



YATES COUNTY LEGISLATURE
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Douglas Paddock
Chairman

Connie C. Hayes
Clerk

**YATES COUNTY LEGISLATIVE
AGENDA**

**November 12, 2019 at 1:00 pm
Legislative Chambers in the County Office
Building**

- Approve Audit
- Committee reports
- Public Comment

RESOLUTIONS

- Bronson 410-19 Resolution For Allocating Unrestricted Resources To Local Health Departments To Fortify Provision Of Core Public Health Services And Prepare For Implementation Of Expanded Public Health Services And Prepare For Implementation Of Expanded Public Health Mandates
- 411-19 Authorize Chairman To Sign Services Agreement For Collaborative Research (Columbia University)
- 412-19 Authorize Agreement With Ontario County
- 413-19 Workforce Development Budget Transfer
- 414-19 Authorize The Opting-Out Of The Negotiation Class Certified By The United States District Court In The Northern District Of Ohio In The Civil Action Entitled In Re National Prescription Opiate Litigation, MDL 2804
- Church 415-19 Authorize Chairman To Renew An Agreement With Emerson Network Power
- Banach 416-19 Resolution Urging Renewed Funding For Electronic Waste Collection
- 417-19 Resolution Requesting Relief Amid An Ongoing Recycling Crisis
- 418-19 Authorize Chairman To Sign Agreement With Rochester Museum & Science Center
- 419-19 Authorize Chairman To Enter Into An Agreement With New York State Department Of Environmental Conservation For Access To The Preliminary Investigation Activities At The Former Potter Landfill
- 420-19 Award Bid For Williams Street Over The West River Bridge Replacement
- 421-19 Authorize Chairman To Sign An Intermunicipal Agreement With The Town Of Jerusalem Concerning Parking Signs On Assembly And Central Avenues
- 422-19 Set Date For Public Hearing On Proposed Local Law 3-19 Entitled A Local Law To Establish A Sustainable Energy Loan Program (Open C-PACE) In The County Of Yates.
- 423-19 Authorize Chairman To Sign Contract With Fishers Lawn And Tree Service
- Holgate 424-19 Approve Recommendations Of Tourism Advisory Committee (TAC)
- 425-19 2019 Budget Transfers
- 426-19 Appropriate Additional Revenue (Central Garage)
- 427-19 Appropriate State Aid (Public Defender, Conflict Defender, and Assigned Counsel)
- 428-19 Appropriate Additional Federal Aid (Social Services)
- 429-19 Appropriate Additional Revenue (Highway)
- 430-19 Resolution Concerning Delinquent Tax Lien
- 431-19 Authorize Chairman To Sign New York State Department Of Transportation Mass Transportation Capital Project Agreement #C004145 For Bus Route Signage
- 432-19 Approve Mortgage Tax Apportionment

- Dr. Dennis 433-19 Authorizing The Yates County Information Technology Director To Accept One Laptop On Behalf Of Yates County To Aid In The Battle Against The Opioid Epidemic
- 434-19 Authorize Chairman To Sign Agreement With General Code
- 435-19 Authorize Chairman To Sign Agreement With Image Data
- 436-19 Resolution Calling For An Increase In The Share Of Revenue Counties Retain For Providing State DMV Services
- 437-19 Appoint Republican Election Commissioner (Schwartz)
- 438-19 Adopt Controlled Substances And Alcohol Testing Policy
- 439-19 Calling On The State Of New York To Fully Reimburse Counties For District Attorney Salary Increases That Are Set And Controlled By The State
- 440-19 Authorize Building Maintenance Supervisor To Fill Building Maintenance Mechanic Position
- 441-19 Authorize Commissioner Of DSS To Fill Position (Social Welfare Examiner)
- 442-19 Grant Unpaid Leave Of Absence (Rouin)
- 443-19 Resolution Urging Governor Andrew W. Cuomo And The State Legislature To Continue The Funding Commitment For All Costs Associated With Early Voting Reforms Implemented At The County Level
- 444-19 Amend Resolution 87-19 (Non-Union Salary Schedule)
- 445-19 Amend Resolution 42-19 (2019 Hourly Wage Schedule)

EXECUTIVE SESSION – IF NEEDED

RESOLUTION FOR ALLOCATING UNRESTRICTED RESOURCES TO LOCAL HEALTH DEPARTMENTS TO FORTIFY PROVISION OF CORE PUBLIC HEALTH SERVICES AND PREPARE FOR IMPLEMENTATION OF EXPANDED PUBLIC HEALTH MANDATES

WHEREAS, local health departments are New York State's partners and operational extensions, working in the forefront of communities, addressing public health issues and serving as the first line of defense against all public health crises by protecting communities and residents; and

WHEREAS, activities led by the 58 local health departments are paramount to our collective ability to achieve Prevention Agenda goals, address health disparities, improve health outcomes and ensure community safety and stability; and

WHEREAS, Directors and Commissioners of public health are health strategists within their respective Counties, with the unparalleled expertise needed to apply knowledge, bridge competency gaps, lead multi-sector health improvements and identify vulnerable populations; and

WHEREAS, un- and under-funded public health mandates continue to emerge routinely, including: expansion of responsibilities for children's camps, Zika virus/mosquito surveillance, monitoring of contaminants in drinking water, technical assistance to schools to address lead in school drinking water, registration of cooling towers and most recently, lowering of the elevated blood lead level in children (EBLL); and

WHEREAS, the state aid share for core public health services has not kept up with growing public health needs, nor has it supported the implementation of new and expanded state mandates and has not received an increase in core public health aid in more than six years, nor have they received adequate compensation needed to respond to emerging health issues; and

WHEREAS, during the 2019-2020 State Budget Session, the definition of elevated blood lead level (EBLL) was lowered in statute to 5 µg/dL, a protective public health policy of which will result in a six fold increase in children requiring public health interventions and the state's investment of \$9.4 million for local health department services leaves approximately \$36.6 million – or 80% of – of the costs to be paid by local governments; and

WHEREAS, New York State is considering policy to legalize regulated cannabis, which if passed, will lead to increased response including education, surveillance, public awareness, and oversight by local health departments; and

WHEREAS, the public health workforce employed within local health departments are first responders, working at the forefront of communities during times of need and when emerging health issues occur; and

WHEREAS, State Budget appropriations for public health spending has been reduced year after year and new funding streams for emergency response activities are frequently accompanied with stringent federal spending or supplanting restrictions which impacts how funds can be utilized and reduces flexibility to respond to local community needs; and

WHEREAS, the public health workforce is central to New York State's public health infrastructure, yet is dwindling due to public-sector budget restraints, competition, a surplus of workers who are approaching retirement, and the inability to recruit new workers in all areas throughout the state—all of these

factors culminate in significant workforce retention challenges; and

WHEREAS, New York State does not allow local health departments to recover any of their necessary or fringe expenses for local health department personnel under Article 6, therefore creating a barrier to hiring new staff; and

WHEREAS, a thorough assessment of the full fiscal implications of any new policy is crucial if the state desires to maintain the promise made to local taxpayers through the 2% state property tax cap, and if the state wishes to deliver on new public health promises that they want to implement through state statute and regulations; and

WHEREAS, now is the time for a call to action to evaluate and allocate the resources that are truly needed to expand public health and safety infrastructure in New York State, further demonstrating the State’s commitment to pass progressive public health policy and thereby protect the residents of New York State.

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature calls on the Governor and State Legislature to provide resources, flexibility and support to local health departments within County and NYC Governments by:

- Allocating \$46M of unrestricted, flexible funding to local health departments so they have the resources needed to protect children with elevated blood lead levels;
- Restoring Article 6 reimbursement to New York City, which was reduced from 36% to 20% in the 2019-2020 State Budget;
- Providing 100% reimbursement for the first full year of any new and/or significantly expanded public health mandates emerging from law, rule or regulation, including any programming related to lead safe housing/primary lead prevention;
- Fully restore the Cost of Living Adjustment (COLA) for Department of Health programs, which was removed in the 2018-2019 State Budget;
- Allow reimbursement of fringe expenses under Article 6 State Aid Appropriation; and be it further

RESOLVED, that copies of this resolution be sent to Governor Andrew M. Cuomo, Senate Majority Leader Andrea Stewart-Cousins, Senate Minority Leader John J. Flanagan, Assembly Speaker Carl E. Heastie, Assembly Majority Leader Crystal D. Peoples-Stokes, Assembly Minority Leader Brian M. Kolb, Senator Thomas F. O’Mara, Assemblyman Philip A. Palmesano, the New York State Association of Counties (NYSAC) and all others deemed necessary and proper.

Res. No. 411-19
Motioned By: Bronson

Date: November 12, 2019
Seconded By: _____

AUTHORIZE CHAIRMAN TO SIGN SERVICES AGREEMENT FOR COLLABORATIVE RESEARCH (COLUMBIA UNIVERSITY)

WHEREAS, Yates County Community Services has received notice that Columbia University plans to fund the County with \$191,300 annually for the period October 1, 2019 through March 31, 2023 for participation in the HEALing Communities Study; and

WHEREAS, funding for the initial term October 1, 2019 through March 31, 2020 is \$95,650.00;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairman of the Legislature is hereby authorized to enter into an agreement with Columbia University; and be it further

RESOLVED, that copies of this resolution be provided to the Community Services Department and the County Treasurer.

Res. No. 412-19
Motioned By: Bronson

Date: November 12, 2019
Seconded By: _____

AUTHORIZE AGREEMENT WITH ONTARIO COUNTY

WHEREAS, Yates County periodically has the need to place youth into non-secure detention; and

WHEREAS, Ontario County has a non-secure detention, and requires a signed contract be in effect in order to utilize that detention;

NOW, THEREFORE, BE IT RESOLVED, that after review by the County Attorney, the Social Services Commissioner and the Chairman are hereby authorized to sign an agreement with Ontario County at an amount to be determined by New York State for a one-year period commencing January 1, 2020; and be it further

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

Res. No. 413-19
Motioned By: Bronson

Date: November 12, 2019
Seconded By: _____

WORKFORCE DEVELOPMENT BUDGET TRANSFER

BE IT RESOLVED, that the following transfers be made in the Yates County Workforce Development account:

FROM:	CD6294 4A	TANF SYEP Operating	\$ 1751.22
TO:	CD6294.1A	TANF SYEP Staff Wage	\$ 1486.94
	CD6294.8A	TANF SYEP Staff Fringe	\$ 264.28
FROM:	CD6292.1G	DSS Staff Wage	\$ 32.74
TO:	CD6292.4G	DSS Operating	\$ 32.74

And be it further

RESOLVED, that copies of this resolution be provided to the DSS Commissioner and the Treasurer.

Res. No. 414-19
Motioned By: Bronson

Date: November 12, 2019
Seconded By: _____

AUTHORIZE THE OPTING-OUT OF THE NEGOTIATION CLASS CERTIFIED BY THE UNITED STATES DISTRICT COURT IN THE NORTHERN DISTRICT OF OHIO IN THE CIVIL ACTION ENTITLED IN RE NATIONAL PRESCRIPTION OPIATE LITIGATION, MDL 2804

WHEREAS, the County of Yates (hereinafter referred to as “County”) has commenced a civil action in Yates County Supreme Court against various manufacturers and distributors of prescription opiates for damages to the County arising out of the fraudulent and negligent marketing and distribution of opiates in and to the County, and said action having been subsequently coordinated, pursuant to court order, in the Suffolk County Supreme Court before a coordinating justice of that county (hereinafter referred to as the “Litigation”); and

WHEREAS, the County’s attorney in the Litigation is the law firm of Napoli Shkolnik, PLLC (hereinafter referred to as “Napoli Shkolnik”); and

WHEREAS, in a separate proceeding, the United States District Court in the Northern District of Ohio has certified a negotiation class in the following civil action: In Re National Prescription Opiate Litigation, MDL 2804, (hereinafter referred to as the “Negotiation Class”), which includes all counties as part of such class membership, and thereby the County would be a member of such Negotiation Class; and

WHEREAS, opting-out of the Negotiation Class is permitted, by way of the execution of a form entitled “Exclusion Request Form” and filing the same by November 22, 2019, whereby the entity opting-out would be excluding itself from the Negotiation Class (hereinafter referred to as the “Opting-Out Form”); and

WHEREAS, the County wishes to opt-out of the Negotiation Class; and

WHEREAS, Napoli Shkolnik has indicated that if a decision to opt-out is made that it would take care of the filing of the Opting-Out Form as well as any follow up needed;

NOW, THEREFORE, BE IT RESOLVED, that the County wishes to opt-out of the Negotiation Class; and be it further

RESOLVED, that to this end, the Chairman of the County Legislature is hereby authorized to prepare and execute the Opting-Out Form, as well as any necessary follow up documentation related thereto; and be it further

RESOLVED, that such fully executed Opting-Out Form and any necessary follow up documentation related thereto may be filed with the appropriate receiving entity either directly or by way of submitting the same to Napoli Shkolnik for it to so file; and be it further

RESOLVED, that copies of this resolution be given to the County Administrator, County Attorney, Napoli Shkolnik PLLC and any other person/entity deemed necessary.

Res. No. 415-19
Motioned By: Church

Date: November 12, 2019
Seconded By: _____

**AUTHORIZE CHAIRMAN TO RENEW AN AGREEMENT WITH EMERSON NETWORK
POWER**

WHEREAS, the annual preventative maintenance for the Uninterrupted Power Supply systems in the Public Safety Building is due; and

WHEREAS, the Sheriff has received a proposal from Emerson Network Power for \$10,862.77 for a 3 year agreement (2020-2022); and

WHEREAS, Emerson Network Power is certified by the manufacturer, Liebert Power Products, as a sole source service provider for this region;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature be and hereby is authorized to sign the agreement with Emerson Network Power to perform the annual preventative maintenance on the Uninterrupted Power Supply systems in the Public Safety Building for the sum of \$10,862.77 for 3 years January 1, 2020 – December 31, 2022 for an amount of \$3,620.92 in 2020 and 2021, then \$3,620.93 in 2022; and be it further

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

Res. No. 416-19

Date: November 12, 2019

Motioned By: Banach

Seconded By: _____

RESOLUTION URGING RENEWED FUNDING FOR ELECTRONIC WASTE COLLECTION

WHEREAS, the New York State Electronic Equipment Recycling and Reuse Act (Act) was adopted by the State in 2010 to assist local governments with managing the fast-growing electronics waste stream by requiring electronics manufacturers to fund a recycling infrastructure and relieve municipalities from the recycling and end-of-life management costs; and

WHEREAS, the Act has succeeded in significantly increasing electronics recovery and recycling in the state, but the collection infrastructure is unstable and local governments and other collectors are faced with mounting fees in the absence of consistent manufacturer funding and limited markets for cathode ray tubes (CRTs); and

WHEREAS, while the Act intended to place the burden of electronics recycling on the manufacturers of electronic devices, the Act failed to stipulate adequate education requirements to inform the public of the process by which they could recycle their electronics with the manufacturers; and

WHEREAS, the Act created a ban on disposal of electronic waste in landfills, effective January 2015, which resulted in a growing number of waste stream planning units throughout New York's counties bearing more of the fiscal responsibility for continued e-scrap collection in their communities; and

WHEREAS, the Act requires, and the state relies on, electronics manufacturers to fund e-scrap recycling programs that are effective, continuous and reasonably convenient to all consumers across the state; and

WHEREAS, once manufacturers have met their performance standard (goal), which, in many cases, is midway through the year, they no longer provide financial support to continue their collection programs, thus shifting management costs to cash-strapped local governments; and

WHEREAS, while the NYS Department of Environmental Conservation (DEC) indicates there are no longer performance goals, some manufacturers continue to dodge their legal responsibility to accept electronic waste; and

WHEREAS, the issue is exacerbated by the fact that electronics sold today weigh much less than the obsolete CRT devices that make up approximately 70% of the weight of e-scrap generated, which are cost intensive to responsibly manage; and

WHEREAS, this has resulted in many local governments across the state having grappled with

the burden to fund or cease e-scrap collection, which has been particularly difficult in rural communities that do not benefit from retail collectors or economies of scale; and

WHEREAS, the Fiscal Year 2016-17 appropriation for the Environmental Protection Fund provided much needed assistance to municipalities by making \$3 million available to reimburse up to 50% of expenses incurred for the collection/recycling of e-waste; and

WHEREAS, as of 2019, the FY 2016-17 appropriation for Electronic Waste Assistance Grants has been depleted with no plan for renewal; and

WHEREAS, continued funding for e-waste recycling is necessary to mitigate the financial pressures local governments face in collecting and properly managing e-waste.

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature calls on state lawmakers to help alleviate the financial and administrative burden on municipalities who are dealing with these electronics by appropriating \$3 million in the FY 2020-21 State Budget for continued reimbursement of expenses incurred collecting and recycling e-waste; and be it further

RESOLVED, that local governments approved for less than 50% reimbursement in 2019 due to the depleted FY 2016-17 appropriation be made whole; and be it further

RESOLVED, that copies of this resolution be sent to Governor Andrew M. Cuomo, Senate Majority Leader Andrea Stewart-Cousins, Senate Minority Leader John J. Flanagan, Assembly Speaker Carl E. Heastie, Assembly Majority Leader Crystal D. Peoples-Stokes, Assembly Minority Leader Brian M. Kolb, Senator Thomas F. O'Mara, Assemblyman Philip A. Palmesano, the New York State Association of Counties (NYSAC) and all others deemed necessary and proper.

Res. No. 417-19

Motioned By: Banach

Date: November 12, 2019

Seconded By: _____

RESOLUTION REQUESTING RELIEF AMID AN ONGOING RECYCLING CRISIS

WHEREAS, China's "National Sword" policy, which bans the import of mixed paper and plastics and imposes a low 0.5% contamination standard on recycled materials, has deflated corresponding commodity markets and recycled materials by as much as 90%; and

WHEREAS, additional commodity price stresses have been generated by the closure of the largest glass bottle manufacturer in the Northeast; and

WHEREAS, the commodity market for plastics declined by 45% between May and August of 2019; and

WHEREAS, localities handling recycled materials are finding it difficult and no longer profitable to dispose of such materials in domestic or secondary markets to the point where municipal tip fees for

regular solid waste no longer cover the cost of recycling; and

WHEREAS, the world-wide commodity situation for recycled materials is unlikely to improve in the short term; and

WHEREAS, by effectively declining to prioritize a substantive and effective solution, or set of solutions, to combat the recycling crisis, New York State has missed an opportunity to provide needed leadership on this issue and continues to enforce an outdated set of regulations that overburden localities; and

WHEREAS, New York State has not directed the significant state resources needed to collaborate on effective solutions to the crisis and provide relief to the aggrieved municipalities of the state; and

WHEREAS, no substantive or significant changes to recycling laws and administrative interpretations have been made to provide any relief related to the numerous regulations on solid waste recycling, temporary or otherwise; and

WHEREAS, counties have requested additional support from New York State to avoid turning to less environmentally friendly solutions that may result in tragic environmental effects on public and private lands alike.

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature calls on the Governor and State Legislature to take a leadership role in providing relief to municipalities from the crisis in the recycling markets, which is currently adding substantial costs to the processing and disposal of such materials; and be it further

RESOLVED, that New York State either relieve mandates relating to recycling or provide municipalities other options to solve the crisis on their own; and be it further

RESOLVED, that copies of this resolution be sent to Governor Andrew M. Cuomo, Senate Majority Leader Andrea Stewart-Cousins, Senate Minority Leader John J. Flanagan, Assembly Speaker Carl E. Heastie, Assembly Majority Leader Crystal D. Peoples-Stokes, Assembly Minority Leader Brian M. Kolb, Senator Thomas F. O'Mara, Assemblyman Philip A. Palmesano, the New York State Association of Counties (NYSAC) and all others deemed necessary and proper.

Res. No. 418-19
Motioned By: Banach

Date: November 12, 2019
Seconded By: _____

**AUTHORIZE CHAIRMAN TO SIGN AGREEMENT WITH
ROCHESTER MUSEUM & SCIENCE CENTER**

WHEREAS, several artifacts were found during the building project for the new Courthouse and County Office Building; and

WHEREAS, said artifacts were loaned to Yates County for display in said buildings; and

WHEREAS, said loan agreement expired September 1, 2019;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman is hereby authorized to sign a renewal loan agreement to expire on September 1, 2020; and be it further

RESOLVED, that a copy of this resolution be given to the Acting County Administrator, Building Maintenance Supervisor, and the County Historian.

Res. No. 419-19
Motioned By: Banach

Date: November 12, 2019
Seconded By: _____

AUTHORIZE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR ACCESS TO AND PRELIMINARY INVESTIGATION ACTIVITIES AT THE FORMER POTTER LANDFILL

WHEREAS, Yates County (hereinafter referred to as the “County”) is the owner of lands located at 4716 Hagerty Road in the Town of Potter, County of Yates, State of New York, bearing tax map parcel number 24.03-1-2.1, consisting of 50 acres of land, more or less, and being the former Potter landfill (hereinafter referred to as the “Site”); and

WHEREAS, the New York State Department of Environmental Conservation (hereinafter referred to as the “DEC”) wishes to access the Site to conduct preliminary investigation activities thereon, including drilling groundwater wells, sampling groundwater, collecting soil samples, collecting surface water samples, operating work area(s), documenting site conditions, taking photographs and confirming GPS coordinates, as well as all other contractually permitted activities (hereinafter collectively referred to as the “Preliminary Investigation Activities”); and

WHEREAS, to this end, a DEC proposed Agreement for Access and Preliminary Investigation Activities between the County and DEC, allowing such access to the Site and permitting such Preliminary Investigation Activities thereon, has been duly submitted and presented to the Yates County Legislature at its applicable committee meeting, as well as at the meeting of the Yates County Legislature held this 12th day of November, 2019;

NOW, THEREFORE, BE IT RESOLVED, that the County is authorized to enter into an Agreement for Access and Preliminary Investigation Activities between the County and DEC, allowing the DEC access to the Site and permission to conduct Preliminary Investigation Activities at the Site; and be it further

RESOLVED, that to this end, the form and substance of the aforementioned proposed Agreement for Access and Preliminary Investigation Activities between the County and DEC submitted and presented to the Yates County Legislature at its applicable committee meeting, as well as at the meeting of the Yates County Legislature held this 12th day of November, 2019 is hereby approved and the Chairman of the Legislature is hereby authorized on behalf of the County to sign said Agreement for Access and Preliminary Investigation Activities; and be it further

RESOLVED, that copies of this resolution be given to the County Administrator, County Planner, County Attorney and New York State Department of Environmental Conservation.

Res. No. 420-19
Motioned By: Banach

Date: November 12, 2019
Seconded By: _____

AWARD BID FOR WILLIAMS STREET OVER THE WEST RIVER BRIDGE REPLACEMENT
(BIN NO: 3219300)

WHEREAS, resolution number 110-18 authorized participation in a Locally Administered Federal Aid eligible bridge replacement project known as Williams Street over West River (PIN 6755.14); and

WHEREAS, bids were received on October 25, 2019 and eight firms submitted bids as tabulated below

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>	<u>CORRECTED BID AMOUNT</u>
Economy Paving Co. Inc.	\$ 968,698.90	N/A
L.C. Whitford	\$ 1,033,774.47	N/A
Twin Tiers Constructors	\$ 1,063,490.60	N/A

Slate Hill Constructors	\$ 1,063,566.35	N/A
Silverline Construction Inc.	\$ 1,100,598.00	N/A
Ramsey Constructors	\$ 1,239,252.17	N/A
C.P Ward Inc.	\$ 1,273,505.01	\$ 1,273,508.40
Wind-Sun Construction	\$ 1,299,537.00	\$ 1,248,937.00

And

WHEREAS, the engineering firm of Hunt Engineers, Architects, Land Surveyors & Landscape Architect DPC has reviewed the bids and recommends that the bid be awarded to Economy Paving Company, Inc. of Cortland, New York for a total bid price of \$968,698.90;

NOW, THEREFORE, BE IT RESOLVED, to award the bid to Economy Paving Company Inc. for the total bid price of \$968,698.90, contingent upon the NYSDOT approval of the bid package; and be it further

RESOLVED, that copies of this resolution be forwarded to the Acting County Administrator, Yates County Treasurer, Yates County Highway Superintendent, New York State Department of Transportation, Hunt Engineers, and all bidders.

Res. No. 421-19

Date: November 12, 2019

Motioned By: Banach

Seconded By: _____

AUTHORIZE CHAIRMAN TO SIGN AN INTERMUNICIPAL AGREEMENT WITH THE TOWN OF JERUSALEM CONCERNING PARKING SIGNS ON ASSEMBLY AND CENTRAL AVENUES

WHEREAS, Assembly and Central Avenues are Yates County (hereinafter referred to as the “County”) roads; and

WHEREAS, it is anticipated that the Town of Jerusalem (hereinafter referred to as the “Town”) will pass a local law instituting parking restrictions on the said roads in order to address parking issues that have occurred in the area of the U. S. Post Office in Keuka Park and adjacent areas; and

WHEREAS, in order to enforce the anticipated parking restrictions it is necessary to install signage that delineates the involved area; and

WHEREAS, the County has the necessary equipment and personnel to install the required signage;

NOW, THEREFORE, BE IT RESOLVED that, upon the passage of a local law by the Town regarding parking on Assembly and Central Avenues and approval by the County Highway Superintendent and County Attorney, the chairman is hereby authorized to execute an intermunicipal agreement between the County and the Town regarding installation and subsequent maintenance of the aforementioned signage; and be it further

RESOLVED, that copies of this resolution be sent to the Acting County Administrator, Town of Jerusalem and the County and Town Highway Superintendents.

Res. No. 422-19
Motioned By: Banach

Date: November 12, 2019
Seconded By: _____

SET DATE FOR PUBLIC HEARING ON PROPOSED LOCAL LAW 3-19 ENTITLED A LOCAL LAW TO ESTABLISH A SUSTAINABLE ENERGY LOAN PROGRAM (OPEN C-PACE) IN THE COUNTY OF YATES

RESOLVED, that the Clerk of the Yates County Legislature is directed to advertise a public hearing on proposed local law 3-19 entitle A Local Law To Establish A Sustainable Energy Loan Program (OPEN – C-PACE) In The County Of Yates; and be it further

RESOLVED, said public hearing shall be held December 9, 2019 at 1:05 p.m. in the Yates County Legislative Chambers, 417 Liberty Street, Penn Yan, NY.

NEW YORK STATE DEPARTMENT OF STATE

Local Law Filing _____ **162 WASHINGTON AVENUE, ALBANY, NY 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 LAW3-19 ENTITLED: A LOCAL LAW TO ESTABLISH A SUSTAINABLE ENERGY LOAN PROGRAM (OPEN C-PACE) IN THE COUNTY OF YATES

Be it enacted by the Legislature of the

County
City of Yates_ as follows:
Town
Village

Section 1. This local law shall be known as the “Energize NY Open C-PACE Financing Program” and shall read as follows:

ARTICLE I

§1. Legislative findings, intent and purpose, authority

A. It is the policy of both the Municipality and the State of New York (the “State”) to achieve energy efficiency and renewable energy improvements, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The Municipality finds that it can fulfill this policy by providing property assessed clean energy financing to Qualified Property Owners (as defined below) for the installation of renewable energy systems and energy efficiency measures. This local law establishes a program that will allow the Energy Improvement Corporation (as defined below, “EIC”), a local development corporation, acting on behalf of the Municipality pursuant to the municipal agreement (the “Municipal Agreement”) to be entered into between the Municipality and EIC, to make funds available to Qualified Property Owners that will be repaid through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this local law and accomplishing an important public purpose. This local law provides a method of

implementing the public policies expressed by, and exercising the authority provided by, Article 5-L of the General Municipal Law (as defined below, the “Enabling Act”).

- B. The Municipality is authorized to execute, deliver and perform the Municipal Agreement and otherwise to implement this Energize NY Open C-PACE Financing Program pursuant to the Constitution and laws of New York, including particularly Article IX of the Constitution, Section 10 of the Municipal Home Rule Law, the Enabling Act and this local law.
- C. This local law, which is adopted pursuant to Section 10 of the Municipal Home Rule Law and the Enabling Act shall be known and may be cited as the “Energize NY Open C-PACE Local Law”.

§2. Definitions

- A. Capitalized terms used but not defined herein have the meanings assigned in the Enabling Act.
- B. For purposes of this local law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

Annual Installment Amount – shall have the meaning assigned in Section 8, paragraph B.

Annual Installment Lien – shall have the meaning assigned in Section 8 paragraph B.

Authority – the New York State Energy Research and Development Authority.

Benefit Assessment Lien – shall have the meaning assigned in Section 3, paragraph A.

Benefited Property – Qualified Property for which the Qualified Property Owner has entered into a Finance Agreement for a Qualified Project.

Benefited Property Owner – the owner of record of a Benefited Property.

EIC – the Energy Improvement Corporation, a local development corporation, duly organized under section 1411 of the Not-For-Profit Corporation Law of the State, authorized hereby on behalf of the Municipality to implement the Program by providing funds to Qualified Property Owners and providing for repayment of such funds from money collected by or on behalf of the Municipality as a charge to be levied on the real property.

Eligible Costs – costs incurred by the Benefited Property Owner in connection with a Qualified Project and the related Finance Agreement, including application fees, EIC’s Program administration fee, closing costs and fees, title and appraisal fees, professionals’ fees, permits, fees for design and drawings and any other related fees, expenses and costs, in each case as approved by EIC and the Financing Party under the Finance Agreement.

Enabling Act – Article 5-L of the General Municipal Law of the State, or a successor law, as in effect from time to time.

Finance Agreement – the finance agreement described in Section 6A of this local law.

Financing Charges – all charges, fees and expenses related to the loan under the Finance Agreement including accrued interest, capitalized interest, prepayment premiums, and penalties as a result of a default or late payment and costs and reasonable attorneys’ fees incurred by the Financing Party as a result of a foreclosure or other legal proceeding brought against the Benefited Property to enforce any delinquent Annual Installment Liens.

Financing Parties – Third party capital providers approved by EIC to provide financing to Qualified Property Owners or other financial support to the Program which have entered into separate agreements with EIC to administer the Program in the Municipality.

Municipality – the County of Yates, a municipality of the State constituting a tax district as defined in Section 1102 of the RPTL of the State.

Municipal Lien – a lien on Qualified Property which secures the obligation to pay real property taxes, municipal charges, or governmentally imposed assessments in respect of services or benefits to a Qualified Property.

Non-Municipal Lien – a lien on Qualified Property which secures any obligation other than the obligation to pay real property taxes, municipal charges, or governmentally-imposed assessments in respect of services or benefits to a Qualified Property Owner or Qualified Property.

Program – the Energize NY Open C-PACE Financing Program authorized hereby.

Qualified Project – the acquisition, construction, reconstruction or equipping of Energy Efficiency Improvements or Renewable Energy Systems or other projects authorized under the Enabling Act on a Qualified Property, together with a related Energy Audit, Renewable Energy System Feasibility Study and/or other requirements under or pursuant to the Enabling Act, with funds provided in whole or in part by Financing Parties under the Program to achieve the purposes of the Enabling Act.

Qualified Property – Any real property other than a residential building containing less than three dwelling units, which is within the boundaries of the Municipality that has been determined to be eligible to participate in the Program under the procedures for eligibility set forth under this local law and the Enabling Act and has become the site of a Qualified Project.

Qualified Property Owner – the owner of record of Qualified Property which has been determined by EIC to meet the requirements for participation in the Program as an owner, and any transferee owner of such Qualified Property.

RPTL – the Real Property Tax Law of the State, as amended from time to time.

Secured Amount – as of any date, the aggregate amount of principal loaned to the Qualified Property Owner for a Qualified Project, together with Eligible Costs and Financing Charges, as provided herein or in the Finance Agreement, as reduced pursuant to Section 8, paragraph C.

State – the State of New York.

§3. Establishment of an Energize NY Open C-PACE Financing Program

- A. An Energize NY Open C-PACE Financing Program is hereby established by the Municipality, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may arrange for the provision of funds by Financing Parties to Qualified Property Owners in accordance with the Enabling Act and the procedures set forth under this local law, to finance the acquisition, construction, reconstruction, and installation of Qualified Projects and Eligible Costs and Financing Charges approved by EIC and by the Financing Party under the Finance Agreement. EIC, on behalf of the Municipality, and with the consent of the Benefited Property Owner, will record a Benefit Assessment Lien on the Benefited Property in the Secured Amount (the “Benefit Assessment Lien”) on the land records for the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality.
- B. Before a Qualified Property Owner and a Financing Party enter into a Finance Agreement which results in a loan to finance a Qualified Project, repayment of which is secured by a Benefit Assessment Lien, a written consent from each existing mortgage holder of the Qualified Property shall be obtained, permitting the Benefit Assessment Lien and each Annual Installment Lien to take priority over all existing mortgages.

§4. Procedures for eligibility

- A. Any property owner in the Municipality may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the Municipality's offices.
- B. Every application submitted by a property owner shall be reviewed by EIC, acting on behalf of the Municipality, which shall make a positive or negative determination on such application based upon the criteria enumerated in the Enabling Act and § 0 of this local law. EIC may also request further information from the property owner where necessary to aid in its determination.
- C. If a positive determination on an application is made by EIC, acting on behalf of the Municipality, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Program in accordance with § 0 of this local law.

§5. Application criteria

Upon the submission of an application, EIC, acting on behalf of the Municipality, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

- A. The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;
- B. The amount financed under the Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property as determined by EIC;
- C. Sufficient funds are available from Financing Parties to provide financing to the property owner;
- D. The property owner is current in payments on any existing mortgage on the Qualified Property;
- E. The property owner is current in payments on any real property taxes on the Qualified Property; and
- F. Such additional criteria, not inconsistent with the criteria set forth above, as the State, the Municipality, or EIC acting on its behalf, or other Financing Parties may set from time to time.

§6. Energize NY Finance Agreement

- A. A Qualified Property Owner may participate in the Program through the execution of a finance agreement made by and between the Qualified Property Owner and a Financing Party, to which EIC, on behalf of the Municipality, shall be a third-party beneficiary (the "Finance Agreement"). Upon execution and delivery of the Finance Agreement, the property that is the subject of the Finance Agreement shall be deemed a "Benefited Property").
- B. Upon execution and delivery of the Finance Agreement, the Benefited Property Owner shall be eligible to receive funds from the Financing Party for the acquisition, construction, and installation of a Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, provided the requirements of the Enabling Act, the Municipal Agreement and this local law have been met.
- C. The Finance Agreement shall include the terms and conditions of repayment of the Secured Amount and the Annual Installment Amounts.
- D. EIC may charge fees to offset the costs of administering the Program and such fees, if not paid by the Financing Party, shall be added to the Secured Amount.

§7. Terms and conditions of repayment

The Finance Agreement shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds loaned to the Benefited Property Owner for the Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, shall be specially assessed against the Benefited Property and will be evidenced by a Benefit Assessment Lien recorded against the Benefited Property on the land records on which liens are recorded for properties within the Municipality. The special benefit assessment shall constitute a “charge” within the meaning of the Enabling Act and shall be collected in annual installments in the amounts certified by the Financing Party in a schedule provided at closing and made part of the Benefit Assessment Lien. Said amount shall be annually levied, billed and collected by EIC, on behalf of the Municipality, and shall be paid to the Financing Party as provided in the Finance Agreement.
- B. The term of such repayment shall be determined at the time the Finance Agreement is executed by the Benefited Property Owner and the Financing Party, not to exceed the weighted average of the useful life of the systems and improvements as determined by EIC, acting on behalf of the Municipality.
- C. The rate of interest for the Secured Amount shall be fixed by the Financing Party in conjunction with EIC, acting on behalf of the Municipality, as provided in the Finance Agreement.

§8. Levy of Annual Installment Amount and Creation of Annual Installment Lien

- A. Upon the making of the loan pursuant to the Finance Agreement, the Secured Amount shall become a special Benefit Assessment Lien on the Benefited Property in favor of the Municipality. The amount of the Benefit Assessment Lien shall be the Secured Amount. Evidence of the Benefit Assessment Lien shall be recorded by EIC, on behalf of the Municipality, in the land records for properties in the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. The Benefit Assessment Lien shall not be foreclosed upon by or otherwise enforced by the Municipality.
- B. The Finance Agreement shall provide for the repayment of the Secured Amount in installments made at least annually, as provided in a schedule attached to the Benefit Assessment Lien (the “Annual Installment Amount”). The Annual Installment Amount shall be levied by EIC, on behalf of the Municipality, on the Benefited Property in the same manner as levies for municipal charges, shall become a lien on the Benefited Property as of the first day of January of the fiscal year for which levied (the “Annual Installment Lien”) and shall remain a lien until paid. The creation or any recording of the Annual Installment Lien shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. Payment to the Financing Party shall be considered payment for this purpose. Such payment shall partly or wholly discharge the Annual Installment Lien. Delinquent Annual Installment Amounts may accrue Financing Charges as may be provided in the Finance Agreement. Any additional Financing Charges imposed by the Financing Party pursuant to the Finance Agreement shall increase the Annual Installment Amount and the Annual Installment Lien for the year in which such overdue payments were first due.
- C. The Benefit Assessment Lien shall be reduced annually by the amount of each Annual Installment Lien when each Annual Installment Lien becomes a lien. Each Annual Installment Lien shall be subordinate to all Municipal Liens, whether created by Section 902 of the RPTL or by any other State or local law. No portion of a Secured Amount shall be recovered by the Municipality, EIC, or an assignee upon foreclosure, sale or other disposition of the Benefited Property unless and until all Municipal Liens are fully discharged. Each Annual Installment Lien, however, shall have priority over all Non-Municipal Liens, irrespective of when created, except as otherwise required by law.

D. Neither the Benefit Assessment Lien nor any Annual Installment Lien shall be extinguished or accelerated in the event of a default or bankruptcy of the Benefited Property Owner. Each Annual Installment Amount shall be considered a charge upon the Benefited Property and shall be collected by EIC, on behalf of the Municipality, at the same time and in the same manner as real property taxes or municipal charges. Each Annual Installment Lien shall remain a lien until paid. Amounts collected in respect of an Annual Installment Lien shall be remitted to EIC, on behalf of the Municipality, or the Financing Party, as may be provided in the Finance Agreement.

E. EIC shall act as the Municipality's agent in collection of the Annual Installment Amounts. If any Benefited Property Owner fails to pay an Annual Installment Amount, the Financing Party may redeem the Benefited Property by paying the amount of all unpaid Municipal Liens thereon, and thereafter shall have the right to collect any amounts in respect of an Annual Installment Lien by foreclosure or any other remedy available at law. Any foreclosure shall not affect any subsequent Annual Installment Liens.

F. EIC, on behalf of the Municipality, may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens to Financing Parties that provide financing to Qualified Properties pursuant to Finance Agreements. The Financing Parties may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens received from EIC, on behalf of the Municipality, subject to certain conditions provided in the administration agreement between EIC and the Financing Party. The assignee or assignees of such Benefit Assessment Liens and Annual Installment Liens shall have and possess the same powers and rights at law or in equity as the Municipality would have had if the Benefit Assessment Lien and the Annual Installment Liens had not been assigned with regard to the precedence and priority of such lien, the accrual of interest and the fees and expenses of collection.

§9. Verification and report

EIC, on behalf of the Municipality, shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Program in such form and manner as the Authority may establish.

§10. Separability. If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof involved in the controversy in which such judgment shall have been rendered.

This local law shall take effect upon filing with the Secretary of State.

Res. No. 423-19

Date: November 12, 2019

Motioned By: Banach

Seconded By: _____

AUTHORIZE CHAIRMAN TO SIGN CONTRACT WITH FISHERS LAWN AND TREE SERVICE

WHEREAS, there is a tree in the Courtyard along Court Street that is at the end of its life and needs to be removed for safety reasons; and

WHEREAS, the Building Maintenance Supervisor has received a proposal for this service from Fishers Lawn and Tree Service at \$2,000;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairman of the Legislature is authorized to enter into a contract with Fishers Lawn and Tree Service for the tree and stump removal; and be it further

RESOLVED, that said contract will run from 11/13/19 to 3/31/20 for an amount not to exceed

\$2,000.00; and be it further

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

Res. No. 424-19

Date: November 12, 2019

Motioned By: Holgate

Seconded By: _____

APPROVE RECOMMENDATIONS OF TOURISM ADVISORY COMMITTEE (TAC)

WHEREAS, by Resolution 204-17, a Tourism Funding Procedure was adopted by the Yates County Legislature; and

WHEREAS, a portion of the procedure requires the County's Tourism Promotion Agency (TPA) to recommend to the Yates County Legislature a Tourism Advisory Committee (TAC), the members of which represent various segments of the local tourism industry; and

WHEREAS, by Resolution 117-18, members of the TAC were duly appointed; and

WHEREAS, the total available funding from Occupancy Tax revenue for distribution to various organizations for promotion of tourism in 2020 is \$342,443.00; and

WHEREAS, the TAC has received submissions from fourteen (14) organizations with requests totaling \$385,723.00; and

WHEREAS, the TAC has reviewed the requests and recommends funding as follows:

<u>Organization</u>	<u>Request</u>	<u>TAC Recommendation</u>
Yates County Chamber of Commerce	\$190,000.00	\$190,000.00
Finger Lakes Wine County	\$70,000.00	\$47,800.00
Finger Lakes Tourism Alliance	\$21,860.00	\$22,860.00
Finger Lakes Regional Tourism Council	\$0	\$22,200.00
Arts Center of Yates County	\$5,500.00	\$5,500.00
Keuka College	\$15,000.00	\$15,000.00
Finger Lakes Economic Development	\$5,000.00	\$5,000.00
Keuka Lake Wine Trail	\$15,000.00	\$15,000.00
Windmill Farm & Craft Market	\$4,800.00	\$0
Fox Run Vineyards	\$3,483.00	\$3,483.00
Yates History Center	\$4,000.00	\$2,000.00
Camp Cory	\$3,400.00	\$1,700.00
Keuka Comfort Care Home	\$13,880.00	\$6,900.00
Finger Lakes Museum	\$10,000.00	\$5,000.00
Garces Design	\$23,800.00	\$0
Total:	\$385,723.00	\$342,443.00

NOW, THEREFORE, BE IT RESOLVED, that the recommendations of the TAC are accepted by this Legislature; and be it further

RESOLVED that the total available funds are to be reflected in the 2020 Yates County budget; and be it further

RESOLVED that the Yates County Chamber of Commerce, acting as the designated Yates County Tourism Promotion Agency, invoice Yates County in December 2019 for the funds to be distributed by the Chamber to the various organizations in January 2020; and be it further

RESOLVED, that the Chairman is authorized to execute any documents pertaining to the funding as reflected above; and be it further

RESOLVED that copies of this resolution be sent to the Yates County Chamber of Commerce, the County Treasurer and all members of the Yates County Tourism Advisory Committee.

Res. No. 425-19
Motioned By: Holgate

Date: November 12, 2019
Seconded By: _____

2019 BUDGET TRANSFERS

BE IT RESOLVED, that the following transfers be made in the 2019 budget:

From:	To:	Amount:
A1190.54905 CONT-Contingent	A8160.54413 REF-Leachate Hauling	\$ 3,036.63
A1190.54905 CONT-Contingent	A8160.54521 REF-Trash Removal	\$ 34,013.76
A1430.54501 PERS-Advertising	A1430.51505 PERS-Overtime	\$ 13.46
A1430.54501 PERS-Advertising	A1430.51615 PERS-Exam Monitor	\$ 208.73
A1430.54501 PERS-Advertising	A1430.51961 PERS-35-40 Hours	\$ 306.92
A1430.54501 PERS-Advertising	A1430.54907 PERS-Dues	\$ 14.00
A1625.51162 B&G-Maint Mech	A1625.52516 B&G-Small Equipment	\$ 6,139.00
A1625.51162 B&G-Maint Mech	A1625.54407 B&G-Equip Maint Agrmnt	\$ 2,460.00
A1625.51162 B&G-Maint Mech	A1625.54575 B&G-Soft Main Agrmnt	\$ 1,820.00
A1625.51162 B&G-Maint Mech	A1625.54011 B&G-Consultants	\$ 5,375.00
A6010.51270 DSS-Sr. Acct Clerk	A6010.54027 DSS-Miscellaneous	\$ 5,146.54
D5110.51450 HWY-Regular	D5120.51450 HWY-Regular	\$ 21,404.78
D5110.51520 HWY-Insurance B/O	D5120.51505 HWY-Overtime	\$ 244.54
D5110.54636 HWY-Crack Sealing	D5120.54637-HWY X-Over Patching	\$ 4,003.32
D5110.54636 HWY-Crack Sealing	D5120.54998 HWY-Williams St. Bridge	\$ 798.63
D5110.58100 HWY-FICA	D5120.58100 HWY-FICA	\$ 1,590.80
D5112.54602 HWY-Bit. Materials	D5010.54516 HWY-Printing	\$ 1,324.93

And be it further

RESOLVED, that copies of this resolution be given to the Clerk of the Legislature, the Personnel Director, the Building Maintenance Supervisor, Social Services Commissioner, Highway Superintendent, and County Treasurer/Budget Officer.

Res. No. 426-19
Motioned By: Holgate

Date: November 12, 2019
Seconded By: _____

APPROPRIATE ADDITIONAL REVENUE
(CENTRAL GARAGE)

WHEREAS, Central Garage has received additional revenue over the 2019 budgeted amount along with corresponding expenditures; and

WHEREAS, these additional funds are not part of the 2019 budget;

NOW, THEREFORE, BE IT RESOLVED, that the following accounts be increased by \$ 90.81:

Revenue:
A1640.41277 CNTL GAR-EZ Pass \$ 90.81

Appropriation:
A1640.54664 CNTL GAR-EZ Pass & AAA \$ 90.81

And be it further

RESOLVED, that copies of this resolution be given to the Highway Superintendent and the County Treasurer/Budget Officer.

Res. No. 427-19
Motioned By: Holgate

Date: November 12, 2019
Seconded By: _____

**APPROPRIATE STATE AID
(PUBLIC DEFENDER, CONFLICT DEFENDER, AND ASSIGNED COUNSEL)**

WHEREAS, the departments of the Public Defender, the Conflict Defender, and Assigned Counsel have been authorized to execute the Statewide Expansion of Hurrell-Harring Master Contract grant in the amounts of \$21,553 (Public Defender), \$15,775.27 (Conflict Defender), \$20,000 (Assigned Counsel); and

WHEREAS, these funds are not part of the 2019 budget;

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

Revenue:

A1170.43025 PD-Indigent Legal Services	\$ 21,553.00
A1171.43025 CD-Indigent Legal Services	\$ 15,775.27
A1172.43025 AC-Indigent Legal Services	\$ 20,000.00

Appropriation:

A1170.51640 PD-Public Defender	\$ 9,877.00
A1170.51565 PD-Assistant Public Defender	\$ 4,276.00
A1170.51566 PD-Assistant Public Defender	\$ 4,051.00
A1170.51800 PD-FICA	\$ 3,349.00
A1171.51642 CD-Conflict Defender	\$ 9,196.47
A1171.51646 CD-Conflict Defender, Secretary	\$ 4,292.43
A1171.51800 CD-FICA	\$ 2,286.37
A1172.54003 AC-AC Administrator	\$ 20,000.00

And be it further

RESOLVED, that copies of this resolution be given to the Public Defender, Conflict Defender, the Assigned Counsel Administrator, and the County Treasurer/Budget Officer.

Res. No. 428-19
Motioned By: Holgate

Date: November 12, 2019
Seconded By: _____

**APPROPRIATE ADDITIONAL FEDERAL AID
(SOCIAL SERVICES)**

WHEREAS, the Yates County Department of Social Services has received additional aid for the TANF Summer Youth Employment Program in the amount of \$766.85, and;

WHEREAS, these funds are not part of the 2019 budget;

NOW, THEREFORE, BE IT RESOLVED, that the following accounts be increased by \$ 766.85:

Revenue:
A6010.44610 DSS-Federal SS Admin \$ 766.85

Appropriation:
A6010.54381 DSS-Summer Youth Employment \$ 766.85

And be it further

RESOLVED, that copies of this resolution be given to Social Services Commissioner and the County Treasurer/Budget Officer.

Res. No. 429-19
Motioned By: Holgate

Date: November 12, 2019
Seconded By: _____

**APPROPRIATE ADDITIONAL REVENUE
(HIGHWAY)**

WHEREAS, the Highway Department has received additional revenue over the 2019 budgeted amount along with corresponding expenditures; and

WHEREAS, these additional funds are not part of the 2019 budget;

NOW, THEREFORE, BE IT RESOLVED, that the following accounts be increased by \$ 15,255.90:

Revenue:
DM5130.42655 HWY-Fuel Sales \$ 15,255.90

Appropriation:
DM5130.54653 HWY-Gasoline \$ 15,255.90

And be it further

RESOLVED, that copies of this resolution be given to the Highway Superintendent and the County Treasurer/Budget Officer.

Res. No. 430-19
Motioned By: Holgate

Date: November 12, 2019
Seconded By: _____

RESOLUTION CONCERNING DELINQUENT TAX LIEN

WHEREAS, the following tax parcel is subject to delinquent tax lien for the year 2018:

Town of Torrey, State of New York
Tax Map No. 64.01-1-6.114
Address: City Hill Road
Assessed to: Stephen A. Eskildsen and Frederick G. Eskildsen Etal

WHEREAS, the above referenced parcel is now assessed to the City Hill Cemetery Association and classified as tax exempt by the assessor; and

WHEREAS, upon information and belief, the City Hill Cemetery Association was the apparent owner of said parcel on the date that formed the basis for the aforementioned tax lien that is now delinquent; and

WHEREAS, the County has the power to direct that any interest, penalties and other charges on a delinquent tax lien be cancelled upon determination that it is for the best interests of the tax district to do so; and

WHEREAS, the County has reviewed the totality of the facts and circumstances regarding this matter, and what is in the best interest of the tax district;

NOW, THEREFORE, BE IT RESOLVED, that Yates County hereby authorizes as follows: With regard to the 2018 delinquent tax lien concerning the above referenced tax parcel, if by January 31, 2020 the total tax levied portion of the delinquent tax lien is paid in full, the County hereby directs the County Treasurer to cancel all interest, penalties and other charges attributable to said delinquent tax lien, and as such the payment of the aforementioned total tax levied amount would constitute a redemption of said delinquent tax lien; and be it further

RESOLVED, that copies of this resolution be given to the City Hill Cemetery Association, Stephen A. Eskildsen, Frederick G. Eskildsen Etal, and the County Treasurer/Budget Officer.

Res. No. 431-19
Motioned By: Holgate

Date: November 12, 2019
Seconded By: _____

**AUTHORIZE CHAIRMAN TO SIGN NEW YORK STATE DEPARTMENT OF
TRANSPORTATION MASS TRANSPORTATION CAPITAL PROJECT AGREEMENT #C004145
FOR BUS ROUTE SIGNAGE**

WHEREAS, an Accelerated Transit Capital Grant was awarded to Yates County in support of its efforts to provide affordable public transportation; and

WHEREAS, the Grant provides for certain capital expenditures as allowed under this ATC grant program such as new signage to delineate the bus routes within the County;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairman of the Legislature is authorized to enter into a contract with the New York State Department of Transportation for said grant funding; and be it further

RESOLVED, that said contract will run from 1/1/2017 to 12/31/2022 for an amount of \$4,500 with the local match of \$450 being met by existing in-kind administrative services with no monetary outlay required by the County; and be it further

RESOLVED, that copies of this resolution be provided to the New York State Department of Transportation, Yates Transit Service, ARC of Yates, and the County Planner.

Res. No. 432-19
Motioned By: Holgate

Date: November 12, 2019
Seconded By: _____

APPROVE MORTGAGE TAX APPORTIONMENT

WHEREAS, this Legislature is in receipt of the Mortgage Tax Report showing the amounts to be credited to each tax district of the County, of the money collected during the period April 1, 2019 to September 30, 2019;

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

Total Tax Collected	\$250,524.48
Recording Officer's Expense	\$ 15,363.68
Treasurer's Expense	-0-

Interest Received	\$ 67.26
Adjustments and refunds	-0-
Net amount of Distribution	\$235,228.06

Town	Net After	To Towns	Village	To Village	Total
Barrington	\$18,623.09	\$18,623.09			\$18,623.09
Benton	\$18,237.54	\$17,052.54	Penn Yan	\$1,185.00	\$18,237.54
Italy	\$11,032.99	\$11,032.99			\$11,032.99
Jerusalem	\$59,374.04	\$59,105.37	Penn Yan	\$268.67	\$59,374.04
Middlesex	\$15,283.63	\$15,283.63			\$15,283.63
Milo	\$51,665.28	\$34,767.60	Penn Yan	\$16,897.68	\$51,665.28
Potter	\$7,268.35	\$6,761.21	Rushville	\$507.14	\$7,268.35
Starkey	\$33,894.85	\$28,919.55	Dundee	\$4,975.30	\$33,894.85
Torrey	<u>\$19,848.29</u>	<u>\$19,085.85</u>	Dresden	<u>\$762.44</u>	<u>\$19,848.29</u>
	\$235,228.06	\$210,631.84		\$24,596.22	\$235,228.06

Res. No. 433-19

Date: November 12, 2019

Motioned By: Dennis

Seconded By: _____

AUTHORIZING THE YATES COUNTY INFORMATION TECHNOLOGY DIRECTOR TO ACCEPT ONE LAPTOP ON BEHALF OF YATES COUNTY TO AID IN THE BATTLE AGAINST THE OPIOID EPIDEMIC

WHEREAS, Yates County will continue to vigilantly fight the opioid epidemic to protect our resident's health and wellbeing; and

WHEREAS, one key in this fight is our County Coroners' ability to identify and track opioid related and other violent deaths; and

WHEREAS, providing our County Coroners with tools such as laptops which they can take in the field will assist our county in the opioid fight as this will help County Coroners collect more accurate data; and

WHEREAS, Yates County has been awarded one laptop equipped with software through a New York State Department of Health lead program in conjunction with the Centers for Disease Control and Prevention (CDC) at no cost to our county; and

WHEREAS, the software included in the laptop will ease the burden of required Coroner reports for programs such as the NYS Department of Motor Vehicles Fatal Accident Reporting System (FARS), the NYSDOH National Violent Death Reporting System along with assisting in easily creating counts of specific types of deaths when requested;

NOW, THEREFORE, BE IT RESOLVED, that the Information Technology Director is hereby authorized to accept this laptop for Yates County and provide it to the assigned County Coroner in order to assist his vital work; and be it further

RESOLVED, that a copy of this resolution be provided to the Information Technology Director.

Res. No. 434-19
Motioned By: Dennis

Date: November 12, 2019
Seconded By: _____

AUTHORIZE CHAIRMAN TO SIGN AGREEMENT WITH GENERAL CODE

WHEREAS, Yates County has received a Local Government Records Management Improvement Fund Grant (LGRMIFG) from New York State; and

WHEREAS, a portion of that grant provides for the purchase of computer software in order to implement the grant; and

WHEREAS, Yates County has approved purchase of said software (Laserfiche RIO) from General Code in the amount of \$27,785.00;

NOW, THEREFORE, BE IT RESOLVED, that said funds be authorized to General Code, using funds solely from the grant, in order to purchase the product stated in the objective of the grant; and be it further

RESOLVED, that copies of this resolution be given to the Treasurer and Historian.

Res. No. 435-19
Motioned By: Dennis

Date: November 12, 2019
Seconded By: _____

AUTHORIZE CHAIRMAN TO SIGN AGREEMENT WITH IMAGE DATA

WHEREAS, Yates County has received a Local Government Records Management Improvement Fund Grant (LGRMIFG) from New York State; and

WHEREAS, a portion of that grant provides for imaging services of real property records, assessor rolls, assessor records, deed books, and vital records on film; and

WHEREAS, Yates County has approved said services from Image Data in the amount of \$46,772.70 to be covered by said grant;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairman of the Legislature is hereby authorized to sign an agreement with Image Data; and be it further

RESOLVED, that copies of this resolution be given to the Treasurer and Historian.

Res. No. 436-19
Motioned By: Dennis

Date: November 12, 2019
Seconded By: _____

**RESOLUTION CALLING FOR AN INCREASE IN THE SHARE OF REVENUE COUNTIES
RETAIN FOR PROVIDING STATE DMV SERVICES**

WHEREAS, 51 of the 62 New York Counties are mandated by the State to operate a local Department of Motor Vehicles (DMV) Office; and

WHEREAS, County Clerks take pride in overseeing and operating this important service on behalf of the State for our residents; and

WHEREAS, this local DMV operation is one of many examples of shared services that counties provide for the state; and

WHEREAS, under current law, the State of New York takes 87.3% of all fees collected from the work performed by the county operated DMVs; and

WHEREAS, the remaining 12.7% county share has not been increased since 1999, yet the amount of work required by the local DMV offices has increased in that same time period; and

WHEREAS, our residents need to understand and obtain new licenses (Enhanced or Real ID) and this education and service has largely been placed on counties with little to no increased funding to achieve this goal; and

WHEREAS, in 2019 the State Legislature passed, and the Governor signed into law, the Green Light NY Law which will allow undocumented immigrants the right to obtain a driver's license; and

WHEREAS, the State provided no funding to help counties to implement the requirements of Green Light NY and to pay for additional training needs, translation services, or foreign document verification services; and

WHEREAS, the Governor and the State Legislature have repeatedly stated that lowering the property tax burden on local residents is a key priority; and

WHEREAS, increasing the county DMV revenue sharing rate with the state will not result in any increased costs or fees to local residents or taxpayers and will provide counties with needed revenue to continue to provide necessary local government services; and

WHEREAS, there is a clear inequity present when a county DMV provides all the services, including overhead and staffing needs to fulfill these DMV services needed for State residents, yet the State takes 87.3% of the revenue generated from providing these services; and

WHEREAS, the counties recognize the important function of the state DMV in providing both support to counties and resident services; accordingly, any loss in state DMV operational budget that occurs from an increased county revenue should be made whole through the State General Fund;

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature calls on Governor Andrew M. Cuomo and members of the State legislature to enact an increase of the County DMV revenue share with the State; and be it further

RESOLVED, that copies of this resolution be sent to Governor Andrew M. Cuomo, Senate Majority Leader Andrea Stewart-Cousins, Senate Minority Leader John J. Flanagan, Assembly Speaker Carl E. Heastie, Assembly Majority Leader Crystal D. Peoples-Stokes, Assembly Minority Leader Brian M. Kolb, Senator Thomas F. O'Mara, Assemblyman Philip A. Palmesano, the New York State Association of Counties (NYSAC) and all others deemed necessary and proper.

Res. No. 437-19
Motioned By: Dennis

Date: November 12, 2019
Seconded By: _____

**APPOINT REPUBLICAN ELECTION COMMISSIONER
(Schwartzing)**

WHEREAS, the Chair of the Yates County Republican Committee filed with this Legislature a certificate in accordance with Election Law, Section 31, certifying that the recommendation by majority of said committee that Robert H. Schwartzing residing at 280 State Route 54 – East Lake Road, Penn Yan, NY 14527 (Town of Milo) is suitable and qualified for appointment to the office of Commissioner of Elections and recommends such appointment be made; and

WHEREAS, the salary is as included in the salary schedule for non-represented employees;

NOW, THEREFORE, BE IT RESOLVED, that Robert H. Schwartzing is hereby appointed as Commissioner of Elections for Yates County for a term commencing January 1, 2020 through December 31, 2021; and be it further

RESOLVED, that a copy of this resolution be provided to the Acting County Administrator, Personnel Officer, County Clerk, Mr. Schwartzing, Yates County Republican Committee Chair and the Yates County Republican Committee Secretary.

Res. No. 438-19
Motioned By: Dennis

Date: November 12, 2019
Seconded By: _____

ADOPT CONTROLLED SUBSTANCES AND ALCOHOL TESTING POLICY

WHEREAS, the Personnel Officer has recommended for adoption and implementation the Controlled Substances and Alcohol Testing Policy;

NOW, THEREFORE BE IT RESOLVED, that the Controlled Substance and Alcohol Testing Policy is hereby adopted and shall be added to the Yates County Administrative Guide and Procedures Manual; and be it further

RESOLVED, that a copy of this resolution be forwarded to the Acting County Administrator and all Department Heads.

Res. No. 439-19
Motioned By: Dennis

Date: November 12, 2019
Seconded By: _____

**CALLING ON THE STATE OF NEW YORK TO FULLY REIMBURSE COUNTIES FOR
DISTRICT ATTORNEY SALARY INCREASES THAT ARE SET AND CONTROLLED BY THE
STATE**

WHEREAS, on December 24, 2015, the New York State Commission on Legislative, Judicial, and Executive Compensation voted to recommend increasing all state judge salaries in 2016 and 2018; and

WHEREAS, on April 1, 2016 the State Legislature approved the Commission's recommendation and placed Supreme Court judges' salaries at \$193,000 in 2016 and approximately \$207,000 in 2018 and placed County Court Judges at 95% of a Supreme Court Justice's salary; and

WHEREAS, New York State Judiciary Law Section 183-a links judicial salaries to County District Attorney (D.A.) salaries, requiring them to be equal or higher than either the County Court Judge or Supreme Court Judge in a county, depending on county size and full-time or part-time status; and

WHEREAS, historically and prior to this increase, the State fully funded all D.A. salary increases that they imposed on the counties; and

WHEREAS, the District Attorneys Association of the State of New York (DAASNY), recognizing the automatic nature of these increases and its effect on local county budgets, and further to support the counties' position, requested in correspondences with state officials that the state fund this salary increase; and

WHEREAS, the State has been careful in recent years to avoid shifting costs to the local tax base, mindful of the impact locally with the state-imposed property tax cap; and

WHEREAS, the Governor and State Legislature have recognized lowering property taxes is the main priority to ensure a healthy Upstate New York economy; and

WHEREAS, for some counties, the D.A. salary increase represented approximately one third of their total allowable property tax growth for all government operation in 2016, 2017 and 2018; and

WHEREAS, in 2020 and beyond, this annual unfunded mandate will continue to increase as judicial salaries, and the D.A. salary tied to them, receive annual COLA raises.

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature calls on the State of New York to fully fund this mandated salary increase as part of the 2019-20 budget and thereafter, including a one-time amount for the retroactive salary increase that has not been funded to date; and be it further

RESOLVED, that copies of this resolution be sent to the counties of New York State encouraging member counties to enact similar resolutions; and be it further

RESOLVED, that copies of this resolution be sent to Governor Andrew M. Cuomo, Senate Majority Leader Andrea Stewart-Cousins, Senate Minority Leader John J. Flanagan, Assembly Speaker Carl E. Heastie, Assembly Majority Leader Crystal D. Peoples-Stokes, Assembly Minority Leader Brian M. Kolb, Senator Thomas F. O'Mara, Assemblyman Philip A. Palmesano, the New York State Association of Counties (NYSAC) and all others deemed necessary and proper.

Res. No. 440-19

Date: November 12, 2019

Motioned By: Dennis

Seconded By: _____

AUTHORIZE BUILDING MAINTENANCE SUPERVISOR TO FILL BUILDING MAINTENANCE MECHANIC POSITION

WHEREAS, a Building Maintenance Mechanic vacancy was created effective October 18th, 2019 as a result of a resignation; and

WHEREAS, the Building Maintenance Supervisor through the vacancy review process has identified the continued need for the Building Maintenance Mechanic position and is requesting that the position be filled; and

WHEREAS, the estimated annual cost to fill the position is \$58,414 which includes fringe benefits;

NOW, THEREFORE, BE IT RESOLVED, that effective November 12th, 2019 the Building Maintenance Supervisor is hereby authorized to fill the Building Maintenance Mechanic position; and be it further

RESOLVED, that the Building Maintenance Supervisor is also authorized to fill any subsequent vacancies that occur through promotion of an employee into the vacant position; and be it further

RESOLVED, that copies of this resolution be provided to the Building Maintenance Supervisor, Personnel Officer, County Administrator and Treasurer.

Res. No. 441-19
Motioned By: Dennis

Date: November 12, 2019
Seconded By: _____

**AUTHORIZE COMMISSIONER OF DSS TO FILL POSITION
(SOCIAL WELFARE EXAMINER)**

WHEREAS, a Social Welfare Examiner vacancy was created effective October 18th, 2019 as a result of a retirement; and

WHEREAS, the Commissioner of Social Services through the vacancy review process has identified the continued need for the Social Welfare Examiner position and is requesting that the position be filled; and

WHEREAS, the estimated annual cost to fill the position is \$47,991 which includes fringe benefits; with 80% reimbursement the total cost to the County will be \$9,599; and

WHEREAS, per Article 5, Section 3 of the CSEA CBA, if an employee has prior experience in similar work he/she may be hired at the step one rate of pay as opposed to the start rate; and

WHEREAS, if applicable the Commissioner of Social Services is authorized to offer the position at the step one rate of pay at an estimated annual cost of \$49,117 which includes fringe benefits; with the 80% reimbursement the total cost to the County will be \$9,824;

NOW, THEREFORE, BE IT RESOLVED, that effective November 12th, 2019 the Commissioner of Social Services is hereby approved to fill a Social Welfare Examiner position; and be it further

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

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

Res. No. 442-19
Motioned By: Dennis

Date: November 12, 2019
Seconded By: _____

**GRANT UNPAID LEAVE OF ABSENCE
(P. Rouin)**

RESOLVED, that a Veterans' Services Agency employee is hereby granted unpaid leave of absence on December 12th and 13th; and be it further

RESOLVED, that a copy of this resolution be given to Mr. Rouin, Personnel Officer, and Acting County Administrator.

Res. No. 443-19
Motioned By: Dennis

Date: November 12, 2019
Seconded By: _____

**RESOLUTION URGING GOVERNOR ANDREW M. CUOMO AND THE STATE LEGISLATURE
TO CONTINUE THE FUNDING COMMITMENT FOR ALL COSTS ASSOCIATED WITH
EARLY VOTING REFORMS IMPLEMENTED AT THE COUNTY LEVEL**

WHEREAS, the 2019 legislative session included many election reforms, including the authorization of electronic poll books and provisions for early voting; and

WHEREAS, counties through local Boards of Elections are responsible for managing election operations, and paying for all or most of the costs associated with these operations; and

WHEREAS, the State's new early voting law requires counties to open polling sites for early voting for 10 days prior to any primary or general election, starting during the 2019 general election; and

WHEREAS, the enacted SFY 2020 State Budget included \$14.7 million in capital equipment aid and \$10 million in operational aid support to assist counties with implementing these election law reforms; and

WHEREAS, counties are grateful for this state assistance; and

WHEREAS, without continued state financial assistance, counties will have a difficult time maintaining electronic poll books and sustaining early voting.

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature calls on the Governor and State Legislature to continue to fund election law reforms at SFY 2020 levels; and be it further

RESOLVED, that the NYS Division of Budget expedite disbursement of these funds to local Boards of Elections so counties can continue to prepare for early voting and electronic poll book implementation; and be it further

RESOLVED, that copies of this resolution be sent to Governor Andrew M. Cuomo, Senate Majority Leader Andrea Stewart-Cousins, Senate Minority Leader John J. Flanagan, Assembly Speaker Carl E. Heastie, Assembly Majority Leader Crystal D. Peoples-Stokes, Assembly Minority Leader Brian M. Kolb, Senator Thomas F. O'Mara, Assemblyman Philip A. Palmesano, the New York State Association of Counties (NYSAC) and all others deemed necessary and proper.

Res. No. 444-19
Motioned By: Dennis

Date: November 12, 2019
Seconded By: _____

**AMEND RESOLUTION 87-19
(Non-Union Salary Schedule)**

WHEREAS, the Yates County Legislature authorized a Classification and Compensation Study to be conducted by a consultant; and

WHEREAS, the results of the Study indicate that it is appropriate to adjust the salaries of some Yates County personnel; and

WHEREAS, the total estimated annual cost for the adjustments is \$28,451 which includes fringe benefits;

NOW, THEREFORE, BE IT RESOLVED, that effective October 1, 2019, Resolution 87-19 be amended to reflect annual salaries for personnel as listed below:

Title	Previous Salary	October 1 Salary
Building Maintenance Supervisor	\$60,899	\$66,430
Deputy County Clerk	\$39,651	\$41,852
Director of Veterans' Services	\$50,172	\$50,850
Election Commissioner (2)	\$43,541	\$50,850

And be it further

RESOLVED, that copies of this resolution be given to the Building Maintenance Supervisor, Deputy County Clerk, Director of Veterans' Services, Election Commissioners, Acting County Administrator, Personnel Officer and Treasurer.

Res. No. 445-19
Motioned By: Dennis

Date: November 12, 2019
Seconded By: _____

AMEND RESOLUTION 42-19
(2019 Hourly Wage Schedule)

WHEREAS, the Yates County Legislature authorized a Classification and Compensation Study to be conducted by a consultant; and

WHEREAS, the results of the Study indicate that it is appropriate to adjust the hourly rate of some Yates County personnel; and

WHEREAS, the total estimated annual cost for the adjustments is \$28,519 which includes fringe benefits;

NOW, THEREFORE, BE IT RESOLVED, that effective October 1, 2019, Resolution 42-19 be amended to reflect the change in hourly wage rate for Deputy Election Commissioner (2) from \$15.54 to \$22.91; and be it further

RESOLVED, that copies of this resolution be given to the Acting County Administrator, Deputy Election Commissioners, Personnel Officer and Treasurer.