

**ORGANIZATIONAL MEETING  
JANUARY 3, 2018**

The January 3, 2018 Organizational Meeting of the Schuyler County Legislature was called to order at 9:00 a.m. by Stacy B. Husted, Clerk, acting as Temporary Chairman. The Pledge of Allegiance was led by Legislator Fagan and followed by a Moment of Silence. All Legislators were present. County Administrator Timothy O’Hearn, and County Attorney Steven Getman were also present.

**PUBLIC PARTICIPATION:** None.

The Acting Chair then opened the floor for nominations for Chairman of the Legislature for the year 2018.

**MOTION** by Legislator Rondinaro to nominate Legislator Dennis A. Fagan as Chairman, **SECOND** by Legislator Harp. The Acting Chair asked for other nominations and there were none.

**RESOLUTION NO. 1** Motion by Howell, Second by Barnes.

RE: CLOSE NOMINATIONS - 2018 CHAIRPERSON OF THE SCHUYLER COUNTY LEGISLATURE

BE IT RESOLVED, that the nominations for the 2018 Chairperson of the Schuyler County Legislature be closed.

DISCUSSION: Legislator Lausell said that he will be voting no on this Resolution for the same reason as in the past years. He said he still feels there is an issue in terms of a financial involvement with Fagan Engineers and Legislator Fagan relative to the proposed Liquid Propane Storage project. He said he feels that Legislator Fagan has been less than candid with this Legislature and in terms of setting a standard for a leader of this Legislature, he feels there are more appropriate nominations.

Vote 7-0. No: Lausell.

**RESOLUTION NO. 2** Motion by Barnes, Second by Blowers.

RE: APPOINTMENT - CHAIR, SCHUYLER COUNTY LEGISLATURE – 2018

BE IT RESOLVED, that Dennis A. Fagan be Chairperson of the Schuyler County Legislature for the year 2018.

Vote 7-0. No: Lausell.

**RESOLUTION NO. 3** Motion by Barnes. Second by Rondinaro.

RE: "CONTINUITY OF LOCAL GOVERNMENT" FOR 2018

BE IT RESOLVED, that the duly authorized vice-chairman successors for "Continuity of Local Government", as prescribed by Schuyler County Local Law No. 1-1972, be adopted for the year 2018, as follows:

Chairman	Dennis A. Fagan
#1 Vice-Chairman	Philip C. Barnes
#2 Vice-Chairman	Van A. Harp
#3 Vice-Chairman	Michael L. Lausell
#4 Vice-Chairman	James W. D. Howell, Jr.
#5 Vice-Chairman	Carl H. Blowers
#6 Vice-Chairman	Mark F. Rondinaro
#7 Vice-Chairman	David M. Reed

Vote 8-0.

**RESOLUTION NO. 4** Motion by Barnes, Second by Rondinaro.

RE: CONFORM TO "RULES OF PROCEDURE"

BE IT RESOLVED, that the "Rules of Procedure", as adopted on January 13, 1992 to be effective January 13, 1992, as amended on October 12, 1999, and as amended by May 10, 2004, as amended on June 12, 2006, as amended on January 1, 2007, and as amended on May 12, 2014, be conformed to.

Vote 8-0.

PROCEEDINGS OF THE YEAR 2018

**RESOLUTION NO. 5** Motion by Barnes, Second by Rondinaro.

RE: APPOINTMENT – COUNTY HISTORIAN FOR 2018

BE IT RESOLVED, that Gary Emerson be appointed as County Historian for the year 2018, with a salary of \$3,600.

Vote 8-0.

**RESOLUTION NO. 6** Motion by Barnes, Second by Rondinaro.

RE: APPOINTMENT - CHIEF CORONER FOR 2018

BE IT RESOLVED, that this Legislature, upon the recommendation of the elected coroners, acknowledges and accepts the appointment of Blanche Borzell, M.D. as Chief Coroner for the year 2018, at an additional stipend of \$2,500 for administrative duties to be paid quarterly at the rate of \$625.00 per quarter.

Vote 8-0.

**RESOLUTION NO. 7** Motion by Barnes, Second by Howell.

RE: 2018 DESIGNATION OF DEPOSITORIES FOR SCHUYLER COUNTY FUNDS

BE IT RESOLVED, that the 2018 Depositories for Schuyler County funds be the following banks and for the following amounts:

CHEMUNG CANAL TRUST COMPANY

Montour Falls or Watkins Glen Office

303 W. Main Street

Montour Falls, NY 14865 \$8,000,000.00

TOMPKINS TRUST COMPANY

Main Street

Odessa, NY 14869 \$8,000,000.00

J.P. MORGAN CHASE

One South Clinton Ave., Suite 700

Rochester, NY 14604 \$8,000,000.00

COMMUNITY BANK, N.A.

Watkins Glen Office

401 N. Franklin Street \$8,000,000.00

Watkins Glen, NY 14891

Vote 8-0.

**RESOLUTION NO. 8** Motion by Barnes, Second by Howell.

RE: A RESOLUTION DELEGATING TO THE COUNTY TREASURER OF THE COUNTY OF SCHUYLER, NEW YORK, THE POWER TO AUTHORIZE, ON AN AS NEEDED BASIS DURING FISCAL YEAR 2018, THE ISSUANCE AND SALE OF NOT TO EXCEED \$2,500,000.00 OF TAX ANTICIPATION NOTES AND/OR REVENUE ANTICIPATION NOTES OF SAID COUNTY IN ANTICIPATION OF THE COLLECTION OF REAL ESTATE TAXES LEVIED, OR TO BE LEVIED, IN FISCAL YEAR 2018

BE IT RESOLVED by the affirmative vote of the County Legislature of the County of Schuyler, New York, as follows:

Section 1. The power to authorize, on an as needed basis during fiscal year 2018, the issuance and sale of not exceeding \$2,500,000.00 of tax anticipation notes and/or revenue anticipation notes of the County of Schuyler, New York, including renewals thereof, and any associated necessary costs, in anticipation of the collection of real estate taxes levied, or to be levied, for such fiscal year of said County, is hereby delegated to the County Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents as may be determined by said County Treasurer, pursuant to the Local Finance Law.

Section 2. This resolution shall take effect immediately.

Vote 8-0.

**RESOLUTION NO. 9** Motion by Barnes, Second by Howell.

RE: DESIGNATION OF LEGAL COUNTY NEWSPAPER FOR THE YEAR 2018

BE IT RESOLVED, that the *Review & Express* weekly newspaper within Schuyler County, be designated as the legal County paper to publish resolutions, election notices, official canvass and other notices for the Year 2018.

Vote 8-0.

**RESOLUTION NO. 10** Motion by Barnes, Second by Howell.

RE: DELEGATE TO THE REAL PROPERTY TAX DIRECTOR THE AUTHORITY TO AUTHORIZE CORRECTION OF ERRORS AND PAYMENT OF TAX REFUNDS IN AN AMOUNT NOT TO EXCEED \$2,500 FOR THE YEAR 2018

WHEREAS, the State of New York has, pursuant to Sections 554 and 556 of the Real Property Tax Law (RPTL), authorized correction of errors and payment of tax refunds without prior audit for corrections for refunds not exceeding \$2,500, and

WHEREAS, Schuyler County desires to delegate to the Real Property Tax Services Director (Director) the authority as stated under said law.

NOW, THEREFORE, BE IT RESOLVED, that there is hereby delegated to the Director the power to authorize the Schuyler County Treasurer to make payment of any refund or credit of taxes not exceeding the sum of \$2,500 without prior audit, as provided in Sections 554(9) and 556(8) of the RPTL for the calendar year of 2018, with the following provisions:

1. That the Director shall comply with all provisions under RPTL Sections 554 and 556 relative to corrections of errors and the refund or credit of taxes.
2. That on or before the 15<sup>th</sup> day of each month the Director shall submit to the Legislature a report of the corrections, refunds and credits processed by such official during the month, embodying in that report the information as required under aforesaid statute.
3. That in no case shall the total amount of such refund or credit exceed the amount appropriated by the County Legislature.

Vote 8-0.

**RESOLUTION NO. 11** Motion by Barnes. Second by Rondinaro.

RE: APPROVE AND ADOPT UPDATED PURCHASING POLICIES AND PROCEDURES FOR 2018 - PURCHASING

WHEREAS, Schuyler County Purchasing Policies and Procedures have been updated to reflect procedural changes and recent additions to General Municipal Law (GML) Article 5-A and legal authority.

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Legislature approves and adopts the revised Purchasing Policies and Procedures for 2018, on file in the Legislative Office and the Purchasing Department, effective January 1, 2018.

Vote 8-0.

**RESOLUTION NO. 12** Motion by Barnes, Second by Rondinaro.

RE: APPOINTMENT – DEPUTY COUNTY CLERK

BE IT RESOLVED, that this Legislature acknowledges the appointment pursuant to County Law Section 501-5 by the County Clerk, Theresa Philbin of Amy Thornton as Deputy County Clerk effective January 1, 2018, at an annual salary of \$45,122.

Vote 8-0.

**RESOLUTION NO. 13** Motion by Barnes, Second by Rondinaro.

RE: APPOINTMENT – HIGHWAY SUPERINTENDENT - 2018-2021

BE IT RESOLVED, that Kenneth R. Thurston be appointed Highway Superintendent for a four-year term commencing January 1, 2018 and ending December 31, 2021.

Vote 8-0.

**RESOLUTION NO. 14** Motion by Barnes, Second by Rondinaro.

RE: APPOINTMENT – UNDERSHERIFF

BE IT RESOLVED, that this Legislature acknowledges the appointment by the Sheriff, William Yessman of Breck Spaulding as Undersheriff effective January 1, 2018.

Vote 8-0.

**RESOLUTION NO. 15** Motion by Bares, Second by Rondinaro.

RE: APPOINTMENT – CHIEF ASSISTANT DISTRICT ATTORNEY

BE IT RESOLVED, that this Legislature acknowledges the appointment by the District Attorney, Joseph G. Fazzary of Mathew Hayden as Chief Assistant District Attorney, effective January 1, 2018.

Vote 8-0.

**RESOLUTION NO. 16** Motion by Barnes, Second by Rondinaro.

RE: ACKNOWLEDGE APPOINTMENT AND SET SALARY FOR FULL-TIME ASSESSOR – REAL PROPERTY TAX AGENCY

BE IT RESOLVED, that this Legislature acknowledge the appointment by Thomas R. Bloodgood, Real Property Tax Director, of Alan R. McIlroy as full-time Assessor, at an annual salary of \$47,000, effective January 1, 2018.

Vote 8-0.

**RESOLUTION NO. 17** Motion by Barnes, Second by Rondinaro.

RE: ADOPT SCHEDULE OF SALARIES FOR 2018

BE IT RESOLVED, that the Schedule of Salaries for 2018, be adopted, effective January 1, 2018, and

BE IT FURTHER RESOLVED, that the County Treasurer be authorized and directed to pay the County employees according to the 2018 Salary Schedule.

Vote 8-0.

**PUBLIC PARTICIPATION:** None.

The Meeting adjourned at 9:13 A.M.

Stacy B. Husted, Clerk

Jamee L. Mack, Deputy Clerk

## REGULAR MEETING JANUARY 8, 2018

The January 8, 2018 Regular Meeting of the Schuyler County Legislature was called to order at 6:30 p.m. by Chairman Fagan. The Pledge of Allegiance was led by Legislator Barnes and followed by a Moment of Silence. All Legislators were present except Legislator Blowers who was excused. County Administrator Timothy O’Hearn, and County Attorney Steven Getman were also present.

**PUBLIC PARTICIPATION:**

Mrs. Audrey Edmister, a Child Protective Services employee of Social Services, said she is the union spokesperson this evening and would like to ask some questions and make some statements regarding the proposed Dress Code Policy on the agenda. She said that the majority of the concerns are with the items listed as never permitted. She said that they feel that there are a lot of grey areas and they feel that the employees job duties were not taken into consideration when the appropriate clothing was determined. She gave some examples of how she felt that most employees going out into the field or to court are dressed accordingly. She said that they have been trained to actively engage with the clients by their dress. They feel this policy has very tight constraints and wants their opinions heard. When it comes to sweatshirts, hats and shoes, she has had clients urinate on her shoes, and has sat in things you would not believe. She said that you have no idea of the conditions of the homes that they are expected to go into and there is no clothing or shoe allowance for them. Replacing a sweatshirt is cheaper than replacing a coat. When they are out in the field, they are dressed very respectfully. She asked that the Union be given the chance to have input on this before it is moved forward.

She also said that there is an exception with all male professions listed. Also, she has very appropriate t-shirt material clothing she wears and now she will no longer be allowed to wear them, per this policy. They would like more clarification. Chairman Fagan replied that the union will be meeting with the management team at a Labor Management Meeting to discuss this next week. Ms. Sue Brill also said that she has concerns and feels as though this is a backdoor way to enable supervisors to reprimand staff. She said she feels that leaving certain items to the discretion of the Department Head will lead to favoritism. She doesn't always like the County Administrator's ties because some of them make her cross eyed and she would never wear them. She said this is a problem you are taking a sledge hammer to. Why can't this be left that if there is a problem, the Department Head deals with it. When did we stop talking? She said that they feel more like enemies.

**PUBLIC HEARING ON LOCAL LAW INTO. D/LOCAL LAW NO. 2 OF THE YEAR 2018 AMENDING LOCAL LAW NO. 4 OF THE 2008 IN RELATION TO REAL PROPERTY TAX EXEMPTION AVAILABLE TO COLD WAR VETERANS.**

Chairman Fagan opened this Public Hearing by asking the Real Property Tax Director, Thomas Bloodgood, to explain this. Mr. Bloodgood said that this equates to a 0.11% of taxable value. He explained that in the past this was established for a ten-year time frame with an expiration. This action now makes this permanent. He also said that if these exemptions went away there is no impact.

**RESOLUTION NO. 18** Motion by Barnes, Second by Harp.

RE: APPROVE THE MINUTES OF THE DECEMBER 11, 2017 REGULAR MEETING AND THE DECEMBER 28, 2017 YEAR END MEETING OF THE SCHUYLER COUNTY LEGISLATURE

BE IT RESOLVED, that the minutes of the December 11, 2017 Regular Meeting and the December 28, 2017 Year End Meeting of the Schuyler County Legislature be approved.

Vote 7-0.

**RESOLUTION NO. 19** Motion by Harp, Second by Barnes.

RE: AUTHORIZE APPLICATION AND CONTRACT WITH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES (DCJS) FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM - DISTRICT ATTORNEY

WHEREAS, the New York State Division of Criminal Justice Services (NYSDCJS) has grant funding available through an Edward Byrne Memorial Justice Assistance Grant Program for the purpose of assisting the Schuyler County District Attorney's Office to supplement costs associated with the office duties and services, including Assistant District Attorneys (ADA)'s required for on call schedule, pursuant to Hurrell-Haring Settlement, and procurement of additional expert and investigative services, and

WHEREAS, this Grant is in the amount of \$28,000 (with no County match).

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Legislature hereby authorizes the Schuyler County District Attorney to submit a grant application for said grant, and

BE IT FURTHER RESOLVED, that the Chairman of the Legislature and Schuyler County District Attorney be hereby authorized to accept any approved funds and sign said grant contract for the amount of \$28,000 (with no County match), for the term January 1, 2018 through December 31, 2018; subject to approval by the Schuyler County Attorney, and

BE IT FURTHER RESOLVED, that the Schuyler County Treasurer is hereby directed to establish the Edward Byrne Memorial Justice Assistance Grant in cooperation with the District Attorney's Office.

Vote 7-0.

**RESOLUTION NO. 20** Motion by Harp, Second by Barnes.

RE: AUTHORIZE CONTRACT WITH MID-STATE COMMUNICATION FOR ON-SITE AND SUPPORT SERVICES FOR THE RADIO COMMUNICATIONS SYSTEMS – EMERGENCY MANAGEMENT

WHEREAS, the Emergency Management Offices wishes to enter into an eleven month preventive maintenance and service agreement for the Emergency Services radio communications systems, and

WHEREAS, this agreement will provide 24x7 On-site and Remote Support for the communications

systems, and

WHEREAS, the cost of the contract is \$42,526.00.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature be hereby authorized to execute a contract with Mid-State Communications for the Emergency Management Department for preventive maintenance and service agreement for the term February 1, 2018 through December 31, 2018, funding expected to be available in the 2018 Statewide Interoperable Communications Grant Program, subject to approval of the Schuyler County Attorney.

Vote 7-0.

**RESOLUTION NO. 21** Motion by Harp, Second by Barnes.

RE: AUTHORIZE CONTRACT WITH MID-STATE COMMUNICATION FOR ON-SITE AND SUPPORT SERVICES FOR THE 911 CENTER RADIO AND PHONE CONSOLES – EMERGENCY MANAGEMENT

WHEREAS, the Emergency Management Offices wishes to enter into a one year preventive maintenance and service agreement for the 911 Center’s radio and phone consoles, and

WHEREAS, this contract will provide 24x7 On-site and Remote Support for the 911 radio and phone consoles, and

WHEREAS, the cost of the contract is \$2,640.00.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature be hereby authorized to execute a contract with Mid-State Communications for the Emergency Management Department for preventive maintenance and service agreement for the term January 1, 2018 through December 31, 2018, funding expected to be available in the 2017 Public Service Answering Point Grant, subject to approval of the Schuyler County Attorney.

Vote 7-0.

**RESOLUTION NO. 22** Motion by Harp, Second by Barnes.

RE: AUTHORIZE EXTENSION OF THE NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES GRANT CONTRACT, C0HHQ03 – PUBLIC DEFENDER

WHEREAS, the Public Defender’s Office has received the New York State Office of Indigent Legal Services Grant, C0HHQ03 (Quality Improvement), and

WHEREAS, said grant was for the period of January 1, 2016, to December 31, 2017, and

WHEREAS, said grant funds have not been fully utilized, and as such, said grant should be extended, and

WHEREAS, the New York State Office of Indigent Legal Services has provided an agreement to extend the contract period through June 30, 2018 and modification of use.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature is hereby authorized to sign said grant contract extension, subject to the approval of the Schuyler County Attorney, and

BE IT FURTHER RESOLVED, that the Schuyler County Treasurer is hereby directed to extend the New York State Office of Indigent Legal Services grant, C0HHQ03 accordingly, and in cooperation with the Public Defender’s Office.

Vote 7-0.

**RESOLUTION NO. 23** Motion by Harp, Second by Barnes.

RE: AUTHORIZE EXTENSION OF THE NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES GRANT CONTRACT C0HHR03 – PUBLIC DEFENDER

WHEREAS, the Public Defender’s Office has received the New York State Office of Indigent Legal Services Grant, C0HHR03 (Caseload Relief), and

WHEREAS, said grant was for the period of June 1, 2016, to May 31, 2017, and

WHEREAS, said grant funds have not been fully utilized, and as such, said grant should be extended, and

WHEREAS, the New York State Office of Indigent Legal Services has provided an agreement to extend the contract period through May 31, 2018 and modification of use.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature is hereby authorized to sign said grant contract extension, subject to the approval of the Schuyler County Attorney, and

BE IT FURTHER RESOLVED, that the Schuyler County Treasurer is hereby directed to extend the New York State Office of Indigent Legal Services grant, C0HHR03 accordingly, and in cooperation with the Public Defender's Office.

Vote 7-0.

**RESOLUTION NO. 24** Motion by Harp, Second by Barnes.

RE: ACCEPT AND ESTABLISH THE NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES GRANT, #CHCR103 FOR CASELOAD RELIEF – PUBLIC DEFENDER

WHEREAS, the Public Defender's Office has received a three-year grant from the New York State Office of Indigent Legal Services, #CHCR103 for Caseload Relief, and

WHEREAS, said grant is in the amount of \$1,024,260.00, and

WHEREAS, said grant will be for the period of June 1, 2017 through May 31, 2020.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature is hereby authorized to sign said grant contract in the amount of \$1,024,260.00 for a term of June 1, 2017 through May 31, 2020, and

BE IT FURTHER RESOLVED, that the Schuyler County Treasurer is hereby directed to establish said grant accordingly, and in cooperation with the Public Defender's Office.

Vote 7-0.

**RESOLUTION NO. 25** Motion by Harp, Second by Barnes.

RE: AUTHORIZE AMENDING RESOLUTION NO. 199-17 TITLED "AUTHORIZE CONTRACT WITH CENTER FOR COMMUNITY ALTERNATIVES (CCA)" – PUBLIC DEFENDER'S OFFICE

WHEREAS, Resolution No. 199-17 authorized a contract with the Center for Community Alternatives (CCA) that provides defender-based sentencing advocacy services to defendants facing criminal charges in New York State, and

WHEREAS, the term of the services in said Resolution was August 1, 2017 through July 31, 2018, and

WHEREAS, the Public Defender's Office has received the contract and due to the contract not being confirmed or signed yet, the dates of the term need to be revised to be January 1, 2018 through December 31, 2018.

NOW, THEREFORE, BE IT RESOLVED, that Resolution 199-17 be amended to change the term in the Resolution from August 1, 2017 through July 31, 2018 to January 1, 2018 through December 31, 2018.

Vote 7-0.

**RESOLUTION NO. 26** Motion by Harp, Second by Barnes.

RE: AUTHORIZE AMENDING AND EXTENDING THE INTERMUNICIPAL AGREEMENT WITH TOMPKINS COUNTY FOR THE ADMINISTRATION OF THE JOINT ASSIGNED COUNSEL SERVICES PROGRAM – PUBLIC DEFENDER'S OFFICE

WHEREAS, Schuyler County is currently contracting with Tompkins County to provide and administer a Cooperative Assigned Counsel Program, and

WHEREAS, additional services are needed to fulfill the obligations pursuant to Hurrell-Harring stipulations, starting January 1, 2018, and

WHEREAS, additional funding has been made available through the Office of Indigent Legal Services (OILS) to provide such additional services, and

WHEREAS, this requires the current contract to be amended to include the following additional services to fulfill the necessary obligations: increased supervision of programs, administrative supervision, training scholarships for the attorneys on the assigned counsel list, increased program coordinator services, and training and grants services, and

WHEREAS, the term is also to be extended through December 31, 2020.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature be hereby authorized to execute an amendment to the contract with Tompkins County for the Joint Assigned Counsel Services Program for additional services, at a cost of \$82,200 for the year 2018, \$84,666 for the year 2019, and \$87,207 for the

PROCEEDINGS OF THE YEAR 2018

year 2020, effective January 1, 2018 through December 31, 2020, funding provided by OILS, subject to the approval of the Schuyler County Attorney.

Vote 7-0.

**RESOLUTION NO. 27** Motion by Rondinaro, Second by Harp.

RE: AUTHORIZE CONTRACT WITH CATHOLIC CHARITIES OF THE DIOCESE OF ROCHESTER D/B/A CATHOLIC CHARITIES OF CHEMUNG/SCHUYLER FOR PERMANENT HOUSING – SOCIAL SERVICES

WHEREAS, the Department of Social Services is required to provide temporary housing for the homeless, and

WHEREAS, Catholic Charities of Chemung/Schuyler has received grant funding for a Permanent Housing Project for the homeless, and

WHEREAS, Catholic Charities of Chemung/Schuyler will provide housing for the homeless to the Department of Social Services, at a cost of \$5,075.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature be hereby authorized to execute a contract with Catholic Charities of the Diocese of Rochester, for the Social Service Department for housing of the homeless, through the Permanent Housing fund, at a cost of \$5,075, for the term February 1, 2018 through January 31, 2019, funding available in the 2018 Social Service Department budget account no. 6910.0400 Contractual Expense, subject to approval of the Schuyler County Attorney.

Vote 7-0.

**RESOLUTION NO. 28** Motion by Rondinaro, Second by Harp.

RE: AUTHORIZE A LETTER OF INTENT TO PARTICIPATE IN THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION SEPTIC SYSTEM REPLACEMENT PROGRAM - PUBLIC HEALTH/WATERSHED

WHEREAS, Schuyler County has been offered the opportunity to participate in the New York State Department of Environmental Conservation's (NYDEC) State Septic System Replacement Program, and

WHEREAS, the funds are to be used specifically for year - round property owners on Lamoka, and Waneta Lakes, and Mill Pond, and

WHEREAS, Schuyler County needs to inform the NYSDEC of its intent to participate by January 31, 2018.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature is hereby authorized to sign said Notification of County Intent to participate in the New York State Department of Environmental Conservation Septic System Replacement Program form.

Vote 7-0.

**RESOLUTION NO. 29** Motion by Rondinaro, Second by Harp.

RE: AUTHORIZE AGREEMENT WITH JUDITH ROWE FOR A MOTIVATIONAL PRESENTATION – PUBLIC HEALTH

WHEREAS, Schuyler County Public Health annually holds a full day Retreat for team building, education and planning and

WHEREAS, the Retreat was held on December 15, 2017, and

WHEREAS, Judith Rowe is a motivational speaker that had agreed to provide a program at the retreat for \$500 held on December 15, 2017, and

WHEREAS, per the Presenter Educator Services Policy, approval of this request is contingent upon having a fully executed agreement between the department and the service provider.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of Legislature is hereby authorized to sign the agreement, subject to the approval of the Schuyler County Attorney.

Vote 7-0.

**RESOLUTION NO. 30** Motion by Barnes, Second by Rondinaro.

RE: AUTHORIZE A GRANT APPLICATION WITH THE NEW YORK STATE ARCHIVES FOR A LOCAL GOVERNMENT RECORDS MANAGEMENT IMPROVEMENT FUND (LGRMIF) -



COUNTY CLERK

WHEREAS, the Local Government Records Management Improvement Fund (LGRMIF) through the New York State Archives has funding available in the 2018 - 2019 cycle July 1, 2018 through June 30, 2019, to assist with record management.

WHEREAS, funding in the amount not to exceed \$75,000 will enable the County Clerk's Office to expand an existing digital records management system for all Land Records and Judgment Dockets currently on record in a paper format.

WHEREAS, this funding will increase the efficiency of services provided to the residents of Schuyler County and provide access to information in a timely manner by providing Back-scan Documents not yet available on-line.

WHEREAS, there are no matching grant funds required from the County.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature be hereby authorized to sign said grant application with the New York State Archives for the aforementioned grant funds, subject to approval of the Schuyler County Attorney.

Vote 7-0.

**RESOLUTION NO. 31** Motion by Barnes, Second by Rondinaro.

RE: AUTHORIZE AMENDING THE CONTRACT POLICY MANUAL TO IMPLEMENT A NEW APPROVAL PROCESS – COUNTY ATTORNEY

WHEREAS, there is a need to amend the Contract Policy Manual to implement a new approval process.

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Legislature hereby authorizes amending the Contract Policy Manual, on file in the County Attorney's Office, effective immediately, said document to be made available to all employees.

Vote 7-0.

**WITHDRAWN**

RE: AUTHORIZE AMENDING POLICIES AND PROCEDURES MANUAL TO ADOPT A COUNTY-WIDE DRESS CODE POLICY – HUMAN RESOURCES - **WITHDRAWN**

WHEREAS, as a unit of government, conformance with the standards of dress that promotes a professional and competent appearance of all employees is deemed to be in the best interest of furthering the mission of Schuyler County government, and

WHEREAS, to ensure uniformity and fairness, definitions of appropriate dress are best codified in a county wide policy outlining standards that promote a professional and businesslike image to the clients and the general public we serve, and

WHEREAS, the Schuyler County Legislature supports the aforementioned and further wishes to adopt a formal county-wide dress code.

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Legislature hereby authorizes amending the Policies and Procedures Manual to adopt the following county-wide policy:

**SCHUYLER COUNTY DRESS CODE POLICY**

All employees shall be dressed in clothing suitable for a professional business setting and consistent with the duties within the position held.

Clothing shall be neat, clean, and in good repair.

All business casual attire must be in good repair and condition. Leggings are permitted, but must be worn with a top which reaches below the top of the inseam of the leggings. "Theme" clothing for special days i.e. holiday celebration, sports, etc. are acceptable as approved by the Department Head.

The following are never permitted:

- See-through clothing
- Tops that expose the midriff
- Sweatpants/Track Suits

- Sweatshirts/Hoodies (exception – Maintenance Staff, Mobile Work Crew Supervisor, and Highway Union staff)
- Shorts
- Ripped Clothing – either by manufacturer intent or through extreme wear
- Casual T-shirts (exception – Maintenance Staff, Mobile Work Crew Supervisor, and Highway Union staff)
- Hats (exception – Sheriff’s Department uniforms, Maintenance Staff, Mobile Work Crew Supervisor, and Highway Union staff)
- Tank tops/Halter tops
- Rubber flip flops
- Inappropriate slogan or any message based clothing. This includes clothing with profane language, statements or clothing that promotes causes that include, but are not limited to, politics, religion, sexuality, race, age, gender, and ethnicity.

All clothing called into question will be at the discretion of the Department Head or his/her authorized designee. Employees are expected to demonstrate good judgment and professional taste. Employees should use courtesy towards coworkers and their professional image to the public as the factors used to assess whether they are dressing in business attire that is appropriate.

Employees in unacceptable dress may face disciplinary charges for non-compliance with the above rules.

**RESOLUTION NO. 32** Motion by Barnes, Second by Rondinaro.

RE: ADOPTING LOCAL LAW INTRO. D/LOCAL LAW NO. 2 OF THE YEAR 2018 AMENDING LOCAL LAW NO. 4 OF THE YEAR 2008 IN RELATION TO REAL PROPERTY TAX EXEMPTION AVAILABLE TO COLD WAR VETERANS

WHEREAS, Local Law Intro. D of the Year 2017 amending Local Law No. 4 of the Year 2008 in relation to Real Property Tax Exemptions available to Cold War Veterans was heretofore introduced and appropriate notice established in the official newspaper regarding a public hearing to be held January 8, 2018 at 6:30 p.m., and

WHEREAS, said public hearing was duly held, at which time all interested persons were heard, and this Legislature has duly considered the adoption and passage of said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that Local Law Intro. D of the Year 2017, in the form hereto annexed be, and hereby is, passed, adopted and enacted, and

BE IT FURTHER RESOLVED, that the Clerk of this Legislature duly cause the publication of the passage, enactment and adoption of Local Law No. 2 of the Year 2018, together with the required text thereof in the official county newspaper.

**LOCAL LAW NO. 2 OF THE YEAR 2018**

A Local Law amending Local Law No. 4 of the Year 2008 in relation to Real Property Tax Exemptions available to Cold War Veterans.

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

SECTION 1: Section 2 of Schuyler County Local Law No 4 of 2008, “A Local Law Enacting a Real Property Tax Exemption for Cold War Veterans,” is amended by adding a subparagraph “d” as follows:

- d. Pursuant to subsection 2(a)(iii) of §458-b of the New York State Real Property Tax Law, the exemption authorized shall apply to qualifying owners of qualifying real property for as long as they remain qualifying owners, without regard to such ten-year limitation imposed by New York State Real Property Tax Law § 458-b(2)(c) (iii)

SECTION 2: This Local Law shall take effect immediately upon its filing with the Secretary of State and shall be applicable to all assessment rolls prepared pursuant to the first taxable status date occurring on or after the effective date of this local law.

Vote 7-0.

**RESOLUTION NO. 33** Motion by Barnes, Second by Rondinaro.

RE: ACKNOWLEDGE APPOINTMENT AND SET SALARY FOR FULL-TIME CONFIDENTIAL SECRETARY TO THE COUNTY ATTORNEY – COUNTY ATTORNEY

BE IT RESOLVED, that this Legislature acknowledge the appointment by Steven j Getman, Esq., County Attorney, of MaryAnn J. Friebis as full-time Confidential Secretary to the County Attorney, at an annual salary of \$38,500, effective January 16, 2018.

Vote 7-0.

**RESOLUTION NO. 34** Motion by Barnes, Second by Rondinaro.

RE: AUTHORIZE THE CONSOLIDATION OF THE CYBER SECURITY TASK GROUP (CSTG) AND THE INFORMATION TECHNOLOGY ADVISORY COMMITTEE

WHEREAS, with the recent cyber/malware attack on the County, the Schuyler County Legislature wants to consolidate the Cyber Security Task Group and the Information Technology Advisory Committee to redefine the purpose and appoint members, and

WHEREAS, the committee will become the Information Technology (IT)/Cyber Security Advisory Committee.

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Legislature acknowledges the consolidation/name change and the following list of titles as members.

**IT/CYBER SECURITY ADVISORY COMMITTEE**

- Legislator/s
- Clerk of the Legislature
- County Administrator
- County Attorney
- Personnel Officer
- Emergency Management Coordinator
- Information Technology Director
- GST/BOCES Representative/s
- County Clerk's Office Representative
- Treasurer's Office Representative
- Social Services Representative
- Sheriff's Department Representative
- Health Services Representative/s

BE IT FURTHER RESOLVED, that this committee shall be charged with creating an information architecture and security architecture for Schuyler County, and

BE IT FURTHER RESOLVED, that this committee shall also be charged with creating and identifying standards and best practices to be followed in creating and maintaining the information technology and information security environment within Schuyler County Government, and

BE IT FURTHER RESOLVED, that this committee shall also be charged with creating, identifying, and documenting an updated Schuyler County Information Security and Computing Policies document implementing the information and information security architecture, standards and practices so developed, and

BE IT FURTHER RESOLVED, that this committee will be charged with meeting to monitor and oversee the delivery of Information Technology Services and the review of hardware and software needs.

Vote 7-0.

**RESOLUTION NO. 35** Motion by Harp, Second by Rondinaro.

RE: ONE-YEAR APPOINTMENTS

BE IT RESOLVED, the Schuyler County Legislature hereby approves the appointment of the following individuals to the below boards, committees, agencies, for the term January 1, 2018 through December 31, 2018, to wit:

PROCEEDINGS OF THE YEAR 2018

---

**AUDITING COMMITTEE**

Philip C. Barnes, Management & Finance Committee  
James W. D. Howell, Jr., Management & Finance Committee  
Carl H. Blowers, Management & Finance Committee  
Mark F. Rondinaro, Management & Finance Committee

**CHAMBER OF COMMERCE**

Dennis A. Fagan, Chairman of the Legislature

**EMERGENCY MEDICAL & HIGHWAY SAFETY COMMITTEE**

Dennis A. Fagan, Chairman of the Legislature  
Van A. Harp, Public Safety Committee Chairman

**FINGER LAKES RESOURCE CONSERVATION & DEVELOPMENT COUNCIL. INC.**

Van A. Harp, Legislator

**FIRE SAFETY ADVISORY BOARD**

Philip C. Barnes, Legislator  
Jason Kelly, Burdett Fire Department  
Kirk Smith, Beaver Dams Fire Department  
Mike Hicks, Hector Fire Department  
Nate Mayo, Mecklenburg Fire Department  
Bill Thomas, Montour Falls Fire Department  
Mike Tomassi, Odessa Fire Department  
Charlie Smith III, Watkins Glen Fire Department  
William Kennedy, County Fire Coordinator

**FISH & WILDLIFE MANAGEMENT BOARD**

Philip C. Barnes, Legislative Alternate

**INTER-COUNTY ASSOCIATION OF WESTERN NEW YORK**

James W.D. Howell, Jr., Legislator  
Carl H. Blowers, Legislator  
Mark F. Rondinaro, Legislator

**OFFICE FOR THE AGING ADVISORY COUNCIL**

Dennis A. Fagan, Chairman of the Legislature  
Van A. Harp, Legislator  
Patrick Ryan, Schuyler Hospital/Seneca View  
Kathleen LaMoreaux, Hector  
David LaMoreaux, Hector

**PUBLIC HEALTH PROFESSIONAL ADVISORY COMMITTEE**

Dennis A. Fagan, Chairman of the Legislature  
Deborah Bailey, RN, Schuyler Hospital  
Kristin VanHorn, Schuyler County Planning Director  
JoAnn Kingsley, Public Representative  
Derrick Chrisler, Community Based Organization Representative  
Theresa Bird, RN Community Health Nurse Arnot Health  
Chastain Rumsey, Consumer Representative  
Dr. Paul Donnelly, MD Arnot Health  
Catie Kunecki, Common Ground

Kylie Rodriguez, HIICAP Coordinator Office for the Aging  
Philp Cherry, Executive Director Cornell Cooperative Extension

**RURAL TRANSPORTATION COMMITTEE**

James W.D. Howell. Jr., Chairman, Public Works Committee  
David M. Reed, Legislator

**S<sup>2</sup>AY RURAL HEALTH NETWORK BOARD OF DIRECTORS**

Carl H. Blowers, Legislator

**SCHUYLER COUNTY ECONOMIC DEVELOPMENT AGENCY**

Dennis A. Fagan, Chairman of the Legislature

**SCHUYLER COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

Carl H. Blowers, Legislator, Community Development & Natural Resources Committee Member

**SCHUYLER COUNTY SAFETY COMMITTEE**

Van A. Harp, Public Safety Committee Chairman

**SOIL & WATER CONSERVATION BOARD**

James W.D. Howell, Jr., Legislator

Carl H. Blowers, Legislator

**SOUTHERN TIER CENTRAL REGIONAL PLANNING & DEVELOPMENT BOARD**

Dennis A. Fagan, Chairman of the Legislature

**WORKFORCE DEVELOPMENT BOARD**

Michael L. Lausell

**YOUTH BOARD**

David M. Reed, Legislator

Vote 7-0.

**RESOLUTION NO. 36** Motion by Harp, Second by Rondinaro.

RE: TWO-YEAR APPOINTMENTS

BE IT RESOLVED, the Schuyler County Legislature hereby approves the appointment of the following individuals to the below boards, committees, agencies, for the term January 1, 2018 through December 31, 2019, to wit:

**ALCOHOLISM AND SUBSTANCE ABUSE**

Breck Spaulding

**FISH & WILDLIFE MANAGEMENT BOARD**

David M. Reed, Legislator

George Rutledge, Sportsman

**HUMAN SERVICES (STC)**

Mark F. Rondinaro, Legislator

**OFFICE FOR THE AGING ADVISORY COUNCIL**

Diane Edwards, Town of Dix

Linda Mapes, Village of Watkins Glen

Susan Larson, RSVP- Catholic Charities

Joan Scott, Veterans Services

Rebecca Weichenthal, DSS, Adult Services/Adult Protective Services

**PLANNING COMMISSION**

Ted Marks, Business Representative

Chris Arnold, Town of Cayuta

Ben Stamp, Town of Dix

David Stamp, Town of Reading

**SCHUYLER HEAD START BOARD OF DIRECTORS**

Michael L. Lausell, Legislator

**SOUTHERN TIER CENTRAL REGIONAL PLANNING & DEVELOPMENT BOARD**

Dennis A. Fagan, Chairman, Schuyler County Legislature

Tim O'Hearn, Schuyler County Administrator

Kristin VanHorn, Schuyler County Planning Director

Kate Bartholemew, Environmental Representative

Vote 7-0.

**RESOLUTION NO. 37** Motion by Harp, Second by Rondinaro.

RE: THREE-YEAR APPOINTMENTS

BE IT RESOLVED, the Schuyler County Legislature hereby approves the appointment of the following individuals to the below boards, committees, agencies, for the term January 1, 2018 through December 31, 2020, to wit:

**ENVIRONMENTAL MANAGEMENT COUNCIL**

Elaine Dalrymple, Schuyler County Soil & Water Conservation Board

Jeanne Fudala, Town of Catharine

Charlie Stevenson, Town of Hector

Richard Hurley, Town of Orange

**SAY RURAL HEALTH NETWORK BOARD OF DIRECTORS**

Chris Brink RN, Provider

**SOIL & WATER CONSERVATION BOARD**

Rick Reisinger, Farmer

Gary Gaige, Grange

**YOUTH BOARD**

Ron Alexander, District III

Gretchen Silliman, District IV

Carol English, Member at Large

Chris Burns, Community Services Board

Linda MacDonald, Probation Department

Andrew Yessman, Sheriff's Department

Vote 7-0.

**RESOLUTION NO. 38** Motion by Harp, Second by Rondinaro.

RE: FOUR-YEAR APPOINTMENTS

BE IT RESOLVED, the Schuyler County Legislature hereby approves the appointment of the following individuals to the below boards, committees, agencies, for the term January 1, 2018 through December 31, 2021, to wit:

**AGRICULTURE & FARMLAND PROTECTION BOARD**

Michael. L. Lausell, Legislator

**ALCOHOLISM AND SUBSTANCE ABUSE**

Marcia Kasprzyk

Danielle Tilden

**COMMUNITY SERVICES BOARD**

Marcia Kasprzyk, Health Representative

Glenn Larison, Family Member

Cheryl Pruett, PhD., Psychologist

John Rahr, Community Representative

**CORNELL COOPERATIVE EXTENSION ASSOCIATION**

Michael. L. Lausell, Legislator

**LAMOKA/ WANETA LAKES PROTECTION DISTRICT**

Gordon Shafer, Lamoka Lake Property Owner

**MENTAL HEALTH SUBCOMMITTEES**

Judy Phillips, Community Representative

Tamre Waite, Community Representative

John Rahr, Community Representative

JoAnn Fratarcangelo, Community Representative

**PEOPLE WITH DEVELOPMENTAL DISABILITIES SUBCOMMITTEE**

Glenn Larison  
Gretchen Silliman

**SENECA WATERSHED INTER-MUNICIPAL ORGANIZATION (SENECA IO)**  
James W.D. Howell, Jr., Legislator  
**SOUTHERN TIER REGIONAL EMERGENCY MEDICAL SYSTEMS(STREMS)**  
Bill Kennedy, Emergency Management

Vote 7-0.

**RESOLUTION NO. 39** Motion by Harp, Second by Rondinaro.

RE: FOUR-YEAR APPOINTMENT

WHEREAS, the Town of Tyrone's representative on the Lamoka/Waneta Lakes Protection & Rehabilitation District expired on December 31, 2016, and

WHEREAS, the Town of Tyrone re-appointed Cartha Conklin in January of 2017 for a new four year term.

NOW, THEREFORE, BE IT RESOLVED, the Schuyler County Legislature hereby approves the appointment of Cartha Conklin as the Town of Tyrone Representative on the Lamoka/Waneta Lakes Protection & Rehabilitation District, for the term that was effective January 1, 2017 through December 31, 2020.

Vote 7-0.

**RESOLUTION NO. 40** Motion by Harp, Second by Rondinaro.

RE: NON-CALENDAR YEAR APPOINTMENTS

BE IT RESOLVED, the Schuyler County Legislature hereby approves the appointment of the following individuals to the below boards, committees, agencies, for the below non-calendar year term.

**LAW LIBRARY BOARD OF TRUSTEES**

Michael. L. Lausell, Legislator - Term of 10/1/2017 through 10/2/19

Vote 7-0.

**RESOLUTION NO. 41** Motion by Harp, Second by Rondinaro.

RE: APPOINTMENT TO BOARDS/COMMITTEES WITH NO TERM

BE IT RESOLVED, the Schuyler County Legislature hereby approves the appointment of the following individuals to the below boards, committees, agencies, with no term.

**COMMUNITY SERVICES BOARD**

Carl H. Blowers, Legislator

**EMPLOYEE ASSISTANCE PROGRAM (EAP)**

Mark F. Rondinaro, Legislator

**LOCAL EMERGENCY FOOD & SHELTER BOARD**

David M. Reed, Legislator

Vote 7-0.

**RESOLUTION NO. 42** Motion by Harp, Second by Rondinaro.

RE: ACKNOWLEDGE APPOINTMENT TO FILL UN-EXPIRED TERM ON THE AGRICULTURE & FARMLAND PROTECTION BOARD

WHEREAS, Elaine Dalrymple retired in April of 2017, and

WHEREAS, this retirement created a vacancy on the Agriculture & Farmland Protection Board.

NOW, THEREFORE, BE IT RESOLVED, the Schuyler County Legislature hereby approves the appointment of Tom Eskildsen to fill the un-expired term as the Soil & Water Representative on the Agriculture & Farmland Protection Board, effective May 1, 2017 through December 31, 2019.

Vote 7-0.

**RESOLUTION NO. 43** Motion by Harp, Second by Rondinaro.

RE: ACKNOWLEDGE APPOINTMENT TO FILL UN-EXPIRED TERM ON THE QUEEN CATHARINE STEERING COMMITTEE

BE IT RESOLVED, the Schuyler County Legislature hereby acknowledges the appointment of

PROCEEDINGS OF THE YEAR 2018

Legislator David M. Reed to fill the un-expired term of Mark. F. Rondinaro on the Queen Catharine Steering Committee, from January 1, 2018 through December 31, 2018.

Vote 7-0.

**RESOLUTION NO. 44** Motion by Howell, Second by Rondinaro.

RE: MOTION TO BRING ONE (1) RESOLUTION TO THE FLOOR

BE IT RESOLVED, that one (1) Resolution be brought to the floor.

Vote 7-0.

**RESOLUTION NO. 45** Motion by Rondinaro, Second by Howell.

RE: RESOLUTION CALLING ON GOVERNOR CUOMO AND NEW YORK STATE REPRESENTATIVES TO INCLUDE CANANDAIGUA, KEUKA AND SENECA LAKES IN THE LIST OF PRIORITY LAKES THAT ARE VULNERABLE TO HARMFUL ALGAL BLOOMS (HABS)

WHEREAS, on December 21, 2017, Governor Cuomo unveiled his 12<sup>th</sup> proposal of 2018 State of the State, and

WHEREAS, this proposal is entitled, “Protecting New York’s Lakes from Harmful Algal Blooms”, and

WHEREAS, within this proposal are identified twelve priority lakes that are vulnerable to harmful algal blooms (HABs) and are critical sources of drinking water and vital tourism drivers, and

WHEREAS, the proposal provides nearly \$60 million in grant funding to implement action plans created by Steering Committees, and

WHEREAS, Canandaigua, Keuka and Seneca Lakes were not included in the list of twelve priority lakes, and

WHEREAS, Canandaigua, Keuka and Seneca Lakes are vulnerable to HABs and are critical sources of drinking water and vital tourism drivers.

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Legislature calls on Governor Andrew Cuomo, the New York State Senate and the New York State Assembly to expand the list of priority lakes to include Canandaigua, Keuka and Seneca Lakes, and

BE IT FURTHER RESOLVED, that funding for Canandaigua, Keuka and Seneca Lakes be included at the same level as on lakes already identified, and

BE IT FURTHER RESOLVED, that copies of this Resolution be sent to Governor Andrew M. Cuomo, State Senator Thomas F. O’Mara, Assemblyman Philip A. Palmesano, Senate Majority Leader John J. Flanagan, Senate Democratic Conference Leader Andrea Stewart-Cousins, Senate Independent Democratic Conference Leader Jeffrey D. Klein, Assembly Speaker Carl E. Heastie, Assembly Majority Leader Joseph D. Morelle and Assembly Minority Leader Brian M. Kolb, and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to all parties listed below.

- Canandaigua Lake Watershed Association (CLWA)
- Canandaigua Lake Watershed Council
- Keuka Lake Association (KLA)
- Keuka Watershed Improvement Cooperative (KWIC)
- Seneca Lake Pure Waters Association, Inc. (SLPWA)
- Seneca Watershed Intermunicipal Organization (SWIO)
- Ontario County
- Yates County
- Seneca County
- Steuben County.
- Bluff Point Association

DISCUSSION: Legislator Howell said that he wasn’t sure why these Lakes’ were excluded. He thought maybe it may have had something to do with not having enough data. He said, as the representative for Schuyler



County on the Seneca Watershed Intermunicipal Organization, this organization feels there are legitimate concerns with the lakes listed.

Vote 7-0.

**NEW BUSINESS:** None.

**UNFINISHED BUSINESS:** None.

**REPORT ON STRANDING COMMITTEES:**

Chairman Fagan said that December will be the final payment of the sales tax revenue. He reported that year to date, we are \$383,000 over last year's figures, and that last year was a record year with 3.7% growth. He said that our figures have almost doubled over the last two years. Legislator Reed asked what was driving the increase. Chairman Fagan said that he contributes it to the economic development growth of the region and the fuel tax increase. He said that we had not held any special events that would have contributed to these figures, and we have had record revenues on room tax which is driven by tourism, so we look quite strong. Administrator O'Hearn said that the fuel tax is about twelve percent (12%) of the revenue.

**COUNTY ADMINISTRATOR'S REPORT:**

The County Administrator said that he had nothing new to report on.

**PUBLIC PARTICIPATION:**

Ms. Brill questioned what the grant for Catholic Charities was for, and Administrator O'Hearn said that the Department of Social Services was a pass through for the funds to flow through to Catholic Charities.

The Meeting adjourned at 6:51 p.m.

Stacy B. Husted, Clerk

Jamee L. Mack, Deputy Clerk

## **REGULAR MEETING**

### **FEBRUARY 12, 2018**

The February 12, 2018 Regular Meeting of the Schuyler County Legislature was called to order at 6:30 p.m. by Chairman Fagan. The Pledge of Allegiance was led by Legislator Harp and followed by a Moment of Silence. All Legislators were present except Legislator Rondinaro who was excused. County Administrator Timothy O'Hearn, and Assistant County Attorney Kristin Hazlitt were also present.

**PUBLIC PARTICIPATION:** None.

**RESOLUTION NO. 46** Motion by Barnes, Second by Harp.

RE: APPROVE THE MINUTES OF THE JANUARY 3, 2018 ORGANIZATIONAL MEETING AND THE JANUARY 8, 2018 REGULAR MEETING OF THE SCHUYLER COUNTY LEGISLATURE

BE IT RESOLVED, that the minutes of the January 3, 2018 Organizational Meeting and the January 8, 2018 Regular Meeting of the Schuyler County Legislature be approved.

Vote 7-0.

**RESOLUTION NO. 47** Motion by Barnes, Second by Harp.

RE: AUTHORIZE THE CREATION AND FILLING OF ONE PART-TIME COOK POSITION – SHERIFF'S OFFICE

WHEREAS, the Jail currently has two (2) part-time cooks, and a third part-time cook is needed to fill in for vacations and sick days.

WHEREAS, the Sheriff's Department is requesting to create this position, upon the approval of the County Administrator, and

WHEREAS, funding for this position is included in the 2018 budget.

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Sheriff be hereby authorized to create and fill one part-time Cook position in the Jail, at an hourly rate of \$16.21, as set forth in the Schuyler County Correction Officer's Benevolent Association, Inc. Union Contract, effective February 26, 2018.

Vote 7-0.

**RESOLUTION NO. 48** Motion by Barnes, Second by Harp.

RE: AUTHORIZE THREE-YEAR LEASE APPLICATION AND CONTRACT DOCUMENTS WITH FORD MOTOR CREDIT COMPANY FOR TWO NEW VEHICLES – SHERIFF’S OFFICE

WHEREAS, money has been appropriated to lease two new vehicles for the Sheriff’s Office in the amounts set forth below, and

WHEREAS, such lease has been obtainable through the State bidding procedure.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature be hereby authorized to execute the Municipal Finance Application and related contract documents with Ford Motor Credit Company for the Sheriff’s Department for two (2) 2018 Dodge Charger Police vehicles (Price \$27,654.35) through the State leasing procedure, in the annual amount of \$19,801.87 (three payments)(APR 6.50%) (Total Amount Financed, \$55,853.70), funding available in each budget year account no. 3110.204, upon confirmation of approval by the County Attorney.

Vote 7-0.

**RESOLUTION NO. 49** Motion by Barnes, Second by Harp.

RE: AUTHORIZE THE CREATION AND FILLING OF A PART-TIME LEGAL SECRETARY POSITION – PUBLIC DEFENDER

WHEREAS, the Public Defender’s Office is required to comply with newly developed caseload standards established by New York State Office of Indigent Legal Services (NYSOILS), and

WHEREAS, to meet those standards, additional staff is needed, and

WHEREAS, the Public Defender is requesting to create this position, upon the approval of the County Administrator, and

WHEREAS, funding for the position is available in the 2018 budget account no. 1170.0100 and will be reimbursed by the State.

NOW, THEREFORE, BE IT RESOLVED, that the Public Defender is hereby authorized to create and fill the part-time Legal Secretary position, at an annual salary of between \$19,000-\$24,000, effective immediately.

Vote 7-0.

**RESOLUTION NO. 50** Motion by Barnes, Second by Harp.

RE: AUTHORIZE THE CREATION AND FILLING OF AN ADDITIONAL FULL-TIME ASSISTANT PUBLIC DEFENDER POSITION – PUBLIC DEFENDER

WHEREAS, the Public Defender’s Office is required to comply with newly developed caseload standards established by New York State Office of Indigent Legal Services (NYSOILS), and

WHEREAS, to meet those obligations, additional staff is needed, and

WHEREAS, the Public Defender is requesting to create this position upon the approval of the County Administrator, and

WHEREAS, funding for the position is available in the 2018 budget account no. 1170.0100 and will be reimbursed by the State.

NOW, THEREFORE, BE IT RESOLVED, that the Public Defender is hereby authorized to create and fill one additional full-time Assistant Public Defender position, at an annual salary of between \$70,000-\$80,000, effective immediately.

Vote 7-0.

**RESOLUTION NO. 51** Motion by Barnes, Second by Harp.

RE: INTRODUCE LOCAL LAW A OF THE YEAR 2018 AUTHORIZING PER DIEM COMPENSATION UNDER THE “COUNSEL AT FIRST ARRAIGNMENTS PROGRAM”

WHEREAS, the Schuyler County Legislature wishes to provide for per diem on call compensation for Assistant District Attorneys and Assistant Public Defenders.

NOW, THEREFORE, BE IT RESOLVED, that Local Law A of the year 2018 be, and hereby is, introduced in the form hereto annexed pursuant to the Municipal Home Rule Law, and

BE IT FURTHER RESOLVED, that a public hearing shall be held upon said proposed Local Law on

March 12, 2018 at 6:30 p.m. in the County Office Building, 105 Ninth Street, Watkins Glen, NY.

**LOCAL LAW A OF THE YEAR 2018**

A Local Law authorizing Per Diem Compensation under the “Counsel at First Arraignment Program”  
Be it enacted by the Legislature of the County of Schuyler as follows:

1. Legislative Intent.
  - a. Notwithstanding the provisions of any general law, the county legislature shall have the power to fix the salary of all officers paid from county funds, except the members of the judiciary, pursuant to New York State Municipal Home Rule Law § 10 and related authority.
  - b. The County of Schuyler has various obligations related to the Hurrell-Harring settlement (Supreme Court of the State of New York, County of Albany, *Kimberly Hurrell-Harring, et al, on Behalf of Themselves and All Others Similarly Situated, Plaintiffs, -v- The State of New York, et al., Defendants*, Index No. 8866-07 [Connolly, J., presiding]), including to provide counsel at all arraignments throughout the county.
  - c. In order to provide counsel at all arraignments throughout the county the legislature has determined that it would be in the best interest of the county to provide for per diem on call compensation for assistant district attorneys and assistant public defenders, notwithstanding any local or general law to the contrary.
  - d. The intent of this local law is to supersede New York State Public Officers Law § 2; New York State County Law §§ 201, 400, 401, 700, 702 and 716 and related statutes as may be required to allow for such per diem compensation.
2. Per diem compensation program created.
  - a. The Schuyler County Public Defender is hereby authorized to create and/or continue a Counsel at First Arraignment Program, to provide coverage on weekends and holidays and to compensate Assistant Public Defenders, and any assigned counsel on a per diem basis.
  - b. The Schuyler County District Attorney is hereby authorized to create and/or continue a Counsel at First Arraignment Program, to provide coverage on weekends and holidays as follows and to compensate Assistant District Attorneys on a per diem basis
3. Establishment and amendment of compensation levels.
  - a. The per diem rate for assistant district attorneys and/or assistant public defenders shall be established by resolution of the county legislature and may include mileage, cell phone usage and/or other salary or benefits, as determined by the legislature.
  - b. Such per diem rate and other compensation may be increased or reduced by a resolution of the legislature duly enacted passed from time to time without the necessity of a subsequent local law and for any reason, including, but not limited to, increases or reductions in state and/or federal funding sources.
4. Compensation of Officers appointed or elected for fixed terms unaffected.

Nothing herein shall be construed as authorizing increases in the salary of an elective officer or of an officer appointed for a fixed term, during their term of office, including, but not limited to, the Schuyler County District Attorney and Schuyler County Public Defender.
5. Savings Clause.
  - a. Insofar as the provisions of this local law may be inconsistent with the provisions of any other local law or act, the provisions of this local law shall be controlling.
  - b. If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgement shall have been rendered.

6. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State but not withstanding its effective date, this local law shall be deemed retroactive to January 1, 2018.

Vote 7-0.

**RESOLUTION NO. 52** Motion by Howell, Second by Harp.

RE: AUTHORIZE ADVERTISEMENT TO RECEIVE SEALED BIDS FOR THE SCHUYLER COUNTY PUBLIC SAFETY BUILDING, JAIL UPGRADES PROJECT – BUILDINGS AND GROUNDS

WHEREAS, LaBella Associates, D.P.C. has completed the engineering design assessment phase of the Schuyler County Public Safety Building, Jail Plumbing Upgrade.

NOW, THEREFORE, BE IT RESOLVED, that the Building Maintenance Supervisor be authorized to advertise for sealed bids for the Schuyler County Public Safety Building, Jail Upgrades Project, and

BE IT FURTHER RESOLVED, that the Clerk of the Legislature will receive sealed bids to be opened at an open public meeting.

Vote 7-0.

**RESOLUTION NO. 53** Motion by Howell, Second by Harp.

RE: AUTHORIZE ADVERTISEMENT TO RECEIVE SEALED BIDS FOR WATER TREATMENT SERVICES AND COOLING TOWER COMPLIANCE – BUILDINGS AND GROUNDS

WHEREAS, the Water Treatment Services and Cooling Tower Compliance agreements expire May 31, 2018.

NOW, THEREFORE, BE IT RESOLVED, that the Building Maintenance Supervisor be authorized to advertise for Water Treatment Services and Cooling Tower Compliance Sealed Bids for June 1, 2018 through May 31, 2022, and

BE IT FURTHER RESOLVED, that the Clerk of the Legislature will receive sealed bids to be opened at an open public meeting.

Vote 7-0.

**RESOLUTION NO. 54** Motion by Howell, Second by Harp.

RE: ACCEPT/REJECT BIDS FOR CONSTRUCTION OF COUNTY ROAD 16 OVER MEADS CREEK BRIDGE REPLACEMENT - HIGHWAY DEPARTMENT

WHEREAS, Schuyler County adopted Resolution No 358-17, authorizing the advertising for bids for construction of County Road 16 Bridge Replacement, and

WHEREAS, bids were opened on February 9, 2018 and reviewed with the recommendation being made by Hunt Engineers to accept the lowest responsible bid from Silverline Construction, Inc.

NOW, THEREFORE, BE IT RESOLVED, the Schuyler County Legislature accept the following lowest responsible bid from Silverline Construction, Inc., for the County Road 16 over Meads Creek Bridge Replacement at the low bid price of \$884,185.00, funding available in the 2018 budget account no. 002.5120.342 and reimbursed, 80% Federal, 15% State, 5% local, and

BE IT FURTHER RESOLVED, that the Chairman be authorized to sign the contract for said bid, subject to approval by the Schuyler County Attorney, and

BE IT FURTHER RESOLVED, the other bids be rejected, with a note of appreciation for their participation.

DISCUSSION: Chairman Fagan asked Kenneth Thurston, Highway Superintendent, who was present at the meeting, how this quote compared to our budget. Ken explained that it is over our budgeted amount by about \$100,000. He said the engineering estimate was at \$877, 000. Administrator O’Hearn reminded the Legislators that the engineering estimate was done in 2012 as well.

Vote 7-0.

**RESOLUTION NO. 55** Motion by Harp, Second by Lausell.

RE: AUTHORIZE RE-APPOINTMENT OF THE COMMISSIONER OF SOCIAL SERVICES

WHEREAS, the current appointment term for the Commissioner of Social Services will expire on March 17, 2018, and

WHEREAS, it is the recommendation of the Legislature to re-appoint JoAnn Fratarcangelo to that position.

NOW, THEREFORE, BE IT RESOLVED, that JoAnn Fratarcangelo be re-appointed as the Commissioner of Social Services for a five-year term commencing on March 18, 2018, and terminating on March 17, 2023.

DISCUSSION: Legislator Barnes said that he has heard concerns with the Commissioner of Social Services not being a resident of our County.

Vote 7-0.

**RESOLUTION NO. 56** Motion by Harp, Second by Lausell.

RE: AUTHORIZE 2017-2018 AND 2018-2019 GRANT APPLICATIONS FOR SCHUYLER COUNTY UNITED WAY FOR THE FAMILY PLAY & RESOURCE CENTER – YOUTH BUREAU

WHEREAS, the Youth Bureau is the umbrella department for the Family Play and Resource Center program, and

WHEREAS, funding is needed for continued program development, oversight and maintenance, and

WHEREAS, the Schuyler County Youth Bureau act as the fiscal agent for the program, and

WHEREAS, the United Way Grant offers funding for between \$1,400 and \$2,000, and there is no local match required.

NOW, THEREFORE, BE IT RESOLVED, that the Youth Bureau be authorized to submit for the aforementioned grant applications for funding for the Family Play & Resource Center, and

BE IT FURTHER RESOLVED, that if awarded, the Schuyler County Treasurer is hereby directed to establish the United Way Grants accordingly in cooperation with the Youth Bureau Department.

Vote 7-0.

**RESOLUTION NO. 57** Motion by Harp, Second by Lausell.

RE: AUTHORIZE 2017-2018 GRANT APPLICATION FOR TRIANGLE FUND GRANT – YOUTH BUREAU

WHEREAS, the Youth Bureau is the umbrella department for the Family Play & Resource Center program, and

WHEREAS, funding is needed for supplies, operation and parenting education, and

WHEREAS, the Schuyler County Youth Bureau acts as the oversight and fiscal agency for the program, and

WHEREAS, the Triangle Grant offers funding for between \$5,000 and \$15,000 and there is no local match.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature be hereby authorized to sign the aforementioned grant application for funding for the Family Play & Resource Center, and

BE IT FURTHER RESOLVED, that if awarded, the Schuyler County Treasurer is hereby directed to establish the Triangle Fund Grant accordingly in cooperation with the Youth Bureau Department.

Vote 7-0.

**RESOLUTION NO. 58** Motion by Harp, Second by Lausell.

RE: AUTHORIZE APPOINTMENTS TO THE YOUTH BOARD

BE IT RESOLVED, the Schuyler County Legislature hereby approves the appointment of the following individuals to the Youth Board, with the below terms.

Mary Wilson - January 1, 2018 through December 31, 2020

Madison Vogel - January 1, 2018 through December 31, 2018

Thalia Marques – January 1, 2018 through December 31, 2018

Vote 7-0.

**RESOLUTION NO. 59** Motion by Harp, Second by Lausell.

RE: AUTHORIZE APPOINTMENT TO THE YOUTH BOARD

WHEREAS, R. Chris Burns has submitted his resignation from the Youth Board, and

PROCEEDINGS OF THE YEAR 2018

WHEREAS, M. Shawn Rosno will be filling this vacant seat on the Youth Board representing the Community Services Board.

NOW, THEREFORE, BE IT RESOLVED, the Schuyler County Legislature hereby approves the appointment of M. Shawn Rosno to fill the vacancy on the Youth Board for a three-year term, effective February 12, 2018 through December 31, 2020.

Vote 7-0.

**RESOLUTION NO. 60** Motion by Harp, Second by Lausell.

RE: AUTHORIZE FOUR-YEAR APPOINTMENT TO THE ECONOMIC OPPORTUNITY PROGRAM, INC. BOARD OF DIRECTORS (EOP)

BE IT RESOLVED, the Schuyler County Legislature hereby approves the appointment of JoAnn Fratarcangelo, Commissioner of Social Services, or her designee to the Economic Opportunity Program Board of Directors with a term of January 1, 2018 through December 31, 2021.

Vote 7-0.

**RESOLUTION NO. 61** Motion by Harp, Second by Lausell.

RE: AUTHORIZE AMENDING THE 2018 BUDGET FOR THE CHRONIC DISEASE PROGRAM – PUBLIC HEALTH

WHEREAS, Schuyler County Public Health Department has been awarded a total of \$30,500 as an incentive award for the quality work in the Chronic Disease Program.

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Treasurer is hereby authorized to amend the 2018 Public Health Budget as follows:

<u>AMOUNT</u>	<u>ACCOUNT NO.</u>	<u>DESCRIPTION</u>
+\$30,500	4010.0400	Contractual Expense
+\$30,500	4010.1689	Other Health Dept. Income

Vote 7-0.

**RESOLUTION NO. 62** Motion by Barnes, Second by Harp.

RE: AUTHORIZE TWO-YEAR APPOINTMENT TO THE SCHUYLER COUNTY PLANNING COMMISSION

WHEREAS, the Town of Tyrone representative position on the board is currently vacant, and

WHEREAS, the Town of Tyrone has appointed Joe Sevier to represent the Town on the Schuyler County Planning Commission.

NOW THEREFORE, BE IT RESOLVED, that the Schuyler County Legislature acknowledges the appointment of Joe Sevier as the Town of Tyrone representative on the Schuyler County Planning Commission for the term of January 1, 2018 through December 31, 2019.

Vote 7-0.

**RESOLUTION NO. 63** Motion by Barnes, second by Harp.

RE: AUTHORIZATION TO DECLARE FIXED ASSETS SURPLUS FOR HIGHWAY DEPARTMENT – PURCHASING

WHEREAS, the Highway Department has fixed assets to be declared surplus.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to County Law Section 215, the Schuyler County Legislature hereby declares the following assets surplus, and

BE IT FURTHER RESOLVED, that the following assets are to be placed in storage for future auction and trade-in.

**SURPLUS (for auction)**

<u>Asset #</u>	<u>Description</u>	<u>Serial/VIN #</u>	<u>Department</u>
0587	Excavator, Case #R2588	6293952	Highway
0528	Tractor and Mower, Case	IH595 55409	Highway

Vote 7-0.

**RESOLUTION NO. 64** Motion by Barnes, Second by Harp.

RE: AUTHORIZE AMENDING THE MANAGEMENT/CONFIDENTIAL HANDBOOK – HUMAN RESOURCES

WHEREAS, when revisions were made to the Management Confidential Handbook in September 2017, language for Section II, language regarding time off in half day increments was inadvertently removed and needs to be included once again.

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Legislature hereby authorizes amending the revised Management/Confidential Handbook, on file in the Human Resources Office, effective immediately, said documents to be made available to all management/confidential employees.

Vote 7-0.

**RESOLUTION NO. 65** Motion by Barnes, Second by Harp.

RE: INTRODUCE LOCAL LAW B OF THE YEAR 2018 DECLARING THE OPIOID EPIDEMIC AND ITS EFFECTS ON THE COUNTY A PUBLIC NUISANCE AND ESTABLISHING A COST RECOVERY PROCEDURE

WHEREAS, the Schuyler County Legislature wishes to declare the opioid epidemic a public nuisance.

NOW, THEREFORE, BE IT RESOLVED, that Local Law B of the year 2018 be, and hereby is, introduced in the form hereto annexed pursuant to the Municipal Home Rule Law, and

BE IT FURTHER RESOLVED, that a public hearing shall be held upon said proposed Local Law on March 12, 2018 at 6:30 p.m. in the County Office Building, 105 Ninth Street, Watkins Glen, NY.

**LOCAL LAW B OF THE YEAR 2018**

A Local Law declaring the opioid epidemic and its effects on the County a public nuisance and establishing a cost recovery procedure.

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

**I. Purpose and intent.**

- A. The opioid epidemic is sweeping the country. Indeed, addiction to and abuse of opioids is one of the greatest challenges facing Schuyler County, New York (the “County”). A cause of this increasing crisis is the overabundance of prescription opioids. Large amounts of prescription opioids were sold, distributed, and prescribed in the County over the past several years, a practice that continues today. The selling, distributing, and prescribing of large amounts of opioids in our community has created a public health and safety hazard affecting the residents of the County. This crisis has devastated families, wreaked havoc on our economy, and produced a generation of narcotic dependence. As a result of the opioid epidemic, costs related to healthcare, family and social services, criminal justice, addiction and rehabilitation, and many other areas have significantly increased. Many of these costs are paid by the County.
- B. The purpose and intent of this legislation is to allow the County to recover these costs, despite the existence of the common-law municipal cost recovery rule (a.k.a. free public services doctrine) and declare the opioid epidemic and its effects on the County a public nuisance. Specifically, the County provides services related to the opioid epidemic, which are funded by tax revenues. This statute clarifies that reimbursement may be sought for the costs of providing such services, whenever practicable, from the responsible party. To accomplish this, the County establishes this cost recovery procedure and declares the opioid epidemic and its effects on the County a public nuisance.

**II. Definitions.**

- A. “Costs” means all expenditures related to the opioid epidemic that directly or indirectly arise from the County’s response to a responsible party’s action or inaction.
- B. “Responsible party” means any person or corporation whose negligent, intentional, or otherwise wrongful conduct causes the incident resulting in the County incurring costs or who is found liable or made responsible by a court for the costs incurred by the County in the form of damages,

regardless of the cause of action.

**III. Governmental function cost recovery.**

The County may recover the costs of governmental functions related to opioids marketed, sold, manufactured, dispensed, prescribed, and/or distributed by the responsible party. If a responsible party fails to pay the costs demanded, the County may initiate and recover costs through administrative, civil, and/or criminal action against the responsible party. In that case, the County may also recover attorney's fees, interest, and any other payment or type of damages the court deems proper.

**IV. Effect of criminal or civil proceedings on governmental function cost recovery.**

The initiation of administrative or civil proceedings for governmental function cost recovery does not bar the criminal prosecution of a responsible party for any associated violation. Similarly, criminal prosecution does not bar civil collection of costs for the violation giving rise to the criminal prosecution.

**V. Public nuisance.**

The County hereby finds and declares the following:

- A. That addiction to and abuse of opioids is one of the greatest challenges facing the County;
- B. A cause of this increasing crisis is the overabundance of prescription opioids. Vast amounts of prescription opioid pain pills were sold, distributed and prescribed in the County over the past several years which practice continues today;
- C. There is evidence showing that approximately four in five heroin users began their addiction by first using and then misusing prescription pain medications containing opioids;
- D. The selling, distributing, and prescribing of large amounts of opioid pain pills in the County has created a public health and safety hazard affecting the residents of the County, resulting in devastation to County families, a negative effect on the County economy, wasted public resources, and a generation of narcotic dependence;
- E. That selling, distributing, and prescribing of prescription opioid pain pills is a hazard to public health and safety, which has created a public nuisance to the citizens of the County, and said nuisance remains unabated;
- F. That, in addition to all other powers and duties now conferred by law upon the County, the County is authorized to enact ordinances, issue orders, and take other appropriate and necessary actions for the elimination of hazards to public health and safety and to abate or cause to be abated anything which the commission determines to be a public nuisance;
- G. That manufacturers of prescription opioids and those in the chain of distribution have wrongfully abused the privilege of selling and/or providing medication to our residents and must be held accountable; and
- H. That it is the duty of the County to vindicate the rights of the citizens of the County and take action to abate this public nuisance.

**VI. Effective Date and Retroactive application.**

This legislation shall be effective upon filing with the Secretary of State but shall apply retroactively.

Vote 7-0.

**RESOLUTION NO. 66** Motion by Barnes, Second by Harp.

RE: AUTHORIZE AMENDING POLICIES AND PROCEDURES MANUAL TO ADOPT A COUNTY-WIDE DRESS CODE POLICY – HUMAN RESOURCES

WHEREAS, as a unit of government, conformance with the standards of dress that promotes a professional and competent appearance of all employees is deemed to be in the best interest of furthering the mission of Schuyler County government, and

WHEREAS, to ensure uniformity and fairness, definitions of appropriate dress are best codified in a county wide policy outlining standards that promote a professional and businesslike image to the clients and the general public we serve, and



WHEREAS, the County and the Executive Board of the Schuyler County Administrative Unit CSEA Local 849, as the union that represents the majority of the employee population to be affected, have been successful in reaching an agreement on a dress code policy that is satisfactory, and

WHEREAS, the Schuyler County Legislature supports the aforementioned and further wishes to adopt a formal county-wide dress code.

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Legislature hereby authorizes amending the Policies and Procedures Manual to adopt the following county-wide policy:

**SCHUYLER COUNTY DRESS CODE POLICY**

All employees shall be dressed in clothing suitable for a professional business setting and the duties within the position held.

The clothing standards in this policy do not extend to employees whose job duties require uniforms, OSHA safety clothing, clothing deemed necessary for the safety standards of the position, as well as those assigned to law enforcement investigations.

Clothing shall be neat, clean, and in good repair.

All business casual attire must be in good repair and condition. Leggings are permitted, but must be worn with a top that reaches below the top of the inseam of the leggings. "Theme" clothing for special days, for example; holiday celebrations, sports days, are acceptable as approved by the Department Head. Dress shorts are permitted as long as such duties are not being performed in unsafe working conditions including but not limited to mowing grass, weed whacking etc.

The following are never permitted:

- See-through clothing
- Tops that expose the midriff
- Sweatpants/Track Suits/Athletic Shorts
- Sweatshirts/Hoodies (exception – Buildings and Grounds Maintenance, Cleaners, and Laborers; Mobile Work Crew Supervisor; Highway Union staff; and Employees while performing duties at a home/field visit.)
- Ripped Clothing – either by manufacturer intent or through extreme wear
- Crew neck/athletic T-shirts (exception – Buildings and Grounds Maintenance, Cleaners, and Laborers; Mobile Work Crew Supervisor; and Highway Union staff)
- Hats (exception – Sheriff's Department uniforms; Buildings and Grounds Maintenance, Cleaners, and Laborers; Mobile Work Crew Supervisor; Highway Union staff; and Employees while performing duties at a home/field visit.)
- Spaghetti strap or undershirt style Tank Tops/Halter tops (no undergarments showing)
- Rubber flip flops
- Inappropriate slogan or any message based clothing

All clothing called into question will be at the discretion of the Department Head or his/her authorized designee. The Department Head or his/her authorized designee is responsible for enforcing the dress code in their departments. This includes, but is not limited to, counseling employees whose appearance is inappropriate.

Employees are expected to demonstrate good judgment and professional taste. Employees should use courtesy towards coworkers and their professional image to the public as the factors to assess whether they are dressing in business attire that is appropriate.

Vote 7-0.

**RESOLUTION NO. 67** Motion by Barnes, Second by Harp.

RE: ACCEPT/REJECT BIDS FOR APPLICATION AND MONITORING EXPENSES FOR THE LAMOKA/WANETA LAKES PROTECTION REHABILITATION DISTRICT FOR LAMOKA AND WANETA LAKES

PROCEEDINGS OF THE YEAR 2018

WHEREAS, Resolution No. 402-17 authorized advertisement for sealed bids for the application and monitoring expenses for Waneta and Lamoka Lakes, and

WHEREAS, bids were opened January 23, 2018 and reviewed, with the recommendation being made by the Lamoka/Waneta Lakes District Commission to accept the bid from Solitude Lake Management, LLC, said contractor being the lowest responsible bidder in conformance with General Municipal Law § 103.

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Legislature hereby accepts the bid from Solitude Lake Management, LLC for the application and monitoring expenses on Waneta and Lamoka Lakes at the price of \$15,400.00 for treatment on Lamoka Lake and \$170,910.00 for treatment on Waneta Lake, with a unit monitoring cost of \$495.00 for three samples and a monitoring cost of \$2,970.00 for six sample rounds, , for a total estimated cost of \$189,775, with the possibility of any additional monitoring sites to be added at a unit cost of \$125.00 per sample.

BE IT FURTHER RESOLVED, that the Chairman of the Legislature is hereby authorized to sign the contract with Solitude Lake Management, LLC, with a term of May 1, 2018 through September 30, 2018, funding available in the 2018 budget account no. 8740.0400-Lamoka/Waneta Lakes Protection and Rehabilitation District, said contract approved by the Schuyler County Attorney.

Vote 7-0.

**RESOLUTION NO. 68** Motion by Barnes, Second by Howell.

RE: MOTION TO BRING ONE (1) RESOLUTION TO THE FLOOR

BE IT RESOLVED, that one (1) Resolution by brought to the floor.

Vote 7-0.

**RESOLUTION NO. 69** Motion by Barnes, Second by Blowers.

RE: AUTHORIZE BOOKING CONTRACT WITH KILRUSH CELTIC MUSIC AND PRODUCTIONS FOR A MUSICAL PERFORMANCE AT THE WATKINS PERFORMING ARTS CENTER (WPAC) – BUILDINGS AND GROUNDS

WHEREAS, as a condition of the adaptive reuse of the former Watkins Glen Middle School, and to promote public-private partnerships, Schuyler County participated in securing funding for the renovation of the former Middle School theater, and

WHEREAS, as part of this project, Schuyler County has entered into a multi-year lease to manage and operate this space, and

WHEREAS, in an effort to provide cultural and community centered activities, the Schuyler County Legislature desires to sponsor an event designed to showcase the facility by providing free admission to a community based musical performance, and

WHEREAS, the intent of this action is to attract more residents and visitors into the Watkins Glen region by providing economic incentives to support our regional economy.

NOW THEREFORE BE IT RESOLVED, that the Chairman of the Legislature is hereby authorized to execute a booking contract for a musical performance with Kilrush Celtic Music and Productions, in the amount of \$800.00, for a performance to be held on March 14, 2018, funding available in 2018 budget account no. 1620.400, contract subject to approval by the Schuyler County Attorney.

Vote 7-0.

**NEW BUSINESS:** None.

**UNFINISHED BUSINESS:**

Legislator Reed asked about grants and the financial obligations associated with them rather we agree to participate or not. Administrator O'Hearn explained that the Legislature in not obligated unless a Resolution is adopted acknowledging this obligation and committing the County to it. Legislator Reed was concerned with the Regional Mobile Mammography that was discussed at the Board of Health Committee Meeting.

**REPORT ON STANDING COMMITTEES:**

Legislator Barnes said that he has been elected as the board Vice Chairman of the Western Regional Off-Track Betting Corporation Board and will be spending a great deal of time there.

Chairman Fagan reported the New York State Department of Environmental Conservation will be treating the Catharine Creek and Seneca Lake to help combat the parasitic sea lamprey to enhance the lake. This treatment will occur in September.

Legislator Blowers wanted to let the Legislators know that Corning Community College will be re-naming academic halls, Chemung, Steuben & Schuyler Halls. This ceremony will be held May 15, 2018.

**COUNTY ADMINISTRATOR:**

Administrator O'Hearn reported that negotiations with GST BOCES regarding our Information Technology staffing is progressing. The plan would be to dedicate a person for the Department of Social Services and bring our IT Director inhouse full time. He said that he expects to bring an amendment to the contract with GST BOCES to the Management & Finance Committee Meeting this month for staffing in Social Services.

**PUBLIC PARTICIPATION:** None.

The Meeting adjourned at 6:44 P.M.

Stacy B. Husted, Clerk

Jamee L. Mack, Deputy Clerk

**REGULAR MEETING**

**MARCH 12, 2018**

The March 12, 2018 Regular Meeting of the Schuyler County Legislature was called to order at 6:30 p.m. by Chairman Fagan. The Pledge of Allegiance was led by Legislator Lausell and followed by a Moment of Silence. All Legislators were present. County Administrator Timothy O'Hearn, and County Attorney Stephen J. Getman were also present.

**PUBLIC PARTICIPATION:**

Ms. Sue Brill questioned Intro. No. 16 & 18 asking if this workforce study will include housing? Administrator O'Hearn explained that it does not. He told her that this particular study is focused on future needs. She then asked that the Legislature consider tabling Intro. No. 18 in order to listen to both sides, recommending they contact the Tompkins County Workers Center. She said that she has been in all of the fine establishments that are represented here tonight and she knows they take good care of their employees, but she feels that any employee that has to count on tips to make the minimum wage is just wrong. No other business requires their customers to make up the difference by tips.

Mr. Curt Connelly, owner of Curly's Family Restaurant, was present and stated that he agrees with Ms. Brill's statement, but the problem is with the kitchen staff. He said that the average server makes \$35,000 to \$40,000 per year with their tips. Now the Governor wants to raise this to \$15.00 per hour. We won't ever be able to get the kitchen staff salaries up to a server's salary, so how is a restaurant owner going to keep up?

Mr. Bill Tague, owner of Jerlando's Restaurant & Pizzeria in Watkins Glen, was present and said for clarification purposes, they have to now pay their servers \$7.50 per hour. His average server makes about \$25.00 per hour with their tips and his kitchen staff about \$16.00 per hour. With the Governor's proposal, he is not taking into account the other requirements like FICA, Workers Compensation and Social Security expenses that they must also pay. He said, let's face it, businesses in Watkins Glen flourish during the tourist season, but from October to mid-May business is real tough here. He said that he is not against this action, but the consumers are who really need to get involved. Affordability and frequency to be able to enjoy a dinner out will be in question. What the Governor is doing will make it so the average family will not be able to afford an evening out. He then mentioned that in 2015 the state of Maine attempted something very similar and it didn't work out. It was just recently dismissed. He said that he has talked with his staff about adding gratuity on the menu and they are all opposed to it. There was great deal of discussion with hourly rates and tips.

Mr. Connelly said that he has been forced to increase his prices by 15% since the year 2015.

Mrs. Gloria Brubaker, owner of Seneca Lodge, was present and she said that she has a captive audience

and her business is only open seasonally. She said that her serving staff has been with her for years, they are very good at what they do and make a tremendous amount of money doing it. Therefore, they come back each year. If they are not going to make money, we won't have the staff we need. She is in favor of the Resolution that the Legislature is considering.

Mr. Connelly said that he has tip reports from current employees. People that are considering working here look at these to determine if they want to work here. There is no hardship in my case with our business.

Mr. Tague said that in the state of Pennsylvania, the servers make \$2.83 per hour plus their tips. In New York State they make \$7.50 an hour plus tips. If this keeps going, we will not have the business from the adjoining states.

A server from Curly's Family Restaurant spoke saying that she loves her job, and she doesn't ever recall a time where she did not make at least the minimum wage. She said that if their rate had go to \$15.00 per hour they won't make any tips. Why would we want to even be in this business? She also said that the kitchen staff works twice as hard and they do and they make less.

Legislator Barnes complimented those business owners present and Mr. Connelly for bringing this to the attention of this Legislature. Legislator Howell informed them all that the adopted Resolution will be shared with the Inter-County Association of Western New York that speaks for and represents nineteen counties in New York State. He assured them that this will be discussed at the next Inter County Meeting.

**PUBLIC HEARING ON LOCAL LAW INTRO. A OF THE YEAR 2018 AUTHORIZING PER DIEM COMPENSATION UNDER THE "COUNSEL AT FIRST ARRAIGNMENTS PROGRAM":**

The Chairman asked Administrator O'Hearn to explain this local law. Administrator O'Hearn explained that this is something that we are doing because of the Hurrell-Herring Law suit settlement. In order to continue with this action, it is recommended by the County Attorney that it be authorized by a Local Law. He explained that this is funded and supported by counsel.

**PUBLIC HEARING ON LOCAL LAW INTRO. B OF THE YEAR 2018 DECLARING THE OPIOID EPIDEMIC AND ITS EFFECTS ON THE COUNTY A PUBLIC NUISANCE AND ESTABLISHING A COST RECOVERY PROCEDURE:**

The Chairman asked the County Attorney to explain this local law. Attorney Getman said that this is a step in our ongoing effort to hold the pharmaceutical companies accountable with their fraudulent marketing and advertising. There are ninety-one death's a day related to opioid consumption. Drugs are the leading cause of death from the year 1999 up to the year 2010. Now it is fourfold with an increase in opioid sales related to deaths. He referenced statistics in the United States, but locally we have a smaller number because of our smaller population, however the effect is real. There is a great deal of costs associated with this problem, law enforcement, social services, mental health, counseling, treatment and defense costs, to name a few. Unfortunately, the burden has been put on the local taxpayers, and enough is enough. We need to hold them accountable and attempt to recover these costs. In 2017 one of the largest pharmaceutical company's owner John Kapoor was found guilty of fraud and conspiracy. He explained that this is a step that is required for us to proceed within the eyes of the law.

Ms. Elizabeth Grieco from Elmira, spoke stating that she lost a son to a heroin overdose and expressed dissatisfaction with the fact that we are calling this a public nuisance. Attorney Getman assured her that this is just legal terminology and was not intended to offend her.

Mr. Connelly spoke explaining that as an Emergency Medical Technician for a fire department, he gave an example of a rescue call he attended for a person that had overdosed. He said that this epidemic affects the entire community.

Mr. John Antes said that we should not be going after the company's, but rather the local doctors that continue to prescribe the drugs.

Chairman Fagan said that he recently watched an episode on Sixty Minutes that exposed the practice of the Pharmaceutical Company and to a very large extent they created this problem.

**RESOLUTION NO. 79** Motion by Barnes, Second by Howell.

RE: APPROVE THE MINUTES OF THE FEBRUARY 12, 2018 REGULAR MEETING OF THE

SCHUYLER COUNTY LEGISLATURE

BE IT RESOLVED, that the minutes of the February 12, 2018 Regular Meeting of the Schuyler County Legislature be approved.

Vote 8-0.

**RESOLUTION NO. 71** Motion by Barnes, Second by Harp.

RE: LOCAL LAW INTRO. A/LOCAL LAW NO. 6 OF THE YEAR 2018 TITLED “A LOCAL LAW AUTHORIZING PER DIEM COMPENSATION UNDER THE “COUNSEL AT FIRST ARRAIGNMENT PROGRAM”

WHEREAS, Local Law Intro. A of the Year 2018 Authorizing per diem compensation under the “Counsel at First Arraignment Program” was heretofore introduced and appropriate notice established in the official newspaper regarding a public hearing to be held March 12, 2018 at 6:30 p.m., and

WHEREAS, said public hearing was duly held, at which time all interested persons were heard, and this Legislature has duly considered the adoption and passage of said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that Local Law Intro. A of the Year 2018, in the form hereto annexed be, and hereby is, passed, adopted and enacted, and

BE IT FURTHER RESOLVED, that the Clerk of this Legislature duly cause the publication of the passage, enactment and adoption of this Local Law, together with the required text thereof in the official county newspaper, and

BE IT FURTHER RESOLVED, that the final number of said Local Law shall be made by the Clerk of the Legislature in her records, based on the date of final readiness for filing with the Secretary of State.

**LOCAL LAW NO. 6 OF THE YEAR 2018**

A Local Law authorizing Per Diem Compensation under the “Counsel at First Arraignment Program” Be it enacted by the Legislature of the County of Schuyler as follows:

1. Legislative Intent.
  - a. Notwithstanding the provisions of any general law, the county legislature shall have the power to fix the salary of all officers paid from county funds, except the members of the judiciary, pursuant to New York State Municipal Home Rule Law § 10 and related authority.
  - b. The County of Schuyler has various obligations related to the Hurrell-Herring settlement (Supreme Court of the State of New York, County of Albany, *Kimberly Hurrell-Herring, et al, on Behalf of Themselves and All Others Similarly Situated, Plaintiffs, -v- The State of New York, et al., Defendants*, Index No. 8866-07 [Connolly, J., presiding]), including to provide counsel at all arraignments throughout the county.
  - c. In order to provide counsel at all arraignments throughout the county the legislature has determined that it would be in the best interest of the county to provide for per diem on call compensation for assistant district attorneys and assistant public defenders, notwithstanding any local or general law to the contrary.
  - d. The intent of this local law is to supersede New York State Public Officers Law § 2; New York State County Law §§ 201, 400, 401, 700, 702 and 716 and related statutes as may be required to allow for such per diem compensation.
2. Per diem compensation program created.
  - a. The Schuyler County Public Defender is hereby authorized to create and/or continue a Counsel at First Arraignment Program, to provide coverage on weekends and holidays and to compensate Assistant Public Defenders, and any assigned counsel on a per diem basis.
  - b. The Schuyler County District Attorney is hereby authorized to create and/or continue a Counsel at First Arraignment Program, to provide coverage on weekends and holidays as follows and to compensate Assistant District Attorneys on a per diem basis
3. Establishment and amendment of compensation levels.
  - a. The per diem rate for assistant district attorneys and/or assistant public defenders shall be

established by resolution of the county legislature and may include mileage, cell phone usage and/or other salary or benefits, as determined by the legislature.

- b. Such per diem rate and other compensation may be increased or reduced by a resolution of the legislature duly enacted passed from time to time without the necessity of a subsequent local law and for any reason, including, but not limited to, increases or reductions in state and/or federal funding sources.
4. Compensation of Officers appointed or elected for fixed terms unaffected.  
Nothing herein shall be construed as authorizing increases in the salary of an elective officer or of an officer appointed for a fixed term, during their term of office, including, but not limited to, the Schuyler County District Attorney and Schuyler County Public Defender.
5. Savings Clause.
  - a. Insofar as the provisions of this local law may be inconsistent with the provisions of any other local law or act, the provisions of this local law shall be controlling.
  - b. If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgement shall have been rendered.
6. Effective Date.  
This local law shall take effect immediately upon filing with the Secretary of State but not withstanding its effective date, this local law shall be deemed retroactive to January 1, 2018.

Vote 8-0.

**RESOLUTION NO. 72** Motion by Barnes, Second by Harp.

RE: LOCAL LAW INTRO. B/LOCAL LAW NO. 7 OF THE YEAR 2018 TITLED “A LOCAL LAW DECLARING THE OPIOID EPIDEMIC AND ITS EFFECT ON THE COUNTY A PUBLIC NUISANCE AND ESTABLISHING A COST RECOVERY PROCEDURE

WHEREAS, Local Law Intro. B of the Year 2018 Declaring the OPIOID epidemic and its effect on the County a public nuisance and establishing a cost recovery procedure was heretofore introduced and appropriate notice established in the official newspaper regarding a public hearing to be held March 12, 2018 at 6:30 p.m., and

WHEREAS, said public hearing was duly held, at which time all interested persons were heard, and this Legislature has duly considered the adoption and passage of said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that Local Law Intro. B of the Year 2018, in the form hereto annexed be, and hereby is, passed, adopted and enacted, and

BE IT FURTHER RESOLVED, that the Clerk of this Legislature duly cause the publication of the passage, enactment and adoption of Local Law, together with the required text thereof in the official county newspaper, and

BE IT FURTHER RESOLVED, that the final number of said Local Law shall be made by the Clerk of the Legislature in her records, based on the date of final readiness for filing with the Secretary of State.

**LOCAL LAW NO. 7 OF THE YEAR 2018**

A Local Law declaring the opioid epidemic and its effects on the County a public nuisance and establishing a cost recovery procedure.

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

**I. Purpose and intent.**

1. The opioid epidemic is sweeping the country. Indeed, addiction to and abuse of opioids is one of the greatest challenges facing Schuyler County, New York (the “County”). A cause of this increasing crisis is the overabundance of prescription opioids. Large amounts of prescription opioids were sold, distributed, and prescribed in the County over the past several years, a practice that continues today. The selling, distributing, and prescribing of large amounts of opioids in our community has created a public

health and safety hazard affecting the residents of the County. This crisis has devastated families, wreaked havoc on our economy, and produced a generation of narcotic dependence. As a result of the opioid epidemic, costs related to healthcare, family and social services, criminal justice, addiction and rehabilitation, and many other areas have significantly increased. Many of these costs are paid by the County.

2. The purpose and intent of this legislation is to allow the County to recover these costs, despite the existence of the common-law municipal cost recovery rule (a.k.a. free public services doctrine) and declare the opioid epidemic and its effects on the County a public nuisance. Specifically, the County provides services related to the opioid epidemic, which are funded by tax revenues. This statute clarifies that reimbursement may be sought for the costs of providing such services, whenever practicable, from the responsible party. To accomplish this, the County establishes this cost recovery procedure and declares the opioid epidemic and its effects on the County a public nuisance.

**II. Definitions.**

- A. Costs” means all expenditures related to the opioid epidemic that directly or indirectly arise from the County’s response to a responsible party’s action or inaction.
- B. “Responsible party” means any person or corporation whose negligent, intentional, or otherwise wrongful conduct causes the incident resulting in the County incurring costs or who is found liable or made responsible by a court for the costs incurred by the County in the form of damages, regardless of the cause of action.

**III. Governmental function cost recovery.**

The County may recover the costs of governmental functions related to opioids marketed, sold, manufactured, dispensed, prescribed, and/or distributed by the responsible party. If a responsible party fails to pay the costs demanded, the County may initiate and recover costs through administrative, civil, and/or criminal action against the responsible party. In that case, the County may also recover attorney’s fees, interest, and any other payment or type of damages the court deems proper.

**IV. Effect of criminal or civil proceedings on governmental function cost recovery.**

The initiation of administrative or civil proceedings for governmental function cost recovery does not bar the criminal prosecution of a responsible party for any associated violation. Similarly, criminal prosecution does not bar civil collection of costs for the violation giving rise to the criminal prosecution.

**V. Public nuisance.**

The County hereby finds and declares the following:

- A. That addiction to and abuse of opioids is one of the greatest challenges facing the County;
- B. A cause of this increasing crisis is the overabundance of prescription opioids. Vast amounts of prescription opioid pain pills were sold, distributed and prescribed in the County over the past several years which practice continues today;
- C. There is evidence showing that approximately four in five heroin users began their addiction by first using and then misusing prescription pain medications containing opioids;
- D. The selling, distributing, and prescribing of large amounts of opioid pain pills in the County has created a public health and safety hazard affecting the residents of the County, resulting in devastation to County families, a negative effect on the County economy, wasted public resources, and a generation of narcotic dependence;
- E. That selling, distributing, and prescribing of prescription opioid pain pills is a hazard to public health and safety, which has created a public nuisance to the citizens of the County, and said nuisance remains unabated;
- F. That, in addition to all other powers and duties now conferred by law upon the County, the County is authorized to enact ordinances, issue orders, and take other appropriate and necessary actions for the elimination of hazards to public health and safety and to abate or cause to be abated anything which

the County determines to be a public nuisance;

G. That manufacturers of prescription opioids and those in the chain of distribution have wrongfully abused the privilege of selling and/or providing medication to our residents and must be held accountable; and

H. That it is the duty of the County to vindicate the rights of the citizens of the County and take action to abate this public nuisance.

**VI. Effective Date and Retroactive application.**

This legislation shall be effective upon filing with the Secretary of State but shall apply retroactively.

Vote 8-0.

**RESOLUTION NO. 73** Motion by Barnes, Second by Harp.

RE: AUTHORIZE TRANSFER OF FUNDS FROM THE DISTRICT ATTORNEY’S SEIZED ASSETS RESERVE ACCOUNT TO PURCHASE REMOTE AREA LIGHTING SYSTEMS – DISTRICT ATTORNEY

WHEREAS, the Schuyler County District Attorney’s Office frequently receives funds known as drug case forfeitures, that must be used for specific purposes, such as purchasing equipment to enhance law enforcement and prosecution, and

WHEREAS, the Schuyler County District Attorney’s Office finds the need to utilize these funds to purchase Remote Area Lighting Systems for the New York State Police, to assist them with search warrants in locations with no or low lighting conditions, and

WHEREAS, Resolution No. 317-17 authorized funds to be transferred from the District Attorney’s Seized Assets Reserve account in the amount of \$2,987.00 to purchase the Remote Area Lighting Systems from Nalpak Group, however, when the purchase was made in January, 2018, the Nalpak Group advised that the pricing was incorrect, and that the correct price for the Remote Area Lighting Systems is \$3,250.10 plus \$145.00 shipping, for a total of \$3,395.20, leaving an additional amount of \$408.20 needed to purchase the remote area lighting systems, and

WHEREAS, said funds are available in the Seized Assets Reverse Account, and approved purchasing procedures will be followed.

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Treasurer is hereby authorized to make the following transfer:

<u>AMOUNT</u>	<u>ACCOUNT NO.</u>	<u>DESCRIPTION</u>
+\$408.20	1165.0431	Office Supplies
-\$408.20	1165.1289.1165	Seized Assets Reserve Account

Vote 8-0.

**RESOLUTION NO. 74** Motion by Barnes, Second by Harp.

RE: AUTHORIZE TRANSFER OF FUNDS FROM THE DISTRICT ATTORNEY’S SEIZED ASSETS RESERVE ACCOUNT INTO THE DISTRICT ATTORNEY’S CONFERENCE EXPENSE ACCOUNT

WHEREAS, the Schuyler County District Attorney’s Office regularly receives funds known as forfeiture funds which are seized from defendants in illegal narcotics cases, and

WHEREAS, the use of said forfeited funds is regulated by the New York State Criminal and Civil Procedure laws and may only be used for specified purposes. Said purposes include, but are not limited to, expenditures associated with conferences attended by the District Attorney and his staff and Association Dues, and

WHEREAS, the Assistant District Attorney, John C. Tunney, has attended the 2018 New York State District Attorney’s Winter Conference held in January 2018 in New York City, and

WHEREAS, the conference expenses are a proper use of forfeited funds under the New York State and Federal Asset Forfeiture guidelines, and said funds are available in the District Attorney’s Seized Assets Reserve Account.

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Treasurer is hereby authorized to



transfer funds as follows from the referenced accounts, for the purpose of paying the cost for John C. Tunney to attend the 2018 NYS District Attorney’s Winter Conference, in the amount of \$438.00:

<u>AMOUNT</u>	<u>ACCOUNT NO.</u>	<u>DESCRIPTION</u>
+\$438.00	1165.0409	Conference Expense
-\$438.00	1165.1289.1165	Seized Assets Reserve Account

Vote 8-0.

**RESOLUTION NO. 75** Motion by Barnes, Second by Harp.

RE: AUTHORIZE ON-CALL PAY FOR ASSISTANT DISTRICT ATTORNEYS – DISTRICT ATTORNEY

WHEREAS, Schuyler County has various obligations related to the Hurrell-Herring settlement, and

WHEREAS, part of that settlement was to provide counsel at all arraignments throughout the County,

and

WHEREAS, the District Attorney is requesting on-call pay for his Assistant District Attorney positions

in

his office to provide coverage on weekends and holidays paying them \$100 a day, not to exceed \$12,500 for the term January 1, 2018 through December 31, 2018, and

WHEREAS, funding is available in the 2018 budget account no. 1165.0101.

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Legislature hereby authorizes on-call pay for the existing Assistant District Attorney positions in the District Attorney’s office, effective January 1, 2018 through December 31, 2018.

Vote 8-0.

**RESOLUTION NO. 76** Motion by Barnes, Second by Harp.

RE: AUTHORIZE CONTRACT WITH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES (NYSDCJS) FOR A STOP VIOLENCE AGAINST WOMEN FORMULA PROGRAM GRANT, #SV17-1151-R01 – DISTRICT ATTORNEY

WHEREAS, the District Attorney’s Office has been awarded the New York State STOP Violence Against Women Formula Program Grant #SV17-1151-R01, in the amount of \$47,466.66 to pay for a designated prosecutor to specifically target perpetrators of domestic violence and sexual abuse against women, and

WHEREAS, said grant requires a local match of 25%, in the amount of \$11,866.66, and

WHEREAS, said local match is budgeted in the 2018 budget account no. 1665.0100.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature is hereby authorized to sign said grant contract with the New York State Division of Criminal Justice Services (NYSDCJS), in the amount of \$47,466.66 for the term January 1, 2018 through December 31, 2018, funding available in the 2018 budget for the 25% match, contract approved by the Schuyler County Attorney, and

BE IT FURTHER RESOLVED, that the Schuyler County Treasurer is hereby directed to establish said grant, accordingly in cooperation with the District Attorney’s Office.

Vote 8-0.

**RESOLUTION NO. 77** Motion by Barnes, Second by Harp.

RE: AUTHORIZE TRANSFER OF FUNDS FROM SEIZED ASSETS RESERVE ACCOUNT FOR THE PURCHASE OF EQUIPMENT – SHERIFF’S OFFICE

WHEREAS, the Schuyler County Sheriff’s Office receives funds from drug case forfeitures, that must be used for specific purposes, such as purchasing equipment to enhance the law enforcement mission, and

WHEREAS, the Schuyler County Sheriff’s Office finds the need to utilize these funds to purchase new tasers in the amount of \$4,880 for Deputy Sheriffs to enhance the personal protection of law enforcement officers and the public, and

WHEREAS, said funds are available in the Seized Assets Reserve Account.

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Treasurer is hereby authorized to make the following transfer as follows:

PROCEEDINGS OF THE YEAR 2018

<u>AMOUNT</u>	<u>ACCOUNT NO.</u>	<u>DESCRIPTION</u>
+\$4,880	3110.0432	Police Supplies
-\$4,880	3110.5998	Seized Assets Reserve Account

Vote 8-0.

**RESOLUTION NO. 78** Motion by Barnes, Second by Harp.

RE: RESOLUTION IN SUPPORT OF LEGISLATION STATE SENATE BILL NO. S.07673 TO AMEND THE PENAL LAW IN RELATION TO INCLUDING FIRES CAUSED BY THE MANUFACTURE OF A CONTROLLED SUBSTANCE

WHEREAS, Senate Bill S.07673 has been introduced to the New York State Senate by Senator Thomas O'Mara which would amend Section 1. Subdivision 2 of section 150.20 of the Penal Law ("Arson in the First Degree"), and

WHEREAS, currently the crime of Arson in the First Degree only includes intentional acts, and

WHEREAS, those who endeavor to manufacture illegal drugs do so under very dangerous circumstances in an uncontrolled environment, this often results in unexpected and unintentional explosions and fires to the immediate building and surrounding buildings, and

WHEREAS, because these explosions and fires are not set intentionally the perpetrators cannot be charged under existing Arson First Degree statutes, and

WHEREAS, the number of illegal "meth labs" that explode or catch fires due to the volatile chemicals used in the manufacturing process has become a much more frequent event. The secretive nature of these operations put innocent people including Fire, Emergency Medical Services (EMS) and Law Enforcement First Responders unknowingly at risk, and when an illegal lab does explode or catch fire can cause personal harm of property damage, and

WHEREAS, this amendment to the Penal Law would include fires caused by the manufacture of a controlled substance within the crime of Arson in the First Degree.

NOW THEREFORE, BE IT RESOLVED, that the Schuyler County Legislatures hereby supports Senator Thomas O'Mara's Senate Bill S.7673 to amend Section 1. Subdivision 2 of section 150.20 of the penal law, and

BE IT FURTHER RESOLVED, that this Legislature supports the introduction of an Assembly bill which calls for the amendment of Section 1. Subdivision 2 of section 150.20 of the Penal Law, and

BE IT FURTHER RESOLVED, that certified copies of this Resolution be forwarded to the Governor of the State of New York, Senator Thomas O'Mara, Assemblyman Philip Palmesano, the New York State Association of Counties, and all others deemed necessary.

DISCUSSION: Legislator Barnes said that for the people that are present here tonight, this action was initiated at the State Legislature level by a retired local Schuyler County fireman.

Vote 8-0.

**RESOLUTION NO. 79** Motion by Rondinaro, Second by Howell.

RE: AUTHORIZING THE IMPLEMENTATION, AND FUNDING OF THE STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE TRANSPORTATION FEDERAL-AID PROJECT, TO FULLY FUND THE LOCAL SHARE OF FEDERAL AND STATE-AID ELIGIBLE AND INELIGIBLE PROJECT COSTS AND APPROPRIATING FUNDS THEREFORE - HIGHWAY DEPARTMENT

WHEREAS, a Project for the TAP: Watkins Glen Northern Gateway Project, Village of Watkins Glen, Schuyler County, P.I.N. 6755.11 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds, and

WHEREAS, the County of Schuyler desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Construction phase work for the Project or portions thereof, with the federal share of such costs to be applied directly by the New York State Department of Transportation ("NYSDOT") pursuant to Agreement.

NOW, THEREFORE, BE IT RESOLVED the Schuyler County Legislature, duly convened does hereby

approve the above-subject project and authorizes the County of Schuyler to pay in the first instance the full non-federal share of the cost of Construction/Construction Inspection phase work in the amount of \$90,200 for the Project to the NYS Department of Transportation as a non-federal share deposit payment to be combined with the previously authorized and paid full non-federal share of the Design phase in the amount of \$4,000, and

BE IT FURTHER RESOLVED, that the sum of Ninety Thousand Two Hundred Dollars (\$90,200) is hereby appropriated from 002.5120.326 and made available to cover the cost of participation in the above phase of the Project, and

BE IT FURTHER RESOLVED, that in the event the non-federal share of the costs of the project exceed the amount appropriated above, the Schuyler County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and

BE IT FURTHER RESOLVED, that the Chairperson of the Schuyler County Legislature be and is hereby authorized to execute all necessary Agreements for Federal Aid and/or Marchiselli Aid on behalf of the County of Schuyler with NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of the non-federal share of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and

BE IT FURTHER RESOLVED, this Resolution shall take effect immediately.

Vote 8-0.

**RESOLUTION NO. 80** Motion by Blowers, Second by Rondinaro.

RE: AUTHORIZE GRANT APPLICATION FOR MEDICARE IMPROVEMENTS FOR PATIENTS AND PROVIDERS ACT (MIPPA) FUNDING – OFFICE FOR THE AGING

WHEREAS, New York State Office for the Aging provides funding each year for the Medicare Improvements for Patients and Providers Act (MIPPA) Program, and

WHEREAS, funding in the amount of \$13,204.00 is needed for education and assistance to eligible Medicare beneficiaries with enrollment into the Medicare Low-Income Subsidy (LIS) Program and the Medicare Savings Program (MSP), to provide counseling and assistance on accessing the Medicare Prescription Drug Coverage Part D, and especially for those beneficiaries who are low income, underserved, and/or residing in rural areas, and to promote the availability of Medicare preventative and wellness services, and

WHEREAS, the term of this grant is September 30, 2017 through September 29, 2018, with no local share.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature is hereby authorized to sign the grant application, approved by the Schuyler County Attorney, and

BE IT FURTHER RESOLVED, that the Schuyler County Office for the Aging be authorized to submit the grant application for funding for the MIPPA program, and

BE IT FURTHER RESOLVED, that the Schuyler County Treasurer is hereby directed to establish said grant funds, accordingly in cooperation with the Office for the Aging.

Vote 8-0.

**RESOLUTION NO. 81** Motion by Blowers, Second by Rondinaro.

RE: AUTHORIZE AMENDING THE 2017 CONTRACT WITH STEPHEN J.A. MAYBEE, P.E. FOR AN ENGINEERED DESIGN FOR SCHUYLER SEWAGE SYSTEM WAIVERS – PUBLIC HEALTH/WATERSHED

WHEREAS, Stephen J.A. Maybee, P.E. has an Engineering Services agreement with the Schuyler County Public Health's Watershed Department, and

WHEREAS, the New York State Department of Health's letter dated May 2, 2017 notified the Schuyler County Watershed Department of the requirement of Residential Onsite Wastewater Treatment System Local

PROCEEDINGS OF THE YEAR 2018

Waivers design plans needing to be reviewed by an Engineer, and

WHEREAS, Stephen J.A. Maybee, P.E. has performed said service for a one-time engineering fee of \$1,500.00 in 2017.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature be hereby authorized to execute an amendment to the 2017 contract with Stephen J.A. Maybee, P.E. for the Schuyler County Public Health's Watershed Department for the engineering services performed, at a one-time fee of \$1,500.00, funding available in the 2018 Watershed budget account no 4050.435, approved by the Schuyler County Attorney.

Vote 8-0.

**RESOLUTION NO. 82** Motion by Blowers, Second by Rondinaro.

RE: ACCEPT AND ESTABLISH 2018 - 2023 IMMUNIZATION GRANT - PUBLIC HEALTH

WHEREAS, Schuyler County's Five-Year Immunization Grant will be in the amount of \$155,250.00 for the period of April 1, 2018 through March 31, 2023, at \$31,050 yearly.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature be hereby authorized to sign said grant contract, approved by the Schuyler County Attorney, and

BE IT FURTHER RESOLVED, that the Schuyler County Treasurer is hereby directed to establish the 2018 - 2023 Immunization Grant Budget, in cooperation with the Public Health Department.

Vote 8-0.

**RESOLUTION NO. 83** Motion by Blowers, Second by Rondinaro.

RE: AUTHORIZE COUNTY PARTICIPATION AGREEMENT WITH THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION FOR A STATE SEPTIC REPLACEMENT PROGRAM – PUBLIC HEALTH/WATERSHED

WHEREAS, Resolution No. 28-17 authorized a letter of intent to participate in the New York State Department of Environmental Conservation Septic System Replacement Program, and

WHEREAS, the County has now agreed to enter into an agreement for said program in the amount of \$225,000 coming from the State Septic Replacement Fund so that the County may seek a disbursement from the fund to reimburse year-round property owners up to 50% of the eligible costs of eligible septic system projects, up to a maximum of \$10,000 per project.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature be hereby authorized to execute an agreement with the New York State Environmental Facilities Corporation for the Watershed Department for Septic System Replacement reimbursement to year-round property owners on Lamoka and Waneta Lakes, and Mill Pond, for the term March 1, 2018 through December 31, 2022, said contract is approved by the Schuyler County Attorney, and

BE IT FURTHER RESOLVED, that the Schuyler County Treasurer be hereby directed to establish said grant, in cooperation with the Public Health/Watershed Department.

Vote 8-0.

**RESOLUTION NO. 84** Motion by Rondinaro, Second by Lausell.

RE: NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT, REVIEW AND MODIFICATION OF SCHUYLER COUNTY AGRICULTURAL DISTRICTS #1, #2 AND #3

WHEREAS, in keeping with New York State Agriculture and Markets Law Art. 25-AA, Schuyler County holds an annual agricultural district enrollment period from January 15th to February 15th of each year, and

WHEREAS, in 2018 the County did receive seven requests from landowners for inclusion in Schuyler County Agricultural Districts #1, #2, and #3, and

WHEREAS, the Schuyler County Agriculture and Farmland Protection Board did find on February 26, 2018 that these requests were comprised of substantially viable agricultural land contained wholly within parcels

24.00-1-38.11 containing a total of 27.6 acres owned by Jeffery Soule, in Ag District #1, and

53.00-1-5.11 containing a total of 16.97 acres owned by Charles Roth, in Ag District #2, and

30.00-1-4 and 62.00-1-2.12 containing a total of 146.9 acres owned by Matt, Rachel, Tom and Johanna

Lochner, in Ag District #2, and

64.00-1-3.11 and 64.00-1-3.5 containing a total of 19.5 acres owned by Maria and Bruce Bohlin, in Ag District #2, and

18.00-1-4.11 containing a total of 62.5 acres owned by Ann Laskowski, in Ag District #2, and

28.00-1-30 containing a total of 58.9 acres owned by Marvin Martin, in Ag District #2, and

65.00-3-16, 65.00-3-19.1, 65.00-3-19.2, 77.00-1-25.2, and 77.00-1-4 containing a total of 336.2 acres owned by David Barber, in Ag District #3, and

WHEREAS, Schuyler County has determined that the action to include 27.6 acres into Schuyler County Agriculture District #1, 304.7 acres into Schuyler County Agricultural District # 2, and 336.2 acres in Schuyler County Agricultural District #3 is an unlisted action and has completed the Short Environmental Action Form provided by NYS Department of Agriculture and Markets to assess any environmental impacts.

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Legislature has reviewed the potential impacts of the proposed modification of Schuyler County Agricultural Districts #1, #2 and #3 and found that there will be no significant negative environmental impacts associated with this action, and that inclusion of approximately 668.5 acres of farm and agricultural resource land will strengthen the position of agriculture within our communities.

Vote 8-0.

**RESOLUTION NO. 85** Motion by Rondinaro, Second by Lausell.

RE: SETTING A PUBLIC HEARING FOR ANNUAL AGRICULTURAL DISTRICT ENROLLMENT FOR 2018

WHEREAS, in keeping with New York State Agriculture and Markets Law Art. 25-AA, Schuyler County holds an annual agricultural district enrollment period from January 15th to February 15th of each year, and

WHEREAS, in 2018 the County did receive seven requests from landowners for inclusion in Schuyler County Agricultural District #1, #2, and #3 and;

WHEREAS, the Schuyler County Agriculture and Farmland Protection Board did find on February 26, 2018 that these requests were comprised of substantially viable agricultural land contained wholly within parcels

24.00-1-38.11 containing a total of 27.6 acres owned by Jeffery Soule, in Ag District #1, and

53.00-1-5.11 containing a total of 16.97 acres owned by Charles Roth, in Ag District #2, and

30.00-1-4 and 62.00-1-2.12 containing a total of 146.9 acres owned by Matt, Rachel, Tom and Johanna Lochner, in Ag District #2, and

64.00-1-3.11 and 64.00-1-3.5 containing a total of 19.5 acres owned by Maria and Bruce Bohlin, in Ag District #2, and

18.00-1-4.11 containing a total of 62.5 acres owned by Ann Laskowski, in Ag District #2, and

28.00-1-30 containing a total of 58.9 acres owned by Marvin Martin, in Ag District #2, and

65.00-3-16, 65.00-3-19.1, 65.00-3-19.2, 77.00-1-25.2, and 77.00-1-4 containing a total of 336.2 acres owned by David Barber, in Ag District #3, and

WHEREAS, Schuyler County has determined that the action to include 27.6 acres into Schuyler County Agriculture District #1, 304.7 acres into Schuyler County Agricultural District # 2, and 336.2 acres in Schuyler County Agricultural District #3 is an unlisted action and has completed the Short Environmental Action Form provided by NYS Department of Agriculture and Markets to assess any environmental impacts, and

WHEREAS, it has been determined that the action to include 668.5 acres of farmland to Schuyler County Agricultural Districts #1, #2, and #3 will not have any significant negative environmental impacts.

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Legislature does intend to hold a public hearing for consideration of the recommendations by the Board on the inclusion of said parcels on April 9, 2018 at 6:30 p.m. at its Regular Meeting of the Legislature.

Vote 8-0.

**RESOLUTION NO. 86** Motion by Rondinaro, Second by Lausell.

RE: AUTHORIZE TWO-YEAR CONTRACT WITH THREE RIVERS DEVELOPMENT CORPORATION FOR WORKFORCE DEVELOPMENT STUDY

WHEREAS, Schools, BOCES, Community Colleges, Businesses, and Governments all have different approaches to workforce development in the region, and

WHEREAS, Steuben, Schuyler, and Chemung counties agree there needs to be a unified approach to workforce development in this region, and

WHEREAS, Three Rivers Development Corporation has agreed to provide consulting services relative to a Workforce Development Study at a cost of \$30,000 over a two-year period, and

WHEREAS, performing this study will provide better baseline workforce data as well as a roadmap for keeping data current, and

WHEREAS, this study will involve surveying businesses to determine current workforce needs as well as future needs by keeping the data collected refreshed every year to keep the information current and adapt to changing workforce demands.

WHEREAS, funding is available in the 2018 budget for the first payment of \$15,000.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature be hereby authorized to execute a contract with Three Rivers Development Corporation for a Workforce Development Study for the term January 1, 2018 through December 31, 2019, funding available for the first year in the 2018 Economic Opportunity Development budget account no. 6989.0401, contract approved by the Schuyler County Attorney.

Vote 8-0.

**RESOLUTION NO. 87** Motion by Harp, Second by Barnes.

RE: AUTHORIZE TRANSFER OF FUNDS FROM CONTINGENCY FOR GENERAL LIABILITY INSURANCE – COUNTY ADMINISTRATOR

WHEREAS, the County's General Liability Policy term runs February 1, 2018 through February 1, 2019, and

WHEREAS, budgeting for this coverage is complicated due to the time frame of when the policy begins and the premium is obtained by our agent, and

WHEREAS, the variance of the 2018 budgeted amount for insurance is \$19,471.33.

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Treasurer is hereby authorized to transfer the amount of \$19,471.33 from Contingency account no. 001.1990.0500 into account no. 001.1910.0423 Insurance SMP to cover expense of the General Liability policy.

Vote 8-0.

**RESOLUTION NO. 88** Motion by Harp, Second by Barnes.

RE: RESOLUTION URGING GOVERNOR CUOMO TO NOT ELIMINATE THE MINIMUM WAGE TIP CREDIT IN NEW YORK STATE

WHEREAS, in the restaurant industry, federal law and most state laws allow tipped workers to be paid a lower minimum wage, providing they earn at least the full minimum wage when tips are included. (The difference between the tipped wage and the full minimum wage is called the "tip credit."), and

WHEREAS, utilization of the tip credit has allowed restaurant owners to keep labor costs down, thereby keeping dining out more affordable for more people, and

WHEREAS, it is likely that should the tip credit be abolished, restaurants will be forced to raise prices drastically, and

WHEREAS, this will make it very difficult for average citizens to dine out. Additionally, it will affect industry wages negatively impacting the decision to tip a server that is earning the same wage as other staff, and

WHEREAS, a likely consequence of this, is the possibility that service standards that are now practiced at most restaurants would be negatively impacted, and

WHEREAS, additionally, a restaurant that will not be able to afford to fully staff their service floors may lead to less people working and more automated service, and

WHEREAS, there is documented evidence validating that both tipped workers and the public prefer the

current tipping model, and

WHEREAS, restaurant workers often look at themselves as commission-based sales people-the more they sell the more they make; and they are rewarded when they give guests exceptional experiences. Guests appreciate that they can show their satisfaction through tipping; it is a way to show their respect for a server executing his/her craft, and

WHEREAS, Schuyler County is heavily dependent on the tourism industry, of which restaurants play a significant role both in employment and revenue generation.

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Legislature urges Governor Andrew Cuomo not to eliminate the minimum wage tip credit in New York State since doing so will have a severe negative impact on New York State restaurants and their employees, and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to Governor Andrew Cuomo, Senator Thomas F. O'Mara, Assemblyman Philip A. Palmesano, the New York State Department of Labor Commissioner, Roberta Reardon, the New York State Association of Counties, Inter-County Association of Western New York, and all others deemed necessary.

DISCUSSION: Legislator Lausell said that maybe they should hear from both sides of this and made a motion to table this Resolution for further discussion. There was no second to his motion.

Vote 7-1. No: Lausell.

**RESOLUTION NO. 89** Motion by Harp, Second by Barnes.

RE: RESOLUTION OPPOSING GOVERNOR CUOMO'S PROPOSAL CONTAINED IN THE 2018 BUDGET REVIEW BILL TO AMEND LAWS REGARDING THE CURRENT 480 & 480-A FOREST EXEMPTION TAX LAW AND TO ADD A NEW 480-B TAXATION OF FOREST LAND UNDER A FOREST PRACTICE PROGRAM OR FOREST CERTIFICATION PROGRAM KNOWN AS THE EMPIRE FORESTS FOR THE FUTURE INITIATIVE

WHEREAS, New York State currently has two forest tax law exemptions, 480 Forest and Reforested Lands & 480-a Taxation of Forest Land, which are currently administered by each local municipality and its local assessors, and

WHEREAS, the Governor's 2018 Budget Review Bill proposes to add an additional 480-b Taxation of Forest Land under a Forest Practice Program or Forest Certification Program, and

WHEREAS, the proposal grants a 70% reduction of the assessed value on eligible land under the Forest Certification Program and a 40% reduction of the assessed value on eligible land under the Forest Management Practice Plan, and

WHEREAS, this proposal severely lowers the qualifications for an approved forest stand, and

WHEREAS, the proposal has the potential to dramatically reduce the taxable value of local taxing jurisdictions, and

WHEREAS, local municipalities should be reimbursed for the full loss of the tax base, not the proposed above 1%, and

WHEREAS, this proposal should be a local option to municipalities.

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Legislature is opposed to Governor Cuomo's proposal contained in the 2018 Budget Review Bill to amend forest tax laws regarding the current 480 and 480-a Forest Exemptions and to add a new 480-b Taxation under a Forest Practice Program or Forest Certification Program known as The Empire Forests for the Future Initiative, and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Governor Andrew Cuomo, Senator Thomas F. O'Mara, Assemblyman Philip A. Palmesano, Assembly Speaker Carl Heastie, Senate Majority Leader John Flanagan, the New York State Association of Counties, Inter-County Association of Western New York, and all others deemed necessary.

Vote 8-0.

**NEW BUSINESS:**

Administrator O'Hearn said that he received a letter from our Commissioner of Social Services, JoAnn

PROCEEDINGS OF THE YEAR 2018

Fratarcangelo, requesting the Legislature authorize the Chairman to sign and send to our State Representatives. He handed out copies to them all for their review. He then explained that it is related to the Punitive Homeless Outreach Proposal from the Governor. He said that Commissioner Fratarcangelo, who was present, could explain. Commissioner Fratarcangelo said that the Governor has funds budgeted, however if we do not develop a plan for our homeless, we could have funding withheld. She explained that in our County the largest portion is paid through the Safety Net Program, but there is a local share cost to that program. The funding they are talking about withholding is Temporary Assistance (TA). Her department works closely with the 501-C3 companies and through Catholic Charities who receives HUD funding. Together they have a plan for a coordinated entrance for homeless. Legislator Lausell said for clarification, they are asking us to perform outreach? JoAnn said, at this point, that is not clear, we just know we must do this. She explained that Catholic Charities actually is out evenings looking for homeless people. Then there is an understating with the local Sheriff's Department that if they find a homeless person, they provide them with a motel voucher and instruct them to report to Social Services the next morning.

**MOTION** by Legislator Barnes to authorize the Chairman to sign the letter, **SECOND** by Legislator Blowers. Motion carried eight ayes to zero noes. Said letter is on file in the Legislative Office.

**REPORT ON STANDING COMMITTEES:**

Legislator Blowers reported that the enrollment at Corning Community College is up by 3%.

Legislator Howell thanked those that attended the annual Soil & Water Conservation District's banquet. He said this organization does a wonderful job.

Chairman Fagan said that the latest sales tax revenue payment is up quite a bit. He said that if you recall last year it ended up being a record year and if this is any sign of the future we could end with a strong season.

**COUNTY ADMINISTRATOR'S REPORT:**

Administrator O'Hearn reminded those present of the free concert being held at the Watkins Glen Performing Arts Center on Wednesday, March 14<sup>th</sup>. He said this is a free venue and there will be food and beverages available for a cost through the Grist Iron Brewery, Lakewood Vineyards, and the Watkins Glen Booster Club.

**PUBLIC PARTICIPATION:** None.

The Meeting adjourned at 7:08 p.m.

Stacy B. Husted, Clerk

Jamee L. Mack, Deputy Clerk

**REGULAR MEETING**

**APRIL 9, 2018**

The April 9, 2018 Regular Meeting of the Schuyler County Legislature was called to order at 6:30 p.m. by Chairman Fagan. The Pledge of Allegiance was led by Legislator Blowers and followed by a Moment of Silence. The Chairman acknowledged this moment of silence and asked that it be in memory of Sue Brill. Sue tragically lost her life in a house fire on March 27<sup>th</sup>. The Chairman said that Sue was a long time Schuyler County employee, and with the loss of Sue, it is like losing a family member. All Legislators were present except legislator Howell who was excused. County Administrator Timothy O'Hearn, and County Attorney Stephen J. Getman were also present.

**PUBLIC PARTICIPATION:** None.

**PUBLIC HEARING FOR ANNUAL AGRICULTURAL DISTRICT ENROLLMENT FOR 2018**

The Chairman asked Kristin Van Horn, Planning Director, to explain what this is. Kristin explained that this is something that is required each year in January and February. Interested land owners that meet the qualifications can request to be included or removed during this time.

**RESOLUTION NO. 90** Motion by Lausell, Second by Barnes.

RE: APPROVE THE MINUTES OF THE MARCH 12, 2018 REGULAR MEETING OF THE SCHUYLER COUNTY LEGISLATURE



BE IT RESOLVED, that the minutes of the March 12, 2018 Regular Meeting of the Schuyler County Legislature be approved.

Vote 7-0.

**RESOLUTION NO. 91** Motion by Harp, Second by Blowers.

RE: AUTHORIZE FIVE-YEAR INTERDEPARTMENTAL AGREEMENT BETWEEN THE SCHUYLER COUNTY DISTRICT ATTORNEY'S OFFICE AND THE SCHUYLER COUNTY SHERIFF'S DEPARTMENT FOR INVESTIGATIVE SERVICES - DISTRICT ATTORNEY

WHEREAS, there is currently an interdepartmental agreement with the Schuyler County District Attorney's Office and the Schuyler County Sheriff's Department, providing the District Attorney's Office with an Investigator to perform the investigative services required by that office, and

WHEREAS, the Schuyler County Sheriff's Department and the District Attorney's Office have agreed to renew the agreement for a five-year term, with the District Attorney's Office reimbursing the Schuyler County Sheriff's Department for the cost of the services provided at a 2018 rate of \$48.49 per hour, with annual increases as negotiated by Schuyler County and the Schuyler County Road Patrol Association for the term of the agreement.

NOW, THEREFORE, BE IT RESOLVED, that the respective department heads and Chairman of the Legislature be hereby authorized to execute a five-year interdepartmental agreement between the Schuyler County District Attorney's Office and the Schuyler County Sheriff's Department for investigative services to be provided to the District Attorney's Office, effective January 1, 2018 through December 31, 2022, to be paid from account no. 1165.435, contract approved by the Schuyler County Attorney.

Vote 7-0.

**RESOLUTION NO. 92** Motion by Harp, Second by Blowers.

RE: AUTHORIZE THE CREATION AND FILLING OF A PROBATION OFFICER/PROBATION OFFICER TRAINEE POSITION - PROBATION DEPARTMENT

WHEREAS, on April 10, 2017, Governor Cuomo signed into law "Raise the Age" legislation that was included as part of the State Budget, and

WHEREAS, under this measure, the clear majority of cases of 16 - and 17-year-olds charged with criminal offenses will ultimately be heard in the Family Court, either originating there or being transferred there from a new Youth Part of the adult criminal court/superior court, and

WHEREAS, the Schuyler County Probation Department has the need to create a Probation Officer position under "Raise the Age of Criminal Responsibility" requirements, and

WHEREAS, a Probation Officer and Probation Officer Trainee position's need to be created to accommodate this need, and

WHEREAS, the Probation Director would like to be able to fill this position with either a Probation Officer or a Probation Officer Trainee based on qualifications of the candidates applying, and

WHEREAS, the Probation Director is requesting to create these positions, with the approval of the County Administrator, and

WHEREAS, it is further understood that the Probation Director will only hire one eligible applicant to fill one of these positions, and

WHEREAS, funding for this position is included in Probations 2018 budget account no. 3140.0100 beginning on October 1, 2018, and

WHEREAS, the state has assured counties that incur "Raise the Age" related costs that they will be 100% reimbursed.

NOW, THEREFORE, BE IT RESOLVED, that the Probation Director is hereby authorized to create and fill, on or after October 1, 2018, either a Probation Officer position or a Probation Officer Trainee position to supervise juvenile cases, at an hourly rate of \$21.68 to be placed in Grade Level 9 or \$20.30 to be placed in in Grade Level 8, as set forth in the Administrative Unit Contract, effective immediately.

Vote 7-0.

**RESOLUTION NO. 93** Motion by Harp, Second by Blowers.

RE: AUTHORIZE THREE-YEAR CONTRACT WITH LANGUAGE LINE SERVICES, INC. FOR INTERPRETER SERVICE – EMERGENCY MANAGEMENT

WHEREAS, the Emergency Management Office has had a five-year contract with Language Line Services for interpreter service that expired October 24, 2017, and

WHEREAS, said contract is a State contract and is only renewing for three years, and

WHEREAS, in an emergency it is imperative that the 911 center be able to communicate with callers that may speak a different language, and

WHEREAS, Language Line Service will provide this service through the New York State Office of General Services contract #PS67902 pricing, as needed, with the average rate of \$0.75 per minute, from October 25, 2017 through October 24, 2020

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature be hereby authorized to execute a contract with Language Line Services, Inc. for Interpreter services for the Emergency Management Department for 911 Center for a term October 25, 2017 through October 24, 2020; funding available in the 2018 Emergency Management budget account no. 3020.0400, contract approved by the Schuyler County Attorney.

Vote 7-0.

**RESOLUTION NO. 94** Motion by Blowers, Second by Harp.

RE: AUTHORIZE AGREEMENT WITH LABELLA ASSOCIATES, D.P.C. FOR ASBESTOS ABATEMENT AIR/PROJECT MONITORING AT THE PUBLIC SAFETY BUILDING AND JAIL – BUILDINGS & GROUNDS

WHEREAS, proposals were received and have been awarded for the engineering services for the plumbing system upgrade at the Public Safety Building and Jail, and

WHEREAS, the County requires the additional service of LaBella Associates, D.P.C. for asbestos abatement air/project monitoring for an estimated amount of \$7,500.00, with an estimated duration of 10 days, and

WHEREAS, if the actual project duration is longer than ten (10) days, the unit rate from Proposal No. P1801863 below will apply.

PROPOSAL NO. P1801863

Project Manager – Hourly	\$85.00
Air & Project Monitor Standard Daily Rate	\$400.00
Mileage Reimbursement	\$0.545
PCM Air Sample Analysis	\$8.00
Per Diem	\$150.00

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature be hereby authorized to execute a contract with LaBella Associates, D.P.C., for an estimated amount of \$7,500.00 for the asbestos abatement air/project monitoring at the Public Safety Building and Jail, funding available in the Building and Grounds Capital Account no. 004.1620.0209, approved of the Schuyler County Attorney.

Vote 7-0.

**RESOLUTION NO. 95** Motion by Blowers, Second by Harp.

RE: AUTHORIZE 2018 SEASONAL RATES FOR MARINA – BUILDINGS AND GROUNDS

WHEREAS, New York State passed Chapter 135 a law that was signed by the Governor on May 23, 1983, which declares Schuyler County to have Home Rule pursuant to Article IX, Section 2 (b) (2) of the Constitution, and

WHEREAS, New York State Alienation Guide to Municipal Parks, Section F. 3 requires that any park fee must not be in excess of those charges for comparable facilities in the area, and

WHEREAS, the Schamel Brothers lease, Section 5 (c) requires the fees charged by the lessee to be approved the Schuyler County Legislature.

NOW, THEREFORE, BE IT RESOLVED, that this Legislature hereby approves the following as the

Village Marina's 2018 Seasonal Rate Schedule for its 145 available slips:

**2018 SUMMER RATES**

<b><u>SLIP WIDTH</u></b>	<b><u>SLIP FEE</u></b>	<b><u>WATER &amp; ELECTRIC</u></b>
8'	\$1,690.00	\$100.00
10'	\$1,850.00	\$100.00
12'	\$1,950.00	\$100.00
14'	\$2,050.00	\$100.00
16'	\$2,050.00	\$100.00

**SEASONAL RATES:** The Village Marina, LLC Seasonal Rates for Summer 2018 apply to the period beginning April 15, 2018 (weather permitting) and continue through October 30, 2018.

Any seasonal tenants who do not plan to haul out or store with us, and are still in the water after these dates will be assessed a service charge of **\$15.00 per day**, for each day until the boat is removed.

20 AMP ELECTRICAL SERVICE: \$100.00

30 AMP ELECTRICAL SERVICE: \$150.00

**2018 TRANSIENT DOCK (UP TO 30 FT) June 1<sup>st</sup> – Sept 15<sup>th</sup>**

**WITH 30 AMP ELECTRIC**

Per Hour: \$4.00

Per Day: \$40.00

Per Week: \$175.00

Per Month: \$600.00

50 AMP Electric add an additional \$10.00

**LAUNCH RAMP FEES**

\$4.00 Per Launch (Tenants: No Charge)

\$45.00 Unlimited Usage (October 31<sup>st</sup> through March 1<sup>st</sup>)

DRY DOCK WITH UNLIMITED USE OF LAUNCH RAMP: \$450.00

**WINTER STORAGE RATES**

At the dock: \$15.00 per foot. Use of bubbler system is allowed with electrical charges billed additionally.

On land: \$12.00 per foot / slip tenant; \$14.00 per foot / non-tenant

Haul In/Out Charges: \$4.50 per foot each way.

**SUMMER STORAGE RATES**

On land: \$15.00 per foot

**MISCELLANEOUS RATES AND CHARGES**

**TRUCK CRANE:**

Tenants: \$100.00 per Usage (plus tax)

Non-Tenant: \$125.00 per Usage (plus tax)

**TRAILER / CRADLE FEE:** Minimum \$35.00 Charge includes handling and storage of cradles and trailers.

Fee is billed annually with winter storage.

**PUMP OUT:** \$5.00 per Pump Out (Tokens available at Village Marina Bar & Grill)

**POWER WASHING:** \$1.50 per boat foot

Power washing and pump outs not available after Oct. 20<sup>th</sup>.

Vote 7-0.

**RESOLUTION NO. 96** Motion by Blowers, Second by Harp.

RE: AUTHORIZE CONTRACT EXTENSION WITH RICHARD H. SIMONSEN, D/B/A DICK'S ENTERPRISE - HIGHWAY

WHEREAS, the Highway Superintendent and the Public Works Committee agree there is a need for dead deer removal, and

PROCEEDINGS OF THE YEAR 2018

WHEREAS, Dick's Enterprise has agreed in writing to extend the original agreement for a third and final contract extension for one year under the same terms and conditions, at a price of \$75.00 for each removal.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature be hereby authorized to sign the final contract extension with Dick's Enterprise effective May 1, 2018 through April 30, 2019, at the price of \$75.00 for each removal, approved by the Schuyler County Attorney.

Vote 7-0.

**RESOLUTION NO. 97** Motion by Blowers, Second by Harp.

RE: AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE OF THE STATE MULTI-MODAL PROGRAM-AID AND STATE ADMINISTERED FEDERAL PROGRAM-AID ELIGIBLE COSTS AND APPROPRIATING FUNDS THEREFORE – HIGHWAY DEPARTMENT

WHEREAS, a Project for the Reconstruction of County Road 10 from NY 224 to NY 228 Including Drainage Improvements and Resurfacing, Town of Catharine, Schuyler County, P.I.N. 6MA276.30N (the Project) is eligible for funding [under Title 23 U.S. Code, as amended,] New York State's Multi-Modal Program administered by the NYS Department of Transportation (NYSDOT), and

WHEREAS, the County of Schuyler desires to advance the Project by making a commitment of advance funding of the non-local share and funding of the full local share of the costs of the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Legislative Board hereby approves the above-subject project, and

BE IT FURTHER RESOLVED, that the Schuyler County Legislative Board hereby authorizes the County of Schuyler to pay in the first instance 100% of the federal and non-federal share of the cost of Construction phase work for the Project or portions thereof, and

BE IT FURTHER RESOLVED, that the sum of \$50,000 is hereby appropriated from 002.5112.389 and made available to cover the cost of participation in the above phase of the Project, and

BE IT FURTHER RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the County of Schuyler shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and

BE IT FURTHER RESOLVED, that the Chairperson of the County of Schuyler Legislature be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Multi-Modal Program Funding on behalf of the County of Schuyler with NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and all Project costs that are not so eligible, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and

BE IT FURTHER RESOLVED, that a Certified Copy of this Resolution be filed with the Commissioner of Transportation of the State of New York by attaching it to any required and/or appropriate Agreements executed in connection with the project between the County of Schuyler and the State of New York, and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

Vote 7-0.

**RESOLUTION NO. 98** Motion by Blowers, Second by Harp.

RE: AUTHORIZE SUPPLEMENTAL AGREEMENT WITH FISHER ASSOCIATES, P.E., L.S., L.A., D.P.C FOR CONSTRUCTION INSPECTION OF NORTH L'HOMMEDIEU STREET OVER JOHNS CREEK BRIDGE REPLACEMENT - HIGHWAY DEPARTMENT

WHEREAS, Schuyler County passed Resolution No 39-16, authorized the contract with Fisher Associates, P.E., L.S., L.A., D.P.C for Engineering Services for the North L'Hommedieu Bridge Replacement, and

WHEREAS, Fisher Associates, P.E., L.S., L.A., D.P.C has proposed Construction Inspection Engineers Services for the bridge replacement in the amount of \$267,000, and

WHEREAS, funding for the said project is in the 2018 budget account no. 002.5020.400 and reimbursed, 80% Federal, 15% State, 5% Local, and

NOW, THEREFORE, BE IT RESOLVED, the Schuyler County Legislature accepts the proposal price of \$267,000 for supplemental Engineering Services from Fisher Associates, P.E., L.S., L.A., D.P.C for the Construction Inspection of the N. L’Hommedieu Bridge Replacement, and

BE IT FURTHER RESOLVED, that the Chairman be authorized to sign the supplemental agreement with Fisher Associates, P.E., L.S., L.A., D.P.C., for the N. L’Hommedieu over Johns Creek Bridge Replacement at the price of \$267,000 for supplemental Engineering Services, approved by the Schuyler County Attorney.

Vote 7-0.

**RESOLUTION NO. 99** Motion by Rondinaro, Second by Blowers.

RE: AUTHORIZE MEMORANDUM OF UNDERSTANDING FOR THE “RAISE THE AGE” COMPLIANCE COALITION - SOCIAL SERVICES

WHEREAS, on April 10, 2017, Governor Cuomo signed into law “Raise the Age” legislation that was included as part of the State Budget, and

WHEREAS, under this measure, the clear majority of cases of 16 - and 17-year-olds charged with criminal offenses will ultimately be heard in the Family Court, either originating there or being transferred there from a new Youth Part of the adult criminal court/superior court, and

WHEREAS, under “Raise the Age,” no 16 - or 17-year-old will be sentenced to or detained in a facility with adults, youth whose cases are heard in Family Court will be detained or placed in OCFS-operated, OCFS-licensed, or ACS facilities (including Close to Home), as Juvenile Delinquents currently are, while Adolescent Offenders who are detained pre-trial will be held in a specialized secure juvenile detention center for older youth, which will be certified and regulated by OCFS in conjunction with the state commission of correction, and

WHEREAS, these “Raise the Age” detention provisions will create challenges for the counties of New York State, in attempting to comply with the edicts of same, and

WHEREAS, the counties share a common interest in developing “Raise the Age” Compliance resources, procedures and protocols, and

WHEREAS, the counties who sign this Memorandum of Understanding have joined with the intention of working collaboratively on the following project of mutual benefit: Retention of expert professional consulting services and identification of proposed contract deliverables, fees and expenses for the municipalities related to compliance with the detention mandates created by the “Raise the Age” legislation, and

WHEREAS, interested counties currently include the Counties of Allegany, Chemung, Cortland, Livingston, Ontario, Seneca, Steuben, Tioga, Tompkins and Yates, and

WHEREAS, the Memorandum’s final form shall be reviewed and approved by Schuyler County Attorney prior to execution and has been preliminary approved by the County Attorney and County Administrator, and

WHEREAS, time is of the essence to join and execute the Memorandum of Understanding, and

WHEREAS, the term of the Memorandum shall be effective upon execution and ongoing until conclusion, and

WHEREAS, there is no contract cost to Schuyler County to execute the Memorandum of Understanding.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Schuyler County Legislature is hereby authorized to execute the aforesaid Memorandum of Understanding, subject to final approval by the Schuyler County Attorney.

DISCUSSION: Legislator Barnes stated that he does not believe in this concept.

Vote 6-1. No: Barnes.

**RESOLUTION NO. 100** Motion by Rondinaro, Second by Blowers.

RE: DECLARE APRIL 2018 AS CHILD ABUSE PREVENTION MONTH – SOCIAL SERVICES

WHEREAS, each year April is designated as Child Abuse Prevention Month, and

WHEREAS, Schuyler County Department of Social Services (DSS) is committed to keeping children and families safe, and

WHEREAS, Schuyler County DSS wants to draw attention to the need for children to be safe through the Pinwheels for Prevention campaign during the month of April.

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Legislature does hereby declare the month of April 2018 as Child Abuse Prevention Month in Schuyler County.

Vote 7-0.

**RESOLUTION NO. 101** Motion by Rondinaro, Second by Blowers.

RE: AUTHORIZE APPOINTMENT TO THE PUBLIC HEALTH PROFESSIONAL ADVISORY COMMITTEE – PUBLIC HEALTH

WHEREAS, the State Department of Health and State Office for the Aging are collaboratively updating New York State's Prevention Agenda, and

WHEREAS, Schuyler County Public Health Department's Professional Advisory Committee is responsible for the oversight of our Community Health Improvement Plan which directly works on the State's Prevention Agenda.

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Legislature hereby authorizes the appoint of Tamre Waite, Director of Schuyler County Office for the Aging to the Schuyler County Public Health Professional Advisory Committee effective immediately through December 31, 2018.

Vote 7-0.

**RESOLUTION NO. 102** Motion by Rondinaro, Second by Blowers.

RE: AUTHORIZE THE CREATION AND FILLING OF A PUBLIC HEALTH SPECIALIST POSITION – PUBLIC HEALTH

WHEREAS, Schuyler County Public Health has a vacant Senior Registered Nurse position and would like to abolish this position in exchange for the creation and filling of a Public Health Specialist position, and

WHEREAS, the Public Health Department is requesting to create this position, upon the approval of the County Administrator, and

WHEREAS, funding for this position is included in the 2018 budget.

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Public Health Department is hereby authorized to create and fill the Public Health Specialist position at an hourly rate of \$24.92 to be placed in Grade eleven, as set forth in the Administrative Unit Contract, immediately, and

BE IT FURTHER RESOLVED, that the Senior Registered Nurse position is hereby abolished.

Vote 7-0.

**RESOLUTION NO. 103** Motion by Rondinaro, Second by Blowers.

RE: AUTHORIZE CONTRACT WITH TENELEVEN GROUP, INC. FOR ELECTRONIC RECORDS SERVICES – COMMUNITY SERVICES

WHEREAS, the TenEleven Group, Inc. provides services for the electronic clinical record used, and

WHEREAS, the term of the contract will be for a 5-year period, effective January 1, 2018 through December 31, 2022, with a not to exceed amount of \$ 68,000 per year.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature be hereby authorized to execute a contract with TenEleven Group, Inc. for the Community Services for electronic clinical record services, for the term of January 1, 2018 through December 31, 2022, funding available in the 2018 Community Services budget account no. 1.4310.435, approved by the Schuyler County Attorney.

Vote 7-0.

**RESOLUTION NO. 104** Motion by Rondinaro, Second by Blowers.

RE: AUTHORIZE SCREENING APPLICATION TO CIGNA TO BECOME A PARTICIPATING CLINIC – COMMUNITY SERVICES

WHEREAS, Schuyler County Mental Health Clinic provides Behavioral Health Services to clients, and  
WHEREAS, CIGNA requires an application process to become an approved provider, and  
WHEREAS, there is no cost to the County for said service.

NOW, THEREFORE, BE IT RESOLVED, the Chairman is hereby authorized to sign a screening application for the Schuyler County Mental Health Clinic, approved by the Schuyler County Attorney.

Vote 7-0.

**RESOLUTION NO. 105** Motion by Rondinaro, Second by Harp.

RE: ACCEPTANCE OF 2018 AGRICULTURAL DISTRICT ANNUAL ENROLLMENT REQUESTS

WHEREAS, in keeping with New York State Agriculture and Markets Law Article 25-AA, Schuyler County holds an annual agricultural district enrollment period from January 15<sup>th</sup> to February 15<sup>th</sup> of each year, and

WHEREAS, in 2018 the County did receive seven requests from landowners for inclusion in Schuyler County Agricultural District #1, #2, and #3, and

WHEREAS, the Schuyler County Agriculture and Farmland Protection Board did find on February 26, 2018 that these requests were comprised of substantially viable agricultural land contained wholly within parcels

24.00-1-38.11 containing a total of 27.6 acres owned by Jeffery Soule, in Ag District #1, and

53.00-1-5.11 containing a total of 16.97 acres owned by Charles Roth, in Ag District #2, and

30.00-1-4 and 62.00-1-2.12 containing a total of 146.9 acres owned by Matt, Rachel, Tom and Johanna Lochner, in Ag District #2, and

64.00-1-3.11 and 64.00-1-3.5 containing a total of 19.5 acres owned by Maria and Bruce Bohlin, in Ag District #2, and

18.00-1-4.11 containing a total of 62.5 acres owned by Ann Laskowski, in Ag District #2, and

28.00-1-30 containing a total of 58.9 acres owned by Marvin Martin, in Ag District #2, and

65.00-3-16, 65.00-3-19.1, 65.00-3-19.2, 77.00-1-25.2, and 77.00-1-4 containing a total of 336.2 acres owned by David Barber, in Ag District #3, and

WHEREAS, Schuyler County has determined to include 27.6 acres into Schuyler County Agriculture District #1, 304.7 acres into Schuyler County Agricultural District # 2, and 336.2 acres in Schuyler County Agricultural District #3, and

WHEREAS, Schuyler County did hold a public hearing on the inclusion of these parcels in on April 09, 2018.

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Legislature does accept the requested inclusions into Schuyler County Agricultural District #1, #2, and #3, and requests that the Commissioner of the New York State Department of Agriculture and Markets certify these inclusions.

Vote 7-0.

**RESOLUTION NO. 106** Motion by Rondinaro, Second by Harp.

RE: ESTABLISH LEAD AGENCY STATUS FOR PUBLIC ENTERTAINMENT (OUTDOOR) – REGULATING/LICENSING – PLANNING DEPARTMENT

WHEREAS, Local Law No. 4 of the Year 2010 established a process for applications and permits pertaining to Public Entertainment (Outdoor) – Regulating/Licensing, and

WHEREAS, in compliance with NYCRR Part 617 State Environmental Quality Review (SEQR), Schuyler County must review the potential environmental impacts associated with the issuance of a mass gathering permit for Watkins Glen International under Local Law No. 4 of the Year 2010, Public Entertainment (Outdoor) – Regulating/Licensing, and

WHEREAS, the Schuyler County Legislature has determined that the proposed action is Unlisted and would be best served by a coordinated review including potential involved agencies, and has received a

PROCEEDINGS OF THE YEAR 2018

complete Environmental Assessment Form (EAF) from the applicant, Watkins Glen International, Inc.

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Legislature accepts the EAF and does intend to establish lead agency status for the purposes of the environmental review of this action, and will notify involved agencies of this intent. If, after 30 days' time no involved agency challenges this status, then the Schuyler County Legislature will consider itself to hold lead agency status, and will proceed with the review.

Vote 7-0.

**RESOLUTION NO. 107** Motion by Barnes, Second by Rondinaro.

RE: AUTHORIZATION TO DECLARE ITEMS JUNK OR SURPLUS FOR VARIOUS DEPARTMENTS – PURCHASING

WHEREAS, various departments have items to be declared junk or surplus.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to County Law Section 215, the Schuyler County Legislature hereby declares the following assets junk or surplus, and

BE IT FURTHER RESOLVED that the following items are to be bid out, traded, placed in storage for an auction or disposed of.

**JUNK**

<b><u>Asset #</u></b>	<b><u>Description</u></b>	<b><u>Serial/VIN #</u></b>	<b><u>Department</u></b>
2173	HP 5SI Printer	USDK035399	Real Property
2837	HP5SI Printer	SUSDK159430	Mental Health
4257	Antenna, VHF	N/A	EMO
4340	Radio Cabinet	N/A	EMO
5171	HP 4600DN Printer	SJPBKB10283	Mental Health
5458	Cross Cut Shredder	FEL-38385	Public Health
5461	Dell Latitude D600	80X5J31	EMO
5672	Jette Civil Service Software	N/A	Sheriff
5715	HP LaserJet 4200TN Printer	Q2427A#ABA	Public Health
5751	Desk and Return	N/A	DA
5759	Dell PowerEdge SC240 Server	2ZX8561	EMO
6022	Dell OptiPlex GX520	2J0Q891	Real Property
6297	Dell OptiPlex 745	2GW8DF1	Probation
6298	Dell OptiPlex 745	8GW8DF1	Sheriff
6302	Nortel Telephone System Hardware	N/A	IT
6303	Nortel Telephone System Hardware	N/A	IT
6304	Nortel Telephone System Hardware	001B25313040	IT
6305	Nortel Telephone System Hardware	001B2531316C	IT
6306	Nortel Telephone System License	TM109289	IT
6307	Nortel Telephone Voice Mail Call Point	10346841	IT
6565	Dell OptiPlex 755	8L79VH1	DSS
6566	Dell OptiPlex 755	BL79VH1	DSS
6573	Dell OptiPlex 755	F5V3WH1	IT
6576	Dell OptiPlex 755	C6V3WH1	DSS
6600	Dell OptiPlex 755	6Y2PFG1	IT
6601	Dell OptiPlex 755	8Y2PFG1	Jail
6606	Dell OptiPlex 755	7Z2PFG1	IT
6634	32 Audio Log Maxpro Digital	N/A	EMO
6642	Ethernet Routing Switch	AL1001E05-E5	IT
6651	Dell OptiPlex 760	HBDJQJ1	Sheriff
6654	Dell OptiPlex 760	2CDJQJ1	IT
6692	Dell OptiPlex 760	8DPZV71	County Attorney
6698	Dell OptiPlex 760	2K1MLL1	Sheriff



PROCEEDINGS OF THE YEAR 2018

6702	Dell OptiPlex 760	CK1MLL1	IT
6714	Dell OptiPlex 760	5YG9SK1	IT
6776	Dell OptiPlex 760	9B62RL1	IT
6780	Dell OptiPlex 760	9B71RL1	Sheriff
6932	APC Symetra LX Power Module	SQD1217170178	IT
7253	Dell OptiPlex 755	BG2H9G1	Probation
7254	Dell OptiPlex 755	GM3H9G1	Probation
7357	Dell OptiPlex GX260	C00HV21	IT
7420	Dell OptiPlex 755	FF2H9G1	IT

**SURPLUS (Clean-Up)**

<u>Asset #</u>	<u>Description</u>	<u>Serial/VIN #</u>	<u>Department</u>
0216	Motorola Communication Tower	N/A	EMO
2254	Motor Base Station	8380039	EMO
2256	GE Satellite Receiver	8540966	EMO
4256	VHF Antenna	N/A	EMO
4258	VHF Antenna	N/A	EMO
6180	Radio Lowband Base Station	103TGU0325	EMO
6845	Generator & UPS Batteries	N/A	EMO

**SURPLUS (To Auction)**

<u>Asset #</u>	<u>Description</u>	<u>Serial/VIN #</u>	<u>Department</u>
589	Compressor, Ingersol Portable (purchased 1983)	90443	Highway

Vote 7-0.

**RESOLUTION NO. 108** Motion by Barnes, Second by Rondinaro.

RE: AUTHORIZE TWO-YEAR CONTRACT WITH BRZOSTEK'S REAL ESTATE AUCTION CO., INC. FOR AUCTIONEER SERVICES – TREASURER

WHEREAS, the Schuyler County Treasurer is in need of auctioneer services for County Real Property Tax Foreclosures 2018 and 2019, with anticipated auctions to be held in the Spring, and wishes to renew its contract with Brzostek's Real Estate Auction Co., Inc. for a two-year term to provide said services.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Schuyler County Legislature is authorized to sign a two-year contract with Brzostek's Real Estate Auction Co., Inc. for auctioneer services for the 2018 and 2019 tax foreclosure auction in the amount of a 4.5% buyer's premium with a term of January 1, 2018 through December 31, 2019, contract approved by the Schuyler County Attorney.

Vote 7-0.

**RESOLUTION NO. 109** Motion by Barnes, Second by Rondinaro.

RE: AUTHORIZE ONGOING CONTRACT WITH AP TECHNOLOGY, LLC FOR SECURE CHECK SOFTWARE, SUPPORT AND MAINTENANCE - TREASURER'S OFFICE

WHEREAS, the Treasurer's office has a current contract with AP Technology, LLC as the current provider of Secure Check Software, and

WHEREAS, the Treasurer has negotiated an ongoing contract for maintenance and support with an annual fee of \$795.00, until such time the County terminates the contract.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature be hereby authorized to execute an ongoing contract with AP Technology, LLC for the Treasurer's Office for the above rate, effective immediately, funding available in the Treasurer's 2018 budget account no. 1325.0435, contract approved by the Schuyler County Attorney.

Vote 7-0.

**RESOLUTION NO. 110** Motion by Barnes, Second by Rondinaro.

PROCEEDINGS OF THE YEAR 2018

RE: RECOGNIZING AND COMMEMORATING MAY 1, 2018 AS “LAW DAY” IN SCHUYLER COUNTY – COUNTY ATTORNEY

WHEREAS, Law Day is an occasion of public acknowledgement of our Nation’s heritage of justice, liberty, and equality under the law, and

WHEREAS, the United States Congress has statutorily designated May 1 as the annual day for commemoration of Law Day, and

WHEREAS, the American Bar Association has designated the 2018 Law Day theme to be “Separation of Powers: Framework for Freedom” in recognition of the separation of powers as fundamental to our constitutional purpose, and

WHEREAS, the United States Constitution sets out a system of government with distinct and independent branches--Congress, the Presidency and the Courts--and further defines legislative, executive, and judicial powers and outlines how they interact, with each of the three separate branches sharing power, and each branch intended to serve as a check on the power of the others, and

WHEREAS, promoting public understanding of the roots of our freedom is an important component in the civic education of the citizens of the United States, the State of New York and the County of Schuyler.

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Legislature recognizes and commemorates May 1, 2018, as Law Day in Schuyler County, New York.

Vote 7-0.

**RESOLUTION NO. 111** Motion by Barnes, Second by Rondinaro.

RE: AUTHORIZE AMENDING THE POLICIES AND PROCEDURES MANUAL RELATIVE TO THE COUNTY VOLUNTARY FIRE AND AMBULANCE DUTY POLICY - HUMAN RESOURCES

WHEREAS, it is the desire of the Legislature to update the Schuyler County Fire and Ambulance Duty Policy to clarify permissions needed for use of such time and verification of participation, and

WHEREAS, the County Attorney has reviewed and approved of the changes.

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Legislature hereby authorizes amending the Policies and Procedure Manual, on file in the Human Resources Department, with the updated Schuyler County Fire and Ambulance Duty Policy to include the amended provisions italicized below.

***Voluntary Fire and Ambulance Duty (Resolution Nos. 109-91 and 24-69)***

Any officer or employee of the County of Schuyler, who is a member of a volunteer emergency response agency located within Schuyler County, will be granted a leave of absence with pay for such period as he/she may be called from his/her job to render such service on an emergency basis. *It is understood that employees will respond only to emergency situations when other agency resources/personnel are not sufficiently available and with approval from the Department Head. Absences must not jeopardize the business operations of the County, nor impact health and safety of employees or public. This policy applies to full-time employees only. Part time-employees will be allowed to leave for fire-calls/emergency-calls, if permission is granted by the Department Head, however will not be compensated accordingly. To be eligible for the waiver of leave time usage and/or salary deduction, an employee must submit written verification from an officer of his/her organization documenting details of emergency-related absence on forms provided by the County. Such form shall be submitted to the Department Head, who will provide to the Human Resources Department, by 10:00am on the payroll processing day for the pay period during which the emergency occurred.*

Vote 7-0.

**RESOLUTION NO. 112** Motion by Barnes, Second by Rondinaro.

RE: AUTHORIZE AMENDING THE POLICIES AND PROCEDURES MANUAL RELATIVE TO EXPANDED PAID LEAVE IN NEW YORK FOR COUNTY EMPLOYEE CANCER SCREENINGS – HUMAN RESOURCES

WHEREAS, on December 18, 2017, New York State enacted an amendment of the state Civil Service Law in relation to granting paid, excused leave to public officers and public employees to undertake cancer screenings, and

WHEREAS, the law (S05925 /A02830-B) amends Section 159-b of the Civil Service Law and repeals Section 159-c of the Civil Service Law, in order to entitle any municipal or school district employee – specifically noted as any employee of the state, any county, municipality, school district, community college, public authorities, public benefit corporations, any board of cooperative educational services, vocational education and extension board, participating employers in the state and local employees’ retirement system or of a participating employer in the state teachers’ retirement system – to have a paid, excused leave of absence from his or her duties for a sufficient period of time, not to exceed four hours, to undertake a screening for cancer of any kind, and

WHEREAS, the purpose of the amendment is to encourage individuals to be screened regularly for all types of cancer by providing time off from work, thereby increasing the number of cancers caught at an early stage and improving public health, as the previous law only applied to screening for breast and prostate cancers, and

WHEREAS, the County desires to amend its policy manual to reflect this public policy edict to fight cancer and improve employee health.

NOW, THEREFORE BE IT RESOLVED, that the Schuyler County Legislature hereby authorizes amending the Policies and Procedures manual, on file in the Human Resources Department, by replacing current Breast Cancer Screening policy (Res #331-06) and Prostate Cancer Screening policy (Res #282-07) with the updated Cancer Screening Leave policy as indicated below.

**Cancer Screening Leave**

In accordance with Civil Service Law 159-b, effective March 18, 2018, the County shall provide cancer screening leave as follows:

**Cancer Screening Leave Time Policy Guidelines**

- Effective March 18, 2018 any county employee is eligible for up to four (4) hours of Cancer Screening Leave time, through the end of the year, regardless of time already used. Every January 1 thereafter, employees will be entitled for up to four (4) hours of Cancer Screening Leave time. The leave time is not accumulative and cannot be carried forward to the next year if unused.
- This policy provides a maximum of four (4) hours paid leave annually to undergo cancer screenings. The paid leave may be used for screening any form of cancer, including but not limited to breast cancer, prostate cancer, cervical cancer, skin cancer, colon cancer, ovarian cancer, bladder cancer, or lung cancer. Paid leave for cancer screening is not cumulative and expires at the close of business on the last day of each calendar year.
- Cancer screening may include physical exam, imaging, biopsy, Pap Smear, mammogram, blood test or surgical.
- This paid time off is in addition to existing negotiated paid leave provisions.
- The time allotted for cancer screening leave includes travel time to and from the appointment and any subsequent follow-up consultation visits.
- Any time taken for this purpose above and beyond four (4) hours is chargeable to other leave credits.
- Time off shall be granted within regular working hours.
- An employee should follow their departmental procedure for requesting time off.
- Department Administrators shall direct an employee to report to Human Resources with a doctor’s statement, receipt issued by the clinic, etc. as proof that screening has occurred.
- Time off shall be reported on time cards as “Administrative Leave”. Department Administrators will be responsible for ensuring time off is within the four (4) hour limit.
- Any medical documentation filed with the Human Resources Department shall be kept confidential.

Vote 7-0.

RESOLUTION NO. 113 Motion by Harp, Second by Barnes.

PROCEEDINGS OF THE YEAR 2018

RE: ACKNOWLEDGE APPOINTMENT AND SET SALARY FOR FULL-TIME ASSISTANT PUBLIC DEFENDER – PUBLIC DEFENDER

BE IT RESOLVED, that this Legislature acknowledge the appointment by Wesley A. Roe, Public Defender, of James P. Ferratella, Esq. as a full-time Assistant Public Defender, effective April 23, 2018, at an annual salary of \$78,000.

Vote 7-0.

RESOLUTION NO. 114 Motion by Harp, Second by Barnes.

RE: ACCEPT/REJECT SEALED BID FOR THE SCHUYLER COUNTY PUBLIC SAFETY BUILDING, JAIL UPGRADES – BUILDINGS AND GROUNDS

WHEREAS, the Public Works Committee, by Resolution on February 12, 2018, authorized the Building Maintenance Supervisor to solicit sealed bids for Public Safety Building Jail Upgrades, and

WHEREAS, one (1) sealed bid was received and opened on March 8, 2018 at the Schuyler County Legislative Office.

NOW, THEREFORE, BE IT RESOLVED, that Schuyler County Legislature hereby accepts the Building Maintenance Supervisors recommendation to accept the bid from Kimble, Inc, 1004 Sullivan Street, Elmira, NY 14901, in the amount of \$498,500, and

BE IT FURTHER RESOLVED, that the Chairman of the Legislature is hereby authorized to execute a contract with Kimble, Inc. Schuyler County Public Safety Building, Jail Upgrades at a total cost of \$498,500, with funding available in Buildings and Grounds Capital Account no. 004.1620.0209, subject to approval by the Schuyler County Attorney.

Vote 7-0.

**NEW BUSINESS:** None.

**UNFINISHED BUSINESS:** None.

**REPORT ON STANDING COMMITTEES:**

Chairman Fagan stated that the County has received the first Sales Tax payment for March, and we have one payment left to complete our first quarter. So far, we are up by 7.2%. This is one hundred and thirty-two thousand dollars to the good. He said that this is a much stronger showing than last year, and with the winter weather we are experiencing this year, he is surprised.

**COUNTY ADMINISTRATOR'S REPORT:**

Administrator O'Hearn said he had nothing new to report. He did want the Legislators to know that the Auditing Firm, Inero & Co. CPAs, LLP are in house and in full swing. The preliminary numbers look very good, and things are going very well. Kudo's to the Treasurer and her department for an excellent job performed. He said it is the best we have looked in the thirteen years since he has been here. Chairman Fagan asked what the projected increase would be to our fund balance. Administrator O'Hearn said the numbers are not official yet, but the projected amount is \$1.5 to \$1.7 Million. He again thanked the staff in the Treasurer's Office. Legislator Reed asked what the average fund balance should be. Administrator O'Hearn replied that 10-15% of the total budget. He also said that if this prediction holds, we are over that. This is a total turn-around from about five years ago.

**PUBLIC PARTICIAPTION:** None.

The meeting adjourned at 6:41 p.m.

Stacy B. Husted, Clerk

Jamee L. Mack, Deputy Clerk

**SPECIAL MEETING  
MAY 9, 2018**

The May 9, 2018 Special Meeting of the Schuyler County Legislature was called to order at 9:00 a.m. by Chairman Fagan. The Pledge of Allegiance was led by Legislator Reed and followed by a Moment of Silence. All Legislators were present except Legislator Lausell and Legislator Rondinaro who were excused.

County Administrator Timothy O'Hearn, and County Attorney Stephen J. Getman were also present.

**PUBLIC PARTICIPATION:** None.

**RESOLUTOIN NO. 115** Motion by Howell, Second by Harp.

RE: RATIFICATION OF SPECIAL MEETING

BE IT RESOLVED, that this Special Meeting, pursuant to the call of the Clerk of the Legislature upon the direction of the Chairman, be and hereby is, ratified and approved for discussion and action upon the following items of business:

1. AUTHORIZE ADOPTION OF A TITLE VI POLICY STATEMENT AND TITLE VI PLAN IN COMPLIANCE WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION OFFICE OF CIVIL RIGHTS – HUMAN RESOURCES
2. ACKNOWLEDGE APPOINTMENT AND SET SALARY FOR FULL-TIME ASSISTANT PUBLIC DEFENDER – PUBLIC DEFENDER

Vote 6-0.

**RESOLUTION NO. 116** Motion by Barnes, Second by Reed.

RE: AUTHORIZE ADOPTION OF A TITLE VI POLICY STATEMENT AND TITLE VI PLAN IN COMPLIANCE WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION OFFICE OF CIVIL RIGHTS – HUMAN RESOURCES

WHEREAS, Schuyler County has received grant funds from the Federal Highway Administration, and WHEREAS, these grant funds are referred to as FHWA funding, and

WHEREAS, there are specific Title VI policies that are required to be in place per New York State Department of Transportation (NYSDOT) for all funding recipients, and

WHEREAS, the Schuyler County Legislature has agreed to adopt the Title VI Policy Statement and Plan to be in compliance with the NYSDOT Office of Civil Rights.

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Legislature hereby adopts the aforesaid Policy Statement and Plan, to be on file in the Human Resources Department, effective immediately, and

BE IT FURTHER RESOLVED, that Personnel Officer acting as the Title VI Coordinator will post and publish the notices as set forth by policy.

Vote 6-0.

**RESOLUTION NO. 117** Motion by Barnes, Second by Reed.

RE: ACKNOWLEDGE APPOINTMENT AND SET SALARY FOR FULL-TIME ASSISTANT PUBLIC DEFENDER – PUBLIC DEFENDER

WHEREAS, Resolution No. 113-18 acknowledged the appointment and set the salary for James P. Ferratella, Esq., effective April 23, 2018, and

WHEREAS, Mr. Ferratella resigned effective April 24, 2018.

NOW, THEREFORE, BE IT RESOLVED, that this Legislature acknowledge the appointment by Wesley A. Roe, Public Defender, of Valerie G. Gardner, Esq. as a full-time Assistant Public Defender, effective May 7, 2018, at an annual salary of \$78,000.

Vote 6-0.

**PUBLIC PARTICIPATION:** None.

The Meeting adjourned at 9:02 a.m.

Stacy B. Husted, Clerk

**REGULAR MEETING  
MAY 14, 2018**

The May 14, 2018 Regular Meeting of the Schuyler County Legislature was called to order at 6:30 p.m. by Chairman Fagan. The Pledge of Allegiance was led by Legislator Barnes and followed by a Moment of

PROCEEDINGS OF THE YEAR 2018

Silence. All Legislators were present except Legislator Rondinaro who was excused. County Administrator Timothy O'Hearn, and County Attorney Stephen J. Getman were also present.

**PUBLIC PARTICIPATION:**

Chairman Fagan asked the two you men present in the audience if they wanted to address the Legislature. Jerrod Scoot asked if many people attend our Legislative meetings. The Chairmen explained that we do have public that attend our meetings, just not on a regular basis. He told them that we welcome the public and feel free to attend any future meeting that is held.

Joan Scott, Veterans Service Agency Director, was present to explain the additional Resolution added to the agenda regarding funding for her department.

**RESOLUTION NO. 118** Motion by Barnes, Second by Harp.

RE: APPROVE THE MINUTES OF THE APRIL 9, 2018 REGULAR MEETING OF THE SCHUYLER COUNTY LEGISLATURE

BE IT RESOLVED, that the minutes of the April 9, 2018 Regular Meeting of the Schuyler County Legislature be approved.

Vote 7-0.

**RESOLUTION NO. 119** Motion by Barnes, Second by Harp.

RE: RESOLUTION DIRECTING COMMENCEMENT OF ACTION ON BEHALF OF COUNTY— EMERGENCY MANAGEMENT

WHEREAS, the County, by its Director of Emergency Management, duly demanded that Monterey Volunteer Fire Co., Inc. return assorted items of equipment owned by Schuyler County, consisting of: 7 units, Mobiles APX 4500 (valued at \$1,667.05 each) (Cost: \$11,669.35); 10 units, Portables APX 4000 (valued at \$1,536.40 each) (Cost: \$15,364.00); 20 Units, Minitor VI Pagers (valued at \$ 374.40 each) (Cost: \$7,488.00); for a total value of \$34,521.35, and

WHEREAS, said equipment has not been returned, and

WHEREAS, it appears to be in the best interests of the County of Schuyler to commence an action to recover the property and/or the monetary value thereof.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature, the Director of Emergency Management and the Schuyler County Attorney are directed and authorized on behalf of the County of Schuyler, to commence and take such legal action against the aforesaid corporation to enforce the rights of the County of Schuyler, to seek return of County property and/or to collect the aforesaid sums due and owing, for the benefit or protection of the County, in its rights or property.

Vote 7-0.

**RESOLUTION NO. 120** Motion by Barnes, Second by Harp.

RE: APPOINTMENT – COUNTY CORONER

WHEREAS, James P. Coleman III, M.D. has resigned from his position as County Coroner effective May 31, 2018, and

WHEREAS, Blanche Borzell, M.D., Chief Coroner, has recommended Patricia Kelly, NP to fill said vacancy until such time a general election can be held.

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Legislature hereby appoints Patricia Kelly, NP as County Coroner to fill the vacancy of James P. Coleman III., M.D., effective June 1, 2018 through December 31, 2018.

Vote 7-0.

**RESOLUTION NO. 121** Motion by Howell, Second by Blowers.

RE: AUTHORIZE AMENDING THE 2018 BUDGET FOR REIMBURSEMENT OF UTILITIES AT MILL CREEK CENTER – BUILDINGS AND GROUNDS

WHEREAS, the County of Schuyler now owns the Mill Creek Center located at 106 S. Perry Street, Watkins Glen, NY, and

WHEREAS, the Schuyler County Buildings and Grounds Department is paying the utilities and will be reimbursed by the tenants.

PROCEEDINGS OF THE YEAR 2018

---

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Treasurer is hereby authorized to amend the 2018 Budget as follows:

<u>AMOUNT</u>	<u>ACCOUNT NO.</u>	<u>DESCRIPTION</u>
+\$20,000	1620.0442	Utilities
+\$20,000	1620-1289	Other Gen Govern. Dept. Income

Vote 7-0.

**RESOLUTION NO. 122** Motion by Howell, Second by Blowers.

RE: AUTHORIZE FIVE-YEAR LEASE AGREEMENT WITH THE PEOPLE OF THE STATE OF NEW YORK, ACTING BY AND THROUGH AGENT, THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK - BUILDINGS AND GROUNDS

WHEREAS, Resolution No. 201-17 authorized a lease agreement with the Dormitory Authority of the State of New York, for the Office of Mental Health, also known as the Psychosocial Club Elmira Psychiatric Center (PC) Program, with a specific five-year term of February 1, 2017 through January 31, 2022, and

WHEREAS, the lease agreement has just now been finalized and the term is effective upon execution by both the landlord and the tenant.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature be hereby authorized to sign a five-year Lease Agreement with the State of New York, acting by and through agent, the Dormitory Authority of the State of New York for the Office of Mental Health, for approximately 2,360 square feet of space at the Mill Creek Center, effective the first full month after lease has been executed by both landlord and tenant for a term of five years. The annual rent shall be \$28,320 per year payable monthly at the rate of \$2,360, contract approved by the Schuyler County Attorney, and

BE IT FURTHER RESOLVED, that this Resolution supersedes Resolution No. 201-17.

Vote 7-0.

**RESOLUTION NO. 123** Motion by Howell, Second by Blowers.

RE: ACCEPT BID FOR FOUR YEARS FOR HVAC WATER TREATMENT- BUILDINGS AND GROUNDS

WHEREAS, Buildings and Grounds provided a request for sealed bids for Water Treatment Service & Cooling Tower Compliance for a term of June 1, 2018 through May 31, 2022, and

WHEREAS, three bids were received and opened April 19, 2018, and

WHEREAS, the lowest responsible bid was received from Water Wise of America.

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Legislature hereby accepts the Building Maintenance Supervisor's recommendation of the following bid received from, Water Wise of America, 75 Bermer Park, Rochester, NY 14624, for the Water Treatment Service & Cooling Tower Compliance contract for the Jail, Courthouse, Human Services, Mill Creek, Shared Public Works, and Records buildings at cost of \$15,021.27, set forth as follows, for the term of June 1, 2018 through May 31, 2022, and that funding is available for the applicable year in the Buildings and Grounds budget account no. 1620.400, and

<u>TERM</u>	<u>COST</u>
6/1/2018 – 5/31/2019:	\$3,644.52
6/1/2019 – 5/31/2020:	\$3,717.40
6/1/2020 – 5/31/2021:	\$3,791.75
6/1/2021 – 5/31/2022:	\$3,867.60
4 Year Total	\$15,021.27

BE IT FURTHER RESOLVED, that the Chairman of the Legislature is hereby authorized to execute a contract with Water Wise, Inc., 75 Bermer Park, Rochester, NY 14624, at a cost of \$15,021.27 for four years, subject to approval by the Schuyler County Attorney, and

BE IT FURTHER RESOLVED, that letters of appreciation for their participation are sent to the two other companies that submitted a bid.

Vote 7-0.

**RESOLUTION NO. 124** Motion by Howell. Second by Blowers.

RE: AUTHORIZE THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE – HIGHWAY DEPARTMENT

WHEREAS, a Project for the Bridge Replacement (BIN 3332650) CR 16 over Meads Creek in the Town of Orange, Schuyler County, P.I.N. 6754.60 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds, and

WHEREAS, the County of Schuyler desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Design and Construction/Construction Inspection services of the Bridge Replacement (BIN 3332650) CR 16 over Meads Creek, Town of Orange, Schuyler County.

NOW, THEREFORE, BE IT RESOLVED, the Schuyler County Legislative Board, duly convened does hereby approves the above-subject project, and

BE IT FURTHER RESOLVED, that the Schuyler County Legislative Board hereby authorizes the County of Schuyler to pay in the first instance 100% of the federal and non-federal share of the cost of Design and Construction/Construction Inspection phase work for the Project or portions thereof, and

BE IT FURTHER RESOLVED, that the sum of \$1,103,806.00 is hereby appropriated from 002.5120.342 and 002.5020.400 and made available to cover the cost of participation in the above phase of the Project, and

BE IT FURHTER RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the County of Schuyler shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and

BE IT FURHTER RESOLVED, that the Chairperson of the Legislative Board of Schuyler County be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Schuyler with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and

BE IT FURTHER RESOLVED, this Resolution shall take effect immediately.

Vote 7-0.

**RESOLUTION NO. 125** Motion by Howell, Second by Blowers.

RE: ACCEPT BID FOR CONSTRUCTION OF NORTH L'HOMMEDIEU STREET OVER JOHNS CREEK BRIDGE REPLACEMENT - HIGHWAY DEPARTMENT

WHEREAS, Resolution No. 359-17 authorized the advertising for sealed bids for construction of N. L'Hommedieu Street Over Johns Creek Bridge Replacement, and

WHEREAS, five bids were received and opened on May 2, 2018 and reviewed with the recommendation being made by Fisher Associates to accept the lowest responsible bid from Silverline Construction, Inc.

NOW, THEREFORE, BE IT RESOLVED, the Schuyler County Legislature accept the following lowest responsible bid from Silverline Construction, Inc., for the N. L'Hommedieu Street Over Johns Creek Bridge Replacement at the low bid price of \$1,016,476.00, funding available in the 2018 budget account no. 002.5120.350 and reimbursed, 80% Federal, 15% State, 5% local, and



BE IT FURTHER RESOLVED, that the Chairman of the Legislature be authorized to sign the Notice of Award and contract documents for said bid, subject to approval by the Schuyler County Attorney, and

BE IT FURTHER RESOLVED, that letters of appreciation for their participation are sent to the four other companies that submitted a bid.

Vote 7-0.

**RESOLUTION NO. 126** Motion by Blowers, Second by Harp.

RE: AUTHORIZE FOUR YEAR CONTRACT WITH BAKER HALL, INC. FOR FOSTER CARE SERVICES - SOCIAL SERVICES

WHEREAS, Schuyler County Department of Social Services needs to utilize residential foster care placements at times for children coming into the custody of the Commissioner, and

WHEREAS, New York State mandates contracts with foster care facilities pursuant to Administrative Directive 15 OCFS ADM-14 Revised Model Contract for Purchase of Foster Care Services, and

WHEREAS, reimbursement rates are established annually by the State of New York through the Maximum State Aid Rate (MSAR) for daily care, clothing allowance, medical care and education, and

WHEREAS, Baker Hall, Inc. will provide such foster care placement for the Schuyler County Department of Social Services.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature is hereby authorized to execute a contract with Baker Hall, Inc. for the Schuyler County Department of Social Services, for placement of foster care children, for a term of four years effective April 1, 2018 through March 31, 2022, contract approved by the Schuyler County Attorney.

Vote 7-0.

**RESOLUTION NO. 127** Motion by Blowers, Second by Harp.

RE: RECOGNIZE FRIDAY, JUNE 15, 2018 AS WORLD ELDER ABUSE AWARENESS DAY (WEAAD) – SOCIAL SERVICES

WHEREAS, World Elder Abuse Awareness Day (WEAAD) was launched on June 15, 2006 by the International Network for the Prevention of Elder Abuse and the World Health Organization at the United Nations, and was officially recognized by the United Nations General Assembly in December 2012, and

WHEREAS, elder abuse is a global, social, and health and human rights issue that affects millions of older persons around the world and deserves the attention of the international community, and

WHEREAS, it is important to know the signs of elder abuse, which include physical trauma, withdrawal, depression, anxiety and/or fear of family members, friends, caregivers or strangers, and

WHEREAS, elder abuse is a significant public health problem, survivors suffer higher levels of psychological distress, are twice as likely to be hospitalized and face greater risk of an early death than other seniors, and

WHEREAS, it is our collective responsibility to provide for safe and secure communities and living environments for our seniors, and to encourage reporting of any suspected abuse, neglect, and financial exploitation to the Schuyler County Adult Protective Services, as well as law enforcement agencies, for investigation, and intervention, and

WHEREAS, Schuyler County wants to recognize the need to protect our older population from abuse.

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Legislature does hereby recognize Friday, June 15, 2018 as “World Elder Abuse Awareness Day” in Schuyler County.

Vote 7-0.

**RESOLUTION NO. 128** Motion by Blowers, Second by Harp.

RE: AUTHORIZE CONTRACT WITH TREAHY CONSULTATION SERVICES LLC FOR IMPLEMENTATION OF ALL THE “RAISE THE AGE” REQUIREMENTS – SOCIAL SERVICES

WHEREAS, on April 10, 2017, Governor Cuomo signed into law “Raise the Age” legislation that was included as part of the State Budget, and

PROCEEDINGS OF THE YEAR 2018

WHEREAS, these "Raise the Age" detention provisions will create challenges for the counties of New York State, in attempting to comply with the edicts of same, and

WHEREAS, numerous counties have signed a Memorandum of Understanding to work collaboratively on the following project of mutual benefit, one of them being retention of expert professional consulting services, and

WHEREAS, Treahy Consultations Services LLC has been retained to provide said service at a cost not to exceed \$100,000 for all participating Counties, with Schuyler County's cost not to exceed \$15,000.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature be hereby authorized to execute a contract with Treahy Consultation Services LLC, in the amount of not to exceed \$15,000 for the Department of Social Services for the term May 1, 2018 until completion, funding available in the 2018 Social Services budget account no. 6010.435, contract approved by the Schuyler County Attorney.

Vote 7-0.

**RESOLUTION NO. 129** Motion by Blowers, Second by Harp.

RE: AUTHORIZE AMENDMENT TO THE 2017 CONTRACT WITH THE VILLAGE OF ODESSA FOR THE SUMMER RECREATION PROGRAM- YOUTH BUREAU

WHEREAS, the Village of Odessa operates the Summer Recreation Program, and

WHEREAS, the Village has overspent the funds originally allocated through the Resource Allocation Plan, and

WHEREAS, there is an excess amount that remains from the Choose Health Program, in the amount of \$408.78, and

WHEREAS, the Commissioner of Social Services through the New York State Office of Children and Family Services has the authority to reallocate any left-over funding to other programs.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature is hereby authorized to sign an amendment to the 2017 contract with the Village of Odessa to authorize the increase of \$408.78, for an amended contract total of \$2,608.78 for the Summer Recreation Program, funding available in the 2018 Youth Bureau budget account no. 7310.495, contract approved by the Schuyler County Attorney.

Vote 7-0.

**RESOLUTION NO. 130** Motion by Blowers, Second by Harp.

RE: AUTHORIZE 2018 THROUGH 2019 GRANT APPLICATION FOR THE TRIANGLE FUND GRANT- YOUTH BUREAU

WHEREAS, the Schuyler County Youth Bureau is the umbrella department for the Family Play and Resource Center program, and

WHEREAS, funding is needed for supplies, operation and the parenting education program, and

WHEREAS, the Schuyler County Youth Bureau acts as the fiscal agent for the program, and

WHEREAS, the Triangle Grant offers funding between the amounts of \$5,000 and \$15,000 and there is no local match.

NOW, THEREFORE, BE IT RESOLVED, the Chairman of the Legislature is hereby authorized to sign the grant application for the Family Play and Resource Center, and

BE IT FURTHER RESOLVED, that if awarded the Schuyler County Treasurer is hereby directed to establish the Triangle Fund Grant accordingly in cooperation with the Youth Bureau Department.

Vote 7-0.

**RESOLUTION NO. 131** Motion by Blowers, Second by Harp.

RE: AUTHORIZE TWO YEAR CONTRACT WITH JOHN BALL, OCCUPATIONAL THERAPIST (OT) - PUBLIC HEALTH

WHEREAS, Schuyler County Public Health is required to contract with providers for Preschool Related Services for eligible children with developmental delays, under Section 4410 of the New York State Education Law, and in compliance with Part 200 of the Regulations of New York State Education Commissioner, and

WHEREAS, John Ball is certified and willing to provide OT services, and

WHEREAS, the cost per individual half hour session is \$67.00.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature is authorized to sign said contract for the provision of Preschool Related Services with John Ball, OT, effective July 1, 2018 through June 30, 2020, funds are available in the Public Health account no. 2960.0400, contract approved by the Schuyler County Attorney.

Vote 7-0.

**RESOLUTION NO. 132** motion by Blowers, second by Harp.

RE: RECOGNIZE MAY 2018 AS MENTAL HEALTH MONTH – COMMUNITY SERVICES

WHEREAS, May has been celebrated as Mental Health Month since 1949, and

WHEREAS, this is an annual observance designed to increase awareness about mental health and mental illness, and

WHEREAS, this observance allows us to remind Americans that caring for their mental health is as important as taking care of their physical health because mental health impacts all areas of life, and

WHEREAS, good mental health is essential to overall health and personal well-being, and

WHEREAS, emotional problems can impair a person’s thinking, feelings and behavior and, if ignored over time, can become increasingly serious and disabling.

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Legislature recognizes May 2018 as Mental Health Month and encourages community awareness and understanding of mental health and the steps our citizens can take to protect their mental health.

Vote 7-0.

**RESOLUTION NO. 133** Motion by Blowers, Second by Harp.

RE: RECOGNIZE HAROLD J. HOFFMEIER, JR. AND JOHN TERRY AS THE 2018 NEW YORK STATE OFFICE FOR THE AGING SENIOR “CITIZEN OF THE YEAR” NOMINESS FOR SCHUYLER COUNTY – OFFICE FOR THE AGING

WHEREAS, Harold J. Hoffmeier, Jr. and John Terry are residents of New York State and Schuyler County, and

WHEREAS, Mr. Hoffmeier has contributed to our community in various capacities, but most notably through his role with the Arc of Schuyler where he has served on the Board of Directors since 1992, specifically as vice-president for three years followed by the position of president for three years and currently serves on the Arc’s audit, budget and finance, bylaws, incident review and human resources committees as well as in various volunteer capacities for the past forty years for the Montour Falls United Methodist Church, and

WHEREAS, Mr. Terry has contributed to our community in numerous capacities including the Watkins-Montour Lions Club; Watkins Glen Housing Authority; Watkins Glen Board of Education; Schuyler County Industrial Development Agency; Schuyler Hospital Foundation; American Chemical Society- Cornell Section; and the St. James Episcopal Church, and

WHEREAS, both Mr. Hoffmeier and Mr. Terry have served in areas that support independent living and which involve older adults, and

WHEREAS, both Mr. Hoffmeier and Mr. Terry deserve special recognition for their civic engagement and contributions that enrich and strengthen our community.

NOW, THEREFORE, BE IT RESOLVED, the Schuyler County Legislature does hereby recognize Mr. Harold J. Hoffmeier, Jr. and Mr. John Terry as the 2018 New York State Senior “Citizen of the Year” nominees for Schuyler County and urges everyone to take time to thank them for their continued dedication and loyalty to their community.

Vote 7-0.

**RESOLUTION NO. 134** Motion by Harp, Second by Barnes.

RE: RESOLUTION SUPPORTING THE REALLOCATION OF CDBG FUNDS TO FLX GATEWAY ENTERPRISES, LLC FOR THE CONSTRUCTION OF AN ULTRA PREMIUM BEVERAGE

FACILITY AND RELATED INFRASTRUCTURE AT THE SCHUYLER COUNTY BUSINESS PARK

WHEREAS, in 2003, Schuyler County received the CDBG Small Cities Project Number 1046ED404-03 grant through the New York Office of Community Renewal, and

WHEREAS, the Small Cities Project Number 1046ED404-03 grant was received by Schuyler County and administered by the Schuyler County Industrial Development Agency (SCIDA) as a revolving loan fund and grant, and

WHEREAS, the total amount of the grant was \$734,000 of which, \$367,000 was to be used as a revolving loan fund and \$367,000 as a grant for businesses to expand or relocate into Schuyler County, and

WHEREAS, in 2008, the \$367,000 loan was paid off and the original principal and interest were returned to the revolving loan fund and the funds had continued to be loaned to businesses through SCIDA until 2010, and

WHEREAS, on October 20, 2015, the Schuyler County Legislature concluded the agreement with SCIDA releasing the funds to the Schuyler County Industrial Development Agency, and

WHEREAS, on April 2, 2018, Schuyler County received a letter from the New York State Office of Community Renewal regarding a policy change to CDBG Program Income Guidelines and is requiring the return or reallocation of all CDBG Program Income Funds by March 31, 2019, and

WHEREAS, there is \$374,573.30 in available CDBG Program Income Funds, and

WHEREAS, economic development is the original intent of the grant and vital to Schuyler County residents, and

WHEREAS, an eligible reallocation of CDBG funds is for economic development grants to for-profit businesses for the creation or retention of permanent jobs, and

WHEREAS, FLX Gateway Enterprises, LLC is building an Ultra Premium Beverage Facility and related infrastructure in the Schuyler County Business Park that, when complete, will create 10-12 permanent jobs, and

WHEREAS, the construction of the Ultra Premium Beverage Facility and related infrastructure will spur additional development and investment into Schuyler County.

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Legislature agrees to the following:

1. Support the reallocation of \$374,573.30 in available CDBG Program Income Funds to FLX Gateway Enterprises, LLC for the building of an Ultra Premium Beverage Facility at the Schuyler County Business Park
2. Believes this reallocation fulfills the original intent of the Small Cities Project Number 1046ED404-03 grant;
3. Believes this effort will create significant economic vitality for the Villages, Towns, County, and Region;
4. Believes this effort will help create 10-12 new permanent jobs in Schuyler County;
5. Urges the New York State Office of Community Renewal to approve the reallocation and allow for the commitment of funds; and
6. Authorizes the Chairman to execute the form and certification for identifying program income.

Vote 7-0.

**RESOLUTION NO. 135** Motion Harp, Second by Barnes.

RE: ACCEPT/REJECT OFFERS TO PURCHASE AND QUITCLAIM PROPERTY TAKEN BY TAX DEED – TREASURER’S OFFICE

WHEREAS, pursuant to RPTL Art. 11, the County Treasurer took tax title to certain real property located in Schuyler County, State of New York, and

WHEREAS, the former owner of record or the estate of the former owner of record may submit an Offer to Purchase in the full amount of taxes, penalties, interest and other County expenses involved with the property to the Schuyler County Treasurer up to two weeks prior to the 2018 tax sale auction.

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Legislature authorizes its Chairman to accept any and all Offers to Purchase, subject to the last-stated condition below, and execute the quitclaim deed and attending documents for the transfer of properties for which the County of Schuyler has taken a tax deed and listed said property in the tax sale auction, upon payment to the Schuyler County Treasurer of the full amount of the purchase offer. The full amount of the purchase offer must be made to the Schuyler County Treasurer prior to the tax sale auction, and

BE IT FURTHER RESOLVED, that upon acceptance of a bid, and payment in full of the purchase price, the Schuyler County Attorney shall prepare a quitclaim deed to the former owner of record which the Chairman of this Legislature is hereby authorized to execute and deliver within thirty (30) days of the payment thereof, and

BE IT FURTHER RESOLVED, that the Schuyler County Legislature has the right to accept or reject any and all bids.

Vote 7-0.

**RESOLUTION NO. 136** Motion by Harp, Second by Barnes.

RE: SET TAX AUCTION SALES DATE – TREASURER

WHEREAS, final Judgement of Foreclosure in the pending tax foreclosure proceeding has been received by the Schuyler County Court pursuant to Article 11 of the Real Property Tax Law, and

WHEREAS, it is necessary to set a tax auction sale date in advance thereof, and

WHEREAS, the Schuyler County Treasurer is the enforcing officer responsible for carrying out a foreclosure sale.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Schuyler County Treasurer has set Saturday, June 23, 2018 as a tax auction sale date.

Vote 7-0.

**RESOLUTION NO. 137** Motion by Harp, Second by Barnes.

RE: AUTHORIZE TRANSFER OF FUNDS TO TOWN OF HECTOR FOR THE SALE OF TIMBER ON FEDERALLY OWNED ENTITLEMENT LAND– TREASURER’S OFFICE

WHEREAS, the Schuyler County Treasurer has received \$365.80 in revenues from the sale of timber on federally owned entitlement land in the Town of Hector, and

WHEREAS, in accordance with the provisions set forth in Section 500 of Title 16, United States Code, these funds must be used for the benefit of public schools or public roads, and

WHEREAS, this income is normally used by the Town of Hector for road maintenance.

NOW, THEREFORE, BE IT RESOLVED, that after all revenue has been received, the Schuyler County Treasurer be hereby authorized to transfer a total of \$365.80 to the Town of Hector for road maintenance in the Hector Land Use Area.

Vote 7-0.

**RESOLUTION NO. 138** Motion by Harp, Second by Barnes.

RE: AUTHORIZE A CONTRACT EXTENSION AND MODIFICATION WITH NEW YORK STATE BOARD OF ELECTIONS FOR HAVA GRANT CONTRACT #T003436 – BOARD OF ELECTIONS

WHEREAS, the County Board of Elections was awarded a Help America Vote Act (HAVA) Grant, Contract #T003436, in the amount of \$417.50 for State HAVA Operational Expenses (SHOEBOX) approved items in 2013, and

WHEREAS, said contract expires on March 31, 2018 and has not been expended, and

WHEREAS, the New York State Board of Elections has modified the contract by extending the term for an additional term of April 1, 2018 through March 31, 2019.

PROCEEDINGS OF THE YEAR 2018

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature is hereby authorized to execute and sign said contract extension of the above contract #T003436 with the New York State Board of Elections, in the amount of \$417.50, contract approved by the County Attorney.

Vote 7-0.

**RESOLUTION NO. 139** Motion by Harp, Second by Barnes.

RE: AUTHORIZE AMENDING THE 2015 THROUGH 2020 AGREEMENT WITH THE GREATER SOUTHERN TIER (GST) BOCES FOR INFORMATION TECHNOLOGY SERVICES – INFORMATION TECHNOLOGY

WHEREAS, the County currently has a five-year agreement with the Schuyler-Steuben-Chemung-Tioga-Allegany BOCES (GST BOCES) to provide Information Technology Services, and

WHEREAS, the County has requested additional temporary desktop support from GST BOCES for the Department of Social Services for the term of February 20, 2018 through June 31, 2018, and

WHEREAS, GST BOCES has agreed to supply additional temporary desktop support to the County at an additional cost of \$2,789.00.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature is hereby authorized to sign an amendment with GST BOCES for the Information Technology Department for additional personnel and services for the term February 20, 2018 through June 30, 2018, at an additional cost of \$2,789.00 making the overall contract a not to exceed amount of \$211,604.00, funding available in the Information Technology budget account no. 1680.0532, contract approved by the Schuyler County Attorney.

Vote 7-0.

**RESOLUTION NO. 140** Motion by Barnes, Second by Lausell.

RE: MOTION TO BRING ONE (1) RESOLUTION TO THE FLOOR

BE IT RESOLVED, that one (1) Resolution be brought to the floor.

Vote 7-0.

**RESOLUTION NO. 141** Motion by Harp, Second by Blowers.

RE: SUPPORTING LEGISLATION FOR THE STATE TO INCREASE FINANCIAL RESOURCES TO COUNTY VETERAN SERVICE AGENCIES FOR OPERATIONS

WHEREAS, our veterans represent the very best of America, having bravely answered the call to serve in the finest military force in the world, and having earned the dignity that comes with wearing the uniform and defending our great nation's values, and

WHEREAS, Schuyler County Veterans Service Agency advocates on behalf of Schuyler County veterans and their families, as individuals and as a group, to ensure they receive benefits granted by law for service in the United States Armed Forces, and

WHEREAS, New York State law mandates that every County have a Veteran Service Agency, and

WHEREAS, the amount of funding currently provided by the State to these local service agencies is minimal.

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Legislature supports Senate Bill No. S8210 to amend the Executive Law, in relation to the cost of maintenance and operation of veterans' service agencies, and

BE IT FURTHER RESOLVED, that the Schuyler County Legislature supports the amendment to the Executive Law to remove the fifty percent cap on total expenditures for maintenance and operation that can be reimbursed by the state while increasing the maximum reimbursement to twenty thousand and from five thousand to ten thousand the amount in excess of certain population figures, and

BE IT FURTHER RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to Governor Cuomo, Senator O'Mara, Assemblyman Palmesano, and all others deemed necessary and proper.

DISCUSSION: Legislator Blowers asked the Clerk if there was a House Bill number that had been assigned to this Legislation. The Clerk said not as of this morning.

Vote 7-0.

**MOTION** by Legislator Barnes to accept the 2017 Audit as submitted by Insero & Co. CPA's, LLP, **SECOND** by Legislator Howell. Motion carried seven ayes to zero noes.

Chairman Fagan stated that in the past we had received critiques from the Auditors. This is now the third year in a row with no deficiencies found and the earliest our audit has been completed. He said that the feats that the Treasurer has accomplished are historical. The Treasurer's Office has never been run as well or efficiently and this is, thanks to Harriett Vickio and her staff. She has done a fantastic job.

**NEW BUSINESS:** None.

**UNFINISHED BUSINESS:** None.

**REPORT ON STANDING COMMITTEES:**

Legislator Barnes said that the decision made at the US Supreme Court to legalize sports gambling could impact the Western Off-Track Betting (OTB).

Legislator Howell wanted to acknowledge the Clerk, Stacy Husted, and her efforts with the preparation of the Inter County Association of Western New York Meeting held on Friday, May 11<sup>th</sup> at the Glen Motor Inn's Montage Italian Grill Restaurant. He said that it went off without a hitch. The organization, food and everything was terrific. He also wanted to salute all of the Police Officers and recognize them for their efforts. He then reported that he attended the ground breaking for the new Burdett Fire Department building. He said the last thing he wished to report on was the policy regarding Volunteer Fire Department members and Emergency Responders responding to call during County time. He now knows that this has sense been resolved and he thanked the County Administrator for doing so. Administrator O'Hearn replied that he was a bit upset with the fact that he was just hearing about this concern today and if said employees had come to him versus reaching out to the Legislators, it would have been resolved then. Common sense needs to play a role in decision making, and it was not. Chairman Fagan said there is a statement on the form about not using a County vehicle. Administrator O'Hearn said again, common sense should take place and was discouraged that it had not.

Legislator Blowers wanted to remind the Legislators of the ceremony at the Corning Community College for the naming of the new Halls. This will take place tomorrow, May 15, 2018 at 11:00 a.m. at the Commons Building.

Chairman Fagan reported that the fourth quarter sales tax report is up 8.1% over last year at the same time. Last year compared to 2016 we were down \$89,000 and this year we are up by \$215,000. This is a record level of sales tax in 2017 and 2018. He feels we should be in very good shape. Administrator O'Hearn said that he contributes this to the ticket sales of the upcoming Phish concert. Chairman Fagan said that the Phish event will generate about a half a million jump in the sales tax figures. Our success with the budget and our increase in sales tax revenue is the primary reason we are able to hold our taxes, not have a levy increase this year, and was able to reduce .30 cents per \$1,000 in value. We used our increase in the sales tax to offset the increase in the property taxes to reduce the rate. He feels it is important to see a strong local economic wealth we have experienced. Given the weather in March and April he feels the numbers are amazing, and our big sales tax months are coming up yet.

**COUNTY ADMINISTRATOR'S REPORT:**

Administrator O'Hearn reported that he will be attending the ground breaking of the Kayak Launch in the Village of Watkins Glen on Friday, May 18, 2018 at 11:00 a.m. He will also be meeting with the owners of the Watkins Glen Middle School to talk about the needed capital improvements. He said that he continues to meet with promoters, however until the air conditioning is installed this will be very difficult. He also reported that he is meeting with the stakeholders regarding the Canal Barge event coming in September. He said that our mission is to outdo the Canal Corridor with the music line up and fireworks. He thinks this will be the largest festival we have held in this County and might outdo the Grand Prix Festival. It will be nice to extend our tourist season one extra week this year as well.

**PUBLIC PARTICIPATION:** None.

The meeting adjourned: 6:55 p.m.

Stacy B. Husted, Clerk  
Jamee L. Mack, Deputy Clerk

**REGULAR MEETING  
JUNE 11, 2018**

The June 11, 2018 Regular Meeting of the Schuyler County Legislature was called to order at 6:30 p.m. by Chairman Fagan. The Pledge of Allegiance was led by Legislator Harp and followed by a Moment of Silence. All Legislators were present. County Administrator Timothy O'Hearn, and County Attorney Stephen J. Getman were also present.

**PUBLIC PARTICIPATION:** None.

**RESOLUTION NO. 142** Motion by Howell, Second by Barnes.

RE: APPROVE THE MINUTES OF THE MAY 9, 2018 SPECIAL MEETING AND THE MAY 14, 2018 REGULAR MEETING OF THE SCHUYLER COUNTY LEGISLATURE

BE IT RESOLVED, that the minutes of the May 9, 2018 Special Meeting and the May 14, 2018 Regular Meeting of the Schuyler County Legislature be approved.

Vote 7-0. Abstained; Rondinaro.

**RESOLUTION NO. 143** Motion by Blowers, Second by Rondinaro.

RE: AUTHORIZE THE CREATION AND FILLING OF A PART-TIME PRINCIPAL SOCIAL WELFARE EXAMINER POSITION – SOCIAL SERVICES

WHEREAS, the Commissioner of Social Services has determined that a Part -Time Principal Social Welfare Examiner position is needed due to the unforeseen loss of the Senior Caseworker of the Employment Unit, and

WHEREAS, it is necessary for the continued operation of the Employment Unit to have available a Principal with knowledge of employment rules and regulations to provide guidance to the employment unit and Commissioner, and

WHEREAS, this Principal would assist with orientation of a new Employment Supervisor when hired, and

WHEREAS, this position would be up to 15 hours per week beginning June 12, 2018, and

WHEREAS, the Commissioner of Social Services is requesting to create this position upon the approval of the County Administrator, and

WHEREAS, funding for this position is included in the budget and is funded through the Office of Temporary and Disability Assistance (OTDA).

NOW, THEREFORE, BE IT RESOLVED, that the Social Services Department is hereby authorized to create and fill one Part Time Principal Social Welfare Examiner position starting June 12, 2018, not to exceed 15 hours week, at an hourly rate of \$20.30, as set forth in the CSEA Administrative Unit Contract, and

BE IT FURTHER RESOLVED, that once the Part-Time Principal Social Welfare Examiner position becomes vacant after training the new Supervisor of the Employment Unit, it will be abolished.

Vote 8-0.

**RESOLUTION NO. 144** Motion by Blowers, Second by Rondinaro.

RE: AUTHORIZE CONTRACT WITH WATKINS GLEN SCHOOL APARTMENTS FOR A CONGREGATE MEAL SITE - OFFICE FOR THE AGING

WHEREAS, a congregate meal site has been established at the Watkins Glen School Apartment building, and

WHEREAS, Schuyler County Office for the Aging would like to renew the contract for this site location for the term of January 1, 2018 through December 31, 2018, and

WHEREAS, Watkins Glen School Apartments will provide the space at no cost, and

WHEREAS, Office for the Aging will provide the meals and related supplies.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature is hereby authorized to



sign the contract with Watkins Glen School Apartments to provide the location for a congregate meal site through the Schuyler County Office for the Aging, at no charge to the County, for the term of January 1, 2018 through December 31, 2018, contract approved by the Schuyler County Attorney.

Vote 8-0.

**RESOLUTION NO. 145** Motion by Blowers, Second by Rondinaro.

RE: AUTHORIZE THREE-YEAR CONTRACT WITH LINDSY HYER, SPEECH THERAPIST (ST) - PUBLIC HEALTH

WHEREAS, Schuyler County Public Health is required to contract with providers for Preschool Related Services for eligible children with developmental delays under Section 4410 of the New York State Education Law and in compliance with Part 200 of the Regulation of the New York State Education Commissioner, and

WHEREAS, Lindsay Hyer is certified and willing to provide Speech Therapy Services, and

WHEREAS, Schuyler County Public Health Department would like to contract with Lindsay Hyer at a rate of \$67 per individual session, and \$45 per group session for a three-year term.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature is authorized to sign a three-year contract for the provision of Preschool Related Services with Lindsay Hyer, ST, effective July 1, 2018 through June 30, 2021, funds are available in the Public Health account no. 2960.0400, contract approved by the Schuyler County Attorney.

Vote 8-0.

**RESOLUTION NO. 146** Motion by Blowers, Second by Rondinaro.

RE: AUTHORIZE CONTRACT WITH PRIME HEALTH SERVICES, INC. FOR REIMBURSEMENT AS A PREFERRED PROVIDER – COMMUNITY SERVICES

WHEREAS, Schuyler County Community Services offers a variety of health-related services to clients, and

WHEREAS, Community Services bills insurance companies for services rendered to these clients as a preferred provider.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Schuyler County Legislature is hereby authorized to sign the Preferred Provider contract with Prime Health Services, Inc, for a term effective upon signature through December 31, 2018, renewed automatically thereafter until terminated on a ninety-day notice, contract approved by the Schuyler County Attorney.

Vote 8-0.

**RESOLUTION NO. 147** Motion by Blowers, Second by Rondinaro.

RE: AUTHORIZE THE CREATION AND FILLING OF A PART-TIME STAFF PSYCHIATRIST POSITION – COMMUNITY SERVICES

WHEREAS, the volume of services provided by the Mental Health Clinic has outgrown the current psychiatric coverage, and

WHEREAS, the Mental Health Department is requesting to create a part-time Psychiatrist position, upon the approval of the County Administrator, and

WHEREAS, funding for this position is included in the 2018 clinic budget, and the position generates revenue.

NOW, THEREFORE, BE IT RESOLVED, that the Mental Health Department is hereby authorized to create and fill one part-time Psychiatrist position, effective immediately, to work approximately eight hours a week, at an annual salary of \$55,000, and

BE IT FURTHER RESOLVED, that this is a non-competitive, Management Confidential exempt position per Section V of the Management/Confidential Handbook.

Vote 8-0.

**RESOLUTION NO. 148** Motion by Blowers, Second by Rondinaro.

RE: AUTHORIZE CONTRACT WITH DUNDEE CENTRAL SCHOOL TO PROVIDE PROFESSIONAL MENTAL HEALTH THERAPEUTIC SERVICES – COMMUNITY SERVICES

WHEREAS, Schuyler County Community Services provides Mental Health services, and  
WHEREAS, Dundee Central School is interested in obtaining the mental health services of Schuyler County for elementary, middle school and high school students, and

WHEREAS, Dundee Central School will provide a satellite office to perform such services, and

WHEREAS, Community Services will bill approved insurances for applicable services provided, and

WHEREAS, if a child does not have insurance to be billed, the County may seek reimbursement through New York State in its Consolidated Fiscal Report (CFR) as uncompensated care.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature be hereby authorized to execute a contract with Dundee Central School for the Community Services for Professional Mental Health Therapeutic Services, effective upon signing through July 31, 2019, contract approved by the Schuyler County Attorney.

Vote 8-0.

**RESOLUTION NO. 149** Motion by Rondinaro, Second by Harp.

RE: DECLARE NEGATIVE DECLARATION STATE ENVIRONMENTAL QUALITY REVIEW (SEQR) FOR ISSUANCE FOR PUBLIC ENTERTAINMENT PERMIT, WATKINS GLEN INTERNATIONAL, INC. 2018 EVENTS

WHEREAS, in accordance with Local Law No. 4 of the Year 2010, Watkins Glen International, Inc., of Watkins Glen, NY has applied for a Public Entertainment (Outdoor) Permit for the 2018 season of events, and

WHEREAS, the proposed events are:

- Finger Lakes Wine Festival, **July 13, 2018 – July 15, 2018 and**
- NASCAR, **August 2, 2018 – August 5, 2018**
- PHISH Concert, **August 17, 2018 – August 19, 2018**
- Vintage Grand Prix, **September 7, 2018 – September 9, 2018**

WHEREAS, all events will take place at the Watkins Glen International facility located in the Town of Dix, Schuyler County, NY, and

WHEREAS, in compliance with NYCRR Part 617 State Environmental Quality Review (SEQR), Schuyler County must review the potential environmental impacts associated with the issuance of a permit under Local Law No. 4 of the Year 2010, Public Entertainment (Outdoor) – Regulating/Licensing, and

WHEREAS, on April 9, 2018, Resolution No. 106, the Legislature declared its intent to serve as lead agency for the environmental review and accepted the Environmental Assessment Form (EAF) and notified involved agencies of this intent to serve as lead agency, and

WHEREAS, no involved agencies challenged Schuyler County's assertion of lead agency status within the required 30 day waiting period, and the Schuyler County Legislature establishes itself as lead agency in this action.

NOW, THEREFORE, BE IT RESOLVED, that upon review of the submitted EAF and the permit materials provided by Watkins Glen International, Inc., and in consultation with the County Attorney and County Administrator, the Schuyler County Legislature finds that the issuance of the Public Entertainment (Outdoor) Permit for the proposed events listed in this resolution will not result in any significant negative environmental impacts, and accordingly issues a negative declaration of environmental impact.

Vote 8-0.

**RESOLUTION NO. 150** Motion by Rondinaro, Second by Harp.

RE: RESOLUTION OF THE COUNTY LEGISLATURE, COUNTY OF SCHUYLER, STATE OF NEW YORK, OPPOSED TO THE PROPOSED GARBAGE INCINERATOR IN THE TOWN OF ROMULUS, SENECA COUNTY

WHEREAS, a company named Circular enerG, LLC has proposed building the largest garbage incinerator in New York State in the Town of Romulus, Seneca County, squarely between Seneca and Cayuga lakes, the two largest of the Finger Lakes, and

WHEREAS, the company has proposed burning 2,640 tons of garbage every day, and

WHEREAS, the wine, craft beverage, agriculture, and agri-tourism industry is driving job creation and economic growth in the Finger Lakes, which is home to hundreds of family vineyards and wineries that generate \$2.9 billion in economic activity and supports 60,000 jobs in the Finger Lakes alone, and

WHEREAS, the Finger Lakes has recently become a nationally recognized tourist destination that now attracts millions of visitors annually to its local wineries, breweries, restaurants, farms and other tourist attractions, with businesses located on and around Seneca Lake and Cayuga Lake at the center of this activity, and

WHEREAS, visitors are attracted to the natural beauty of the Seneca Lake communities and the surrounding area, and

WHEREAS, the Circular enerG trash incinerator will reportedly bring 238 trucks per day that will clog local roads six days a week, which equates to 148,512 additional trucks per year entering and leaving the facility and travelling on country roads bringing in garbage from long distances, and

WHEREAS, the trucks may eventually be partially replaced by trash trains which would travel to the facility along established wine and lake property routes, and

WHEREAS, diesel exhaust from trucks and locomotives contain compounds that contribute to ground level ozone that irritates the respiratory system aggravating asthma and some which are known human carcinogens, and

WHEREAS, news reports indicate that a 260-foot smoke stack will emit dioxins, furans, lead, mercury, arsenic, chromium, particulates, hydrochloric acid, sulfur dioxide and nitrogen oxides that are harmful to human health, and

WHEREAS, the incinerator will be located 3,200 feet from the K-12 Romulus Central School, and in close proximity to the Hillside Children's Center, the Five Points Correctional Facility, the Seneca County Jail, and the Willard Drug Treatment Center, and

WHEREAS, the incinerator will reportedly withdraw 445,000 gallons of water from Seneca Lake every day, and

WHEREAS, the Circular enerG trash incinerator is antithetical to local and regional goals to reduce the amount of trash that travels through and is disposed in the Finger Lakes, and

WHEREAS, incineration does not eliminate the need for landfills, as for every 3 tons of waste that is burned, 1 ton of toxic ash is created, and

WHEREAS, trash incineration is not compatible with current or future economic development goals of the region, nor with New York State's renewable energy standard, and

WHEREAS, New York State law does not recognize burning garbage as a form of renewable energy, and

WHEREAS, the State of New York has adopted aggressive renewable energy goals and the Circular enerG trash incinerator will not help New York State meet these goals, and

WHEREAS, state regulators have contested a bid by officials in the Town of Romulus to take the crucial "lead agency" role in analyzing the proposal to build the Circular enerG trash incinerator, contrary to the spirit of "home rule", and

WHEREAS, Seneca County, the host county of this project, has issued their opposition to this project.

NOW, THEREFORE, BE IT RESOLVED, that the County of Schuyler, via its County Legislature, opposes the garbage incinerator proposed by Circular enerG in the heart of the Finger Lakes in the Town of Romulus, Seneca County, urges the Town of Romulus to continue to stand in opposition to the Circular enerG proposal, and calls on Governor Andrew Cuomo, and each and every New York State and Federal agency having oversight over the project to reject the Circular enerG trash incinerator proposal, and

BE IT FURTHER RESOLVED that the Clerk of the Legislature be hereby requested and directed to forward an official copy of this resolution to the following: Andrew M Cuomo, Governor of New York State; Romulus Town Supervisor David Kaiser; Romulus Planning Board Chair Tom Bouchard; Seneca County Board

PROCEEDINGS OF THE YEAR 2018

of Supervisors Chair Robert Shipley; NYS Dept. of Environmental Conservation Commissioner Basil Seggos; NYS Public Service Commissioner Chair John Rhodes; NY State Dept of Agriculture and Markets Commissioner Richard Ball; NYSERDA Chair Richard L. Kaufman; NYS Empire State Development Commissioner Howard Zempsky; NYS Department of Health Commissioner Howard Zucker; State Senator Pam Helming; Assemblyman Philip Palmesano; Assembly Minority Leader Brian Kolb; Senator Charles Schumer; Senator Kirsten Gillibrand; Congressman Tom Reed, and all others deemed necessary.

Vote 8-0.

**RESOLUTION NO. 151** Motion by Rondinaro, Second by Harp.

RE: RESOLUTION IN SUPPORT OF SENATE BILL NO. S.8109 AND ASSEMBLY BILL NO. A.10277 TO AMEND THE PUBLIC SERVICE LAW, IN RELATION TO EXCLUDING GARBAGE INCINERATORS FROM THE TYPES OF FACILITIES ELIGIBLE TO USE AN EXPEDITED POWER PLANT SITING PROCESS

WHEREAS, Senator Pamela Helming is sponsoring Senate bill, S.8109, cosponsored by Senator Thomas O’Mara, to exclude solid waste incinerators from the types of facilities eligible to use an expedited power plant siting process, and

WHEREAS, a corresponding Assembly Bill, A.10277, is being sponsored by Assemblyman Michael Cusick and co-sponsored by Assemblyman Philip Palmesano, and

WHEREAS, the legislation would prevent proposed power projects that burn garbage from receiving expedited permitting through the Article X process and, instead, these projects would be required to conform with local regulations, all applicable state air and water rules, a full environmental review under the State Environmental Quality Review Act (SEQR) for any such non-expedited generation facility, and the New York State solid waste management permitting process, and

WHEREAS, the Community Development and Natural Resource Committee has reviewed the potential impact of a waste-to-energy plant receiving expedited permitting and supports said legislation preventing expedited permitting.

NOW, THEREFORE, BE IT RESOLVED, that the County of Schuyler, via its County Legislature, supports Senate Bill S.8109 and Assembly Bill A.10277, and

BE IT FURTHER RESOLVED, that the Clerk of the Legislature be hereby requested and directed to forward an official copy of this resolution to the following: Governor Andrew Cuomo, Senator Pamela Helming, Senator Thomas O’Mara, Assemblyman Michael Cusick and Assemblyman Philip Palmesano, the New York State Association of Counties, and all others deemed necessary.

Vote 8-0.

**RESOLUTION NO. 152** Motion by Barnes, Second by Rondinaro.

RE: AUTHORIZATION TO DECLARE ITEMS JUNK OR SURPLUS FOR VARIOUS DEPARTMENTS – PURCHASING

WHEREAS, various departments have items to be declared junk or surplus

NOW, THEREFORE, BE IT RESOLVED, pursuant to County Law Section 215, the Schuyler County Legislature hereby declares the following assets junk or surplus, and

BE IT FURTHER RESOLVED that the following items are to be bid out, traded, placed in storage for an auction or disposed of.

**JUNK**

<u>Asset #</u>	<u>Description</u>	<u>Serial/VIN #</u>	<u>Department</u>
3510	Konica Copier 2223	35EE01538	Mental Health
7072	OptiPlex 7010	DXWPSW1	Social Services

**SURPLUS (To Auction)**

<u>Asset #</u>	<u>Description</u>	<u>Serial/VIN #</u>	<u>Department</u>
587	Case Excavator	#R25886293952	Highway
5829	2005 Chrysler Town & Country	1C4GP45R95B360274	Mental Health

**SURPLUS (To Trade)**

<u>Asset #</u>	<u>Description</u>	<u>Serial/VIN #</u>	<u>Department</u>
528	Case Tractor / Mower	IH595 55409	Highway

Vote 8-0.

**RESOLUTION NO. 153** Motion by Barnes, Second by Rondinaro.

RE: AUTHORIZE DISTRIBUTION OF MORTGAGE TAX RECEIPTS PURSUANT TO SECTION 261 OF THE NEW YORK STATE TAX LAW FOR THE PERIOD OCTOBER 1, 2017 THROUGH MARCH 31, 2018

WHEREAS, the County Clerk and Treasurer have presented their report concerning mortgage tax receipts for the period October 1, 2017 through March 31, 2018, pursuant to Section 261 of the New York State Tax Law, and the same has been apportioned to the various municipalities thereto.

NOW, THEREFORE, BE IT RESOLVED, that the County Treasurer be, and hereby is, authorized to pay the respective towns and villages of Schuyler County those amounts listed below.

**MORTGAGE TAX DISTRIBUTION AMONG TOWNS AND VILLAGES  
OCTOBER 1, 2017 THROUGH MARCH 31, 2018**

<u>TOWNS</u>	<u>Amount Due</u>	<u>VILLAGES</u>	<u>Amount Due</u>
Catharine	\$6,444.35	Burdett	\$469.32
Cayuta	\$1,000.54	Montour Falls	\$3,623.62
Dix	\$37,749.45	Odessa	\$1,001.37
Hector	\$27,542.93	Watkins Glen	\$17,429.55
Montour	\$10,040.52		
Orange	\$5,012.07		
Reading	\$81,558.68		
Tyrone	\$13,215.17		
<b>TOTALS</b>	<b>\$182,563.71</b>		<b>\$22,523.86</b>

Vote 8-0.

**RESOLUTION NO. 154** Motion by Barnes, Second by Rondinaro.

RE: AUTHORIZE ONGOING CONTRACT WITH PLANNED PARENTHOOD OF THE SOUTHERN FINGER LAKES, INC. FOR PHONE AND INTERNET SERVICES – INFORMATION TECHNOLOGY

WHEREAS, the Planned Parenthood of the Southern Finger Lakes, Inc. is leasing space at the Human Services Complex, 323 Owego Street, Unit 13, Room 121 Montour Falls, NY, and

WHEREAS, Planned Parenthood is interested in integrating with the County’s Phone and Internet service, and

WHEREAS, the Phone charge will be \$21.50 a month, per DID line and the Internet service will be provided at cost of \$30 a month, with minor maintenance and program changes provided at an hourly rate based on current pay, and

WHEREAS, Phone, Internet service charges and maintenance fees shall change as costs increase or decrease.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature be hereby authorized to enter into a contract with Planned Parenthood of the Southern Finger Lakes, Inc. for use of the County’s Phone and Internet service, effective April 1, 2018, contract approved by the Schuyler County Attorney.

Vote 8-0.

**RESOLUTION NO. 155** Motion by Barnes, Second by Rondinaro.

PROCEEDINGS OF THE YEAR 2018

RE: AUTHORIZE AMENDING THE CONTRACT WITH ICON ENTERPRISES, INC. DBA CIVICPLUS TO INCLUDE THE CIVICSEND PROGRAM FOR PUBLIC HEALTH – INFORMATION TECHNOLOGY

WHEREAS, the County currently has a four-year contract with Icon Enterprises, Inc. dba CivicPlus for website support, maintenance and hosting through April 16, 2020, and

WHEREAS, the Public Health Department is requesting a program called CivicSend, and

WHEREAS, it is the recommendation of the Information Technology Director to implement said CivicSend program, and

WHEREAS, CivicPlus has agreed to implement said program at an additional cost of \$995.00 for the term April 17, 2018 through April 16, 2019 and \$1,045.00 for the term April 17, 2019 through April 16, 2020, with an annual increase of 5%.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature is authorized to sign an amendment to the contract with Icon Enterprises, Inc. dba CivicPlus, for the additional CivicSend program, effective April 17, 2018 through April 16, 2020, funding available in the Public Health account no. 4010.407, contract approved by the Schuyler County Attorney.

Vote 8-0.

**RESOLUTION NO. 156** Motion by Barnes, Second by Rondinaro.

RE: AUTHORIZE CONTRACT WITH BPAS ACTUARIAL AND PENSION SERVICES, LLC FOR 2017-2019 ACTUARIAL VALUATION STUDIES FOR COMPLIANCE WITH GAS 45 AND GAS 75 – HUMAN RESOURCES

WHEREAS, BPAS Actuarial and Pension Services, LLC has been providing GAS 45 compliance services on an annual basis to the County, and

WHEREAS, as of 2018, GAS 45 is now called GAS 75 and includes more services to continue to be compliant, and

WHEREAS, BPAS Actuarial and Pension Services, LLC will continue to provide actuarial services for the new GAS 75, and

WHEREAS, said contract will now cover the studies for the years 2017, 2018 and 2019.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Legislature be hereby authorized to enter into a contract with BPAS Actuarial and Pension Services, LLC for actuarial valuations to comply with GAS 45 and GAS 75 for the Full Actuarial Valuation for the year 2017 GAS 45 at a cost of \$8,000, the Interim Actuarial Valuation Service for the year 2018 GAS 75 at a cost of \$3,750, and the Full Actuarial Valuation Service for the year 2019 GAS 75 at a cost of \$9,500, for the term March 28, 2018 through December 31, 2020, funding available in the 2018 budget account no. 1430.435, contract approved by the Schuyler County Attorney.

Vote 8-0.

**RESOLUTION NO. 157** Motion by Howell, Second by Rondinaro.

RE: ACKNOWLEDGE APPOINTMENT AND SET SALARY FOR A PART-TIME LEGAL SECRETARY – PUBLIC DEFENDER

BE IT RESOLVED, that this Legislature acknowledge the appointment by Wesley A. Roe, Public Defender, of Nicole A. Jilson, as a part-time Legal Secretary, effective June 18, 2018, at an annual salary of \$23,500.

Vote 8-0.

**RESOLUTION NO. 158** Motion by Howell, Second by Rondinaro.

RE: AUTHORIZE LICENSE AGREEMENT WITH FINGER LAKES RAILWAY CORP. FOR PRIVATE GRADE CROSSING – BUILDINGS AND GROUNDS

WHEREAS, Finger Lakes Railway Corp. requires a License agreement for the private Grade Crossing located at N. Decatur Street, and

WHEREAS, the application and agreement preparation fees have been waived by Finger Lakes Railway Corp.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature be hereby authorized to execute a license agreement with Finger Lakes Railway Corp for the Buildings & Grounds Department for a private grade Crossing, at no cost to the County, for the term effective upon signing through June 30, 2025, contract approved by the Schuyler County Attorney.

Vote 8-0.

**RESOLUTION NO. 159** Motion by Howell, Second by Rondinaro.

RE: AUTHORIZE AMENDING THE CONTRACT WITH LABELLA ASSOCIATES, D.P.C FOR ENGINEERING SERVICES FOR PLUMBING SYSTEM UPGRADES AT THE PUBLIC SAFETY BUILDING FOR TV CAMERA INSPECTION – BUILDINGS & GROUNDS

WHEREAS, Resolution No. 200-17 authorized a contract with Labella Associates, D.P.C. for Engineering Services for the plumbing system upgrades at the Public Safety Building and Jail, and

WHEREAS, it was determined that a TV camera inspection of the main sewer line would be necessary, and

WHEREAS, Labella Associates, D.P. C. submitted a proposal P1801407 in the amount of \$2,445.80 for said service.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature be hereby authorized to execute an amendment to the Labella Associates, D.P. C. contract to include a TV Video Camera Inspection, for the period January 22, 2018 through February 23, 2018, at a cost of \$2,445.80, funding available in the Buildings and Grounds Capital Account No. 004.1620.0209, contact approved by the Schuyler County Attorney.

Vote 8-0.

**RESOLUTION NO. 160A** Motion by Rondinaro, Second by Blowers.

RE: MOTION TO AMEND RESOLUTION NO. 160 TO INCREASE THE DOLLAR AMOUNT

WHEREAS, Resolution No. 160 needs to be amended to increase the amount by \$70,000.

NOW, THEEFORE, BE IT RESOLVED, that Resolution No. 160 is hereby amended to increase the amount from \$1,283,476 to \$1,353.476.

Vote 8-0.

**RESOLUTION NO. 160** Motion by Howell, Second by Rondinaro.

RE: AUTHORIZE THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE – **AS AMENDED**

WHEREAS, a Project for the Bridge Replacement: BIN 3332570 North L’Hommedieu Street over Johns Creek, Village of Montour Falls, Schuyler County P.I.N. 6754.71 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds, and

WHEREAS, the County of Schuyler desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the Bridge Replacement: BIN 3332570 North L’Hommedieu Street over Johns Creek, Village of Montour Falls, Schuyler County.

NOW, THEREFORE, BE IT RESOLVED, the Schuyler County Legislative Board, duly convened does hereby approves the above-subject project, and

BE IT FURTHER RESOLVED, that the Schuyler County Legislative Board hereby authorizes the County of Schuyler to pay in the first instance 100% of the federal and non-federal share of the cost of Design and Construction/Construction Inspection Phase work for the Project or portions thereof, and

BE IT FURTHER RESOLVED, that the sum of \$1,353,476 is hereby appropriated from 002.5120.350 and 002.5020.400 and made available to cover the cost of participation in the above phase of the Project, and

BE IT FURTHER RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the County of Schuyler shall convene as soon as possible to

appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and

BE IT FURTHER RESOLVED, that the Chairman of the Schuyler County Legislative Board be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Schuyler with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and

BE IT FURHTER RESOLVED, this Resolution shall take effect immediately.

Vote 8-0.

**RESOLUTION NO. 161** Motion by Howell, Second by Rondinaro.

RE: AUTHORIZE ADVERTISEMENT FOR SEALED BIDS FOR THE REHABILITATION OF MILL STREET OVER CHEQUAGA FALLS BRIDGE – HIGHWAY DEPARTMENT

WHEREAS, Resolution No. 118-17 authorized engineering services with Hunt Engineers for the Mill Street over Chequaga Falls Bridge Rehabilitation (BIN 3332580), and

WHEREAS, the project design is complete and is now necessary to advertise for sealed bids for rehabilitation, and

WHEREAS, funding for said project is available and will be made available in the 2019 Highway budget and reimbursed, 95% Federal and 5% local.

NOW, THEREFORE, BE IT RESOLVED, that the Highway Superintendent be authorized to advertise for sealed bids for the Mill Street over Chequaga Falls Bridge Rehabilitation.

Vote 8-0.

**RESOLUTION NO. 162** Motion by Barnes, Second by Howell.

RE: AUTHORIZE MEMORANDUM OF AGREEMENT WITH THE CIVIL SERVICE EMPLOYEES ASSOCIATION, INC. (CSEA) LOCAL #849 – HUMAN RESOURCES

WHEREAS, the County and the Civil Service Employees Association, Inc. (CSEA) Local #849 are parties to a collective bargaining agreement covering the period of January 1, 2016 to December 31, 2019 governing terms and conditions of employment for certain employees, and

WHEREAS, the current agreement of Article VIII Vacations, Section 6 provides language that vacation time must be taken in minimum segments of one (1) hour, and

WHEREAS, the current agreement of Article XV Personal Leave, Section 2 provides language that the first hour of personal leave shall be in a one (1) hour segment and after the first initial hour such time shall be in quarter (1/4) hour segments, and

WHEREAS, the COUNTY and CSEA have agreed to amending the segment of one (1) hour in regard to vacation and personal time to be taken in minimum segments of “15” minutes.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Schuyler County Legislature be hereby authorized to enter into a Memorandum of Agreement with the Civil Service Employees Association, Inc. (CSEA) LOCAL #849 as set forth above, effective upon this date, approved by the Schuyler County Attorney.

Vote 8-0.

**RESOLUTION NO. 163** Motion by Barnes, second by Howell.

RE: AUTHORIZE THE CONSOLIDATION OF THE ADMINISTRATION OF THE HIGHWAY DEPARTMENT AND THE BUILDINGS AND GROUNDS DEPARTMENT

WHEREAS, the Schuyler County Administrator has recommended to the Legislature the restructuring



of the administration of the Highway Department and the Buildings & Grounds Department to better utilize staff resources and provide a more cost-effective delivery of service, and

WHEREAS, the County Highway Superintendent will assume the administrative / management duties of both departments, and

WHEREAS, the position of Building Maintenance Supervisor will no longer be required, resulting in a layoff in that title.

NOW, THEREFORE, BE IT RESOLVED, that effective immediately, the administration of the Highway Department and Buildings & Grounds Department will be consolidated; with all duties previously reserved to the title of Building Maintenance Supervisor transferred to the County Highway Superintendent.

Vote 8-0.

**RESOLUTION NO. 164** Motion by Barnes, Second by Howell.

RE: AUTHORIZE THE CREATION AND FILLING OF A PART-TIME ASSISTANT DEPUTY SUPERINTENDENT OF HIGHWAY AND FACILITIES POSITION/ACKNOWLEDGE APPOINTMENT AND SET SALARY FOR ASSISTANT DEPUTY SUPERINTENDENT OF HIGHWAY AND FACILITIES POSITION – HUMAN RESOURCES

WHEREAS, the Highway Department and Buildings and Grounds Department are consolidating their administrative duties, and

WHEREAS, there will be a temporary need for additional managerial support to the County Highway Superintendent, and

WHEREAS, an Assistant Deputy Superintendent of Highway and Facilities will provide the managerial support needed, and

WHEREAS, funding for the position is in the 2018 Buildings and Grounds budget.

NOW, THEREFORE, BE IT RESOLVED, that this Legislature hereby authorizes the creation and filling of one part-time Assistant Deputy Superintendent of Highway and Facilities position, and

BE IT FURTHER RESOLVED, that this Legislature hereby acknowledges the appointment by Kenneth Thurston, County Highway Superintendent, of David W. Lisk, to the Assistant Deputy Superintendent of Highway and Facilities position, at an annual salary of \$30,000, effective June 12, 2018.

Vote 8-0.

**RESOLUTION No. 165** Motion by Barnes, Second by Howell.

RE: ASSIGN DUTIES OF BUILDING MAINTENANCE SUPERVISOR TO COUNTY HIGHWAY SUPERINTENDENT AND SET SALARIES FOR DEPUTY COUNTY HIGHWAY SUPERINTENDENT, AND DEPUTY BUILDING MAINTENANCE SUPERVISOR

WHEREAS, the administrative / management duties of the Highway Department and Buildings and Grounds Department are merged commencing June 12, 2018, and

WHEREAS, the merging of these functions will add the Building Maintenance Supervisor duties to the County Highway Superintendent position, and

WHEREAS, the Deputy County Highway Superintendent and Deputy Building Maintenance Supervisor will assume increased duties as a result as well, and

WHEREAS, the salaries of both Deputy titles shall be increased by \$4,500 to fairly compensate for the assignment of additional duties, and

WHEREAS, in the event that either the Legislature or the County Highway Superintendent is not satisfied with the combined duties and success of the merge, the additional duties and additional compensation will be removed and the aforementioned positions will revert to their previous duties and responsibilities.

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Legislature hereby adjust the salary for Jay Arcangeli, Deputy Highway Superintendent, at \$62,252; and adjust the salary of Jason Kelly, Deputy Building Maintenance Supervisor, at \$64,937, with all changes to be effective June 12, 2018, funding for these increases are in the 2018 budget, and

PROCEEDINGS OF THE YEAR 2018

BE IT FURTHER RESOLVED, that the salary for the Highway Superintendent shall be increased by \$13,000 and set by Local Law according to County Law Section 201.

Vote 8-0.

**RESOLUTION NO. 166** Motion by Barnes, Second by Howell.

RE: INTRODUCE LOCAL LAW INTRO. C OF THE YEAR 2018 INCREASING THE SALARY FOR THE COUNTY HIGHWAY SUPERINTENDENT

WHEREAS, the Legislature wishes to increase the salary for the County Highway Superintendent by \$13,000 due to the fact that the Building Maintenance Supervisor duties are being added to the position, and

WHEREAS, County Law Section 201 states that any change in compensation of such officer during his/her term be made only by Local Law subject to the provisions of Section 24 of the Municipal Home Rule Law.

NOW, THEREFORE, BE IT RESOLVED, that Local Law Intro. C of the year 2018 be, and hereby is, introduced in the form hereto annexed pursuant to the Municipal Home Rule Law, and

BE IT FURTHER RESOLVED, that a public hearing shall be held upon said proposed Local Law on July 9, 2018 at 6:30 p.m. at the County Courthouse Complex, 105 Ninth Street, Watkins Glen, NY 14891.

**LOCAL LAW INTRO. C OF THE YEAR 2018**

A Local Law Increasing the Salary for the County Highway Superintendent.

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

1. The following adjustment of the salary for the County Highway Superintendent listed below shall be in the amount herein stated effective June 12, 2018.

2. The following public officer is subject to the provisions hereof:

<u>TITLE</u>	<u>SALARY</u>
County Highway Superintendent	\$91,152

3. This Local Law shall not take effect until at least 45 days after its adoption in accordance with County Law Section 201 and Municipal Home Rule Law Section 24.

Vote 8-0.

**RESOLUTION NO. 167** Motion by Blowers, Second by Rondinaro.

RE: AUTHORIZE TRANSFER OF RESERVE FUNDS FOR THE LAMOKA/WANETA LAKES PROTECTION AND REHABILITATION DISTRICT/AUTHORIZE AMENDING THE 2018 BUDGET

WHEREAS, the District Contractual account no. 8740.400 has been depleted, and

WHEREAS, there are funds available in the Lakes District Reserve Account to cover said overage in the amount of \$51,869.00, and

WHEREAS, pursuant to Section 6-c of the General Municipal Law all expenditures from this reserve account are to be authorized by the Legislature, and

WHEREAS, there will also be additional funds coming in from Steuben County in the amount of \$17,425.29 requiring the 2018 budget to be amended.

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Treasurer is hereby authorized to make the following transfer and amendments to the Lakes District 2018 budget as follows:

<u>TRANSFER AMOUNT</u>	<u>ACCOUNT NO.</u>	<u>DESCRIPTION</u>
+\$51,859.00	8740.0400	Contractual Expenses
-\$51,869.00	A887	Lakes District Reserve Account
<u>AMENDED AMOUNT</u>	<u>ACCOUNT NO.</u>	<u>DESCRIPTION</u>
+\$17,425.29	8740.1289	Other Gen. Govern. Dept. Income Revenue
+\$17,425.29	8740.0400	Contractual Expenses

Vote 8-0.

**RESOLUTION NO. 168** Motion by Blowers, Second by Rondinaro.

RE: AUTHORIZE FOUR YEAR CONTRACT WITH CATHOLIC CHARITIES OF THE DIOCESE OF ROCHESTER, D.B.A. CATHOLIC CHARITIES OF CHEMUNG/SCHUYLER FOR FOSTER CARE

SERVICES - SOCIAL SERVICES

WHEREAS, Schuyler County Department of Social Services needs to utilize foster care placements at times for children coming into the custody of the Commissioner, and

WHEREAS, New York State mandates contracts with foster care facilities pursuant to Administrative Directive 15 OCFS ADM-14 Revised Model Contract for Purchase of Foster Care Services, and

WHEREAS, reimbursement rates are established annually by the State of New York through the Maximum State Aid Rate (MSAR) for daily care, clothing allowance, medical care and education, and

WHEREAS, Catholic Charities of Chemung/Schuyler will provide such foster care and related services for the Schuyler County Department of Social Services at the MSAR rates.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature is hereby authorized to execute a contract with Catholic Charities of the Diocese of Rochester, d.b.a. Catholic Charities of Chemung/Schuyler for the Schuyler County Department of Social Services, for placement of foster care children, for a term of four years effective June 1, 2018 through May 31, 2022, contract approved by the Schuyler County Attorney.

Vote 8-0.

**RESOLUTION NO. 169** Motion by Blowers, Second by Rondinaro.

RE: AUTHORIZE AMENDING THE 2018 CONTRACT WITH SCHUYLER COUNTY PARTNERSHIP FOR ECONOMIC DEVELOPMENT, INC. (SCOPED) AND AUTHORIZE USE OF ECONOMIC DEVELOPMENT FUNDS FOR EXPENSES RELATED TO ECONOMIC VITALITY

WHEREAS, the Schuyler County Legislature wishes to amend the current 2018 contract with Schuyler County Partnership for Economic Development, Inc. (SCOPED) to increase their 2018 appropriation funding by up to \$30,000.00, to be funded by the Economic Development Reserve Fund, and

WHEREAS, said additional funds shall be utilized by SCOPED through the Finger Lakes Gateway Community Development Corporation (FLX CDC) to: promote economic vitality within the County by making payment to the Travel Blog Exchange (TBEX) of North America Conference to be held September 10-16, 2018, in exchange for TBEX providing various promotional opportunities to SCOPED (in the amount of \$10,000.00); and for SCOPED/FLX CDC to engage in funding and organizing various events to occur during the Glass Barge Tour Festival, an event that emphasizes the continued role of New York's waterways in shaping the state's industry, culture, and community, to be held September 14-16, 2018 in Schuyler County (in an amount up to \$20,000.00), and

WHEREAS, if any of the above described funds are not expended for their respective purpose, said funds shall be returned to the County, by credit against future funding or other mutually-agreeable method.

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Legislature hereby authorizes using \$30,000.00 from the Economic Development Fund for said increase, and

BE IT FURTHER RESOLVED, that the Chairman of the Legislature is hereby authorized to execute the above-described contract amendment with SCOPED, effective immediately through December 31, 2018, said contract amendment approved by the Schuyler County Attorney, and

BE IT FURTHER RESOLVED, that the Schuyler County Treasurer is hereby authorized to transfer \$30,000 from the Economic Development Fund Balance account A890 into the Economic Development account no. 6989.0400 - Contractual Expense – SCOPED.

Vote 8-0.

**NEW BUSINESS:**

Legislator Lausell stated that the Attorney for Crestwood has sent out a letter to the New York State Department of Environmental Conservation (NYSDEC) asking them to suspend the decision on the permit for their Liquid Propane Gas (LPG) Facility. He feels we should discuss this again at the Community Development/Natural Resources Committee meeting this month and that there should be some direct communication from them that's not as vague as this letter is. He said that he would send copies to everyone prior to the meeting where we will discuss it. Chairman Fagan said that he will see if he can find out who the

contact person is to come speak to them on it.

**UNFINISHED BUSINESS:** None.

**REPORT ON STANDING COMMITTEES:**

Chairman Fagan said that the Legislature received a thank you letter from the Village of Watkins Glen regarding the funding for their deficit at the Kayak Launch. He read the letter to the Legislators.

Legislator Barnes presented a letter from the Schuyler County Youth Football League who is wishing to acquire the old scoreboard in the Watkins Glen Middle School Auditorium. The County Administrator explained that the owner of the building has no objection and as long as the Legislature does not object, he will notify them that they may have it. The County does not own it, nor did we purchase it. The Legislature had no objection.

**COUNTY ADMINISTRATOR'S REPORT:**

Administrator O'Hearn reported that the Office for the Aging had received a request to submit a bid for meal services to be provided to My Place and Schuyler Head Start. He said the bid is due Monday, June 18, 2018 and that the response will need to be signed by the Chairman of the Legislature. There will be a meeting tomorrow, Tuesday, June 12, 2018 to discuss it. He asked if any legislators had an objection to submitting a bid. All Legislators were in agreement that it was okay. He also reported that the Village of Watkins Glen clean-up was held this past weekend. There was good effort put forth, it had a good turnout and community support. He then reported on the projected gas prices, saying that they are projected to stay at the level they are at now, and that represents a \$200,000 impact on the sales tax. In regards to the tax cap this year, it will be 2%, and the Consumer Price Index (CPI) will exceed 2%, and that the tax cap may grow to 3% for next year.

**PUBLIC PARTICIPATION:** None.

The Meeting adjourned at 6:50 p.m.

Stacy B. Husted, Clerk

**SPECIAL MEETING  
JUNE 25, 2018**

The June 25, 2018 Regular Meeting of the Schuyler County Legislature was called to order at 10:37 a.m. by Chairman Fagan. The Pledge of Allegiance was led by Legislator Lausell and followed by a Moment of Silence. All Legislators were present except Legislator Reed who was excused. County Administrator Timothy O'Hearn was also present.

**PUBLIC PARTICIPATION:** None.

**RESOLUTION NO. 170** Motion by Rondinaro, Second by Barnes.

RE: RATIFICATION OF SPECIAL MEETING

BE IT RESOLVED, that this Special Meeting, pursuant to the call of the Clerk of the Legislature upon the direction of the Chairman, be and hereby is, ratified and approved for discussion and action upon the following items of business:

1. AUTHORIZE RESCINDING RESOLUTION NO 160-18 TITLED "AUTHORIZE THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE – **AS AMENDED**
2. AUTHORIZE THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE

Vote 7-0.

**RESOLUTION NO. 171** Motion by Howell, Second by Barnes.

RE: AUTHORIZE RESCINDING RESOLUTION NO 160-18 TITLED "AUTHORIZE THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE – **AS AMENDED**

WHEREAS, Resolution No. 160-18 adopted at the June 11, 2018 Regular Meeting did not have the correct costs, and

WHEREAS, the New York State Department of Transportation has requested that a new Resolution be adopted with the correct costs included.

NOW, THEREFORE, BE IT RESOLVED, that Resolution No. 160-18 is hereby rescinded.

Vote 7-0.

**RESOLUTION NO. 172** Motion by Howell, Second by Barnes.

RE: AUTHORIZE THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE

WHEREAS, a Project for the Bridge Replacement: BIN 3332570 North L'Hommedieu Street over Johns Creek, Village of Montour Falls, Schuyler County P.I.N. 6754.71 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds, and

WHEREAS, the County of Schuyler desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the Bridge Replacement: BIN 3332570 North L'Hommedieu Street over Johns Creek, Village of Montour Falls, Schuyler County.

NOW, THEREFORE, BE IT RESOLVED, the Schuyler County Legislative Board, duly convened does hereby approves the above-subject project, and

BE IT FURTHER RESOLVED, that the Schuyler County Legislative Board hereby authorizes the County of Schuyler to pay in the first instance 100% of the federal and non-federal share of the cost of Design and Construction/Construction Inspection Phase work for the Project or portions thereof, and

BE IT FURTHER RESOLVED, that the sum of \$1,681,476 is hereby appropriated from 002.5120.350 and 002.5020.400 and made available to cover the cost of participation in the above phase of the Project, and

BE IT FURTHER RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the County of Schuyler shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and

BE IT FURTHER RESOLVED, that the Chairman of the Schuyler County Legislative Board be and is hereby authorized to execute all necessary Agreements on behalf of the County of Schuyler with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and

BE IT FURTHER RESOLVED, that the Highway Superintendent is authorized to sign the certification and reimbursement requests, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and

BE IT FURTHER RESOLVED, this Resolution shall take effect immediately.

Vote 7-0.

**PUBLIC PARTICIPATION:** None.

The Meeting adjourned at 10:39 a.m.

Jamee L. Mack, Deputy Clerk

**A**

Agreement /Contract/Proposal  
Finger Lakes Railway Corp., 72  
Agreement/Contract/Proposal  
Amendment, Center for Community Alternatives, 7

Amendment, Fisher Associates, 46  
Amendment, Greater Southern Tier BOCES, 63  
Amendment, Icon Enterprises, Inc. dba CivicPlus, 71  
Amendment, Schuyler County Partnership for Economic  
Development, Inc., 77  
Amendment, Stephen J.A. Maybee, P.E., 36

## PROCEEDINGS OF THE YEAR 2018

- Amendment, Tompkins County, Administration of Joint Counsel, 7
- Amendment, Village of Odessa, 59
- AP Technology, LLC, 51
- Baker Hall, Inc., 58
- BPAS Actuarial and Pension Services, LLC, 72
- Brzostek's Real Estate Auction, Co., 50
- Catholic Charities Chemung/Schuyler, 8
- Catholic Charities Chemung/Schuyler., 77
- CIGNA Screening Application, 48
- Civil Service Employees Associations, Inc, 74
- Dormitory Authority of the State of New York, 56
- Dundee Central School, 67
- Extension, HAVA Grant, Board of Elections, 63
- Extension, Richard H. Simonsen dba Dick's Enterprise, 45
- Ford Motor Credit Company, 18
- John Ball, 60
- Judith Rowe, 9
- Kilrush Celtic Music Production, 27
- Labella Associates, D. P. C., 43
- Language Line Services, Inc., 43
- Lindsay Hyer, 66
- Mid-State Communication, 6
- Planned Parenthood of the Southern Finger Lakes, Inc., 71
- Prime Health Services, Inc., 67
- Raise the Age Compliance Coalition, 46
- Sheriff's Office Investigative Services, 42
- TenEleven Group, Inc., 48
- Three Rivers Development Corporation, 39
- Treahy Consultation Services LLC, 59
- Watkins Glen School Apartments, 66
- Agreement/Contrat/Proposal
- Amendment, LaBella Associates, D.P.C., 73
- Agricultural District
- Annual Enrollment Requests, 48
- Negative Declaration, Ag Districts 1, 2 & 3, 37
- Public Hearing, Annual Enrollment Ag District 1 & 2, 38
- Appointment
- Chairman, 1
- Chief Assistant District Attorney, 4
- Chief Coroner, 2
- Commissioner of Social Services, 21
- Coroner, 56
- County Historian, 2
- Deputy County Clerk, 3
- Economic Opportunity Program, 22
- Full Time Assessor, 4
- Highway Superintendent, 4
- Planning Commission, 23
- Public Health Professional Advisory, 47
- Special Committee, 12, 13, 14, 15, 16
- Undersheriff, 4
- Youth Board, 22
- Approval/Authorization
- Amending, Managment/Confidential Handbook, 23
- Consolidation of Buildings & Grounds and Highway Departments, 74
- Contract Policy Amendment, 9
- Dress Code Policy, 25
- Federal Aid & State Aid Marchiselli Program Eligible Costs, 35
- Federal Aid & State Marchiselli Program and Eligible Costs, 73
- Funding Marchiselli Program Aid CR16 Bridge over Meads Creek, 57
- IT/Cyber Security Advisory Committee, 11
- Letter of Intent DEC Septic System Replacement Program, 8
- On Call Pay for Assistant District Attorneys, 33
- Policy Adoption, Title VI Policy Statement, 54
- Policy Amendment, Expanded Paid Leave, Cancer Screening, 52
- Policy Amendment, Voluntary Fire and Ambulance Duty, 51
- Purchasing Policy and Procedures, 3
- Real Property Tax Director to make Corrections, 3
- Seasonal Rates for Marina, 44
- State Marchiselli Program Aid Eligible Costs, 79
- State Multi Modal Program Aid, 45
- Tax Anticipatiopn Note/Revenue Anticipation Note, 2
- Town of Hector Timber Sales, 63
- B**
- Bid
- Accept Four Year HVAC Water Treatment, 56
- Accept, North L'Hommedieu Street over Johns Creek Bridge Replacement, 58
- Accept/Reject, Application and Monitoring Lamoka Lake, 26
- Accept/Reject, County Road 16 over Meads Creek Bridge, 21
- Accept/Reject, Public Safety Building, Jail Upgrades, 53
- Advertisement, Rehabilitation of Mill Street over Chequaga Falls Bridge, 74
- Advertisement, Water Treatment Services and Cooling Tower Compliance, 20
- Budget
- Amendment, Public Health, 22
- Amendment, Reimbursement of Utilities at Mill Creek Center, 56
- C**
- Chairman
- Close Nominations, 1
- Commence Action Against Monterey Fire Department, 55
- Community Development Block Grant Funds, 61
- Continuity of Local Government, 1
- D**
- Designation of Depositories, 2
- F**
- Fund
- Transfer, Contingency, General Liability Insurance, 39
- Transfer, District Attorney Seized Assets Account, 33
- Transfer, District Attorney Seized Assets Reserve Account, 32
- Transfer, Lamoka/Waneta Lakes Reserve Account, 76
- Transfer, Sheriff Seized Assets Reserve Account, 34
- G**
- Grant
- Accept and Establish, 2018-2023 Annual Immunization, 36

## PROCEEDINGS OF THE YEAR 2018

Accept and Establish, New York State Indigent Legal Services, 7	
Accept and Establish, Stop Violence Against Women Formula Program, 34	
Application, 2017-2018 United Way, 21	
Application, Edward Byrne Memorial Justice Assistance Grant, 5	
Application, Local Government Records Management, 9	
Application, Medicare Improvements for Patients & Providers Act, 36	
Application, Triangle Fund, 60	
Application, Triangle Fund Grant, Youth Bureau, 22	
Extension, New York State Office of Indigent Legal Services, 6, 7	
Participation, NYS Environmental Facilities Corporation, 37	
	<b>P</b>
	Position
	Acknowledge Appointment and Set Salary, Part Time Legal Secretary, 72
	Appointment and Set Salary, Full Time Assistant Public Defender, 55
	Appointment and Set Salary, Confidential Secretary to the County Attorney, 11
	Appointment and Set Salary, Full Time Assistant Public Defender, 53
	Building Maintenance Supervisor assigned to Highway Superintendent, 75
	Create and Fill Part Time Staff Psychiatrist, 67
	Create and Fill, Part-Time Legal Secretary, 18
	Create and Fill, Full-Time Assistant Public Defender, 19
	Create and Fill, Part Time Assistant Deputy Superintendent of Highway and Facilities, 75
	Create and Fill, Part Time Principal Social Welfare Examiner, 66
	Create and Fill, Part-Time Cook, 18
	Create and Fill, Probation Officer, 42
	Create and Fill, Probation Officer Trainee, 42
	Create and Fill, Public Health Specialist Position, 47
	Public Entertainment
	Lead Agency, 49
	Negative Declaration, 68
	<b>Q</b>
	Quitclaim Property
	Accept/Reject Officer, 62
	<b>R</b>
	Raise the Age, 46
	Rescind
	New York State Marchiselli Program Aid, 79
	Rules of Procedure, 1
	<b>S</b>
	Senior Citizen of the Year Nomination, 61
	Special Meeting Ratification, 54, 78
	<b>T</b>
	Tax
	Distribution Mortgage Tax, 70
	Tax Auction
	Set Sale Date, 62
	<b>W</b>
	Withdrawn, 9

### H

Harmful Algal Blooms, 16

### J

Junk/Surplus Equipment

Highway, 23

Multiple Department, 49

Multiple Departments, 70

### L

Lamoka/Waneta Lakes

Bids, 26

Grant, Septic System Replacement, 37

Reserve Account, 76

Legal Newspaper, 3

Local Law, 29, 31

Amending Local Law of the Year 2008, 10

Increasing the Salary of the County Highway Superintendent, 76

Introduction, Opioid Epidemic, 23

Introduction, Per Diem Compensation under the Counsel at First Arraignments Program, 19

### N

NYS Legislature/Legislation

Fires Caused by the Manufacture of a Controlled Substance, 34

Garbage Incinerations, 69

Increase Financial Resources to Veterans Service Agencies, 64

Minimum Wage Tip Credit, 39

### O

Opposition

2018 Forest Exemption Tax Law, 40

Garbage Incinerator, Town of Rumulus, 68