



YATES COUNTY LEGISLATURE  
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Penn Yan, New York 14527  
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Leslie Church  
Chairwoman  
Emilee D. Miller  
Clerk

**YATES COUNTY LEGISLATIVE AGENDA  
September 11, 2023 at 1:00 p.m.**

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

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- Call to Order & the Pledge of Allegiance
- Employee Recognition
- Zoom Attendees
- Public Comment
- Approve Minutes from the August 14<sup>th</sup> & August 28<sup>th</sup> Meetings
- Approve Audit
- Committee Reports

**RESOLUTION**

|         |        |   |
|---------|--------|---|
| Willson | 392-23 | Authorize Chair to Sign Agreement with Caitlyn Shaylor Reporting  |
|         | 393-23 | Authorize Chair to Sign Intermunicipal Agreement with Schuyler County to Share the Code Enforcement Officer for 2023                          |
|         | 394-23 | Proclamation in Recognition of 2023 Sheriffs' Week  |
|         | 395-23 | Authorize Chair and Coordinator to Sign Approved 2024 STOP-DWI Budget and Plan  |
| Bronson | 396-23 | Amend Resolution No. 325-21 (Regarding Temporary Correction Officer)  |
|         | 397-23 | Authorize Chair of Legislature to Sign Technology Innovation and Election Resource (Tier) Grant Program 2023 Contract # BOE01-C004400-1110000 |
|         | 398-23 | Authorize Chair of Legislature to Sign Absentee Ballot Pre-Paid Postage Grant Amendment Contract # BOE01-T004625-1110000                      |

|         |        |  |
|---------|--------|--|
|         | 399-23 | Amend 2023 Non-Union Exempt Employee Salary Schedule   |
|         | 400-23 | Authorize Chair to Sign Memorandum of Understanding (CSEA)   |
|         | 401-23 | Ratifying Memoranda of Understanding with Council 82 and Civil Service Employee Association Unions Regarding Additional Health Plan Option   |
|         | 402-23 | Authorize Vice-Chair to have and Exercise Powers and Duties of the Chair in the Chair's Absence  |
|         | 403-23 | Authorize County Highway Superintendent to Reclassify Motor Equipment Operator (Light) Position  |
| Chilson | 404-23 | Authorize Chair to Sign Agreement with Lexis Nexis Services  |
|         | 405-23 | Appointment to the Finger Lakes Workforce Investment Board   |
|         | 406-23 | Authorize Contract with Research Foundation for Mental Hygiene   |
|         | 407-23 | Authorize Contract from September 1, 2023-August 31, 2024  |
|         | 408-23 | Amend Resolution No. 498-22 (Authorize Chair to Sign Contract with the S2AY Rural Health Network, Inc.)  |
|         | 409-23 | Proclaiming September 18 <sup>th</sup> as US Air Force Birthday in Yates County  |
|         | 410-23 | Recognize September as National Suicide Prevention Month   |
| Banach  | 411-23 | Authorization for the Director of Finance to Process the Payment to New York State Electric & Gas (NYSEG) Upon Receipt of the Invoice for the New Natural Gas Main                 |
|         | 412-23 | Authorize Chair of the Legislature to Sign an Agreement with NYSERDA to Accept Grant Funds   |
| Holgate | 413-23 | Enter into an Agreement with Norfolk Southern Railroad via RailPros to bring Fiber across Railroad Tracks at Various Locations   |
|         | 414-23 | Modify Resolution No. 175-21 Authorize Chair to Sign Contract with New York Engineering Services for Engineering Services on the Yates County USDA/RUS ReConnect Broadband Project |
|         | 415-23 | Resolution Recognizing Marian Walrath's Contributions to the Advancement of Broadband Deployment in Yates County   |
|         | 416-23 | 2023 Budget Transfers  |
|         | 417-23 | Appropriate Additional Aid (YB)  |
|         | 418-23 | Appropriate Additional Aid (Daycare)   |
|         | 419-23 | Appropriate Additional Aid (DSS)   |
|         | 420-23 | Appropriate Additional Aid (DSS)   |
|         | 421-23 | Appropriate Additional Aid (DSS)   |
|         | 422-23 | Appropriate Reserve Fund (Infrastructure)  |
|         | 423-23 | Appropriate Additional Aid (DSS)   |
|         | 424-23 | Resolution Concerning Restoration of Tax Parcel to the Taxable Portion of the Assessment Roll (Torrey Station Inc.)  |
|         | 425-23 | Authorize Renewal of Tax Collection Software Maintenance Agreement   |
|         | 426-23 | Set Date for Public Hearing on Proposed Local Law 2-2023 Entitled "Renewing a Local Law Establishing an Additional   |

Mortgage Tax for Mortgages on Real Property Situated in Yates County”

427-23

Authorize Chair to Execute Agreement with C & S Companies for a Storm Water Pollution Prevention Plan Evaluation of the Penn Yan-Yates County Airport

- Public Comment

**Executive Session if needed**

**Resolution No. 392-23**

**Date: 9/11/23**

**Motioned By: Willson**

**Seconded By:**

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**AUTHORIZE CHAIR TO SIGN AGREEMENT WITH CAITLYN SHAYLOR  
REPORTING**

WHEREAS, the District Attorney is required to retain a court reporter for transcription of the minutes of Grand Jury proceedings and Felony Preliminary Hearings and to obtain transcripts of these and other court or recorded proceedings or events; and

WHEREAS, the District Attorney wishes to exercise an option to renew the services of Caitlyn Shaylor Reporting and to enter into a written agreement for those purposes at a cost of:

- a. Original transcript and one condensed copy of transcript produced at a rate of \$4.10 per page;
- b. There will be NO cost for an email PDF version of said transcripts upon request of the County;
- c. There will be NO appearance fees or expediting costs except a fee of \$60.00 for hearing under General Municipal Law 50-h; and
- d. There will be a charge of \$10.00 for shipping and handling, unless hand delivery of transcripts is practicable.

And

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

NOW, THEREFORE, BE IT RESOLVED, that the Chair of the Legislature is authorized to sign such renewal option after approval by the County Attorney; and be it further

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

**Resolution No. 393-23**

**Date: 9/11/23**

**Motioned By: Willson**

**Seconded By:**

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**AUTHORIZE CHAIR TO SIGN INTERMUNICIPAL AGREEMENT WITH  
SCHUYLER COUNTY TO SHARE THE CODE ENFORCEMENT OFFICER FOR 2023**

WHEREAS, Yates and Schuyler County are desirous of continuing an inter-municipal agreement for a Shared Code Enforcement Officer; and

WHEREAS, this agreement retains the Code Enforcement Officer as a Yates County employee, but shares said position with Schuyler County; and

WHEREAS, the contract rate from Schuyler County for January 1, 2023 through December 31, 2023 shall be \$3,000 annually payable consistent and reviewable on an annual basis;

NOW, THEREFORE, BE IT RESOLVED, that upon approval of the agreement by the Yates County Attorney, the Chair of the Yates County Legislature is hereby authorized to sign an agreement with Schuyler County for the shared services of Yates County's Code Enforcement Officer; and be it further

RESOLVED, a copy of this resolution be given to Schuyler County, the Yates County Director of Emergency Services, Building Maintenance Supervisor of Yates County, The Yates County Director of Finance, and the Yates County Treasurer.

**Resolution No. 394-23**  
**Motioned By: Willson**

**Date: 9/11/23**  
**Seconded By:**

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**PROCLAMATION IN RECOGNITION OF 2023 SHERIFF'S WEEK**

WHEREAS, in this year of our Bicentennial the Office of Sheriff has been an integral part of the criminal justice system in New York State and in Yates County 200 years since 1823, and the office was established in the State's first Constitution in 1777 and continued in every succeeding Constitution, and having been one of our original Constitutional offices upon the founding of our County having the Sheriff and the County Clerk; and

WHEREAS, despite changes in its function, status and powers during its long history, the Office of Sheriff has maintained a continuous existence, preserved its distinguishing heritage, and continued to be an essential component of our criminal justice community; and

WHEREAS, the Office of Sheriff has evolved into a modern, professional, full-service law enforcement agency, manned by fully trained police and peace officers, using state-of-the-art technology and applying the latest and most advanced theories and practices in the criminal justice field and public safety; and

WHEREAS, the Office of Sheriff is unique in the community, and the duties of the Office go far beyond the traditional role of "Conservator of the Peace" via a county police force, and extend into many facets of public service, including maintaining the county jail, providing security in our courts, dispatching 9-1-1 emergency services, public safety communications, animal control, administration of Coroners, and serving and executing civil process for our courts; and

WHEREAS, it is fitting to celebrate the historical contributions of the Office of Sheriff and the significant role that the Sheriffs play in our modern criminal justice system;

NOW, THEREFORE, BE IT RESOLVED, that we, the Yates County Legislature do recognize the important public safety services provided to the citizens of this County by Sheriff Ronald Spike, and the men and women of the Sheriff's Office, and do hereby proclaim September 17 to 23, 2023 to be Sheriffs' Week in Yates County; and be it further

RESOLVED, that a copy be provided the Sheriff, and the Presidents of the three labor units for the offices employees.

**Resolution No. 395-23**  
**Motioned By: Willson**

**Date: 9/11/23**  
**Seconded By:**

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**AUTHORIZE CHAIR AND COORDINATOR TO SIGN APPROVED 2024 STOP-DWI BUDGET AND PLAN**

WHEREAS, the 2024 STOP-DWI budget and plan shows appropriations of \$65,200 and an anticipated revenue of \$65,200 with a reserve fund of \$26,849 in place; and

WHEREAS, the Coordinator and the Public Safety Committee have discussed the budget and plan noting that the NYS Governors Traffic Safety Committee requires this plan be submitted before or by no later than September 30, 2023;

NOW, THEREFORE, BE IT RESOLVED, that this 2024 STOP-DWI budget and plan is approved and the Board Chair and Coordinator are authorize to sign it; and be it further

RESOLVED, that a copy of this resolution be provided to the Budget Officer, Finance Director and STOP Coordinator for attachment to the plan being submitted as required.

**Resolution No. 396-23**  
**Motioned By: Bronson**

**Date: 9/11/23**  
**Seconded By:**

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**AMEND RESOLUTION NO. 325-21**  
**(Regarding Temporary Correction Officer)**

WHEREAS, Resolution 325-21 authorized the Sheriff to fill a full time temporary Correction Officer position effective September 13, 2021; and

WHEREAS, the resolution is in need of being amended;

NOW, THEREFORE, BE IT RESOLVED, that “thirty-six (36) months” replace “twelve (12) months” in paragraph 3; and be it further

RESOLVED, Resolution 359-22 adopted September 12, 2022 is hereby rescinded; 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. 397-23**  
**Motioned By: Bronson**

**Date: 9/11/23**  
**Seconded By:**

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**AUTHORIZE CHAIR OF LEGISLATURE TO SIGN TECHNOLOGY INNOVATION  
AND ELECTION RESOURCE (TIER) GRANT PROGRAM 2023  
CONTRACT # BOE01-C004400-1110000**

WHEREAS, the New York State Board of Elections has allocated certain State funds for reimbursement of certain Technology Innovations and Election Resources; and

WHEREAS, the Yates County Board of Elections desires to appropriate and spend \$30,487.06 for the purposes set forth;

NOW, THEREFORE, BE IT RESOLVED, that following approval by the County Attorney, the Chair of this Legislature be authorized to sign the contract to use the appropriations through 3/31/2024; and be it further

RESOLVED, that a copy of this resolution be given to the Election Commissioners, and the Treasurer.

**Resolution No. 398-23**  
**Motioned By: Bronson**

**Date: 9/11/23**  
**Seconded By:**

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**AUTHORIZE CHAIR OF LEGISLATURE TO SIGN ABSENTEE BALLOT PRE-PAID  
POSTAGE GRANT AMENDMENT  
CONTRACT # BOE01-T004625-1110000**

WHEREAS, the New York State Board of Elections has allocated certain State funds for reimbursement of certain Absentee Postage expenditures; and

WHEREAS, the Yates County Board of Elections desires to appropriate and spend \$21,666.48 for the purposes set forth;

NOW, THEREFORE, BE IT RESOLVED, that following approval by the County Attorney, the Chair of this Legislature be authorized to sign the contract to use the appropriations through 3/31/2024; and be it further

RESOLVED, that a copy of this resolution be given to the Election Commissioners, and the Treasurer.

**Resolution No. 399-23**  
**Motioned By: Bronson**

**Date: 9/11/23**  
**Seconded By:**

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**AMEND 2023 NON-UNION EXEMPT EMPLOYEE SALARY SCHEDULE**

WHEREAS, Resolution 491-22 was duly adopted on December 12, 2022 adopting the Non-Union Exempt Employee Salary 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 10, 2023, “Planner Assistant...\$51,625” be added to the salary schedule; and be it further

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

**Resolution No. 400-23**  
**Motioned By: Bronson**

**Date: 9/11/23**  
**Seconded By:**

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

WHEREAS, in August the Commissioner of Social Services and the Information Technology Director presented to their respective committee of jurisdiction modifications to the CSEA Non-Highway and Highway Clerical Employee Salary Schedule; and

WHEREAS, at the August 14, 2023 meeting of the County Legislature, Resolutions were passed authorizing the modifications and therefore, a Memorandum of Understanding is needed between the County and CSEA Collective Bargaining Unit to create the following titles and place them in the respective Group within the CBA;

|                                |                  |
|--------------------------------|------------------|
| <b>NEW TITLE (TO BE ADDED)</b> | <b>NEW GROUP</b> |
|--------------------------------|------------------|

|                                       |            |
|---------------------------------------|------------|
| Computer Technical Specialist Trainee | Group VII  |
| Senior Fiscal Administrative Officer  | Group XIII |

NOW, THEREFORE, BE IT RESOLVED, that the Chair of the Legislature is hereby authorized to sign a Memorandum of Understanding with the CSEA regarding the aforementioned changes to the current collective bargaining agreement to be made effective August 14, 2023; and be it further

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

**Resolution No. 401-23**

**Date: 9/11/23**

**Motioned By: Bronson**

**Seconded By:**

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**RATIFYING MEMORANDA OF UNDERSTANDING WITH COUNCIL 82 AND CIVIL SERVICE EMPLOYEE ASSOCIATION UNIONS REGARDING ADDITIONAL HEALTH PLAN OPTION**

WHEREAS, the County of Yates (“County”), the Civil Service Employees Association, Local 1000 AFSCME, AFL-CIO, Yates County Unit, Yates County Local 862 (“CSEA”) and the New York State Law Enforcement Officers Union, Council 82, AFSCME, AFL-CIO (“Council 82”) representing three bargaining units of the County of Yates consisting of deputy sheriffs, correction officers and other employees, and emergency communications personnel, wish to enter into an agreement; and

WHEREAS, representatives for the County, Council 82 and CSEA have met and conferred/negotiated in good faith with regard to the County’s decision to incorporate a Preferred Provider Organization (“PPO”) plan design to its Medical Plan effective January 1, 2024 and have reached final tentative agreements in that regard in the form of a Memorandum of Understanding for each bargaining unit;

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature hereby ratifies said Memoranda of Understanding, and authorizes the expenditure of the necessary funds therefor, and be it further

RESOLVED, that the Chair of the Yates County Legislature is hereby authorized to execute said Memoranda of Understandings on behalf of the County for each bargaining unit, and be it further

RESOLVED, that copies of this resolution be given to the Sheriff, Personnel Officer, the Council 82 Unit Presidents and Representative, CSEA Union President and Representative, the County Administrator, Dir President, the County Administrator, the County’s Labor Attorney, and the County Personnel Officer.

**Resolution No. 402-23**

**Date: 9/11/23**

**Motioned By: Bronson**

**Seconded By:**

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**AUTHORIZE VICE-CHAIR TO HAVE AND EXERCISE POWERS AND DUTIES OF THE CHAIR IN THE CHAIR'S ABSENCE**



WHEREAS, pursuant to New York State County Law, in the absence of the Chair, the Vice-Chair shall preside over each duly constituted meeting of the Legislature and shall have and exercise all the powers and duties of the Chair at any meeting over which he/she is called to preside; and

WHEREAS, in addition to the foregoing, and further pursuant to New York State County Law, in the absence of the Chair, the Vice Chair shall have and exercise those additional powers and duties so authorized by resolution of the Legislature; and

WHEREAS, Chair Church will be unavailable from September 14, 2023 until September 26, 2023, the Legislature wishes to assign such additional powers and duties to Vice-Chair Bronson in instances of the Chair's absence, by way of resolution in accordance with the applicable provision of the New York State County Law;

NOW, THEREFORE, BE IT RESOLVED, that from September 14, 2023 until September 26, 2023, on any day the Chair is absent the Vice-Chair is hereby authorized and vested with all the powers and duties of Chair, including but not limited to, the power to sign contracts, agreements and tax warrants on behalf of the County; and be it further

RESOLVED, that on any day during the above stated time period that the Vice-Chair shall have the above recited powers and duties due to the Chair's absence, such powers and duties shall not be exercised by the Chair; and be it further

RESOLVED, that copies of this resolution be given to the County Administrator, Chair and Vice-Chair.

**Resolution No. 403-23**

**Date: 9/11/23**

**Motioned By: Bronson**

**Seconded By:**

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**AUTHORIZE COUNTY HIGHWAY SUPERINTENDENT TO RECLASSIFY  
MOTOR EQUIPMENT OPERATOR (LIGHT) POSITION**

WHEREAS, the County Highway Superintendent through the position review process has identified the need to reclassify a Motor Equipment Operator (Light) position to a Heavy Equipment Operator position; and

WHEREAS, the estimated cost to reclassify the position, including fringe, shall not exceed \$3,600;

NOW, THEREFORE, BE IT RESOLVED, that effective September 11, 2023 the County Highway Superintendent is hereby authorized to reclassify a Motor Equipment Operator (Light) position to a Heavy Equipment Operator position; and be it further

RESOLVED, that Colby Olsen is hereby appointed as a Heavy Equipment Operator; and be it further

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

**Resolution No. 404-23**

**Date: 9/11/23**

**Motioned By: Chilson**

**Seconded By:**

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**AUTHORIZE CHAIR TO SIGN AGREEMENT  
WITH LEXIS NEXIS SERVICES**

WHEREAS, the Public Defender is required to conduct legal research in the furtherance of the official duties of the Office of the Public Defender, to respond to, file, and argue motions, appeals, and to fulfill the ethical requirements of said office to be aware of changes in the Laws of the State of New York and the United States; and

WHEREAS, the Public Defender wishes to retain the services of LexisNexis, and to enter into a written agreement at a cost of:

Term: Monthly Commitment:  
8/1/2023-7/31/2024 \$356.00

NOW, THEREFORE, BE IT RESOLVED, that after review by the County Attorney the Chair of the Legislature is authorized to sign said contract; and be it further

RESOLVED, that the Public Defender, Director of Finance, Budget Officer, and the Treasurer be provided with a copy of this resolution.

**Resolution No. 405-23**

**Date: 9/11/23**

**Motioned By: Chilson**

**Seconded By:**

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**APPOINTMENT TO THE FINGER LAKES WORKFORCE INVESTMENT BOARD**

WHEREAS, this Legislature, by Resolution #334-99, has authorized the creation of the Finger Lakes Workforce Investment Board for the Counties of Yates, Ontario, Seneca and Wayne in compliance with the Workforce Investment and Opportunity Act (WIOA) of 2017; and

WHEREAS, the Workforce Investment Board members must be appointed by the respective Legislative Boards; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that this Legislature does hereby appoint the following representative to the Finger Lakes Workforce Investment Board to replace the vacancy left by outgoing representative Mitch Rowe and to fulfill the vacated term through 6/30/25;

Kyle Lovell  
County Manager, Seneca County

And be it further

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

**Resolution No. 406-23**  
**Motioned By: Chilson**

**Date: 9/11/23**  
**Seconded By:**

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**AUTHORIZE CONTRACT WITH RESEARCH FOUNDATION FOR MENTAL  
HYGIENE**

BE IT RESOLVED, that after review by the County Attorney, the Commissioner of Social Services and the Chair of the Legislature be authorized to sign contracts with the following agency for the time frame 9/1/23-8/30/24:

| <u>Agency/Organization</u>            | <u>Program</u> | <u>Amount</u> |
|---------------------------------------|----------------|---------------|
| Research Foundation for Mental Health |                | \$319,823     |

And be it further

RESOLVED, that this funding is associated with the New York State Systems of Care grant program and is a pass-through grant that will be distributed to community agencies as approved by the New York State Office of Mental Health; and be it further

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

**Resolution No. 407-23**  
**Motioned By: Chilson**

**Date: 9/11/23**  
**Seconded By:**

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**AUTHORIZE CONTRACT FROM SEPTEMBER 1, 2023- AUGUST 31, 2024**

WHEREAS, the Department of Social Services is required to pay for services for families who have been found to be neglectful and or abusive;

NOW, THEREFORE, BE IT RESOLVED, that contingent on the approval of the County Attorney, the Chair of the Legislature and the Social Services Commissioner be authorized to sign contracts for mental health evaluation services shown below for the time frame September 1, 2023, to August 31, 2024, at rates set by this resolution; Funding for these services will be a combination of Office of Children and Family Services Preventive funding, and local share;

|                               |                          |                |
|-------------------------------|--------------------------|----------------|
| Doyle Pruitt, LCSW-R, BSW, BS | Psychological Evaluation | \$1,500        |
|                               | Court Appearances        | \$400 per hour |

And be it further

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

**Resolution No. 408-23**  
**Motioned By: Chilson**

**Date: 9/11/23**  
**Seconded By:**

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**AMEND RESOLUTION NO. 498-22**  
**(AUTHORIZE CHAIR TO SIGN CONTRACT WITH THE S<sup>2</sup>AY RURAL HEALTH  
NETWORK, INC.)**

WHEREAS, Yates County Public Health received an amended agreement to the 2023 S2AY Rural Health Network, Inc. Quality Assurance and Corporate Compliance Services

Contract for additional funding to S2AY in the amount of \$5,154 for facilitated planning, coordination, and creation of a strategic plan for 2023-2025; and

WHEREAS, the cost of these services is covered by state aid resulting in no local cost;

NOW, THEREFORE, BE IT RESOLVED, that upon approval of the County Attorney, the Chair of the Legislature is authorized to sign this amended agreement for the period of 9/1/2023 through 12/31/2023; and be it further

RESOLVED, that copies of this resolution be provided to the Public Health Department, Finance Director, and S2AY Rural Health Network.

**Resolution No. 409-23**

**Date: 9/11/23**

**Motioned By: Chilson**

**Seconded By:**

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**PROCLAIMING SEPTEMBER 18TH AS US AIR FORCE BIRTHDAY  
IN YATES COUNTY**

WHEREAS, the Department of the Air Force was created on September 18, 1947, under the National Security Act of 1947; and

WHEREAS, the beginnings of the Air Force actually started in 1907 when the Army Signal Corps formed an Aeronautical Division; and

WHEREAS, Aeronautics only involved balloons until 1908 when the Signal Corps began testing its first airplane. By 1914 when World War I began the Aviation Section of the Signal Corps consisted of 60 officers and 260 enlisted men. Since that time the Air Force has grown in size and mission continuing to adapt and change to meet the requirements placed upon them. From humanitarian relief efforts to combat operations, the Air Force is always ready to answer our nation's call. Protecting this great nation from the air, faithfully demonstrating the highest principles; and

WHEREAS, an extraordinary group of American Men and Women past and present have assumed the title "Airmen" and embody the Air Force motto "Aim High...Fly-Fight-Win" with great pride;

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature extends its gratitude to all "Airmen", past and present, their families and loved ones, who continue to sacrifice for our liberty and freedoms, by proclaiming September 18, 2023 as "US Air Force Birthday" in Yates County, and be it further

RESOLVED, that copies of this resolution be given to the Veterans' Services Director and all Yates County Veteran organizations.

**Resolution No. 410-23**

**Date: 9/11/23**

**Motioned By: Chilson**

**Seconded By:**

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**RECOGNIZE SEPTEMBER AS NATIONAL SUICIDE PREVENTION MONTH**

WHEREAS, in New York, one person dies by suicide every five hours, with 1,660 deaths by suicide in New York during 2021; and

WHEREAS, in New York, suicide is the 3rd leading cause of death for ages 10-24, the 2<sup>nd</sup> leading cause of death for ages 25-34, the 5<sup>th</sup> leading cause of death for ages 35-44, the 7<sup>th</sup> leading cause of death for ages 45-54 and the 18<sup>th</sup> leading cause of death for ages 65 and older; and

WHEREAS, in New York it is estimated that there are as many as 40,000 suicide attempts each year; and

WHEREAS, each person's death by suicide intimately affects at least six other people, with over 10,000 newly bereaved each year; and

WHEREAS, in 2021, over 1,650 New Yorkers died by suicide, and several thousand friends and family members were changed forever by losing those people; and

WHEREAS, many of those people who died never received effective behavioral health services for many reasons, including the difficulty of accessing services by healthcare providers trained in best practices to reduce suicide risk, the stigma of using behavioral health treatment and the stigma associated with losing a loved one to suicide; and

WHEREAS, Suicide cost New York over \$1,806,769,000.00 combined lifetime medical and work loss and in 2021 an average of \$1,088,415.00 per suicide death; and

WHEREAS, the Suicide Prevention Center of New York State has joined with the Yates County Community Services Department, Yates County Public Health, Yates County Department of Social Services, local agency representatives, health care providers and members of the local public to develop a Yates County Suicide Prevention Coalition; and

WHEREAS, the Coalition has come together to find ways of reducing the frequency of suicide attempts and deaths, and the pain for those affected by suicide deaths, through special projects, educational programs, intervention services, community training and bereavement services; and

WHEREAS, the Coalition urges all Yates County residents to recognize suicide as a significant public health problem, declare suicide prevention a local priority and recognize that access to Behavioral Health Services for everyone without delays is essential to the prevention of suicide; and

WHEREAS, far too many Yates County residents attempt or die by suicide each year, and most of these deaths are preventable;

NOW, THEREFORE, IT BE RESOLVED, that the Yates County Legislature does hereby designate the month of September 2023, as "Suicide Prevention Coalition Month" in Yates County.

RESOLVED, that a copy of this resolution be provided to Director of Community Services, the Director for Public Health, and Sarah Thompson, Coordinator Yates Prevention Coalition.

**Resolution No. 411-23**  
**Motioned By: Banach**

**Date: 9/11/23**  
**Seconded By:**

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**AUTHORIZATION FOR THE DIRECTOR OF FINANCE TO PROCESS THE  
PAYMENT TO NEW YORK STATE ELECTRIC & GAS (NYSEG) UPON RECEIPT OF  
THE INVOICE FOR THE NEW NATURAL GAS MAIN**

WHEREAS, Resolution #295-23 amended the Not to Exceed amount of funds to be expended for this scope of services to a total cost of \$1,220,001; and

WHEREAS, resolution #205-23 provided the Chair of the Legislature authorization to enter into an agreement with New York State Electric & Gas (NYSEG) for the installation of the new natural gas main along Havens Corners Road; and

WHEREAS, Yates County has been notified by NYSEG that once the design and routing along Havens Corners Road has been completed an agreement will be forwarded for review and execution; and

WHEREAS, Yates County has been notified by NYSEG that once the agreement is executed, NYSEG will provide an invoice for the total cost of the project which must be paid up front, in the full amount, before NYSEG will proceed with construction and installation of the new natural gas main;

NOW, THEREFORE, BE IT RESOLVED, that the Director of Finance is authorized to proceed with processing the payment due to NYSEG upon receipt of the noted invoice in an amount not to exceed \$1,220,001; and be it further

RESOLVED, that copies of this resolution be provided to the Director of Finance, the County Administrator, the Building Maintenance Supervisor, the Highway Superintendent, the County Attorney and the Chair of the Legislature.

**Resolution No. 412-23**  
**Motioned By: Banach**

**Date: 9/11/23**  
**Seconded By:**

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**AUTHORIZE CHAIR OF THE LEGISLATURE TO SIGN AN AGREEMENT WITH  
NYSERDA TO ACCEPT GRANT FUNDS**

WHEREAS, Yates County’s participation in the Clean Energy Communities program has earned Yates County a grant award of \$10,000:00; and

WHEREAS, the Building Maintenance Supervisor has proposed using the grant funds to purchase two electric vehicle charging stations for the new County facilities in Benton Center.;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chair of the Legislature is authorized to enter into an agreement with NYSERDA to receive funds and expend them for the above aforementioned project; and be it further

RESOLVED, that said agreement will run from 8-8-23 to 8-8-26 for a total sum received of \$10,000; and be it further

RESOLVED, that copies of the resolution be given to the Buildings Maintenance Supervisor, Finance Director and County Treasurer.

**Resolution No. 413-23**  
**Motioned By: Holgate**

**Date: 9/11/23**  
**Seconded By:**

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**ENTER INTO AN AGREEMENT WITH NORFOLK SOUTHERN RAILROAD VIA  
RAILPROS TO BRING FIBER ACROSS RAILROAD TRACKS AT VARIOUS  
LOCATIONS**

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

WHEREAS, the network design includes multiple segments of fiber that cross Norfolk Southern rail lines; and

WHEREAS, in order to obtain a permit to build across these rail lines Yates County must submit an application via RailPros for each crossing; and

WHEREAS, by signing the application the County agrees to abide the terms therein including Limitations and Conditions of Use, Indemnification, Site Care and Restoration, Traffic Maintenance and others; and

WHEREAS, along with each signed application the County must include technical drawings, plans, Certificates of Insurance from the County and the Contractor, and pay a fee; and

WHEREAS, each crossings fee can vary based on its relation to the railroad line, and is anticipated that just the application will cost between \$1500 to \$3500 dollars a crossing; and

WHEREAS, Norfolk Southern will also be requiring other fees including, utility license fees, insurance, flagging services, risk financing fees, and "other matters;"

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chair of the Legislature is authorized to enter into an agreement with Norfolk Southern Railroad via RailPros and submit other forms as requested for each crossing order to obtain the required license; and be it further

RESOLVED that copies of this resolution be provided to the County Administrator, the County Planner, and the broadband Project Manager.

**Resolution No. 414-23**  
**Motioned By: Holgate**

**Date: 9/11/23**  
**Seconded By:**

---

**MODIFY RESOLUTION NO. 175-21 AUTHORIZE CHAIR TO SIGN CONTRACT  
WITH NEW YORK ENGINEERING SERVICES FOR ENGINEERING SERVICES ON  
THE YATES COUNTY USDA/RUS RECONNECT BROADBAND PROJECT**

WHEREAS, Yates County has been awarded a grant through the USDA Rural Utility Services ReConnect program; and

WHEREAS, the purpose of the grant is the construction of a fiber-to-the-premises for those in the County who are considered under and un-served with regard to internet access; and

WHEREAS, NYES's services are billed on a "per mile" basis; and

WHEREAS, due to 60 miles being erroneously miss-allocated as Non Funded Service Areas on the original grant application, the length of the project was under counted during the original engineering RFP; and

WHEREAS, after our Phase 1A Construction bid, underground fiber was found to be prohibitively high in cost so where possible, longer, overhead routes, have been substituted in place of underground construction; and

WHEREAS, additional mileage for "terminal tail" design added approximately 15 more miles; and

WHEREAS, New York Engineering Services (NYES) original contract with Yates County was to engineer and construct 205 miles of fiber to the home; and

WHEREAS, the mileage of the actual project has increased to 300 miles; and

WHEREAS, NYES is requesting an additional \$419,044 added to the original \$1,059,095.85; and

WHEREAS, the county was awarded an additional supplemental funding grant from the USDA that included a year extension of the project; and

WHEREAS, this additional engineering funding is the last increase for the project and is intended to include all additional miles and years of engineering and construction management services from NYES;

NOW, THEREFORE, BE IT RESOLVED, that upon approval of the county attorney, the Chair of the Legislature is authorized to modify the contract with NYES, including any additional documentation that is required by the USDA; and be it further

RESOLVED, that copies of this resolution be given to the County Administrator, the Planner, the Finance Director, New York Engineering Services, the Broadband Project Manager and the USDA.

**Resolution No. 415-23**

**Motioned By: Holgate**

**Date: 9/11/23**

**Seconded By:**

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**RESOLUTION RECOGNIZING MARIAN WALRATH'S CONTRIBUTIONS TO THE  
ADVANCEMENT OF BROADBAND DEPLOYMENT IN YATES COUNTY**

WHEREAS, the Yates County has undertaken ambitious initiatives to enhance its technological infrastructure and ensure its place at the forefront of connectivity; and



WHEREAS, these endeavors have been made possible through the dedicated efforts of numerous individuals who have demonstrated exceptional commitment and expertise; and

WHEREAS, one such individual, Marian Walrath, has exhibited unwavering dedication and remarkable leadership in driving forward the County's fiber project, a transformative initiative aimed at providing high-speed internet access to all residents in the county; and

WHEREAS, Marian Walrath's tireless advocacy, strategic planning, and effective collaboration with stakeholders have been instrumental in advancing the fiber project from conception to its current stages of implementation; and

WHEREAS, her insightful guidance and exceptional project management skills have ensured the project's realization of key milestones; and

WHEREAS, Marian Walrath's passion for digital inclusion and equitable access to technology has been the driving force behind the fiber project, aligning perfectly with the County's commitment to fostering an inclusive and connected community; and

WHEREAS, her visionary leadership and task focus management has not only heralded our county's success but has been a great asset to other counties navigating the ReConnect administrivia; and

WHEREAS, the County recognizes the immense impact of Marian Walrath's contributions on the well-being, economic prosperity, and future opportunities of its residents;

NOW, THEREFORE, BE IT RESOLVED, that Yates County hereby expresses its profound gratitude and utmost appreciation to Marian Walrath for her exceptional leadership, unyielding dedication, and invaluable contributions to the County's fiber project; and be it further

RESOLVED, that this resolution be duly commemorated, shared, and celebrated to honor Marian Walrath's legacy as a driving force in making the County's technological aspirations a reality.

**Resolution No. 416-23**  
**Motioned By: Holgate**

**Date: 9/11/23**  
**Seconded By:**

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**2023 BUDGET TRANSFERS**

BE IT RESOLVED, that the following transfers be made in the 2023 budget:

| From:                          | To:                                    | Amount:      |
|--------------------------------|--|--------------|
| D5110.54636 HWY- Crack Sealing | D5142.54624 HWY- Salt/Abrasive-Cty     | \$ 11,000.00 |
| A6119.54307 SS-Foster Care     | A6123.54310 SS- Juvenile Delinq        | \$ 100.00    |
| A3645.52946 OES-SHSP 2020      | A3110.52963 OES-SLETPP FY20            | \$ 1,653.10  |
| D5110.54636 HWY-Crack Sealing  | D3310.54601 HWY- App. Of Traffic Lines | \$ 9,424.25  |
| A1990.54905- Contingent        | A1410.51005- County Clerk              | \$ 2,559.00  |
| A1990.54905- Contingent        | A1325.51030- County Treasurer          | \$ 1,050.00  |
| A1990.54905- Contingent        | A3110.51025- Sheriff                   | \$ 3,706.00  |
| A1990.54905- Contingent        | A1165.51037- Assistant DA              | \$ 3,500.00  |
| A1990.54905- Contingent        | A1165.51039- Assistant DA              | \$ 17,465.00 |
| A1990.54905- Contingent        | A1165.51038- Assistant DA              | \$ 11,532.00 |

|                               |  |    |           |
|-------------------------------|--|----|-----------|
| A1990.54905- Contingent       | A1170.51565- Assistant PD                    | \$ | 700.00    |
| A1990.54905- Contingent       | A1170.51566- Assistant PD                    | \$ | 1,594.00  |
| A1990.54905- Contingent       | A1170.51647- Assistant PD                    | \$ | 1,281.00  |
| A1990.54905- Contingent       | A1340.51575- Budget Officer                  | \$ | 622.00    |
| A1990.54905- Contingent       | A1625.51040- Building Maint. Supervisor      | \$ | 2,652.00  |
| A1990.54905- Contingent       | A3150.51791- Chief Corrections Off.          | \$ | 2,496.00  |
| A1990.54905- Contingent       | A1010.51042- Clerk of the Legislature        | \$ | 5,822.00  |
| A1990.54905- Contingent       | A6010.51052- Commissioner Social Services    | \$ | 2,830.00  |
| A1990.54905- Contingent       | A3110.51105- Confidential Assist. To Sheriff | \$ | 1,654.00  |
| A1990.54905- Contingent       | A1230.51035- County Administrator            | \$ | 3,831.00  |
| A1990.54905- Contingent       | A1420.51590- County Attorney                 | \$ | 3,606.00  |
| A1990.54905- Contingent       | A1410.51110- Deputy County Clerk             | \$ | 4,396.00  |
| A1990.54905- Contingent       | A4010.51153-Deputy Director of PH            | \$ | 14,488.00 |
| A1990.54905- Contingent       | A6010.51102- Director of Family & CS         | \$ | 9,889.00  |
| A1990.54905- Contingent       | A4320.51605- Director of Community Svs.      | \$ | 2,856.00  |
| A1990.54905- Contingent       | A3645.51070- Director of Emergency Svs.      | \$ | 4,484.00  |
| A1990.54905- Contingent       | A1310.51031- Director of Finance             | \$ | 3,150.00  |
| A1990.54905- Contingent       | A6010.51125- Director of Income Main. & CS   | \$ | 2,783.00  |
| A1990.54905- Contingent       | A4010.51065- Director of Public Health       | \$ | 17,110.00 |
| A1990.54905- Contingent       | A1355.51060- Director of Real Property       | \$ | 5,615.00  |
| A1990.54905- Contingent       | A1450.51051- Elections Commissioner (Rep)    | \$ | 1,936.00  |
| A1990.54905- Contingent       | A1450.51050- Elections Commissioner (Dem)    | \$ | 1,936.00  |
| A1990.54905- Contingent       | A1680.51076- IT Director                     | \$ | 7,004.00  |
| A1990.54905- Contingent       | A1430.51080- Personnel Officer               | \$ | 6,781.00  |
| A1990.54905- Contingent       | A8020.51085- Planner                         | \$ | 7,386.00  |
| A1990.54905- Contingent       | A3140.51090- Probation Director              | \$ | 2,624.00  |
| A1990.54905- Contingent       | A1170.51640- Public Defender                 | \$ | 2,669.00  |
| A1990.54905- Contingent       | A6010.51645- Social Services Attorney        | \$ | 3,045.00  |
| A1990.54905- Contingent       | A3110.51155- Undersheriff                    | \$ | 2,947.00  |
| D9010.58400- State Retirement | D5010.51119- Deputy HWY Super.               | \$ | 2,322.00  |
| D9010.58400- State Retirement | D5010.51074- HWY Superintendent              | \$ | 2,844.00  |

NOW, THEREFORE, BE IT RESOLVED, that copies of this resolution be provided to the Highway Supervisor, Commissioner of Social Services, Director of Emergency Services, Personnel Officer, County Treasurer, Finance Director, and Budget Officer.

**Resolution No. 417-23**  
**Motioned By: Holgate**

**Date: 9/11/23**  
**Seconded By:**

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**APPROPRIATE ADDITIONAL AID  
(YOUTH BUREAU)**

WHEREAS, the Youth Program has received additional revenue over the 2023 budgeted amount with corresponding expenditures; and

WHEREAS, these funds are not part of the 2023 budget;

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

|                                      |  |              |
|--------------------------------------|--|--------------|
| Revenue:                             |  |              |
| A7310.43820 YB- Youth Bureau Revenue |  | \$ 12,275.00 |
| Appropriation:                       |  |              |
| A7310.54368 YB- Summer Rec.          |  | \$ 12,275.00 |

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. 418-23**  
**Motioned By: Holgate**

**Date: 9/11/23**  
**Seconded By:**

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**APPROPRIATE ADDITIONAL AID  
(DAYCARE)**

WHEREAS, the Department of Social Services has received additional revenue over the 2023 budgeted amount with corresponding expenditures; and

WHEREAS, these funds are not part of the 2023 budget;

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

|                         |  |               |
|-------------------------|--|---------------|
| Revenue:                |  |               |
| A6055.43655 DC- Daycare |  | \$ 120,000.00 |
| Appropriation:          |  |               |
| A6055.54303 DC- Daycare |  | \$ 120,000.00 |

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. 419-23**  
**Motioned By: Holgate**

**Date: 9/11/23**  
**Seconded By:**

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**APPROPRIATE ADDITIONAL STATE AID  
(DSS)**

WHEREAS, the Social Service department has received revenue over the 2023 budgeted amount from NY State Rental Supplement Program (RSP), an additional amount for the month of September with corresponding expenditures; and

WHEREAS, these funds are not part of the 2023 budget;

NOW, THEREFORE, BE IT RESOLVED, that the following accounts be increased as tabulated below:

|                                       |    |          |
|---------------------------------------|----|----------|
| Revenue:                              |    |          |
| A6010.43610 DSS- Social Service Admin | \$ | 4,831.04 |
| Appropriation                         |    |          |
| A6010.54027 DSS- Miscellaneous        | \$ | 4,831.04 |

And be it further

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

**Resolution No. 420-23**  
**Motioned By: Holgate**

**Date: 9/11/23**  
**Seconded By:**

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**APPROPRIATE ADDITIONAL STATE AID  
(DSS)**

WHEREAS, the Social Service department has received revenue over the 2023 budgeted amount from NY State Rental Supplement Program (RSP) for the month of August with corresponding expenditures; and

WHEREAS, these funds are not part of the 2023 budget;

NOW, THEREFORE, BE IT RESOLVED, that the following accounts be increased as tabulated below:

|                                       |    |          |
|---------------------------------------|----|----------|
| Revenue:                              |    |          |
| A6010.43610 DSS- Social Service Admin | \$ | 2,390.40 |
| Appropriation                         |    |          |
| A6010.54027 DSS- Miscellaneous        | \$ | 2,390.40 |

And be it further

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

**Resolution No. 421-23**  
**Motioned By: Holgate**

**Date: 9/11/23**  
**Seconded By:**

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**APPROPRIATE ADDITIONAL STATE AID  
(DSS)**

WHEREAS, the Social Service department has received revenue over the 2023 budgeted amount from NY State Rental Supplement Program (RSP) for the months of July and September with corresponding expenditures; and

WHEREAS, these funds are not part of the 2023 budget;

NOW, THEREFORE, BE IT RESOLVED, that the following accounts be increased as tabulated below:

Revenue:

A6010.43610 DSS- Social Service Admin \$ 3,769.56

Appropriation

A6010.54027 DSS- Miscellaneous \$ 3,769.56

And be it further

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

**Resolution No. 422-23**

**Date: 9/11/23**

**Motioned By: Holgate**

**Seconded By:**

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**APPROPRIATE INFRASTRUCTURE RESERVE FUNDS**

WHEREAS, reserve funds need to be appropriated from the Infrastructure Reserve to pay 2023 expenditures to date in regards to the public safety towers capital project; and

WHEREAS, these funds were agreed upon to be used for this purpose;

NOW, THEREFORE, BE IT RESOLVED, that said reserve funds will be appropriated from the Infrastructure Reserve Fund in the amount of \$7,921.76; and be it further

RESOLVED, that the following accounts be increased as tabulated below:

Revenue Account:

A511.000 Appropriate Reserve-(Infrastructure Reserve) \$ 7,921.76

Appropriation Account:

A3020.54967 PSC-Leases: TS-Dundee \$ 7,921.76

And be it further

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

**Resolution No. 423-23**

**Date: 9/11/23**

**Motioned By: Holgate**

**Seconded By:**

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**APPROPRIATE ADDITIONAL STATE AID  
(DSS)**

WHEREAS, the Social Service department has received revenue over the 2023 budgeted amount from the Research Foundation for Mental Hygiene (RFMH) Sub Award with corresponding expenditures; and

WHEREAS, these funds are not part of the 2023 budget;

NOW, THEREFORE, BE IT RESOLVED, that the following accounts be increased as tabulated below:

Revenue:

A6010.43610 DSS- Social Service Admin \$ 68,547.00

Appropriation  
A6010.54027 DSS- Miscellaneous \$ 68,547.00

And be it further

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

**Resolution No. 424-23**  
**Motioned By: Holgate**

**Date: 9/11/23**  
**Seconded By:**

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**RESOLUTION CONCERNING RESTORATION OF TAX PARCEL TO THE  
TAXABLE PORTION OF THE ASSESSMENT ROLL  
(Torrey Station Inc.)**

WHEREAS, pursuant to Section 1138(6)(d) of the Real Property Tax Law, and at the direction of the Yates County Legislature, being the governing body of the tax district, the following tax parcel was prospectively cancelled, and as such became exempt from property taxation (the below recited tax parcel hereinafter referred to as the "Tax Parcel"):

Owner: Torrey Station Inc.  
Town: Torrey  
Tax Map Parcel Number: 39.75-1-3; and

WHEREAS, further pursuant to Section 1138(6)(d) of the Real Property Tax Law, said Yates County Legislature may restore such an exempt parcel to the taxable portion of the assessment roll, based on certain determinations; and

WHEREAS, the Yates County Legislature hereby determines that the previous liability exposure risk associated with the Tax Parcel has, upon information and belief, been mitigated by way of a recent environmental cleanup of the Tax Parcel;

NOW, THEREFORE, BE IT RESOLVED, that in light of the foregoing, the Yates County Legislature hereby directs that the Tax Parcel be restored to the taxable portion of the assessment roll; and be it further

RESOLVED, that a copy of this resolution directing such restoration be filed with the Yates County Treasurer; and be it further

RESOLVED, that the Yates County Treasurer, in accordance with Section 1138(6)(d) of the Real Property Tax Law, shall thereafter issue an applicable Certificate of Restoration and then file such Certificate of Restoration with the Town of Torrey Assessor and the Yates County Director of Real Property Tax Services.

**Resolution No. 425-23**  
**Motioned By: Holgate**

**Date: 9/11/23**  
**Seconded By:**

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**AUTHORIZE RENEWAL OF TAX COLLECTION SOFTWARE MAINTENANCE  
AGREEMENT**

WHEREAS, Yates County has in the past obtained a license for use of software provided by Systems East, Inc.; and

WHEREAS, the Yates County Treasurer's Department operates the tax collection software program Total Collection Solution (TCS), owned by Systems East, Inc. and requires an annual agreement for software maintenance and general system support;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, that the Chair of the Legislature and the Treasurer are authorized to sign the Total Collection Solution (TCS) Software Maintenance Agreement Renewal with Systems East, Inc. for one year beginning January 1, 2024 at a cost of \$10,689.00; and be it further

RESOLVED, that a copy of this resolution be sent to the Treasurer, Legislative Clerk, Budget Officer, and the Director of Finance.

**Resolution No. 426-23**

**Date: 9/11/23**

**Motioned By: Holgate**

**Seconded By:**

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**SET DATE FOR PUBLIC HEARING ON PROPOSED LOCAL LAW 2-2023 ENTITLED  
"RENEWING A LOCAL LAW ESTABLISHING AN ADDITIONAL MORTGAGE TAX  
FOR MORTGAGES ON REAL PROPERTY SITUATED IN YATES COUNTY"**

BE IT RESOLVED, that the Clerk of the Yates County Legislature is directed to advertise a Public Hearing on proposed local law 2-2023 entitled "Renewing A Local Law Establishing An Additional Mortgage Tax For Mortgages On Real Property Situated In Yates County"; and be it further

RESOLVED, said Public Hearing shall be held October 10, 2023 during the regularly scheduled meeting in the Yates County Legislative Chambers, 417 Liberty Street, Penn Yan, NY and will also be available by Zoom meeting.

NEW YORK STATE DEPARTMENT OF STATE  
162 WASHINGTON AVENUE, ALBANY, NY

**Local Law Filing**

**12231 (Use this form to file a local law with the Secretary of State.)**

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

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

**LOCAL LAW NO. 2 OF THE YEAR 2023**

**ENTITLED:**

**"RENEWING A LOCAL LAW ESTABLISHING AN ADDITIONAL MORTGAGE TAX  
FOR MORTGAGES ON REAL PROPERTY SITUATED IN YATES COUNTY"**

**BE IT ENACTED, by the County of Yates Legislature as follows:**

## **SECTION 1.**

Pursuant to §253-t of the Tax Law, and commencing December 1, 2023, there is hereby imposed in Yates County a tax of twenty-five cents (\$0.25) for each one hundred dollars (\$100.00) and each remaining major fraction thereof of principal debt or obligation which is or under any contingency may be secured at the date of execution thereof, or at any time thereafter, by a mortgage on real property situated within such county and recorded on or after the date upon which such tax takes effect and a tax of twenty-five cents (\$0.25) on such mortgage if the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than one hundred dollars (\$100.00). This local law hereby continues without interruption the imposition of the Yates County Mortgage Recording Tax as authorized by Yates County local law number 1 of 2005.

## **SECTION 2.**

The taxes imposed under the authority of this local law shall be administered and collected in the same manner as the taxes imposed under subdivision 1 of Section 253 and paragraph (b) of subdivision 1 of Section 255 of the Tax Law. Except as otherwise provided in this section, all the provisions of the Tax Law relating to or applicable to the administration and collection of the taxes imposed by such subdivisions shall apply to the taxes imposed under the authority of this section with such modifications as may be necessary to adapt such language to the tax so authorized. Such provisions shall apply with the same force and effect as if those provisions had been set forth in full in this local law, except to the extent that any provision is either inconsistent with a provision of this local law or not relevant to the tax authorized by this local law. For purposes of this section, reference in this article to the tax or taxes imposed by Article 11 of the Tax Law shall be deemed to refer to a tax imposed pursuant to this local law, and any reference to the phrase “within this state” shall be read as “within Yates County”, unless a different meaning is clearly required.

## **SECTION 3.**

Where the real property covered by the mortgage subject to the tax imposed pursuant to the authority of this local law is situated in this State but within and without Yates County, the amount of such tax due and payable to Yates County shall be determined in a manner similar to that prescribed in the first paragraph of Section 260 of the Tax Law, which concerns real property situated in two or more counties. Where such property is situated both within Yates County and without the State, the amount due and payable to Yates County shall be determined in the manner prescribed in the second paragraph of Section 260 of the Tax Law, which concerns property situated within and without the State. Where real property is situated within and without Yates County, the recording officer of the jurisdiction in which the mortgage is first recorded shall be required to collect the taxes imposed pursuant to this section.

## **SECTION 4.**

A tax imposed under the authority of this section shall be in addition to the taxes imposed by Section 253 of the Tax Law and shall take effect on December 1, 2023 and shall expire and be deemed repealed on December 1, 2026.

## **SECTION 5.**

Notwithstanding any provision of Article 11 of the Tax Law to the contrary, the balance of all moneys paid to the recording officer of the County of Yates during each month upon account of the tax imposed pursuant to the authority of this local law, after deducting the necessary expenses of his or her office as provided in Section 262 of the Tax Law, except taxes paid upon mortgages which under the provisions of this section or Section 260 of the Tax Law are first to be apportioned by the New York State Commissioner of Taxation and Finance, shall be paid



over by such officer on or before the tenth (10th) day of each succeeding month to the Treasurer of Yates County and, after the deduction by such County Treasurer of the necessary expenses of his or her office provided in Section 262 of the Tax Law shall be deposited in the general fund of the County of Yates for expenditure on any county purpose. Notwithstanding the provisions of the preceding sentence, the tax so imposed and paid upon mortgages covering real property situated in two or more counties, which under the provisions of this section or Section 260 of the Tax Law are first to be apportioned by the New York State Commissioner of Taxation and Finance, shall be paid over by the recording officer receiving the same as provided by the determination of said Commissioner.

**SECTION 6.**

Any local law imposing a tax pursuant to the authority of this local law repealing or suspending such a tax shall take effect only on the first day of a calendar month. Such a local law shall not be effective unless a certified copy thereof is mailed by registered or certified mail to the New York State Commissioner of Taxation and Finance at the Commissioner's office in Albany at least thirty (30) days prior to the date the local law shall take effect.

**SECTION 7.**

Certified copies of any local law described in this section shall also be filed with the County Clerk of the County of Yates, the Secretary of State and the State Comptroller within five days (5) after the date it is duly enacted.

**Resolution No. 427-23**

**Date: 9/11/23**

**Motioned By: Holgate**

**Seconded By:**

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**AUTHORIZE CHAIR TO EXECUTE AGREEMENT WITH  
C&S COMPANIES FOR A STORMWATER POLLUTION PREVENTION PLAN  
EVALUATION OF THE PENN YAN – YATES COUNTY AIRPORT**

WHEREAS, the Penn Yan -Yates County Airport Council has determined a Storm Water Pollution Prevention Plan may be needed to maintain environmental compliance; and

WHEREAS, C&S Companies has provided a quote to perform an evaluation of airport operations and storm water discharges; and

WHEREAS, the Yates County Airport Council feels this evaluation is necessary to better direct current and future storm water discharges;

NOW, THEREFORE, BE IT RESOLVED, that the Chair of the Legislature, after review by the County Attorney, is authorized to sign an agreement with C&S Companies to provide Storm Water Pollution Prevention Plan evaluation services for the Penn Yan – Yates County Airport in the amount of \$ 1,500 (100% local funded); and be it further

RESOLVED, that copies of this resolution be furnished to the Yates County Treasurer, Finance Director, Airport Council, and C&S Companies.