The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers in Bath, NY on the 28th day of October, 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 Legislator Hanna.

Mrs. Ferratella provided the Invocation and Mr. Potter led the Pledge of Allegiance.

Chairman Haursky asked Amanda Ford to come forward. Ms. Ford is an employee in the Office for the Aging. He presented her with a Certificate of Appreciation and a pin in recognition of her 10 years of service to Steuben County.

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

Chairman Haursky 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 upon County of Steuben Local Law Tentatively No. Three for the Year 2019, Authorizing a Steuben County Traffic Diversion Program. Chairman Haursky opened the floor for comments by members of the public. There being none, he declared the public hearing closed.

Mrs. Baroody stated today the SSF (Senior Services Fund) is presenting a check in the amount of $3,400 to ProAction. This represents the money made at last month’s Mary and Gordon Latour Golf Tournament.

Mr. Ryan stated on behalf of the residents of Steuben County, he would like to recognize the following individuals for their service:

Joshua Woodworth  Hunter Erway  Bryant Canty  Rachel Mullen

RESOLUTION NO. 175-19

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

**WHEREAS**, on July 22, 2019, the Steuben County Commissioner of Finance was authorized and directed by Resolution 122-19, D-25, to convey the parcel sold at the Delinquent Tax Auction held on July 12, 2019 and contained in Schedule "B", and was further authorized and directed, in the event of a default by the highest bidder by failure to make full payment within thirty (30) days of the date of this Resolution, to convey the parcel to the second highest bidder upon receipt of full payment from the second highest bidder; and

**WHEREAS**, both the highest and second highest bidders failed to complete the purchase of the parcel contained in Schedule “B”; and a secured creditor having come forward seeking to redeem the subject parcel in the Town of Campbell and seeking a vacatur of Steuben County’s judgment versus the property; and

**WHEREAS**, it appears to be in the best interests of the County to accept payment in full of all delinquent taxes, penalties, and fees owed to the County relative to the parcel contained in Schedule “B” and to consent to a vacatur of the Default Judgment granted May 1, 2019 as it relates to the parcel contained in Schedule “B”, and only to the parcel contained in Schedule “B”, as approved by the Finance Committee on October 8, 2019; and it is therefore

**RESOLVED**, the Resolution ratified on July 22, 2019 as Resolution 122-19, D-25, is hereby revoked; and the secured creditor named in Schedule “B” is permitted to redeem the parcel contained in Schedule “B” through the payment in full of all delinquent taxes, interest, penalties, and fees; and it is further

**RESOLVED**, that upon payment in full of all delinquent taxes, interest, penalties, and fees, the Steuben County Attorney shall submit a Vacatur Order for execution by the Supreme Court Justice as it relates to the parcel contained in Schedule “B” and only to the parcel contained in Schedule “B”; and be it further

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

### SCHEDULE “A”

<table>
<thead>
<tr>
<th>Resolution No.</th>
<th>Name</th>
<th>Parcel No.</th>
<th>Municipality</th>
<th>Disposition</th>
</tr>
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<tbody>
<tr>
<td>A-1</td>
<td>William Thall</td>
<td>206.00-05-005.122</td>
<td>Town of Bath</td>
<td>2020 Court-ordered Reduction of Assessment</td>
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<tr>
<td>A-2</td>
<td>Sandra Silliman</td>
<td>159.10-01-034.000</td>
<td>Village of Bath</td>
<td>2020 Court-ordered Reduction of Assessment</td>
</tr>
<tr>
<td>A-3</td>
<td>Eric and Joelle Dickson</td>
<td>173.00-01-036.120</td>
<td>Town of Bath</td>
<td>2020 Court-ordered Reduction of Assessment</td>
</tr>
<tr>
<td>A-4</td>
<td>Earl and Lorraine Owens</td>
<td>177.00-03-004.110</td>
<td>Town of Bath</td>
<td>2020 Parcel Split</td>
</tr>
<tr>
<td>Resolution No.</td>
<td>A-5</td>
<td>Resolution No.</td>
<td>A-6</td>
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<tr>
<td>Name</td>
<td>Hansen Legacy Properties LLC</td>
<td>Name</td>
<td>MH Sweet Enterprises Inc.</td>
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<tr>
<td>Parcel No.</td>
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<td>Parcel No.</td>
<td>144.18-01-001.112</td>
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<tr>
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<td>Village of Bath</td>
<td></td>
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<tr>
<td>Disposition</td>
<td>2020 Correction – Duplicate Entry</td>
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<td>2020 Correction of Exemption</td>
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<th>A-7</th>
<th>Resolution No.</th>
<th>A-8</th>
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<tbody>
<tr>
<td>Name</td>
<td>John M. and Rosalie Jamison</td>
<td>Name</td>
<td>Frederick G. and Deborah L. Potter</td>
</tr>
<tr>
<td>Parcel No.</td>
<td>107.15-01-041.000</td>
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<td>415.00-01-015.100</td>
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<tr>
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<td>Village of Arkport</td>
<td>Municipality</td>
<td>Town of Troupsburg</td>
</tr>
<tr>
<td>Disposition</td>
<td>2020 Parcel Split</td>
<td>Disposition</td>
<td>2020 Parcel Split</td>
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<th>Resolution No.</th>
<th>A-10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td>Mark and Margie Taft</td>
<td>Name</td>
<td>Alan and Catherine L. Gleason</td>
</tr>
<tr>
<td>Parcel No.</td>
<td>223.00-01-024.100</td>
<td>Parcel No.</td>
<td>277.00-01-016.210</td>
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<tr>
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<td>Town of Thurston</td>
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<tr>
<td>Disposition</td>
<td>2020 Parcel Split</td>
<td>Disposition</td>
<td>2019-2020 Campbell School (delete)</td>
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<th>Resolution No.</th>
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<tbody>
<tr>
<td>Name</td>
<td>Alan and Catherine L. Gleason</td>
<td>Name</td>
<td>Lanny R. Newell &amp; Roxanne Brown</td>
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<td>Disposition</td>
<td>2019-2020 Addison School (add)</td>
<td>Disposition</td>
<td>2020 Correction of Assessment Error</td>
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<tr>
<td>Name</td>
<td>Ronald C. Becker</td>
<td>Name</td>
<td>Dean L. Groff</td>
</tr>
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<td>Parcel No.</td>
<td>027.00-01-039.510 and 027.00-01-039.522</td>
<td>Parcel No.</td>
<td>269.00-01-002.000</td>
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<td>Town of Greenwood</td>
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<td>Disposition</td>
<td>2020 Parcel Split and Combined</td>
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<td>2020 Parcel Split</td>
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<tr>
<td>Name</td>
<td>Waneta Henninger</td>
<td>Name</td>
<td>Aldi Inc. NY</td>
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<tr>
<td>Parcel No.</td>
<td>415.00-01-011.100</td>
<td>Parcel No.</td>
<td>298.00-01-034.211</td>
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<tr>
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<td>Town of Troupsburg</td>
<td>Municipality</td>
<td>Town of Erwin</td>
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<td>Disposition</td>
<td>2020 Parcel Split</td>
<td>Disposition</td>
<td>2020 Correction of Exemption</td>
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<th>Resolution No.</th>
<th>A-18</th>
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</thead>
<tbody>
<tr>
<td>Name</td>
<td>Anthony and Roxanne Tomak</td>
<td>Name</td>
<td>Richard W Copp &amp; Roxanne L Edwards</td>
</tr>
<tr>
<td>Parcel No.</td>
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<td>336.10-03-010.100</td>
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<td>Municipality</td>
<td>Town of Corning</td>
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<tr>
<td>Disposition</td>
<td>2020 Parcel Split</td>
<td>Disposition</td>
<td>2020 Parcel Split</td>
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<th>Resolution No.</th>
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<tbody>
<tr>
<td>Name</td>
<td>Tara M. Smith</td>
<td>Name</td>
<td>Ducon Leasing Co. Inc.</td>
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<td>Parcel No.</td>
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<td>174.00-01-033.000</td>
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<tr>
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<td>Disposition</td>
<td>2020 Court-ordered Reduction of Assessment</td>
<td>Disposition</td>
<td>2019 Tax Certiorari – Consent Order and Judgment, Index 2018-0931CV</td>
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Resolution No. | Name | Parcel No. | Municipality | Disposition | Resolution No. | Name | Parcel No. | Municipality | Disposition |
--- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
A-23 | Anna Gerych Est., Norman J. Gerych, *et al, c/o Pilot Travelers Center LLC* | 129.00-01-005.001 | Town of Bath | 2017 Tax Certiorari – Consent Order and Judgment, Index 2016-0707CV | A-24 | Anna Gerych Est., Norman J. Gerych, *et al, c/o Pilot Travelers Center LLC* | 129.00-01-005.001 | Town of Bath | 2018 Tax Certiorari – Consent Order and Judgment, Index 2017-0789CV |

**SCHEDULE “B”**

| Resolution No. | Former Owner | In Rem Index No. | Date of Public Tax Sale: | Parcel No. | Municipality | Mortgage Company | Mortgage Company’s Address | Consideration | Disposition |
--- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
B-1 | Shepard, Douglas E. | Index 2017-1281CV, Judgment filed 05/01/2019 | July 12, 2019 (Sale No. 37) | 244.17-01-007.000 | Campbell | PHH Mortgage Services, c/o Jonathan Maldonado | 1 Mortgage Way, Mt. Laurel, NJ 08054 | $12,754.10 inclusive of taxes, interest, penalties, and fees | Vacatur of County’s default judgment relative to parcel |

**Vote:** Roll Call – Adopted. Yes – 8646; No – 0; Abstained – 625; Absent – 601  
(Abstained: Legislator Potter as he is named in the resolution; Absent: Legislator Hanna)

**RESOLUTION NO. 176-19**

Introduced by J. Hauryski.  
Seconded by G. Roush.

**RECEIVING AND ACCEPTING THE OCTOBER 28, 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:

**September 16, 2019**

NYS Board on Electric Generation Siting and the Environment – Re: Notice to submit additional intervenor funds in the amount of $75,000 no later than September 20, 2019 for Canisteo Wind Energy LLC Project (Case# 16-F-0205). **Referred to:** A.I.P. Committee; and Amy Dlugos, Planning Director.

The Dax Law Firm, P.C. – Re: Supplement/update of exhibit 31 to the application for a certificate of environmental compatibility and public need filed on behalf of the Canisteo Wind Energy LLC (Case# 19-T-0041). **Referred to:** A.I.P. Committee; and Amy Dlugos, Planning Director.
September 19, 2019
NYS Board on Electric Generation Siting and the Environment – Re: Order granting certificate of environmental compatibility and public need, with conditions for Baron Winds LLC (Case#15-F-0122). Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.

NYS Homeland Security and Emergency Services – Re: Notification of not being selected for grant funding through the FY2018 Cyber Security Grant Program. Referred to: Administration Committee; and Robert Wolverton, Information Technology Director.

September 20, 2019
NYS Board on Electric Generation Siting and the Environment – Re: Notice of availability of additional application stage intervenor funds and deadline for requesting funds for the Canisteo Wind Energy LLC Project (Case# 16-F-0205). Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.

September 23, 2019

September 25, 2019
NYS Board on Electric Generation Siting and the Environment – Re: Order denying stay for the Canisteo Wind Energy LLC Project (Case# 16-F-0205). Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.

NYS Parks, Recreation and Historic Preservation – Re: Notification of approval of the remaining payment for the 2018-2019 Phase III of the snowmobile trail development and maintenance state grant-in-aid. Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.

September 30, 2019
NYS Board on Electric Generation Siting and the Environment – Re: Ruling (I) denying motions to stay briefing schedule and proceeding; (II) granting request to supplement record; (III) denying request to close discovery; and (IV) admitting application amendments into evidentiary hearing record for the Canisteo Wind Energy LLC Project (Case# 16-F-0205). Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.

Western Regional Off-Track Betting Corporation – Re: Check in the amount of $2,563, which represents the August 2019 surcharge revenues for Steuben County. Referred to: Finance Committee; and Patrick Donnelly, Commissioner of Finance.

October 3, 2019
Steuben County Industrial Development Agency – Re: Notice of public hearing regarding the Steuben County Industrial Development Agency and 2-4 Market Street, LLC is scheduled for Wednesday, October 16, 2019 at 10:00 a.m. at the Corning City Hall, located at 500 Civic Center Plaza, Second Floor Council Chambers, Corning, New York. Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.

Steuben County Industrial Development Agency – Re: Notice of public hearing regarding the Steuben County Industrial Development Agency and 54 W. Market, LLC is scheduled for Wednesday, October 16, 2019 at 10:30 a.m. at the Corning City Hall, located at 500 Civic Center Plaza, Second Floor Council Chambers, Corning, New York. Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.

October 7, 2019
NYS Office for the Aging – Re: Annual Evaluation and Progress Report from April 1, 2019 through March 31, 2020. Referred to: Human Services/Health & Education Committee; and Patty Baroody, OFA Director.
NYS Board on Electric Generation Siting and the Environment – Re: Errata Notice (issued October 4, 2019) for the Baron Winds LLC Project (Case# 15-F-0122). **Referred to: A.I.P. Committee; and Amy Dlugos, Planning Director.**

NYS Homes and Community Renewal – Re: Notification of the county’s request for release of funds and certification has been approved for the New York State Community Development Block Grant Project #1115WS301-19. **Referred to: A.I.P. Committee; Amy Dlugos, Planning Director; and Patrick Donnelly, Commissioner of Finance.**

**Vote:** Acclamation – Adopted.

**RESOLUTION NO. 177-19**

Introduced by J. Malter. Secended by K. Fitzpatrick.

**FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. THREE FOR THE YEAR 2019 AUTHORIZING A STEUBEN COUNTY TRAFFIC DIVERSION PROGRAM.**

**WHEREAS,** on September 30, 2019, the Steuben County Legislature was presented with Local Law Tentatively No. Three for the Year 2019, Authorizing a Steuben County Traffic Diversion Program, making the final adoption of said Local Law subject to a Public Hearing to be held on October 28, 2019; and

**WHEREAS,** in accordance with said resolution and Notice of Public Hearing, this County Legislature of the County of Steuben did conduct a Public Hearing on October 28, 2019, at 10:00 A.M., and all persons appearing were given the opportunity to be heard, and the Clerk of this Legislature having filed proof of the publication and posting of the Notice of Public Hearing.

**NOW THEREFORE, BE IT**

**RESOLVED,** there is hereby presented to each member of this Steuben County Legislature, Local Law Tentatively No. Three of 2019, authorizing a Steuben County Traffic Diversion Program.

**COUNTY OF STEUBEN**

**LOCAL LAW TENTATIVELY NO. THREE FOR THE YEAR 2019**

A Local Law Authorizing a Steuben County Traffic Diversion Program.

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

**SECTION 1. LEGISLATIVE INTENT**

It is the intent of this Local Law to authorize the establishment of a traffic diversion instructional program for persons referred by the District Attorney pursuant to this local law and guidelines hereby authorized to be instituted by the District Attorney to provide for an educational program under State authority authorizing local government to provide for the safety and well-being of persons within the County of Steuben. The Traffic Diversion Program will be a voluntary educational program with the goal to increase the safety of the roads in Steuben County by teaching drivers how to be better drivers.

**SECTION 2. DEFINITIONS**

1) **“Traffic Diversion Services”** shall mean instructive materials and educational classes generally recognized by the New York State Department of Motor Vehicles which provide knowledge and techniques for safe and lawful driving.

2) **“District Attorney”** shall mean the District Attorney in and for the County of Steuben as defined in the Charter of Steuben County, New York.
3) “Commissioner of Finance” shall mean the Commissioner of Finance in and for the County of Steuben as defined in the Charter of Steuben County, New York.

SECTION 3. ESTABLISHMENT OF PROGRAM

In order to effectuate “the government, protection, order, conduct, safety, health and well-being of persons and property” [New York Home Rule Section 10] within Steuben County, the County establishes a Traffic Diversion Program for any and all such persons referred to the Traffic Diversion Program, (hereinafter “Program’), by the District Attorney, as set forth herein:

a) The District Attorney is hereby authorized, per New York Home Rule Section 10 and New York County Law Section 700(1), to establish written guidelines addressing: 1) Eligibility for participation in the Program and 2) Means of written application for eligible persons to participate in local, live driver safety classes and/or providing eligible persons with qualifying alternative means of satisfying the required local, live safety instruction.

b) The District Attorney’s Office is authorized to administer all non-financial aspects of the Program in order to effectuate the intent of this local law.

c) The District Attorney shall maintain its’ Traffic Diversion records in accordance with New York County Law Section 700(7).

d) The Commissioner of Finance is authorized to accept all financial payments, as set forth herein (Section 4, below), for individuals deemed eligible by the District Attorney to participate in the Traffic Diversion Program.

e) All disbursements of the service charges, as set forth in Section 4, below, collected by the Commissioner of Finance from the Traffic Diversion Program shall be made pursuant to agreements authorized per New York General Municipal Law Section 119-o or Memorandums of Understanding and by separate resolution(s) of the Steuben County Legislature, when required by law.

SECTION 4. SERVICE CHARGE

a) Based on the Legislative Intent, Section 1, the Commissioner of Finance is authorized to collect a service charge of $275 for alleged traffic violations and/or $350 for alleged traffic related misdemeanors for an individual’s voluntary participation in the Traffic Diversion Program.

b) All payments for voluntary participation in the Traffic Safety Program shall be submitted to the Commissioner of Finance and all checks for the same shall be payable to “Steuben County” and shall be deposited into the General Fund of Steuben County.

c) The Commissioner of Finance shall periodically review the comprehensive costs of the Program to ensure the service charge imposed under this Section reasonably reflects the costs associated with conducting the Program.

d) Pursuant to this Local Law, the Steuben County Public Safety Committee shall have authority upon recommendation by the District Attorney and the Commissioner of Finance, to modify, change or otherwise adjust the service charge(s) set forth herein.

SECTION 5. SEVERABILITY

In the event any portion hereof shall be declared unenforceable, the balance of the local law remaining shall be in full force and effect.
SECTION 6. EFFECTIVE DATE

This local law shall become effective upon final adoption.

AND BE IT FURTHER RESOLVED, a Public Hearing on the within Local Law has been held on October 28, 2019 at 10:00 A.M. at the Legislative Chambers, Village of Bath, New York; and be it further

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

RESOLVED, within twenty (20) days after the final adoption by this County Legislature of said County of Steuben, Local Law Tentatively No. Three for the Year 2019, the Clerk of this Legislature shall cause one certified copy thereof to be filed in the in the Office of the Secretary of State of the State of New York, and said Secretary of State is to be requested to publish the Local Law in the supplement to the Session Laws and the Steuben County Clerk is to be requested to file the Local Law in a separate book kept by her for such records; and be it further

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

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 178-19

Introduced by B. Schu and S. Van Etten. Seconded by R. Lattimer.

AUTHORIZING THE COMMISSIONERS OF ELECTIONS TO EXECUTE A CONTRACT AND ACCEPT AN EARLY VOTING AID TO LOCALITIES GRANT.

WHEREAS, New York State set aside $10 million in the 2019-2020 budget for the purpose of Early Voting; and

WHEREAS, Steuben County’s portion of the $10 million set aside for Early Voting is $45,027.37; and

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

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

NOW THEREFORE, BE IT

RESOLVED, the Commissioners of Elections and County Manager are authorized and directed to execute the requisite documentation to effectuate this grant; and be it further

RESOLVED, the Commissioner of Finance is hereby authorized and directed to accept $45,027.37 into revenue line item 145000 4 308 9450 Election Other State Aid and appropriate the same to expense line item 145000 5 298 000; Machine & Equipment – Major; and be it further
RESOLVED, certified copies of this resolution shall be forwarded to the Commissioners of Elections, the Commissioner of Finance, and the County Manager.

**Vote:** Roll Call – Adopted.

**RESOLUTION NO. 179-19**

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

**AUTHORIZING A REPAYMENT TO THE VILLAGE OF BATH FOR TAX CERTIORARI PROCEEDINGS.**

Pursuant to Section 2.07 of the Steuben County Charter.

**WHEREAS,** it is determined to be in the best interest of Steuben County to repay the Village of Bath for village taxes levied on certain properties at an incorrect taxable value after court ordered reductions were not posted to the village tax rolls prior to the levy of the taxes.

**NOW THEREFORE, BE IT**

**RESOLVED,** this Legislature authorizes the Commissioner of Finance to repay the Village of Bath for the reduction in taxes relative to these certain properties in an amount not to exceed $36,285.61; and be it further

**RESOLVED,** the Commissioner of Finance is hereby authorized and directed to transfer the sum of $36,285.61 to the Village of Bath upon settlement relative to unpaid village taxes to be re-levied onto the 2020 Town and County taxes; and be it further

**RESOLVED,** certified copies of this resolution shall be forwarded to the Commissioner of Finance and to William VonHagn, Mayor of the Village of Bath, 110 Liberty St., Bath, NY 14810.

**Vote:** Roll Call – Adopted.  Yes – 8674; No – 0; Abstained – 597; Absent – 601

(Abstained – Legislator Mullen abstained as the Village of Bath is a client; Absent – Legislator Hanna)

**RESOLUTION NO. 180-19**

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

**AMENDING THE ESTABLISHED TIP FEE FOR PUBLIC SECTOR CONSTRUCTION DEMOLITION DEBRIS AND ASBESTOS WASTE.**

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

**WHEREAS,** the County operates a mixed municipal solid waste landfill in the Town of Bath which currently accepts construction demolition debris and friable asbestos; and

**WHEREAS,** the County recognizes that there is a need for the safe and cost effective disposal of abandoned properties; and

**WHEREAS,** the County Legislature, by resolution No. 174-16, set the posted public sector tip fees at $30.00/ton for construction demolition debris and $125.00/ton for friable asbestos delivered to said landfill; and

**WHEREAS,** to assist local municipalities with demolition of said properties, the Public Works Committee requests the authority to waive said fees for up to five (5) municipal residential demolition projects per calendar year; and
WHEREAS, to further assist disposal of abandoned properties, the Public Works Committee has approved waiving all tip fees for properties owned by the Steuben County Land Bank; and

WHEREAS, municipalities will be required to submit an application for waiving said public sector tip fees to the Public Works Committee for authorization.

NOW THEREFORE, BE IT

RESOLVED, the County Legislature grants the Public Works Committee the authority to waive the established posted public sector tip fees of $30.00/ton for disposal of construction demolition debris and $125.00/ton for disposal of friable asbestos for up to five (5) municipal residential demolition projects per calendar year; and be it further

RESOLVED, the County Legislature hereby waives all tip fees for the Steuben County Land Bank; and it is further

RESOLVED, the County Legislature directs the Public Works Committee to establish an application for waiving said public sector tip fees to be utilized by local municipalities; and be it further

RESOLVED, the amendment to resolution No. 174-16 shall take effect on January 1, 2020; and be it further

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

Mr. Maio stated he understands the rationale for doing this. What criteria is Public Works going to have to decide whether a project will be waived or not? We either need to have it, discount it or not have it. Mr. Wheeler replied the department is actually working on the application form to give to the committee and the Legislature which will allow for discussion on the neighborhood impact.

Motion to postpone until next month made by Mr. Maio. Seconded by Mr. Ryan. Acclamation vote fails with 9 Legislators opposed.

Mr. Nichols commented this will still have to come back to the Public Works committee.

Mr. Van Etten asked where did the number five come from? Mr. Wheeler explained that there was discussion in the Public Works meeting that in most years, rarely do they have more than five requests. We tried to find a good balance. Mr. Van Etten asked since the Land Bank is exempt, is setting the limit at five doing anything to limit the number? Have we come close to having five? Mr. Wheeler replied no, that would be the upper limit.

Mrs. Lando asked will the application come back to committee when it is finished? Mr. Wheeler replied yes. Public Works is currently working on a draft and will present that to the committee. The Legislature can also approve the application if you would like.

Mr. Mullen asked is the tip fee set by Local Law? Ms. Prossick replied it is set by resolution.

Mr. Maio commented he is fine if we want to say that the municipalities do not pay, or if we want to set the rate at a different amount. Without knowing the criteria, he does not think we have enough information to vote today, and we also have the power to waive the fee.

Mr. Swackhamer stated we talked about this in committee and the application will come to the committee and then the committee will decide. We get these requests all the time.
Mr. Nichols asked Mr. Spagnoletti to clarify the rates. Mr. Spagnoletti stated the rate is $30 per ton for municipalities or $125 per ton if they did not remove the asbestos first. Mr. Nichols stated we chose the limit of five because we were figuring about $4,000 and we don’t want to fill the landfill.

Mr. Van Etten asked other than the municipality name, the tax parcel number and the reason for taking the property down, what other information would you want to see on the application?

Mr. Maio replied he thinks the application should be objective and not subjective. He doesn’t understand why there is even a fee; we should just waive it all the time.

Mr. Mullen stated his concern is that it not be the same municipality and that other municipalities should be encouraged to apply.

Mr. Weaver asked is there any limit on the tonnage? Mr. Wheeler replied no, this is limited only to residential units; not commercial.

Mrs. Lando asked have we ever denied a request? Mr. Wheeler replied we have never had a formal process. Most of the time when our crews are working with the municipality, we are part of the project anyhow. This is more about finalizing a process for you to review.

Mr. Van Etten commented our Public Works department has done a very good job of being cooperative with municipalities and helping the Land Bank with regard to taking properties down.

**Vote:** Roll Call – Adopted. Yes – 8132; No – 1139; Abstained – 0; Absent – 601
(No – Legislators Maio and Mullen; Absent – Legislator Hanna)

**RESOLUTION NO. 181-19**

Introduced by B. Schu. Seconded by C. Ferratella.

AMENDING THE **MANAGEMENT SALARY PLAN** AND ADOPTING THE **STEP SYSTEM**.

WHEREAS, Steuben County has completed a review of the management grading and compensation structure, as directed by the Administration Committee; and

WHEREAS, the Burke Group completed a thorough analysis of management grading and compensation to achieve an updated, market-rated structure, comparable to peer public sector organizations in New York State; and

WHEREAS, the proposed changes to the Management Salary Plan places Steuben County in a better position to attract and retain qualified management staff; and

WHEREAS, the Administration Committee has reviewed and approved the recommended changes.

NOW THEREFORE, BE IT

RESOLVED, the attached Management Salary Plan is hereby amended as presented by the County Manager and Personnel Officer; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Personnel Officer and the County Manager, and updated copies of the plan shall be forwarded to all department heads.

Mr. Mullen stated he is not sure from looking at this, but is the intent to tie the changes you presented to the Administration Committee relative to moving individuals to different grades, permanently to a multi-
Mr. Wheeler replied when the plan was presented, those changes had not yet occurred. Those changes are a reflection of putting that step system into place and taking out the old point system. There was nothing specific that forces the Legislature or the Administration Committee to utilize the comparable county plan. We did a market analysis that used the comparable counties and he would recommend reviewing this plan periodically every five to ten years.

Mr. Mullen asked which increase will require Full Legislature approval; the salary increase? Mr. Wheeler replied this plan sets the stage for different compensation and that is not directly tied to the salary increase. Those salaries were discussed at the October Administration Committee meeting. You will get a salary schedule with the proposed new salaries. Those positions that require a Local Law will be presented. The process for that has not changed.

Mr. Mullen commented he thinks that we should also consider normalizing benefits for management as well.

Vote: Roll Call – Adopted.

RESOLUTION NO. 182-19

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

AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO EXTEND THE INTERGOVERNMENTAL COOPERATION AGREEMENT WITH ALLEGANY COUNTY.

WHEREAS, Steuben County owns and operates a Solid Waste Landfill Facility (the “Facility”) located in the Town of Bath designed and permitted for the disposal of solid waste as defined in New York Environmental Conservation Law, Article 27, Title 7 6NYCRR part 360; and

WHEREAS, the Facility is authorized to dispose of 850 tons per day of solid waste and the Facility currently has excess disposal capacity within that daily limit of approximately 300 tons per day; and

WHEREAS, Steuben County is willing to make up to 8,000 tons per year of capacity available for the disposal of municipal solid waste from Allegany County; and

WHEREAS, on March 28, 2016 both Counties entered into an Intergovernmental Cooperation Agreement allowing municipal solid waste from Allegany County to be disposed at the facility; and

WHEREAS, the Agreement expires on December 31, 2019 and both parties desire to extend the agreement at the rate of $27.00/ton for a period of four (4) years; and

WHEREAS, all other provisions in the Intergovernmental Cooperation Agreement will remain unchanged; and

WHEREAS, the Public Works Committee recommends extending the Intergovernmental Cooperation Agreement with Allegany County.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Public Works is hereby authorized to extend the Intergovernmental Cooperation Agreement with Allegany County for the disposal of municipal solid waste at the Steuben County Bath Landfill; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Commissioner of Public Works and Allegany County, Department of Public Works, 7 Court Street, Belmont, NY 14813.
NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Public Works is hereby authorized to extend the Intergovernmental Cooperation Agreement with Allegany County for the disposal of municipal solid waste at the Steuben County Bath Landfill; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Commissioner of Public Works and Allegany County, Department of Public Works, 7 Court Street, Belmont, NY 14813.

Vote: Roll Call – Adopted.

RESOLUTION NO. 183-19

Introduced by R. Lattimer and B. Schu. Seceded by G. Swackhamer.

AUTHORIZING THE RECLASSIFICATION OF ONE (1) BUILDING MAINTENANCE MECHANIC POSITION, GRADE IX TO ONE (1) HEAD BUILDING MAINTENANCE POSITION, GRADE X IN THE BUILDINGS AND GROUNDS DEPARTMENT.

Pursuant to Section 204 of the County Law of the State of New York.

WHEREAS, this Building Maintenance Mechanic position in the Buildings and Grounds Department has added duties which include an increased level of discretion exercised and supervisory responsibilities; and

WHEREAS, the Personnel Officer has determined that a Head Building Maintenance Mechanic position more appropriately performs these duties; and

WHEREAS, the Personnel Officer, County Manager, Agriculture, Industry and Planning Committee, and Administration Committee have reviewed said position within the Buildings and Grounds Department that requires a job title change and have approved the recommended change.

NOW THEREFORE, BE IT

RESOLVED, effective with the adoption of this resolution, the following position in the Buildings and Grounds Department is hereby reclassified as follows:

Building Maintenance Mechanic, Grade IX ($31,595 to $44,606) to
Head Building Maintenance Mechanic, Grade X ($33,087 to $46,710)

AND BE IT FURTHER RESOLVED, the 2019 County Job Classification and Salary Schedule is hereby amended to reflect the above-stated changes; and be it further

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

Vote: Roll Call – Adopted.

Motion to take Resolutions #10 – 15 as one and to dispense with the reading made by Mr. Swackhamer, seconded by Mr. Roush and duly carried.
RESOLUTION NO. 184-19

Introduced by S. Van Etten. Seconded by H. Lando.


Pursuant to Sections 354, 355, 356 and 359 of the County Law.

WHEREAS, the Budget Officer shall prepare and the Finance Committee shall present the Steuben County Tentative Budget and the Budget Message for the Fiscal Year 2020 with its recommendations to this Steuben County Legislature, which Tentative Budget and Budget Message together with copies, shall be filed with the Clerk of the Legislature on or before November 15, 2019.

NOW THEREFORE, BE IT

RESOLVED, the Tentative Budget and the Budget Message setting forth the appropriations for the conduct of County Government for the Fiscal Year 2020 shall be filed with the Clerk of this County Legislature on or before November 15, 2019, and shall be received and filed with this Legislature by filing same with the Clerk thereof as the official record of the filing of the same and that said Tentative Budget shall serve as the proposed appropriation resolution; and be it further

RESOLVED, the Public Hearing on the Tentative Budget for Steuben County for the Fiscal Year 2020, as herein filed, shall be held on November 25, 2019, at 11:30 A.M. in the Legislative Chambers, Bath, New York, and the Clerk of this Legislature is hereby authorized and directed to publish the Notice of Public Hearing as required by Section 359 of the County Law in the two official newspapers of the County; and be it further

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 185-19

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

FIXING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE COMPLETION AND FILING OF THE ASSESSMENT ROLL FOR THE MARSH DITCH WATERSHED PROTECTION DISTRICT.

Pursuant to Section 270 of the County Law and upon the recommendation of the Administration Committee.

RESOLVED, the Public Hearing on the Assessment Roll for the Year 2019, for the Budget Year of 2020, for the Marsh Ditch Watershed Protection District shall be held on November 25, 2019 at 11:30 A.M. in the Legislative Chambers, County Office Building, East Pulteney Square in the Village of Bath, New York and the Clerk of the Legislature is hereby authorized and directed to publish the Notice of Public Hearing as required by Section 270 of the County Law in the two official newspapers of the County, and the Clerk is further directed to forward a certified copy of this resolution to the Attorney for the Watershed District, to the President of the Board of Managers for said Watershed District, to the Director of Real Property Tax Service Agency, and the Commissioner of Finance.

Vote: Acclamation – Adopted.
RESOLUTION NO. 186-19

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

FIXING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE COMPLETION AND FILING OF THE ASSESSMENT ROLL FOR THE UPPER FIVE MILE CREEK WATERSHED PROTECTION DISTRICT.

Pursuant to Section 270 of the County Law and upon the recommendation of the Administration Committee.

RESOLVED, that the Public Hearing on the Assessment Roll for the Year 2019, for the Budget Year of 2020 for the Upper Five Mile Creek Watershed Protection District shall be held on November 25, 2019 at 11:30 A.M. in the Legislative Chambers, County Office Building, East Pulteney Square in the Village of Bath, New York and the Clerk of the Legislature is hereby authorized and directed to publish the Notice of Public Hearing as required by Section 270 of the County Law in the two official newspapers of the County, and the Clerk is further directed to forward a certified copy of this resolution to the President of the Board of Managers for said Watershed District, to the Director of Real Property Tax Service Agency, and the Commissioner of Finance.

Vote: Acclamation – Adopted.

RESOLUTION NO. 187-19

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

FIXING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE COMPLETION AND FILING OF THE ASSESSMENT ROLL FOR THE LAMOKA/WANETA LAKES’ PROTECTION AND REHABILITATION DISTRICT.

Pursuant to Section 270 of the County Law and upon the recommendation of the Administration Committee.

RESOLVED, the Public Hearing on the Assessment Roll for the Year 2019, for the Budget Year of 2020, for the Lamoka/Waneta Lakes’ Protection and Rehabilitation District shall be held on November 25, 2019 at 11:30 A.M. in the Legislative Chambers, County Office Building, East Pulteney Square in the Village of Bath, New York and the Clerk of the Legislature is hereby authorized and directed to publish the Notice of Public Hearing as required by Section 270 of the County Law in the two official newspapers of the County, and the Clerk is further directed to forward a certified copy of this resolution to the Schuyler County Legislature, 105 Ninth Street, Unit 6, Watkins Glen, NY 14891; Director of Real Property Tax Service Agency, and the Commissioner of Finance.

Vote: Acclamation – Adopted.

RESOLUTION NO. 188-19

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

DIRECTING THE CLOSING OF ALL STEUBEN COUNTY OFFICES ON FRIDAY, NOVEMBER 29, 2019.

Pursuant to Section 2.07(12) of the Steuben County Charter and the current agreement between the County of Steuben and the Civil Service Employee’s Association, Inc.

WHEREAS, the County of Steuben, by contractual agreement with the employees of Steuben County, has declared the day after Thanksgiving day to be a holiday for all employees, with the exception of the County Clerk, the Finance Office, the Clerk of this Legislature, and the Sheriff’s Office (Administrative Offices); and
WHEREAS, this County Legislature determines because of the lack of the traditional business volume on the day after Thanksgiving, coupled together with the savings of energy costs and unnecessary payroll expenses, that it would be in the best interest of the County, the taxpayers and its employees to close all of the offices of Steuben County on the day after Thanksgiving, November 29, 2019.

NOW THEREFORE, BE IT

RESOLVED, this County Legislature hereby declares November 29, 2019, to be a County holiday pursuant to the present contract with the Civil Service Employee’s Association, Inc.; and be it further

RESOLVED, all department heads, in particular the County Clerk, the Commissioner of Finance, the Clerk of this Legislature, and the Sheriff (Administrative Offices), are directed to close their respective offices on said date; and be it further

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 189-19

Introduced by J. Hauryksi. Seconded by H. Lando.

APPOINTING STEUBEN COUNTY REPRESENTATIVES TO THE LAMOKA/WANETA LAKES COMMISSION.

Pursuant to Section 12.20 of the Steuben County Charter.

WHEREAS, the counties of Steuben and Schuyler, and their respective affected townships, adopted resolutions creating the Lamoka/Waneta Lakes Protection and Rehabilitation District; and

WHEREAS, the management of said District is administered by the Lamoka/Waneta Lakes Commission comprised of seven (7) voting members and two (2) ex-officio non-voting members; and

WHEREAS, it is stipulated by an Intergovernmental Agreement between Steuben and Schuyler Counties that five (5) voting members shall be from Schuyler County and two (2) voting members shall be from Steuben County, with each County being represented with an ex-officio non-voting member from the respective Soil and Water Conservation Districts; and

WHEREAS, all Commission members shall serve four-year staggered terms; and

WHEREAS, a clerical error has been identified relative to Steuben County’s membership in the District.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Manager recommends the appointment of the following individuals to the Lamoka/Waneta Lakes Commission for the term specified:

<table>
<thead>
<tr>
<th>Town of Wayne Elected Official</th>
<th>Steuben County Property Owner in District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stephen Butchko, Wayne Town Supervisor</td>
<td>Nancy Gabel</td>
</tr>
<tr>
<td>PO Box 182</td>
<td>9150 Carpenter Road</td>
</tr>
<tr>
<td>Wayne NY 14893</td>
<td>Hammondsport NY 14843</td>
</tr>
</tbody>
</table>
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 Lamoka/Waneta Lakes Commission; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointees, the County Auditor and the Schuyler County Legislature.

Vote: Roll Call – Adopted.

Motion to Adjourn Regular Session and Reconvene in Executive Session Pursuant to Public Officers’ Law, Article 7§ 105.1.D. Discussions Regarding Proposed, Pending or Current Litigation and Article 7§ 105.1.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. Mullen, seconded by Mrs. Ferratella and duly carried.

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

Motion Recommending a 3.5 Percent Salary Increase for the County Manager for Inclusion in the 2020 Budget made by Mr. Ryan, seconded by Mr. Van Etten and duly carried.

Motion to Adjourn made by Mr. Roush, seconded by Mr. Potter and duly carried.