The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers in Bath, NY, on the 21st day of December 2020 at 10:00 a.m. and was called to order by the Chairman of the Legislature, Scott J. Van Etten.

Roll Call and all members present except Legislators Ferratella and Maio.

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

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

Michael Rowald, Bath, NY, stated he is a landlord, property owner and taxpayer in Steuben County. He emailed all 17 Legislators and the Commissioner of Social Services and received no response regarding actions taken by the Department of Social Services. A phone call resulted in a letter implying that I am racist. The Department of Social Services then took 70 families and put them in a hotel costing the County in excess of $100,000 per month. That same $100,000 would cost only $11,000 to place them in 35 open apartments that I have. Several Legislators advised that I come and address the Legislature as a whole to see if you had any recommendations. I did receive a letter after I spoke with Mr. Wheeler on Friday which recommended remedial action. There was a phone call placed to my attorney, which I was advised of this morning, looking to set up a teleconference. I am asking the Legislature for advice moving forward to limit the amount of money that is being wasted by keeping individuals housed in hotels when I provide clean, secure housing. I run a $65 billion company in Manhattan and on an annual basis have taken training in the area of diversity and inclusiveness. I am looking for an opinion from the Legislature and looking for what actions can be taken to save the taxpayers this tremendous amount of money, and wasted amount of money, to not allow individuals to be placed in clean, secure housing.

Chairman Van Etten stated thank you. As part of our protocol, we do not respond to comments or questions during the public comments portion of the meeting. We hear your concerns and the departments are working to address those. Again, as protocol during our meetings we do not provide comment. Thank you.

Mary Gutow stated I am the property manager for Kacam Properties. I was not on the phone call that precipitated this, but if anything was said discriminatory against certain types of people, I believe that was not the intent of Mr. Rowald. We help people, work with them and give them safe, affordable housing. I think this was all in error and I still believe that he needs to be reinstated as a vendor in terms of getting people out of hotels.

Frank Coccho, Corning, stated I would like to take this opportunity to thank you for allowing me to participate and to share that I greatly appreciate the Legislature for all you do; especially Legislator Lando. She is the best we have had in Corning and will advise us on what is going on. I wish you all the best of the holiday, health and stay safe.

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

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proof of Publication and Proof of Posting upon Local Law Tentatively No. Three for the Year 2020, Amending the Steuben County Charter, Establishing the Term Limits of County Legislature at Five (5) Successive Full
Terms. Chairman Van Etten opened the floor for public comment. There being none, he declared the Public Hearing closed.

Motion adopting the minutes of the October 23, 2020, meeting made by Mr. Van Caeseele, seconded by Mr. Swackhamer and duly carried.

RESOLUTION NO. 239-20

Introduced by G. Swackhamer. Secended by H. Lando.

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

Pursuant to Section 2.07 of the Steuben County Charter.

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

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

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

SCHEDULE “A”

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<td>Village of Hammondsport</td>
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<td>2018-19 Correction of STAR</td>
<td>Disposition</td>
<td>2020-21 Correction of STAR</td>
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**Vote:** Roll Call – Adopted. Yes – 8220; No – 0; Abstained 597; Absent – 1055 (Abstained – Legislator Mullen, due to a client matter; Absent – Legislators Ferratella and Maio)

RESOLUTION NO. 240-20


RECEIVING AND ACCEPTING THE DECEMBER 21, 2020 COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY MANAGER’S OFFICE.
BE IT RESOLVED, that the following communications were received, accepted and filed by the County of Steuben, and referred to the appropriate Standing Committee and/or Department Head for information and/or action, to wit:

**November 17, 2020**
Steuben County Industrial Development Agency – Re: Notice of public hearing via toll-free conference bridge at (866) 804-5312, passcode 585-419-8718 regarding the Steuben County Industrial Development Agency and Providence Housing Development Corporation proposed financial assistance is scheduled for Thursday, December 3, 2020 at 1:00pm at the Steuben County Industrial Development Agency office located at 7234 Route 54 North, Bath, New York. Referred to: A.I.P. Committee; and Matt Sousa, Acting Planning Director.

**November 30, 2020**
NYS Public Service Commission – Re: Order approving compliance filing #56 issued and effective November 23, 2020 on the Baron Winds LLC project (Case#15-F-0122). Referred to: A.I.P. Committee; and Matt Sousa, Acting Planning Director.

Upstate Niagara Cooperative, Inc. – Re: Notification of the filing of two applications (UFC Well 1, SRBC Pending No#2020-23 and UFC Well 4, SRBC Pending No#2020-24, Town of Campbell, Steuben County) with the Susquehanna River Basin Commission (SRBC) for groundwater withdrawals. Referred to: A.I.P. Committee; and Matt Sousa, Acting Planning Director.

**December 2, 2020**
NYS Office for the Aging – Re: Revised Notification of Grant Awards for the EISEP, CSE and WIN programs for the period of April 1, 2020 through March 31, 2021. Referred to: Human Services/Health & Education Committee; and Patricia Baroody, OFA Director.

**December 4, 2020**
Nexamp Solar – Re: Notice of intent to develop a ground-mounted, 5 MW AC solar facility (Canisteo Solar 1, LLC) at the Old County Road 64 in Hornellsville, NY 14843. Referred to: A.I.P. Committee; and Matt Sousa, Acting Planning Director.

**December 8, 2020**
Western Regional Off-Track Betting Corporation – Re: Check in the amount of $1,956, which represents the October 2020 surcharge payment for Steuben County. Referred to: Administration and Finance Committees; and Tammy Hurd-Harvey, Commissioner of Finance.

NYS Department of Transportation – Re: Notification of the initiated payment for the Third Quarter SFY 2020 Statewide Mass Transportation Operating Assistance (STOA) payments. Referred to: Matt Sousa, Acting Planning Director.

**Vote:** Acclamation – Adopted.

RESOLUTION NO. 241-20

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

FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. THREE FOR THE YEAR 2020, AMENDING THE STEUBEN COUNTY CHARTER, ESTABLISHING THE TERM LIMITS OF COUNTY LEGISLATORS AT FIVE (5) SUCCESSIVE FULL TERMS.

WHEREAS, Steuben County has adopted a Charter form of government as approved by the voters of Steuben County on November 5, 2013; and
WHEREAS, the Steuben County Charter makes provision for the qualifications of persons to hold the Office of County Legislator; and

WHEREAS, by Local Law No. Twelve of the Year 1994, as Amended, Steuben County adopted term limits for County Legislators; and

WHEREAS, it is determined to be in the best interest of Steuben County to designate all qualifications for County Legislators under the Steuben County Charter; and

WHEREAS, it is in the best interest of Steuben County to continue to make available to the voters of Steuben County those persons in public service as Legislators through a fifth successive full term of office and as well as to also meet the ends of broadening opportunities for political and public participation, reduce the concurrent turn-over of a large portion of the Legislature by means of limiting qualifications thereto, reduce the opportunities for corruption and increase citizen’s confidence in the integrity of their government; and

WHEREAS, it is determined to be in the best interest of Steuben County that term limits of County Legislators not be impacted nor associated with any partial or abbreviated term of office whether elected or appointed as a Legislator. Further, that the term limits should be associated only with uninterrupted multiple full terms of office.

NOW THEREFORE, BE IT

RESOLVED, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. Three for the Year 2020, Amending the Steuben County Charter, Establishing the Term Limits of County Legislators at Five (5) Successive Full Terms.

COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. THREE FOR THE YEAR 2020

A Local Law, Amending the Steuben County Charter, Establishing the Term Limits of County Legislators at Five (5) 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 a provision for term limits at five (5) 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, third paragraph of Article II, Section 2.01 is hereby amended 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)] five (5) successive full terms of office as a Steuben County Legislator, without regard to the beginning date of the initial full term. A “full term” is a term where the full number of years is 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)] five (5) successive full terms shall only be operative against an individual for one full term immediately following a [four (4)] five (5) 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.
BE IT FURTHER RESOLVED, within twenty (20) days after such Local Law is adopted the Clerk of this Legislature of the County of Steuben shall cause a copy of the Local Law to be published in the two officially designated county newspapers, the Leader of Corning, New York and the Evening Tribune of Hornell, New York, together with notice that said Local Law is subject to a permissive referendum of the qualified electors of Steuben County by the filing of a petition within forty-five (45) days from the date of the final adoption of the Local Law with the Clerk of this Legislature demanding such referendum, which petition must be signed by qualified electors of the County registered to vote therein at the last preceding election, in number equal to at least ten per centum (10%) of the total number cast for Governor at the last gubernatorial election in the County; and be it further

RESOLVED, within five (5) days after the expiration of the time for the filing of petitions for a permissive referendum of said Local Law, the Clerk of the Legislature shall cause one (1) certified copy thereof to be filed in the office of the Steuben County Clerk, and one (1) certified copy in the office of the Secretary of State of the State of New York, and the said Secretary of State is to be requested to publish the Local Law in the supplement to the Session Laws and the Steuben County Clerk is to be requested to file the Local Law in a separate book kept by her for such records; 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. Roush stated I am in favor of term limits. Twenty years is not a term limit, that is a career and I am opposed.

Mr. Mullen stated I am generally opposed and I don’t think the constituents would be in favor. This is subject to a Permissive Referendum within 45 days and this is a really bad time to present this. Are we accepting comments electronically, going door to door? This is a bad time to be doing this.

Mrs. Lando stated I agree with Mr. Roush and Mr. Mullen. I am opposed to extending the terms.

Mr. Nichols stated as I said last time, I support this because every time there is an election, that is a term limit. If the voters are disenchanted you will be retired. I support this.

Chairman Van Etten commented I too support this. If you are not doing the job, people in your district will vote you out. You should not be limited on your ability to do public service. I would point out that Mr. Roush has served on the Erwin Town Board for thirty plus years. Why continue to serve in that capacity?

Mr. Roush replied term limits for the town were put on the ballot in the 90's and that was fairly new at that time. It went to a vote and the vote came out exactly even and that meant that it failed. I have tried to get term limits passed. When I was elected to the Legislature, the term limit was three terms.

Mr. Mullen commented it sounds like generally that we don’t need term limits and why are we limiting the terms at all if that is the case? Chairman Van Etten explained to eliminate all Legislator’s terms would require a public referendum by changing the Charter. The Charter allows for an increase in one term with a permissive referendum. My initial intent was to eliminate term limits as I feel that Legislators should serve as long as they want and for as long as the voters want them to. Mr. Swackhamer and Mr. Nichols both termed out and they add value and they served their constituents well and people put them back in. To penalize good Legislators by having a term limit is not beneficial to the communities they serve.

Mrs. Lando stated but we can leave and come back.

Mr. Mullen stated I am concerned about how people would vote on the mechanics. Mr. Malter replied in the Charter we have the ability to do this as this point. That is why we are voting on this now.
Mr. Van Caeseele commented this is a tricky topic. This discussion relative to the Governor’s position would be a different argument. With Mr. Swackhamer’s case we almost do a disservice because a Legislator has to leave for four years and then come back and that position is not as sought after. That is where I struggle with voting no on this one.

Vote: Roll Call – Adopted. Yes – 5729; No – 3088; Absent – 1055
(No: Legislators Hanna, Lando, Mullen, Potter and Roush; Absent – Legislators Ferratella and Maio)

RESOLUTION NO. 242-20


AUTHORIZING A TRANSFER TO THE TRANSFER STATION RENOVATIONS CAPITAL PROJECT.

WHEREAS, the Hornell Transfer Station was constructed in 1978 and is now in need of upgrades; and

WHEREAS, the Transfer Station Renovations capital project account was established to fund said upgrades; and

WHEREAS, that Capital Project account requires an additional $15,000.00 to fully fund the facility upgrades; and

WHEREAS, funds are available from the Recycling Facilities Renovations Capital account; and

WHEREAS, no additional funding is required for the budget; and

WHEREAS, the Public Works and the Finance Committees have authorized the transfer of funds from the Recycling Facilities Renovations Capital account to the Transfer Station Renovation Capital account.

NOW THEREFORE, BE IT

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

- Decrease HL/EL 7201.5.250.269 Recycling Facilities – Erwin Transfer Station Capital Account by $15,000.00
- Increase HL/EL 9902.5.257.270 Transfer Station Renovations – Hornell Transfer Station Capital Account by $15,000.00

AND BE IT FURTHER RESOLVED, 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. 243-20

Introduced by R. Nichols and G. Swackhamer. Seconded by J. Malter.

AUTHORIZING A TRANSFER TO THE HIGHWAY SHOP RENOVATIONS CAPITAL PROJECT.

WHEREAS, there is $40,000 remaining in the General Repairs Surface Treatment budget for 2020; and

WHEREAS, the current balance of the Highway Shop Renovations Capital Project stands at $0.00; and

WHEREAS, there are necessary repairs needed at the Greenwood Highway Shop Parking Lot; and
WHEREAS, transferring $40,000 from the General Repairs Surface Treatment to Highway Shop Renovations Capital Project will allow for the purchasing of necessary materials to make the modifications to the parking lot to resolve current drainage issues; and

WHEREAS, the Public Works Committee and Finance Committee have approved said transfer.

NOW THEREFORE, BE IT

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

- Decrease 511000-5 460 100 Surface Treatments $40,000
- Increase HS9900 Highway Shop Renovations Capital Project $40,000

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 244-20

Introduced by B. Schu. Seconded by R. Lattimer.

APPROVING THE STATEMENT OF TAXES DUE AND DIRECTING DELIVERY OF THE COMPLETED TAX ROLLS WITH ATTACHED WARRANTS.

Pursuant to Sections 900, 902, 904 and 1330 of the Real Property Tax Law and Section 361 of the County Law of the State of New York.

WHEREAS, the County Legislature pursuant to Section 361 of the County Law of the State of New York, is deemed to have passed a budget for Fiscal Year 2021, and also by prior resolution duly adopted, made appropriations for the conduct of the County government for the Fiscal Year 2021; and

WHEREAS, the Director of the County Real Property Tax Service Agency has prepared the statement of taxes due January 1, 2021, for all towns and cities showing the respective real property tax levies and tax rates; and

WHEREAS, upon the tax rolls of the several tax districts, the several taxes have been duly extended as provided by Law and said completed tax rolls have been laid before this County Legislature for its approval.

NOW THEREFORE, BE IT

RESOLVED, the said statement of taxes due January 1, 2021, tax rates and tax rolls for the taxes for the year 2021 extended on the several assessment valuations of parcels of land of the several tax districts for the County and Town purposes be approved as so completed; that the taxes so extended upon the tax rolls in the several amounts extended against each parcel of property upon the said rolls are hereby determined to be the taxes due thereon as set forth therein; and be it further

RESOLVED, there be annexed to each of said rolls a tax warrant in the form prepared by the Clerk of the Legislature and heretofore laid before the Legislature for its approval, as provided by Section 904 of the Real Property Tax Law; that such Warrants shall be in the respective amounts heretofore authorized to be levied upon each of said rolls; that the several Warrants be signed by the Chairman and Clerk of this Legislature, under the Seal of the Legislature; and that the said rolls with the said Warrants annexed thereto be forthwith delivered to the respective collectors of the several tax districts in the County; and be it further

7

Legislative Meeting
Monday, December 21, 2020
RESOLVED, the Warrant shall designate the amount payable to the Commissioner of Finance and the amount payable to the Supervisor, and shall constitute the authority of such collectors of taxes to collect and receive the several amounts thereof to be paid over to the respective Commissioner of Finance and Supervisor on or before April 1, 2021; and it be further

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

Mr. Malter stated I received a call from the Wayland Town Clerk regarding the pickup and delivery of the Statement of Taxes due. A year ago it was not a problem as our final meeting of the year was December 16th and this year it is the 21st. Is there a way to expedite getting these out so the clerks have time to mail them out? Mrs. Scotchmer stated the tax warrants were just signed this morning and will be going out today. Mr. Malter stated I understand that, but the clerks are looking to get them earlier. Maybe we could move the Legislative meeting day up an additional week. I would ask that we look at it for next year.

Vote: Roll Call – Adopted.

RESOLUTION NO. 245-20

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

AUTHORIZING AN AMENDMENT TO THE GIS FEE SCHEDULE FOR REAL PROPERTY TAX SERVICE.

WHEREAS, it is in the best interest of the County to amend the GIS fee schedule for Real Property Tax Service to allow the general public greater access to GIS data at no cost.

NOW THEREFORE, BE IT

RESOLVED, that municipal specific GIS tax parcel data with ownership information as well as countywide GIS tax parcel data with ownership information be provided in digital format at no charge and that countywide GIS data to include all special feature classes be provided in digital format for a fee of $250; and be it further

RESOLVED, that this amended fee schedule become effective as of January 1, 2021; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Director of Real Property Tax Service Agency.

Vote: Roll Call – Adopted.

RESOLUTION NO. 246-20

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

AUTHORIZING INTER-MUNICIPAL AGREEMENTS WITH LOCAL MUNICIPALITIES FOR DISBURSEMENT OF TRAFFIC DIVERSION FEES.

Pursuant to GML §119-o and Local Law No. 4 of 2019.

WHEREAS, Local Law No. Four of 2019 authorized the District Attorney to establish a Traffic Diversion Program; and

WHEREAS, said Local Law requires all disbursements under the program to Municipalities to be made pursuant to the same agreement authorized by GML §119-o.
NOW THEREFORE, BE IT

RESOLVED, the County Manager is hereby authorized to enter into Inter-Municipal Agreements with the Municipalities for disbursements of appropriated funds collected by the Traffic Diversion Program; and be it further

RESOLVED, the agreements are to be approved by the County Attorney; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to all municipalities within the County who requested to enter into a diversion agreement, the District Attorney, Commissioner of Finance, County Attorney, and County Manager.

Mr. Horton asked will these amounts be received by the towns by the end of this year, or 2021? Ms. Prossick replied they will be sent out quarterly going forward. I am not sure if they will be out by the end of this year. She stated she will follow up and let him know.

Vote: Roll Call – Adopted.

RESOLUTION NO. 247-20

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

APPROVING THE DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT (DSEIS) RELATIVE TO THE SEQR FOR THE BATH LANDFILL EASTERN EXPANSION.

WHEREAS, the 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 73 acres of landfill liner system, which will extend the 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") set forth in Article 8 of the New York State Environmental Conservation Law; and

WHEREAS, based on a review of the applicable SEQRA regulations in 6 NYCRR Part 617, the Proposed Action was classified as a “Type I” action, a coordinated review process was completed, and the Steuben County Legislature declared themselves as the SEQRA Lead Agency for the Proposed Action; and

WHEREAS, this Legislature, acting as Lead Agency, has completed its review of the Full Environmental Assessment Form at its meeting on September 23, 2019, and determined that the Proposed Action may result in one or more significant adverse environmental impacts and has previously issued a resolution declaring a positive declaration and the reasons for this determination at its meeting on September 23, 2019; and

WHEREAS, this Legislature completed its review of the Final Scoping Document at its meeting on December 16, 2019 and approved the Final Scoping Document; and

WHEREAS, in accordance with the SEQRA regulations, the Final Scoping Document was utilized in preparation of the Draft Supplemental Environmental Impact Statement (DSEIS); and

WHEREAS, the date and time will be established to receive written public comments on the Draft Supplemental Environmental Impact Statement (DSEIS).

NOW THEREFORE, BE IT
RESOLVED, this Legislature, acting as Lead Agency, has thoroughly reviewed the Draft Supplemental Environmental Impact Statement (DSEIS) for the proposed action and has determined it to be complete and adequate with respect to its scope and content for the purpose of public review and comment; and be it further

RESOLVED, this Legislature authorizes and directs the Commissioner of Public Works and/or the Assistant Commissioner – Landfill to make available the Draft Supplemental Environmental Impact Statement (DSEIS) to involved and interested parties, as well as the public, for review, and further arranging for a copy of the document to be maintained on the County’s website to ensure it is accessible to the public; and be it further

RESOLVED, this Legislature authorizes the Commissioner of Public Works and/or Assistant Commissioner – Landfill to set the date and time for receipt of written public comments, the details of which will be published in a Notice stating the availability of the Draft Supplemental Environmental Impact Statement (DSEIS) in the Environmental Notice Bulletin (ENB), the Corning Leader, and the Hornell Tribune; and be it further

RESOLVED, the County’s legal counsel and Commissioner of Public Works and/or Assistant Commissioner – Landfill, in conjunction with project engineering firm Barton & Loguidice, DPC, are authorized to file the appropriate SEQRA Notices and take whatever other steps are necessary to carry out this resolution; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 248-20

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

AUTHORIZING A SHARED SERVICES AGREEMENT WITH SCHUYLER AND YATES COUNTIES FOR A PAVEMENT STRIPING TRUCK.

WHEREAS, Steuben County Resolution No. 166-06 supported participation in a Shared Municipal Grant Application and Inter-Municipal Agreement with Schuyler and Yates Counties for the purpose of operating and maintaining a Paint Striping Truck and Broom Truck; and

WHEREAS, the counties of Steuben, Schuyler, and Yates have a continuing need to perform paint striping of county highways located in each respective jurisdiction; and

WHEREAS, the previous Inter-Municipal Agreement expired and a new five (5) year agreement through December 31, 2025 is needed; and

WHEREAS, the new agreement will continue to require each County to pay a proportionate share of the truck’s maintenance costs based on the number of miles of road in each County.

NOW THEREFORE, BE IT

RESOLVED, the County Manager is hereby authorized to enter into an Inter-Municipal Agreement with Schuyler and Yates Counties for the ownership, operation, and maintenance of a Paint Striping Truck and Broom Truck; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Manager, Jack K. Wheeler; County Attorney, Jennifer K. Prossick; Commissioner of Public Works, Vincent Spagnoletti; Schuyler County Administrator, Timothy M. O’Hearn, 105 Ninth Street, Unit 37, Watkins Glen, NY 14891; Schuyler County Attorney, Steven J. Getman, 105 Ninth Street, Unit 5, Watkins Glen, NY 14891; Schuyler County Highway Superintendent, Kenneth Thurston, 910 South Decatur Street, Watkins Glen, NY 14891; Yates County Administrator, Winona B. Flynn,
RESOLUTION NO. 249-20

AMENDING THE ADMINISTRATIVE CODE RELATIVE TO TITLE VI.

WHEREAS, the Steuben County Administrative Code, adopted in 1985 and amended various times since, details policies and procedures of Steuben County; and

WHEREAS, as a recipient of Federal and State funds, the County is subject to the requirements and provisions of Title VI of the Civil Rights Act of 1964, as amended; and

WHEREAS, the County is committed to ensuring that no person is excluded from participation in, or denied the benefits of its services on the basis of race, color, or national origin, as protected by Title VI; and

WHEREAS, the County Manager’s Office recommends amending the Administrative Code to include a Title VI Policy; and

WHEREAS, said revisions have been distributed to the Legislature for review; and

WHEREAS, the Administration Committee has reviewed the proposed additions and recommends approval by the Legislature.

NOW THEREFORE, BE IT

RESOLVED, that the revised Administrative Code, and policies and forms contained within, is hereby adopted; and be it further

RESOLVED, the revised Administrative Code will be made available via the Steuben County intranet, and employees and staff will be notified of said revisions; and be it further

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

Vote: Roll Call – Adopted.
POLICY STATEMENT

As a recipient of federal and state funds, Steuben County is subject to the requirements and provisions of Title VI of the Civil Rights Act of 1964, as amended. Non-compliance with this mandate can affect federal financial assistance.

Title VI of the Civil Rights Act of 1964, as amended, and related statutes and regulations require that no person in the United States shall, on the grounds of race, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which Steuben County receives Federal financial assistance.

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms "program or activity" to include all programs or activities of Federal Aid recipients, sub-recipients, and consultants, whether such programs and activities are federally assisted or not.

Steuben County assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. Steuben County's Deputy County Manager or his/her designee is responsible for monitoring Title VI activities for Steuben County.

Under Title VI, any person has the right to file a formal complaint if he or she believes they have been aggrieved by a discriminatory practice under any program or activity provided by the County, on the basis of race, color, national origin, sex, age, or disability.

In the event that Steuben County distributes federal aid funds to another government entity, it will include Title VI language in all written agreements and will monitor for compliance.

Date: ________________________

Scott J. Van Etten, Chairman
Steuben County Legislature
TITIE VI ASSURANCES

A copy of Steuben County's Title VI Assurances Statement is attached as Appendix A. The Assurances Statement reflects the County's commitment to comply with Title VI of the Civil Rights Act of 1964, as amended, and the County's policy to ensure equal opportunity and to prevent and eliminate discrimination. Steuben County shall submit its Title VI Certification and Assurances whenever the County accepts funding from the Federal government.

APPOINTMENT AND RESPONSIBILITIES OF TITLE VI COORDINATOR

The Steuben County Legislature has designated the Deputy County Manager as the Title VI Coordinator for Steuben County. The Title VI Coordinator is responsible for initiating, monitoring, and ensuring Steuben County's compliance with Title VI requirements as follows:

1. Ensure that the County's Title VI Policy Statement is posted according to the procedures outlined in this document so that the appropriate notice is provided to the general public;
2. To review the County's Title VI Program annually to determine that it is up to date, and to make any recommendations for changes to the document to the Board of Supervisors to ensure that it remains up to date;
3. To keep such records and timely file such reports as required to comply with Title VI requirements;
4. To process, review and investigate Title VI complaints received by the County in accordance with the Complaint Procedure established in this document.

The contact information for the County's Title VI Coordinator is available on the County's website: "www.steubencony.org".

TITIE VI COMPLAINT PROCEDURES

In order to comply with Title VI and all pertinent laws and regulations associated with Title VI, Steuben County provides the following complaint procedures for any individual who believes they have been subjected to discrimination under any program or activity provided by Steuben County. These procedures do not deny the right of the complainant to file a formal complaint with other State or Federal agencies or to seek private counsel for complaints alleging discrimination.

1. Complete and Submit Complaint Form: In order to allow Steuben County to investigate an incident or alleged discrimination under Title VI, the individual who believes they may have been subjected to discrimination must complete and file a Complaint Form. (A copy of the Complaint Form is attached as Appendix B of this document, and can also be found on the Steuben County website at www.steubencony.org) The Complaint Form must be completed fully, and mailed or delivered to: Steuben County Deputy County Manager, 3 E. Pulteney Square, Bath, New York 14810.

Only complaints of incidents that allegedly occurred within 180 days from the receipt of the complaint form will be reviewed. If assistance is needed to complete the Complaint Form, individuals may contact Steuben County at (607) 664-2244.

2. Review of Complaint Form: Upon receipt, the Complaint Form will be reviewed to determine if the County has jurisdiction to review the alleged act of discrimination. A letter acknowledging receipt of the complaint will be mailed
within ten (10) business days.

3. **Investigation:** Steuben County shall make every effort to address all complaints in an expeditious and thorough manner. If more information is needed to resolve the case, the County may contact the complainant. A complainant's failure to provide the requested information may result in the administrative closure of the complaint. A case may also be administratively closed if the complainant informs the County that he/she no longer wishes to pursue their case.

4. **Informing Complainant of the Results of the Investigation:** Steuben County shall send a final written response letter to the complainant. If the complainant is notified that their complaint is not substantiated, the complainant shall also be advised of his or her right to: a.) Submit an appeal within seven calendar days of receipt of the final written decision from Steuben County, and/or b.) File a complaint externally with the applicable State or Federal agency.

The County shall keep a log of all complaints under Title VI, including the date that the complaint was filed, a summary of the allegations(s), the status of the investigation, and actions taken by the County in response to the complaint.

**LIMITED ENGLISH PROFICIENCY (LEP) PLAN**

Title VI of the Civil Rights Act of 1964 and Executive Order 13166 "Improving Access to Services for Persons with Limited English Proficiency" require Steuben County to take reasonable steps to ensure meaningful access to the benefits, services, information and other important portions of its' programs and activities for individuals who are Limited English Proficient (LEP) by developing a Limited English Proficiency Plan.

LEP populations are people for whom English is not their primary language and who have a limited ability to speak, understand, read, or write English. LEP populations included both people who report to the U.S. Bureau of Census that they do not speak English well and people who report that they do not speak English at all.

A copy of Steuben County's Limited English Proficiency (LEP) Plan is available from the Title VI Coordinator.

**AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN**

The Americans with Disabilities Act (ADA) Transition Plan reflects Steuben County's long-term commitment to ADA compliance, and details the stages of Steuben County's plan and timeline for: (1) evaluating accessibility by identifying any structural barriers associated with public facilities; (2) identifying accommodations and/or modifications that can be provided to make programs and services accessible; and (3) prioritizing the remediation of any deficiencies and formulating a budget and schedule for those improvements.

The Draft ADA Transition Plan will be revised and updated as the steps of the Plan are completed. A copy of Steuben County's ADA Transition Plan is available from the Title VI Coordinator.

**STAFF TRAINING**

Initial training of all employees that interact with members of the public has been conducted in Fall 2019 and thereafter annual training will be conducted to remind employees of Steuben County's policy statement, and of their Title VI responsibilities in their daily work activities. Title VI compliance information shall be disseminated to all new employees at time of hire via the new employee orientation process.
The following components will be included in the training:

Title VI Non-Discrimination Policy and LEP and ADA guidelines Description of language assistance services offered to the public General overview of Title VI complaint process

All contractors or subcontractors performing work for Steuben County will be required to follow the Title VI/LEP guidelines.

**TITLE VI INFORMATION DISSEMINATION**

Copies of Steuben County's Title VI Notice to the Public (Appendix C) shall be prominently and publicly displayed in Steuben County facilities. The name of the Title VI Coordinator and the Title VI Plan is available on the Steuben County website, at [www.steubencony.gov](http://www.steubencony.gov).

Additional information relating to the County's nondiscrimination obligation can be obtained from the Steuben County Personnel Office.

**COMMUNITY OUTREACH/ENVIRONMENTAL JUSTICE**

The last Census data shows that Steuben County has a very small minority population and a substantial low-income population. Steuben County is committed to Environmental Justice principles to ensure the full and fair participation by all potentially affected communities in the transportation decision making process and to avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.

Public involvement in the area of Environmental Justice will be achieved through community outreach measures that assure the meaningful involvement of all citizens, including minority and low-income populations.

As an agency receiving federal financial assistance, Steuben County makes the following community outreach efforts to provide information and to allow citizens to share their perspectives with and provide input to County policy makers:

- The public is invited to attend and participate in the legislative process through notices in newspapers throughout the County.
- Public meetings and Hearings are held at accessible locations that facilitate access and participation by all members of the community.
- Official meeting minutes are kept and are made available to the public on the County's website.
- Written correspondence to the Legislature is reviewed by Legislative members monthly and made part of the official record of the Legislature.
- This Title VI Policy Statement was adopted by Resolution at the meeting open to the public pursuant to Executive Order issued on 09/28/2020.
- Title VI statements are posted in all County facilities for public viewing.
- Steuben County has a user friendly website to enhance community relations efforts.
- Steuben County’s Title VI plan is available to the community on the County’s website.
MEMBERSHIP OF NON-ELECTED COMMITTEES AND COUNCILS

Steuben County does not have a non-elected transit related advisory council at this time.

TITLE VI EQUITY ANALYSIS

Steuben County does not have transit related facilities.

SERVICE STANDARDS

Background
FTA requires all fixed route transit providers of public transportation to develop quantitative standards for the following indicators. Individual public transportation providers will set these standards; therefore, these standards will apply to each individual agency rather than across the entire transit industry.

- Vehicle load for each mode: Generally expressed as the ratio of passengers to the number of seats on a vehicle, relative to the vehicle’s maximum load point.
- Vehicle headways for each mode: The amount of time between two vehicles traveling in the same direction on a given line or combination of lines.
- On-time performance for each mode: A measure of runs completed as scheduled.
- Service availability for each mode: A general measure of the distribution of routes within an agency’s service area.

Steuben Area Rides

Vehicle Load Standards
The average of all loads during the peak operating period should not exceed vehicles’ achievable capacities, which is a maximum load factor of 1.5 for each vehicle during both peak and off-peak times. Maximum loads are 18-20 passengers for regular small buses and 24-26 passengers for our larger buses. Overcrowding and loading is not viewed as a major problem for the system, and passengers rarely are required to stand.

Vehicle Headway Standards
Fixed-route service operates between 6:00 am and 9:00 am then 2:00 pm and 5:00 pm Monday through Friday. Bus arrival and departure times should facilitate timed transfers at the Bath Transfer Station.

Scheduling involves the consideration of several factors which include ridership productivity, transit/pedestrian friendly streets, density of transit-dependent populations and activities, and relationship to locations of employers, retail establishments, colleges, and medical care facilities.

On-Time Performance Standards
Adherence to a published schedule is critical to insure the reliability of service to the public. This is particularly important at transfer points, where dependable transfer connections are necessary. Steuben Area Rides “on-time” is established at zero minutes early to five minutes late at each stop.

Availability Standards
In population densities of over 5,000 persons per square miles, the service standard is route spacing of 3/8 mile. Since most of Steuben County is rural in nature, bus service may not conform to the guide in all areas. Long, circuitous routing makes a route less desirable to the public, so Steuben County attempts to make routes as direct as possible.

The Route Deviation service on local routes meets the ADA mandates. The following guidelines are to be met:
• Route Deviation must be provided to all riders who reside within ¾ of a mile of the existing fixed route bus system.
• Route Deviation must be made available for the same span of service as the existing fixed route bus system.
• Fare is not more than twice the fare on the fixed route bus system.

In addition, all trip requests are honored with no distinction made by trip purpose. Route deviation is curb-to-curb service. The minimum reservation time for advanced reservations is the next day.

Service Policies

Vehicle Assignment Policy
All vehicles operate out of the ARC of Steuben and have stops at the Transfer Station in Bath, NY. Fixed routes are generally serviced by smaller buses with air-conditioning and one bigger bus for the longer route. Bus assignments take into consideration the operating characteristics of buses of various lengths, which are matched to the operating characteristics of the route.

Steuben Area Rides should provide attractive and comfortable vehicles that are clearly and correctly marked as to the route on which they are operating. Noise, smoke, and odor should be kept to as low a level as possible through use of the latest equipment and maintenance procedures available. Bus exteriors should be washed weekly and body damage and loose panels or door should be scheduled for immediate repair. Bus interiors are to be cleaned daily. The Operator strives to achieve a 91% pass rate for NYSDOT inspections, and have 10% or less of the fleet out of service at one time.

Transit Amenities Policy
Steuben Area Rides has made it a priority to include bike racks on new buses when they are ordered. The current fleet all have bike racks installed.

First-Transit

Vehicle Load Standards
The average of all loads during the peak operating period should not exceed vehicles’ achievable capacities, which is a maximum load factor of 1.5 for each vehicle during both peak and off-peak times. Maximum loads are 26 passengers for regular small buses and 45 passengers for 40-foot buses. Overcrowding and loading is not viewed as a major problem for the system, and passengers rarely are required to stand. Steuben County Transit is more likely to have concern for under-utilization of transit service.

Vehicle Headway Standards
Fixed-route service operates between 5:00 am and 7:45 Monday through Friday. Where ridership is relatively high, headways of 45 and 60 minutes appear appropriate for peak and base periods, respectively. Bus arrival and departure times should facilitate timed transfers at the Bath Transfer Station and the Corning Transportation Center.

Scheduling involves the consideration of several factors which include ridership productivity, transit/pedestrian friendly streets, density of transit-dependent populations and activities, and relationship to locations of employers, retail establishments, colleges, and medical care facilities.

On-Time Performance Standards
Adherence to a published schedule is critical to insure the reliability of service to the public. This is particularly important at transfer points, where dependable transfer connections are necessary. Adherence to the published schedule is also important during times when long headways are operated. A general
guide for miles operated between service disruption road calls is 4,000 miles between road calls. For purposes of assessing the dependability of Steuben County Transit service, “on-time” is established at zero minutes early to five minutes late at the end of the route. As measured at the Transportation Center and the Transfer Station, the standard for Steuben County Transit schedule adherence is established at 95 percent at all times of the service day. Recognizing the different operating speeds of the local routes and that Steuben County Transit operates in a variety of settings, an average running speed of 19 miles per hour is chosen as a guideline.

**Availability Standards**
In population densities of over 5,000 persons per square miles, the service standard is route spacing of 3/8 mile. Activity centers that are end destinations for these routes include: employers (with 200+ employees), shopping centers, colleges/schools, hospitals/nursing homes, and social services/government centers. Since most of Steuben County is rural in nature, bus service may not conform to the guide in all areas. Long, circuitous routing makes a route less desirable to the public, so Steuben County attempts to make routes as direct as possible.

The Route Deviation service on local routes meets the ADA mandates. The following guidelines are to be met:
- Route Deviation must be provided to all riders who reside within ¾ of a mile of the existing fixed route bus system.
- Route Deviation must be made available for the same span of service as the existing fixed route bus system.
- Fare is not more than twice the fare on the fixed route bus system.

In addition, all trip requests are honored with no distinction made by trip purpose. Route deviation is curb-to-curb service. The minimum reservation time for advanced reservations is the next day.

**Service Policies**

**Vehicle Assignment Policy**
All vehicles operate out of the Bath Transfer Station in Bath, NY with transfers also taking place at the Corning Transportation Center. Fixed routes are generally serviced by smaller buses with air-conditioning and one bigger bus for the longer route. Bus assignments take into consideration the operating characteristics of buses of various lengths, which are matched to the operating characteristics of the route.

Steuben County Transit should provide attractive and comfortable vehicles that are clearly and correctly marked as to the route on which they are operating. Noise, smoke, and odor should be kept to as low a level as possible through use of the latest equipment and maintenance procedures available. Bus exteriors should be washed at least every other day, preferably daily, and body damage and loose panels or door should be scheduled for immediate repair. Bus interiors are to be cleaned daily. The Operator is to achieve a 91% pass rate for NYSDOT inspections, a 98% on time for PM inspections, and have 10% or less of the fleet out of service at one time.

**Transit Amenities Policy**
Although we are a flag stop system, installation of bus shelters and benches along bus routes are important aspects of user comfort and safety. The decision to install a shelter will prioritized based upon the following factors:

1. At least 25 passengers a day must board or transfer at a specific site.
2. There must be no alternate shelter available (i.e. a building overhang, etc.)
3. There must be sufficient space and available right of way.
4. Higher priority will be given to locations known to have a high number of riders who are seniors / disabled.

Steuben County Transit has made it a priority to include bike racks on new buses when they are ordered. The current fleet all have bike racks installed.
Title VI Statement of Assurances

Steuben County (hereinafter referred to as the "Recipient") HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (USDOT), through the Federal Highway Administration (FHWA) and New York State Department of Transportation, is subject to and will comply with the following:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252); (prohibits discrimination on the basis of race, color, national origin);

  49 C.F.R. Part 21 (entitled Non-discrimination in Federally Assisted Programs of the Department of Transportation — Effectuation of Title VI of the Civil Rights Act of 1964); *

- 28 C.F.R. Section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964.)

The preceding statutory and regulatory citations hereinafter are referred to as the "Acts" and "Regulations" respectively.

General Assurances

in accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from USDOT, including FHWA."

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted programs:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in subsections 21.23(b) and 21.23(e) of 49 C.F.R. §21 will be (with regard to an "activity") facilitated, or will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or materials subject to the Acts and the Regulations made in connection with all programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

Steuben County, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 USC subsections 2000d to 2000d-4, and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act) hereby notifies all bidders that it will affirmatively ensure that any contract entered into
pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit
bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in
consideration of award.

3. The Recipient will insert the clauses of Exhibit 1 of this Assurance in every contract or agreement subject to the
Acts and the Regulations.

4. The Recipient will insert the clauses of Exhibit 2 of this Assurance, as a covenant running with the land, in any deed from
the United States effecting or recording a transfer of real property, structures, use or improvements thereon or interest
therein to a Recipient.

5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the
Assurance will extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real
property or an interest in real property, the Assurance will extend to rights to space on, over, or under such
property.

7. That the Recipient will include the clauses set forth in Exhibit 2 of this Assurance, as a covenant running with
the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with
other parties: a) for the subsequent transfer of real property acquired or improved under the applicable activity,
project, or program; and b) for the construction or use of, or access to, space on, over, or under real property
acquired or improved under the applicable activity, project, or program.

8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the
program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real
property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or
any transferee for the longer of the following periods: a) the period during which the property is used for a purpose for
which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or
benefits; or b) the period during which the Recipient retains ownership or possession of the property.

9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation
or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients,
sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal
financial assistance under such program will comply with all requirements imposed pursuant to the Acts, the Regulations and
this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the
Acts, the Regulations, and this Assurance.
By signing this ASSURANCE, Steuben County also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FHWA access to records, accounts, documents, information, facilities, and staff. Steuben County also recognizes that it must comply with any program or compliance reviews, and/or complaint investigations conducted by FHWA, or its designee in a timely, complete, and accurate way. Additionally, Steuben County must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

Steuben County gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts or other federal financial assistance extended after the date hereof to the Recipient by the U.S. Department of Transportation under the Federal Aid Highway Program and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person whose signature appears below is authorized to sign this ASSURANCE on behalf of the Recipient.

Date: ______________________

________________________________________
Scott J. Van Etten, Chairman
Steuben County Legislature
During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations as set forth in Exhibit 5, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.

4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Federal Highway Administration, as appropriate, and will set forth what efforts it has made to obtain the information.

5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
   a. withholding payments to the contractor under the contract until the contractor complies; and/or
   b. cancelling, terminating, or suspending a contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.
CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the Department of Transportation as authorized by law and upon the condition that Steuben County will accept title to the lands and maintain the project constructed thereon in accordance with the Steuben County Legislature, the Regulations for the Administration of Federal Highway Program, and the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto Steuben County all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto Steuben County and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on Steuben County, its successors and assigns.

Steuben County, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed; (2) that Steuben County will use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI.)
TITLE VI

Notice to the Public

Steuben County hereby gives public notice of its policy to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all programs and activities. Title VI requires that no person shall, on the grounds of race, color, national origin, sex, age, or disability be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which Steuben County receives Federal financial assistance. Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with Steuben County. Any such complaint must be in writing and filed with the County's Title VI Coordinator within 120 days from the date of the alleged discriminatory occurrence. For more information or instructions on how to file a discrimination complaint, or to obtain a Title VI Complaint Form, contact:

Steuben County Title VI Coordinator
3 E. Pulteney Square, Bath, New York 14810
607-664-2244
www.steubencony.org
STEUBEN COUNTY
TITLE VI COMPLAINT FORM

Title VI of the Civil Rights Act of 1964, as amended, and related statutes and regulations require that "No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

If you feel you have been discriminated against, please provide the following information in order to assist us in processing your complaint. Send or deliver completed form to:

Steuben County Deputy County Manager
3 E. Pulteney Square
Bath, New York 14810

PLEASE PRINT CLEARLY

Name: ____________________________________________
Address: ____________________________________________
City, State, Zip Code: ________________________________
Telephone No.: (Home) __________________________ (Cell) __________________
E-mail address: ____________________________________________

Person discriminated against (if someone other than the complainant):

Name: ____________________________________________
Address: ____________________________________________
City, State, Zip Code: ____________________________________________

Please indicate why you believe the discrimination occurred:

Race  Color : National Origin :  Sex  Age  Disability

What was the date and time of the alleged discrimination? ________________

Where did the alleged discrimination take place? __________________________

Please describe how you feel you were discriminated against (You may attach additional sheets if necessary)

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

List names and contact information for any and all witnesses:

________________________________________________________________________

Please sign below. You may attach any written materials or other information that you think is relevant to your complaint.

Date: ________________  Complainant’s Signature: ____________________________
The Steuben County Title VI Coordinator is:

Christopher Brewer, Deputy County Manager
Steuben County Office Building
3 E. Pulteney Square
Bath, New York 14810
(607) 664-2244
RESOLUTION NO. 250-20

Introduced by R. Lattimer. Seconded by F. Potter.

AUTHORIZING THE COUNTY MANAGER TO APPROVE A CHANGE ORDER FOR ADDITIONAL SECURITY CAMERAS ASSOCIATED WITH PHASE 2 OF THE COURT RENOVATION PROJECT.

WHEREAS, the County has entered into contracts to perform construction services within the County Office Building; and

WHEREAS, the County has finished Phase 1 of the Court Renovation Project and has begun construction work on Phase 2; and

WHEREAS, the NYS Office of Court Administration requires additional security cameras to be installed; and

WHEREAS, the contract between Matco Electric Corporation and the County does not provide compensation for these additional cameras; and

WHEREAS, this change order was approved by the Ad Hoc Office Space on December 8th, 2020.

NOW THEREFORE, BE IT

RESOLVED, the total amount of the change order is not to exceed $35,979.00; and be it further

RESOLVED, the County Manager is hereby authorized to increase the contract amount with Matco Electric Corporation for the amount of the change order and sign all necessary documents; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 251-20

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

AUTHORIZING THE COUNTY MANAGER TO APPROVE A CHANGE ORDER FOR BOILERS ASSOCIATED WITH PHASE 2 OF THE COURT RENOVATION PROJECT.

WHEREAS, the County has entered into contracts to perform construction services within the County Office Building; and

WHEREAS, the County has finished Phase 1 of the Court Renovation Project and has begun construction work on Phase 2; and

WHEREAS, the Plumbing Contractor has noted inefficiencies with four existing boilers and proposed to replace them with three new boilers; and

WHEREAS, the contract between T. Bell Construction and the County does not provide compensation for the removal of four existing boilers and installation of three replacement boilers; and

WHEREAS, a change order is necessary and was approved by the Ad Hoc Office Space on December 8th, 2020.

NOW THEREFORE, BE IT
RESOLVED, the total amount of the change order is not to exceed $48,772.00; and be it further

RESOLVED, the County Manager is hereby authorized to increase the contract amount with T. Bell Construction, for the amount of the change order and sign all necessary documents; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 252-20

Introduced by R. Lattimer. Seconded by J. Malter.

AUTHORIZING A PUBLIC HEARING ON THE EIGHT-YEAR REVIEW OF AGRICULTURAL DISTRICT NO. 1.

Pursuant to Article 25-AA, Section 303-a, of the Agriculture and Markets Law of the State of New York.

WHEREAS, Agricultural District No.1, located in the Towns of Bath, Cameron, Canisteo, Jasper, Rathbone, Trroupsburg, Woodhull did submit to the Steuben County Board of Supervisors a proposal to create an agricultural district within the specified areas of said Towns, and

WHEREAS, the Clerk of the Legislature did file a copy of the Notice of Review in the Steuben County Clerk's office and did properly publish and have posted the thirty day (30) Notice as required by Law, and the affidavits of publication and posting of the Notice of Review of the Agricultural District having been received and filed on behalf of this Legislature, and

WHEREAS, upon completion of the thirty day review period, any and all proposals filed referred to the Steuben County Agricultural and Farmland Protection Board and said Board will file written reports with this County Legislature containing their recommendations and any proposed modifications concerning the same,

NOW THEREFORE, BE IT

RESOLVED, that in accordance with Section 303-a of the Agriculture and Markets Law of the State of New York, a Public Hearing on the review of said Agricultural District together with any modification thereof set forth in the reports of the Agricultural and Farmland Protection Board shall be held by this County Legislature on the 25th day of January, 2021, at 10:00 a.m. and be it further

RESOLVED, that the Clerk of this Legislature shall cause a Notice of said Public Hearing to be published and mailed in accordance with Section 303-a of the Agriculture and Markets Law, and be it further

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 253-20

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

APPROVING THE STANDARD WORK DAY AND RETIREMENT REPORTING RESOLUTION AS REQUIRED BY THE NEW YORK STATE COMPTROLLER.
WHEREAS, the New York State and Local Employees’ Retirement System adopted 2 NYCRR §315.4, a regulation on retirement reporting for elected and appointed officials which became effective August 12, 2009; and

WHEREAS, the regulation requires an expanded record of work activities, a more detailed resolution and specific time frames within which requirements must be completed.

NOW THEREFORE, BE IT

RESOLVED, the County of Steuben hereby establishes the following standard work days for the listed titles and will report the officials to the New York State and Local Employees’ Retirement System based on their record of activities:

<table>
<thead>
<tr>
<th>TITLE</th>
<th>STANDARD WORKDAY (HRS/DAY)</th>
<th>NAME</th>
<th>TIER 1 MEMBER</th>
<th>CURRENT TERM BEGINS/ENDS</th>
<th>ROA Result</th>
<th>ROA Not Submitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appointed Officials</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assistant Conflict Defender, PT</td>
<td>6.0</td>
<td>James P. Ferratella</td>
<td></td>
<td>6/29/20-12/31/23</td>
<td>14</td>
<td></td>
</tr>
<tr>
<td>Assistant District Attorney, PT</td>
<td>6.0</td>
<td>Thomas M. Bowes</td>
<td></td>
<td>6/30/20-12/31/23</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

AND BE IT FURTHER RESOLVED, elected and appointed officials who are not members of the State Retirement System are not subject to the provisions of this law; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Finance Commissioner, the Personnel Officer and the New York State Comptroller following 30 days of public posting.

Vote: Roll Call – Adopted. Yes – 8220; No – 597; Absent – 1055
(No: Legislator Mullen; Absent: Legislators Ferratella and Maio)

RESOLUTION NO. 087-20

Introduced by G. Swackhamer.  Seconded by K. Fitzpatrick.

AMENDING THE DISTRIBUTION TO THE MUNICIPALITIES ADOPTED IN RESOLUTION 087-20

WHEREAS, this Legislature duly adopted Resolution 087-20 on April 27, 2020 extending the increase on the rate of taxes on sales and uses of tangible personal property and of certain services, and on occupancy of hotel rooms and amusement charges, pursuant to Article 29 of the Tax Law of the State of New York; and

WHEREAS, said 087-20 Resolution set the same distribution amounts to the municipalities as set by Budget Bill A.9504-B; and

WHEREAS, the distribution amount set forth in Section 6.(d) of 087-20 is now in need of amending.

NOW THEREFORE BE IT

RESOLVED, Section 6. (d) of Resolution 087-20 shall now read:

(d) Notwithstanding any provision of law or this resolution to the contrary, of the net collections received from the additional one percent rate of sales and compensating use taxes imposed, respectively, by sections two and four of this resolution during the period beginning December 1, 2020 and ending November 30, 2023, the County shall annually pay or cause to be paid to the City of Hornell the sum of eight hundred twenty thousand dollars ($820,000.00), to the City of Corning the sum of eight hundred twenty thousand dollars ($820,000.00), and the sum of seven hundred ninety thousand dollars ($790,000.00) to the towns and villages of the County, on the basis of the ratio which the full valuation of real
property in each town or village bears to the aggregate full valuation of real property in all of the towns and villages in such area. The remainder of the net collections received from such additional one percent rate of sales and compensating use taxes imposed during such period shall be set aside for County purposes and shall be available for any County purpose; and be it further

RESOLVED, all other adopted provisions of 087-20 adopted by this Legislature on April 27, 2020 shall remain in effect, and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Rossana Rosado, Secretary of State, Office of the Secretary of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231; Thomas P. DiNapoli, Comptroller, Office of the State Comptroller, 110 State St., Albany, NY 12236; Judith M. Hunter, County Clerk; Jack K. Wheeler, County Manager; Tammy Hurd-Harvey, Commissioner of Finance; and Jennifer K. Prossick, County Attorney.

Vote: Roll Call – Adopted. Yes – 8220; No – 597; Absent – 1055
(No: Legislator Mullen; Absent: Legislators Ferratella and Maio)

RESOLUTION NO. 254-20

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


Pursuant to Section 3-204 of the Election Law of the State of New York.

WHEREAS, Joseph Sempolinski, Chairman of the County Committee of the Republican Party of the County of Steuben has, in pursuance of law, made, signed, and filed with the Clerk of the County Legislature, in proper form, his certification that Veronica Olin, residing in Hornell, County of Steuben and State of New York, is a suitable and qualified person to be appointed as a Commissioner of Elections.

NOW THEREFORE, BE IT

RESOLVED, Veronica Olin, residing in Hornell, Steuben County, New York, be and is hereby appointed a Commissioner of Elections in and for the County of Steuben for a term of two (2) years commencing January 1, 2021 and terminating December 31, 2022; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointee at 6321 Crosby Creek Road, Hornell, NY 14843; Joseph Sempolinski, Chairman, Steuben County Republican Committee, PO Box 198, Corning, NY 14830; the County Clerk; the Personnel Officer; and the Clerk of the Steuben County Board of Elections.

Vote: Roll Call – Adopted.

RESOLUTION NO. 255-20

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


Pursuant to Section 3-204 of the Election Law of the State of New York.

WHEREAS, Shawn Hogan, Chairman of the County Committee of the Democratic Party of the County of Steuben, has in pursuance of law, made, signed, and filed with the Clerk of the County Legislature, in proper form, his
certification that Kelly J. Penziul, residing in Painted Post, County of Steuben and State of New York, is a suitable and qualified person to be appointed as a Commissioner of Elections.

NOW THEREFORE, BE IT

RESOLVED, that Kelly J. Penziul, residing in Painted Post, Steuben County, New York, be and is hereby appointed a Commissioner of Elections in and for the County of Steuben for a term of two (2) years commencing January 1, 2021 and terminating December 31, 2022; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the above-named appointee at 175 Beartown Rd., Painted Post, NY, 14870; Shawn Hogan, 12 Mays Avenue, Hornell, New York, 14843; the Steuben County Clerk; Personnel Officer, and to the Clerk of the Steuben County Board of Elections.

Vote: Roll Call – Adopted.

Chairman Van Etten asked both Commissioners of Elections to stand and the Legislature congratulated them on their reappointments with a round of applause.

RESOLUTION NO. 256-20

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

REAPPOINTING THE CLERK OF THE LEGISLATURE OF THE COUNTY OF STEUBEN.

Pursuant to Sections 400 & 475 of the County Law of the State of New York and Section 2.05 of the Steuben County Charter.

WHEREAS, Brenda K. Scotchmer of Pulteney, New York, has been recommended by the Administration Committee for reappointment as Clerk of the Legislature to serve for a five-year term.

NOW THEREFORE, BE IT

RESOLVED, Brenda K. Scotchmer of Pulteney, New York, be and the same hereby is reappointed Clerk of the Legislature for the County of Steuben for a five-year term commencing January 1, 2021 through December 31, 2025; and be it further

RESOLVED, her Oath of Office shall be filed in the Steuben County Clerk’s Office, and that the Clerk of this Legislature is directed to file certified copies of this resolution with the above-named appointee, the Steuben County Clerk, the Commissioner of Finance and the Personnel Officer.

Vote: Roll Call – Adopted.

The Legislature congratulated Mrs. Scotchmer on her reappointment with a round of applause.

RESOLUTION NO. 257-20

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

REAPPOINTING THE COUNTY ATTORNEY OF THE COUNTY OF STEUBEN.

Pursuant to Section 500 of the County Law of the State of New York and Section 5.00 of the Steuben County Charter.
WHEREAS, Jennifer K. Prossick of Bath, New York, has been recommended by the Administration Committee for reappointment as County Attorney to serve for a five-year term.

NOW THEREFORE, BE IT

RESOLVED, Jennifer K. Prossick of Bath, New York, be and the same hereby is reappointed County Attorney for the County of Steuben for a five-year term commencing January 1, 2021 through December 31, 2025; and be it further

RESOLVED, her Oath of Office shall be filed in the Steuben County Clerk's Office, and that the Clerk of this Legislature is directed to file certified copies of this resolution with the above-named appointee, the Steuben County Clerk, the Commissioner of Finance and the Personnel Officer.

Vote: Roll Call – Adopted.

The Legislature congratulated Ms. Prossick on her reappointment with a round of applause.

RESOLUTION NO. 258-20

Introduced by B. Schu. Secondly by H. Lando.

CONFIRMING THE APPOINTMENT OF THE STEUBEN COUNTY PLANNING DIRECTOR.

Pursuant to Section 12.09 of the County Charter.

WHEREAS, Matthew T. Sousa of Naples, New York, has been appointed by the County Manager as the Steuben County Planning Director on a provisional basis.

NOW THEREFORE, BE IT

RESOLVED, that Matthew T. Sousa of Naples, New York, is hereby provisionally appointed as Steuben County Planning Director, effective December 21, 2020, at a salary of $82,631 per annum; and be it further

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

Vote: Roll Call – Adopted.

Chairman Van Etten stated congratulations Mr. Sousa, you have big shoes to fill.

RESOLUTION NO. 259-20

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

APPOINTING MEMBERS TO THE STEUBEN AREA ECONOMIC DEVELOPMENT CORPORATION.

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

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

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

NOW THEREFORE, BE IT

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

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

January 1, 2021 through December 31, 2023
Christine G. Sharkey, Corning Enterprises, One West Market Street – 6th Floor, Corning, NY 14830
Mike Davidson, Davidson’s Furniture, 161 Main Street, Hornell, NY 14843

January 1, 2021 through December 31, 2021
Scott J. Van Etten, Chairman, Steuben County Legislature, 11331 Hendy Hollow Road, Corning, NY 14830

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

AND BE IT FURTHER RESOLVED, the members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Steuben Area Economic Development Corporation; and be it further

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

Chairman Van Etten asked why do we reappoint people that have current terms; why not just appoint those with new terms? Mrs. Scotchmer replied it is easier for us to track it. You are only appointing those with new terms. Chairman Van Etten asked since I am a member, should I abstain? Ms. Prossick replied probably.

Vote: Acclamation – Adopted. (Chairman Van Etten abstained as he is a board member)

RESOLUTION NO. 260-20

Introduced by S. Van Etten. Seconded by R. Lattimer.

APPOINTING MEMBERS TO THE STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY.

WHEREAS, the By-Laws of the Steuben County Industrial Development Agency authorize as many as seven (7) members to serve on the Steuben County Industrial Development Agency; and

WHEREAS, the Board members are appointed to serve three (3) year staggered terms, excepting one appointment who shall serve a term of one (1) year; and

WHEREAS, the term has expired for various Board members.

NOW THEREFORE, BE IT

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

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

**January 1, 2021 through December 31, 2023**
Christine G. Sharkey, Corning Enterprises, One West Market Street – 6th Floor, Corning, NY 14831
Mike Davidson, Davidson’s Furniture, 161 Main Street, Hornell, NY 14843

**January 1, 2021 through December 31, 2021**
Scott J. Van Etten, Chairman, Steuben County Legislature, 11331 Hendy Hollow Road, Corning NY 14830

**January 1, 2019 – December 31, 2021**
Mark R. Alger, County Resident, 109 Rumsey Street, Bath, NY 14810
Dean Strobel, General Manager, Upstate Niagara Coop, 8600 Main Street, Campbell NY 14821
*(filling unexpired term of James R. Frame)*

AND BE IT FURTHER RESOLVED, the members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Steuben County Industrial Development Agency; and be it further

RESOLVED, certificates of appointment, as required by law, shall be filed with the Secretary of the State of New York, by Jeff Evans, Esq. of Welch and Zink, Counsel to the Steuben County Industrial Development Agency; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to each of the above-named appointees, the County Planning Director, James C. Johnson, Executive Director, Steuben County Industrial Development Agency, 7234 Route 54 N, PO Box 393, Bath, NY 14810; Chelsea Robertson, Executive Director, Southern Tier Central Regional Planning & Development Board, 8 Denison Parkway East, Suite 301, Corning, NY 14830; counsel to the agency and the County Auditor.

Vote: Acclamation – Adopted. (Chairman Van Etten abstained as he is a board member)

RESOLUTION NO. 261-20

Introduced by H. Lando. Seconded by K. Fitzpatrick.

MEMORIALIZING THE NEW YORK STATE LEGISLATURE TO ESTABLISH A TEMPORARY COMMISSION TO STUDY AND INVESTIGATE THE EFFECTS OF THE COVID-19 PANDEMIC RESPONSE RELATED TO NURSING HOME DEATHS.
WHEREAS, the State reported COVID-19 death toll in New York State nursing homes, estimated between 6,500 to 7,000, is likely a significant undercount; and

WHEREAS, the inordinately high mortality rates to a very vulnerable population indicate that there is a need to examine the State and Federal policies that led to poor outcomes in combatting the COVID-19 virus; and

WHEREAS, Senate Bill S.8756 (Tedisco) and companion Assembly Bill A.10857 (Kim), will support families still searching for answers by establishing an independent bi-partisan commission to study and investigate the effects of the COVID-19 response on nursing home deaths; and

WHEREAS, the proposed Commission would consist of members appointed by the Majority Leader and Minority Leader in each respective house of the State Legislature, along with a member appointed by the New York State Attorney General’s Office; and

WHEREAS, said Commission shall have subpoena power and shall make a report of its findings and recommendations and remain in full effect for a period of one year after delivery of such report.

NOW, THEREFORE BE IT

RESOLVED, the Steuben County Legislature hereby urges all members of the New York State Senate and Assembly to support S.8756/A.10857, an Act “Establishing a Temporary State Commission to Study and Investigate the Effects of the COVID-19 Pandemic Response on Deaths in Nursing Homes”; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Andrew M. Cuomo, New York State Governor, New York State Capitol Building, Albany, NY 12224; Letitia James, New York State Attorney General, Office of the Attorney General, The Capitol, Albany, NY 12224-0341; Honorable Andrea Stewart-Cousins, NYS Senate Majority Leader, 907 Legislative Office Building, Albany, NY 12247; Honorable Robert G. Ortt, Senate Minority Leader, Capitol Building Room 315, Albany, NY 12247; Honorable Carl E. Heastie, Speaker, New York State Assembly, 932 Legislative Office Building, Albany, NY 12248; Honorable Crystal D. Peoples-Stokes, NYS Assembly Majority Leader, 926 Legislative Office Building, Albany, NY 12248; Honorable William A. Barclay, NYS Assembly Minority Leader, Capitol 444, Albany, NY 12248; Honorable James Tedisco, New York State Senator, 515 Legislative Office Building, Albany, NY 12247; Honorable Ron Kim, New York State Assemblyman, 419 Legislative Office Building, Albany, NY 12248; Honorable Thomas M. O’Mara, New York State Senator, 406 Legislative Office Building, Albany, NY 12247; Honorable Philip A. Palmesano, New York State Assemblyman, 320 Legislative Office Building, Albany, NY 12248; Honorable Joseph M. Giglio, New York State Assemblyman, 525 Legislative Office Building, Albany, NY 12248; Honorable Marjorie Byrne, New York State Assemblywoman, 723 Legislative Office Building, Albany, NY 12248; Brooke Harris, President, Inter-County Association of Western New York, c/o Allegany County Legislature, 7 Court Street, Belmont, NY 14813-1084; and New York State Association of Counties, 515 Broadway, Suite 402, Albany, NY 12207.

Vote: Acclamation – Adopted. (Mrs. Lando opposed)

Mr. Sauro, Public Defender, came forward to tell the Legislature a holiday tale. Last year I was unaware of the annual Fruitcake tradition and was quite surprised when the Sheriff bestowed the fruitcake upon me and whispered “guard it with your life”. I knew it was severe. The fruitcake was placed in the Public Defender’s freezer with instructions that no one was to touch it. Time went on and then there was COVID. Then in August I got the phone call that renovations were about to start and we had one week to pack; and we did pack everything. A couple of months later I was sitting by my wife and the holiday commercials began and I sat up and shouted “THE FRUITCAKE”!! My wife said I was unwell and that she would have to have me committed. A frantic phone call and the fruitcake appeared to be gone, along with the entire refrigerator. I later received an email that stated “We have the Fruitcake” and then it was returned to me. This year, I will bestow the fruitcake upon the savior of the cake…Eric Rose.

Legislative Meeting
Monday, December 21, 2020
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 Mr. Malter, seconded by Mr. Schu and duly carried.

Motion to Adjourn Executive Session and Reconvene in Regular Session made by Mr. Swackhamer, seconded by Mr. Van Caeseele and duly carried.

Motion to Adjourn made by Ms. Lattimer, seconded by Ms. Fitzpatrick and duly carried.