

# InterCounty Association of Western New York

% Ontario County Board of Supervisors, 20 Ontario Street, Canandaigua, NY 14424

Phone (585) 396-4447 FAX (585) 396-8818

Email: [karen.demay@co.ontario.ny.us](mailto:karen.demay@co.ontario.ny.us) or [brenda@co.steuben.ny.us](mailto:brenda@co.steuben.ny.us)

Richard M. Calabrese, President – Ontario County  
Glenn Larison 1<sup>st</sup> Vice President – Schuyler County  
Jerry Davis, 2<sup>nd</sup> Vice President – Wyoming County  
Karen R. DeMay, Secretary – Ontario County  
Brenda K. Mori, Treasurer – Steuben County

RESOLUTION COMMITTEE:

Jerry Davis, Wyoming County  
Mary Pat Hancock, Genesee County  
Suzanne Sinclair, Seneca County

*Representing the Counties of Allegany, Cattaraugus, Cayuga, Chautauqua, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Schuyler, Seneca, Steuben, Tompkins, Wayne, Wyoming, and Yates*

## ALLEGANY COUNTY HOST

**DATE:** Friday, March 18, 2011

**TIME:** 9:30 A.M. - Registration/Continental Breakfast

**LOCATION:** **The Wildwood at Swain Ski Resort**  
2275 Main Street  
Swain, NY 14884

**RESERVATIONS:** NO LATER THAN Friday, March 11, 2011  
(\$20.00 covers registration, etc.)  
Brenda Rigby Riehle Clerk, Allegany County Legislature  
Phone: 585-268-9220; Fax: 585-268-9446  
Email: [rigbyba@alleganyco.com](mailto:rigbyba@alleganyco.com)

**LUNCHEON:** Buffet

### AGENDA

**9:30 AM** Arrival and Registration with Continental Breakfast

**10:00 AM** Call to Order – Association President, Richard Calabrese  
Welcome from Host County – Board Chairman Curtis W. Crandall

Pledge of Allegiance to the Flag and Invocation

Roll Call of Counties

Comments by members and Guests

Approval of Minutes

Approval of Treasurer's Report

Old Business

New Business

**PROGRAM:** Speakers: Scott Carts, Co-owner of Swain Ski Resort and  
John Foels, Allegany County Development Director.

**12:15 PM** Adjournment and Luncheon.

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## Meeting Schedule for 2011

MEETING DATE	Resolution Filing Deadline	Host County	Location
<i>No meeting in JANUARY</i>		XXXXXXXX	XXXXXXXX
February 7-9, 2011 @ NYSAC		@ NYSAC CONFERENCE	Desmond, Albany, NY
March 18, 2011	March 3, 2011	Allegany	Wildwood at Swain Ski Resort
April 15, 2011	March 31, 2011	Niagara	Tuscarora Inn Lockport, NY
May 13, 2011	April 28, 2011	Cattaraugus	
June 17, 2011	June 2, 2011	Monroe	
<i>No meeting in JULY</i>		XXXXXXXX	XXXXXXXX
August 19, 2011	August 4, 2011	Chemung	
September 14-16, 2011		@ NYSAC CONFERENCE	NYSAC
October 21, 2011	October 6, 2011	Seneca	
November 18, 2011	November 3, 2011		
<i>No meeting in DECEMBER</i>		XXXXXXXX	XXXXXXXX

2011

<i>Counties</i>	<i>Contact</i>	<i>Delegates</i>
Allegany	Brenda Rigby Riehle <a href="mailto:rigbyba@alleganyco.com">rigbyba@alleganyco.com</a>	Glenn R. Benson Kevin S. LaForge Brenda Rigby Riehle  Alternates: Philip B. Curran Dwight "Mike" Healy
Cattaraugus	LORI A. Pangborn: <a href="mailto:lapangborn@cattco.org">lapangborn@cattco.org</a>  Karen S. Burr, John Searles <a href="mailto:ksburr@cattco.org">ksburr@cattco.org</a> and <a href="mailto:jrsearles@cattco.org">jrsearles@cattco.org</a>	Kenneth McClune William Aiello Donna Vickman  Alternates: Robert Neal Michael T. O'Brien James L. Boser
Cayuga	Mary Jones <a href="mailto:mjones@co.cayuga.ny.us">mjones@co.cayuga.ny.us</a>	Peter Tortorici Thomas Squires
Chautauqua	Ron Lemon <a href="mailto:Lemonrj@co.chautauqua.ny.us">Lemonrj@co.chautauqua.ny.us</a> Lori Foster <a href="mailto:fosterl@co.chautauqua.ny.us">fosterl@co.chautauqua.ny.us</a>	Richard Babbage
Chemung	Linda Palmer <a href="mailto:lpalmer@co.chemung.ny.us">lpalmer@co.chemung.ny.us</a>	Theodore A. Bennett Linda D. Palmer John C. Pastrick, Jr.  Alternates: Cornelius J. Milliken Thomas J. Santulli Donna L. Draxler Sidney S. Graubard
Erie	ROBERT GRABER, USPS mail only	
Genesee	Carolyn Pratt <a href="mailto:cpratt@co.genesee.ny.us">cpratt@co.genesee.ny.us</a>	Mary Pat Hancock Esther Leadley Jay Grasso
Livingston	Virginia Amico <a href="mailto:vamico@co.livingston.ny.us">vamico@co.livingston.ny.us</a> <a href="mailto:ascutt@co.livingston.ny.us">ascutt@co.livingston.ny.us</a>	Domenick J. Martello Mark J. Schuster Peter Yendell
Monroe	Cheryl Rozzi <a href="mailto:crozzi@monroecounty.gov">crozzi@monroecounty.gov</a> Casey Dicaro <a href="mailto:cdicaro@monroecounty.gov">cdicaro@monroecounty.gov</a>	Jeffrey R. Adair Robert Colby Richard Yolevich

Niagara	Mary Jo Tamburlin <a href="mailto:Maryjo.tamburlin@niagaracounty.com">Maryjo.tamburlin@niagaracounty.com</a>	William L. Ross Mary Jo Tamburlin Christian Peck Cathie L. Synor
Ontario	Karen DeMay <a href="mailto:Karen.demay@co.ontario.ny.us">Karen.demay@co.ontario.ny.us</a>	Theodore M. Fafinski Richard Calabrese Robert Green, Jr.  Alternate: Richard Russell
Orleans	Nadine Hanlon <a href="mailto:hanlonn@orleansny.com">hanlonn@orleansny.com</a>	David B. Callard George R. Bower Kenneth E. Rush  Alternates: Henry Smith, Jr. Charles H. Nesbitt, Jr. Nadine P. Hanlon
Schuyler	Stacy Husted <a href="mailto:shusted@co.schuyler.ny.us">shusted@co.schuyler.ny.us</a>	Dennis A. Fagan Glenn R. Larison Stacy B. Husted
Seneca	Margaret Li, Suzanne Sinclair, Barbara Carr <a href="mailto:mli@co.seneca.ny.us">mli@co.seneca.ny.us</a> <a href="mailto:ssinclair@co.seneca.ny.us">ssinclair@co.seneca.ny.us</a> <a href="mailto:bcarr@co.seneca.ny.us">bcarr@co.seneca.ny.us</a>	James Mooney Suzanne Sinclair
Steuben	Brenda Mori <a href="mailto:Brenda@co.steuben.ny.us">Brenda@co.steuben.ny.us</a>	Lawrence P. Crossett Carol A. Ferratella Thomas J. Ryan  Alternates Michael Hanna Brenda Mori Mark R. Alger
Tompkins	Cathy Covert <a href="mailto:ccover@tom-pkins-co.org">ccover@tom-pkins-co.org</a> Kathy Wilsea <a href="mailto:kwilsea@tom-pkins-co.org">kwilsea@tom-pkins-co.org</a>	Pam Mackesey
Wayne	Debbie Liseno <a href="mailto:dliseno@co.wayne.ny.us">dliseno@co.wayne.ny.us</a>	James Hoffman Jodie Bender Steve LeRoy
Wyoming	Cheryl Ketchum <a href="mailto:cketchum@wyomingco.net">cketchum@wyomingco.net</a>	Jerry Davis John Knab Larry Rogers  Alternate: Doug Berwanger
Yates	Connie Hayes <a href="mailto:chayes@yatescounty.org">chayes@yatescounty.org</a>	Donna Alexander

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## MINUTES November 19, 2010

The meeting was called to order by Association President Richard Calabrese. At this time Mr. Calabrese introduced Mrs. Mary Pat Hancock, Chair of the Genesee County Legislature. Mrs. Hancock welcomed everyone to Genesee County. She thanked everyone who helped to make this meeting possible. She proudly noted many current ventures and new economic development which is thriving in Genesee County. She introduced Mr. Foster Miller, BOCES Principal. Mr. Miller informed the association that this facility houses 1100 students a day, and most of these students are 11<sup>th</sup> and 12<sup>th</sup> graders. They also serve approximately 200 alternative and special education students. In total, the facility serves 22 school districts.

Mr. Larry Rogers (*Wyoming*) led the Association in the Pledge of Allegiance. Mr. Glenn Larison (*Schuyler*) led the Association invocation.

The following 13 counties answered roll call: Allegany, Cattaraugus, Chautauqua, Chemung, Genesee, Livingston, Ontario, Orleans, Schuyler, Seneca, Steuben, Wayne, Wyoming. (33 members, 9 guests/non-members including Rob Gibbon from NYSAC). Those counties not present: Cayuga, Erie, Monroe, Niagara, and Tompkins, Yates.

Review of minutes of the previous meeting followed. Tom Ryan (*Steuben*) requested an amendment. Page 2, midway, 'Discussion followed on current issues relating to standards affecting the CHESAPEAKE BAY WATERSHED DISTRICT (not the Susquehanna River Basin)'..., a typographical error.

**On Motion of Mike Patrick (*Chemung*), seconded by Pete Yendell (*Livingston*), the minutes of the October 15, 2010, meeting, as amended, were approved; motion carried.**

Treasurer Brenda Mori presented the Treasurer's report, dated October 31, 2010. **On motion of Glenn Larison (*Schuyler*), seconded by John Knab, (*Wyoming*), the Treasurer's Report was approved; motion carried.**

The floor was given to Mr. Rob Gibbon, Assistant Counsel to NYSAC. Rob provided an overview of activities in Albany and with NYSAC as follows:

Rob began by reviewing the recent election results. Most results are complete, and some will follow after a counting of absentee ballots. He noted there is a manual recount in Erie County at this time. Delays of this type impact successful transition in Albany.

A transition team has been selected with representation from Onondaga, Nassau, and Broome Counties for beginners. This is beneficial to county representation. NYSAC will work with these representatives and the entire transition team.

It is anticipated that the Governor will attempt to close a fiscal gap by holding local payments of assistance. This is in addition to the current holdbacks.

Discussions and meetings continue regarding presentation of the 9/90 unfunded mandates, Medicaid takeover, and new EPA regulations. The EPA regulations could impact our water quality, as well as farms using fertilizers, nitrates, etc. He reported the Farm Bureau is heading efforts to oppose these regulations.

Rob further commented on Indian Affairs regarding Carcieri Fix, Tribal recognition, and collection of cigarette taxes. NYSAC will continue to lobby for county interests.

Delegates continued to discuss at length the issues relating to unfunded or underfunded mandates imposed by State Government as this is a primary concern.

President Calabrese, on behalf of the association, expressed appreciation to Mr. Gibbon for his presence and comments.

Esther Leadley (*Genesee*), Chair of the 2011 Nominating Committee, reported that each currently serving officer is qualified to serve one additional year in their current position, as prescribed by the bylaws of this association. She and committee members Robert Green (*Ontario*) and James Hoffman (*Wayne*) canvassed all serving officers and she further reports that all are willing to serve again in 2011. The Slate of Officers for 2011 is as follows:

Richard Calabrese, President  
 Glenn Larison, 1<sup>st</sup> Vice President  
 Jerry Davis, 2<sup>nd</sup> Vice President  
 Karen DeMay, Secretary  
 Brenda Mori, Treasurer

**On motion of Ted Fafinski (*Ontario*), seconded by Suzanne Sinclair (*Seneca*), the proposed slate of officers was unanimously approved.** All officers were warmly welcomed by the association delegates to a second year in each position.

**Resolutions:**

At this time Mr. Yendell (*Livingston*) withdrew Livingston's Resolution No. 2010-266 which was presented and tabled at the October meeting.

The following resolutions were brought to the Association for consideration:

	PRESENTING COUNTIES	RESOLUTION TITLE	ACTION TAKEN
31	Genesee	Support for More Timely State Reimbursement to Counties for State Mandated and Other Services Provided by Counties on Behalf of the State, and to Establish Interest Payments to Counties in the Event of a Late State Budget	Motion to Adopt made by Jerry Davis, seconded by Esther Leadley; motion unanimously carried.
32	Cattaraugus	Supporting Seneca Nation of Indians Proposal Regarding Casino Host Community Local Share Payments	Motion to Adopt made by Jerry Davis, seconded by Ken McClune; motion unanimously carried.
33	Seneca, Livingston, and Genesee	Resolution Urging New York State to Address the Root Cause of Property Taxes by Relieving Counties From Financing Nine Unfunded State Mandates	Motion by Suzanne Sinclair, seconded by Mary Pat Hancock; motion unanimously carried.

Today's program, "Genesee County Business Education Alliance Rocks!" featuring programs such as Tech Prep, Culinary, and MASH Camps, was presented by:

**Bob Hollwedel**, Technology teacher at Alexander Central School and Lead Instructor in 2010 (BEA) Business Education Alliance STEM (Science, Technology, Engineering, and Mathematics) Camp.

**Chip Malone**, Genesee County Cooperative Extension 4-H Development Educator and NYS 4-H Geospatial Science Coordinator.

**Deborah Dunlevy**, College Tech Prep Project Coordinator, GCC.

**Lynn Freeman**, President, Genesee County Chamber of Commerce and President of Genesee County BEA.

**Eve Hens**, Coordinator, Genesee County BEA.

Upon conclusion, the association thanked all presenters for their interesting and informative presentation. Genesee County's hospitality is very much appreciated.

At this time the association moved to a delicious luncheon, hosted by the BOCES Culinary Class. Following the luncheon, the association resumed its regular meeting to complete business.

President Calabrese reiterated the need to stress to Albany and the State Legislature this region's frustration and opposition to a possible property tax cap. The Governor's proposed property tax cap has passed in Senate and is now under review in the Assembly. He urged delegates to support a resolution that is basic in its delivery of our message that we oppose any property tax cap. Much discussion among delegates ensued. The following resolution was considered at this time.

**Association Resolution No. 34 of 2010**

**INTER COUNTY ASSOCIATION RESOLUTION IN OPPOSITION TO ANY PROPERTY TAX CAP**

WHEREAS, New York State counties continue to realize the excessive financial burdens of unfunded state mandates; and

WHEREAS, Little action has been taken by the State Legislature to decrease, control, or eliminate costs of unfunded mandates; and

WHEREAS, Counties have little or no discretion in how the State Legislature utilizes funding of any mandates, mandates which drive state consumption of our property tax revenues at or above 90 percent; and

WHEREAS, The New York State Senate has arbitrarily supported a cap of 2% on property taxes WITHOUT addressing root causes, namely unfunded mandates in the areas of Medicaid, Early Intervention Services, Youth Detention, Indigent Defense, Public Assistance, Child Welfare, Probation, and Pension Costs; and

WHEREAS, The New York State Assembly is considering the same support of a property tax cap; now, therefore, be it

RESOLVED, That Inter County Association of Western New York, *an association representing over three million constituents across the State of New York*, hereby OPPOSES any cap on property taxes; and further

RESOLVED, That this association implores our state legislators to address the root causes of our high taxes and further research ways to reform, reduce, and improve delivery of services where appropriate; and further

RESOLVED, That certified copies of this resolution be forwarded by the Association Secretary to Governor Paterson, Governor-Elect Andrew Cuomo, New York State Association of Counties, Senate Majority Leader Espada, Senator Dean Skelos, Assembly Speaker Silver, Assembly Minority Leader Brian Kolb, and all others deemed necessary and proper.

On motion of Glenn Larison (*Schulyer*), seconded by Larry Rogers (*Wyoming*); motion to adopt unanimously carried.

Being our last meeting for 2010, on motion Dom Martello (*Livingston*), seconded by Larry Rogers (*Wyoming*), the meeting was adjourned at 1:20 P.M.

Please note the following 2011 meeting schedule with locations.

February 2011	@ NYSAC Conference, February 7-9, 2011
March 18, 2011	ALLEGANY
April 15, 2011	NIAGARA
May 13, 2011	CATTARAUGUS
June 17, 2011	MONROE
August 19, 2011	CHEMUNG
September 2011	@ NYSAC CONFERENCE
October 21, 2011	SENECA
<b>November 18, 2011</b>	

Respectfully submitted,  
Karen DeMay, Association Secretary

# Inter County Association of Western New York & Inter County Legislative Committee of the Adirondacks

Hon. Richard M. Calabrese, Western New York Association President  
Hon. Preston L. Jenkins, Jr., Adirondack Association President

Minutes of the Joint Association Meeting – February 9<sup>th</sup>, 2011

Mark LaVigne, Deputy Director of NYSAC, welcomed the Associations and hoped everyone who has attended the NYSAC conference has had good days. He introduced Dick Calabrese, Western Association President.

Mr. Calabrese welcomed everyone in attendance and hoped all will enjoy the speakers. He said there is one resolution on our agenda. Mr. Calabrese introduced Preston Jenkins, President of the Adirondack Association.

Mr. Jenkins thanked Mr. Calabrese. He welcomed everyone and thanked his colleagues of Saratoga County for appointing him to President. He hopes everyone enjoys their breakfast and the speakers that are lined up. Mr. Jenkins said he looks forward to seeing all the Adirondack people in Elizabethtown in a couple of weeks.

Role Call by County:

**(Western Association)**

**Present:** Allegany (1), Cattaraugus (2), Genesee (2), Livingston (2), Monroe (3), Niagara (2), Ontario (4), Orleans (2), Seneca (1), Steuben (5), Wayne (2), Wyoming (3), Yates (1).

**(Adirondack) Present:** Clinton (1), Essex (2), Fulton (1), Hamilton (1), Putnam (1), Saratoga (5).

Mr. LaVigne said there are two speakers this morning. He said the first speaker is Matt Driscoll President and CEO of Environmental Facilities Corporation and the second speaker is Tom Nichols of the New York State Association of Conservation Districts.

Mr. LaVigne introduced Mr. Matt Driscoll. Mr. Driscoll thanked everyone for being there and was thankful for being invited to speak. He gave an overview of the program that Environmental Facilities Corporation does and what the Corporation is all about. Mr. Driscoll asked the Associations for their support to make sure that infrastructure gets the attention that it deserves. Mr. Driscoll said that their website, <http://www.nysefc.org>, gives all the contact information. Interested parties may sign up for and a newsletter. Mr. Driscoll said on behalf of the Governor he thanked everyone for allowing him to be there.

Mr. LaVigne introduced Mr. Tom Nichols. Mr. Nichols said he hadn't been at the conference in a few years and was glad to be back. He thanked everyone for inviting him to speak. Mr. Nichols explained what his job is and what the Soil and Water Conservation District does. ([tnichols@northnet.org](mailto:tnichols@northnet.org)) He said there are many ways that his District can work with and help the municipalities. He described many aspects of their work to the Associations. He encouraged Counties to work with their Soil and Water Conservations Districts. He spoke about river basins and why they are important to the Counties as well as the State. Mr. Nichols said there are proposed Wildlife Corridors being considered and he encouraged the Counties to contact their local districts to get more details. Mr. LaVigne said that NYSAC has voiced their opposition to the regulations on the river basin issues.

Mr. Calabrese said that the next item for consideration is the resolution entitled "Urging the Governor and New York State Legislature to Enact Meaningful Relief from Existing Unfunded State Mandates Prior to Instituting a Property Tax Cap". Copies were distributed to all present. The text of this resolution, which is sponsored by both associations, is reprinted as follows.

**WHEREAS**, New York property taxes are nearly 80 percent above the national average; and

**WHEREAS**, while controlling the level of local government property tax growth sounds like something positive, actually reducing these taxes and addressing their root cause is far more important; and

**WHEREAS**, for counties, the major cost drivers are delivering State services and other fixed costs such as employee health care insurance benefits and pension contributions; both of which rise and fall with economic circumstances; and

**WHEREAS**, pension costs alone consume over \$500 million annually and are expected to rise substantially over the next several years; and

**WHEREAS**, other major cost drivers are unfunded and underfunded State mandates, the largest of which is Medicaid; and

**WHEREAS**, there are nine State mandates that consume 90 percent of the County property taxes levied Statewide outside of New York City and account for \$4 billion of the \$4.4 billion in County property taxes levied last year; and

**WHEREAS**, Medicaid alone costs County taxpayers outside New York City over \$2 billion annually and automatically increases over \$60 million each year; and

**WHEREAS**, the increased costs of Medicaid and pensions alone, programs over which counties have no control over, will far exceed any allowable property tax growth under the proposed cap, resulting in fiscal gaps for counties that will reach into the hundreds of millions of dollars in the first year of implementation alone; and

**WHEREAS**, these State-imposed fiscal gaps will remain for many years unless existing and new unfunded mandates are reduced or eliminated; and

**WHEREAS**, simply capping property taxes without enacting corresponding meaningful relief from existing and new unfunded mandates does nothing to reduce the costs of these and many other State services that counties must pay for and implement at the local level; **NOW, THEREFORE, BE IT**

**RESOLVED**, *Inter County Association of Western New York and Inter County Legislative Committee of the Adirondacks*, representing a total of 30 counties and approximately 4 million residents of New York State, urge the Governor and New York State Legislature to address the root cause of high property taxes by instituting meaningful relief from unfunded State mandates, cut State spending without shifting the cost burden to the counties, and reform the service delivery system; and further

**RESOLVED**, that certified copies of this resolution shall be forwarded to Governor Andrew Cuomo and to all New York State Senators and New York State Assemblymen, and New York State Association of Counties.

**On motion of Richard Calabrese (Ontario) and Preston Jenkins (Saratoga), seconded by Charles Nesbitt (Orleans), the aforementioned resolution was unanimously adopted.**

Mr. Calabrese and Mr. Jenkins thanked everyone for attending the joint meeting.

On a motion by Ontario County, seconded by Saratoga County, the meeting was adjourned.

Respectfully submitted,

Karen R. DeMay, Secretary  
Inter County Association of  
Western New York

Pamela A. Hargrave, Secretary  
Inter County Legislative Committee  
of the Adirondacks

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**TREASURER'S REPORT  
 AS OF DECEMBER 31, 2010**

	-	+	Net
Treasury Balance ending October 31, 2010			<b>\$6,107.30</b>
Certificate of Deposit		\$3,337.53	
"Cash Box" as of December 31, 2010		\$30.00	
Check Book Balance as of December 31, 2010		\$2,739.77	
<b>Receipts:</b>			
Registrations from October Meeting (Monroe, Chemung)		\$80.00	
Registrations from November Meeting – Genesee County		\$820.00	
<b>Disbursements:</b>			
Ck#1102 Genesee Valley BOCES	\$900.00		
<b>Treasury Balance ending December 31, 2010</b>			<b>\$6,107.30</b>

## List of 2011 Inter-County Resolutions

Meeting date	Intro. No.	Final No.	County	Title	Action	Distributed
<b>February 9</b>		1		URGING THE GOVERNOR AND NYS LEGISLATURE TO ENACT MEANINGFUL RELIEF FROM EXISTING UNFUNDED STATE MANDATES PRIOR TO INSTITUTING A PROPERTY TAX CAP	Adopted	2/14/11
<b>March 18</b>	2011-IC-1		<b>Allegany, Steuben</b>	Memorializing Federal and State Representatives in Opposition to the Chesapeake Bay Total Maximum Daily Load Regulatory Proposal by the United States Environmental Protection Agency; Docket ID No. EPA-R03-OW-2010-0736, and Requesting a Moratorium on Regulatory Implementation of the Chesapeake Bay Total Maximum Daily Load in NYS		
	2011-IC-2		<b>Steuben</b>	Memorializing the Commissioner of Agriculture and the Governor's Advisory Council on Agriculture to Develop a Consolidated Agricultural and Farmland Protection Plan to Help Guide the State's Efforts in Supporting its Agricultural Industry and Protecting Agricultural Land		
	2011-IC-3		<b>Steuben</b>	Supporting NYSDEC's Requirement For a Road Use Agreement In Its Draft Supplemental Generic Environmental Impact Statement for High Volume Hydraulic Fracturing		
	2011-IC-4		<b>Steuben</b>	Supporting the Establishment of a Milk Support System Based on the Average Cost of Production at the County Level		
	2011-IC-5		<b>Wyoming</b>	Resolution Requesting the State Legislature to Provide for Local Preference Rules for Procurement of Goods and Services		
	2011-IC-6		<b>Cattaraugus</b>	Requesting NYS to Maintain Funding Streams for Youth Bureau and Further Urging Elimination of Competitive Bid Funding		
	2011-IC-7		<b>Livingston &amp; Steuben</b>	OPPOSING THE STATE TAKEOVER OF THE WESTERN NEW YORK OFF-TRACK BETTING CORPORATION		

**TITLE: A RESOLUTION EXPRESSING OPPOSITION TO THE CHESAPEAKE BAY TOTAL MAXIMUM DAILY LOAD (TMDL) REGULATORY PROPOSAL BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA) AND RAISING SERIOUS CONCERNS REGARDING THE UNATTAINABLE MANDATE AND LACK OF PARITY REPRESENTED IN LOAD ALLOCATIONS FOR THE STATE OF NEW YORK COMPARED TO OTHER BAY STATES AND WATERSHED JURISDICTION PARTNERS; REQUESTING INTERVENTION BY OUR ELECTED REPRESENTATIVES IN THE UNITED STATES CONGRESS, NEW YORK STATE SENATE AND NEW YORK STATE ASSEMBLY IN SECURING A MORATORIUM ON REGULATORY IMPLEMENTATION OF THE CHESAPEAKE BAY TMDL IN NEW YORK UNTIL SUCH OBJECTIONS AND CONCERNS ARE FULLY ADDRESSED**

Offered by: Planning and Economic Development Committee

**WHEREAS**, clean water and healthy watersheds are a priority for New York farmers, which play a critical role in proven and successful local efforts to conserve and protect New York's natural resources, and

**WHEREAS**, the U. S. Environmental Protection Agency Region 3 is implementing a Chesapeake Bay TMDL which imposes new and costly federal regulations on approximately 19 counties, 650,000 residents and 2,000 New York family farms within the New York portion of the Chesapeake Bay watershed area, and

**WHEREAS**, New York accounts for 10% of the total watershed area which is mostly forested (76%), is home to 4% of the total population in the watershed with agriculture (21%) being the dominant business sector, and

**WHEREAS**, the federally-designed TMDL, intended to limit nitrogen, phosphorous and sediment discharges into the Chesapeake Bay watershed, is now projected to cost New York State as much as \$250 million over the next 15 years, without being able to satisfy EPA's regulatory goal, and

**WHEREAS**, the best way to achieve the important public benefit of clean water at a regional level is through locally led conservation efforts, rather than a top-down federal, one-size-fits-all regulatory approach such as EPA's TMDL for the Chesapeake Bay watershed, and

**WHEREAS**, EPA's proposed TMDL regulation imposes disproportionately heavier restrictions for water quality in New York in order to help other states meet their overall TMDL goal, ignores New York's excellent record of environmental accomplishments over the past 25 years using state and local conservation efforts and forces unrealistic costs on the businesses, governments and residents within the watershed area, and

**WHEREAS**, even if the other states achieve their EPA mandated allocations by 2025, their water would still contain higher nutrient loads per acre than New York's current 2010 load per acre because of progressive natural resource management programs like New York State's Agricultural Environmental Management Program, and

**WHEREAS**, even with the elimination of animal agriculture and utilizing every best management practice available in the watershed area, New York would still not be able to meet EPA's TMDL allocation, and

**WHEREAS**, we object to EPA's discriminatory regulatory process that disproportionately burdens our farm communities with costly mandates, weakens our rural economies, disrupts local food systems and provides no additional water quality protection for the Chesapeake Bay watershed, and

**WHEREAS**, we oppose EPA increasing its federal regulatory control and usurping state and local jurisdiction and authority in order to impose their TMDL, instead of working collaboratively with State agriculture and environmental protection agencies, Soil and Water Conservation Districts and local communities to address Bay watershed water quality concerns, and

**WHEREAS**, we object to the fact that in order to satisfy EPA's regulatory goals without confirmation of water quality improvement, EPA has not ensured realistic delivery of needed funding and technical assistance and has not provided regulatory flexibility to allow for implementation of continually improving on-farm practices in response to site-specific environmental variables, and

**WHEREAS**, each and every day farmers across New York work to improve their environmental sustainability recognizing that appropriate natural resource management is critical to maintaining success of their businesses for future generations; supporting farmers in these endeavors is how government can best aid agriculture in protecting water quality, and

**WHEREAS**, we support state and locally driven collaborative initiatives which effectively use federal environmental funds and specifically address areas of high environmental risk and employ a farm-specific focus, such as New York State Department of Agriculture and Market's Agricultural Environmental Management Program, and

**WHEREAS**, we support New York State Department of Environmental Conservation's recommendations in their draft Phase 1 Watershed Implementation Plan which recognizes the environmental stewardship of New York farmers and inherent inequality of the current EPA proposal, now, therefore, be it

**RESOLVED:**

1. That the Allegany County Board of Legislators fully supports responsible efforts to improve water quality in the Chesapeake Bay watershed, to protect our State's environmental and natural resources, and we object to the unfair and unattainable mandate the Chesapeake Bay TMDL forces upon our local governments, local communities and family farms.

2. That this Board urges its Congressional and State representatives to intercede with EPA, and enact superseding legislation if required, to delay implementation of the Chesapeake Bay TMDL and request that EPA report to them on their response and adaptations regarding the aforementioned concerns.

3. That the Clerk of this Board is directed to send certified copies of this resolution to Governor David Paterson, United States Senators Charles Schumer and Kirsten Gillibrand, New York State Senator Catharine M. Young, New York State Assemblymen Daniel J. Burling and Joseph M. Giglio, the Commissioner of the New York State Department of Agriculture and Markets, the Commissioner of the New York State Department of Environmental Conservation and Administrator Judith Enck of EPA Region 2.

I, Brenda Rigby Riehle, Clerk of the Board of Legislators of the County of Allegany, State of New York, do hereby certify that the foregoing constitutes a correct copy of the original on file in my office and the whole thereof of a resolution passed by said

Board on the 13<sup>th</sup> day of December, 20 10.

Brenda Rigby Riehle Dated at Belmont, New York this 14<sup>th</sup> day of Dec., 20 10  
Clerk, Board of Legislators, Allegany County

Moved by Sinclair Seconded by Ungermann VOTE: Ayes \_\_\_\_\_ Noes \_\_\_\_\_ Absent 3 Voice   
Absent: Benson, Curran, Russo



**WHEREAS**, the EPA's proposed TMDL regulation imposes disproportionately heavier restrictions for water quality in New York in order to help other states meet their overall TMDL goal, while ignoring New York's excellent record of environmental accomplishments over the past 25 years using State and Local conservation efforts and forces unrealistic costs on the businesses, governments and residents within the Watershed area; and

**WHEREAS**, even if the other states achieve their EPA mandated allocations by 2025, their water would still contain higher nutrient loads per acre than New York's current 2010 load per acre because of progressive natural resource management programs like New York State's Agricultural Environmental Management Program; and

**WHEREAS**, even with the elimination of animal agriculture and utilizing every best management practice available in the Watershed area, New York would still not be able to meet EPA's TMDL allocation; and

**WHEREAS**, the EPA's discriminatory, regulatory process disproportionately burdens our farm communities with costly mandates, weakens our rural economies, disrupts local food systems and provides no additional water quality protection for the Chesapeake Bay Watershed; and

**WHEREAS**, we oppose the EPA increasing its federal regulatory control and usurping state and local jurisdiction and authority in order to impose their TMDL, instead of working collaboratively with State agriculture and environmental protection agencies, Soil and Water Conservation Districts and local communities to address the Chesapeake Bay Watershed water quality concerns; and

**WHEREAS**, in order to satisfy EPA's regulatory goals without confirmation of water quality improvement, the EPA has not ensured realistic delivery of needed funding and technical assistance and has not provided regulatory flexibility to allow for implementation of continually improving on-farm practices in response to site-specific environmental variables; and

**WHEREAS**, each and every day farmers across New York work to improve their environmental sustainability, recognizing that appropriate natural resource management is critical to maintaining success of their businesses for future generations; supporting farmers in these endeavors is how government can best aid agriculture in protecting water quality; and

**WHEREAS**, the County supports state and locally driven collaborative initiatives which effectively use federal environmental funds and specifically address areas of high environmental risk and employ a farm-specific focus, such as NYS Department of Agriculture and Market's Agricultural Environmental Management Program; and

**WHEREAS**, EPA is requiring each State within the Chesapeake Bay Watershed to develop a Watershed Implementation Plan (WIP), and

**WHEREAS**, the New York State WIP, as dictated by EPA allocations, will impose new limits on the Waste Water Treatment Plants (WWTP) within the Watershed, and

**WHEREAS**, New York State does not benefit economically from recovery of the Bay, yet will be required to spend an estimated \$250 million to retrofit and rebuild WWTP's to meet EPA required allocations, and

**NOW THEREFORE, BE IT**

**RESOLVED**, that while Steuben County fully supports responsible efforts to improve water quality in the Chesapeake Bay Watershed and protect our State's environment and natural resources, we object to the unfair and unattainable mandate the Chesapeake Bay TMDL forces upon our local governments, local communities and family farms; and be it further

**RESOLVED**, Steuben County urges Congressional and State representatives to intercede with EPA and enact superseding legislation, if required, to delay implementation of the Chesapeake Bay TMDL and request the EPA report to them on their response and adaptations regarding the aforementioned concerns; and be it further

**RESOLVED**, the Clerk of the Legislature shall forward a copy of this resolution to President Barack Obama, The White House, 1600 Pennsylvania Avenue N.W., Washington, D.C. 20500; Governor David Paterson, Executive Chamber, State Capitol, Albany, NY 12224; U.S. Senator Charles E. Schumer, 100 State Street, Room 3040, Rochester, NY 14614; U.S. Senator Kirsten Gillibrand, Kenneth B. Keating Federal Office Building, 100 State Street, Room 4195, Rochester, NY 14614; Senator George H. Winner, Jr., 105 East Steuben Street, Bath, NY 14810; Assemblyman James G. Bacalles, 105 East Steuben Street, Bath, NY 14810; Patrick J. Hooker, Commissioner, NYS Department of Agriculture and Markets, 10B Airline Drive, Albany, NY 12235; Commissioner, NYS Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-1011; Lisa P. Jackson, Administrator, U.S. Environmental Protection Agency; Ariel Rios Building, 1200 Pennsylvania Avenue N.W., Washington, D.C. 20460; Assemblyman Robert Sweeney, Chairman, Standing Committee on Environmental Conservation, Legislative Office Building 625, Albany, NY 12248; Senator Antoine M. Thompson, Chairman, Senate Standing Committee on Environmental Conservation, Legislative Office Building 902, Albany, NY 12247; Honorable Nick J. Rhall, II, Chairman, Committee on Natural Resources, U.S. House of Representatives, 1324 Longworth House Office Building, Washington, D.C. 20515; Honorable Grace F. Napolitano, Chairwoman, Water & Power Sub-Committee, U.S. House of Representatives, 1522 Longworth House Office Building, Washington, D.C. 20515; Honorable Debbie Stabenow, Chairwoman, U.S. Senate Sub-Committee on Water & Power, 304 Dirksen Senate Building, Washington, D.C. 20510; Honorable Jeff Bingaman, Chairman, U.S. Senate Committee on Energy & Natural Resources, 304 Dirksen Senate Building, Washington, D.C. 20510; and Judith Enck, Administrator, Region 2, U.S. Environmental Protection Agency, 290 Broadway, New York, NY 10007-1866.



Protection Fund by 35%, as well as a drastic funding reduction of more than 50% to the Farmland Protection Program; and

**WHEREAS**, proposed cuts to the Farmland Protection Program hurt New York's ability to leverage federal conservation funds; and

**WHEREAS**, progress must be made in building state and local capacity to complete farmland protection projects more quickly; and

**WHEREAS**, the consolidation of a unified vision for the conservation of farmers and farmland and the establishment of a mutually agreed upon set of long-term goals in this area is essential to securing future funding.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the County of Steuben calls for the continued implementation and funding of the Environmental Protection Fund, the Agricultural Nonpoint Source Program, the Agricultural Environmental Management Program, and the Farmland Protection Program; and be it further

**RESOLVED**, that the County of Steuben calls for the Commissioner of Agriculture and Governor's Advisory Council on Agriculture to be authorized to develop a Consolidated State Agricultural and Farmland Protection Plan consistent with locally adopted plans to help guide the State's efforts in supporting its agricultural industry, soil and water conservation districts and protecting agricultural land including an emphasis on long-term goals; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to Governor David Paterson, Executive Chamber, State Capitol, Albany, NY 12224; Senate Minority Leader, Dean G. Skelos, 907 Legislative Office Building, Albany, NY 12247; Senate Majority Leader, Malcolm A. Smith, 909 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 926 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, Brian M. Kolb, 933 Legislative Office Building, Albany, NY 12248; Senator George H. Winner, Jr., 105 E. Steuben Street, Bath, NY 14810; Assemblyman James G. Bacalles, 105 E. Steuben Street, Bath, NY 14810; Senator Darrel J. Aubertine, Chairman, Rural Resources Commission, 903 Legislative Office Building, Albany, NY 12247; Patrick Hooker, New York State's Agriculture Commissioner, Department of Agriculture & Markets, 10B Airline Dr., Albany, NY 12235; James Vincent, Chair of the Governor's Advisory Council on Agriculture, 6992 Tower Hill Road, Byron, NY 14422; and all others deemed necessary and proper.





10B Airline Dr., Albany, NY 12235; Senator George H. Winner, Jr., 105 East Steuben Street, Bath, NY 14810; Assemblyman James G. Bacalles, 105 East Steuben Street, Bath, NY 14810; Senator-Elect Thomas O'Mara, 720 LOB, Albany, NY 12248; Assemblyman-Elect Philip A. Palmesano, 224 Pearl Street, Corning, NY 14830; Richard Calabrese, President, Inter-County Association of Western New York, Municipal Building, 20 Ontario Street, Canandaigua, NY 14424; Stephen J. Acquario, Executive Director, New York State Association of Counties, 540 Broadway, 5<sup>th</sup> Floor, Albany, NY 12207-2737; Steuben County Farm Bureau, 117 East Steuben Street, #234, Bath, NY 14810-1636; James Grace, Cornell Cooperative Extension – Steuben County; and William Brown, Chairman of the Steuben County Agricultural and Farmland Protection Board, 9230 W. Waneta Lake Rd., Hammondsport NY 14840.

STATE OF NEW YORK)

ss.:

COUNTY OF STEUBEN)

I, the undersigned, Clerk of the Steuben County Legislature, **DO HEREBY CERTIFY**, that the foregoing is a copy of a resolution duly adopted by said County Legislature while in session in the Legislative Chambers in the Village of Bath, New York, December 20, 2010; that it is a correct transcript therefrom and of the whole of said original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of the said County Legislature at Bath, New York, December 20,

2010.

  
Brenda K. Mori, Clerk

RECEIVED  
FEB 23 2011  
BOARD OF SUPERVISORS #35

**RESOLUTION NO. 11-69  
(February 15, 2011)**

By Mrs. May, Chairman of Finance Committee:

**RESOLUTION REQUESTING THE STATE LEGISLATURE TO PROVIDE FOR  
LOCAL PREFERENCE RULES FOR PROCUREMENT OF GOODS AND SERVICES**

**WHEREAS**, The State of New York is a Home Rule State; and

**WHEREAS**, New York State Constitution Article IX provides that every local government shall have broad powers to enact local legislation relating to the welfare of its citizens, but preemption by the State regarding procurement policies fundamentally limits those powers, and Counties must have the ability to provide for public policy that is in the best socio-economic interest of its citizens, and

**WHEREAS**, New York has a multitude of procurement statutes applicable to public entities, with the underlying purpose to assure the prudent use of public moneys and to facilitate the acquisition of high quality goods and services at the lowest possible cost, and

**WHEREAS**, The Wyoming County Board of Supervisors hereby finds and declares that millions of dollars worth of contracts for goods and services are expended by Wyoming County each year that are necessary to perform essential functions of Wyoming County government, and

**WHEREAS**, The County Board of Supervisors further finds that the current economic downturn being experienced by New York State is a result of the continued "Great Recession," and is adversely affecting local business through a reduction in business activity and a concomitant loss of jobs, and

**WHEREAS**, The Wyoming County Board of Supervisors further finds and determines that many of these contracts are awarded to individuals or entities that are located outside of Wyoming County, and

**WHEREAS**, The Wyoming County Board of Supervisors also finds and determines that the award of such contracts to individuals or entities outside of Wyoming County at a time when Wyoming County is experiencing an economic downturn and less economic activity than many neighboring regions have achieved tends to exacerbate the economic difficulty currently experienced in Wyoming County, and

**WHEREAS**, The Wyoming County Board of Supervisors also determines that the award of such contracts to individuals or entities located within Wyoming County would help promote local economic activity and thereby generate additional sales tax revenues which would alleviate fiscal and budgetary constraints currently being experienced by Wyoming County, and

**WHEREAS,** The purpose of permitting local governments to provide for local preference procurement rules is to limit the award of such contracts to individuals or entities located and doing business within Wyoming County when practical and in the best interests of the County and to promote the use of local businesses as County vendors and consultants so as to encourage increased economic activity in Wyoming County by putting County tax dollars to work at home, and

**WHEREAS,** The Wyoming County Board of Supervisors understands the rationale of the statutory mandate that contracts be awarded to the "lowest responsible bidder", but finds and declares that local preference rules shall be limited to provide for a maximum of ten percent (10%) variance from the established lowest responsible and responsive bidder, if same is not an in-County vendor, would be in the best socio-economic interest of Wyoming County, and

**WHEREAS,** There is a need to amend New York State General Municipal Law sections 100-a and 103 to provide an exception to County Governments to enact Local Laws that would provide for local preference rules for the procurement of goods and services and shall be limited to provide for a maximum of ten percent (10%) variance from the established lowest responsible and responsive bidder, if same is not an in-County vendor, related to the principle of the "lowest responsible bidder" doctrine.

**NOW, THEREFORE, BE IT REOLVED** By the Wyoming County Board of Supervisors that the New York State Legislature is hereby requested to provide local governments the ability to provide for local preference rules for procurement of goods and services, and

**BE IT FURTHER RESOLVED** That the Wyoming County Board of Supervisors hereby finds and declares that millions of dollars worth of contracts for goods and services are expended by Wyoming County each year that are necessary to perform essential functions of Wyoming County government, and

**BE IT FURTHER RESOLVED,** That the Wyoming County Board of Supervisors further finds that the current economic downturn being experienced by Western New York, as a result if the continued "Great Recession", is adversely affecting local business through a reduction in business activity and a concomitant loss of jobs, and

**BE IT FURTHER RESOLVED,** That the Wyoming County Board of Supervisors further finds and determines that many of these contracts are awarded to individuals or entities that are located outside of Wyoming County and Western New York, and

**BE IT FURTHER RESOLVED,** That the Wyoming County Board of Supervisors also finds and determines that the award of such contracts to individuals or entities outside of both Wyoming County and Western New York at a time when Wyoming County is experiencing an



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Mr. Snyder, Mrs. Stockman, Ms. Edstrom,  
Mr. Vecchiarella, Ms. Vickman, Mr. McClune and Mr. Ward  
and Mr. Aiello, Mr. Burrell, Mr. Ellis, Mr. Marsh,  
Mr. McLarney, Mr. Murphy, Mr. Neal, Mr. O'Brien,  
Mr. Teachman, Mr. Boser, Mr. Giardini, Mr. Hebdon,  
Mr. Padlo and Mr. Sprague

FEB 28 2011

BOARD OF SUPERVISORS

REQUESTING NEW YORK STATE TO MAINTAIN FUNDING STREAMS FOR YOUTH BUREAU AND  
FURTHER URGING ELIMINATION OF COMPETITIVE BID FUNDING

Pursuant to Section 153 of the County Law.

- I. WHEREAS, Governor Cuomo has submitted his proposed 2011-2012 Executive Budget recommending the development of a Primary Prevention Incentive Program (PPIP), and
- II. WHEREAS, this proposal actually slashes the current allocation of funding for Youth Development and Delinquency Prevention (YDDP), Special Delinquency Prevention Program (SSPP), and Runaway and Homeless Youth Act (RHYA), by 50%, and
- III. WHEREAS, this proposal eliminates these funding streams and offers the distribution of funds on a competitive basis to counties, resulting in the elimination of funding to many rural counties, thereby promoting inequities in prevention and positive youth development services across New York State, and
- IV. WHEREAS, the proposed competitive bidding process will also result in a loss of local planning and control, and
- V. WHEREAS, the aforementioned proposal will dismantle the current youth bureau system, structure and funding streams, and will be especially detrimental to all municipal youth bureaus, and
- VI. WHEREAS, current youth development and prevention services are provided through a fair and equitable formula-driven allocation through the New York State Office of Children and Family Services, and
- VII. WHEREAS, the current funding through youth bureaus structures ensure appropriate local monitoring, evaluation and accountability, and
- VIII. WHEREAS, youth development, prevention and intervention are essential for critical services to children and youth, and
- IX. WHEREAS, if adopted, this portion of the Executive Budget would result in the minimal loss of almost \$200,000 of youth services dollars for Cattaraugus County, and
- X. WHEREAS, if adopted, New York State will be abandoning its long-time national leadership and partnership in youth prevention, intervention and development services, as articulated in Article 19-A of the Executive Law, and

XI. WHEREAS, the Cattaraugus County Legislature believes that providing services and programs for children and youth is an investment, not only in delinquency prevention, but also in the development of all our young people, in all ways thus enriching our society and nation as a whole, and

XII. WHEREAS, the Cattaraugus County Human Services Committee has met, considered and by unanimous vote, approved this resolution, now, therefore, be it

I. RESOLVED, the Cattaraugus County Legislature hereby requests Governor Cuomo and the New York State Legislature maintain the current youth bureau funding streams, albeit with proportionate reductions, and eliminate the concept of competitive bid funding, and be it further

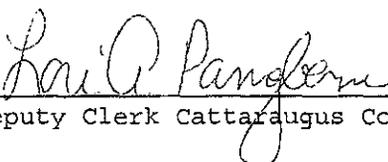
II. RESOLVED, that Governor Cuomo and the New York State Legislature be directed to uphold Article 19-A of the Executive Law and to maintain the current youth bureau system and structure which is in the best interest of the 26,000 children and youth of Cattaraugus County and of the children and youth of New York State as a whole, and be it further

III. RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to Governor Cuomo, Assembly Speaker Silver, Senate Majority Leader Skelos, Senator Young, Assembly Member Giglio, New York State Association of Counties and the Western New York Inter-County Association.

STATE OF NEW YORK )  
COUNTY OF CATTARAUGUS )

I, Lori A. Pangborn, Deputy Clerk of the Legislature of the County of Cattaraugus, New York, do hereby certify that I have compared the foregoing resolution with the original thereof on file in my office and duly adopted by said Legislature at a meeting of said Legislature on the 23<sup>rd</sup> day of February, 2011, and that the same is a true and correct copy of such resolution and of the whole thereof.

In testimony whereof, I have hereunto set my hand and affixed the seal of said County this 25<sup>th</sup> day of February, 2011.

  
Deputy Clerk Cattaraugus County Legislature

RECEIVED

Livingston County Board of Supervisors  
Geneseo, New York



MAR 03 2011

BOARD OF SUPERVISORS

Resolution No. 2011-059

**OPPOSING STATE TAKEOVER OF WESTERN REGIONAL OFF-TRACK BETTING CORPORATION**

WHEREAS, in September 1973, eleven western New York counties established the Western Regional Off-Track Betting Corporation (hereinafter "Western"), they being Cattaraugus, Chautauqua, Erie (and the City of Buffalo), Genesee, Livingston, Monroe (and the City of Rochester), Niagara, Orleans, Seneca, Steuben, and Wayne, as enabled by state law; and

WHEREAS, these municipal "stockholders" chose to exercise that local option to form such a corporation that dictated local control by those municipalities over such gaming activities in their respective communities; and

WHEREAS, the start-up costs of this enterprise were funded solely by these initiating counties from their own treasuries of taxpayer money and represented no state money nor allowed for any state confiscation of this purely local venture; and

WHEREAS, since those eleven counties voted to form Western, an additional four western New York counties have joined them in the local control of such gaming activities that has since 1973 generated over \$200 Million in operating and surcharge revenues to the taxpayers of those participating municipalities; and

WHEREAS, now, the incoming governor and both houses of the state legislature are publicly proposing a taking of Western's business and its assets by a consolidation of all the regional off-track betting corporations in this state by some state-sponsored private or quasi-governmental entity that threatens a loss of local revenue, independence and local oversight of gaming in our communities; and

WHEREAS, the participating municipalities of Western as its shareholders have a *pro-rata* financial interest in the \$39 Million of net equity re-invested in its 30-plus corporately-owned branch facilities and the track and casino at Batavia Downs; and

WHEREAS, the reality of such state-sponsored consolidation and takeover of OTB's would rob Western's communities of not only local control but their substantial re-investment of profits to acquire and maintain such money-making assets; now, therefore, be it

RESOLVED, that the Livingston County Board of Supervisors opposes such threatened consolidation of Western's business by New York State; and, it is further

RESOLVED, that certified copies of this resolution be forwarded to Senators Catharine M. Young and Patrick M. Gallivan and Assemblymen Daniel J. Burling and Sean T. Hanna, the Western Regional Off-Track Betting Corporation, the New York State Association of Counties, and Inter-County of Western New York Association.

Dated at Geneseo, New York  
February 23, 2011

Public Services Committee



*This is to Certify that I, the undersigned, Clerk of the Board of Supervisors of the County of Livingston, have compared the foregoing copy of resolution with the original resolution now on file in this office and which was duly adopted by the Board of Supervisors of said County on the 23<sup>rd</sup> day of February, 2011 and that the same is a true and correct transcript of said resolution and of the whole thereof.*

*In Witness Whereof I have hereunto set my hand and the official seal of the Board of Supervisors of the County of Livingston, this 23<sup>rd</sup> day of February, 2011.*

*Virginia O. Amico*  
Virginia O. Amico, Clerk of the Board



Building, Albany, NY 12247; Senate Minority Leader, John Sampson, 907 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Assembly Majority Leader, Ron Canestrari, 926 Legislative Office Building, Albany, NY 12248; Assembly Minority Leader, Brian M. Kolb, 933 Legislative Office Building, Albany, NY 12248; Senator Thomas F. O'Mara, 415 Legislative Office Building, Albany, NY 12247; Assemblyman Philip A. Palmesano, 723 Legislative Office Building, Albany, NY 12248; Martin Basinait, President, Western Regional Off-Track Betting Corporation, 700 Ellicott Street, Batavia, NY 14020; John D. Sabini, Chairman, New York State Racing and Wagering Board, One Broadway Center, Suite 600, Schenectady, NY 12305-2553; John R. Searles, Clerk/Administrator, Cattaraugus County Legislature, 303 Court Street, Little Valley, NY 14755; Ronald Lemon, Clerk, Chautauqua County Legislature, Gerace office Building, 3 North Erie Street, Mayville, NY 14757-1007; Robert M. Graber, Clerk, Erie County Legislature, Erie County Office Building, 95 Franklin Street, Buffalo, NY 14202; Carolyn P. Pratt, Clerk, Genesee County Legislature, Old Court House, 7 Main Street, Batavia, NY 14020; Virginia O. Amico, Clerk, IIMC-CMC, Livingston County Board of Supervisors, Government Center, 6 Court Street, Geneseo, NY 14454; Cheryl M. Rozzi, Clerk, Monroe County Legislature, 407 County Office Building, 39 West Main Street, Rochester, NY 14614; Mary Jo Tamburlin, Clerk, Niagara County Legislature, 175 Hawley Street, Courthouse, Lockport, NY 14094-2740; Nadine Hanlon, Clerk, Orleans County Legislature, 3 South Main Street, Courthouse Square, Albion, NY 14411-1495; Margaret E. Li, Clerk, Seneca County Board of Supervisors, 1 DiPronio Drive, Waterloo, NY 13165; Sandra J. Sloane, Clerk, Wayne County Board of Supervisors, 26 Church Street, Lyons, NY 14489; Richard Calabrese, President, Inter-County Association of Western New York, Municipal Building, 20 Ontario Street, Canandaigua, NY 14424; and Stephen J. Acquario, Executive Director, New York State Association of Counties, 540 Broadway, 5<sup>th</sup> Floor, Albany, NY 12207-2737.

STATE OF NEW YORK)

ss.:

COUNTY OF STEUBEN)

I, the undersigned, Clerk of the Steuben County Legislature, **DO HEREBY CERTIFY**, that the foregoing is a copy of a resolution duly adopted by said County Legislature while in session in the Legislative Chambers in the Village of Bath, New York, February 28, 2011; that it is a correct transcript therefrom and of the whole of said original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of the said County Legislature at Bath, New York, February 28, 2011.

  
Brenda K. Mori, Clerk