



YATES COUNTY LEGISLATURE  
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Douglas Paddock  
Chairman

Connie C. Hayes  
Clerk

**YATES COUNTY LEGISLATIVE  
AGENDA**

**May 13, 2019 at 1:00 pm**

**Legislative Chambers in the County Office Building**

- Approve minutes from the April meeting
- Approve Audit
- Committee reports
- Public Comment
- Southern Tier Network to give Quarterly update at end of meeting

**RESOLUTIONS**

- |         |        |   |
|---------|--------|---|
| Bronson | 184-19 | Authorize Chairman to Execute Second Upstate Quality Improvement and Caseload Reduction Competitive Grant and any Contract Extensions Relating to the Second Update Quality Improvement and Caseload Reduction Competitive Grant. |
|         | 185-19 | Authorize Chairman to Execute Contract Extensions Relating to the Counsel at First Appearance Competitive Grant   |
|         | 186-19 | Authorize Chairman to Execute Contract Extensions Relating to the Distribution 2 Non-Competitive Grant  |
|         | 187-19 | Authorize Chairman to Execute Contract Extensions Relating to the Upstate Quality Improvement and Caseload Reduction Competitive Grant  |
|         | 188-19 | Renew Contract with Dundee Children's Center  |
|         | 189-19 | Renew Contract with Canandaigua Driving School  |
|         | 190-19 | Renew Residential Services Contracts from July 1, 2019 thru June 30, 2020   |
|         | 191-19 | Reappointment to the Fingerlakes Workforce Investment Board   |
|         | 192-19 | Authorize Chairman to Sign Amendment for Inter-Municipal Agreement with Schuyler County   |
|         | 193-19 | Authorize Contract Renewal with the ARC of Yates  |
|         | 194-19 | Amendment to Resolution No. 3-19  |
| Church  | 195-19 | Recognize 2019 Peace Officer's Memorial Day   |
|         | 196-19 | Recognize 2019 National Correctional Officers' and Employees' Week  |
|         | 197-19 | Authorize 2019 MOU with Beverly Animal Shelter  |
|         | 198-19 | Authorize Renewal of NMS Lab Contract (2019)  |
|         | 199-19 | Establish Criminal Justice Coordinating Council (CJCC)  |
|         | 200-19 | Authorize Chairman to Sign Software Maintenance Agreement Renewal   |
|         | 201-19 | Authorize Chairman to Sign Agreement with Lexis Nexis Services  |
|         | 202-19 | Authorize Sheriff to Renew Nixle Services   |
| Banach  | 203-19 | Establishing Energy Benchmarking Requirements for Certain Municipal Buildings   |
|         | 204-19 | Authorize Chairman to Sign Contract with New York State Agriculture and Markets   |
|         | 205-19 | Authorize Chairman to Sign Inter-Municipal Agreement with Schuyler County for the use of a 20 Ton Globe Trailer   |
|         | 206-19 | Authorize Chairman to Sign Agreement with Schuyler County and Various Agencies and Municipalities in Yates and Schuyler Counties for the Shared use of a John Deere 85G Excavator   |
| Holgate | 207-19 | Amend General Fund Balance Objective  |
|         | 208-19 | Approve Mortgage Tax Apportionment  |
|         | 209-19 | 2019 Budget Transfers   |
|         | 210-19 | Assign Chairman to be the Authorized Representative Signature-Certify Security Role for the USDA Reconnect Grant Application and Assign Grant Application Administrators  |
|         | 211-19 | Authorize Chairman to Enter Into an Inter-Municipal Agreement with the Town of Milo Concerning Sewer Project  |

- Multer      212-19    Set Date for Public Health on Proposed Local Law 1-19 Entitled a Local Law to Establish the Residency Requirement for the Position of County Historian for the County of Yates County
- 213-19    Amend Resolution 174-19 (Non-Union Salary Schedule)
- 214-19    Appoint Historian (Kataskas)
- 215-19    Authorize Sheriff to Create and Fill Full Time Temporary Correction Officer Position
- 216-19    Authorize Sheriff to Fill Position (Deputy Sheriff)
- 217-19    Authorize Highway Superintendent to Fill Position (Motor Equipment Operator)
- 218-19    Authorize Buildings & Grounds Supervisor to Fill Position (Cleaner)
- 219-19    Amend Resolution No. 169-19 (Part Time Senior Account Clerk Typist)
- 220-19    Authorize Commissioner of DSS to Fill Position (Social Welfare Examiner)
- 221-19    Adopt Summer Hours
- 222-19    Amend Yates County Employee Handbook
- 223-19    Authorize Chairman to Enter Into a Contract Concerning the Provision of Westlaw to the County Attorney
- 224-19    Resolution Opposing the Driver's License Access and Privacy Act Concerning Undocumented Individuals
- 225-19    Approving Stipulation of Settlement
- 226-19    Set Date for Public Hearing for Shared Services Panel
- 227-19    Amend Resolution No. 171-19
- Banach      228-19    Designate Reserved Parking Spaces

**EXECUTIVE SESSION – IF NEEDED**

**AUTHORIZE CHAIRMAN TO EXECUTE SECOND UPSTATE QUALITY IMPROVEMENT AND CASELOAD REDUCTION COMPETITIVE GRANT AND ANY CONTRACT EXTENSIONS RELATING TO THE SECOND UPSTATE QUALITY IMPROVEMENT AND CASELOAD REDUCTION COMPETITIVE GRANT**

WHEREAS, there are funds available to the Yates County Public Defender's Office through competitive grants; and

WHEREAS, in prior years a grant was written titled "Second Upstate Quality Improvement and Caseload Reduction" in the amount of \$298,500.00 of available funds; and

WHEREAS, to access these funds a grant disbursement agreement must be executed by the County by signature of the Chairman of the Legislature for the receipt of the same (hereinafter referred to as the "Second Upstate Quality Improvement/Caseload Reduction GDA"); and

WHEREAS, if the monies are not all used prior to the grant term of July 1, 2017 – June 30, 2020 for expenditures that are reimbursable under the Second Upstate Quality Improvement/Caseload Reduction GDA, applicable contract extension(s) must be submitted to the Office of Indigent Legal Services (ILS) in order to obtain reimbursement for these claims; and

WHEREAS, the time period for claim submittal can only be extended at intervals of one year at a time; and

WHEREAS, multiple extensions may be necessary to submit for claims for monies paid out after June 30, 2020 pursuant to the above recited grant disbursement agreement; and

WHEREAS, in order to shorten the contract extension process to allow the County to be reimbursed for submitted claims more quickly, the Public Defender's Office is requesting authorization to have the Chairman of the Legislature sign any future contract extensions pursuant to the above recited grant disbursement agreement, thus forgoing the necessity of subsequent resolutions in this regard;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature is authorized to execute Second Upstate Quality Improvement and Caseload Reduction GDA as well as any future contract extension time periods, and any other necessary documentation related thereto; and be it further

RESOLVED, that a copy of this resolution be given to the Public Defender, County Administrator, County Treasurer and the Office of Indigent Legal Services (ILS).

**AUTHORIZE CHAIRMAN TO EXECUTE CONTRACT EXTENSIONS RELATING TO THE COUNSEL AT FIRST APPEARANCE COMPETITIVE GRANT**

WHEREAS, there are funds available to the Yates County Public Defender's Office through competitive grants; and

WHEREAS, in prior years a grant was written titled "Counsel At First Appearance" in the amount of \$151,200.00 of available funds; and a grant disbursement agreement was subsequently executed by the County for the receipt of the same (hereinafter referred to as the "Counsel At First Appearance GDA"); and

WHEREAS, the balance remaining pursuant to the Counsel at First Appearance GDA is \$59,609.10, in that prior claims have been paid; and

WHEREAS, in order to submit for reimbursement of monies that have been paid by the County outside of the grant term (June 1, 2013 to May 31, 2016) that are reimbursable under the Counsel At First Appearance GDA, applicable contract extension(s) must be submitted to the Office of Indigent Legal Services (ILS); and

WHEREAS, the time period for claim submittal can only be extended at intervals of one year at a time; and

WHEREAS, the current contract extension would be for the claim submittal time period up to July 31, 2018; and

WHEREAS, multiple extensions are necessary to submit for claims for monies paid out after July 31, 2018 pursuant to the above recited Counsel At First Appearance GDA; and

WHEREAS, in order to shorten the contract extension process to allow the County to be reimbursed for submitted claims more quickly, the Public Defender's Office is requesting authorization to have the Chairman of the Legislature sign any future contract extensions pursuant to the above recited GDA, thus forgoing the necessity of subsequent resolutions in this regard;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature is authorized to execute contract extensions pursuant to the Counsel At First Appearance GDA, and any other necessary documentation related thereto, for the most recent contract extension covering the period up to July 31, 2018, as well as any future contract extension time periods subsequent thereto; and be it further

RESOLVED, that a copy of this resolution be given to the Public Defender, County Administrator, County Treasurer and the Office of Indigent Legal Services (ILS).

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**AUTHORIZE CHAIRMAN TO EXECUTE CONTRACT EXTENSIONS RELATING TO THE DISTRIBUTION 2 NON-COMPETITIVE GRANT**

WHEREAS, there are funds available to the Yates County Public Defender’s Office through competitive grants; and

WHEREAS, in prior years a grant was written titled “Distribution 2” in the amount of \$48,684.00 of available funds; and a grant disbursement agreement was subsequently executed by the County for the receipt of the same (hereinafter referred to as the “Distribution 2 GDA”); and

WHEREAS, the balance remaining pursuant to the Distribution 2 GDA is \$44,627.00, in that prior claims have been paid; and

WHEREAS, in order to submit for reimbursement of monies that have been paid by the County outside of the grant term (June 1, 2012 to May 31, 2015) that are reimbursable under the Distribution 2 GDA, applicable contract extension(s) must be submitted to the Office of Indigent Legal Services (ILS); and

WHEREAS, the time period for claim submittal can only be extended at intervals of one year at a time; and

WHEREAS, the current contract extension would be for the claim submittal time period up to May 31, 2017; and

WHEREAS, multiple extensions are necessary to submit for claims for monies paid out after May 31, 2017 pursuant to the above recited grant disbursement agreement; and

WHEREAS, in order to shorten the contract extension process to allow the County to be reimbursed for submitted claims more quickly, the Public Defender’s Office is requesting authorization to have the Chairman of the Legislature sign any future contract extensions pursuant to the above recited grant disbursement agreement, thus forgoing the necessity of subsequent resolutions in this regard;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature is authorized to execute contract extensions pursuant to the Distribution 2 GDA, and any other necessary documentation related thereto, for the most recent contract extension covering the period up to May 31, 2017, as well as any future contract extension time periods subsequent thereto; and be it further

RESOLVED, that a copy of this resolution be given to the Public Defender, County Administrator, County Treasurer and the Office of Indigent Legal Services (ILS).

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**AUTHORIZE CHAIRMAN TO EXECUTE CONTRACT EXTENSIONS RELATING TO THE  
UPSTATE QUALITY IMPROVEMENT AND CASELOAD REDUCTION COMPETITIVE  
GRANT**

WHEREAS, there are funds available to the Yates County Public Defender's Office through competitive grants; and

WHEREAS, in prior years a grant was written titled "Upstate Quality Improvement and Caseload Reduction" in the amount of \$122,111.00 of available funds; and a grant disbursement agreement was subsequently executed by the County for the receipt of the same (hereinafter referred to as the "Upstate Quality Improvement/Caseload Reduction GDA"); and

WHEREAS, the balance remaining pursuant to the Upstate Quality Improvement/Caseload Reduction GDA is \$91,003.00, in that prior claims have been paid; and

WHEREAS, in order to submit for reimbursement of monies that have been paid by the County outside of the grant term (January 1, 2014 – December 31, 2016) that are reimbursable under the Upstate Quality Improvement/Caseload Reduction GDA, applicable contract extension(s) must be submitted to the Office of Indigent Legal Services (ILS); and

WHEREAS, the time period for claim submittal can only be extended at intervals of one year at a time; and

WHEREAS, the current contract extension would be for the claim submittal time period up to December 31, 2017; and

WHEREAS, multiple extensions are necessary to submit for claims for monies paid out after December 31, 2017 pursuant to the above recited grant disbursement agreement; and

WHEREAS, in order to shorten the contract extension process to allow the County to be reimbursed for submitted claims more quickly, the Public Defender's Office is requesting authorization to have the Chairman of the Legislature sign any future contract extensions pursuant to the above recited grant disbursement agreement, thus forgoing the necessity of subsequent resolutions in this regard;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature is authorized to execute contract extensions pursuant to the Upstate Quality Improvement/Caseload Reduction GDA, and any other necessary documentation related thereto, for the most recent contract extension covering the period up to December 31, 2017, as well as any future contract extension time periods subsequent thereto; and be it further

RESOLVED, that a copy of this resolution be given to the Public Defender, County Administrator, County Treasurer and the Office of Indigent Legal Services (ILS).

**Res. No. 188-19**  
**Motioned By: Bronson**

**Date: May 13, 2019**  
**Seconded By: \_\_\_\_\_**

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**RENEW CONTRACT WITH DUNDEE CHILDREN'S CENTER**

WHEREAS, the Department of Social Services assists with childcare expenses for eligible individuals;

NOW, THEREFORE, BE IT RESOLVED, that contingent upon the approval of the County Attorney, the Chairman of the Legislature and the Commissioner of Social Services are authorized to sign a contract between the Yates County Department of Social Services and Dundee Children's Center for the provision of Childcare at the following rates effective 1/1/19 -12/31/19:

Gross Family Income	Cost per week
Up to \$17,999	\$90
\$18,000-\$27,999	\$105
\$28,000-\$37,999	\$115
\$38,000-\$51,999	\$130
\$52,000 and up	\$150

-2/3 price for additional children.  
Before School-\$35 per week with additional children \$10  
After School- \$62.50 per week with additional children \$41.66  
After 3 year old program-\$62.50 per week and additional children \$41.66 per week.

And, be it further

RESOLVED, that a copy of this resolution be forwarded to the Yates County Treasurer and the Yates County Department of Social Services.

**Res. No. 189-19**  
**Motioned By: Bronson**

**Date: May 13, 2019**  
**Seconded By: \_\_\_\_\_**

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**RENEW CONTRACT WITH CANANDAIGUA DRIVING SCHOOL**

WHEREAS, the Department of Social Services assists with driving instruction for eligible individuals;

NOW, THEREFORE, BE IT RESOLVED, that after the approval of the County Attorney, the Chairman of the Legislature and the Social Services Commissioner are authorized to sign a contract with Canandaigua Driving School for the provision of driver training services to eligible clients of the Department of Social Services for the period July 1, 2019-June 30, 2020 at the rates herein identified:

Driving Lessons	
Pick up within 15 miles of the school	\$65.00
Pick up between 16-20 miles of the school	\$75.00
Pick up between 21-30 miles of the school	\$85.00
Road Test/90 Minute Lesson	
Pick up within 15 miles of the school	\$100.00
Pick up between 16-20 miles of the school	\$110.00
Pick up between 21-30 miles of the school	\$120.00

And, be it further

RESOLVED, that a copy of this resolution be forwarded to the Department of Social Services and the Yates County Treasurer.

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**RENEW RESIDENTIAL SERVICES CONTRACTS  
FROM JULY 1, 2019 - JUNE 30, 2020**

WHEREAS, the Department of Social Services is required to pay for children in foster care;

NOW, THEREFORE, BE IT RESOLVED, that contingent on the approval of the County Attorney, the Chairman of the Legislature and the Social Services Commissioner are authorized to sign contracts for residential services for eligible youth at the amended daily rates as shown below, or as adjusted by OCFS (New York State), and at the following institutions as listed below for the time frame July 1, 2019- June 30, 2020.

Children's Home of Wyoming	Institution	\$329.52
	Emergency	\$348.30
	Group Home	\$331.21/\$260.80
	FBH	\$37.45
	Therapeutic Foster	\$50.74
Cayuga Homes	Group Residence	\$433.76
	Institution (JD enhanced)	\$883.05
	Institution (Emmerson)	\$374.23
	Therapeutic FBH	\$93.47
William George Agency	Institution	\$272.76
	HTP (Sex Off.)	\$389.86
	HTP Special	\$328.62
Glove House	Group Home	\$275.06
	Therapeutic	\$78.00
	FBH	\$31.19
Hillside Children's Center	Institution	\$373.08
	HTP (Horton) Institution	\$366.98
	HTP (Varick) Institution	\$438.24
	HTP (X Systems-Varick)	\$615.00
	Foster Boarding Home	\$37.43
	Therapeutic FB Home	\$87.68
Kinship Family & Youth Services	Therapeutic FB Home	\$45.34
Snell Farms	Institution	\$403.33
Villa of Hope	Institution	\$325.22
	Group Home	\$323.77
	Regular Institution	\$397.80
Vanderheyden Hall	HTP Institution	\$392.80
	Group Home	\$293.28
	Group Home	\$330.87
St. Catherine's	FBH	\$50.19
	Emg. Institution	\$412.78
Northeast Parent & Child Society	Regular GH	\$316.20
	Therapeutic FBH	\$62.43
	Therapeutic FBH	\$88.48
Pathways	Therapeutic FBH	\$88.48
	Regular Agency FBH	\$302.64
	Regular FBH	\$53.16
Toomey Residential Services	Therapeutic FBH	\$55.25

And, be it further

RESOLVED, that copies of this resolution be forwarded to the Yates County Commissioner of Social Services and the Yates County Treasurer.



**Res. No. 191-19**  
**Motioned By: Bronson**

**Date: May 13, 2019**  
**Seconded By: \_\_\_\_\_**

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**REAPPOINTMENT TO THE FINGERLAKES WORKFORCE INVESTMENT BOARD**

WHEREAS, this legislature, by resolution, has authorized the creation of the Finger Lakes Workforce Investment Board for the Counties of Yates, Ontario, Seneca and Wayne in compliance with the Workforce Investment and Opportunity Act (WIOA) of 2014; and

WHEREAS, the Workforce Investment Board members must be appointed by the respective legislative boards; and

WHEREAS, the Executive Director has solicited nominations in accordance with the Law; and

WHEREAS, the Finger Lakes Workforce Investment Board Bylaws state voting members shall be appointed for terms of three (3) years, and that the terms shall be staggered;

NOW, THEREFORE, BE IT RESOLVED, that this Legislature does hereby re-appoint the following representative to the Finger Lakes Workforce Investment Board to fill a three-year term from July 1, 2019 to June 30, 2021.

Bonnie Percy  
Yates County Legislature  
417 Liberty Street  
Penn Yan, NY 14527

And, be it further

RESOLVED, that certified copies of this resolution be sent to Wayne, Ontario and Seneca Counties, the Yates County Department of Social Services, the Finger Lakes Workforce Investment Board, and the aforementioned appointee.

**Res. No. 192-19**  
**Motioned By: Bronson**

**Date: May 13, 2019**  
**Seconded By: \_\_\_\_\_**

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**AUTHORIZE CHAIRMAN TO SIGN AMENDMENT FOR INTER-MUNICIPAL AGREEMENT WITH SCHUYLER COUNTY**

WHEREAS, Schuyler County and Yates County have a current Inter-Municipal Agreement for the purposes of sharing the services of a Director and Deputy Director; and

WHEREAS, when one or both counties have vacancies in non-managerial positions there may present an opportunity for sharing staff to meet the needs of both Counties;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairman of the Legislature is authorized to sign an amended agreement with Schuyler County for the purpose of sharing non-managerial staff such as an emergency preparedness coordinator upon approval of both County Administrators; and be it further

RESOLVED, that copies of this resolution be provided to the Public Health Department, the Acting County Administrator and the County Treasurer.

**Res. No. 193-19**  
**Motioned By: Bronson**

**Date: May 13, 2019**  
**Seconded By: \_\_\_\_\_**

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**AUTHORIZE AGREEMENT RENEWAL WITH THE ARC OF YATES**

WHEREAS, Yates County Community Services wishes to renew their agreement with the ARC of Yates for "Non Six Twenty Services" in an amount not to exceed \$128,152 upon receipt of the Office of People with Developmental Disabilities quarterly advance payments; and

WHEREAS, Yates County wishes to contract with the ARC of Yates for the additional amount of \$5,000 which is from County tax levy dollars; and

WHEREAS, the term of this agreement is January 1, 2019 through December 31, 2019;

NOW, THEREFORE, BE IT RESOLVED, that after review by the County Attorney, the Chairman of the Yates County Legislature and Director of Community Services are authorized to sign the renewal agreement and; be it further

RESOLVED, that a copy of this resolution be sent to Community Services, the Public Health office and the Yates County Treasurer.

**Res. No. 194-19**  
**Motioned By: Bronson**

**Date: May 13, 2019**  
**Seconded By: \_\_\_\_\_**

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**AMENDMENT TO RESOLUTION NO. 3-19**

WHEREAS, Resolution 3-19 authorized signature of agreements for agencies and persons, including Roberta Fisher at an hourly rate of \$82, not to exceed \$3,000 annually; and

WHEREAS, due to a vacancy in the Public Health Department, Ms. Fisher has provided additional consulting hours to complete fiscal work necessary for receipt of OMH, OASAS and OPWDD funding; and

WHEREAS, the services provided by Ms. Fisher for fiscal consultant work are eligible for reimbursement through the state funding agencies;

NOW, THEREFORE, BE IT RESOLVED, that after review by the County Attorney, the Chairman of the Yates County Legislature and Director of Community Services are authorized to sign the amendment to the agreement allowing payment above \$3,000 contingent upon available funds; and be it further

RESOLVED, that a copy of this resolution be sent to Community Services, the Public Health office and the Yates County Treasurer.

**Res. No. 195-19**  
**Motioned By: Church**

**Date: May 13, 2019**  
**Seconded By: \_\_\_\_\_**

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**RECOGNIZE 2019 PEACE OFFICER'S MEMORIAL DAY**

WHEREAS, Congress and the President have designated May 15<sup>th</sup> as Peace Officers Memorial Day during National Police Week, recognizing that law enforcement plays an essential role in safeguarding the rights and freedoms of citizens while members understand their duties, responsibilities, hazards, sacrifices, and duty to serve and safeguard life and property against violence and disorder, and that local law enforcement provides an essential public safety service;

NOW, THEREFORE, BE IT RESOLVED, that this Legislature extends its appreciation to the men and woman of local law enforcement, corrections and public safety related duties on this national

week and observance of May 15<sup>th</sup> where public law 103-322 directs flags at government buildings be at half-staff in observance of this recognition; and be it further

RESOLVED, that copies of this resolution be provided to Sheriff Spike, Supervisor of Buildings and Grounds, and to Presidents of all local Council 82 unions #9875, #086, and #9010.

**Res. No. 196-19**  
**Motioned By: Church**

**Date: May 13, 2019**  
**Seconded By: \_\_\_\_\_**

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**RECOGNIZE 2019 NATIONAL CORRECTIONAL  
OFFICERS' AND EMPLOYEES' WEEK**

WHEREAS, the first full week of May, the 5<sup>th</sup> - 11<sup>th</sup> is recognized as National Correctional Officers' and Employees' Week by President Reagan's proclamation commencing in 1984 to honor the work of correctional officers as peace officers, and correctional personnel working at jails and court houses nationwide guarding, transporting and supervising offenders in the facility, the community, and preparing offenders for their return to their communities are critical to protecting public safety, while related personnel prepare meals, laundry services, education, recreation and related inmate care and custody often working under demanding circumstances facing danger in their daily lives;

NOW, THEREFORE, BE IT RESOLVED that this Legislature joins with the Sheriff and recognizes the contributions made by the men and women who work in our county jail protecting and serving our community 24/7 during this national week and thank them for their essential public service; and be it further

RESOLVED, that a copy of this resolution be provided the Sheriff, and President of the Council 82 #086.

**Res. No. 197-19**  
**Motioned By: Church**

**Date: May 13, 2019**  
**Seconded By: \_\_\_\_\_**

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**AUTHORIZE 2019 MOU WITH BEVERLY ANIMAL SHELTER**

WHEREAS, the Sheriff's Office had sought proposals for disposal of animal carcasses to effect cost efficiencies in the Animal Control budget, and a February 2018 resolution accepted a proposal from Beverly Animal Shelter in Waterloo, NY, and that the said shelter is maintaining their pricing for the 2019 year and the Sheriff desires to renew the MOU;

NOW, THEREFORE, BE IT RESOLVED, the Sheriff and Chairman are authorized upon the approval of the county attorney to sign the contract (MOU); and be it further

RESOLVED, that a copy of this resolution be provided the Sheriff and Treasurer.

**Res. No. 198-19**  
**Motioned By: Church**

**Date: May 13, 2019**  
**Seconded By: \_\_\_\_\_**

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**AUTHORIZE RENEWAL OF NMS LAB CONTRACT (2019)**

WHEREAS, Yates County has a contractual relationship with NMS Labs in Horsham, Pennsylvania for processing toxicology evidentiary samples on Sheriff, PY Police, and Coroner cases; and

WHEREAS, a contract renewal is in order effective January 1, 2019 through December 31, 2019 with said certified lab; and

WHEREAS, all stakeholders in the Yates County criminal justice field using these analyses are pleased with the lab's efficiency, costs and accreditation;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Sheriff (who oversees the Coroners budget administratively, and the STOP DWI Program) is authorized with the

Chairman of Legislature to renew the contract with NMS Labs to perform tests for toxicology services required for investigations or prosecutions; and be it further

RESOLVED, that a copy of the resolution be provided the Sheriff, District Attorney, and the Treasurer.

**Res. No. 199-19**  
**Motioned By: Church**

**Date: May 13, 2019**  
**Seconded By: \_\_\_\_\_**

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**ESTABLISH CRIMINAL JUSTICE COORDINATING COUNCIL (CJCC)**

WHEREAS, Resolution 25-18 recognized the National Institute of Corrections jail and justice system assessment and called for the creation of a CJCC and described its purpose and mission; and

WHEREAS, an advisory council such as a CJCC can assist the County in making informed decisions relative to its criminal justice system's needs; and

WHEREAS, Resolution 146-18 established the Criminal Justice Coordination Council, with members from ten (10) areas involved with Criminal Justice; and

WHEREAS, it is advantageous to include a representative of local magistrates, as they have very early contact with defendants;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature and the Sheriff are supported to create the Criminal Justice Coordinating Council (CJCC) with Chairman's appointment of representatives from the Legislature, Sheriff's Office, County Judge, Local Magistrates, District Attorney's Office, County Administrator's Office, Public Defender's Office, Probation Department, Community Services Department, Jail Ministry, the Penn Yan Police Department, and citizens at-large; and be it further

RESOLVED, that Resolution 146-18 is hereby abolished; and be it further

RESOLVED, that copies of this Resolution and Resolution 25-18 be provided to the entities herein noted in earlier paragraph.

**Res. No. 200-19**  
**Motioned By: Church**

**Date: May 13, 2019**  
**Seconded By: \_\_\_\_\_**

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**AUTHORIZE CHAIRMAN TO SIGN SOFTWARE MAINTENANCE AGREEMENT  
RENEWAL**

WHEREAS, the Yates County Probation Department operates the computer software program Caseload Explorer, owned by AutoMon Corporation and requires an annual agreement for software maintenance;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairman is authorized to sign the Software Maintenance Agreement for one year beginning July 20, 2019 at a cost of \$6,370.02; and be it further

RESOLVED, that a copy of this resolution be sent to the Probation Director.

**Res. No. 201-19**  
**Motioned By: Church**

**Date: May 13, 2019**  
**Seconded By: \_\_\_\_\_**

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**AUTHORIZE CHAIRMAN TO SIGN AGREEMENT WITH LEXIS NEXIS SERVICES, a  
division of Relx Inc. (Ln)**

WHEREAS, the District Attorney is required to conduct legal research in the furtherance of the official duties of the Office of the District Attorney, to respond to, file, and argue motions, appeals, and to fulfill the ethical requirements of said office to be aware of changes in the Laws of the State of New York and the United States, and to fulfil the duty as legal advisor to Law Enforcement in the County of Yates; and

WHEREAS, the District Attorney wishes to retain the services of **LexisNexis, a Division of Relx, Inc.** and to enter into a written agreement for those purposes at a cost of:

- a. \$0.00 from 5/9/2019 – 6/30/2019
- b. A monthly fee of \$159.00 from 7/1/2019 – 6/30/2020
- c. A monthly fee of \$163.77 from 7/1/2020 – 6/30/2021
- d. A monthly fee of \$168.68 from 7/1/2021 – 6/30/2022

And

WHEREAS, the County requires that payment for the provision of these continuing services be under a written contractual agreement; and

WHEREAS, the County resolves to waive the general liability insurance requirement;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature and the District Attorney are authorized to sign such contract; and be it further

RESOLVED, that the District Attorney and the Treasurer be provided with a copy of this resolution.

**Res. No. 202-19**  
**Motioned By: Church**

**Date: May 13, 2019**  
**Seconded By: \_\_\_\_\_**

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**AUTHORIZE SHERIFF TO RENEW NIXLE SERVICES**

NOW, THEREFORE, BE IT RESOLVED, that the Sheriff and the Chairman are authorized to renew the \$2,703.75 annual agreement effective April 1, 2019 with Everbridge, Inc. the provider of Nixle secure communication service for Yates County 911 dispatch to disseminate via text and email, etc. community and safety alert social media information for the benefit of county residents; and be it further

RESOLVED, that a copy of this resolution be provided the Treasurer, OEM Director and Sheriff.

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**ESTABLISHING ENERGY BENCHMARKING REQUIREMENTS FOR  
CERTAIN MUNICIPAL BUILDINGS**

WHEREAS, buildings are the single largest user of energy in the State of New York. The poorest performing buildings typically use several times the energy of the highest performing buildings—for the exact same building use; and

WHEREAS, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the County of Yates is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

WHEREAS, the Yates County Legislature desires to use Building Energy Benchmarking - a process of measuring a building's energy use, tracking that use over time, and comparing performance to similar buildings - to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in Yates County; and

WHEREAS, the Yates County Legislature desires to establish procedure or guideline for Yates County staff to conduct such Building Energy Benchmarking;

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the following specific policies and procedures are hereby adopted;

**BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES**

**§1. DEFINITIONS**

(A) "Benchmarking Information" shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(B) "Building Energy Benchmarking" shall mean the process of measuring a building's Energy use, tracking that use over time, and comparing performance to similar buildings.

(C) "Supervisor" shall mean the head of the Department.

(4) "Covered Municipal Building" shall mean a building or facility that is owned or occupied by the County of Yates that is 1,000 square feet or larger in size.

(5) "Department" shall mean the Yates County Buildings and Grounds.

(6) "Energy" shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(7) "Energy Performance Score" shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(8) "Energy Use Intensity (EUI)" shall mean the kBTUs (1,000 British Thermal Units) used per square foot of gross floor area.

(9) “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(11) “Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(12) “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(13) “Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

## **§2. APPLICABILITY**

(1) This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.

(2) The Supervisor may exempt a particular Covered Municipal Building from the benchmarking requirement if the Supervisor determines that it has characteristics that make benchmarking impractical.

## **§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS**

(1) No later than May 1, 2019, and no later than May 1 every year thereafter, the Supervisor or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Supervisor or his or her designee from the Department shall begin inputting data in the following year.

## **§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION**

(1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) no later than September 1, 2019 and by September 1 of each year thereafter for Covered Municipal Buildings; and

(2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

(a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

(b) For each Covered Municipal Building individually:

(i) The status of compliance with the requirements of this Policy; and

(ii) The building address, primary use type, and gross floor area; and

(iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and

(iv) A comparison of the annual summary statistics (as required by Section 5(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

## **§5. MAINTENANCE OF RECORDS**

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

## **§6. ENFORCEMENT AND ADMINISTRATION**

(1) The Supervisor or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.

(2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.

(3) Thirty days prior to each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Yates County Legislature including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Supervisor determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

**§7. EFFECTIVE DATE**

This policy shall be effective immediately upon passage.

**§8. SEVERABILITY**

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

**Res. No. 204-19**

**Date: May 13, 2019**

**Motioned By: Banach**

**Seconded By: \_\_\_\_\_**

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**AUTHORIZE CHAIRMAN TO SIGN CONTRACT WITH NEW YORK STATE  
AGRICULTURE AND MARKETS**

WHEREAS, the Weights and Measures Department participates in a program to inspect and sample fuel at retail fuel outlets; and

WHEREAS, the Weights and Measures Director has received a proposal from NYS Agriculture and Markets to provide this service;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairman of the Legislature is authorized to enter into a contract with NYS Agriculture and Markets to inspect and sample fuel at retail fuel outlets; and be it further

RESOLVED, that said contract will run from 4/1/19 to 3/31/24 for revenue amount of \$5,880 for the term of the contract; and be it further

RESOLVED, that copies of this resolution be provided to the Weights and Measures Director, Building Maintenance Supervisor and County Treasurer.

**Res. No. 205-19**

**Date: May 13, 2019**

**Motioned By: Banach**

**Seconded By: \_\_\_\_\_**

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**AUTHORIZE CHAIRMAN TO SIGN INTERMUNICIPAL AGREEMENT WITH SCHUYLER  
COUNTY FOR THE USE OF A 20 TON GLOBE TRAILER**

WHEREAS, Yates County has acquired a 20 Ton Globe trailer in the amount of \$22,994.00 to transport a John Deere 85G excavator that will be shared between Yates and Schuyler Counties, and

WHEREAS, Schuyler County has agreed to contribute (40%) forty percent of such total cost, in the amount of \$9,197.60 and will need to use the Globe trailer to transport the shared John Deere 85G excavator between the two Counties,



NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Yates County Legislature is authorized to sign an Inter-municipal Agreement with Schuyler County for the use of such trailer; and be it further

RESOLVED, that a copy of this resolution be forward to the Yates County Highway Superintendent and the Schuyler County Highway Superintendent.

**Res. No. 206-19**  
**Motioned By: Banach**

**Date: May 13, 2019**  
**Seconded By: \_\_\_\_\_**

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**AUTHORIZE CHAIRMAN TO SIGN AGREEMENT WITH SCHUYLER COUNTY AND VARIOUS AGENCIES AND MUNICIPALITIES IN YATES AND SCHUYLER COUNTIES FOR THE SHARED USE OF A JOHN DEERE 85G EXCAVATOR**

WHEREAS, Yates County has acquired a John Deere 85G excavator with a State and Municipal (SAM) grant from Assemblyman Philip Palmesano; and

WHEREAS, Assemblyman Palmesano desires that the excavator be shared with Schuyler County and other agencies and municipalities within each county;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Yates County Legislature is authorized to sign an agreement with Schuyler County and participating agencies and municipalities within Yates and Schuyler counties; and be it further

RESOLVED, that a copy of this resolution be forward to the Yates County Highway Superintendent, Schuyler County Highway Superintendent and all participating, signatory agencies and municipalities.

**Res. No. 207-19**  
**Motioned By: Holgate**

**Date: May 13, 2019**  
**Seconded By: \_\_\_\_\_**

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**AMEND GENERAL FUND BALANCE OBJECTIVE**

WHEREAS, Resolution 191-03 adopted the Yates County General Fund Balance Objective; and

WHEREAS, Resolution 169-17 updated the levels of unrestricted fund balance in the policy; and

WHEREAS, the Yates County Legislature wishes to correct Resolution 169-17 to refer to the level of unassigned fund balance, instead of the unrestricted fund balance;

NOW, THEREFORE, BE IT RESOLVED that the third paragraph in the resolution be modified to read:

“NOW, THEREFORE, BE IT RESOLVED, that the Legislature hereby adopts a fiscal policy that will meet specific targets for ensuring accounting and fiscal stability taking into account risk factors such as the predictability of future revenues, the volatility of expenditures, exposure to significant one-time outlays, legal claims and liquidity concerns as follows:

1. Fund balance size and stability are important factors to credit markets when they determine the credit rating of Yates County debt instruments, which in turn affects the interest rate that taxpayers must pay for borrowed funds for many years.
2. An adequate fund balance enables the County to respond to unforeseen negative events and to level out the impact of those events on taxpayers and service-delivery recipients.
3. An adequate fund balance makes possible a cash position that is viewed by credit markets as healthy and avoids unnecessary staff time for accounting.
4. Adequate fund balance avoids the costs of borrowing and generates interest earnings.

5. Adequate fund balance provides sufficient cash flow for daily financial needs and to offset significant economic downturns or revenue shortfalls.
6. The County will strive to maintain an unassigned fund balance in the General Fund with a lower level of \$7.5 million to ensure the orderly operation of County government and the continued provision of services.
7. To the extent that the General Fund unassigned fund balance exceeds \$12 million, the balance may be utilized to fund capital expenditures or pay down outstanding County debt.”

And, be it further

RESOLVED, that a copy of this resolution be forwarded to the County Treasurer.

**Res. No. 208-19**  
**Motioned By: Holgate**

**Date: May 13, 2019**  
**Seconded By: \_\_\_\_\_**

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**APPROVE MORTGAGE TAX APPORTIONMENT**

WHEREAS, this Legislature is in receipt of the Mortgage Tax Report showing the amounts to be credited to each tax district of the County, of the money collected during the period October 1, 2018 to March 31, 2019;

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 53 of the Tax Law, this Legislature issue a Tax Warrant for the payment to the respective tax districts of the amounts so credited and authorize and direct the County Treasurer to make payments of said amounts so credited and to the respective districts in accordance with the report:

Total Tax Collected	\$236,242.53
Recording Officer’s Expense	\$15,133.93
Treasurer’s Expense	
Interest Received	\$64.99
Adj and refunds	
Net amount of Distribution	\$221,173.59

Town	Net After	To Towns	Village	To Village	Total
Barrington	\$16,757.31	\$16,757.31			\$16,757.31
Benton	\$23,928.06	\$22,373.31	Penn Yan	\$1,554.75	\$23,928.06
Italy	\$7,671.34	\$7,671.34			\$7,671.34
Jerusalem	\$54,065.87	\$53,821.22	Penn Yan	\$244.65	\$54,065.87
Middlesex	\$12,527.01	\$12,527.01			\$12,527.01
Milo	\$52,004.53	\$34,995.89	Penn Yan	\$17,008.64	\$52,004.53
Potter	\$11,650.09	\$10,837.22	Rushville	\$812.87	\$11,650.09
Starkey	\$26,232.52	\$22,381.95	Dundee	\$3,850.57	\$26,232.52
Torrey	<u>\$16,336.86</u>	<u>\$15,709.31</u>	Dresden	<u>\$627.55</u>	<u>\$16,336.86</u>
	\$221,173.59	\$197,074.57		\$24,099.02	\$221,173.59

**Res. No. 209-19**  
**Motioned By: Holgate**

**Date: May 13, 2019**  
**Seconded By: \_\_\_\_\_**

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**2019 BUDGET TRANSFERS**

BE IT RESOLVED, that the following transfers be made in the 2019 budget:

From:	To:	Amount:
A1170.54654 PD-Mileage	A1170.51661 PD-Comp Time B/O	\$ 5.05
D3310.54601 HWY-Appl Traff	D5010.54156 HWY-Training	\$ 30.00
D3310.54601 HWY-Appl Traff	D5010.54470 HWY-Office Supplies	\$ 342.50
D3310.54601 HWY-Appl Traff	D5112.54634 HWY-Hydroseed	\$ 600.20

And, be it further

RESOLVED, that copies of this resolution be given to the Treasurer/Budget Officer, Public Defender and the Highway Superintendent.

**Res. No. 210-19**  
**Motioned By: Holgate**

**Date: May 13, 2019**  
**Seconded By: \_\_\_\_\_**

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**ASSIGN CHAIRMAN TO BE THE AUTHORIZED REPRESENTATIVE SIGNATURE-  
CERTIFY SECURITY ROLE FOR THE USDA RECONNECT GRANT APPLICATION AND  
ASSIGN GRANT APPLICATION ADMINISTRATORS**

WHEREAS, Yates County desires to apply for financial assistance through the 2019 United States Department of Agriculture ReConnect grant process; and

WHEREAS, the USDA requires that a specific person be named to the Authorized Representative Signature-Certify Security Role in order to initiate the application process; and

WHEREAS, the requirements also include selecting specific Application Administrators;

NOW, THEREFORE, BE IT RESOLVED, Douglas Paddock, the Legislative Chairman of the County of Yates, has the assigned Representative Signature-Certify Security Role on behalf of the County of Yates, who shall be responsible for entering/updating an application, providing signatures, authorizing certifications, submitting the application for consideration and assigning access to new users in USDA's ReConnect Program Online Application System; and be it further

RESOLVED, that Winona Flynn, Acting County Administrator and Daniel R. Long, County Planner, have the assigned Administrators security role on behalf of the County of Yates, who shall be responsible for entering/updating an application and assigning access to new users in USDA's ReConnect Program Online Application System; and be it further

RESOLVED, that the Representative Signature-Certifier and Administrators for the County of Yates shall comply fully with all security procedures and policies of the ReConnect Program Online Application System; and be it further

RESOLVED, that copies of this resolution be provided to Hunt Engineers, County Administrator, Treasurer, Budget Officer and the Planner.

**Res. No. 211-19**  
**Motioned By: Holgate**

**Date: May 13, 2019**  
**Seconded By: \_\_\_\_\_**

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**AUTHORIZE CHAIRMAN TO ENTER INTO AN INTER-MUNICIPAL AGREEMENT WITH THE TOWN OF MILO CONCERNING SEWER PROJECT**

WHEREAS, Yates County (hereinafter referred to as the “County”) has secured a grant from the New York State Department of Transportation (hereinafter referred to as “NYSDOT”) to pay \$421,200.00 of the costs incurred in the following project: extension of sanitary sewer service to Penn Yan-Yates County Airport (hereinafter referred to as the “Airport”) and supporting aviation businesses, including the design and construction of various sewer infrastructure and related improvements as more fully delineated in the applicable Aviation Project Funding Agreement executed between the County and NYSDOT (said project hereinafter referred to as the “Airport Sewer Extension Project” and said grant hereinafter referred to as the “NYSDOT Grant”); and

WHEREAS, the Town of Milo (hereinafter referred to as the “Town”) has secured a grant from the Dormitory Authority of the State of New York (hereafter referred to as “DASNY”) to pay \$450,000.00 of the costs incurred in the following project: the extension of the Town’s existing sewer collection system to provide sewer service to a proposed new sewer district along Bath Road and Airport Drive, serving various residential and commercial properties in the vicinity of the Airport, which includes the above recited Aviation Sewer Extension Project, all as more fully delineated in the applicable DASNY Grant Agreement executed between the Town and DASNY (said project hereinafter collectively referred to as the “Sewer Project” and said grant hereinafter referred to as the “DASNY Grant”); and

WHEREAS, it is in the mutual interests of the County and Town that the above recited projects be implemented; and

WHEREAS, Article 5 – G of the General Municipal Law empowers municipal corporations to enter into inter-municipal agreements for the performance among themselves or one for the other of their respective functions, powers and duties on a cooperative basis;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairman is hereby authorized to execute an inter-municipal agreement on behalf of the County with the Town concerning the Sewer Project, wherein the County would be contributing its NYSDOT Grant and the Town would be contributing its DASNY Grant, with said inter-municipal agreement containing any other provisions approved by the County Attorney; and be it further

RESOLVED that copies of this resolution be sent to the County Treasurer and Town of Milo.

**Res. No. 212-19**  
**Motioned By: Multer**

**Date: May 13, 2019**  
**Seconded By: \_\_\_\_\_**

**SET DATE FOR PUBLIC HEARING ON PROPOSED LOCAL LAW 1-19 ENTITLED A LOCAL LAW TO ESTABLISH THE RESIDENCY REQUIREMENT FOR THE POSITION OF COUNTY HISTORIAN FOR THE COUNTY OF YATES**

RESOLVED, that the Clerk of the Yates County Legislature is directed to advertise a public hearing on proposed local law 1-19 entitled A Local Law To Establish The Residency Requirement For The Position Of County Historian For the County of Yates; and be it further

RESOLVED, said public hearing shall be held June 10, 2019 at 1:15 p.m. in the Yates County Legislative Chambers, 417 Liberty St., Penn Yan, NY

**NEW YORK STATE DEPARTMENT OF STATE**  
**Local Law Filing** **162 WASHINGTON AVENUE,**  
**ALBANY, NY 12231 (Use this form to file a local law with the Secretary of State.)**

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underling to indicate new matter.

**County of Yates**  
**City**  
**Town**  
**Village**

**LOCAL LAW 1 -19 ENTITLED:**

**A LOCAL LAW TO ESTABLISH THE RESIDENCY REQUIREMENT FOR THE POSITION  
OF COUNTY HISTORIAN FOR THE COUNTY OF YATES**

**Be it enacted by the Legislature of the**

**County of Yates as follows:**

**City**  
**Town**  
**Village**

Section 1: Legislative Intent

The intent of this local law is to define the residency requirement as it pertains to the following public officer: County Historian. It is the intent of this local law to supersede the provisions of New York State Public Officers Law Section 3(1) with respect to said public officer.

Section 2: Residency Requirement: County Historian

The provisions of Section 3(1) of the New York State Public Officers Law requiring a person to be a resident of the political subdivision or municipal corporation of the state for which he or she shall be chosen or within which his or her official functions are required to be exercised, shall not prevent a person from holding the office of County Historian for the County of Yates, provided that such person resides in Yates County or an adjoining county within the State of New York.

Section 3: Separability

If any clause, sentence, paragraph or section of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph or section directly involved in the controversy in which judgment shall have been rendered.

Section 4: Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

**Res. No. 213-19**  
**Motioned By: Multer**

**Date: May 13, 2019**  
**Seconded By: \_\_\_\_\_**

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**AMEND RESOLUTION 174-19**  
**(Non-Union Salary Schedule)**

WHEREAS, under the New York Judiciary Law § 183-a. Compensation of certain district attorneys if a County has a population between 100,000 and 500,000, or the District Attorney is a full time position, the County's District Attorney's salary must be equal to or greater than the County Court Judge; and

WHEREAS, the Commission on Legislative, Judicial and Executive Compensation recommended in 2015 that if a County employed a District Attorney and he/she met the criteria, his/her salary would be tied to the County Court Judge's salary which is based off of 95% of the Supreme Court Justice salary which was increased to \$210,900 for 2019, causing the District Attorney's salary to increase from \$197,600 to \$200,400 effective April 1<sup>st</sup>, 2019;

NOW THEREFORE BE IT RESOLVED, that effective April 1<sup>st</sup>, 2019 “District Attorney...\$197,600” be changed to “District Attorney...\$200,400; and be it further

RESOLVED, that copies of this resolution be given to the Acting County Administrator, District Attorney, Personnel Officer and Treasurer.

**Res. No. 214-19**  
**Motioned By: Multer**

**Date: May 13, 2019**  
**Seconded By: \_\_\_\_\_**

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**APPOINT HISTORIAN  
(KATASKAS)**

WHEREAS, the Historian position has been vacant since November 2016; and

WHEREAS, Section 400(1.4.a), of the New York State County Law requires the appointment of a County Historian; and

WHEREAS, a committee consisting of the Acting County Administrator, Clerk of the Legislature, Chairman of Government Ops, Chairman of the Legislature, Records Management Officer and the Sheriff interviewed candidates and made a recommendation to this Legislature regarding the filling of the position; and

WHEREAS, the estimated annual cost to the County to fill the position on a part-time basis, working 20 hours a week, is \$25,173 which includes fringe benefits;

NOW, THEREFORE, BE IT RESOLVED, that Leonard Kataskas is hereby appointed as the Yates County Historian effective May 20, 2019; and be it further

RESOLVED, that the Acting County Administrator will be the Supervising Authority for day-to-day administrative matters, while the Government Operations Committee will be the Legislative Committee of jurisdiction; and be it further

RESOLVED, that the County Historian will report to the Government Operations Committee on a quarterly basis; and be it further

RESOLVED, that copies of this resolution be given to Mr. Kataskas, the Acting County Administrator, Personnel Officer and Treasurer.

**Res. No. 215-19**  
**Motioned By: Multer**

**Date: May 13, 2019**  
**Seconded By: \_\_\_\_\_**

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**AUTHORIZE SHERIFF TO CREATE AND FILL FULL TIME TEMPORARY CORRECTION OFFICER POSITION**

WHEREAS, the Sheriff is requesting to fill a full time temporary Corrections Officer position due to multiple full-time Correction Officer position vacancies that are currently being staffed through overtime; and

WHEREAS, due to pre-employment requirements, the Civil Service eligible list is almost exhausted making it so there isn't an active list available for the Sheriff to make a permanent full time appointment from; and

WHEREAS, the approximate cost to create the position is \$20,823 which includes fringe benefits; and

WHEREAS, a budget transfer will be made from a current budget line that is to cover the cost of the newly created position, however, there will be no net increase to the budget for creating and filling this temporary position;

NOW, THEREFORE, BE IT RESOLVED, that effective May 13<sup>th</sup>, 2019 a temporary full time Correction Officer position is hereby created for up to six (6) months, unless the appointment is ended sooner by the Sheriff; and be it further

RESOLVED, that copies of this resolution shall be provided the Sheriff, Personnel Officer and County Administrator.

**Res. No. 216-19**  
**Motioned By: Multer**

**Date: May 13, 2019**  
**Seconded By: \_\_\_\_\_**

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**AUTHORIZE SHERIFF TO FILL POSITION  
(DEPUTY SHERIFF)**

WHEREAS, a Deputy Sheriff vacancy was recently created on April 22, 2019 as the result of a resignation; and

WHEREAS, the Sheriff through the vacancy review process has identified the continued need for the Deputy Sheriff position and is requesting that the position be filled; and

WHEREAS, the estimated annual cost to fill the position is \$76,398 which includes fringe benefits;

NOW, THEREFORE, BE IT RESOLVED, that, effective May 13<sup>th</sup> 2019, the Sheriff is hereby approved to fill a Deputy Sheriff position; and be it further

RESOLVED, that copies of this Resolution be given to the Sheriff, Personnel Officer and Acting County Administrator.

**Res. No. 217-19**  
**Motioned By: Multer**

**Date: May 13, 2019**  
**Seconded By: \_\_\_\_\_**

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**AUTHORIZE HIGHWAY SUPERINTENDENT TO FILL POSITION  
(MOTOR EQUIPMENT OPERATOR)**

WHEREAS, a Motor Equipment Operator vacancy will be created as a result of an upcoming retirement to be effective June 30<sup>th</sup>, 2019; and

WHEREAS, the Highway Superintendent through the vacancy review process has identified the continued need for the Motor Equipment Operator position and is requesting that the position be filled; and

WHEREAS, the estimated annual cost to fill the position is \$68,116 which includes fringe benefits;

NOW, THEREFORE, BE IT RESOLVED, that effective July 1<sup>st</sup>, 2019, the Highway Superintendent is hereby approved to fill the Motor Equipment Operator position; and be it further

RESOLVED, that copies of this resolution be given to the Highway Superintendent, Personnel Officer, Acting County Administrator, and Treasurer.

**Res. No. 218-19**  
**Motioned By: Multer**

**Date: May 13, 2019**  
**Seconded By: \_\_\_\_\_**

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**AUTHORIZE BUILDING AND GROUNDS SUPERVISOR TO FILL POSITION  
(CLEANER)**

WHEREAS, a Cleaner vacancy will be created as a result of an upcoming retirement to be effective May 31<sup>st</sup>, 2019; and

WHEREAS, the Building and Grounds Supervisor through the vacancy review process has identified the continued need for the Cleaner position and is requesting that the position be filled; and

WHEREAS, the estimated annual cost to fill the position is \$47,216 which includes fringe benefits;

NOW, THEREFORE, BE IT RESOLVED, that effective June 1<sup>st</sup>, 2019 the Building and Grounds Supervisor is hereby approved to fill the Cleaner position; and be it further

RESOLVED, that copies of this Resolution be given to the Building and Grounds Supervisor, Acting County Administrator, Personnel Officer, and Treasurer.

**Res. No. 219-19**  
**Motioned By: Multer**

**Date: May 13, 2019**  
**Seconded By: \_\_\_\_\_**

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**AMEND RESOLUTION NO. 169-19  
(PART TIME SENIOR ACCOUNT CLERK TYPIST)**

WHEREAS, Resolution 169-19 was adopted on April 8, 2019 approving the filling of a part-time Senior Account Clerk Typist position; and

WHEREAS, the Director of Public Health through the vacancy review process and continued assessment of work duties and job descriptions has identified the ability to promote an existing employee from an Account Clerk Typist position to Senior Account Clerk Typist; and

WHEREAS, the duties for the position of Account Clerk Typist could thus be filled on a part time basis; and

WHEREAS, the estimated annual cost to fill the part time Account Clerk Typist position is \$14,663 which includes fringe benefits; and

WHEREAS, Public Health will be reimbursed 80% or \$10,662 for the cost of wages for the part time Account Clerk Typist position making the actual cost to the County \$4,001; and

WHEREAS, the estimated annual cost to fill the full time Senior Account Clerk Typist position is \$52,089 which includes fringe benefits; and

WHEREAS, Public Health will be reimbursed \$8,000 from NY State for the full time Senior Account Clerk Typist position; and

NOW, THEREFORE, BE IT RESOLVED, that effective May 13, 2019, the Public Health Director is authorized to fill a full-time Senior Account Clerk Typist position and fill a part-time Account Clerk Typist position; and be it further

RESOLVED, that copies of this resolution be provided to the Public Health Director, Personnel Officer, and Acting County Administrator.



**AUTHORIZE COMMISSIONER OF DSS TO FILL POSITION  
(SOCIAL WELFATE EXAMINER)**

WHEREAS, a Social Welfare Examiner vacancy will be created effective May 30<sup>th</sup>, 2019 as a result of a retirement; and

WHEREAS, the DSS Commissioner through the vacancy review process has identified the continued need for the Social Welfare Examiner position and is requesting that the position be filled; and

WHEREAS, the estimated annual cost to fill the position is \$47,991 which includes fringe benefits; with the 100% reimbursement for Medicaid Administration the total cost to the County will be \$0; and

WHEREAS, per Article 5, Section 3 of the CSEA CBA if an employee has prior experience in similar work he/she may be hired at the step one rate of pay as opposed to the start rate; and

WHEREAS, if applicable the DSS Commissioner is authorized to offer the position at the step one rate of pay at an estimated annual cost of \$49,117 which includes fringe benefits; with the 100% reimbursement for Medicaid Administration the total cost to the County will be \$0;

NOW, THEREFORE, BE IT RESOLVED, that effective May 13<sup>th</sup>, 2019, the Commissioner of Social Service is hereby approved to fill a Social Welfare Examiner position; and be it further

RESOLVED, that the DSS Commissioner is also authorized to fill any subsequent vacancies that occur through promotion of an employee into the vacant position, if applicable; and be it further

RESOLVED, that copies of this Resolution be given to the Commissioner of Social Services, Personnel Officer, County Administrator and Treasurer.

**ADOPT SUMMER HOURS**

WHEREAS, County Law Article 5: General Power of Board of Supervisors Section 206 Hours of Work and Office Hours states that the County may fix any hours it wants, but if the County does not fix the hours then the offices of the County Clerk, County Treasurer, Clerk of the Board of Supervisors and the Civil Office of the Sheriff shall be open for business from at least 9:00 a.m. – 5:00 p.m. and during the months of July and August these offices shall be kept open from at least 9:00 a.m. – 4:00 p.m.; and

WHEREAS, historically the summer hours for the County offices outlined in County Law Article 5 and any other department/office that also adheres to this law have worked 8:30 a.m. – 4:30 p.m. during the months of July and August; and

WHEREAS, the County Legislature acknowledges there is an added value to County employees for getting out of work earlier during the summer months; and

WHEREAS, the County Legislature recognizes the value of County employees and as a result wants to extend summer hours to include the month of June;

NOW, THEREFORE BE IT RESOLVED, that effective June 1, 2019 the offices of the County Clerk, County Treasurer, Clerk of the Board of Supervisors and the Civil Office of the Sheriff will observe summer hours for the month of June in addition to July and August between 8:30 a.m. – 4:30 p.m.; and be it further

RESOLVED, that additional departments/offices within Yates County government will observe the same summer hours during the month of June in addition to July and August, unless otherwise specified, and be it further

RESOLVED, that copies of this Resolution be given to all Yates County employees.

**Res. No. 222-19**  
**Motioned By: Multer**

**Date: May 13, 2019**  
**Seconded By: \_\_\_\_\_**

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**AMEND YATES COUNTY EMPLOYEE HANDBOOK  
(Yates County Employee Handbook)**

WHEREAS, Resolution 173-19 adopted the Yates County Employee Handbook; and

WHEREAS, certain portions are in need of modification in order to reflect the recent change in summer hours, the responsibility of the Legislature to designate reserved parking spaces and the recognition that employees' Sick Leave may be used to address immediate family members' situations;

NOW, THEREFORE, BE IT RESOLVED, that effective May 13<sup>th</sup>, 2019 "June" be added at the end of the Table in Paragraph 401.1, indicating that June, as well as July and August, are months in which Summer Hours will be observed; and be it further

RESOLVED, that wording be inserted in Paragraph 421.3.D, stating, "**Reserved Parking** – Additional reserved parking spaces may be designated by action of the Legislature after receiving a request from a Supervising Authority/Department Head and subsequent approval by the Supervisor of Buildings and Grounds and Public Works Committee. The Supervisor of Buildings and Grounds shall maintain a list and map of designated reserved parking spaces." and former Paragraphs D and E be designated as E and F; and be it further

RESOLVED, that wording be inserted in Paragraph 421.5.H, stating, "In spaces designated as Reserved." and former Paragraphs H – L be designated as I – M; and be it further

RESOLVED, that, in Paragraph 703.6, "and/or an immediate family member's" be inserted between "personal" and "illness"; and be it further

RESOLVED, that the revised Employee Handbook be made available to all County employees by means of the Intranet; and be it further

RESOLVED, that a copy of this resolution be forwarded to all Yates County Employees.

**Res. No. 223-19**  
**Motioned By: Multer**

**Date: May 13, 2019**  
**Seconded By: \_\_\_\_\_**

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**AUTHORIZE CHAIRMAN TO ENTER INTO A CONTRACT CONCERNING THE  
PROVISION OF WESTLAW TO THE COUNTY ATTORNEY**

WHEREAS, during his tenure, the County Attorney has utilized the online research database commonly known as "Westlaw" for the purposes of conducting legal research; and

WHEREAS, Westlaw is provided by West Publishing Corporation, aka Thomson Reuters, aka Thomson Reuters – West; and

WHEREAS, circumstances dictate that a new contract concerning the utilization of Westlaw by the County Attorney is needed;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman, upon approval of the County Attorney, is hereby authorized to execute a contract on behalf of the County with West Publishing Corporation, aka Thomson Reuters, aka Thomson Reuters - West for the provision of Westlaw to the County Attorney, upon the following material terms: Westlaw Product – West Proflex, Minimum Term and Charge – 12 months @ \$264.00 per month, as well as execute all other appropriate and necessary documents related to such contract; and be it further

RESOLVED, that the County’s general liability insurance requirement is hereby waived with respect to said contract; and be it further

RESOLVED, that copies of this resolution be given to the County Attorney.

**Res. No. 224-19**  
**Motioned By: Multer**

**Date: May 13, 2019**  
**Seconded By: \_\_\_\_\_**

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**RESOLUTION OPPOSING THE DRIVERS LICENSE ACCESS AND PRIVACY ACT  
CONCERNING UNDOCUMENTED INDIVIDUALS**

WHEREAS, holding a driver’s license in New York State is a privilege, not a right; and

WHEREAS, the granting of a driver’s license is a privilege for people who have followed the law and have proven themselves capable of operating an automobile; and

WHEREAS, this legislature supports current statutes that authorize the issuance of driver’s licenses to eligible individuals who enter the country in accordance with laws of the United States of America and New York State; and

WHEREAS, a bill known as the “Driver’s License Access and Privacy Act” has been introduced in the New York State Senate (S.1747) and the New York Assembly (A.3675) which if enacted into law, would permit undocumented individuals who are present in the United States of America illegally under federal law to obtain a driver’s license; and

WHEREAS, New York State presently suspends or revokes driver’s licenses for various illegal acts, including non-payment of child support, delinquent taxes, and refusal to submit to a breathalyzer, yet this Act would reward illegal entry into the United States with a driver’s license; and

WHEREAS, adoption of the Act would create unacceptable security risks because:

- There is no guarantee the identity of undocumented individuals can be properly verified by the State of New York if the federal government has not issued a green card or visa, and the Act’s proposed privacy protections may frustrate federal immigration enforcement efforts; and
- Local Department of Motor Vehicles (DMV) offices do not have the expertise needed to determine the authenticity of foreign birth certificates, foreign passports, consular cards or to verify evidence of an undocumented individual’s residency in the state; and
- Driver licenses can be used to obtain additional official identification documents intended only for United States citizens; and
- The Act would eliminate the NYS DMV’s 2002 requirement that Social Security Numbers be verified with the Social Security Administration to confirm an applicant’s full identity when obtaining a standard driver’s license or non-driver ID, which requirement has led to the discovery

of massive amounts of fraudulent activity, including identity theft, bank fraud, insurance, fraud, and multiple licenses to avoid loss of driving privileges or active warrants; and

WHEREAS, there is no guarantee that passage of the Act would make New York State roads safer; and

WHEREAS, the approval of the Act would increase opportunities for voter fraud as illegal immigrants applying for a driver's license would be prompted by the NYS DMV's license registration system to register to vote, and there are currently no protections in the system that would prevent an illegal immigrant from registering to vote; and

WHEREAS, the Yates County Legislature encourages all immigrants to pursue the path to legal citizenship, and recognizes and honors the process immigrants must undertake to become United States citizens; and

WHEREAS, legal immigrants are lawfully entitled to receive a non-driver ID or license during their stay;

NOW, THEREFORE, BE IT, RESOLVED, that the Yates County Legislature hereby opposes the adoption of the "Driver's License Access and Privacy Act" which would allow the issuance of licenses to undocumented individuals and create security risks, and because driving is a privilege, not a right; and be it further

RESOLVED that the Clerk of this legislature shall send a copy of this resolution to Governor Andrew M. Cuomo, Speaker of the Assembly Carl E. Heastie, Senator Thomas F. O'Mara and Assemblyman Philip A. Palmesano

**Res. No. 225-19**  
**Motioned By: Multer**

**Date: May 13, 2019**  
**Seconded By: \_\_\_\_\_**

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**APPROVING STIPULATION OF SETTLEMENT**

WHEREAS, the Union representing the County's deputy sheriffs has filed a contract grievance challenging the salary step placement of a current Deputy Sheriff; and

WHEREAS, the Union, Sheriff and County have arrived at a settlement in full satisfaction of the grievance;

NOW, THEREFORE BE IT RESOLVED, that this County Legislature has reviewed the proposed Stipulation of Settlement; and be it further

RESOLVED, that this County Legislature hereby approves said Stipulation and authorizes the Chairman to execute same on behalf of the County; and be it further

RESOLVED, that a copy of this resolution shall be provided to the Sheriff, County Treasurer, Acting County Administrator, County Personnel Officer, County Labor Attorney, and the two local presidents of the Union.

**Res. No. 226-19**  
**Motioned By: Multer**

**Date: May 13, 2019**  
**Seconded By: \_\_\_\_\_**

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**SET DATE FOR PUBLIC HEARING FOR SHARED SERVICES PANEL**

WHEREAS, it has been determined that a public hearing needs to be held for the purpose of conducting a Shared Services Panel kick off meeting; and

WHEREAS, the Acting County Administrator will convene the hearing;

NOW, THEREFORE, BE IT RESOLVED, that a public hearing will be held on May 30, 2019 at 7:00 p.m. in the County auditorium for said purpose; and be it further

RESOLVED, that the Clerk of the Legislature is authorized to advertised said hearing.

**Res. No. 227-19**  
**Motioned By: Multer**

**Date: May 13, 2019**  
**Seconded By: \_\_\_\_\_**

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**AMEND RESOLUTION NO. 171-19**

WHEREAS, Resolution 171-19 was duly adopted on April 8<sup>th</sup>, 2019 and amended the 2019 Hourly Salary Schedule; and

WHEREAS, the resolution is in need of being amended to reflect the recent change made to the County Historians rate of pay and the Public Health Director hiring a part time Account Clerk Typist;

NOW, THEREFORE, BE IT RESOLVED, that effective May 13<sup>th</sup>, 2019 the “County Historian (*Part-Time*) ...\$25.16” be changed to “County Historian (*Part-Time*)... \$22.00”; and be it further

RESOLVED, that “Account Clerk Typist (Sheriff’s Office)...” be changed to “Account Clerk Typist (Sheriff’s Office/Public Health)””; and be it further

RESOLVED, that copies of this resolution be given to the Acting County Administrator, Personnel Officer, Public Health Director and Treasurer.

**Res. No. 228-19**  
**Motioned By: Banach**

**Date: May 13, 2019**  
**Seconded By: \_\_\_\_\_**

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**DESIGNATE RESERVED PARKING SPACES**

WHEREAS, Yates County’s Parking Policy, as reflected in its Employee Handbook, allows the Legislature to designate Reserved Parking spaces in its parking lots; and

WHEREAS, the Legislature desires to memorialize those spaces currently designated as Reserved Parking;

NOW, THEREFORE, BE IT RESOLVED, that the following parking spaces shall be designated as Reserved Parking:

- One (1) space on the south side of the Courthouse for use by Court personnel;
- Eleven (11) spaces along the south side of the Main Street Public Safety Building parking lot for use by:
  - Sheriff
  - Undersheriff
  - Lieutenant – Law Enforcement
  - Lieutenant – Criminal Investigation Division
  - Criminal Investigation Division Personnel (3)

- Lieutenant – Corrections
- 911 Communications Supervisor
- Confidential Assistant to the Sheriff (CATS)
- Official Vehicle
- Three (3) spaces along the north side of the southern portion of the Main Street Public Safety Building parking lot for use by:
  - Director of the Office of Emergency Management (OEM)/Fire Coordinator
  - EMS Coordinator
  - Deputy Director of OEM.

And be it further

RESOLVED, that a copy of this resolution be provided to the County Judge, Sheriff, Director of OEM and Supervisor of Buildings and Grounds.