Date: 11/28/22

TO: Department Heads
Legislators
Press
Public

FROM: Emilee D. Miller, Clerk of the Yates County Legislature

RE: Special Legislative Meeting

NOTICE

The Yates County Legislature will meet on December 1, 2022 at 12:30 p.m. in the Legislative Chambers located at 417 Liberty St., Penn Yan, NY 14527 for the purpose of conducting SEQR determination and awarding the bids regarding the Yates County Emergency Communications Project, South Hill Tower. A hard copy of the SEQR is available in the Legislature Office and a digital copy will be available at www.yatescounty.org.

Join from a PC, Mac, iPad, iPhone or Android device:
Please click this URL to join.
https://us02web.zoom.us/j/86552559118?pwd=K01pZDNESGlQMiw3cm1Od2JMcmxPZz09

Webinar ID: 865 5255 9118
Passcode: 339959

Or One tap mobile:
+13092053325,,86552559118# US
+13126266799,,86552559118# US (Chicago)

Or join by phone:
Dial(for higher quality, dial a number based on your current location):
US: +1 309 205 3325 or +1 312 626 6799

Resolution No. 468-22
Motioned By: Willson

Date: 12/1/22
Seconded By:

RESOLUTION DECLARING LEAD AGENCY UNDER SEQRA, CLASSIFYING ACTION AND DETERMINING THAT ACTION WILL NOT HAVE A SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACT

WHEREAS, Yates County ("County") commissioned a public safety communications study in 2019 and received a Public Safety Systems Communications Study Recommendations Report (the “Report”) in 2020; and
WHEREAS, as a result of the study, Report and subsequent engineering investigations, the County determined to install a new public safety communications system which included the construction of four (4) new emergency communication towers located in the Towns of Barrington, Italy and Jerusalem and the Village of Penn Yan (the “Project”); and

WHEREAS, the purpose of the Project is to improve emergency communication services and facilitate the provision of emergency services by police, fire, EMS and public works personnel for the benefit of all County residents; and

WHEREAS, by Resolution Nos. 277-21 dated August 9, 2021 and 401-21 dated November 8, 2021, the County authorized the commencement of review of the Project under the State Environmental Quality Review Act (“SEQRA”), and set forth other determinations regarding the Project, and it thereafter performed a coordinated review of the Project in accordance with SEQRA; and

WHEREAS, by Resolution No. 491-21 dated December 29, 2021, the County determined that the Project would not have a significant environmental impact, and it prepared and filed a Negative Declaration in accordance with SEQRA; and

WHEREAS, since adoption of Resolution No. 491-21, the County has determined that the Project should be modified to also include the modification of an existing emergency communication tower located in the Town of Middlesex (the “Middlesex Tower Component”); and

WHEREAS, the Middlesex Tower Component will further improve emergency communication services and facilitate the provision of emergency services by police, fire, EMS and public works personnel for the benefit of all County residents; and

WHEREAS, pursuant to the provisions of SEQRA as set forth in Article 8 of the Environmental Conservation Law and the requirements of the SEQRA Regulations at 6 NYCRR Part 617 (the “Regulations”), the County desires to comply with the provisions of SEQRA and the Regulations with respect to the Middlesex Tower Component; and

WHEREAS, on September 12, 2022, via Resolution 384-22, the County declared its interest in acting as “Lead Agency” for the Middlesex Tower Component’s environmental review and authorized its staff and consultants to complete Part I of the Full Environmental Assessment Form (“FEAF”) for the Middlesex Tower Component; and

WHEREAS, the County has considered the Middlesex Tower Component in light of the actions included on the Type I list specified in Section 617.4 of the Regulations and in light of the actions included on the Type II list specified in Section 617.5 of the Regulations; and

WHEREAS, on November 14, 2022, via Resolution 438-22, the County performed the “balancing of interests test” established in Matter of County of Monroe v. City of Rochester, 72 NY2d 338 (1988), and resolved that the Middlesex Tower Component and its process of development are exempt from the Town of Middlesex Zoning Law and its amendments (collectively, the “Local Regulations”)

WHEREAS, on October 21, 2022, the County, exercising its due diligence, circulated a letter (the “Notice Letter”) describing the Middlesex Tower Component and indicating the County’s intent to serve as “Lead Agency” for the environmental review of the Middlesex Tower
Component with copies of Part 1 of the FEAF to interested agencies, as that term is defined in the Regulations, including the Town of Middlesex, the New York State Department of Environmental Conservation (“DEC”), the New York State Office of Parks, Recreation, and Historic Preservation (“SHPO”), and the United States Army Corps of Engineers; and

WHEREAS, the County, exercising further due diligence, caused the performance of a Phase I Cultural Resource Survey (“Phase I Survey”) for the Middlesex Tower Component site in the Town which identified no historic resources in the area of potential effect for the Middlesex Tower Component site, and the County caused the filing of the Survey with SHPO for purposes of required consultation and requested comments from SHPO regarding whether the Middlesex Tower Component would have an impact on any historic or archeological resources; and

WHEREAS, by email dated November 17, 2022, SHPO indicated it concurs with the recommended finding of the Phase I Survey that there are no historic properties in the area of potential effects for the Middlesex Tower Component; and

WHEREAS, the other agencies did not provide any comments regarding the Middlesex Tower Component; and

WHEREAS, pursuant to SEQRA and the Regulations, the County has considered the significance of the potential environmental impacts of the Middlesex Tower Component by (a) using the criteria specified in Section 617.7 of the Regulations, and (b) examining the FEAF for the Middlesex Tower Component, together with other available supporting information, including comments from interested agencies, to identify the relevant areas of environmental concern; and (c) thoroughly analyzing the identified areas of relevant environmental concern; and

NOW THEREFORE, BE IT RESOLVED by the County as follows:

RESOLVED, the County declares itself “Lead Agency” for the Middlesex Tower Component’s environmental review; and

RESOLVED, the County classifies the Middlesex Tower Component as a “Type I” Action under SEQRA; and

RESOLVED, based upon an examination of the EAF, and other available supporting information, and considering both the magnitude and importance of each relevant area of environmental concern, and based further upon the County’s knowledge of the areas surrounding the Middlesex Tower Component site and such further investigation of the Middlesex Tower Component and its potential environmental impacts as the County has deemed appropriate, the County makes the following findings and determinations:

a. No significant adverse environmental impacts are noted in the EAF for the Middlesex Tower Component and none are known to the County. Therefore, the County hereby determines that the Middlesex Tower Component will not have a significant adverse environmental impact, and the County will not require the preparation of an environmental impact statement with respect to the Middlesex Tower Component; and
b. As a consequence of the foregoing, a Negative Declaration shall be prepared for the Middlesex Tower Component by County staff and consultants; and

c. The County hereby directs that all SEQRA documents and notices, including but not limited to the EAF and Negative Declaration, are to be maintained in files that are readily accessible to the public and made available on request, subject only to the limitations established by the Freedom of Information Law.

RESOLVED, that this Resolution shall take effect immediately; and

RESOLVED, that a copy of this Resolution shall be filed with the County Clerk and copies sent to the Yates County Sheriff, Director of the Office of Emergency Services, Highway Superintendent, Administrator, Planner, the Town of Middlesex, Eric Kenna of C & S Engineers, and Robert Tyson of Bond, Schoeneck & King, PLLC.

Resolution No. 469-22  
Motioned By: Willson  
Seconded By:  
Date: 12/1/22

<table>
<thead>
<tr>
<th>Company</th>
<th>Address</th>
<th>Total Lump Sum with Allowance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kaplan-Schmidt Electric, Inc.</td>
<td>50 Saginaw Drive Rochester, NY 14623</td>
<td>$152,855.00</td>
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<tr>
<td>Patriot Towers</td>
<td>870 Scottville-Chili Road Scottsville, NY 14546</td>
<td>$103,970.00</td>
</tr>
<tr>
<td>Mid-State Communications</td>
<td>185 Clear Road Oriskany, NY 13424</td>
<td>$124,000.00</td>
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And

WHEREAS, the County’s project consultant, C & S Engineers, has reviewed the bids and recommends accepting the bid from Patriot Towers;

NOW, THEREFORE, BE IT RESOLVED, that the above Patriot Towers bid is hereby accepted, contingent upon the execution of a written contract related thereto between the County and Patriot Towers, and to this end, the Chairwoman of the Legislature, upon the approval of the County Attorney, is authorized to sign such a contract on behalf of the County, as well as any other necessary documents with Patriot Towers, to enable acquisition of an extension to the South Hill tower and related site modifications for the Public Safety Emergency Communications Upgrade Project, including, but not limited to change orders; and be it further

RESOLVED, that total contract shall not exceed $103,970; and be it further
RESOLVED, that copies of this resolution be furnished to the Yates County Sheriff, County Administrator/Budget Officer, Director of Emergency Services, Highway Superintendent, Information Technology Director, Director of Finance, Treasurer, C & S Engineers and Patriot Towers.