



YATES COUNTY LEGISLATURE
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Leslie Church
Chairwoman
Emilee D. Miller
Clerk

YATES COUNTY LEGISLATIVE AGENDA
April 10, 2023 at 1:00 pm

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- Call to Order & the Pledge of Allegiance
- Recognize Madaline Smith, Recipient of the Distinguished Youth Award
- Zoom Attendees
- Approve Minutes from the January 9th, January 25th, February 13th, February 22nd, March 2nd, March 13th, & March 16th Meetings.
- Approve Audit
- Committee Reports
- Public Comment

RESOLUTION

Willson	167-23	Authorize Chairwoman to sign Letter of Intent for Finger Lakes Health
	168-23	Recognize 2023 National Crime Victims' Rights Week
	169-23	Recognize National Public Safety Telecommunications Week for 2023
	170-23	Recognize Yates County Sheriff's Officer of the Year
	171-23	Declare as Surplus Property Shelters with Generator Sets at Legacy Dundee and Italy Hill Public Safety Communications Tower Sites and Authorize Sheriff to Dispose of Same
Bronson	172-23	Resolution Proclaiming April as Donate Life Month Yates County is Dedicated to Promoting Organ, Eye, and Tissue Donation and Calls on Residents to Join the New York State Donate Life Registry
	173-23	Resolution Proclaiming Yates County will Continue to Recognize and Participate in Education & Outreach Efforts to the Yates

		County Community During Lake Friendly Living Awareness Month
	174-23	Grant Unpaid Military Leave of Absence (P. Skelly)
	175-23	Authorize Sheriff to Fill Emergency Services Dispatcher Position
	176-23	Authorize Sheriff to Fill Food Service Helper Position
	177-23	Authorize Commissioner of Social Services to Fill Social Services Program Examiner Position
	178-23	Amend Yates County Employee Handbook (Yates County Employee Handbook)
	179-23	Amend Yates County Administrative Guide (Yates County Administrative Guide)
	180-23	Authorize County Administrator to Fill Probation Director Position
	181-23	Authorize and Approve Opioid Settlement Agreements (Pharmacies-Walmart, Walgreens, and CVS)
	182-23	Resolution Asking Governor Hochul and the NYS Public Service Commission to Dismiss NYSEG and RG&E Rate Hike Requests and to Correct the Billing Problems before Rate Hikes are Considered
	183-23	Amend 2023 Non-Union Exempt Employee Salary Schedule
	184-23	Adopt 2023 Non-Union Non-Exempt Employee Wage Schedule
Chilson	185-23	Appoint Medical Director (DeWitt)
	186-23	Authorize 2023 Yates County Youth Bureau Contracts
	187-23	Recognize Yates County Distinguished Youth Award Recipient
	188-23	Appoint Member to the Yates County Community Services Board and Mental Health Subcommittee
	189-23	Mental Health Month 2023
Banach	190-23	Authorize Legislature Chairwoman to Sign 2023 Roadside Mowing Contracts
	191-23	Award Bid for Cold Milling of Asphalt Pavement
	192-23	Award Bid for Liquid Bituminous Material
	193-23	Award Bid for Hot Mix Asphalt Concrete
	194-23	Award Bid for Paver Placed Surface Treatment
	195-23	Designate Highway Superintendent as the Responsible Local Official (RLO) for Purposes of the NYSDOT's EBO Software (Rescind Resolution No. 167-20)
	196-23	Authorize Chairwoman to Sign Agreement (General Construction)
	197-23	Authorize Chairwoman to Sign Agreement (Plumbing Construction)
	198-23	Authorize Chairwoman to Sign Agreement (Mechanical Construction)
	199-23	Authorize Chairwoman to Sign Agreement (Electrical Construction)
	200-23	Authorize Chairwoman to Sign Agreement (Site Work Contract)
	201-23	Authorize Chairwoman to Sign Agreement (Demolition/Abatement Contract)
	202-23	Authorization of Miscellaneous Costs for the New Highway, Office of Emergency Services & Public Health Facility as Part of the Complete Project Budget

	203-23	Authorize Chairwoman to Sign an Agreement with CME Associates, Inc.
	204-23	Authorize Amendment to Special Agreement with SJB Services, Inc. (Amendment of Resolution #530-22)
	205-23	New Natural Gas Service to Benton Center & New Highway, Office of Emergency Services/Public Health Facility
	206-23	Authorize Chairwoman to Sign a Contract with ADT Commercial
	207-23	Authorize the Legislative Chairwoman to Sign Agreement with New York State Unified Court System
	208-23	Authorize Chairwoman to Sign a Contract with C & S Companies
Holgate	209-23	Authorize Chairwoman to Sign Contract with Graybar Electric Company for Phase 1B and Selected Outside Plant Materials for the ReConnect Project
	210-23	Enter into a Master Services Agreement for Make Ready Construction for the ReConnect Project with Harlan Electric Co.
	211-23	Enter into a Master Services Agreement for Telco Rearrangement Make Ready with Henkels & McCoy, Inc. for the ReConnect Project
	212-23	Authorize Letter of Support for Genesee/Finger Lakes Regional Planning Council (GFLRPC) to Participate as the Lead Organization from the Rochester MSA for the EPA's Climate Pollution Reduction Grant (CPRG) Program
	213-23	Authorize Chairwoman to Sign a Contract with E-Waste+
	214-23	Authorize Chairwoman to Sign a Contract with MXI Environmental Services, LLC.
	215-23	2023 Budget Transfers
	216-23	Appropriate Additional State Aid (DSS)
	217-23	Appropriate Additional State Aid (Highway)
	218-23	Appropriate Additional Federal Aid (Highway)
	219-23	Authorize Chairwoman to Sign Contract with Granicus
	220-23	Amend Resolution 19-23 Investment Policy

- Public Comment

Executive Session if needed

Resolution No. 167-23

Date: 4/10/23

Motioned By: Willson

Seconded By:

AUTHORIZE CHAIROWMAN TO SIGN LETTER OF INTENT FOR FINGER LAKES HEALTH

WHEREAS, Yates County Office of Emergency Services has had multiple discussions with Finger Lakes Health regarding Emergency Medical Services within the county; and

WHEREAS, Finger Lakes Health has requested a letter to submit to the Board of Trustees from Yates County that outlines the intent to provide Advanced Life Support and inter-facility transport services;

NOW, THEREFORE, BE IT RESOLVED, that after approval from the County Attorney, the Legislative Chairwoman is authorized to sign a letter of intent for Finger Lakes Health; and be it further

RESOLVED, that a copy of this resolution be given to the County Attorney, Director of Emergency Services, and the County Administrator.

Resolution No. 168-23

Date: 4/10/23

Motioned By: Willson

Seconded By:

RECOGNIZE 2023 NATIONAL CRIME VICTIMS' RIGHTS WEEK

WHEREAS, the National Crime Victim's Rights Week is designated as April 23-29 acknowledging the victims' rights movement that has resulted in the passage of laws at the local, state, and federal levels that established essential rights for victims, and the theme this year is *Survivor Voices: Elevate. Engage. Effect Change.* The theme underscores the importance of helping crime survivors find their justice by enforcing victims' rights, expanding access to services, and ensuring equity and inclusion for all; and

WHEREAS, the District Attorney, the Victim's Advocates, the Sheriff, the Victims Impact Panel Coordinator, and the Probation Director in their commitments to raise victim awareness now request a proclamation for recognition of this annual victims' rights week; and

WHEREAS, it was 1984 when President Reagan signed crime victims' rights act that has provided victims with ways to participate meaningfully throughout the criminal justice process, with a more equitable and supportive response to victims as the system can be a confusing experience; and

WHEREAS, honoring the rights of victims—including the rights to be heard and to be treated with fairness, dignity, and respect – and working to meet their needs rebuilds their trust in the criminal justice and social service systems; and

WHEREAS, our community's continues engagement with the challenges faced by victims of crime will ensure that the progress we have made to date is not lost and that new ground is broken to gain greater healing for all victims; and

WHEREAS, in Yates County criminal justice services both public and private are dedicated to strengthen victims and survivors available to help rebuild lives, and thus victims' rights are a critical component that of the Probation Officers, District Attorney's staff and Victim's Advocates, Sheriff's services including STOP program Victims Impact Panel, and

VINE in-custody hotline and the notification of the service of protective orders all play a role in victims' support; and

WHEREAS, both public and private entities are hereby dedicated to strengthening victims and survivors in the aftermath of crime, building resilience in our communities and our victim service providers, and bringing hope and healing to all victims and survivors;

NOW, THEREFORE, BE IT RESOLVED, that this Legislature recognizes **National Crime Victims' Rights Week** April 23-29, 2023 as providing an opportunity to recommit to ensure that accessible, and trauma informed services are offered to all victims of crime, and supports the rights of crime victims and survivors to be treated with dignity and fairness; and be it further

RESOLVED that this Legislature thanks all the local efforts of so many advocates, volunteers, individuals, public employees and entities in our community; and be it further

RESOLVED, that a copy of this resolution be provided to the Director, Safe Harbors of the Finger Lakes; Director of Victim/witness services at the D.A. and Sheriff's Office; STOP program VIP Coordinator, Probation Director, District Attorney; and the Sheriff .

Resolution No. 169-23
Motioned By: Willson

Date: 4/10/23
Seconded By:

**RECOGNIZE NATIONAL PUBLIC SAFETY
TELECOMMUNICATIONS WEEK FOR 2023**

WHEREAS, **National Public Safety Telecommunications Week** has been designated by APCO (Association of Public-Safety Communications Officials) as April 9-15, 2023, celebrating all emergency telecommunications personnel hard work, sacrifices and devotion to their law enforcement and public safety efforts in their local communities; and

WHEREAS, emergencies can occur at any time that require police, fire or emergency medical services; and when an emergency occurs the prompt response of police officers, firefighters and emergency medical responders is critical to the protection of life and preservation of property; and

WHEREAS, the safety of our police officers, firefighters and first responders is dependent upon the quality and accuracy of information obtained from citizens who telephone or text the Yates County 911 emergency communications center; and Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; where they monitor emergency responders activities by radio, providing them information and insuring their safety; and have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients, while exhibiting compassion, understanding and professionalism during the performance of their duties job in the past year;

NOW, THEREFORE, BE IT RESOLVED, that this Legislature takes recognition of the **National Public Safety Telecommunications Week** April 9-15 and joins Sheriff Spike thanking all the Yates County 911 emergency services dispatch personnel, and related staff for their continued efforts as First-First Responders in preserving the public's safety and health of our citizens; and be it further

RESOLVED, that copies of this resolution be provided Sheriff Spike, the Director of OES Winslow, Chief Dispatcher Bassett, the 911 Advisory Board members, and President Lindsay Tones of Local #9010 of Council 82.

Resolution No. 170-23
Motioned By: Willson

Date: 4/10/23
Seconded By:

RECOGNIZE YATES COUNTY SHERIFF'S OFFICER OF THE YEAR

WHEREAS, on March 11, 2023 the Johnson Costello Post 355 of the American Legion, Penn Yan after Sheriff's nomination has recognized First Sergeant Derek Blumbergs as the 2022 Officer of the Year noting that Blumbergs graduated from Penn Yan Academy and attended Finger Lakes Community College, and then joined the Yates County Sheriff Office in 1996 as PT Correction Officer and then worked the Marine Patrol and became a deputy sheriff in 1999 attending the FL Laws Enforcement Academy. He was promoted to Patrol Sergeant in 2008 and recognized as the First Sergeant this year where he is a patrol shift supervisor. He is been trained in child passenger safety, field training officer, a certified police instructor, Emergency Vehicle Operations, SFST, and BTO, etc. Additionally he has overseen the Sheriff's dark house watch and property check program that is appreciated by many residents; and

WHEREAS, Blumbergs is recognized for his 27 years of service and throughout his career has received several letters of recognition from citizens he has interacted with in doing police work. Many have repeatedly written of his professionalism, caring attitude, knowledge, and compassion for innocent victims, and that he is respected by his peers; and

WHEREAS, some career highlights include apprehension of a hit and run driver, assisted the state police with a barricaded person where he received a commendation letter from the Troop E Major. In 2010, Ontario County put out a BOLO for a missing person who may be suicidal near Rushville, NY. Blumbergs found himself in Ontario County and man had a knife, and he confronted the man and successfully used his Taser causing the man to drop the weapon and be apprehended. The Ontario County Sheriff gave him a commendation for his professional police work that day as no one was injured;

NOW, THEREFORE, BE IT RESOLVED, that this Legislature joins Sheriff Spike and the Americans Legion in recognizing F/Sergeant Derek Blumbergs as county police officer of the year for 2022, and thanks him for his public safety work as he retires from service; and be it further

RESOLVED, that a copy of the resolution be provided to Derek Blumbergs, Personnel Officer, Council 82 Unit 1869 President, and to Sheriff Spike.

Resolution No. 171-23
Motioned By: Willson

Date: 4/10/23
Seconded By:

**DECLARE AS SURPLUS PROPERTY SHELTERS WITH GENERATOR SETS AT
LEGACY DUNDEE AND ITALY HILL PUBLIC SAFETY COMMUNICATIONS
TOWER SITES AND AUTHORIZE SHERIFF TO DISPOSE OF SAME**

WHEREAS, Yates County has undertaken a project to improve public safety communications within the county and has constructed new towers with generator sets and appurtenances at sites on Bill Bailey and Emerson Roads; and

WHEREAS, once the new sites are commissioned, shelters, generator sets and appurtenances at leased legacy public safety communications tower sites on Pre-Emption Road (Dundee) and Pulver Road (Italy Hill) will no longer have benefit to Yates County; and

WHEREAS, lease extensions expire in mid-June and at the end of May for the Dundee and Italy Hill legacy tower sites, respectively;

NOW, THEREFORE, BE IT RESOLVED, that the Sheriff is authorized to create a request for proposals, send to auction, sell to another municipality or otherwise dispose of the shelters, generator sets and/or appurtenances located at legacy tower sites; 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 and C & S Engineers.

Resolution No. 172-23

Date: 4/10/23

Motioned By: Bronson

Seconded By:

**RESOLUTION PROCLAIMING APRIL AS DONATE LIFE MONTH
YATES COUNTY IS DEDICATED TO PROMOTING ORGAN, EYE, AND TISSUE
DONATION AND CALLS ON RESIDENTS TO JOIN THE NEW YORK STATE
DONATE LIFE REGISTRY**

WHEREAS, through their membership in the New York State Association of Counties (NYSAC), New York's Counties have come together to collectively support several important causes; and

WHEREAS, in New York State there are approximately 8,100 people waiting for an organ transplant which represents the third highest need in the nation; and there are an estimated 400 New Yorkers that die every year while waiting for an organ transplant; and

WHEREAS, a single individual's donation of the heart, lungs, liver, kidneys, pancreas and small intestine can save up to eight lives; donation of tissue can save and heal the lives of up to 75 others; and

WHEREAS, organ, eye and tissue donation are life-giving and healing acts recognized worldwide as expressions of compassion to those in need; and

WHEREAS, New York State's County governments play a key role in raising awareness of the need for organ, eye and tissue donation through the interactions County officials have with the public with regard to this subject through local DMV offices, local boards of elections, departments of health, naturalization ceremonies and veterans' programs; and

WHEREAS, such interactions by Yates County officials with the public provide opportunities for the provision of information on how individuals can help their fellow New Yorkers by signing up as organ and tissue donors; and

WHEREAS, counties across New York State are proclaiming the month of April 2023 as "Donate Life Month," and engaging in various awareness activities designed to promote an increase in the number of registered organ, eye and tissue donations; and

WHEREAS, the Yates County Clerk's Office, through its Department of Motor Vehicles, wish to promote the month of April 2023 as "Donate Life Month" in Yates County;

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature hereby proclaims the month of April 2023 as "Donate Life Month" in Yates County, and encourages those Yates County departments and agencies involved in providing information on organ and tissue donations and enrolling in the New York State Donate Life Registry to engage in activities throughout the month to increase the number of organ and tissue donors and promote awareness of the need for organ and tissue donations in Yates County; and be it further

RESOLVED, that the Clerk to the Legislature shall forward copies of this resolution to Governor Kathleen Hochul, Thomas O'Mara NYS SENATOR AND ASSEMBLYMEMBER Phil Palmesano and the New York State Association of Counties and all others deemed necessary and proper.

Resolution No. 173-23

Date: 4/10/23

Motioned By: Bronson

Seconded By:

**RESOLUTION PROCLAIMING YATES COUNTY WILL CONTINUE TO
RECOGNIZE AND PARTICIPATE IN EDUCATION & OUTREACH EFFORTS TO
THE YATES COUNTY COMMUNITY DURING LAKE FRIENDLY LIVING
AWARENESS MONTH**

WHEREAS, May 1st – 31st, 2023 is Lake Friendly Living Awareness Month; and

WHEREAS, Yates County encourages community members and visitors to increase their understanding and awareness of lake-friendly living practices that reduce erosion, support aquatic life, and preserve our natural environment; and

WHEREAS, many of the New York State Finger Lakes, including Keuka, Seneca, and Canandaigua Lakes, provide clean, safe drinking water for residents and are designated as Class AA(T) protected waterbodies; and

WHEREAS, in recent years, the New York State Finger Lakes, including Keuka, Seneca, and Canandaigua Lakes, have experienced widespread harmful algae blooms due, in part, to nutrients that promote the growth of algae and cyanobacteria; and

WHEREAS, harmful algae blooms throughout the Finger Lakes threaten regional water quality and the health and safety of water consumers; and

WHEREAS, New York State Finger Lakes' watershed organizations, including the Keuka Lake Association, Cornell Cooperative Extension of Yates County, and Yates County Soil and Water Conservation District are looking to advance pollutant reduction strategies through land and water conservation recommendations for residents, operations, and businesses within their watersheds; and

WHEREAS, the Lake Friendly Living Coalition of the Finger Lakes offers conservation recommendations for watershed residents through pledge programming, as well as the annual Lake Friendly Living Awareness Month, intended to further educate the public about a variety of conservation initiatives being advanced throughout the region; and

WHEREAS, it is important that all citizens recognize the efforts of organizations such as the Lake Friendly Living Coalition of the Finger Lakes that work on behalf of protecting our natural surroundings for the benefit of present and future generations;

NOW, THEREFORE, BE IT RESOLVED, that the Legislature of Yates County, does hereby proclaim that Yates County will continue to recognize and participate in education and outreach efforts to the Yates County community during Lake Friendly Living Awareness Month; and be it further

RESOLVED, that copies of this resolution be provided to Cornell Cooperative Extension.

Resolution No. 174-23

Date: 4/10/23

Motioned By: Bronson

Seconded By:

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

WHEREAS, in accordance with United States Code Title 10 Active Military Duty Mr. Skelly has been ordered to report for Active Duty for a period not to exceed three-hundred-sixty-five (365) days; and

WHEREAS, Mr. Skelly will exhaust his Military Leave time effective May 24, 2023 and enter into a without pay status;

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

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

Resolution No. 175-23

Date: 4/10/23

Motioned By: Bronson

Seconded By:

**AUTHORIZE SHERIFF TO FILL EMERGENCY SERVICES DISPATCHER
POSITION**

WHEREAS, an Emergency Services Dispatcher position became vacant effective March 18, 2023 as the result of a resignation; and

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

WHEREAS, the estimated cost to fill the position is \$50,094 to \$77,223, depending on health insurance;

NOW, THEREFORE, BE IT RESOLVED, that effective April 10, 2023 the Sheriff is hereby authorized to fill a full-time Emergency Services Dispatcher position; and be it further

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

Resolution No. 176-23

Date: 4/10/23

Motioned By: Bronson

Seconded By:

AUTHORIZE SHERIFF TO FILL FOOD SERVICE HELPER POSITION

WHEREAS, a Food Service Helper position will become vacant effective April 9, 2023 as the result of a resignation; and

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

WHEREAS, the estimated cost to fill the position is \$33,698 to \$60,826, depending on health insurance;

NOW, THEREFORE, BE IT RESOLVED, that effective April 10, 2023 the Sheriff is hereby authorized to fill a full-time Food Service Helper position; and be it further

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

Resolution No. 177-23

Date: 4/10/23

Motioned By: Bronson

Seconded By:

AUTHORIZE COMMISSIONER OF SOCIAL SERVICES TO FILL SOCIAL SERVICES PROGRAM EXAMINER POSITION

WHEREAS, a Social Services Program Examiner position will become vacant effective April 14, 2023 as the result of a resignation; and

WHEREAS, the Commissioner through the vacancy review process has identified the need to refill the Social Services Program Examiner position and is requesting that the position be filled; and

WHEREAS, the estimated cost to fill the position is \$47,645 to \$74,773, depending on health insurance; with the 80% reimbursement the total estimated cost to the County is \$9,529 to \$14,955;

NOW, THEREFORE, BE IT RESOLVED, that effective April 10, 2023 the Commissioner of Social Services is hereby authorized to fill a full-time Social Services Program Examiner position; and be it further

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

Resolution No. 178-23

Date: 4/10/23

Motioned By: Bronson

Seconded By:

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

WHEREAS, the Employee Handbook is in need of modifications;

NOW, THEREFORE, BE IT RESOLVED, that effective April 10, 2023 that Section 603 Overtime /Compensatory Time /Exempt Non-Union Flex Time, subsection 5, be amended to incorporate the following language;

5. **Termination from Employment** – A non-exempt employee whose employment with the County is terminated will receive cash payment for unused compensatory credits to which the employee is properly entitled at the employee’s then current rate of pay.

And be it further

RESOLVED, that for consistency with the County’s Collective Bargaining Agreements, references made to the allowance of accrual time being taken in ½ hour increments shall be amended to reflect ¼ hour increments and therefore the following Sections are in need of amendment;

Section 702 Vacation, Subsection 3 Scheduling

Section 703 Sick Leave, Subsection 6 Proper Use of Sick Leave

Section 705 Personal Leave, Subsection 4 Proper Use of Personal Leave

And be it further

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

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

Resolution No. 179-23

Date: 4/10/23

Motioned By: Bronson

Seconded By:

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

WHEREAS, the Administrative Guide is in need of modification;

NOW, THEREFORE, BE IT RESOLVED, that effective April 10, 2023 that Section 406 Exempt Non-Union Flex Time Procedure, Subsection 2.B., 4 be amended to incorporate the following language;

2. Eligibility –

A. Exempt Non-Union Department Heads – The Exempt Non-Union Flex Time Procedure shall apply to the following Department Head positions:

- | | |
|------------------------------------|------------------------------------|
| a. Building Maintenance Supervisor | j. Director of Real Property Tax |
| b. Clerk of the Legislature | Services Director of Veterans |
| c. Commissioner of Social Services | Services |
| d. County Administrator | k. Elections Commissioners |
| e. County Attorney | l. Highway Superintendent |
| f. Director of Community Services | m. Information Technology Director |
| g. Director of Emergency Services | n. Personnel Officer |
| h. Director of Finance | o. Planner |
| i. Director of Public Health | p. Probation Director |

B. **Exempt Non-Union Non-Department Heads** – In accordance with the federal Fair Labor Standards Act (FLSA), the following non-department head positions are considered exempt non-union and therefore, the implementation of the Exempt Non-Union Flex Time Procedure shall be at the discretion of the Department Head:

- | | |
|--|---|
| a. Assistant District Attorney (First) | h. Deputy County Treasurer |
| b. Assistant District Attorney | i. Deputy Highway Superintendent |
| c. Assistant Public Defender (First) | j. Deputy Public Health Director |
| d. Assistant Public Defender | k. Director of Children & Family Services |
| e. Chief Corrections Officer | l. Director of Income Maintenance |
| f. Confidential Assistant to the Sheriff | m. Payroll Specialist |
| g. Deputy County Clerk | n. Undersheriff |

4. **Exempt Non-Union Non-Department Heads Procedure** –

- A. Department Heads are authorized to administer and enforce a compensatory time or flex time procedure that is customized to their own department for Non-Union Non-Department Head employees.
- B. There shall be no cash payments for any earned, but unused flex time.
- C. Once a procedure has been established the Department Head will provide it to the Personnel Officer who will work with the Payroll Specialist to set-up the payroll system accordingly.

And be it further

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

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

Resolution No. 180-23

Date: 4/10/23

Motioned By: Bronson

Seconded By:

AUTHORIZE COUNTY ADMINISTRATOR TO FILL PROBATION DIRECTOR POSITION

WHEREAS, the Probation Director position became vacant effective April 10, 2023 as the result of a retirement; and

WHEREAS, the County Administrator identified the need to refill the position and requested the position be filled; and

WHEREAS, the annual cost to fill the position shall not exceed \$96,503;

NOW, THEREFORE, BE IT RESOLVED, that effective April 10, 2022 the County Administrator is hereby authorized to fill the full-time Probation Director position; and be it further

RESOLVED, that current employee, Alyssa Palmer be appointed Probation Director effective April 11, 2023; and be it further

RESOLVED, the newly appointed Probation Director is also authorized to fill any subsequent vacancy that will occur as the result of her promotion to the Director position; and be it further

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

Resolution No. 181-23

Date: 4/10/23

Motioned By: Bronson

Seconded By:

**AUTHORIZE AND APPROVE OPIOID SETTLEMENT AGREEMENTS
(Pharmacies – Walmart, Walgreens, and CVS)**

WHEREAS, the County of Yates (hereinafter referred to as “County”) is a named plaintiff in a civil action regarding the opioid addiction crisis, against several defendants, including manufacturers of opioids, distributors of opioids and chain pharmacies (said civil action hereinafter referred to as the “Action”); and

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

WHEREAS, the Action alleges several causes of action against pharmacy defendants Walmart Inc. (aka Walmart), Walgreen Co. (aka Walgreens) and CVS Health Corporation, CVS Pharmacy, Inc. and all of their past and present direct and indirect parents and subsidiaries (collective aka CVS), (said Walmart, Walgreens and CVS hereinafter collectively referred to as the “Pharmacies”) based on claims that the Pharmacies contributed to the opioid epidemic, which contributed to a public health crisis in the County; and

WHEREAS, the Pharmacies have offered to settle the County’s claims against it by paying national settlements, to which the County may participate; and

WHEREAS, the County wishes to resolve this matter with respect to the Pharmacies without further litigation and enter into such settlement with the Pharmacies, wherein it will settle all allegations against the Pharmacies and avoid protracted litigation; and

WHEREAS, in order to effectuate the County’s settlement with the Pharmacies, the County would need to execute various proposed documents, namely: a) New York Payment Opioid Settlement Sharing Agreements with each of the respective Pharmacies and b) Subdivision Settlement Participation Forms with each of the respective Pharmacies and c) any and all other participant agreements, claims releases and other required supporting documents/sharing agreements necessary and appropriate to effectuate the settlement with the Pharmacies (all of the above proposed documents hereinafter collectively referred to as the “Participation Agreements”), and said New York Payment Opioid Settlement Sharing Agreements with each of the respective Pharmacies having been submitted to members of the Yates County Legislature prior to its meeting held this 10th day of April, 2023, for its consideration;

NOW, THEREFORE, BE IT RESOLVED, that the County is authorized to enter into said Participation Agreements; and be it further

RESOLVED, that in light of the foregoing, the Chairman of the Legislature is hereby authorized on behalf of the County, to execute and deliver the Participation Agreements; and be it further

RESOLVED, that moreover, and in light of the foregoing, Napoli Shkolnik is also hereby authorized on behalf of the County, to execute and deliver the Participation Agreements; 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.

Resolution No. 182-23

Date: 4/10/23

Motioned By: Bronson

Seconded By:

RESOLUTION ASKING GOVERNOR HOCHUL AND THE NYS PUBLIC SERVICE COMMISSION TO DISMISS NYSEG AND RG&E RATE HIKE REQUESTS AND TO CORRECT THE BILLING PROBLEMS BEFORE RATE HIKES ARE CONSIDERED

WHEREAS, Yates County residents are served by NYSEG and/or RG&E utilities; and

WHEREAS, NYSEG has requested a 34.9% rate increase for electric and 14.9% for gas customers which together would result in an annual bill increase of approximately \$240 for the average residential customer, and RG&E seeks a 21% rate increase for electric and 18.8% for gas customers, which combined would result in an annual bill increase of nearly \$260 for an average residential customer; and

WHEREAS, Governor Hochul called NYSEG and RG&E's rate hike request "outrageous and unacceptable" and urged her Department of Public Service (DPS) to "scrutinize every number and word of this proposal to protect New York families from unjustified and unfair rate increases"; and

WHEREAS, DPS staff experts have reviewed the NYSEG and RG&E rate filings, and as documented in public records, testified to the many deficiencies and errors contained in those filings. Staff further stated that the Companies have been vague and non-responsive to their questions, and that this is the second successive rate filing in which these issues have occurred, and similar problems were noted in a 2016 management audit as well; and

WHEREAS, State regulations governing rate proceedings (16 NYCRR §61) require the Companies to provide "competent testimony" with detailed financial justification that is "neither speculative or conjectural" to support their rate requests, but the companies have failed to do so; and

WHEREAS, the NYS Public Service Commission is undertaking an investigation of the billing practices of NYSEG and RG&E because the number of consumer complaints skyrocketed to more than 4,700 in 2022, which is 60% more than the two previous years combined; and

WHEREAS, the billing problems as well as the inadequacies of the rate filings call into question the administrative competence of these monopoly utilities, and public trust has been eroded;

NOW, THEREFORE, BE IT RESOLVED, that Yates County calls on the Public Service Commission and Governor Hochul to dismiss the NYSEG and RG&E rate increase requests and to protect the public interest by making sure the Companies get their billing straightened out and submit a proper, detailed rate filing before substantive rate hikes are even considered; and further be it further

RESOLVED, that a certified copy of this resolution be sent to Governor Kathy Hochul, Senator O'Mara, Assemblyman Palmesano, PSC Chair Rory Christian, and to Michelle Phillips, Secretary, Public Service Commission, with a request to file your resolution in each of the following Cases: 22-E-0317, 22-G-0318, 22-E-0319, 22-G-0320.

Resolution No. 183-23

Date: 4/10/23

Motioned By: Bronson

Seconded By:

AMEND 2023 NON-UNION EXEMPT EMPLOYEE SALARY SCHEDULE

WHEREAS, Resolution 491-22 was duly adopted on December 12, 2022 adopting the Non-Union Exempt Employee Salary Schedule; and

WHEREAS, the resolution is in need of an amendment;

NOW, THEREFORE, BE IT RESOLVED, that effective April 11, 2023, the following be adopted as the updated 2023 Non-Union Exempt Employee Salary Schedule;

<u>Elected Officials</u>	<u>Annual</u>
County Clerk	\$75,679
County Treasurer	\$31,050
District Attorney	\$200,400
Legislators (14 at \$9,112 each)	\$127,568
Legislature Chairman	\$9,112
Sheriff	\$109,590

<u>Exempt Employees</u>	<u>Annual</u>
Assistant District Attorney (First)	\$103,500
Assistant District Attorney	\$87,465
Assistant District Attorney	\$76,532
Assistant Public Defender (First)	\$37,895
Assistant Public Defender (First) – Hurrell-Harring Grant Add-On	\$60,000
Assistant Public Defender	\$47,127
Assistant Public Defender – Hurrell-Harring Grant Add-On	\$32,000
Assistant Public Defender	\$20,700
Assistant Public Defender - Upstate Quality Improvement and Caseload Reduction Grant Add-On	\$74,750
Budget Officer	\$18,396
Building Maintenance Supervisor	\$78,431

Chief Corrections Officer	\$73,817
Clerk, County Legislature	\$56,222
Commissioner of Social Services	\$83,680
Confidential Assistant to Sheriff	\$48,902
County Administrator	\$113,292
County Attorney	\$106,647
Deputy County Clerk	\$52,272
Deputy Director of Public Health	\$83,488
Deputy Highway Superintendent	\$68,672
Director of Child and Family Services	\$77,514
Director of Community Services	\$84,452
Director of Community Services – Columbia University Grant Add-On	\$8,500
Director of Emergency Services	\$85,035
Director of Finance	\$93,150
Director of Income Maintenance & Child Support	\$68,028
Director of Public Health	\$102,892
Director of Real Property Tax Services	\$76,532
Director of Veterans’ Services Agency	\$51,110
Election Commissioner (D)	\$57,243
Election Commissioner (R)	\$57,243
Highway Superintendent	\$84,104
Information Technology Director	\$89,420
Personnel Officer	\$79,964
Planner	\$69,622
Probation Director	\$77,605
Public Defender	\$78,919
Public Defender – Hurrell-Harring Grant Add-On	\$15,000
Social Services Attorney	\$90,045
Undersheriff	\$87,145

And be it further

RESOLVED, that copies of this resolution be given to the employees encumbering the job titles listed on the resolution, the Personnel Officer, County Administrator and Director of Finance.

Resolution No. 184-23

Date: 4/10/23

Motioned By: Bronson

Seconded By:

ADOPT 2023 NON-UNION NON-EXEMPT EMPLOYEE WAGE SCHEDULE

WHEREAS, Resolution 492-22 was duly adopted on December 12, 2023 adopting the Non-Union Non-Exempt Employee Wage Schedule; and

WHEREAS, the resolution is in need of a being amended;

NOW, THEREFORE, BE IT RESOLVED, that effective April 11, 2023, the following be adopted as the updated 2023 Non-Union Non-Exempt Employee Wage Schedule;

	<u>START RATE (YEAR 1)</u>	<u>AFTER 12 MONTHS</u>	<u>AFTER 3 YEARS</u>			
Account Clerk Typist (<i>Sheriff's Office/Public Health</i>)	\$16.19	\$16.46	\$17.03			
Animal Control Officer (<i>Part Time</i>)	\$18.12					
Bachelors Prepared Nurse (ASN, AND. AASN)	\$25.93					
Chief Equipment Custodian	\$19.23					
Deputy Election Commissioner	\$25.90					
Elections Machine Technician I	\$23.37					
Electronic Machine Technician II	\$26.01					
Election Operations Assistant	\$17.50					
Election Auditor	\$16.00					
Equipment Custodian	\$18.01					
Election Coordinator	\$17.50					
Election Inspector	\$15.00					
Election Inspector (<i>Traveling</i>)	\$16.00					
Election Inspector Chairperson	\$17.50					
Election Inspector Chairperson (<i>Traveling</i>)	\$18.50					
Voting Machine Inspector	\$16.00					
Voting Machine Inspector (<i>Traveling</i>)	\$17.00					
Clerk (<i>Sheriff</i>)	\$16.25					
Clerk (Historian/Records Management Office)	\$20.30					
	<u>START RATE (YEAR 1)</u>	<u>AFTER 12 MONTHS</u>				
Correction Officer	\$20.11	\$21.27				
Correction Officer/ Court Security	\$20.11	\$21.27				
Coroner	\$100/Case					
County Code Enforcement Officer	\$22.20					
County Historian (<i>Part-Time</i>)/Records Manager	\$27.62					
Deputy Sheriff (<i>Experience 80% CO82 LE contract for appropriate step</i>)	TBD					
Deputy Sheriff (<i>90% as above, if duty requires special instructor or certification</i>)	TBD					
	<u>START RATE (YEAR 1)</u>	<u>AFTER 12 MONTHS</u>				
Emergency Services Dispatcher	\$16.60	\$17.10				
Emergency Medical Technician (<i>Part-Time</i>)	\$20.12					
Employment and Training Assistant	\$20.87					
Examination Monitor	\$16.65					
	<u>YEAR 1</u>	<u>YEAR 2</u>	<u>YEAR 3</u>			
	<u>START RATE</u> <u>PREMIUM</u>	<u>START RATE</u> <u>PREMIUM</u>	<u>START RATE</u> <u>PREMIUM</u>			
Food Service Helper	\$14.49	\$16.67	\$15.03	\$17.22	\$15.58	\$17.77
Jail Nurse Practitioner	\$38.15					
Jail Physician	\$38.15					
Laborer (<i>Seasonal- Highway Department</i>)	\$15.01					
Law Enforcement Liaison	\$25.43					
	<u>START RATE (YEAR 1)</u>	<u>YEAR 2</u>				
Marine Patrol Officer (<i>Seasonal</i>)	\$20.11	\$21.27				
Motor Equipment Operator (<i>YC Stop- SMART</i>)	\$15.48					
Motor Vehicle Supervisor	\$30.12					
Parademic (<i>Part-Time</i>)	\$26.84					
Payroll Specialist	\$29.85					
Personnel Assistant	\$26.50					
Project Manager	\$46.58					
Public Health Program Coordinator (<i>Part Time</i>)	\$29.12					
Registered Nurse	\$35.78					
Secretary to County Attorney	\$36.32					
Secretary to District Attorney	\$22.21					
Secretary to Public Defender	\$22.66					
Secretary to Public Defender - Hurrell-Harring Grant Add-On	\$5.47					
Secretary to Sheriff	\$23.65					
Senior Account Clerk Typist (<i>Public Health</i>)	\$19.77					
Vessel Operator	\$17.64					

And be it further

RESOLVED, that copies of this resolution be given to the employees encumbering the job titles listed on the resolution, all Department Heads, Personnel Officer, County Administrator, and Director of Finance.

Resolution No. 185-23
Motioned By: Chilson

Date: 4/10/23
Seconded By:

APPOINT MEDICAL DIRECTOR (DEWITT)

WHEREAS, Eleanor H. DeWitt, M. D. has been determined qualified and approved to serve in the capacity as Medical Consultant by the New York State Commissioner of Health; and

WHEREAS, Eleanor H. DeWitt, M.D. has been re-credentialed by the Human Services Committee of the Yates County Legislature;

NOW, THEREFORE, BE IT RESOLVED, that Eleanor H. DeWitt, M.D. is hereby appointed to the position of Medical Director for Yates County Public Health for a two (2) year period January 1, 2023- December 31, 2024; and be it further

RESOLVED, that copies of this resolution shall be provided to Eleanor H. DeWitt, M.D. and the Public Health Department.

Resolution No. 186-23
Motioned By: Chilson

Date: 4/10/23
Seconded By:

AUTHORIZE 2023 YATES COUNTY YOUTH BUREAU CONTRACTS

BE IT RESOLVED, that after review by the County Attorney, the Youth Bureau Director and the Chair of the Legislature are authorized to sign contracts with the following agencies for approved Youth Bureau funding for the time frame 1/1/2023-9/30/2023:

<u>Agency/Organization</u>	<u>Program</u>	<u>Amount</u>
Big Brothers Big Sisters - Youth Mentoring Program		\$1,250
Child and Family Resources - Together Time		\$1,000
Dundee Library- Youth Services		\$1,400
Safe Harbors -Kids Rights to Personal Safety		\$2,500
Village of Dundee - Summer Recreation		\$2,000
Village of Penn Yan - Summer Recreation		\$2,000
Rushville Summer Fun Reading Program		\$1,000
Our Town Rocks and Reads (YCRR)		\$3,600
Modeste Bedient Memorial Library		\$2,000
Town of Jerusalem		\$2,000

And be it further

RESOLVED, that copies of this resolution be given to the Youth Bureau Director and the Yates County Director of Finance and the Yates County Treasurer.

Resolution No. 187-23
Motioned By: Chilson

Date: 4/10/23
Seconded By:

RECOGNIZE YATES COUNTY DISTINGUISHED YOUTH AWARD RECIPIENT

WHEREAS, the Yates County Youth Board selected Madaline Smith for recognition as a Yates County Distinguished Youth of 2023, acknowledging her outstanding service to her community,

NOW, THEREFORE, BE IT RESOLVED, that this Legislature take recognition of this honor bestowed upon Madaline Smith by the Yates County Youth Board on April 10, 2023, in Penn Yan, NY, and thank her for her dedicated service to the community of Penn Yan and to the citizens of Yates County, and

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

Resolution No. 188-23

Date: 4/10/23

Motioned By: Chilson

Seconded By:

**APPOINT MEMBER TO THE YATES COUNTY COMMUNITY SERVICES BOARD
AND MENTAL HEALTH SUBCOMMITTEE**

BE IT RESOLVED, that the Yates County Legislature appoint David Prete, 18 Maple St. Canisteo, New York 14823, to the Community Services Board and Mental Health Subcommittee, to a term ending, 12/31/2026; and be it further

RESOLVED, that a copy of this resolution be provided to David Prete and to the Yates County Department of Community Services.

Resolution No. 189-23

Date: 4/10/23

Motioned By: Chilson

Seconded By:

MENTAL HEALTH MONTH 2023

WHEREAS, mental health is essential to everyone's overall health and well-being; and

WHEREAS, all Americans face challenges in life that can impact their mental health, especially during a pandemic; and

WHEREAS, prevention is an effective way to reduce the burden of mental health conditions; and

WHEREAS, there are practical tools that all people can use to improve their mental health and increase resiliency; and

WHEREAS, mental health conditions are real and prevalent in our nation; and

WHEREAS, with effective treatment, those individuals with mental health conditions can recover and lead full, productive lives; and

WHEREAS, each business, school, government agency, health care provider, organization and citizen share the burden of mental health problems and has a responsibility to promote mental wellness and support prevention and treatment efforts;

NOW, THEREFORE, BE IT RESOLVED, the Yates County Legislature, does hereby proclaim May 2023 as Mental Health Month in Yates County and calls upon the citizens, local governments, agencies, public and private institutions, businesses, and schools in Yates County to commit our community to increasing awareness and understanding of mental health, the steps our citizens can take to protect their mental health, and the need for appropriate and accessible services for all people with mental health conditions; and be it further

RESOLVED, that a copy of this resolution be provided to the Director for Community Services, Public Health Director, and the press.

Resolution No. 190-23
Motioned By: Banach

Date: 4/10/23
Seconded By:

**AUTHORIZE LEGISLATURE CHAIRWOMAN TO SIGN 2023
ROADSIDE MOWING CONTRACTS**

WHEREAS, in the interest of public safety all Yates County roadsides need to be mowed during the months of May through September; and

WHEREAS, the adopted 2023 Yates County budget has sufficient funding appropriated to line D5110.54032 to contract with several Towns to do roadside mowing for Yates County at an established rate of \$195 per centerline mile; and

WHEREAS, the Town of Barrington and the Town of Middlesex, have agreed to do contract mowing of Yates County roads within their Towns;

NOW, THEREFORE, BE IT RESOLVED, that the Chairwoman of the Legislature, after review by the County Attorney, is authorized to sign roadside mowing contracts with each of the above-named Towns; and be it further

RESOLVED, that a copy of this resolution be sent to the Yates County Director of Finance, the County Administrator, the Yates County Highway Superintendent and each Town performing roadside mowing for Yates County.

Resolution No. 191-23
Motioned By: Banach

Date: 4/10/23
Seconded By:

AWARD BID FOR COLD MILLING OF ASPHALT PAVEMENT

WHEREAS, bids were requested for Cold Milling of Asphalt Pavement and received on March 23, 2023 at 10:00 a.m. and two firms submitted bids to the Yates County Highway Department;

BIDDER:	Villager Construction Inc.	Donegal Construction Corporation
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Project #1: CR #8, Bellona Station Rd (2.66 miles)

3" depth, Estimated quantity: +/-39,013 sq. yd

With County Supplied Trucking /sq. yd:	\$1.36	\$1.35
Deduct for County Provided M&P of Traffic:	-\$0.14	-\$0.10
Total:	\$1.22	\$1.25

Project #2: CR #2, Ferguson Corners Road (2.71 miles)

3" depth, Estimated quantity: +/-39,746 sq. yd

With County Supplied Trucking /sq. yd:	\$1.36	\$1.39
Deduct for County Provided M&P of Traffic:	-\$0.14	-\$0.09
Total:	\$1.22	\$1.30

Project #3: CR #11 Chubb Hollow Road (6.65 miles)

3" depth, Estimated quantity: +/-97,532 sq. yd

With County Supplied Trucking /sq. yd:	\$1.33	\$1.07
Deduct for County Provided M&P of Traffic:	-\$0.15	-\$0.07
Total:	\$1.18	\$1.00

NOW, THEREFORE, BE IT RESOLVED, to award the bid for Project #1 and Project #2 to Villager Construction Inc., and Project #3 to Donegal Construction Corporation; and be it further

RESOLVED, that copies of this resolution be provided to all bidders, the Yates County Treasurer, Yates County Director of Finance, and the Yates County Highway Superintendent.

Resolution No. 192-23
Motioned By: Banach

Date: 4/10/23
Seconded By:

AWARD BID FOR LIQUID BITUMINOUS MATERIAL

WHEREAS, bids were requested for Liquid Bituminous Material and received on March 23, 2023 at 10:00 a.m. and three firms submitted a bid to the Yates County Highway Department;

		Midland Asphalt Materials Inc.	Vestal Asphalt Inc.	Suit Kote Corporation
LIQUID EMULSIFIED ASPHALT MATERIALS "PER GALLON"				
702-3101	RS-2	3.730	3.912	3.710
*	HFRS-2P	4.000	4.258	3.980
702-3301	HFMS-2	4.184	4.205	4.164
*	HFMS-2ST	3.730	4.205	3.590
*	AEPM	2.360	2.619	2.410
702-4101	CRS-2	3.710	3.714	nb
*	CRS-2P	3.980	4.287	nb
MIX PAVER OPTION "APPLIED PER GALLON"				
702-4201	CMS-2	4.494	nb	nb
*	HFMS-2GH	4.604	nb	nb
CHIPPER RENTAL & APPLIED OIL PRICE PER GALLON				
Chipper	w/CRS-2	3.990	4.011	nb
	w/RS-2	4.010	2.588	3.060
	w/HFRS-2	4.010	4.285	3.120
	w/HFRS-2ST	4.010	4.362	3.800
	w/HFMS-2ST	4.010	4.357	3.850
PUG MILL and PAVER OPERATIONS "APPLIED PER GALLON"				
702-3301	HFMS-2	nb	5.149	4.794
*	HFMS-2C	nb	nb	4.844
702-4201	CMS-2	nb	5.147	nb
*	HFMS-2GH	nb	5.314	4.884

		Midland Asphalt Materials Inc.	Vestal Asphalt Inc.	Suit Kote Corporation
RENTAL OF EQUIPMENT INCLUDING OPERATOR				
VIBRATORY DOUBLE DRUM ROLLER				
	/DAY	nb	2,500.00	2,400.00
10-12 TON RUBBER TIRE ROLLER				
	/DAY	2,200.00	2,200.00	2,200.00
MIX PAVER				

	/DAY	3,300.00	nb	nb
ASPHALT PAVER	/DAY	nb	3,500.00	3,500.00
MILLING MACHINE (75" DOWN CUT)	/DAY	nb	nb	6,000.00
PUG MILL OPERATION	/DAY	3,000.00	2,800.00	2,800.00
CHIPPER	/DAY	2,800.00	2,800.00	2,600.00

NOW, THEREFORE, BE IT RESOLVED, to award the bid to: Suit Kote Corporation for Liquid Emulsified Asphalt Materials RS-2, HFRS-2P, HFMS-2, HFMS-2ST. Chipper Rental and Applied Oil HFRS-2, HFRS-2ST, and HFMS-2ST. Pug Mill and Paver Operations HFMS-2, HFMS-2C, and HFMS-2GH. To Midland Asphalt Materials for Liquid Emulsified Asphalt Materials AEPM, CRS-2, and CRS-2P. Mix Paver Option CMS-2 and HFMS-2GH. Chipper Rental and Applied Oil for CRS-2. To Vestal Asphalt Inc for Chipper Rental and Applied Oil RS-2 and Pug Mill and Paver Operations for CMS-2; and be it further

RESOLVED, to award the bid for Rental of Equipment Including Operator to: Suit Kote Corporation for Vibratory Double Drum Roller, 10-12 Ton Rubber Tired Roller, Asphalt Paver, Milling Machine 75" Down Cut, Pug Mill Operation, and Chipper. To Midland Asphalt Materials Inc. for 10-12 Ton Rubber Tired Roller and Mix Paver. To Vestal Asphalt Inc. for 10-12 Ton Rubber Tired Roller, Asphalt Paver, and Pug Mill Operation; and be it further

RESOLVED, that copies of this resolution be provided to all bidders, the Yates County Treasurer, Yates County Director of Finance, and Yates County Highway Superintendent.

AWARD BID FOR HOT MIX ASPHALT CONCRETE

WHEREAS, bids were requested for Hot Mix Asphalt Concrete and received on March 23, 2023 at 10:00 a.m. and six firms submitted bids to the Yates County Highway Department;

			BIDDER:	Dolomite Products Company, Inc. - DBA A.L. Blades	Spallina Materials, Inc.	Seneca Stone Corporation	Northern Asphalt, LLC	Heidelberg Materials Northeast - NY LLC	Dolomite Products Company, Inc
NYS DOT ITEM	ITEM	F.O.B Est. QUANT. (Tons)							
403.198902	Type 7F Top	500-1,000	\$82.00	\$76.00	\$80.00	\$80.00	\$81.00	\$82.00	
403.178302	Type 6F Top	500-1,000	\$78.00	\$73.00	\$78.00	\$77.00	\$79.00	\$78.00	
*	Fine Binder	500-1,000	\$78.00	\$73.00	\$69.00	\$75.00	\$72.00	\$78.00	
403.138902	Type 3 Binder	500-1,000	\$72.00	\$67.50	\$69.00	\$69.00	\$71.00	\$72.00	
402.097203	9.5 mm < 30	500-1,000	\$82.00	\$76.00	\$78.00	\$79.00	\$83.00	\$82.00	
402.127203	12.5 mm < 30	500-1,000	\$78.00	\$73.00	\$75.00	\$75.00	\$78.00	\$78.00	
402.197903	19.0 mm < 30	500-1,000	\$72.00	\$67.50	\$69.00	\$69.00	\$73.00	\$72.00	
402.257903	25.0 mm < 30	500-1,000	\$71.00	\$67.00	\$67.00	\$67.00	\$69.00	\$71.00	

SPECIFIED IN-PLACE PROJECTS

Project #1	Bellona Station Rd								
From State Route 14A to CR #15 (Pre-Emption Road)									
	2.66 Mi.	3,392 tons 19 mm < 30 (2") Unit:	\$81.15	nb	\$69.00	\$65.00	\$69.00	nb	
		2,852 tons 9.5 mm < 30 (1.5") Unit:	\$95.00	nb	\$77.00	\$74.00	\$81.00	nb	
		Total:	\$546,200.80		\$453,652.00	\$431,528.00	\$465,060.00		

Project #2	Ferguson Corners Rd								
From State Route 14A to the Ontario County Line									
	2.71 Mi.	3,456 tons 19 mm < 30 (2") Unit:	\$81.15	nb	\$69.00	\$65.00	\$69.00	nb	
		2,905 tons 9.5 mm < 30 (1.5") Unit:	\$95.00	nb	\$77.00	\$74.00	\$81.00	nb	
		Total:	\$556,429.40		\$462,149.00	\$439,610.00	\$473,769.00		

			BIDDER:	Dolomite Products Company, Inc. - DBA A.L. Blades	Spallina Materials, Inc.	Seneca Stone Corporation	Northern Asphalt, LLC	Heidelberg Materials Northeast - NY LLC	Dolomite Products Company, Inc
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Project #3	Chubb Hollow Rd								
From State Route 14A to CR #1 (Himrod Road)									
	6.65 Mi.	598 tons 37.5 mm < 30 (3") Unit:	\$81.00	nb	\$68.00	\$68.50	\$73.53	nb	
		8,479 tons 19 mm < 30 (2") Unit:	\$76.90	nb	\$71.00	\$76.50	\$72.00	nb	
		7,129 tons 9.5 mm < 30 (1.5") Unit:	\$90.80	nb	\$78.00	\$81.50	\$81.50	nb	
		Total:	\$1,347,786.30		\$1,198,735.00	\$1,270,620.00	\$1,235,472.44		

UNSPECIFIED IN-PLACE PROJECTS

403.198302	Type 7F3 Top	Base Bid:	nb	\$124.00	\$99.00	\$105.00	\$118.75	nb	
403.178302	Type 6F3 Top	Base Bid:	nb	\$121.00	\$97.00	\$102.00	\$117.00	nb	
*	Fine Binder	Base Bid:	nb	\$118.00	\$90.00	\$100.00	\$110.75	nb	
403.138902	Type 3 Binder	Base Bid:	nb	\$114.00	\$90.00	\$94.00	\$110.50	nb	
402.097203	9.5 mm < 30	Base Bid:	nb	\$124.00	\$99.00	\$104.00	\$119.50	nb	
402.127203	12.5 mm < 30	Base Bid:	nb	\$123.50	\$96.00	\$100.00	\$116.50	nb	
402.197903	19.0 mm < 30	Base Bid:	nb	\$114.50	\$90.00	\$94.00	\$110.75	nb	
402.257903	25.0 mm < 30	Base Bid:	nb	\$114.00	\$88.00	\$92.00	\$108.25	nb	

NOW, THEREFORE, BE IT RESOLVED, due to various worksites throughout the County, the bid award for F.O.B. materials shall be awarded to all bidders and the purchase of F.O.B. from any vendor shall be determined by combining the price per ton at the vendor yard and the Yates County cost for hauling the materials to the job site; and be it further

RESOLVED, that Specified In-Place Project #1 and Project #2 shall be awarded to Northern Asphalt, LLC. Specified In-Place Project #3 shall be awarded to Seneca Stone Corporation and Unspecified in Place Projects to Seneca Stone Corporation for all items; and be it further

RESOLVED, that copies of this resolution be provided to all bidders, the Yates County Treasurer, Yates County Director of Finance, and Yates County Highway Superintendent.

Resolution No. 194-23
Motioned By: Banach

Date: 4/10/23
Seconded By:

AWARD BID FOR PAVER PLACED SURFACE TREATMENT

WHEREAS, bids were requested for Paver Placed Surface Treatment and received on March 23, 2023 at 10:00 a.m. and one firm submitted a bid to the Yates County Highway Department;

	Midland Asphalt Materials
PRICE/SY Range	
5,000 to 15,000 SY	
TYPE A - 1/4"	\$6.16
TYPE B - 3/8"	\$6.16
TYPE C - 1/2"	\$6.16
15,001-30,000 SY	
TYPE A - 1/4"	\$5.54
TYPE B - 3/8"	\$5.54
TYPE C - 1/2"	\$5.54
30,001 plus SY	
TYPE A - 1/4"	\$5.43
TYPE B - 3/8"	\$5.43
TYPE C - 1/2"	\$5.43
Add-on	\$ 0.10
	(per square yard if Contractor furnishes and operates compaction equipment)
Add-on	\$ 0.60
	(per square yard if Contractor furnishes hauling of hot mix asphalt from plant to job site)

NOW, THEREFORE, BE IT RESOLVED, to award the bid to Midland Asphalt; and be it further

RESOLVED, that copies of this resolution be provided to all bidders, the Yates County Treasurer, Yates County Director of Finance, and Yates County Highway Superintendent.

Resolution No. 195-23
Motioned By: Banach

Date: 4/10/23
Seconded By:

DESIGNATE HIGHWAY SUPERINTENDENT AS THE RESPONSIBLE LOCAL OFFICIAL (RLO) FOR PURPOSES OF THE NYSDOT'S EBO SOFTWARE (RESCIND RESOLUTION NO. 167-20)

WHEREAS, Resolution No. 167-20 designated the Yates County Responsible Local Official (RLO) for purposes of the NYS Department of Transportation's Equitable Business Opportunities software (EBO), as the Deputy Highway Superintendent; and

WHEREAS, it has become necessary to rescind resolution No. 167-20; and

WHEREAS, by this Resolution the Yates County Legislature designates Douglas M. Rapalee, Yates County Highway Superintendent, as the County's Responsible Local Official (RLO) for purposes of the NYS Department of Transportation's Equitable Business Opportunities software (EBO), which streamlines and reduces the efforts required by the construction industry to satisfy civil rights reporting requirements; and

WHEREAS, in his position as Yates County Highway Superintendent, Douglas M. Rapalee has frequent contact with NYS Department of Transportation (NYSDOT) personnel thereby making him the most appropriate County employee to oversee NYSDOT's EBO software;

NOW, THEREFORE, BE IT RESOLVED, the Yates County Legislature designates responsibility as the Responsible Local Official for purposes of NYSDOT's EBO software to Douglas M. Rapalee; and be it further

RESOLVED, that copies of this resolution be sent to the Highway Superintendent, the Director of Finance, the County Administrator and the New York State Department of Transportation.

Resolution No. 196-23
Motioned By: Banach

Date: 4/10/23
Seconded By:

AUTHORIZE CHAIRWOMAN TO SIGN AGREEMENT (General Construction)

WHEREAS, sealed proposals for General Construction for the proposed New Highway Department, Office of Emergency Services, and Public Health Facility were requested and received on March 16, 2023 at 10:00 a.m.;

		BIDDER:	<i>Building Innovation Group, Inc.</i>
ITEM NO.	Bid Item		LUMP SUM

		PRICE
TOTAL BASE BID	TOTAL BASE BID (General Construction)	\$8,627,169.00
ALTERNATE #3	Overhead Door Replacement	\$167,176.00
ALTERNATE #4	Siding and Window Replacement	\$268,440.00
ALTERNATE #5	Appliances	\$38,788.00
ALTERNATE #6	Fixtures, Furniture, and Equipment	\$175,796.00
ALTERNATE #7	Sander Storage Building	\$191,511.00

SIGNED DOCUMENTS INCLUDED:

CONTRACTORS CERTIFICATION OF ELIGIBILITY	x
NON-COLLUSIVE BIDDING CERTIFICATE	x
RESOLUTION FOR CORPORATE BIDDERS	x
CERTIFICATION FOR RECEIPT OF ADDENDA	x
STATEMENT OF SURETY'S INTENT	x
IRANIAN ENERGY SECTOR DIVESTMENT CERTIFICATE	x

WHEREAS, the submitted bid documents have been reviewed by Watchdog Building Partners, LLC and a recommendation to award has been received; and

WHEREAS, Watchdog Building Partners, LLC has recommended that Alternates #3, #4, #5, and #7 be accepted as part of this project;

NOW, THEREFORE, BE IT RESOLVED, to award the bid to Building Innovation Group, Inc. located at 701 Lincoln Pkwy, East Rochester, NY 14445 for total price of \$9,293,084.00 contingent upon the receipt of their insurance, performance bond, and executed agreement; and be it further

RESOLVED, that contingent upon the approval of the County Attorney the Chairwoman is hereby authorized to execute any and all necessary documents, including but not limited to the aforementioned agreement with Building Innovation Group, Inc.; and be it further

RESOLVED, that copies of this resolution be forwarded to the County Administrator, the Highway Superintendent, the Director of Finance, the Buildings and Grounds Supervisor, Michael LaMontagne of C&S Engineers, Inc, Lester Roberts of Watchdog Building Partners, LLC, and Building Innovation Group, Inc.

AUTHORIZE CHAIRWOMAN TO SIGN AGREEMENT
(Plumbing Construction)

WHEREAS, sealed proposals for Plumbing Construction for the proposed New Highway Department, Office of Emergency Services, and Public Health Facility were requested and received on March 16, 2023 at 10:00 a.m.;

	BIDDER:	<i>Lloyd Mechanical Co. LLC</i>
ITEM NO.	Bid Item	LUMP SUM PRICE
TOTAL BASE BID	TOTAL BASE BID (Plumbing Construction)	\$1,386,000
ALTERNATE #2	Breathing Apparatus Equipment	\$78,100.00

SIGNED DOCUMENTS INCLUDED:

CONTRACTORS CERTIFICATION OF ELIGIBILITY	x
NON-COLLUSIVE BIDDING CERTIFICATE	x
RESOLUTION FOR CORPORATE BIDDERS	x
CERTIFICATION FOR RECEIPT OF ADDDENDA	x
STATEMENT OF SURETY'S INTENT	x
IRANIAN ENERGY SECTOR DIVESTMENT CERTIFICATE	x

WHEREAS, the submitted bid documents have been reviewed by Watchdog Building Partners, LLC and a recommendation to award has been received; and

WHEREAS, Watchdog Building Partners, LLC has recommended that Alternate #2 be accepted as part of this project;

NOW, THEREFORE, BE IT RESOLVED, to award the bid to Lloyd Mechanical Co. LLC, located at 10 Eisenhower Drive, Brockport, NY 14420 for total price of \$1,464,100.00 contingent upon the receipt of their insurance, performance bond, and executed agreement; and be it further

RESOLVED, that contingent upon the approval of the County Attorney the Chairwoman is hereby authorized to execute any and all necessary documents, including but not limited to the aforementioned agreement with Lloyd Mechanical Co. LLC; and be it further

RESOLVED, that copies of this resolution be forwarded to the County Administrator, the Highway Superintendent, the Director of Finance, the Buildings and Grounds Supervisor, Michael LaMontagne of C&S Engineers, Inc, Lester Roberts of Watchdog Building Partners, LLC, and Lloyd Mechanical Co. LLC.

Resolution No. 198-23
Motioned By: Banach

Date: 4/10/23
Seconded By:

AUTHORIZE CHAIRWOMAN TO SIGN AGREEMENT
(Mechanical Construction)

WHEREAS, sealed proposals for Mechanical Construction for the proposed New Highway Department, Office of Emergency Services, and Public Health Facility were requested and received on March 16, 2023 at 10:00 a.m.;

		BIDDER:	<i>Landry Mechanical Contractor, Inc.</i>
ITEM NO.	Bid Item	LUMP SUM PRICE	
TOTAL BASE BID	TOTAL BASE BID (Mechanical Construction)	\$2,060,000.00	

SIGNED DOCUMENTS INCLUDED:

CONTRACTORS CERTIFICATION OF ELIGIBILITY	x
NON-COLLUSIVE BIDDING CERTIFICATE	x
RESOLUTION FOR CORPORATE BIDDERS	x
CERTIFICATION FOR RECEIPT OF ADDDENDA	x
STATEMENT OF SURETY'S INTENT	x
IRANIAN ENERGY SECTOR DIVESTMENT CERTIFICATE	x

WHEREAS, the submitted bid documents have been reviewed by Watchdog Building Partners, LLC and a recommendation to award has been received;

NOW, THEREFORE, BE IT RESOLVED, to award the bid to Landry Mechanical Contractor, Inc., located at 164 Flint Hill Road, Le Roy, NY 14482 for total price of \$2,060,000.00 contingent upon the receipt of their insurance, performance bond, and executed agreement; and be it further

RESOLVED, that contingent upon the approval of the County Attorney the Chairwoman is hereby authorized to execute any and all necessary documents, including but not limited to the aforementioned agreement with Landry Mechanical Contractor, Inc.; and be it further

RESOLVED, that copies of this resolution be forwarded to the County Administrator, the Highway Superintendent, the Director of Finance, the Buildings and Grounds Supervisor, Michael LaMontagne of C&S Engineers, Inc, Lester Roberts of Watchdog Building Partners, LLC, and Landry Mechanical Contractor, Inc.

AUTHORIZE CHAIRWOMAN TO SIGN AGREEMENT
(Electrical Construction)

WHEREAS, sealed proposals for Electrical Construction for the proposed New Highway Department, Office of Emergency Services, and Public Health Facility were requested and received on March 16, 2023 at 10:00 a.m.;

BIDDER:		<i>O'Connell Electric Company</i>
ITEM NO.	Bid Item	LUMP SUM PRICE
TOTAL BASE BID	TOTAL BASE BID (Electrical)	\$1,920,500.00
ALTERNATE #1	EV Charging Stations	\$30,400.00
ALTERNATE #2	Breathing Apparatus Equipment	\$2,200.00
ALTERNATE #3	Overhead Door Replacement	\$4,600.00
ALTERNATE #4	Siding and Window Replacement	\$6,000.00
ALTERNATE #7	Sander Storage Building	\$3,600.00

SIGNED DOCUMENTS INCLUDED:

CONTRACTORS CERTIFICATION OF ELIGIBILITY	x
NON-COLLUSIVE BIDDING CERTIFICATE	x
RESOLUTION FOR CORPORATE BIDDERS	x
CERTIFICATION FOR RECEIPT OF ADDENDA	x
STATEMENT OF SURETY'S INTENT	x
IRANIAN ENERGY SECTOR DIVESTMENT CERTIFICATE	x

WHEREAS, the submitted bid documents have been reviewed by Watchdog Building Partners, LLC and a recommendation to award has been received; and

WHEREAS, Watchdog Building Partners, LLC has recommended that Alternates #2, #3, #4, and #7 be accepted as part of this project;

NOW, THEREFORE, BE IT RESOLVED, to award the bid to O'Connell Electric Company, Inc. located at 830 Phillips Road, Victor, NY 14564 for total price of \$1,936,900.00 contingent upon the receipt of their insurance, performance bond, and executed agreement; and be it further

RESOLVED, that contingent upon the approval of the County Attorney the Chairwoman is hereby authorized to execute any and all necessary documents, including but not limited to the aforementioned agreement with O'Connell Electric Company, Inc.; and be it further

RESOLVED, that copies of this resolution be forwarded to the County Administrator, the Highway Superintendent, the Director of Finance, the Buildings and Grounds Supervisor, Michael LaMontagne of C&S Engineers, Inc, Lester Roberts of Watchdog Building Partners, LLC, and O'Connell Electric Company, Inc.

Resolution No. 200-23
Motioned By: Banach

Date: 4/10/23
Seconded By:

**AUTHORIZE CHAIRWOMAN TO SIGN AGREEMENT
 (Site Work Contract)**

WHEREAS, sealed proposals for Site Work for the proposed New Highway Department, Office of Emergency Services, and Public Health Facility were requested and received on March 16, 2023 at 10:00 a.m.;

		BIDDER:	<i>DiFiore Construction, Inc.</i>
ITEM NO.	Bid Item	LUMP SUM PRICE	
TOTAL BASE BID	TOTAL BASE BID (Site Work)	\$4,424,000.00	

SIGNED DOCUMENTS INCLUDED:

CONTRACTORS CERTIFICATION OF ELIGIBILITY	x
NON-COLLUSIVE BIDDING CERTIFICATE	x
RESOLUTION FOR CORPORATE BIDDERS	x
CERTIFICATION FOR RECEIPT OF ADDENDA	x
STATEMENT OF SURETY'S INTENT	x
IRANIAN ENERGY SECTOR DIVESTMENT CERTIFICATE	x

WHEREAS, the submitted bid documents have been reviewed by Watchdog Building Partners, LLC and a recommendation to award has been received;

NOW, THEREFORE, BE IT RESOLVED, to award the bid to DiFiore Construction, Inc., located at 155 Pool Street, Rochester, NY 14606 for total price of \$4,424,000.00 contingent upon the receipt of their insurance, performance bond, and executed agreement; and be it further

RESOLVED, that contingent upon the approval of the County Attorney the Chairwoman is hereby authorized to execute any and all necessary documents, including but not limited to the aforementioned agreement with DiFiore Construction, Inc.; and be it further

RESOLVED, that copies of this resolution be forwarded to the County Administrator, the Highway Superintendent, the Director of Finance, the Buildings and Grounds Supervisor, Michael LaMontagne of C&S Engineers, Inc, Lester Roberts of Watchdog Building Partners, LLC, and DiFiore Construction, Inc.

AUTHORIZE CHAIRWOMAN TO SIGN AGREEMENT
(Demolition/Abatement Contract)

WHEREAS, sealed proposals for Demolition/Abatement for the proposed New Highway Department, Office of Emergency Services, and Public Health Facility were requested and received on March 16, 2023 at 10:00 a.m.;

		BIDDER:	<i>Sessler Environmental Services</i>
ITEM NO.	Bid Item	LUMP SUM PRICE	
TOTAL BASE BID	TOTAL BASE BID (Demolition/Abatement)	\$259,000.00	
ALTERNATE #4	Siding and Window Replacement	\$65,000.00	

SIGNED DOCUMENTS INCLUDED:

CONTRACTORS CERTIFICATION OF ELIGIBILITY	x
NON-COLLUSIVE BIDDING CERTIFICATE	x
RESOLUTION FOR CORPORATE BIDDERS	x
CERTIFICATION FOR RECEIPT OF ADDENDA	x
STATEMENT OF SURETY'S INTENT	x
IRANIAN ENERGY SECTOR DIVESTMENT CERTIFICATE	x

WHEREAS, the submitted bid documents have been reviewed by Watchdog Building Partners, LLC and a recommendation to award has been received; and

WHEREAS, Watchdog Building Partners, LLC has recommended that Alternate #4 be accepted as part of this project;

NOW, THEREFORE, BE IT RESOLVED, to award the bid to Sessler Environmental Services, located at 1330 Research Forest, Macedon, NY 14502 for total price of \$324,000.00 contingent upon the receipt of their insurance, performance bond, and executed agreement; and be it further

RESOLVED, that contingent upon the approval of the County Attorney the Chairwoman is hereby authorized to execute any and all necessary documents, including but not limited to the aforementioned agreement with Sessler Environmental Services; and be it further

RESOLVED, that copies of this resolution be forwarded to the County Administrator, the Highway Superintendent, the Director of Finance, the Buildings and Grounds Supervisor, Michael LaMontagne of C&S Engineers, Inc, Lester Roberts of Watchdog Building Partners, LLC, and Sessler Environmental Services.

Resolution No. 202-23

Date: 4/10/23

Motioned By: Banach

Seconded By:

**AUTHORIZATION OF MISCELLANEOUS COSTS FOR THE NEW HIGHWAY,
OFFICE OF EMERGENCY SERVICES & PUBLIC HEALTH FACILITY AS PART OF
THE COMPLETE PROJECT BUDGET**

WHEREAS, Yates County intends to proceed with the construction of the new Highway, Office of Emergency Services and Public Health facility; and

WHEREAS, bids and proposals have been previously received for various design, engineering, construction management, other consultant services and construction contractors for the New Highway Department, Office of Emergency Services, and Public Health Facility; and

WHEREAS, other required costs have been identified that are not included in the above services and need to be included in the project budget to provide a complete project per the breakdown provided to the Public Works committee on April 3, 2023;

NOW, THEREFORE, BE IT RESOLVED, that the Highway Superintendent and Building Maintenance Supervisor are hereby authorized to include and expend a value not to exceed \$2,957,222.04 as part of the complete project budget for this project; and be it further

RESOLVED, that copies of this resolution be forwarded to the County Administrator, the Highway Superintendent, the Director of Finance, the Building Maintenance Supervisor, the Director of Emergency Services, the Director of Public Health, Michael LaMontagne of C&S Engineers, Inc. and Lester Roberts of Watchdog Building Partners.

Resolution No. 203-23

Date: 4/10/23

Motioned By: Banach

Seconded By:

**AUTHORIZE CHAIRWOMAN TO SIGN AN AGREEMENT WITH CME
ASSOCIATES, INC.**

WHEREAS, the County is planning to begin construction on the new Highway, Office of Emergency Services & Public Health Facility at the current Yates County Highway Department site and this work will require special inspections and testing; and

WHEREAS, the Building Maintenance Supervisor and the Highway Superintendent advertised a Request for Proposal for these services for the completion of these special inspections and testing on a unit rate basis for these services; and

WHEREAS, a proposal, has been received from CME Associates, Inc. for the completion of these special inspections and after evaluation of the proposals CME Associates, Inc. has the lowest unit rate cost for these services as stated below;

	Half-Day	Day
ACI Level 1 Concrete testing / Compaction	\$160	\$320
ACI Level 2 Rebar Insp.	\$260	\$520
Masonry	\$260	\$520
Steel Insp.	\$300	\$600
Project Manager	\$460	\$920

Asphalt Monitoring / Testing	\$160	\$320
Geotechnical Engineer	\$500	\$1000
Geotechnical Tech. Bearing / proof roll	\$260	\$520
Mileage	\$0.69	Per Mile
Cylinder pickup	\$40	Per Hour
Cylinder Compressive test	\$11	Per Cylinder
Mortar Cube	\$16	Per Cube
Grout sample	\$11	Per sample
Sieve Analysis	\$58	Each
Proctor Test	\$97	Each

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 CME Associates, Inc. to complete the special inspections for the new facility project at the Yates County Highway Department site; and be it further

RESOLVED, that said contract will run from April 15, 2023 to May 1, 2025 and be billed at the rates set forth in the proposal and at not to exceed value of \$125,000.00; and be it further

RESOLVED, that copies of this resolution be provided to the Director of Finance, the County Administrator, the Building Maintenance Supervisor, the Highway Superintendent and CME Associates, Inc.

Resolution No. 204-23
Motioned By: Banach

Date: 4/10/23
Seconded By:

**AUTHORIZE AMENDMENT TO SPECIAL INSPECTIONS
AGREEMENT WITH SJB SERVICES, INC.
(Amendment of Resolution #530-22)**

WHEREAS, the County is replacing the Fuel facilities at the Yates County Highway and this work will require special inspections and testing; and

WHEREAS, the County was notified on March 30, 2023 that the assets of SJB Services, Inc. have been acquired by Atlantic Testing Laboratories, Limited effective March 31, 2023; and

WHEREAS, Atlantic Testing Laboratories, Limited has provided the County with an Assignment and Consent to Assignment document to be executed by the Chairwoman of the Legislature; and

WHEREAS, the County Attorney has reviewed the aforementioned document and advised that the document is acceptable to execute;

NOW, THEREFORE, BE IT RESOLVED, that the agreement for the special inspection services for the new fuel facility will continue with Atlantic Testing Laboratories, Limited per the same conditions and rates in the original agreement; and be it further

RESOLVED, that copies of this resolution be provided to the Director of Finance, the Highway Superintendent, the Building Maintenance Supervisor, the County Administrator and Atlantic Testing Laboratories, Limited.

Resolution No. 205-23
Motioned By: Banach

Date: 4/10/23
Seconded By:

**NEW NATURAL GAS SERVICE TO BENTON CENTER & NEW HIGHWAY,
OFFICE OF EMERGENCY SERVICES / PUBLIC HEALTH FACILITY**

WHEREAS, the County is planning to begin construction on the new Highway, Office of Emergency Services & Public Health Facility at the current Yates County Highway Department site; and

WHEREAS, the Highway Superintendent and Building Maintenance Supervisor have identified an opportunity to have a new natural gas main installed to feed the mechanical equipment, etc. in the new facility in lieu of propane; and

WHEREAS, New York State Electric & Gas (NYSEG) has provided two (2) options, at the request of Yates County, for review; and

WHEREAS, there may also be opportunity to extend the new gas main to service additional residents in the Town of Benton; and

WHEREAS, the Highway Superintendent has identified a Not to Exceed cost of \$1,751,500 to install said gas main; and

WHEREAS, a Public Information meeting will be scheduled in the near future to discuss the two (2) options with the Town of Benton residents;

NOW, THEREFORE, BE IT RESOLVED, that upon completion of the Public Information meeting and upon a final decision by the Yates County Legislature of whether Option #1 or Option #2 will proceed, the Highway Superintendent is authorized to expend funds up to the not to exceed amount of \$1,751,500; and be it further

RESOLVED, that upon approval of the County Attorney, the Chairwoman of the Legislature is authorized to enter into an agreement with New York State Electric & Gas (NYSEG) to complete the design and installation of the gas main; and be it further

RESOLVED, that copies of this resolution be provided to the Director of Finance, the County Administrator, the Building Maintenance Supervisor, the Highway Superintendent, the Supervisor of the Town of Benton and NYSEG.

Resolution No. 206-23
Motioned By: Banach

Date: 4/10/23
Seconded By:

AUTHORIZE CHAIRWOMAN TO SIGN A CONTRACT WITH ADT COMMERCIAL

WHEREAS, the annual inspection and test of the automatic fire detection systems in the Courthouse, County Office Building and Buildings & Grounds facilities is due annually; and

WHEREAS, the Building Maintenance Supervisor has received a proposal, from our current vendor ADT Commercial under OMNIA contract #R220701 for \$8,844 per year; and

WHEREAS, ADT is certified by Siemens Building Technology to work on and service the County's Siemens fire alarm detection systems;

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 ADT Commercial to perform the annual inspection and test on the automatic fire detection systems including FM-200 system in the Courthouse, County Office Building and the Buildings & Grounds facility; and be it further

RESOLVED, that said contract will run from 5-6-23 to 5-5-28 for a total sum of \$8,844.00 annually; and be it further

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

Resolution No. 207-23

Date: 4/10/23

Motioned By: Banach

Seconded By:

**AUTHORIZE THE LEGISLATIVE CHAIRWOMAN TO SIGN AGREEMENT
WITH NEW YORK STATE UNIFIED COURT SYSTEM**

WHEREAS, the New York State Unified Court System wishes to enter into an agreement with Yates County for cleaning services as well as minor and emergency repairs to the court related facilities;

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 New York State Unified Court System from April 1, 2023 through March 31, 2028; and be it further

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

Resolution No. 208-23

Date: 4/10/23

Motioned By: Banach

Seconded By:

AUTHORIZE CHAIRWOMAN TO SIGN A CONTRACT WITH C&S COMPANIES

WHEREAS, the County has identified the need to repair and maintain the brick on the County Office Building Annex section; and

WHEREAS, the Building Maintenance Supervisor sought proposals, for the completion of the necessary professional services to prepare drawings and specification for this project for a sum of \$38,681.00 for this service;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairwoman of the Legislature is authorized to enter into a contract with C&S Companies to complete professional services for the County Office Building Annex brick repair and restoration; and be it further

RESOLVED, that said contract will run from 4-11-23 to 10-31-24 for a total sum of up to \$38,681.00; and be it further

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

Resolution No. 209-23

Date: 4/10/23

Motioned By: Holgate

Seconded By:

AUTHORIZE CHAIRWOMAN TO SIGN CONTRACT WITH GRAYBAR ELECTRIC COMPANY FOR PHASE 1B AND SELECTED OUTSIDE PLANT MATERIALS FOR THE RECONNECT PROJECT

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

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

WHEREAS, Yates County has previously obtained all the materials for needed for Phase 1A and the fiber for the entire build; and

WHEREAS, RUS has recently reviewed and approved the required Change of Scope documentation for Phase 1B allowing the project to proceed with Outside Plant material procurement for this phase; and

WHEREAS, given that material availability is limited, the bid document was prepared specifically requesting estimated material delivery dates along with price and calling out that the award would be made in accordance with the County's Best Value Law (price and delivery); and

WHEREAS, bids were requested and received and publicly opened on March at 2 pm and 4 firms submitted a bid;

Company	Material Bid (17 items)*	Lead Time - range
Graybar	\$283,180.53	In stock to 34 weeks
Walker	\$291,745.03	In stock to 31 weeks
Power & Telephone	\$297,228.54	In stock to 14 weeks
FirstLight	\$375,915.47	In stock to 20 weeks

WHEREAS, the submitted bid documents have been reviewed by New York Engineering Services and the Broadband Core team and presented to the Finance Committee and a recommendation agreed upon;

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 Graybar Electric Company; and be it further

RESOLVED, that copies of this resolution be provided to Graybar Electric Company, the County Administrator, the County Planner, the broadband Project Manager, and all the bidders.

Resolution No. 210-23
Motioned By: Holgate

Date: 4/10/23
Seconded By:

**ENTER INTO A MASTER SERVICES AGREEMENT FOR MAKE READY
CONSTRUCTION FOR THE RECONNECT PROJECT WITH HARLAN ELECTRIC
CO.**

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 product of the One Touch Make Services performed by LaBella are Frontier and Avangrid (parent company of New York State Electric and Gas hereinafter known as "NYSEG") Make Ready packages; and

WHEREAS, these packages, of roughly 100 poles each, specify all the work (electrical, tree trimming and telecommunications) that need to be performed on each pole in order to obtain an attachment license from the pole owner and ultimately make it ready to accept our fiber; and

WHEREAS, the Pole Attachment Agreement the County previously executed with NYSEG requires that the County hire a contractor from an approved list of NYSEG contractors; and

WHEREAS, upon guidance from the County Attorney the process for hiring Yates County's make ready contractor is being managed as a professional service with quotes being obtained from multiple approved contractors and awarding the construction contract to the lowest qualified quote; and

WHEREAS, Harlan Electric Co. is an NYSEG approved contractor and has provided the County with the lowest qualified quote on the Make Ready apps #16, #17, #18, #19, and #22;

WHEREAS, the County anticipates 50+ Make Ready packages and thus 50+ Make Ready quoting and contracting cycles where each Make Ready package has a 120-day expiration date; and

WHEREAS, a Master Services Agreement, specific to each awarded contractor, with specific Make Ready packages, awarded via agreement amendment or purchase order would expedite and streamline the process;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairwoman of the Legislature is authorized to enter into a Master Services Agreement with Harlan Electric Co. where the specific Make Ready packages will be awarded via contract amendment or purchase order ; and be it further

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

Resolution No. 211-23
Motioned By: Holgate

Date: 4/10/23
Seconded By:

**ENTER INTO A MASTER SERVICES AGREEMENT FOR TELCO
REARRANGEMENT MAKE READY WITH HENKELS & MCCOY, INC. 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 product of the One Touch Make Ready Services performed by LaBella Associates are utility pole Make Ready packages; and

WHEREAS, these packages, of roughly 100 poles each, specify all the work (electrical, tree trimming and telecommunications) that need to be performed on each pole in order to obtain an attachment license from the pole owner and ultimately make it ready to accept our fiber; and

WHEREAS, the Pole Attachment Agreements the County previously executed with the utility pole owners require that the County hire a contractor from an approved list of contractors; and

WHEREAS, upon guidance from the County Attorney the process for hiring Yates County's make ready contractor is being managed as a professional service with quotes being obtained from multiple approved contractors and awarding the construction contract to the lowest qualified quote; and

WHEREAS, Henkels & McCoy, Inc. (hereinafter referred to as "H&M") is a telco rearrangement approved contractor and has provided the County with the lowest qualified quote on at least one Make Ready package; and

WHEREAS, the County anticipates 40+ Make Ready packages and thus 40+ Make Ready quoting and contracting cycles where each Make Ready package has a 120-day expiration date; and

WHEREAS, a Telco Rearrangement Master Services Agreement, specific to each awarded contractor, with specific Make Ready packages, awarded via work orders would expedite and streamline the process;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairwoman of the Legislature is authorized to enter into a Telco Rearrangement Master Services Agreement with H&M where the specific Make Ready packages will be awarded via work orders; and be it further

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

Resolution No. 212-23

Date: 4/10/23

Motioned By: Holgate

Seconded By:

AUTHORIZE LETTER OF SUPPORT FOR GENESEE/FINGER LAKES REGIONAL PLANNING COUNCIL (GFLRPC) TO PARTICIPATE AS THE LEAD ORGANIZATION FROM THE ROCHESTER MSA FOR THE EPA'S CLIMATE POLLUTION REDUCTION GRANT (CPRG) PROGRAM.

WHEREAS, the EPA has created the Climate Pollution Reduction Grant (CPRG) Program in order to develop and implement plans for reducing greenhouse gas emissions and other harmful air pollution; and

WHEREAS, the 67 most populous Metropolitan Statistical Areas in the county are eligible to receive a \$1 million dollar, non-competitive, Phase 1 planning grant; and

WHEREAS, the Rochester Metro Area, including Yates County, is included in that MSA and are eligible; and

WHEREAS, the Genesee/Finger Lakes Regional Planning Council, who already operates across that statistical area, has offered to be the Lead Organization for this grant; and

WHEREAS, they have asked for a letter of support from Yates County and the other surrounding municipalities;

NOW, THEREFORE, BE IT RESOLVED, that the Legislative Chairwoman is authorized to send a letter of support for the GFLRPC; and be it further

RESOLVED, that a copy of this resolution be furnished to the County Legislative Chairwoman, the County Administrator, the County Planner and to Richard Sutherland of GFLRPC.

Resolution No. 213-23

Date: 4/10/23

Motioned By: Holgate

Seconded By:

AUTHORIZE CHAIRWOMAN TO SIGN A CONTRACT WITH E-WASTE+

WHEREAS, Yates County will be holding a Household Hazardous Waste and Electronics Waste Collection Day on Saturday, September 23rd, 2023; and

WHEREAS, RFPs were sought for electronic waste vendors; and

WHEREAS, EWASTE+, 7318 Victor Mendon Rd, Victor, NY 14564, was the only responding vendor; and

WHEREAS, there have been a number of industry wide changes, especially in regards to the pricing model of electronic waste since Yates County's last event; and

WHEREAS, starting January 1, 2023, in compliance with the NYS Electronic Recycling & Reuse Act (EERRA), all fees associated with electronics recycling will be covered by the Original Equipment Manufacturers (OEM);

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

RESOLVED, that cost will be \$0.00; and be it further

RESOLVED, that copies of this resolution be provided to E-WASTE+, the Director of Finance, and the County Planner.

Resolution No. 214-23

Date: 4/10/23

Motioned By: Holgate

Seconded By:

**AUTHORIZE CHAIRWOMAN TO SIGN A CONTRACT WITH MXI
ENVIROMENTAL SERVICES, LLC.**

WHEREAS, Yates County will be holding a Household Hazardous Waste and Electronics Waste Collection Day on Saturday, September 23rd, 2023; and

WHEREAS, RFPs were sought for Hazardous Collection vendors; and

WHEREAS, MXI Environmental Service, LLC. of 26319 Old Trail Road, Abingdon, VA, 24210 was the only responding vendor; and

WHEREAS, there have been a number of industry wide changes, especially in regards to the pricing model of hazardous waste collection since Yates County's last event; and

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairwoman of the Legislature is hereby authorized to sign an agreement with MXI Environmental Services, LLC; and be it further

RESOLVED, that cost with follow the included price structure but final tally will depend on participation:

Item	Cost	
11 persons (1 Chemist, 1 Project Man, 6-9 Techs)	No Cost	
Set up	\$7500.00	
Lap Packed Chemicals	\$325.00	Per 55 gallon drum
Pesticides	\$325.00	Per 55 gallon drum
Paint/ Varnish	\$0.00	
Organic Liquids	\$250.00	Per 55 gallon drum
Reactive Materials	\$250.00	Per 5 gallon bucket
Acids	\$325.00	Per 55 gallon drum
Aerosols	\$325.00	Per 55 gallon drum
Household Batteries	\$325.00	Per 55 gallon drum
Fluorescent Light Bulbs	\$0.65	Per Linear Foot
Unknown material testing	\$0.00	

RESOLVED, that copies of this resolution be provided to MXI Environmental Services, LLC, the Director of Finance, and the County Planner.

Resolution No. 215-23

Date: 4/10/23

Motioned By: Holgate

Seconded By:

2023 BUDGET TRANSFERS

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

From:	To:	Amount:
A1430.54515 PER- Postage	A1430.51661 PER- Comp. Time B/O	\$ 47.14
CD6292.4G WFD- DSS Work Op.	CD6292.1G WFD- DSS Work Staff Wage	\$ 6,000.00
CD6292.4G WFD- DSS Work Op.	CD6292.8G WFD-DSS Work Staff Fringe	\$ 1,300.00
D5110.54156 HWY- Training	D5010.51661 HWY- Comp. Time B/O	\$ 650.10

And be it further

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

Resolution No. 216-23
Motioned By: Holgate

Date: 4/10/23
Seconded By:

APPROPRIATE ADDITIONAL STATE AID
(DSS)

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

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

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

Revenue:		
A6010.43610 DSS- Social Service Admin	\$	6,509.82
Appropriation		
A6010.54027 DSS- Miscellaneous	\$	6,509.82

And be it further

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

Resolution No. 217-23
Motioned By: Holgate

Date: 4/10/23
Seconded By:

APPROPRIATE ADDITIONAL STATE AID
(HWY)

WHEREAS, the Highway department has received revenue over the 2023 budgeted amount from Homeland Security with corresponding expenditures; and

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

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

Revenue:		
D5110.43960 HWY-State Aid Homeland Security	\$	4,687.47
Appropriation		
D5120.54606 HWY- Culvert Pipe	\$	4,687.47

And be it further

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

Resolution No. 218-23
Motioned By: Holgate

Date: 4/10/23
Seconded By:

**APPROPRIATE ADDITIONAL FEDERAL AID
(HWY)**

WHEREAS, the Highway department has received revenue over the 2023 budgeted amount from Homeland Security with corresponding expenditures; and

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

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

Revenue:		
D5110.44960 HWY- Fed Aid Homeland Security	\$	42,187.29
Appropriation		
D5120.54606 HWY-Culvert Pipe	\$	42,187.29

And be it further

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

Resolution No. 219-23
Motioned By: Holgate

Date: 4/10/23
Seconded By:

AUHORIZE CHAIRWOMAN TO SIGN CONTRACT WITH GRANICUS

WHEREAS, the Department of Finance desires to continue an agreement with Granicus to provide module one; address identification for short term rental properties in Yates County;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairwoman of the Legislature is authorized to sign a contract renewal with Granicus; and be it further

RESOLVED, that said contract will run from 6/30/2023 to 6/29/2024 for an annual amount of \$11,677.50; and be it further

RESOLVED, that copies of this resolution be provided to the Director of Finance.

Resolution No. 220-23
Motioned By: Holgate

Date: 4/10/23
Seconded By:

**AMEND RESOLUTION 19-23
INVESTMENT POLICY**

WHEREAS, Resolution 19-23 adopted the Yates County Investment Policy; and

WHEREAS, the Director of Finance wishes to adjust the maximum balance for NY CLASS from \$11 million to \$30 million; and

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

DESIGNATION OF DEPOSITARIES:

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

And be it further

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