GOVERNMENT OPERATION COMMITTEE AGENDA
Location: Yates County Legislative Chambers
Date: June 6, 2022 at 1:30 p.m.

Join from a PC, Mac, iPad, iPhone or Android device:
Please click this URL to join.
https://us02web.zoom.us/j/84977522319?pwd=VVpaUVFJN2lhYU1tM05mTTJQVXNzdz09
Webinar ID: 849 7752 2319
Passcode: 309105

Or One tap mobile:
+16465588656,,84977522319# US (New York)
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Or join by phone:
Dial(for higher quality, dial a number based on your current location):
US: +1 646 558 8656  or +1 312 626 6799

Committee members: Ed Bronson, Bonnie Percy, Rick Willson, Dick Harper, Carlie Chilson, Mark Morris

- Ed & Carlie will do the audit this month
- Approve minutes of the April meeting
- Public Comment

Elections: Robert Brechko and Robert Schwarting
- State Legislative update
- Issues of Significance or Needing to be Resolved
- May Objectives Achieved
- June Objectives

Soil & Water: Colby Petersen
- Watershed Inspection/KWIC
- AEM – Agricultural Environmental Management
- LULA/9 Element Plan

Genesee Finger Lakes Regional Planning Council (GFLRPC): Tim Cutler
- Seneca Keuka LULA Project Description
- Letter of Support (Sample Attached)

Cornell Cooperative Extension: Arlene Wilson
- Project Updates
- Program Updates
Resolution:
- New York State Invasive Species Awareness Week/Great Lakes Landing Blitz Week

IT: Tim Groth
- Help Desk Calls
- Project updates
County Clerk: Lois Hall
- Statistical Reports
- DMV Updates
- Clerk Updates

Personnel: Kerry Brennan
- Collection for June
- Workers Comp Plan Administration RFP
- ServU Employee Appreciation
- Customer Service Training
- Moving Forward and Improving as a United Workforce

Resolutions:
- Authorize Chairwoman to Sign Memorandum of Understanding (CSEA)
- Authorize Chairwoman to Sign Administrative Agreement and Business Associate Agreement with NCAComp and Authorize Director of Finance to pay NCAComp Prior to Audit
- Vacancy Report

County Administrator: Nonie Flynn
- CSEA Negotiations – The next meeting will be June 29th.

Legislative Clerk: Emilee Miller
Resolutions:
- Set Date for Public Hearing on Proposed Local Law 5-22 Entitled Renewal of Local Law 2-19 “A Local Law Establishing an Occupancy Tax in Yates County”
- Adopt Local Law 4-2022 “A Local Law Amending County of Yates Local Law No. 3 of the Year 1971, as Amended by Local Law No. 2 of the Year 1982, as Further Amended by Local Law No. 2 of the Year 2012 – For the Purpose of Adopting a Plan of Reapportionment of Legislative Districts Based on the 2020 Census”
- Adopt the Expansion of Videoconferencing for Public Meetings

Executive session if needed
State Legislative Update: The State Legislature’s last day was 6/1 for this session

- New legislation requires the BOE to provide postage paid return envelopes for every absentee ballot and application starting July 1st.
- Bill passing both houses and awaiting the Governor’s action: Requires the BOE to count the vote of individuals who vote in the wrong district except for contests that the voter is entitled to vote. IE: all Federal, State and Countywide contests would be permitted; County Legislative contest might be counted; and town by town races will not be counted when the voter is in the wrong town polling place.

Issues of significance or needing to be resolved:

- We are awaiting new regulations and procedures for processing registrations and requests for absentee ballots processed through a NYS BOE website electronic voter portal. It was scheduled for 4/1/22 release.
- The resolution of the new Congressional districts lawsuit resulted in Yates being solely in the 24th Congressional district.
- State Primaries in Democratic and Republican parties on June 28th and to date for a Republican Primary on August 23rd.
- Special Election for the 23rd Congressional district to be held also on August 23rd.
- Overlapping Federal Primary and Special Election will generate new costs to twice remap voter registration files, and pre-printing as second set of ballots and registration lists. We are imposing economizing measures
- Finding Election Inspectors to participate in the second primary (Congressional) and the Special Election on August 23rd is proving very difficult. At present, we are resisting consolidating and closing some polling sites
- Also, the BOE will have to inform every person who requested an absentee ballot for the primary to mail them a notice and application with pre-paid return envelope regarding the fall primary. While uncertain, it is likely that there may be some notice requirements for the Special Election as well.

May Objectives Achieved:

- Supported Independent Candidates; filed data with state campaign contributions office
- Provided data to the state and parties regarding independent candidates. Three Independent petitions were filed.
- Prepared ballots and Imagecast machines for School elections and deployed May 16-18.
- Obtained state approval for Absentee Balloting Procedures and provided public notices to candidates, committees and the press.
- Created and executed an extensive Poll Site Chair training on new mandated changes.
• Assisted the Legislature with the redistricting planning and public information.
• Obtained information from Clear Ballot, a second new competitor to Dominion.
• Obtained costs from Hart for replacement of the Dominion voting system. Extended capital requirements until 2024 CIP budget.
• With assistance from IT, examined costs/benefits of replacing our in office high speed large paper handling photocopier.
• Completed meeting with the Administrator and HR to solve our part-time Deputy annual hour cap, discussed with the Legislators. Started recording data for the Legislature for a renewed discussion after the June primary.
• Kept planning and postponing special recognition/appreciation event for our poll inspectors
• Continued pressuring the State Legislature to devise relief from onerous “one size fits all” policies in Election Law.
• Initiated an 18-24 month succession planning and skill development program.

June Objectives:
• Hold Chairperson training June 1st. (Completed successfully)
• Test, certify and certify voting machines for early voting and Election Day for the June 28th primary.
• Review security and customer service procedures to safeguard the election data and processes and to encourage voter confidence and participation
• Continue scheduling Inspectors for the June 28th primary as well as the August 23rd primary/Special Election.
• Run a successful primary.
• Plan for recertification of all Inspectors in July and August for August 23rd primary/Special Election. Normally this is done in September. The Inspector certification term is July 15 through July 14 the following year.
• Conduct scheduled periodic maintenance of BOE trailer with Sheriff’s department.
• Assist towns with decision to provide emergency power to town halls that we use for polling sites.
• Plan a regional (9 County) meeting (July?) to review best practices, experiences with the new state required absentee ballot processing and the conduct of overlapping elections. Additionally, the group will meet with state representatives to overcome ongoing problems with recently enacted legislation and new (draft) procedures.
• Continue planning for recognition of Election Inspectors.
• Continue Beta Test of new expanded voter registration files and reporting capacities with NTS.
• Provide feedback to Robis and the Robis user group on recommended system modifications and review of poll book training and election prep.
• Work with Dominion Imagecast support teams to create and test the capacity to use existing equipment for overlapping election voting; and if not successful, arrange for the borrowing of Imagecast machines from other counties.
Government Operations Report
May 2022

Watershed Inspection/KWIC:

District staff have conducted 130 inspections to date in the Towns of Barrington, Jerusalem, Milo, Torrey and the Villages of Dresden and Penn Yan. We anticipate completing 400 inspections in 2022. Staff have conducted 13 soils evaluations and reviewed 19 designs for new and replacement septic systems. Reminder letters have gone out to residents in Torrey, Milo, Barrington and Jerusalem for inspections due in 2022. Letters were staggered over 3-4 weeks to keep the pumpers from getting overwhelmed. We have had a great response to the notices of violation, compliance is high.

AEM-Agricultural Environmental Management:

Tom Eskildsen is working with the Upper Susquehanna Coalition http://www.uppersusquehanna.org/usc/ on a nutrient management planning grant. The purpose of this grant is to work with farms on increasing their knowledge of how manure and other nutrients are managed on their farm. While this grant is tailored for the Chesapeake Bay drainage area, it is very transferable to other farms. This will be a tool that can be utilized across New York State with any farm that handles manure. A worksheet will be filled out by the farmer to verify manure application rates along with some questions concerning when and how manure is applied to farmland. This will be a lighter version of the full assessment we normally complete with farms.

Once this process is finalized, this workbook can be sent to farms in the area. This is more of a self-assessment guide for farms with involvement by soil and water as a consultant or afterwards to dive deeper into issues or concerns that arise. This process is similar to what is used in Pennsylvania and could be a great way for us to further environmental awareness amongst our Mennonite community.

The under-row mowers that are part of our Climate Resilient Farming grant are delayed due to the Dutch company’s use of Ukrainian steel. The price has increased by 21% and shipment has been moved from May to June.
LULA / 9 Element Plan:

The 10th annual LULA conference was held in the County Auditorium. Topics were related to stormwater management on steep slopes, road ditches and commercial and agricultural lands as well as how local codes can help manage stormwater. A link to the power point presentations will be provided in next month’s report.

The latest draft of the 9E plan is available at the following link: [https://senecawatershedio.files.wordpress.com/2022/04/senecakeuka_9ep_draft.pdf](https://senecawatershedio.files.wordpress.com/2022/04/senecakeuka_9ep_draft.pdf)

There are some minor additions being made by Ecologic to comply with the newest DEC guidance. The final comment period will be in person at the Finger Lakes Institute on Monday May 2nd from 2-4pm and Ian will take written comments until May 13th.
**Project Description**

Develop land use leadership training, education, and capacity-building through the delivery of two (2) Land Use Leadership Alliance Training Programs (LULA) to support local land use decision-makers in assessing and amending their plans and zoning regulations to support sustainable development, water quality protection, and the newly adopted Nine Element Watershed Plan. The LULA program empowers local land use decision-makers to make planning decisions that protect key environmental resources, foster sustainable land use patterns, and promote economic development opportunities. The LULA curriculum is designed with sufficient flexibility to adjust to participants’ greatest concerns.

For this project, the LULA program will equip participants from the Seneca-Keuka watershed communities with the following outputs and outcomes:

- Four days of tailored land use and collaborative decision-making training that facilitates community-driven watershed protection plans, assessments and zoning code amendments by developing a curriculum and program content tailored to local issues and concerns. Outcome: 30-40 trained local land use leaders per a LULA program
- Education on planning, regulatory and consensus building techniques that encourage and improve local sustainable development strategies and support goals found in the Nine Element Watershed Plan. This includes a gap analysis of each community’s land use plans and regulations that identifies any existing watershed protection efforts and highlights which practices the municipal plans and codes do not yet address. Outcome: Gap analysis for each community, curriculum development
- Participant-created implementation plans featuring planning goals and objectives identified throughout the LULA program and including trainer-recommended planning strategies based on gap analysis results and participant priorities. Outcome: Implementation plans for each participant in the program
On behalf of __________(your organization here)__________________________, I am pleased to support the Genesee Finger Lakes Regional Planning Council’s Seneca/Keuka Lake Watershed’s application for the Northern Boarder Regional Commission grant opportunity. __________(your organization here)__________________________ is committed to nominating participants to attend the proposed Land Use Leadership Alliance Training Program (LULA) facilitated by Pace University’s Land Use Law Center. These representatives will attend the full 4-day training program.

We expect the program to provide training to our nominated leadership team to help facilitate watershed management and find implementable land use techniques and decision-making strategies to improve water resources in the Seneca/Keuka Lakes watershed. These strategies will factor in climate change, flooding, drought, and sea-level rise projections within our watershed and along our shorelines. Our hope is to leave the training program with a fully trained leadership group, an audit of our code and comprehensive plan for water quality provisions, and an implementation plan regarding a watershed protection or resiliency initiative that can be implemented within our community.

We are looking forward to participating and learning more.

Sincerely,
Cooperative Extension
May Programming and Activities Report

Jen’s Monthly Report – April 14th – May 13th 2022

Meetings – Staff meeting (May 9th), Tam welcome (May 11th)

Webinars/Trainings – 4-H Sparks Space (April 26th and May 4th), 4-H Podcast (May 10th)

In Person Programming

- Ag Lit at Dundee Library – April 20th – 14Y, 2A
- St. Mike’s Seed Balls – April 21st - 9Y
- PY Afterschool – April 21st – 0 attendees
- Public Presentations – April 24th – 6Y, 8A
- Spring Cards at Rainbow Junction – April 25th – 13Y
- Pet Club Meeting – April 27th – 3Y, 3A
- Piping Plover Workshop with IDEA Collective – April 30th – 7Y, 4A
- Teens at Tractor Supply for Paper Clover – May 3rd – 2Y
- Spring Cards at the Dundee Library – May 4th -15Y
- PY Afterschool – May 5th – 0 attendees
- Seeds at Rainbow Junction – May 11th – 13Y

Project Kits/Subscriptions

- Spring Card Kits – 37 youth
- May Garden Kits with IDEA Collective – 18 families, 34 youth

Oct-April Program Update

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<tr>
<td>Oct–Apr Adult Contacts</td>
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<td>38</td>
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*These are contacts, not unique youth/adults
*Important to note that opportunities and participation are increasing, despite a 50% reduction in youth programming staff*

**Publications/Promotion**

- E-blast sent to 4-H families and partners on April 22\textsuperscript{nd}, 25\textsuperscript{th} and May 6\textsuperscript{th}

**Projects Completed**

- Wrote and submitted a RACF Art Grant for Project Kit funds
- May Kit – Worked with IDEA Collective to partner on kits for May, worked with Britt to finalize order form, advertised, organized orders, and placed final order with IDEA Collective
- Set first date for 4-H Dog Obedience
- Wrapped up Spring Card Drive – 105 cards collected and donated to the Homestead
- Created a tentative Fair Schedule
- Advertised for a Dairy Bar Teen Manager

**Projects in the Pipeline**

- 4-H Newsletter update to Mail Chimp
- Summer program planning
- County Fair prep – Dairy Bar prep and updates, judges, scheduling, fair paperwork, fair book update
- 4-H and Youth Development Program of Work
- Summer Intern Hire Form and Onboarding

**Upcoming Events**

- May 16\textsuperscript{th} – 4-H Advisory Meeting
- May 17\textsuperscript{th} – 4-H Teen Meeting
- May 22\textsuperscript{nd} – Finger Lakes Hippology Contest
- May 22\textsuperscript{nd} – Dog Obedience
- May 23\textsuperscript{rd} – 4-H at Rainbow Junction
- May 26\textsuperscript{th} – Beginner Needlepoint Workshop
- June 11\textsuperscript{th} – District 4-H Public Presentations
- June 14\textsuperscript{th} – Jen presenting at PY Rotary Meeting
- June 25\textsuperscript{th} – Spotted Lantern Fly Workshop with IDEA Collective
TANF Program Report March 22 -April 19, 2022:

**Workshops Series** [with Yates Workforce Development]- the series (4 workshops) is scheduled with the following dates: April 20, 27, and May 4, 11.

**Participant attendance:** 4-6 attendees per session.

**Current Enrolled in the TANF Life Skills:** 11 families.

**Community Outreach:**

Continued partnership with Workforce and Keuka Housing Council, Inc.

A limited supply of program flyers and Paycheck Power Booster Calculators were sent with Jen Clancey to the Fairy Tale Festival for distribution.

**Past Enrollee in the TANF Life Skills [2021]-**

Family # 13- 1 F/F contact to complete the program (only had 2 lessons to complete).

Family Past program families provided with updates and check ins

- 2 past Families received a seed packet drop off.
Customer Service:

Calls/Emails/Facebook Messages:
- 4-H (2 call)
- FLGP (5 calls)
- Master Gardener Program (3 calls)
- Ag Programming/Pesticide Applicator Course (1 calls)
- Cornell Vegetable Program (1 calls)
- Association General Information (4 calls)
- Natural Resources/Invasive Species (2 calls)

County Office Building Visits:
- 4-H Visits (3 in-person visits)
- Master Gardener Visits (2 in-person visit)
- Association Visits (3 in-person visit)
- Natural Resources/Invasive Species (1 in-person visit)
- TANF (0 in-person visits)

Community Outreach (Indirect Contacts)
- CCE-Yates County Main Website (yates.cce.cornell.edu)
  - 493 new users (87%)
  - 514 total viewers (13% Returning Visitors)
  - 1,076 pageviews total (decreased by 48 views)
- CCE-Yates County Facebook Page (facebook.com/CCEYates)
  - 916 total followers (17% increase)
  - 9,457 post reach (7% increase)
  - 3,403 Video Views (107% increase)
- CCE-Yates County Twitter Page (twitter.com/CCEYates)
  - 362 total followers (no change since April report)
  - 159 profile visits (49% increase)
  - 784 Tweet Impressions* (8% increase)
    *(how many times Twitter users have seen CCE-Yates tweets over a 28-day period)
  - 35 video views (6% increase)
  - 11 subscribers (no change since April report)
- Yates County 4-H Facebook Page (facebook.com/YatesCounty4H)
- **603 total followers (20% decrease)**
- **3,407 total post reach (73% increase)**
- **10 Video Views (No change since April report)**

- Master Forest Owner Program- Northwest Region
  - **253 total followers (No change since April report)**
  - **156 total post reach (39% increase)**
  - **20 Video Views (400% increase)**

- "Info Agricultura" (WhatsApp group dedicated to sharing Ag information in Spanish)
  - **14 members as of 5/16/2022**

- Extension Corner Column
  - Chronicle Express (Penn Yan) – 2 articles published.
  - Dundee Observer- 2 articles published
  - Finger Lakes Times- 0 article published

- Finger Lakes Hike & Bike Guide (YC Chamber of Commerce Publication Collab)
  - **No updates as of 5/16/2022**

- Gardening Matters Quarterly Publication
  - **48 total subscribers as of 5/16/2022**

- Yates County Farm Update Weekly Publication
  - **50 total subscribers as of 5/16/2022**

**Projects in Pipeline**
- **Yates County 4-H Fair Book 2022-2023 Update** (5% Complete)
- **4-H Idea Collective Workshop Promo Flyers** (Ongoing workshop series)
- **Gardening Matters Day Presentation Video Miniseries** (5% Complete)
- **Boot Brush Station Demo Video** (Filming Date TBD)
- **2022 Article/Radio Spotlight Scheduling** (as needed)
- **SNAP-Ed Recipe Book Printing/Distribution** (New booklets designed monthly, printed as needed)
- **CCE-Yates Social Media Content Curation Project** (as needed)
- **Archiving Extension Corner Articles** (as needed)
- **CCE-Yates County Website & Social Media Updates** (as needed)
Yates CCE: Agriculture/Horticulture Educator Report April/May

Calls/Emails/Queries:

- Apple tree pruning
- Slug scouting
- Pine tree problems
- Purchase of Development Rights (PDR) program
- Pesticide record keeping options
- Pesticide license question
- Good Agricultural Practices (a food safety certification program) Audit question
- Home processing exemption
- Lavender die-off
- Vineyard drainage
- Manure for vineyard fertilization
- HPAI and bird feeders
- Sapsucker damage on ornamental trees and shrubs
- Crabgrass pre-emergent herbicide options
- Master gardener program

In-Person visits:

- Planting on a steep slope 4/28
- Farm operation planning visit at Sweet Farm 5/3
- Lavender site visit 5/6

Workshops, publications, and projects:

- Yates County Farm Update- published 4/29, 5/4, 5/10
- Saint Michael School Earth Week presentations 4/21, approximately 90 participants
- Growing a Garden for the Birds- presentation and walk-around, 6 participants
- Penn Yan Elementary School Garden Club- 18 participants, 4/25, 5/2, 5/9, 5/16
- Tractor 101 workshop 5/7- 2 participants
- Seed to Supper transplant and seed distribution 5/11 and 5/12
- NYCAMH respirator fit test days for pesticide applicators 5/13

Trainings, meetings and webinars of note:

Ag Solar educator meetings- 4/22 and 5/6

Farm Bureau meeting-4/19

Dundee Public Library and Our Town Rocks planning meeting 4/26

Farmland Protection Board meeting 4/28
Projects in the Pipeline

May
Penn Yan Elementary Garden Club: meets weekly on Mondays 3:30pm-5pm, April 25-May 23
Master Gardeners Native Plants for Pollinators Sale 5/21
Q&A presentation with Fruition Seeds 5/18

June
Insects and other amazing arthropods presentation at Dundee Library- 6/9

Natural Resources April/May Report:
Meetings:
4/20: MFO Online Training- 56 taking the course: this session was about invasive species management
4/21: Lake Friendly Living Coalition Meeting- discussed upcoming Lake Friendly Living Awareness Month for the month of May
4/22: Filmed five trees in five minutes video for Earth day and Arbor Day
4/25: Meeting with CCE Educator Christina Daas: talked about working together on Master Forest Owner Events
4/25: Annual Land Use Leadership Alliance training: I was the moderator
4/27: MFO Online Training: this session was about managing woodlots for wildlife
5/2: Meeting with Caryl Sutterby of Dundee to talk about I Love My Park Day planning
5/4: KLA Board Meeting
5/4: MFO Online Training: I led this session and talked about Agroforestry
5/9: MFO Regional Director meeting: discussed how online training went and planned for in-person field sessions (my region’s field session is June 17)
5/9: Monthly CCE Yates Staff meeting
5/9: Meeting with Kathy Bunting- Howarth for SeaGrant information
5/11: Meeting with Maria Hudson (KLA VP) to discuss the upcoming Shoreline Monitoring Program
5/12: Lake Friendly Living Coalition meeting to discuss how the month-long event is going and to update about press releases
5/13: Meeting with Bill Lafin and Maria Hudson about the work agreement for the Great Lakes Aquatic Invasive Species Landing Blitz grant that was received by the KLA (Bill Lafin)
5/13: Meeting with Lynn K. from Naples: having a problem with the defoliation of her sugar maple trees
5/16: Monthly Yates County MFO Meeting: 7 were in attendance, discusses upcoming field session and other forestry updates from the DEC
5/16: Meeting with Finger Lakes Museum to discuss a potential riparian zone restoration project

Webinars:
4/26: NRCS Agroforestry in NY Webinar- talked about different practices of agroforestry that are successful in NY and how to perform outreach about these topics
5/2: Lake Friendly Living Awareness Month Keynote Speaker: Fred Stauss- LFL Climate Resiliency and What it means for the FLX
5/11: Risk Assessment for non-native species by Clemson Cooperative Extension

Conferences:
4/29-4/30: New York State Federation of Lake Associations conference: was trained for water quality data collection and attended many talks about managing aquatic invasive species

Upcoming:
May: Lake Friendly Living Coalition- Webinar Series for Month of May titled: Lake Friendly Living For Watershed Resiliency
- May 14: WAVE event was cancelled because no one registered
- May 22: tour of IDEA Collective Workshop (4 registered so far)
- May 27: webinar about practices for run-off resiliency (13 registered so far)

Watercraft Steward Training: May 24-26 at Finger Lakes Institute lead by Sam Beck-Anderson
Shoreline Monitoring Program: Training/Kickoff picnic scheduled for June 16, online training is June 7
National Invasive Species Awareness Week: June 6-12- planning a series of webinars and in-person events for surveying for both aquatic and invasive species

Great Lakes Aquatic Invasive Species Landing Blitz: July 1-July 10: focus on monitoring (checking your watercraft for AIS) will host up to 3 events about AIS and the importance of Clean Drain Dry
STATE OF NEW YORK

YATES COUNTY LEGISLATURE

CLERK’S OFFICE

RESOLUTION NO. ____

New York State Invasive Species Awareness Week

Great Lakes Landing Blitz Week

WHEREAS, New York State and Yates County are rich in its lands and waters and that terrestrial and aquatic invasive species pose a threat to Yates County and are harmful to its vital robust agriculture and tourism industries and detract from its reputation as a desired recreational destination; and

WHEREAS, the citizens of Yates County are pleased to support initiatives through which we can illustrate our ongoing commitment to protect these valuable resources which reflect our noble heritage; and

WHEREAS, the quality of these lands and waters are put at risk by all invasive species which have been introduced to New York State and Yates County and spread, harming the environment, the economy and even human health; and

WHEREAS, increased awareness, education and public outreach are needed to prevent further spread and introduction of invasive species and to encourage a cooperative spirit and to promote environmental stewardship throughout New York State and among its regional partners in alliance with private and nonprofit organizations, universities, local, State and Federal agencies, to help protect its lands and waters; and

WHEREAS, we share a concern for the safety and well being of our environment and economic prosperity, and all citizens and visitors alike are encouraged to increase their knowledge, understanding and awareness of invasive species and their damaging environmental, societal and economic impact on New York State and the entire Nation; and

WHEREAS, summer marks the high season of tourism, boating, hiking, camping agricultural productivity in New York State and two national prevention campaigns are about to begin both of which provide an opportunity for all to express support for the goals of these observances and to extend appreciation to the agencies, businesses, environmental groups, community organizations and volunteer that are taking action against the introduction and spread of invasive; now therefore be it

RESOLVED, that in coordination with other counties and regions of the State of New York as well as neighboring States in the Great Lakes Basin, Yates County hereby designates the week of June 6 – 12 as
New York State Invasive Species Awareness Week and period of July 1-10 as Regional Great Lakes Aquatic Invasive Species Landing Blitz in Yates County.

RESOLVED, that copies of this resolution be provided to the Boards of Cornell Cooperative Extension of Yates County and the Keuka Lake Association and provided to local media.
MEMORANDUM

To: Government Operations Committee
From: Tim Groth
I.T. Director
Date: June 1, 2022
Re: Report for May 2022

SUMMARY

- **Help-Desk calls**
  - In the month of April, the I.T. Help Desk took in 253 calls

- **I.T. Project Update Summary**
  - Setup MDM on all BYOD and other County owned devices
  - Risk Remediation
  - 2022 Mandatory Cyber Security Training
  - MUNIS Upgrade
  - New Public Safety Color Copier

- **Resolutions**
Project Updates

- **Setup MDM on all BYOD and other County owned devices**

  We are moving forward with installing the MDM solution on all approved BYOD and company owned devices that are currently receiving County email.

- **Risk Remediation**

  Through the month of May and ongoing, the IT staff are mitigating risks identified via the Qualys scanning solution. We have been working with our 3rd party support vendor, Entre Computer Services to assist with expediting some of the higher-level concerns. These efforts will continue to enhance the software and hardware security with best practices. The process has identified some older legacy hardware that is unable to upgrade to meet the higher security requirements, which in turn is requiring replacement of the equipment where needed. I have started the process of ordering some equipment that will fit into my budget, however there will need to be further discussion related to other hardware that could require replacement.

- **2022 Mandatory Cyber Security Training**

  We have rolled out the 2022 Mandatory Cyber Security Training to all employees on March 1st with a 30-day time frame to completion. We will continue to push reminders to all staff who do not complete both modules by the due date. As of May 31st, we have 95% of staff who have completed the training. The remaining 6% are mainly part-time staff such as the Marine Patrol that we will follow-up on as well.

- **MUNIS Upgrade**

  The version of Munis we are on is expiring in 2022. We will need to upgrade to Enterprise ERP (Munis) version 2021.4. The Test database upgrade is an initial two-day upgrade followed by a two-day Train + Production database upgrade. I have scheduled 6/27-6/28 for the Test upgrade. There is no downtime for Munis during the Test upgrade. We will then need to schedule our Train + Production upgrade, but they recommend at least six-twelve weeks of testing time after our Test upgrade. Frank and I have a planning call scheduled with the project coordinator on April 4th to start preparing for this upgrade. Frank has been working with Tyler on the new Virtual Server specifications for this new implementation and we will have the servers ready for install by mid-month.

- **New Public Safety Color Copier**

  We took delivery of the new Toshiba e-Studio 4515AC copier in early May. Their older Toshiba B/W copier was relocated to the old Work Force Development suite to replace a machine that was end-of-life and at a point where Toshiba wasn’t going to be able to support it moving forward. This was a good fit for the retired PSB copier as it still has maintenance and support on it.
INTER-OFFICE CORRESPONDENCE

YATES COUNTY

TO: Ed Bronson, Chair
Legislators Government Operations Committee

FROM: Lois Hall, County Clerk

SUBJECT: Updates—County Clerk’s Office

DATE: June 2, 2022

STATISTICAL REPORTS

DMV transactions 1961 with fees for retention collected for April 2022, $15,300.67 with $43,816.49 sales tax collected. COPRS Internet fees collected year to date $236.39. Transactions processed on the internet 705 $39,140.25 with a year to date total of $177,861.00. We are now $7,273.75 over the threshold for shared revenue.

County Clerk transactions 2,856 and fees collected $364,000.62.

Total fees collected county clerk April 2021 $226,198.64
Total fees collected DMV for retention April 2021 $14,682.73

DMV

There was a statewide conference call for the County Clerk’s with the Commissioner of Motor Vehicles and the team working on the DMV Transformation. This was very informative as to where the DMV is moving with technology. This was a 3 hour presentation so I have attached the PowerPoint for anyone that is interested.

The DMV Clerk liaison has notified us that there is a potential cyber threat against DMV systems and data. They asked that we should be on a heightened awareness and notify IOCU with any concerns immediately.

Summer traffic has picked up on the office. There is a steady stream of folks daily. I am assisting there more as the supervisor is on vacation until mid-June. One of the cashiers is doing the supervisory paperwork in her absence. I will be there for any questions and to assist with the customers.
Deed transactions are currently down from previous months. This will pick up with the summer months as more properties become available for sale. Court work has been steady. Molly is training Brittany in criminal cases and civil over the counter work. This will bring Brittany up to speed on things other than recording of deeds and mortgage discharges.

The County Clerk’s Association is delivering a memorandum to members in Albany today in reference of concern of Bill S1553D and A6399. This is called the Clean Slate Bill.

A copy of this letter is also attached.

With the horrible events of past few weeks there have been 10 proposed bills submitted that deal with gun control in New York.

With these coming so close to the end of session it will be difficult to properly address our concerns. Bill A10503 will exponentially increase the work load of every Clerk that does pistols and every licensing office in NYS. The bill has it amending Penal 400.00. Therefore the permitting process is the same for semiautomatic rifles as it is for pistols.
I will attach this bill for your review.
Just receiving these today I have not had time to review these to understand everything completely.

Financial Reports are attached.

I will not be attending the Government Ops meeting as I am short staffed.
If you have any questions about this report please let me know.
<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial License Fee</td>
<td>-</td>
</tr>
<tr>
<td>Fee for First Time Filing</td>
<td>-</td>
</tr>
<tr>
<td>Fee for Late Filing</td>
<td>-</td>
</tr>
<tr>
<td>Fee for Second Time Filing</td>
<td>-</td>
</tr>
<tr>
<td>Fee for Third Time Filing</td>
<td>-</td>
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<tr>
<td>Fee for Fourth Time Filing</td>
<td>-</td>
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<tr>
<td>Fee for Fifth Time Filing</td>
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<tr>
<td>Fee for Sixth Time Filing</td>
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<td>Fee for Seventh Time Filing</td>
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<td>Fee for Eighth Time Filing</td>
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<td>Fee for Ninth Time Filing</td>
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<tr>
<td>Fee for Tenth Time Filing</td>
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<tr>
<td>Fee for Eleventh Time Filing</td>
<td>-</td>
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<tr>
<td>Fee for Twelfth Time Filing</td>
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<tr>
<td>Fee for Thirteenth Time Filing</td>
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<tr>
<td>Fee for Fourteenth Time Filing</td>
<td>-</td>
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<tr>
<td>Fee for Fifteenth Time Filing</td>
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<tr>
<td>Fee for Sixteenth Time Filing</td>
<td>-</td>
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<tr>
<td>Fee for Seventeenth Time Filing</td>
<td>-</td>
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<tr>
<td>Fee for Eighteenth Time Filing</td>
<td>-</td>
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<tr>
<td>Fee for Nineteenth Time Filing</td>
<td>-</td>
</tr>
<tr>
<td>Fee for Twentieth Time Filing</td>
<td>-</td>
</tr>
<tr>
<td>Fee for Twenty-first Time Filing</td>
<td>-</td>
</tr>
<tr>
<td>Fee for Twenty-second Time Filing</td>
<td>-</td>
</tr>
<tr>
<td>Fee for Twenty-third Time Filing</td>
<td>-</td>
</tr>
<tr>
<td>Fee for Twenty-fourth Time Filing</td>
<td>-</td>
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<tr>
<td>Fee for Twenty-fifth Time Filing</td>
<td>-</td>
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<tr>
<td>Fee for Twenty-sixth Time Filing</td>
<td>-</td>
</tr>
<tr>
<td>Fee for Twenty-seventh Time Filing</td>
<td>-</td>
</tr>
<tr>
<td>Fee for Twenty-eighth Time Filing</td>
<td>-</td>
</tr>
<tr>
<td>Fee for Twenty-ninth Time Filing</td>
<td>-</td>
</tr>
<tr>
<td>Fee for Thirtieth Time Filing</td>
<td>-</td>
</tr>
</tbody>
</table>

**Note:** The table above does not include specific fees for each date mentioned (Jan, Feb, Mar, Apr, May, June, July, August, Sept, Oct, Nov, Dec). For each date, a comprehensive fee schedule should be consulted to determine the appropriate fee. The table includes general fee categories for various scenarios, but specific fees for each date are not provided in this excerpt.
<table>
<thead>
<tr>
<th>Amount</th>
<th>Count</th>
<th>Shaded Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>$2,386.98</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>$1,550</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>$595</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>$317</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>$252</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>$28</td>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>

**Transaction Counts**

- **Total**
  - $2,386.98
  - $1,550
  - $595
  - $317
  - $252
  - $28

**Notes**

- *Shaded Revenue*
- *Amount Over Threshold*
- *This Period*
- *Year To Date*
- *Interest Revenue*
- *Interest Expenditure*
- *Total*
- *Annual Threshold*
- *Recipient(s) (CCL)*
- *$170,058.25*

*Summary for April 2022*
DMV Transformation Update
County Clerk Briefing

May 19, 2022

Mark J.F. Schroeder
Commissioner
Transition: DMV Modernization to DMV Transformation

- Modernization focused primarily on technology and replacing aging DMV systems

- Transformation is much broader:
  - Improving the way DMV does business, re-designing business processes to streamline and simplify
  - Building new technology solutions and strengthening our infrastructure to support DMV business, including leveraging automation and digitization
  - Based on the principles of the DMV Strategic Plan:
    - Focus on the Customers' Perspective
    - Provide Flexible and Responsive Service Options
    - Empower and Engage Our Workforce
    - Change How We Operate
    - Build Sustainable Technology
How is Transformation moving forward?

- Multiple active projects to accomplish strategic goals
  - Operations
  - Technology

- Dedicated staffing to move projects forward

- Ensuring communication and collaboration across key stakeholders

- Not starting from scratch → leveraging lessons learned and improvement opportunities previously identified
## Active County Participation and Involvement

<table>
<thead>
<tr>
<th>Projects</th>
<th>Summary Goals and Planned Milestones</th>
<th>Role of County Clerks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clerk and District Office</td>
<td>Improve issuing office and County Clerk support line response time</td>
<td>Collaborate with DMV on service improvement</td>
</tr>
<tr>
<td>Service Center</td>
<td>Empower County Clerk offices to resolve issues independently</td>
<td>opportunities</td>
</tr>
<tr>
<td></td>
<td>Improve IT support for all offices (County and District Office)</td>
<td>Participate in testing and rollout of</td>
</tr>
<tr>
<td></td>
<td></td>
<td>improvements</td>
</tr>
<tr>
<td>COTS solution evaluation</td>
<td>Produce assessment report(s) summarizing the viability of procuring product(s) to accelerate the</td>
<td>Participate in implementation</td>
</tr>
<tr>
<td></td>
<td>DMV Transformation</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Engage vendors</td>
<td></td>
</tr>
<tr>
<td>Build the Foundational Platform</td>
<td>Finalize architecture with ITS</td>
<td>Informed as new applications are built out</td>
</tr>
<tr>
<td></td>
<td>Begin procurement and builds based on priority of need/use case</td>
<td>Participate in testing and implementation</td>
</tr>
</tbody>
</table>
### Active County Participation and Involvement

<table>
<thead>
<tr>
<th>Projects</th>
<th>Summary Goals and Planned Milestones</th>
<th>Role of County Clerks</th>
</tr>
</thead>
</table>
| Pursue new digitization opportunities | Establish a single business unit to support Digital Intake (DI) efforts:  
- Online permits  
- REAL ID  
- Other transaction opportunities  
Eliminate paper forms in issuing offices | Participate in testing and rollout of new online transactions and other in-office digitization improvements |
| Expand and develop DMV Innovation Center | Test and trial new transactions and new customer interaction flows  
Expand successful pilots to district offices  
Develop long-term vision of Innovation Center physical space | Participate in testing and rollout of new online transactions |
## Counties Informed and Updated

<table>
<thead>
<tr>
<th>Projects</th>
<th>Summary Goals and Planned Milestones</th>
<th>Role of County Clerks</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Application Strategy</strong></td>
<td>Define multi-year application development strategy and high-level approach</td>
<td>Progress, impact, and updates will be shared</td>
</tr>
<tr>
<td></td>
<td>Identify cost estimates and timelines</td>
<td></td>
</tr>
<tr>
<td><strong>Business Process Management and Architecture</strong></td>
<td>Define and document requirements and procure appropriate tooling</td>
<td>Progress, impact, and updates will be shared</td>
</tr>
<tr>
<td></td>
<td>Establish business process and business decision capabilities to enable automation</td>
<td></td>
</tr>
<tr>
<td><strong>Digital/Mobile Drivers License</strong></td>
<td>Formalize a Digital/Mobile Drivers License team</td>
<td>Progress, impact, and updates will be shared</td>
</tr>
<tr>
<td></td>
<td>Align DMV's efforts with the State's digital identity solution</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Construct and issue RFP, move to implementation</td>
<td></td>
</tr>
</tbody>
</table>
## Counties Informed and Updated

<table>
<thead>
<tr>
<th>Projects</th>
<th>Summary Goals and Planned Milestones</th>
<th>Role of County Clerks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Improve access and retail experience</td>
<td>Provide same-day appointments matching supply to customer demand</td>
<td>As improvements are identified and implemented, results will be shared</td>
</tr>
<tr>
<td></td>
<td>Optimize issuing office hours</td>
<td></td>
</tr>
<tr>
<td>Expand payment options</td>
<td>Pilot improvements in select district offices and expand to all district offices</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Identify and execute other related improvements in district offices</td>
<td></td>
</tr>
<tr>
<td>Customer Contact and Outreach Center</td>
<td>Identify new payment channels and methods</td>
<td>Progress, impact, and updates will be shared</td>
</tr>
<tr>
<td></td>
<td>Test new implementation in select transactions</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Expand implementation to additional transactions</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Implement alternative communication channels like two-way chat</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Develop a knowledge base to ensure consistency in response</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Expand prison call center agent capabilities</td>
<td></td>
</tr>
</tbody>
</table>


## County Clerk Improvement Opportunities Crosswalk

<table>
<thead>
<tr>
<th>What we heard from you:</th>
<th>How we will address:</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;Link mailbags to applicable section of procedure and vice versa for easier and clearer searching&quot;</td>
<td>Integrated knowledge base: COTS</td>
</tr>
<tr>
<td>&quot;Add additional monitors to have the ability to have WISE and COMPASS viewable at the same time&quot;</td>
<td>Single view of customer: COTS</td>
</tr>
<tr>
<td>&quot;Instruct us on how to do things before we have to use them — in-office instruction works better than teleconference, need more in-person training&quot;</td>
<td>Investment in Change Management and training: across all initiatives</td>
</tr>
<tr>
<td>&quot;Combining renewal invitations on 1 credit card without multiple swipes&quot;</td>
<td>Modernize transaction processing: COTS</td>
</tr>
<tr>
<td>&quot;Ability to scan NY documents (license, registration) with barcodes to auto-populate information&quot;</td>
<td>Enable automation to reduce paper and increase speed: COTS, Business Process Management, Digitization Opportunities</td>
</tr>
</tbody>
</table>
The New York State Association of County Clerks (NYSACC) submits this memorandum to express its concerns with certain aspects of BILL S1553D and A6399—An act that would seal certain criminal records.

As County Clerks one of our main functions statewide is as Clerk of the Supreme and County Courts for our respective Counties. As Clerk of the Court it is the duty to maintain the continuity and access to all files kept for said Court.

While NYSACC has no objection to the spirit of the proposed legislation, we must specifically object to the language contained in the propped legislation which provides a private right of action to a defendant “aggrieved by a violation of this section” for damages, including punitive damages.

We strongly believe that the private right of action should be eliminated, or at the very least, there should be no provision for punitive damages. Additionally, any right of action should be restricted to an intentional violation of this section and actual damages sustained as a direct result of the violation.

We hold that it would be unreasonable for public servants such as County Clerks to be held liable for what may only amount to a ministerial error which said Clerk may have had little to no control; since there is no provision in said proposed legislation for the Clerks of the Court to be directly notified by the Division of Criminal Justice Services to seal criminal records. Further, exposing public servants to this nature of liability would certainly erode the trust said public servants would have in the government they serve and severely discourage participation in public service.

In addition, NYSACC has concerns regarding the broad language in the bill which requires the sealing of “every official record and paper and duplicates and copies thereof ... relating to the conviction.” This broad language may be interpreted to include civil actions for the collection of restitution and recovery of surcharges in County Court and local court judgments arising from a conviction. The conviction may not be referenced in the judgment, particularly when a local court issues a transcript of judgment. The broad language of this section imposes a duty on the County Clerk to seal such records without having knowledge of whether the record relates to the conviction.
STATE OF NEW YORK

10503

IN ASSEMBLY

May 30, 2022

Introduced by COMMITTEE ON RULES -- [at request of M. of A. Jackson] -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to the purchase or taking possession of a semiautomatic rifle

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions 2, 3, 6, 7, 8, 9 and 14 of section 400.00 of the penal law, subdivisions 2 and 8 as amended by chapter 189 of the laws of 2000, paragraph (a) of subdivision 3 and subdivision 9 as amended by chapter 1 of the laws of 2013, paragraph (b) of subdivision 3 as added by chapter 778 of the laws of 1985, subdivision 6 as amended by chapter 104 of the laws of 2019, and subdivision 14 as amended by chapter 195 of the laws of 2005, are amended to read as follows:

2. Types of licenses. A license for gunsmith or dealer in firearms shall be issued to engage in such business. A license for a semiautomatic rifle, other than an assault weapon or disguised gun, shall be issued to purchase or take possession of such a firearm when such transfer of ownership occurs on or after the effective date of the chapter of the laws of two thousand twenty-two that amended this subdivision. A license for a pistol or revolver, other than an assault weapon or a disguised gun, shall be issued to (a) have and possess in his dwelling by a household; (b) have and possess in his place of business by a merchant or storekeeper; (c) have and carry concealed while so employed by a messenger employed by a banking institution or express company; (d) have and carry concealed by a justice of the supreme court in the first or second judicial departments, or by a judge of the New York city civil court or the New York city criminal court; (e) have and carry concealed while so employed by a regular employee of an institution of the state, or of any county, city, town or village, under control of a commissioner of correction of the city or any warden, superintendent or head keeper of any state prison, penitentiary, workhouse, county jail or other institution for the detention of persons convicted or accused of crime or held as witnesses in criminal cases, provided that application is made therefor by such commissioner, warden, superintendent or head keep-

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [ ] is old law to be omitted.
er; (f) have and carry concealed, without regard to employment or place
of possession, by any person when proper cause exists for the issuance
thereof; and (g) have, possess, collect and carry antique pistols which
are defined as follows: (i) any single shot, muzzle loading pistol with
a matchlock, flintlock, percussion cap, or similar type of ignition
system manufactured in or before 1898, which is not designed for using
rimfire or conventional centerfire fixed ammunition; and (ii) any repli-
ca of any pistol described in clause (i) hereof if such replica--
(1) is not designed or redesigned for using rimfire or conventional
centerfire fixed ammunition, or
(2) uses rimfire or conventional centerfire fixed ammunition which is
no longer manufactured in the United States and which is not readily
available in the ordinary channels of commercial trade.

3. Applications. (a) Applications shall be made and renewed, in the
case of a license to carry or possess a pistol or revolver or to
purchase or take possession of a semiautomatic rifle, to the licensing
officer in the city or county, as the case may be, where the applicant
resides, is principally employed or has his or her principal place of
business as merchant or storekeeper; and, in the case of a license as
gunsmith or dealer in firearms, to the licensing officer where such
place of business is located. Blank applications shall, except in the
city of New York, be approved as to form by the superintendent of state
police. An application shall state the full name, date of birth, resi-
dence, present occupation of each person or individual signing the same,
whether or not he or she is a citizen of the United States, whether or
not he or she complies with each requirement for eligibility specified
in subdivision one of this section and such other facts as may be
required to show the good character, competency and integrity of each
person or individual signing the application. An application shall be
signed and verified by the applicant. Each individual signing an applica-
tion shall submit one photograph of himself or herself and a duplicate
for each required copy of the application. Such photographs shall have
been taken within thirty days prior to filing the application. In case
of a license as gunsmith or dealer in firearms, the photographs submit-
ted shall be two inches square, and the application shall also state the
previous occupation of each individual signing the same and the location
of the place of such business, or of the bureau, agency, subagency,
office or branch office for which the license is sought, specifying the
name of the city, town or village, indicating the street and number and
otherwise giving such apt description as to point out reasonably the
location thereof. In such case, if the applicant is a firm, partnership
or corporation, its name, date and place of formation, and principal
place of business shall be stated. For such firm or partnership, the
application shall be signed and verified by each individual composing or
intending to compose the same, and for such corporation, by each officer
thereof.

(b) Application for an exemption under paragraph seven-b of subdivi-
sion a of section 265.20 of this chapter. Each applicant desiring to
obtain the exemption set forth in paragraph seven-b of subdivision a of
section 265.20 of this chapter shall make such request in writing of the
licensing officer with whom his application for a license is filed, at
the time of filing such application. Such request shall include a signed
and verified statement by the person authorized to instruct and super-
vised the applicant, that has met with the applicant and that he has
determined that, in his judgment, said applicant does not appear to be
or poses a threat to be, a danger to himself or to others. He shall
include a copy of his certificate as an instructor in small arms, if he
is required to be certified, and state his address and telephone number.
He shall specify the exact location by name, address and telephone
number where such instruction will take place. Such licensing officer
shall, no later than ten business days after such filing, request the
duly constituted police authorities of the locality where such applica-
tion is made to investigate and ascertain any previous criminal record
of the applicant pursuant to subdivision four of this section. Upon
completion of this investigation, the police authority shall report the
results to the licensing officer without unnecessary delay. The licens-
ing officer shall no later than ten business days after the receipt of
such investigation, determine if the applicant has been previously
denied a license, been convicted of a felony, or been convicted of a
serious offense, and either approve or disapprove the applicant for
exemption purposes based upon such determinations. If the applicant is
approved for the exemption, the licensing officer shall notify the
appropriate duly constituted police authorities and the applicant. Such
exemption shall terminate if the application for the license is denied,
or at any earlier time based upon any information obtained by the
licensing officer or the appropriate police authorities which would
cause the license to be denied. The applicant and appropriate police
authorities shall be notified of any such terminations.

6. License: validity. Any license issued pursuant to this section
shall be valid notwithstanding the provisions of any local law or ordi-
nance. No license shall be transferable to any other person or prem-
ises. A license to carry or possess a pistol or revolver, or to purchase
or take possession of a semiautomatic rifle, not otherwise limited as to
place or time of possession, shall be effective throughout the state,
except that the same shall not be valid within the city of New York
unless a special permit granting validity is issued by the police
commissioner of that city. Such license to carry or possess shall be
valid within the city of New York in the absence of a permit issued by
the police commissioner of that city, provided that (a) the firearms
covered by such license have been purchased from a licensed dealer with-
in the city of New York and are being transported out of said city
forthwith and immediately from said dealer by the licensee in a locked
container during a continuous and uninterrupted trip; or provided that
(b) the firearms covered by such license are being transported by the
licensee in a locked container and the trip through the city of New York
is continuous and uninterrupted; or provided that (c) the firearms
covered by such license are carried by armored car security guards
transporting money or other valuables, in, to, or from motor vehicles
commonly known as armored cars, during the course of their employment;
or provided that (d) the licensee is a retired police officer as police
officer is defined pursuant to subdivision thirty-four of section 1.20
of the criminal procedure law or a retired federal law enforcement offi-
cer, as defined in section 2.15 of the criminal procedure law, who has
been issued a license by an authorized licensing officer as defined in
subdivision ten of section 265.00 of this chapter; provided, further,
however, that if such license was not issued in the city of New York it
must be marked "Retired Police Officer" or "Retired Federal Law Enforce-
ment Officer", as the case may be, and, in the case of a retired officer
the license shall be deemed to permit only police or federal law
enforcement regulations weapons; or provided that (e) the licensee is a
peace officer described in subdivision four of section 2.10 of the crim-
inal procedure law and the license, if issued by other than the city of
New York, is marked "New York State Tax Department Peace Officer" and in such case the exemption shall apply only to the firearm issued to such licensee by the department of taxation and finance. A license as gunsmith or dealer in firearms shall not be valid outside the city or county, as the case may be, where issued. Notwithstanding any inconsistent provision of state or local law or rule or regulation, the premises limitation set forth in any license to have and possess a pistol or revolver in the licensee's dwelling or place of business pursuant to paragraph (a) or (b) of subdivision two of this section shall not prevent the transport of such pistol or revolver directly to or from (i) another dwelling or place of business of the licensee where the licensee is authorized to have and possess such pistol or revolver, (ii) an indoor or outdoor shooting range that is authorized by law to operate as such, (iii) a shooting competition at which the licensee may possess such pistol or revolver consistent with the provisions of subdivision a of section 265.20 of this chapter or consistent with the law applicable at the place of such competition, or (iv) any other location where the licensee is lawfully authorized to have and possess such pistol or revolver; provided however, that during such transport to or from a location specified in clauses (i) through (iv) of this paragraph, the pistol or revolver shall be unloaded and carried in a locked container, and the ammunition therefor shall be carried separately; provided further, however, that a license to have and possess a pistol or revolver in the licensee's dwelling or place of business pursuant to paragraph (a) or (b) of subdivision two of this section that is issued by a licensing officer other than the police commissioner of the city of New York shall not authorize transport of a pistol or revolver into the city of New York in the absence of written authorization to do so by the police commissioner of that city. The term "locked container" shall not include the glove compartment or console of a vehicle.

7. License: form. Any license issued pursuant to this section shall, except in the city of New York, be approved as to form by the superintendent of state police. A license to carry or possess a pistol or revolver or to purchase or take possession of a semiautomatic rifle shall have attached the licensee's photograph, and a coupon which shall be removed and retained by any person disposing of a firearm to the licensee. [Such] A license to carry or possess a pistol or revolver shall specify the weapon covered by calibre, make, model, manufacturer's name and serial number, or if none, by any other distinguishing number or identification mark, and shall indicate whether issued to carry on the person or possess on the premises, and if on the premises shall also specify the place where the licensee shall possess the same. If such license is issued to an alien, or to a person not a citizen of and usually a resident in the state, the licensing officer shall state in the license the particular reason for the issuance and the names of the persons certifying to the good character of the applicant. Any license as gunsmith or dealer in firearms shall mention and describe the premises for which it is issued and shall be valid only for such premises.

8. License: exhibition and display. Every licensee while carrying a pistol or revolver shall have on his or her person a license to carry the same. Every person licensed to possess a pistol or revolver on particular premises shall have the license for the same on such premises. Every person licensed to purchase or take possession of a semiautomatic rifle shall have the license for the same on his or her person while purchasing or taking possession of such weapon. Upon demand, the license shall be exhibited for inspection to any peace officer, who is
acting pursuant to his or her special duties, or police officer. A license as gunsmith or dealer in firearms shall be prominently displayed on the licensed premises. A gunsmith or dealer of firearms may conduct business temporarily at a location other than the location specified on the license if such temporary location is the location for a gun show or event sponsored by any national, state, or local organization, or any affiliate of any such organization devoted to the collection, competitive use or other sporting use of firearms. Any sale or transfer at a gun show must also comply with the provisions of article thirty-nine-DD of the general business law. Records of receipt and disposition of firearms transactions conducted at such temporary location shall include the location of the sale or other disposition and shall be entered in the permanent records of the gunsmith or dealer of firearms and retained on the location specified on the license. Nothing in this section shall authorize any licensee to conduct business from any motorized or towed vehicle. A separate fee shall not be required of a licensee with respect to business conducted under this subdivision. Any inspection or examination of inventory or records under this section at such temporary location shall be limited to inventory consisting of, or records related to, firearms held or disposed at such temporary locations. Failure of any licensee to so exhibit or display his or her license, as the case may be, shall be presumptive evidence that he or she is not duly licensed.

9. License: amendment. Elsewhere than in the city of New York, a person licensed to carry or possess a pistol or revolver or to purchase or take possession of a semiautomatic rifle may apply at any time to his or her licensing officer for amendment of his or her license to include one or more such weapons or to cancel weapons held under license. If granted, a record of the amendment describing the weapons involved shall be filed by the licensing officer in the executive department, division of state police, Albany. The superintendent of state police may authorize that such amendment be completed and transmitted to the state police in electronic form. Notification of any change of residence shall be made in writing by any licensee within ten days after such change occurs, and a record of such change shall be inscribed by such licensee on the reverse side of his or her license. Elsewhere than in the city of New York, and in the counties of Nassau and Suffolk, such notification shall be made to the executive department, division of state police, Albany, and in the city of New York to the police commissioner of that city, and in the county of Nassau to the police commissioner of that county, and in the county of Suffolk to the licensing officer of that county, who shall, within ten days after such notification shall be received by him or her, give notice in writing of such change to the executive department, division of state police, at Albany.

14. Fees. In the city of New York and the county of Nassau, the annual license fee shall be twenty-five dollars for gunsmiths and fifty dollars for dealers in firearms. In such city, the city council and in the county of Nassau the Board of Supervisors shall fix the fee to be charged for a license to carry or possess a pistol or revolver or to purchase or take possession of a semiautomatic rifle and provide for the disposition of such fees. Elsewhere in the state, the licensing officer shall collect and pay into the county treasury the following fees: for each license to carry or possess a pistol or revolver or to purchase or take possession of a semiautomatic rifle, not less than three dollars nor more than ten dollars as may be determined by the legislative body of the county; for each amendment thereto, three dollars, and five dollars
in the county of Suffolk; and for each license issued to a gunsmith or dealer in firearms, ten dollars. The fee for a duplicate license shall be five dollars. The fee for processing a license transfer between counties shall be five dollars. The fee for processing a license or renewal thereof for a qualified retired police officer as defined under subdivision thirty-four of section 1.20 of the criminal procedure law, or a qualified retired sheriff, undersheriff, or deputy sheriff of the city of New York as defined under subdivision two of section 2.10 of the criminal procedure law, or a qualified retired bridge and tunnel officer, sergeant or lieutenant of the triborough bridge and tunnel authority as defined under subdivision twenty of section 2.10 of the criminal procedure law, or a qualified retired uniformed court officer in the unified court system, or a qualified retired court clerk in the unified court system in the first and second judicial departments, as defined in paragraphs a and b of subdivision twenty-one of section 2.10 of the criminal procedure law or a retired correction officer as defined in subdivision twenty-five of section 2.10 of the criminal procedure law shall be waived in all counties throughout the state.

§ 2. Subdivisions 1 and 3 of section 400.01 of the penal law, subdivision 1 as amended by chapter 511 of the laws of 2014 and subdivision 3 as added by chapter 210 of the laws of 1999, are amended to read as follows:

1. A license to carry or possess a firearm or to purchase or take possession of a semiautomatic rifle for a retired sworn member of the division of state police shall be granted in the same manner and upon the same terms and conditions as licenses issued under section 400.00 of this article provided, however, that applications for such license may be made to, and the licensing officer may be, the superintendent of state police.

3. The provisions of this section shall only apply to license applications made or renewals which must be made on or after the effective date of this section. A license to carry or possess a pistol or revolver or to purchase or take possession of a semiautomatic rifle issued pursuant to the provisions of section 400.00 of this article to a person covered by the provisions of this section shall be valid until such license would have expired pursuant to the provisions of section 400.00 of this article; provided that, on or after the effective date of this section, an application or renewal of such license shall be made pursuant to the provisions of this section.

§ 3. Subdivision 9 of section 265.00 of the penal law, as amended by chapter 189 of the laws of 2000, is amended to read as follows:

9. "Dealer in firearms" means any person, firm, partnership, corporation or company who engages in the business of purchasing, selling, keeping for sale, loaning, leasing, or in any manner disposing of, any assault weapon, large capacity ammunition feeding device, pistol [es], revolver or semiautomatic rifle.

§ 4. Subdivision 7 of section 265.10 of the penal law, as amended by chapter 189 of the laws of 2000, is amended to read as follows:

7. Any person, other than a wholesale dealer, or gunsmith or dealer in firearms duly licensed pursuant to section 400.00 of this chapter, lawfully in possession of a firearm or semiautomatic rifle, who disposes of the same without first notifying in writing the licensing officer in the city of New York and counties of Nassau and Suffolk and elsewhere in the state the executive department, division of state police, Albany, is guilty of a class A misdemeanor.
§ 5. The penal law is amended by adding a new section 265.65 to read as follows:

§ 265.65 Criminal purchase of a semiautomatic rifle.
A person is guilty of criminal purchase of a semiautomatic rifle when he or she purchases or takes possession of a semiautomatic rifle and does not possess a license to purchase or take possession of a semiautomatic rifle as provided in subdivision two of section 400.00 of this chapter.

Criminal purchase of a semiautomatic rifle is a class A misdemeanor for the first offense and a class E felony for subsequent offenses.

§ 6. The penal law is amended by adding a new section 265.66 to read as follows:

§ 265.66 Criminal sale of a semiautomatic rifle.
A person is guilty of criminal sale of a semiautomatic rifle when, knowing or having reason to know it is a semiautomatic rifle, he or she sells, exchanges, gives or disposes of a semiautomatic rifle to another person and such other person does not possess a license to purchase or take possession of a semiautomatic rifle as provided in subdivision two of section 400.00 of this chapter.

Criminal sale of a semiautomatic rifle is a class E felony.

§ 7. Subdivision 10 of section 400.00 of the penal law is amended by adding a new paragraph (c) to read as follows:

(c) A license to purchase or take possession of a semiautomatic rifle as defined in subdivision two of this section shall be recertified to the applicable licensing officer every five years following the issuance of such license. Failure to renew such a license shall be a violation punishable by a fine not to exceed two hundred fifty dollars, and such failure to renew shall be considered by the licensing officer when reviewing future license applications by the license holder pursuant to this chapter.

§ 8. This act shall take effect on the ninetieth day after it shall have become a law and shall apply only to purchases or transfers of ownership made on or after such effective date.
New York State Association of County Clerks
Memorandum Regarding S1553D/A6399C

The New York State Association of County Clerks (NYSACC) submits this memorandum to express its concerns with certain aspects of BILL S1553D and A6399—An act that would seal certain criminal records.

As County Clerks one of our main functions statewide is as Clerk of the Supreme and County Courts for our respective Counties. As Clerk of the Court, it is the duty to maintain the continuity and access to all files kept for said Court.

While NYSACC has no objection to the spirit of the proposed legislation, we must specifically object to the language contained in the proposed legislation which provides a private right of action to a defendant “aggrieved by a violation of this section” for damages, including punitive damages.

We strongly believe that the private right of action should be eliminated, or at the very least, there should be no provision for punitive damages. Additionally, any right of action should be restricted to an intentional violation of this section and actual damages sustained as a direct result of the violation.

We hold that it would be unreasonable for public servants such as County Clerks to be held liable for what may only amount to a ministerial error which said Clerk may have had little to no control; since there is no provision in said proposed legislation for the Clerks of the Court to be directly notified by the Division of Criminal Justice Services to seal criminal records. Further, exposing public servants to this nature of liability would certainly erode the trust said public servants would have in the government they serve and severely discourage participation in public service.

In addition, NYSACC has concerns regarding the broad language in the bill which requires the sealing of “every official record and paper and duplicates and copies thereof ... relating to the conviction.” This broad language may be interpreted to include civil actions for the collection of restitution and recovery of surcharges in County Court and local court judgments arising from a conviction. The conviction may not be referenced in the judgment, particularly when a local court issues a transcript of judgment. The broad language of this section imposes a duty on the County Clerk to seal such records without having knowledge of whether the record relates to the conviction.

NYSACC President
Hon. Michael Bartolotti, Putnam County Clerk
845-808-1142 extension 49303

Legislative Committee Co-Chairs
Hon. Joseph A. Mihalko, Broome County Clerk (607) 778-2255
Hon. Maureen Reynolds, Tompkins County Clerk (607) 274-5432
This is to update you on the recent activity of the Personnel Office.

COLLECTION FOR JUNE –

For June we will collect underwear (kids and adults):

WORKERS COMP PLAN ADMINISTRATION RFP –

A sub-committee comprised of Ed Bronson, Carlie Chilson, Nonie Flynn and myself reviewed the six (6) responses to our RFP for Workers Compensation Plan Administrators and it is our recommendation to the Government Ops Committee that effective January 1, 2023 we switch from Benetech to NCAComp. If approved by the Government Ops Committee, enclosed is the resolution to go to the full Legislature for consideration.

SERVU EMPLOYEE APPRECIATION –

ServU Bank brought Pizza to COB employee on 5/18 and donuts/pastries to the Courthouse, Public Safety and Highway employees on 5/23. This was well received by the employees.

CUSTOMER SERVICE TRAINING –

Attendance: 24 employees were unable to attend. 
Training Make-Up: Employees unable to attend were sent the training packet and asked to complete specific pages. Once complete, employees have been asked to sign the training acknowledgment form I provided them with and send it back to me to show proof of completion.
Feedback: The training feedback we received was 50/50. Employees either really liked it or they didn’t. Many felt the training was not related to customer service at all and others felt they needed to focus on themselves (self-care) in order to provide good customer service.

MOVING FORWARD AND IMPROVING AS A UNITED WORKFORCE –

Below are some recommendations I propose we explore:

1) Re-evaluate our Mission, Vision and Values by forming a focus group and including representatives from our workforce.
2) Perform 360 Evaluations (survey customers (public), cooperating agencies and employees). As it was mentioned in the Customer Service Training, we evaluate “down”, but our workforce is not given the opportunity to evaluate “up”. I propose we look into performing 360 evaluations on the groups listed below:
   a. Legislators/Legislature
   b. County Administrator
   c. Each Department Head
3) Post free/short videos on the Intranet that may be helpful to employees: 
   a. 4 Quadrants of Personality Traits Video (5 Minutes)  
   https://www.youtube.com/watch?v=csBHBW0R-nM
RESOLUTIONS:

(The below resolution is the result of discussion and approval received in May. I waited a month to submit the resolution so we had a chance to discuss this with the employees)

**AUTHORIZE CHAIRWOMAN TO SIGN MEMORANDUM OF UNDERSTANDING (CSEA)**

WHEREAS, the Commissioner of Social Services and Personnel Officer presented to the Human Services Committee justification for the reclassification of the below Social Services job titles and the associated modifications to the CSEA Non-Highway and Highway Clerical Employee Salary Schedule;

<table>
<thead>
<tr>
<th>OLD TITLE (TO BE DELETED)</th>
<th>CURRENT GROUP</th>
<th>NEW TITLE (TO BE ADDED)</th>
<th>NEW GROUP</th>
</tr>
</thead>
<tbody>
<tr>
<td>SOCIAL SERVICES INVESTIGATOR</td>
<td>GROUP VI</td>
<td>SOCIAL SERVICES PROGRAM EXAMINER</td>
<td>GROUP VII</td>
</tr>
<tr>
<td>SOCIAL WELFARE EXAMINER</td>
<td>GROUP VI</td>
<td>SOCIAL SERVICES PROGRAM EXAMINER</td>
<td>GROUP VII</td>
</tr>
<tr>
<td>SUPPORT INVESTIGATOR</td>
<td>GROUP VII</td>
<td>SOCIAL SERVICES PROGRAM EXAMINER</td>
<td>GROUP VII</td>
</tr>
<tr>
<td>SENIOR SOCIAL WELFARE EXAMINER</td>
<td>GROUP VIII</td>
<td>SENIOR SOCIAL SERVICES PROGRAM EXAMINER</td>
<td>GROUP IX</td>
</tr>
<tr>
<td>SENIOR SUPPORT INVESTIGATOR</td>
<td>GROUP IX</td>
<td>SENIOR SOCIAL SERVICES PROGRAM EXAMINER</td>
<td>GROUP IX</td>
</tr>
<tr>
<td>PRINCIPAL SOCIAL WELFARE EXAMINER</td>
<td>GROUP IX</td>
<td>PRINCIPAL SOCIAL SERVICES PROGRAM EXAMINER</td>
<td>GROUP XI</td>
</tr>
</tbody>
</table>

NOW, THEREFORE, BE IT RESOLVED, that the Chairwoman of the Legislature is hereby authorized to sign a Memorandum of Understanding with the CSEA regarding the aforementioned changes to the current collective bargaining agreement to be made effective June 13, 2022; and be it further

RESOLVED, that copies of this resolution be given to the Commissioner of Social Services, to the employees currently encumbering the effected positions, the CSEA Union President, CSEA Union Representative, Personnel Officer, County Administrator and Director of Finance.

**AUTHORIZE CHAIRWOMAN TO SIGN ADMINISTRATIVE AGREEMENT AND BUSINESS ASSOCIATE AGREEMENT WITH NCACOMP AND AUTHORIZE DIRECTOR OF FINANCE TO PAY NCACOMP PRIOR TO AUDIT**

WHEREAS, Yates County sought proposals for the administration of the Yates County Self-Insured Workers’ Compensation Plan; and

WHEREAS, the contract with the Plan’s current Third Party Administrator expires on December 31, 2022, and the County does not wish to renew said contract; and
WHEREAS, the County desires to contract with NCAComp for the administration and management of the Plan, inclusive of all statutory functions performed as a Third Party Administrator for said Plan;

NOW, THEREFORE, BE IT RESOLVED, that contingent upon the approval of the County Attorney, the Chairwoman of the Yates County Legislature is hereby authorized to sign the Administrative Agreement and Business Associate Agreement with NCAComp for the period January 1, 2023 through December 31, 2027 for the following cost apportionments:

<table>
<thead>
<tr>
<th>YEAR</th>
<th>ANNUAL ADMINISTRATIVE FEES</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 1, 2023 – December 31, 2023</td>
<td>$17,000.00</td>
</tr>
<tr>
<td>January 1, 2024 – December 31, 2024</td>
<td>$17,680.00</td>
</tr>
<tr>
<td>January 1, 2025 – December 31, 2025</td>
<td>$18,387.20</td>
</tr>
<tr>
<td>January 1, 2026 – December 31, 2026</td>
<td>$19,122.69</td>
</tr>
<tr>
<td>January 1, 2027 – December 31, 2027</td>
<td>$19,887.60</td>
</tr>
</tbody>
</table>

And be it further

RESOLVED, that the Director of Finance is authorized to pay NCAComp’s invoices upon receipt prior to audit; and be it further

RESOLVED, that a copy of this resolution be provided to NCAComp, the Personnel Officer, County Administrator and Director of Finance.
**PERSONNEL OFFICE VACANCY REPORT**

**New hire orientation and paperwork processing for new hires takes roughly 2 hours per person**

### Vacancy Report

<table>
<thead>
<tr>
<th>Vacant Position</th>
<th>Account Number</th>
<th>Department</th>
<th>Personnel Status</th>
<th>Vacancy Start Date</th>
<th>Position Status</th>
<th>New Hire – Recent Activity</th>
<th>Current Staffing Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assistant DA</td>
<td>A1165.5XXXX</td>
<td>District Atty.</td>
<td>FT – 35 Hrs</td>
<td>TBD</td>
<td>Vacant.</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Case Supervisor Grade B</td>
<td>A6010.51375</td>
<td>DSS</td>
<td>FT – 35 Hrs</td>
<td>5/16/22</td>
<td>Recruiting.</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Cleaner</td>
<td>A1625.51168</td>
<td>Buildings</td>
<td>FT – 40 Hrs</td>
<td>3/4/22</td>
<td>DOH 5/9/22</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Correction Officer</td>
<td>A3150.51820</td>
<td>YCSO – Jail</td>
<td>FT – 40 Hrs</td>
<td>3/28/22</td>
<td>Recruiting.</td>
<td>0</td>
<td>32</td>
</tr>
<tr>
<td>Correction Officer/Court</td>
<td>A3190.5XXXX</td>
<td>YCSO – Court</td>
<td>FT – 40 Hrs</td>
<td>New</td>
<td>Recruiting.</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>Deputy Highway Superintend</td>
<td>D5010.51119</td>
<td>Highway</td>
<td>FT – 40 Hrs</td>
<td>5/1/22</td>
<td>Vacant.</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Deputy Sheriff</td>
<td>A3110.51750</td>
<td>YCSO – Road</td>
<td>FT – 40 Hrs</td>
<td>3/12/22</td>
<td>Vacant.</td>
<td>0</td>
<td>13</td>
</tr>
<tr>
<td>Deputy Sheriff - Investigator</td>
<td>A3110.51737</td>
<td>YCSO - CID</td>
<td>FT – 40 Hrs</td>
<td>5/2/22</td>
<td>Recruiting.</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Director of Inc/Maint</td>
<td>A6010.51125</td>
<td>DSS</td>
<td>FT – 35 Hrs</td>
<td>12/31/21</td>
<td>Promotion 5/16/22</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>E &amp; T Assistant</td>
<td>TBD</td>
<td>DSS</td>
<td>PT – 17.5 Hrs</td>
<td>New</td>
<td>Recruiting.</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Highway Superintendent</td>
<td>D5010.51074</td>
<td>Highway</td>
<td>FT – 40 Hrs</td>
<td>4/11/22</td>
<td>DOH 5/1/22</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Laborer(s)</td>
<td>D5110.51636</td>
<td>Highway</td>
<td>FT – 40 Hrs</td>
<td>Seasonal</td>
<td>DOH 5/17/22, 7/5/22</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>MEO/MEO Trainee</td>
<td>D5110.51450</td>
<td>Highway</td>
<td>FT – 40 Hrs</td>
<td>3/18/22</td>
<td>DOH 5/18/22</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>MEO/MEO Trainee</td>
<td>D5110.51450</td>
<td>Highway</td>
<td>FT – 40 Hrs</td>
<td>4/13/22</td>
<td>DOH 6/13/22</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>MEO/MEO Trainee</td>
<td>D5110.51450</td>
<td>Highway</td>
<td>FT – 40 Hrs</td>
<td>4/21/22</td>
<td>DOH TBD</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Public Health Nurse/RN</td>
<td>A4010.51333</td>
<td>Public Health</td>
<td>FT – 35 Hrs</td>
<td>8/20/21</td>
<td>DOH 5/2/22</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Public Health Nurse/RN</td>
<td>A4010.51341</td>
<td>Public Health</td>
<td>FT – 35 Hrs</td>
<td>11/12/21</td>
<td>Recruiting.</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Records Manag. Officer</td>
<td>A1460.51581</td>
<td>Historian</td>
<td>PT – 17.5 Hrs</td>
<td>3/1/22</td>
<td>DOH 5/9/22</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Senior E &amp; T Counselor</td>
<td>CD6293.1C</td>
<td>DSS</td>
<td>FT – 35 Hrs</td>
<td>New</td>
<td>Promotion 5/12/22</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Social Services Attorney</td>
<td>A6010.51645</td>
<td>DSS</td>
<td>FT – 35 Hrs</td>
<td>4/15/22</td>
<td>DOH 5/2/22</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Social Welfare Examiner</td>
<td>A6010.51390</td>
<td>DSS</td>
<td>FT – 35 Hrs</td>
<td>6/3/22</td>
<td>DOH 6/8/22</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Social Welfare Examiner</td>
<td>A6010.51399</td>
<td>DSS</td>
<td>FT – 35 Hrs</td>
<td>2/28/22</td>
<td>DOH 6/6/22</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Veteran Services Officer</td>
<td>A6510.51214</td>
<td>Veterans</td>
<td>FT – 35 Hrs</td>
<td>1/28/22</td>
<td>DOH 5/2/22</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

**TOTAL (including part-time):** 10

**Continuous Recruitment**

(Applications are accepted on a continuous basis)

<table>
<thead>
<tr>
<th>Position Title</th>
<th>Account Number</th>
<th>Department</th>
<th>Personnel Status</th>
<th>New Hire - Recent Activity</th>
<th>5/2022</th>
<th>Current Staffing Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corrections Officers</td>
<td>A3150.51990</td>
<td>YCSO – Jail</td>
<td>Part Time</td>
<td>0</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Corrections Officers</td>
<td>A3190.51981</td>
<td>YCSO - Court</td>
<td>Part Time</td>
<td>0</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Deputy Sheriff</td>
<td>A3110.51985</td>
<td>YCSO – LE</td>
<td>Part Time</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Dispatcher</td>
<td>A3021.51986</td>
<td>YCSO – Dispatch</td>
<td>Part Time</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Cook</td>
<td>A3150.51975</td>
<td>YCSO – Jail</td>
<td>Part Time</td>
<td>0</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Marine PO</td>
<td>A3110.51995</td>
<td>YCSO – LE</td>
<td>Seasonal</td>
<td>0</td>
<td>8</td>
<td>8</td>
</tr>
</tbody>
</table>

**Positions on Hold**

(Positons are vacant and on hold, not action being taken)

<table>
<thead>
<tr>
<th>Vacant Position</th>
<th>Account Number</th>
<th>Department</th>
<th>Personnel Status</th>
<th>Vacancy Start Date</th>
<th>Position Status</th>
<th>Current Staffing Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessor</td>
<td>A1355.5XXXX</td>
<td>Real Property</td>
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SET DATE FOR PUBLIC HEARING ON PROPOSED LOCAL LAW 5-22 ENTITLED
RENEWAL OF LOCAL LAW 2-19 “A LOCAL LAW ESTABLISHING AN
OCCUPANCY TAX IN YATES COUNTY”

BE IT RESOLVED, that the Clerk of the Yates County Legislature is directed to
advertise a public hearing on proposed local law 5-22 entitled Renewal of Local Law 2-19 “A
Local Law Establishing an Occupancy Tax in Yates County”; and be it further

RESOLVED, that said Public Hearing shall be held July 11, 2022 at 1:10 p.m. in the
Yates County Legislative Chambers, 417 Liberty St., Penn Yan, NY, or may be held by remote
access if needed.

LOCAL LAW NO. 5 OF THE YEAR 2022

ENTITLED:

RENEWAL OF LOCAL LAW 2-19 ENTITLED “A LOCAL LAW ESTABLISHING AN
OCCUPANCY TAX IN YATES COUNTY”

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

SECTION 1 Intent - The Yates County Legislature declares that the intent and purpose of this
Local Law shall be to impose a tax on facilities providing lodging on an overnight basis and
provide for the collection thereof in order to make funds available for tourism and General Fund
of Yates County. Pursuant thereto, the County of Yates has enacted an Occupancy Tax by way
of Local Law No. 4-07 entitled “A Local Law Establishing an Occupancy Tax in Yates County”,
which was renewed by Local Law No. 1-10, Local Law No. 2-13, Local Law No. 2-16, and
Local Law No. 2-19. The intent of this Local Law is to further renew said Local Law.

SECTION 2 Definitions - When used in this local law, the following terms shall mean:

(a) County - Yates County, New York
(b) County Treasurer – The Yates County Treasurer, or such other fiscal officer(s) of
   Yates County.
(c) County Legislature – The legislature of the County of Yates.
(d) Hotel or Motel – Any facility providing lodging on an overnight basis and shall
   include those facilities designated and commonly known as “bed and breakfast”, inns, cabins,
   condominiums, cottages, campgrounds, lodges, tourist homes, convention centers, and vacation
   rentals. The term condominium shall mean and include those units rented or leased directly by
   the owner or through a real estate agency or rental management agency. The provisions of this
   section relating to campgrounds, shall only apply to those leases and rentals in which the
   campground provides overnight shelter or lodging, and shall not apply to the provision of
   services by a campground when the customer provides his or her own shelter or lodging.
Occupancy – The use or possession, or the right to the use or possession of any room in a hotel or motel.

Occupant - A person who, for a charge or any consideration uses, possess, or has the right to use or possess, any room in a hotel or motel under any lease, concession, permit, right, license, agreement, or otherwise.

Operator – Any person operating a hotel or motel, as those terms are defined in subdivision (d) above and elsewhere herein, including, but not limited to, the owner, proprietor, lessee, sub-lessee, mortgagee in possession, licensee, or any other person otherwise operating such hotel or motel.

Permanent Resident – Any person occupying any room or rooms in a hotel or motel for at least 30 consecutive days.

Person – An individual, partnership, limited liability company, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.

Rent – The consideration received for occupancy valued in money, whether received in money or otherwise. The term rent includes separately stated charges for the use of furnishings and equipment, maid services, towel and linen services, telephone service and other accommodations. Any charges for food, drinks, entertainment, valet, laundry service, theater ticket service, transportation, and administration do not constitute rent.

Return – Any return filed, or required to be filed, as herein provided.

Room – any room or rooms of any kind in any part or portion of a hotel or motel, which is available for, rented or otherwise let out for the lodging of guests.

State – The State of New York

SECTION 3 Imposition of Tax – Effective January 1, 2008, there is hereby imposed and there shall be paid a tax of four percent (4%) of the per diem rental rate upon the rent for each room or rooms in a hotel or motel located within the County, except that such tax shall not be applicable to a permanent resident of a hotel or motel.

SECTION 4 Transitional Provisions – The tax imposed by this local law shall be paid upon any occupancy on or after January 1, 2008, although such occupancy is pursuant to a prior contract, lease or other arrangement. Where rent is paid on a weekly or other term basis, the rent shall be subject to the tax imposed by this local law to the extent that it covers any period on or after January 1, 2008. Any reservation for 2008 which is made prior to December 1, 2007, with a deposit, shall be exempt from the occupancy tax.
SECTION 5 Exempt Organizations – Section 1202-Y of the Tax Law does not authorize the imposition of this occupancy tax upon any transaction, by or with any of the following in accordance with Section 1230 of the Tax Law.

(a) The State of New York, or any public corporation (including a public corporation created pursuant to agreement or compact with another state) or the Dominion of Canada, improvement district or other political subdivision of the State;

(b) The United States of America, insofar as it is immune from taxation;

(c) Any corporation or association, or trust, or community chest, fund or foundation organized and operated exclusively for religious, charitable or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this paragraph shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this paragraph.

SECTION 6 Territorial Limitations – The tax imposed by this local law shall apply only within the territorial limits of Yates County.

SECTION 7 Registration –

(a) Within ten (10) days after the effective date of this local law, or in the case of operators commencing business after such effective date, within three (3) days after such commencement or opening, every operator shall file with the County Treasurer a registration application in a form prescribed by the County Treasurer.

(b) The County Treasurer shall, within ten days after such registration, issue without charge to each operator, a certificate of authority empowering such operator to collect the tax from the occupant and duplicate thereof for each additional hotel of such operator. Each certificate or duplicate shall state the hotel or motel to which it is applicable. Such certificates of authority shall be prominently displayed by the operator in such manner that it may be seen and come to the notice of all occupants and persons seeking occupancy. Such Certificates shall be non-assignable and non-transferable and shall be surrendered immediately to the County Treasurer upon the cessation of business at the hotel named or upon its sale or transfer.

SECTION 8 Administration and Collection –

(a) The tax imposed by this local law shall be administered and collected by the County Treasurer, or other fiscal officers of Yates County, by such means and in such manner as other taxes which are now collected and administered by such officers or as otherwise may be provided by this local law.
(b) The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for, and upon every evidence of occupancy or any bill or statement of charge made for such occupancy issued or delivered by the operator, and the tax shall be paid by the occupant to the operator as trustee for and on account of the County, and the operator shall be liable for the collection thereof and subsequent payment of the same to the County Treasurer.

(c) The following persons shall be personally liable for the tax imposed, collected or required to be collected under this local law: i) the operator, ii) any member of a partnership operator, iii) any member of a limited liability company operator; and iv) any officer, director or employee of a corporation operator or dissolved corporation operator, any employee of a partnership operator, any employee or manager of a limited liability company operator, or any employee of an individual proprietorship operator who as such officer, director, employee or manager is under a duty to act for such corporation, partnership, limited liability company or individual proprietorship in complying with any requirement of this local law.

Any such person shall have the same right in respect to collecting the tax from the occupant, or in respect to non-payment of the tax by the occupant, as if the tax were a part of the rent or charge and payable at the same time as the rent or charge; provided, however, that the County Treasurer or other fiscal officers, employees or agents specified in this local law, shall be joined as a party in any action or proceeding brought to collect the tax.

(d) Where any occupant has failed to pay a tax imposed by this local law, then in addition to all other rights, obligations and remedies provided in this local law, such tax shall be payable by the occupant directly to the County Treasurer and it shall be the duty of the occupant to file a return with the County Treasurer and to pay the tax to the County Treasurer within fifteen (15) days of the date the tax was required to be paid.

(e) The County Treasurer may, whenever he/she deems it necessary for the proper enforcement of this local law, provide by regulation that occupants shall file returns and pay directly to the County Treasurer any tax herein imposed, at such times as returns are required to be filed and payment made by an operator.

(f) For the purpose of the proper administration of this local law and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of proving that a rent for occupancy is not taxable hereunder shall be upon the operator.

(g) Where an occupant claims exemption from the tax under the provisions of section 5 of this local law, the rent shall be deemed taxable hereunder unless the operator shall receive
from the occupant claiming such exemption a certificate duly executed by an exempt corporation or association.

**SECTION 9 Records to Be Kept** – Every operator shall keep records of every occupancy and of all rent paid, charged and due thereon and of the tax payable thereon, in such form as the County Treasurer may require. Such records shall be available for inspection and examination at any time upon demand by the County Treasurer or the County Treasurer’s duly authorized agents or employees, and shall be preserved for a period of not less than three (3) years, except that the County Treasurer may consent in writing to their destruction within that period, or may in writing require that such records be kept and maintained for a specified period in excess of three (3) years.

**SECTION 10 Returns** –

(a) Every operator shall file with the County Treasurer a return of occupancy and of rents, and of the taxes payable thereon for the quarterly periods ending February 28, May 31, August 31 and November 30 of each year on or after January 1, 2008. Such returns shall be filed within twenty (20) days from the expiration of the period covered thereby. The County Treasurer may permit or require returns to be made by other periods and upon such dates as may be specified. If the County Treasurer deems it necessary in order to insure the payment of the tax imposed by this local law, then the County Treasurer may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this section and upon such dates as may be specified.

(b) The forms of returns shall be prescribed by the County Treasurer and shall contain such information as he or she may deem necessary for the proper administration of this local law. The County Treasurer may require amended returns to be filed within twenty (20) days after notice and to contain the information specified in the notice.

(c) If the return required by this local law is not filed, or a return filed is incorrect or insufficient on its face, then the County Treasurer shall take the necessary steps to enforce the filing of such return, or of a corrected return.

**SECTION 11 Payment of Tax** –

(a) Upon the time of filing a return of occupancy and of rents, each operator shall pay to the County Treasurer the taxes imposed by this local law upon the rents required to be included in such return, as well as other monies collected by the operator acting, or purporting to act, under the provisions of this local law.

(b) Where the County Treasurer, in his or her discretion, deems it necessary to protect revenues to be obtained under this local law, the County Treasurer may require any operator obligated to collect the tax imposed by this local law to file with the County Treasurer’s office a
bond, issued by a surety company authorized to transact business in this state and approved by
the New York State Superintendent of Insurance as to solvency and responsibility, in such
amount as the County Treasurer may fix to secure the payment of any tax and/or penalties and
interest due, or which may become due, from such operator.

(c) In the event the County Treasurer determines that an operator is to file such bond,
notice shall be given by the County Treasurer to such operator to that effect specifying the
amount of the bond required.

(d) The operator shall file such bond within five (5) days after the issuance of such
notice, unless within five (5), days the operator shall serve upon and deliver to the County
Treasurer a written request for a hearing before the Finance Committee at which time the
necessity, propriety and amount of the bond shall be determined by the County Treasurer. Any
determination by the County Treasurer upon such hearing shall be final and shall be complied
with by the operator within fifteen (15) days after the giving of notices thereof.

(e) In lieu of such bond, securities approved by the County Treasurer or cash in such
amount as may be prescribed, may be deposited which shall be kept in the custody of the County
Treasurer, who may at any time without notice to the depositor apply them to any tax and interest
and penalties due, and for that purpose, the securities may be sold by the County Treasurer at
public or private sale, without notice to the depositor thereof.

SECTION 12 Determination of Tax –

(a) If a return required by this local law is not filed, or if a return is incorrect or
insufficient, then the amount of tax due shall be determined by the County Treasurer from such
information as may be obtainable and, if necessary, the tax may be estimated on the basis of
external indices, such as number of rooms, location, scale of rents, comparable rents, type of
accommodations and service, number of employees and/or other factors. Such notice of
determination shall be mailed by certified or registered mail to the person or persons liable for
the collection or payment of the tax at his/her last known address. If such person or persons is
deceased or under a legal disability, a notice of determination may be mailed to his/her last
known address, unless the County Treasurer has received notice of the existence of a fiduciary
relationship with respect to such person. After thirty (30) days from the mailing of such notice
of determination, such notice of determination shall be an assessment of the amount of tax
specified in such notice of determination, together with the interest, additions to tax and penalties
stated in such notice of determination. Such notice of determination shall finally and irrevocably
fix the tax, unless the person against whom it is assessed, within the above stated thirty (30) day
time period, applies to the County Treasurer for a hearing, or unless the County Treasurer of his
or her own motion shall re-determine the same. After such hearing, the County Treasurer shall
give a notice of determination made to the person(s) against whom the tax is assessed. Any final determination of the amount of any tax payable hereunder, shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under article seventy-eight of the Civil Practice Law and Rules, if application therefore is made to the Supreme Court within thirty (30) days after the giving of the notice of such final determination, provided, however, that any such proceeding under article seventy-eight of the Civil Practice Law and Rules shall not be instituted unless:

(1) The amount of tax sought to be reviewed, with such interest and penalties thereon as may be provided for by local law or regulation shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in New York State and approved by the New York State Superintendent of Insurance as to solvency and responsibility, in such amount as a justice of the Supreme Court shall approve, to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or

(2) At the option of the petitioner, such undertaking may be in a sum sufficient to cover the taxes, interests, and penalties stated in such determination, plus the costs and charges which may accrue against such petitioner in the prosecution of the proceeding, in which event, the petitioner shall not be required to pay such taxes, interests or penalties as a condition precedent to the application.

(b) Whenever such tax is estimated as provided for in this Section 12, such notice shall contain a statement conspicuously placed on such notice advising the applicable person(s): that the amount of the tax was estimated; that the tax may be challenged through a hearing process; and that the petition for such challenge must be filed with the County Treasurer within thirty (30) days.

(c) The liability of the a purchaser, transferee or assignee of assets sold, transferred or assigned in bulk for the payment to the County of taxes determined to be due from the seller, transferor or assignor arising under subdivision (c) of Section 17 of this local law shall be an assessment of the liability determined unless the purchaser, transferee or assignee, within thirty (30) days after the giving of notice by the County Treasurer to such purchaser, transferee or assignee of the total amount of any tax or taxes which the County claims to be due from the seller, transferor or assignor, shall apply to the County Treasurer for a hearing unless the County Treasurer, on its own motion, shall re-determine such liability. Where the County Treasurer determines that the amount of taxes claimed due from the seller, transferor or assignor is erroneous or excessive in whole or in part it shall, on behalf of the purchaser, transferee or assignee, determine the amount of tax or taxes properly due and if such amount is less than the
amount of taxes for which the purchaser would have been liable in the absence of such
determination it shall reduce such liability accordingly.

(d) The liability, pursuant to subdivision (c)(iv) of Section 8 of this local law, of any
officer, director or employee of a corporation operator or dissolved corporation operator, any
employee of a partnership operator, any employee or manager of a limited liability company
operator, or any employee of an individual proprietorship operator who as such officer, director,
employee or manager is under a duty to act for such corporation, partnership, limited liability
company or individual proprietorship in complying with any requirement of this local law for the
tax imposed, collected or required to be collected, or for the tax required to be paid or paid over
to the County Treasurer under this local law, and the amount of such tax liability (whether or not
a return is filed under this local law, whether or not such return when filed is incorrect or
insufficient, or where the tax shown to be due on the return filed under this local law has not
been paid or has not been paid in full) shall be determined by the County Treasurer in the manner
provided for in subdivisions (a) and (b) of this Section 12. Such determination shall be an
assessment of the tax and liability for the tax with respect to such person unless such person,
within thirty (30) days after the giving of notice of such determination, shall apply to the County
Treasurer for a hearing. If such determination is identical to or arises out of a previously issued
determination of tax of the corporation, dissolved corporation, partnership, limited liability
company or individual proprietorship for which such person is under a duty to act, an application
filed with the County Treasurer on behalf of the corporation, dissolved corporation, partnership,
limited liability company or individual proprietorship shall be deemed to include any and all
subsequently issued personal determinations and a separate application to the County Treasurer
for a hearing shall not be required. The County Treasurer may, nevertheless, of its own motion,
re-determine such determination of tax or liability for tax. Where the County Treasurer
determines or re-determines that the amount of tax claimed to be due form the operator is
erroneous or excessive in whole or in part, it shall re-determine the amount of tax properly due
from any such person, and if such amount is less than the amount of tax for which such person
would have been liable in the absence of such determination or re-determination, it shall reduce
such liability accordingly.

(e) If the County Treasurer believes that the collection of any tax will be jeopardized by
delay, for reasons including but not limited to, a person liable for the tax is about to cease
business, leave the state or remove or dissipate assets out of which the tax or penalties and
interest might be satisfied, the County Treasurer may determine the amount of such tax and
assess the same, together with all interest and penalties provided by this local law, against any
person liable therefor prior to the filing of a return and prior to the date when such return is
required to be filed. The amount so determined shall become due and payable to the County Treasurer by the person(s) against whom such a jeopardy assessment is made, as soon as notice thereof is given to such person personally or by registered or certified mail. The provisions of subdivisions (a) and (b) of this Section 12 shall apply to any such determination except to the extent that they may be inconsistent with this subdivision. The County Treasurer may abate any jeopardy assessment if it finds that jeopardy does not exist.

SECTION 13 Refunds –

(a) In the manner provided in this section, the County Treasurer shall refund or credit, without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid, if application to the County Treasurer for such refund shall be made within one year of payment thereof. Whenever a refund is made by the County Treasurer, the reason therefore shall be stated in writing. Such application may be made by the operator, or other person who has actually paid the tax. Such application may also be made by an operator who has collected and paid over such tax to the County Treasurer, provided the application is made within one year of the payment by the occupant to the operator, but no actual refund of money shall be paid to such operator until it is first established to the satisfaction of the County Treasurer, under such regulations as the County Treasurer may prescribe, that the County Treasurer has repaid to the occupant the amount for which the application for refund is made. The County Treasurer may in lieu of any refund required to be made, allow credit therefore on payments due from the applicant.

(b) Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the proper fiscal officer or officers, and such officer or officers shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under article seventy-eight of the Civil Practice Law and Rules, provided, however, that such proceeding is instituted within thirty (30) days after the giving of the notice of such denial, that final determination of the tax due was not previously made, and that an undertaking is filed with the proper fiscal officer or officers in such amount and with such sureties as a justice of the Supreme Court shall approve, to the effect that such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

SECTION 14 Reserves – In cases where the operator or other person who has paid the tax has applied for a refund and has instituted a proceeding under article seventy-eight of the Civil Practice Law and Rules to review a determination adverse to such operator or other person who has paid the tax on such application for a refund, the County Treasurer shall set aside sufficient monies to meet any decision adverse to the County.
SECTION 15 Disposition Of Revenues – All revenues resulting from the imposition of the tax under this local law shall be paid into the treasury of Yates County and shall be credited to, and deposited in, the General Fund of the County. Thereafter the revenues from the tax after the cost of administration is deducted (said cost of administration being a percentage of such revenues, said percentage being established by County resolution, but not to exceed 10% of such revenues, to defer the necessary expenses of the County in administering such tax), shall be equally divided for the purpose of i) promoting tourism in the County (Yates County Tourism) and ii) the enhancement of the general economy in the County, its towns and villages (Yates County General Fund).

SECTION 16 Remedies Exclusive - The remedies provided by sections twelve (12) and thirteen (13) of this local law shall be the exclusive remedies available to any person for the review of the tax liability imposed by this local law; and no determination, or proposed determination, of tax or determination of any application for refund or credit shall be enjoined, contested or reviewed by any action or proceeding, except by a proceeding under article seventy-eight of the Civil Practice Law and Rules provided, however, that a taxpayer may proceed by declaratory judgment if suit is instituted within thirty (30) days after a deficiency assessment to the County Treasurer prior to the institution of such suit and posts a bond for costs pursuant to section twelve (12) of this local law.

SECTION 17 Proceedings to Recover Tax

(a) Whenever any operator or other person liable for the tax shall fail to collect or pay over and/or to pay any tax, penalty or interest imposed by this local law as herein provided, or whenever any occupant shall fail to pay any such tax, penalty or interest, the County Attorney shall, upon the request of the County Treasurer, bring or cause to be brought an action to enforce the payment of the same on behalf of Yates County in any court of the State of New York or any other state or of the United States.

(b) As an additional or alternate remedy, the County Treasurer may issue a warrant, directed to the Yates County Sheriff or to the sheriff of any other county, commanding him to levy upon and sell the real and personal property of any person liable for the tax, which may be found within that sheriff’s county, for the payment of the amount thereof, with any penalties and interest, and the cost of executing the warrant, and to return such warrant to the County Treasurer and to pay to the County Treasurer the money collected by virtue thereof within sixty (60) days after the receipt of such warrant. The Sheriff shall, within five (5) days after the receipt of the warrant, file with the County Clerk a copy thereof, and thereupon such clerk shall enter in the judgment docket the name of the person(s) mentioned in the warrant and the amount of the tax,
with any penalties and interest, for which the warrant is issued and the date when such copy is filed. Thereupon the amount of such warrant so docketed shall become a lien upon the title to and interest in real and personal property of the person(s) against whom the warrant is issued. Such lien shall not apply to personal property unless another copy of such warrant is filed in the New York State Department of State. The sheriff shall then proceed upon the warrant, in the same manner and with like effect as that provided by law in respect to executions issued against property upon judgments of a court of record, and for services in executing the warrant the sheriff shall be entitled to the same fees, which may be collected in the same manner. In the discretion of the County Treasurer, a warrant of like terms and effect may be issued and directed to any officer or employee of the County Treasurer and in the execution thereof such officer or employee shall have all the powers conferred upon sheriffs, but shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. Upon such filing of a copy of a warrant, the County Treasurer shall have the same remedies to enforce the amount due thereunder as if the County had recovered judgment therefore. If a warrant is returned not satisfied in full, the County Treasurer may from time to time issue new warrants and shall also have the same remedies to enforce the amount due thereunder as provided in this section.

(c) Whenever an operator or other person liable for the tax shall make a sale, transfer or assignment in bulk of any part of the whole of a hotel, motel, or lease, or of such operator’s business assets, otherwise than in the ordinary course of business, the following provisions shall apply:

(1) the purchaser, transferee or assignee shall, at least twenty (20) days before taking possession of the subject of such sale, transfer or assignment, or paying therefore, notify the County Treasurer by registered mail of the proposed sale and of the price, terms and conditions thereof whether or not the seller, transferor or assignor has represented to, or informed the purchaser, transferee or assignee that any tax is owed pursuant to this local law, and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing and whether any such taxes are in fact owing;

(2) whenever the purchaser, transferee or assignee shall fail to give notice to the County Treasurer as required by the preceding paragraph (1), or whenever the County Treasurer shall inform the purchaser, transferee or assignee that a possible claim for such tax or taxes exists, any sums of money, property or choses in action or other consideration, which the purchaser, transferee or assignee is required to transfer over to the seller, transferor or assignor, shall be the subject of a first priority right and lien of any such taxes theretofore or thereafter determined to be due from the operator, seller, transferor or assignor to the County, and the
purchaser, transferee or assignee is forbidden to transfer to the operator, seller, transferor or assignor and shall withhold, any such sums of money, property or choses in action, or other consideration to the extent of the amount of the County’s claim. Within fifteen (15) days of receipt of the notice of the sale, transfer or assignment from the purchaser, transferee or assignee, the County Treasurer shall give notice to the purchaser, transferee or assignee and to the operator, seller, transferor or assignor of the total amount of any tax or taxes, as well as of any penalties or interest due thereon, which the County Treasurer claims to be due from the operator, seller, transferor or assignor to the County, and whenever the County Treasurer shall fail to give such notice within fifteen (15) days from receipt of the notice of the sale, transfer or assignment required by subdivision (1) of this paragraph, such failure shall release the purchaser, transferee or assignee from any further obligation to withhold any sums of money, property or choses in action or other consideration which the purchaser, transferee or assignee is required to transfer over to the operator, seller, transferor or assignor. For failure to comply with the provisions of this paragraph, the purchaser, transferee or assignee, in addition to being subject to the liabilities and remedies imposed under the provisions of Article Six of the Uniform Commercial Code, shall be personally liable for the payment determined to be due to the County from the seller, transferor or assignor, and such liability may be assessed and enforced in the same manner as the liability for tax under this local law. Upon receipt of the County Treasurer’s notice issued pursuant this paragraph stating the total amount of the County’s claim, the purchaser, seller, transferee or assignee may make payment of such claim to the County Treasurer from any sums of money, property, or choses in action or other consideration withheld in accord with the provisions of this paragraph, except that such payment shall be limited to an amount not in excess of the purchase price or fair market value of the assets sold, transferred, or assigned to such purchaser, transferee, or assignee, whichever is higher, and upon making such payment the purchaser, transferee or assignee shall be relieved of all liability for such amounts to the operator, seller, transferor or assignor and such amounts paid to the County Treasurer shall be deemed satisfaction of the tax liability of the operator, seller, transferor or assignor to the extent of the amount of such payment.

SECTION 18 General Powers of the County Treasurer – In addition to the powers granted to the County Treasurer by County Law and this local law, the County Treasurer is hereby authorized and empowered:

(a) To make, adopt and amend rules and regulations, and to issue orders, appropriate to the carrying out of this local law and the purposes thereof;
(b) To extend for cause shown, the time of filing any return for a period not exceeding thirty (30) days; and for cause shown, to remit or waive penalties, but not interest; and to compromise disputed claims in connection with the taxes hereby imposed;

(c) To request information from the Tax Commissioner of the State of New York or the Treasury Department of the United States relative to any person; and to afford information to such Tax Commissioner or such Treasury Department relative to any person, and any other provision of this local law to the contrary notwithstanding;

(d) To delegate such functions hereunder to any employee or employees of the County Treasurer;

(e) To prescribe methods for determining the rents for occupancy and to determine the taxable and non-taxable rents;

(f) To require any operator within the County to keep detailed records of the nature and type of hotel or motel maintained, nature and type of service rendered, the rooms available and rooms occupied daily, leases or occupancy contracts or arrangements, rents received charged and accrued, the names and addresses of the occupants, whether or not any occupancy is claimed to be subject to the tax imposed by this local law, and to furnish such information upon request to the County Treasurer;

(g) To assess, determine, revise and readjust the taxes imposed under this local law.

SECTION 19 Administration of Oaths and Compelling Testimony

(a) The County Treasurer, or the County Treasurer’s duly designated and authorized employees or agents, shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of the County Treasurer’s powers and duties under this local law.

(b) The County Treasurer shall have the power to subpoena and require the attendance of witnesses and the production of books, papers, and documents to secure information pertinent to the performance of his or her duties hereunder and of the enforcement of this local law, and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of the state or unable to attend before the County Treasurer or excuse from attendance.

(c) A justice of the Supreme Court, either in court or at chambers shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the County Treasurer under this local law.

(d) Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the County Treasurer under this local law shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one
thousand dollars ($1,000) or imprisonment for not more than one year, or both such fine and imprisonment.

(e) The officers who serve the summons or subpoena of the County Treasurer and witnesses attending in response there to shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein otherwise provided.

(f) The County Sheriff, the Sheriff’s duly appointed deputies, and any officer or employee of the County Treasurer designated to serve process under this local law, are hereby authorized and empowered to serve any summons, subpoena, order, notice, document, instrument, or other process to enforce or carry out this local law.

SECTION 20 Reference to Tax - Wherever reference is made in placards or advertisements or in any other publications to this tax, such reference shall be substantially in the following form: “Occupancy Tax”; except that in any bill, receipt, statement or other evidence of memorandum of occupancy or rent charge issued or employed by the operator, the word “tax” will suffice.

SECTION 21 Penalties, Interest, and Violation

(a) Any person failing to file a return or to pay or pay over any tax to the Treasurer within the time required by this local law shall be subject to:

(1) a penalty consisting of the higher of i) five percent (5%) of the amount of tax due or ii) the sum of $5.00; plus

(2) interest at the rate of one percent (1%) of the amount of tax due for each month of delay, except that no interest shall be charged for the first thirty (30) days immediately after the date such return was required to be filed or such tax became due.

(b) The County Treasurer, if satisfied the delay was excusable, may remit or waive all or any part of the penalty but not the interest owed. Such penalties and interest shall be paid and disposed of in the same manner as other revenues from this local law. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this local law. Any person that is personally liable for the tax imposed, collected or required to be collected under this local law shall also be personally liable for the penalties and interest herein imposed.

(c) In addition to the penalties herein or elsewhere prescribed, any person found to have committed any of the following acts shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand ($1,000) dollars or imprisonment for not more than one (1) year, or both such fine and imprisonment:

(1) failing to file a return required by this local law;

(2) filing or causing to be filed, or making or causing to be made, or giving or causing to be given, any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this local law which is willfully false;
(3) willfully failing to file a bond required to be filed pursuant to this local law;
(4) failing to file a registration certificate and such data in connection therewith as the Treasurer may by order, regulation or otherwise require;
(5) failing to display, or to surrender upon demand of the Treasurer the certificate of authority as required by this local law;
(6) assigning or transferring such a certificate of authority;
(7) willfully failing to charge separately from the rent the tax herein imposed, or willfully failing to state such tax separately on any evidence of occupancy and on any bill or statement or receipt of rent issued or employed by the operator;
(8) willfully failing or refusing to collect any tax imposed by this local law from the occupant;
(9) referring or causing reference to be made to this tax in a form or manner other than that required by this local law; or
(10) failing to keep or maintain the records required by this local law.

(d) The certificate of the County Treasurer to the effect that a tax has not been paid, that a return, bond or registration certificate has not been filed, or that information has not been supplied pursuant to the provisions of this local law, shall be presumptive evidence thereof.

SECTION 22 Returns to be Confidential

(a) Except in accordance with proper judicial order, or as otherwise provided by law, it shall be unlawful for the County Treasurer to divulge, or make known in any manner, the rents or other information relating to the business of the taxpayer contained in any return required under this local law. The officers charged with the custody of such returns shall be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the County Treasurer in an action or proceeding under the provisions of this local law or on behalf of any party to any action or proceeding under this local law, when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of, and may admit into evidence, so much of such returns, or of the facts shown thereby, as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the delivery to a taxpayer, or his or her duly authorized representative, of a certified copy of any return filed in connection with his or her tax, nor to prohibit the publication of statistics so classified as to prevent the identification of particular returns and the items thereof, or the inspection by the County Attorney or other legal representatives of the County of the return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the
collection of a tax or penalty. Returns shall be preserved for three (3) years and thereafter until
the County Treasurer permits them to be destroyed.

(b) Any violation of this section shall be punishable by a fine not exceeding one
thousand dollars ($1,000).

SECTION 23 Notice and Limitations of Time

(a) Any notice authorized or required under the provisions of this local law may be given
by mailing the same to the person for whom it is intended in a post-paid envelope addressed to
such person at the address given in the last return filed by him or her pursuant to the provisions
of this local law, or in any application made by him or her, or if no return has been filed or
application made, then to such address as may be obtainable. The mailing of such notice shall be
presumptive evidence of the receipt of the same by the person to whom it is addressed. Any
period of time which is determined according to the provisions of the local law giving of notice
shall commence to run from the date of such notice.

(b) The provisions of the Civil Practice Law and Rules or any other law relative to
limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or
action taken by the County to levy, appraise, assess, determine or enforce the collection of any
tax or penalty provided by this local law. However, except in the case of a willfully false or
fraudulent return with the intent to evade the tax, no assessment of additional tax shall be made
after the expiration of more than three (3) years from the date of the filing of a return, provided,
however, that where no return has been filed as provided by law, the tax may be assessed at any
time.

(c) Where, before the expiration of the period described herein for the assessment of an
additional tax, a taxpayer has consented in writing that such period be extended, the amount of
such additional tax due may be determined at any time with in such extended period. The period
so extended may be further extended by subsequent consents in writing made before the
expiration of the extended period.

SECTION 24 SEPARABILITY – If any provision of this local law or the application thereof to
any person or circumstance shall be held invalid, the remainder of this local law and the
application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 25 Limitation of Effect of Local Law – This local law shall remain in full force and
effect for a period of three (3) years from the date of enactment by the Yates County Legislature;
except nothing shall prohibit or prevent the adoption and enactment of subsequent local laws
continuing or imposing the tax authorized hereby after the expiration of this local law.

SECTION 26 Effective Date – This local law shall take effect January 1, 2023.
ADOPT LOCAL LAW 4-2022 ENTITLED “A LOCAL LAW AMENDING COUNTY OF
YATES LOCAL LAW NO. 3 OF THE YEAR 1971, AS AMENEDED BY LOCAL LAW
NO. 2 OF THE YEAR 1982, AS FURTHER AMENEDED BY LOCAL LAW NO. 2 OF
THE YEAR 2012- FOR THE PURPOSE OF ADOPTING A PLAN OF
REAPPORTIONMENT OF LEGISLATIVE DISTRICTS BASED ON THE 2020
CENSUS”

WHEREAS, proposed Local Law 4-22 entitled “A Local Law Amending County of
Yates Local Law No. 3 of the Year 1971, as Amended by Local Law No. 2 of the Year 1982, as
Further Amended by Local Law No. 2 of the Year 2012 – For the Purpose of Adopting a Plan of
Reapportionment of Legislative Districts Based on the 2020 Census” was introduced at the May
9, 2022 Legislative meeting; and

WHEREAS, a Public Hearing was duly held on June 13, 2022;

NOW, THEREFORE, BE IT RESOLVED, that proposed Local Law 4-22 entitled “A
Local Law Amending County of Yates Local Law No. 3 of the Year 1971, as Amended by Local
Law No. 2 of the Year 1982, as Further Amended by Local Law No. 2 of the Year 2012 – For the Purpose of Adopting a Plan of
Reapportionment of Legislative Districts Based on the 2020 Census” is hereby adopted; and be it further

RESOLVED, that a copy of this resolution be given to the County Attorney and the New
York State Department of State.

LOCAL LAW NO. 4 OF THE YEAR 2022

ENTITLED:

A LOCAL LAW AMENDING COUNTY OF YATES LOCAL LAW NO. 3 OF THE
FURTHER AMENEDED BY LOCAL LAW NO. 2 OF THE YEAR 2012- FOR THE
PURPOSE OF ADOPTING A PLAN OF REAPPORTIONMENT OF LEGISLATIVE
DISTRICTS BASED ON THE 2020 CENSUS

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

Section 1: Legislative Intent

The intent of this Local Law is to adopt a plan of reapportionment of legislative districts based
upon county and town population data from the 2020 Census; and to do so in accordance with
applicable constitutional, legal and statutory principles.

Section 2: Amendments

A. The paragraph numbered “4” of County of Yates Local Law No. 3 of the Year 1971, as
Amended by Local Law No. 2 of the Year 1982, as Further Amended by Local Law No. 2 of the
Year 2012, is hereby amended as follows:
4. That for the purpose of electing the members of the Yates County Legislature; the County of Yates is hereby divided into four (4) legislative districts as follows:

District No. 1: Town of Italy, Town of Jerusalem and Town of Middlesex.

District No. 2: Town of Benton, Town of Potter and Town of Torrey; with the Exception of All that portion of the Town of Benton located within the Village of Penn Yan.

District No. 3: Town of Milo and All that portion of the Town of Benton located within the Village of Penn Yan; with the Exception of All that portion of the Town of Milo located within the following area: Beginning at a point in the centerline of Sutherland Road, said point being in the common boundary line of the Town of Milo and the Town of Barrington, thence northerly along the centerline of Sutherland Road to a point in the centerline of Baker Road, thence easterly along the centerline of Baker Road to a point in the centerline of Chubb Hollow Road, thence southerly along the centerline of Chubb Hollow Road to a point in the centerline of Rice Road, thence easterly along the centerline of Rice Road to a point in the centerline of Rice Road (a/k/a Cherry Street), thence easterly along the centerline of Rice Road (a/k/a Cherry Street) to a point in the centerline of Norris Road, thence northerly along the centerline of Norris Road to a point in the centerline of Plum Point Road, thence easterly along the centerline of Plum Point Road to a point in the westerly line of New York State Route 14, thence easterly on a perpendicular course across said New York State Route 14 to a point in the easterly line of New York State Route 14, thence northerly along the easterly line of New York State Route 14 to a point in the centerline of Plum Point Road, thence easterly along the centerline of Plum Point Road to a point in the westerly line of current Tax Map Parcel No. 088.67-1-6, thence northerly along the westerly line of said Tax Map Parcel to a point marking the northwest corner of said Tax Map Parcel, thence easterly along the northerly line of said Tax Map Parcel to the westerly shore of Seneca Lake, thence southerly along the westerly shore of Seneca Lake to a point in the common boundary of the Town of Milo and the Town of Starkey, thence westerly along said Milo-Starkey town line to a point marking the northeast corner of the Town of Barrington, thence westerly along said Milo-Barrington town line to the point and place of beginning.

District No. 4: Town of Barrington, Town of Starkey and All that portion of the Town of Milo located within the following area: Beginning at a point in the centerline of Sutherland Road, said point being in the common boundary line of the Town of Milo and the Town of Barrington, thence northerly along the centerline of Sutherland Road to a point in the centerline of Baker Road, thence easterly along the centerline of Baker Road to a point in the centerline of Chubb Hollow Road, thence northerly along the centerline of Chubb Hollow Road to a point in the centerline of Rice Road, thence easterly along the centerline of Rice Road (a/k/a Cherry Street), thence easterly along the centerline of Rice Road (a/k/a Cherry Street) to a point in the centerline of Norris Road, thence northerly along the centerline of Norris Road to a point in the centerline of Plum Point Road, thence easterly along the centerline of Plum Point Road to a point in the westerly line of New York State Route 14, thence easterly on a perpendicular course across said New York State Route 14 to a point in the easterly line of New York State Route 14, thence northerly along the easterly line of New York State Route 14 to a point in the centerline of Plum Point Road, thence easterly along the centerline of Plum Point Road to a point in the westerly line of current Tax Map Parcel No. 088.67-1-6, thence northerly along the westerly line of said Tax Map Parcel to a point marking the northwest corner of said Tax Map Parcel, thence easterly along the northerly line of said Tax
Map Parcel to the westerly shore of Seneca Lake, thence southerly along the westerly shore of Seneca Lake to a point in the common boundary of the Town of Milo and the Town of Starkey, thence westerly along said Milo-Starkey town line to a point marking the northeast corner of the Town of Barrington, thence westerly along said Milo-Barrington town line to the point and place of beginning.

B. The paragraph numbered “7” of County of Yates Local Law No. 3 of the Year 1971, as Amended by Local Law No. 2 of the Year 1982, as Further Amended by Local Law No. 2 of the Year 2012, is hereby amended as follows: DELETED in its entirety; due to the fact that the subject matter of said paragraph (Yates County Legislator terms) is now governed by a separate Local Law.

Section 3: Commencement of Reapportionment Plan

This amendment of County of Yates Local Law No. 3 of the Year 1971, as Amended by Local Law No. 2 of the Year 1982, as Further Amended by Local Law No. 2 of the Year 2012, shall be effective for the election of members of the Yates County Legislature for terms commencing January 1, 2024 and thereafter and for all processes incidental thereto.

Section 4: Effective Date

This Local Law shall take effect upon filing with the Secretary of State in accordance with applicable provisions of the Municipal Home Rule Law of the State of New York.

ADOPT THE EXPANSION OF VIDEOCONFERENCING FOR PUBLIC MEETINGS

WHEREAS, April 9, 2022 Governor Hochul signed an amendment to the Open Meetings Law, to expire on July 1, 2024, allowing for the expanded use of videoconferencing by public bodies in the conduct of open meetings, such amendment having been made to Section 103(c) of the New York State Public Officers Law and a new Section 103-a of the New York State Public Officers Law having been added thereto; and

WHEREAS, Yates County (hereinafter referred to as the “County”) wishes to avail itself of such expanded use of videoconferencing in the conducting of open meetings; and

WHEREAS, the proposed Resolution entitled “Adopt the Expansion of Videoconferencing for Public Meetings” was introduced at the May 9, 2022 Legislative meeting; and

WHEREAS, a Public Hearing was duly held on June 13, 2022;

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the statutory framework recited above, and effective until July 1, 2024, the County hereby authorizes the County Legislature and its committees to use videoconferencing in conducting its open meetings, under the following circumstances, terms and conditions:

1. Such use of videoconferencing at a meeting is permissible only if such meeting contains the minimum number of the members of the particular meeting body needed to fulfill
that body’s quorum requirement who are physically present at the same physical location where the public can attend.

2. The members of the particular body meeting shall be physically present at any such meeting unless such member is unable to be physically present at such meeting due to extraordinary circumstances. The term “extraordinary circumstances” shall be defined as disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member’s physical attendance at such meeting.

3. The public shall be provided the opportunity to attend, listen and observe the meeting in at least one physical location wherein a member of the meeting body is participating in the meeting.

4. Meetings shall be conducted so that the members of the meeting body can be heard, seen and identified while the meeting is being conducted.

5. The minutes of the meetings shall include which, if any, members of the meeting body participated remotely.

6. The public notice for a meeting shall inform the public that videoconferencing will be used, and give pertinent information thereto, including but not limited to, where the public can view and/or participate in such meeting, and identify the physical location for the meeting where the public can attend.

7. The meeting body shall provide the opportunity for the public to view such meeting via video, and to participate in proceedings by videoconference in real-time where public comment or participation is authorized, and it will be ensured that videoconferencing allows the same public participation as in-person public participation.

8. The audio of the meeting shall be recorded and such recordings posted or linked on the public website of the County within five business days following the meeting and shall remain so available for a minimum of five years thereafter.

9. Notwithstanding the forgoing, fully remote meetings can be held and the in-person requirements shall not apply, during a state disaster emergency declared by the governor pursuant to Section 28 of the New York State Executive Law, or a local state of emergency proclaimed by the chief executive of a county, city, village, or town pursuant to Section 24 of the New York State Executive Law, if the meeting body determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the meeting body to hold an in-person meeting; and be it further

RESOLVED, that a copy of this resolution be given to the Clerk of the County Legislature, County Administrator and each County Legislator.