

REGULAR MEETING
Morning Session
Monday, September 25, 2023
Legislative Chambers

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers in Bath, NY on the 25th day of September, 2023, at 10:15 a.m. and was called to order by the Chair of the Legislature, Scott J. Van Etten.

Roll Call and all members present.

Mr. Mullen provided the Invocation and Mr. Kuhl led the Pledge of Allegiance.

Chair Van Etten asked Deborah Stanford to come forward. Ms. Stanford is an employee in the Department of Social Services. He presented her with a Certificate of Appreciation and a clock in recognition of her retirement with 38 years of service to Steuben County.

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

Wayne Wells, Cameron spoke regarding immigration. He asked that consideration be given to those individuals who want to come to our country to observe democracy and better themselves.

Chair Van Etten thanked Mr. Wells for his comments. There being no further comments, he declared the opportunity for public comment closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proof of Publication and Proof of Posting upon County of Steuben Local Law Tentatively No. Seven for the Year 2023, Amending Local Law No. Two for the Year 2021, Authorizing 12 and 13 Year Old Licensed Hunters to Hunt Deer with a Firearm or Crossbow During Hunting Season with the Supervision of a Licensed Adult. Chairman Van Etten opened the floor for comments by members of the public. There being none, he declared the public hearing closed.

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

RESOLUTION NO. 181-23

Introduced by G. Swackhamer.

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 Chair 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 September 12, 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 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 Chair of the County Legislature, the Chair 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 Chair 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	370.00-01-003.000	Sprague, Andrew T.	Lindley	2024	Correction of acreage
A-2	370.00-01-003.000	Sprague, Andrew T.	Lindley	2023	Correction of acreage
A-3	370.00-01-003.000	Sprague, Andrew T.	Lindley	2022	Correction of acreage
A-4	370.00-01-003.000	Sprague, Andrew T.	Lindley	2021	Correction of acreage
A-5	203.00-02-023.100	Bronson, Paul M & Laura M	Bath Town	2024	Cancel tax. Duplicate parcel.

SCHEDULE "B"

Resolution No.	Former Owner	In Rem Index No.	Parcel No.	Municipality	Grantee(s) Name & Address	Consideration
B-1	Wilson, Richard; Wilson, Christina	2020-1004CV, Judgment filed 5/09/2023	151.72-02-040.200	Hornell City	Megan & Edward Clair; 20 Collier St; Hornell, NY 14843	\$1

Vote: Roll Call – Adopted.

RESOLUTION NO. 182-23

Introduced by S. Van Etten.

Seconded by K. Fitzpatrick.

RECEIVING AND ACCEPTING THE SEPTEMBER 25, 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:

August 17, 2023

NYS Department of Transportation – Re: Notification of the processed 2nd quarter (2023) payment under the Statewide Mass Transportation Operating Assistance (STOA) program. *Referred to: Marie Myers Shearing, Planning Director; Chris Brewer, Deputy County Manager; and Brenda Scotchmer, Clerk of the Legislature.*

August 21, 2023

Delaware River Solar – Re: Notice of an interconnection agreement for property located at 11345 Wheaton Road, Prattsburgh, NY in the County of Steuben. *Referred to: AIP Committee; Marie Myers Shearing, Planning Director; Wendy Jordan, Real Property Director and Jennifer Prossick, County Attorney.*

September 5, 2023

City of Corning – Re: Thank you letter for the County’s assistance in the demolition of property due to a fire located at 80 Norman Street in Corning, N.Y. *Referred to: Public Works Committee; and Eric Rose, Commissioner of Public Works.*

Western Regional Off-Track Betting Corporation – Re: Check in the amount of \$1,318, which represents the July 2023 surcharge payment for Steuben County. *Referred to: Finance Committee; and Tammy Hurd-Harvey, Commissioner of Finance.*

Environmental Design & Research – Re: Response to second notice of the incomplete application for the Prattsburgh Wind Farm (Matter No. 21-00749). *Referred to: AIP Committee; and Marie Myers Shearing, Planning Director.*

September 6, 2023

Steuben County Industrial Development Agency – Re: Notice of public hearing and disposition of inducement resolution for the Empire Long Distance Corporation and Empire Telephone Corporation project is scheduled for Tuesday, September 19, 2023 at 10:00am at the Prattsburgh Town Hall located at 19 North Main Street, Prattsburgh, New York. *Referred to: A.I.P. Committee; and Marie Myers-Shearing, Planning Director.*

Vote: Acclamation – Adopted.

RESOLUTION NO. 183-23

Introduced by B. Schu.

Seconded by S. Maio.

ADOPTING LOCAL LAW TENTATIVELY NO. FOUR FOR THE YEAR 2023, REPEALING STEUBEN COUNTY LOCAL LAW NO. FOUR OF 2017, PROVIDING FOR THE DEFENSE AND INDEMNIFICATION OF THE SHERIFF.

WHEREAS, Steuben County Local Law No. Four for the year 2017 provides for the defense and indemnification of the Sheriff; and

WHEREAS, the County of Steuben now desires to re-evaluate providing for the defense and indemnification of the Sheriff.

NOW THEREFORE, BE IT

RESOLVED, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. Four for the Year 2023, Repealing Steuben County Local Law No. Four of 2017, Providing for the Defense and Indemnification of the Sheriff of the County of Steuben.

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

A Local Law repealing Local Law No. Four of 2017, Providing for the Defense and Indemnification of the Sheriff of the County of Steuben.

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

SECTION 1. INTENT. Repealing Local Law No. Four of 2017 Providing for the Defense and Indemnification of the Sheriff of the County of Steuben.

SECTION 2. EFFECTIVE DATE. This Local Law shall become effective immediately and upon filing in the Office of the Secretary of State.

AND BE IT FURTHER RESOLVED a Public Hearing on the within Local Law was held on August 28, 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. Four 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 him/her/they for such records; and be it further

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

Motion to Table until the October 23, 2023, Legislative Meeting made by Ms. Fitzpatrick. Seconded by Mrs. Lando. Motion Fails – Yes – 4143, No – 5215 (No – Legislators Kuhl, Lozo, Maio, Malter, Nichols, Potter, Schu, Swackhamer and Van Etten)

Mr. Mullen stated this is a bad idea operationally, to pull the Sheriff's indemnification. There are personal issues between the Sheriff and some of the administration, and that is spilling over into what we are doing today. Part of it is a reasonable difference in opinion between the Sheriff and the administration on how things should be operated.

Ms. Fitzpatrick stated the Sheriff's Office is working on accreditation and during that process they review all of their policies and make sure they are in line with State laws and other laws. Do I believe that all of the current behaviors have been appropriate? No, but I feel that the collateral damage that will be caused, and that this whole issue is causing, will not be able to be repaired. That is why I wanted to rely upon the committee that we have established for the investigation, and yet throw one more Hail Mary pass to avoid this action. We can certainly take it away and give it back, but the damage will be done. There is so much damage that has already been done that it will be a nuclear bomb on the bridge of reconciliation, and there really, truly will be no more turning back.

Mrs. Lando stated she cannot say it any better than Mr. Mullen and Ms. Fitzpatrick did.

Mr. Maio stated all this resolution is about; and all the drama we have heard and all the angst about this, is whether the County of Steuben and the taxpayers of the County should be on the hook for the liabilities, the financial liabilities of the Sheriff and the Sheriff's Office. If the County as an insurer; no different than any other insurer; insures the Sheriff, we have to expect a level of cooperation from the individual we are insuring and that level of cooperation means that the individual is forthright with us. That means that the Sheriff does not engage in conversations with people who are suing us or their counsel. It doesn't mean that just because we insure him that the Sheriff can say and do things on his own and that the County has the responsibility to write the check. The exception in New York is for a County to indemnify the Sheriff. The default provision under State Law is that Sheriff gets their own insurance. It has been that way in Steuben County for 200 years. This has not been some longstanding tradition that we are trying to upset here. This is going back to the way it was in the 1970's and 1980's. This isn't overthrowing the regime the Sheriff has and he is not being overthrown as an elected official. The only thing we are saying is to just get his own insurance. That way we, as the Legislature, who are responsible to the taxpayers of Steuben County, are not going to write the check out of the people's money for whatever goes wrong in your department. That is all this is. It is not about whether you believe in the merits of the case that underlies this whole drama. It is just that simple question, so let's not try and inflate it into something bigger than it really is.

Mr. Van Caesele stated the concern from my constituents was if we were removing the indemnification from the entire department. My answer was that we were just considering removing the indemnification for the Sheriff. I go back and forth about this. I would feel more comfortable if we compensated the Sheriff for getting his own insurance. I don't know if anyone else would entertain that.

Mr. Van Etten stated we have a responsibility to our employees to ensure they work in a harassment free and safe environment every single day. We have a responsibility to our taxpayers in this county to mitigate or eliminate exposure to any lawsuits down the road from actions taken by individuals who work for this municipality. That is what we are here for. We have a responsibility to support the administration who deals with this every single day.

Mr. Kuhl stated my largest concern is that this issue has certainly gobbled up the operations of the county, and certainly the communication between our two biggest branches. If this issue remains an open issue, I don't see how the residents of Steuben County will continue to be served at the high level that we all wish that they would be. So, I think this thing needs to be settled today.

**Vote: Roll Call – Adopted. Yes – 5786, No – 3572
(No – Legislators Ferratella, Fitzpatrick, Hanna, Horton, Lando, Mullen and Van Caesele)**

RESOLUTION NO. 184-23

Introduced by A. Mullen.

Seconded by R. Nichols.

ADOPTING LOCAL LAW TENTATIVELY NO. SEVEN FOR THE YEAR 2023, AMENDING LOCAL LAW NO. TWO FOR THE YEAR 2021, AUTHORIZING 12 AND 13 YEAR OLD LICENSED HUNTERS TO HUNT DEER WITH A FIREARM OR CROSSBOW DURING HUNTING SEASON WITH THE SUPERVISION OF A LICENSED ADULT.

WHEREAS, New York State enacted in its' 2021-2022 New York State Budget, a pilot program, allowing the opportunity for young hunters, ages 12 and 13, to hunt deer with firearms and crossbow through 2023; and if a county authorizes such action within their municipality; and

WHEREAS, the pilot program authorized in 2021 has been extended through December 31, 2025, in the recently adopted 2023-24 New York State Budget; and

WHEREAS, the existing Local Law opting in to the pilot program sunsets on December 31, 2023, and therefore needs to be extended; and

WHEREAS, it has been advised by the NYS Department of Environmental Conservation to remove the sunset date from the existing Local Law.

NOW THEREFORE, BE IT

RESOLVED, there is hereby presented to each member of this Steuben County Legislature, Local Law Tentatively No. Seven for the Year 2023, Amending Local Law No. Two for the Year 2021, authorizing 12 and 13 year old licensed hunters to hunt deer with a firearm or crossbow during hunting season with the supervision of a licensed adult.

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

A Local Law, amending Local Law No. Two for the year 2021, Authorizing 12 and 13 year old licensed hunters to hunt deer with a firearm or crossbow during hunting season with the supervision of a licensed adult.

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

Section 1. Legislative Intent

The intent of this Local Law is to amend Local Law No. Two of the Year 2021 which authorized Steuben County to permit 12 and 13 year old individuals to participate in the new and safe hunting opportunities in accordance with Environmental Conservation Law § 11-0935 through December 31, 2023, by removing the sunset date of the authorization.

Section 2. Pilot Program Authorization

Pursuant to Environmental Conservation Law, ECL 11-0935, Steuben County elects to participate in the temporary program to allow for young hunters, ages twelve (12) and thirteen (13), to hunt deer with a firearm, to include rifles, shotguns, and muzzle loaded firearms or crossbow, [through 2023.]

Section 3. Effective Date

This local law shall take effect immediately upon filing and publication in accordance with Section 27 of the Municipal Home Rule.

NOTE: Old law is in brackets [] and deleted;
New matter is underlined.

AND BE IT FURTHER RESOLVED, a Public Hearing on the within Local Law was held on September 25, 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. Seven for the Year 2023, Amending Local Law No. Two for the Year 2021, 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 him/her/they for such records; and be it further

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

Vote: Roll Call – Adopted.

Mr. Mullen stated as a personal comment, I have several nieces and a son who have been able to hunt because of this and they have absolutely loved it and it has gotten them involved in doing some outdoor things. This has been a good thing. Mr. Wheeler stated we have removed the sunset clause, so as long as DEC (Department of Environmental Conservation) allows it, you allow it.

W I T H D R A W N

RESOLUTION NO. 185-23

Introduced by J. Malter and B. Schu.

CONFIRMING THE APPOINTMENTS TO THE 209 INVESTIGATION COMMITTEE AND ESTABLISHING THE COMMITTEE'S POWERS AND RULES.

Mr. Malter, with Mr. Schu's agreement, withdrew this resolution from consideration.

RESOLUTION NO. 186-23

Introduced by B. Schu.

Seconded by J. Malter.

FIXING THE AMOUNT OF THE OFFICIAL UNDERTAKING OF THE STEUBEN COUNTY SHERIFF.

Pursuant to NYS Public Officers Law Article 2 §11 and §18; and NYS County Law Article 4 §403.

RESOLVED, effective immediately, the Steuben County Sheriff, James Allard, shall provide certificate(s) of insurance for his acts in faithfully performing his duties as Sheriff in the sum of One Million Dollars (\$1,000,000) per occurrence and Three Million Dollars (\$3,000,000) aggregate annually; and be it further

RESOLVED, such undertaking shall be in a contractual form including liability insurance for both fidelity, defense, and the performance of official duties; and be it further

RESOLVED, such official undertaking shall be submitted to the County Attorney and County Risk Manager for approval as to form and sufficiency of the surety and also approved by the Legislature, if in session, and if not in session, by the County Clerk; and be it further

RESOLVED, such official undertaking shall be filed in the Office of the County Clerk; and be it further

RESOLVED, pursuant to NYS County Law Article 4 §403, until the Sheriff executes and files the required undertaking, he shall not perform any duties of the office, nor be entitled to any compensation; and be it further

RESOLVED, the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to the County Manager, County Attorney, County Clerk, County Risk Manager and the Sheriff.

Mr. Mullen asked will this be required now? Mr. Wheeler replied yes. What we have recommended is the standard insurance requirements for a contract for professional services which is \$1 million per occurrence and \$3 million aggregate annually.

Mrs. Lando asked what will be the cost for the Sheriff to do this? Mr. Wheeler replied we do not know. We do not price our insurance coverage by individual.

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

RESOLUTION NO. 187-23

Introduced by J. Malter and G. Swackhamer.

Seconded by K. Fitzpatrick.

AUTHORIZING AN APPROPRIATION FROM THE GENERAL FUND UNASSIGNED FUND BALANCE TO SPONSOR LOCAL LAW ENFORCEMENT MEMBERS TO ATTEND ALERRT TRAINING.

WHEREAS, the County is in need of active shooter trainer certification for law enforcement members as it will provide a benefit to the community and schools in Steuben County; and

WHEREAS, the aforementioned trainer certification is called Advanced Law Enforcement Rapid Response Training (ALERRT); and

WHEREAS, the Public Safety & Corrections and Finance Committees authorized the County Manager to utilize \$7,450 from the General Fund Balance to send law enforcement officers to the ALERRT training conference for active shooter trainer certification.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Finance is hereby authorized and directed to appropriate \$7,450 from the General Fund Unassigned Fund Balance account (A.391100) to the Driver Diversion Program Training account (116505.541000); and be it further

RESOLVED, the County Manager is hereby authorized to enter into an inter-municipal agreement (IMA) with the Canisteo Village Police Department for individuals to attend the training; and be it further

RESOLVED, the Sheriff is hereby authorized to designate members of the Sheriff's Office to attend the aforementioned ALERRT training; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 188-23

Introduced by J. Malter and G. Swackhamer.

Seconded by H. Lando.

AUTHORIZING AN APPROPRIATION FROM THE GENERAL FUND UNASSIGNED FUND BALANCE TO SPONSOR LOCAL INDIVIDUALS TO ATTEND HYBRID ELECTRIC VEHICLE OPERATIONS TRAINING.

WHEREAS, local emergency services and public safety personnel are in need of education with respect to hybrid and electric vehicle operations; and

WHEREAS, a local towing company is hosting such training; and

WHEREAS, the Public Safety & Corrections and Finance Committees authorized the County Manager to utilize \$5,000 from the General Fund Unassigned Fund Balance to send twenty emergency services and law enforcement personnel within the County to the aforementioned training.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Finance is hereby authorized and directed to appropriate \$5,000 from the General Fund Unassigned Fund Balance account (A.391100) to the Emergency Services Firefighter/EMS Training account (398900.541007); and be it further

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

Vote: Roll Call – Adopted.

Mr. Horton stated for the record he would like to thank B&W Towing for all of their efforts to push and make this happen. They knew how important this was and they made it happen and I just want to give them credit for doing that.

RESOLUTION NO. 189-23

Introduced by J. Malter and G. Swackhamer.

Seconded by K. Fitzpatrick.

AUTHORIZING AN APPROPRIATION FROM THE GENERAL FUND BALANCE FOR THE UPGRADE TO THE SECURITY MANAGEMENT SYSTEM IN THE JAIL.

WHEREAS, the County’s Public Safety Building (Jail) is in need of upgrades to the Security Management System; and

WHEREAS, such upgrades are critical for maintaining records and managing security at the Public Safety Facility; and

WHEREAS, the Public Safety & Corrections and Finance Committees authorized an appropriation of \$1,287,213 from the General Fund Balance to cover the cost of the aforementioned upgrades.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Finance is hereby authorized and directed to appropriate General Fund Unassigned Fund Balance in the amount of \$1,287,213 to the Black Creek Capital Project – BLACKCREEK6232; and be it further

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

Mr. Van Etten stated as he said in committee, when we toured the Jail a year ago we went to the command center that handles pods 6 and 7. We were shown the upgraded management system that handles the doors, locks, cameras and everything else. We were told by the individual conducting the tour that they would love to have that system throughout the Jail, but that it was too expensive. That was installed in 2018. It has been five years and we have never had a request from the Sheriff to start putting

money away in the capital reserve fund to pay for upgrades. What we get is a \$1.3 million emergency request that has not gone through the normal budget process and has not gone through the normal capital expenditure process. We need the money now out of the General Fund in order to pay for this and I think that is mismanagement. However, I will support this as we need to provide a safe environment in the Jail, not only for the inmates, but for the employees. I do not support how this was brought to us.

Mr. Wheeler explained as clarification, the Sheriff did submit this to our office either as a purchase for the 2024 budget, or I had recommended this approach because trying to fit in a \$1.3 million purchase in addition to all of the State aid cuts that you are receiving in 2024 would be a problem. This does not negate the fact that we have not budgeted for this over the years, which we historically have done with large purchases. Mr. Van Etten stated the Sheriff comes in and tells us that the software is no longer being supported and that the doors are opening on their own and that it is an emergency purchase. When this was brought up during committee, Ms. Fitzpatrick had stated it was up to the Legislature to establish the capital reserves for departments, but not if we do not know what they need. I would say it is the department head's responsibility to come to us and tell us what they need five years from now; just like the Board of Elections does for the voting machines.

Ms. Fitzpatrick stated we did not set money aside to rebuild the Public Works buildings either and we used a significant chunk of our ARPA money in order to rebuild those buildings and I'm in favor of that. Emergencies happen and the Sheriff has been building other areas of his department and I think this is a silly thing to argue over. Mr. Van Etten stated I am not arguing, I am stating an opinion. Mr. Wheeler stated we have noted to be more mindful of your larger infrastructure purchases and to make sure we put money away in the budget over multiple years.

Vote: Roll Call – Adopted.

RESOLUTION NO. 190-23

Introduced by C. Ferratella and G. Swackhamer.

Seconded by P. Van Caesele.

ACCEPTING CHILD CARE BLOCK GRANT FUNDING.

WHEREAS, the Department of Social Services administers the Child Care Subsidy Program; and

WHEREAS, New York State Office of Children & Family Services has issued the Child Care Block Grant assistance funds allocations for the period beginning April 1, 2023 and ending September 30, 2024; and

WHEREAS, the Department of Social Services has received an allocation in the amount of \$9,954,012 for the New York State Child Care Block Grant child care assistance funds for the period beginning April 1, 2023 and ending September 30, 2024; and

WHEREAS, the initial 2023 budget appropriation was \$3,382,426 and the Department of Social Services has projected an additional program need of \$2,500,000 through December 31, 2023; and

WHEREAS, additional funds may be appropriated to support the Steuben County Child Care Program & Subsidy through December 31, 2023.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Finance is hereby authorized and directed to accept \$2,500,000 as revenue and appropriate the amount in the 2023 Department of Social Services budget as follows:

REVENUE: 605500 446550 \$ 2,500,000.00

EXPENDITURES: 605500 543503 \$ 2,500,000.00

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

Mr. Wheeler stated he would like to recognize Ms. Muller, Ms. Reynolds and their staff for doing a tremendous job with this. There was a lot of advocacy that happened behind the scenes. The State had promised money and our Department of Social Services and our partners, like ProAction, were aggressive in doing the things they were required to do to be able to provide more childcare in the community. The State reimbursement we had originally received resulted in a loss of \$1.8 million and that meant there would be children who would not be served. Ms. Muller, Ms. Reynolds and their staff did a tremendous job to make sure this funding was restored. Ms. Muller stated we received \$10 million total and the remaining funds will go into the 2024 budget.

Vote: Roll Call – Adopted.

RESOLUTION NO. 191-23

Introduced by C. Ferratella and G. Swackhamer.

Seconded by R. Nichols.

ACCEPTING ALLEGANY ACASA OUTREACH AND ENGAGEMENT GRANT FUNDING.

WHEREAS, the Allegany Council on Alcoholism and Substance Abuse (ACASA) has been awarded the Outreach and Engagement Services Grant; and

WHEREAS, ACASA has allocated \$8,270 of said grant to Steuben County Community Services for peer support; and

WHEREAS, the County has an opportunity to use this allocation to contract with a vendor to assist in implementation and oversight of peer support services aimed at engagement with treatment and recovery-based supports to residents in need of substance abuse services located within Steuben County; and

WHEREAS, such funds will allow peer support services to assist Steuben County residents in engaging with services and supports that enhance success with substance abuse recovery.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature does hereby approve the acceptance of \$8,270 in grant funding from the Allegany Council on Alcoholism and Substance Abuse (ACASA); and be it further

RESOLVED, the Director of Community Services is hereby authorized to enter into an agreement with Allegany Council on Alcoholism and Substance Abuse (ACASA) for receipt of said funds from the RFA-SETT-23005 grant, upon review by the County Attorney; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 192-23

Introduced by J. Malter and G. Swackhamer.

Seconded by K. Fitzpatrick.

ACCEPTING ADDITIONAL STOP DWI GRANT FUNDING.

WHEREAS, the Governor’s Traffic Safety Committee is awarding the Sheriff’s Office an additional \$16,500 in STOP DWI grant funds; and

WHEREAS, these funds will be used for the Emilee’s Challenge trailer.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Finance is hereby authorized and directed to accept the additional \$16,500 in revenue to 331500-426151 and to appropriate said expenses to 331500-6291; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 193-23

Introduced by J. Malter and G. Swackhamer.

Seconded by K. Fitzpatrick.

AUTHORIZING THE PROBATION DEPARTMENT TO CONTRACT WITH REINTEGRATION MENTAL HEALTH COUNSELING P.C.

WHEREAS, Reintegration Mental Health Counseling P.C. has the knowledge and expertise to provide Court ordered Sex Offender Treatment for Offenders sentenced to Probation Supervision; and

WHEREAS, the Public Safety and Corrections Committee awarded the RFP to Reintegration Mental Health Counseling P.C. and authorized the Probation Director to enter into a contract on September 11, 2023, for one (1) year.

NOW THEREFORE, BE IT

RESOLVED, the Probation Director is hereby authorized to enter into a contract with Reintegration Mental Health Counseling P.C.; and be it further

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

RESOLVED, certified copies shall be sent to the Probation Director, County Manager and the County Attorney.

Vote: Roll Call – Adopted.

RESOLUTION NO. 194-23

Introduced by J. Malter and G. Swackhamer.

Seconded by C. Ferratella.

AUTHORIZING THE PROBATION DEPARTMENT TO CONTRACT WITH APEX POLYGRAPH SERVICES.

WHEREAS, APEX Polygraph Services has the knowledge and expertise to provide polygraph services relative to Court ordered Sex Offender Treatment for Offenders sentenced to Probation Supervision; and

WHEREAS, the Public Safety and Corrections Committee awarded the RFP to APEX Polygraph Services and authorized the Probation Director to enter into this contract on September 11, 2023, for one (1) year.

NOW THEREFORE, BE IT

RESOLVED, the Probation Director is hereby authorized to enter into a contract with APEX Polygraph Services; and be it further

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

RESOLVED, certified copies shall be sent to the Probation Director, County Manager, and the County Attorney.

Vote: Roll Call – Adopted.

RESOLUTION NO. 195-23

Introduced by J. Malter.

Seconded by K. Fitzpatrick.

AUTHORIZING INTER-MUNICIPAL AGREEMENTS WITH TOWNS AND VILLAGES FOR COURT SECURITY.

WHEREAS, Local Justices are in need of court/bailiff services with respect to the municipal Justice Courts; and

WHEREAS, the Sheriff's Office has in place the expertise, policies and procedures, command and control, and experience necessary to provide such court security/bailiff services; and

WHEREAS, the Sheriff's Office will agree to provide a trained and qualified Deputy Sheriff to the requesting Town and Village Justice Court during standard hours of court.

NOW THEREFORE, BE IT

RESOLVED, the Sheriff is hereby authorized to enter into inter-municipal agreements with Town and Village Justice Courts located within Steuben County, once approved as to form by the County Attorney; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 196-23

Introduced by J. Malter.

Seconded by F. Potter.

AUTHORIZING INTER-MUNICIPAL AGREEMENTS FOR THE HOUSING OF INMATES.

WHEREAS, the Sheriff agrees to house inmates in other Counties' respective jails; and

WHEREAS, historically the County has mutually accommodated conflict and over-population in the respective jails by housing such inmates from the other Counties; and

WHEREAS, each County is authorized to so house inmates from other jurisdictions; and as a result, the Counties are authorized under GML §119-0 to enter into an inter-municipal agreement for such purposes.

NOW THEREFORE, BE IT

RESOLVED, the Sheriff is hereby authorized to enter into an inter-municipal agreement with other counties to house the other counties' inmates from time to time under such terms and approved as to form by the County Attorney; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Sheriff; County Manager; County Attorney; and corresponding County Sheriff's Offices.

Vote: Roll Call – Adopted.

RESOLUTION NO. 197-23

Introduced by J. Malter.

Seconded by F. Potter.

APPROVING THE STEUBEN COUNTY STOP-DWI ANNUAL PLAN FOR 2024.

WHEREAS, the annual STOP-DWI Plan was requested by the Governor's Traffic Safety Committee for the time period of January 1, 2024 through December 31, 2024; and

WHEREAS the Vehicle and Traffic Law §1197 requires this Legislature to approve the STOP-DWI 2024 Plan which will be submitted to the New York State Governor's Traffic Safety Committee.

NOW THEREFORE, BE IT

RESOLVED, this Legislature hereby approves the Steuben County STOP-DWI Annual Plan for the period January 1, 2024 through December 31, 2024; and be it further

RESOLVED, the STOP-DWI Coordinator is hereby empowered to execute any such agreements, documents or papers, once approved as to form by the County Attorney, as may be necessary to implement the intent and purpose of this Resolution; and be it further

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

Mr. Van Etten asked did we see this plan? Mr. Wheeler replied yes. We did work with the Sheriff's Office to reduce the anticipated revenue. Mr. Swackhamer asked are there any reserves left? Mr. Wheeler replied there is about \$40,000 left, which is getting on the low side. We reduced both expenses and anticipated revenue to have it balance more towards where we think we will end up and we have gone a little more conservative with our estimates.

Vote: Roll Call – Adopted.

RESOLUTION NO. 198-23

Introduced by C. Ferratella and B. Schu.

Seconded by R. Nichols.

AUTHORIZING THE CREATION OF ONE ACCOUNT CLERK-TYPIST POSITION, CSEA GRADE D, WITHIN THE OFFICE FOR THE AGING.

WHEREAS, the Office for the Aging is in need of one Account Clerk-Typist position to maintain financial accounts and records, including those of a computerized nature and/or assisting in performing more difficult and responsible phases of this work; and

WHEREAS, pursuant to Rule 16C(4) of the *Rules of Procedure* of the County Legislature, the Human Services, Health and Education Committee and the Administration Committee have recommended this position be created and funded.

NOW THEREFORE, BE IT

RESOLVED, the following position is hereby created and funded for the denoted department:

<u>Department/Position</u>	<u>Quantity</u>	<u>Grade</u>	<u>Salary</u>
<u>Office for the Aging</u> Account Clerk-Typist full-time	1	D	\$32,414 - \$47,947 (CSEA)

AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the Director of the Office for the Aging, the Personnel Officer and the Commissioner of Finance.

Vote: Roll Call – Adopted.

RESOLUTION NO. 199-23

Introduced by J. Malter and B. Schu.

Seconded by F. Potter.

AUTHORIZING THE CREATION OF ONE SENIOR TYPIST POSITION, CSEA GRADE F, WITHIN THE PUBLIC DEFENDER’S OFFICE.

WHEREAS, the Public Defender’s Office is in need of one Senior Typist position to perform varied, difficult, and responsible clerical work that requires a good working knowledge of specific office/department/unit functions as well as a general understanding of well-established office rules, policies, office clerical procedures, and sometimes law; and

WHEREAS, Rule 16C(4) of the *Rules of Procedure* of the County Legislature, the Public Safety & Corrections Committee and the Administration Committee have recommended this position be created and funded.

NOW THEREFORE, BE IT

RESOLVED, the following position is 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> Senior Typist full-time	1	F	\$35,736 - \$52,861 (CSEA)

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 200-23

Introduced by B. Schu.

Seconded by K. Fitzpatrick.

RECLASSIFYING ONE COMPUTER PROGRAMMER, CSEA GRADE K TO A COMPUTER SYSTEMS ANALYST, CSEA GRADE N, WITHIN THE INFORMATION TECHNOLOGY DEPARTMENT.

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

WHEREAS, there is a need for a Computer Systems Analyst who is responsible for reviewing, analyzing, troubleshooting, programming, and developing specifications and documentation for implementation of changes to existing and new computers; and

WHEREAS, the Personnel Officer and Administration Committee have reviewed said position, within the Information Technology Department and have approved the recommended change.

NOW THEREFORE, BE IT

RESOLVED, effective with the adoption of this resolution, the following position in the Information Technology Department is hereby reclassified as follows:

One (1) Computer Programmer, CSEA Grade K (\$45,609 - \$67,466), to One (1) Computer Systems Analyst, CSEA Grade N (\$52,798 - \$78,100); and be it further

RESOLVED, the 2023 County Job Classification and Salary Schedule is hereby amended to reflect the above-stated change; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION 201-23

Introduced by B. Schu.

Seconded by H. Lando.

AUTHORIZING A MEMORANDUM OF AGREEMENT WITH THE CSEA MAIN UNIT AMENDING THE BARGAINING AGREEMENT RELATIVE TO PROVISIONAL INCREMENT SALARY STEPS.

WHEREAS, both the County of Steuben and the CSEA Main Unit desire to memorialize and implement a change to the current CBA language; and

WHEREAS, both the County of Steuben and the CSEA Main Unit believe it is in the best interest to ratify this Memorandum of Agreement; and

WHEREAS, the County Manager and the Personnel Officer have reviewed and recommended the proposed changes; and

WHEREAS, the CSEA Main Unit has accepted this Amendment.

NOW THEREFORE, BE IT

RESOLVED, the proposed changes in the current contract contained in the Proposed Memorandum of Agreement between Steuben County and the CSEA Main Unit is hereby approved; and be it further

RESOLVED, the above-referenced changes will become effective the pay period following the signing of the attached Memorandum; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Manager; County Attorney; Personnel Officer; Commissioner of Finance; and Adam Buck, Unit President Steuben County CSEA Main Unit.

Vote: Roll Call – Adopted.

RESOLUTION NO. 202-23

Introduced by S. Van Etten.

Seconded by F. Potter.

SETTING THE DATE AND TIME FOR A SPECIAL LEGISLATIVE MEETING FOR THE PRESENTATION OF THE 2024 BUDGET.

BE IT RESOLVED, a Special Legislative Meeting of the Steuben County Legislature be, and the same hereby is, established for Tuesday, November 14, 2023, at 11:00 a.m. in the Legislative Chambers, 3rd Floor, Annex Building, 20 East Morris Street, Bath, New York, for the presentation of the 2024 Budget; and be it further

RESOLVED, the Clerk of this Legislature shall forward the necessary, proper and legal notice of the above meeting to all County Legislators and Department Heads of the County of Steuben.

Vote: Acclamation – Adopted.

RESOLUTION NO. 203-23

Introduced by S. Van Etten.

Seconded by G. Swackhamer.

URGING LOCAL FEDERAL AND STATE GOVERNMENT REPRESENTATIVES TO ADVOCATE FOR INCREASED FUNDING LEVELS FOR AREA AGENCIES ON AGING TO PROVIDE CRITICAL SERVICES TO OLDER ADULTS SO THEY MAY AGE SAFELY IN PLACE.

WHEREAS, The Older Americans Act enacted in 1965, provided regulatory parameters and services to assist older individuals and their caregivers, and New York State is home to 4.8 million Older New Yorkers and is currently fourth in the nation for the over 60 population; and

WHEREAS, over the course of the past 58 years, Area Agencies on Aging have provided valuable services and support such as: home delivered meals, home care services, transportation, legal services, home modifications, evidence-based interventions, case management, information and assistance, social adult day services, respite, health promotion and wellness, health insurance information and assistance, elder abuse prevention and mitigation, senior center programming, volunteer opportunities, ancillary services, and operate the NY Connects No Wrong Door infrastructure; and

WHEREAS, although these services are mandated by Federal and State regulations, in order to accept Older Americans Act Funding, the burden of the cost of these services is heavily dependent on local government funding, and Federal and State contributions to Older New Yorkers have not kept pace with the growing needs of the population; and

WHEREAS, Older New Yorkers comprise 43% of the national GDP, and the current budget from New York State Office for the Aging is less than 1% over the State Budget and Older New Yorkers provide social, economic, and intellectual capital and provide over 495 million hours of volunteer services at an economic value of 13.8 billion per year and unpaid caregivers provide uncompensated care worth over 32 billion dollars per year; and

WHEREAS, Steuben County is home to 25,774 individuals over the age of 60 and 11.5% of them are living in poverty and are struggling to afford food, medications, home heating fuel, rent, mortgages, and utilities due to the high cost of inflation while living on extremely limited incomes.

NOW, THEREFORE, BE IT

RESOLVED, the Steuben County Legislature urges its local Federal and State Government Representatives to advocate for increased funding levels for older adults in the Federal and State budgets to be allocated to local government to allow local Area Agencies on Aging to provide critical services to older adults so they may age safely in place; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to US Senator Charles Schumer, 322 Hart Senate Office Building, Washington, DC 20510-3202; US Senator Kirsten Gillibrand, 100 State St, Room 4195, Rochester, NY 14614; US Congressman Nick Langworthy, 1630 Longworth House Building, Washington, DC 20515; Governor Kathy Hochul, New York State Capitol Building, Albany, NY 12224; NYS Senator Thomas O'Mara, 105 E. Steuben St, Bath, NY 14810; NYS Assemblyman Phil Palmesano, 105 E. Steuben St, Bath, NY 14810; NYS Assemblywoman Marjorie Byrnes, 79 Genesee St, Avon, NY 14414; NYS Assemblyman Joseph Giglio, 700 West State St, Olean, NY 14760; Gary Maha, President, Inter-County Association of Western New York, c/o Genesee County Legislature, 7 Main Street, Batavia, New York 14020; and NYSAC, 515 Broadway, Suite 402, Albany, NY 12207.

Vote: Acclamation – Adopted.

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