



YATES COUNTY LEGISLATURE
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Leslie Church
Chairwoman
Emilee D. Miller
Clerk

**YATES COUNTY LEGISLATIVE AGENDA
June 13, 2022 at 1:00 pm**

Join from a PC, Mac, iPad, iPhone or Android device:

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- Call to Order & the Pledge of Allegiance
- Steve Griffin, FLEDC CEO, End of 2021 Year Figures & Update
- Approve Minutes from the May 9th & May 16th Meetings
- Approve Audit
- Committee Reports
- Public Comment
- Open Public Hearing on the Proposed Adoption of **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
- Open Public Hearing on the Proposed Adoption of the **Resolution No. 236-22** for “The Expansion of Videoconferencing for Public Meeting”
- Open Public Hearing on the Proposed Adoption of **Local Law 3-2022** “A Local Law Creating the Department of Emergency Services in the County of Yates”

RESOLUTION

Willson	222-22	Authorize Chairwoman to Sign Software Maintenance Agreement Renewal
	223-22	Authorize Chairwoman to Sign Letter of Intent for Hazardous Mitigation Plan Update Grant
	224-22	Adopt Local Law 3-2022 Entitled “A Local Law Creating the Department of Emergency Services in the County of Yates”
	225-22	Authorize Renewal of Nixle Services Agreement
	226-22	Authorize Agreement with the Village of Penn Yan for Marine Patrol Unit Mooring

	227-22	Accept Bid for Public Safety Communications Project
	228-22	Public Safety Building Steel Antenna Monopole Tower Amend Resolution No. 8-22 (Sabre Industries & Mid-State Communications)
	229-22	Authorize Chairwoman to Sign Agreement with LexisNexis Services, a division of Relx Inc. (Ln)
Bronson	230-22	Authorize Sheriff to fill Emergency Services Dispatcher Position
	231-22	New York State Invasive Species Awareness Week/Great Lakes Land Blitz Week
	232-22	Authorize Chairwoman to Sign Memorandum of Understanding (CSEA)
	233-22	Authorize Chairwoman to Sign Administrative Agreement and Business Associate Agreement with NCAComp and Authorize Director of Finance to Pay NCAComp Prior to Audit
	234-22	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”
	235-22	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”
	236-22	Adopt the Expansion of Video Conferencing for Public Meetings
	237-22	Authorize Chairwoman to Sign Memorandum of Understanding (CSEA)
	238-22	Authorize County Administrator to Create and Fill Project Manager Position
	239-22	Adopt 2022 Non-Union Non-Exempt Employee Wage Schedule
Chilson	240-22	Authorize Chairwoman to Sign Contract with Finger Lakes Addictions Counseling and Referral Agency (FLACRA)
	241-22	Authorize Chair to Sign Child and Family Services Plan
	242-22	Authorize Contract with the Workforce Investment Board
	243-22	Allocate Funding
	244-22	Authorize 2022 Yates County Youth Bureau Contracts
	245-22	Authorize Chair to Sign Resource Allocation Plan (2022)
	246-22	Sign Amendment to the Agreement with Health Research Inc. (HRI) (ELC Schools Grant)
	247-22	Authorize Chairwoman to Sign Agreement with Ontario County Public Health
	248-22	Authorize Chairwoman to Sign Agreement with Lara Olney, Speech Language Pathologist
Banach	249-22	Authorize C & S Engineers, Inc. to Proceed with Building Design Option #1 for the Yates County

Highway/Office of Emergency Services (OES)/Public Health (PH) Building Project

Paddock	250-22	Enter into an Agreement for One Touch Make Ready Services for Phase 2 of the ReConnect Project with LaBella Associates
	251-22	Enter into a Master Services Agreement for Make Ready Construction for the ReConnect Project with H. Richardson & Sons, LLC
	252-22	Authorize Non-Billable Invoices for New York State Electric and Gas Make Ready Work to be paid upon Reimbursement and Prior to Audit
	253-22	Enter into an Agreement for New York State Department of Transportation Right of Way Permitting Services for Phase 1A of the ReConnect Project with Airosmith Inc.
	254-22	Appoint Member to the Yates County Planning Board (Ronald Miller, At-Large)
	255-22	2022 Budget Transfers
	256-22	Appropriate Infrastructure Reserve Funds
	257-22	Appropriate Additional Aid (Social Services)
	258-22	Appropriate Additional Aid (Social Services)
	259-22	Appropriate Additional Aid (Youth Bureau)
	260-22	Appropriate State Aid (Highway)
	261-22	Appropriate Additional State Aid (Highway)
	262-22	Authorize Finance Director to Purchase Occupancy Tax Management Software; Granicus (Finance)
	263-22	Authorize Assignment of Unassigned Fund Balance
	264-22	Amend Resolution No. 123-22 (Double M Fence)
	265-22	Authorize Penn Yan Airport to Change Hanger Rent
	266-22	Approve Mortgage Tax Apportionment
	267-22	Amend Resolution No. 221-22 (Resolution of the Legislature of the County of Yates Electing a Cents per Gallon Rate of Sales and Compensating use Taxes on Motor Fuel and Diesel Motor Fuel, in Lieu of the Percentage Rate of Such Taxes, Pursuant to the Authority of Article 29 of the Tax Law of the State of New York)

Executive Session if needed

Resolution No. 222-22

Date: 6/13/22

Motioned By: Willson

Seconded By:

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

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

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairwoman is authorized to sign the AutoMon Corporation Software Maintenance Agreement for one year beginning July 20, 2022 at a cost of \$7,022.92; and be it further

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

Resolution No. 223-22

Date: 6/13/22

Motioned By: Willson

Seconded By:

**AUTHORIZE CHAIRWOMAN TO SIGN LETTER OF INTENT FOR HAZARD
MITIGATION PLAN UPDATE GRANT**

WHEREAS, The New York State Division of Homeland Security and Emergency Services (DHSES) is pleased to announce the availability of Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMPG) funds for Presidential Declaration: DR-4480 (COVID-19); and

WHEREAS, New York State Emergency Management Office has recommended that Yates County apply for this funding to update the Multijurisdictional All Hazard Mitigation Plan;

NOW, THEREFORE, BE IT RESOLVED, that Chairwoman Leslie Church is authorized to sign the Letter of Intent (LOI) to apply to the Hazardous Mitigation Grant Program (HMPG) for a planning grant for \$150,000.00; and be it further

RESOLVED, that a copy of this resolution be provided to the Emergency Services Director.

Resolution No. 224-22

Date: 6/13/22

Motioned By: Willson

Seconded By:

**ADOPT LOCAL LAW 3-2022 ENTITLED "A LOCAL LAW CREATING THE
DEPARTMENT OF EMERGENCY SERVICES IN THE COUNTY OF YATES"**

WHEREAS, proposed Local Law 3-22 entitled "A Local Law Creating the Department of Emergency Services in the County of Yates" 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 3-22 entitled "A Local Law Creating the Department of Emergency Services in the County of Yates" 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. 3 OF THE YEAR 2022

ENTITLED:

A LOCAL LAW CREATING THE DEPARTMENT OF EMERGENCY SERVICES IN THE COUNTY OF YATES

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

Section 1. Establishment of Department of Emergency Services and Position of Director Thereof.

There is hereby created, as a separate department of Yates County government, the Yates County Department of Emergency Services, the head of which shall be the Director of Emergency Services who shall be appointed by the Yates County Legislature and hold such position at the pleasure of the Yates County Legislature. The Director shall receive an annual salary to be fixed by the Yates County Legislature.

Section 2. Powers and Duties of the Director of Emergency Services.

The Director of Emergency Services shall have the power and duty to:

- (a) Direct and coordinate the provision of emergency management services and fire control services within the County;
- (b) Appoint and remove a deputy director, other subordinates, and employees of the Department of Emergency Services, within the amounts appropriated therefore by the Yates County Legislature, and to prescribe and supervise their duties;
- (c) Insure the County's compliance with federal and state laws pertaining to natural disasters, emergency preparedness, hazard mitigation, hazardous materials response, and other related emergency response activities;
- (d) Administer training programs for the fire service and emergency medical personnel;
- (e) Promote emergency preparedness and other preventive activities to enhance public awareness of emergency management;
- (f) Coordinate inter- and intra-county mutual aid programs for both the fire and emergency medical services within the County;
- (g) Oversee the maintenance and operation of the County's Emergency Operations Center;
- (h) Oversee the management of NYS EMS Course Sponsorship and associated Certified Instructors;
- (i) Work cooperatively with local agencies on recruitment and retention;
- (j) Recommend and/or formulate administrative policies and procedures for the operation and accountability of the Department of Emergency Services; and
- (k) Perform such additional and related duties as may be prescribed from time to time by the Yates County Legislature and/or the Yates County Administrator.

Section 3. Local Law Repealed.

The following Local Law is hereby repealed and shall be superseded by this Local Law, with said repeal to take effect upon the effective date of this Local Law:

(a) Local Law No. 1 of the year 2011 entitled “A Local Law Creating the Department of Emergency Management in the County of Yates”.

Section 4. Effective Date.

Resolution No. 225-22
Motioned By: Willson

Date: 6/13/22
Seconded By:

AUTHORIZE THE RENEWAL OF NIXLE SERVICES

BE IT RESOLVED, that the Sheriff and Chairwoman are authorized to sign the renewal at \$2,703.75 of annual agreement effective 7/1/2022 and coverage thru 6/30/2025 with Everbridge, Inc. the provider of Nixle secure communication service for Yates County 911 dispatch to disseminate community and safety alert information for the benefit of county residents upon approval of the County Attorney; and be it further

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

Resolution No. 226-22
Motioned By: Willson

Date: 6/13/22
Seconded By:

**AUTHORIZE AGREEMENT WITH VILLAGE OF PENN YAN
FOR SHERIFF’S MARINE PATROL UNIT MOORING**

WHEREAS, historically the Sheriff’s Marine Patrol Unit Keuka Lake patrol vessel has utilized mooring space at the Penn Yan Water Treatment Plant on Keuka Lake at 1515 West Lake Road, Penn Yan, NY with a reciprocity arrangement for mutual services that in the interest of good business after meeting of the Sheriff, the Village Attorney, and the Director of Public Works is herewith now formalized;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairwoman and the Sheriff are authorized to sign a formal Agreement with the Village of Penn Yan for this gratis mooring, and agreed reciprocity that extends until 2025; and be it further

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

Resolution No. 227-22
Motioned By: Willson

Date: 6/13/22
Seconded By:

**ACCEPT BID FOR PUBLIC SAFETY COMMUNICATIONS PROJECT
PUBLIC SAFETY BUILDING STEEL ANTENNA MONOPOLE TOWER**

WHEREAS, on May 16, 2022, one bid for a Steel Antenna Monopole Tower for the Yates County Public Safety Building site (Phase 1, Contract 7 – Yates County Public Safety Communications Project Steel Antenna Monopole Tower) was received, opened, read aloud and documented, with Mid-State Communications of Oriskany, NY bidding \$81,950 for the tower and allowances; and

WHEREAS, the County's project consultant, C & S Engineers, has reviewed the bid and recommends accepting said bid from Mid-State Communications;

NOW, THEREFORE, BE IT RESOLVED, that the above Mid-State Communications bid is hereby accepted, contingent upon the execution of a written contract related thereto between the County and Mid-State Communications, and to this end, the Chairwoman of the Legislature, upon the approval of the County Attorney, is authorized to sign such a contract on behalf of the County, as well as any other necessary documents with Mid-State Communications, to enable acquisition of a steel antenna monopole tower for the Public Safety Communications Project, including, but not limited to change orders; and be it further

RESOLVED, that total contract shall not exceed \$81,950; and be it further

RESOLVED, that copies of this resolution be furnished to the Yates County Sheriff, County Administrator/Budget Officer, Director of Emergency Services, Highway Superintendent, Information Technology Director, Director of Finance, Treasurer, C & S Engineers and Mid-State Communications.

Resolution No. 228-22
Motioned By: Willson

Date: 6/13/22
Seconded By:

AMEND RESOLUTION NO. 8-22
(Sabre Industries & Mid-State Communications)

WHEREAS, Resolution No. 8-22 awarded bids to Sabre Industries for Contract 1 (communications shelters and one generator) and to Mid-State Communications for Contract 2 (steel lattice antenna towers); and

WHEREAS, the amount stated in the said Resolution for three communications shelters and one generator, including delivery, was \$363,326; and

WHEREAS, in order to meet scheduling requirements design changes are necessary – elimination of the generator and change in configuration of the shelters – as well as acquisition of one additional shelter; and

WHEREAS, the total contract amount increases by \$71,958 to \$434,924;

NOW, THEREFORE, BE IT RESOLVED, that the quantity of shelters stated in Resolution 8-22 be changed from three to four; and be it further

RESOLVED, that the quantity of generators in said Resolution be changed from one to zero; and be it further

RESOLVED, that the total amount for shelters and delivery in said Resolution be changed from \$363,326 to \$434,924; and be it further

RESOLVED, that should timing be such that documents were executed prior to the passage of this resolution, that the Chairwoman's execution thereof be ratified; and be it further

RESOLVED, that copies of this resolution be furnished to the Yates County Sheriff, County Administrator/Budget Officer, Treasurer, Director of Finance, C & S Engineers and Sabre Industries.

Resolution No. 229-22

Date: 6/13/22

Motioned By: Willson

Seconded By:

**AUTHORIZE CHAIRWOMAN TO SIGN AGREEMENT WITH LEXISNEXIS SERVICES,
a division of Relx Inc. (Ln)**

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

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

- a. A monthly fee of \$176.00 from 7/1/2022 - 6/30/2023
- b. A monthly fee of \$184.00 from 7/1/2023 - 6/30/2024
- c. A monthly fee of \$192.00 from 7/1/2024 - 6/30/2025

and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Chairwoman of the Legislature is authorized to sign such contract; and be it further

RESOLVED, that the District Attorney is authorized to sign such contract; and be it further

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

Resolution No. 230-22

Date: 6/13/22

Motioned By: Bronson

Seconded By:

**AUTHORIZE SHERIFF TO FILL EMERGENCY SERVICES DISPATCHER
POSITION**

WHEREAS, an Emergency Services Dispatcher vacancy was created on June 2, 2022 as the result of a resignation; and

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

WHEREAS, the estimated cost to fill the position, including fringe is \$59,634 to \$83,563, depending on health insurance;

NOW, THEREFORE, BE IT RESOLVED, that effective June 13, 2022 the Sheriff is hereby approved to fill the Emergency Services Dispatcher position; and be it further

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

Resolution No. 231-22

Date: 6/13/22

Motioned By: Bronson

Seconded By:

**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 wellbeing 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; and be it further

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.

Resolution No. 232-22
Motioned By: Bronson

Date: 6/13/22
Seconded By:

**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;

OLD TITLE (TO BE DELETED)	CURRENT GROUP	NEW TITLE (TO BE ADDED)	NEW GROUP
SOCIAL SERVICES INVESTIGATOR	GROUP VI	SOCIAL SERVICES PROGRAM EXAMINER	GROUP VII
SOCIAL WELFARE EXAMINER	GOUP VI	SOCIAL SERVICES PROGRAM EXAMINER	GROUP VII
SUPPORT INVESTIGATOR	GROUP VII	SOCIAL SERVICES PROGRAM EXAMINER	GROUP VII
SENIOR SOCIAL WELFARE EXAMINER	GROUP VIII	SENIOR SOCIAL SERVICES PROGRAM EXAMINER	GROUP IX
SENIOR SUPPORT INVESTIGATOR	GROUP IX	SENIOR SOCIAL SERVICES PROGRAM EXAMINER	GROUP IX
PRINCIPAL SOCIAL WELFARE EXAMINER	GROUP IX	PRINCIPAL SOCIAL SERVICES PROGRAM EXAMINER	GROUP XI

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.

Resolution No. 233-22
Motioned By: Bronson

Date: 6/13/22
Seconded By:

**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:

YEAR	ANNUAL ADMINISTRATIVE FEES
January 1, 2023 – December 31, 2023	\$17,000.00
January 1, 2024 – December 31, 2024	\$17,680.00
January 1, 2025 – December 31, 2025	\$18,387.20
January 1, 2026 – December 31, 2026	\$19,122.69
January 1, 2027 – December 31, 2027	\$19,887.60

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.

Resolution No. 234-22

Date: 6/13/22

Motioned By: Bronson

Seconded By:

**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) Director of Finance – The Yates County Director of Finance.
- (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.
- (e) Occupancy – The use or possession, or the right to the use or possession of any room in a hotel or motel.
- (f) 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.
- (g) 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.
- (h) Permanent Resident – Any person occupying any room or rooms in a hotel or motel for at least 30 consecutive days.
- (i) 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.
- (j) 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.

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

(l) 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.

(m) 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 Director of Finance a registration application in a form prescribed by the Director of Finance.

(b) The Director of Finance 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 Director of Finance 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 Director of Finance, 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 Director of Finance.

(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 Director

of Finance 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 Director of Finance and it shall be the duty of the occupant to file a return with the Director of Finance and to pay the tax to the Director of Finance within fifteen (15) days of the date the tax was required to be paid.

(e) The Director of Finance 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 Director of Finance 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 Director of Finance may require. Such records shall be available for inspection and examination at any time upon demand by the Director of Finance or the Director of Finance's duly authorized agents or employees, and shall be preserved for a period of not less than three (3) years, except that the Director of Finance 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 Director of Finance 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 Director of Finance may permit or require returns to be made by other periods and upon such dates as may be specified. If the Director of Finance deems it necessary in order to insure the payment of the tax imposed by this local law, then the Director of Finance 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 Director of Finance and shall contain such information as he or she may deem necessary for the proper administration of this local law. The Director of Finance 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 Director of Finance 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 Director of Finance 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 Director of Finance, in his or her discretion, deems it necessary to protect revenues to be obtained under this local law, the Director of Finance may require any operator obligated to collect the tax imposed by this local law to file with the Director of Finance'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 Director of Finance 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 Director of Finance determines that an operator is to file such bond, notice shall be given by the Director of Finance 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 Director of Finance 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 Director of Finance. Any determination by the Director of Finance 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 Director of Finance or cash in such amount as may be prescribed, may be deposited which shall be kept in the custody of the Director of Finance, 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 Director of Finance 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 Director of Finance 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 Director of Finance 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 Director of Finance for a hearing, or unless the Director of Finance of his or her own motion shall re-determine the same. After such hearing, the Director of Finance 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 Director of Finance 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 Director of Finance 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 Director of Finance for a hearing unless the Director of Finance, on its own motion, shall re-determine such liability. Where the Director of Finance 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 Director of Finance 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 Director of Finance 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 Director of Finance 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 Director of Finance 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 Director of Finance for a hearing shall not be required. The Director of Finance may, nevertheless, of its own motion, re-determine such determination of tax or liability for tax. Where the Director of Finance determines or re-determines that the amount of tax claimed to be due from 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 Director of Finance 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 Director of Finance 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 Director of Finance 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 Director of Finance 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 Director of Finance shall refund or credit, without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid, if application to the Director of Finance for such refund shall be made within one year of payment thereof. Whenever a refund is made by the Director of Finance, 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 Director of Finance, 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 Director of Finance, under such regulations as the Director of Finance may prescribe, that the Director of Finance has repaid

to the occupant the amount for which the application for refund is made. The Director of Finance 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 Director of Finance 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 Director of Finance 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 Director of Finance, 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 Director of Finance 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 Director of Finance and to pay to the Director of Finance 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 Director of Finance, a warrant of like terms and effect may be issued and directed to any officer or employee of the Director of Finance 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 Director of Finance 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 Director of Finance 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 Director of Finance 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 Director of Finance as required by the preceding paragraph (1), or whenever the Director of Finance 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 Director of Finance 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 Director of Finance claims to be due from the operator, seller, transferor or assignor to the County, and whenever the Director of Finance 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 Director of Finance'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 Director of Finance 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 Director of Finance 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 Director of Finance – In addition to the powers granted to the Director of Finance by County Law and this local law, the Director of Finance 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 Director of Finance;
- (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 Director of Finance;
- (g) To assess, determine, revise and readjust the taxes imposed under this local law.

SECTION 19 Administration of Oaths and Compelling Testimony

(a) The Director of Finance, or the Director of Finance'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 Director of Finance's powers and duties under this local law.

(b) The Director of Finance 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 Director of Finance 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 Director of Finance 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 Director of Finance 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 Director of Finance 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 Director of Finance 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 Director of Finance 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 Director of Finance, 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 Director of Finance may by order, regulation or otherwise require;
- (5) failing to display, or to surrender upon demand of the Director of Finance 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 Director of Finance 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 Director of Finance 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 Director of Finance 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 Director of Finance 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 within 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.

Resolution No. 235-22

Date: 6/13/22

Motioned By: Bronson

Seconded By:

ADOPT LOCAL LAW 4-2022 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”

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 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

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 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.

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.

Resolution No. 237-22

Date: 6/13/22

Motioned By: Bronson

Seconded By:

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

WHEREAS, Emergency Preparedness Coordinator Ryan Bailey has obtained his Code Enforcement Officer Certification issued by the New York State Division of Building Standards and Codes and therefore, he will be taking on the added responsibility of Code Enforcement Officer for the County as part of his current job duties;

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 additional compensation for Ryan Bailey as a result of the added job responsibility for Code Enforcement effective June 13, 2022; and be it further

RESOLVED, that copies of this resolution be given to the Mr. Bailey, Director of Emergency Management, the CSEA Union President, CSEA Union Representative, Personnel Officer, County Administrator and Director of Finance.

	<u>START RATE (YEAR 1)</u>	<u>AFTER 12 MONTHS</u>	<u>AFTER 3 YEARS</u>
Account Clerk Typist (<i>Sheriff's Office/Public Health</i>)	\$15.64	\$15.90	\$16.45
Animal Control Officer (<i>Part Time</i>)	\$17.51		
Bachelors Prepared Nurse (ASN, AND. AASN)	\$25.05		
Chief Equipment Custodian	\$19.23		
Deputy Election Commissioner	\$25.02		
Elections Machine Technician I	\$23.37		
Electronic Machine Technician II	\$26.01		
Election Operations Assistant	\$17.50		
Election Auditor	\$16.00		
Equipment Custodian	\$18.01		
Election Coordinator	\$17.50		
Election Inspector	\$15.00		
Election Inspector (<i>Traveling</i>)	\$16.00		
Election Inspector Chairperson	\$17.50		
Election Inspector Chairperson (<i>Traveling</i>)	\$18.50		
Voting Machine Inspector	\$16.00		
Voting Machine Inspector (<i>Traveling</i>)	\$17.00		
Clerk (<i>Sheriff</i>)	\$15.70		
Clerk (Historian/Records Management Office)	\$19.61		
	<u>START RATE (YEAR 1)</u>	<u>AFTER 12 MONTHS</u>	
Correction Officer	\$19.43	\$20.55	
Correction Officer/ Court Security	\$19.43	\$20.55	
Coroner	\$100/Case		
County Code Enforcement Officer	\$22.20		
County Historian (<i>Part- Time</i>)	\$26.69		
Deputy Sheriff (<i>Experience 80% CO82 LE contract for appropriate step</i>)	TBD		
Deputy Sheriff (<i>90% as above, if duty requires special instructor or certification</i>)	TBD		
	<u>START RATE (YEAR 1)</u>	<u>AFTER 12 MONTHS</u>	
Emergency Services Dispatcher	\$16.04	\$16.52	
Employment and Training Assistant	\$20.16		
Examination Monitor	\$16.09		

	<u>YEAR 1</u>		<u>YEAR 2</u>		<u>YEAR 3</u>	
	<u>START RATE</u>	<u>PREMIUM</u>	<u>START RATE</u>	<u>PREMIUM</u>	<u>START RATE</u>	<u>PREMIUM</u>
Jail Cook	\$14.00	\$16.11	\$14.52	\$16.64	\$15.05	\$17.17
Jail Nurse Practitioner	\$36.86					
Jail Physician	\$36.86					
Laborer (<i>Seasonal-Highway Department</i>)	\$14.50					
Law Enforcement Liaison	\$23.83					
	<u>START RATE (YEAR 1)</u>		<u>YEAR 2</u>		<u>Year 2</u>	
Marine Patrol Officer (<i>Seasonal</i>)	\$19.43		\$20.55			
Motor Equipment Operator (<i>YC Stop-SMART</i>)	\$14.96					
Motor Vehicle Supervisor	\$27.36					
Personnel Assistant	\$23.57					
Project Manager	\$45.00					
Public Health Program Coordinator (<i>Part Time</i>)	\$28.14					
Records Management Officer	\$20.20					
Registered Nurse	\$34.57					
Secretary to County Attorney	\$35.09					
Secretary to District Attorney	\$21.46					
Secretary to Public Defender	\$21.89					
Secretary to Public Defender - Hurrell-Harring Grant Add-On	\$5.47					
Secretary to Sheriff	\$22.08					
Senior Account Clerk Typist (<i>Public Health</i>)	\$19.10					
Vessel Operator	\$17.04					

Resolution No. 238-22

Date: 6/13/22

Motioned By: Bronson

Seconded By:

AUTHORIZE COUNTY ADMINISTRATOR TO CREATE AND FILL PROJECT MANAGER POSITION

WHEREAS, the County Administrator has requested to create and fill a part-time Project Manager position to replace the existing part-time Senior Account Clerk Typist position in the Planning Department; and

WHEREAS, when first created the initial purpose for the position was mainly clerical in nature and therefore properly titled as Senior Account Clerk Typist, however for transparency purposes and to clearly delineate the purpose and responsibilities the position has evolved into, the County Administrator has identified the need to create and fill the part-time Project Manager position; and

WHEREAS, the estimated annual cost to fill the position, including fringe is \$59,108;

NOW, THEREFORE, BE IT RESOLVED, that effective June 13, 2022 the County Administrator is hereby authorized to create and fill a part-time Project Manager position; and be it further

RESOLVED, the existing part-time Senior Account Clerk Typist position in the Planning Department will become and remain vacant; and be it further

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

Resolution No. 239-22

Date: 6/13/22

Motioned By: Bronson

Seconded By:

ADOPT 2022 NON-UNION NON-EXEMPT EMPLOYEE WAGE SCHEDULE

WHEREAS, Resolution 457-21 was duly adopted on December 13, 2021 adopting the Non-Union Non-Exempt Employee Wage Schedule; and

WHEREAS, the resolution is in need of an amendment due to recent action taken by the County Legislature;

NOW, THEREFORE, BE IT RESOLVED, that effective June 13, 2022, “Senior Account Clerk Typist (Planning)...\$35.00” be amended to “Project Manager...\$45.00”; and be it further

RESOLVED, that copies of this resolution be given to the Personnel Officer, County Administrator and Director of Finance.

Resolution No. 240-22

Date: 6/13/22

Motioned By: Chilson

Seconded By:

AUTHORIZE CHAIRWOMAN TO SIGN CONTRACT WITH FINGER LAKES ADDICTIONS COUNSELING AND REFERRAL AGENCY (FLACRA)

WHEREAS, Yates County Community Services wishes to enter into a contract with Finger Lakes Addictions Counseling and Referral Agency to provide vocational rehabilitation and support services and job coaching for clients (ages 18+) with serious mental illness; and

WHEREAS, the cost for the treatment is 100% state funds and participant fees; and,

WHEREAS, that said grant period will be for the period of January 1, 2022 through December 31, 2022 for an amount of \$185,947.00, however, such Agreement will contain recitations that the initial consideration amount is subject to change by the applicable state funding agency, and that consequently in such instance where said agency changes the ultimate funding amount for the time period covered by an Agreement the amount of consideration to be paid pursuant to such Agreement shall be adjusted accordingly; and further that the payment of the consideration therein is contingent on Yates County receiving the New York State agency funding for such purpose and in the amount of such consideration;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairperson of the Legislature is authorized to enter into an agreement with Finger Lakes Addictions Counseling and Referral Agency; and be it further

RESOLVED, that a copy of this resolution be sent to Community Services, the Public Health office and the Finance Director.

Resolution No. 241-22
Motioned By: Chilson

Date: 6/13/22
Seconded By:

AUTHORIZE CHAIR TO SIGN CHILD AND FAMILY SERVICES PLAN

WHEREAS, it is necessary for each Local Department of Social Services to develop a Child and Family Services plan for the time period April 1, 2018-March 31, 2023, and submit said plan and annual updates to the New York State Office of Children and Family Services, and that this plan requires approval from the Chief Elected Official; and

WHEREAS, the Commissioner of Social Services is authorized to make technical adjustments in the Child and Family Services Plan if so directed by the NYS Office of Children and Family Services;

NOW, THEREFORE, BE IT RESOLVED, that the Chair is hereby authorized to electronically sign the plan on behalf of the county; and be it further

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

Resolution No. 242-22
Motioned By: Chilson

Date: 6/13/22
Seconded By:

AUTHORIZE CONTRACT WITH THE WORKFORCE INVESTMENT BOARD

WHEREAS, The Workforce Innovation and Opportunity Act (WIOA) of 2014 requires an Administrative Agreement between the Chief Elected Officials and the Workforce Investment Board for the allocation of Title I Workforce Innovation and Opportunity Act funds, and for the designation of the Career Center(s); and

WHEREAS, it is necessary for the County to enter into financial contracts with the Finger Lakes Workforce Investment Board Inc., as Grant Recipient for WIOA Title I Administration, Adult and Dislocated Worker funds and for Youth funds as indicated below for the period July 1, 2022-June 30, 2023:

WIOA Adult/Dislocated Worker/ Admin	\$69,148.00
WIOA Youth	\$80,836.00

WHEREAS, these budget amounts have been approved by the Finger Lakes Workforce Investment Board, Inc.;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chair of the Legislature is authorized to enter into a contract with the Finger Lakes Workforce Investment Board to administer this funding; and be it be it further

RESOLVED, that certified copies of this resolution be sent to The Finger Lakes Workforce Investment Board Inc., and the Yates County Commissioner of Social Services.

ALLOCATE FUNDING

WHEREAS, Yates County received funding for the Summer Youth Employment Program and WIOA funding for Administrative, Adult, Dislocated Worker, In School Youth, and Out of School Youth funds;

NOW, THEREFORE, BE IT RESOLVED, that the following amounts be allocated:

CD6293.1A	WIOA Title I Adult Staff Wage	\$23,872
CD6293.4A	WIOA Title I Adult Operating	\$1,892
CD6293.8A	WIOA Title I Adult Staff Fringe	\$7,489
CD6293.1B	WIOA Title I DW Staff Wage	\$23,872
CD6293.4B	WIOA Title I DW Operating	\$1,892
CD6293.8B	WIOA Title I DW Staff Fringe	\$7,489
CD6293.1D	WIOA Title I Administration Staff Wage	\$0
CD6293.4D	WIOA Title I Administration Operating	\$2,642
CD6293.8D	WIOA Title I Administration Staff Fringe	\$0
CD6293.1C	WIOA Title I Youth Staff Wage	\$34,539
CD6293.4C	WIOA Title I Youth Operating	\$5,070
CD6293.8C	WIOA Title I Youth Staff Fringe	\$7,846
CD6293.11C	WIOA Title I Youth Participant Wage	\$12,700
CD6293.81C	WIOA Title I Youth Participation Fringe	\$1,500
CD6293.1F	WIOA In School Youth Staff Wage	\$9,869
CD6293.41F	WIOA In School Operating	\$2,073
CD6293.8F	WIOA In School Youth Staff Fringe	\$2,239
CD6293.11F	WIOA In School Youth Participant Wage	\$4,500
CD6293.81F	WIOA In School Youth Participant Fringe	\$500
CD6294.1A	TANF Staff Wages	\$5,386
CD6294.8A	TANF Staff Fringe	\$1,227
CD6294.4A	TANF Program Operating	\$15,650
CD6294.11A	TANF Participant Wage	\$44,784
CD6294.81A	TANF Participant Fringe	\$4,430
CD6293.44791	Revenue	\$149,984
CD6294.42802	Revenue	\$71,477

And be it further

RESOLVED, that copies of this resolution be given to the Yates County Department of Social Services and the Yates Director of Finance.

Resolution No. 244-22

Date: 6/13/22

Motioned By: Chilson

Seconded By:

AUTHORIZE 2022 YATES COUNTY YOUTH BUREAU CONTRACTS

BE IT RESOLVED, that after review by the County Attorney, the Youth Bureau Director and the Chair of the Legislature are authorized to sign contracts with the following agencies for approved Youth Bureau funding for the time frame 1/1/2022-12/31/2022:

<u>Agency/Organization</u>	<u>Program</u>	<u>Amount</u>
Big Brothers Big Sisters - Youth Mentoring Program		\$1,250.00
Child and Family Resources - Together Time		\$1,000.00
Dundee Library- Youth Services		\$1,400.00
Safe Harbors -KidsRights to Personal Safety		\$2,500.00
Town of Middlesex - Summer Swim Instruction		\$ 500.00
Village of Dundee - Summer Recreation		\$3,300.00
Village of Penn Yan - Summer Recreation		\$3,300.00
Rushville Summer Fun Reading Program		\$ 800.00
Our Town Rocks and Reads (YCRR)		\$3,600.00
Modeste Bedient Memorial Library		\$ 500.00
Town of Jerusalem		\$3,300.00

And be it further

RESOLVED, that copies of this resolution be given to the Youth Bureau Director and the Yates County Director of Finance.

Resolution No. 245-22

Date: 6/13/22

Motioned By: Chilson

Seconded By:

AUTHORIZE CHAIR TO SIGN RESOURCE ALLOCATION PLAN (2022)

WHEREAS, the New York State Office of Children and Family Services requires that the Yates County Youth Bureau/Board prepare a Resource Allocation Plan for programs and services provided by the county and local municipalities for the period of January 1, 2022 - December 31, 2022; and

WHEREAS, the office has allocated \$28,450 in Youth Development Program funds for this purpose; and

WHEREAS, the Yates County Youth Board has recommended approval of the funding; and

WHEREAS, the agreement provides for reimbursement to the county after the submission of vouchers and supporting documents as proof of expenditures by the various agencies at intervals throughout the years;

NOW, THEREFORE, BE IT RESOLVED, that this County Legislature does hereby authorize an agreement between the County of Yates and the NYS Office of Children and Family Services for the Resource Allocation Plan for 2022, with a copy of said agreement on file in the Office of the Clerk of this Legislature; and be it further

RESOLVED, that the Chairman is hereby authorized and directed to sign the Resource Allocation Plan Agreement on Behalf of the County; and be it further

RESOLVED, that the Youth Bureau Director is authorized to make technical adjustments in the Resource Allocation Plan if so directed by the NYS Office of Children and Family Services; and be it further

RESOLVED, that copies of this resolution be sent to the New York State Office of Children and Family Services, the Yates County Director of Finance and the Youth Bureau Director.

Resolution No. 246-22

Date: 6/13/22

Motioned By: Chilson

Seconded By:

**SIGN AMENDMENT TO THE AGREEMENT WITH HEALTH RESEARCH INC. (HRI)
(ELC SCHOOLS GRANT)**

WHEREAS, Yates County Public Health has received a date extension to the New York State Department of Health AIDS Institute ELC Schools Grant Award of \$999,663; and

WHEREAS, said grant period has been extended through July 31, 2023;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairperson is hereby authorized to sign the amendment to the agreement with Health Research Inc. (HRI) for the period ending July 31, 2023 for the ELC Schools Grant; and be it further

RESOLVED, that copies of this resolution be provided to the Public Health Department and the Director of Finance.

Resolution No. 247-22

Date: 6/13/22

Motioned By: Chilson

Seconded By:

**AUTHORIZE CHAIRWOMAN TO SIGN AGREEMENT WITH
ONTARIO COUNTY PUBLIC HEALTH**

WHEREAS, Yates County Public Health is desirous of entering into an agreement with Ontario County Public Health to reimburse Ontario County Public Health with COVID-19 related expenses incurred at Middlesex Valley Primary School as allowable in the ELC School Testing Grant; and

WHEREAS, the costs of such expenses are 100% funded through the awarded ELC School Testing Grant;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairwoman of the Legislature is authorized to enter into a contract with Ontario County Public Health; and be it further

RESOLVED, that said contract will run from 7/1/2021 to 7/31/2023; and be it further

RESOLVED, that copies of this resolution be provided to the Public Health Department, Ontario County Public Health and Director of Finance.

Resolution No. 248-22

Date: 6/13/22

Motioned By: Chilson

Seconded By:

**AUTHORIZE CHAIRWOMAN TO SIGN AGREEMENT WITH LARA OLNEY,
SPEECH LANGUAGE PATHOLOGIST**

WHEREAS, Yates County Public Health seeks to sign an agreement with Lara Olney, Speech Language Pathologist, to provide services to children with developmental delays and disabilities in the Preschool Program;

NOW, THEREFORE, BE IT RESOLVED, that upon approval of the County Attorney, the Chairwoman of the Legislature be hereby authorized to sign an agreement with Lara Olney, Speech Language Pathologist at the following all-inclusive rates: \$65.00 in 2022, \$66.00 in 2023, \$67.00 in 2024, \$68.00 in 2025, and \$69.00 in 2026, for the period 6/1/2022 to 12/31/2026; and be it further

RESOLVED, that a copy of this resolution be sent to the Public Health office and Director of Finance.

Resolution No. 249-22

Date: 6/13/22

Motioned By: Banach

Seconded By:

**AUTHORIZE C & S ENGINEERS, INC. TO PROCEED WITH BUILDING DESIGN
OPTION #1 FOR THE YATES COUNTY HIGHWAY / OFFICE OF EMERGENCY
SERVICES (OES) / PUBLIC HEALTH (PH) BUILDING PROJECT**

WHEREAS, Resolution No. 422-21 authorized the Chairman to sign a contract with C&S Engineers, Inc. for Engineering Services on the Yates County Highway/OES/PH building project; and

WHEREAS, C & S Engineers, Inc. has submitted four building massing options for review by the Ad Hoc Highway/OES/PH Project Committee; and

WHEREAS, upon review, the Committee recommends to proceed with design option #1;

NOW, THEREFORE, BE IT RESOLVED, that C&S Engineers, Inc. is authorized to proceed with the complete design and engineering of the facility utilizing design option #1; and be it further

RESOLVED, that copies of this resolution be provided to C & S Engineers, Inc., the Highway Superintendent, the Director of Emergency Services, the Public Health Director, the Buildings & Grounds Maintenance Supervisor and the County Administrator.

Resolution No. 250-22

Date: 6/13/22

Motioned By: Paddock

Seconded By:

**ENTER INTO AN AGREEMENT FOR ONE TOUCH MAKE READY SERVICES FOR
PHASE 2 OF THE RECONNECT PROJECT WITH LABELLA ASSOCIATES**

WHEREAS, Yates County (hereinafter referred to as "County") has been awarded a USDA ReConnect grant to enable design and construction of a fiber-to-the premises broadband network to reach the unserved and underserved with regard to internet access; and

WHEREAS, the County has previously signed One Touch Make Ready Service agreements with LaBella Associates (hereinafter referred to as “LaBella”) covering NYSEG and Frontier poles included in Phase 1A and 1B of the ReConnect project; and

WHEREAS, in order to complete Phase 2 of the network make ready design, 1324 additional utility poles have been identified; and

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairwoman of the Legislature is authorized to enter into a contract with LaBella for its provision of the One Touch Make Ready services for Phase 2, for a price not to exceed \$189,397; and be it further

RESOLVED, that copies of this resolution be provided to LaBella, County Administrator, Planner, and the Grant Specialist.

Resolution No. 251-22

Date: 6/13/22

Motioned By: Paddock

Seconded By:

**ENTER INTO A MASTER SERVICES AGREEMENT FOR MAKE READY
CONSTRUCTION FOR THE RECONNECT PROJECT WITH H. RICHARDSON &
SONS, LLC**

WHEREAS, Yates County (hereinafter referred to as "County") has been awarded a USDA ReConnect grant to enable design and construction of a fiber-to-the premises broadband network to reach the unserved and underserved with regard to internet access; and

WHEREAS, the product of the One Touch Make Services performed by LaBella are Frontier and Avangrid (parent company of New York State Electric and Gas hereinafter known as “NYSEG”) Make Ready packages; and

WHEREAS, these packages, of roughly 100 poles each, specify all the work (electrical, tree trimming and telecommunications) that need to be performed on each pole in order to obtain an attachment license from the pole owner and ultimately make it ready to accept our fiber; and

WHEREAS, the Pole Attachment Agreement the County previously executed with NYSEG requires that the County hire a contractor from an approved list of NYSEG contractors; and

WHEREAS, upon guidance from the County Attorney the process for hiring Yates County’s make ready contractor is being managed as a professional service with quotes being obtained from multiple approved contractors and awarding the construction contract to the lowest qualified quote; and

WHEREAS, H. Richardson & Sons, LLC (hereinafter referred to as “Richardson”) is an NYSEG approved contractor and has provided the County with the lowest qualified quote on the first 3 Make Ready packages;

WHEREAS, the County anticipates 50+ Make Ready packages and thus 50+ Make Ready quoting and contracting cycles where each Make Ready package has a 120-day expiration date; and

WHEREAS, a Master Services Agreement, specific to each awarded contractor, with specific Make Ready packages, awarded via agreement amendment or purchase order would expedite and streamline the process;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairwoman of the Legislature is authorized to enter into a Master Services Agreement with Richardson where the specific Make Ready packages will be awarded via contract amendment or purchase order ; and be it further

RESOLVED, that copies of this resolution be provided to the County Administrator, Planner, and the Grant Specialist.

Resolution No. 252-22

Date: 6/13/22

Motioned By: Paddock

Seconded By:

AUTHORIZE NON-BILLABLE INVOICES FOR NEW YORK STATE ELECTRIC AND GAS MAKE READY WORK TO BE PAID UPON REIMBURSEMENT AND PRIOR TO AUDIT

WHEREAS, Yates County (hereinafter referred to as "County") has been awarded a USDA ReConnect grant to enable design and construction of a fiber-to-the premises broadband network to reach the unserved and underserved with regard to internet access; and

WHEREAS, as part of the project the County signed a Pole Attachment Agreement (hereinafter referred to as "Agreement") with New York State Electric and Gas (hereinafter referred to as "NYSEG") concerning the County's right, by way of license, to attach and maintain its telecommunications cables on poles owned by NYSEG; and

WHEREAS, this Agreement lays out the pole Application and Make Ready processes including the responsibility of Yates County to hire contractor(s) to complete both billable (responsibility of the County) and non-billable (responsibility of NYSEG) work; and

WHEREAS, NYSEG sends non-billable payment to the County upon successful submission of all required as-builts and invoices;

NOW, THEREFORE, BE IT RESOLVED, upon approval of the Legislature, NYSEG non-billable invoices will be paid to the contractor(s) upon receipt of payment from NYSEG and prior to audit; and be it further

RESOLVED, that copies of this resolution be provided to the Yates County Director of Finance, Yates County Administrator, Yates County Planner and Grant Specialist.

Resolution No. 253-22

Date: 6/13/22

Motioned By: Paddock

Seconded By:

ENTER INTO AN AGREEMENT FOR NEW YORK STATE DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PERMITTING SERVICES FOR PHASE 1A OF THE RECONNECT PROJECT WITH AIROSMITH INC.

WHEREAS, Yates County (hereinafter referred to as "County") has been awarded a USDA ReConnect grant to enable design and construction of a fiber-to-the premises broadband network to reach the unserved and underserved with regard to internet access; and

WHEREAS, the network design includes aerial and buried fiber in New York State Department of Transportation Right of Ways (hereinafter known as "NYS DOT ROW"); and

WHEREAS, in order to obtain a license to build in NYS DOT ROWs, Yates County must complete and submit Perm 75 and Perm 32 permit packages including detailed survey and mapping plans; and

WHEREAS, Airosmith Inc. (hereinafter known as “Airosmith”) has extensive experience and expertise in developing NYS DOT ROW permit plans;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairwoman of the Legislature is authorized to enter into an agreement with Airosmith for its provision of NYS DOT ROW permitting services for Phase 1A of the ReConnect project, for a price not to exceed \$39,750; and be it further

RESOLVED that copies of this resolution be provided to Airosmith, County Administrator, Planner, and the Grant Specialist.

Resolution No. 254-22
Motioned By: Paddock

Date: 6/13/22
Seconded By:

APPOINT MEMBER TO THE YATES COUNTY PLANNING BOARD
(Ronald Miller, At-Large)

WHEREAS, Ronald Miller (2768 Wager Hill Rd, Penn Yan), has expressed his interest to serve as an “at-large” representative on the Yates County Planning Board;

NOW, THEREFORE, BE IT RESOLVED, that *Ronald Miller* is hereby appointed as a member of the Yates County Planning Board, as an *At-Large*, to a term to expire on June 13, 2024; and be it further

RESOLVED, that copies of this resolution be given to Ronald Miller, the County Planner, and a copy filed with the County Clerk.

Resolution No. 255-22
Motioned By: Paddock

Date: 6/13/22
Seconded By:

2022 BUDGET TRANSFERS

BE IT RESOLVED, that the following transfers be made in the 2022 budget:

From:	To:	Amount:
A1990.54905 Contingent	A6410.54205 Economic Development	\$ 12,750.00
D5110.51636 Highway PT	D5010.54156 Training	\$ 4,000.00

And be it further

RESOLVED, that copies of this resolution be provided to County Treasurer, the Finance Director and the Budget Officer.

Resolution No. 256-22
Motioned By: Paddock

Date: 6/13/22
Seconded By:

APPROPRIATE INFRASTRUCTURE RESERVE FUNDS

WHEREAS, the Department of Finance needs to appropriate \$26,180 of the Infrastructure Reserve Funds for the purchase of 5133 Old Bath Rd. property;

NOW, THEREFORE, BE IT RESOLVED, that the following accounts be increased by \$26,180.00;

Budgetary Account:
A878.I (Infrastructure Reserve) \$ 26,180.00

Appropriation Account:
A3020.54736 SH- Tower Transition \$ 26,180.00

And be it further

RESOLVED, that copies of this resolution be provided to the Sheriff, County Treasurer, Director of Finance and the Budget Officer.

Resolution No. 257-22
Motioned By: Paddock

Date: 6/13/22
Seconded By:

**APPROPRIATE ADDITIONAL AID
(SOCIAL SERVICES)**

WHEREAS, the Department of Social Services is to receive additional revenue for Pandemic EAF TA Family Pandemic Payment; and

WHEREAS, these funds are not part of the 2022 budget;

NOW, THEREFORE, BE IT RESOLVED, that the following accounts be increased;

Revenue:
A6010.44610 SS- Social Service Admin \$ 16,750.00

Appropriation:
A6109.54305 SS- Family Assistance \$ 16,750.00

And be it further

RESOLVED, that copies of this resolution be provided to the Commissioner of Social Services, County Treasurer, Director of Finance and the Budget Officer.

Resolution No. 258-22
Motioned By: Paddock

Date: 6/13/22
Seconded By:

APPROPRIATE ADDITIONAL AID
(SOCIAL SERVICES)

WHEREAS, the Department of Social Services is to receive additional revenue for 4th Year NCP Employment Program; and

WHEREAS, these funds are not part of the 2022 budget;

NOW, THEREFORE, BE IT RESOLVED, that the following accounts be increased;

Revenue:

A6010.44610 SS- Social Service Admin \$ 24,724.00

Appropriation:

A6010.54135 SS- Non Cust. Empl. Program \$ 24,724.00

And be it further

RESOLVED, that copies of this resolution be provided to the Commissioner of Social Services, County Treasurer, Director of Finance and the Budget Officer.

Resolution No. 259-22
Motioned By: Paddock

Date: 6/13/22
Seconded By:

APPROPRIATE ADDITIONAL AID
(YOUTH BUREAU)

WHEREAS, the Youth Bureau Department has receive YDPP Funding and is allocating to specific programs/services; and

WHEREAS, these funds are not part of the 2022 budget;

NOW, THEREFORE, BE IT RESOLVED, that the following accounts be increased;

Revenue:

A7310.43820 YB- Youth Revenues \$ 28,450.00

Appropriation:

A7310.54351 YB- Modeste Bedient Memorial Library \$ 500.00
A7310.54352 YB- CFRC/FLS YDPP \$ 1,000.00
A7310.54356 YB- Rushville Summer Reading \$ 800.00
A7310.54365 YB- Safe Harbors of the FL \$ 2,500.00
A7310.54368 YB- Summer Rec. \$ 10,400.00
A7310.54371 YB- Big Brothers/Big Sisters \$ 1,250.00
A7310.54373 YB- Dundee Library YDPP \$ 1,400.00
A7310.54579 YB- YCRR \$ 3,600.00

And be it further

RESOLVED, that copies of this resolution be provided to the Commissioner of Social Services, County Treasurer, Director of Finance and the Budget Officer.

Resolution No. 260-22
Motioned By: Paddock

Date: 6/13/22
Seconded By:

**APPROPRIATE STATE AID
(HIGHWAY)**

WHEREAS, the Highway Department has received CHIPS funding and has the corresponding expenditures; and

WHEREAS, these funds are not part of the 2022 budget;

NOW, THEREFORE, BE IT RESOLVED, that the following accounts be increased and tabulated below;

Revenue:		
D5112.43510 HW- CHIPS Capital		\$ 212,442.44
Appropriation:		
D5112.54602 HW- Bituminous Materials		\$ 172,442.44
D5110.54602 HW- Bituminous Materials		\$ 40,000.00

And be it further

RESOLVED, that copies of this resolution be provided to the Highway Superintendent, County Treasurer, Director of Finance and the Budget Officer.

Resolution No. 261-22
Motioned By: Paddock

Date: 6/13/22
Seconded By:

**APPROPRIATE ADDITIONAL STATE AID
(HIGHWAY)**

WHEREAS, the Highway Department has received Protect our Potholes program funding and has the corresponding expenditures; and

WHEREAS, these funds are not part of the 2022 budget;

NOW, THEREFORE, BE IT RESOLVED, that the following accounts be increased and tabulated below;

Revenue:		
D5112.43089 HW- Other State Aid		\$ 266,477.95
Appropriation:		
D5112.54602 HW- Bituminous Materials		\$ 266,477.95

And be it further

RESOLVED, that copies of this resolution be provided to the Highway Superintendent, County Treasurer, Director of Finance and the Budget Officer.

Resolution No. 262-22
Motioned By: Paddock

Date: 6/13/22
Seconded By:

**AUTHORIZE FINANCE DIRECTOR TO PURCHASE OCCUPANCY TAX
MANAGEMENT SOFTWARE; GRANICUS
(FINANCE)**

WHEREAS, The Department of Finance has identified a solution to help efficiently manage the occupancy tax process in Yates County; and

WHEREAS, The Department of Finance is confident moving forward with this purchase of an annual subscription to Granicus at a cost of \$11,667.50/year with an option to renew at the same cost for 2 periods of 1 year each; and

WHEREAS, Granicus is an awarded vendor of the NCPA, contract # 01-115 who is listed as approved to contract with via Yates County's procurement policy 2022;

NOW, THEREFORE, BE IT RESOLVED, that the Director of Finance is authorized to purchase the subscription to Granicus at a cost of \$11,667.50/year and review the renewal option at each period before renewing to ensure the software is fulfilling the needs of Yates County; and be it further

RESOLVED, that copies of this resolution be provided to the IT Director, County Treasurer, Director of Finance and the Budget Officer/County Administrator.

Resolution No. 263-22
Motioned By: Paddock

Date: 6/13/22
Seconded By:

AUTHORIZE ASSIGNMENT OF UNASSIGNED FUND BALANCE

WHEREAS, the Use of Fund Balance report was presented to the Finance Committee on 06/07/2022 by the County Administrator; and

WHEREAS, the Yates County Legislature wishes to appropriate additional monies from the Unassigned General Fund Balance for the broadband and communications projects; and

NOW, THEREFORE, BE IT RESOLVED, that the Director of Finance be, and hereby is, authorized to transfer \$3,000,000 from the unassigned general fund balance to the following funds:

Infrastructure Reserve Fund: \$3,000,000.00

And, be it further;

RESOLVED, that a copy of this resolution be given to the County Treasurer, Director of Finance and County Administrator/Budget Officer.

Resolution No. 264-22
Motioned By: Paddock

Date: 6/13/22
Seconded By:

AMEND RESOLUTION NO. 123-22
(DOUBLE M FENCE)

WHEREAS, Resolution No. 123-22 authorized the Chairwoman of the Legislature to sign a contract between Double M Fence and Yates County for a fence repair project at the Penn Yan – Yates County Airport in the amount of \$11,000; and

WHEREAS, Double M Fence does not carry general liability insurance;

NOW, THEREFORE, BE IT RESOLVED, that Resolution No. 123-22 be amended to waive the general liability insurance requirement; and be it further

RESOLVED, that copies of this resolution be provided to the Airport Council, Yates, Passero Associates, County Highway Superintendent, County Budget Officer, County Director of Finance, and the County Treasurer.

Resolution No. 265-22
Motioned By: Paddock

Date: 6/13/22
Seconded By:

AUTHORIZE PENN YAN AIRPORT TO CHANGE T HANGER RENT

WHEREAS, the Penn Yan / Yates County Airport (PEO) currently has an expanding waiting list for T Hangers; and

WHEREAS, a review of surrounding airports shows that their rent for T Hangers is much higher than the current rent PEO charges; and

WHEREAS, the Airport Council is recommending increasing T Hanger rental;

NOW, THEREFORE, BE IT RESOLVED, that after review by the County Attorney the Penn Yan Airport is authorized to charge the following T Hanger monthly rental rates:

Older T Hangers \$250 per month (had been \$195)
Newer T Hangers \$275 per month (had been \$ 225)

and be it further

RESOLVED, that copies of this resolution be provided to the Airport Council, PEO FBO, Passero Associates, and County Treasurer.

Resolution No. 266-22
Motioned By: Paddock

Date: 6/13/22
Seconded By:

APPROVE MORTGAGE TAX APPORTIONMENT

WHEREAS, this Legislature is in receipt of the Mortgage Tax Report showing the amounts to be credited to each tax district of the County, of the money collected during the period October 1, 2021 to March 31, 2022;

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

Total Tax Collected	\$417,959.50
Recording Officer's Expense	\$15,262.42
Treasurer's Expense	
Interest Received	\$80.24
Adj and refunds	
Net amount of Distribution	\$402,777.32

Town	Net After	To Towns	Village	To Village	Total
Barrington	\$37,841.61	\$37,841.61			\$37,841.61
Benton	\$32,396.36	\$30,721.11	Penn Yan	\$1,675.25	\$32,396.36
Italy	\$16,077.48	\$16,077.48			\$16,077.48
Jerusalem	\$98,701.57	\$98,073.59	Penn Yan	\$627.98	\$98,701.57
Middlesex	\$45,531.74	\$45,531.74			\$45,531.74
Milo	\$83,184.95	\$63,703.25	Penn Yan	\$19,481.70	\$83,184.95
Potter	\$11,773.71	\$10,823.04	Rushville	\$950.67	\$11,773.71
Starkey	\$45,170.36	\$38,122.50	Dundee	\$7,047.86	\$45,170.36
Torrey	<u>\$32,099.55</u>	<u>\$30,380.03</u>	Dresden	<u>\$1,719.52</u>	<u>\$32,099.55</u>
	\$402,777.33	\$371,274.35		\$31,502.98	\$402,777.33

Resolution No. 267-22
Motioned By: Paddock

Date: 6/13/22
Seconded By:

AMEND RESOLUTION NO. 221-22

(RESOLUTION OF THE LEGISLATURE OF THE COUNTY OF YATES ELECTING A CENTS PER GALLON RATE OF SALES AND COMPENSATING USE TAXES ON MOTOR FUEL AND DIESEL MOTOR FUEL, IN LIEU OF THE PERCENTAGE RATE OF SUCH TAXES, PURSUANT TO THE AUTHORITY OF ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK)

WHEREAS, Resolution No. 221-22 "Resolution of the Legislature of the County of Yates Electing a Cents per Gallon Rate of Sales and Compensating Use Taxes on Motor Fuel and Diesel Motor Fuel, in Lieu of the Percentage Rate of Such Taxes, Pursuant to the Authority of Article 29 of the Tax Law of the State of New York and Rescinding Resolution No. 220-22" was adopted on 5/16/2022; and

WHEREAS, the New York State Department of Taxation and Finance will give effect to the cents-per-gallon rate effective June 1, 2022 as the enactment was properly mailed within the applicable deadline and the effective date is in accordance with section 1210(d) of the Tax Law; and

WHEREAS, the repeal date of January 2, 2023 does not conform to the applicable law; and

WHEREAS, Yates County intended to have its cents-per-gallon rate to expire at the same time as the State gas tax suspension ends;

NOW, THEREFORE, BE IT RESOLVED, that Resolution No. 221-22 be amended to expire and be deemed repealed on January 1, 2023; and be it further

RESOLVED, that the Clerk of the Legislature is directed to transmit a certified copy of this resolution as adopted bearing the County's raised seal to the New York State Department of Taxation and Finance, the Secretary of State, the State Comptroller, and the Yates County Clerk pursuant to section 1210(d) of the Tax Law.