REGULAR MEETING
Morning Session
Monday, August 26, 2019
Legislative Chambers

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers in Bath, NY on the 26th day of August, 2019 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 Legislators Potter and Van Etten.

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

Chairman Hauryski asked Jamie Card to come forward. Ms. Card is an employee in the 911 Department. He presented her with a Certificate of Appreciation and a pin in recognition of her 10 years of service to Steuben County.

Chairman Hauryski asked David Hopkins to come forward. Mr. Hopkins is the Director of the 911 Department. He presented him with a Certificate of Appreciation and a pin in recognition of his 10 years of service to Steuben County.

Chairman Hauryski asked Elaine Brown to come forward. Ms. Brown is an employee in the Department of Social Services. He presented her with a Certificate of Appreciation and a pin in recognition of her 15 years of service to Steuben County.

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

Chairman Hauryski asked Jim Kennedy to come forward. Mr. Kennedy is an employee in the County Clerk’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, spoke about climate change and how it relates to the rainforest wildfires in Brazil and the ice melt in Greenland. He also spoke about the inhumane incarceration of migrant children.

James Koegel, Hornell, thanked the Legislature for the opportunity to follow up on some materials that he had presented to the AIP Committee regarding wind projects. There are three projects in the county with several more being proposed which stretch from Cohocton to the Pennsylvania State line totaling several hundred wind turbines. The largest will be the Canisteo Wind Energy (CWE) project. There is a demand for wind energy, however, they are not reliable, they are not economically friendly and they need State and Federal subsidies. The only reason to build a wind farm is for the tax credit. With regard to the economic impact, for all of the money that the wind developers promise, they will receive more in subsidies than they will disburse. In terms of job creation, for CWE they will bring in 300 temporary jobs that will be held by out-of-area workers. There will only end up being 7 permanent positions. After 20 years, the wind turbines will be dismantled and the developers will offer $10,000 per unit for dismantling, but they will not fund that until the windmills are fully dismantled. Mr. Koegel stated property values will decline as much as 40 percent depending on the proximity of the windmills. As property value, resale value and assessed value decrease, what will happen to the tax base and who will make up the loss?
He implored the Legislature to research the growing body of information on these projects. Is this what we really want for the County?

There being no further comments, Chairman Hauryiski 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 upon County of Steuben Local Law Tentatively No. Two for the Year 2019, Repealing Local Law No. Two of 2015 Establishing County Administration of the Steuben County Driver Diversion Program. Chairman Hauryiski 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. Maio, seconded by Mrs. Ferratella and duly carried.

Ms. Mori reminded the Legislature that the September meetings of the Public Safety & Corrections and Public Works Committees will be held on Monday, September 9th due to the Labor Day holiday.

RESOLUTION NO. 135-19

Introduced by G. Swackhamer. Seconded by R. Weaver.

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 hereby authorized and directed to cancel the sale of the parcel contained in Schedule “B” sold at the Delinquent Tax Sale on July 12, 2019 as Sale No. 89 and previously approved on Resolution 122-19, Schedule D-60, due to errors contained in the description of the parcel identified as Tax Map No. 151.05-01-029.000; and the Commissioner of Finance is further directed to refund all monies paid for the purchase of the parcel by the successful bidder; and

RESOLVED, that pursuant to Real Property Tax Law §1166, 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, upon receipt of the consideration indicated, with the parcel being the same premises acquired by Steuben County through two Judgments of Foreclosure, the first being executed by Hon. Marianne Furfure on May 6, 2016 under Index No. 2014-1414CV for Tax Map No. 129.13-01-028.000, and the second being executed by Hon. Peter C. Bradstreet on May 3, 2018 under Index No. 2016-1201CV for Tax Map No. 129.13-01-029.000; and the two recited parcels thereafter being consolidated into a single parcel by the County of Steuben in 2019; and be it further

RESOLVED, the said grantee(s) must accept the parcel(s) contained in Schedule “C” "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, 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 “D”, the Commissioner of Finance is authorized to cancel the unpaid taxes
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 “E”, 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 “E” 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 “E”, as approved by the Finance Committee on August 13, 2019. 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 upon the execution of PILOT Agreements between the City of Hornell Industrial Development Agency and the entities recited on Schedule “F”, the Steuben County Commissioner of Finance is authorized and directed to cancel the interest and penalties imposed on the 2019 Town and County Taxes, and only the interest and penalties, without modification of the original tax amount due for each of the recited parcels located in the City of Hornell and contained in Schedule “F”, as approved by the Steuben County Finance Committee on August 13, 2019; and it is 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, the Clerk of the Board of Education of the appropriate School District, 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, the Clerk of the Board of Education of the appropriate School District, and the grantee(s); and certified copies of this resolution contained in Schedule “D” 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; and certified copies of this resolution contained in Schedule “E” 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; and certified copies of this resolution contained in Schedule “F” shall be forwarded to the Steuben County Commissioner of Finance, the Director of the Steuben County Real Property Tax Service Agency, the City of Hornell Industrial Development Agency.

SCHEDULE “A”

<table>
<thead>
<tr>
<th>Resolution No.</th>
<th>Name</th>
<th>Parcel No.</th>
<th>Municipality</th>
<th>Disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-1</td>
<td>Sai Sai LLC</td>
<td>316.00-01-010.112</td>
<td>Town of Erwin</td>
<td>Tax Cert Stipulation - Refund 2018 Revised Assessment</td>
</tr>
<tr>
<td>A-2</td>
<td>Sai Sai LLC</td>
<td>316.00-01-010.112</td>
<td>Town of Erwin</td>
<td>Tax Cert Stipulation 2019 Revised Assessment</td>
</tr>
<tr>
<td>Resolution No.</td>
<td>Name</td>
<td>Parcel No.</td>
<td>Municipality</td>
<td>Disposition</td>
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<tr>
<td>----------------</td>
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<tr>
<td>A-3</td>
<td>Chemung Canal Trust Co.</td>
<td>299.13-02-035.000</td>
<td>Town of Erwin</td>
<td>Tax Cert Stipulation - Refund 2017-18 Revised Assessment</td>
</tr>
<tr>
<td>A-5</td>
<td>Feinberg-Maciak Properties LLC</td>
<td>299.13-02-004.000</td>
<td>Town of Erwin</td>
<td>Tax Cert Stipulation - Refund 2020 Revised Assessment</td>
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<tr>
<td>A-7</td>
<td>James H. Burns</td>
<td>189.00-01-007.000</td>
<td>Town of Bath</td>
<td>Tax Cert Stipulation - Refund 2019 Revised Assessment</td>
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<td>A-9</td>
<td>James H. Burns</td>
<td>189.00-01-037.100</td>
<td>Town of Bath</td>
<td>Tax Cert Stipulation - Refund 2019 Revised Assessment</td>
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<td>A-11</td>
<td>James H. Burns</td>
<td>189.00-01-043.000</td>
<td>Town of Bath</td>
<td>Tax Cert Stipulation - Refund 2019 Revised Assessment</td>
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<tr>
<td>A-13</td>
<td>Phillip &amp; Juanita Bennett</td>
<td>127.00-01-002.211</td>
<td>Town of Avoca</td>
<td>2020 Parcel Split</td>
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### SCHEDULE “B”

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<tr>
<th>Resolution No.</th>
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<tbody>
<tr>
<td>Former Owner</td>
<td>Lawence Fink</td>
</tr>
<tr>
<td>In Rem Index No.</td>
<td>2015-1291CV, Judgment filed 05/01/2019</td>
</tr>
<tr>
<td>Date of Tax Sale:</td>
<td>July 12, 2019 (Sale No. 89)</td>
</tr>
<tr>
<td>Parcel No.</td>
<td>151.05-01-029.000</td>
</tr>
<tr>
<td>Municipality</td>
<td>Hornellsville</td>
</tr>
<tr>
<td>Highest Bidder</td>
<td>Edward J Oyer Jr., 12 Armory Place, Hornell, NY 14843</td>
</tr>
<tr>
<td>Consideration</td>
<td>$8,985.00, inclusive of buyer’s premium &amp; recording fees</td>
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<tr>
<td>Disposition</td>
<td>Cancel Sale, Issue Refund of all Money Paid by Bidder</td>
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### SCHEDULE “C”

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<th>Resolution No.</th>
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<tbody>
<tr>
<td>Former Owner(s)</td>
<td>Julia Noyes, Brandy Kirkland / David R. Englert</td>
</tr>
<tr>
<td>Foreclosed Parcels</td>
<td>129.13-01-028.000 (Julia Noyes, 2014-1414CV)</td>
</tr>
<tr>
<td>Current Parcel No.</td>
<td>129.13-01-028.000</td>
</tr>
<tr>
<td>Municipality</td>
<td>Town of Bath</td>
</tr>
<tr>
<td>Grantee(s)</td>
<td>David R. Englert</td>
</tr>
<tr>
<td>Grantee(s) Address</td>
<td>c/o Jeffrey E. Squires, Esq., 14 E. Pulteney Square, P.O. Box 113, Bath, NY 14810</td>
</tr>
<tr>
<td>Consideration</td>
<td>$14,242.42</td>
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<tr>
<td>Disposition</td>
<td>§1166 Sale, Quitclaim Deed</td>
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<tr>
<td>Name</td>
<td>Esther Ingersoll</td>
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<tr>
<td>Parcel No.</td>
<td>280.00-01-050.000/204</td>
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<tr>
<td>Municipality</td>
<td>Town of Erwin</td>
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<tr>
<td>Disposition</td>
<td>Cancellation of Void Taxes: 2018 Corning-Painted Post School Taxes</td>
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<tr>
<th>Resolution No.</th>
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<tbody>
<tr>
<td>Name</td>
<td>Leon Babcock Sr.</td>
</tr>
<tr>
<td>Parcel No.</td>
<td>151.80-01-041.000</td>
</tr>
<tr>
<td>Municipality</td>
<td>City of Hornell</td>
</tr>
<tr>
<td>Disposition</td>
<td>Cancellation of Void Taxes: 2013-2018 Town and County Taxes</td>
</tr>
</tbody>
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### SCHEDULE “E”

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<thead>
<tr>
<th>Resolution No.</th>
<th>E-1</th>
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</thead>
<tbody>
<tr>
<td>Name</td>
<td>Christopher Taft</td>
</tr>
<tr>
<td>Parcel No.</td>
<td>190.20-01-037.000</td>
</tr>
<tr>
<td>Municipality</td>
<td>Village of Savona</td>
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<table>
<thead>
<tr>
<th>Resolution No.</th>
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</thead>
<tbody>
<tr>
<td>Name</td>
<td>Karen B. Dolliver</td>
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<tr>
<td>Parcel No.</td>
<td>014.00-02-003.000</td>
</tr>
<tr>
<td>Municipality</td>
<td>Town of Wayland</td>
</tr>
<tr>
<td>Disposition</td>
<td>Cancellation of Void 2019 Town and County Taxes. Issue Certificate of Prospective Cancellation</td>
</tr>
</tbody>
</table>
RESOLUTION NO. 136-19

RECEIVING AND ACCEPTING THE AUGUST 26, 2019 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:

**July 15, 2019**
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) issued July 12, 2019. **Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.**

NYS Homes and Community Renewal – Re: Award contract for the 2019 New York State Community Development Block Grant (NYS CDBG Project #1115WS301-19) in the amount of $198,000 for the Well & Septic Replacement Program. All items need to be returned by **Thursday, August 22, 2019**. **Referred to: A.I.P. Committee; Amy Dlugos, Planning Director and Patrick Donnelly, Commissioner of Finance.**

**July 24, 2019**
Finger Lakes Tourism Alliance – Re: 2020 Budget request in the amount of $19,500. **Referred to: A.I.P. Committee; Finance Committee; Jack Wheeler, County Manager; and Amy Dlugos, Planning Director.**

Cornell Cooperative Extension – Re: 2020 Budget Request in the amount of $409,000. **Referred to: A.I.P. Committee; Finance Committee; Jack Wheeler, County Manager; and Amy Dlugos, Planning Director.**

**July 27, 2019**
Steuben County Soil and Water Conservation District – Re: 2020 Budget request in the amount of $239,676 ($164,676 County Appropriation/$75,000 District Streambank Program). **Referred to: A.I.P. Committee; Finance Committee; Jack Wheeler, County Manager; and Amy Dlugos, Planning Director.**

**July 30, 2019**
Southern Tier Library System – Re: 2020 Budget request in the amount of $123,829. **Referred to: A.I.P. Committee; Finance Committee; Jack Wheeler, County Manager; and Amy Dlugos, Planning Director.**

Finger Lakes Wine Country – Re: 2020 Budget request in the amount of $105,000. **Referred to: A.I.P. Committee; Finance Committee; Jack Wheeler, County Manager; and Amy Dlugos, Planning Director.**
**July 31, 2019**

NYS Department of Transportation – Re: Notification of the adoption of a new usage formula for the Statewide Mass Transportation Operating Assistance (STOA) program to be made retroactive to April 1, 2019. **Referred to: Amy Dlugos, Planning Director and Brenda Mori, Clerk of the Legislature.**

The ARTS Council of the Southern Finger Lakes – Re: 2020 Budget request in the amount of $36,700. **Referred to: A.I.P. Committee; Finance Committee; Jack Wheeler, County Manager; and Amy Dlugos, Planning Director.**

**August 1, 2019**

NYS Board on Electric Generation Siting and the Environment – Re: Notice of meeting scheduled for August 20, 2019 on the Eight Point Wind LLC Project (Case# 16-F-0062). **Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.**

NYS Department of Public Service – Re: Notice of informational forums and public hearings on the New York State Electric & Gas/Rochester Gas and Electric proposed rate request. **Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.**

**August 2, 2019**

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

**August 5, 2019**

Steuben County Industrial Development Agency – Re: Notice of public hearing regarding the Steuben County Industrial Development Agency and the Corning Property Management Corporation for Monday, August 19, 2019 at 10:00am at the Erwin Town Hall, located at 310 Town Center Road, Painted Post, New York. **Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.**

Harris Beach PLLC, Attorneys at Law – Re: Steuben County Industrial Development Agency and FHFCU HQ LLC and FHFCU Lot LLC (payment in lieu of tax) agreement and RP-412-a form for property located at 210 East Denison Avenue and 201 East First Street (which shall be assigned 202 East Denison Parkway, City of Corning, NY. **Referred to: Finance and Administration Committees; Patrick Donnelly, Commissioner of Finance; Wendy Jordan, RPTSA Director; and Jennifer Prossick, County Attorney.**

**August 7, 2019**

NYS Department of Transportation – Re: Request for updated records related to transit assets purchased using federal funds are needed by August 23, 2019. **Referred to: Amy Dlugos, Planning Director.**

Steuben County Industrial Development Agency – Re: Notice of public hearing regarding the Steuben County Industrial Development Agency and Manufacturing Automation Systems LLC is scheduled for Wednesday, August 21, 2019 at 10:00am at the Lindley Town Hall, located at 637 County Route 115, Lindley, New York. **Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.**

**August 8, 2019**

Western Regional Off-Track Betting Corporation – Re: Check in the amount of $66,553, which represents the net revenue payable for the second quarter of 2019 combined with the surcharge payment for the month of June 2019. **Referred to: Finance Committee; and Patrick Donnelly, Commissioner of Finance.**

NYS Division of the Budget – Re: State reimbursement for Raise the Age costs. **Referred to: Patrick Donnelly, Commissioner of Finance and Jack Wheeler, County Manager.**
August 12, 2019
NYS Department of Transportation – Re: Notification of recently sent vouchers to the State Comptroller that distributes the second quarter SFY 2019-2020 Statewide Mass Transportation Operating Assistance (STOA) payments. Referred to: Amy Dlugos, Planning Director and Brenda Mori, Clerk of the Legislature.

Invenergy – Re: Canisteo Wind Energy LCC, case #19-T-0041 application for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII of the Public Service Law. Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.

August 14, 2019
NYS Board on Electric Generation Siting and the Environment – Ruling awarding additional-stage intervenor funding for the Canisteo Wind Project (Case# 16-F-0205). Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.

Vote: Acclamation – Adopted.

RESOLUTION NO. 137-19

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

FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. TWO FOR THE YEAR 2019 REPEALING LOCAL LAW NO. TWO OF 2015, ESTABLISHING COUNTY ADMINISTRATION OF THE STEUBEN COUNTY DRIVER DIVERSION PROGRAM.

WHEREAS, Local Law No. Two of 2015 established County Administration of the Steuben County Driver Diversion Program; and

WHEREAS, Steuben County has, subsequent to the passage of Local Law No. Two of 2015, discontinued the Driver Diversion Program; and

WHEREAS, the County of Steuben and the Steuben County District Attorney desire to re-evaluate a Steuben County Driver Diversion Program and repeal the existing Program.

NOW THEREFORE, BE IT

RESOLVED, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. Two of 2019, repealing Local Law No. Two of 2015, Establishing County Administration of the Steuben County Driver Diversion Program.

COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. TWO FOR THE YEAR 2019

A Local Law repealing Local Law No. Two of 2015 Establishing County Administration of the Steuben County Driver Diversion Program.

BE IT ENACTED by the Steuben County Legislature, as follows:

SECTION 1. INTENT. Local Law No. Two of 2015 Establishing County Administration of the Steuben County Driver Diversion Program is hereby repealed.

SECTION 2. EFFECTIVE DATE. This Local Law shall become effective immediately.

AND BE IT FURTHER RESOLVED, a Public Hearing on the within Local Law has been held on Monday, August 26, 2019 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 Courthouse in the municipality of Bath, Corning City Hall and the DMV Office in Hornell; said Notice was 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 No. Two for the Year 2019, the Clerk of this Legislature shall cause one certified copy thereof to be filed 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 Sessions 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 District Attorney, Commissioner of Finance, County Manager, Law Department, and the Clerk of the Legislature.

Vote: Roll Call – Adopted.

RESOLUTION NO. 138-19

Introduced by J. Malter and G. Swackhamer. Seconded by H. Lando.

AUTHORIZING AND ACCEPTING THE DONATION OF K-9 KNAPP FROM THE FAMILY OF DEPUTY PETE KNAPP.

WHEREAS, the family of Deputy Pete Knapp has offered to provide all necessary funding for the purchase and training of one (1) K-9; and

WHEREAS, the estimated value of the K-9 and requisite training is $8,500.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Sheriff be, and the same hereby is, authorized to accept the donation of a K-9 valued at $8,500; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Steuben County Sheriff.

Vote: Roll Call – Adopted.

RESOLUTION NO. 139-19


ACCEPTING AND APPROPRIATING THE FEDERAL VICTIMS OF CRIMES ACT (VOCA) VICTIM AND WITNESS ASSISTANCE GRANT PROGRAM FUNDS INTO THE 2019 BUDGET.

WHEREAS, the New York State Office of Victim Services (OVS) has awarded the Victim Assistance Program funding for the period October 1, 2019 through September 30, 2022 under the Victim and Witness Assistance Grant Program to the Steuben County Department of Social Services and the District Attorney’s Office; and
WHEREAS, the full grant award is for $432,138.59 with the amount attributable for the funding year 2019 being $61,454.84; and

WHEREAS, the Department of Social Services and the District Attorney’s Office must accept and appropriate the 2019 funds into the 2019 Budget; and

WHEREAS, the approved work plan from the New York State Office of Victim Services (OVS) includes a District Attorney Advocate and Advocate support positions.

NOW THEREFORE, BE IT

RESOLVED, effective with the adoption of this resolution, Steuben County accepts and appropriates these funds in the 2019 Department of Social Services and District Attorney’s budgets as follows:

Expenditures:
607000 5446500 Preventive Services $25,608.00
601000 5299000 Major Equipment $18,000.00
116500 5110000 Salaries & Wages $12,846.84
116500 5298000 Minor Equipment $3,100.00
116500 5407100 Books & subscriptions $250.00
116500 5406000 Supplies $150.00
116500 5424210 Advocacy Expense $1,500.00

Revenues:
601000 43670000 State Revenue $43,608.00
116500 43670000 State Revenues $17,846.84

RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Finance, District Attorney and the Commissioner of Social Services.

Vote: Roll Call – Adopted.

RESOLUTION NO. 140-19


ACCEPTING AND APPROPRIATING THE NEW YORK STATE EARLY VOTING GRANT.

WHEREAS, New York State set aside $14 million in the 2019-2020 budget for the purpose of Early Voting; and

WHEREAS, Steuben County’s portion of the $14 million set aside for Early Voting is $64,017.01; and

WHEREAS, this grant funding is to be used for the purchase of electronic poll books, ballot on demand printers, and training; and

WHEREAS, expenditures under this grant must be completed by December 31, 2020.

NOW THEREFORE, BE IT

RESOLVED, the Commissioners of Elections and County Manager are authorized and directed to execute the requisite documentation to effectuate this grant; and be it further
RESOLVED, the Commissioner of Finance is hereby authorized and directed to accept $64,017.01 into revenue line item 145000 4 308 9450 Election Other State aid and appropriate the same to expense line item 145000 5 298 000 Machine & Equipment – Major; and be it further

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

Mr. Mullen asked are there any requirements for us to fill prior to accepting the funding? Ms. Penziul replied no, other than purchasing the equipment.

Vote: Roll Call – Adopted.

RESOLUTION NO. 141-19

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

AUTHORIZING AND DIRECTING THE COMMISSIONER OF FINANCE TO TRANSFER FUNDS FOR THE PRETREATMENT PLANT TREATMENT FEES FOR 2019.

WHEREAS, the Steuben County Department of Public Works (DPW) pretreatment plant discharges treated leachate to Bath Electric Gas & Water System (BEG&WS) for final treatment through a force main; and

WHEREAS, BEG&WS notified the County of the 2019 fee increase on December 31, 2018, after the 2019 budget was finalized; and

WHEREAS, BEG&WS said treatment fee increased from $6,600/month to $22,200/month; and

WHEREAS, on May 20, 2019, the DPW Solid Waste Division entered into an Inter Municipal Agreement with BEG&WS for the continued treatment of pretreated leachate; and

WHEREAS, the DPW Solid Waste Division requires an increase in the treatment fee line item by $130,000 to be fully funded for 2019; and

WHEREAS, the DPW Solid Waste Division transfer of funds will be from the Upgrade Leachate Treatment Plant Force Main and Leachate Tank Repair Capital Projects; and

WHEREAS, the Public Works Committee and the Finance Committee of the Steuben County Legislature have authorized the transfer of funds.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Finance is hereby authorized and directed to make the following transfers:

- Decrease HL7302.5250000 Upgrade LTP Force Main Capital Project by $50,000
- Decrease HL7303.5250000 Leachate Tank Repair Capital Project by $80,000
- Increase 816073.5430410 Treatment Fees by $130,000; and be it further

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

Vote: Roll Call – Adopted.
RESOLUTION NO. 142-19

Introduced by B. Schu and G. Swackhamer. Seconded by H. Lando.

AUTHORIZING THE ANNUAL RPS V4 CHARGEBACK TO THE TOWNS AND CITIES FOR LICENSE AND SUPPORT FEES.

Pursuant to County Law Section 233a.

WHEREAS, the Administration Committee has approved the report of RPS V4 charges by Assessing unit which includes an annual charge for the New York State Office of Real Property Services License Fee and a fee for County support of this system; and

WHEREAS, the Administration Committee has approved the invoicing of the fees to the Cities and Towns; and

WHEREAS, the Real Property Tax Service Agency has paid the assessing units’ annual license fee charge to the State for this fiscal year.

NOW THEREFORE, BE IT

RESOLVED, the Real Property Tax Office will invoice each City and Town for their share of the Real Property System Version 4 (RPS V4) License and Support Charge; and be it further

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

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Introduction by B. Schu and G. Swackhamer.  

Seconded by R. Nichols.

RESOLVED, that the County Clerk is hereby authorized to collect only the New York State Tax and Finance Department portion of the mortgage tax with regards to the purchase transaction between Yunis Realty, Inc. and Steuben County for the three Community Service office locations - 115 Liberty St., Bath, NY 14810, 7454 Seneca Road North, Hornell, NY 14843, and 114 Chestnut St., Corning, NY 14830; and be it further
RESOLVED, that the total amount of mortgage tax being collected is 0.50% (0.25% from Steuben County and 0.25% from Yunis Realty, Inc.) of the recorded mortgage value; and be it further

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

Ms. Fitzpatrick asked what portion are we waiving? Mr. Wheeler replied we are waiving the local portion; our portion.

Vote: Roll Call – Adopted.

RESOLUTION NO. 144-19

Introduced by G. Swackhamer. Seconded by R. Weaver.

AUTHORIZING THE COUNTY MANAGER TO EXECUTE THE REQUISITE DOCUMENTATION FOR IMPLEMENTATION OF THE PILOT AGREEMENT FOR BARON WINDS LLC.

WHEREAS, BARON WINDS 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 Cohocton, Dansville, Fremont, Avoca and Wayland, Steuben County, New York (the "Land"), (ii) the construction, installation and operation on the Land of between 63 to 67 wind turbines – with a generating capacity of between 219 MW and 235 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 County'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 the County, the Town of Cohocton, the Town of Fremont, the Town of Dansville, the Town of Wayland, the Hornell City School District, Arkport Central School District, Wayland-Cohocton Central School District and Avoca Central 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 County 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, 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; and be it further

RESOLVED, the County Manager 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; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Manager, the Commissioner of Finance, Steuben County IDA, Town of Cohocton, Town of Fremont, Town of Dansville, Town of Wayland, Hornell City School District, Arkport Central School District, Wayland-Cohocton School District and Avoca Central School District.

Vote: Roll Call – Adopted.

RESOLUTION NO. 145-19

Introduced by G. Swackhamer. Seconded by J. Malter.

AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH ARLINGTON STORAGE COMPANY IN CONNECTION WITH THE CR 119 BRIDGE PROJECT.

WHEREAS, a Project for the Bridge Replacement CR 119 over the Canisteo River 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, Steuben County has entered into an agreement with the New York State Department of Transportation to cover the non-Federal and non-State Marchiselli share costs of the design of the Project; and

WHEREAS, Steuben County has determined that the Project will require the relocation of Arlington Storage Company utility facilities (“the Facilities”) located on privately owned property adjacent to the Project; and

WHEREAS, pursuant to Section 10, Subdivision 24-b of the Highway Law, the cost of the Facilities relocation shall be reimbursable to Arlington Storage Company.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature does hereby approve of the Commissioner of Public Works entering into an agreement with Arlington Storage Company for the relocation of their Facilities in connection with the Project; and be it further

RESOLVED, the compensation of Arlington Storage Company for this relocation is hereby authorized pursuant to Section 10, Subdivision 24-b of the Highway Law; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Public Works and Arlington Storage Company, 4979 Downs Rd Canisteo NY 14823.

Vote: Roll Call – Approved.

RESOLUTION NO. 146-19

Introduced by G. Swackhamer. Seconded by G. Roush.

AUTHORIZING AND DIRECTING THE COUNTY MANAGER TO EXECUTE A LEASE AGREEMENT AND SUBSCRIBER AGREEMENT FOR A SOLAR DEVELOPMENT PROJECT.
Pursuant to Article 9 of the Energy Law.

WHEREAS, the County Manager’s Office and the Department of Public Works Solid Waste Division received proposals for a solar development lease project on various vacant County properties; and

WHEREAS, the award was made to Abundant Solar Power Inc.; and

WHEREAS, Abundant Solar Power Inc., desires to lease the vacant properties for the solar project; and

WHEREAS, in addition, the County desires to purchase power from the developed projects at a reduced rate through a subscriber agreement; and

WHEREAS, in accordance with New York State Energy Law §9-103, Energy Performance Contracts, both parties desire to enter into a twenty-five (25) year lease and subscriber agreement.

NOW THEREFORE, BE IT

RESOLVED, the County Manager is hereby authorized to execute a twenty-five (25) year lease and subscriber agreement with Abundant Solar Power Inc. on various vacant County properties; and be it further

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

Mr. Mullen asked is the discount rate below market for energy generally or renewable energy? Mr. Wheeler replied for energy generally. We would only be looking at the facilities located in NYSEG territory.

Mr. Ryan commented he is disappointed that we could not find a domestic provider. Have any properties other than the Landfill been identified? Mr. Wheeler replied we mostly targeted the landfill. We have identified one or two highway shops. They will look at any place that has five or more acres. The Landfill looks to be the most economically viable. The provider will do a feasibility study and come back to us.

Mr. Nichols commented he does not see them taking much of our property for this, with the connection fees and the distance to transmission lines.

Mr. Mullen asked will we have to agree before they go to any site other than the Landfill? Mr. Wheeler replied formally, no; however, in good practice we would bring this back to you. You will be involved in the process. Mr. Mullen stated he would like it if the committee had additional oversight. Mr. Wheeler stated we can bring it back through committee.

Vote: Roll Call – Adopted.

RESOLUTION NO. 147-19

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

DESIGNATING THE STEUBEN COUNTY LEGISLATURE AS LEAD AGENCY UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR THE PROPOSED BATH LANDFILL EASTERN EXPANSION.

WHEREAS, the Steuben County Department of Public Works proposes an expansion of the currently permitted Steuben County Bath Landfill in the Town of Bath, New York; and
WHEREAS, the Bath Landfill Eastern Expansion ("proposed action") looks to expand the existing facility by 168 acres, 73 acres of which are proposed for waste disposal, which will extend the estimated life of the current facility by an additional 40 years; and

WHEREAS, this proposed action is subject to the requirements of the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, based on a review of the applicable SEQRA regulations in 6 NYCRR Part 617, the proposed action has been classified as a “Type 1” action, as defined by the SEQRA in 6 NYCRR Part 617.4; and

WHEREAS, the County has sent a letter and copy of Part I of the Full Environmental Assessment Form (FEAF) for this proposed action to the other “involved agency”, the New York State Department of Environmental Conservation ("NYSDEC"), and “interested agencies” (as these terms are defined in the SEQRA Regulations found at 6 NYCRR Part 617.2), indicating the County’s desire to serve as the “lead agency” and to complete a coordinated review of the proposed action (in accordance with 6 NYCRR Part 617.6);

WHEREAS, the NYSDEC has consented to the County serving as lead agency for the proposed landfill expansion.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature hereby designates itself as the SEQRA lead agency for the proposed Bath Landfill Eastern Expansion; and be it further

RESOLVED, that the Steuben County Commissioner of Public Works, staff and consultants are authorized to undertake such activities as may be necessary, including the preparation and filing of documents, analyses, and public notices, to assist the County Legislature in fulfilling its obligations under the SEQRA and applicable environmental requirements; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Public Works and the Regional Permit Administrator, NYSDEC, 6274 East Avon-Lima Road, Avon, NY 14414.

Vote: Roll Call – Adopted.

RESOLUTION NO. 148-19

Introduced by R. Lattimer. Seconded by H. Lando.

APPOINTING A CERTIFYING OFFICER FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT AND DECLARING THE PROJECT A TYPE II ACTION FOR THE PURPOSES OF NYS ENVIRONMENTAL QUALITY REVIEW ACT.

WHEREAS, Steuben 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, for low- and moderate-income homeowners throughout the County, CDBG Project #1115WS301-19; 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, Steuben County Planning Director as the Certifying Officer, responsible for all activities associated with the environmental review process to be completed in conjunction with NYS Project #1115WS301-19; and be it further

RESOLVED, that for the purposes of the NYS Environmental Quality Review Act (SEQRA), CDBG Project #1115WS301-19 is a Type II action, with no further review required under NYS regulations; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 149-19

Introduced by R. Lattimer. Seconded by T. Ryan.

COMMENCING THE REVIEW PERIOD FOR AGRICULTURAL DISTRICT NO. 6.

Pursuant to Section 303-a of the Agriculture and Markets Law of the State of New York.

WHEREAS, Agricultural District No. 6, is located in the Towns of Addison, Bath, Cameron, Campbell, Caton, Corning, Erwin, Hornby, Lindley, Rathbone, Thurston, Tuscarora, Woodhull; and

WHEREAS, the next review date for said district is June 24, 2020 and a Notice of Review from the State of New York, Department of Agriculture and Markets has been received and pursuant to said Law, the procedure for the necessary review of the Steuben County Agricultural District No. 6 is required to commence.

NOW THEREFORE, BE IT

RESOLVED, that the Review period of the said Agricultural District located in the Towns of Addison, Bath, Cameron, Campbell, Caton, Corning, Erwin, Hornby, Lindley, Rathbone, Thurston, Tuscarora, Woodhull, County of Steuben and State of New York commences effective upon filing of a Notice of Review with the office of the Steuben County Clerk, said Review period to be for a period of thirty (30) days; and be it further

RESOLVED, that the Clerk of this Legislature is hereby directed to file said Notice of Review in the Office of the Steuben County Clerk and provide notice of such review by publishing the "Notice" in the Corning Leader and Evening Tribune, which are two (2) newspapers having general circulation within the said District, and by posting such "Notice" in five (5) conspicuous places within the said district. Said "Notice" shall contain information as required in accordance with Section 303-a of the Agriculture and Markets Law of the State of New York; and be it further

RESOLVED, that the Clerk of this Legislature shall file the necessary affidavits of publication and posting of such "Notice" with this County Legislature, and this Legislature shall receive any proposals for modification of said district which may be submitted by landowners or municipalities, within thirty (30) days of the filing of the Notice of Review in the Steuben County Clerk's Office; and be it further

RESOLVED, that upon termination of said thirty (30) day period such review and any proposed modifications shall be referred by this Legislature to the Steuben County Agricultural and Farmland Protection Board, which Board shall report to the Steuben County Legislature their recommendations concerning the review and proposed modifications, and thereafter the County Legislature shall hold a Public Hearing as required by Law; and be it further
RESOLVED, the Clerk of this Legislature shall forward certified copies of this resolution to the Steuben County Clerk; and the Director of the Steuben County Planning Department.

Vote: Acclamation – Adopted.

RESOLUTION NO. 150-19

Introduced by J. Hauryski. Seconded by J. Malter.

APPOINTING 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, John Clifford of Cohocton, New York, has resigned as a member of the aforesaid Board, effective May 30, 2019.

NOW THEREFORE BE IT

RESOLVED, that Norman (Ed) Schneider of 4488 Lent Hill Road, Cohocton, New York be, and the same hereby is, appointed as Steuben County’s representative to the Western Regional Off-Track Betting Corporation Board of Directors for a term commencing June 1, 2019 through December 31, 2019; and be it further

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

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

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

Vote: Acclamation – Adopted.

Motion to Adjourn Regular Session and Reconvene in Executive Session Pursuant to Public Officers’ Law, Article 7§ 105.1.D. Discussions Regarding Proposed, Pending or Current Litigation and Article 7§ 105.1.F. The Medical, Financial, Credit or Employment History of a Particular Person or Corporation, or Matters Leading to the Appointment, Employment, Promotion, Demotion, Discipline, Suspension, Dismissal or Removal of a Particular Person or Corporation made by Mrs. Lando, seconded by Mr. Roush and duly carried.

Motion to Adjourn Executive Session and Reconvene in Regular Session made by Mr. Ryan, seconded by Mr. Roush and duly carried.
RESOLUTION NO. 151-19

Introduced by J. Haurski. Seconded by J. Malter.

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, Kimberly Jackson; 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 Ninety Thousand Nine Hundred One Dollars ($90,901); 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/NEAMI, 9 Cornell Road, Latham, New York 12110.

Vote: Roll Call – Adopted.

Motion to Adjourn made by Mr. Mullen, seconded by Mrs. Lando and duly carried.