REGULAR MEETING
Morning Session
Monday, March 22, 2021
Legislative Chambers

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, in Bath, NY, on Monday, the 22nd day of March, 2021, and was called to order by the Chairman of the Legislature, Scott J. Van Etten.

Roll Call and all members present except Legislator Schu.

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

Mr. Caudill stated today the Youth in Government Interns are joining the meeting via Zoom. This year has been a challenge given COVID and trying to schedule with the school districts. We had nine students last spring and with COVID we had to put the program on pause. We brought those students back in the fall and five students finished out the program. This spring we have six students, all from the Corning-Painted Post School District. Given how we have to do things, it really takes the student’s own initiative to successfully participate. This session’s students have interests in the political science, public health, medical, and business and marketing fields. These are very bright students and they have been very engaged in the program. We are doing our fourth session today. The students are required to do journal entries and after the Administration Committee meeting, one student wrote how respectful and considerate the Legislators are when they meet and how that is important to the efficiency of the meetings. This student also mentioned this will be good for regular conversations and that it is important to allow time to hear all views. Mr. Caudill stated Mr. Gallagher is still engaged with the program even though he has stepped back from the Coordinator position. We are talking with the schools to try to get them more engaged for the fall. Thank you for your continued support.

Chairman Van Etten opened the floor for comments by members of the public. There being none, he 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 upon the proposed application for Fiscal Year 2020 Community Development Block Grant (CDBG) funds from New York State Homes and Community Renewal (HCR) and possibly other funding available under the Consolidated Funding Application (CFA). Chairman Van Etten opened the floor for comments by members of the public. There being no comment, he declared the Public Hearing closed.

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

Mrs. Jordan announced free downloadable GIS parcel data is now available on the County website. This is an interactive GIS maps link. We also provided this link to the NYS GIS Clearinghouse and they will set up a link on their site back to our data.

Mr. Van Etten stated Mr. Malter had recently asked about the cost of meals at the Jail and Mr. Wheeler provided a three year summary. I took that information and formulated data to come up with the average cost per inmate, which I distributed to you this morning. The increases are significant. I sent this back to Mr. Wheeler and they are going to look into this and explain the increases. I am also concerned about the prior period adjustments.

Mr. Van Etten stated I would like to thank the Hornell City Mayor for the very nice letter he wrote commending Mr. Wheeler and Mrs. Smith on the job they have been doing the last year. We appreciate that.
RESOLUTION NO. 042-21

Introduced by G. Swackhamer. Seconded by F. Potter.

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

Pursuant to Section 2.07 of the Steuben County Charter.

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

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

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”

<table>
<thead>
<tr>
<th>Resolution No.</th>
<th>A-1</th>
<th>Resolution No.</th>
<th>A-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td>David N. Allen</td>
<td>Name</td>
<td>Menno B. &amp; Nancy A. Yoder</td>
</tr>
<tr>
<td>Parcel No.</td>
<td>304.00-01-052.111</td>
<td>Parcel No.</td>
<td>049.00-01-032.000</td>
</tr>
<tr>
<td>Municipality</td>
<td>Town of Greenwood</td>
<td>Municipality</td>
<td>Town of Pulteney</td>
</tr>
<tr>
<td>Disposition</td>
<td>2021 Correction of water re levy</td>
<td>Disposition</td>
<td>2021 Correction of Exemption</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Resolution No.</th>
<th>A-3</th>
<th>Resolution No.</th>
<th>A-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td>Waltrust Properties Inc.</td>
<td>Name</td>
<td>Steuben County Land Bank Corp.</td>
</tr>
<tr>
<td>Parcel No.</td>
<td>318.45-01-029.000</td>
<td>Parcel No.</td>
<td>144.03-02-005.000</td>
</tr>
<tr>
<td>Municipality</td>
<td>City of Corning</td>
<td>Municipality</td>
<td>Town of Bath</td>
</tr>
<tr>
<td>Disposition</td>
<td>2021 Court-ordered A/V change</td>
<td>Disposition</td>
<td>2021 Correction – Tax Exempt</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Resolution No.</th>
<th>A-5</th>
<th>Resolution No.</th>
<th>A-6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td>Steuben County Land Bank Corp.</td>
<td>Name</td>
<td>Margaret A. Cogswell-Klick</td>
</tr>
<tr>
<td>Parcel No.</td>
<td>037.19-01-072.000</td>
<td>Parcel No.</td>
<td>156.00-01-015.111</td>
</tr>
<tr>
<td>Municipality</td>
<td>Town of Pulteney</td>
<td>Municipality</td>
<td>Town of Bath</td>
</tr>
<tr>
<td>Disposition</td>
<td>2021 Correction – Tax Exempt</td>
<td>Disposition</td>
<td>2021 Correction to Fire District A/V</td>
</tr>
</tbody>
</table>

Vote: Roll Call – Adopted. Yes – 8615, No – 0, Abstained – 597, Absent – 660
(Abstained – Legislator Mullen due to a client matter; Absent – Legislator Schu)

RESOLUTION NO. 043-21

Introduced by S. Van Etten. Seconded by C. Ferratella.

RECEIVING AND ACCEPTING THE MARCH 22, 2021 COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY MANAGER’S OFFICE.

BE IT RESOLVED, that the following communications were received, accepted and filed by the County of Steuben, and referred to the appropriate Standing Committee and/or Department Head for information and/or action, to wit:
February 12, 2021  
Harris Beach PLLC, Attorneys at Law – Re: Steuben County Industrial Development Agency and Abundant Solar Power (Troupsburg) LLC first amendment to the tax agreement dated January 21, 2021 for property located at 2985 County Route 84, Town of Troupsburg, Steuben County, NY (396.00-01-032.200).  Referred to: Finance and Administration Committees; Tammy Hurd-Harvey, Commissioner of Finance; Wendy Jordan, RPTSA Director; and Jennifer Prossick, County Attorney.

February 17, 2021  
U.S. Census Bureau – Re: Recognition of the Steuben County Legislature as an invaluable member of the 2020 Census Community Partnership and Engagement Program.  Referred to: A.I.P. Committee; and Matt Sousa, Planning Director.

February 22, 2021  
Eight Point Wind Energy Center – Re: Notice of petition to amend certificate for case no.16-F-0062.  Referred to: A.I.P. Committee; and Matt Sousa, Planning Director.

February 24, 2021  
Environmental Emergency Services, Inc. – Re: Thank you letter for the 2021 allocation of $8,400.00, which helps to provide flood warnings; chemical hazard training; and national flood insurance information to Steuben County.  Referred to: Public Safety & Correction Committee; and Tim Marshall, Emergency Services Director.

March 1, 2021  
Harris Beach PLLC, Attorneys at Law – Re: Steuben County Industrial Development Agency and Clark Specialty Co. Inc. (payment in lieu of tax) agreement and RP-412-a form for property located at 36 Delaware Ave, Village of Bath, Steuben County, NY.  Referred to: Finance and Administration Committees; Tammy Hurd-Harvey, Commissioner of Finance; Wendy Jordan, RPTSA Director; and Jennifer Prossick, County Attorney.

Eight Point Wind Energy Center – Re: Petition to amend the certificate of environmental compatibility and public need, with conditions (case no.16-F-0062).  Referred to: A.I.P. Committee; and Matt Sousa, Planning Director.

March 3, 2021  
Harris Beach PLLC, Attorneys at Law – Re: Steuben County Industrial Development Agency and NY Troupsburg I, LLC REVISED (payment in lieu of tax) agreement and RP-412-a form for property located at County Route 84, in the Town of Troupsburg, Steuben County, NY.  Referred to: Finance and Administration Committees; Tammy Hurd-Harvey, Commissioner of Finance; Wendy Jordan, RPTSA Director; and Jennifer Prossick, County Attorney.

March 4, 2021  
NYS Department of Environmental Conservation – Re: Public notice on the proposal to remove the property located at 6666 Babcock Hollow Road, Bath, NY (Site Name: Steuben-Allegany BOCES, Site#851019, Tax Map No#174-1-33) from the registry of inactive hazardous waste disposal sites.  Referred to: A.I.P. Committee; and Matt Sousa, Planning Director.

March 9, 2021  
Western Regional Off-Track Betting Corporation – Re: Check in the amount of $1,571, which represents the January 2021 surcharge revenues for Steuben County.  Referred to: Administration and Finance Committees; and Tammy Hurd-Harvey, Commissioner of Finance.

March 10, 2021  
NYS Office of Children and Family Services – Re: OCFS Fatality Report #RO-20-022.  Referred to: Scott Van Eten, Legislature Chairman; and Jack Wheeler, County Manager.

Vote:  Acclamation – Adopted.
RESOLUTION NO. 044-21

Introduced by J. Malter and G. Swackhamer. Seconded by K. Fitzpatrick.

AUTHORIZING AND ACCEPTING THE CRIMINAL JUSTICE DISCOVERY REFORM GRANT.

WHEREAS, the New York State Division of Criminal Justice Services is awarding Steuben County three hundred seventy thousand one hundred two dollars ($370,102.00) under the New York State Criminal Justice Discovery Reform Grant for April 2020 through March 2021; and

WHEREAS, the Criminal Justice Discovery Reform Grant is totally funded with no County cost; and

WHEREAS, it has been established that these grant funds shall be used to provide reimbursement for discovery expenses incurred for New York State Discovery Reform.

NOW THEREFORE, BE IT

RESOLVED, this Legislature hereby accepts the funds received for 2020 and 2021; and be it further

RESOLVED, that the Commissioner of Finance is authorized and directed to accept and appropriate $370,102.00 as revenue for the year 2021 budget; and be it further

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

Mr. Ryan commented the second whereas states that there is no funding from the County. Is the State coming up with a revenue source? Mr. Wheeler explained this grant does not have a local match. Our costs very likely will exceed the amount of the grant.

Vote: Roll Call – Adopted.

RESOLUTION NO. 045-21

Introduced by R. Lattimer and G. Swackhamer. Seconded by K. Fitzpatrick.

AUTHORIZING FUNDING OF THE ENTERPRISE RESOURCE PLANNING (ERP) SOFTWARE IMPLEMENTATION.

WHEREAS, the County has evaluated several ERP software solutions; and

WHEREAS, the estimated five year cost of the ERP software solution is $2,000,000; and

WHEREAS, the Administration Committee and Finance Committee have recommended utilizing general fund unassigned fund balance to fund this project.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Finance is hereby authorized and directed to transfer $2,000,000 from general fund unassigned fund balance to the Information Technology Capital Project and appropriate the same to the capital project account line #5250021 established for the Munis ERP software; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Finance, Director of Information Technology, the County Attorney, and the County Manager.
Mr. Mullen asked can you explain what the long-term costs will be? Do we already have money in a capital account? Mr. Wheeler replied the ongoing cost of the current ERP is in the operating budget. Eventually, we see the ongoing costs for the new system going in the operating budget once we get through the implementation. We are looking at establishing this capital project for five years and then annually after that it will be your choice how to fund it.

Mr. Mullen asked what will be the annual operating cost? I’m assuming it will be a lot higher. Mr. Van Etten stated there will be a different mix. The current E-Finance and OpenGov systems are what we use to build the budget. With the new system, that will be all encompassing and will also be located on the cloud. This will also change the way that we own the license to this software.

Mrs. Hurd-Harvey explained the annual cost for the first five years will be $273,000. There is an escalation clause which is 2 percent or the CPI, whichever is greater, and we will know that cost once we get closer to our five year expiration. Mr. Van Etten asked what do we currently pay for the software we have now? Mrs. Hurd-Harvey replied OpenGov is $43,000 annually and E-Finance is $48,000 annually.

Mr. Mullen asked will this new software bring efficiency to your operation? Mr. Wheeler replied yes. Information Technology has built so many homegrown modules for how Mrs. Hurd-Harvey pulls her reports. This new software will integrate all our current systems into one. We will be able to get rid of our homegrown modules or the modules that we contract separately for.

Mr. Van Etten commented E-Finance announced two years ago that they would no longer support their software. Mr. Mullen stated this is a good idea and the main thing will be training staff.

Mr. Malter asked will more space be saved on our servers by going to this? Mr. Wheeler replied not a significant amount. OpenGov is on the cloud and we use one or two servers for E-Finance.

Ms. Fitzpatrick commented this new software will move us in a new direction because SAAS will be the direction of the future. This new software should also improve efficiencies if someone needs to work from home. Mr. Wheeler stated anyone with a browser at home will be able to locate it and it will be much more efficient.

Vote: Roll Call – Adopted.

RESOLUTION NO. 046-21

Introduced by C. Ferratella and G. Swackhamer. Seconded by J. Malter.

AUTHORIZING THE COMMISSIONER OF FINANCE TO ACCEPT DELIVERY SYSTEM REFORM INCENTIVE PROGRAM (DSRIP) FUNDS.

WHEREAS, this County has participated in the Finger Lakes Performing Provider System Medicaid Reform DSRIP Projects; and

WHEREAS, the County has been awarded $86,628 resulting from the County Programs meeting Performance Measures identified in the various project goals; and

WHEREAS, the County has seen an increase in Homelessness and need for Public Welfare Benefits; and

WHEREAS, these funds can and will be used to improve the overall housing and basic needs of this population.

NOW THEREFORE, BE IT
RESOLVED, the Commissioner of Finance is hereby authorized to accept $86,628 in DSRIP funding and appropriate said funds into the Capital Project account #6010H6 Delivery System Reform; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 047-21

Introduced by R. Lattimer.

AUTHORIZING THE STEUBEN COUNTY PLANNING DEPARTMENT TO SUBMIT AN APPLICATION TO THE NEW YORK STATE HOMES AND COMMUNITY RENEWAL FOR A COMMUNITY DEVELOPMENT BLOCK GRANT.

WHEREAS, Steuben County is an eligible applicant for New York State Community Development Block Grant (CDBG) funding for Housing Activities; and

WHEREAS, Steuben County and Arbor Development, Inc. want to continue their program of housing rehabilitation for low and moderate income persons; and

WHEREAS, well and septic replacement, and lateral connection assistance, are eligible expenditures of CDBG funds; and

WHEREAS, under the CDBG Program, the County is permitted to contract with Arbor Development, Inc. to provide said assistance.

NOW THEREFORE, BE IT

RESOLVED, that the Planning Department is hereby authorized to submit an application to the NYS Homes and Community Renewal for a Community Development Block Grant to provide funding for well and septic systems repairs or replacements or lateral connections to water or sewer systems; and be it further

RESOLVED, the Planning Director is hereby authorized to sign the application on behalf of the County; and be it further

RESOLVED, should said grant be awarded, Steuben County hereby accepts the grant award and the Commissioner of Finance is hereby authorized to appropriate the grant funds in the County Budget; and be it further

RESOLVED, that the Planning Director is hereby authorized to sign all appropriate and necessary documents to implement said grant, and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Planning Director, and to the Executive Director, Arbor Development, Inc., 26 Bridge St., Corning NY 14830.

Vote: Roll Call – Adopted.
RESOLUTION NO. 048-21

Introduced by J. Malter. 

ADOPTING THE STEUBEN COUNTY HEALTH EMERGENCY PLAN.

WHEREAS, in accordance with NYS S8617B/A10832, which amends New York State Labor Law Section 27-c and New York Education Law Section 2801-a, Steuben County has developed this Steuben County Health Emergency Plan; and

WHEREAS, in accordance with the law, the collective bargaining units of Steuben County have had the opportunity to review this plan and provide comment; and

WHEREAS, the plan has been developed utilizing CDC and NYS DOH guidelines, along with our experiences in responding to the COVID-19 pandemic; and

WHEREAS, the Steuben County Health Emergency Plan is required to be placed within the Steuben County Administrative Code, and posted for employee access on the Steuben County intranet.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature hereby adopts the Steuben County Health Emergency Plan; and be it further

RESOLVED, that the Steuben County Manager is authorized to sign the attestation of the adoption of the plan; and be it further

RESOLVED, that the Steuben County Administrative Code is hereby amended to include the Steuben County Health Emergency Plan; and be it further

RESOLVED, that the Steuben County Health Emergency Plan shall be made available for employee access on the Steuben County intranet.

Vote: Roll Call – Adopted.

RESOLUTION NO. 049-21

Introduced by R. Nichols. 

CONVEYING EXCESS COUNTY RIGHT-OF-WAY ALONG COUNTY ROUTE 119 IN THE TOWN OF RATHBONE TO THE ADJACENT LANDOWNER.

WHEREAS, Vicki Warner (“the adjacent landowner”), of 10469 County Route (“CR”) 119, owns property identified as tax map parcel 312.00-01-047.200 adjacent to CR 119 in the Town of Rathbone; and

WHEREAS, the County has excess highway right-of-way immediately south of the adjacent landowner’s property on CR 119 that the County acquired from the previous landowner in 1964; and

WHEREAS, this portion of highway right-of-way is no longer necessary for use or maintenance of CR119 by the County; and

WHEREAS, the adjacent landowner is desirous of acquiring an approximately 1200 square foot parcel within this excess right-of-way, and is agreeable to having a survey map prepared of said parcel and covering any and all costs associated with the preparation of said map and filing it and any required forms with the County Clerk’s office; and
WHEREAS, the County is desirous of abandoning its interest in said parcel of excess right-of-way and conveying it to the adjacent landowner, including any and all rights the County may have to the land, and restoring said parcel of property to the tax rolls.

NOW THEREFORE, BE IT

RESOLVED, this Legislature does hereby approve of abandoning its interest in said parcel of excess right-of-way and conveying it to the adjacent landowner, and restoring said parcel of property to the tax rolls; and be it further

RESOLVED, the County Manager is hereby authorized to sign all documents to effectuate the conveyance; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 050-21

Introduced by R. Lattimer and G. Swackhamer. Seconded by P. Van Caeseele.

AUTHORIZING THE COMMISSIONER OF FINANCE TO EXECUTE A CONTRACT WITH TYLER TECHNOLOGIES FOR THE PROVISION OF THE MUNIS ENTERPRISE RESOURCE PLANNING SOFTWARE AS A SERVICE.

WHEREAS, the County’s current Enterprise Resource Planning software will no longer be supported by the software vendor; and

WHEREAS, the County has evaluated several ERP software solutions and determined that the Munis software solution offered by Tyler Technologies provides the greatest opportunity for process improvement objectives; and

WHEREAS, the Administration Committee and Finance Committee have recommended negotiating a contract with Tyler Technologies for the provision the Munis Software as a Service.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Finance is hereby authorized to negotiate and enter into an agreement with Tyler Technologies for the provision of the Munis Enterprise Resource Planning Software as a Service; and be it further

RESOLVED, the contract is subject to approval by the County Attorney; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 051-21

Introduced by C. Ferratella and G. Swackhamer. Seconded by R. Lattimer.

FUNDING ONE (1) VACANT CASEWORKER POSITION, GRADE XII WITHIN THE STEUBEN COUNTY DEPARTMENT OF SOCIAL SERVICES AND APPROPRIATING STATE AND INKIND/DONATED FUNDING.

WHEREAS, there is a need for preventive services in the Western Region of the County; and
WHEREAS, this Position will support preventive services in the Western Region of the County; and  

WHEREAS, the Department will apply additional donated funds to support this position; and  

WHEREAS, the Department will receive additional State funds to support this position.

NOW THEREFORE, BE IT

RESOLVED, effective with the adoption of this resolution, the following position in the Department of Social Services is hereby funded:

Caseworker, Grade XII ($37,020-52,265)

AND BE IT FURTHER RESOLVED, that the 2021 County Job Classification and Salary Schedule is hereby amended to reflect the above stated changes; and be it further

RESOLVED, the additional Expenditures to be appropriated are:

6010001100665 Salaries/ Preventive $52,265  
6010005880000 Fringe Benefits $28,746  
6010005471000 Mileage $4,800  
6010005402250 Internet $600  
6010005407200 Training $525  
601000408200 Software $500  
6010005250026 Computer Equip $2,000

AND BE IT FURTHER RESOLVED, the approved Equipment line will be amended to add one complete computer/laptop set up; and be it further

RESOLVED, the additional Revenues to be appropriated are:

601000 42705000 Donated/InKind $42,271  
601000 43610000 State Revenues $47,165

AND BE IT FURTHER RESOLVED, a certified copy of this resolution shall be forwarded to the Commissioner of Finance, Personnel Officer and the Department of Social Services.

Vote: Roll Call – Adopted.

Mr. Malter asked when this goes into effect, I would like a report on how it is working. If, down the line, it is effective, I would like to look at establishing something similar in the rest of the County.

RESOLUTION NO. 052-21

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

AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO ENTER INTO AN INTER-MUNICIPAL AGREEMENT WITH ALFRED STATE COLLEGE.

WHEREAS, Steuben County owns and operates a solid waste transfer facility located in the Town of Hornellsville designed and permitted for the transfer of municipal solid waste to the County landfill located in the Town of Bath; and
WHEREAS, the transfer facility is authorized to transfer 12,500 tons per year of solid waste, the transfer facility currently has excess capacity within that annual limit of approximately 9,000 tons per year, and the landfill has capacity available; and

WHEREAS, the County is willing to make capacity available for the transfer of municipal solid waste from Alfred State College or from those with whom Alfred State College contracts with for the disposal of solid waste; and

WHEREAS, Alfred State College desires to contract with the County to provide for the disposal of approximately 600 tons per year of municipal solid waste at a rate of $44.00/ton at the transfer station for a period of five (5) years; and

WHEREAS, the parties are desirous of entering into an intergovernmental cooperation agreement for said purposes.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Public Works is hereby authorized to enter into an intergovernmental cooperation agreement with Alfred State College or with those whom Alfred State College contracts with for the disposal of municipal solid waste at the Steuben County Hornell Transfer Station for $44.00/ton; and be it further

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

Vote: Roll Call – Adopted.

AMENDED
RESOLUTION NO. 053-21

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

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

WHEREAS, Steuben County owns and operates a solid waste transfer facility located in the Town of Erwin designed and permitted for the transfer of municipal solid waste to the County landfill located in the Town of Bath; and

WHEREAS, the transfer facility is authorized to transfer 12,500 tons per year of solid waste, the transfer facility currently has excess capacity within that annual limit of approximately 3,000 tons per year, and the landfill has capacity available; and

WHEREAS, Steuben County is willing to make capacity available for the transfer of municipal solid waste from the City of Corning or from those with whom the City of Corning contracts with for the disposal of solid waste; and

WHEREAS, the City of Corning desires to contract with Steuben County to provide for the disposal of approximately 1,200 tons per year of municipal solid waste at a rate of $44.00/ton at the transfer station for a period of five (5) years; and

WHEREAS, the parties are desirous of entering into an intergovernmental cooperation agreement for said purposes.

NOW, THEREFORE, BE IT
RESOLVED, the Commissioner of Public Works is hereby authorized to enter into an intergovernmental cooperation agreement with the City of Corning or with those whom the City of Corning contracts with for the disposal of municipal solid waste at the Steuben County Erwin Transfer Station for $44.00/ton; and be it further

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

Motion to amend the second whereas to state that the transfer facility currently has excess capacity within that annual limit of approximately 3,000 tons per year made by Mr. Horton, seconded by Mr. Potter and duly carried.

Mr. Malter asked they are authorized for 12,500 tons, but are only able to take 3,000 tons? Mr. Mullen commented the total capacity at the transfer facility is 12,500. Mr. Spagnoletti explained the transfer station can accommodate 12,500 tons and now there is excess capacity of 3,000 tons and we have plenty of room for the City of Corning’s garbage.

Vote: Roll Call – Adopted.

RESOLUTION NO. 054-21

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

APPROVING A ROAD USE AND REPAIR AGREEMENT FOR COHOCTON REPOWER PROJECT.

WHEREAS, Canandaigua Power Partners, LLC and Canandaigua Power Partners II, LLC are building wind turbines for the Cohocton Repower Project in the County, in particular the Town of Cohocton affecting County Routes 35, and 36; and

WHEREAS, the wind turbine construction involves substantial hauling and heavy vehicle traffic to construction sites and staging areas; and

WHEREAS, such hauling and traffic must occur upon and over County Roads and Rights-of-Way, thereby subjecting them to damage and degradation more rapidly than anticipated periods of probable usefulness would dictate; and

WHEREAS, the Developer has agreed to compensate the County in respect to the damage and degradation caused by the hauling and traffic utilized in the wind turbine construction; and

WHEREAS, the Developer and County have developed a Road Use and Repair Agreement to establish the foregoing principles and bind the parties thereto.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Public Works is hereby authorized to execute Road Use and Repair Agreements relative to the Cohocton Repower Project with Canandaigua Power Partners, LLC and Canandaigua Power Partners II, LLC; 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. 055-21

Introduced by R. Nichols. Seconded by R. Lattimer.

AUTHORIZING INTER-MUNICIPAL AGREEMENT(S) FOR USE OF COUNTY-OWNED TRACTOR AND LOWBOY TRAILER.

Pursuant to GML §119-0.

WHEREAS, the County owns and operates multiple Heavy Duty Gooseneck Trailers and Tractors used for hauling and transporting materials and equipment; and

WHEREAS, the Towns, Cities, Villages and the Soil & Water Conservation District within the County, at various times, request that the County haul and relocate their equipment and materials for them within and outside the limits of the county; and

WHEREAS, the Public Works Committee recommends an Inter-Municipal Agreement (IMA) for this service.

NOW THEREFORE, BE IT

RESOLVED, the County Manager is authorized to sign an Inter-Municipal Agreement with the Towns, Cities, Villages and the Soil & Water Conservation District within the County who request this service; and be it further

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

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

Mr. Van Etten asked the municipalities can use the equipment, but the County maintains and operates it? Mr. Spagnoletti stated that is correct.

Vote: Roll Call – Adopted.

Motion combining Resolutions 15 – 17 and waiving the reading made by Mr. Swackhamer, seconded by Mr. Potter and duly carried.

RESOLUTION NO. 056-21

Introduced by R. Lattimer. Seconded by Mr. Swackhamer.

APPOINTING MEMBERS TO THE MARSH DITCH WATERSHED PROTECTION DISTRICT ADMINISTRATIVE BOARD.

WHEREAS, vacancies have occurred on the Marsh Ditch Watershed Protection District Administrative Board; and

WHEREAS, the following appointees have been recommended for appointment by the District’s Board of Directors, the Soil and Water Conservation District, and the Agriculture, Industry & Planning Committee of the Steuben County Legislature for the term indicated:

Gary Mahany
8790 Oak Hill Road, Arkport, NY 14807 01/01/2020 – 12/31/2023

John Merry
8545 Canaseraga Road, Arkport, NY 14807 01/01/2020 – 12/31/2023
RESOLVED, that the above-named appointees are hereby appointed to the Marsh Ditch Watershed Protection District Administrative Board for terms as indicated; and be it further

RESOLVED, members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Marsh Ditch Watershed Protection District Administrative Board; and be it further

RESOLVED, that a certified copy of this resolution shall be forwarded to the above-named appointees; the County Auditor; and the Steuben County Soil & Water Conservation District Office, 415 West Morris Street, Bath, NY 14810.

Vote: Acclamation – Adopted.

RESOLUTION NO. 057-21

Introduced by S. Van Etten. Seconded by G. Swackhamer.

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

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

WHEREAS, by Resolution No. 050-13 duly adopted the 25th day of March, 2013, Nancy M. Wightman of Hammondsport, New York, was appointed to the Regional Board of Trustees of Corning Community College for a term to expire June 30, 2020; and

WHEREAS, the Chairman of the Legislature has recommended Nancy M. Wightman for reappointment to the Regional Board of Trustees for a term commencing July 1, 2020 and expiring June 30, 2027; and

NOW THEREFORE, BE IT

RESOLVED, that Nancy M. Wightman be and the same hereby is reappointed to the Corning Community College Regional Board of Trustees for the above-mentioned term; and be it further

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

RESOLVED, certified copies of this resolution shall be forwarded to Dr. William Mullaney, President of Corning Community College, 1 Academic Drive, Corning, New York 14830; Nancy M. Wightman, P.O. Box 267, Hammondsport, New York 14840; and the County Auditor.

Vote: Acclamation – Adopted.
RESOLUTION NO. 058-21

APPOINTING MEMBERS TO THE SOIL AND WATER CONSERVATION DISTRICT BOARD OF DIRECTORS.

Pursuant to Section 12.20 of the Steuben County Charter and Section 7 of the Soil Conservation District Law of the State of New York.

WHEREAS, the Chairman of the Legislature has recommended that Thomas J. Ryan, District 9, be reappointed as the Legislative Representative to the Soil and Water Conservation District Board of Directors; and

WHEREAS, the Chairman of the Legislature has recommended that Robert V. Nichols, District 11, be reappointed as the Legislative Representative to the Soil and Water Conservation District Board of Directors; and

WHEREAS, the Chairman of the Legislature, upon the recommendation of the Agriculture, Industry and Planning Committee, has recommended that Ernest Swift, of Howard, New York, be reappointed as the Farm Bureau Representative to the Soil and Water Conservation District Board of Directors.

NOW THEREFORE, BE IT

RESOLVED, that Thomas J. Ryan, District 9, be and the same hereby is appointed as a Legislative Representative to the Soil and Water Conservation District Board of Directors for a term of two (2) years commencing January 1, 2021 and not beyond December 31, 2022; and be it further

RESOLVED, that Robert V. Nichols, District 11, be and the same hereby is appointed as a Legislative Representative to the Soil and Water Conservation District Board of Directors for a term of two (2) years commencing January 1, 2021 and not beyond December 31, 2022; and be it further

RESOLVED, that Ernest Swift, of Howard, New York, be and the same hereby is appointed as the Farm Bureau Representative to the Soil and Water Conservation District Board of Directors for a term of three (3) years commencing January 1, 2021 and not beyond December 31, 2023; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the above-named appointees, the County Auditor and the Steuben County Soil and Conservation District Office, 415 West Morris Street, Bath, New York 14810.

Vote: Acclamation – Adopted.

RESOLUTION NO. 059-21

DESIGNATING STEUBEN COUNTY AS A PURPLE HEART COMMUNITY.

WHEREAS, the citizens of Steuben County have great admiration and the utmost gratitude for all the men and women who have selflessly served their country and this community in the Armed Forces; and

WHEREAS, Veterans have paid the high price of freedom by leaving their families and communities and placing themselves in harm’s way for the good of all; and

WHEREAS, the contributions and sacrifices of the men and women from Steuben County who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens; and

WHEREAS, many men and women in uniform have given their lives while serving in the Armed Forces; and
WHEREAS, many citizens of our community have earned the Purple Heart Medal as a result of being wounded while engaged in combat with an enemy force, construed as a singularly meritorious act of essential service.

NOW, THEREFORE BE IT

RESOLVED, the Steuben County Legislature hereby proclaims the County of Steuben as a Purple Heart Community, honoring the service and sacrifice of our Nation’s men and women in uniform who were wounded or killed by the enemy while serving to protect the freedoms enjoyed by all Americans;

RESOLVED, certified copies of this resolution shall be forwarded to the County Manager; the Director of the Veterans’ Service Agency; Honorable Daphne Jordan, New York State Senator, 508 Legislative Office Building, Albany, NY 12247; 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; and Honorable Marjorie Byrnes, New York State Assemblywoman, 723 Legislative Office Building, Albany, NY 12248.

Mr. Mullen asked what is the effect of this? Mr. Van Etten replied it is recognizing those individuals who have received a Purple Heart. Mr. Mullen stated when we recognized Gold Star families it was coupled with a tax exemption. So, this is nothing like that? Mr. Van Etten replied correct. Mrs. Ferratella stated NYS Senator Daphne Jordan asked us to get involved. This will also provide recognition at the Federal level.

Vote: Acclamation – Adopted.

RESOLUTION NO. 060-21

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

URGING THE HONORABLE JANET DIFIORE AND THE HONORABLE LAWRENCE K. MARKS TO RE-OPEN NEW YORK STATE COURTS WHILE TAKING INTO ACCOUNT THE EFFICIENCY LEARNED OF VIRTUAL APPEARANCES IN BOTH CRIMINAL AND CIVIL MATTERS DURING THE COVID-19 PANDEMIC.

WHEREAS, beginning on or about March 17, 2020, the Honorable Janet DiFiore, Chief Judge of the State of New York, and the Honorable Lawrence K. Marks, Chief Administrative Judge of the State of New York, began issuing Administrative Orders under their powers as the heads of the State’s Judicial Branch that reduced the types of court matters heard in-person by the State Courts; and

WHEREAS, over the course of the last year the Chief Judges have increased and decreased in-person court matters under Administrative Orders according to Public Health Guidance but as a result many residents of the State of New York have been without means to address various legal issues and have been denied access to justice; and

WHEREAS, the Administrative Orders have used virtual appearances to address access to justice in limited matters that have been very effective in both accessing justice and cost savings to the County during the Pandemic.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature hereby urges the Chief Judges to reopen the Courts with any limits that the Judges deem necessary for in-person appearances to prevent a pandemic outbreak, while at least allowing residents to access justice in all matter types via virtual appearances; and be it further
RESOLVED, certified copies of this resolution shall be forwarded to Honorable Janet DiFiore, Chief Judge of the State of New York, New York State Unified Court System, 25 Beaver Street, New York, NY 10004 and Honorable Lawrence K. Marks, Chief Administrative Judge of the State of New York, New York State Unified Court System, 25 Beaver Street, New York, NY 10004.

Vote: Acclamation – Adopted.

RESOLUTION NO. 061-21

Introduced by C. Ferratella. Seconded by F. Potter.

URGING FULL RESTORATION OF OMH, OASAS AND OPWDD STATE AID.

WHEREAS, the Local Governmental Units (LGUs)/Directors of Community Services (DCSs) have specific responsibilities and authority under the Local Services provisions of Article 41 of the NYS Mental Hygiene Law (MHL) for planning, development, implementation, and oversight of services to adults and children in their counties affected by mental illness, addiction, and intellectual/developmental disabilities (I/DD); and

WHEREAS, all LGUs provide oversight and statutory responsibility to assure access to not only clinic services but a comprehensive array of mental health, addiction and developmental disability services to those in need; and

WHEREAS, county governments are experiencing financial devastation as a result of the COVID-19 virus, which has severely impacted the ability of LGUs to meet their statutory responsibilities; and

WHEREAS, to offset State fiscal deficits due to the pandemic, the Division of Budget (DOB) initiated 20 percent funding withholds on essential State Aid funding to the Local Governmental Units (LGUs) and the FY 2022 Executive Budget proposal recommends permanent 5 percent cuts, along with hundreds of millions of dollars in additional state funding cuts, while requiring counties to expanded services mandated by the state with no additional fiscal support; and

WHEREAS, this reduction in funding has led to severe impacts on access, capacity, and the delivery of behavioral health services in the community at a time when mental health and addiction services needs have never been higher; and

WHEREAS, the LGUs/DCSs have reported increases to inpatient/outpatient needs, calls to crisis services lines, homelessness, overdose deaths, addiction relapse, and suicide attempts; and

WHEREAS, if these withholds were to become permanent cuts, the local service system will face devastating consequences as adequate State Aid is linked to well-established and vetted needs identified by each county; and

WHEREAS, the NYS Conference of Local Mental Hygiene Directors is looking to the State for partnership and financial assistance to sustain the mental health care system in order to meet the growing needs of our communities in response to COVID-19 and the anticipated long-term mental health impact of the pandemic and corresponding stressors.

NOW THEREFORE, BE IT

RESOLVED, this Legislature calls on the Governor to restore the previously withheld State Aid to the LGUs and commit to fully funding State Aid going forward so that they may preserve their statutory responsibility to effectively plan for and facilitate essential safety-net programming that our most vulnerable residents, their families and the communities rely on each and every day; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Honorable Andrew M. Cuomo, New York State Governor, New York State Capitol Building, Albany, NY 12224; Honorable Andrea Stewart-Cousins, NYS Senate Majority Leader, 907 Legislative Office Building, Albany, NY 12247; Honorable 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
Vote: Acclamation – Adopted.

Motion to Adjourn Regular Session and Reconvene in Executive Session Pursuant to Public Officers’ Law, 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. Potter and duly carried.

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

Motion to Adjourn made by Mr. Van Caeseele, seconded by Mr. Ryan and duly carried.