

REGULAR MEETING
Morning Session
Monday, May 22, 2023
Legislative Chambers

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers in Bath, NY on the 22nd day of May, 2023, at 10:10 a.m. and was called to order by the Chairman of the Legislature, Scott J. Van Etten.

Roll Call and all members were present.

Mrs. Lando provided the Invocation and Mrs. Ferratella led the Pledge of Allegiance.

Chairman Van Etten asked Mary Jo Snyder to come forward. Ms. Snyder is an employee in the Public Defender's Office. He presented her with a Certificate of Appreciation and a pin in recognition of her 15 years of service to Steuben County.

Chairman Van Etten asked County Manager, Jack Wheeler, to come forward. He presented him with a Certificate of Appreciation and a pin in recognition of his 15 years of service to Steuben County.

Ms. Fitzpatrick stated she had invited Vicki Mosgrove, the Director of the Finger Lakes S.P.C.A. to attend the meeting to be recognized for her retirement. If she reads the minutes or hears about this, I wanted to say that she has been an amazing director of the S.P.C.A. for many years. I have worked with her on many different projects. She has been a powerhouse for years and we will miss her very much. Mr. Van Etten stated she was going to be recognized here today for her 31 years of service to the S.P.C.A.

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

Wayne Wells, Cameron, spoke about the polluting effects of sewage and how the NYS Department of Environmental Conservation is transferring an existing sewage land application permit to Casella to expand this application. This sludge contains "forever chemicals" and will lead to poisoned food, water, and culled livestock. He noted that Casella is importing PFAS contaminated sludge from Long Island.

Tim Hargraves, Cameron, spoke about "forever chemicals". A letter was sent by NYS Department of Health when Dr. Howard Zucker was Commissioner, to the NYS Department of Environmental Conservation regarding the "forever chemicals" and how there are many ways for those to get into the environment; one of which is through Landfill leachate and sludge. In terms of health effects, the Environmental Protection Agency did designate "forever chemicals" as hazardous substances. He would like to see Steuben County designate our Landfill for Steuben County generated trash only. He urged the Legislature to ban land spreading of sewage sludge in Steuben County.

The following letter, received from Geoffrey Grimsman of Hammondsport, was read into the record:

We are writing out of acute concern regarding the ongoing and mounting inter and intra-state migrant crisis, to suggest an emergency meeting to be held including the Steuben County Legislature, Steuben County Manager, Steuben County Director of Emergency Services, the Steuben County Sheriff's Department, ALL Town Supervisors, Mayors and Village Chiefs of Police.

Multiple counties in NY State are taking action to address this sudden crisis exacerbated by NYC Mayor Adams, and NY Governor Hochul's unexplained, unjustified motions to frontally relocate south-of-Texas migrants shipped to NYC into the interior of NY State AT LARGE.

THIS IS A HUMANITARIAN CRISIS, but not what is typically mentioned by pundits or open border advocates. The Legal Citizens and residents within NY State are directly threatened and facing this EMERGENCY. To illustrate, if the approx.. quarter million migrants crossing into the US each month were divided evenly among the lower 48 US States, then evenly between the 62 NY counties, Steuben would receive **84** (1,008/year). This formula is a general exhibit, but it could realistically be higher. North Dakota for example, will be a far less likely choice compared to NY.

It is an established fact that this engineered migrant “invasion” being transported into the USA by a Cartel-organized human trafficking operation, is coupled with a collective of highly questionable Federal policies in place to promote and accelerate it. This will be permanently life-changing and not for the better. NY State Legislature and the Governor are on a permanently life-changing pitched-mission already. The unwarranted forced elimination of gas cooking and heating is one clear example. Those in power clearly are committed to fundamentally transform NY State into a leading Global Model of compliance to organized offshore entities’ directives such as what is broadly advertised by the WEF.

The culminating result is an EMERGENCY as threatening as a severe weather event, only the effects of this arranged migrant invasion will be PERMANENT. A sharply increased burden to ALL aspects of local infrastructure and public services, including courts and jails can be expected. Dangerous encounters in homes and businesses can also be expected. With a meaningful conjoined effort, NY State Counties and their aggregate municipalities could develop a legally binding **Situational Rules of Engagement Policy** ASAP to provide real-time protection for legal citizens and residents. This needs to be ready for the first arriving bus which could easily carry 50. They could land in Corning, Bath, Hammondsport at ANY TIME. One a PREEMPTIVE Strategy will hold the line, and without one IN PLACE to prevent or react to protect existing legal citizens, it (Always) be TOO LATE when they imminently arrive.

Chairman Van Etten thanked everyone for their comments and declared the opportunity for public comment closed.

Motion adopting the minutes of the previous meeting made by Mrs. Ferratella, seconded by Mr. Mullen and duly carried.

Ms. Muller stated today she would like to recognize Bill Caudill. Last Tuesday, May 16, 2023, Mr. Caudill was presented the Child Abuse Prevention Award and was recognized. She stated today she would like to highlight some of his attributes. Mr. Caudill has been with the County for 21 years. He started his career at the Institute for Human Services and ProAction and for the last 12 years as the Director of the Youth Bureau. This award is well-deserved. Each year for the Tyrtle Beach Fundraiser they raise \$40,000 - \$45,000 and are able to fund 88 programs with those dollars. He has partnered with our department on various program. He has created the homeless student liaison program and is also a big proponent of the Pinwheels and Promises Campaign. Mr. Caudill always partners with all of the community agencies and he is a driving force for youth in our community. I felt that it was important for you to know that Mr. Caudill received the Child Abuse Prevention Award this year.

Chairman Van Etten stated the New York State Association of Clerks of County Legislative Board has a new program for certification and this year Mrs. Scotchmer was in the first class of graduates.

RESOLUTION NO. 105-23

Introduced by G. Swackhamer.

Seconded by A. Mullen.

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 the Steuben County Land Bank Corporation desires to purchase certain foreclosed properties from the County of Steuben for the purposes of strengthening and revitalizing the economy of the County and to foster the development of such property and promote economic growth, pursuant to Not-For-Profit Corporation Law §1608(c); and the Steuben County Commissioner of Finance having confirmed that the consideration offered is sufficient to make the County whole; and due to the foregoing it is determined to be in the best interest of the County to convey the property(ies) listed on Schedule "B" to the Steuben County Land Bank Corporation for the consideration offered and as approved by the Steuben County Finance Committee on May 9, 2023, pursuant to Not-For-Profit Corporation Law §1608(c). The said grantee(s) must accept the parcel(s) contained in Schedule "B" "as is" together with the obligation of removing any persons, if any, claiming any interest in the parcel(s) if need be; 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 "C" 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 May 9, 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 2023" as applicable; and be it further

RESOLVED, that certified copies of this resolution contained in Schedule "A" 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, 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); and certified copies of this resolution contained in Schedule "C" 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	021.00-01-009.000	McCormick Big Buck Club LLC	Prattsburgh	2023	Correction of Forestland exemption.
A-2*	337.00-02-025.000	Shafer, Kathleen (LU)	Corning Town	2022-23	Correction of Enhanced STAR Exemption. Should have been only School Tax Cancelled.

*Note: Item A-2 is a correction of item A-2 on Resolution 052-23 dated 3/27/23.

SCHEDULE "B"

Resolution No.	Former Owner	In Rem Index No.	Parcel No.	Municipality	Grantee(s) Name & Address	Consideration
B-1	Rosato Joseph S.	2018-1367CV, Judgment filed 5/08/2023	043.17-02-024.000	Cohocton Village	Steuben County Land Bank, 3 E Pulteney Sq, Bath, NY 14810	\$22,365.76, inclusive of recording fees
B-2	Babcock Leon Sr.	2013-1427CV, Judgment filed 5/08/2023	151.80-01-041.000	Hornell City	Steuben County Land Bank, 3 E Pulteney Sq, Bath, NY 14810	\$1,142.23, inclusive of recording fees
B-3	McNeill Kyle	2019-1533CV, Judgment filed 5/08/2023	003.17-02-033.000	Wayland Village	Steuben County Land Bank, 3 E Pulteney Sq, Bath, NY 14810	\$8,649.11, inclusive of recording fees

SCHEDULE "C"

Resolution No.	Former Owner	In Rem Index No.	Parcel No.	Municipality	Grantee(s) Name & Address	Consideration
C-1	Hees Emmett	2014-1414CV, Judgment filed 5/08/2023	099.19-01-008.000	Avoca Village	Barbara Goodrich; 18 Charlesworth Ave; PO Box 24; Avoca, NY 14809	\$5,000, plus recording fees
C-2 & C-3	Ketch Burton	2018-1367CV, Judgment filed 5/08/2023	158.07-01-036.000 & 158.07-01-038.000	Bath Village	NYS DEC; Bath Flood Protection Project; 7291 Coon Rd; Bath, NY 14810	\$1/each, plus recording fees
C-4	Prehoda Richard	2019-1533CV, Judgment filed 5/08/2023	349.08-02-068.000	Addison Village	NYS DEC; Bath Flood Protection Project; 7291 Coon Rd; Bath, NY 14810	\$1, plus recording fees
C-5	Allington Emoline	2020-1004CV, Judgment filed 5/08/2023	363.08-01-040.000	Woodhull	Town of Woodhull; 1585 Academy St.; Woodhull, NY 14898	\$2,398.85, plus recording fees

Vote: Roll Call – Adopted.

RESOLUTION NO. 106-23

Introduced by S. Van Etten.

Seconded by A. Mullen.

RECEIVING AND ACCEPTING THE MAY 22, 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:

April 19, 2023

NYS Board on Electric Generation Siting and the Environment – Re: Procedural ruling on briefing and submissions related to the confidentiality of certain information on the Baron Wind LLC Project (Case#15-F-0122). ***Referred to: AIP Committee; and Marie Myers Shearing, Planning Director.***

April 24, 2023

Young/Sommer LLC – Re: Response to the Notice of Incomplete Application (NOIA) for the Prattsburgh Wind Farm, LLC Wind Energy Project. ***Referred to: AIP Committee; and Marie Myers Shearing, Planning Director.***

NYS Board on Electric Generation Siting and the Environment – Re: Ruling revising the procedural schedule on the Baron Wind LLC Project (Case#15-F-0122). ***Referred to: AIP Committee; and Marie Myers Shearing, Planning Director.***

April 27, 2023

Suit-Kote Corporation – Re: State budget delay. ***Referred to: Public Works Committee; and Eric Rose, Commissioner of Public Works.***

NYS Office of Children and Family Services – Re: OCFS Fatality Report #RO-22-037. ***Referred to: Scott Van Etten, Legislature Chairman; and Jack Wheeler, County Manager.***

April 28, 2023

NYS Office of Parks, Recreation and Historic Preservation – Re: Notification of the Prattsburgh Commercial Historic District located on Main Street in Prattsburgh, NY is listed on the New York State Register of Historic Places and nominated to the National Register of Historic Places. ***Referred to: A.I.P. Committee; and Emily Simms, Historian.***

May 3, 2023

Parsons – Re: Notification of the Community Availability Session on the Corning, N.Y. Study Area is scheduled for Wednesday, May 10, 2023 from 6:00pm-8:00pm at the Downtown Corning Hilton Garden Inn located at 23 Riverside Drive. ***Referred to: AIP Committee; and Marie Myers Shearing, Planning Director.***

May 5, 2023

Steuben County Industrial Development Agency – Re: Notice of public hearing on the NY Bath (6105 Scudder Road), LLC proposed financial assistance is scheduled for Wednesday, May 31, 2023 at 9:00am at the IDA's local office located at 7234 Route 54 North, Bath, New York. ***Referred to: A.I.P. Committee; and Marie Myers Shearing, Planning Director.***

May 8, 2023

TC Energy, Columbia Gas Transmission, LLC – Re: Notification of the filing of application with the Federal Energy Regulatory Commission (FERC) Docket No. CP23-214-000 to abandon its Greenwood and North Greenwood Storage Fields, including all associated facilities and base gas, located in Steuben County, New York. ***Referred to: A.I.P. Committee; and Marie Myers Shearing, Planning Director.***

May 10, 2023

City of Hornell Industrial Development Agency – Re: Listing of the agency's PILOT expiration dates on all active agreements. ***Referred to: A.I.P. Committee; and Marie Myers Shearing, Planning Director.***

Vote: Acclamation – Adopted.

RESOLUTION NO. 107-23

Introduced by A. Mullen.

Seconded by R. Nichols.

AUTHORIZING A PUBLIC HEARING ON LAND SUBMITTED FOR INCLUSION IN CERTIFIED AGRICULTURAL DISTRICTS DURING THE 2023 ANNUAL THIRTY-DAY PERIOD.

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

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

WHEREAS, landowners submitted requests to add land and said requests will be forwarded to the Steuben County Agriculture and Farmland Protection Board for their review; and

WHEREAS, the Steuben County Agriculture and Farmland Protection Board will review the matter and will submit a report to this Legislature.

NOW THEREFORE, BE IT

RESOLVED, in accordance with Section 303-b of the Agriculture and Markets Law of the State of New York, a Public Hearing on this matter shall be held by this County Legislature on the 26th day of June, 2023, at 10:00 a.m.; and be it further

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

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

Vote: Acclamation – Adopted.

RESOLUTION NO. 108-23

Introduced by B. Schu and G. Swackhamer.

Seconded by A. Mullen.

AUTHORIZING THE DISTRIBUTION OF THE SEMI-ANNUAL MORTGAGE TAX RECEIPTS.

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

RESOLVED, that the apportionment of tax on mortgages in the County of Steuben collected by the County Clerk from the 1st day of October, 2022 to the 31st day of March 2023, pursuant to provisions of Section 261 of the Tax Law, as made by the County Clerk be and the same hereby is ratified and confirmed, and the statement of such apportionment in compliance with the provisions of said Law, filed with the Commissioner of Finance of this County, is hereby and in all things ratified and confirmed and such statement shall be to the said Commissioner a sufficient Warrant for the payment by her of the various sums as apportioned for the various purposes as designed by Law, and be it further

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

MORTGAGE TAX APPORTIONMENT

The amount of money in your hands on March 31, 2023, which was received by you from the County Clerk as taxes paid to her upon the real property mortgages filed in her office since October 1, 2022, the date of the last apportionment, and which must be distributed to the various tax districts of the County of Steuben, pursuant to Section 261 of the Tax Law, is the sum of \$895,697.81.

You are therefore commanded to pay the various towns and cities the amount placed opposite the name of said towns and cities and pay over to the various village officers the amount hereinafter stated to be the distributive amounts due said districts for village purposes, as follows:

MORTGAGE TAX DISTRIBUTION - MAY 2023

TOWN & CITIES	TOWN/CITY AMT DUE	VILLAGES VILLAGES	VILLAGES AMT DUE	TOTAL AMT DUE
ADDISON	11,559.52	ADDISON	4,425.98	15,985.50
AVOCA	5,236.52	AVOCA	656.53	5,893.05
		BATH (1)	6,327.21	
BATH	25,659.81	SAVONA (2)	691.64	32,678.66
BRADFORD	4,459.10			4,459.10
CAMERON	3,628.68			3,628.68
CAMPBELL	18,663.05			18,663.05
CANISTEO	12,616.82	CANISTEO	3,676.33	16,293.15
CATON	14,474.06			14,474.06
COHOCTON	13,338.33	COHOCTON	1,705.74	15,044.07
CORNING CITY	338,960.10			338,960.10
		RIVERSIDE (1)	3,417.55	
CORNING TOWN	65,098.45	S CORNING (2)	4,837.82	73,353.82
DANSVILLE	5,688.35			5,688.35
ERWIN	87,890.79	PAINTED POST	6,770.47	94,661.26
FREMONT	3,714.32			3,714.32
GREENWOOD	5,019.05			5,019.05
HARTSVILLE	2,932.25			2,932.25
HORNBY	8,787.04			8,787.04
HORNELL CITY	42,759.80			42,759.80
		ALMOND (1)	23.68	
		ARKPORT (2)	1,204.37	
HORNELLSVILLE	13,573.18	V N HORNELL (3)	1,482.72	16,283.95
HOWARD	4,656.08			4,656.08
JASPER	5,222.31			5,222.31
LINDLEY	13,366.70			13,366.70
PRATTSBURGH	8,714.40			8,714.40
PULTENEY	16,715.64			16,715.64
RATHBONE	3,828.01			3,828.01
THURSTON	6,232.55			6,232.55

TROUPSBURG	6,305.39			6,305.39
TUSCARORA	7,027.44			7,027.44
URBANA	32,785.00	HAMMONDSPORT	3,217.73	36,002.73
WAYLAND	15,726.81	WAYLAND	2,856.39	18,583.20
WAYNE	29,056.36			29,056.36
WEST UNION	2,056.30			2,056.30
WHEELER	8,430.41			8,430.41
WOODHULL	10,221.03			10,221.03
TOTAL	854,403.65		41,294.16	895,697.81

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

DATED at Bath, New York: May ____, 2023

STEUBEN COUNTY LEGISLATURE

By: Scott J. VanEtten, Chairman

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

DATED: May ____, 2023

Brenda K. Scotchmer, Clerk of the Legislature

Vote: Roll Call – Adopted.

RESOLUTION NO. 109-23

Introduced by J. Malter and G. Swackhamer.

Seconded by F. Potter.

ACCEPTING THE FY22 STATEWIDE INTEROPERABLE COMMUNICATIONS TARGETED GRANT.

WHEREAS, Steuben County has a County-wide Communications System to support emergency response; and

WHEREAS, County emergency responders are dependent on the County-wide Communications System; and

WHEREAS, the County has implemented a County-wide 911 system that makes use of this system for notification and operation of the county responders; and

WHEREAS, the County has identified the need for additional capabilities within the system to address interoperable communications with all response agencies to address operational issues; and

WHEREAS, the County has identified the need for funding to sustain and maintain our communications system for interoperability with all response agencies; and

WHEREAS, the County has agreed to partner with Allegany, Chemung and Schuyler Counties to develop a shared Regional Interoperable Communications System to meet the recommendations of the State Office of Interoperable Communications; and

WHEREAS, the New York State Department of Homeland Security and Emergency Services (DHSES) Office of Interoperable & Emergency Communications (OIEC) is responsible for the administration of the Statewide Interoperable Communications Grants; and

WHEREAS, the New York State DHSES has awarded Steuben County grant funds in the amount of \$5,846,500 to facilitate the development, consolidation, improvement, sustainability and maintenance of public safety communications to support and enhance statewide interoperable communications for first responders.

NOW THEREFORE, BE IT

RESOLVED, the County Manager is hereby authorized to execute such documents or agreements with New York State DHSES to accept funding in the amount of \$5,846,500 for implementation of the FY22 Statewide Interoperable Communications Targeted Grant Program to support improved operations of public safety communications and interoperability; and be it further

RESOLVED, the Commissioner of Finance is hereby authorized to appropriate funding to a capital project entitled “InteropT22” for the grant award amount of \$5,846,500 in the following line items:

6290-	Mach & Equipment -	\$5,756,500
5423000-	Consultants and Professionals-	\$90,000

AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the New York State DHSES OIEC, 1220 Washington Avenue, State Office Building 7A, Albany NY 12226; the Commissioner of Finance; and the Director of Public Safety.

Vote: Roll Call – Adopted.

RESOLUTION NO. 110-23

Introduced by R. Nichols and G. Swackhamer.

Seconded by C. Ferratella.

APPROPRIATING 2023 CHIPS FUNDING.

WHEREAS, New York State’s 2023 CHIPS FUNDING revenue was budgeted at \$4,429,818.00 and expenditures at \$3,461,329.00; and

WHEREAS, the Public Works Committee has approved using CHIPS funding for work on the road and bridge projects listed below.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Finance is hereby authorized to make the following transfers from the originally budgeted expenditure line (511200-6999) to:

512000-6413	CR41 over Culter Creek	\$200,000
511200-6005	CR5 Tuscarora	\$180,000
511200-6016	CR16 Bath	\$600,000
511200-6037	CR37 Cohocton	\$180,000
511200-6070	CR70 Avoca	\$650,000
511200-6074	CR74 Pulteney/Prattsburgh	\$600,000
511200-6125	CR125 Campbell	\$600,000
511200-6065	CR65 Hornesllsville	\$240,000
511200-6112	CR112 Tuscarora	\$150,000

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 111-23

Introduced by: R. Nichols and G. Swackhamer.

Seconded by J. Malter.

APPROVING A CHANGE ORDER FOR THE BATH LANDFILL CELL 7/8 CAPITAL PROJECT AND AUTHORIZING A TRANSFER FROM THE GAS COLLECTION CAPITAL PROJECT TO PAY THE SAME.

WHEREAS, the Solid Waste Division is expanding the landfill with the additions of Cells 7 and 8; and

WHEREAS, the Bath Landfill Cell Construction encountered unforeseen bedrock which needs to be removed; and

WHEREAS, Marcy Excavation Services is requesting a change order for the removal of said bedrock; and

WHEREAS, the cost to remove the bedrock exceeds the project budget; and

WHEREAS, the Gas Collection Capital Project has \$500,000 available to fund the project; and

WHEREAS, the Public Works Committee and the Finance Committee recommend approval of the change order and the transfer of funds as noted above.

NOW THEREFORE, BE IT

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

- Decrease GASCOLLECT.OZTHERIMPRV by \$500,000
- Increase BATHLFILL.CELL 7/8.CONSTRUCT by \$500,000

AND BE IT FURTHER RESOLVED, the County Manager or his designee is authorized to execute the Marcy Excavation Services change order; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 112-23

Introduced by R. Nichols.

Seconded by J. Kuhl.

AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY LOCATED IN THE TOWN OF ERWIN, FOR THE PURPOSE OF REPLACING AND MAINTAINING THEREON THE SMITH HILL ROAD BRIDGE OVER THE COHOCTON RIVER.

WHEREAS, the BridgeNY Replacement Project, P.I.N. 6755.54, Smith Hill Road over the Cohocton River, BIN 2216880, Town of Erwin, County of Steuben ("the Project") is eligible for funding under Title 23 U.S. Code, as amended, that

calls for the apportionment of the costs of such program to be borne at the ratio of 95% Federal funds, and 5% non-federal funds; and

WHEREAS, the County of Steuben (“the County”) has entered into an agreement with the New York State Department of Transportation to advance the Project by making an initial commitment of 100% of the federal and non-federal share of the Design and Right-of-Way costs of the Project; and

WHEREAS, in order to construct and maintain the Project, specifically to construct the new southeast wing wall, the County desires to acquire in Fee a parcel of land from William J. & Karen S. Kittner, being a portion of Tax Parcel ID 279.16-01-037.000, located adjacent to the Project; and

WHEREAS, the Fee acquisition contains 0.058± acres of real property as delineated on Steuben County Acquisition Map No. 4, Parcel No. 4 for the Project; and

WHEREAS, the Just Compensation value for this parcel of property has been determined to be three hundred and fifty dollars (\$350.00).

NOW THEREFORE, BE IT

RESOLVED, this Legislature does hereby approve of acquiring in Fee, for the sum of up to seven hundred and fifty dollars (\$750.00), the aforementioned 0.058± acre parcel of land from William J. & Karen S. Kittner, being a portion of Tax Parcel ID 279.16-01-037.000, located adjacent to the Project; and be it further

RESOLVED, the County Manager is authorized to make and enter into agreements on behalf of the County of Steuben to execute any and all documents associated with the acquisition of the aforementioned property; and be it further

RESOLVED, certified copies of this resolution shall be filed with the County Clerk, Director of the Real Property Tax Service Agency, Commissioner of Public Works, County Attorney, and County Manager.

Vote: Roll Call – Adopted.

RESOLUTION NO. 113-23

Introduced by R. Nichols.

Seconded by J. Kuhl.

AUTHORIZING THE PURCHASE OF A TEMPORARY EASEMENT ON AND OVER CERTAIN REAL PROPERTY LOCATED IN THE TOWN OF ERWIN, FOR THE PURPOSE OF REPLACING THEREON THE SMITH HILL ROAD BRIDGE OVER THE COHOCTON RIVER.

WHEREAS, the BridgeNY Replacement Project, P.I.N. 6755.54, Smith Hill Road over the Cohocton River, BIN 2216880, Town of Erwin, County of Steuben (“the Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 95% Federal funds, and 5% non-federal funds; and

WHEREAS, the County of Steuben (“the County”) has entered into an agreement with the New York State Department of Transportation to advance the Project by making an initial commitment of 100% of the federal and non-federal share of the Design and Right-of-Way costs of the Project; and

WHEREAS, in order to construct the Project, specifically to gain access to the river to construct the new pier, the County desires to acquire a Temporary Easement on and over property owned by Dalrymple Gravel and Contracting Company, Inc., being a portion of Tax Parcel ID 279.00-01-010.120, located adjacent to the Project; and

WHEREAS, the Temporary Easement contains 0.254± acres of real property as delineated on Steuben County Acquisition Map No. 1, Parcel No. 1 for the Project; and

WHEREAS, the Just Compensation value for this parcel of property has been determined to be two hundred dollars (\$200.00).

NOW THEREFORE, BE IT

RESOLVED, this Legislature does hereby approve of acquiring a temporary easement, for the sum of two hundred dollars (\$200.00), on and over the aforementioned 0.254± acre parcel of land from Dalrymple Gravel and Contracting Company, Inc., being a portion of Tax Parcel ID 279.00-01-010.120, located adjacent to the Project; and be it further

RESOLVED, the County Manager is authorized to make and enter into agreements on behalf of the County of Steuben to execute any and all documents associated with the acquisition of the aforementioned property; and be it further

RESOLVED, certified copies of this resolution shall be filed with the County Clerk, Director of the Real Property Tax Service Agency, Commissioner of Public Works, County Attorney, and County Manager.

Vote: Roll Call – Adopted.

RESOLUTION NO. 114-23

Introduced by J. Malter.

Seconded by K. Fitzpatrick.

AUTHORIZING AN INTER-MUNICIPAL AGREEMENT BETWEEN THE STEUBEN COUNTY SHERIFF AND THE SCHUYLER COUNTY SHERIFF.

Pursuant to GML Section 209, GML 119-O and 29 USC Section 207.

WHEREAS, Schuyler County reasonably anticipates regularly-recurring emergency situations throughout the auto racing season due to the crowds, traffic volume and related consequences attributable to the large crowds attracted to race events at Watkins Glen International in the Town of Dix, Schuyler County, New York; and

WHEREAS, the resources of the Schuyler County Sheriff's Office are insufficient to address the situations of this magnitude; and

WHEREAS, the Steuben County Sheriff's Office is desirous of responding to the requests for mutual aid made by Schuyler County during the auto racing season.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Sheriff be, and the same hereby is, authorized to enter into an Inter-Municipal Agreement with the Schuyler County Sheriff to provide special detail deputies on a voluntary basis to perform mutual aid police duties in Schuyler County upon review by the County Attorney; and be it further

RESOLVED, certified copies of this Resolution shall be forwarded to the Sheriff, the Schuyler County Sheriff and the County Auditor.

Mr. Pelham commented he is concerned as the NASCAR Race was rescheduled and now overlaps with a major event in Steuben County. I feel that leaves County residents in an unsafe situation. The Sheriff's Office and local police departments are already stretched thin. This is irresponsible for the safety of our constituents and I am opposed.

Mr. Maio asked does Schuyler County indemnify us? Ms. Prossick replied yes.

Vote: Roll Call – Adopted. Yes – 7675, No – 1683, Abstained – 0
(No: Legislators Fitzpatrick, Mullen and Pelham)

RESOLUTION NO. 115-23

Introduced by C. Ferratella and G. Swackhamer.

Seconded by H. Lando.

AUTHORIZING THE DIRECTOR OF COMMUNITY SERVICES TO CONTRACT WITH VETERANS ONE-STOP CENTER OF WESTERN NEW YORK TO PROVIDE PEER SERVICES.

WHEREAS, Steuben County has received a \$100,000 grant from the State to provide peer services to local veterans; and

WHEREAS, the County issued an RFP to contract with a vendor to provide peer support services and connectivity to needed resources and treatment to veterans located within Steuben County in conjunction with the County Veterans Services Department; and

WHEREAS, the Department of Community Services received authorization from the Human Services, Health & Education and Finance Committees to utilize \$100,000 of these grant funds to award the RFP and contract with Veterans One-Stop Center of Western New York to offer peer support services to veterans to assist their transition from military to civilian life.

NOW THEREFORE, BE IT

RESOLVED, the Director of Community Services is hereby authorized to execute a contract with Veterans One-Stop Center of Western New York for peer services upon County Attorney approval; and be it further

RESOLVED, certified copies of this resolution shall be sent to the Director of the Department of Community Services, Director of Veteran’s Services, and the Commissioner of Finance.

Mr. Mullen stated I am not satisfied with the plan that has been sent out. This is just a plan to make a plan. Nothing is concrete.

Vote: Roll Call – Adopted. Yes – 7833, No – 1525, Abstained – 0
(No: Legislators Mullen, Pelham and Swackhamer)

RESOLUTION NO. 116-23

Introduced by C. Ferratella and B. Schu.

Seconded by F. Potter.

CONFIRMING THE APPOINTMENT OF THE STEUBEN COUNTY DIRECTOR OF COMMUNITY SERVICES.

Pursuant to Section 9.00 of the County Charter.

WHEREAS, Lynn Lewis of Canisteo, New York has been recommended for appointment as the Director of Community Services by the Community Services Board; and

WHEREAS, the County Manager also recommends she be appointed.

NOW THEREFORE, BE IT

RESOLVED, that Lynn Lewis of Canisteo, New York is hereby appointed as the Steuben County Director of Community Services, effective May 22, 2023, at a salary of \$120,308 (Grade K, Step 14) per annum, pending approval of the NYS Office of Mental Health; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 117-23

Introduced by J. Malter and B. Schu.

Seconded by S. Maio.

WAIVING RULE 16B AND AUTHORIZING THE CREATION OF ONE FULL-TIME ASSISTANT PUBLIC DEFENDER POSITION, MANAGEMENT GRADE J AND THE CREATION OF ONE PARALEGAL ASSISTANT POSITION, CSEA GRADE J, WITHIN THE PUBLIC DEFENDER’S OFFICE.

WHEREAS, the Public Defender’s Office received funds as part of ILS through the Hurrell-Harring settlement; and

WHEREAS, to maintain compliance with the grant regulations, the Public Defender’s Office is requesting a 16B waiver to create one (1) Full-Time Assistant Public Defender position, Management Grade H; and one (1) Full-Time Paralegal Assistant position, CSEA Grade J; and

WHEREAS, the funding for said positions is currently available in the 2023 budget.

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	1	J (Mgmt.)	\$71,642- \$112,048
b. Paralegal Assistant Position	1	J (CSEA)	\$43,437- \$64,253

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. Nichols asked will the department be fully-staffed after this? Mr. Wheeler replied yes. This is the final year under Hurrell-Harring. There is still a lot to be decided with the Assigned Counsel Plan (18B), but they are in good shape. Mr. Swackhamer asked who sets the staffing levels and do we have to follow them? Mr. Wheeler, replied these staffing levels are set by the Hurrell-Harring settlement. Ms. Prossick stated the court set these requirements in the lawsuit. The Public Defender’s Office was under-funded, the District Attorney’s Office was over-funded and they have to keep the playing field level. An attorney now can only carry a caseload of so many cases per year.

Mr. Sauro commented this is making our workers better. Ms. Prossick stated before they were overloaded and now the court has determined how much time is to be spent on cases. This was set by court order and is also statutory. Mr. Mullen commented he thinks the caseload caps should be lower.

Ms. Prossick stated caseloads are pretty high. Mr. Mullen stated if you were receiving public defense, you might be concerned about this.

Chairman Van Etten asked with Rule 16B, do we need to make changes to that? Mr. Wheeler replied likely and he would recommend that it includes the ability of the Board to consider any and all position creations. The positions we have brought to you have been operationally necessary, the result of a State mandate, or positions that you wanted to create. Chairman Van Etten commented the rules of 16B are not efficient if you have to add staff as that process takes a long time. Mr. Wheeler replied the departments would have to have their requests to me this month to get the position included in the 2024 budget. We can present you with a revision to Rule 16B. Chairman Van Etten commented I think we should look at this. We have never utilized Rule 16B to the letter of the law.

Vote: Roll Call – Adopted.

RESOLUTION NO. 118-23

Introduced by B. Schu.

Seconded by C. Ferratella.

AUTHORIZING THE RECLASSIFICATION OF ONE VACANT ASSESSMENT DATA SUPERVISOR, CSEA GRADE J TO A DEPUTY DIRECTOR OF REAL PROPERTY, MANAGEMENT GRADE G, WITHIN THE REAL PROPERTY TAX SERVICE AGENCY.

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

WHEREAS, a vacant Assessment Data Supervisor position in the Real Property Tax Service Agency exists and a Deputy Director of Real Property is needed; and

WHEREAS, the Director of Real Property Tax Service Agency desires to change the job title of this position from Assessment Data Supervisor to Deputy Director of Real Property; and

WHEREAS, the Deputy Director of Real Property will have added duties of assisting the Director of Real Property Tax Service in the Administration of the County Real Property Tax Service Agency; and

WHEREAS, a Deputy Director of Real Property position more appropriately performs these duties; and

WHEREAS, the Personnel Officer and the Administration Committee have reviewed said position within the Real Property Tax Service Agency 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 Real Property Tax Service Agency is hereby reclassified as follows:

One (1) Assessment Data Supervisor Position, CSEA Grade J (\$43,437 - \$64,253), to
One (1) Deputy Director of Real Property, Mgmt. Grade G (\$53,818 - \$84,196).

AND BE IT FURTHER RESOLVED, that the 2023 County Job Classification and Salary Schedule and the Management Salary Plan are hereby amended to reflect the above-stated change; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Commissioner of Finance, Personnel Officer, and the Director of Real Property Tax Services Agency.

Chairman Van Etten asked will this help with succession planning in the department? Mr. Wheeler replied yes and it will also create efficiencies.

Vote: Roll Call – Adopted.

RESOLUTION NO. 119-23

Introduced by G. Swackhamer.

Seconded by F. Potter.

ESTABLISHING THE DATE AND TIME FOR THE 2023 DELINQUENT REAL PROPERTY TAX PUBLIC AUCTION.

WHEREAS, the County of Steuben has commenced a Delinquent Real Property Tax In-Rem procedure pursuant to Article 11 of the New York State Real Property Tax Law; and

WHEREAS, it is desirable to establish the date and time of the County Delinquent Real Property Tax Public Auction.

NOW THEREFORE, BE IT

RESOLVED, a Delinquent Real Property Tax Public Auction shall be conducted online between the dates of July 5th and July 12th 2023; and be it further

RESOLVED, should it be necessary to hold an alternative or additional Delinquent Real Property Tax Public Auction, as determined by the Commissioner of Finance, a subsequent auction shall be conducted online between the dates of August 2nd and August 9th 2023; and be it further

RESOLVED, the subsequent auction would be subject to the same Notice to Bidders and Terms of Sale as the July 5th through July 12th auction; and be it further

RESOLVED, the Commissioner of Finance is hereby authorized and directed to establish and publish the terms and conditions of the recited sale in advance of said sale; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 120-23

Introduced by G. Swackhamer.

Seconded by K. Fitzpatrick.

RATIFYING AND CONFIRMING THE NOTICE TO BIDDERS AND TERMS OF SALE 2023.

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

WHEREAS, on May 9, 2023, the Commissioner of Finance was authorized and directed to establish the terms and conditions of the 2023 Delinquent Tax Auction; and

WHEREAS, on May 9, 2023 the Commissioner of Finance did present the *Notice to Bidders and Terms of Sale – 2023* to the Finance Committee of the County Legislature for review and approval; and

WHEREAS, the Uniform Resource Locator (URL) address to the auction website for the 2023 Delinquent Tax Auction is <http://www.steubencountyauction.com/>; and

WHEREAS, on May 9, 2023 the Finance Committee did approve the recited *Notice to Bidders and Terms of Sale - 2023* as modified.

NOW THEREFORE, BE IT

RESOLVED, the revised *Notice to Bidders and Terms of Sale - 2023* as attached hereto is hereby ratified and confirmed; and be it further

RESOLVED, the revised *Notice to Bidders and Terms of Sale - 2023* as attached hereto shall apply to the Delinquent Real Property Tax Public Auction to be held online between the dates of July 5th and July 12th 2023; and be it further

RESOLVED, the revised *Notice to Bidders and Terms of Sale - 2023* as attached hereto shall apply to the Delinquent Real Property Tax Public Auction to be held online between the dates of August 2nd and August 9th 2023, should the Commissioner of Finance determine a subsequent auction is necessary; and be it further

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

Mrs. Lando stated she is opposed to this as no minimum bid will be set for the sale of the Corning Courthouse.

Vote: Roll Call – Adopted. Yes – 8831, No – 527, Abstained – 0
(No: Legislator Lando)

RESOLUTION NO. 121-23

Introduced by S. Van Etten.

Seconded by J. Malter.

APPOINTING THE COUNTY REPRESENTATIVE TO THE WESTERN REGIONAL OFF-TRACK BETTING CORPORATION BOARD OF DIRECTORS.

Pursuant to Section 12.19 of the Steuben County Charter, County of Steuben Local Law No. Two of 1973; and NYS PML §502-a.

WHEREAS, it is necessary for the County of Steuben to have a legal representative by and through a member on the Board of Directors of the Western Regional Off-Track Betting Corporation in order to participate in the operation of said Corporation; and

WHEREAS, the term of the current representative expired upon the adoption of the NYS Budget for Fiscal Year 2023-2024 pursuant to NYS Racing, Pari-Mutuel Wagering and Breeding Law §502-a.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature hereby appoints **Michael D. Horton** of **6342 Robie Road, Savona, New York** to serve as Steuben County's representative on the Western Regional Off-Track Betting Corporation Board of Directors for a four (4) year term commencing April 1, 2023 through March 31, 2027; and be it further

RESOLVED, that as a member of said Board of Directors, the appointee is hereby authorized and empowered to make decisions and recommendations, and to participate in those activities which would be normally and legally commensurate with the position of a Director of said corporation; and be it further

RESOLVED, that said appointee shall serve without compensation except for necessary expenses as provided for by the Western Regional Off-Track Betting Corporation Board of Directors, and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the above-named appointed; the New York State Racing and Wagering Board, 1 Watervliet Avenue Extension, Suite #2, Albany, NY 12206; and *via certified mail* to the Western Regional Off-Track Betting Corporation, 700 Ellicott Street, Batavia, NY 14020.

**Vote: Acclamation – Adopted. Abstained – 571
(Abstained – Legislator Fitzpatrick)**

Chairman Van Etten announced there are two resolutions for presentation that were not included on the agenda and will require unanimous consent. He noted both resolutions are relative to State funding for Public Works. He asked if there were any objections to either of the two resolutions being presented. There were no objections.

RESOLUTION NO. 122-23

Introduced by R. Nichols and G. Swackhamer.

Seconded by C. Ferratella.

APPROPRIATING UNEXPENDED 2022-2023 CONSOLIDATED HIGHWAY IMPROVEMENT PROGRAM (CHIPS) AND EXTREME WEATHER RECOVERY FUNDING.

WHEREAS, there remains unexpended 2022-2023 New York State CHIPS funding of \$1,250,621.97 and Extreme Weather Recovery funding of \$566,683.14; and

WHEREAS, the Public Works and Finance Committees have approved using this unexpended funding for surface treatments, work on bridge projects and to fund 2022 road machinery equipment purchases.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Finance is hereby authorized and directed to appropriate the balance of the state 2022-2023 revenue to the 2023 budget as follows:

Road Machinery Revenue account DM999900-435010	\$800,000.00
County Road Revenue account D999900-435010	\$1,017,305.11

; and be it further

RESOLVED, the Commissioner of Finance is hereby authorized and directed to appropriate the remainder of the state funding to the following expenditure accounts:

\$450,621.97	511000 – 544215 Surface Treatment
\$275,000.00	CR88 Bridge – 512000- 6415 (B88-01)
\$291,683.14	Dry Run Road Bridge – 512000-6411 (B06-06-17)

; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 123-23

Introduced by R. Nichols. Seconded by G. Swackhamer.

Seconded by F. Potter.

ACCEPTING AND APPROPRIATING THE 2023-2024 CONSOLIDATED HIGHWAY IMPROVEMENT PROGRAM (CHIPS), EXTREME WEATHER RECOVERY, PAVE NY AND PAVE OUR POTHOLES FUNDING.

WHEREAS, New York State has allocated to Steuben County 2023-2024 CHIPS funding in the amount of \$6,019,654.05. Extreme Weather Recovery funding in the amount of \$988,567.50; PaveNY funding in the amount of \$1,519,508.02 and Pave Our Potholes funding in the amount of \$1,013,055.35; and

WHEREAS, the 2023 original budget reflected revenue funding of \$4,429,818.00 and appropriated expenditures of \$3,461,329.00; and

WHEREAS, the Public Works and Finance Committees have approved using CHIPS funding for work on road and bridge projects and to fund 2023 road machinery equipment purchases.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Finance is hereby authorized and directed to appropriate the balance of the state revenue to the 2023 budget as follows:

Road Machinery Revenue Account DM999900-435010	\$1,000,000.00
County Road Revenue Account D999900-435010	\$4,110,916.92

; and be it further

RESOLVED, the Commissioner of Finance is hereby authorized and directed to create additional road project expenditure appropriations for the remainder of the state funding as follows:

To: 6042- CR42	\$ 490,000
6011- CR11	\$ 600,000
6035- CR35	\$1,250,000
6050- CR50	\$ 350,000
6081- CR81	\$ 150,000
6086- CR86	\$ 400,000
6012- CR12	\$ 520,000
6412- B19-03-1- Five Corner Road Bridge	\$ 220,000
6414- B30-18-1- Cemetery Road Bridge	\$ 180,000
511200-6250 – Capital Project – Gravel	\$ 300,000
511200-6900 – Road Improvements Unassigned	\$ 619,405.92

; and be it further

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

Vote: Roll Call – Adopted.

Chairman Van Etten asked Mr. Wheeler to provide a quick synopsis on the work we have done with regard to the immigration scare. Mr. Wheeler replied they have been very engaged with the State and other stakeholders. We primarily have been in contact with the NYS Department of Homeland Security

and the NYS Office of Temporary and Disability Assistance (OTDA). We have received word that these agencies are not supportive of New York City's plan for the relocation of migrants. A number of counties have issued States of Emergency. The New York City requirement, under NYS OTDA is that they need to notify the jurisdiction where they are sending the migrants. We have spoken with the downstate counties and they did receive a few days' notice from New York City. If we were to receive that notice, which we have not, we are in communication with the hotels and others to determine if anyone is booking rooms in large blocks and there has not been any of that.

Mr. Wheeler explained there are certain criteria that are used to designate a State of Emergency. We have not heard anything imminent and we are monitoring and fielding a lot of phone calls. There is a tipping point where there could be an emergency. These pre-emptive declarations, to me, do not seem logical or right as the emergency has to be imminent. We have to take training every year on how on a State of Emergency is done and why they are done. In my opinion, there have been a lot of political statements made in the State of Emergency declarations from other counties. There is zero indication that there is any plan for housing any migrants in Steuben County.

Chairman Van Etten stated the County Attorney has advised the County Manager on the State law and what you have to have to declare a State of Emergency. In this situation, we cannot say that it is imminent yet. In my opinion, it could be political. I think it is important that Mr. Wheeler meet with the affected Department Heads and that we are planning in case something does happen.

Mr. Wheeler stated there is a differentiation between a processed application for an asylum seeker that has been vetted, and an illegal immigrant. We don't know if we would be facing the legal asylum seekers or the undocumented. We don't have any details yet. Chairman Van Etten stated my concern was the declarations prohibiting hotels from being able to house people. When you start limiting commerce, that is an issue. Ms. Prossick commented the statutes are very specific. One's ability to contract with another is not a statute, it is a right. Now there will be litigation with those counties that made those emergency declarations and the owners of hotels/motels. There is no practical solution.

Mr. Mullen stated that he looked at some of the interplay between the Federal law and local enforcement. I would like us to take a look at some of the Federal provisions that are enforceable. One issue is whether they are asylum seekers or illegal immigrants. Mr. Wheeler stated if nothing happens, we would determine document status. Mr. Mullen stated under U.S. Code, any furtherance of illegal immigration is also in violation of the Federal law. Chairman Van Etten stated our current Federal Government doesn't appear to be following their own laws.

Mr. Nichols commented the State is required to pay for housing. If these are illegal immigrants, are we still forced to put them up in hotels/motels? Ms. Prossick replied allegedly these are not people from the border; these are people that already have been vetted and have paperwork. Mr. Wheeler stated this is a complicated issue. In the short-term it is very likely, but if New York City sends them up, they bear the responsibility for case management. New York City would bear the responsibility to pay directly to the hotels/motels. With the transfers that have been happening so far, there has been a direct contract between New York City and the hotels/motels.

Mr. Horton asked what about the hospitals; will Medicaid pay for that? Mr. Wheeler replied we would not see a rise in Medicaid as we have the cap. We will see that for the State. Mr. Malter asked does the State have any enforcement and how would that be portioned? Ms. Prossick replied there is none and we would have to litigate if someone violated the law.

Mr. Wheeler commented if there is a political or policy statement that this Board wants to make, you can. As a non-partisan appointee, I cannot do that. Ms. Prossick stated a proposed remedy is a restraining order that stops the migrants from coming from New York City. We have not had an imminent threat, but we are monitoring.

Ms. Fitzpatrick commented my main concern is infrastructure pressure on housing, Department of Social Services, food services and law enforcement. As long as we are pursuing other options, that is great. What is the timeframe for a restraining order? Ms. Prossick replied that can happen within twenty-four hours.

Mr. Wheeler asked would you like us to issue a press release to summarize our discussion? The members of the Legislature were in agreement.

Mr. Mullen stated would it be that we don't currently have an emergency, but if there is an imminent issue that we would file for a restraining order? Ms. Prossick replied we would take law enforcement remedial action if it was warranted at that time.

Mr. Maio asked when the migrants are transported to other counties, are the arrangements already in place? Mr. Wheeler replied correct. Under the requirements of NYS OTDA, New York City would have to notify us that is happening.

Mr. Mullen stated there are two issues. The first is do we have the capacity to house people? We may, but I don't know. The second is do we want to take part in receiving illegal immigrants if we know they are illegal? I would propose bringing action in either event. Mr. Maio stated the people being transported are not illegals; they are legal immigrants. These are the people that are here legally. Mr. Mullen stated that is a different issue. The political issue is that nobody is enforcing the law and New York City is inviting everyone in as a sanctuary city. We could be violating Federal law by housing them.

Mr. Wheeler stated the word from the State is they are not supportive of New York City's actions and they are trying to limit the impact to the downstate counties. I can work on your behalf with the Chairman to get a press release out. If the press release is coming from me, it will focus on the operational functions and what the County is doing.

Ms. Prossick informed the Legislature that a State of Emergency is only good for 30 days. Mr. Wheeler stated Emergency Orders are issued every five days and those can be extended for up to 30 days total. Mrs. Lando asked what is the constitutionality of these States of Emergency? Mr. Wheeler replied the State is looking into that, but we have not heard anything yet. Discussion followed.

Motion to Adjourn Regular Session and Reconvene in Executive Session Pursuant to Public Officers' Law, Article 7§ 105.1.D. Discussions Regarding Proposed, Pending or Current Litigation made by Mr. Mullen, seconded by Mr. Potter and Duly Carried.

RESOLUTION NO. 21-20

Introduced by S. Van Etten.

Seconded by P. Van Caesele.

MATTER(S) PERTAINING TO THE SETTLEMENT OF CLAIM(S) BY OR AGAINST THE COUNTY.

WHEREAS, the County of Steuben maintains a County Self-Insurance Plan as authorized under Article 5 of the Workers' Compensation Law and as established under Local Law No. 2 of 1956; and

WHEREAS, certain claims made under the recited Plan remain open; and

WHEREAS, the Third Party Administrator of the Steuben County Self Insurance Plan has requested authorization to settle a claim with respect to claimant, Sarah Patrick; and

WHEREAS, it is in the best interest of the County to settle the claim.

NOW THEREFORE, BE IT

RESOLVED, the County does hereby ratify the settlement of the above-entitled claim in the amount of Seventy Two Thousand Five Hundred and Ninety Nine dollars and Seventy Six cents (\$72,599.76); and be it further

RESOLVED, the within resolution shall be reported out within five (5) days following the execution of the settlement documents; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the County Manager, County Attorney, Risk Manager and PERMA/NEAMI, 9 Cornell Road, Latham, New York 12110.

Vote: Roll Call – Adopted.

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

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

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature