



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 12, 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
- Approve Minutes from the August 8th Meeting
- Approve Audit
- Committee Reports
- Public Comment

RESOLUTION

Willson	348-22	Authorize Chairwoman to Sign Letter of Commitment for Hazard Mitigation Plan Update Grant
	349-22	Proclamation in Recognition of 2022 Sheriff's Week
	350-22	Authorize Chairman and Coordinator to Sign Approved 2023 Stop-DWI Budget and Plan
	351-22	Set Date for Public Hearing on Proposed Local Law 7-22 Entitled: A Local Law Establishing Residency Requirement for Yates County Deputy Sheriff
	352-22	Authorize Chairwoman to Sign FY2002 Domestic Terrorism Prevention Grant Program Attestation Form and Appoint Sheriff's Office as Lead Agency
Bronson	353-22	Authorize Vice-Chairman to have and Exercise Powers and Duties of the Chairwoman in the Chairwoman's Absence
	354-22	Amend Resolution 274-22 (Adopt Policy for use of Yates County Facility)
	355-22	Amend Resolution 317-22 (Adopt County Office Building Hours)
	356-22	Authorize County Administrator to Create and Fill Deputy County Administrator Position
	357-22	Authorize Director of Veterans Services to Fill Veterans Services Officer Position
	358-22	Authorize County Clerk to Sign Amended Memorandum

	359-22	of Understanding (MOU) for E-Recording Amend Resolution No. 325-21 (Regarding Temporary Correction Officer)
	360-22	Authorize Chairwoman to Sign Intergovernmental Agreement (NYS ITS-New York, NY)
	361-22	Authorize Chairwoman of Legislature to Sign NYS Elections Absentee Ballot Pre-Paid Postage Grant
	362-22	Abolish Senior Account Clerk Typist Position and Create and Fill Principal Account Clerk Typist Position (Social Services Department)
Chilson	363-22	Authorize Chairwoman to Sign Contract with the Yates County Sheriff's Office
	364-22	Appointment to the Finger Lakes Workforce Investment Board
	365-22	Authorize Chair to Sign Administrative Agreement for the Workforce Investment Board
	366-22	Reappointment to the Finger Lakes Workforce Investment Board
	367-22	Authorize the Chairwoman to Sign Software Support Agreement Extension for Public Defense Case Management System Maintenance and Software Support Agreement Between the Yates County Public Defender Office, the Assigned Counsel Program, and New York State Defenders Association, Inc.
Banach	368-22	Declare Surplus Equipment
	369-22	Declare Surplus Materials
	370-22	Authorize Chairwoman to Sign a Contract with Watchdog Building Partners, LLC for Construction Management Services on the Yates County Highway/OES/PH Building Project
	371-22	Authorize Legislature Chairwoman to Sign 2022-2023 Snow and Ice Contracts
	372-22	Authorize Sale of Surplus Highway Equipment (Road Widener RW-3) to the Town of Barrington
Holgate	373-22	2022 Budget Transfers
	374-22	Appropriate Additional Aid (Highway)
	375-22	Appropriate Additional Aid (Social Services)
	376-22	Enter into Agreements with the New York State Department of Transportation to Obtain Highway Work Permits for the ReConnect Project
	377-22	Enter into an Agreement with Airosmith Inc. for New York State Department of Transportation Right of Way Permitting Services for Phase 1B of the ReConnect Project
	378-22	Authorize Chairwoman to sign Overlash Agreement with Southern Tier Network for the ReConnect Project
	379-22	Authorize Signing of RUS Form 675 Certificate of Authority with Rural Utilities Service Updating Authorized Signers of RUS form 481 Financial Requirements Statement
	380-22	Authorize Chairwoman to Sign Equipment Contract with Nokia of America Corporation for the ReConnect Project

- 381-22 Authorize Chairwoman to Sign a Contract with A-Verdi, LLC for the delivery and rental of up to 2 (Two) 40' Storage Containers
- 382-22 Appoint Member to the Yates County Planning Board (Steven Fulkerson, Town of Starkey)
- 383-22 Authorizations for Conveyance of Real Property

Executive Session if needed

Resolution No. 348-22

Date: 9/12/22

Motioned By: Willson

Seconded By:

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

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

WHEREAS, the New York State Emergency Management Office has recommended that Yates County apply for this funding to update the Multijurisdictional All Hazard Mitigation Plan in the amount of \$150,000; and

WHEREAS, Yates County has applied for such Grant; and

WHEREAS, the Federal Emergency Management Agency (FEMA) will appropriate 90% of the funds totaling \$135,000, and Yates County is responsible for appropriating the remaining 10% of the funds totaling \$15,000; and

WHEREAS, as part of the Grant application process, a letter of commitment from Yates County acknowledging that it would appropriate the required 10% of the funds for Hazard Mitigation Plan updating totaling \$15,000 is required (hereinafter referred to as the “Letter of Commitment”);

NOW, THEREFORE, BE IT RESOLVED, that Chairwoman Leslie Church is authorized to sign the Letter of Commitment on behalf of Yates County and deliver the same to the appropriate agency(s), and the appropriation of the requisite \$15,000 is hereby approved; and further, any actions previously taken by the Chairwoman in this regard are hereby ratified and affirmed in all respects; and be it further

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

Resolution No. 349-22

Date: 9/12/22

Motioned By: Willson

Seconded By:

PROCLAMATION IN RECOGNITION OF 2022 SHERIFF’S WEEK

WHEREAS, the Office of Sheriff has been an integral part of the criminal justice system in New York State and in Yates County 199 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; 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 Spike, and the men and women of the Sheriff’s Office, and do hereby proclaim September 18 to 24, 2022 to be Sheriffs’ Week in Yates County; and further

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

Resolution No. 350-22
Motioned By: Willson

Date: 9/12/22
Seconded By:

**AUTHORIZE CHAIRMAN AND COORDINATOR TO SIGN
APPROVED 2023 STOP-DWI BUDGET AND PLAN**

WHEREAS, the 2023 STOP-DWI budget and plan shows appropriations of \$77,964 and an anticipated revenue of \$77,964 with a reserve fund of \$30,107.17 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, 2022;

NOW, THEREFORE, BE IT RESOLVED, that this 2023 STOP-DWI budget and plan is approved and the Board Chairman and Coordinator are authorize to sign it; and be it further

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

Resolution No. 351-22
Motioned By: Willson

Date: 9/12/22
Seconded By:

**SET DATE FOR PUBLIC HEARING ON PROPOSED LOCAL LAW 7-22 ENTITLED:
A LOCAL LAW ESTABLISHING RESIDENCY REQUIREMENTS FOR
YATES COUNTY DEPUTY SHERIFF**

BE IT RESOLVED, that the Clerk of the Yates County Legislature is directed to advertise a public hearing on proposed local law 7-2022 entitled “A Local Law Establishing Residency Requirements for Yates County Deputy Sheriff’s”; and be it further

RESOLVED, said public hearing shall be held October 11, 2022 at 1:00 p.m. in the Yates County Legislative Chambers, 417 Liberty Street, Penn Yan, NY, or may be held by remote access if needed.

LOCAL LAW NO. 7 OF THE YEAR 2022

ENTITLED:

A LOCAL LAW ESTABLISHING RESIDENCY REQUIREMENTS FOR YATES COUNTY DEPUTY SHERIFF

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

SECTION 1 Title

This Local Law shall be known as ESTABLISHING RESIDENCY REQUIREMENTS FOR YATES COUNTY DEPUTY SHERIFFS

SECTION 2 Purpose

This Local Law established residency requirements for appointed Yates County Deputy Sheriffs (County Police Officers) as this Legislature recognizes the need to retain qualified and experienced police officers, and that it is occasionally necessary to employ individuals that do not reside within the County of Yates, but that reside in close proximity. Therefore the Legislature elects to supersede certain provisions of Section 3 of the Public Officers Law of the State of New York to the extent it is restrictive in residency qualification for holding the Deputy Sheriff office within Yates County, and adopt exceptions for certain towns in certain counties contiguous to the County of Yates.

SECTION 3 Exemption

An individual appointed as a Deputy Sheriff by the Sheriff of Yates County shall at the time of his appointment or employment be a resident of the State of New York, and the County of Yates, or in certain Towns of certain counties contiguous to the Yates County boarder. Specifically for Ontario County the Towns of Naples, Gorham, Seneca, or Geneva excluding any city. For Schuyler County the Towns of Tyrone and Reading. For Steuben County the Towns of Pulteney, Prattsburgh and Wayne.

SECTION 4 Effective date

This local law shall be effective upon its filing in the office of the Secretary of State pursuant to the Municipal Home Rule Law Section 27.

Resolution No. 352-22

Date: 9/12/22

Motioned By: Willson

Seconded By:

AUTHORIZE CHAIRWOMAN TO SIGN FY2022 DOMESTIC TERRORISM PREVENTION GRANT PROGRAM ATTESTATION FORM AND APPOINT SHERIFF'S OFFICE AS LEAD AGENCY

WHEREAS, Yates County is being awarded \$172,413 under the FY2022 Domestic Terrorism Prevention (DTP) Grant Program; and

WHEREAS, this funding is to be utilized to support the County's capability to prevent targeted violence and domestic terrorism through the utilization of Threat Assessment and

Management (TAM) teams and the development of comprehensive Domestic Terrorism Plans; and

WHEREAS, the New York State Division of Homeland Security and Emergency Services (DHSES) will manage and administer these program funds and the performance period for this grant will be from September 1, 2022 through August 31, 2024; and

WHEREAS, Yates County is required to designate a lead implementing agency for the Governor's initiative; and

NOW, THEREFORE, BE IT RESOLVED, that the Chairwoman of the Legislature is authorized to execute the Threat Assessment Management Team-Attestation Form, as well as any other necessary documentation related thereto; and be it further

RESOLVED, that the Yates County Sheriff's Office be appointed as the lead implementing agency; and be it further

RESOLVED, that copies of this resolution be provided to New York State Department of Homeland Security and Emergency Services, the Legislative Chairwoman, the Sheriff, the Director of Emergency Services, the County Administrator/Budget Officer, the Director of Finance, and the Treasurer.

Resolution No. 353-22

Date: 9/12/22

Motioned By: Bronson

Seconded By:

AUTHORIZE VICE-CHAIRMAN TO HAVE AND EXERCISE POWERS AND DUTIES OF THE CHAIRWOMAN IN THE CHAIRWOMAN'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, Chairwoman Church will be unavailable from September 19, 2022 until September 30, 2022, the Legislature wishes to assign such additional powers and duties to Vice-Chairman 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 19, 2022 until September 30, 2022, 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, Chairwoman and Vice-Chairman.

Resolution No. 354-22
Motioned By: Bronson

Date: 9/12/22
Seconded By:

AMEND RESOLUTION 274-22
(ADOPT POLICY FOR USE OF YATES COUNTY FACILITY)

WHEREAS, resolution 274-22 adopted the Policy for the Use of the Yates County Facility; and

WHEREAS, resolution 317-22 adopted the County Office Building Hours;

NOW, THEREFORE, BE IT RESOLVED, that Section 4 of such policy be amended to comply with resolution 317-22 as follows:

4. Facility hours of operation:

- A. Building hours-Except holidays
 - Monday-Friday 8:00 a.m. – 4:30 p.m.
- B. After hours-Except holidays
 - Monday-Friday 4:30 p.m. – 9:00 p.m.
- C. NO WEEKEND USE

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.

Resolution No. 355-22
Motioned By: Bronson

Date: 9/12/22
Seconded By:

AMEND RESOLUTION 317-22
(ADOPT COUNTY OFFICE BUILDING HOURS)

WHEREAS, Resolution 317-22 was duly adopted on August 8, 2022 adopting Yates County Office Building hours;

NOW, THEREFORE, BE IT RESOLVED, that Resolution 317-22 be amended to reflect that the office hours of the County Treasurer will be as determined by the Treasurer; and be it further

RESOLVED, that copies of this resolution shall be provided to all Yates County employees.

Resolution No. 356-22
Motioned By: Bronson

Date: 9/12/22
Seconded By:

AUTHORIZE COUNTY ADMINISTRATOR TO CREATE AND FILL DEPUTY
COUNTY ADMINISTRATOR POSITION

WHEREAS, the County Administrator has requested to create and fill a full-time Deputy County Administrator position; and

WHEREAS, the County Administrator has identified the need to create the Deputy County Administrator position for efficient and effective succession planning and is requesting that the position be filled; and

WHEREAS, the estimated annual cost to fill the position, including fringe shall not exceed \$132,000;

NOW, THEREFORE, BE IT RESOLVED, that effective August 8, 2022 the County Administrator is hereby authorized to create and fill a full-time Deputy County Administrator position; and be it further

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

Resolution No. 357-22

Date: 9/12/22

Motioned By: Bronson

Seconded By:

AUTHORIZE DIRECTOR OF VETERANS SERVICES TO FILL VETERANS SERVICES OFFICER POSITION

WHEREAS, the Veterans Services Officer position became vacant effective August 23, 2022 as the result of a resignation; and

WHEREAS, the Director of Veterans Services through the vacancy review process has identified the continued need for the Veterans Services Officer position and is requesting the position be filled; and

WHEREAS, the estimated annual cost to fill the position, including fringe, is \$51,559 to \$75,488, depending on health insurance;

NOW, THEREFORE, BE IT RESOLVED, that effective September 12, 2022 the Director of Veterans Services is hereby authorized to fill a full-time Veterans Services Officer position; and be it further

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

Resolution No. 358-22

Date: 9/12/22

Motioned By: Bronson

Seconded By:

AUTHORIZE COUNTY CLERK TO SIGN AMENDED MEMORANDUM OF UNDERSTANDING (MOU) FOR E-RECORDING

WHEREAS, the Yates County Clerk desires to offer voluntary recording of real property documents by electronic transmission in substitution for conventional paper based documents; and

WHEREAS, electronic recording (e-recording) requires the services of one or more third party providers for the submission of real property records for the purpose of electronic recording; and

WHEREAS, the County Clerk has received an MOU from one company offering to submit documents via electronic transmission;

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Clerk, pending approval by the County Attorney, is authorized to sign the MOU agreement with the following vendors:

Corporation Service Company (CSC), 251 Little Falls Drive, Wilmington, DE
Simplifile LC, 5072 North 300 West, Provo, Utah, 84604

RESOLVED, that a copy of this resolution be provided to the County Clerk and the County Attorney.

Resolution No. 359-22
Motioned By: Bronson

Date: 9/12/22
Seconded By:

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 “twenty-four (24) months” replace “twelve (12) months” in the paragraph 3; and be it further

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

Resolution No. 360-22
Motioned By: Bronson

Date: 9/12/22
Seconded By:

AUTHORIZE CHAIRWOMAN TO SIGN INTERGOVERNMENTAL AGREEMENT
(NYS ITS – New York, NY)

WHEREAS, Governor Hochul recently announced that every county in New York State may access endpoint detection and response (EDR) services at no cost, provided by the State’s Joint Security Operations Center (JSOC); and

WHEREAS, ITS is responsible for protecting New York State Government’s cyber security infrastructure and does so by employing a multi-faceted approach that includes coordinating policies, standards and programs on cyber security across the State, partnering with State agencies and law enforcement, monitoring the State’s technology assets and responding to abnormalities and threats to their systems; and

WHEREAS, DHSES is responsible for working with federal, state, local and private entities to protect the State's critical infrastructure from cyber threats and vulnerabilities and to

coordinate and facilitate information and intelligence sharing amongst these entities to assist in the early identification of and response to natural and man-made disasters; and

WHEREAS, Yates County provides vital services to residents of New York State and within its jurisdictional boundaries; and

WHEREAS, Yates County recognizes that deployment and use Endpoint Detection and Response (EDR) software, and rapid information sharing are foundational components of a sound cybersecurity program; and

WHEREAS, increasingly sophisticated cyber-attacks on governmental entities as well as unauthorized access to their systems may compromise the security and integrity of government data, disrupt operations and services and damage critical infrastructure, thereby risking the health and welfare of the public; and

NOW, THEREFORE, BE IT RESOLVED, that the Chairwoman is authorized to sign an Intergovernmental Agreement between Yates County and The New York State Office of Information Technology Services and The New York State Division of Homeland Security and Emergency Services for the provision of Endpoint Protection and Response Services for a 3-year term at no cost to Yates County; and be it further

RESOLVED, that a copy of this resolution be given to the I.T. Director and NYS ITS.

Resolution No. 361-22

Date: 9/12/22

Motioned By: Bronson

Seconded By:

**AUTHORIZE CHAIRWOMAN OF LEGISLATURE TO SIGN NYS ELECTIONS
ABSENTEE BALLOT PRE-PAID POSTAGE GRANT**

WHEREAS, the New York State Board of Elections has allocated certain State funds provided to the County Boards of Election for reimbursement of expenses related to Absentee Ballot Pre-paid Postage; and

WHEREAS, the Yates County Board of Elections desires to use the funding (approximately \$13,000) allocated to the county for the purposes set forth as quickly as possible; and

WHEREAS, time is of the essence, as the State is asking for remediation in critical areas prior to December 31, 2022;

NOW, THEREFORE, BE IT RESOLVED, that the Chairwoman of this Legislature be authorized to sign the contract for the acceptance of this grant funding; and be it further

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

Resolution No. 362-22

Date: 9/12/22

Motioned By: Bronson

Seconded By:

**ABOLISH SENIOR ACCOUNT CLERK TYPIST POSITION AND CREATE AND FILL
PRINCIPAL ACCOUNT CLERK TYPIST POSITION
(SOCIAL SERVICES DEPARTMENT)**

WHEREAS, review of a Position Classification Questionnaire by supervisory personnel in the Social Services Department and the Personnel Officer has determined that one (1) of the Senior Account Clerk Typist positions in the Social Services Department be reclassified to a Principal Account Clerk Typist position;

NOW, THEREFORE, BE IT RESOLVED, that upon the recommendation of the Personnel Officer and the Commissioner of Social Services, effective September 12, 2022, the relevant position of Senior Account Clerk Typist in the Social Services Department be abolished and the position of Principal Account Clerk Typist be created and filled; and be it further

RESOLVED, that a copy of this resolution be given to the Commissioner of Social Services, Personnel Officer, President of CSEA, Representative of Local CSEA, County Administrator, Director of Finance, and the Treasurer.

Resolution No. 363-22

Date: 9/12/22

Motioned By: Chilson

Seconded By:

AUTHORIZE CHAIRWOMAN TO SIGN CONTRACT WITH THE YATES COUNTY SHERIFF'S OFFICE

WHEREAS, Yates County Community Services wishes to enter into a contract with the Yates County Sheriff's Office to provide additional funds for Medication-Assisted Treatment to the jail inmates; and

WHEREAS, the funds to be received are from the 2022 OPIOID Settlement as follows,
April 2022 Distributors Settlement Year 1 Payment: Direct Unrestricted Funds - \$5,719.62
April/May 2022 Janssen Settlement: Direct Unrestricted Funds - \$22,945.04
June/July 2022 Allergen Settlement: Direct Unrestricted Funds - \$24,794.79
August/September 2022 Distributors Settlement Year 2 Payment: Direct Unrestricted Funds - \$6,011.04; and

WHEREAS, that said distribution period will be for the period of January 1, 2022 through December 31, 2022; , 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 the Yates County Sheriff's Office; 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, Sheriff's Office, the Finance Director, and the Treasurer.

Resolution No. 364-22
Motioned By: Chilson

Date: 9/12/22
Seconded By:

**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 Michael Manikowski, effective immediately through 6/30/2024;

William J. Pealer
City Councilor
47 Castle St.
Geneva, NY 14456

And be it further

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

Resolution No. 365-22
Motioned By: Chilson

Date: 9/12/22
Seconded By:

**AUTHORIZE CHAIR TO SIGN ADMINISTRATIVE AGREEMENT FOR THE
WORKFORCE INVESTMENT BOARD**

RESOLVED, that after review by the County Attorney, the Chair of the Legislature is hereby authorized to sign the Administrative Agreement with the Finger Lakes Workforce Investment Board for the Program years 2022-2023; and be it further

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

Resolution No. 366-22

Date: 9/12/22

Motioned By: Chilson

Seconded By:

REAPPOINTMENT TO THE FINGER LAKES WORKFORCE INVESTMENT BOARD

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that this Legislature does hereby reappoint the following representatives to the Finger Lakes Workforce Investment Board to fill a three-year term from July 1, 2022 to June 30, 2025.

Peter Bekisz

Associate Vice President

Keuka College

Randi DiAntonio

Vice President

NYS Public Employee Federation

C. Mitchell Rowe

County Manager

Seneca County

And be it further;

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

Resolution No. 367-22

Date: 9/12/22

Motioned By: Chilson

Seconded By:

**AUTHORIZE THE CHAIRWOMAN TO SIGN SOFTWARE SUPPORT AGREEMENT
EXTENSION FOR PUBLIC DEFENSE CASE MANAGEMENT SYSTEM
MAINTENANCE AND SOFTWARE SUPPORT AGREEMENT BETWEEN THE
YATES COUNTY PUBLIC DEFENDER OFFICE, THE ASSIGNED COUNSEL
PROGRAM, AND NEW YORK STATE DEFENDERS ASSOCIATION, INC.**

WHEREAS, the Public Defender's office and the Assigned Counsel Program use a software package called Public Defense Case Management System; and

WHEREAS, the maintenance agreement is due to expire and the Public Defender seeks to renew said agreement to October 17, 2023; and

WHEREAS, the Public Defense Case Management System Maintenance and Software Support are renewable annually, the Public Defender's Office is requesting authorization to have the Chairwoman of the Legislature sign the one year contract;

NOW, THEREFORE, BE IT RESOLVED, that the Chairwoman of the Legislature upon approval of the County Attorney is hereby authorized to sign an extension agreement for one year at the cost of \$2,000.00 (\$500.00 per license); and be it further

RESOLVED, that copies of this agreement be given to the Public Defender, the Assigned Counsel Program, the Director of Finance, and the County Treasurer.

Resolution No. 368-22
Motioned By: Banach

Date: 9/12/22
Seconded By:

DECLARE SURPLUS EQUIPMENT

WHEREAS, the Yates County Highway Department has equipment that is or has been replaced and is no longer being used and should be sold, as is by the county; and

WHEREAS, the following equipment shall be declared surplus property;

<u>Unit:</u>	<u>Year/Make/Model:</u>	<u>Miles/Hrs.:</u>	<u>VIN #:</u>
RW-3	1999 Blaw Knox RW100	4,461 hours	10028-9
L-6	1999 John Deere 644H	5,552 hours	DW644HX572172
T-10	2017 Chevrolet 2500HD	50,081 miles	1GC2KUEG9HZ324586

NOW, THEREFORE, BE IT RESOLVED, to authorize the Yates County Highway Superintendent to sell the above equipment at auction or by other appropriate method; and be it further

RESOLVED, that a copy of this resolution be provided to the Highway Superintendent, the County Administrator, the Director of Finance, and the Treasurer.

Resolution No. 369-22
Motioned By: Banach

Date: 9/12/22
Seconded By:

DECLARE SURPLUS MATERIALS

WHEREAS, the Yates County Highway Department has materials that have been removed and/or replaced and are no longer being used and should be sold, as is by the county; and

WHEREAS, the following material(s) shall be declared surplus property;

<u>Materials:</u>	<u>CR#:</u>	<u>Road Name:</u>	<u>Mileage:</u>	<u>Quantity:</u>
Asphalt Millings	CR10	North Vine Valley Road	2.96 miles	+/-3,300 cy
Asphalt Millings	CR10F	Pierce Hill Road	0.78 miles	+/-877 cy
Asphalt Millings	CR23	Lovejoy Road	5.85 miles	+/-6,500 cy
Asphalt Millings	CR1S	Lakemont-Himrod Road	4.31 miles	+/-4,800 cy

NOW, THEREFORE, BE IT RESOLVED, to authorize the Yates County Highway Superintendent to sell the above materials at auction or by other appropriate method; and be it further

RESOLVED, that a copy of this resolution be provided to the Highway Superintendent, the County Administrator, the Director of Finance, and the Treasurer.

Resolution No. 370-22

Date: 9/12/22

Motioned By: Banach

Seconded By:

AUTHORIZE CHAIRWOMAN TO SIGN A CONTRACT WITH WATCHDOG BUILDING PARTNERS, LLC FOR CONSTRUCTION MANAGEMENT SERVICES ON THE YATES COUNTY HIGHWAY/OES/PH BUILDING PROJECT

WHEREAS, Yates County intends to undertake a building project for its Highway/Office of Emergency Services and Public Health facility; and

WHEREAS, such project requires construction management services not available within County resources; and

WHEREAS, Watchdog Building Partners, LLC has submitted a proposal to provide construction management services consistent with a Request for Proposal distributed by the County; and

WHEREAS, said proposal has been reviewed by the Ad Hoc Highway/OES/PH Project Committee and the Committee recommends that it be accepted;

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 Watchdog Building Partners; and be it further

RESOLVED, that said contract fees will be invoiced on a "Lump Sum" basis as stated in said proposal but are not to exceed a total of \$570,500; and be it further

RESOLVED, that copies of this resolution be provided to Watchdog Building Partners, LCC, the Highway Superintendent, the Director of Emergency Services, the Director of Public Health, the Director of Finance, the Treasurer, and the County Administrator.

Resolution No. 371-22

Date: 9/12/22

Motioned By: Banach

Seconded By:

AUTHORIZE LEGISLATURE CHAIRWOMAN TO SIGN 2022 – 2023 SNOW AND ICE CONTRACTS

WHEREAS, in the interest of public safety all County roadways need to be cleared of snow and ice during the months of November to April; and

WHEREAS, the Yates County Highway Department does not employ sufficient staff to accomplish the snow and ice removal on all County roadways; and

WHEREAS, several Townships have agreed to contract this snow and ice removal on County roadways,

NOW, THEREFORE, BE IT RESOLVED, to authorize the Chairwoman of the Yates County Legislature to sign contracts with participating Townships for Snow and Ice Removal for the County; and be it further

RESOLVED, that a copy of this resolution be sent to the County Administrator, the Director of Finance, the Highway Superintendent and each Town contracting with the County for Snow and Ice removal.

Resolution No. 372-22

Date: 9/12/22

Motioned By: Banach

Seconded By:

AUTHORIZE SALE OF SURPLUS HIGHWAY EQUIPMENT (ROAD WIDENER RW-3) TO THE TOWN OF BARRINGTON

WHEREAS, the Yates County Highway Department has a piece of equipment commonly known as a Road Widener that is no longer being used by the Yates County Highway Department and should be sold, as is by the County; and

WHEREAS, the Town of Barrington has expressed interest in purchasing the Road Widener for the amount of fifteen thousand dollars (\$15,000); and

WHEREAS the County Attorney has advised that the County can legally sell the named piece of equipment directly to the Town of Barrington,

NOW, THEREFORE, BE IT RESOLVED, to authorize the sale of the surplus Road Widener to the Town of Barrington for fifteen thousand dollars (\$15,000) and authorize the Legislature Chairwoman to execute any and all documents necessary to effectuate such transfer; and be it further

RESOLVED, that in the event of any conflict or inconsistency between the terms of this Resolution and the terms of the County's Purchasing Policy in resolution no. 391-13, the terms of this Resolution shall control; and be it further

RESOLVED, that a copy of this resolution be provided to the Highway Superintendent, the Town of Barrington, the County Administrator, the County Attorney and the Director of Finance, and the Treasurer.

Resolution No. 373-22

Date: 9/12/22

Motioned By: Holgate

Seconded By:

2022 BUDGET TRANSFERS

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

From:	To:	Amount:
A6129.54316 SS-State Training	A6070.54302 SS- Counseling Contract	\$ 20,000.00
D5110.51636 HW- Highway PT	D5110.54011 HW- Consultants	\$ 12,200.00
A3645.43407 OES- EMS Revenue	A3645.54156 OES- Training	\$ 11,857.00

A3645.54716 OES- CFSI	A3645.52218 OES- Trailer	\$ 700.00
A3645.54156 OES- Training	A3645.52218 OES- Trailer	\$ 1,000.00
A3645.54715 OES-Fire Prevention	A3645.52218 OES- Trailer	\$ 1,200.00
DM5130.52338 HW- Major Equip.	DM5130.54653 HW-Gasoline	\$ 8,883.95
DM5130.52314 HW- Pick Ups	DM5130.54653 HW- Gasoline	\$ 8,936.15
DM5130.52314 HW- Pick Ups	DM5130.54618 HW- Heating Fuel	\$ 235.00
DM5130.52516 HW- Small Equip.	DM5130.54520 HW- Tools	\$ 107.25
A1990.54905 CF- Contingent	A1410.51005 CC-County Clerk	\$ 356.00
A1990.54905 CF- Contingent	A3110.51025 SH- Sheriff	\$ 516.00
A1990.54905 CF- Contingent	A1340.51575 BO- Budget Officer	\$ 87.00
A1990.54905 CF- Contingent	A1625.51040 BM- Bldg. Main. Sup	\$ 4,209.00
A1990.54905 CF- Contingent	A3150.51791 CO- Chief Corr. Off.	\$ 348.00
A1990.54905 CF- Contingent	A1010.51045 LEG- Clerk of Leg.	\$ 2,400.00
A1990.54905 CF- Contingent	A6010.51052 SS-Commissioner SS	\$ 5,915.00
A1990.54905 CF- Contingent	A3110.51105 SH- Confident. Asst.	\$ 468.00
A1990.54905 CF- Contingent	A1230.51035 CA-County Admin	\$ 1,586.00
A1990.54905 CF- Contingent	A1410.51110 CC- Dep. Co. Clerk	\$ 2,389.00
A1990.54905 CF- Contingent	A6010.51102 SS-Dir Fam/Ch Ser.	\$ 2,380.00
A1990.54905 CF- Contingent	A4320.51605 CS- Dir Comm. Ser.	\$ 397.00
A1990.54905 CF- Contingent	A4010.51065 PH-Dir. Public Health	\$ 782.00
A1990.54905 CF- Contingent	A1355.51060 RP- Dir of Real Prop	\$ 689.00
A1990.54905 CF- Contingent	A6510.51060 VS- Dir of Vet. Ser.	\$ 3,237.00
A1990.54905 CF- Contingent	A1450.51050 EL- Elect Comm. (R.)	\$ 269.00
A1990.54905 CF- Contingent	A1450.51051 EL- Elect Comm. (D)	\$ 269.00
A1990.54905 CF- Contingent	A1680.51076 IT- IT Director	\$ 799.00
A1990.54905 CF- Contingent	A1430.51080 PER- Pers. Officer	\$ 710.00
A1990.54905 CF- Contingent	A8020.51085 PL- Planner	\$ 1,744.00
A1990.54905 CF- Contingent	A3140.51090 PB- Probation Dir	\$ 4,004.00
A1990.54905 CF- Contingent	A3110.51155 SH- Undersheriff	\$ 411.00
A1990.54905 CF- Contingent	A6010.51645 SS- SS Attorney	\$ 13,010.00
A1170.54156 PD- Training	A1170.54507 PD- Copier	\$ 800.00
A1170.54156 PD- Training	A1170.54682 PD- Utilities	\$ 300.00

And be it further

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

Resolution No. 374-22
Motioned By: Holgate

Date: 9/12/22
Seconded By:

**APPROPRIATE ADDITIONAL AID
(HIGHWAY)**

WHEREAS, the Highway Department has received additional revenue over the 2022 budgeted amount from FEMA with corresponding expenditures; and

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

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

Revenue:		
D5110.43960 HWY- State Aid Homeland Security	\$	12,597.61
D5110.44960 HWY- Federal Aid- Homeland Security	\$	113,378.48

Appropriation:		
D5120.54992 HWY- Haley Road Bridge	\$	125,976.09

And be it further

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

Resolution No. 375-22
Motioned By: Holgate

Date: 9/12/22
Seconded By:

**APPROPRIATE ADDITIONAL AID
(SOCIAL SERVICES)**

WHEREAS, the Department of Social Services has received revenue over the 2022 budgeted amount from Pandemic EAF Back to School Payments with corresponding expenditures; and

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

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

Revenue:		
A6010.44610 DSS- Social Service Admin	\$	18,278.00

Appropriation:		
A6109.54305 DSS- Family Assistance	\$	18,278.00

And be it further

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

Resolution No. 376-22
Motioned By: Holgate

Date: 9/12/22
Seconded By:

**ENTER INTO AGREEMENTS WITH THE NEW YORK STATE DEPARTMENT OF
TRANSPORTATION TO OBTAIN HIGHWAY WORK PERMITS FOR THE
RECONNECT PROJECT**

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 aerial and buried fiber in New York State Department of Transportation Right of Ways (hereinafter known as “NYS DOT ROW”); and

WHEREAS, in order to obtain a permit to build in the NYS DOT ROWs, Yates County must complete and sign Form Perm 75 Application for Highway Work for Fiber Optic Facilities and Supporting Infrastructure and other supporting forms as required by the NYS DOT for every segment in the NYS ROW; and

WHEREAS, by signing the contract 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 work plans, Certificates of Insurance from the County and the Contractor, and pay only a nominal Highway Permit fee as the annual Use and Occupancy Fees have been discontinued; and

WHEREAS, the Regional Permit Engineers will conduct a technical review of the each submitted work plans, and upon satisfaction of all requirements, a Highway Work Permit will be issued to allow construction to commence;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairwoman of the Legislature is authorized to enter into an agreement with the NYS DOT and submit other forms as requested for each segment in the NYS ROW in order to obtain the required Highway Work Permits; 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. 377-22

Date: 9/12/22

Motioned By: Holgate

Seconded By:

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

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

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

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

WHEREAS, Airosmith Inc. (hereinafter known as “Airosmith”) has extensive experience and expertise in developing NYS DOT ROW permit plans and is contracted with Yates County for Phase 1A;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairwoman of the Legislature is authorized to enter into an agreement with Airosmith for its

provision of NYS DOT ROW permitting services for Phase 1B of the ReConnect project, for a price not to exceed \$50,000; and be it further

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

Resolution No. 378-22

Date: 9/12/22

Motioned By: Holgate

Seconded By:

**AUTHORIZE CHAIRWOMAN TO SIGN OVERLASH AGREEMENT WITH
SOUTHERN TIER NETWORK FOR THE RECONNECT PROJECT**

WHEREAS, Yates County (the “County”) is currently undertaking the design and construction of a fiber optic broadband network (hereinafter referred to as the “project”); and

WHEREAS, Yates County has signed an IRU Lease Agreement between the County and Southern Tier Network (hereinafter referred to as “STN”) dated November 18, 2021; and

WHEREAS, STN policies allows 3rd parties to overlash portions of STN’s own network that are included in an IRU Lease Agreement; and

WHEREAS, overlashing the STN network would result in reduced cost of construction and faster implementation for the project; and

WHEREAS, specific portions of the STN network in various areas throughout the County have been identified by the project engineers and agreed to by the County and STN for overlashing; and

WHEREAS, an agreement has been jointly developed to govern the terms and conditions for use in the project of specific portions of STN’s network; and

WHEREAS, the specific portions of STN’s network are detailed in the Appendix of the agreement and may be amended as the project design continues;

NOW, THEREFORE, BE IT RESOLVED, that upon approval of legal counsel, the Chairwoman of the Legislature is authorized to execute on behalf of the County the Overlash Agreement with STN and subsequent amendments to the Appendix; and be it further

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

Resolution No. 379-22

Date: 9/12/22

Motioned By: Holgate

Seconded By:

**AUTHORIZE SIGNING OF RUS FORM 675 CERTIFICATE OF AUTHORITY WITH
RURAL UTILITIES SERVICE UPDATING AUTHORIZED SIGNERS OF RUS FORM
481 FINANCIAL REQUIREMENTS STATEMENT**

WHEREAS, in Resolution 416-20, the County authorized signing of RUS Form 675, identifying Winona Flynn, County Administrator, and Douglas Paddock, Chairman of the Legislature, as authorized signers of RUS Form 481 Financial Requirements Statements which is

used to requisition (payment of invoices) and account for ReConnect grant funds in the Pledged Deposit Account; and

WHEREAS, RUS requires a new RUS Form 675 for any changes in authorized signers;

NOW, THEREFORE, BE IT RESOLVED, that the County is authorized to re-submit RUS FORM 675, Certificate of Authority, and to this end, the Chairwoman of the Legislature, is hereby authorized to sign RUS Form 675, identifying Winona Flynn, County Administrator, and Leslie Church, Chairwoman of the Legislature, as authorized signers of RUS Form 481; and be it further

RESOLVED, that copies of this resolution be given to the County Administrator, the County Planner, the broadband Project Manager, and the Rural Utilities Service.

Resolution No. 380-22
Motioned By: Holgate

Date: 9/12/22
Seconded By:

AUTHORIZE CHAIRWOMAN TO SIGN EQUIPMENT CONTRACT WITH NOKIA OF AMERICA CORPORATION FOR THE RECONNECT PROJECT

WHEREAS, Resolution 328-22 authorized the Chairwoman to sign Equipment Contract with Nokia for quote price of \$379,215.57; and

WHEREAS, the quote price obtained for the Buy American Waiver request covered equipment purchase and installation only and did not include shipping or potential miscellaneous equipment and software; and

WHEREAS, these additional costs will be invoiced at actual cost;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairwoman of the Legislature is authorized to sign the equipment contract with Nokia that reflects the quote price plus these additional costs; and be it further

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

Resolution No. 381-22
Motioned By: Holgate

Date: 9/12/22
Seconded By:

AUTHORIZE CHAIRWOMAN TO SIGN A CONTRACT WITH A-VERDI, LLC FOR THE DELIVERY AND RENTAL OF UP TO 2 (TWO) 40' STORAGE CONTAINERS

WHEREAS, Yates 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, Yates County has tried to circumvent longer than typical lead times by purchasing materials in as far in advance as possible; and

WHEREAS, a number of the fiber-optic materials purchased require dry and clean storage space; and

WHEREAS, the ill-suited, temporary storage space we have been using in the Guyanoga Highway barn is going to be filled with the Sherriff's patrol boat and other seasonal items shortly; and

WHEREAS, we currently only have need for a single 40' storage container but we do not know the packaging dimensions of a number of the, as-yet to be delivered materials; and

WHEREAS, the option of an additional container would allow us to have one delivered in a matter of days over the winter when protection from the elements would be most critical; and

WHEREAS, the following quotes were received from 3 suppliers for a single 40' container and its delivery and pickup;

Company	Delivery & Pickup	Monthly Rental
Spano Container	\$400.00	\$155.00
Mobile Mini Storage Solutions	\$1052.00	\$139.20
A-Verdi LLC	\$464.00	\$125.00

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 A-Verdi LLC; and be it further

RESOLVED, that copies of this resolution be provided to A-Verdi, LLC., the County Administrator, the Director of Finance, the County Planner, and the Broadband Project Manager.

Resolution No. 382-22

Date: 9/12/22

Motioned By: Holgate

Seconded By:

**APPOINT MEMBER TO THE YATES COUNTY PLANNING BOARD
(Steven Fulkerson, Town of Starkey)**

WHEREAS, Steven Fulkerson (89 N Glenora Rd, Dundee, NY 14837), has been recommended by his respective municipality to be their representation on the Yates County Planning Board;

NOW, THEREFORE, BE IT RESOLVED, that *Steven Fulkerson* is hereby appointed as a member of the Yates County Planning Board, representing the *Town of Starkey*, to a term to expire on October 10, 2022; and be it further

RESOLVED, that copies of this resolution be given Steven Fulkerson, Jeffrey D. Ayers, the County Planner, the Town of Starkey, and a copy filed with the County Clerk.

Resolution No. 383-22

Date: 9/12/22

Motioned By: Holgate

Seconded By:

AUTHORIZATIONS FOR CONVEYANCE OF REAL PROPERTY

WHEREAS, the delinquent tax parcels set forth below remain subject to pending tax foreclosure proceeding(s) concerning delinquencies of tax liens for 2018, 2019 and/or 2020, and

if the requested judgments of foreclosure are granted by the Court, said delinquent tax parcels would then be subsequently conveyed to the County of Yates:

Town of Italy	55.62-1-6	Persson Margaret A
Town of Italy	44.03-1-20	Punnett Revocable Trust Victor
Town of Jerusalem	83.02-1-21	Gleason Smart McClain Cindy
Town of Middlesex	32.01-1-4	Nittler Joseph W
Town of Milo	61.27-1-51.1	Brisco Donald
Town of Milo	49.67-2-25	Clark Theresa J
Town of Milo	50.61-1-8	Sullivan Sara F
Town of Milo	87.84-1-9	Gregory Michael, Robinson Trina
Town of Potter	3.44-1-26	RVFM 13 Series LLC
Town of Potter	24.04-1-1	Chiappara Giuseppe
Town of Potter	24.01-1-35	Hey Kenneth
Town of Potter	24.03-1-4	Mooney Francis G III
Town of Starkey	120.24-1-20.1	Caron Michelle
Town of Starkey	113.82-1-28	Earl William J
Town of Starkey	120.23-1-3	Marsh Judy
Town of Starkey	120.33-1-39	Nageldinger Larry

(each of the above parcels hereinafter referred to as a “Delinquent Tax Parcel” and all of the above parcels hereinafter collectively referred to as “Delinquent Tax Parcels”); and

WHEREAS, the delinquent property tax foreclosure process for 2018, 2019 and 2020 delinquent tax parcels was subject to certain unique events, including but not limited to: the COVID pandemic, publication errors, legal matters and/or time constraints; and

WHEREAS, pursuant to Section 1166 of the Real Property Tax Law and the County’s Resolution No. 337-16, the County has adopted a policy whereby prior to the County’s first public tax sale of a tax acquired property, such property may be reacquired by the former owners of such property at the time it was taken by the County through the tax foreclosure process, by way of a private sale between the County and said former owners, if the following conditions are met: 1) all of the said former owners makes such a request to reacquire the property no later than thirty calendar days prior to the date of the first public tax sale of the property and 2) the purchase price is paid in the amount, manner and timeframe set forth herein, namely the purchase price for an aforementioned private sale property shall be the total dollar amount of i) the foreclosed delinquent tax lien and all other delinquent tax liens on the property, plus ii) interest, penalties and all other related delinquency expenses thereon plus iii) a processing fee of \$1,500; and that the payment of said purchase price shall be paid to the Yates County Treasurer in the form of cash or certified check made payable to the Yates County Treasurer, and said purchase price must be received by the Yates County Treasurer’s Office no later than thirty calendar days prior to the date of the first public tax sale of the property; and

WHEREAS, it is anticipated that should the County acquire the Delinquent Tax Parcels, certain former owners may be desirous of reacquiring his/her/its respective Delinquent Tax Parcel from the County by way of private sale pursuant to the above recited framework;

NOW, THEREFORE, BE IT RESOLVED, that Yates County Legislature hereby holds that should the County acquire any or all of the Delinquent Tax Parcels, the Yates County Treasurer and Chair of the Yates County Legislature may proceed with the sale of any Delinquent Tax Parcel to its respective former owners of such property at the time it was taken by the County through the tax foreclosure process, by way of private sale, including the execution by the Treasurer and/or Legislative Chair of any and all necessary documents to effectuate the same, culminating in the County's granting and delivery of a Quit Claim Deed conveying title of any such Delinquent Tax Parcel to such former owner(s) for the respective purchase price as determined pursuant to said Resolution No. 337-16; with each such respective title conveyance being contingent upon compliance with Resolution 337-16 as modified herein and payment of said purchase price to the County and compliance with and being in accordance with all terms of sale and other provisions promulgated by the County Treasurer in its respective written document entitled "Private Sale to Former Owners" and the former owner(s) execution of said written document; and be it further

RESOLVED, that due to the unique factors related to the above recited tax foreclosure processes, that said Resolution No. 337-16 is hereby amended in this limited instance to allow such former owners to make its request to reacquire and pay the requisite purchase price no later than two calendar weeks prior to the date of the first public tax sale of the property, rather than the customary thirty calendar days; and be it further

RESOLVED, that passage of this resolution shall constitute the final approval and confirmation of any such resulting private sales engaged by the Yates County Treasurer and Chair of the Yates County Legislature in accordance with the parameters set forth above, without the need for any subsequent request for Yates County Legislative approval or subsequent approval resolution related thereto; and be it further

RESOLVED, that a copy of this resolution be furnished to the County Treasurer, County Administrator, Director of Finance, and County Attorney.