The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers in Bath, NY on the 20th day of May, 2019 at 10:00 a.m. and was called to order by the Chairman of the Legislature, Joseph J. Hauryski.

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

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

Chairman Hauryski asked Sue Hopkins to come forward. Ms. Hopkins is an employee in the Information Technology Department. He presented her with a Certificate of Appreciation and a clock in recognition of her retirement with 44 years of service to Steuben County.

Chairman Hauryski 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 Proofs of Publication relative to land submitted for inclusion in certified agricultural districts 2 and 3 during the 2019 annual thirty-day review period. Chairman Hauryski opened the floor to comments by members of the public. There being none, he declared the public hearing closed.

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

Mr. Ryan stated he would like to recognize the following individuals for their service:

Joshua Woodward
Hunter Erway
Rachel Muller

RESOLUTION NO. 086-19

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

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

Pursuant to Section 2.07 of the Steuben County Charter.

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

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

RESOLVED, 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.
Resolution No. A-1
Name Steven P. and Amy Graham
Parcel No. 151.15-01-070.000
Municipality City of Hornell
Disposition 2019-20 Correction of Assessment

Vote: Roll Call – Adopted.

RESOLUTION NO. 087-19


RECEIVING AND ACCEPTING THE MAY 20, 2019 COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY MANAGER’S OFFICE.

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

April 15, 2019
Paul, Weiss, Rifkind, Wharton & Garrison LLP – Re: The amicus brief regarding the 2020 census. Referred to: Joseph Haurycki, Legislature Chairman; Jack Wheeler, County Manager; and Jennifer Prossick, Deputy County Attorney.

April 22, 2019
Southern Tier Central – Re: Thank you letter for Steuben County’s support at the 2019 Regional Leadership Conference. Referred to: Steuben County Legislature.

NYS Board on Electric Generation Siting and the Environment – Re: Ruling admitting testimony for the Baron Winds LLC Project (Case# 15-F-0122) issued April 19, 2019. Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.

NYS Board on Electric Generation Siting and the Environment – Re: Ruling adopting procedural schedule for the Canisteo Wind Energy LLC Project (Case# 16-F-0205) issued April 19, 2019. Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.

NYS Board on Electric Generation Siting and the Environment – Re: Ruling adopting protective order for the Canisteo Wind Energy LLC Project (Case# 16-F-0205) issued April 19, 2019. Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.

Harris Beach PLLC, Attorneys at Law – Re: Steuben County Industrial Development Agency and BD Realty Holdings LLC distribution of first amendment to the tax agreement and form RP-412-a for part of vacant land located on State Route 54, Bath, NY (144.00.02-009.114 f/k/a part of 144.00-02-009.112). Referred to: Finance and Administration Committees; Patrick Donnelly, Commissioner of Finance; Wendy Jordan, RPTSA Director; and Jennifer Prossick, Deputy County Attorney.

April 26, 2019
Harris Beach PLLC, Attorneys at Law – Re: City of Hornell Industrial Development Agency and Strobels Supply Inc. (payment in lieu of tax) agreement and RP-412-a form for property located at 40 Shawmut Drive, Hornell, N.Y. (151.05-02-002.200). Referred to: Finance and Administration Committees; Patrick Donnelly, Commissioner of Finance; Wendy Jordan, RPTSA Director; and Jennifer Prossick, Deputy County Attorney.
April 29, 2019
NYS Public Service Commission – Re: Ruling revising schedule for the Eight Point Wind LLC (Case# 18-T-0202) issued April 25, 2019. Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.

NYS Department of Environmental Conservation – Re: Notification of a public meeting for Thursday, May 9, 2019 to discuss the upcoming work in the study area and next steps for the NYSDEC Project ID# 851046, located in Corning, NY. Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.

Corning Inc. – Re: Fact Sheet for NYSDEC Project ID#851046 located in Corning, NY. Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.

May 2, 2019
Western Regional Off-Track Betting Corporation – Re: Check in the amount of $2,667, which represents the March 2019 surcharge payment for Steuben County. Referred to: Finance and Administration Committees; and Patrick Donnelly, Commissioner of Finance.

May 8, 2019
Harris Beach PLLC, Attorneys at Law – Re: Steuben County Industrial Development Agency and SWP Enterprises, LLC (f/k/a SWP Environmental LLC) termination of lease agreement and memorandum of lease agreement for property located at 11399 State Route 21 S, Wayland, NY. Referred to: Finance and Administration Committees; Patrick Donnelly, Commissioner of Finance; Wendy Jordan, RPTSA Director; and Jennifer Prossick, Deputy County Attorney.

Vote: Acclamation – Adopted.

RESOLUTION NO. 088-19

Introduced by B. Schu and S. Van Etten. Seconded by F. Potter.

AUTHORIZING DISTRIBUTION OF SEMI-ANNUAL MORTGAGE TAX RECEIPTS.

Pursuant to Section 261 of the Tax Law of the State of New York:

RESOLVED, that the apportionment of tax on mortgages in the County of Steuben collected by the County Clerk from the 1st day of October 2018 to the 31st day of March 2019, pursuant to provisions of Section 261 of the Tax Law, as made by the Clerk of this Legislature be and the same hereby is ratified and confirmed, and the statement of such apportionment in compliance with the provisions of said Law, filed with the Commissioner of Finance of this County, is hereby and in all things ratified and confirmed and such statement shall be to the said Commissioner a sufficient Warrant for the payment by him of the various sums as apportioned for the various purposes as designed by Law; and be it further

RESOLVED, that the Clerk of this Legislature shall forward certified copies of this resolution to the Steuben County Commissioner of Finance, the Steuben County Real Property Tax Service Agency, and the Steuben County Clerk:

MORTGAGE TAX APPORTIONMENT

The amount of money in your hands on March 31, 2019, which was received by you from the County Clerk as taxes paid to her upon the real property mortgages filed in her office since October 1, 2018, the date of the last apportionment, and which must be distributed to the various tax districts of the County of Steuben, pursuant to Section 261 of the Tax Law, is the sum of $505,902.96.

You are therefore commanded to pay the various towns and cities the amount placed opposite the name of said towns and cities and pay over to the various village officers the amount hereinafter stated to be the distributive amounts due said districts for village purposes, as follows:
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98442  WOODHULL  7,366.36  7,366.36
TOTAL  469,057.21  36,845.75  505,902.96

Foregoing shall be your sufficient warrant for the payment of said sums as above directed.

DATED at Bath, New York: May ___, 2019

STEUBEN COUNTY LEGISLATURE

_______________________________
By: Joseph J. Haurski, Chairman

I, Brenda K. Mori, Clerk of the County Legislature of Steuben County, DO HEREBY CERTIFY that the foregoing apportionment of Mortgage Tax, pursuant to Law, is correct.

DATED: May ____, 2019

______________________________
Brenda K. Mori, Clerk of the Legislature

Vote: Roll Call – Adopted.

RESOLUTION NO. 089-19

Introduced by J. Malter and B. Schu.  Seconded by R. Lattimer.

AMENDING THE MANAGEMENT SALARY PLAN RELATIVE TO ONE (1) ASSISTANT DISTRICT ATTORNEY POSITION.

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

WHEREAS, in accordance with the Management Salary Plan, adjustments are anticipated from time to time; and

WHEREAS, duties and supervisory roles have increased for this position and a re-evaluation has been completed, which has been approved by the Public Safety and Correction Committee and Administration Committee; and

WHEREAS, the title and salary for one (1) Assistant District Attorney position was recommended to be changed.

NOW THEREFORE, BE IT

RESOLVED, the following change be and the same hereby is authorized and directed:

One (1) Assistant District Attorney position, Grade E ($52,677 - $83,531) to
One (1) Senior Assistant District Attorney position, Grade G ($63,659 - $98,687)

AND BE IT FURTHER RESOLVED, this resolution shall be effective immediately upon adoption; and be it further

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

Vote: Roll Call – Adopted. Yes – 8142; No – 593; Abstained – 0; Absent – 1137.
(No – Legislator Ryan; Absent – Legislators Maio and Nichols)
RESOLUTION NO. 090-19


AMENDING THE MANAGEMENT SALARY PLAN RELATIVE TO THE NURSE PRACTITIONER WITHIN THE SHERIFF’S OFFICE.

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

WHEREAS, in accordance with the Management Salary Plan, adjustments are anticipated from time to time; and

WHEREAS, a re-evaluation has been completed and approved by the Public Safety and Corrections Committee and Administration Committee; and

WHEREAS, the salary grade of the Nurse Practitioner within the Sheriff’s Office was recommended to be changed.

NOW THEREFORE, BE IT

RESOLVED, the following change be and the same hereby is authorized and directed:

Nurse Practitioner Grade F ($57,877 - $89,711) to Grade G ($63,659 - $98,687)

AND BE IT FURTHER RESOLVED, this resolution shall be effective immediately upon adoption; and be it further

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

Vote: Roll Call – Adopted. Yes – 8142; No – 593; Abstained – 0; Absent – 1137
(No – Legislator Ryan; Absent – Legislators Maio and Nichols)

RESOLUTION NO. 091-19

Introduced by C. Ferratella. Seconded by H. Lando.

AUTHORIZING THE COMMISSIONER OF SOCIAL SERVICES TO ENTER INTO A LEASE AGREEMENT WITH ARNOT HEALTH.

WHEREAS, Arnot Health is the owner of certain premises located in the Town of Urbana, County of Steuben, State of New York, located at 7571 State Route 54, Bath, New York; and

WHEREAS, the Steuben County Department of Social Services has found these premises to be suitable for the Child Advocacy Center (CAC); and

WHEREAS, Arnot Health agrees to lease a portion of the premises at 7571 State Route 54, Bath, New York to Steuben County for the CAC.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Social Services is hereby authorized to enter into an agreement with Arnot Health subject to the following terms and conditions:
1. **TERM** - The term of this Lease shall be for a period of three (3) year periods beginning June 1, 2019 and ending May 31, 2022.

2. **BASE RENT** - During the entire term Base Rent shall be established at the current Fair Market rent currently $14/square foot and remain at $1,232/month or $14,784 per year.

**AND BE IT FURTHER RESOLVED,** that a certified copy of this resolution shall be forwarded to Arnot Health at 7571 State Route 54, Bath, New York; and the Commissioner of Social Services.

Mr. Mullen asked how is this related to the mobile Child Advocacy Center (CAC)? Ms. Muller stated we will have both, but this pertains to the stationary site.

Ms. Fitzpatrick asked is this being paid for with the same funding as the mobile unit? Ms. Muller replied yes. Mr. Wheeler explained this gives us a number of years to evaluate while using State funds and then an opportunity for further discussion.

Mr. Ryan commented his constituents cannot see this working out in the country. Ms. Muller stated we will evaluate whether the mobile unit is effective. We have the opportunity to use the unit for three years. Mr. Van Etten commented with the concept of the mobile unit, we were the first county to receive it. Ms. Muller stated the mobile unit has been found to work well in other states with rural populations such as West Virginia. It will be interesting to see how effective it is. She thinks this will be advantageous for people in rural areas who do not have access to transportation.

**Vote:** Roll Call – **Adopted.**

RESOLUTION NO. 092-19

Introduced by J. Malter. 
Seconded by C. Ferratella.

**AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH CORNING PROPERTY MANAGEMENT CORPORATION.**

**WHEREAS,** Corning Property Management Corporation is the owner of certain premises located in the City of Corning, County of Steuben, State of New York, located at the Baron Steuben Building, One West Market Street, Corning, New York; and

**WHEREAS,** the District Attorney has official need for use of said space; and

**WHEREAS,** the District Attorney desires to lease from Corning Property Management Corporation, and Corning Property Management Corporation desires to lease to the District Attorney.

**NOW THEREFORE, BE IT**

**RESOLVED,** the District Attorney is hereby authorized to enter into an agreement with Corning Property Management Corporation subject to the following terms and conditions:

1. **TERM** - The term of this Lease shall be for a period of five (5) years beginning July 18, 2019.

2. **RENT** - $1.

**AND BE IT FURTHER RESOLVED,** a certified copy of this resolution shall be forwarded to the District Attorney and Colleen M. Caravati, Director, Corporate Real Estate, One Riverfront Plaza, MP-HQ-01-E07, Corning, NY 14830.
RESOLUTION NO. 093-19

AUTHORIZING THE RISK MANAGER TO ENTER INTO INTER-MUNICIPAL AGREEMENTS WITH PARTICIPATING TOWNS AND VILLAGES TO UPDATE THE DRUG AND ALCOHOL PROGRAM.

WHEREAS, General Municipal Law §119-0 authorizes municipalities to enter into agreements covering a governmental function performed by both entities; and

WHEREAS, the County has implemented a Drug and Alcohol Testing Program for the purposes of complying with the requirements of Federal DOT and FMCSA Regulations for Drug and Alcohol Testing, pursuant to 49 CFR Parts 40 and 382; and

WHEREAS, the County has entered into an Agreement with an independent contractor for the purpose of providing controlled substance and alcohol testing services for the aforementioned regulations; and

WHEREAS, the Municipalities are desirous of availing themselves of the County’s aforesaid Agreement for purposes of joining the County Drug and Alcohol Testing Program for purposes of Federal compliance; and

WHEREAS, the respective governing bodies, by resolution, have determined it to be in the best interest of their respective Municipality and the public at large, to enter into this Inter-Municipal Agreement.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Risk Manager is authorized to sign an Inter-Municipal Agreement with the participating municipalities upon approval by the County Attorney; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 094-19

APPROVING THE ADDITION OF AGRICULTURAL LANDS TO CERTIFIED AGRICULTURAL DISTRICTS.

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

WHEREAS, the Steuben County Legislature established a required annual period from February 15 to March 17 for landowners to submit requests to add agricultural land to certified Agricultural Districts; and

WHEREAS, landowners submitted requests to add land and said requests were forwarded to the Steuben County Agriculture and Farmland Protection Board for their review; and
WHEREAS, the Steuben County Agriculture and Farmland Protection Board has reviewed the matter, found the land to be viable for agricultural production, and submitted a report to this Legislature; and

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

WHEREAS, the Steuben County Legislature gave legal notice of and held the required public hearing of this matter on the 20th day of May, 2019 at 10:00 a.m.; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), the addition of these parcels to existing agricultural districts is considered an Unlisted Action and an Environmental Assessment Form has been completed.

NOW THEREFORE, BE IT

RESOLVED, the proposed action will not result in any significant adverse environmental impacts; and be it further

RESOLVED, that the following tax parcel shall be added to Agricultural District No. 2: 467600 078.00-01-002.120; and be it further

RESOLVED, that the following tax parcel shall be added to Agricultural District No. 3: 468000 075.00-01-021.000; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Director of the Steuben County Planning Department; and Richard A. Ball, Commissioner, New York State Department of Agriculture and Markets, 10B Airline Drive, Albany, New York 12235.

Vote: Roll Call – Adopted.

RESOLUTION NO. 095-19

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

RENEWING THE INTER-MUNICIPAL AGREEMENT BETWEEN BATH ELECTRIC GAS & WATER SYSTEMS AND STEUBEN COUNTY.

WHEREAS, Steuben County owns and operates a Leachate Pre-Treatment facility (the “Facility”) located in the Town of Bath designed and permitted for the pre-treatment of leachate derived from solid waste as defined in New York Environmental Conservation Law, Article 27, Title 7 6NYCRR Part 360; and

WHEREAS, the Bath Electric, Gas & Water Systems and their Municipal Utility Commission (BEGWS) has the necessary permits and the ability to provide the final treatment of the effluent from the Facility; and

WHEREAS, BEGWS has permitted and authorized the Facility to discharge treated leachate to the BEGWS treatment system through a force main pipeline owned and operated by the Facility; and

WHEREAS, both parties are desirous of renewing the IMA.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Public Works or his designee is authorized to continue this arrangement and execute the BEGWS Utilization Agreement and Industrial User Permit through 12/31/2019 and pay the pertinent fees associated with the treatment of the Facility’s effluent; and be it further
RESOLVED, two (2) certified copies of this resolution shall be forwarded to the Commissioner of Public Works.

Vote: Roll Call – Adopted. Yes – 8138; No – 0; Abstained – 597; Absent – 1137
(Abstained – Legislator Mullen as Bath Electric Gas & Water Systems is a client; Absent – Legislators Maio and Nichols)

RESOLUTION NO. 096-19

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

ACCEPTING MAINTENANCE JURISDICTION FROM THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR APPROXIMATELY 0.79 ACRES OF LAND ADJACENT TO STATE ROUTE 415 IN THE TOWN OF BATH AND AUTHORIZING ABANDONING THIS PROPERTY TO THE ADJACENT LANDOWNER.

WHEREAS, the New York State Department of Transportation (NYSDOT) wishes to abandon its maintenance jurisdiction to the County of Steuben for approximately 34,393 Square Feet (0.79 acres±) of land adjacent to State Route 415 in the Town of Bath (“the property”); and

WHEREAS, the County of Steuben wishes to accept maintenance jurisdiction from the NYSDOT for the property; and

WHEREAS, upon receiving the Official Order for the transfer of maintenance jurisdiction for the property from the NYSDOT under Surplus Case No. 06-III-338, the County of Steuben is desirous of abandoning the property to the adjacent landowner, Finger Lakes Land Holding LLC, 7253 State Route 415, Bath, NY 14810, per Section 118-a of the Highway Law, including any and all rights the County may have to the land.

NOW THEREFORE, BE IT

RESOLVED, that this Steuben County Legislature does hereby approve of accepting the maintenance jurisdiction from the NYSDOT for the property; and be it further

RESOLVED, that this Steuben County Legislature does hereby approve of abandoning the property to the adjacent landowner, Finger Lakes Land Holding LLC, 7253 State Route 415, Bath, NY 14810 upon receiving the Official Order for the transfer of maintenance jurisdiction for the property from the NYSDOT, should there be nothing in said order restraining the County from such a transfer; and be it further

RESOLVED, that the Commissioner of Public Works is authorized to execute any necessary documents to effectuate said abandonment; and be it further

RESOLVED, that a certified copy of this resolution shall be mailed to the NYSDOT Region 6 Property Manager, 107 Broadway, Hornell, NY 14843.

Vote: Roll Call – Adopted. Yes – 7533; No – 0; Abstained – 1202; Absent – 1137
(Abstained – Legislator Mullen as Finger Lakes Holding, LLC is a client and Legislator Fitzpatrick due to client relationships; Absent – Legislators Maio and Nichols)

RESOLUTION NO. 097-19

Introduced by B. Schu and S. Van Etten. Seconded by H. Lando.

AUTHORIZING THE COUNTY TO PARTICIPATE IN TAX CERTIORARI PROCEEDINGS IN THE TOWN OF ERWIN.
Pursuant to Article 5 of the County Law of the State of New York.

WHEREAS, it is in the interest of the County to participate in the appraisals for Tax Certiorari Proceedings where the equalized full value is in excess of $2 million for roll section one and six parcels as previously set forth in Resolution 010-93, as amended in Resolution 132-03, and as amended in Resolution 047-12; and

WHEREAS, the Town of Erwin has completed a cyclical reassessment plan and has further requested the County to participate in two (2) Tax Certiorari Proceedings under Index No.’s: 2017-0846CV and 2018-0903CV pursuant to the County’s participation policy; and

WHEREAS, the recited requests comply with the policy of the County to so participate; and

WHEREAS, counsel for the Town of Erwin has submitted initial preliminary appraisal estimates of $9,325 and $3,950 respectively; and

WHEREAS, the Real Property Tax Service Agency has computed the County’s share of participation as set forth under the County’s policy to participate at $2,800 and $1,500 respectively, plus charges to provide testimony in Court at $150/hr.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Finance is authorized and directed to disburse to the properly credentialied and retained appraiser(s) a total sum not to exceed $4,300 total for both appraisals; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Director of the Real Property Tax Service Agency; Commissioner of Finance; Rita McCarthy, Erwin Town Manager, 310 Town Center Road, Painted Post, New York 14870; and Megan Dorritie, Esq., Counsel for the Town of Erwin, 1600 Bausch & Lomb Place, Rochester, NY 14604-2711.

Vote: Roll Call – Adopted. Yes – 8012; No – 0; Abstained – 723; Absent – 1137
(Abstained – Legislator Roush due to a conflict of interest; Absent – Legislators Maio and Nichols)

RESOLUTION NO. 098-19


RATIFYING AND CONFIRMING THE NOTICE TO BIDDERS AND TERMS OF SALE 2019.

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

WHEREAS, on February 25, 2019, the Commissioner of Finance was authorized and directed to establish and publish the terms and conditions of the 2019 Delinquent Tax Auction; and

WHEREAS, on May 14, 2019 the Commissioner of Finance did present the Notice to Bidders and Terms of Sale – 2019 to the Finance Committee of the County Legislature for review and approval; and

WHEREAS, the specific Sale Numbers are not yet assigned to the properties listed in Term No. 4, but will be assigned upon compilation of the tax auction book listings; and

WHEREAS, on May 14, 2019 the Finance Committee did unanimously approve the recited Notice to Bidders and Terms of Sale – 2019 as modified, and with the later addition of the Sale Numbers to Term No. 4.

NOW THEREFORE, BE IT

Legislative Meeting
Monday, May 20, 2019
RESOLVED, upon the assignment of Sale Numbers to the properties identified in Term No. 4, the Commissioner of Finance is directed to insert those Sale Numbers into the designated places in Term No. 4; and be it further

RESOLVED, the revised Notice to Bidders and Terms of Sale - 2019 as attached hereto, and with the addition of the proper Sale Numbers to Term No. 4, is hereby ratified and confirmed; and be it further

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

Notice to Bidders and Terms of Sale – 2019

1. All bidders are urged to consult an attorney before submitting a bid.

2. The County obtained title to these properties in accordance with the procedures of Article 11 of Real Property Tax Law of the State of New York.

3. There is absolutely no representation as to the quality of title, lot size, condition or existence of improvements of any parcel to be auctioned and all persons proceed at their own risk with respect to same. Any photographs, maps, and all other depictions of the property are for reference only and all properties are subject to such state of facts that an instrument survey will determine. The County sells only its interest. Any information provided by any County employee is subject to the terms and conditions of this Notice to Bidders and Terms of Sale - 2019.

4. Four (4) certain properties offered in this tax sale are locations where discharges of petroleum products had occurred in the past for which the New York State Department of Environmental Conservation (“NYSDEC”) had assigned certain spill numbers to these locations and had or continue to perform certain remedial measures at these properties. Further, such properties are each subject to a separate agreement with the NY Environmental Protection and Spill Compensation Fund (“Agreement”). The parcels are:

   Sale No. TBD: Bath Town, Tax Map No. 144.02-01-020.200 (formerly Dragon Arch, Inc./Ahmed Qudrat/Stanbury Mobil)
   Sale No. TBD: Riverside Village, Tax Map No. 299.14-01-028.000 (formerly JMK 235, Inc./Briggs Auto/Kapral)
   Sale No. TBD: Hornell City, Tax Map No. 151.10-01-051.000 (formerly Hornell Development, LLC/Griffith Energy/Wellington/Deeb's Citgo/Essex Property Mgt/Seneca Street Citgo/Seneca Shell)
   Sale No. TBD: Wayland Town, Tax Map No. 027.00-02-023.100 (formerly Mukhtar Ahmed/Wayland Mart)

These Agreements are recorded with the Steuben County Clerk and each Agreement recites the duties of the parties necessary to effect a Release of Liability and Liens. Copies of the Agreement(s) are available from the County Finance Department, on the County’s website (Tax Sale), and at the Tax Sale itself.

Under the terms of such Agreements, the successful bidder of each of these four (4) parcels will be required to execute a sworn affidavit attesting to the fact that said bidder has never had any relationship, whether a business, contractual, familial or agency, with any of the parties deemed responsible according to applicable principals of statutory or common law for the discharge of petroleum on or at the sites.

Further, under the terms of such Agreements, if the Spill Status in the Agreement is shown as “Not Closed” and the NYDEC Cleanup Status is shown as “On-Going”, the successful bidder must agree and declare in such sworn affidavit that said bidder will not interfere with the NYSDEC’s on-going remediation efforts at the site and will not disturb any remediation equipment at such site, including any monitoring wells located there, without the express prior written consent of the NYSDEC.

Further, any prospective bidders are advised to carefully review all of public records associated with environmental conditions each of the parcels, including but not limited to the Agreements.

Further, be on notice that Steuben County makes no agreements, promises, covenants, representations, or warranties regarding the information contained in this Paragraph 4 of this Notice or regarding the past, present or future environmental conditions of the Property.
5. All properties are offered for sale to the highest bidder.
6. There is no minimum bid requirement.
7. The Commissioner of Finance retains the right to establish the auction with or without reserve.
8. The County shall retain the right to reject any and all bids.
9. To the extent allowable under law the County reserves the option to retain all the oil and gas rights. This reservation will be announced at the commencement of the bidding on an applicable parcel.
10. All real property, including any buildings thereon, are sold "as is…where is" as of the date of closing without any representation or warranty whatsoever as to the condition or title and subject to (a) any state of facts an accurate survey or personal inspection of the premises would disclose, and (b) applicable zoning and use/building regulations.
11. Any improvement description concerning manufactured homes, mobile homes and trailers is done for identification purposes of the parcel in question. The manufactured home, mobile home or trailer may or may not be deemed a fixture on the parcel in question and no representations or warranties are made in that regard.
12. The premises being sold may be subject to tenancies and/or leases affecting the said premises. Purchaser is to determine the existence and status of such interests and the applicable legal rights thereto. Evictions, if necessary, are solely the responsibility of the purchaser after closing and recording of the deed. Subject to the rights of a tenant or lease affecting the property, no one is permitted to enter upon any parcels offered for sale for any purpose whatsoever, at any time prior to the closing of the sale and recording of the Deed conveying title to the Grantee. See also Term #'s 18 & 19.
13. No personal property is included in the sale. The disposition of any personal property shall be the sole responsibility of the successful bidder following the closing of the sale. The previous owner should be notified and provided the opportunity to remove personal items.
14. Any taxes levied after January 1 of the current year will be the responsibility of the purchaser (City – Village – School, if applicable). Purchaser may also be liable for unpaid water and sewer charges not included in previously levied taxes. It is the Buyer’s responsibility to contact the taxing entity, obtain information and pay these taxes, fees, charges and assessments, as the case may be.
15. All prospective bidders must register at the door and show a valid NYS Driver’s License or other acceptable identification. Bidders must disclose if they are acting as the agent for another party and the identity of the party they are acting as agent for. Failure to show proper ID and disclose principals will result in disqualification from bidding.
16. The purchaser shall provide information consistent with #15 above and such other information necessary to complete the deed, and shall execute the necessary forms and documents required for recording the deed. [Note: Social Security or Federal Identification Number will be required.] Such information shall be furnished to the County Finance Department on the date of the sale or within 5 business days thereafter. Failure to provide this information will result in a failure to complete the sale (see Term #s 24 & 25). The charge to issue and record a correction deed is $500 per parcel.
17. Conveyance shall be by quit claim deed only, containing a description of the property on the tax roll for the year during which the County acquired title. A separate deed shall be issued for each parcel, and applicable fees charged.
18. Buyers requesting expedited handling shall pay in full and provide correct recording information on the day of the sale.
19. The County will record the deed after receipt of the full purchase price and recording fees, and information necessary to complete the transfer of title (see Term #16). The purchaser may take possession only after the deed has been recorded.
20. Purchaser shall be responsible for the payment of a ten percent (10%) buyer’s premium and recording fee in addition to the accepted bid price; the sum of these items is the purchase price.
21. Thirty percent (30%) of the purchase price shall be paid on the day of the auction. The minimum deposit is $1,000.00. If the total amount of your purchase (including fees) is less than $1,000 the entire amount is due in full on the date of the sale.
22. All sales are subject to subsequent County Legislature confirmation and any balance due must be remitted within thirty days (30) of such confirmation. Any balance due must be paid in full in one payment; partial payments are not permitted. Those requesting expedited handling must pay in full on the day of the sale.
23. Payment may be in the form of cash, money order, bank draft, certified check, wire transfer or good personal check payable to STEUBEN COUNTY FINANCE DEPARTMENT, payable in US Dollars only; any negotiable instrument tendered in payment must be drawn on a bank located in the United States. Credit/debit card payments are available; there is a service fee on the amount charged, based on the type of card used.

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24. All parcels purchased by a purchaser must be paid for in full, selective closings are not permitted. Failure to remit full payment on all parcels purchased at the auction will result in a forfeiture of all deposits paid, which will be retained by the County as liquidated damages, and the cancellation of all sales to the purchaser.

25. Failure of the purchaser to complete the purchase within the required time limits shall result in the forfeiture of both the down payment and the buyer’s premium as liquidated damages. In the event of default of the highest bidder, the County reserves the right to offer the property to the second highest bidder, or to dispose of the property by any means as may be authorized by the Steuben County Legislature.

26. Any person who fails to complete a purchase may be disqualified from participating in future County tax auctions as a non-responsible bidder as determined by the Commissioner of Finance.

27. Those persons who have allowed the foreclosure of real property for nonpayment of taxes shall be disqualified from participating in County tax auctions for a period of 10 years from the date of such foreclosure proceeding.

28. All employees and immediate families of Steuben County Legislators, the auctioneers’ service, and the following County offices are forbidden to purchase properties at tax auction: Finance Department, Law Department, County Manager, Real Property Tax Office, and the Clerk of the Legislature.

29. All sales are final, absolute and without recourse.

30. The auctioneer’s decision regarding any disputes is final, and the auctioneer reserves the right to reject any bid that is not an appreciable advancement over the previous bid.

31. In the event a sale is cancelled by Court Order, the purchaser shall be entitled to a return of the purchaser’s payment of the purchase price, together with any deposit paid, “deposit” being those sums paid under #21. The purchaser shall not be entitled to any special or consequential damages, attorney fees, reimbursement for any expenses incurred as a result of ownership or improvements of the property, nor for taxes paid during the period of ownership.

32. All Buyers agree to accept title according to these terms and conditions. In the event the Successful Bidder nominates a third party to receive title, such nominee will be required to execute an acknowledgment of the said terms of sale prior to receiving title.

33. In the event that any recited term herein or part thereof is determined to be unlawful, then in such event, the remaining terms of sale and unaffected portion(s) thereof shall survive and remain in full force and effect.

34. Auction results and updates will be posted at www.steubencony.org

Prior history redacted.
5/14/2019 – approved Finance Committee

Vote: Roll Call – Adopted.

RESOLUTION NO. 099-19

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

RATIFYING SUPPORT OF AMICUS CURIAE BRIEF.

WHEREAS, the County of Steuben was presented with a bipartisan, pro bono, Amicus Brief from the Law Firm of Paul, Weiss, Rifkind, Wharton & Garrison to be filed before the United States Supreme Court on March 27, 2019 which was due before the Court on April 1, 2019; and

WHEREAS, upon reading the proposed brief, the sole argument presented before the Court therein was the likely financial repercussions of federal funding to States, including New York, that will result from the question of one’s citizenship being included in the upcoming census questionnaire; and

WHEREAS, the evidence presented in the Brief shows the citizenship question will likely result in a significant undercount of people living in numerous states, including, New York State; and

WHEREAS, historically the census count determines the distribution of $900 billion in federal funding; and
WHEREAS, an undercount in New York State will lead to a significant reduction and reallocation of federal funding away from New York State for the next 10 years causing either a cut in various programs or creating local costs for traditionally federally funded programs.

NOW THEREFORE, BE IT

RESOLVED, the County of Steuben hereby ratifies its’ signing of the Amicus Brief in support of affirming all lower courts in excluding the citizenship question in the 2020 census as a financial strain on the residents of the State of New York; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the County Law Department.

Mr. Mullen stated he is confused as to how the County could sign onto this without the Legislature’s approval? On one side is the Trump Administration saying the citizenship question should be on the census and on the other side is the County and the State of New York Democrats arguing against it. Why wouldn’t we have a citizenship question? It provides good data and there are concerns with the illegal immigrant population boosting the electoral college and that is not in our interest.

Ms. Prossick explained this has nothing to do with the immigration question. The issue is how Federal funds are distributed to all of the states. There is $900 billion of funds that will be distributed differently if this question is included on the census. An undercount on the census does not provide for the infrastructure needs. This brief only has to do with how the funds can be disbursed through the results of the census.

Mr. Mullen stated he is not sure this is in the County’s interest to have California using electoral votes and money. Ms. Prossick stated in New York State a case study was done showing that if this question is allowed to remain on the census, the Lackawanna School District would lose funds for education to the point that there will be no preschool program and no after-school activities.

Mr. Ryan commented New York State has provided $27 million for free education for illegal immigrants. At the same time, they would not allow out of the State Education Committee, a resolution that would allow funding for veterans. With how the funds are being spent, we do not have any representation.

Mrs. Lando commented the citizenship question does not just cover illegal immigrants. It also refers to individuals with green cards and students on visas.

Ms. Prossick stated the lower courts deemed the question unconstitutional. Studies have shown that less people will respond to the census if the citizenship question is included.

Mr. Mullen stated he thinks that people who are here legally will not back off from checking that box. Was the Amicus Brief filed against that question on the census? Ms. Prossick replied the brief was filed specifically for the purpose of what that question relates to Federal funding. There might be an ancillary relationship. Studies have shown that if the question remains on the census, New York State will lose a percentage of funds and that in turn means Steuben County will also lose funds.

Mr. Ryan asked does this have anything to do with the congressional districts? Mr. Wheeler replied no. Studies have shown that New York State and its counties will lose Federal funding. He thinks this will have a tangible effect on our residents. Ms. Prossick commented this has bipartisan support.

**Vote:** Roll Call – Adopted. Yes – 6319; No – 2416; Abstained – 0; Absent – 1137
(No – Legislators Hanna, Mullen, Potter and Ryan; Absent – Legislators Maio and Nichols)
RESOLUTION NO. 100-19

Introduced by J. Hauryski. Seconded by H. Lando.

APPOINTING MEMBERS TO THE CORNING COMMUNITY COLLEGE REGIONAL BOARD OF TRUSTEES.

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

WHEREAS, by resolution duly adopted the May 24, 2010, John W. Kelly of Painted Post, New York, was appointed to the Regional Board of Trustees of Corning Community College for a term to expire June 30, 2024; and

WHEREAS, John W. Kelly has submitted his resignation to said Board effective June 30, 2019; and

WHEREAS, the Chairman of the Legislature has recommended George Welch, Jr. of Corning, New York, for appointment to the Regional Board of Trustees to fill the unexpired term of John W. Kelly through June 30, 2024; and

WHEREAS, by resolution duly adopted March 26, 2012, and amended June 24, 2013, Donald B. Creath of Corning, New York, was appointed to the Regional Board of Trustees of Corning Community College for a term to expire June 30, 2019; and

WHEREAS, Donald B. Creath has submitted his resignation to said Board effective June 30, 2019; and

WHEREAS, the Chairman of the Legislature has recommended Polly Chu of Painted Post, New York, for appointment to the Regional Board of Trustees to fill said vacancy left by the resignation of Donald B. Creath.

NOW THEREFORE, BE IT

RESOLVED, that George Welch, Jr., and Polly Chu, be and the same hereby are appointed to the Corning Community College Regional Board of Trustees for the above-mentioned terms; and be it further

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

RESOLVED, a certified copy of this resolution shall be forwarded to Dr. Katherine Douglas, President of Corning Community College, 1 Academic Drive, Corning, New York 14830; George Welch, Jr., 5 East Market Street, Suite 401, Corning, New York 14830; Polly Chu, 3450 Conhocton Road, Painted Post, New York 14870; and the County Auditor.

Mr. Van Etten commented he has known Polly Chu for a number of years and she will be an excellent addition to the Board of Trustees. Mrs. Lando stated she echoes Mr. Van Etten’s comment. Chairman Hauryski commented he received a number of favorable comments regarding Ms. Chu.

Mr. Hanna asked how are the representatives chosen? Chairman Hauryski replied one of the considerations is location. Traditionally the Board of Trustees has vetted potential members and brings the list to me. Mr. Van Etten commented he also believes another aspect is the individual’s association to the college. Chairman Hauryski commented these positions are very time consuming.

Vote: Acclamation – Adopted.
RESOLUTION NO. 101-19

MEMORIALIZING THE UNITED STATES CONGRESS IN SUPPORT OF CLASSIFYING 911 TELECOMMUNICATORS AS A PROTECTIVE SERVICE OCCUPATION.

WHEREAS, H.R. 1629 and it’s Senate Companion Bill, also known as the ‘911 SAVES’ Act, directs the US Office of Management and Budget to reclassify Public Safety Telecommunicators from “Office and Administrative Support Occupations” to the category of “Protective Service Occupations”; and

WHEREAS, the Federal Government’s Standard Occupational Classification System (SOCS) sorts workers into occupational categories for statistical purposes, according to the nature of the work performed and, in some cases, on the skills, education, or training needed to perform the work; and

WHEREAS, America’s 9-1-1 telecommunicators are currently incorrectly categorized in the SOCS as an “Office and Administrative Support Occupation,” a category which includes secretaries, office clerks, and taxicab dispatchers; and

WHEREAS, classifying 9-1-1 telecommunicators as an “Office and Administrative Support Occupation” fails to recognize their central role in Public Safety, their specialized training and skills, and their unique work environment; and

WHEREAS, classifying Public Safety Telecommunicators as “Protective Service Occupations” alongside Police, Firefighters, Security Guards, Lifeguards, and others whose job it is to protect our communities would better reflect the work they perform, and align the SOCS with related classification systems.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature encourages all members of the State of New Congressional delegation to support H.R. 1629, the Supporting Accurate Views of Emergency Services Act of 2019 (911 SAVES Act), which would direct the White House Office of Management and Budget (OMB) to reclassify Public Safety Telecommunicators as a "Protective Service Occupation"; and be it further

RESOLVED, that certified copies of this resolution shall be sent to Honorable Thomas Reed, 89 West Market Street, Corning, NY 14830; Honorable Charles E. Schumer, 15 Henry Street, Room 100 A-F, Binghamton, NY 13901; Honorable Kirsten Gillibrand, Kenneth B. Keating Federal Office Building, 100 State Street, Room 4195, Rochester, NY 14614; Honorable Andrew M. Cuomo, New York State Governor, New York State Capitol Building, Albany, NY 12224; Honorable Thomas M. O’Mara, New York State Senator, 307 Legislative Office Building, Albany, NY 12247; Honorable Philip A. Pallesano, New York State Assemblyman, 320 Legislative Office Building, Albany, NY 12248; Honorable Joseph M. Giglio, New York State Assemblyman, 700 W. State Street, Olean, NY 14760; Honorable Joseph A. Errigo, New York State Assemblyman, 527 Legislative Office Building, Albany, NY 12248; Honorable John Flanagan, NYS Senate Majority Leader, 330 State Capitol Building, Albany, NY 12247; Honorable Carl Heastie, Assembly Speaker, 932 Legislative Office Building, Albany NY 12248; Honorable Andrea Stewart-Cousins, Senate Democratic Conference Leader, 907 Legislative Office Building, Albany, NY 12247; Honorable Jeffrey D. Klein, Senate Independent Democratic Conference Leader, 913 Legislative Office Building, Albany, NY 12247; Honorable Joseph D. Morelle, Assembly Majority Leader, 926 Legislative Office Building, Albany, NY 12248; Honorable Brian M. Kolb, Assembly Minority Leader, 933 Legislative Office Building, Albany, NY 12248; Rochelle Stein, President, Inter-County Association of Western New York, c/o Genesee County Legislature, 7 Main Street, Batavia, NY 14020; and New York State Association of Counties, 540 Broadway, 5th Floor, Albany, NY 12207.

Mr. Van Etten asked is this just symbolic or will these positions turn into a different retirement classification? Mr. Wheeler replied no, these will not turn into different retirement classifications. New York State could change the classification if they choose. This is really about recognizing the hard work
and sacrifice of telecommunicators. Any changes locally would have to be done through union negotiations.

Mr. Weaver asked will this recognition give them tax benefits similar to what the volunteer firefighters received? Mr. Wheeler replied he does not know.

Mr. Mullen stated he has concerns that this will change the status of collective bargaining. He appreciates the work telecommunicators do and realizes it is more demanding than a typical secretary, but he does not feel that the position is on the same level as those who are out on the front lines.

Mr. Ryan asked do they receive any secondary training? Mr. Wheeler replied most are EMT’s, volunteer firefighters or have some other first responder background; however, that is not a requirement.

Mr. Van Etten commented in some situations they have a significant emotional attachment to the individuals out in the field. They work so tightly together, he can see where there is a lot of stress and added pressure to their job. He stated his only concern was that he just wanted to make sure that we were not on a slippery slope with regards to changing classifications.

Ms. Fitzpatrick commented she thinks the classification is important. She really feels that it is more than a secretary position as they keep the callers calm and provide them with detailed instructions. It is important to give them the recognition they need and deserve.

**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. Ryan, seconded by Mrs. Lando and duly carried.*

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

**RESOLUTION NO. 102-19**

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

**MOTION:** ACCEPTING THE MUTUALLY AGREED UPON RESIGNATION OF STEUBEN COUNTY ATTORNEY, ALAN P. REED, EFFECTIVE JUNE 1, 2019.

**WHEREAS,** the Steuben County Legislature and Steuben County Attorney Alan P. Reed have mutually agreed to a separation of employment prior to the end of the County Attorney’s appointed term through December 31, 2020; and

**WHEREAS,** both parties have agreed to a one-time payment of $183,680, said amount being inclusive of leave time accruals, as well as health insurance coverage through December 31, 2019, as consideration for the balance of his term.

**NOW THEREFORE, BE IT**

**RESOLVED,** the Commissioner of Finance is hereby directed to issue payment in the amount of $183,680 to Raymond M. Schlather, Attorney for Mr. Reed, by June 15, 2019; and be it further
RESOLVED, said amount shall be paid from Account No. 193000-5410500; and be it further

RESOLVED, the Chairman of the Legislature is hereby authorized to sign the separation of employment agreement on behalf of the County of Steuben; and be it further

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

**Vote:** Roll Call – Adopted. Yes – 8134; No – 601; Absent – 1137
(No – Legislator Hanna; Absent – Legislators Maio and Nichols)

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