SECTION 3. EFFECTIVE DATE:** The within Local Law shall be effective immediately upon adoption.

**AND BE IT FURTHER RESOLVED**, a Public Hearing on the within Local Law has been held on April 27, 2015 at 10:00 A.M. at the Legislative Chambers, Village of Bath, New York; and be it further

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

**RESOLVED**, within twenty (20) days after the final adoption by this County Legislature of said County of Steuben, Local Law Tentatively No. Two for the Year 2015, the Clerk of this Legislature shall cause one certified copy thereof to be filed in the in the Office of the Secretary of State of the State of New York, and said Secretary of State is to be requested to publish the Local Law in the supplement to the Session Laws and the Steuben County Clerk is to be requested to file the Local Law in a separate book kept by her for such records; and be it further

**RESOLVED**, the Clerk of the Legislature, in accordance with Section 214, shall cause a true copy of said Local Law to be published in the two County official newspapers within ten (10) days after such Local Law has become effective; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to the County Manager, Commissioners of the Board of Elections, Personnel Officer, Commissioner of Finance, and the County Attorney.

Mr. Mullen commented that he visited all of his towns this month and talked with three of them about this issue. They were overwhelmingly opposed to this Local Law. I think there is wisdom in their opposition. It is good to continue to cycle people into and out of the Legislature.

Mr. Roush commented that he also talked with the Erwin Town Board and they are opposed to this as well. This affects all of the Legislators, not just Mr. McAllister. This is my sixth year on the Board and the makeup of the Board has changed considerably with people being termed out. The group we have now is very good. He is very much in favor of term limits. Going to four terms is almost the same as not having any term limits. We should lower the number of terms to two instead of three. He will vote no.

Mr. Swackhamer, Majority Leader, called for a Republican Caucus.

***Motion to Adjourn into a Republican Caucus made by Mr. McAllister, seconded by Mrs. Ferratella and duly carried.***

Chairman Hauryski reconvened the meeting.

Mrs. Lando asked Mr. Reed to provide an overview as to why we are proposing this local law. Mr. Reed replied he submitted an opinion to the Legislature, dated March 9, 2015, which stated that the general role of government action in New York is representative government. The exceptions to referendum are when an action is authorized by statute or constitution. County Municipal Home Rule Law Section 33 and Section 34 allows for the amendments of County Charters with certain restrictions. The question is what do term limits do? This creates a limitation on term qualifications for office. As such, the qualification for office is not subject to referendum. You are not authorized to submit this for referendum. He stated his conclusion is that if the Board wants to make a modification to term limits, it must be done by local law.

Mrs. Lando asked why was this passed by mandatory referendum in 1994? Mr. Reed replied he does not have that institutional knowledge, and really cannot answer that question. Now, recent opinions provide greater guidance than when term limits were a newer concept back in the 1980's and early 1990's.

Mr. McAllister stated that he would like to thank Mr. Roush for his comments. All Legislators would be affected equally, however, he would be the first affected. He stated that he does not know if he would or would not run for another term. Even if he did not run again, he would vote in favor of this. There is a benefit to having the institutional knowledge on the Board a little longer. In every other job, that is an asset. Twenty-one years ago term limits were voted in by the will of the people. However, that question should have been asked as two separate questions. First, do you want term limits, yes or no. There was no doubt the people wanted term limits. They were never asked the second question, which should have been, do you want a two, three, or four term limit. If they had picked from those choices, that would have been the will of the people. Those two separate questions were asked as one question and the people were not given a choice. Either they had to vote for a term limit of three terms, or no limit at all. It was the will of the Legislature at the time that came up with three terms and placed that in front of the people. They did vote for that. You had to pick that or nothing else.

Mr. Van Etten stated he thinks this is much ado about nothing. Every one of us is limited to a four year term of office, and must run for re-election. If at any time our district residents are unhappy with our performance, they can show that by voting for someone else. I'm totally in favor of term limits for the President, and I believe positions like US Congress and the NYS Assembly and Senate should also be limited to a fixed term of service. These people make a career out of being a full-time politician, and therefore they are more apt to be influenced by PAC's, lobbyists, and other outside interests. I don't know about the rest of you, but I have been sitting by my phone for the last 7 ½ years and have yet to

receive my first call from someone willing to give me money to influence my vote. It just doesn't happen at our level folks, we are part-time Legislators. We all do something to make our living and we aren't susceptible to that type of outside influence. I believe the term limits have actually hurt the County and the residents that we serve. How many other \$180 million businesses do you know of that throw their most experienced Board Members off, because they have been there 12 years? I've heard of age limits on Board of Directors, but experience can't be replaced easily, and this type of limit actually harms the County. Take someone like Gary Swackhamer. He served 24 years as a Legislator, chaired many committees, understood the budget like few others, and yet he had to step aside because he had reached the magic 3 term number. The people of Hornell and the entire County were hurt by him not being on the Board. And it's obvious those folks felt the same way, because when he was able to run for the other seat in his two-seat district, he won without opposition. My own personal situation isn't much different. I was taught in Scouting that public service is an important thing, not only a right, but a responsibility of every American. I ran for Town Council when I was 18 and won. After college, I ran for Town Supervisor and held that office for 16 years. All the while I wanted to eventually run for County Legislature, but out of respect for Doc Baker, I wouldn't run against him. So, now I'm in my 7<sup>th</sup> year, and I plan on running for another four year term this summer. Why? Because I enjoy serving the residents of my district. I wish more people would get involved in public service, but I think voter apathy, combined with other additional responsibilities that people have with earning a living and raising a family, make it difficult for many to make that commitment. So why limit the ability of people that actually want to serve? Because that's what this term limit does. Every four years we face re-election and at that time the voters in our district can decide whether we are worthy of another four years of service. There is no reason that someone else interested in the job can't come forward and run as well. Every four years, our jobs are up for grabs. To close, I find it interesting that one of the loudest opponents of this resolution is my friend from the Town of Erwin. He claims that this term limit is necessary to force turnover, bring in new blood, new ideas and foster growth in the County. He takes this position, while he is completing his 25<sup>th</sup> year as a Town Councilman in Erwin. Erwin, a town that is the envy of many in this County because of their economic strength, continuous development, and growth. So, apparently Board members with lots of experience are making the right decisions in Erwin, but here in Steuben County we need new blood.

Mrs. Lando commented that she could not have said it any better than Mr. McAllister and Mr. Van Etten.

Mrs. Ferratella stated that she would like to reiterate her experience on the Legislature. She is amazed at the length of time it takes to understand the County, the facilities and the programs. You still need more time. When she came on, there was turnover because of term limits. We lost a lot of expertise and knowledge, and that is so important.

**Vote: Roll Call – Adopted. (Yes – 6282, No – 2965, Absent – 625)  
(No – Legislators Booth, Hanna, Mullen, Roush and Weaver; Absent – Legislator Farrand)**

#### **RESOLUTION NO. 058-15**

Introduced by M. Hanna.

Seconded by H. Lando.

#### **AUTHORIZING THE INCREASE OF CERTAIN TIPPING FEES EFFECTIVE MAY 4, 2015.**

Pursuant to the Steuben County Charter, Article II, Section 2.07 and Article 5 of the County Law of the State of New York.

**WHEREAS**, the Steuben County Landfill has not charged for freon containing units, such as refrigerators and air conditioners, since 1994; and

**WHEREAS**, stores and waste collectors are charging customers for the disposal of freon containing units and bringing them to the Steuben County facilities at no charge; and

**WHEREAS**, the County has kept the fee at \$2.50, for more than 20 years, to dispose of couches, mattresses, box springs and chairs; and

**WHEREAS**, the Public Works Committee recommends raising the fees for the items.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Legislature does hereby authorize the Commissioner of Public Works to implement a fee for freon containing units of \$10.00 per unit and increase the fee for couches, mattresses, box springs and chairs to \$5.00 per item; and be it further

**RESOLVED**, the modifications shall become effective May 4, 2015, and remain in effect until further notice; and be it further

**RESOLVED**, these modifications shall apply to private individuals, businesses, industry, commercial haulers and local political subdivisions of the State of New York within the County of Steuben; and be it further

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

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 059-15**

Introduced by M. Hanna.

Seconded by G. Swackhamer.

**AUTHORIZING THE COMMISSIONER OF FINANCE TO ADD THE CR 126 PROJECT TO THE PUBLIC WORKS DEPARTMENT'S CAPITAL CONSTRUCTION ACCOUNT.**

Pursuant to the Steuben County Charter, Article II, Section 2.07(2).

**WHEREAS**, the Greenwood section of CR 126 has deteriorated significantly; and

**WHEREAS**, the adjoining section of CR 126 has been reconstructed and is in good condition; and

**WHEREAS**, the Capital Projects funding for 2015 was increased subsequent to the submittal of the 2015 list of roads; and

**WHEREAS**, additional highway funding has also been received from the State of New York to pay for the effects of the severe winter of 2014/15; and

**WHEREAS**, the Capital Construction account has sufficient funds to rebuild the remaining 2.5 miles of CR 126.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Commissioner of Finance is hereby authorized to add a new project to the Permanent Improvements, Capital Projects as follows:

**D 511200 5 251010, R126-00 Greenwood 2.5 miles**

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

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 060-15**

Introduced by B. Schu.

Seconded by G. Roush.

**AUTHORIZING THE EXECUTION OF THE SOUTHERN TIER INTEROPERABLE COMMUNICATIONS CONSORTIUM AGREEMENT.**

Pursuant to the Steuben County Charter, Article II, Section 2.07.

**WHEREAS**, the (3) Counties collectively known as the Southern Tier Consortium (Chemung, Schuyler and Steuben) (hereinafter referred to as the COUNTIES) believe it would be in the best interest of their respective public safety first responders if the Southern Tier Region worked as a consortium to develop an improved interoperable wireless communications system for governmental public safety/service agencies throughout the Southern Tier Region; and

**WHEREAS**, the COUNTIES seek to demonstrate their commitment to promote multi-jurisdictional and multi-discipline (e.g. law enforcement, fire service, emergency medical, emergency management, public health, public works, and 9-1-1 communications centers) interoperable public safety communications; and

**WHEREAS**, a collaborative regional partnership would provide each County's public safety first responders the ability to communicate on an interoperable wireless communications system, during natural or man-made events that cause or create a serious negative impact on the Southern Tier Region, and

**WHEREAS**, the need for collaborative partnerships has been expressed in the National SAFECOM program, and is encouraged by the State and Federal Government through a number of state/federal grant programs, and is well recognized as the standard for implementing interoperable communications systems, and

**WHEREAS**, the New York State Division of Homeland Security and Emergency Services (DHSES), through its Office of Interoperable and Emergency Communications (OIEC) has implemented a grant program to facilitate the development, consolidation or operation of public safety communications to support statewide interoperable communications for first responders; and

**WHEREAS**, the COUNTIES are municipal corporations as defined in Section 119-n of General Municipal Law of the State of New York, and

**WHEREAS**, Article 5-G of the General Municipal Law authorizes municipal governments to contract to perform together that which each government is authorized to perform individually; and

**WHEREAS**, the COUNTIES find that the development of a interoperable wireless communications system for governmental public safety/service agencies throughout the Southern Tier Region will protect the health, safety and welfare of the residents of the counties; and

**WHEREAS**, the COUNTIES have skilled personnel and facilities available to undertake such a project; and

**WHEREAS**, the COUNTIES desire this agreement and the work to be performed under it to fully comply with all pertinent State and local laws, regulations and policies.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the County Manager is authorized to execute an agreement with Chemung & Schuyler

Counties to implement a Southern Tier Interoperable Communications Consortium; and be it further

**RESOLVED**, that a copy of this resolution shall be sent to Timothy D. Marshall, Director, Steuben County Emergency Management Office; Mark Cicoria Jr., Director, Chemung County Office of Fire and Emergency Management, 425 Pennsylvania Ave., Elmira, NY 14902-0588; and William Kennedy, Director, Schuyler County Emergency Management, 106 Tenth Street, Unit 36, Watkins Glen, NY 14891.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 061-15**

Introduced by B. Schu.

Seconded by H. Lando.

**AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY SERVICES FOR MUTUALINK SERVICES.**

Pursuant to the Steuben County Charter, Article II, Section 2.07.

**WHEREAS**, the New York State Department of Homeland Security and Emergency Services (DHSES) has acquired the hardware, software and Mutualink Edge Subscription Service for Mutualink interoperability platforms and wishes to temporarily loan such equipment at no cost to New York State Counties for communications purposes; and

**WHEREAS**, DHSES agrees to provide to the County on a temporary loan basis, a copy of the Mutualink Edge software with up to five (5) User Subscriptions for County Use, in addition to network interface controllers (NIC) to tie into available County media capabilities; and

**WHEREAS**, a Memorandum of Agreement (MOA) establishes the responsibilities, guidelines and procedures for the deployment and use of the equipment, software and user subscriptions provided to the County by DHSES; and

**WHEREAS**, the County will receive and operate the equipment in accordance to the terms and conditions of the MOA; and

**WHEREAS**, the said resources are being provided on a loan basis and title to the Interoperable Communications Resources shall remain with the State at all times; and

**WHEREAS**, either party shall have the right to terminate this MOA early for: (i) unavailability of funds, (ii) cause; or (iii) convenience upon ten (10) business days' written notice; and

**WHEREAS**, the County may terminate this MOA, upon written notice of termination to the State, if the County is unable or unwilling to comply with the terms and conditions of the MOA.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the County Manager is authorized to enter into such a Memorandum of Agreement with DHSES to implement this program; and be it further

**RESOLVED**, that a certified copy of this resolution shall be sent to Timothy D. Marshall, Director, Steuben County Emergency Management Office; David Hopkins, Director of Steuben County 911; and Robert M. Barbato, Director, Office of Interoperable Communications, New York Division of Homeland Security and Emergency Services, 1220 Washington Avenue, State Office Campus, Building 7A, 7th Floor, Albany, NY 12226.

Mr. Weaver stated that it would seem that we keep free things from the State, however, there are costs associated with implementing the programs, updates, etc. We may need to step back and look at the real cost to the County for these free program.

Mr. Booth stated that is a concern that needs to be taken into account.

**Vote: Roll Call – Adopted.**

### **RESOLUTION NO. 062-15**

Introduced by C. Ferratella.

Seconded by R. Lattimer.

#### **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 the Steuben County Charter, Article II, Section 2.07.

**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**, that the Director of Steuben County Public Health be and the same hereby is authorized and directed to enter into an Intergovernmental Cooperation Agreement to provide mutual aid for Public Health emergency services for the period of July 1, 2015 through June 30, 2020; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the Steuben County Director of Public Health.

**Vote: Roll Call – Adopted.**

### **RESOLUTION NO. 063-15**

Introduced by C. Ferratella and L. Crossett.

Seconded by R. Weaver.

#### **ACCEPTING AND APPROPRIATING THE EBOLA PREPAREDNESS AND RESPONSE GRANT.**

Pursuant to the Steuben County Charter, Article II, Section 2.07.

**WHEREAS**, the New York State Department of Health is administering funds relative to Ebola Preparedness and Response; and

**WHEREAS**, the threat of Ebola virus disease is a top national public health priority; and

**WHEREAS**, these awards are to be used to accelerate state and local public health preparedness, planning and operational readiness for responding to Ebola; and

**WHEREAS**, Steuben County has been awarded a Public Health Emergency Preparedness Grant in the amount of \$38,000; and

**WHEREAS**, the work plan as submitted to New York State Department of Health has been approved.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Commissioner of Finance be and the same hereby is authorized and directed to accept \$38,000 as revenue and appropriate that amount in the 2015 Steuben County Public Health Budget as follows:

402800	4 4401950	PHEP Ebola Preparedness	\$38,000
402800	5 1100000	Salaries & Wages	\$804
402800	5 405100	Medical Supplies	\$6,640
402800	5 471000	Employee Mileage	\$1,000
402800	5 421140	Professional Fees	\$10,000
402800	5 421100	Consultants-Professionals	\$15,525
402800	5 446460	Administration	\$3,455
402800	5 830000	Social Security	\$576
		<b>TOTAL</b>	<b>\$38,000</b>

**AND BE IT FURTHER RESOLVED**, a certified copy of this resolution shall be forwarded to the Director of Public Health and the Commissioner of Finance.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 064-15**

Introduced by C. Ferratella.

Seconded by R. Lattimer.

**AUTHORIZING THE DIRECTOR OF COMMUNITY SERVICES TO CONTRACT WITH ALLEGANY REHABILITATION ASSOCIATES, INC. FOR THE PROVISION OF HOME BASED CRISIS INTERVENTION SERVICES.**

Pursuant to the Steuben County Charter, Article II, Section 2.07.

**WHEREAS**, New York State Office of Mental Health has made \$250,000 of State Aid funding available to provide a Home Based Crisis Intervention Program for children and adolescents; and

**WHEREAS**, Steuben County serves as the lead County in a collaborative effort with Allegany and Livingston Counties to contract with an agency to provide this service within the multi-county area; and

**WHEREAS**, the Human Services, Health and Education Committee has awarded the RFP for these services to Allegany Rehabilitation Associates, Inc. of Wellsville, NY.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Director of Community Services is hereby authorized to enter into a contract for \$250,000 with Allegany Rehabilitation Associates, Inc. of 4220 State Rt. 417W, Wellsville, NY, 14895 to provide above mentioned services; and be it further

**RESOLVED**, that certified copies of this resolution shall be forwarded to the Director of Community Services; the Commissioner of Finance; Michael Damiano, Director, ARA Counseling Center, 4220 State Rt. 417, Wellsville, NY 14895; Robert Anderson, Director, Allegany County Community Services, 45 North Broad Street, Wellsville, NY 14895; Michele Anuszkiewicz, Director, Livingston County Community Services, 4600 Millennium Drive, Geneseo, NY 14454; and Christine Smith, Director, Western NY OMH Field Office, 737 Delaware Ave., Suite 200, Buffalo, NY 14209.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 065-15**

Introduced by C. Ferratella.

Seconded by G. Roush.

**AUTHORIZING THE EXECUTION OF VARIOUS LEASES FOR USE OF OFFICE SPACE.**

Pursuant to the Steuben County Charter, Article III, Section 3.2(15).

**WHEREAS**, Steuben County Office for the Aging is in need of satellite office space for the provision of information and assistance for an array of aging services for consumers in local communities; and

**WHEREAS**, this in-kind office space is made available by municipalities and community groups and is in the best interest of the County of Steuben to have a presence in these communities; and

**WHEREAS**, the Corning office space at 1 Park Lane, Corning, NY is available for a fee of \$1,200 annually toward the cost of utilities; and

**WHEREAS**, the Hornell office at 20 Broadway Mall, Hornell, NY is available at no cost.

**NOW THEREFORE, BE IT**

**RESOLVED**, the County Manager is hereby authorized to enter into lease agreements with various municipalities or community groups for the use of the County and its Department of Office for the Aging where the consideration shall be for in-kind services or shall not exceed \$2,000 per year for office space; and be it further

**RESOLVED**, that the Legislature delegates the authority for review, approval and/or renewal of these leases to the Human Services, Health & Education Committee; and be it further

**RESOLVED**, that a certified copy of this resolution shall be forwarded to the Director of the Office for the Aging.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 066-15**

Introduced by R. Weaver and L. Crossett.

Seconded by H. Lando.

**AUTHORIZING THE TRANSFER OF \$49,529.00 FROM THE REPAIRS AND RENOVATION RESERVE, AND APPROPRIATING \$17,417.00 TO THE CAPITAL PROJECT FOR THE SEAL/STRIPING OF COUNTY PARKING LOTS, AND \$32,112.00 TO A NEWLY ESTABLISHED CAPITAL PROJECT FOR THE PROACTION BUILDING ELEVATOR REPAIR.**

Pursuant to the Steuben County Charter, Article II, Section 2.07.

**WHEREAS**, it is necessary to appropriate funds for both the sealing/stripping of county parking lots located at the County Office Building Complex, and for the repair of the elevator at the ProAction Building; and

**WHEREAS**, funds are available within the Buildings and Grounds Repairs and Renovation Reserve; and

**WHEREAS**, in accordance with said resolution and Notice of Public Hearing, this County Legislature of the County of Steuben did conduct a Public Hearing on April 27, 2015, at 10:00 A.M., and all persons appearing were given the opportunity to be heard.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Commissioner of Finance is hereby authorized and directed to appropriate the sum of \$49,529.00 from the Repairs and Renovations Reserve, with \$17,417.00 appropriated to the Seal/Striping of County Parking Lots Capital Project (HB010 – HB0107), and \$32,112.00 appropriated to a newly established ProAction Elevator Repair Capital Project; and be it

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

Mr. Hanna asked will ProAction be staying in that building? Ms. Lattimer replied there has been no talk of them leaving the building.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 067-15**

Introduced by R. Weaver.

Seconded by G. Swackhamer.

**APPROVING THE ADDITION OF AGRICULTURAL LANDS TO CERTIFIED AGRICULTURAL DISTRICTS.**

Pursuant to Article 25-AA, Section 303-b, of the Agriculture and Markets Law of the State of New York and the Steuben County Charter, Article II, Section 2.07.

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

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

**WHEREAS**, the Steuben County Agriculture and Farmland Protection Board has reviewed the matter, found the land to be viable for agricultural production, and submitted a report to this Legislature; and

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

**WHEREAS**, the Steuben County Legislature gave legal notice of and held the required public hearing of this matter on the 27th day of April, 2015 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. 3:

466200	011.00-01-011.100
466200	011.00-01-014.110
466200	011.00-01-014.120
466200	011.00-01-014.130

**AND BE IT FURTHER RESOLVED**, that the following tax parcels shall be added to Agricultural District No. 6:

462089	295.00-01-002.000
462089	295.00-01-017.100
463000	262.00-01-019.000
463000	262.00-01-027.000
463000	262.00-01-039.000
465800	406.00-01-015.100
465800	406.00-01-016.113
465800	406.00-01-022.111
465800	407.00-01-010.100
466400	294.00-01-012.200

**AND BE IT FURTHER RESOLVED**, that the following tax parcel shall be added to Agricultural District No. 7:

464400	109.00-01-024.000
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**AND BE IT FURTHER RESOLVED**, that certified copies of this resolution shall be forwarded to the Director of the Steuben County 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. 068-15**

Introduced by P. McAllister.

Seconded by H. Lando.

**AUTHORIZING THE TRANSFER AND RECLASSIFICATION OF A VACANT, ZERO-BASED POSITION FROM PUBLIC HEALTH AND NURSING SERVICES TO THE WEIGHTS AND MEASURES DEPARTMENT.**

Pursuant to the Steuben County Charter, Article II, Section 2.07.

**WHEREAS**, there is a need for an Assistant Sealer of Weights & Measures; and

**WHEREAS**, there is one vacant, zero-based position within the Public Health & Nursing Services that can be transferred; and

**WHEREAS**, the Administration Committee has approved reclassification of the position listed below and transferring said position to the Weights and Measures Department.

**NOW THEREFORE, BE IT**

**RESOLVED**, effective with the adoption of this resolution, the following position in Steuben County is reclassified and transferred as follows:

**TRANSFER AND RECLASSIFY**

**FROM** Public Health & Nursing Services one (1) Registered Professional Nurse, Grade 12,  
(\$34,970 - \$49,371)

**TO** Office of Weights and Measures one (1) Assistant Sealer of Weights & Measures, Grade 12,  
(\$34,970 - \$49,371)

**AND BE IT FURTHER RESOLVED**, that the 2015 County Job Classification and Salary Schedule is hereby amended to reflect the above stated change; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the Personnel Officer, Commissioner of Finance, the Director of Public Health & Nursing Services, and the Director of Weights and Measures.

Mr. Booth asked is there a need for this position? Mr. Alger replied we are anticipating turnover in the department. This will allow us to bring in an individual and get them trained. This is a transition training program and this position will not be backfilled.

**Vote: Roll Call – Adopted.**

*Motion to Adjourn Regular Session and Reconvene in Executive Session Pursuant to Public Officers' Law, Article 7§ 105.1.D. Discussions Regarding Proposed, Pending or Current Litigation, and Article 7§ 105.1.E. Collective Negotiations Pursuant to Article Fourteen of the Civil Service Law made by Mr. Van Etten. Seconded by Mr. McAllister and duly carried.*

*Motion Authorizing the Law Department to Pursue Settling a Worker's Compensation Claim made by Mr. Van Etten. Seconded by Mr. Crossett and duly carried.*

*Motion to Adjourn Executive Session and Reconvene in Regular Session made by Mrs. Lando. Seconded by Mr. Schu and duly carried.*

*Motion to Adjourn made by Mr. McAllister. Seconded by Mr. Roush and duly carried.*