



YATES COUNTY LEGISLATURE  
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Leslie Church  
Chairwoman  
Emilee D. Miller  
Clerk

**YATES COUNTY LEGISLATIVE AGENDA  
July 11, 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
- Moment of Silence for Bob Pridmore & Don House
- Recognize Conor Clancy, "Hometown Heroes" Eagle Scout Project
- Recognize Morgan Andersen, Distinguished Youth Award
- Lisa Minns & Tammy Slayton-Yates County Transit 2<sup>nd</sup> Quarter Update
- Approve Minutes from the June 13th Meeting
- Approve Audit
- Committee Reports
- Public Comment
- Open Public Hearing on the Proposed Adoption of **Local Law 5-2022** Entitled "Renewal of Local Law 2-19 "A Local Law Establishing an Occupancy Tax in Yates County"

**RESOLUTION**

Percy	271-22	Grant Unpaid Military Leave of Absence (P. Skelly)
	272-22	Grant Unpaid Military Leave of Absence (B. Kennedy)
Bronson	237-22	Resolution No. 237-22 Authorize Chairwoman to Sign Memorandum of Understanding (CSEA)
	238-22	Authorize County Administrator to Create and Fill Project Manager Position
	273-22	Adopt Local Law 5-22 Entitled Renewal of Local Law 2-19 "A Local Law Establishing an Occupancy Tax in Yates County"
	274-22	Adopt Policy for use of Yates County Facility
	275-22	Amend Yates County Administrative Guide (Yates County Administrative Drive

	276-22	Amend Yates County Employee Handbook (Yates County Employee Handbook)
	277-22	Authorize County Highway Superintendent to Fill Position (Deputy County Highway Superintendent)
	278-22	Authorize Sheriff to Create and Fill Part Time Smart Trailer Operator Position
	279-22	Authorize Sheriff to Reclassify the Job Title of Jail Cook to Food Service Helper and Fill Full-Time Position
	280-22	Authorize Chairwoman to Sign Memorandum of Understanding (CO 82 Other)
	281-22	Adopt 2022 Non-Union Non-Exempt Employee Wage Schedule
	282-22	Approving Memorandum of Understanding with CSEA Concerning Altering the Work Hours for a Real Property Department Employee (Senior Account Clerk Typist)
	283-22	Authorize Commissioner of Social Services to Fill Account Clerk Typist Position
	284-22	Recognize the 100 <sup>th</sup> Anniversary of the Gu-Ya-No-Ga Chapter, National Society of the Daughters of the American Revolution (NSDAR)
Chilson	285-22	Authorize Chairwoman to Sign Contract with Veterans One-Stop Center of WNY
	286-22	Redesignation of the Yates County Area Agency on Aging, Pro Action of Steuben and Yates, Inc. Pursuant to the New York State Elder Law, Section 214
	287-22	Authorize Chairwoman to Sign Agreement with NYSARC Inc. DBA Mozaic for the Transportation of Preschool Children with Disabilities
	288-22	Authorize Contracts with the Following Agencies/Persons
	289-22	Recognize Yates County Distinguished Youth Award Recipient
	290-22	Authorize Contract with Safe Harbors for Non-Residential Domestic Violence Services
Banach	291-22	Authorize Chairwoman to Sign Contract with K & D Disposal
	292-22	Authorize Chairwoman to Sign Contract with WBR Painting
Paddock	293-22	Set date for Public Hearing on Proposed Local Law 6-2022 Entitled "A Local Law Increasing the Alternative Veterans' Exemption from Real Property Taxation"
	294-22	Enter into an Agreement for One Touch Make Ready Services for Phase 3 of the ReConnect Project with LaBella Associates
	295-22	Authorize Chairwoman to Sign Contract with FirstLight Fiber, Inc. for Fiber and Selected Outside Plant Materials for the ReConnect Project
	296-22	Approve the Capital Improvement Plan for Fiscal Years 2023-2027

- 297-22 Set the Date for a Public Hearing to Provide Information to the Public on the Community Development Block Grant (CDBG) Program
- 298-22 Authorizing the Planner to Submit Certification of SEQRA Classification Forms to the Office of Community Renewal for a Community Development Block Grant on Behalf of Yates County
- 299-22 2022 Budget Transfers
- 300-22 Accept and Appropriate Additional Aid (Social Services)
- 301-22 Authorize Chairwoman to Sign Contract for Auction Services
- 302-22 Amend Resolution 216-22 Investment Policy

**Executive Session if needed**

**Resolution No. 271-22**

**Date: 7/11/22**

**Motioned By: Percy**

**Seconded By:**

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**GRANT UNPAID MILITARY LEAVE OF ABSENCE  
(P. SKELLY)**

WHEREAS, in accordance with United States Code, Title 32 §502 (f)(1), §504, and §505, Deputy Sheriff, Peter Skelly has been ordered to attend Formal Training School under the authority of the United States Department of the Army; and

WHEREAS, Mr. Skelly's attendance for such training is required at various times throughout 2022; and

WHEREAS, Mr. Skelly will exhaust his Military Leave time effective July 7, 2022 and enter into a without pay status;

NOW, THEREFORE, BE IT RESOLVED, that Deputy Sheriff, Peter Skelly, is hereby granted Military Leave without pay for specified time intervals as ordered, for the remainder of 2022; and be it further

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

**Resolution No. 272-22**

**Date: 7/11/22**

**Motioned By: Percy**

**Seconded By:**

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**GRANT UNPAID MILITARY LEAVE OF ABSENCE  
(B. KENNEDY)**

WHEREAS, in accordance with United States Code, Title 32 §502 (f)(1), §504, and §505, Corrections Officer, Bryce Kennedy has been ordered to attend Formal Training School under the authority of the United States Department of the Army; and

WHEREAS, Mr. Kennedy's attendance for such training is required at various times throughout 2022; and

WHEREAS, Mr. Kennedy exhausted his Military Leave time effective February 17, 2022 and entered into a without pay status;

NOW, THEREFORE, BE IT RESOLVED, that Corrections Officer, Bryce Kennedy, is hereby granted Military Leave without pay for specified time intervals as ordered, for the remainder of 2022; and be it further

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

**Resolution No. 237-22**

**Date: 7/11/22**

**Motioned By: Bronson**

**Seconded By:**

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**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 of \$3000.00 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.

**Resolution No. 238-22**

**Date: 7/11/22**

**Motioned By: Bronson**

**Seconded By:**

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**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. 273-22**

**Date: 7/11/22**

**Motioned By: Bronson**

**Seconded By:**

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**ADOPT LOCAL LAW 5-2022 ENTITLED RENEWAL OF LOCAL LAW 2-19  
ENTITLED "A LOCAL LAW ESTABLISHING AN OCCUPANCY TAX IN YATES  
COUNTY"**

WHEREAS, proposed Local Law 5-22 entitled Renewal of Local Law 2-19 Entitled " A Local Law Establishing an Occupancy Tax in Yates County" was introduced at the June 13, 2022 Legislative meeting; and

WHEREAS, a Public Hearing was duly held on July 11, 2022;

NOW, THEREFORE, BE IT RESOLVED, that proposed Local Law 5-22 entitled Renewal of Local Law 2-19 Entitled “ A Local Law Establishing an Occupancy Tax in Yates County” 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. 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 on 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. 274-22**

**Date: 7/11/22**

**Motioned By: Bronson**

**Seconded By:**

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**ADOPT POLICY FOR USE OF YATES COUNTY FACILITY**

WHEREAS, Yates County allows the use of its facility to both internal and external organizations; and

WHEREAS, there is currently not a written policy for the use of the Yates County Facility;

NOW, THEREFORE, BE IT RESOLVED, that effective July 11, 2022 this policy be adopted by the Legislature; and be it further

RESOLVED, that copies of this resolution/policy be provided to all Yates County Department Heads and current known users of the facility.

**POLICY FOR USE OF YATES COUNTY FACILITY  
(AUDITORIUM / MEETING ROOMS)**

**1. Facility may be used by:**

- A. Any government agency or appointed committee, board, etc.
- B. Yates County Departments and Building Tenants
- C. Not For-Profit Organizations
- D. For-Profit Organizations

**2. Facility use and priorities:**

- A. County Government has first priority
- B. Occupants of the building and other governmental sponsored functions have second priority
- C. Not For-Profit Organizations have third priority
- D. For-Profit Organizations have fourth priority

**3. Fees and payment:**

- A. No fee for Yates County Departments and Building Tenants
- B. No fee for Not For-Profit & For-Profit Organizations during regular building hours
- C. **A flat fee of \$80 shall be charged to Not For-Profit & For-Profit Organizations for after-hours use**
- D. The Clerk of the Legislature will send out an invoice for the amount owed in conjunction with the reservation
- E. Invoices must be paid **1 week prior** to facility use barring any unforeseen circumstances
- F. Invoices must be paid by check made out to Yates County and mailed to:

**Yates County  
Attn: Clerk of the Legislature  
417 Liberty St.  
Penn Yan, NY 14527**

**4. Facility hours of operation:**

- A. Building hours-Except holidays
  - Regular (September-May) Monday-Friday 9:00 a.m. - 5:00 p.m.
  - Summer (June-August) Monday-Friday 8:30 a.m. – 4:30 p.m.
- B. After hours-Except holidays
  - Regular (September-May) Monday-Friday 5:00 p.m. – 9:00 p.m.
  - Summer (June-August) Monday-Friday 4:30 p.m. – 9:00 p.m.
- C. NO WEEKEND USE

**5. Requirements:**

- A. Certificate of Liability Insurance (COI) must be provided to the Clerk of the Legislature showing the County of Yates as additionally insured for all outside organizations; Not For-Profit & For-Profit
- B. Reservations must be made using the Yates County website [www.yatescounty.org](http://www.yatescounty.org) reservation system
- C. After hours reservations must be made at least 1 month in advance barring any unforeseen circumstances

**6. Rules and guidelines:**

- A. Main entrance doors will be unlocked no more than 30 minutes before reserved use time
- B. All garbage must be placed in the proper receptacles made available
- C. Setup of the tables, chairs, etc. is the responsibility of the user
- D. All users must clean up after themselves and return the facility to the way it was when they found it
- E. **NO SMOKING** is allowed on the premises
- F. **NO ALCOHOLIC BEVERAGES** are allowed on the premises
- G. **NO ANIMALS** are allowed in the building except service dogs and dogs in service for training classes
- H. All persons using the building shall do so in a quiet, orderly, and respectful manner
- I. **Violations of these rules will automatically deny further use of the building**

**7. Exceptions:**

- A. Prior approval from the Legislature **must** be obtained for any policy exceptions

**Resolution No. 275-22**

**Date: 7/11/22**

**Motioned By: Bronson**

**Seconded By:**

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**AMEND YATES COUNTY ADMINISTRATIVE GUIDE  
(Yates County Administrative Guide)**

WHEREAS, the Administrative Guide is in need of modification;

NOW, THEREFORE, BE IT RESOLVED, that effective July 11, 2022 that a new sub-section be added to Section 201 Freedom of Information Law titled “Records Access Officer” and the remaining section numbers be updated accordingly;

- 2. **Records Access Officer** – In accordance with 21 NYCRR Part 1401.2 the County has designated the County Administrator as the Records Access Officer (RAO). The official RAO designation shall not be construed to prohibit officials who have in the past been authorized to make records or information available to the public, from continuing to do so.

And be it further

RESOLVED, the following language in Section 402.D Holiday Leave be updated accordingly;

- D. **Proper Use of Personal Leave** – Subject to reasonable exceptions granted by the Department Head/Supervising Authority and/or his/her designee in his/her sole

discretion, personal leave shall not be taken on a day immediately preceding or immediately following a holiday.

And be it further

RESOLVED, the following language in Section 403.5.A.B Leave Without Pay / Other Unpaid Leave be updated accordingly;

- A. **Request for Leave Without Pay Other than For FMLA/WC in Excess of Five (5) Days** – When an employee notifies his/her Department Head/Supervising Authority of his/her need for a leave without pay, and his/her leave is expected to exceed five (5) days without pay, it is the responsibility of the Department Head to preliminarily determine the necessity and validity of the request. If the Department Head determines that the reason for the request is not sufficient, he/she may deny the request. Should the Department Head determine the request to be valid, he/she will notify the County Administrator.
- B. **Leave Without Pay Resulting from FMLA/Workers Compensation** – For leave without pay resulting from FMLA/Workers' Compensation, the Department Head will notify the County Administrator during his/her monthly meeting. Any additional notifications shall be at the sole discretion of the County Administrator.

And be it further

RESOLVED, that the job title "Payroll Specialist" be added to Section 406.2.B Exempt Non-Union Flex Time Procedure; and be it further

RESOLVED, that Subsection 3 of Section 406 be retitled to "Exempt Non-Union Flex Time Procedure"; and be it further

RESOLVED, that a new Subsection 4 be added to Section 406 titled "Exempt Non-Union Non-Department Heads Procedure" and the following Section be updated accordingly;

4. **Exempt Non-Union Non-Department Heads Procedure** –
  - A. Department Heads are authorized to administer and enforce a compensatory time or flex time procedure that is customized to their own department for Non-Union Non-Department Head employees.
  - B. Once a procedure has been established the Department Head will provide it to the Personnel Officer who will work with the Payroll Specialist to set-up the payroll system accordingly.

And be it further

RESOLVED, that language be removed from Section 504.1 Health Insurance Buy-out as the information is already included in the Employee Handbook, therefore the revised Section will now read;

1. **Summary** – Unless otherwise provided in a collective bargaining agreement, a full-time non-union employee or Elected official, who is eligible for medical insurance coverage made available through the County, may receive a cash buy-out in lieu of receiving medical insurance benefits.



And be it further

RESOLVED, that Section 1013 be retitled to “Office Supply / Ink-Toner Orders / Managed Print Services” and the following Section be updated accordingly;

### ***1013 Office Supply / Toner Orders / Managed Print Services***

1. **Statement of Purpose** – Pursuant to Section 103(5) of the General Municipal Law and in accordance with the County’s Purchasing/Procurement Policy, the County has implemented procedures to protect taxpayers by assuring that competition is sought in a reasonable, cost-effective manner for all Yates County procurements where practicable and required by law.
2. **Managed Print Services** – The County IT Department will contract with a third party vendor to administer the Managed Print Services Program for all networked printers and multi-function printers/copiers (assets).
  - A. **Procedure** –
    - a. Representatives from the IT Department will be responsible for labeling the assets to clearly identify what equipment is included in the Managed Print Services Program.
    - b. Each asset will be programmed with a low toner automatic notification system that will be triggered once the toner reaches a predetermined threshold.
    - c. Once the toner level reaches the threshold, the third party vendor will automatically be notified and process an auto-ship order that will send a replacement toner cartridge to the IT Department for Installation.
    - d. Once received, the IT Department will install the toner.
    - e. The IT Department will notify the Finance Department monthly how much to charge each department.
    - f. The Finance Department will send monthly statements to each Department Head notifying them of the charges.
4. **Ink / Toner Cartridge Orders** –
  - A. For assets not covered under the Managed Print Services, the Legislature has delegated the responsibility of ordering supplies to the Clerk of the Legislature, however, orders will not be placed unless prior authorization is received from the IT Department.
  - B. The County has elected to procure ink cartridges through the New York State Office of General Services or United State General Services Administration (OGS). This is often referred to as “State bid” pricing.
  - C. **Ordering Procedure** –
    - a. **Timeframe** – Ink cartridge orders are placed on the first and fifteenth day of every month. Should the first or fifteenth day of the month fall on a weekend and/or holiday, orders will be placed on the next workday.
    - b. **Forms** – The Department Head/Supervising Authority and/or his/her designee will fill out a Toner/Ink Re-Order Form when ordering toner/ink.
    - c. **Submission Process** –
      - i. The Department Head/Supervising Authority and/or his/her designee will submit the order forms to the IT Help Desk electronically.
      - ii. Once the IT Director or his/her designee receives and verifies the order form, he/she will notify the Clerk of the Legislature to order the requested item(s).
      - iii. After an order is placed, the Clerk of the Legislature will send the Department Head/Supervising Authority and/or his/her designee a copy of his/her order form

watermarked with the word, “Ordered”. This document will be needed when vouchering for the items received ([refer to Section 6](#)).

- d. **Delivery of Goods** – Toner/Ink orders will be delivered to the Clerk of the Legislature. The Clerk of the Legislature will notify the Department Head/Supervising Authority and/or his/her designee that the order has arrived and will place the item in and/or next to the department’s mailbox in the County Office Building Mailroom.

**B. Office Supply Orders –**

- A. The Legislature has delegated the responsibility of office supply ordering to the Clerk of the Legislature.
- B. Every five (5) years, the Clerk of the Legislature will conduct the competitive bidding process for office supplies pursuant to the County’s Purchasing/Procurement Policy. Once the Legislature officially awards the bid, the Clerk of the Legislature will notify Department Heads/Supervising Authorities and/or their designees who do the ordering.

**C. Ordering Procedure –**

- a. **Timeframe** – Office supply orders are placed every week on Tuesday. When a holiday falls on a Monday and/or Tuesday, office supply orders will be placed on Wednesday of that week.
- b. **Forms** – The Department Head/Supervising Authority and/or his/her designee will fill out an Office Supply Order Form when ordering office supplies.
- c. **Submission Process** –
  - i. The Department Head/Supervising Authority and/or his/her designee will submit the order forms to the Clerk of the Legislature electronically. Order forms must be sent to the Clerk of the Legislature by no later than 12:00 P.M. on Tuesday and/or Wednesday if applicable.
  - ii. Once the Clerk of the Legislature receives the order form, he/she will order the requested item(s).
  - iii. After an order is placed, the Clerk of the Legislature will send the Department Head/Supervising Authority and/or his/her designee a copy of his/her order form watermarked with the word, “Ordered”. This document will be needed when vouchering for the items received ([refer to Section 6](#)).
- d. **Delivery of Goods** – Office supplies will be delivered directly to the individual department that placed the order. On delivery, the Department Head/Supervising Authority and/or his/her designee will receive the invoice that will need to be submitted along with the voucher ([refer to Section 6](#)).

5. **Off Cycle Ordering** – In situations where there is an urgent need for an office supply and/or ink/toner, the Department Head/Supervising Authority and/or his/her designee may place an off-cycle order.

**A. Office Supplies –**

- a. The Department Head/Supervising Authority and/or his/her designee will send the Clerk of the Legislature an email stating what the need is and why. The Clerk of the Legislature will then reply with approving or disapproving the request. If the request is approved, the Department Head/Supervising Authority may personally pick up an office supply from the vendor holding the awarded bid.
- b. Prior to the voucher process, the Department Head/Supervising Authority and/or his/her designee must e-mail the Clerk of the Legislature indicating the item(s) received.

- c. The Clerk of the Legislature will respond to the e-mail. The Clerk of the Legislature's response must be printed and submitted with the voucher, just as the order form would be.

**B. Ink / Toner –**

- a. The Department Head/Supervising Authority and/or his/her designee will send the IT Help Desk an email stating what the need is and why. The IT Department will then reply approving or disapproving the request. If the request is approved, the IT Department will send the request to the Clerk of the Legislature to place the order.
- b. The Clerk of the Legislature will notify the Department Head/Supervising Authority when the order has arrived and will place the item in and/or next to the department's mailbox in the County Office Building Mailroom.

**6. Voucher Process –**

- A. The Department Head/Supervising Authority and/or his/her designee must prepare a voucher for the vendor that the items were received from ([refer to Section 909](#)).
- B. In addition to the voucher, the Department Head/Supervising Authority and/or his/her designee must attach the watermarked document, the invoice and the packing list.

**7. Failure to Comply Notice –** Office supplies or ink cartridges that are purchased without following the procedures outlined in this section will not be paid for by the County and the purchased item will need to be returned and/or the Department Head/Supervising Authority may be personally liable for the cost of the item.

**8. Related Documents –**

- A. [Purchasing/Procurement Policy](#)
- B. [Longs Order Form](#)
- C. [Toner/Ink Cartridge Order Form](#)
- D. [General Municipal Law § 103.5](#)

And be it further

RESOLVED, a new subsection titled "Laserfiche" be added to Section 1014 Records Retention becoming the new number 5 and the remainder of the section be updated accordingly;

5. **Laserfiche** – The County utilizes Laserfiche which is an online document management system that is accessible to all departments. Laserfiche allows document scanning, data capture, search features, metadata modification and workflow automation. The goal is to establish and maintain a central repository for all County records.

And be it further

RESOLVED, that the revised Administrative Guide be made available to Department Heads and their designees by means of the Intranet; and be it further

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

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

WHEREAS, the Employee Handbook is in need of modifications;

NOW, THEREFORE, BE IT RESOLVED, that effective July 11, 2022 Section 304.2.E Corrective Action and Discipline – Prohibited Conduct be updated as follows to more appropriately address the usage of legalized controlled substance use by employees;

- E. Possession, use, distribution/sale, or being under the influence of alcohol or illegal controlled substances, as defined by applicable state and federal laws and regulations, during hours of work or while on County property or in County vehicles. Reporting to work and/or working under the influence of legal drugs/substances that impair the employee’s ability to perform job duties without advance notice to, and approval of, the employee’s Department Head/Supervising Authority.

And be it further

RESOLVED, Section 805.1.C. Drug-Free Workplace/Drug Free Awareness Program, also be updated for the same aforementioned reason as follows;

- C. That current use of alcohol and illegal controlled substances, as defined by applicable state and federal laws and regulations, will not be tolerated in the workplace

And be it further

RESOLVED, that when appropriate references to Treasurer’s Office/County Treasurer were updated to Finance Department/Director of Finance;

And be it further

RESOLVED, that Section 428 be added titled “External Network Access” and the following language be added, it is also understood that this newly added section will replace all previously adopted policies;

**428 External Network Access / Remote Access Policy**

1. **Policy Statement** – The County has established an official Remote Access Policy that must be followed without exception. Employees who receive prior authorization from his/her Department Head to access the County network from a remote location are required to follow defined standards in an attempt to minimize potential exposures including loss of sensitive information, and limit exposure to security concerns through a consistent and standardized access method.
2. **Related Documents** –
  - A. [External Network Access Form](#)
  - B. [Information Security Policy §III](#)

RESOLVED, that Section 506 Bereavement Leave Subsection 3 be updated to include the number of bereavement days and add a new Subsection 5, then update the remaining section numbers accordingly;

3. **Definition of Immediate Family Member** – In the event of a death of a full-time employees “immediate family member”, the employee make take a paid leave of absence of three (3) days from the employee’s regularly scheduled work week. For the purposes of this Policy, “immediate family member”, will mean the following, and will include such relatives in a step-family relationship:
5. **Bereavement Leave Usage** –
  - A. For the death of an immediate family member, the paid leave days shall be taken consecutively.
  - B. In the event the burial for the deceased family member is to be held at a future date, not to exceed six (6) months from the time of death and subject to the approval of the Department Head/Supervising Authority, an employee may use one (1) of the three (3) bereavement day’s to attend the burial.

And be it further

RESOLVED, that title for Section 603 be revised to “Overtime / Compensatory Time / Exempt Non-Union Flex Time” and a new section titled “Exempt Non-Union Flex Time Procedure” be added and become the new Section 603.3 replacing “Non-Union Compensatory Time Policy”;

3. **Exempt Non-Union Flex Time Procedure** – The County Legislature has established a set of procedures to allow department heads some control over their work schedules to make it easier for them to manage non-job-related responsibilities and their professional commitment to the County. Consequently, the County Legislature supports flexible work scheduling for department heads, provided that such schedules are mutually beneficial to the County and the department head and continue to satisfy the needs and objectives of the County.

And be it further

RESOLVED, that language be added to Section 708.2 Medical Insurance Buy-out

2. **Amount of Buy-out** – An employee or Elected Official who is eligible for the medical insurance buy-out will receive an annual stipend of twenty percent (20%) of the County’s share of the health plan premium payment, based on the particular coverage level that the employee had at the time of his/her election, which would have been paid by the County if the employee chose to continue such insurance coverage under the eligible plan, payable in equal installments throughout the year of election, provided the employee provides written proof of alternate health insurance coverage from a source other than the County's health insurance program. Such payments shall be subject to the County’s Internal Revenue Code Section 125 plan ([refer to Section 712](#)).

And be it further

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

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

**Resolution No. 277-22**

**Date: 7/11/22**

**Motioned By: Bronson**

**Seconded By:**

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**AUTHORIZE COUNTY HIGHWAY SUPERINTENDENT TO FILL POSITION  
(DEPUTY COUNTY HIGHWAY SUPERINTENDENT)**

WHEREAS, the Deputy County Highway Superintendent position became vacant on May 1, 2022 as a result of a promotion; and

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

WHEREAS, the annual cost to fill the Deputy County Highway Superintendent position, including fringe is \$92,086;

NOW, THEREFORE, BE IT RESOLVED, that effective July 11, 2022 the County Highway Superintendent is hereby approved to fill the Deputy County Highway Superintendent position; and be it further

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

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

**Resolution No. 278-22**

**Date: 7/11/22**

**Motioned By: Bronson**

**Seconded By:**

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**AUTHORIZE SHERIFF TO CREATE AND FILL PART TIME SMART  
TRAILER OPERATOR POSITION**

WHEREAS, the Sheriff is requesting to fill a part time Smart Trailer Operator position to adequately and accurately reflect the essential functions and duties of the position and to ensure the minimum qualifications for the position are attainable; and

WHEREAS, the part time Smart Trailer Operator position will replace the existing part time Motor Equipment Operator position paid for through the STOP DWI Budget; and

WHEREAS, the estimated cost to create the position, including fringe is \$400;

NOW, THEREFORE, BE IT RESOLVED, that effective June 24, 2022 the Sheriff is hereby authorized to create and fill a part time Smart Trailer Operator 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. 279-22**  
**Motioned By: Bronson**

**Date: 7/11/22**  
**Seconded By:**

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**AUTHORIZE SHERIFF TO RECLASSIFY THE JOB TITLE OF JAIL COOK  
TO FOOD SERVICE HELPER AND FILL FULL-TIME POSITION**

WHEREAS, a full-time Jail Cook position will become vacant effective July 20, 2022 as the result of a resignation; and

WHEREAS, the Sheriff has requested to reclassify the existing job title of Jail Cook to Food Service Helper; and

WHEREAS, the existing part-time and full-time Jail Cook positions will be reclassified to Food Service Helper; and

WHEREAS, the estimated cost to fill the vacant position, including fringe is, \$40,115 to \$64,044;

NOW, THEREFORE, BE IT RESOLVED, that effective July 11, 2022 the Sheriff is hereby authorized to fill the full-time vacant position and to reclassify the job title of Jail Cook to Food Service Helper; 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. 280-22**  
**Motioned By: Bronson**

**Date: 7/11/22**  
**Seconded By:**

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**AUTHORIZE CHAIRWOMAN TO SIGN MEMORANDUM OF UNDERSTANDING  
(CO 82 OTHER)**

WHEREAS, the Sheriff has requested to reclassify the job title of Jail Cook (Cook) to Food Service Helper; and

WHEREAS, it is necessary to add the said position to the current CO 82 Other collective bargaining agreement replacing the existing job title, Cook;

NOW, THEREFORE, BE IT RESOLVED, that effective July 11, 2022 the Chairwoman of the Legislature is hereby authorized to sign a Memorandum of Understanding with CO 82 Other regarding the replacement of the job title of Cook with Food Service Helper under Group I of the current collective bargaining agreement; and be it further

RESOLVED, that copies of this resolution be given to the Sheriff, CO 82 Other Union President, CO 82 Other Union Representative, Personnel Officer, County Administrator and Director of Finance.

**Resolution No. 281-22**  
**Motioned By: Bronson**

**Date: 7/11/22**  
**Seconded By:**

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**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 July 11, 2022, “Jail Cook” be amended to “Food Service Helper”; and be it further

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

**Resolution No. 282-22**

**Date: 7/11/22**

**Motioned By: Bronson**

**Seconded By:**

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**APPROVING MEMORANDUM OF UNDERSTANDING WITH CSEA CONCERNING  
ALTERING THE WORK HOURS FOR A REAL PROPERTY DEPARTMENT  
EMPLOYEE  
(Senior Account Clerk Typist)**

WHEREAS, the Director of Real Property Tax Services has recommended that the work hours for the Senior Account Clerk Typist position in her office be set at forty (40) hours per week;

NOW, THEREFORE, BE IT RESOLVED, that this County Legislature hereby approves said alteration of the work hours the position to be made effective September 5, 2022; and be it further

RESOLVED, that this County Legislature hereby approves a certain Memorandum of Understanding by and between the County and the Civil Service Employees Association, Local 1000 AFSCME, AFL-CIO, Yates County Unit, Yates County Local 862 (“CSEA”) for the purpose of memorializing a mutual agreement to amend the current collective bargaining agreement between the County and CSEA to accomplish the work hour alteration; and be it further

RESOLVED, that the Chairwoman of the County Legislature and the County Administrator are hereby authorized to execute said Memorandum of Understanding on behalf of the County; and be it further

RESOLVED, that copies of this resolution be given to the Director of Real Property Tax Services, CSEA Union President, CSEA Union Representative, Personnel Officer, County Administrator and Director of Finance.

**Resolution No. 283-22**

**Date: 7/11/22**

**Motioned By: Bronson**

**Seconded By:**

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**AUTHORIZE COMMISSIONER OF SOCIAL SERVICES TO FILL ACCOUNT CLERK  
TYPIST POSITION**

WHEREAS, an Account Clerk Typist position will become vacant effective July 20, 2022 as the result of a resignation; and

WHEREAS, the Commissioner of Social Services through the vacancy review process has identified the need to refill the Account Clerk Typist position and is requesting that the position be filled; and



WHEREAS, the estimated cost to fill the position, including fringe, is \$42,203 to \$66,132, depending on health insurance; with the 80% reimbursement the cost to the County is \$8,441 to \$13,226;

NOW, THEREFORE, BE IT RESOLVED, effective July 11, 2022 the Commissioner of Social Services is hereby authorized to fill a full-time Account Clerk Typist position; and be it further

RESOLVED, that the Commissioner of Social Services is also authorized to fill any subsequent vacancy that will occur as the result of a promotion of an employee into the vacant Account Clerk Typist position; and be it further

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

**Resolution No. 284-22**

**Date: 7/11/22**

**Motioned By: Bronson**

**Seconded By:**

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**RECOGNIZE THE 100<sup>TH</sup> ANNIVERSARY OF THE GU-YA-NO-GA CHAPTER,  
NATIONAL SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION  
(NSDAR)**

WHEREAS, the Gu-Ya-No-Ga Chapter, Daughters of the American Revolution, was founded in Penn Yan, New York on December 18, 1922 by 19 civic minded women who named the Chapter for a Seneca Indian whose neighbors prized his friendship, loyalty and hospitality; and

WHEREAS, the Gu-Ya-No-Ga Chapter is part of the National Society Daughters of the American Revolution founded in Washington, DC on October 11, 1890 and incorporated by an Act of Congress; and

WHEREAS, the Mission of the National Society, and local Gu-Ya-No-Ga Chapter, NSDAR, is “to perpetuate the memory and spirit of the men and women who achieved American independence; to promote an enlightened public opinion, and to foster true patriotism and love of country” and recognizes the sacrifices of those soldiers, citizens, and families who served in the Revolutionary War (1776-1783);

NOW, THEREFORE, BE IT RESOLVED, the Yates County Legislature recognizes the 100<sup>th</sup> anniversary of the Gu-Ya-No-Ga Chapter, NSDAR, and congratulates the membership on this eventful occasion; and be it further

RESOLVED, that copies of this resolution be provided to the Gu-Ya-No-Ga Chapter, NSDAR.

**Resolution No. 285-22**

**Date: 7/11/22**

**Motioned By: Chilson**

**Seconded By:**

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**AUTHORIZE CHAIRWOMAN TO SIGN CONTRACT WITH VETERANS ONE-STOP  
CENTER OF WNY**

WHEREAS, Yates County Community Services wishes to enter into a contract with Veterans One-Stop Center of WNY to provide support services to veterans and their families; 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 \$100,000.00, 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 Veterans One-Stop Center of WNY; and be it further

RESOLVED, that said contract will run from 1/1/2022 to 12/31/2022; and be it further

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

**Resolution No. 286-22**

**Date: 7/11/22**

**Motioned By: Chilson**

**Seconded By:**

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**REDESIGNATION OF THE YATES COUNTY AREA AGENCY ON AGING, PRO ACTION OF STEUBEN AND YATES, INC. PURSUANT TO THE NEW YORK STATE ELDER LAW, SECTION 214**

WHEREAS, it is required that the Yates Area Agency on Aging, Pro Action of Steuben and Yates, Inc. be locally designated, pursuant to New York State Elder Law, Section 214 as agency with respect to the provision of the Community Services for the Elderly Program and the Expanded In-Home Services for the Elderly Program; and

WHEREAS, The Yates County Legislature is the body that is able to make such a designation; and

WHEREAS, the continued availability of State and Federal funds for the Expanded In-home Services for the Elderly Program and the Community Services for the Elderly Program is dependent on this designation;

NOW, THEREFORE, BE IT RESOLVED, that Yates County Legislature Redesignate the Yates Area Agency on Aging, Pro Action of Steuben and Yates, Inc. pursuant to New York State Elder Law, Section 214 as agency with respect to the provision of the Community Services for the Elderly Program and the Expanded In-Home Services for the Elderly Program; and be it further

RESOLVED, that copies of this resolution be forwarded to the Pro Action Yates Office for the Aging.

**Resolution No. 287-22**

**Date: 7/11/22**

**Motioned By: Chilson**

**Seconded By:**

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**AUTHORIZE CHAIRWOMAN TO SIGN AGREEMENT WITH NYSARC INC DBA MOZAIC FOR THE TRANSPORTATION OF PRESCHOOL CHILDREN WITH DISABILITIES**

WHEREAS, Yates County Public Health seeks to sign an agreement with NYSARC Inc. dba Mozaic, to provide transportation services for preschool children with disabilities for the period September 1, 2022 through August 31, 2023 at the following rates:

To and from Happiness House Canandaigua	\$239.18 per child per day
To and from Happiness House Geneva	\$191.34 per child per day
To and from Keuka Lake School	\$40.93 per child per day

And be it further

RESOLVED, that the County reserves the option to renew this contract for no more than three (3) one year periods; and be it further

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

**Resolution No. 288-22**

**Date: 7/11/22**

**Motioned By: Chilson**

**Seconded By:**

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**AUTHORIZE CONTRACTS WITH THE FOLLOWING AGENCIES/PERSONS**

WHEREAS, Yates County and the Yates County Department of Social Services wishes to enter into contract with the following agencies/persons; and

WHEREAS, the term of these contracts is July 1, 2022 through June 31, 2023;

NOW THEREFOR BE IT RESOLVED, that after review by the County Attorney, the Chairwoman of the Yates County Legislature and Commissioner of Social Services are authorized to sign contracts with the following agencies/persons:

- Steuben County Department of Social Services for the provision of non-secure detention at a cost not to exceed \$239,075

And be it further

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

**Resolution No. 289-22**

**Date: 7/11/22**

**Motioned By: Chilson**

**Seconded By:**

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**RECOGNIZE YATES COUNTY DISTINGUISHED YOUTH AWARD RECIPIENT**

WHEREAS, the Yates County Youth Board selected Morgan Andersen for recognition as a Yates County Distinguished Youth of 2022, acknowledging her outstanding service to this community;

NOW, THEREFORE, BE IT RESOLVED, that this Legislature take recognition of this honor bestowed upon Morgan Andersen by the Yates County Youth Board on July 11, 2022, in Penn Yan, NY, and thank her for her dedicated service to the community of Penn Yan and to the citizens of Yates County; and be it further

RESOLVED, that a copy of this resolution be provided to Morgan Andersen and the Youth Bureau Director.

**Resolution No. 290-22**  
**Motioned By: Chilson**

**Date: 7/11/22**  
**Seconded By:**

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**AUTHORIZE CONTRACT WITH SAFE HARBORS FOR NON-RESIDENTIAL DOMESTIC VIOLENCE SERVICES**

WHEREAS, The Department of Social Services is required by regulation to provide non-residential domestic violence services to Yates County residents; and

WHEREAS, The Department of Social Services is interested in contracting with Safe Harbors of the Finger Lakes for these services;

NOW, THEREFORE, BE IT RESOLVED, that after review by the County Attorney, the Chairperson of the Legislature and the Social Services Commissioner be authorized to sign a contract with Safe Harbors at an amount not to exceed \$33,939 for the period of 7/1/22-6/30/23; and be it further

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

**Resolution No. 291-22**  
**Motioned By: Banach**

**Date: 7/11/22**  
**Seconded By:**

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**AUTHORIZE CHAIRWOMAN TO SIGN CONTRACT WITH K&D DISPOSAL**

WHEREAS, Yates County has solicited Request for Proposals for the County's garbage and recyclable pick up at the following locations the Yates County Office Complex & Courthouse, the Yates County Public Safety Building, and the Yates County Highway Department; and

WHEREAS, the specifications requested a "cost per month" flat fee for garbage and recyclables to be picked up weekly at each location; and

WHEREAS, the following "cost per month" prices were received K&D Disposal Inc. at \$400 per month, Casella Waste at \$964 per month, Cardinal Disposal no submitted price and Kennedy's Hauling no submitted price; and

WHEREAS, the lowest responsible proposal for said contract was K&D Disposal Inc. for these services;

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 K&D Disposal Inc. for the County garbage and recyclable; and be it further

RESOLVED, that said contract will run from 9/1/22 to 8/31/25 for an amount not to exceed \$400 per month; and be it further

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

**Resolution No. 292-22**

**Date: 7/11/22**

**Motioned By: Banach**

**Seconded By:**

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**AUTHORIZE CHAIRWOMAN TO SIGN CONTRACT WITH WBR PAINTING**

WHEREAS, the exterior windows on the Annex of the COB require painting as does the entry and stairway walls of the Old Courthouse; and

WHEREAS, the Building Maintenance Supervisor sought proposal, for painting and plaster repair of the aforementioned areas and has received a proposal from WBR Painting for a sum of \$9,979.00 for this service;

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 WBR Painting to repair plaster and paint the entry and stairway of the Old Courthouse and paint the exterior windows of the Annex; and be it further

RESOLVED, that said contract will run from 8-1-22 to 12-31-22 for a total sum of up to \$9,979.00; and be it further

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

**Resolution No. 293-22**

**Date: 7/11/22**

**Motioned By: Paddock**

**Seconded By:**

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**SET DATE FOR PUBLIC HEARING ON PROPOSED LOCAL LAW 6-2022 ENTITLED  
“A LOCAL LAW INCREASING THE ALTERNATIVE VETERANS’ EXEMPTION  
FROM REAL PROPERTY TAXATION”**

BE IT RESOLVED, that the Clerk of the Yates County Legislature is directed to advertise a public hearing on proposed Local Law 6-2022 entitled “A Local Law Increasing the Alternative Veterans’ Exemption from Real Property Taxation”, said proposed Local Law being set forth herein; and be it further

RESOLVED, that said public hearing shall be held August 8, 2022 at 1:10 p.m. in the Yates County Legislative Chambers, 417 Liberty Street, Penn Yan, NY.

**LOCAL LAW NO. 6 OF THE YEAR 2022**

**ENTITLED:**

**A LOCAL LAW INCREASING THE ALTERNATIVE VETERANS’ EXEMPTION  
FROM REAL PROPERTY TAXATION**

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

**Section 1. Establishment of New Maximum Exemptions Limits for the Alternative Veterans' Exemption.**

Pursuant to Real Property Tax Law Section 458-a (2) (d) (ii), the exemptions from real property taxes for veterans provided by paragraphs (a), (b) and (c) of subdivision 2 of Section 458-a are hereby changed to twenty-four thousand (\$24,000), sixteen thousand (\$16,000), and eighty thousand dollars (\$80,000), respectively.

**Section 2. 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. 4 of the year 2008 entitled "Increase Alternative Veterans' Exemption from Real Property Taxation".

**Section 3. Effective Date.**

This local law shall take effect upon its filing with the Secretary of State, but pursuant to Real Property Tax Law Section 458-a, the exemption shall not be available until the 2024 tax year (2023 assessment roll).

**Resolution No. 294-22**  
**Motioned By: Paddock**

**Date: 7/11/22**  
**Seconded By:**

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**ENTER INTO AN AGREEMENT FOR ONE TOUCH MAKE READY SERVICES FOR PHASE 3 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, 1B and 2 of the ReConnect project; and

WHEREAS, in order to complete Phase 3 of the network make ready design, 2551 additional utility poles have been identified;

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 3, for a price not to exceed \$316,608.70; and be it further

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

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**AUTHORIZE CHAIRWOMAN TO SIGN CONTRACT WITH FIRSTLIGHT FIBER, INC. FOR FIBER AND SELECTED OUTSIDE PLANT MATERIALS FOR THE RECONNECT PROJECT**

WHEREAS, Yates County (hereinafter referred to as "County") is currently undertaking the design and construction of a fiber optic broadband network as part of its ReConnect grant project awarded by Rural Utility Service; and

WHEREAS, the County divided the project into several phases to be more manageable, designated as Phase 1A, Phase 1B, Phase 2 and Phase 3; and

WHEREAS, the County has awarded the material bid for Phase 1A and for 96-strand fiber needed for the entire project; and

WHEREAS, since availabilities of fiber and selected outside materials (splice closures and trays) are limited, a material bid was requested for these materials to cover the remainder of the project; and the bid document was prepared specifically requesting estimated delivery dates along with price and calling out that the award would be made in accordance with the County's Best Value Policy (price and delivery); and

WHEREAS, construction of Phase 1B could start before year end and will require approximately 200 splice closure units; and

WHEREAS, bids were requested and received and publically opened on June 30 at 10 am and 3 firms submitted bids:

Company	Material Bid (14 items)*	Lead Time
FirstLight	\$1,228,638.39	Fiber: Sept. – Oct. 2022 Closures (S/M): 250 units Oct. 2022 with the balance in 32 weeks; (L): in stock
Graybar	\$1,223,426.39	Fiber: In stock Closures (S/M): 100 units in 12-14 weeks and balance in 30-32 weeks; (L): 30-32 weeks
Walker	\$987,667.75 - \$1,218,292.10	Fiber: 40 – 52+ weeks Closures: 32 weeks

And

WHEREAS, the submitted bid documents have been reviewed by the Core Team and New York Engineering Services and presented to the Finance Committee that recommends accepting the bid from FirstLight;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairwoman of the Legislature is authorized to sign the contract with FirstLight Fiber, Inc.; and be it further

RESOLVED, that copies of this resolution be provided to FirstLight Fiber, Inc., the County Administrator, the County Planner, the Grant Specialist, and all the bidders.

**Resolution No. 296-22**  
**Motioned By: Paddock**

**Date: 7/11/22**  
**Seconded By:**

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**APPROVE THE CAPITAL IMPROVEMENT PLAN FOR FISCAL YEARS 2023-2027**

WHEREAS, the Yates County Legislature initiated a Capital Improvement Planning Program in December 1999 in order to more effectively identify, prioritize, plan for and finance capital projects and equipment expenditures;

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature hereby approves the proposed Fiscal Year 2023-2027 Capital Improvement Plan; and be it further

RESOLVED, that copies of this resolution be given to the Legislative Chairwoman, the County Treasurer and the County Planner.





# 2023

Office / Department	Project Description	Total Project Cost	Revenue Sources				County Funds			Net Tax Levy	Comment
			Federal Aid	State Aid	Sale of Equipment	Reserve	General	Road	Road Machinery		
Airport	Acquire Easements for Obstruction Removal (01-19)	\$195,000	\$175,500	\$9,750		\$9,750				\$0	Airport Reserve
Airport	Obstruction Removal - Design (01-19 & 10-28)	\$40,000	\$36,000	\$2,000		\$2,000				\$0	Airport Reserve
Airport	Runway 10-28 Rehabilitation - Design	\$116,000	\$105,000	\$5,500		\$5,500				\$0	Airport Reserve
Airport	Terminal Apron Rehabilitation - Construction	\$450,000	\$405,000	\$22,500		\$22,500				\$0	Airport Reserve
B & G	CH & COB Camera and Door Access Update	\$353,000		\$46,400			\$306,600			\$306,600	
B & G	Replace HVAC Unit in Main Data Closet in COB	\$45,000					\$45,000			\$45,000	
B & G	Refurbish Chiller Mechanicals - CH	\$120,000		\$20,200			\$99,800			\$99,800	
B & G	Annex Brick Restoration Consultant Work	\$40,000					\$40,000			\$40,000	
Central Garage	Vehicle Replacement	\$73,300			\$45,062		\$28,238			\$28,238	
Highway - Roads	Road Rehabilitation/Construction	\$2,100,000		\$1,430,430				\$669,570		\$669,570	
Highway - Machinery	Trucks and Heavy Equipment	\$1,045,000			\$118,600				\$926,400	\$926,400	
Highway - Facilities	Highway/OEM/Public Health Facilities Project	\$8,640,000	\$4,239,056			\$4,400,944				\$0	
IT	Computer Capital Equipment	\$201,050		\$17,900			\$183,150			\$183,150	
OEM	Vehicle Replacement	\$36,000					\$36,000			\$36,000	
Planning	Broadband Project	\$5,440,000	\$5,440,000							\$0	USDA ReConnect Grant
Sheriff	Vehicle Replacement	\$174,000		\$18,000			\$156,000			\$156,000	
Sheriff	Body Worn Cameras	\$42,000					\$42,000			\$42,000	
Sheriff	911 Dispatch C.A.D. Upgrade Project	\$177,036		\$177,036			\$0			\$0	PSAP Grant
<b>Totals:</b>		<b>\$19,287,386</b>	<b>\$10,400,556</b>	<b>\$1,749,716</b>	<b>\$163,662</b>	<b>\$4,440,694</b>	<b>\$936,788</b>	<b>\$669,570</b>	<b>\$926,400</b>	<b>\$2,532,758</b>	
							Total Aid from other sources (not including fees/revenue):	\$12,150,272			
							Percentage of Aid vs. Total Cost:	63.00%			
							Total Aid, Revenue and Reserve Funds Projected:	\$16,754,628			

# 2024

Office / Department	Project Description	Total Project Cost	Revenue Sources				County Funds			Net Tax Levy	Comment
			Federal Aid	State Aid	Sale of Equipment	Reserve	General	Road	Road Machinery		
Airport	Obstruction Removal - Construction (01-19 & 10-28)	\$80,000	\$72,000	\$4,000		\$4,000				\$0	Airport Reserve
Airport	Acquire Snow Removal Equipment	\$400,000	\$380,000			\$20,000				\$0	Airport Reserve
Airport	Parallel Taxiway B Extension - Construction - Pavement	\$1,200,000	\$1,080,000	\$60,000		\$60,000				\$0	Airport Reserve
Airport	Parallel Taxiway B Extension - Construction - MITLs	\$400,000	\$360,000	\$20,000		\$20,000				\$0	Airport Reserve
B & G	Annex Brick Restoration	\$310,000					\$310,000			\$310,000	
B & G	Refurbish Chiller Mechanicals - COB	\$240,000		\$1,300			\$238,700			\$238,700	
B & G	Vehicle Replacement	\$37,000		\$2,700	\$31,000		\$3,300			\$3,300	
Central Garage	Vehicle Replacement	\$72,490			\$28,297		\$44,193			\$44,193	
Elections	Voting Machines	\$246,280					\$246,280			\$246,280	
Highway - Roads	Road Rehabilitation/Construction	\$2,200,000		\$1,430,430				\$769,570		\$769,570	
Highway - Machinery	Trucks and Heavy Equipment	\$484,350			\$75,468				\$408,882	\$408,882	
Highway - Facilities	Highway/OEM/Public Health Facilities Project	\$5,760,000				\$5,760,000				\$0	
IT	Computer Capital Equipment	\$175,600		\$9,600			\$166,000			\$166,000	
Planning	Broadband Project	\$4,370,000	\$4,370,000							\$0	USDA ReConnect Grant
Sheriff	Vehicle Replacement	\$145,000					\$145,000			\$145,000	
Sheriff	Body Worn Cameras	\$42,000					\$42,000			\$42,000	
Sheriff	Public Safety Building Refurbishment	\$300,000				\$300,000	\$0			\$0	Reserve=Unassigned Fund Balance
<b>Totals:</b>		<b>\$16,462,720</b>	<b>\$6,262,000</b>	<b>\$1,528,030</b>	<b>\$134,765</b>	<b>\$6,164,000</b>	<b>\$1,195,473</b>	<b>\$769,570</b>	<b>\$408,882</b>	<b>\$2,373,925</b>	
							Total Aid from other sources (not including fees/revenue):	\$7,790,030			
							Percentage of Aid vs. Total Cost:	47.32%			
							Total Aid, Revenue and Reserve Funds Projected:	\$14,088,795			

## 2025

Office / Department	Project Description	Total Project Cost	Revenue Sources				County Funds			Net Tax Levy	Comment
			Federal Aid	State Aid	Sale of Equipment	Reserve	General	Road	Road Machinery		
Airport	Runway 10-28 Rehabilitation - Construction	\$1,500,000	\$1,350,000	\$75,000		\$75,000				\$0	Airport Reserve
Airport	Parallel Taxiway A Rehabilitation - Design	\$140,000	\$126,000	\$7,000		\$7,000				\$0	Airport Reserve
B & G	Parking Lot Resurfacing - CH, COB & Church	\$170,000		\$14,500			\$155,500			\$155,500	
Central Garage	Vehicle Replacement	\$51,100			\$31,385		\$19,715			\$19,715	
Highway - Roads	Road Rehabilitation/Construction	\$2,300,000		\$1,430,430				\$869,570		\$869,570	
Highway - Machinery	Trucks and Heavy Equipment	\$726,585			\$62,583				\$664,002	\$664,002	
IT	Computer Capital Equipment	\$226,200		\$5,000			\$221,200			\$221,200	
Planning	Broadband Project	\$435,000	\$435,000							\$0	USDA ReConnect Grant
Sheriff	Vehicle Replacement	\$205,000					\$205,000			\$205,000	
Sheriff	Public Safety Building Refurbishment	\$3,480,000				\$3,480,000	\$0			\$0	Reserve=Unassigned Fund Balance
<b>Totals:</b>		<b>\$9,233,885</b>	<b>\$1,911,000</b>	<b>\$1,531,930</b>	<b>\$93,968</b>	<b>\$3,562,000</b>	<b>\$601,415</b>	<b>\$869,570</b>	<b>\$664,002</b>	<b>\$2,134,987</b>	
							\$3,442,930				
							37.29%				
							\$7,098,898				

## 2026

Office / Department	Project Description	Total Project Cost	Revenue Sources				County Funds			Net Tax Levy	Comment
			Federal Aid	State Aid	Sale of Equipment	Reserve	General	Road	Road Machinery		
Airport	Runway 1-19 Rehabilitation - Design	\$200,000	\$180,000	\$10,000		\$10,000				\$0	Airport Reserve
Airport	Taxiway A Rehabilitation - Construction	\$1,500,000	\$1,350,000	\$75,000		\$75,000				\$0	Airport Reserve
B & G	Replace 20 Variable Frequency Drives	\$180,000		\$15,600			\$164,400			\$164,400	
Central Garage	Vehicle Replacement	\$82,200			\$51,310		\$30,890			\$30,890	
Highway - Roads	Road Rehabilitation/Construction	\$2,200,000		\$1,430,430				\$769,570		\$769,570	
Highway - Machinery	Trucks and Heavy Equipment	\$761,641			\$117,420				\$644,221	\$644,221	
IT	Computer Capital Equipment	\$218,100		\$12,900			\$205,200			\$205,200	
Sheriff	Vehicle Replacement	\$185,000		\$16,000			\$169,000			\$169,000	
Sheriff	Public Safety Building Refurbishment	\$2,320,000				\$2,320,000	\$0			\$0	Reserve=Unassigned Fund Balance
<b>Totals:</b>		<b>\$7,646,941</b>	<b>\$1,530,000</b>	<b>\$1,559,930</b>	<b>\$168,730</b>	<b>\$2,405,000</b>	<b>\$569,490</b>	<b>\$769,570</b>	<b>\$644,221</b>	<b>\$1,983,281</b>	
							\$3,089,930				
							40.41%				
							\$5,663,660				

## 2027

Office / Department	Project Description	Total Project Cost	Revenue Sources				County Funds			Net Tax Levy	Comment
			Federal Aid	State Aid	Sale of Equipment	Reserve	General	Road	Road Machinery		
Airport	Runway 1-19 Rehabilitation - Construct	\$2,500,000	\$2,250,000	\$125,000		\$125,000				\$0	Airport Reserve
Airport	Taxiway B Rehabilitation - Design	\$125,000	\$112,500	\$6,250		\$6,250				\$0	Airport Reserve
B & G	Vehicle Replacement	\$38,000		\$2,800	\$32,000		\$3,200			\$3,200	
Central Garage	Vehicle Replacement	\$79,500			\$50,743		\$28,757			\$28,757	
Highway - Roads	Road Rehabilitation/Construction	\$2,200,000		\$1,430,430				\$769,570		\$769,570	
Highway - Machinery	Trucks and Heavy Equipment	\$719,629			\$99,200				\$620,429	\$620,429	
IT	Computer Capital Equipment	\$173,900		\$14,000			\$159,900			\$159,900	
Sheriff	Vehicle Replacement	\$155,000					\$155,000			\$155,000	
<b>Totals:</b>		<b>\$5,991,029</b>	<b>\$2,362,500</b>	<b>\$1,578,480</b>	<b>\$181,943</b>	<b>\$131,250</b>	<b>\$346,857</b>	<b>\$769,570</b>	<b>\$620,429</b>	<b>\$1,736,856</b>	
							\$3,940,980				
							65.78%				
							\$4,254,173				

**Resolution No. 297-22**  
**Motioned By: Paddock**

**Date: 7/11/22**  
**Seconded By:**

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**SET THE DATE FOR A PUBLIC HEARING TO PROVIDE INFORMATION TO THE  
PUBLIC ON THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)  
PROGRAM**

WHEREAS, it is the desire of Yates County to submit an application for the 2022 New York State Community Development Block Grant (CDBG) program; and

WHEREAS, the process for CDBG applications involves holding one public hearing prior to submission of any 2022 CDBG applications to provide residents with information about the CDBG program and to discuss community development needs and priorities; and

WHEREAS, residents are invited to attend the hearing to assist the County in defining community development housing priorities;

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature will hold a Public Hearing on the CDBG program in the Legislature Chambers, 417 Liberty Street, Penn Yan, NY at 1:05 p.m. on Monday, August 8th, 2022; and be it further

RESOLVED, that the Clerk of the Legislature is directed to publish or cause to be published a Public Hearing notice in the official newspapers of the County of said Public Hearing.

**Resolution No. 298-22**  
**Motioned By: Paddock**

**Date: 7/11/22**  
**Seconded By:**

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**AUTHORIZING THE PLANNER TO SUBMIT CERTIFICATION OF SEQRA  
CLASSIFICATION FORMS TO THE OFFICE OF COMMUNITY RENEWAL FOR A  
COMMUNITY DEVELOPMENT BLOCK GRANT ON BEHALF OF YATES COUNTY**

WHEREAS, Yates County is currently applying for a Community Development Block Grant (CDBG Well and Septic Grant) and will be applying for funding associated with said grant; and

WHEREAS, the above Planning activities are part of the required environmental review phase of CDBG Well and Septic Grant application; and

WHEREAS, such SEQRA actions are listed as a Type II action under 6NYCRR Section 617.4;

NOW, THEREFORE, BE IT RESOLVED, that the Planner is hereby authorized to submit the SEQRA documentation to the Department of Housing and Community Renewal in support of the Community Development Block Grant that provides funding for the Well and Septic Program; and be it further

RESOLVED, that the Chairwoman of the Yates County Legislature is hereby authorized to sign the certification forms and all appropriate and necessary documents to apply for said grant, subject to the approval of the Yates County Attorney; and be it further

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

**Resolution No. 299-22**  
**Motioned By: Paddock**

**Date: 7/11/22**  
**Seconded By:**

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**2022 BUDGET TRANSFERS**

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

From:	To:	Amount:
A1430.54920 PER-State Fees	A1430.51505 PER- Overtime	\$ .90
D5110.51636 HWY- HWY PT	D5010.54156HWY- Training	\$ 4,000.00
A6010.54027 DSS-Miscellaneous	A6010.52115 DSS-Computer Hardware	\$ 4,525.71
CD6293.8A CD- WIOA Adult Staff.	CD6293.1A CD-WIOA Adult Staff Wage.	\$ 950.00
CD6293.41F CD- WIOA ISY Oper.	CD6293.11F CD- WIOA ISY Part. Wage	\$ 350.00
A1650.54571-COM-Comp Software	A1650.52115 COM-Comp Hardware	\$ 15,323.40
A1675.54406-COP-Copier Maint. Agr	A1675.52120 COP-Copier	\$ 604.00

And be it further

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

**Resolution No. 300-22**  
**Motioned By: Paddock**

**Date: 7/11/22**  
**Seconded By:**

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**ACCEPT AND APPROPRIATE ADDITIONAL AID  
(SOCIAL SERVICES)**

WHEREAS, the Department of Social Services has been awarded additional revenue from TANF SYEP in the amount of \$71,477.00 for summer youth employment; 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 DSS- Social Service Admin		\$ 71,477.00
Appropriation:		
A6010.54381 DSS- TANF Summer Youth		\$ 71,477.00

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. 301-22**  
**Motioned By: Paddock**

**Date: 7/11/22**  
**Seconded By:**

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**AUTHORIZE CHAIRWOMAN TO SIGN CONTRACT FOR AUCTION SERVICES**

WHEREAS, pursuant to the foreclosure process resulting in a property auction of properties with delinquent taxes for 2018, 2019, and 2020; and

WHEREAS, County wishes to sell said properties via an in-person auction; and

WHEREAS, the County Treasurer has received a quote for auction services from Pirrung Auctioneers, Inc./Thomas P. Wamp, Real Estate Broker (hereinafter, Auctioneer) where Auctioneer is responsible for all advertising associated with the auction and County allows a 10% buyer's premium on all parcels and returns 6% to Auctioneer; and

WHEREAS, the County Finance Committee has reviewed said proposal and recommends the proposal submitted by Auctioneer be accepted;

NOW, THEREFORE, BE IT RESOLVED, that the Chairwoman of the Yates County Legislature is authorized to sign a contract for said services with Pirrung Auctioneers, Inc. for the Property auction in the year 2022; and be it further

RESOLVED, that the liability insurance requirement is hereby waived; and be it further

RESOLVED, that a copy of this resolution be given to Pirrung Auctioneers, Inc./Tom Wamp, the Yates County Treasurer, the Director of Finance, and the Budget Officer.

**Resolution No. 302-22**  
**Motioned By: Paddock**

**Date: 7/11/22**  
**Seconded By:**

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**AMEND RESOLUTION 216-22**  
**INVESTMENT POLICY**

WHEREAS, Resolution 216-22 adopted the Yates County Investment Policy; and

WHEREAS, the Director of Finance wishes to add a depository to the policy and adjust the maximum balance for Lyons National Bank;

NOW, THEREFORE, BE IT RESOLVED, that the following Designation of Depositories and their maximum balances be modified to read:

**DESIGNATION OF DEPOSITARIES:**

Community Bank, N.A.	\$20,000,000.00
Lyons National Bank	20,000,000.00
Five Star Bank, N.A.	15,000,000.00
Bank of the Finger Lakes/Wayne Bank	30,000,000.00
Key Bank (formally JP Morgan Chase)	20,000,000.00
NY CLASS	5,000,000.00

And be it further

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