

REGULAR MEETING
Afternoon Session
Monday, November 24, 2014
Legislative Chambers, Bath, New York

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 24th day of November, 2014, at 3:30 p.m. and was called to order by the Chairman of the Legislature, Joseph J. Hauryski.

Roll Call and all members were present.

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

Chairman Hauryski opened the floor for comments by members of the public. There being none, he declared the opportunity for public comment closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs for Posting for the Public Hearing Upon County of Steuben Local Law Tentatively No. Three for the Year 2014, Authorizing the Seizure and Forfeiture of Property Used in Connection with Misdemeanor Criminal Acts as defined by Article 220 and Article 221 of the Penal Law. Chairman Hauryski asked if anyone wished to address the Legislature relative to the Public Hearing. There being no comments, he declared the Public Hearing closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs of Posting for the Public Hearing Upon County of Steuben Local Law Tentatively No. Four for the Year 2014, Relative to Secondhand Dealers. Chairman Hauryski asked if anyone wished to address the Legislature relative to the Public Hearing. There being no comments, he declared the Public Hearing closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs of Posting for the Public Hearing Upon County of Steuben Local Law Tentatively No. Five for the Year 2014, Prohibiting the Consumption of Alcoholic Beverages and/or Illegal Drugs by Minors on Private Premises in Steuben County. Chairman Hauryski asked if anyone wished to address the Legislature relative to the Public Hearing. There being no comments, he declared the Public Hearing closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proofs of Publication and Proofs of Posting for the Public Hearing Upon County of Steuben Local Law Tentatively No. Six for the Year 2014, Prohibiting within Steuben County the Possession, Purchase, Attempted Purchase in excess of the Federal Limits of Pseudophedrine and Products containing Pseudophedrine. Chairman Hauryski asked if anyone wished to address the Legislature relative to the Public Hearing. There being no comments, he declared the Public Hearing closed.

Motion adopting the minutes of the previous meeting(s) made by Mr. Swackhamer, seconded by Mrs. Lando and duly carried.

Mr. Donnelly, Commissioner of Finance, informed the committee that later today there will be a Special meeting relative to the adoption of the 2015 proposed budget. The State Comptroller requires us to submit paperwork prior to the vote on the budget. He is confirming that paperwork was submitted today at 8:45 a.m.

RESOLUTION NO. 187-14

Introduced by L. Crossett.

Seconded by Mr. Van Etten.

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

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

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

RESOLVED, as it appears to be in the best interest of the County to sell the property(ies) listed on Schedule "B" for the consideration offered, the Steuben County Commissioner of Finance is hereby authorized and directed to convey and deliver a County Tax Deed to the grantee(s) upon receipt of the consideration indicated within thirty (30) days from the date hereof and as upon the "Notice to Bidders and Terms of Sale – 2014" as applicable; and be it further

RESOLVED, 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 be it further

RESOLVED, the Steuben County Commissioner of Finance is further authorized and directed to convey those parcels sold at the Delinquent Tax Auction held on July 11, 2014, contained in Schedule "C", and he is further authorized and directed, in the event of a default by the highest bidder by failure to make full payment within thirty (30) days, to convey those parcels to the second highest bidder, and said transfers made pursuant hereto be and the same hereby are ratified; and be it further

RESOLVED, as it appears to be in the best interest of the County to grant permanent and temporary easements on the property contained in Schedule "D", being the Steuben County Highway Shop on State Route 417 in and to the Town of Woodhull, the County Manager is authorized and directed to grant and deliver the permanent and temporary easement; and be it further

RESOLVED, that certified copies of this resolution contained in Schedule "A" shall be forwarded to the Director of the Steuben County Real Property Tax Service Agency and the Steuben County Commissioner of Finance, together with the approved applications executed in duplicate by the Chairman of the County Legislature, and the Chairman of the Board of Assessors; 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, 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 taxpayers; and certified copies of this resolution contained in Schedule "D" shall be forwarded to the Town of Woodhull, 1585 Academy Street, Woodhull, NY 14898.

SCHEDULE "A"

Resolution No.	<u>A-1</u>
Name	<u>Green Acres Mobile Home Park</u>
Parcel No.	<u>107.19-01-008.111</u>
Municipality	<u>Hornellsville Town</u>
Disposition	<u>Refund</u>

Resolution No.	<u>A-2</u>
Name	<u>Michael A.J. Frawley</u>
Parcel No.	<u>405.00-01-043.200</u>
Municipality	<u>Lindley Town</u>
Disposition	<u>Correction</u>

Resolution No. A-3
 Name Gladys Gridley
 Parcel No. 390.00-01-059.000
 Municipality Caton Town
 Disposition Refund

Resolution No. A-4
 Name Francis F. Sciotti (dec'd)
 Parcel No. 107.19-01-075.110/1
 Municipality Hornellsville Town
 Disposition Correction

SCHEDULE "B"

Resolution No. B-1 (Correction B-1, Resolution No. 155-14)
 Former Owner James Ball
 In Rem Index No. 2010-1966CV, Judgment Filed 04/29/2014
 Parcel No. 034.00-01-052.000
 Municipality Prattsburgh Town
 Grantee(s) James Ball
 Grantee(s) Address 10862 Mattoon Rd., Prattsburgh, NY 14873
 Consideration \$1,075.00, inclusive of recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

Resolution No. B-2
 Former Owner Ronald Wilson & April Wilson
 In Rem Index No. 101381, Judgment Filed 05/13/2010
 Parcel No. 317.52-01-020.000
 Municipality Corning City
 Grantee(s) Glosser Trust, Linda Glosser, Trustee & Jack Glosser, Trustee
 Grantee(s) Address 182 West Fifth St., Corning, NY 14830
 Consideration \$500.00, inclusive of recording fees

Any and all liens and/or judgments filed against the party of the second part, which had not been satisfied prior to the County obtaining title, will be reinstated with the recording of this deed.

SCHEDULE "C"

Resolution No. C-1
 Former Owner County of Steuben
 Deed (Liber/Page) Dated 05/27/2014, Recorded 07/30/2014, at 2493/319
 Date of Tax Sale: July 11, 2014
 Parcel No. 151.05-01-029.000
 Municipality Hornellsville Town
 Highest Bidder Lawrence R. Fink
 Highest Bidder's Address 100 Fourth St., Hornell, NY 14843
 Consideration \$6,230.00, together with buyers premium & recording fees
 Second Highest Bidder Brian R. Luce
 Second Highest Bidder's Address 10925 Poags Hole Road, Dansville, NY 14437

SCHEDULE "D"

Resolution No.	D-1
Name	County of Steuben
Parcel No.	345.00-01-035.000
Municipality	Town of Woodhull
Disposition	Grant permanent and temporary easements to Town of Woodhull for wastewater collection system.

Vote: Roll Call – Adopted.

RESOLUTION NO. 188-14

Introduced by J. Hauryski.

Seconded by G. Roush.

RECEIVING AND ACCEPTING THE NOVEMBER 24, 2014 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:

October 17, 2014

New York State Associations of Counties – Re: Resolutions adopted by county delegates at the New York State Association of Counties 2014 Fall Seminar. *Referred to: Joseph Hauryski, Legislature Chairman.*

October 20, 2014

Village of Canisteo – Re: Copy of passed resolution by the Canisteo Village board to participate in the Steuben County Shared Services/Government Efficiency Plan. *Referred to: Finance Committee; Joseph Hauryski, Legislature Chairman; Eric Booth, (District 9) Legislator; and Mark Alger, County Manager.*

NYS Division of Homeland Security and Emergency Services – Re: Notification of Steuben County being awarded \$188,793 under the New York State's 2014-2015 Public Safety Answering Points Operations Grant Program (2014-2015 PSAP Operations Grant). *Referred to: Public Safety & Corrections Committee; David Hopkins, 911 Director; Timothy Marshall, EMO Director; and Jack Wheeler, Deputy County Manager.*

October 22, 2014

NYS Office of Children & Family Services – Re: OCFS Fatality Report #RO-14-008. *Referred to: Joseph Hauryski, Legislature Chairman; and Mark Alger, County Manager.*

October 27, 2014

New York State Office of Parks, Recreation and Historic Preservation – Re: Notification of property located at 117 West Washington Street, Bath, NY (James H. Bolton House) in Steuben County is being nominated to the National and State Registers of Historic Places at the State Review Board meeting scheduled for December 4, 2014. *Referred to: A.I.P. Committee; and Eleanor Silliman, Historian.*

Harris Beach, PLLC, Attorneys at Law – Re: City of Hornell Industrial Development Agency and Amexstra, Inc. distribution of the revised NYS RP-412-a form, along with a revised schedule "C". *Referred to: Finance and Administration Committees; Patrick Donnelly, Commissioner of Finance; Wendy Flaitz, RPTSA Director; and Alan Reed, County Attorney.*

New York State Department of Environmental Conservation – Re: Notification of public hearing on Thursday, October 30, 2014 at the Radisson Hotel located at 125 Denison Parkway East from 6:30pm-8:00pm regarding the preliminary findings of the study area bounded by Pyrex Street, E. Pulteney Street, Post Creek and Chemung River (study identifies areas with contaminants in fill). *Referred to: A.I.P. Committee; Amy Dlugos, Planning Director; and Steuben County Environmental Management Council.*

Emergency Medical Services Training, Administration & Resources – Re: Third Quarter Report for 2014. *Referred to: Human Services/Health & Education Committee; Public Safety & Corrections Committee; Victoria Fuerst, PHN Director; and Tim Marshall, EMO Director.*

October 30, 2014

NYS Assemblyman, Philip Palmesano & NYS Senator, Thomas O’Mara – Re: Correspondence letter requesting the Federal Emergency Management Agency to extend May’s FEMA declaration in Steuben County to cover the June 8th storm which resulted in public infrastructure damage to as many as a dozen municipalities. *Referred to: Joseph Hauryski, Legislature Chairman; Mark Alger, County Manager; Public Safety & Corrections Committee; and Tim Marshall, EMO Director.*

November 3, 2014

Congressman, Tom Reed – Re: Requesting the State to guarantee funding for the 25% local cost share for communities to support the infrastructure needs for New York residents who were affected by the storms from May 13, 2014 through May 22, 2014. *Referred to: Joseph Hauryski, Legislature Chairman; Mark Alger, County Manager; Public Safety & Corrections Committee; and Tim Marshall, EMO Director.*

November 5, 2014

Federal Energy Regulatory Commission – Re: CD containing the environmental assessment for the Tuscarora Lateral Project in New York and Pennsylvania. (October 2014 Empire Pipeline Inc., National Fuel Gas Supply Corporation Docket No. CP14-112-000) *Referred to: A.I.P. Committee; Amy Dlugos, Planning Director; and Steuben County Environmental Management Council.*

November 7, 2014

Western Regional Off-Track Betting Corporation - Re: Check in the amount of \$30,698, which represents the third quarter revenues (\$28,141) combined with the September 2014 surcharge payment (\$2,557) for Steuben County. *Referred to: Finance Committee; and Patrick Donnelly, Commissioner of Finance.*

November 10, 2014

Lewis County – Re: Copy of passed resolution requesting state disaster aid in Lewis County. *Referred to: Steuben County Legislature.*

Vote: Acclamation – Adopted.

RESOLUTION NO. 189-14

Introduced by B. Schu.

Seconded by D. Farrand.

FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. THREE FOR THE YEAR 2014, AUTHORIZING THE SEIZURE AND FORFEITURE OF PROPERTY USED IN CONNECTION WITH MISDEMEANOR CRIMINAL ACTS AS DEFINED BY ARTICLE 220 AND ARTICLE 221 OF THE PENAL LAW.

WHEREAS, there has been duly presented to the members of the Steuben County Legislature on October 27, 2014, County of Steuben Local Law Tentatively No. Three for the Year 2014, Authorizing the Seizure and Forfeiture of Property Used in Connection with Misdemeanor Criminal Acts as Defined by Article 220 and Article 221 of the Penal Law, preliminarily adopted said Local Law on October 27, 2014, making the final adoption of said Local Law subject to a Public Hearing to be held on November 24, 2014; and

WHEREAS, in accordance with said resolution and Notice of Public Hearing, this County Legislature of the County of Steuben did conduct a Public Hearing on November 24, 2014, at 3:30 P.M., and all persons appearing were given the opportunity to be heard, and the Clerk of this Legislature having filed proof of the publication and posting of the Notice of Public Hearing.

NOW THEREFORE, BE IT

RESOLVED, that County of Steuben Local Law Tentatively No. Three for the Year 2014, as hereinafter set forth be, and the same hereby is, finally adopted, to wit:

**COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. THREE FOR THE YEAR 2014**

A Local Law, Authorizing the Seizure and Forfeiture of Property Used in Connection with Misdemeanor Criminal Acts as Defined by Article 220 and Article 221 of the Penal Law.

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

Article I. Purpose

Section 1.1. This Legislature hereby finds and determines that activities associated with misdemeanor drug offenses pose a serious threat to the health, safety and welfare of county residents and impose an enormous burden upon the county in the provision of personnel to enforce the laws, prosecute violators and deliver services necessary to address the adverse social and health consequences of such activities.

Section 1.2. This Legislature further finds and determines that while criminal sanctions under the Penal Law are a useful means to deter misdemeanor drug activity, further local legislation is needed to achieve a reduction of said activities in the County of Steuben by removing the potential for profit, deterring the acts by placing personal resources at risk and by developing greater resources to enhance treatment and education strategies.

Section 1.3. Therefore, the purpose of this law is to provide for the seizure and forfeiture of property and funds used in connection with or constituting the proceeds of misdemeanor drug activities.

Article II. Definitions

Section 2.1. All words and phrases used in this Local Law shall have the same meaning as defined in Article 220 and Article 221 of the Penal Law and shall be specifically construed as follows:

Section 2.2. “Vehicle” shall mean a motor vehicle as defined in section 159 of the Vehicle and Traffic Law, an all-terrain vehicle (ATV) as defined in section 2281 of the Vehicle and Traffic Law, a snowmobile as defined in section 2221 of the Vehicle and Traffic Law and a vessel as defined by section 2250 of the Vehicle and Traffic Law when used in a navigable waterway or as defined in Section 10.00(14) of the Penal Law.

Section 2.3. “Controlled Substance” shall mean a controlled substance as defined by Article 220 of the Penal Law of the State of New York.

Section 2.4. “Marihuana” shall mean marihuana as defined and used in Article 220 and Article 221 of the Penal Law of the State of New York and as defined in section 3302 of the Public Health Law of the State of New York.

Section 2.5. “Owner” shall mean a person owning a vehicle as evidenced upon a certificate of title or a person owning property of record. For the purposes of a vehicle forfeiture, “owner” shall also be deemed to include any lienors listed on the certificate of title.

Section 2.6. “Activity” shall mean the unlawful use, possession, purchase, sale, conveyance and/or transportation of marihuana and/or controlled substances as further set forth and defined in Article 220 or Article 221 of the Penal Law or subsequent revisions or any other misdemeanor offense as defined by those articles.

Section 2.7. “Peace Officer” shall mean a person as defined by section 2.10 of the Criminal Procedure Law of the State of New York.

Section 2.8. “Police Officer” shall mean any of the persons listed in section 1.20(34) of Title A of the Criminal Procedure Law of the State of New York.

Section 2.9. “Misdemeanor” shall mean any misdemeanor offense as defined by the Penal Law of the State of New York at section 10.00(4), and arising under Article 220 or Article 221 of the Penal Law.

Section 2.10. “District Attorney” shall mean the District Attorney in and for the County of Steuben and as set forth in section 1.20(34) of the Criminal Procedure Law of the State of New York.

Section 2.11. “Monies” shall mean lawful currency of the United States, the lawful currency of any other nation, traveler’s check, cashier’s check, bonds, stocks, negotiable instruments, securities or other things of value furnished or intended to be furnished by any person in exchange for marijuana or a controlled substance in violation of this local law and all proceeds traceable to such an exchange and all said monies used or intended to be used to facilitate a violation of this law.

Section 2.12. “Possess” shall mean to have physical possession or to otherwise exercise dominion or control over tangible property or as defined in section 10.00(8) of the Penal Law.

Section 2.13. “Person” means a human being, and, where appropriate, a public or private corporation, an unincorporated association or a partnership or as defined by section 10.00(7) of the Penal Law.

Section 2.14. “Police Agency” shall mean the New York State Police, New York State Environmental Conservation Police, New York State Park Police, Steuben County Sheriff’s Office, and any other agency or department employing peace officers or police officers within the County of Steuben.

Section 2.15. “Common Carrier” shall mean any common carrier as defined by 49 U.S.C. 10102 or as defined by section 2 et seq. of the Transportation Law of the State of New York.

Section 2.16. All words used in this local law whether or not specifically defined herein at Article II must be construed according to the fair import of their terms to promote justice and effect the objects of this law.

Article III. Conduct

Section 3. The provisions of Article IV herein shall be applicable upon the establishing of prohibited conduct as set forth under Articles 220 and 221 of the New York State Penal Law where such conduct comprises a misdemeanor thereunder. The establishing of such conduct may be sustained by, but not limited to, a certificate of conviction therefore, other court record establishing such prohibited conduct or upon the written stipulation of a party to such prohibited conduct of that party.

Article IV. Seizure and Delivery

Section 4.1. The following property shall be subject to forfeiture to the County of Steuben and no property right shall exist in them: Any vehicle which has been or is being used in violation of Article III and any money as a result of or in furtherance of the prohibited conduct set forth in Article III. Said property may be seized by any peace officer, acting pursuant to his special duties, or police officer, and forfeited as hereinafter provided in this local law. Seized property is subject to forfeiture if and only if used or possessed in connection with acts or conduct which would constitute a misdemeanor under Article 220 or Article 221 of the Penal Law.

Section 4.2. The seized property shall be promptly delivered by the officer having made the seizure to the care and custody of the District Attorney together with a report of all the facts and circumstances of the seizure and the underlying misdemeanor offense(s).

Article V. Civil Proceedings

Section 5. It shall be the duty of the District Attorney to inquire into the facts and circumstances of the seizure as so reported to the District Attorney and, if it appears probable that a forfeiture has been incurred by reason of a violation of this local law, for the determination of whether the institution of proceedings in the Supreme Court of the State of New York is necessary, to cause the proper proceedings to be commenced and prosecuted not later than twenty (20) days after written demand by a person claiming ownership thereof, to

declare such forfeiture, unless, upon inquiry and examination, the District Attorney decides that such proceedings cannot probably be sustained or that the ends of public justice do not require that they should be instituted or prosecuted, in which case the District Attorney shall cause such seized property to be returned to the owner thereof. The proceedings instituted under this local law shall conform, as close as practicable, to the procedure for attachment under the Civil Practice Law and Rules, and except as modified by this local law, including by not limited to Article 13-A of the CPLR.

Article VI. Notice

Section 6. Notice of the institution of the forfeiture proceedings shall be served on the owner of the seized property in accordance with the notice and service provisions of the New York State Civil Practice Law and Rules.

Article VII. Affirmative Defenses

Section 7. Forfeiture be adjudged except where the owner establishes by preponderance of the evidence that:

- (a) seized property was used or possessed in violation of Article III by any person other than an owner thereof, while such seized property was unlawfully in the possession of a person who acquired possession thereof in violation of the criminal laws of the United States or the criminal laws of any state or territory; or
- (b) a seized vehicle was used by a person as a common carrier in the transaction of business as a common carrier unless it appears that the owner or other person in charge of said vehicle was a consenting party or privy to a violation of this local law or Article 220 or Article 221 of the Penal Law; or
- (c) a vehicle was seized by reason of any act or omission established by the owner of a vehicle to have been committed or omitted by any person other than such owner while said vehicle was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States, or of any State; or
- (d) to the extent of an interest of the owner only, property was seized by reason of any act or omission established by that owner to have been committed or omitted without the knowledge of the owner.

Article VIII. Distribution

Section 8.1. The District Attorney, having custody of the seized property, after such judicial determination of forfeiture, shall have the discretion, where the property is a vehicle, to either retain such seized vehicle for the official use of the District Attorney's Office or the seizing police agency, or, by a public notice of at least five days, sell such forfeited vehicle at public sale; provided, however, that where such vehicle is subject to a perfected lien, such lien must be satisfied for such vehicle to be retained. The net proceeds of any such forfeiture under this local law, after deduction of the lawful expenses incurred, shall be collected by the District Attorney and deposited with the Steuben County Commissioner of Finance, who shall record them in the appropriate trust account(s) and who shall forthwith distribute directly from said account(s) as follows:

- (a) Monies shall first go pay any restitution, as that term is defined in the Penal Law of the State of New York, owed in conjunction with the criminal case;
- (b) fifty percent (50%) of all remaining monies realized through forfeiture to the seizing police agency, to be disbursed quarterly, in satisfaction of actual costs incurred for protecting, maintaining, and delivering the seized property to the office of the District Attorney; said monies to be deposited in the agency's general forfeiture account in accordance with said agency's routine accounting procedures. In the event seizure resulted from a collaborative effort of law enforcement, then such 50% shall be distributed under the terms of agreement, between the several collaborating law enforcement agencies, and such funds to be made payable to the municipal official authorized to receive such funds, and

(b) the remaining fifty percent (50%) of all monies realized through forfeiture as retained by the Commissioner of Finance shall be directed into an account to be designated for DISTRICT ATTORNEY REVENUE ACCOUNT by the Steuben County Commissioner of Finance to be utilized exclusively for prosecution/prevention of drug crimes.

Section 8.2. The Steuben County Commissioner of Finance and the Steuben County Auditor shall monitor usage of all monies paid directly to the office of the District Attorney under Section 8.1(b) of this local law and these monies or proceeds shall be accounted for and reported through the County of Steuben's official audit and accounting procedures.

Article IX. Restoration

Section 9. Whenever a person interested in any property which is seized and declared forfeited under the provisions of this local law files with a Justice of the Supreme Court a petition for the recovery of such forfeited property, the Justice of the Supreme Court may restore said forfeited property, upon such terms and conditions as the Supreme Court deems reasonable and proper, if the petitioner establishes either of the affirmative defenses set forth in Article VII of this local law and that the petitioner was without personal or actual knowledge of the forfeiture proceeding. If the petition is filed after the sale of the forfeited property, any judgment in favor of the petitioner shall be limited to the net proceeds of such sale, after deduction of the lawful expenses and costs incurred by the District Attorney and police agency.

Article X. Statute of Limitations

Section 10. Notwithstanding any other general provision of law, no suit or action under this local law for wrongful forfeiture shall be instituted unless such suit or action is commenced within the time frames set forth under Article 78 of the Civil Practice Law and Rules.

Article XI. Severability

Section 11. If any part of this local law shall be found invalid by a court of competent jurisdiction, such invalidity shall apply only to such part, and the remainder of this local law shall remain valid and effective.

Article XII. Effective Date

Section 12. This local law shall take effect upon its filing, pursuant to section 27 of the Municipal Home Rule Law, with the Secretary of State.

AND BE IT FURTHER RESOLVED, a Public Hearing on the within Local Law has been held on November 24, 2014 at 3:30 P.M. at the Legislative Chambers, Village of Bath, New York; and be it further

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

RESOLVED, within twenty (20) days after the final adoption by this County Legislature of said County of Steuben, Local Law Tentatively No. Three for the Year 2014, the Clerk of this Legislature shall cause one certified copy thereof to be filed in the in the Office of the Secretary of State of the State of New York, and said Secretary of State is to be requested to publish the Local Law in the supplement to the Session Laws and the Steuben County Clerk is to be requested to file the Local Law in a separate book kept by her for such records; and be it further

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

RESOLVED, certified copies of this resolution shall be forwarded to the District Attorney.

Mr. Weaver stated he is not in favor of this for a number of reasons. First, these are for misdemeanor crimes. Second, he is concerned about the article in the paper regarding abuses of the forfeiture process. You may be penalizing people for incidents that may follow them.

Mr. Mullen commented that he agrees with Mr. Weaver. He read the article and people have come up to him with their concerns. He initially voted in favor of this in committee, however, he will be voting no. The State already has a lot of power.

Mrs. Lando asked the District Attorney to speak about this proposed Local Law. Mr. Baker explained this is not a District Attorney proposal, but this was brought forth by the community. He stated that he provided the Chairman with a letter of support from the Police Chiefs' Association. This proposal was brought forth through meetings throughout the County. All four Local Laws that are before you today are part of a package. We did hire an investigator. Our goal is to take a more proactive approach in addressing drugs in Steuben County. This package is what has been working in other counties. This local law dealing with forfeiture is aimed at taking the profit out of crime. This local law limits crimes to those occurring under Article 220 and Article 221 of the Penal Law. We also have a local law for your consideration regarding controlled substances and marijuana offenses. We are not dealing with drunk drivers with this law. We are only dealing with those people who are selling drugs at the misdemeanor level. There have been many instances of individuals picking up drugs from Rochester and having a large quantity of money, but no felony charges. That is where the idea of the forfeiture law comes from. This will protect people from inappropriate forfeitures. We do not hold property for longer than 20 days.

Mr. Farrand asked is it true that the District Attorney's Association supports this action and Chemung County currently has this local law? Mr. Baker replied Chemung County is moving forward with their local law. The District Attorney's Association has proposed similar legislation to the State on several occasions.

Mr. McAllister commented that he does not believe there is a lot of deterrent for people who commit misdemeanor drug crimes. If they have never been in trouble before, they get probation or a weekend in jail. This local law will help with prevention if they know that their property will be taken away. There is a fail-safe in here; the District Attorney has 20 days to present a case and the individual is entitled to a forfeiture proceeding. This is still doing something for the County to deter drug use. He stated that he is in favor.

Mr. Van Etten asked is this to deter drug use or drug trafficking? There is a difference. When he first read this, he thought it was merely a law to put on someone who is down and out. He talked with Mr. Schu who indicated this was a good thing. He does not use drugs, but it is interesting that we are passing marijuana laws, but are we heading in the wrong direction with some of this? If someone has a bag of marijuana and they are pulled over, are they going to lose their car? Mr. Baker replied if someone is found with a small amount for personal use, they will not fall under the misdemeanor level. That is the lowest level offense and they would only get a ticket for that. Forfeitures will take the profit out of drugs. It is not worth our time and hassle to take \$100. If we can reduce drug trafficking, we can reduce drug use. This local law is aimed at taking the profit out of selling drugs and is aimed at the drug dealers.

Mrs. Ferratella asked for an explanation of the 20-day window? Mr. Baker explained if we take property, they can serve a demand on us, and we have 20 days to begin the forfeiture action or give them their property back. We have to decide if we have a viable case within 20 days. Mrs. Lando asked what is done with the money you seize? Mr. Baker replied fifty percent goes to law enforcement and fifty percent remains with the District Attorney's Office.

Mr. Hauryski commented that the constituents he represents have told him that the drug problem in the County is running rampant. He wants to give law enforcement and the District Attorney all the tools that they need to curtail this.

**Vote: Roll Call – Adopted. Yes – 7630; No – 2242
(No: Legislators Booth, Hanna, Mullen and Weaver)**

RESOLUTION NO. 190-14

Introduced by B. Schu.

Seconded by H. Lando.

FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. FOUR FOR THE YEAR 2014, RELATIVE TO SECONDHAND DEALERS.

WHEREAS, there has been duly presented to the members of the Steuben County Legislature on October 27, 2014, County of Steuben Local Law Tentatively No. Four for the Year 2014, Relative to Secondhand Dealers, preliminarily adopted said Local Law on October 27, 2014, making the final adoption of said Local Law subject to a Public Hearing to be held on November 24, 2014; and

WHEREAS, in accordance with said resolution and Notice of Public Hearing, this County Legislature of the County of Steuben did conduct a Public Hearing on November 24, 2014, at 3:30 P.M., and all persons appearing were given the opportunity to be heard, and the Clerk of this Legislature having filed proof of the publication and posting of the Notice of Public Hearing.

NOW THEREFORE, BE IT

RESOLVED, that County of Steuben Local Law Tentatively No. Four for the Year 2014, as hereinafter set forth be, and the same hereby is, finally adopted, to wit:

**COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. FOUR FOR THE YEAR 2014**

A Local Law, Relative to Secondhand Dealers.

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

SECTION 1: SECONDHAND DEALER DEFINED

As used in this Local Law, a secondhand dealer is any person, partnership, corporation, association, joint venture, trustee, court-appointed representative or agent thereof which operates a business for profit which buys , sells, possesses on consignment for sale or trades jewelry, stamps, coins or any precious metals which may have been previously owned by a consumer; or which derives more than thirty five percent (35%) of its gross receipts from the sale, consignment for sale, pledge or trade of any goods, wares or merchandise which have previously been owned by a consumer, including but not limited to, furniture, appliances, clothing, automobile accessories, books, magazines and athletic cards and memorabilia or metals, whether in bulk or manufactured state. The term secondhand dealer shall include businesses commonly known as pawnbrokers, swap shop operators, stamp dealers, coin dealers, jewelers and auction houses who purchase and resell items from persons other than dealers and suppliers. The fact that any business does any of the following acts shall be prima facie proof that said business is a secondhand dealership:

- A. Advertises in any fashion that it buys or sells secondhand or used items. Such advertisements shall include, but are not limited to, media advertisements, telephone listings, and signs whether on the exterior or interior of the business;
- B. Devotes a significant segment or section of the business premises to the purchase or sale of secondhand or used items.

SECTION 2: EXEMPTIONS

The following are exempt from the requirements of this Local Law:

- A. Garage Sales: As used in this Section, a garage sale is defined as the sale at retail of used personal property by the lawful residents of residentially zoned property which garage sale is not conducted on a periodic or ongoing basis. A garage sale shall be deemed to be periodic or ongoing if a garage sale is held by the lawful resident of residentially zoned property more than five (5) days in any consecutive ninety (90) day period;
- B. Sales conducted by governmental, civic, patriotic, fraternal, educational, religious or benevolent organizations which have been in active and continuous existence for at least one year prior to the holding of the sale, or which are incorporated as a not for profit corporation by the State;
- C. Sales or purchases which are regulated by the licensing laws of the State, including automobile dealers, used parts dealers and automotive parts recyclers;
- D. Antique Dealers: As used in this Section, an antique dealer is defined as one who derives 75% of his gross sales each year from the sale of antiques and/or primitives. As used in this Section, an antique or primitive is defined as an old and valuable art object or article no longer in production which is at least fifty (50) years old. As used in this section, the term "sale" does not include an exchange, trade, or swap of items;
- E. Licensed Firearm Dealers.

SECTION 3: PROHIBITED PURCHASES

No secondhand dealer shall purchase or accept any goods, wares, articles, or things under any of the following circumstances:

- A. Where the seller is less than the age of eighteen (18);
- B. Where the seller fails to present at least one (1) form of identification which at least contains the seller's full name, date of birth, a photograph or full physical description, and an identification number.
- C. Where the article to be purchased had an original manufacturer's serial number at the time it was new, but no longer legibly exhibits said number.

SECTION 4: STATE AND FEDERAL LAWS COMPLIED WITH

Secondhand dealers shall comply with all applicable state and federal laws and regulations that govern the same. This Local Law shall not be construed so as to preempt any state or federal laws.

SECTION 5: RECORD OF PURCHASES

Every secondhand dealer shall keep at the business location a register on forms provided or approved by the District Attorney in which shall be entered in a permanent manner the following information: a succinct and accurate description of all property taken, purchased or received in the course of the business licensed under this Local Law, including any number or inscription that may be in or on said property; the full legal name of the person from whom the property is received, including full first name and middle initial, if any; such person's current residential address, date of birth and physical description; the consideration and terms of the transaction; the signature of the employee who received the property; and the signed statement of the person from whom the property was obtained that he/she is over eighteen (18) years of age and the legal owner of same, clear of all attachments and with the legal right to sell. Entries made in the register shall be printed or typed and shall be legible. All entries shall be made immediately upon receipt or purchase of any property. The register shall be

open to inspection by any police agency during normal hours of operation. Records of purchase shall be maintained for at least one (1) year.

No person shall be required to furnish such description of any new property purchased from manufacturers or wholesale dealers having an established place of business, or of any goods purchased at open sale, or from a bankrupt stock. Such goods must be accompanied by a bill of sale or other evidence of open and legitimate purchase and must be shown to police agencies or District Attorney, when demanded.

SECTION 5: INSPECTION OF DEALER PREMISES: SEIZURES:

Every secondhand dealer and every person employed by the secondhand dealer in the conduct of business, shall admit to any and every part of the business premises, during normal business hours, any law enforcement officer to examine any goods, articles, things, pledges, pawns, or books or other records on the premises dealing with purchase or sale of used property and to search for and to take into possession any article known or for which such officer has reasonable grounds to believe to have been stolen. Such law enforcement officer may make any such search or seizure as is provided for in this Section, and property so seized shall be receipted for by such officer, who shall fully describe the seized property and sign the receipt. Should the officer determine the property not to be stolen, the officer shall promptly return same to the secondhand dealer and obtain a receipt therefore, as aforesaid.

SECTION 6: WAITING PERIOD

Every secondhand dealer, except auction houses, shall keep all property purchases or received from an individual for inspection for a period of at least five (5) calendar days before it can be sold or traded.

Every bonafide auction house shall maintain an accurate record of all transactions, listing the full first name, middle initial, and last name of all buyers, residential address or business name and address, date of birth and physical description. The buyer shall sign the record of transaction.

Every auction house operating a regular secondhand store for the sale of merchandise, other than at auction, shall comply with all provisions of this Local Law the same as a secondhand store or a secondhand dealer.

SECTION 7: PENALTY

Any person who shall violate any of the provisions of this Local Law shall upon a civil adjudication be subject to a fine of not less than FIFTY (\$50.00) DOLLARS or more than FIVE HUNDRED (\$500.00) DOLLARS for each offense. Each day any violation of any provision of this Local Law shall continue shall constitute a separate offense. The secondhand dealer shall be fully responsible for any violation of this Local Law occasioned by or with the condonation of the secondhand dealer's partners, officers, shareholders, agents, or employees; any such violation shall be imputed to the secondhand dealer. The County Attorney shall be the presentment agency for said proceedings.

AND BE IT FURTHER RESOLVED, a Public Hearing on the within Local Law has been held on November 24, 2014 at 3:30 P.M. at the Legislative Chambers, Village of Bath, New York; and be it further

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

RESOLVED, within twenty (20) days after the final adoption by this County Legislature of said County of Steuben, Local Law Tentatively No. Four for the Year 2014, the Clerk of this Legislature shall cause one certified copy thereof to be filed in the in the Office of the Secretary of State of the State of New York, and said Secretary of State is to be requested to publish the Local Law in the supplement to the Session Laws and the

Steuben County Clerk is to be requested to file the Local Law in a separate book kept by her for such records; and be it further

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

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

Mr. Van Etten commented his first issue is with defining what a yard sale is. This states that it would prohibit more than 5 sales within a 90-day consecutive period. Prohibiting a sale to once a weekend every month seems extreme. Mr. Baker stated a line has to be drawn some place. If you do not pick a number, everyone has ongoing yard sales. This has to be defined in some way.

Mr. Weaver commented you are telling secondhand dealers how to run their business. They have to get all of the information at the time of sale. If they are selling stolen property, are they liable for possession and ticketed? Mr. Baker replied no, they would have to have prior knowledge that the property was stolen. By having them keep detailed records, we then have a record of who sold the item to the dealer. Chemung County has this law and it has been very productive. The pawn shops are already doing this.

Mr. Van Etten stated his issue is with the yard sales. In the Corning area, during the summer season, people would not know that they were violating this.

Motion amending Section 2(A) to ten (10) days instead of five (5) days in any consecutive 90-day period made by Mr. Van Etten. Seconded by Mr. Weaver for discussion.

Mr. Baker commented we are not enforcing against garage sales.

**Roll Call Vote on Previous Motion – Adopted. Yes – 8275; No – 1597
(No – Legislators Ferratella, Lando and Welch)**

Mr. Alger explained with this amendment, the Legislature will now need to vote on this as a presenting local law, with the final adoption to occur next month.

RESOLUTION NO. 191-14

PRESENTING LOCAL LAW TENTATIVELY NO. FOUR FOR THE YEAR 2014, RELATIVE TO SECONDHAND DEALERS, AS AMENDED.

WHEREAS, recent increases in the local production of methamphetamine, sale and use of heroin and other illegal drugs have driven an increase in theft based property crime by individuals seeking money to fund drug addiction; and, unregulated second hand dealers provide a ready and public market for easy disposal of such stolen property; and

WHEREAS, regulation of secondhand dealers, requiring registry of goods and sellers will deter individuals from utilizing this market for stolen property thereby both deterring property crime and reducing monies available for illegal drug sales and product; and allow law enforcement to effectively deal who utilize these outlets for sale of stolen property; and

WHEREAS, no State Law currently exists to address this issue nor is any legislation pending at the State Level; and, Federal Law Enforcement authorities lack the manpower to enforce the current federal statute in Steuben County on a consistent basis; and

WHEREAS, other Counties in New York State have sought to remedy this reality by passing similar legislation under the authority of home rule.

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 2014, Relative to Secondhand Dealers, as follows:

**COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. FOUR FOR THE YEAR 2014**

A Local Law, Relative to Secondhand Dealers.

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

SECTION 1: SECONDHAND DEALER DEFINED

As used in this Local Law, a secondhand dealer is any person, partnership, corporation, association, joint venture, trustee, court-appointed representative or agent thereof which operates a business for profit which buys , sells, possesses on consignment for sale or trades jewelry, stamps, coins or any precious metals which may have been previously owned by a consumer; or which derives more than thirty five percent (35%) of its gross receipts from the sale, consignment for sale, pledge or trade of any goods, wares or merchandise which have previously been owned by a consumer, including but not limited to, furniture, appliances, clothing, automobile accessories, books, magazines and athletic cards and memorabilia or metals, whether in bulk or manufactured state. The term secondhand dealer shall include businesses commonly known as pawnbrokers, swap shop operators, stamp dealers, coin dealers, jewelers and auction houses who purchase and resell items from persons other than dealers and suppliers. The fact that any business does any of the following acts shall be prima facie proof that said business is a secondhand dealership:

- A. Advertises in any fashion that it buys or sells secondhand or used items. Such advertisements shall include, but are not limited to, media advertisements, telephone listings, and signs whether on the exterior or interior of the business;
- B. Devotes a significant segment or section of the business premises to the purchase or sale of secondhand or used items.

SECTION 2: EXEMPTIONS

The following are exempt from the requirements of this Local Law:

- A. **Garage Sales:** As used in this Section, a garage sale is defined as the sale at retail of used personal property by the lawful residents of residentially zoned property which garage sale is not conducted on a periodic or ongoing basis. A garage sale shall be deemed to be periodic or ongoing if a garage sale is held by the lawful resident of residentially zoned property more than ten (10) days in any consecutive ninety (90) day period;
- B. Sales conducted by governmental, civic, patriotic, fraternal, educational, religious or benevolent organizations which have been in active and continuous existence for at least one year prior to the holding of the sale, or which are incorporated as a not for profit corporation by the State;
- C. Sales or purchases which are regulated by the licensing laws of the State, including automobile dealers, used parts dealers and automotive parts recyclers;
- D. **Antique Dealers:** As used in this Section, an antique dealer is defined as one who derives 75% of his gross sales each year from the sale of antiques and/or primitives. As used in this Section, an antique or primitive is defined as an old and valuable art object or article no longer in production

which is at least fifty (50) years old. As used in this section, the term "sale" does not include an exchange, trade, or swap of items;

- E. Licensed Firearm Dealers.

SECTION 3: PROHIBITED PURCHASES

No secondhand dealer shall purchase or accept any goods, wares, articles, or things under any of the following circumstances:

- A. Where the seller is less than the age of eighteen (18);
- B. Where the seller fails to present at least one (1) form of identification which at least contains the seller's full name, date of birth, a photograph or full physical description, and an identification number.
- C. Where the article to be purchased had an original manufacturer's serial number at the time it was new, but no longer legibly exhibits said number.

SECTION 4: STATE AND FEDERAL LAWS COMPLIED WITH

Secondhand dealers shall comply with all applicable state and federal laws and regulations that govern the same. This Local Law shall not be construed so as to preempt any state or federal laws.

SECTION 5: RECORD OF PURCHASES

Every secondhand dealer shall keep at the business location a register on forms provided or approved by the District Attorney in which shall be entered in a permanent manner the following information: a succinct and accurate description of all property taken, purchased or received in the course of the business licensed under this Local Law, including any number or inscription that may be in or on said property; the full legal name of the person from whom the property is received, including full first name and middle initial, if any; such person's current residential address, date of birth and physical description; the consideration and terms of the transaction; the signature of the employee who received the property; and the signed statement of the person from whom the property was obtained that he/she is over eighteen (18) years of age and the legal owner of same, clear of all attachments and with the legal right to sell. Entries made in the register shall be printed or typed and shall be legible. All entries shall be made immediately upon receipt or purchase of any property. The register shall be open to inspection by any police agency during normal hours of operation. Records of purchase shall be maintained for at least one (1) year.

No person shall be required to furnish such description of any new property purchased from manufacturers or wholesale dealers having an established place of business, or of any goods purchased at open sale, or from a bankrupt stock. Such goods must be accompanied by a bill of sale or other evidence of open and legitimate purchase and must be shown to police agencies or District Attorney, when demanded.

SECTION 5: INSPECTION OF DEALER PREMISES: SEIZURES:

Every secondhand dealer and every person employed by the secondhand dealer in the conduct of business, shall admit to any and every part of the business premises, during normal business hours, any law enforcement officer to examine any goods, articles, things, pledges, pawns, or books or other records on the premises dealing with purchase or sale of used property and to search for and to take into possession any article known or for which such officer has reasonable grounds to believe to have been stolen. Such law enforcement officer may make any such search or seizure as is provided for in this Section, and property so seized shall be receipted for by such officer, who shall fully describe the seized property and sign the receipt. Should the officer determine the property not to be stolen, the officer shall promptly return same to the secondhand dealer and obtain a receipt therefore, as aforesaid.

SECTION 6: WAITING PERIOD

Every secondhand dealer, except auction houses, shall keep all property purchases or received from an individual for inspection for a period of at least five (5) calendar days before it can be sold or traded.

Every bonafide auction house shall maintain an accurate record of all transactions, listing the full first name, middle initial, and last name of all buyers, residential address or business name and address, date of birth and physical description. The buyer shall sign the record of transaction.

Every auction house operating a regular secondhand store for the sale of merchandise, other than at auction, shall comply with all provisions of this Local Law the same as a secondhand store or a secondhand dealer.

SECTION 7: PENALTY

Any person who shall violate any of the provisions of this Local Law shall upon a civil adjudication be subject to a fine of not less than FIFTY (\$50.00) DOLLARS or more than FIVE HUNDRED (\$500.00) DOLLARS for each offense. Each day any violation of any provision of this Local Law shall continue shall constitute a separate offense. The secondhand dealer shall be fully responsible for any violation of this Local Law occasioned by or with the condonation of the secondhand dealer's partners, officers, shareholders, agents, or employees; any such violation shall be imputed to the secondhand dealer. The County Attorney shall be the presentment agency for said proceedings.

BE IT FURTHER RESOLVED, before said Local Law is adopted by the County Legislature, a Public Hearing shall be held on December 15, 2014 at 10:00 A.M. in the Steuben County Legislative Chambers, 3 East Pulteney Square in the Village of Bath, New York; and be it further

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

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

Mr. Mullen stated he did not vote for this in committee because someone under the age of 18 cannot sell something to a secondhand dealer or pawn shop. He does not like the restriction for those under the age of 18. A pawn shop could not enforce a contract with a minor, but a minor can still sell property. Mr. Reed explained we did not want the law to have an exception that children under 18 can transfer property. The age of majority is 18 with regard to property. Mr. Mullen stated he does not know why we need to put an age in here. Mr. Reed explained because they are putting secondhand dealers on notice.

Mr. Schu commented if they are under 18, they cannot transfer property anyway. Mr. Baker explained we are just putting the secondhand dealers on notice that they have to comply with the law.

Vote: Acclamation – Adopted.
(No – Legislators Mullen and Weaver)

RESOLUTION NO. 192-14

Introduced by B. Schu.

Seconded by D. Farrand.

FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. FIVE FOR THE YEAR 2014, PROHIBITING THE CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR ILLEGAL DRUGS BY MINORS ON PRIVATE PREMISES IN STEUBEN COUNTY.

WHEREAS, there has been duly presented to the members of the Steuben County Legislature on October 27, 2014, County of Steuben Local Law Tentatively No. Five for the Year 2014, Prohibiting the Consumption of Alcoholic Beverages and/or Illegal Drugs by Minors on Private Premises in Steuben County, preliminarily adopted said Local Law on October 27, 2014, making the final adoption of said Local Law subject to a Public Hearing to be held on November 24, 2014; and

WHEREAS, in accordance with said resolution and Notice of Public Hearing, this County Legislature of the County of Steuben did conduct a Public Hearing on November 24, 2014, at 3:30 P.M., and all persons appearing were given the opportunity to be heard, and the Clerk of this Legislature having filed proof of the publication and posting of the Notice of Public Hearing.

NOW THEREFORE, BE IT

RESOLVED, that County of Steuben Local Law Tentatively No. Five for the Year 2014, as hereinafter set forth be, and the same hereby is, finally adopted, to wit:

**COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. FIVE FOR THE YEAR 2014**

A Local Law, Prohibiting the Consumption of Alcoholic Beverages and/or Illegal Drugs by Minors on Private Premises in Steuben County.

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

SECTION 1 - TITLE: This law shall be known as the “Social Host Law to Prohibit the Consumption of Alcoholic Beverages and/or Illegal Drugs by Minors on Private Premises in Steuben County”.

SECTION 2 – DECLARATION OF INTENT: The New York State Legislature has acted to proscribe the unlawful giving, selling and possessing of alcoholic beverages and/or illegal drugs in relation to minors. [Penal Law Section 30.00(1)]. However, the Legislature has not regulated the situation where a person age sixteen (16) or over knowingly permits the consumption of alcohol by a minor in his or her home, or on premises under his or her control. The purpose of this law is to protect the public interest, welfare, health and safety of our citizens by prohibiting the consumption of alcoholic beverages or illegal drugs by persons under the age of twenty-one (21) at or on private premises located in Steuben County, and to give law enforcement a viable recourse against anyone who permits such conduct.

The underage consumption of alcoholic beverages often leads to behaviors requiring the intervention of local law enforcement, and threatening the well-being of the citizenry. This Local Law will serve to limit the availability of alcoholic beverages to minors by holding those persons who permit underage drinking on their property responsible.

SECTION 3 - DEFINITIONS: As used in this law, the following terms shall have the meanings indicated:

- A) “Minor” shall mean any person under the age of twenty-one (21).
- B) “Private premises” shall mean any home, apartment, condominium, cooperative unit or other dwelling unit of any kind, including yards, open areas adjacent thereto, vacant land or farmland, and accessory structures.

- C) “Knowingly” shall mean aware of, or having reason to be aware of.
- D) “Alcoholic beverage” shall mean liquor, wine, beer, spirits, cider or other liquid, or solid composed of, or containing alcohol or spirits, whether or not brewed, fermented or distilled, and capable of being consumed by a person, except that confectionary containing alcohol as provided by subdivision twelve (12) of section two hundred (200) of the Agriculture and Markets Law shall not be regarded as an alcoholic beverage within the meaning of this section.
- E) “Illegal drugs” shall mean and includes any substance listed in section 3306 of the Public Health Law and not prescribed by a physician.
- F) “Social gathering” means a party or gathering at a residence or other private premises of two or more persons, at least one of whom is not related by blood or law to the others in attendance and is a minor.
- G) “Control” means the actual or apparent authority and ability to regulate, direct or dominate private premises including, but not limited to, the control exercised by tenants, lessees, owners and/or landlords who have notice of underage drinking on their premises.

SECTION 4 - PROHIBITIONS: It shall be unlawful for any person age sixteen (16) or over who owns, rents, or otherwise controls private premises, to knowingly host, permit or allow a social gathering at which he or she allows the consumption of alcoholic beverages or illegal drugs by any minor on such premises or fails to take reasonable corrective action upon learning of the possession or consumption of alcoholic beverages or illegal drugs by any minor on such premises. Reasonable corrective action shall include, but not be limited to:

- A) Verifying the age of the persons attending the social gathering by inspecting drivers licenses or other government-issued identification cards;
- B) Making a prompt demand that such minor either forfeit the alcoholic beverages or illegal drugs and refrain from the consumption of such or depart from the premises;
- C) If such minor does not comply with such demand, either promptly reporting such underage consumption of alcohol 1) to the local law enforcement agency or 2) to any other person having a greater degree of authority over the conduct of such minor.

SECTION 5 - EXCEPTIONS: The provisions of this section shall not apply to:

- A) The possession or consumption of an alcoholic beverage by persons lawfully permitted to do so pursuant to section 65-c of the Alcohol Beverage Control Law, or any applicable law; or
- B) The possession or consumption of a drug for which the individual has a current, valid prescription or as otherwise permitted by any other applicable law; or
- C) The possession or consumption of alcohol or alcoholic beverages by a minor for legitimate religious purposes.

SECTION 6 - PENALTIES: Each offense shall be punishable as follows:

- A) First Offense: Any person who violates Section 4 of this local law shall be punished by a fine of two hundred fifty dollars (\$250.00), or imprisonment for a period not exceeding fifteen (15) days or a combination of both, where such violation constitutes the person’s first offense in violation of this provision. In addition, for each offense, successful completion of a court-approved alcohol and drug awareness program is required. A first offense shall constitute a Violation.

- B) Second Offense: Any person who violates Section 4 of this local law shall be punished by a fine of five hundred dollars (\$500.00) or imprisonment of sixty (60) days minimum or a combination of such fine and imprisonment as shall be ordered by the court, where such violation constitutes the person's second offense in violation of this provision. In addition, for each offense, successful completion of a court-approved alcohol and drug awareness program is required. A second offense shall constitute an Unclassified Misdemeanor.
- C) Third and Subsequent Offenses: Any person who violates Section 4 of this local law shall be punished by either a fine of one thousand dollars (\$1,000.00), a term of imprisonment not to exceed one (1) year, or both a fine of one thousand dollars (\$1,000.00) and a term of imprisonment not to exceed one (1) year, where such violation constitutes the person's third offense in violation of this provision. In addition, for each offense, successful completion of a court-approved alcohol and drug awareness program is required. A third or subsequent offense shall constitute an Unclassified Misdemeanor.

SECTION 7 – EFFECT ON OTHER LAWS: The provisions of Section 4 of this local law shall not in any way affect the application of any other law, where appropriate, including, but not limited to, Penal Law Section 260.10 (Endangering the welfare of a child) and Section 260.20(2) (Unlawfully dealing with a child).

SECTION 8 – SEVERABILITY: If any section, subsection, sentence, clause, phrase or other portion of this local law is for any reason declared unconstitutional, or invalid or in whole or in part by any court of competent jurisdiction, such portion shall be deemed severable and such unconstitutionality or invalidation shall not affect the validity of the remaining portions of this law which remaining portions shall remain in full force and effect.

SECTION 9 – EFFECTIVE DATE: This local law shall take effect thirty (30) days after filing in the Office of the Secretary of State pursuant to section 27 of the Municipal Home Rule Law.

AND BE IT FURTHER RESOLVED, a Public Hearing on the within Local Law has been held on November 24, 2014 at 3:30 P.M. at the Legislative Chambers, Village of Bath, New York; and be it further

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

RESOLVED, within twenty (20) days after the final adoption by this County Legislature of said County of Steuben, Local Law Tentatively No. Five for the Year 2014, the Clerk of this Legislature shall cause one certified copy thereof to be filed in the in the Office of the Secretary of State of the State of New York, and said Secretary of State is to be requested to publish the Local Law in the supplement to the Session Laws and the Steuben County Clerk is to be requested to file the Local Law in a separate book kept by her for such records; and be it further

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

RESOLVED, certified copies of this resolution shall be forwarded to the District Attorney.

Mr. Weaver stated his issue is with the practicality. He believes the drinking age should be 18. Mr. Van Etten commented this is a feel good resolution, but what is the purpose? Mr. Baker replied prevention. Studies have shown that the younger kids are when they use drugs and alcohol, the more likely they will use hard drugs. This local law will stop letting them use drugs/alcohol in a "safe" environment and then maybe we can prevent use. We have had terrible things happen at underage parties. The penalty for not following is a \$250 fine and a possible 15-day jail sentence. The biggest deterrent is the embarrassment.

Mrs. Lando stated she agrees with this proposal, however, she believes the penalty is too low. This is something we should have done a long time ago. The penalty should be more severe.

**Vote: Roll Call – Adopted. Yes – 8820; No – 1052
(No – Legislators Hanna and Weaver)**

RESOLUTION NO. 193-14

Introduced by Mr. Schu.

Seconded by Mrs. Lando.

FINAL ADOPTION OF LOCAL LAW TENTATIVELY NO. SIX FOR THE YEAR 2014, PROHIBITING WITHIN STEUBEN COUNTY THE POSSESSION, PURCHASE, ATTEMPTED PURCHASE IN EXCESS OF THE FEDERAL LIMITS, OF PSEUDOEPHEDRINE AND PRODUCTS CONTAINING PSEUDOEPHEDRINE.

WHEREAS, there has been duly presented to the members of the Steuben County Legislature on October 27, 2014, County of Steuben Local Law Tentatively No. Six for the Year 2014, Prohibiting Within Steuben County the Possession, Purchase, Attempted Purchase in Excess of the Federal Limits, of Pseudoephedrine and Products Containing Pseudoephedrine, preliminarily adopted said Local Law on October 27, 2014, making the final adoption of said Local Law subject to a Public Hearing to be held on November 24, 2014; and

WHEREAS, in accordance with said resolution and Notice of Public Hearing, this County Legislature of the County of Steuben did conduct a Public Hearing on November 24, 2014, at 3:30 P.M., and all persons appearing were given the opportunity to be heard, and the Clerk of this Legislature having filed proof of the publication and posting of the Notice of Public Hearing.

NOW THEREFORE, BE IT

RESOLVED, that County of Steuben Local Law Tentatively No. Six for the Year 2014, as hereinafter set forth be, and the same hereby is, finally adopted, to wit:

COUNTY OF STEUBEN LOCAL LAW TENTATIVELY NO. SIX FOR THE YEAR 2014

A Local Law, Prohibiting Within Steuben County the Possession, Purchase, Attempted Purchase in Excess of the Federal Limits, of Pseudoephedrine and Products Containing Pseudoephedrine.

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

SECTION 1:

WHEREAS, this Legislature hereby finds and determines that the County of Steuben [hereinafter County] has a duty to preserve peace and order and secure freedom from dangerous or noxious activities, and to that end, the Legislature of Steuben County has determined that certain enterprises and individuals within Steuben County, New York, are contemplating or engaged in the purchase, attempted purchase, and/or possession of pseudoephedrine and other products containing pseudoephedrine (PSE) in quantities which exceed the established federal limits; and

WHEREAS, the possession and purchase of excessive quantities of PSE is leading to the manufacture, sale, use and possession of methamphetamine, a controlled substance under New York State Public Health Law §3306, Schedule II (d)(2); and

WHEREAS, the substances, which are more specifically described below, are often used as an essential ingredient to manufacture methamphetamine, and further, the purchase and possession of excessive quantities of PSE by individuals leads to the unlawful sharing, sale and/or other illegal or unintended use of PSE to manufacture methamphetamine; and

WHEREAS, it has been determined that the said effects of these purchases, attempted purchases and/or possession pose an actual and imminent threat to the safety of the citizens of Steuben County, New York.

NOW THEREFORE, BE IT

ORDERED BY THE LEGISLATURE OF STEUBEN COUNTY, NEW YORK, AS FOLLOWS:

SECTION 2: It is hereby declared to be unlawful for any person to possess, purchase and/or attempt to purchase any one or more of the following substances in the quantities enumerated below within the boundaries of Steuben County, New York:

The factors outlined in *USA Patriot Act, Title VII, Combat Methamphetamine Epidemic Act of 2005* is incorporated into this Local Law to limit the purchase, attempted purchase and/or possession of PSE as follows:

1. Daily Sales Limit on Retailers: Retail sales may not exceed 3.6 grams PSE per day per purchaser, regardless of the number of transactions.
2. 30-Day Purchase Limits on Consumers: Individuals are prohibited from purchasing more than 9 grams PSE per 30-day period.
3. Non-Liquid Forms: All non-liquid forms (including gelcaps) of PSE products must be sold in blister packs with not more than two dosages or in unit-dose packets or pouches.
4. Mail Order Limits: Mail-order companies may not sell more than 7.5 grams to a customer within a 30-day period.
5. Behind-the-Counter Placement: All PSE products must be placed behind a counter (any counter, not necessarily the pharmacy counter) that is not accessible to purchasing consumers or in a locked display case that is located on the selling floor. Retailers must give the product directly to the purchaser; therefore, a retailer without a pharmacy may still sell the combination PSE products from behind a counter or locked display case.
6. Logbook: Retailers must maintain a logbook of information on transactions involving PSE products. The logbook must be available for inspection and copying by a law enforcement officer upon request to the retailer. The logbook may be maintained in either written or electronic form. The logbooks must capture the following information:
 - a. Purchaser's signature;
 - b. Purchaser's name and address, legibly entered or written;
 - c. Date and time of sale;
 - d. Name of product sold; and
 - e. Quantity sold.Logbooks must provide notice to purchasers that entering false statements or misrepresentations in the logbook may subject purchasers to criminal penalties federally under 18 United States Code §1001 and locally under this local law. The purchaser must sign the logbook and enter the name, address, and date and time of sale. The retailer must check the information entered by the purchaser against the photo ID and enter the name and quantity of product sold. Logbook requirements do not apply to purchases of single sales packages that contain no more than 60 mg of PSE. Each entry must be maintained for two (2) years following the date of entry and the format may be written or electronic.
7. Photo ID: In conjunction with the logbook requirement, retailers will be required to ask for photo identification (ID) issued by either a state or the federal government or other appropriate ID.
8. Training and Certification: Retailers must train applicable sales personnel to ensure that they understand the requirements of PSE product sales and submit self-certifications to the attorney

general in this regard. The Drug Enforcement Administration will issue regulations on the training criteria.

SECTION 3: This law shall be enforced by any certified law enforcement officer within his/her respective jurisdiction within the geographical boundaries of Steuben County. Further, this law shall apply and be enforced in all unincorporated areas, or other municipal entities within the geographical boundaries of Steuben County. If any of the aforementioned substances, *pseudoephedrine, its compounds, salts or isomers, or products containing ephedrine, pseudoephedrine, or phenylpropanolamine*, in excess of these quantities enumerated above, are found to be purchased, attempted to be purchased and/or in the possession of any person, (a) such substances may be confiscated and destroyed by law enforcement officials, or (b) such substances may be maintained as evidence, or (c) the person purchasing, attempting to purchase or possessing such substances in excess of such quantities may be charged with a class “A” misdemeanor.

SECTION 4: Possession is defined pursuant to the New York State Penal Law §10.00 (8) “to have physical possession or otherwise to exercise dominion or control over tangible property.” The term “possess” includes actual or constructive possession of tangible property. (See *People v Manini*, 79 NY2d 561, 573) For the purposes of this Local Law, it shall be unlawful for any person to purchase, attempt to purchase and/or possess more than the quantities as set forth in Section 2, above, and as set forth in *USA Patriot Act, Title VII, Combat Methamphetamine Epidemic Act of 2005* and are subject to charges as stated in Section 3 of this Local Law.

SECTION 5: It is not an offense under Section 2 above of this law if the person was acting at the direction of an authorized law enforcement agent to enforce or ensure compliance with this law prohibiting the sale of the aforementioned substance.

SECTION 6 - JURISDICTION: It should be noted that under New York State Criminal Procedure Law section 20.40 (4)(c) and (g), an offense committed within five hundred (500) yards of the boundary of a particular county, and in an adjoining county of this state, may be prosecuted in either such county; or an offense committed in a private vehicle during a trip thereof extending through more than one county may be prosecuted in any county through which such vehicle passed in the course of such trip.

SECTION 7: Any person found to be in violation of this law will be guilty of a Class A Misdemeanor and subject to a term of imprisonment not to exceed one year and a fine not to exceed \$1000.00.

SECTION 8: This law shall apply to all actions occurring on or after the effective date of this article. This law may be enforced by any law enforcement agency having jurisdiction to act in the County of Steuben, by either the arrest of or the issuance of a summons to a party violating the provisions of this act and requiring their appearance before a court of competent jurisdiction.

SECTION 9: This law shall be null and void on the day that statewide legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Steuben. The County Legislature may determine by resolution whether or not identical or substantially similar statewide legislation or pertinent preempting state or federal regulations have been enacted for the purposes of triggering the provisions of this section. In no event shall the recited actions of this section prevent the continued prosecution of matters pending judicial determination at the time of such action(s) take place.

SECTION 10 - SEVERABILITY: If any provision of this law is held invalid, such invalidity shall not affect the remaining provisions of the law which shall remain effective absent the invalid provision, and to this end, the provisions of the law are declared to be severable.

SECTION 11 – EMERGENCY CLAUSE: It is hereby declared that an emergency exists and this law, being necessary for the preservation of the health, safety and welfare of citizens of Steuben County, New York, shall be effective immediately upon its passage and approval and filing with the New York State Secretary of State.

AND BE IT FURTHER RESOLVED, a Public Hearing on the within Local Law has been held on November 24, 2014 at 3:30 P.M. at the Legislative Chambers, Village of Bath, New York; and be it further

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

RESOLVED, within twenty (20) days after the final adoption by this County Legislature of said County of Steuben, Local Law Tentatively No. Six for the Year 2014, the Clerk of this Legislature shall cause one certified copy thereof to be filed in the in the Office of the Secretary of State of the State of New York, and said Secretary of State is to be requested to publish the Local Law in the supplement to the Session Laws and the Steuben County Clerk is to be requested to file the Local Law in a separate book kept by her for such records; and be it further

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

RESOLVED, certified copies of this resolution shall be forwarded to the District Attorney.

Mr. Weaver stated his concern is that we have the Federal law, however, what good does this do if no one is checking the books? Mr. Baker explained that is why we want this. Now we have the Federal law and we have no capacity to enforce it. They do not want to handle misdemeanor crimes. Our undercover officers do check the books from time to time. This local law would provide a resource to us. If we can actually enforce, then this will be a tremendous resource. We are looking at how we change prosecuting those cases. At this point, we cannot enforce the Federal law.

Mr. Swackhamer asked what is 3.6 grams? Mr. Weaver replied that is approximately 100 – 120 tablets.

Mr. McAllister commented not every drug arrest is a slam dunk; many are close calls. If you had this local law and you arrested someone for meth, would you then be able to go and check all of the establishments to see what and where they bought? Mr. Baker replied we will do that if we can. We would want to search the local area.

Mrs. Lando commented when you look at these local laws as a package, hopefully the drug dealers will see we are being proactive and go somewhere else. Mr. Baker stated that was the goal of law enforcement. We want to make this a bad place to do and sell drugs.

Mrs. Ferratella stated enforcement is key. How do you handle it if a person comes from Chemung County to purchase drugs here and then goes back? Mr. Baker replied the individual would be logged in when they purchase. If you exceed the amount you are allowed to purchase, you will be arrested and prosecuted. We share information with the State Police and other counties when necessary. Mrs. Ferratella asked are you linked to the Sheriff's tipline? Mr. Baker replied yes.

Mr. Van Etten stated that he agrees with the package of local laws and that it sends a strong message. His concern is that we do not infringe on the rights of our citizens.

Vote: Roll Call – Adopted.

RESOLUTION NO. 194-14

Introduced by P. McAllister and L. Crossett.

Seconded by B. Schu.

AUTHORIZING DISTRIBUTION OF MORTGAGE TAX RECEIPTS.

Pursuant to Section 2.07 of the Steuben County Charter and 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 April, 2014 to the 30th day of September 2014, pursuant to provisions of Section 261 of the Tax Law, as made by the Clerk of this Legislature be and the same hereby is ratified and confirmed, and the statement of such apportionment in compliance with the provisions of said Law, filed with the Commissioner of Finance of this County, is hereby and in all things ratified and confirmed and such statement shall be to the said Commissioner a sufficient Warrant for the payment by him of the various sums as apportioned for the various purposes as designed by Law, and be it further

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

MORTGAGE TAX APPORTIONMENT

The amount of money in your hands on September 30, 2014, which was received by you from the County Clerk as taxes paid to her upon the real property mortgages filed in her office since April 1, 2014, 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 \$583,385.99.

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 – November 2014

<u>TOWN & CITIES</u>	<u>TOWN/CITY AMT DUE</u>	<u>VILLAGES</u>	<u>VILLAGES AMT DUE</u>	<u>TOTAL AMT DUE</u>
ADDISON	6,454.46	ADDISON	2,535.38	8,989.84
AVOCA	4,564.64	AVOCA	602.13	5,166.77
BATH	72,846.47	BATH (1)	20,423.51	95,241.26
BRADFORD	2,983.13	SAVONA (2)	1,971.28	2,983.13
CAMERON	4,126.21			4,126.21
CAMPBELL	10,376.82			10,376.82
CANISTEO	10,379.66	CANISTEO	3,020.46	13,400.12
CATON	19,318.36			19,318.36
COHOCTON	8,714.96	COHOCTON	1,149.17	9,864.13
CORNING CITY	66,057.35			66,057.35
CORNING TOWN	43,745.91	RIVERSIDE (1)	2,066.64	48,952.45
DANSVILLE	13,701.78	S CORNING (2)	3,139.90	13,701.78
ERWIN	63,599.78			68,423.62
FREMONT	3,819.95	PAINTED POST	4,823.84	3,819.95
GREENWOOD	865.14			865.14
HARTSVILLE	1,360.05			1,360.05
HORNBY	5,168.66			5,168.66
HORNELL CITY	37,341.33			37,341.33

		ALMOND (1)	31.04	
		ARKPORT (2)	1,274.30	
HORNELLSVILLE	14,591.82	V N HORNELL (3)	1,485.70	17,382.86
HOWARD	6,827.77			6,827.77
JASPER	3,520.07			3,520.07
LINDLEY	8,420.97			8,420.97
PRATTSBURGH	9,511.37			9,511.37
PULTENEY	14,119.48			14,119.48
RATHBONE	1,567.29			1,567.29
THURSTON	6,487.15			6,487.15
TROUPSBURG	3,199.42			3,199.42
TUSCARORA	4,609.05			4,609.05
URBANA	17,080.87	HAMMONDSPORT	1,507.12	18,587.99
WAYLAND	18,128.98	WAYLAND	3,437.24	21,566.22
WAYNE	18,097.15			18,097.15
WEST UNION	21,692.77			21,692.77
WHEELER	6,126.35			6,126.35
WOODHULL	6,513.11			6,513.11
TOTAL	535,918.28		47,467.71	583,385.99

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

DATED at Bath, New York: December 3, 2014

STEUBEN COUNTY LEGISLATURE

By: Joseph J. Hauryski, Chairman

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

DATED: December 3, 2014

Brenda K. Mori, Clerk of the Legislature

Vote: Roll Call – Adopted.

RESOLUTION NO. 195-14

Introduced by: P. McAllister.

Seconded by H. Lando.

DIRECTING THE DIRECTOR OF THE REAL PROPERTY TAX SERVICE AGENCY TO ADD PENALTY TAXES ON CONVERTED FOREST LAND PARCELS.

Pursuant to Section 480-A of the Real Property Tax Law.

WHEREAS, certain parcels on the prior tax roll received an exemption from taxation on forest land and a breach of that commitment may occur; and

WHEREAS, the report may be filed by the various assessors to the Commissioner of Finance requesting penalty taxes to be calculated and added to the 2015 County and Town Tax Levy.

NOW THEREFORE, BE IT

RESOLVED, the Director of the Real Property Tax Service Agency is hereby directed to add the amount of penalty taxes to the 2015 County and Town Tax Levy; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 196-14

Introduced by P. McAllister.

Seconded by G. Swackhamer.

DIRECTING THE ADDITION OF OMITTED TAXES AND/OR PRO-RATED OMITTED TAXES ON EXEMPT PARCELS.

Pursuant to Sections 553 and 558 of the Real Property Tax Law of the State of New York.

RESOLVED, the report of the Commissioner of Finance of 2014 omitted taxes, and/or pro-rated omitted taxes on exempt parcels be and hereby is received and filed, and the Director of the Real Property Tax Service Agency is hereby directed to levy the amounts thereof upon the parcels in accordance with said report; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 197-14

Introduced by P. McAllister.

Seconded by H. Lando.

DIRECTING THE LEVY OF RETURNED UNPAID SCHOOL TAXES FOR THE YEAR 2014.

Pursuant to Article 13 of the Real Property Tax Law of the State of New York.

RESOLVED, the report of the Commissioner of Finance of the several amounts of “Returned Unpaid School Taxes for the Year 2014” be and the same hereby is received and filed; and be it further

RESOLVED, the Director of the Real Property Tax Service Agency be and hereby is directed to levy the amounts set forth in said report upon the respective parcels therein listed; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 198-14

Introduced by P. McAllister.

Seconded by C. Ferratella.

DIRECTING THE LEVY OF RETURNED UNPAID VILLAGE TAXES FOR THE YEAR 2014.

Pursuant to Article 13 of the Real Property Tax Law of the State of New York.

RESOLVED, the report of the Commissioner of Finance of the several amounts of “Returned Unpaid Village Taxes for the Year 2014” be and the same hereby is received and filed; and be it further

RESOLVED, the Director of the Real Property Tax Service Agency be and the same hereby is directed to levy the amounts set forth in said report upon the respective parcels therein listed; and be it further

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 199-14

Introduced by P. McAllister.

Seconded by G. Roush.

ADOPTING THE TABLE OF EQUALIZATION RATES FOR FISCAL YEAR 2015.

Pursuant to Title 2 of Article 8 of the Real Property Tax Law of the State of New York.

WHEREAS, the Director of the Real Property Tax Service Agency and the Administration Committee have submitted to the Legislature of the County of Steuben, the equalization rates for the spread and levy of the County Tax upon the taxable real property of the several tax districts constituting the County of Steuben, and said Administration Committee has recommended the adoption of such equalization rates.

NOW THEREFORE, BE IT

RESOLVED, the Table of Rates of Equalization for the County of Steuben, as submitted by the Administration Committee, be and the same hereby is received and filed; and be it further

RESOLVED, the several rates therein set forth in said Table of Equalization Rates of the several tax districts constituting the County of Steuben be and the same hereby are adopted as the rates of equalization for the spread and levy of the County Tax for the Fiscal Year 2015; and be it further

RESOLVED, the Clerk of the Legislature is hereby directed to forward to the New York State Office of Real Property Tax Services a certified copy of this resolution, together with the Table of Rates, so that the same may be published in the annual report of said Commissioner; and be it further

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

**TABLE OF COUNTY EQUALIZATION RATES
STEUBEN COUNTY**

10/28/2014

MUNICIPALITY	2014 COUNTY EQUALIZATION RATES FOR 2015 TAX LEVY
CITY OF CORNING	100.00
CITY OF HORNELL	100.00
ADDISON	100.00
AVOCA	95.00
BATH	46.00
BRADFORD	93.00
CAMERON	100.00
CAMPBELL	2.87
CANISTEO	99.00
CATON	96.00
COHOCTON	88.00
CORNING TOWN	97.00

DANSVILLE	100.00
ERWIN	100.00
FREMONT	94.40
GREENWOOD	100.00
HARTSVILLE	100.00
HORNBY	98.00
HORNELLSVILLE	99.00
HOWARD	48.00
JASPER	4.80
LINDLEY	2.83
PRATTSBURGH	100.00
PULTENEY	100.00
RATHBONE	100.00
THURSTON	3.76
TROUPSBURG	49.00
TUSCARORA	3.62
URBANA	100.00
WAYLAND	100.00
WAYNE	100.00
WEST UNION	52.00
WHEELER	97.00
WOODHULL	100.00

Vote: Roll Call – Adopted.

RESOLUTION NO. 200-14

Introduced by P. McAllister.

Seconded by G. Swackhamer.

FILING THE REPORT OF COUNTY EQUALIZATION FOR THE YEAR 2015.

Pursuant to Title 2 of Article 8 of the Real Property Tax Law of the State of New York.

WHEREAS, Title 2 of Article 8 requires the County to determine the total full valuation of taxable real property for all cities and towns within the County by dividing the taxable assessed value of taxable real property of the city or town plus the amount of assessed value partially exempt from County taxation pursuant to Real Property Tax Law Section 458 (Veteran), Section 460 (Clergy), Section 464 (Volunteer Firemen's Association) and at County option Section 458.3, 458A and 458B (Veterans); Section 467 (Senior Citizens) by the corresponding County Equalization rate.

NOW THEREFORE, BE IT

RESOLVED, the Report of County Equalization for the Year 2015, be and the same hereby is received and filed by this Legislature; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Director of the Real Property Tax Service Agency.

REPORT OF COUNTY EQUALIZATION FOR THE YEAR 2015
 BASED ON ASSESSMENT ROLLS COMPLETED, VERIFIED AND FILED IN 2014

STEUBEN COUNTY

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10/07/2014

SWIS CODE	MUNICIPALITY	TOTAL ASSESSED BEFORE ALL EXEMPTIONS	COUNTY TAXABLE PLUS SR CITIZEN, REG VET, ALT & COLD WAR VETS, CLERGY, & INC VOL FIRE EXEMPTS	EQUAL RATE	TOTAL FULL VALUE	AGGREGATE TAXABLE FOR COUNTY	AGGREGATE TAXABLE FOR TOWN
462089	ADDISON	52,492,627	42,119,243	1.0000	42,119,243	40,745,604	41,317,482
462001	VILLAGE OF ADDISON	98,762,863	55,472,126	1.0000	55,472,126	52,918,761	53,459,186
	TOWN TOTALS	151,255,490	97,591,369		97,591,369	93,664,365	94,776,668
462289	AVOCA	82,929,150	76,008,959	0.9500	80,009,431	73,565,759	74,792,456
462201	VILLAGE OF AVOCA	43,245,323	23,540,790	0.9500	24,779,779	22,128,081	22,730,590
	TOWN TOTALS	126,174,473	99,549,749		104,789,210	95,693,840	97,523,046
462489	BATH	182,026,625	123,395,264	0.4600	268,250,574	119,913,934	121,517,166
462401	VILLAGE OF BATH	181,475,732	100,815,405	0.4600	219,163,924	97,160,524	98,383,567
462403	VILLAGE OF SAVONA	16,224,335	9,808,280	0.4600	21,322,348	9,265,002	9,496,003
	TOWN TOTALS	379,726,692	234,018,949		508,736,846	226,339,460	229,396,736
462600	BRADFORD	39,241,923	33,325,502	0.9300	35,833,873	32,197,395	36,024,040
	TOWN TOTALS	39,241,923	33,325,502		35,833,873	32,197,395	36,024,040

REPORT OF COUNTY EQUALIZATION FOR THE YEAR 2015
 BASED ON ASSESSMENT ROLLS COMPLETED, VERIFIED AND FILED IN 2014

STEUBEN COUNTY

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10/07/2014

SWIS CODE	MUNICIPALITY	TOTAL ASSESSED BEFORE ALL EXEMPTIONS	COUNTY TAXABLE PLUS SR CITIZEN, REG VET, ALT & COLD WAR VETS, CLERGY, & INC VOL FIRE EXEMPTS	EQUAL RATE	TOTAL FULL VALUE	AGGREGATE TAXABLE FOR COUNTY	AGGREGATE TAXABLE FOR TOWN
462800	CAMERON	71,050,571	49,936,964	1.0000	49,936,964	48,157,163	50,093,162
	TOWN TOTALS	71,050,571	49,936,964		49,936,964	48,157,163	50,093,162
463000	CAMPBELL	6,421,619	4,219,157	0.0287	147,008,955	3,969,403	4,125,370
	TOWN TOTALS	6,421,619	4,219,157		147,008,955	3,969,403	4,125,370
463289	CANISTEO	84,201,792	73,196,652	0.9900	73,936,012	70,912,949	71,972,622
463201	VILLAGE OF CANISTEO	84,626,993	60,987,757	0.9900	61,603,795	57,377,720	59,079,826
	TOWN TOTALS	168,828,785	134,184,409		135,539,807	128,290,669	131,052,448
463400	CATON	156,631,821	151,953,732	0.9600	158,285,138	148,566,008	150,314,203
	TOWN TOTALS	156,631,821	151,953,732		158,285,138	148,566,008	150,314,203
463689	COHOCTON	221,881,235	80,962,710	0.8800	92,003,080	78,191,758	79,084,479
463601	VILLAGE OF COHOCTON	29,618,999	24,528,162	0.8800	27,872,911	23,434,759	24,024,392
	TOWN TOTALS	251,500,234	105,490,872		119,875,991	101,626,517	103,108,871
463889	CORNING	421,379,786	299,157,624	0.9700	308,409,922	291,779,859	294,912,033

REPORT OF COUNTY EQUALIZATION FOR THE YEAR 2015
 BASED ON ASSESSMENT ROLLS COMPLETED, VERIFIED AND FILED IN 2014

STEUBEN COUNTY

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10/07/2014

SWIS CODE	MUNICIPALITY	TOTAL ASSESSED BEFORE ALL EXEMPTIONS	COUNTY TAXABLE PLUS SR CITIZEN, REG VET, ALT & COLD WAR VETS, CLERGY, & INC VOL FIRE EXEMPTS	EQUAL RATE	TOTAL FULL VALUE	AGGREGATE TAXABLE FOR COUNTY	AGGREGATE TAXABLE FOR TOWN
463801	VILLAGE OF RIVERSIDE	35,469,326	31,869,200	0.9700	32,854,845	30,964,543	31,628,845
463803	VILLAGE OF S CORNING	53,030,182	48,793,706	0.9700	50,302,790	47,025,036	48,054,441
	TOWN TOTALS	509,879,294	379,820,530		391,567,557	369,769,438	374,595,319
460300	CITY OF CORNING	835,120,988	641,593,574	1.0000	641,593,574	626,176,550	625,297,295
	CITY TOTALS	835,120,988	641,593,574		641,593,574	626,176,550	625,297,295
464000	DANSVILLE	99,760,724	88,320,008	1.0000	88,320,008	85,586,671	88,303,983
	TOWN TOTALS	99,760,724	88,320,008		88,320,008	85,586,671	88,303,983
464289	ERWIN	668,968,479	520,193,320	1.0000	520,193,320	511,807,435	511,308,465
464201	VILLAGE OF PAINTED POST	124,130,980	86,247,784	1.0000	86,247,784	84,176,019	83,927,904
	TOWN TOTALS	793,099,459	606,441,104		606,441,104	595,983,454	595,236,369
464400	FREMONT	57,667,123	51,861,559	0.9440	54,938,092	50,504,187	51,724,734
	TOWN TOTALS	57,667,123	51,861,559		54,938,092	50,504,187	51,724,734
464600	GREENWOOD	188,610,129	54,222,807	1.0000	54,222,807	52,632,345	54,901,834

REPORT OF COUNTY EQUALIZATION FOR THE YEAR 2015
 BASED ON ASSESSMENT ROLLS COMPLETED, VERIFIED AND FILED IN 2014

STEUBEN COUNTY

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10/07/2014

SWIS CODE	MUNICIPALITY	TOTAL ASSESSED BEFORE ALL EXEMPTIONS	COUNTY TAXABLE PLUS SR CITIZEN, REG VET, ALT & COLD WAR VETS, CLERGY, & INC VOL FIRE EXEMPTS	EQUAL RATE	TOTAL FULL VALUE	AGGREGATE TAXABLE FOR COUNTY	AGGREGATE TAXABLE FOR TOWN
	TOWN TOTALS	188,610,129	54,222,807		54,222,807	52,632,345	54,901,834
464800	HARTSVILLE	42,135,204	39,563,576	1.0000	39,563,576	38,327,009	39,251,021
	TOWN TOTALS	42,135,204	39,563,576		39,563,576	38,327,009	39,251,021
465000	HORNBY	85,825,758	78,038,323	0.9800	79,630,942	76,149,937	80,640,567
	TOWN TOTALS	85,825,758	78,038,323		79,630,942	76,149,937	80,640,567
465289	HORNELLSVILLE	178,940,491	144,681,420	0.9900	146,142,848	139,687,344	141,691,663
465201	VILLAGE OF ALMOND	770,529	768,529	0.9900	776,292	733,654	745,479
465203	VILLAGE OF ARKPORT	46,808,457	31,813,329	0.9900	32,134,676	30,056,630	30,601,115
465205	VILLAGE OF N HORNELL	51,221,686	37,119,186	0.9900	37,494,127	35,102,364	35,677,636
	TOWN TOTALS	277,741,163	214,382,464		216,547,943	205,579,992	208,715,893
460600	CITY OF HORNELL	347,123,001	236,923,361	1.0000	236,923,361	229,725,365	231,551,429
	CITY TOTALS	347,123,001	236,923,361		236,923,361	229,725,365	231,551,429
465400	HOWARD	86,490,699	46,211,644	0.4800	96,274,258	45,236,374	45,809,141

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	TOWN TOTALS	86,490,699	46,211,644		96,274,258	45,236,374	45,809,141
465600	JASPER	5,611,324	3,022,650	0.0480	62,971,875	2,901,657	2,960,214
	TOWN TOTALS	5,611,324	3,022,650		62,971,875	2,901,657	2,960,214
465800	LINDLEY	3,037,195	2,643,006	0.0283	93,392,438	2,532,966	2,576,620
	TOWN TOTALS	3,037,195	2,643,006		93,392,438	2,532,966	2,576,620
466000	PRATTSBURGH	128,744,146	116,285,836	1.0000	116,285,836	113,067,690	114,226,255
	TOWN TOTALS	128,744,146	116,285,836		116,285,836	113,067,690	114,226,255
466200	PULTENEY	280,872,330	270,234,744	1.0000	270,234,744	265,581,259	268,375,553
	TOWN TOTALS	280,872,330	270,234,744		270,234,744	265,581,259	268,375,553
466400	RATHBONE	74,723,438	60,249,576	1.0000	60,249,576	58,777,982	59,429,693
	TOWN TOTALS	74,723,438	60,249,576		60,249,576	58,777,982	59,429,693

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466600	THURSTON	2,744,689	2,640,026	0.0376	70,213,457	2,546,416	2,640,240
	TOWN TOTALS	2,744,689	2,640,026		70,213,457	2,546,416	2,640,240
466800	TROUPSBURG	55,913,089	38,709,673	0.4900	78,999,333	38,243,481	38,491,434
	TOWN TOTALS	55,913,089	38,709,673		78,999,333	38,243,481	38,491,434
467000	TUSCARORA	2,745,093	2,654,300	0.0362	73,323,204	2,583,353	2,634,966
	TOWN TOTALS	2,745,093	2,654,300		73,323,204	2,583,353	2,634,966
467289	URBANA	262,808,729	242,499,057	1.0000	242,499,057	237,974,510	239,105,920
467201	VILLAGE OF HAMMONDSPORT	59,571,217	47,477,582	1.0000	47,477,582	46,220,880	46,278,022
	TOWN TOTALS	322,379,946	289,976,639		289,976,639	284,195,390	285,383,942
467489	WAYLAND	183,787,544	135,093,559	1.0000	135,093,559	131,981,325	132,440,832
467401	VILLAGE OF WAYLAND	71,178,205	63,908,393	1.0000	63,908,393	62,226,234	61,971,026
	TOWN TOTALS	254,965,749	199,001,952		199,001,952	194,207,559	194,411,858
467600	WAYNE	292,075,716	286,853,022	1.0000	286,853,022	283,396,308	283,995,410

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STEUBEN COUNTY

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<i>SWIS CODE</i>	<i>MUNICIPALITY</i>	<i>TOTAL ASSESSED BEFORE ALL EXEMPTIONS</i>	<i>COUNTY TAXABLE PLUS SR CITIZEN, REG VET, ALT & COLD WAR VETS, CLERGY, & INC VOL FIRE EXEMPTS</i>	<i>EQUAL RATE</i>	<i>TOTAL FULL VALUE</i>	<i>AGGREGATE TAXABLE FOR COUNTY</i>	<i>AGGREGATE TAXABLE FOR TOWN</i>
	TOWN TOTALS	292,075,716	286,853,022		286,853,022	283,396,308	283,995,410
467800	WEST UNION	24,203,748	21,150,080	0.5200	40,673,231	20,884,638	20,974,846
	TOWN TOTALS	24,203,748	21,150,080		40,673,231	20,884,638	20,974,846
468000	WHEELER	68,794,342	60,178,705	0.9700	62,039,902	57,964,059	59,982,553
	TOWN TOTALS	68,794,342	60,178,705		62,039,902	57,964,059	59,982,553
468200	WOODHULL	131,945,874	119,970,263	1.0000	119,970,263	117,812,257	118,449,227
	TOWN TOTALS	131,945,874	119,970,263		119,970,263	117,812,257	118,449,227
	COUNTY TOTALS	6,323,041,829	4,821,220,125		5,687,806,847	4,698,871,157	4,746,974,940

I DO HEREBY CERTIFY THAT THE PRECEDING IS A TRUE STATEMENT OF THE AGGREGATE ASSESSED VALUATIONS OF THE TAXABLE REAL PROPERTY, THE RATES OF EQUALIZATION AND THE FULL VALUATIONS IN THE CITIES AND TOWNS IN STEUBEN COUNTY, AS DETERMINED BY THE BOARD OF LEGISLATORS ON THE 24TH DAY OF NOVEMBER, 2014.

SIGNED: WENDY G FLAITZ, DIRECTOR, STEUBEN COUNTY REAL PROPERTY TAX SERVICE AGENCY

DATED: 11/24/14

Note: Roll Call – Adopted.

RESOLUTION NO. 201-14

Introduced by M. Hanna.

Seconded by B. Peoples.

AUTHORIZING THE COUNTY OF STEUBEN TO MAINTAIN CERTAIN STATE HIGHWAY(S) WHICH ARE A PORTION OF THE ROUTE 15/I99 CR 5 PRESHO VERTICAL CLEARANCE; ERWIN-LAWRENCEVILLE PT. 1, S.H.1593 PROJECT DESIGNATED AS NEW YORK PROJECT PIN 6008.52, D262262.

WHEREAS, the New York State Department of Transportation has submitted to the County of Steuben a proposed agreement by which the County of Steuben is to maintain:

- For Pavement, Shoulders, Drainage System, Striping and Signing (Ramp Guide-Rail Runouts are NYSDOT, any other Guide-Rail is County):
0.139 Centerline Kilometers of County Road No. 5 shown as Part No. 1 on the Table of Maintenance Jurisdiction
- For Snow Removal:
Snow Removal on Parts Shown as No. 1, No. 2 and No. 3 on the Table of Maintenance Jurisdiction

AND to be designated as a portion of New York Project No. 6008.52, D262262 and said proposed agreement also provides for the County of Steuben to request the Department of Transportation, to submit the aforementioned project with the recommendation that it be approved by the Administrator of the United States Federal Highway Administration, and that if such project is approved and constructed by the Department and the Administrator of the United States Federal Highway Administration, the County of Steuben will thereafter at its own cost and expense maintain the previously described portion of this project in a manner satisfactory to the Department of Transportation and the Administrator of the United States Federal Highway Administration, or their authorized representatives, and make ample provision each year for such maintenance.

NOW THEREFORE, BE IT

RESOLVED, that the County of Steuben shall maintain such road(s) and structure(s) and guarantee the maintenance of such road(s) and structure(s) when constructed and will pay the cost of such maintenance and will maintain the project in a manner satisfactory to the New York State Department of Transportation or its authorized representatives, and will make ample provisions each year for such maintenance; and be it further

RESOLVED, that the New York State Department of Transportation submit such project to the Administrator of the United States Federal Highway Administration and recommend to him the approval of the same for construction with funds apportioned to the State for construction of Highways and related projects under the provisions of Federal Highway Acts; and be it further

RESOLVED, that the Steuben County Legislature act through its Chairperson and County Manager which are hereby authorized to act for this County of Steuben and make and enter into agreement with the State Department of Transportation, in manner and form and substance as herein stated and in accordance with the form of contract herein mentioned as having been submitted to this Legislature for action, and that this Legislature furnish two certified copies of this resolution authorizing the Chairperson of the Steuben County Legislature and County Manager of Steuben County to execute the agreements on behalf of the County of Steuben such Chairperson and County Manager being fully authorized and directed to make and enter into agreements on behalf of the County of Steuben in any manner and form required by the Department of Transportation, or the Administrator of the United States Federal Highway Administration and attach the seal of the County thereto; and be it further

RESOLVED, that two (2) certified copies of this resolution shall be forwarded to the New York State Department of Transportation, 107 Broadway, Hornell, NY 14843, Attn: Contract Management.

Vote: Roll Call – Adopted.

RESOLUTION NO. 202-14

Introduced by M. Hanna.

Seconded by B. Peoples.

AUTHORIZING THE COUNTY OF STEUBEN TO MAINTAIN CERTAIN STATE HIGHWAY(S) AND CERTAIN STRUCTURE(S), WHICH ARE A PORTION OF THE WATSON CREEK TO PRESHO, PHASE 2 PROJECT DESIGNATED AS NEW YORK PROJECT PIN 6008.22, D261946.

WHEREAS, the New York State Department of Transportation has submitted to the County of Steuben a proposed agreement by which the County of Steuben is to maintain:

- For Pavement, Shoulders, Drainage System, Curb, Landscaping, Guide-Rail, Traffic Signs and Pavement Markings:
7.794 Centerline Kilometers of S.H. No. 8146 Existing State Route 15 shown as Part No. 4 on the Maintenance Jurisdiction Table
- For Entire Structure Maintenance including Guide-Rail, Signs, and Drainage System:
Kuhl Road Structure (BIN 1078790) west of Watson Creek Road shown as Part No. 28 on the Maintenance Jurisdiction Table
- For Snow Removal:
County Roads shown within the limits of Part No. 4 on the Maintenance Jurisdiction Table

AND to be designated as a portion of New York Project No. 6008.22, D261946 and said proposed agreement also provides for the County of Steuben to request the Department of Transportation, to submit the aforementioned project with the recommendation that it be approved by the Administrator of the United States Federal Highway Administration, and that if such project is approved and constructed by the Department and the Administrator of the United States Federal Highway Administration, the County of Steuben will thereafter at its own cost and expense maintain the previously described portion of this project in a manner satisfactory to the Department of Transportation and the Administrator of the United States Federal Highway Administration, or their authorized representatives, and make ample provision each year for such maintenance.

NOW THEREFORE, BE IT

RESOLVED, that the County of Steuben shall maintain such road(s) and structure(s) and guarantee the maintenance of such road(s) and structure(s) when constructed and will pay the cost of such maintenance and will maintain the project in a manner satisfactory to the New York State Department of Transportation or its authorized representatives, and will make ample provisions each year for such maintenance; and be it further

RESOLVED, that the New York State Department of Transportation submit such project to the Administrator of the United States Federal Highway Administration and recommend to him the approval of the same for construction with funds apportioned to the State for construction of Highways and related projects under the provisions of Federal Highway Acts; and be it further

RESOLVED, that the Steuben County Legislature act through its Chairperson and County Manager which are hereby authorized to act for this County of Steuben and make and enter into agreement with the State Department of Transportation, in manner and form and substance as herein stated and in accordance with the form of contract herein mentioned as having been submitted to this Legislature for action, and that this Legislature furnish two certified copies of this resolution authorizing the Chairperson of the Steuben County Legislature and County Manager of Steuben County to execute the agreements on behalf of the County of Steuben such Chairperson and County Manager being fully authorized and directed to make and enter into agreements on behalf of the County of Steuben in any manner and form required by the Department of Transportation, or the Administrator of the United States Federal Highway Administration and attach the seal of the County thereto; and be it further

RESOLVED, that two (2) certified copies of this resolution shall be forwarded to the New York State Department of Transportation, 107 Broadway, Hornell, NY 14843, Attn: Contract Management.

Vote: Roll Call – Adopted.

RESOLUTION NO. 203-14

Introduced by M. Hanna.

Seconded by G. Roush.

AUTHORIZING THE COUNTY OF STEUBEN TO MAINTAIN CERTAIN STATE HIGHWAY(S) AND CERTAIN STRUCTURE(S), WHICH ARE A PORTION OF THE ROUTE 15US, PRESHO-PAINTED POST, S.H. 1593 & 8146 PROJECT DESIGNATED AS NEW YORK PROJECT PIN 6008.57, D262586.

WHEREAS, the New York State Department of Transportation has submitted to the County of Steuben a proposed agreement by which the County of Steuben is to maintain:

- For Pavement, Shoulders and Drainage:
 - a. 2.9 centerline miles of a State Road shown as Part No. 1 on the Table of Maintenance Jurisdiction
 - b. 1.3 centerline miles of a State Road shown as Part No. 2 on the Table of Maintenance Jurisdiction, known as US Route 15, Part No. 1 S.H. 8146 and Part No. 2 US Route 15, S.H. 1593
- For Entire Structure Maintenance:
 - a. BIN 1011110 bridge over Watson Creek shown as Part No. 3 on the Table of Maintenance Jurisdiction
 - b. BIN 1011120 bridge over Morgan Creek shown as Part No. 4 on the Table of Maintenance Jurisdiction
- For Intersection Maintenance including Pavement, Shoulder, and Drainage:
 - a. Morgan Creek Road (W) shown as Part No. 5 on the Table of Maintenance Jurisdiction
 - b. CR 73 (Morgan Creek Road E) shown as Part No. 6 on the Table of Maintenance Jurisdiction
 - c. Caroline Drive shown as Part No. 7 on the Table of Maintenance Jurisdiction
 - d. Cemetery Road shown as Part No. 8 , on the Table of Maintenance Jurisdiction
 - e. Stowell Road shown as Part No. 9 on the Table of Maintenance Jurisdiction
 - f. Glick Road shown as Part No. 10 on the Table of Maintenance Jurisdiction
- For Snow Removal:
 - a. US Route 15, S.H. 8146 shown as Part Nos. 1,3,4,5,6,7,8, & 9,
 - b. US Route 15, S.H. 1593 shown as Part Nos. 2 and 10;

AND to be designated as a portion of New York Project No. 6008.57, D262586 and said proposed agreement also provides for the County of Steuben to request the Department of Transportation, to submit the aforementioned project with the recommendation that it be approved by the Administrator of the United States Federal Highway Administration, and that if such project is approved and constructed by the Department and the Administrator of the United States Federal Highway Administration, the County of Steuben will thereafter at its own cost and expense maintain the previously described portion of this project in a manner satisfactory to the Department of Transportation and the Administrator of the United States Federal Highway Administration, or their authorized representatives, and make ample provision each year for such maintenance.

NOW THEREFORE, BE IT

RESOLVED, that the County of Steuben shall maintain such road(s) and structure(s) and guarantee the maintenance of such road(s) and structure(s) when constructed and will pay the cost of such maintenance and will maintain the project in a manner satisfactory to the New York State Department of Transportation or its authorized representatives, and will make ample provisions each year for such maintenance; and be it further

RESOLVED, that the New York State Department of Transportation submit such project to the Administrator of the United States Federal Highway Administration and recommend to him the approval of the same for construction with funds apportioned to the State for construction of Highways and related projects under the provisions of Federal Highway Acts; and be it further

RESOLVED, that the Steuben County Legislature act through its Chairperson and County Manager which are hereby authorized to act for this County of Steuben and make and enter into agreement with the State Department of Transportation, in manner and form and substance as herein stated and in accordance with the form of contract herein mentioned as having been submitted to this Legislature for action, and that this Legislature furnish two certified copies of this resolution authorizing the Chairperson of the Steuben County Legislature and County Manager of Steuben County to execute the agreements on behalf of the County of Steuben such Chairperson and County Manager being fully authorized and directed to make and enter into agreements on behalf of the County of Steuben in any manner and form required by the Department of Transportation, or the Administrator of the United States Federal Highway Administration and attach the seal of the County thereto; and be it further

RESOLVED, that two (2) certified copies of this resolution shall be forwarded to the New York State Department of Transportation, 107 Broadway, Hornell, NY 14843, Attn: Contract Management.

Vote: Roll Call – Adopted.

RESOLUTION NO. 204-14

Introduced by C. Ferratella and L. Crossett.

Seconded by R. Lattimer.

ACCEPTING AND APPROPRIATING THE SNAP PROCESS AND TECHNOLOGY IMPROVEMENT GRANT FUNDS INTO THE 2014 BUDGET.

WHEREAS, the U.S. Department of Agriculture’s Food and Nutrition Service (FNS) has approved funding for Steuben County under the SNAP Process and Technology Improvement Grant; and

WHEREAS, the FNS has awarded Steuben County \$20,692 as requested and additionally approved the plan detail as submitted by the Steuben County Department of Social Services; and

WHEREAS, the Steuben County Department of Social Services plan detail supports Equipment, computers and printers in order to improve access, reduce errors and assist those accessing SNAP benefits; and

WHEREAS, the Steuben County Department of Social Services plan detail places 2 work stations in the DSS waiting room, 3 additional application stations in Pro Action’s One Stop Career Search Centers located in Bath, Corning and Hornell and 2 mobile work stations for use by 2 Outreach workers, 1 each from Catholic Charities of Steuben County and 1 from the Steuben County Office for the Aging; and

WHEREAS, the Steuben County Department of Social Services plan detail supports installation of said equipment by the IT Department for 4 hours at \$93/hour.

NOW THEREFORE, BE IT

RESOLVED, Steuben County accepts and appropriates these funds into the 2014 Budget as follows:

Expenditure			
601000 5250026	Computer Equipment		\$20,320.00
601000 5408900	Data Processing Chargeback		\$372.00
Revenues:			
601000 44611000	SNAP Federal Revenue	\$20,692.00	

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

Vote: Roll Call – Adopted.

RESOLUTION NO. 205-14

Introduced by P. McAllister and L. Crossett.

Seconded by H. Lando.

AUTHORIZING PAYMENT OF \$127,000 FROM THE SOUTHERN TIER FIBER CAPITAL PROJECT.

WHEREAS, Steuben County has developed a plan with the Southern Tier Network (STN) for the last mile fiber connections to Steuben's public safety communication towers; and

WHEREAS, STN and its contractors will complete design, installation, and maintenance of 24 miles of 24-strand fiber to the public safety communication towers at a total cost of \$1,192,300; and

WHEREAS, Steuben has secured state grant funding in the amount of \$1,065,300 for this project, resulting in \$127,000 in remaining costs to be funded from the Southern Tier Fiber Capital Project; and

WHEREAS, STN desires to enter into an Indefeasible Right of Use (IRU) contract with Steuben for the marketing of 12 strands of fiber on these laterals, with any derived profits being directed to a fund, managed by STN, to support future fiber expansion.

NOW THEREFORE, BE IT

RESOLVED, that the County Manager is hereby authorized to sign all contracts and documents related to the Southern Tier Network Laterals; and be it further

RESOLVED, that the Steuben County Legislature authorizes the use of \$127,000 from the Southern Tier Fiber Capital Project (1230H1-H0100) to fund the construction cost; and be it further

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

Mr. Swackhamer asked for a report on the status of the fiber. Mr. Wheeler replied we are in good shape. A number of customers are on the fiber. The goal is for STN (Southern Tier Network) to be profitable and self-sustaining in five years. They will be approaching that goal in early 2015. This is the last piece to finalizing our connection to the radio towers.

Vote: Roll Call – Adopted.

RESOLUTION NO. 206-14

Introduced by P. McAllister.

Seconded by G. Roush.

REAPPOINTING THE COMMISSIONER OF FINANCE OF THE COUNTY OF STEUBEN.

Pursuant to Article VI, Section 6.00 of the Steuben County Charter.

WHEREAS, throughout the term as County Treasurer and Commissioner of Finance, **Patrick F. Donnelly** has dutifully demonstrated the requisite administrative experience and qualifications for the Office of Commissioner of Finance; and

WHEREAS, **Patrick F. Donnelly** of Bath, New York, has been recommended by the Administration Committee for reappointment as Commissioner of Finance to serve for a five-year term.

NOW THEREFORE, BE IT

RESOLVED, Patrick F. Donnelly of Bath, New York, be and the same hereby is reappointed Commissioner of Finance for the County of Steuben for a five-year term commencing January 1, 2015 through December 31, 2019; and be it further

RESOLVED, his Oath of Office shall be filed in the County Clerk's Office, and that the Clerk of this Legislature is directed to file certified copies of this resolution with the above named appointee, the County Clerk, the Commissioner of Finance and the Personnel Officer.

Vote: Roll Call – Adopted.

Mr. Donnelly stated he appreciates the Legislature's support. He has tried to set a good example and has received the support of his staff and peers. He appreciates everyone's support and encouragement and is looking forward to continuing to work with the Legislature for the next five years.

RESOLUTION NO. 207-14

Introduced by C. Ferratella and R. Weaver.

Seconded by B. Schu.

MEMORIALIZING THE NEW YORK STATE DEPARTMENT OF HEALTH TO ENSURE THAT RESIDENTS IN THE AREA SERVED BY ST. JAMES MERCY HOSPITAL CONTINUE TO HAVE ADEQUATE HEALTH CARE IN THE FUTURE, INCLUDING A LIMITED IN-PATIENT PRESENCE.

WHEREAS, St. James Mercy Hospital located in the City of Hornell, County of Steuben and State of New York currently is a full-service hospital with beds available for the in-patient treatment of patients and a maternity ward; and

WHEREAS, Catholic Health East has notified St. James Mercy Hospital that they will no longer be supporting the hospital operations and, as a result, St. James Mercy Hospital will be losing its maternity ward as well as any and all in-patient services; and

WHEREAS, there is a lack of adequate public transportation in the area which would allow the local population to travel to other regional hospitals to receive medical care; and

WHEREAS, the Steuben County Legislature is very concerned regarding the nature and availability of the quality of the future health care in this geographic area; and

WHEREAS, the Steuben County Legislature acknowledges that the health care industry is constantly changing and the general population of New York State must adapt to its changing nature.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature hereby urges that Dr. Howard A. Zucker, the Acting Commissioner of the New York State Department of Health, and all other federal, state and local government officials to do anything in their power to ensure that the people in the area served by St. James Mercy Hospital have adequate health care in the future, which would include a limited in-patient presence, along with a maternity ward; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Honorable Andrew M. Cuomo, New York State Governor, New York State Capitol Building, Albany, NY 12224; Honorable Dean Skelos, NYS Senate Republican Conference Leader And Majority Coalition Leader, 909 Legislative Office Building, Albany, NY 12247; Honorable Jeffrey Klein, NYS Senate Independent Conference Leader And Majority Coalition Leader, 913 Legislative Office Building, Albany, NY 12247; Honorable Andrea Stewart-Cousins, Minority Leader, New York State Senate, 907 Legislative Office Building, Albany, NY 12247; Honorable Sheldon Silver, Speaker, New York State Assembly, 932 Legislative Office Building, Albany, NY 12248; Honorable Joseph D. Morelle, Majority Leader, New York State Assembly, 926 Legislative Office Building, Albany, NY 12248; Honorable Brian M. Kolb, Minority Leader, New York

State Assembly, 933 Legislative Office Building, Albany, NY 12248; Honorable Thomas M. O'Mara, New York State Senator, 415 Legislative Office Building, Albany, NY 12247; Honorable Philip A. Palmesano, New York State Assemblyman, 723 Legislative Office Building, Albany, NY 12248; Honorable Joseph M. Giglio, New York State Assemblyman, 439 Legislative Office Building, Albany, NY 12248; Honorable Bill Nojay, New York State Assemblyman, 527 Legislative Office Building, Albany, NY 12248; Honorable Tom Reed, 89 West Market Street, Corning, NY 14830; Honorable Charles E. Schumer, 15 Henry Street, Room 100 A-F, Binghamton, NY 13901; Honorable Kirsten Gillibrand, Kenneth B. Keating Federal Office Building, 100 State Street, Room 4195, Rochester, NY 14614; Stephen J. Acquario, Esq., Executive Director, New York State Association of Counties, 540 Broadway, Albany, NY 12207; Honorable Jerry Davis, President, Inter-County Association of Western New York, c/o Wyoming County Board of Supervisors, Government Center, 143 North Main Street, Warsaw, NY 14569; and Dr. Howard A. Zucker, M.D., J.D., Acting Commissioner of the New York State Department of Health, Corning Tower, Empire State Plaza, Albany, NY 12237.

Vote: Acclamation – Adopted.

BUDGET WORKSHOP

Chairman Hauryski opened the floor for any comments or questions regarding the proposed 2015 Budget. There being none, he declared the Budget Workshop closed.

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