

REGULAR MEETING
Morning Session
Monday, February 27, 2023
Legislative Chambers

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers in Bath, NY on the 27th day of February, 2023, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Scott J. Van Etten.

Roll Call and all members present except Legislators Hanna, Lando, Mullen, Pelham and Swackhamer.

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

Chairman Van Etten asked Kimberly Morris to come forward. Ms. Morris is an employee in the Department of Motor Vehicles. He presented her with a Certificate of Appreciation and a pin in recognition of her 10 years of service to Steuben County.

Chairman Van Etten asked Shirley Davis to come forward. Ms. Davis is an employee in the Public Health and Nursing Services Department. He presented her with a Certificate of Appreciation and a clock in recognition of her retirement with 35 years of service to Steuben County.

President William Mullaney, Corning Community College, presented his 2023 State of the College presentation to the Legislature. He provided a PowerPoint presentation, a copy of which is on file in the Clerk of the Legislature's Office, which provided an overview of the Mission, Vision and Values. He also spoke about two new academic programs; Mechatronics A.A.S. and Digital Design, A.S. along with multiple micro-credential opportunities. There are two new workforce programs; SUNY Future of Work Centers which is funded by a \$1.3 million grant to train automotive technicians and the Build Back Better: Clean Energy/Battery Storage which is funded by a \$1.4 million grant to train manufacturing technicians. They were successful in obtaining a \$373,380 grant for the US DOL Community College HealthCARES Consortium and \$200,000 for SUNY Workforce Development Training. President Mullaney also spoke about the college's strategic plan for 2023 – 2026.

Mr. Maio asked what is the breakdown of the number of students participating in remote learning? Dr. Mullaney replied we have a mix of 60 percent are face-to-face and 40 percent are on-line. A number of our classes are a hybrid model. Ms. Fitzpatrick asked for your adult students, do you offer any courses in the evenings? Dr. Mullaney replied yes. More of our adult students do want to take online classes and we are trying to determine the balance between those classes. Ms. Fitzpatrick asked do you have a staff member who is a local contact for area employers? Dr. Mullaney replied yes, our career counselor, Austin LeFevre.

Mrs. Ferratella asked how does enrollment now compare to pre-pandemic? Dr. Mullaney replied during the pandemic our enrollment was down 5 to 10 percent. We are still lower than pre-pandemic levels, however, we are seeing somewhat of a turn around and seeing more positive numbers.

Mr. Van Etten asked what is the attendance at the dormitory? Dr. Mullaney replied we had 130 students in the dormitory this year and we can take 270 students. Some of that is related to pandemic fear. We have hired a consulting firm to develop a more robust marketing plan. Mr. Van Etten asked with regard to your budget; your deficit and the change in the fund balance, is that driven by the receipt of federal funds, or the pandemic? Dr. Mullaney replied that is pandemic related. We are looking at positions and decide whether we need to streamline or backfill positions. Our fund balance will continue to remain steady or increase.

Mr. Nichols asked how many students did you graduate pre-pandemic? Dr. Mullaney replied in 2019 we were closer to 400.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proof of Publication and Proof of Posting Upon Local Law Tentative No. One for the Year 2023, Amending Local Law No. Three for the Year 1987, Imposing a Tax on the Occupancy of Hotel or Motel Rooms Pursuant to Chapter 374 of the Laws of 1987 of the State of New York Expanding the Definition of Hotel to Include Online Rental Properties. Chairman Van Etten opened the floor for comments by members of the public.

Alisha McLaughlin asked about whether there would be more information on what the occupancy tax would be and what regulations would need to be followed. Chairman Van Etten stated any time someone speaks, we do not comment back or answer questions. However, we can get you answers to those questions. Ms. McLaughlin stated she would like to voice her objection to this proposal. It is not feasible for families that own or operate an Airbnb to pay a mortgage and/or rent and be able to operate with a profit.

Allison Lavine of ZiegenVine Homestead in Savona, stated they rent cabins and she is not opposed to the tax. Her understanding is that the tax is 4 percent payable quarterly. She stated at their farm they provide a rustic cabin with no shower and an outhouse. Would this proposal still affect a rustic cabin with no amenities, or would this be across the board? We currently do not pay the occupancy tax. I don't understand why we would pay that if we don't offer showers. Something to think about is the level of accommodations being offered.

Chairman Van Etten stated hopefully we can answer that question in the future. There being no further comments, he declared the public hearing closed.

Ms. Fitzpatrick noted in last month's meeting, Mrs. Lando had mentioned the names of the Legislators on the Comprehensive Plan Committee and she stated that she also is a member of that committee.

Motion adopting the minutes of the previous meeting with Ms. Fitzpatrick's notation made by Mr. Malter, seconded by Mr. Nichols and duly carried.

RESOLUTION NO. 018-23

Introduced by K. Fitzpatrick.

Seconded by C. Ferratella.

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 be it further

RESOLVED, as it appears to be in the best interest of the County to sell the property(ies) listed on Schedule "B" for the consideration offered, the Steuben County Commissioner of Finance is hereby authorized and directed to execute the necessary documentation to convey the recited parcel(s) to the grantee(s) upon receipt of the consideration indicated, pursuant

to Real Property Tax Law §1166, and approved by the Steuben County Finance Committee on February 27, 2023. The said grantee(s) must accept the parcel(s) "as is" together with the obligation of removing any persons, if any, claiming any interest in the parcel(s) if need be, and as upon the "Notice to Bidders and Terms of Sale 2022" as applicable; 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 Director of the Steuben County Real Property Tax Service Agency, the Chairman of the Board of Assessors of the appropriate municipality, the Clerk of the Board of Education of the appropriate School District, and the grantee(s).

SCHEDULE "A"

Resolution No.	Parcel No.	Name	Municipality	Tax Yr(s)	Disposition
A-1	256.00-01-034.121	Mackey, Thomas	Cameron	2023	Split
A-2	079.00-01-022.110	SHFH Hurlbut Farms Trust	Dansville	2023	Split
A-3	193.00-01-005.000	Eckenrode, Eric & Katherine	Bradford	2023	Assessment for barn placed on parcel in error
A-4	193.00-01-005.000	Eckenrode, Eric & Katherine	Bradford	2022-23	Assessment for barn placed on parcel in error
A-5	387.00-01-038.200	Brownell, Joseph M & Diane	Lindley	2023	Correction of Exemption
A-6	387.00-01-038.200	Brownell, Joseph M & Diane	Lindley	2022	Correction of Exemption
A-7	387.00-01-038.200	Brownell, Joseph M & Diane	Lindley	2021	Correction of Exemption
A-8	415.00-01-009.000	Baldwin, Sheila M.	Troupsburg	2023	Split
A-9	202.00-01-022.210	Havens, Karen R & Swift, Uleta	Cameron	2023	Split
A-10	260.00-01-005.110	Machuga, David P & Nancy M	Campbell	2023	Split
A-11	166.18-01-032.210	South Hornell Fire Prot Co Inc.	Hornellsville	2023	Correction of special assessment
A-12	166.18-01-032.210	South Hornell Fire Prot Co Inc.	Hornellsville	2022	Correction of special assessment
A-13	166.18-01-032.210	South Hornell Fire Prot Co Inc.	Hornellsville	2021	Correction of special assessment

A-14	166.18-01-032.210	South Hornell Fire Prot Co Inc.	Hornellsville	2020	Correction of special assessment
A-15	228.00-01-005.222	Soto, Evelyn	Hornby	2023	Correction of Acreage
A-16	378.16-01-028.000	Lowrey, Peter M & Korrine	Troupsburg	2023	Correction of School Relevy, Remove
A-17	079.00-01-027.000	Lismore Realty Assoc LLC	Dansville	2023	Correction of exemption
A-18	079.00-01-027.000	Lismore Realty Assoc LLC	Dansville	2022-23	Correction of exemption

SCHEDULE "B"

Resolution No.	Former Owner	In Rem Index No.	Parcel No.	Municipality	Grantee(s) Name & Address	Consideration
B-1	Wilson, Richard & Christina	2020-1004CV, Judgment filed 8/1/2022	166.06-02-010.300	Hornell City	Barbara L. Berry; 46 Ellsworth Street; Hornell, NY 14843	\$415, inclusive of recording fees

Vote: Roll Call – Adopted.

RESOLUTION NO. 019-23

Introduced by S. Van Etten.

Seconded by F. Potter.

RECEIVING AND ACCEPTING THE FEBRUARY 27, 2023 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:

January 24, 2023

Harris Beach PLLC, Attorneys at Law – Re: City of Hornell Industrial Development Agency and Gray Manufacturing Industries LLC (Assignor)/FCM Management Ltd (Assignee), amended tax agreement and RP-412-a form for property located at 6258 Ice House Road in the City of Hornell. *Referred to: Finance and Administration Committees; Tammy Hurd-Harvey, Commissioner of Finance; Wendy Jordan, RPTSA Director; and Jennifer Prossick, County Attorney.*

Harris Beach PLLC, Attorneys at Law – Re: City of Hornell Industrial Development Agency and Gray Manufacturing Industries LLC (Assignor)/FCM Management Ltd (Assignee), amended tax agreement and RP-412-a form for property located at 6270 Ice House Road in the City of Hornell. *Referred to: Finance and Administration Committees; Tammy Hurd-Harvey, Commissioner of Finance; Wendy Jordan, RPTSA Director; and Jennifer Prossick, County Attorney.*

January 24, 2023

NYS Public Service Commission – Re: Confirming order issued and effective January 23, 2023 on the Baron Wind LLC Project (Case#15-F-0122). *Referred to: AIP Committee; and Marie Myers Shearing, Planning Director.*

NYS Public Service Commission – Re: Notice of availability of intervenor funding and deadlines for submitting funding requests, and seeking party status on the Baron Wind LLC Project (Case#15-F-0122). ***Referred to: AIP Committee; and Marie Myers Shearing, Planning Director.***

January 26, 2023

Town of Erwin Water District – Re: Notice of filing of application (SRBC Pending Number: 2023-009) filed in the Town of Erwin, Steuben County with the Susquehanna River Basin Commission (SRBC) for groundwater withdrawal. ***Referred to: A.I.P. Committee; and Marie Myers Shearing, Planning Director.***

January 30, 2023

Delaware River Solar – Re: Written notification provided per subdivision nine of section four hundred eighty-seven of the Real Property Tax Law (RPTL 487) of the intent to construct a solar project at 11345 Wheaton Road in Steuben County. ***Referred to: AIP Committee; Marie Myers Shearing, Planning Director; Wendy Jordan, Real Property Director and Jennifer Prossick, County Attorney.***

January 31, 2023

Steuben County Industrial Development Agency – Re: Notice of public hearing, disposition of initial resolution and proposed financial assistance for TJA-NY-Cohocton Solar Farm, LLC's is scheduled for Tuesday, February 14, 2023 at 2:00pm at the Town of Cohocton Town Hall located at 19 Main Street, Cohocton, New York. ***Referred to: A.I.P. Committee; and Marie Myers Shearing, Planning Director.***

February 1, 2023

NYS Department of Transportation – Re: Notification of a bridge deck replacement and a bridge replacement located in the Town of Bradford, Steuben County will begin spring 2023 and expected to be completed by year end. ***Referred to: Public Works Committee; and Eric Rose, Commissioner of Public Works.***

February 2, 2023

Steuben County Industrial Development Agency – Re: Notice of public hearing and disposition of initial resolution on the proposed financial assistance for Finger Lakes Land Holdings LLC/Finger Lakes Enviro-Tech, LLC is scheduled for Wednesday, February 15, 2023 at 9:00am at the Steuben County Industrial Development Agency office located at 7234 Route 54 North, Bath, New York. ***Referred to: A.I.P. Committee; and Marie Myers Shearing, Planning Director.***

February 6, 2023

Harris Beach, PLLC, Attorneys at Law – Re: Steuben Tobacco Asset Securitization Corporation annual meeting and accountability materials. ***Referred to: Jack Wheeler, County Manager; Jennifer Prossick, County Attorney; Tammy Hurd-Harvey, Commissioner of Finance; and Brenda Scotchmer, Clerk of the Legislature.***

February 13, 2023

Southern Tier Central Regional Planning & Development Board – Re: Request for Steuben County to help sponsor the Regional Leadership Conference scheduled on April 6, 2023 at Corning Community College in the amount of \$1,000. ***Referred to: Scott Van Etten, Steuben County Legislature Chairman.***

February 16, 2023

Delaware River Solar – Re: Written notification provided per subdivision nine of section four hundred eighty-seven of the Real Property Tax Law (RPTL 487) of the intent to construct a solar project at 6383 Campbell Creek Road in Steuben County. ***Referred to: AIP Committee; Marie Myers Shearing, Planning Director; Wendy Jordan, Real Property Director and Jennifer Prossick, County Attorney.***

NYS Office of Children and Family Services – Re: OCFS Fatality Report #RO-22-024. ***Referred to: Scott Van Etten, Legislature Chairman; and Jack Wheeler, County Manager.***

Vote: Acclamation – Adopted.

RESOLUTION NO. 020-23

Introduced by C. Ferratella.

Seconded by K. Fitzpatrick.

ADOPTING LOCAL LAW TENTATIVELY NO. ONE FOR THE YEAR 2023, AMENDING LOCAL LAW NO. THREE FOR THE YEAR 1987, IMPOSING A TAX ON THE OCCUPANCY OF HOTEL OR MOTEL ROOMS PURSUANT TO CHAPTER 374 OF THE LAWS OF 1987 OF THE STATE OF NEW YORK, EXPANDING THE DEFINITION OF HOTEL TO INCLUDE ONLINE RENTAL PROPERTIES.

WHEREAS, since the County's last amendment to Local Law No. Three of 1987, online rental entities have arisen that include renting of properties the current County Local Law does not include in its occupancy taxing scheme; and

WHEREAS, these online rental entities are now a large portion of the short-term rental properties in the County and closely resemble traditional hotels and/or motels and as such should be taxed accordingly.

NOW THEREFORE, BE IT

RESOLVED, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. One for the Year 2023, Amending Local Law No. Three for the Year 1987, Imposing a Tax on the Occupancy of Hotel or Motel Rooms Pursuant to Chapter 374 of the Laws of 1987 of the State of New York, Expanding the Definition of Hotel under the same to include properties rented on-line through rental entities.

**COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. ONE FOR THE YEAR 2023**

A Local Law, Amending Local Law No. Three for the Year 1987, Imposing a Tax on the Occupancy of Hotel or Motel Rooms Pursuant to Chapter 374 of the Laws of 1987 of the State of New York, Expanding the Definition of Hotel under the same to include online rental properties.

Be it enacted by the Legislature of the County of Steuben as follows:

SECTION 1. INTENT

It is the intent of this Local Law to expand the definitions section in Local Law No. Three of 1987 to include online vacation rental properties and the entities that rent the same.

SECTION 2. AMENDING LOCAL LAW NO. THREE OF THE YEAR 1987

Local Law No. Three for the Year 1987 be, and the same is hereby amended in relevant part to read as follows:

Section 3. Text, 1. Definitions.

[(c) Hotel. A building or portion of it which is regularly used and kept open as such for the lodging of guests. The term "hotel" or "motel" includes an apartment hotel, motor court or inn, boarding house or club, or similar hotel or motel type of accommodations by whatever name designated, whether or not meals are served and shall include those facilities commonly known as "bed and breakfast" and "tourist" facilities.]

(c) Hotel. Any facility, building or portion of which it is regularly kept open as such for lodging of guests on an overnight basis for a period of less than thirty (30) days and shall include those facilities designated and commonly known as bed and breakfast, motels, motor courts, boarding houses, inns, cabins, condominiums, cottages, campgrounds, lodges, tourist homes, apartments, convention centers, bungalows, and vacation rentals rented via a realtor and/or on-line rental

platforms wherein no voluntary tax collection agreement has been entered into by the entity with the County for purposes of voluntary collection of Occupancy Tax hereunder.

(j) Treasurer. The Treasurer [of Steuben County] or the Commissioner of Finance of and/or for the County of Steuben.

SECTION 3. SEVERABILITY

If any section of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof that can be given effect without the invalid provision, but shall be confined in its operation to the section thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 4. EFFECTIVE DATE

This Local Law shall take effect upon filing with the Secretary of State.

Old material in []

New material underlined

AND BE IT FURTHER RESOLVED a Public Hearing on the within Local Law was held on February 27, 2023 at 10:00 A.M. in the Steuben County Legislative Chambers, 3rd Floor of the Annex Building in the 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, had said notice published for one insertion in the two official newspapers of the County, and 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 proof of posting and publication to be 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. One for the Year 2023, the Clerk of this Legislature shall cause one certified copy thereof to be filed in the Office of the Steuben County Clerk, and one certified copy 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, certified copies of this resolution shall be forwarded to the County Manager and Commissioner of Finance.

Chairman Van Etten asked is this something that the State is looking at? Mr. Wheeler replied it has been discussed in committees to make this statewide. Chairman Van Etten commented that would be nice. Ms. Fitzpatrick stated this is the 4 percent that is already charged and reimbursed by Airbnb. This is just expanding it to other online rental agencies? Ms. Prossick replied correct. Chairman Van Etten stated we also get this occupancy tax from the hotels and motels in the area. Part of the reality is that we are getting the occupancy tax from some and not others.

**Vote: Roll Call – Adopted. Yes – 6625, No – 451, Absent – 27906
(No: Legislator Van Caesele; Absent: Legislators Hanna, Lando, Mullen, Pelham and Swackhamer)**

RESOLUTION NO. 021-23

Introduced by C. Ferratella.

Seconded by J. Malter.

PRESENTING LOCAL LAW TENTATIVELY NO. TWO FOR THE YEAR 2023, ESTABLISHING A SUSTAINABLE ENERGY LOAN PROGRAM IN STEUBEN COUNTY.

WHEREAS, the County supports the increased use in sustainable and clean energy sources; and

WHEREAS, Article 5-L of New York’s General Municipal Law establishes a Municipal Sustainable Energy Loan Program, wherein loans are made available to real property owners for the installation of renewable energy systems and energy efficiency improvements; and

WHEREAS, in order for the County to establish a sustainable energy loan program it must pass a local law pursuant to Article 5-L of the General Municipal Law.

NOW THEREFORE, BE IT

RESOLVED, there is hereby presented to each member of this Legislature Local Law Tentatively No. Two for the Year 2023, Establishing a Sustainable Energy Loan Program in Steuben County.

**COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. TWO FOR THE YEAR 2023**

A Local Law Establishing a Sustainable Energy Loan Program (Open C-Pace) in the County of Steuben.

Be it enacted by the Legislature of the County of Steuben as follows:

This Local Law shall be known as the “Energize NY Open C-PACE Financing Program” and shall read as follows:

Legislative Findings, Intent and Purpose, Authority.

It is the policy of both the County of Steuben (the “County”) and the State of New York (the “State”) to achieve energy efficiency and renewable energy improvements, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The County finds that it can fulfill this policy by providing property assessed clean energy financing to Qualified Property Owners (as defined below) for the installation of renewable energy systems and energy efficiency measures. This local law establishes a program that will allow the Energy Improvement Corporation (as defined below, “EIC”), a local development corporation, acting on behalf of the County pursuant to the municipal agreement (the “Municipal Agreement”) to be entered into between the County and EIC, to make funds available to Qualified Property Owners that will be repaid through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this local law and accomplishing an important public purpose. This local law provides a method of implementing the public policies expressed by, and exercising the authority provided by, Article 5-L of the General Municipal Law (as defined below, the “Enabling Act”).

The County is authorized to execute, deliver and perform the Municipal Agreement and otherwise to implement this Energize NY Open C-PACE Financing Program pursuant to the Constitution and laws of New York, including particularly Article IX of the Constitution, Section 10 of the Municipal Home Rule Law, the Enabling Act and this local law.

This local law, which is adopted pursuant to Section 10 of the Municipal Home Rule Law and the Enabling Act shall be known and may be cited as the “Energize NY Open C-PACE Local Law”.

Definitions

Capitalized terms used but not defined herein have the meanings assigned in the Enabling Act.

For purposes of this local law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

Annual Installment Amount – shall have the meaning assigned in Section 8, paragraph B.

Annual Installment Lien – shall have the meaning assigned in Section 8 paragraph B.

Authority – the New York State Energy Research and Development Authority.

Benefit Assessment Lien – shall have the meaning assigned in Section 3, paragraph A.

Benefited Property – Qualified Property for which the Qualified Property Owner has entered into a Finance Agreement for a Qualified Project.

Benefited Property Owner – the owner of record of a Benefited Property.

EIC – the Energy Improvement Corporation, a local development corporation, duly organized under section 1411 of the Not-For-Profit Corporation Law of the State, authorized hereby on behalf of the County to implement the Program by providing funds to Qualified Property Owners and providing for repayment of such funds from money collected by or on behalf of the County as a charge to be levied on the real property.

Eligible Costs – costs incurred by the Benefited Property Owner in connection with a Qualified Project and the related Finance Agreement, including application fees, EIC’s Program administration fee, closing costs and fees, title and appraisal fees, professionals’ fees, permits, fees for design and drawings and any other related fees, expenses and costs, in each case as approved by EIC and the Financing Party under the Finance Agreement

Enabling Act – Article 5-L of the General Municipal Law of the State, or a successor law, as in effect from time to time.

Finance Agreement – the finance agreement described in Section 6A of this local law.

Financing Charges – all charges, fees and expenses related to the loan under the Finance Agreement including accrued interest, capitalized interest, prepayment premiums, and penalties as a result of a default or late payment and costs and reasonable attorneys’ fees incurred by the Financing Party as a result of a foreclosure or other legal proceeding brought against the Benefited Property to enforce any delinquent Annual Installment Liens.

Financing Parties – Third party capital providers approved by EIC to provide financing to Qualified Property Owners or other financial support to the Program which have entered into separate agreements with EIC to administer the Program in the Municipality.

Municipality – the County of Steuben, a municipality of the State constituting a tax district as defined in Section 1102 of the RPTL of the State.

Municipal Lien – a lien on Qualified Property which secures the obligation to pay real property taxes, municipal charges, or governmentally imposed assessments in respect of services or benefits to a Qualified Property.

Non-Municipal Lien – a lien on Qualified Property which secures any obligation other than the obligation to pay real property taxes, municipal charges, or governmentally-imposed assessments in respect of services or benefits to a Qualified Property Owner or Qualified Property.

Program – the Energize NY Open C-PACE Financing Program authorized hereby.

Qualified Project – the acquisition, construction, reconstruction or equipping of Energy Efficiency Improvements or Renewable Energy Systems or other projects authorized under the Enabling Act on a Qualified Property, together with a related Energy Audit, Renewable Energy System Feasibility Study and/or other requirements under or pursuant to the Enabling Act, with funds provided in whole or in part by Financing Parties under the Program to achieve the purposes of the Enabling Act.

Qualified Property – Any real property other than a residential building containing less than three dwelling units, which is within the boundaries of the Municipality that has been determined to be eligible to participate in the Program under the procedures for eligibility set forth under this local law and the Enabling Act and has become the site of a Qualified Project.

Qualified Property Owner – the owner of record of Qualified Property which has been determined by EIC to meet the requirements for participation in the Program as an owner, and any transferee owner of such Qualified Property.

RPTL – the Real Property Tax Law of the State, as amended from time to time.

Secured Amount – as of any date, the aggregate amount of principal loaned to the Qualified Property Owner for a Qualified Project, together with Eligible Costs and Financing Charges, as provided herein or in the Finance Agreement, as reduced pursuant to Section 8, paragraph C.

State – the State of New York.

Establishment of an Energize NY Open C-PACE Financing Program

An Energize NY Open C-PACE Financing Program is hereby established by the County, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may arrange for the provision of funds by Financing Parties to Qualified Property Owners in accordance with the Enabling Act and the procedures set forth under this local law, to finance the acquisition, construction, reconstruction, and installation of Qualified Projects and Eligible Costs and Financing Charges approved by EIC and by the Financing Party under the Finance Agreement. EIC, on behalf of the County, and with the consent of the Benefited Property Owner, will record a Benefit Assessment Lien on the Benefited Property in the Secured Amount (the “Benefit Assessment Lien”) on the land records for the County. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the County.

Before a Qualified Property Owner and a Financing Party enter into a Finance Agreement which results in a loan to finance a Qualified Project, repayment of which is secured by a Benefit Assessment Lien, a written consent from each existing mortgage holder of the Qualified Property shall be obtained, permitting the Benefit Assessment Lien and each Annual Installment Lien to take priority over all existing mortgages.

Procedures for Eligibility

Any property owner in the County may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the County’s offices.

Every application submitted by a property owner shall be reviewed by EIC, acting on behalf of the County, which shall make a positive or negative determination on such application based upon the criteria enumerated in the Enabling Act and § 0 of this local law. EIC may also request further information from the property owner where necessary to aid in its determination.

If a positive determination on an application is made by EIC, acting on behalf of the Municipality, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Program in accordance with § 0 of this local law.

Application Criteria

Upon the submission of an application, EIC, acting on behalf of the County, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;

The amount financed under the Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property as determined by EIC;

Sufficient funds are available from Financing Parties to provide financing to the property owner;

The property owner is current in payments on any existing mortgage on the Qualified Property;

The property owner is current in payments on any real property taxes on the Qualified Property; and

Such additional criteria, not inconsistent with the criteria set forth above, as the State, the County, or EIC acting on its behalf, or other Financing Parties may set from time to time.

Energize NY Finance Agreement

A Qualified Property Owner may participate in the Program through the execution of a finance agreement made by and between the Qualified Property Owner and a Financing Party, to which EIC, on behalf of the County, shall be a third-party beneficiary (the "Finance Agreement"). Upon execution and delivery of the Finance Agreement, the property that is the subject of the Finance Agreement shall be deemed a "Benefited Property").

Upon execution and delivery of the Finance Agreement, the Benefited Property Owner shall be eligible to receive funds from the Financing Party for the acquisition, construction, and installation of a Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, provided the requirements of the Enabling Act, the Municipal Agreement and this local law have been met.

The Finance Agreement shall include the terms and conditions of repayment of the Secured Amount and the Annual Installment Amounts.

EIC may charge fees to offset the costs of administering the Program and such fees, if not paid by the Financing Party, shall be added to the Secured Amount.

Terms and Conditions of Repayment

The Finance Agreement shall set forth the terms and conditions of repayment in accordance with the following:

The principal amount of the funds loaned to the Benefited Property Owner for the Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, shall be specially assessed against the Benefited Property and will be evidenced by a Benefit Assessment Lien recorded against the Benefited Property on the land records on which liens are recorded for properties within the County. The special benefit assessment shall constitute a "charge" within the meaning of the Enabling Act and shall be collected in annual installments in the amounts certified by the Financing Party in a schedule provided at closing and made part of the Benefit Assessment Lien. Said amount shall be annually levied, billed and collected by EIC, on behalf of the County, and shall be paid to the Financing Party as provided in the Finance Agreement.

The term of such repayment shall be determined at the time the Finance Agreement is executed by the Benefited Property Owner and the Financing Party, not to exceed the weighted average of the useful life of the systems and improvements as determined by EIC, acting on behalf of the County.

The rate of interest for the Secured Amount shall be fixed by the Financing Party in conjunction with EIC, acting on behalf of the County, as provided in the Finance Agreement.

Levy of Annual Installment Amount and Creation of Annual Installment Lien

Upon the making of the loan pursuant to the Finance Agreement, the Secured Amount shall become a special Benefit Assessment Lien on the Benefited Property in favor of the County. The amount of the Benefit Assessment Lien shall be the Secured Amount. Evidence of the Benefit Assessment Lien shall be recorded by EIC, on behalf of the County, in the land records for properties in the County. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the County. The Benefit Assessment Lien shall not be foreclosed upon by or otherwise enforced by the County.

The Finance Agreement shall provide for the repayment of the Secured Amount in installments made at least annually, as provided in a schedule attached to the Benefit Assessment Lien (the "Annual Installment Amount"). The Annual Installment Amount shall be levied by EIC, on behalf of the County, on the Benefited Property in the same manner as levies for municipal charges, shall become a lien on the Benefited Property as of the first day of January of the fiscal year for which levied (the "Annual Installment Lien") and shall remain a lien until paid. The creation or any recording of the Annual Installment Lien shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the County. Payment to the Financing Party shall be considered payment for this purpose. Such payment shall partly or wholly discharge the Annual Installment Lien. Delinquent Annual Installment Amounts may accrue Financing Charges as may be provided in the Finance Agreement. Any additional Financing Charges imposed by the Financing Party pursuant to the Finance Agreement shall increase the Annual Installment Amount and the Annual Installment Lien for the year in which such overdue payments were first due.

The Benefit Assessment Lien shall be reduced annually by the amount of each Annual Installment Lien when each Annual Installment Lien becomes a lien. Each Annual Installment Lien shall be subordinate to all Municipal Liens, whether created by Section 902 of the RPTL or by any other State or local law. No portion of a Secured Amount shall be recovered by the County, EIC, or an assignee upon foreclosure, sale or other disposition of the Benefited Property unless and until all Municipal Liens are fully discharged. Each Annual Installment Lien, however, shall have priority over all Non-Municipal Liens, irrespective of when created, except as otherwise required by law.

Neither the Benefit Assessment Lien nor any Annual Installment Lien shall be extinguished or accelerated in the event of a default or bankruptcy of the Benefited Property Owner. Each Annual Installment Amount shall be considered a charge upon the Benefited Property and shall be collected by EIC, on behalf of the County, at the same time and in the same manner as real property taxes or municipal charges. Each Annual Installment Lien shall remain a lien until paid. Amounts collected in respect of an Annual Installment Lien shall be remitted to EIC, on behalf of the County, or the Financing Party, as may be provided in the Finance Agreement.

EIC shall act as the County's agent in collection of the Annual Installment Amounts. If any Benefited Property Owner fails to pay an Annual Installment Amount, the Financing Party may redeem the Benefited Property by paying the amount of all unpaid Municipal Liens thereon, and thereafter shall have the right to collect any amounts in respect of an Annual Installment Lien by foreclosure or any other remedy available at law. Any foreclosure shall not affect any subsequent Annual Installment Liens.

EIC, on behalf of the County, may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens to Financing Parties that provide financing to Qualified Properties pursuant to Finance Agreements. The Financing Parties may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens received from EIC, on behalf of the County, subject to certain conditions provided in the administration agreement between EIC and the Financing Party. The assignee or assignees of such Benefit Assessment Liens and Annual

Installment Liens shall have and possess the same powers and rights at law or in equity as the County would have had if the Benefit Assessment Lien and the Annual Installment Liens had not been assigned with regard to the precedence and priority of such lien, the accrual of interest and the fees and expenses of collection.

Verification and Report

EIC, on behalf of the County, shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Program in such form and manner as the Authority may establish.

Separability. If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof involved in the controversy in which such judgment shall have been rendered.

This local law shall take effect upon filing with the Secretary of State.

AND BE IT FURTHER RESOLVED, before said Local Law is adopted by the County Legislature, a Public Hearing shall be held on March 27, 2023, at 10:00 A.M. in the Steuben County Legislative Chambers, Annex Building, Bath, New York; and be it further

RESOLVED, the Clerk of the Legislature shall cause 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, have said notice published for one insertion in the two official newspapers of the County, and shall cause such posting and publication to be completed at least five (5) days prior to the date heretofore set forth for the Public Hearing, with proof of posting and publication to be filed in the Office of the Clerk of the Legislature; and be it further

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 022-23

Introduced by B. Schu.

Seconded by K. Fitzpatrick.

PRESENTING LOCAL LAW TENTATIVELY NO. THREE FOR THE YEAR 2023, AMENDING LOCAL LAW NO. TWO FOR THE YEAR 2007, RELATIVE TO PROVIDING AN EXEMPTION FOR REAL PROPERTY OWNED BY AN ENROLLED VOLUNTEER FIREFIGHTER OR AMBULANCE WORKER.

WHEREAS, Chapter 670 of the Law of New York, 2022 has amended the County’s authority to provide this exemption by Local Law; and

WHEREAS, the County’s Local Law No. Two for the Year 2007 had an exemption cap that is no longer valid; and

WHEREAS, the County’s Local Law No. Two for the Year 2007 did not address the new availability of the exemption to un-remarried spouses of volunteer fire fighters and ambulance workers who died in the line of duty.

NOW THEREFORE, BE IT

RESOLVED, there is hereby presented to each member of this Legislature, Local Law Tentatively No. Three for the Year 2023; amending Local Law No. Two for the Year 2007, providing an exemption for real property owned by an enrolled volunteer firefighter or ambulance worker.

COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. THREE FOR THE YEAR 2023

A **LOCAL LAW** amending Local Law No. Two for 2007, providing an exemption for real property owned by an enrolled volunteer firefighter or ambulance worker.

Be it enacted by the Legislature of the County of Steuben as follows:

SECTION 1. Legislative Intent. The legislature recognizes the role of the volunteer firefighters and ambulance workers in securing the safety and well-being of our communities. The legislature hereby finds that it is in the best social and economic interests of the County of Steuben to encourage volunteerism for said purposes. To that end, by providing the following exemption it is the intent to so encourage volunteerism for our various fire and ambulance companies. It is the further intent of this Local Law to provide an additional lifetime exemption for volunteers who accrue more than twenty years of service within the County of Steuben. In addition thereto, Resolution No. 004-03 "Establishing the requisite criteria for eligibility shall be superseded by this law and its content incorporated herein, all to the extent as authorized by RPTL §466-a.

SECTION 2. Exemptions for certain volunteer firefighters and ambulance workers.

(a) Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing in Steuben County shall be exempt from taxation to the extent of ten percent of the assessed value of such property for county purposes, exclusive of special assessments, [provided, however, that such exemption shall in no event exceed \$3,000 multiplied by the latest state equalization rate for the assessing unit in which such real property is located.]

(b) Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service residing in such county unless:

(i) the applicant resides in the city, town or village which is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;

(ii) the property is the primary residence of the applicant;

(iii) the property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and

(iv) the incorporated volunteer fire company or fire department and incorporated voluntary ambulance service has submitted to the Steuben County Director of [Office of Emergency Services] Public Safety a complete list of enrolled members, with their respective dates of service for such incorporated voluntary fire company, or fire department, or incorporated voluntary ambulance service. The Steuben County Director of [Office of Emergency Services] Public Safety shall then review all potential candidates and certify those that meet the necessary criteria to be eligible for this exemption; and such member has been a member for at least five years.

(c) In addition thereto, any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service pursuant to Section 2b(iv) of this Local Law, who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within Steuben County.

(d) Un-remarried spouses of enrolled members of an incorporated volunteer fire company or incorporated volunteer ambulance service killed in the line of duty shall be eligible to reinstate or continue this exemption from taxation to the extent of ten percent of the assessed value of real property for county purposes, exclusive of special assessments, provided that:

(i) Such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated volunteer ambulance service as an un-remarried spouse of an enrolled member of such incorporated volunteer fire company, fire department or incorporated volunteer ambulance service who was killed in the line of duty; and

(ii) Such deceased volunteer had been an enrolled member for at least five years; and

(iii) Such deceased volunteer had been receiving the exemption prior to his or her death.

[(d)] (e) Application for such exemption shall be filed with the assessor on or before the taxable status date on a form as prescribed by the state board.

[(e)] (f) No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of this article on the effective date of this section shall suffer any diminution of such benefit because of the provisions of this section.

SECTION 3. Effective Date. This act shall take effect immediately and shall apply to real property having a taxable status date on or after the first day of January [2007] 2023 next succeeding the date on which this act shall have become a law.

Old material: []
New material: _____

AND BE IT FURTHER RESOLVED, before said Local Law is adopted by the County Legislature, a Public Hearing shall be held on March 27, 2023, at 10:00 A.M. in the Steuben County Legislative Chambers, Annex Building, Bath, New York; and be it further

RESOLVED, the Clerk of the Legislature shall cause 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, have said notice published for one insertion in the two official newspapers of the County, and shall cause such posting and publication to be completed at least five (5) days prior to the date heretofore set forth for the Public Hearing, with proof of posting and publication to be filed in the Office of the Clerk of the Legislature; and be it further

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 023-23

Introduced by K. Fitzpatrick.

Seconded by F. Potter.

REQUESTING LEGISLATION FOR AN EXTENSION AUTHORIZING AN ADDITIONAL ONE PERCENT SALES TAX FOR STEUBEN COUNTY.

Pursuant to Section 40 of the Municipal Home Rule Law.

WHEREAS, an increase in the rate of the Steuben County Sales and Use Tax from 3 percent to 4 percent for the period beginning December 1, 1992 through November 30, 2023, has heretofore been adopted; and

WHEREAS, it is necessary and desirable to continue to impose the additional one percent rate to avoid a disproportionate increase of the tax burden on real property owners; and

WHEREAS, the New York State Legislature could authorize the Steuben County Legislature to continue to impose an additional one percent sales tax in order to equitably spread the need for additional revenues; and

WHEREAS, a necessity exists for the passage of such Legislation by the New York State Legislature.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature hereby requests the New York State Legislature to adopt special legislation authorizing the Steuben County Legislature to establish an additional one percent sales tax for the period commencing December 1, 2023 through November 30, 2026, or be made permanent; and be it further

RESOLVED, from said additional revenues for the period December 1, 2023 through November 30, 2026, the County of Steuben shall pay or cause to be paid annually to the City of Hornell the sum of \$850,000.00; and to the City of Corning the sum of \$850,000.00; and in addition, the sum of \$850,000.00 to the towns and villages of the County of Steuben, based upon their respective equalized full value; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Honorable Kathy Hochul, New York State Governor, New York State Capitol Building, Albany, NY 12224; Honorable Andrea Stewart-Cousins, NYS Senate Majority Leader, 907 Legislative Office Building, Albany, NY 12247; Honorable Robert G. Ort, NYS Senate Minority Leader, Capitol Building, Room 315, Albany, NY 12247; Honorable Carl E. Heastie, Speaker, New York State Assembly, 932 Legislative Office Building, Albany, NY 12248; Honorable Crystal D. Peoples-Stokes, NYS Assembly Majority Leader, 926 Legislative Office Building, Albany, NY 12248; Honorable William A. Barclay, NYS Assembly Minority Leader, 933 Legislative Office Building, Albany, NY 12248; Honorable Thomas M. O'Mara, New York State Senator, 406 Legislative Office Building, Albany, NY 12247; Honorable Philip A. Palmesano, New York State Assemblyman, 448 Legislative Office Building, Albany, NY 12248; Honorable Joseph M. Giglio, New York State Assemblyman, 525 Legislative Office Building, Albany, NY 12248; Honorable Marjorie Byrnes, New York State Assemblywoman, 723 Legislative Office Building, Albany, NY 12248; and Deborah R. Liebman, Esq., New York State Department of Taxation and Finance, W.A. Harriman Campus, Bldg. 9, Room 228, Albany, NY 12227.

Mr. Nichols asked are we just continuing at the 8 percent? Mr. Wheeler replied yes. Every two to three years we need to ask for reauthorization for the additional 1 percent.

Vote: Roll Call – Adopted.

RESOLUTION NO. 024-23

Introduced by B. Schu.

Seconded by C. Ferratella.

REQUESTING AN EXTENSION OF THE MORTGAGE TAX.

Pursuant to New York State Tax Law Section 253-i, renumbered as Section 253-s.

WHEREAS, the Administration Committee of the Steuben County Legislature has requested the extension of the County Recording Tax on obligations secured by a mortgage; and

WHEREAS, the County of Steuben has adopted by Local Law No. Six of the Year 2008 Tax Law Section 253-i, renumbered as Section 253-s, for the imposition of a County Recording Tax on obligations secured by a mortgage; and

WHEREAS, said local law adopting the recited recording tax is without a termination date; and

WHEREAS, Tax Law Section 253-i, renumbered as Section 253-s, contains an expiration date of December 1, 2023, as set forth in 2005Session Laws of N.Y., Ch. 365, §§ 2-3; and

WHEREAS, said additional tax revenues will continue to lessen the burden on the real property tax levy in the provision of necessary governmental services by Steuben County.

NOW THEREFORE, BE IT

RESOLVED, the Legislature of Steuben County requests the passage of legislation by the New York State Legislature extending the expiration of Tax Law Section 253-s for an additional three years, or be made permanent; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Honorable Kathy Hochul, New York State Governor, New York State Capitol Building, Albany, NY 12224; Honorable Andrea Stewart-Cousins, NYS Senate Majority Leader, 907 Legislative Office Building, Albany, NY 12247; Honorable Robert G. Ort, NYS Senate Minority Leader, Capitol Building, Room 315, Albany, NY 12247; Honorable Carl E. Heastie, Speaker, New York State Assembly, 932 Legislative Office Building, Albany, NY 12248; Honorable Crystal D. Peoples-Stokes, NYS Assembly Majority Leader, 926 Legislative Office Building, Albany, NY 12248; Honorable William A. Barclay, NYS Assembly Minority Leader, 933 Legislative Office Building, Albany, NY 12248; Honorable Thomas M. O'Mara, New York State Senator, 406 Legislative Office Building, Albany, NY 12247; Honorable Philip A. Palmesano, New York State Assemblyman, 448 Legislative Office Building, Albany, NY 12248; Honorable Joseph M. Giglio, New York State Assemblyman, 525 Legislative Office Building, Albany, NY 12248; and Honorable Marjorie Byrnes, New York State Assemblywoman, 723 Legislative Office Building, Albany, NY 12248.

Chairman Van Etten stated personally, he does not agree with this. We had have issues with young couples purchasing their first home and paying the County a mortgage tax because they borrowed money.

Mr. Malter asked how much is this generating in revenue per year? Mr. Wheeler replied about \$1 million. Mr. Malter commented he does not agree with this either. Mr. Wheeler stated this impacts your municipalities that these funds are distributed to.

Chairman Van Etten stated in my opinion we don't earn that. If you are borrowing money it should not cost you a tax payable to the County or the towns. Mr. Nichols commented you can say the same about sales tax. The County does not do anything to earn the tax on products that are purchased. Mr. Van Etten stated Chemung County does not charge the additional mortgage tax. Mr. Nichols stated Chemung County charges a tax on home heating fuel that we do not. You can argue this either way.

**Vote: Roll Call – Adopted. Yes – 5389; No – 1687; Absent – 2796
(No: Legislators Kuhl, Van Caesele and Van Etten; Absent: Legislators Hanna, Lando, Mullen, Pelham and Swackhamer)**

RESOLUTION NO. 025-23

Introduced by J. Malter and K. Fitzpatrick.

Seconded by S. Maio.

ACCEPTING AND APPROPRIATING FUNDS FOR THE SECOND UPSTATE FAMILY DEFENSE (CHILD WELFARE) QUALITY IMPROVEMENT AND CASELOAD REDUCTION GRANT FROM ILS.

WHEREAS, the New York State Office of Indigent Legal Services has awarded the Steuben County Public Defender's Office a Grant known as the Second Upstate Family Defense (Child Welfare) Quality Improvement and Caseload Reduction Grant; Contract No. C2NDUFD46 in the average amount of \$217,811.00 per year for three (3) consecutive years (Total: \$651,564.00) commencing January 1, 2023; and

WHEREAS, such Grant may only be used for programs and expenses that "improve the quality of indigent legal services and programs" for family defense; and

WHEREAS, such Grant funds will greatly enhance the ability of the County of Steuben to deliver quality indigent legal services and programs.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Finance is hereby authorized to accept the above-mentioned grant funds from the New York State Office of Indigent Legal Services Grant known as the Second Upstate Family Defense (Child Welfare) Quality Improvement and Caseload Reduction Grant, Contract No. C2NDUFD46, in the average amount of \$217,811.00 per year for three (3) consecutive years, totaling \$651,564.00; and be it further

RESOLVED, the Steuben County Manager is hereby authorized to enter into an agreement with the New York State Office of Indigent Legal Services for the Second Upstate Family Defense (Child Welfare) Quality Improvement and Caseload Reduction Grant; Contract No. C2NDUFD46 in the amount of an average of \$217,811.00 per year for three (3) consecutive years (Total: \$651,564.00) commencing January 1, 2023; and be it further

RESOLVED, the Commissioner of Finance be, and the same hereby is, authorized to appropriate such revenue towards the salaries of two full-time Family Court Case Managers in accordance with the contract; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 026-23

Introduced by J. Malter and K. Fitzpatrick.

Seconded by F. Potter.

ACCEPTING THE 2022 HOMELAND SECURITY GRANT

WHEREAS, the NYS Department of Homeland Security and Emergency Services is responsible for the assignment of administration of grant allocation provided by the Federal Government; and

WHEREAS, said funding of \$33,290 was awarded to the Steuben County Sheriff's Office to support response, prevention and planning for terrorist incidents.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Finance is hereby authorized to establish a revenue account for the purpose of accepting the grant funding from the Federal Government and the New York State Office of Homeland Security; and be it further

RESOLVED, the Commissioner of Finance be, and the same hereby is, authorized to appropriate such revenue to the appropriate expense accounts; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 027-33

Introduced by J. Malter and K. Fitzpatrick.

Seconded by C. Ferratella.

AUTHORIZING A 2022 CONTINGENT FUND TRANSFER TO THE 2022 ASSIGNED COUNSEL PROGRAM BUDGET.

Pursuant to Section 2.07 of the Steuben County Charter.

WHEREAS, the Assigned Counsel Program experienced a higher case volume than expected in 2022; and

WHEREAS, the Assigned Counsel Program is in need of additional funds in the amount of \$20,000 to cover legal defense costs for the year 2022; and

WHEREAS, the Public Safety and Corrections Committee and Finance Committee has recommended an appropriation of \$20,000 from the 2022 Contingent Fund to cover these 2022 expenditures.

NOW THEREFORE, BE IT

RESOLVED, that the Commissioner of Finance is hereby authorized and directed to adjust the following accounts in the 2022 budget:

EXPENSE ACCOUNTS:

Account 198900.549800 Contingent - (\$20,000.00)

Account 117003.542401 Assigned Counsel - \$20,000.00

AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the Assigned Counsel Administrator and Commissioner of Finance.

Vote: Roll Call – Adopted.

RESOLUTION NO. 028-23

Introduced by B. Schu.

Seconded by K. Fitzpatrick.

AUTHORIZING THE COUNTY MANAGER TO ENTER INTO AN AGREEMENT REGARDING AN EXISTING COUNTY EASEMENT IN THE TOWN OF PULTENEY.

WHEREAS, the County has a permanent easement for purposes of creek maintenance in the Town of Pulteney, County of Steuben, State of New York, dated May 6, 1942, and recorded at the Steuben County Clerk’s Office on May 7, 1942 in Liber 491 of Deeds at Page 37; and

WHEREAS, Eric and Angela Jaynes (“the Jaynes”) own real property at 12770 West Lake Road, Pulteney, County of Steuben, New York that is contiguous, on the westerly side, to the County’s above-referenced, 1942 easement; and

WHEREAS, the Jaynes real property at 12770 West Lake Road is improved with a cottage which has a porch on the easterly side of the same that was subsequently built after the County’s 1942 permanent easement was granted and via a property survey, performed by McConnell and Muller on 10/9/2020 and revised on 2/13/2023, the porch was found to be encroaching on the County’s 1942 easement of record; and

WHEREAS, the porch encroachment is such that it will not affect the purpose of the County’s easement.

NOW THEREFORE, BE IT

RESOLVED, the County Manager is hereby authorized to sign an easement agreement with Eric and Angela Jaynes; as well as all necessary documents to record the same in the Steuben County Clerk's Office to memorialize the encroachment; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 029-23

Introduced by C. Ferratella.

Seconded by P. Van Caesele.

AWARDING THE RFP FOR BROADBAND INFRASTRUCTURE SERVICES AND ALLOCATING A PORTION OF THE FUNDS RECEIVED BY THE AMERICAN RESCUE PLAN ACT (ARPA) OF 2021 FOR THIS PURPOSE.

WHEREAS, Steuben County ("County") has several locations throughout the County identified as unserved by the NYS PSC Broadband map; and

WHEREAS, the County received ARPA funds that can be used to provide infrastructure improvements, including broadband; and

WHEREAS, the County solicited Requests for Proposals to provide high quality broadband infrastructure services for locations identified as unserved by the NYS PSC Broadband map; and

WHEREAS, the County intends to allocate \$6,196,527.00 from the restricted ARPA funds, \$53,907.00 from the unrestricted ARPA funds and \$1,749,566.00 in funds from the County unrestricted general fund and interest earned on ARPA funds; and

WHEREAS, the awarded company of this resolution will be providing said infrastructure to at least 2,000 unserved/underserved residences and businesses within Steuben County; and

WHEREAS, the Agriculture, Industry, and Planning Committee as well as the Finance Committee has received and reviewed all requests for proposals for the broadband for unserved residents and businesses and has recommended awarding to the qualified vendor as recited below.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature does hereby award proposals to the following vendors:

Empire Long Distance Corp. dba Empire Access - \$8,000,000.00

AND BE IT FURTHER RESOLVED; the County Manager is hereby authorized and directed to execute all necessary contracts, and amendments, related to this project and as approved by the Legislature; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 030-23

Introduced by C. Ferratella and K. Fitzpatrick.

Seconded by F. Potter.

ALLOCATING AMERICAN RESCUE PLAN ACT (ARPA) AND GENERAL FUNDS TO A NEW CAPITAL PROJECT ENTITLED “BROADBAND IN STEUBEN COUNTY FOR THE UNSERVED”.

WHEREAS, the Agriculture, Industry, and Planning Committee authorized the County Manager to solicit requests for proposals for Broadband for unserved residents and businesses; and

WHEREAS, the proposals for Broadband for unserved residents and businesses have been awarded by the County Legislature; and

WHEREAS, the Agriculture, Industry, and Planning Committee as well as the Finance Committee have recommended the use of \$6,196,527.00 in restricted ARPA funds, \$53,907.00 in unrestricted ARPA funds, and the remaining balance of \$1,749,566.00 coming from the County unrestricted general fund and interest earned on ARPA funds; and

WHEREAS, a new capital project needs to be established to properly account for project expenditures; and

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature does hereby direct the Commissioner of Finance to create a new capital project entitled “Broadband in Steuben County for the Unserved”; and be it further

RESOLVED; the Steuben County Legislature does hereby authorize the allocation of \$6,196,527.00 in restricted ARPA funds, \$53,907.00 in unrestricted funds and the remaining balance of \$1,749,566.00 coming from the County unrestricted general fund and interest earned on ARPA funds; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 031-23

Introduced by J. Malter.

Seconded by K. Fitzpatrick.

AUTHORIZING THE CLOSING OF THE FY16 STATEWIDE INTEROPERABLE GRANT CAPITAL PROJECT.

WHEREAS, this Emergency Services Capital Project currently includes budgeted funding for a grant which has expired; and

WHEREAS, sound accounting practices necessitate closing these capital project lines; and

WHEREAS, the Public Safety and Corrections Committee has approved closing the remaining balances in those lines for which no current grant exists.

NOW THEREFORE, BE IT

RESOLVED, this Legislative body, duly convened, does hereby close the following Capital Project accounts:

INTEROP5.6290	3989.6290	\$761.21
INTEROP5.433890	3989.433890	\$761.21

AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the Director of Public Safety and the Commissioner of Finance.

Vote: Roll Call – Adopted.

RESOLUTION NO. 032-23

Introduced by C. Ferratella.

Seconded by P. Van Caesele.

AUTHORIZING THE ADJUSTMENT OF PUBLIC HEALTH AND NURSING SERVICES SCHEDULE OF FEES.

Pursuant to Section 606 of the New York State Public Health Law.

WHEREAS, each municipality shall establish a schedule of fees for Public Health services provided by the municipality and shall make every reasonable effort to collect such fees; and

WHEREAS, by establishing customary charges above reasonable costs, all third party revenue will be maximized; and

WHEREAS, the Human Services, Health and Education Committee has approved the following rate updates:

<u>Immunizations:</u>	
Meningococcal	\$165.00
Hepatitis A	\$ 95.00

NOW THEREFORE, BE IT

RESOLVED, the Director of Public Health and Nursing Services is hereby granted authorization to adjust the customary charges for services rendered and that these new rates will become effective February 1, 2023; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Finance and the Director of Public Health and Nursing Services.

Vote: Roll Call – Adopted.

RESOLUTION NO. 033-23

Introduced by B. Schu and K. Fitzpatrick.

Seconded by C. Ferratella.

AUTHORIZING THE COUNTY TO PARTICIPATE IN TAX CERTIORARI PROCEEDINGS IN THE CITY OF CORNING.

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, a requesting assessment unit should have completed in due course a town/city wide reassessment program and filed a cyclical reassessment plan; and

WHEREAS, the City of Corning has recently completed a cyclical reassessment plan and has further requested the County to participate in one (1) Tax Certiorari Proceeding Index No: *E2021-0721CV, E2020-0418CV, E2019-0874CV and E2018-0732CV* pursuant to the County's participation policy; and

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

WHEREAS, the Real Property Tax Service Agency has estimated the County's share of participation as set forth under the County's policy to participate at approximately \$2,405.00.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Finance is authorized and directed to disburse to the properly credentialed and retained appraiser(s) a total sum not to exceed \$2,600.00 in and for the recited proceeding; 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; Mark Ryckman, Corning City Manager, 500 Nasser Civic Center Plaza., Corning, NY 14830; and Bryan Maggs, Esq., Maggs Law Offices, PLLC, 110 Baldwin St, Elmira, NY 14901, Attorney for the City of Corning.

Vote: Roll Call – Adopted.

RESOLUTION 034-23

Introduced by C. Ferratella and B. Schu.

Seconded by P. Van Caesele.

AUTHORIZING THE RECLASSIFICATION OF ONE VACANT STAFF SOCIAL WORKER POSITION, CSEA GRADE L TO SENIOR SOCIAL WORKER, CSEA GRADE O, WITHIN THE DEPARTMENT OF COMMUNITY SERVICES.

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

WHEREAS, this Staff Social Worker position in the Department of Community Services will perform Senior Social Worker position duties; and

WHEREAS, the Senior Social Worker position will have added leeway permitted in determining the scope of work to be performed, greater independence in decision-making and action, and greater involvement in the clinical examination and diagnostic procedures used in the Mental Health Clinic, as well as other duties related to the trade; and

WHEREAS, a Senior Social Worker position more appropriately performs these duties; and

WHEREAS, the Human Services, Health & Education Committee, Personnel Officer, and Administration Committee have reviewed said position within the Department of Community Services 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 Department of Community Services is hereby reclassified as follows:

One (1) Vacant Staff Social Worker Position, Grade L (\$47,890 - \$70,839), to

One (1) Senior Social Worker Position, Grade O, (\$55,438 - \$82,005).

AND BE IT FURTHER RESOLVED, that the 2023 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 Personnel Officer, Director of the Department of Community Services, and the Commissioner of Finance.

Vote: Roll Call – Adopted.

RESOLUTION NO. 035-23

Introduced by C. Ferratella and B. Schu.

Seconded by R. Nichols.

AUTHORIZING THE RECLASSIFICATION OF ONE PUBLIC HEALTH EDUCATION COORDINATOR, CSEA GRADE L TO PUBLIC HEALTH SPECIALIST, CSEA GRADE O, WITHIN PUBLIC HEALTH AND NURSING SERVICES

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

WHEREAS, this Public Health Education Coordinator position in Public Health and Nursing Services will perform Public Health Specialist position duties; and

WHEREAS, the Public Health Specialist position will have added duties of assisting with grant management regarding Employee Wellness, Quality Assurance, Accreditation or other funds received for public health and monitoring, coordinating and participating in the administration of State and Federal special aid programs, as well as other duties related to the trade; and

WHEREAS, a Public Health Specialist position more appropriately performs these duties; and

WHEREAS, the Human Services, Health & Education Committee, Personnel Officer, and Administration Committee have reviewed said position within Public Health and Nursing Services 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 Public Health and Nursing Services is hereby reclassified as follows:

One (1) Public Health Education Coordinator Position, Grade L (\$47,890 - \$70,839), to

One (1) Public Health Specialist Position, Grade O, (\$55,438 - \$82,005).

AND BE IT FURTHER RESOLVED, that the 2023 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 Personnel Officer, Director of Public Health and Nursing Services, and the Commissioner of Finance.

Vote: Roll Call – Adopted.

RESOLUTION NO. 036-23

Introduced by C. Ferratella and B. Schu.

Seconded by R. Nichols.

AUTHORIZING THE RECLASSIFICATION OF ONE PUBLIC HEALTH EMERGENCY COORDINATOR, CSEA GRADE L TO PUBLIC HEALTH SPECIALIST, CSEA GRADE O, WITHIN PUBLIC HEALTH AND NURSING SERVICES.

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

WHEREAS, this Public Health Emergency Coordinator position in Public Health and Nursing Services will perform Public Health Specialist position duties; and

WHEREAS, the Public Health Specialist position will have added duties of assisting with grant management regarding Employee Wellness, Quality Assurance, Accreditation or other funds received for public health and monitoring, coordinating and participating in the administration of State and Federal special aid programs, as well as other duties related to the trade; and

WHEREAS, a Public Health Specialist position more appropriately performs these duties; and

WHEREAS, the Human Services, Health & Education Committee, Personnel Officer, and Administration Committee have reviewed said position within Public Health and Nursing Services 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 Public Health and Nursing Services is hereby reclassified as follows:

One (1) Public Health Emergency Coordinator Position, Grade L (\$47,890 - \$70,839), to
One (1) Public Health Specialist Position, Grade O, (\$55,438 - \$82,005).

AND BE IT FURTHER RESOLVED, that the 2023 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 Personnel Officer, Director of Public Health and Nursing Services, and the Commissioner of Finance.

Vote: Roll Call – Adopted.

RESOLUTION NO. 037-23

Introduced by C. Ferratella and B. Schu.

Seconded by R. Nichols.

AUTHORIZING THE RECLASSIFICATION OF ONE WORK-RELIEF ON-SITE SUPERVISOR, CSEA GRADE G TO SENIOR WORK-RELIEF ON-SITE SUPERVISOR, CSEA GRADE I, WITHIN THE DEPARTMENT OF SOCIAL SERVICES.

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

WHEREAS, this Work-Relief On-Site Supervisor position in the Department of Social Services will perform Senior Work-Relief On-Site Supervisor position duties; and

WHEREAS, the Senior Work-Relief On-Site Supervisor position will have added duties of overseeing daily activities of Work-Relief On-Site Supervisors, as well as other duties related to the position; and

WHEREAS, a Senior Work-Relief On-Site Supervisor position more appropriately performs these duties; and

WHEREAS, the Human Services, Health & Education Committee, Personnel Officer, and Administration Committee have reviewed said position within the Department of Social Services 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 Department of Social Services is hereby reclassified as follows:

One (1) Work-Relief On-Site Supervisor Position, Grade G (\$37,523 - \$55,504), to
One (1) Senior Work-Relief On-Site Supervisor Position, Grade I, (\$41,369 - \$61,194).

AND BE IT FURTHER RESOLVED, that the 2023 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 Personnel Officer, Commissioner of the Department of Social Services, and the Commissioner of Finance.

Vote: Roll Call – Adopted.

RESOLUTION NO. 038-23

Introduced by R. Nichols and B. Schu.

Seconded by P. Van Caesele.

AUTHORIZING THE RECLASSIFICATION OF ONE SENIOR ACCOUNT CLERK, CSEA GRADE G TO SENIOR ACCOUNT CLERK-TYPIST, CSEA GRADE I, WITHIN THE DEPARTMENT OF PUBLIC WORKS.

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

WHEREAS, this Senior Account Clerk position in the Department of Public Works will perform Senior Account Clerk-Typist duties; and

WHEREAS, this Senior Account Clerk-Typist will have added duties of performing account clerical procedures and methods, and will be responsible for maintaining financial accounts and records in addition to clerical duties; and

WHEREAS, a Senior Account Clerk-Typist position more appropriately performs these duties; and

WHEREAS, the Personnel Officer, Public Works Committee and the Administration Committee have reviewed said position within the Department of Public Works 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 Department of Public Works is hereby reclassified as follows:

One (1) Senior Account Clerk Position, Grade G (\$37,523 - \$55,504), to
One (1) Senior Account Clerk-Typist Position, Grade I, (\$41,369 - \$61,194).

AND BE IT FURTHER RESOLVED, that the 2023 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 Commissioner of Public Works.

Vote: Roll Call – Adopted.

RESOLUTION NO. 039-23

Introduced by J. Malter and B. Schu.

Seconded by K. Fitzpatrick.

WAIVING THE 16B PROCESS AND AUTHORIZING THE CREATION OF THREE FULL-TIME ASSISTANT PUBLIC DEFENDER POSITIONS, MANAGEMENT GRADE J WITHIN THE PUBLIC DEFENDER'S OFFICE.

WHEREAS, the Public Defender received funds as part of the ILS Upstate Family Defense (Child Welfare) Quality Improvement & Caseload Reduction Grant; and

WHEREAS, to maintain compliance with the grant regulations, the Public Defender is requesting a 16B waiver to create three (3) Full Time Assistant Public Defender positions, Management Grade J; and

WHEREAS, the funding for said positions is currently available with funds granted from ILS Upstate Family Defense through the Hurrell-Harring settlement funding Year 4 budget; and

WHEREAS, Rule 16B of the *Rules of Procedure* of the County Legislature requires an extraordinary majority to create the aforesaid positions as a result of said request not having been anticipated for the year 2023.

NOW THEREFORE, BE IT

RESOLVED, Rule 16B of the *Rules of Procedure* be and the same hereby is waived; and be it further

RESOLVED, the following positions are hereby created and funded for the denoted department:

<u>Department/Position</u>	<u>Quantity</u>	<u>Grade</u>	<u>Salary</u>
<u>Public Defender</u>			
a. Assistant Public Defender, Full-time	3	J (Mgmt.)	\$71,642 - \$85,110

AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the Public Defender, Commissioner of Finance and the Personnel Officer.

Mr. Maio asked given the number of absences, do we have a super majority present? Mrs. Scotchmer replied Rules of Procedure state the vote needs to be unanimous if less than 15 members are present. Mr. Maio commented if anyone were inclined to vote against this to say so and he would then make a motion to table this. Mr. Wheeler commented this position would be all State grant funded.

Vote: Roll Call – Adopted.

Motion authorizing approval of Resolutions #23 - #30 with one vote and waiving the reading made by Mr. Schu, seconded by Mr. Nichols and duly carried.

RESOLUTION NO. 040-23

Introduced by C. Ferratella.

Seconded by J. Horton.

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

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

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

NOW THEREFORE, BE IT

RESOLVED, that **Ernest Swift**, of Howard, New York, be and the same hereby is appointed as the Farm Bureau Representative to the Soil and Water Conservation District Board of Directors for a term of three (3) years commencing January 1, 2023 and not beyond December 31, 2025; and be it further

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 041-23

Introduced by S. Van Etten.

Seconded by J. Horton.

APPOINTING MEMBERS TO THE EMPLOYEE WELLNESS COMMITTEE

Pursuant to Section 12.19 of the Steuben County Charter.

WHEREAS, the Steuben County Employee Wellness Committee was formally established on October 26, 2015, pursuant to Resolution No. 148-15; and

WHEREAS, the Employee Wellness Committee shall consist of a total of ten (10) members.

NOW THEREFORE, BE IT

RESOLVED, the following persons as recommended by the Steuben County Manager are hereby appointed as members of the Steuben County Employee Wellness Committee for a one-year term, commencing January 1, 2023 and expiring December 31, 2023:

- Christopher Brewer, Deputy County Manager
- Craig Patrick, Deputy County Attorney
- Lise Reynolds, Deputy Commissioner, Department of Social Services
- Nichole Barber, Department of Public Safety
- Kelly Hershey, Department of Community Services
- Dana Stratton, Department of Personnel
- Mackenzie Stratton, Department of Social Services

Edison Schlaerth-Barahona, Information Technology Department
Lorelei Wagner, Public Health and Nursing Services
Jim Warriner, Department of Probation

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

RESOLVED, certified copies of this resolution shall be forwarded to each of the above-mentioned appointees, the County Manager, the Personnel Officer and the County Auditor.

Vote: Acclamation – Adopted.

RESOLUTION NO. 042-23

Introduced by S. Van Etten.

Seconded by J. Horton.

APPOINTING REPRESENTATIVES TO THE FISH AND WILDLIFE MANAGEMENT ACT BOARD

Pursuant to Section 12.19 of the Steuben County Charter and Section 11-0501, Paragraph 4(a) of the Environmental Conservation Law of the State of New York.

BE IT RESOLVED, upon the recommendation of the Steuben County Manager, the following individuals are appointed to serve as representatives of the Fish and Wildlife Management Act Board:

Steuben County Landowner Representative
January 1, 2023 – December 31, 2024

Mike Warren
2901 County Road 56
Hornell, NY 14843

Steuben County Sportsman Representative
January 1, 2022 – December 31, 2023

Robert V. Nichols
743 Thompson Road
Addison, NY 14801

Steuben County Legislative Representative
January 1, 2022 – December 31, 2023

Jeffrey P. Horton
8529 Main Street
Campbell, NY 14821

AND BE IT FURTHER RESOLVED, the representatives shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Fish and Wildlife Management Act Board; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointees, the NYS Department of Environmental Conservation, 6274 East Avon-Lima Road, Avon, NY 14414; and the County Auditor.

Vote: Acclamation – Adopted.

RESOLUTION NO. 043-23

Introduced by S. Van Etten.

Seconded by J. Horton.

APPOINTING MEMBERS TO THE STEUBEN COUNTY COOPERATIVE EXTENSION BOARD OF DIRECTORS.

Pursuant to Section 12.19 of the Steuben County Charter, Section 224 of the County Law and upon the request of the said Association.

WHEREAS, pursuant to Article V, Section 3 (B)(2) of the Association By-Laws, the County governing body shall be requested annually to appoint two legislators to serve as an ex-officio Director with voting privileges.

NOW THEREFORE, BE IT

RESOLVED, the appointment of **Hilda T. Lando**, Legislator, District 2, and **Frederick G. Potter**, Legislator, District 10, by the Steuben County Manager as Legislator representatives on the Board of Directors of the Cooperative Extension Association of Steuben County for a one (1) year term beginning January 1, 2023 and expiring December 31, 2023; and be it further

RESOLVED, the members shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Cooperative Extension Association Board of Directors; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointees, the County Auditor and to the Cooperative Extension Association of Steuben County, 3 East Pulteney Square, Bath, NY 14810.

Vote: Acclamation – Adopted.

RESOLUTION NO. 044-23

Introduced by S. Van Etten.

Seconded by J. Horton.

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 vacancy has occurred and 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:

Town of Wayne Elected Official

Elizabeth Kenyon, Wayne Town Councilwoman
9881 Bubbling Spring Road
Hammondsport, NY 14840
Term: 01/01/2021 – 12/31/2024

Steuben County Property Owner in District

Nancy Gabel
9150 Carpenter Road
Hammondsport, NY 14840
Term: 01/01/2023 – 12/31/2026

Ex-Officio Member

Jeffrey Parker, District Manager
Steuben County Soil and Water Conservation District
415 West Morris Street
Bath, NY 14810

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 Commissioner; 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: Acclamation – Adopted.

RESOLUTION NO. 045-23

Introduced by S. Van Etten.

Seconded by J. Horton.

APPOINTING MEMBERS TO THE STEUBEN COUNTY LOCAL EMERGENCY PLANNING COMMITTEE (LEPC).

Pursuant to Section 12.19 of the Steuben County Charter and Title III of the Superfund Amendments and Reauthorization Act of 1986.

WHEREAS, on October 17, 1986, the Superfund Amendments and Reauthorization Act of 1986 (SARA) was enacted into law; and

WHEREAS, one part of the new SARA provisions is Title III: the Emergency Planning and Community Right-to-Know Act of 1986; and

WHEREAS, Title III establishes requirements for Federal, State and local governments and industry regarding emergency planning and community right-to-know reporting on hazardous and toxic chemicals; and

WHEREAS, this legislation builds upon the Environmental Protection Agency’s Chemical Emergency Preparedness Program (CEPP) and numerous State and local programs aimed at helping communities to better meet their responsibilities in regard to potential chemical emergencies; and

WHEREAS, Title III required each State to establish an Emergency Response Commission, and required that the State Commission designate local emergency planning districts and appoint local emergency planning committees to develop local emergency response plans.

NOW THEREFORE, BE IT

RESOLVED, the following members are hereby endorsed to the Steuben County Local Emergency Planning Committee by the Steuben County Manager, to be appointed by the New York State Emergency Response Commissioner (SERC) as follows:

MEMBERS

LOCAL & STATE GOVERNMENT REPRESENTATIVES

Steuben County Legislature Chair
3 East Pulteney Square
Bath, NY 14810

Public Safety & Corrections Committee Chair
Steuben County Legislature
3 East Pulteney Square
Bath, NY 14810

NYS Senator/Designee, 58th District
105 East Steuben Street
Bath, NY 14810

NYS Assemblyman/Designee, 132nd District
105 East Steuben Street
Bath, NY 14810

LAW ENFORCEMENT REPRESENTATIVES

Steuben County Sheriff
Public Safety Building
7007 Rumsey Street Extension
Bath, NY 14810

Steuben County Undersheriff
Public Safety Building
7007 Rumsey Street Extension
Bath, NY 14810

Sgt. John O'Brien
NYS Police Headquarters, Troop E
1569 Rochester Road
Canandaigua, NY 14424

Sgt. David Sweet
NYS Police Substation
7237 State Route 415
Bath, NY 14810

EMERGENCY SERVICES REPRESENTATIVES

Timothy D. Marshall
Director of Public Safety
3 East Pulteney Square
Bath, NY 14810

Kenneth J. Forenz
EMO Deputy Director/LEPC Chairman
3 East Pulteney Square
Bath, NY 14810

Tina Goodwin
911 Enhanced Deputy Director
3 East Pulteney Square
Bath, NY 14810

CITIZEN REPRESENTATIVE

Vacant

FIRE SERVICE REPRESENTATIVES

Frank Brzozowski, Chief
Hornell City Fire Department
108 Broadway
Hornell, NY 14843

Brad Davies, Chief
Corning City Fire Department
2 Corning Boulevard
Corning, NY 14830

Ed Fletcher
NYS OFPC
600 College Avenue
Montour Falls, NY 14865

Corey Zydanowicz
NYS OFPC
600 College Avenue
Montour Falls, NY 14865

HEALTH SERVICE REPRESENTATIVES

Darlene Smith, Director
Matthew Marmor, Alternate
3 East Pulteney Square
Bath, NY 14810

Joanne Clark, Senior Sanitarian
NYS Department of Health
107 Broadway
Hornell, NY 14843

HOSPITAL REPRESENTATIVES

Jim Webster, Emergency Manager
Veterans Administration
Medical Center
Bath, NY 14810

Michael Ruth
Ira Davenport Hospital
NYS Route 54, Box 305
Bath, NY 14810

Caleb Drake
St. James Hospital
7329 Seneca Road North
Hornell, NY 14843

Andrew Dunnick
Corning Hospital
1 Guthrie Drive
Corning, NY 14830

INDUSTRIAL REPRESENTATIVES

Chief Joe McUmbert
Corning, Inc.
SP-TG01-01
Corning, NY 14830

Brian Hoffmire, EH&S Manager
Siemens Energy
100 Chemung Street
Painted Post, NY 14870

John Istler
Upstate Niagara
Main Street
Campbell, NY 14821

Diana Vesosky
HP Hood, LLC
26 Hurlburt Street
Arkport, NY 14807

ENVIRONMENTAL REPRESENTATIVES

Greg Young
NYS Dept. of Environmental Conservation
6274 East Avon-Lima Road
Avon, NY 14414

Chad Kehoe
NYS Dept. of Environmental Conservation
100 North Main Street
Elmira, NY 14901

NON-GOVERNMENT ORGANIZATIONS

Belinda Hoad
Institute for Human Services
50 Liberty Street
Bath, NY 14810

Donna Davis
Finger Lakes Chapter of the American Red Cross
11371 LPGA Drive
Corning, NY 14830

BE IT FURTHER RESOLVED, that said members shall serve at the pleasure of the Steuben County Legislature and shall serve without compensation except for necessary expenses, upon presentation of receipts, related to the fulfillment of their duties on the Steuben County Local Emergency Planning Committee; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the above-named appointees and the County Auditor.

Vote: Acclamation – Adopted.

RESOLUTION NO. 046-23

Introduced by S. Van Etten.

Seconded by J. Horton.

APPOINTING MEMBERS TO THE STEUBEN COUNTY TRAFFIC SAFETY BOARD.

Pursuant to Section 12.20 of the Steuben County Charter and Article 43 of the Vehicle and Traffic Law.

WHEREAS, vacancies exist on the Steuben County Traffic Safety Board and said vacancies need to be filled.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Manager hereby endorses the appointments of the following persons as members of the Steuben County Traffic Safety Board for the terms indicated:

JANUARY 1, 2021 TO DECEMBER 31, 2023

- James L. Allard, Steuben County Sheriff or Designee
- Marie Myers Shearing, Steuben County Planning Director or Designee
- Steuben County Commissioner of Public Works or Designee
- Kenzie M. Spaulding, Corning City Police Chief or Designee
- Lorelei Wagner, Steuben County Public Health Educator

JANUARY 1, 2022 TO DECEMBER 31, 2024

- Brooks T. Baker, Steuben County District Attorney or Designee
- Carol A. Ferratella, Steuben County Legislator, District 13
- Timothy Marshall, Director of Public Safety, Office of Emergency Services or Designee
- Kyle Amidon, Canisteo Village Police Chief or Designee
- Peter Bierwiler, Steuben County Magistrate’s Association Designee
- Ted Murray, Hornell City Police Chief

EX-OFFICIO MEMBER SERVING JANUARY 1, 2022 TO DECEMBER 31, 2024

New York State Police Designee

BE IT FURTHER RESOLVED, the organization of the Steuben County Traffic Safety Board shall be in accordance with Section 1674 of the New York State Vehicle and Traffic Law and the members shall receive no compensation for their services on such Board, but shall be entitled to the reasonable and necessary expenses, upon submission of a County voucher with receipts attached, incurred in the performance of their duties within any appropriation made for such purpose. The functions of the Board shall be in accordance with Section 1675 of the New York State Vehicle and Traffic Law; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named appointees, the County Auditor and the Governor’s Traffic Safety Committee, Swan Street Building, Empire State Plaza, Albany, NY 12228.

Vote: Acclamation – Adopted.

RESOLUTION NO. 047-23

Introduced by S. Van Etten.

Seconded by J. Horton.

APPOINTING MEMBERS TO THE STEUBEN COUNTY YOUTH BOARD.

Pursuant to Article 19-A of the Executive Law of the State of New York.

WHEREAS, by resolution of the Steuben County Board of Supervisors duly adopted on the 21st day of March, 1977, a Steuben County Youth Board was established.

NOW THEREFORE, BE IT

RESOLVED, the following individuals are hereby appointed and designated as members of the Steuben County Youth Board for a term commencing on January 1, 2023 through December 31, 2023.

1. Mark R. Alger, Community Representative, 109 Rumsey St., Bath, NY 14810
2. Wendy Allard, Community Representative, 850 Harris Rd., Corning, NY 14830
3. Cheryl Crocker, Steuben County Probation Department, 3 E. Pulteney Sq., Bath, NY 14810
4. Summer Deming, Youth Member, Bath, NY
5. Ashilee Dickinson, Assistant Public Defender, 3 E. Pulteney Sq., Bath, NY 14810
6. Kathleen Hagenbuch, 4737 Clawson Drive, Campbell, NY 14821
7. Lynn Lewis, Steuben County Community Services, 115 Liberty St., Bath, NY 14810
8. John McNelis, Steuben County Undersheriff, 7007 Rumsey St. Ext., Bath, NY 14810
9. Kelley Meade, Campbell Savona Central School District, 8455 County Route 125, Campbell, NY 14821
10. Kathryn A. Muller, Steuben County Department of Social Services, 3 E Pulteney Sq., Bath, NY 14810
11. Darlene Smith, Steuben County Public Health, 3 E. Pulteney Sq., Bath, NY 14810

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

RESOLVED, a certified copy of this resolution shall be forwarded to the above-named designees; Jennifer Mims, NYS Office of Children and Family Services, Division of Youth Development and Partnerships for Success, 52 Washington Street, Room 338, Rennselaer, NY 12144; the Steuben County Auditor; and the Steuben County Youth Programs Coordinator.

Vote: Acclamation – Adopted.

Motion authorizing approval of Resolutions #31 - #34 with one vote and waiving the reading made by Mr. Van Caesele, seconded by Mr. Potter and duly carried.

RESOLUTION NO. 048-23

Introduced by C. Ferratella.

Seconded by W. Lozo.

OPPOSING THE PROPOSED CHANGES TO THE NEW YORK STATE SOIL AND WATER CONSERVATION DISTRICT LAW.

WHEREAS, Soil and Water Conservation Districts have existed for over 70 years in local communities and were established due to the local needs of every diverse geographical region with locally led leadership; and

WHEREAS, the Steuben County Legislature was notified of the proposed changes to Soil and Water Conservation Districts Law, Article 2 §4-12 which governs established bylaws for every local soil and water conservation district in New York State, which would have a negative impact on the management of environmental issues, local land management consequences and impacts on County operations; and

WHEREAS, Soil and Water Conservation Districts currently provide all counties in New York State with environmental services, including but not limited to climate resiliency, watershed monitoring, soil health protection, sediment and erosion control, nutrient reduction, stormwater management, forestry management, water quality improvement, education and technical training, invasive species mitigation, green infrastructure, best management implementation, technical assistance for private citizens, municipalities and the state; and

WHEREAS, Soil and Water Conservation Districts strive to make our programs and services inclusive and open for everyone, while continuing to develop service-based programs and staff development; and

WHEREAS, changing the structure of Soil and Water Conservation District Boards would have a major impact on the ability to make decisions through informed partners on the very issues that these districts deal with every day; and

WHEREAS, the Conservation District Law was established to provide a framework that allows the County to choose its unique representation.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature strongly opposes the proposed legislative actions for changes related to Conservation District Law due to the long term economic and environmental resource impacts such legislation will have on small communities; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Honorable Kathy Hochul, New York State Governor, New York State Capitol Building, Albany, NY 12224; Honorable Andrea Stewart-Cousins, NYS Senate Majority Leader, 907 Legislative Office Building, Albany, NY 12247; Honorable Robert G. Ort, NYS Senate Minority Leader, Capitol Building, Room 315, Albany, NY 12247; Honorable Carl E. Heastie, Speaker, New York State Assembly, 932 Legislative Office Building, Albany, NY 12248; Honorable Crystal D. Peoples-Stokes, NYS Assembly Majority Leader, 926 Legislative Office Building, Albany, NY 12248; Honorable William A. Barclay, NYS Assembly Minority Leader, 933 Legislative Office Building, Albany, NY 12248; Honorable Thomas M. O'Mara, New York State Senator, 406 Legislative Office Building, Albany, NY 12247; Honorable Philip A. Palmesano, New York State Assemblyman, 448 Legislative Office Building, Albany, NY 12248; Honorable Joseph M. Giglio, New York State Assemblyman, 525 Legislative Office Building, Albany, NY 12248; Honorable Marjorie Byrnes, New York State Assemblywoman, 723 Legislative Office Building, Albany, NY 12248; Gary Maha, President, Inter-County Association of Western New York, c/o Genesee County Legislature, 7 Main Street, Batavia, NY 14020; and Stephen Acquario, Executive Director, NYSAC, 515 Broadway, Suite 402, Albany, NY 12207, NYACD Chairman Sam Casella, c/o Ontario County Soil & Water Conservation, 480 North Main Street, Canandaigua, NY 14424, and Jeffrey Parker, 415 W. Morris St, Bath, NY 14810.

Vote: Acclamation – Adopted.

RESOLUTION NO. 049-23

Introduced by B. Schu and K. Fitzpatrick.

Seconded by W. Lozo.

MEMORIALIZING THE GOVERNOR AND LEGISLATURE TO CONTINUE PASS-THROUGH EFMAP FUNDING.

WHEREAS, the SFY 2024 State Budget proposal would end the Affordable Care Act (ACA) enhanced Federal Medical Assistance Percentage (eFMAP) federal pass-thru to counties and New York City; and

WHEREAS, the State is proposing to keep all of these federal savings going forward and use them to cover further expansions of Medicaid eligibility and benefits and to increase payments to health care providers; and

WHEREAS, the elimination of this ACA eFMAP federal pass-thru will require the 57 counties to spend at least \$280 million more in SFY 2024, and approximately \$1 billion when New York City is included; and

WHEREAS, the SFY 2024 costs to counties and New York City are scheduled to grow by 30 percent by SFY 2027; and

WHEREAS, it is the strong view of NYSAC that congress intended these federal savings to be shared with counties proportional to the amount they contributed toward the nonfederal Medicaid match; and

WHEREAS, since 2003, the state has shared the funds proportionally based on our analysis of savings we have received during periods when an enhanced federal Medicaid match was enacted by Congress; and

WHEREAS, enacted in 2011, the Medicaid statutory cap for all 62 counties is \$7.6 billion. The Medicaid statutory cap for the 57 counties outside of New York City is \$2.25 billion; and

WHEREAS, starting in SFY 2014, New York began sharing these federal ACA savings directly with counties. The savings for a year were provided by lowering the weekly payments each county and NYC make to the state to support the State's Medicaid program. Through February 1, 2023, the state continues to share the federal savings from the ACA eFMAP with the 57 counties and NYC; and

WHEREAS, counties strongly disagree with the need to cut county funding so deeply when the Governor's budget proposes to fully fund its own reserves two years ahead of schedule by depositing \$5.4 billion into reserves before the end of SFY 2023, while also projecting a general fund surplus of \$35 billion by the end of SFY 2024.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature calls upon the State to continue to share these federal funds with counties as has been the precedent for over 20 years; and be it further

RESOLVED, that copies of this resolution be sent to the counties of New York State encouraging member counties to enact similar resolutions; and be it further

RESOLVED, the Clerk of the Legislature shall forward copies of this resolution to New York State Governor Kathy Hochul, New York State Capitol Building, Albany, NY 12224; Senator Thomas F. O'Mara, Room 406 Legislative Office Building, Albany, NY 12247; Assemblyman Philip A. Palmesano, Room 448 Legislative Office Building, Albany, NY 12248; Assemblywoman Marjorie Byrnes, Legislative Office Building Room 723, Albany, NY 12248; Assemblyman Joseph M. Giglio, 525 Legislative Office Building, Albany, NY 12248; Assembly Carl Heastie, Speaker, 902 Legislative Office Building, Albany, NY 12248; Senator Andrea Stewart-Cousins, Senate Majority Leader, 907 Legislative Office Building, Albany, NY 12247; Senator Charles E. Schumer, Senate Majority Leader, Leo O'Brien Building, 11A Clinton Avenue Room 827, Albany, NY 12207; Senator Kirsten Gillibrand, Leo O'Brien Building, 11A Clinton Avenue, Room 821, Albany, NY 12207; Congressman Nick Langworthy, 89 Market Street, Corning, NY 14830; Gary Maha, President, Inter-County Association of Western New York, c/o Genesee County Legislature, 7 Main Street, Batavia, NY 14020; and Stephen Acquario, Executive Director, NYSAC, 515 Broadway, Suite 402, Albany, NY 12207.

Vote: Acclamation – Adopted.

RESOLUTION NO. 050-23

Introduced by K. Fitzpatrick.

Seconded by W. Lozo.

OPPOSING THE PROPOSED CHANGES TO THE NEW YORK STATE REAL PROPERTY TAX LAW SECTION 989 REGARDING DISTRIBUTION OF SURPLUS IN TAX ENFORCEMENT PROCEEDINGS.

WHEREAS, Kathy Hochul, the Governor of New York State, has proposed as part of the 2023-2024 budget proposal Part M which would amend real property tax law by adding a new section 989; and

WHEREAS, this new section would require that any proceeds from the sale of properties subject to the In Rem tax foreclosure process be used to pay off liens related to the property and, should there be no liens or after lien holders are paid, any remaining proceeds would be paid to the most recent prior owner of the property; and

WHEREAS, the County maintains that this proposal violates Article VIII, Section 1 of the New York Constitution. By virtue of the Real Property Tax Law Article 11 process, the County holds title to properties subject to the In Rem process and all prior liens against the property are extinguished at the time the County takes title. Should the sale of properties result in receipt of funds in excess of the taxes due on a property, those funds are property of the County. Article VIII, Section 1 of the New York Constitution restricts a county from giving any money to, or in aid of, any individual, or private corporation or association or private undertaking. Consequently, this proposed legislation is unconstitutional as it requires exactly such giving of money; and

WHEREAS, the implementation of this proposal will create an unfair financial burden on the taxpayers of the County. Rather than being able to generate revenue to decrease the County tax levy, the County will be required to budget an expense equal to the estimated loss for all the parcels which sell at a price less than the taxes owed on such parcels. The costs to search for unpaid lien balances, communicate with lien holders and document the veracity of lien amounts will add hundreds of hours of staff labor; and

WHEREAS, the proposed budget legislation does not address the circumstances where there is no “prior owner” or the prior owner is deceased. The legislation does not address the method and attempts required to ensure that the prior owner accepts payment. In the event that no prior owner can be located, the County’s unclaimed funds reporting, and the associated costs of this reporting, may increase significantly; and

WHEREAS, the primary stated reason for proposing this legislation is to prevent home owners from losing the equity in their homes and although this is a noble goal, it is not an achievable one. A substantial percentage of the properties subject to the County’s tax foreclosure process have recorded liens. Consequently, under the proposed legislation, most of the surplus beyond the taxes due would be paid to a lien holder and the prior owner would receive no part of the proceeds. The surplus would be used to enhance the bottom line of for-profit businesses rather than being used to reduce the real property tax burden within the County; and

WHEREAS, another stated goal of the legislation is to lessen the State’s housing crisis, however, a significant number of properties acquired as part of the tax enforcement proceeding are not homes. Additionally, many of the homes are not habitable at the time of foreclosure. In these instances, there is no loss of housing stock as a result of the tax foreclosure process.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature adamantly and with full resolve opposes the ill-advised provisions of Part M of the Governor’s budget proposal adding section 989 to existing real property tax law given that it is unconstitutional, burdensome to the property tax payers of the County, and that the stated goals are unachievable; and be it further

RESOLVED, Steuben County will work with other counties through its various associations to request that Part M be struck from the Governor’s budget proposal; and be it further

RESOLVED, the Steuben County Legislature calls upon all other municipalities within the State of New York to challenge this proposal by any means possible; and be it further

RESOLVED, the Clerk of the Legislature shall forward copies of this resolution to New York State Governor Kathy Hochul, New York State Capitol Building, Albany, NY 12224; Senator Thomas F. O’Mara, Room 406 Legislative Office Building, Albany, NY 12247; Assemblyman Philip A. Palmesano, Room 448 Legislative Office Building, Albany, NY 12248; Assemblywoman Marjorie Byrnes, Legislative Office Building Room 723, Albany, NY 12248; Assemblyman Joseph M. Giglio, 525 Legislative Office Building, Albany, NY 12248; Assembly Carl Heastie, Speaker, 932 Legislative Office Building, Albany, NY 12248; Senator Andrea Stewart-Cousins, Senate Majority Leader,

907 Legislative Office Building, Albany, NY 12247; Inter-County Association of Western New York, c/o Genesee County Legislature, 7 Main Street, Batavia, NY 14020, and the New York State Association of Counties, 515 Broadway Suite 402, Albany, NY 12207.

Vote: Acclamation – Adopted.

RESOLUTION NO. 051-23

Introduced by S. Van Etten.

Seconded by W. Lozo.

MEMORIALIZING THE GOVERNOR AND NEW YORK STATE LEGISLATURE TO SUPPORT BILL NO. S2177/A4220 WHICH WOULD AMEND THE PENAL LAW AND CANNABIS LAW IN RELATION TO INCLUDING CERTAIN ACTS AND SUBSEQUENT PENALTIES IN THE CRIMINAL SALE OF CANNABIS.

WHEREAS, on March 31, 2021, New York State made it legal for adults 21 and older to possess up to three ounces of cannabis and up to 24 grams of concentrated cannabis for personal use; and

WHEREAS, under the law, the Office of Cannabis Management (OCM) is responsible for licensing cultivators, processors, distributors, and dispensaries to grow, manufacture and sell adult-use, medical cannabis and certain hemp products; and

WHEREAS, almost two years later, the OCM is still in the process of developing regulations concerning this industry which has led to the failure of legal dispensaries being able to provide cannabis products to the general public; and

WHEREAS, due to this failure, unscrupulous individuals have established stores across New York State that sell stickers and “gift” its customers with marijuana, by operating through a loophole in the Cannabis Law that provides no criminal penalties for such action; and

WHEREAS, the cannabis products being “gifted” are not regulated, risking the safety of consumers, communities and neighborhoods; and

WHEREAS, Senator Thomas O’Mara and Assemblyman Philip Palmesano have introduced legislation, through Bill No. S2177 and A4220, that would outlaw sticker stores and punish those who violate the law.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature strongly urges the Governor and New York State Legislature to pass Bills No. S2177/A4220 which would amend the Penal Law and Cannabis Law and make any person, while employed or operating a commercial establishment, store, club or facility, who knowingly and unlawfully sells, transfers, gifts or trades cannabis without an appropriate license or authority under the Cannabis Law, guilty of criminal sale of cannabis in the third degree; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Honorable Kathy Hochul, New York State Governor, New York State Capitol Building, Albany, NY 12224; Honorable Andrea Stewart-Cousins, NYS Senate Majority Leader, 907 Legislative Office Building, Albany, NY 12247; Honorable Robert G. Ort, NYS Senate Minority Leader, Capitol Building, Room 315, Albany, NY 12247; Honorable Carl E. Heastie, Speaker, New York State Assembly, 932 Legislative Office Building, Albany, NY 12248; Honorable Crystal D. Peoples-Stokes, NYS Assembly Majority Leader, 926 Legislative Office Building, Albany, NY 12248; Honorable William A. Barclay, NYS Assembly Minority Leader, 933 Legislative Office Building, Albany, NY 12248; Honorable Thomas M. O’Mara, New York State Senator, 406 Legislative Office Building, Albany, NY 12247; Honorable Philip A. Palmesano, New York State Assemblyman, 448 Legislative Office Building, Albany, NY 12248; Honorable Joseph M. Giglio, New York State Assemblyman, 525 Legislative Office Building, Albany, NY 12248; Honorable Marjorie Byrnes, New York State

Assemblywoman, 723 Legislative Office Building, Albany, NY 12248; Gary Maha, President, Inter-County Association of Western New York, c/o Genesee County Legislature, 7 Main Street, Batavia, NY 14020; and Stephen Acquario, Executive Director, NYSAC, 515 Broadway, Suite 402, Albany, NY 12207.

Vote: Acclamation – Adopted.

Motion to Adjourn made by Mr. Malter, seconded by Mr. Horton and duly carried.