

REGULAR SESSION-MONDAY, APRIL 11, 2022

The Yates County Legislature convened in regular session Monday, April 11, 2022 at 1:00 p.m. with Chairwoman Church presiding.

Chairwoman Church introduced Tammy Slayton & Lisa Minns from Mozaic to present their Quarterly Statewide Mass Transportation Operating Assistance update.

Tammy introduced herself as the Senior Vice President of Administration for Mozaic. She oversees Lisa, who is the Director of Transportation for Mozaic. Lisa oversees the Transit Service.

Tammy reported that they are working on getting the rest of the CARES Act submitted so that they can get the rest of that reimbursement, which is approximately \$132,000. They purchased a bus in 2018 that they are submitting for approximately \$40,000 in reimbursement. They also have the bus stop signs that they can get reimbursed for \$4,500. They are working on all of those applications to get the paperwork into the state and get the money back into YTS.

Tammy reported that they have changed the way they do the routing brochures. Instead of updating the brochure on a quarterly basis and reprinting when they have very few changes, they have gone to a published date on the front of the brochure. They will only do the new printing as needed. They started that for the year and they plan to print new brochures in June for distribution in July.

Tammy reported that they have a new time point in Benton Center at Martin's Equipment. It was somehow inadvertently left out of the brochure, so they will do another update to make sure that one gets in there. That seems to be a hot spot where people are picking up the bus, so they want to make sure everyone knows. They are purchasing two bike racks and they are going to put one in the center at their agency at 235 North Ave. and one at Martin's Equipment for public passengers as well.

Tammy reported that they did a driver wage increase in February. They were finding it very difficult to hire drivers at the previous rate of pay. They are hoping that they will get more drivers that come in with a CDL without passenger seating restrictions. They are offering CDL drivers with no passenger restrictions \$18 an hour. Lisa stated that it was previously \$15 an hour, so it was an almost 20% increase.

Tammy stated that the Quarterly STOA Report shows that their passengers have gone back up. Their public passengers have significantly increased, as well as their contract passengers. Most of their contract passengers have returned, but they still do have pockets here and there where they have not. Their revenue miles are also up slightly. Their public passengers are up to almost 200 people and their contract passengers are up 2,200 people. They submitted for \$4,305.76 in the 2022 first quarter. Their revenue miles are down slightly about 5,000 miles because they had to suspend Route 4 that goes to Naples back in mid-January due to a driver shortage. The contract passengers that they have on that route come from state houses and they have not returned, they are not sure if they are going to or not. They do not have public passengers on that route. Since they have increased their wages, they have been able to hire a driver so they will be able to get that route up and going again.

Their STOA for 2022 first quarter was \$47,047.81, for 2021 it was the \$51,975.78. They

are down a little bit and that is because they lost from Route 4. Route 1 has changed significantly and they now have 489. They have three to five regular public passengers on Route 1. When they made changes there, they actually added the time points in Benton Center. They go there first in the morning and then head to Dundee. They pick up all of their public passengers in that Benton Center area and they get off the bus on the way to where they start picking up their contract passengers. Lisa rode one day to do some driver testing and before they got to Dundee they had seven passengers on the bus and they got off of the bus as they went into Dundee. Route 2 they actually have one lady that lives in Dresden that is now using the bus two to three times a week to come into Penn Yan to get groceries. They have a public passenger riding Route 2 from Dresden to Penn Yan. They didn't think they would see any public passengers riding that route, so to see someone riding two or three times a week is great. Route 5A is one that goes into Geneva and that is another route that has regular public passengers that ride daily. Their ridership's are increasing on some routes and some routes are a little slow on the uptick still. Routes 6A, 6B, and 6C are routes that really just loop around Penn Yan to pick up contract passengers. To get more public ridership on those will be tough.

Tammy sent the corrected presentation, attached below:



2022 1st Quarter

April 11, 2022

Public Transportation Update

Updates

- State Contract Reimbursement Updates
 - CARES Act - \$ 132,212.28
 - Bus Purchase - \$39,329
 - Bus stop signs - \$4,500

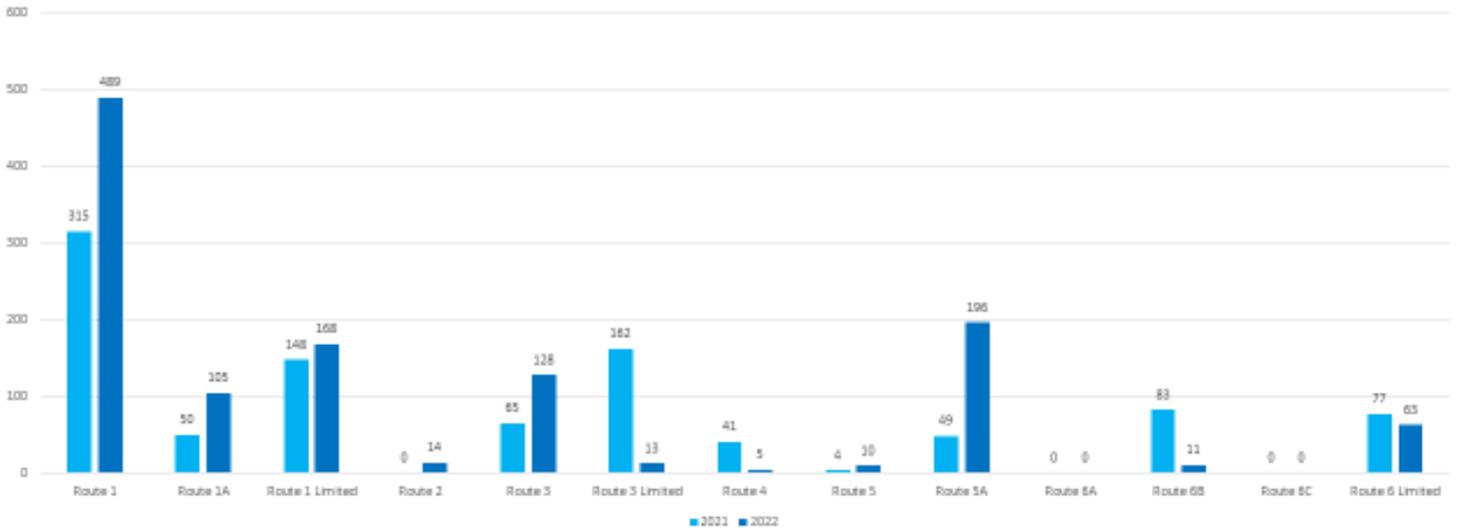
- Routing Brochures update

- Driver Wages

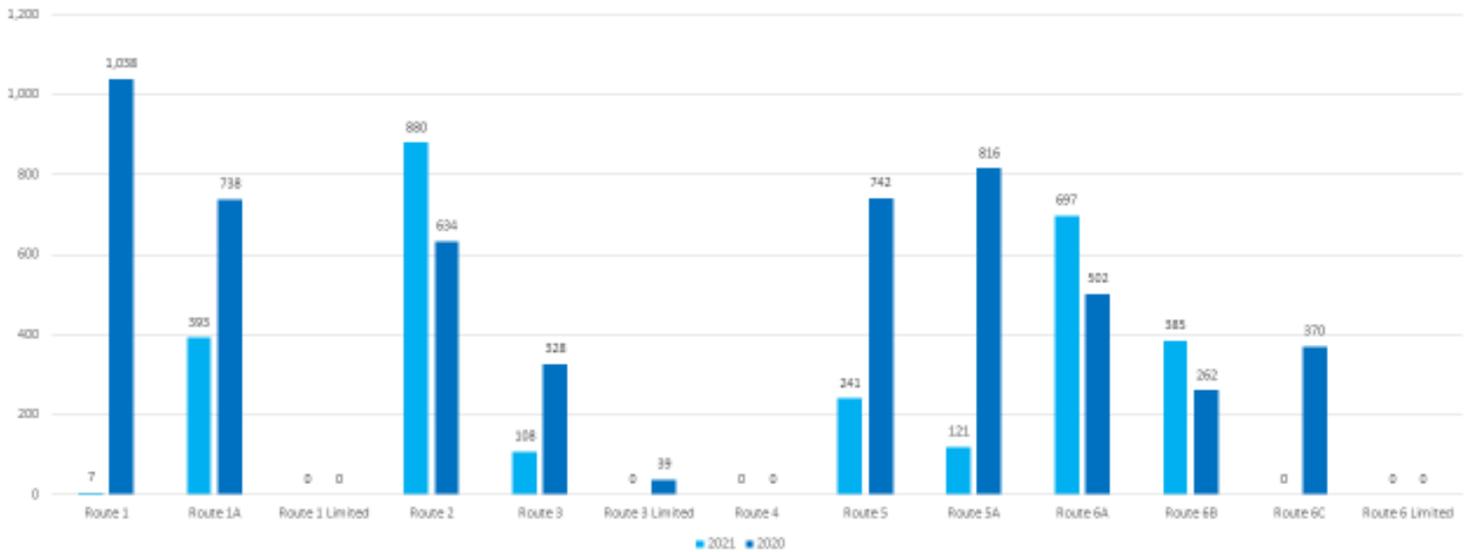
STOA Quarterly Report

2022 Q1 STOA				2021 Q1 STOA			
Ridership	Public	Contract		Ridership	Public	Contract	
January	319	1471		January	196	723	
February	438	1709		February	354	885	
March	445	1950		March	444	1224	
TOTAL	1202	5130		TOTAL	994	2832	
		6332 X \$.68	\$ 4,305.76			3826 X \$.68	\$ 2601.68
Revenue Miles				Revenue Miles			
January	11948			January	13048		
February	11933			February	13847		
March	13286			March	16039		
TOTAL	37167			TOTAL	42934		
		X \$1.15	\$ 42,742.05			X \$ 1.15	\$ 49,374.10
		STOA DUE: \$ 47,047.81				STOA DUE: \$ 51,975.78	

Quarterly Public Ridership 2022 vs 2021



Quarterly Contract Ridership 2022 vs 2021



Questions ?

Minutes of the March 17th meeting were approved as presented.

Chairwoman Church asked for a report of the auditing committees. The audit was approved as presented.

Airport Fund	\$ 6,468.68
Finance	\$ 5,867,888.92
Flint Creek	\$ 0
Government Operations	\$ 106,664.41
Human Services	\$ 281,562.31
Prior to Audit	\$ 82,600.71
Public Safety	\$ 177,687.84
Public Works	\$ 159,877.57
Total	\$ 6,682,750.44

COMMITTEE REPORTS

Mr. Button reported that he ran into Larry Christensen, a member of the Flint Creek Committee. They will be looking to do a lot of work and using a lot of expenditures out of this account.

Mr. Willson reported that he continues to learn a lot more about Emergency Management and Firemen and the operations that they are responsible for and it has been very interesting.

Ms. Chilson reported that they have a new mayor in town, Dan Candella, and they welcome him aboard.

Mr. Morris reported that he thinks everyone was reminded in the Committee Meetings, but

they have their Seneca-Keuka Nine Element Plan presentation at the LULA meeting. That will be on April 25th at 5:00 p.m. and it will be in person at the Yates County auditorium and on Zoom. He encourages legislators and department heads to attend.

Mr. Paddock reported that they have closed on property on Emerson Road for the site of the new Italy Hill communications tower and they should be closing on the site for the Dundee tower in the next several days.

Mr. Paddock provided an update on the Public Safety Communications Project relative to the discussion that was had in the Public Safety Committee meeting on shelters. Putting it in simple terms, they thought they were comparing the cost for two new generators and two new shelters at \$252,000 and change versus \$237,000 to relocate equipment, however, their service provider Motorola has included some equipment in that price. So, it is now about \$68,000 to relocate equipment, as opposed to the \$237,000. Mr. Paddock has spoken to the Ad Hoc Public Safety Communications Committee and the Sheriff. He believes that the feelings, at least of the legislators on the Committee, is that they should proceed with buying two new generators and two new shelters. He will let the Sheriff and Brian speak for themselves.

Chairwoman Church asked if the anticipated total was \$253,952.

Mr. Paddock stated that \$253,952 is correct. It reduces the risk significantly and the engineers need to know how to set up the sites at Ovid and Bluff Point in order to get the proper bids.

Mr. Willson asked if Mr. Paddock could explain to everyone that it is not just a concrete bunker for that price, there is equipment and things inside of it.

Mr. Paddock stated that the shelter includes transfer switch, some wiring, and the main power panel. Sheriff Spike confirmed the main power panel is included. The generator is the cost of a generator, but there would have to be wiring and that sort of thing included with the site construction contract.

Mr. Willson stated that he wanted everyone to know that it was more than just a piece of concrete.

Mr. Paddock stated that they could have a motion later in the meeting, they can nod their heads or shake their heads whichever direction, but in order to get the bid documents together, they really should make a decision today. Mr. Paddock stated that he sees most heads nodding yes.

Chairwoman Church questioned if everyone was in agreement.

Mr. Holgate stated that in light of the fact that the current structures have damage, they are leaking, and they have a lot of problems going on, it doesn't make sense to be moving old buildings that they are going to be putting new equipment in. The new tower sites should have a new building.

Chairwoman Church questioned if most everyone was in agreement and most everyone nodded their head in agreement, no one spoke against it. She thinks that is the way to go as well.

Mr. Paddock stated that C & S will be pleased to hear that.

Dr. Cutler reported that he encourages the legislators to attend the LULA meeting April 25th. He stated that when they go to their Town Board meetings, they might want to encourage as many municipal officials, code enforcement officers, planning and zoning representatives as well. Also, the Highway Departments are encouraged to attend.

Ms. Flynn reported that the 2023 State Budget passed both houses of the legislature on April 9th. They did repeal the division of sales tax for the AIM payments that have been made the last three years. They also repealed the diversion of sales tax for the distressed health facilities and that equates to just over \$250,000 that has been diverted from the County's sales tax revenue every year. They repealed the DOT right of way fees for all projects. Ms. Flynn stated that this is really significant for them as they implement their ReConnect 1 grant from the Federal Government, it is a big win for them as a county. They also increased aid for County Veterans' Services. They will be giving Yates County \$100,000 for the Joseph Dwyer Peer to Peer Program. Another big win for the County is that for all of their residents there will be a gasoline tax holiday. This will start June 1st and go through December 31st of this year. There will be relief for consumers at the gas pump where New York State is suspending their excise tax and their sales tax. This equates to about a 16 cents per gallon savings. Ms. Flynn reported that they did not include the authority to make the local sales tax rate authorizations permanent as they had hoped. April is National County Government month and she will be doing a press release, to highlight some of the programs and services that they provide as a county to their residents.

Mr. Holgate questioned if as far as the state turning over their share if the sales tax includes the County's sales tax.

Ms. Flynn stated that no, the gas sales tax suspension does not include the County's share. Their 4 cents is still there.

Mr. Holgate stated that maybe this is something they could consider on their own.

Mr. Paddock stated that from what he has heard, they have the option. He asked what effect that would have.

Ms. Flynn stated she will send an email stating what their tax revenue is from that.

Mr. Paddock stated that out of the \$17 million it is not inconsequential, but it is not as much of an amount as they think of their total sales tax revenue.

Mr. Button asked if diesel fuel was included in the suspension.

Ms. Flynn hasn't read in that much detail and she isn't sure if the release includes that fuel or not, but she will keep reading on it and let them know.

PUBLIC COMMENT

Joy Schank wanted to make the legislature aware of what she sent to them via email:

Dear Legislators,

The following is from Uniting NYS (unitingnys.com) regarding a lawsuit against the Governor:

“Uniting NYS is proud to announce that we have teamed up with a group of NYS Legislators, and together we are suing Governor Hochul, DOH Commissioner Bassett, the Department of Health, and the Public Health & Health Planning Council over their illegal forced “Isolation and Quarantine” regulation! We are proud to be standing together with Senator George Borrello, Assemblyman Mike Lawler, and Assemblyman Chris Tague in our pursuit of justice. These legislators are true leaders.

The Regulation... 10 NYCRR 2.13 “Isolation and Quarantine Procedures”

- Allows the DOH to pick and choose who they want to force to isolate or quarantine, without proof that the person poses a health threat, for however long the DOH wishes to force the quarantine, and at a location that the DOH deems appropriate (which can include a quarantine “facility” or detention center).
- They do not need to prove that you are actually sick. They can just suspect that you *MIGHT* be harboring a communicable disease.
- There is no age restriction, so they can force you, or your child, or your elderly parent/grandparent into isolation or quarantine, for however long they want!
- It is the antithesis of what our country stands for, so we intend to stop them!

You can read the full text of the regulation

here: <https://regs.health.ny.gov/volume-title-10/content/section-213-isolation-and-quarantine-procedures>

The Lawsuit...

Attorney Bobbie Anne Cox, of Cox Lawyers, PLLC, filed the lawsuit in New York State Supreme Court the beginning of April. The case is all about separation of powers between the Executive branch of government (the Governor and DOH) vs the Legislative branch of government (our State Senators and Assembly Members). This “regulation” is really a law that the Governor and DOH are illegally forcing on the people. Only the Legislative branch has the power to make law. The Governor and her Department of Health do not have the power to force people to

isolate or quarantine. This is a clear example of extreme government overreach. When one branch of government usurps the power of the other branch(es), that is tyranny.”

It is important Yates County join other legislators against this regulation,

Sincerely,

Joy E. Schank

Jack Prendergast commented on the cut back of state sales tax on the sale of gasoline. He thinks that it is nothing more than a political ploy by the Governor and the Senate House. They should be opening up their lands to getting more energy and that would bring the fuel price down by much more than 16 cents a gallon. The Governor, the Senate, and the Assembly have been considering increasing the gas tax in New York State by 55 cents a gallon. Jack stated that this is a ploy, from June to December, so it is just until after elections.

RESOLUTION NO. 128-22

Mr. Willson offered the following resolution and moved its adoption, seconded by Ms. Chilson.

AUTHORIZE CHAIRWOMAN TO SIGN CONTRACT (David Dowdle)

BE IT RESOLVED, that the Chairwoman is hereby authorized to sign the agreement contract with David Dowdle to serve as Instructor Trainee and or Practical Evaluator for Emergency Medical Services Training, Sponsored by Yates County Emergency Services for calendar year 2022; and be it further

RESOLVED, that the liability insurance requirement is waived; and be it further

RESOLVED, that a copy of this resolution be given to the Director, Office of Emergency Management, Director of Finance, Budget Officer, and the County Treasurer.

VOTE: Unanimous

RESOLUTION NO. 129-22

Mr. Willson offered the following resolution and moved its adoption, seconded by Mrs. Percy.

AUTHORIZE CHAIRWOMAN AND SHERIFF TO SIGN JAIL RENEWAL OF INMATE LEGAL LIBRARY AGREEMENT

BE IT RESOLVED, that upon the approval of the County Attorney, the Chairwoman and Sheriff are authorized to sign a renewal agreement with Lexis Nexis on legal material services for \$225 a month cost including tablets, etc. for the period 6/1/2022 thru 5/31/2025; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 130-22

Mr. Willson offered the following resolution and moved its adoption, seconded by Mrs. Percy.

AUTHORIZE SHERIFF AND CHAIRWOMAN TO RENEW INMATE MEDICAL SERVICES AGREEMENT WITH S&S MEMORIAL HOSPITAL

WHEREAS, Resolution #62-15 as approved by the County Attorney and Legislature authorized the Sheriff to enter into a letter of agreement with Soldiers and Sailors Memorial Hospital administered by FLH, Geneva, NY for inmate medical services to be charged at the Medicaid rate for efficiency of budget; and

WHEREAS, letters of renewal have been an agreement since 2015 to date;

NOW, THEREFORE, BE IT RESOLVED, that the Sheriff and Chairwoman is authorized to renew the letter of agreement for related hospital billing effective March 1, 2022 through February 28, 2023; and be it further

RESOLVED, that a copy of this resolution be provided the Sheriff.

VOTE: Unanimous

RESOLUTION NO. 131-22

Mr. Willson offered the following resolution and moved its adoption, seconded by Dr. Cutler.

DISCUSSION

Mr. Willson thanked Sheriff Spike for donating this to a country that is fighting for its very existence. He is proud of the Sheriff and crew for doing that.

Chairwoman Church thanked the Sheriff for reaching out this way.

AUTHORIZE SHERIFF TO DONATE SURPLUS PROPERTY

WHEREAS, the war in the Country of Ukraine has national attention and that government is in need of safety and defensive equipment, and the NYS Sheriffs' Association (NYSSA) is organizing with others for county Sheriff's Offices to donate surplus no longer used equipment to that Country's as aid in defense; and

WHEREAS, the Sheriff has older surplus bullet proof vests, gas masks and filters, batons and rifle bi-pods no longer intended for use to be declared surplus;

NOW, THEREFORE, BE IT RESOLVED, that the described inventoried property identified by the Sheriff is declared surplus property, and the Sheriff may dispose of same with the NYSSA Aid to Ukraine program; and be it further

RESOLVED, that the Sheriff receive a copy of this resolution.

VOTE: Unanimous

RESOLUTION NO. 132-22

Mr. Willson offered the following resolution and moved its adoption, seconded by Mrs. Percy.

RECOGNIZE 2022 NATIONAL CRIME VICTIMS' RIGHTS WEEK

WHEREAS, the National Crime Victim's Rights Week is designated as April 24-30 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 ***Rights, access, equity, for all victims***. 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 24 – 30, 2022 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 thank 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 to the Sheriff .

VOTE: Unanimous

RESOLUTION NO. 133-22

Mr. Willson offered the following resolution and moved its adoption, seconded by Mrs. Percy.

RECOGNIZE NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK FOR 2022

WHEREAS, **National Public Safety Telecommunications Week** has been designated by APCO (Association of Public-Safety Communications Officials) as April 10-16, 2022, 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 and joins Sheriff Spike thanking all the Yates County 911 emergency services dispatch personnel, and related staff for their continued efforts to preserve the public's safety and health; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 134-22

Mr. Willson offered the following resolution and moved its adoption, seconded by Mr. Killen.

**GRANT UNPAID MILITARY LEAVE OF ABSENCE
(SCHAFFER)**

WHEREAS, in accordance with United States Code, Title 32 §502 (f)(1), §504, and §505, Corrections Officer, Mason Schaffer has been ordered to attend Formal Training School under the authority of the New York Air National Guard; and

WHEREAS, Mr. Schaffer's attendance for such training is required for the time period of April 3, 2022 to May 7, 2022; and

WHEREAS, Mr. Schaffer will exhaust his Military Leave Time effective May 1, 2022;

NOW, THEREFORE, BE IT RESOLVED, that Corrections Officer, Mason Schaffer, be granted a Military Leave of Absence without pay effective May 2, 2022 for a time period not to exceed May 31, 2022; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 135-22

Mr. Willson offered the following resolution and moved its adoption, seconded by Mr. Harper.

**AMEND RESOLUTION 46-22
(Empire Access)**

WHEREAS, resolution 46-22 authorized the Chairwoman of the Legislature to sign a contract or contracts with Empire Access for fiber installation and internet access; and

WHEREAS, the service agreement is an extension of the Empire Access account that has already been authorized;

NOW, THEREFORE, BE IT RESOLVED, that resolution 46-22 be amended to include the Alternate PSAP as an additional connection site; and be it further

RESOLVED, that the Sheriff be authorized to sign a service agreement with Empire Access for the connection of Empire fiber/internet service to the Alternate PSAP site; and be it further

RESOLVED, that a copy of this resolution be provided to Empire Access, the Sheriff, the Director of Finance, County Administrator/Budget Officer, Treasurer, and the I.T. Director.

VOTE: Unanimous

RESOLUTION NO. 136-22

Mr. Willson offered the following resolution and moved its adoption, seconded by Mr. Paddock.

**ACCEPT BID FOR PUBLIC SAFETY COMMUNICATIONS PROJECT
TOWER SITE CONSTRUCTION**

WHEREAS, on March 29, 2022, bids for Sherman Hill and Public Safety Building tower site construction (Phase 1, Contract 4 – Yates County Public Safety Communications Project Site Construction) were received, opened, read aloud and documented, as follows:

Company	Location	Bid
Patriot Towers	Scottsville, NY 14546	\$427,934
Mid-State Communications	Oriskany, NY 13424	\$445,000
Kaplan-Schmidt Electric, Inc.	Rochester, NY 14623	\$408,830

And;

WHEREAS, the apparent low bidder for Tower Site Construction, Phase 1, Contract 4 is Kaplan-Schmidt Electric, Inc. of Rochester, NY; and

WHEREAS, the County’s project consultant, C & S Engineers, has reviewed the bids and recommends accepting said bid from Kaplan-Schmidt;

NOW, THEREFORE, BE IT RESOLVED, that the above Kaplan-Schmidt Electric, Inc. bid is hereby accepted, contingent upon the execution of a written contract related thereto between the County and Kaplan-Schmidt Electric, Inc., and to this end, the Chairwoman of the Legislature, upon the approval of the County Attorney, is authorized to sign such a contract on behalf of the County, as well as any other necessary documents with Kaplan-Schmidt Electric, Inc., to enable site construction for the Public Safety Communications Project, including, but not limited to change orders; and be it further

RESOLVED, that total contract shall not exceed \$408,830; and be it further

RESOLVED, that copies of this resolution be furnished to the Yates County Sheriff, County Administrator/Budget Officer, Director of Emergency Services, Highway Superintendent, Information Technology Director, Director of Finance, Treasurer, C & S Engineers and all bidders.

VOTE: Unanimous

RESOLUTION NO. 137-22

Mr. Willson offered the following resolution and moved its adoption, seconded by Mrs. Percy.

DISCUSSION

Mr. Willson thanked the Sheriff for doing this, it buys them some time while the new towers construction. It’s a really good thing to have some breathing room on it.

**AUTHORIZE SHERIFF AND CHAIRWOMAN TO ENTER INTO TENANT-AT-WILL
(MONTH-TO-MONTH) LEASE AGREEMENT
(Dundee – Crown Castle)**

WHEREAS, Yates County leases space for public safety communications on a tower site owned by Crown Castle in the Town of Starkey for \$1,718.16 per month; and

WHEREAS, said lease automatically renews on July 25, 2022 unless Crown Castle is notified 90 days prior that the County does not wish to renew the lease; and

WHEREAS, as part of the County's Public Safety Communications Project, a new, County-owned tower will be erected on Bill Bailey Road in the Town of Barrington, thus the lease with Crown Castle will no longer be needed; and

WHEREAS, it is unlikely that the new communications system will be fully operational by July 25, 2022, necessitating continued operation of the current system beyond that date; and

WHEREAS, the Sheriff has negotiated a Tenant-at-Will (month-to-month) lease extension on the current site after termination of the current lease; and

WHEREAS, the Sheriff has formally notified Crown Castle of Yates County's intent to terminate the current lease agreement on the Dundee tower site at the end of its current term by letter dated March 31, 2022;

NOW, THEREFORE, BE IT RESOLVED, that after approval by the County Attorney the Sheriff and Chairwoman of the legislature are hereby authorized to enter into a Tenant-at-Will (month-to-month) lease agreement with Crown Castle for the current Dundee tower site after the end of the current lease term for the amount of \$2,000.00 per month; and be it further

RESOLVED, that copies of this resolution be furnished to the Yates County Sheriff, County Administrator/Budget Officer, Director of Finance, Treasurer, County Attorney, Crown Castle and C & S Engineers.

VOTE: Unanimous

RESOLUTION NO. 138-22

Mr. Willson offered the following resolution and moved its adoption, seconded by Mrs. Percy.

AUTHORIZE SHERIFF AND CHAIRWOMAN TO ENTER INTO TENANT-AT-WILL (MONTH-TO-MONTH) LEASE AGREEMENT (Italy Hill – American Towers)

WHEREAS, Yates County leases space for public safety communications on a tower site owned by American Tower Corporation in the Town of Italy for \$5,380.83 per month; and

WHEREAS, said lease automatically renews on November 1, 2022 at an increased monthly rate unless American Tower Corporation is notified 190 days prior that the County does not wish to renew the lease; and

WHEREAS, as part of the County's Public Safety Communications Project, a new, County-owned tower will be erected on Emerson Road in the Town of Italy, thus the lease with American Tower Corporation will no longer be needed; and

WHEREAS, it is possible that the new communications system may not be fully operational by November 1, 2022, necessitating continued operation of the current system beyond that date; and

WHEREAS, the Sheriff has negotiated a Tenant-at-Will (month-to-month) lease extension on the current site after termination of the current lease;

WHEREAS, the Sheriff has formally notified American Tower Corporation of Yates County's intent to terminate the current lease agreement on the Italy Hill tower site at the end of its current term by letter dated March 31, 2022;

NOW, THEREFORE, BE IT RESOLVED, that after approval by the County Attorney the Sheriff and Chairwoman of the legislature are hereby authorized to enter into a Tenant-at-Will (month-to-month) lease agreement with American Tower Corporation for the current Italy Hill tower site after the end of the current lease at the current monthly rate; and be it further

RESOLVED, that copies of this resolution be furnished to the Yates County Sheriff, County Administrator/Budget Officer, Director of Finance, Treasurer, County Attorney, American Tower Corporation and C & S Engineers.

VOTE: Unanimous

RESOLUTION NO. 139-22

Mr. Willson offered the following resolution and moved its adoption, seconded by Mrs. Percy.

DISCUSSION

Mr. Button questioned if this includes the information that Mr. Paddock brought forward.

Mr. Paddock stated that these were bids for four generators.

Mr. Button questioned if this included the concrete buildings too.

Mr. Paddock stated no, that will be handled by a change order of a previous contract where they had shelters bid.

ACCEPT BID FOR PUBLIC SAFETY COMMUNICATIONS PROJECT PACKAGE ENGINE GENERATORS

WHEREAS, on April 4, 2022, one bid for package engine generators for the Bluff Point, Dundee and Italy Hill tower sites with an add-on alternate for the Ovid tower site (Phase 1, Contract 5 – Yates County Public Safety Communications Project Package Engine Generators) was received, opened, read aloud and documented, with Kinsley Power Systems of East Syracuse, NY bidding \$21,400 for each package engine generator delivered to each tower site; and

WHEREAS, the County's project consultant, C & S Engineers, has reviewed the bid and recommends accepting said bid from Kinsley Power Systems;

NOW, THEREFORE, BE IT RESOLVED, that the above Kinsley Power Systems bid is hereby accepted, contingent upon the execution of a written contract related thereto between the County and Kinsley Power Systems, and to this end, the Chairwoman of the Legislature, upon

the approval of the County Attorney, is authorized to sign such a contract on behalf of the County, as well as any other necessary documents with Kinsley Power Systems, to enable acquisition of package engine generators for the Public Safety Communications Project, including, but not limited to change orders; and be it further

RESOLVED, that total contract shall not exceed \$85,600; and be it further

RESOLVED, that copies of this resolution be furnished to the Yates County Sheriff, County Administrator/Budget Officer, Director of Emergency Services, Highway Superintendent, Information Technology Director, Director of Finance, Treasurer, C & S Engineers and Kinsley Power Systems.

VOTE: Unanimous

RESOLUTION NO. 140-22

Mr. Bronson offered the following resolution and moved its adoption, seconded by Mr. Harper.

AMEND RESOLUTION 106-22 AUTHORIZE SHERIFF AND DIRECTOR OF PUBLIC HEALTH TO CREATE AND FILL A SHARED PART-TIME PHYSICIAN POSITION

WHEREAS, resolution 106-22 authorized the Sheriff and Director of Public Health to create and fill a part-time Physician position to be shared between the two (2) departments, allowing the needs of each department to be satisfied and to meet the requirements for the continuation of State-Aid funding; and

WHEREAS, due to the current incumbent not receiving payment thus far in 2022 from the Department of Public Health, for efficiency purposes as it relates to the transition and fiscal management of the position, the resolution is in need of being amended to adjust the effective date;

NOW, THEREFORE, BE IT RESOLVED, that in the sixth paragraph "...effective March 17, 2022..." be changed to "...effective January, 1, 2022..."; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 141-22

Mr. Bronson offered the following resolution and moved its adoption, seconded by Mrs. Percy.

AUTHORIZE SHERIFF TO FILL CORRECTION OFFICER POSITION

WHEREAS, a Correction Officer vacancy was created on March 28, 2022 as the result of a resignation; and

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

WHEREAS, the estimated annual cost to fill the position is \$60,921 to \$84,850, depending on health insurance;

NOW, THEREFORE, BE IT RESOLVED, that effective April 11, 2022 the Sheriff is hereby authorized to fill the Correction Officer position; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 142-22

Mr. Bronson offered the following resolution and moved its adoption, seconded by Ms. Chilson.

DISCUSSION

Mr. Button stated that he has had discussions with many people in this area and he would appreciate that they pass this. There are many things that go into what farmers and agribusinesses do that is above and beyond wages, which are not included in this resolution. People do not realize what goes on behind the backs. Mr. Button stated that they take care of their workers and he is proud of what they do in Yates County.

OPPOSING ANY DECREASE TO THE FARM LABOR OVERTIME THRESHOLD- APPROVAL OF

WHEREAS, agriculture is New York State's largest industry; and

WHEREAS, the Farm Laborers Wage Board has proposed to decrease the farm labor overtime threshold from 60 to 40 hours; and

WHEREAS, farms are critical components of our regional economy and are necessary to ensure supermarkets are stocked with food; and

WHEREAS, from the outset of the COVID-19 Pandemic, farmers have stepped up and ensured their operations continued and were responsible for donating thousands of pounds of food to local food banks at a time of significant need; and

WHEREAS, Finger Lakes New York farmers face a tremendous number of challenges outside of their control including changes in consumer demand leading to price change, obtaining labor, climate change, land management policies, foreign market competition, livestock and crops disease, competition for land; and

WHEREAS, in addition to the practical issues related to growing and selling food products, New York farmers have to contend with wavering levels of government regulations including changes in wages and overtime threshold; and

WHEREAS, one of the more pressing issues for the farming community has been mandated overtime requirements since the 2019 Farm Laborers Fair Practice Act, currently gives farmworkers a right to overtime after sixty (60) hours of work each week; and

WHEREAS, Yates County farmers are reliant on migratory work forces during the short growing season here in Finger Lakes New York as workers are here for only a few months in the spring and summer and they have only so many hours each year to get the work done; and

WHEREAS, the Act does not prohibit the Farm Laborers Wage Board from arbitrarily decreasing the overtime threshold again, thereby increasing costs to local farms; and

WHEREAS, decreasing the overtime threshold will negatively impact the farming community by increasing costs to farmers, who are already operating under very tight margins and will potentially cut into work opportunities for migrant workers; and

WHEREAS, cutting budgeted support levels and drastically increasing costs through government interference should be avoided whenever possible; and

WHEREAS, NYS Assembly Deputy Minority Leader Steve Hawley has voiced concern through letters written to Governor Kathy Hochul and NYS Labor Commissioner dated January 31, 2022; and

WHEREAS, most of the testimony provided in the hearing process requested “NO CHANGE” to the overtime threshold and this is another example of New York City interests ignoring the “other New York” and its robust economy;

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature emphatically opposes any decrease to the 60 hour farm worker overtime threshold proposed by Farm Laborers Wage Board; and be it further

RESOLVED, that a copy of this resolution be forwarded to Governor Hochul, Senate Majority Leader Andrea Stewart-Cousins, NYS Assembly Deputy Minority Leader Steve Hawley, NYS Assembly Speaker Carl Heastie, Assemblyman Philip A. Palmesano, Senator Thomas F. O’Mara, NYS Labor Commissioner, NYS Agriculture and Markets Commissioner, NYS Farm Bureau, Yates County Farm Bureau, NYSAC, WNY Inter-County Association, and any others deemed necessary.

VOTE: Unanimous

RESOLUTION NO. 143-22

Mr. Bronson offered the following resolution and moved its adoption, seconded by Mr. Harper.

AUTHORIZE CHAIRWOMAN TO SIGN MEMORANDUM OF UNDERSTANDING (CSEA)

WHEREAS, the Director of Public Health has presented to the Human Services Committee justification for the title of Licensed Practical Nurse to be moved from Group VIII of the CSEA Non-Highway and Highway Clerical Employee Salary Schedule to Group IX;

NOW, THEREFORE, BE IT RESOLVED, that the Chairwoman of the Legislature is hereby authorized to sign a Memorandum of Understanding with the CSEA regarding moving the job title of Licensed Practical Nurse to Group IX of the current collective bargaining agreement; and be it further

RESOLVED, that copies of this resolution be given to the Director of Public Health, CSEA Union President, CSEA Union Representative, Personnel Officer, County Administrator/Budget Officer, Treasurer, and Director of Finance.

VOTE: Unanimous

RESOLUTION NO. 144-22 (WITHDRAWN)

REQUEST COUNTY ATTORNEY TO CREATE LOCAL LAW ADJUSTING BOUNDARIES OF YATES COUNTY LEGISLATIVE DISTRICTS

WHEREAS, U.S. Supreme Court rulings relative to the 14th Amendment and New York County Law require that county legislative representation be reviewed every ten years and adjustments be made, if, necessary, based on information obtained in the decennial U.S. Census; and

WHEREAS, an Ad Hoc Reapportionment/Redistricting Committee was formed, examined alternatives, delivered an initial report and two supplements based on input from the Government Operations Committee, other legislators, and citizens; and

WHEREAS, the Government Operations Committee has reviewed and discussed the report and supplements in detail and finds that the Legislative boundaries according to the plan reviewed April 4, 2022, shown in Supplement 2 Appendix A, having 15 legislators represents an acceptable approach to achieving parity in representation on Yates County Legislature;

NOW, THEREFORE, BE IT RESOLVED, that this legislature requests the County Attorney to draft a local law that represents the legislative district boundaries according to the plan reviewed April 4, 2022, shown in Appendix A of said Ad Hoc Committee Supplement 2, having 15 legislators; and be it further

RESOLVED, that such draft local law be prepared and included in the agenda for the May 2, 2022 Government Operations Committee meeting.

RESOLUTION NO. 145-22

Mr. Bronson offered the following resolution and moved its adoption, seconded by Mrs. Percy.

**APPROVING MEMORANDUM OF UNDERSTANDING WITH CSEA CONCERNING ALTERING THE WORK HOURS FOR AN OFFICE OF EMERGENCY MANAGEMENT EMPLOYEE
(Deputy Director of Emergency Management)**

WHEREAS, the Director of Emergency Management has recommended that the work hours for the Deputy Director of Emergency Management position in his office be set at forty (40) hours per week;

NOW, THEREFORE, BE IT RESOLVED, that this County Legislature hereby approves said alteration of the work hours the position to be made effective May 1, 2022; and be it further

RESOLVED, that this County Legislature hereby approves a certain Memorandum of Understanding by and between the County and the Civil Service Employees Association, Local 1000 AFSCME, AFL-CIO, Yates County Unit, Yates County Local 862 (“CSEA”) for the

purpose of memorializing a mutual agreement to amend the current collective bargaining agreement between the County and CSEA to accomplish the work hour alteration; and be it further

RESOLVED, that the Chairwoman of the County Legislature and the County Administrator are hereby authorized to execute said Memorandum of Understanding on behalf of the County; and be it further

RESOLVED, that copies of this resolution be given to the Director of Emergency Management, CSEA Union President, CSEA Union Representative, Personnel Officer, County Administrator and Director of Finance.

VOTE: Unanimous

RESOLUTION NO. 146-22

Ms. Chilson offered the following resolution and moved its adoption, seconded by Mr. Bronson.

AUTHORIZE CONTRACTS WITH CATHOLIC CHARITIES OF STEUBEN AND LIVINGSTON COUNTIES

WHEREAS, Yates County and the Yates County Department of Social Services wishes to enter into contract with the following agencies/persons; and

WHEREAS, the term of these contracts is March 1, 2022, through December 31, 2022;

NOW, THEREFORE, BE IT RESOLVED, that after review by the County Attorney, the Chairwoman of the Yates County Legislature and Commissioner of Social Services are authorized to sign contracts with Catholic Charities of Steuben and Livingston Counties for the provision of Qualified Individual Assessments for \$50 per hour; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 147-22

Ms. Chilson offered the following resolution and moved its adoption, seconded by Mr. Bronson.

AUTHORIZE CONTRACT WITH PRO-ACTION OF STEUBEN AND YATES COUNTIES, INC. FOR STAFFING OF THE YATES COUNTY SUMMER YOUTH EMPLOYMENT PROGRAM

WHEREAS, it is necessary for the Department of Social Services to contract with an outside agency for assistance in operating the Summer Youth Employment Program;

NOW, THEREFORE, BE IT RESOLVED, that after review by the County Attorney, the Chairwoman of the Legislature and the Commissioner of Social Services be authorized to sign a contract with Pro-Action of Steuben and Yates Counties, Inc to contract for summer staffing with the Department for the period 5/1/22-9/30/22 for an amount not to exceed \$9,500; and be it

further

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

VOTE: Unanimous

RESOLUTION NO. 148-22

Ms. Chilson offered the following resolution and moved its adoption, seconded by Mr. Harper.

APPOINT EARLY INTERVENTION OFFICIAL (S. Christensen)

WHEREAS, Title II-A of Article 25, Section 2541, of the Public Health Law calls for the designation of a local Early Intervention Official (EIO) by the Chief Executive Officer of the Municipality;

NOW, THEREFORE, BE IT RESOLVED, that the Chairwoman of the Legislature is hereby authorized to designate Sara Christensen, Director of Public Health, as the local Early Intervention Official (EIO); and be it further

RESOLVED, that a copy of this resolution be sent to the Public Health office, Sara Christensen, New York State Department of Health Bureau of Early Intervention and the Personnel Officer.

VOTE: Unanimous

RESOLUTION NO. 149-22

Ms. Chilson offered the following resolution and moved its adoption, seconded by Mr. Harper.

APPOINT EARLY INTERVENTION OFFICIAL DESIGNEE (C. Bailey)

WHEREAS, it is a responsibility of the municipality to attend all Individual Family Service Plan meetings through its Early Intervention Official or through a designee;

NOW, THEREFORE, BE IT RESOLVED, that Chelsea Bailey, Deputy Director of Public Health be appointed to serve as a designee to represent the Yates County Early Intervention Official at Individual Family Service Plan meetings, and be it further

RESOLVED, that copies of this resolution be provided to the Public Health office, Chelsea Bailey, the New York State Department of Health Bureau of Early Intervention and the Personnel Officer.

VOTE: Unanimous

RESOLUTION NO. 150-22

Ms. Chilson offered the following resolution and moved its adoption, seconded by Dr. Cutler.

**APPOINT MEMBER TO THE YATES COUNTY MENTAL HEALTH AND
SUBSTANCE USE SUBCOMMITTEES
(Holly R. Smith)**

BE IT RESOLVED, that the Yates County Legislature appoint Holly R. Smith 19 Clover Crossings Manchester, New York 14504, to the Yates County Mental Health and Substance Use Subcommittee, to a first term ending 12/31/2024; and be it further

RESOLVED, that a copy of this resolution be provided to Holly R. Smith and to the Yates County Department of Community Services.

VOTE: Unanimous

RESOLUTION NO. 151-22

Mr. Banach offered the following resolution and moved its adoption, seconded by Mr. Bronson.

**AUTHORIZE LEGISLATURE CHAIRWOMAN TO SIGN 2022 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 2022 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 \$155 per centerline mile; and

WHEREAS, the Town of Barrington, Town of Middlesex, and the Town of Potter 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 Treasurer, Yates County Director of Finance, Yates County Highway Superintendent and each Town performing roadside mowing for Yates County.

VOTE: Unanimous

RESOLUTION NO. 152-22

Mr. Banach offered the following resolution and moved its adoption, seconded by Dr. Cutler.

AWARD BID FOR COLD MILLING OF ASPHALT PAVEMENT

WHEREAS, bids were requested for Cold Milling of Asphalt Pavement and received on March 24, 2022 at 10:00 a.m. and two firms submitted bids to the Yates County Highway Department;

BIDDER:	Donegal Construction Corporation	Villager Construction Inc.

Project #1: CR #10/10F, North Vine Valley (3.74 miles)

3" depth, Estimated quantity: +/-
50,465 sy

With County Supplied Trucking /sq. yd:	\$1.55	\$1.30
Deduct for County Provided M&P of Traffic:	-\$0.19	-\$0.12
Total:	\$1.36	\$1.18

Project #2: CR #23, Lovejoy Road (5.85 miles)

3" depth, Estimated quantity: +/-
78,935 sy

With County Supplied Trucking /sq. yd:	\$1.08	\$1.33
Deduct for County Provided M&P of Traffic:	-\$0.08	-\$0.12
Total:	\$1.00	\$1.21

Project #3: CR #1, Himrod Road (4.31 miles)

3" depth, Estimated quantity: +/-
58,156 sy

With County Supplied Trucking /sq. yd:	\$1.24	\$1.21
Deduct for County Provided M&P of Traffic:	-\$0.09	-\$0.10
Total:	\$1.15	\$1.11

NOW, THEREFORE, BE IT RESOLVED, to award the bid for Project #1 and Project #3 to Villager Construction, Inc., and Project #2 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.

VOTE: Unanimous

RESOLUTION NO. 153-22

Mr. Banach offered the following resolution and moved its adoption, seconded by Mr. Button.

AWARD BID FOR LIQUID BITUMINOUS MATERIAL

WHEREAS, bids were requested for Liquid Bituminous Material and received on March 24, 2022 at 10:00 a.m. and three firms submitted a bid to the Yates County Highway Department;

		Vestal Asphalt Inc.	Midland Asphalt Materials	Suit-Kote Corporation
LIQUID EMULSIFIED ASPHALT MATERIALS "PER GALLON"				
702-3101	RS-2	3.390	3.234	3.082
*	HFRS-2P	3.720	3.494	3.400
702-3301	HFMS-2	3.537	3.632	3.170
*	HFMS-2ST	3.484	3.632	2.916
*	AEPM	3.222	2.056	2.084
702-4101	CRS-2	3.485	3.214	3.142
*	CRS-2P	3.737	3.474	3.413
MIX PAVER OPTION "APPLIED PER GALLON"				
702-4201	CMS-2	NB	3.932	NB
*	HFMS-2GH	NB	4.040	NB
CHIPPER RENTAL & APPLIED OIL PRICE PER GALLON				
Chipper	w/CRS-2	2.386	3.474	2.055
	w/RS-2	2.319	3.494	2.045
	w/HFRS-2	3.720	3.494	2.105
	w/HFRS-2ST	3.724	3.494	3.358
	w/HFMS-2ST	3.776	3.494	3.170
PUG MILL and PAVER OPERATIONS "APPLIED PER GALLON"				
702-3301	HFMS-2	4.530	NB	3.780
*	HFMS-2C	4.587	NB	3.830
702-4201	CMS-2	4.518	NB	4.231
*	HFMS-2GH	4.663	NB	3.870

		Vestal Asphalt Inc.	Midland Asphalt Materials	Suit-Kote Corporation
RENTAL OF EQUIPMENT INCLUDING OPERATOR				
VIBRATORY DOUBLE DRUM ROLLER				
	/DAY	2,300.00	NB	2,300.00
10-12 TON RUBBER TIRED ROLLER				
	/DAY	2,150.00	2,100.00	2,100.00
MIX PAVER				
	/DAY	NB	3,200.00	NB
ASPHALT PAVER				
	/DAY	3,500.00	NB	3,400.00
MILLING MACHINE (75" DOWN CUT)				
	/DAY	NB	NB	5,850.00
PUG MILL OPERATION				
	/DAY	2,750.00	2,900.00	2,700.00
CHIPPER				
	/DAY	2,500.00	2,600.00	2,500.00

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, CRS-2 and CRS-2P. Chipper Rental & Applied Oil CRS-2, RS-2, HFRS-2, HFRS-2ST, and HFMS-2ST. Pug Mill and Paver Operations HFMS-2, HFMS-2C, CMS-2, and HFMS-2GH. To Midland Asphalt Materials for Liquid Emulsified Asphalt Materials AEPM. Mix Paver Options CMS-2 and HFMS-2GH; 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 Vibratory Double Drum Roller and Chipper; 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.
VOTE: Unanimous

RESOLUTION NO. 154-22

Mr. Banach offered the following resolution and moved its adoption, seconded by Mr. Harper.

AWARD BID FOR HOT MIX ASPHALT CONCRETE

WHEREAS, bids were requested for Hot Mix Asphalt Concrete and received on March 24, 2022 at 10:00 a.m. and five firms submitted bids to the Yates County Highway Department:

BIDDER:	Hanson Aggregates NY LLC	Spallina Materials Inc.	Dolomite Products Co. Inc.	Dolomite Products Co. Inc. DBA A.L. Blades	Seneca Stone Corporation
----------------	--------------------------	-------------------------	----------------------------	--	--------------------------

NYS DOT ITEM	ITEM	F.O.B Est. QUANT. (Tons)					
403.198902	Type 7F Top	500-1,000	\$73.50	\$68.50	\$69.00	\$68.00	\$71.00
403.178302	Type 6F Top	500-1,000	\$72.00	\$67.00	\$65.00	\$64.00	\$69.00
*	Fine Binder	500-1,000	\$65.00	\$62.00	\$65.00	\$64.00	\$61.00
403.138902	Type 3 Binder	500-1,000	\$65.00	\$61.50	\$62.00	\$61.00	\$61.00
402.097203	9.5 mm < 30	500-1,000	\$75.50	\$68.50	\$69.00	\$68.00	\$69.00
402.127203	12.5 mm < 30	500-1,000	\$71.50	\$67.50	\$65.00	\$64.00	\$66.00
402.197903	19.0 mm < 30	500-1,000	\$65.00	\$61.50	\$62.00	\$61.00	\$61.00
402.257903	25.0 mm < 30	500-1,000	\$62.00	\$67.00	\$61.00	\$60.00	\$59.00

SPECIFIED IN-PLACE PROJECTS

Project #1	North Vine Valley Road/Pierce Hill Road						
	From NYSR 245 to the Boat Launch just west of the intersection of North Vine Valley and South Lake Rd						
	3.74 Mi.	4,881 tons 19 mm < 30 (2") Unit:	\$56.89	\$135.00	NB	\$78.00	NB
		4,074 tons 9.5 mm < 30 (1.5") Unit:	\$66.24	\$145.00	NB	\$95.00	NB
		Total:	\$547,541.85	\$1,249,665.00		\$767,748.00	

Project #2 Lovejoy Road

From CR #22 (East Sherman Hollow Rd) to CR #02 (Ferguson Corners Rd)						
5.85 Mi.	7,634 tons 19 mm < 30 (2") Unit:	\$54.83	\$135.00	NB	\$78.00	NB
	6,373 tons 9.5 mm < 30 (1.5") Unit:	\$64.36	\$145.00	NB	\$95.00	NB
	Total:	\$828,738.50	\$1,954,675.00		\$1,200,887.00	

BIDDER:	Hanson Aggregates NY LLC	Spallina Materials Inc.	Dolomite Products Co. Inc.	Dolomite Products Co. Inc. DBA A.L. Blades	Seneca Stone Corporation
----------------	--------------------------	-------------------------	----------------------------	--	--------------------------

Project #3 Himrod Road

From CR #36 (Plum Point Rd) to CR #28 (Leach Rd)						
4.31 Mi.	5,625 tons 19 mm < 30 (2") Unit:	\$56.20	\$135.00	NB	\$78.00	NB
	4,695 tons 9.5 mm < 30 (1.5") Unit:	\$66.29	\$145.00	NB	\$95.00	NB
	Total:	\$627,356.55	\$1,440,150.00		\$884,775.00	

UNSPECIFIED IN-PLACE PROJECTS

403.198302	Type 7F3 Top	Base Bid:	\$108.75	\$115.00	NB	NB	\$90.00
403.178302	Type 6F3 Top	Base Bid:	\$107.00	\$115.00	NB	NB	\$88.00
*	Fine Binder	Base Bid:	\$100.75	\$115.00	NB	NB	\$80.00
403.138902	Type 3 Binder	Base Bid:	\$100.50	\$110.00	NB	NB	\$80.00
402.097203	9.5 mm < 30	Base Bid:	\$109.50	\$115.00	NB	NB	\$89.00
402.127203	12.5 mm < 30	Base Bid:	\$106.50	\$115.00	NB	NB	\$86.00
402.197903	19.0 mm < 30	Base Bid:	\$100.75	\$110.00	NB	NB	\$81.00
402.257903	25.0 mm < 30	Base Bid:	\$98.25	\$110.00	NB	NB	\$79.00

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, Project #2, and Project #3 shall be awarded to Hanson Aggregates NY LLC. 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.

VOTE: Unanimous, with Mr. Button abstaining

RESOLUTION NO. 155-22

Mr. Banach offered the following resolution and moved its adoption, seconded by Dr. Cutler.

AWARD BID FOR PAVER PLACED SURFACE TREATMENT

WHEREAS, bids were requested for Paver Placed Surface Treatment and received on March 24, 2022 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"	\$5.66	
TYPE B - 3/8"	\$5.55	
TYPE C - 1/2"	\$5.55	

15,001-30,000
SY

TYPE A - 1/4"	\$5.25	
TYPE B - 3/8"	\$5.19	
TYPE C - 1/2"	\$5.19	

30,001 plus SY

TYPE A - 1/4"	\$5.15	
TYPE B - 3/8"	\$5.08	
TYPE C - 1/2"	\$5.08	

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)

Add-on \$ \$0.25
(per square yard if Contractor
supplies
M&P of Traffic)

Add-on \$ \$0.15
(per square yard if warm mix
additive
is used)

Add-on \$ \$12.00
(per lineal foot for milling
necessary
rebates at 2 feet wide)

Add-on \$ \$0.35

(per lineal foot for abrading
pavement
striping at 4 inches wide)

Add-on \$ \$110.00
(each for abrading pavement
symbols)

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.

VOTE: Unanimous

RESOLUTION NO. 156-22

Mr. Banach offered the following resolution and moved its adoption, seconded by Mr. Button.

COMMENCE SEQRA REVIEW AND EVALUATE NEED FOR LOCAL APPROVAL FOR THE HIGHWAY, OFFICE OF EMERGENCY SERVICES & PUBLIC HEALTH FACILITY PROJECT

WHEREAS, Yates County (“County”) commissioned a highway department conditions and needs assessment study in 2019 and received a Highway Department Assessment and Recommendations Report (“Report”) in September 2019; and

WHEREAS, as a result of the study and Report, the County desires to install a Highway, Office of Emergency Services & Public Health facility located in the Town of Benton (the “Project”); and

WHEREAS, the purpose of the Project is to improve efficiencies of the Highway Department and facilitate the provision and readiness of services by Public Health and Office of Emergency Services Personnel for the benefit of all County residents; and

WHEREAS, the Project will include, in relevant part, the acquisition of real property interests, the design and construction of a new Highway, Offices of Emergency Services and Public Health facility; and

WHEREAS, the County has to date, and will continue in the future, to share information with the Town of Benton concerning the Project; and

WHEREAS, at the present time it is anticipated that the Town of Benton will not require strict compliance with local land use regulations for the Project; and

WHEREAS, the County desires to comply with the requirements of State Environmental Quality Review Act (“SEQRA”) and its implementing regulations set forth at 6 NYCRR Part 617; and

WHEREAS, the County desires (i) to classify the type of action for which the Project qualifies under SEQRA, (ii) to serve as lead agency for the SEQRA review of the Project, and (iii) in furtherance of the foregoing, to engage in a coordinated review and provide Part 1 of the Full Environmental Assessment Form ("FEAF") to other interested and involved agencies for their review and comment

NOW, THEREFORE, BE IT RESOLVED, that the County states its desire, upon the consent of other involved agencies, to serve as "Lead Agency" for the Project's environmental review and preliminarily classifies the Project as a Type "I" Action under SEQRA; and be it further

RESOLVED, that the County hereby authorizes its staff and consultants to complete Part 1 of the FEAF and to send it, together with a copy of this Resolution, to all involved and interested agencies, and to request involved agencies to consent to the County's serving as lead agency for the SEQRA review; and be it further

RESOLVED, that the County has determined that an important public interest would be served by the Project for the purpose to advance efficiencies by highway personnel, public health staff and the office of emergency services for the benefit of all County residents; and be it further

RESOLVED, that the County hereby determines that locations for the Project in the Town of Benton can best serve the public interest, and that the County is therefore committed to a process of information-sharing with municipal representatives of the Town; and be it further

RESOLVED, that the County anticipates that any local approvals for the Project will be granted on a timely basis or may not be required based on consideration of applicable laws; and be it further

RESOLVED, that this resolution shall take effect immediately; and be it further

RESOLVED, that a copy of this Resolution shall be filed with the County Clerk and copies sent to the County Attorney, Highway Superintendent, Director of Emergency Services, Director of Public Health, Administrator, Planner, the Town of Benton, Mike LaMontagne of C & S Engineers and Robert Tyson of Bond Schoeneck and King Attorneys

VOTE: Unanimous

RESOLUTION NO. 157-22

Mr. Banach offered the following resolution and moved its adoption, seconded by Mr. Harper.

AUTHORIZING THE IMPLEMENTATION AND FUNDING OF THE COSTS OF 100% OF THE COSTS OF A TRANSPORTATION PROJECT, WHICH MAY BE ELIGIBLE FOR FEDERAL-AID AND/OR STATE-AID, OR REIMBURSEMENT FROM BRIDGE NY FUNDS.

WHEREAS, a project for the Bridge NY (3): Bridge Replacement (BIN 2219180) Haley Road over Big Stream, Town of Barrington, Yates County P.I.N. 6755.55 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 95% Federal funds and 5% non-federal funds; and

WHEREAS, the County of Yates will design, let and construct the Project; and

WHEREAS, the County of Yates desires to advance the Project by making a commitment of 100% of the costs of the work for the Project or portions thereof;

NOW, THEREFORE, BE IT RESOLVED, that the Legislature of the County of Yates hereby approves the above-subject Project; and be it further

RESOLVED, that the Legislature of the County of Yates hereby authorizes the County of Yates to pay 100% of the cost of Design and Right of Way Incidentals work for the Project or portions thereof, with the understanding that qualified costs may be eligible for federal-aid, state-aid, or reimbursement from Bridge NY funds; and be it further

RESOLVED, that the sum of \$195,000 is hereby appropriated from the Yates County 2022 annual budget and made available to cover the cost of participation in the above phase(s) of the Project; and be it further

RESOLVED, that the Yates County Legislative Board hereby agrees that the County of Yates shall be responsible for all costs of the Project which exceed the amount of federal-aid, state-aid, or NY Bridge funding awarded to the County of Yates; and be it further

RESOLVED, that in the event the Project costs not covered by federal-aid, state-aid, or NY Bridge funding exceed the amount appropriated above, the County of Yates shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that County of Yates hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and it is further

RESOLVED, that the Chairperson of the Yates County Legislature of the County of Yates be and is hereby authorized to execute on behalf of the County of Yates all necessary agreements, certifications or reimbursement requests for federal-aid and/or state-aid with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the County of Yates' funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, this Resolution shall take effect immediately.
VOTE: Unanimous

RESOLUTION NO. 158-22

Mr. Banach offered the following resolution and moved its adoption, seconded by Mr. Killen.

**AUTHORIZE LEGISLATURE CHAIRWOMAN TO SIGN AN AGREEMENT FOR THE
ENGINEERING AND DESIGN OF THE BRIDGE NY PROJECT KNOWN AS HALEY
ROAD OVER BIG STREAM
(PIN 6755.55)**

WHEREAS, Resolution 157-22 authorized participation in and the implementation and funding of a BRIDGE NY federal aid eligible superstructure replacement project known as Haley Road over Big Stream (PIN 6755.55) in the Town of Barrington, Yates County; and

WHEREAS, Engineering and Design work is required to develop plans and specifications to replace the superstructure; and

WHEREAS, Barton and Loguidice, D.P.C. was selected as the engineering consultant for this project;

NOW, THEREFORE, BE IT RESOLVED, that the Chairwoman of the Yates County Legislature is authorized to sign the Engineering and Design agreement with Barton and Loguidice, D.P.C contingent upon approval of the contract by the Yates County Attorney; and be it further

RESOLVED, that the Yates County Legislature Chairwoman is authorized to execute all subsequent and necessary Engineering and Construction Inspection agreements throughout the duration of the project; and be it further

RESOLVED, that copies of this resolution be forwarded to the Yates County Treasurer, Yates County Director of Finance, Barton and Loguidice, D.P.C., and the Yates County Highway Superintendent.

VOTE: Unanimous

RESOLUTION NO. 159-22

Mr. Banach offered the following resolution and moved its adoption, seconded by Ms. Chilson.

**DESIGNATE DEPUTY HIGHWAY SUPERINTENDENT AS THE RESPONSIBLE
LOCAL OFFICIAL (RLO) FOR THE BRIDGE NY PROJECT KNOWN AS HALEY
ROAD OVER BIG STREAM (PIN 6755.55)**

WHEREAS, Resolution 157-22 authorized funding for and participation in a federal aid eligible bridge replacement project know as Haley Road over Big Stream (PIN 6755.55) in the Town of Barrington, Yates County; and

WHEREAS, the NYSDOT requires the project sponsor (Yates County) to name a Responsible Local Official (RLO); and

WHEREAS, the RLO must sign the Initial Project Proposal, Smart Growth and Complete Streets documents, monitor the Equitable Business Opportunities (EBO) system for the duration

of the project, sign Right-of-Way documents, ensure construction is completed in compliance with the project plans and specifications and sign the Final Acceptance certificate;

NOW, THEREFORE, BE IT RESOLVED, to designate the Yates County Deputy Highway Superintendent to be the RLO for PIN 6755.55; and be it further

RESOLVED, that a copy of this resolution be sent to the Yates County Highway Department and the New York State Department of Transportation.

VOTE: Unanimous

RESOLUTION NO. 160-22

Mr. Banach offered the following resolution and moved its adoption, seconded by Mr. Bronson.

AMENDMENT TO RESOLUTION NO. 14-22 (AUTHORIZED EXCEPTIONS TO THE PROCUREMENT POLICY)

WHEREAS, Resolution 14-22 authorized the exceptions to the procurement policy; and

WHEREAS, the Building Maintenance Supervisor would like to add another buying contract to the list;

NOW, THEREFORE, BE IT RESOLVED, that Resolution 14-22 be amended to include “Buy Board” as an approved contract for purchasing; 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.

VOTE: Unanimous

RESOLUTION NO. 161-22

Mr. Banach offered the following resolution and moved its adoption, seconded by Mr. Harper.

AUTHORIZE CHAIRWOMAN TO SIGN CONTRACT WITH CHEMSEARCH FE

WHEREAS, the cooling tower at the Public Safety Building requires monitoring and treatment to maintain the proper water chemistry; and

WHEREAS, the Building Maintenance Supervisor has received a proposal from Chemsearch FE under the Buy Board contract #629-20 for the annual cost of \$3,596.15 for these 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 Chemsearch FE for monitoring and treatment to maintain the proper water chemistry of the PSB cooling tower; and be it further

RESOLVED, that said contract will run from 4/1/22 to 3/31/25 for an amount not to exceed \$3,596.15 per year; 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.

VOTE: Unanimous

Mr. Holgate requested to go back and have discussion on resolution 151-22. It seemed to him, that last year they held off on mowing for a time. Cornell Cooperative Extension (CCE) just came forward with No Mow May. Mr. Holgate noticed that May is the start date included in the contract. He wondered if this is something that should be discussed, as far as not mowing in May.

Chairwoman Church clarified that this is for the bees and other pollinators.

Mr. Banach stated that since they passed the resolution, they can have that discussion.

Mr. Holgate stated that he was just curious. In May, he doesn't know how much they need to mow their road sites, but with what CCE just came forward with, No Mow May, they should take that into consideration.

Chairwoman Church agreed and questioned whether they should scratch the resolution because it authorizes mowing in May.

Mrs. Percy stated that she would change May to June.

Mr. Banach stated that they can have another resolution to change resolution 151-22 to say no mowing in May. It would be another resolution.

Mr. Holgate said that would be ok with him, but he'd like to have Doug Rapalee's input, of course.

Arlene from CCE raised her hand on Zoom to speak. Arlene stated that they could sign the contract in May that the effective start date is in June. That would be ok and supportive of the No Mow May initiative to help out with the pollinators.

Chairwoman Church requested that Arlene explain a bit more about No Mow May.

Arlene stated that it is a national initiative to encourage the habitation of pollinators. They have things like bees and beetles and bugs that live in the grass that burrow and establish their hives in the ground. So, as spring starts, it is very important for them to have a stable environment so they can start their nests and rear their young in this April-May time period. Mowing should start in June, so pollinators are out and about doing their work.

Mr. Willson stated that he thinks there is more than one reason that they mow the road sites. While there may be portions of the road that would be fine to skip, there are portions of the roadside shoulders that are mowed for safety and visibility reasons. Mr. Willson thinks they should be careful because they may be swapping out accidents for bees in a three or four foot

area. He understands the desire and perhaps there is a happy medium, but just to say arbitrarily no mowing is looking for a lawsuit to happen.

Mr. Killen asked if they could just make the recommendation that they limit mowing during that timeframe and leave it to the discretion of the Highway Department. Considering the number of miles that need to be cleared and the necessity of doing it early or not. Just encourage them to try and limit mowing in that early time frame.

Chairwoman Church stated that she thinks that is reasonable.

Ms. Chilson stated that she does think it is important that they encourage the pollinators because they have had a long winter without having much honey. They really want to preserve the bees in particular, but she also agrees with the safety and discretion having the ability to mow if they have to for safety.

Chairwoman Church stated that they would possibly agree to amend resolution 151-22 or leave it to the discretion of the Highway Superintendent.

Mr. Killen stated that they should leave it as is and allow the Highway Departments discretion and with the Legislatures advisement, that if they can limit mowing then safely do so.

Dr. Cutler stated that he trusts the Highway Department.

Mr. Button thanked Bill for bringing that up. He is in the dry hay business, so a lot of times because of weather they don't start until June or even July. There is some sweet clover that is along some road sides that is in bloom, so they do use those to pollinate.

Doug Rapalee, Deputy Highway Superintendent, stated that he understands and he can try to hold off as long as he can and make specific directions to the towns. The towns will want to start because they do three rounds a year. He also wants to draw their attention to the safety aspect. If they don't start mowing until June 1st, it takes them three or four weeks to do one round themselves on roads that the County owns just going out of town. They wouldn't have a round done until mid-June. He understands the discretion and he will do the best he can.

RESOLUTION NO. 162-22

Mr. Holgate offered the following resolution and moved its adoption, seconded by Dr. Cutler.

AUTHORIZE CHAIRMAN TO SIGN CONTRACT WITH LABELLA ASSOCIATES FOR ONE TOUCH MAKE READY SERVICES FOR PHASE 1B OF THE YATES COUNTY 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 County has signed Pole Attachment Agreements with New York State Electric & Gas Corporation (hereinafter referred to as "NYSEG") and Frontier Communications (hereinafter referred to as "Frontier") licensing the use of NYSEG and Frontier poles for attaching and maintaining its telecommunications fiber; and

WHEREAS, in order to proceed with the actual attachments, NYSEG and Frontier charge an application fee covering Make Ready activities including field survey, design analysis, design system entry, mid-span measurement, structural analysis, construction inspection; and

WHEREAS, NYSEG and Frontier recommend that the County follow One Touch Make Ready processing where some of these activities are out-sourced to a certified engineering firm in return for a reduced application fee and a more stream-lined, efficient process; and

WHEREAS, LaBella Associates (hereinafter referred to as "LaBella") is certified by NYSEG and Frontier for these activities; and

WHEREAS, the County has previously signed a One Touch Make Ready Service agreement with LaBella covering NYSEG and Frontier poles included in Phase IA of the ReConnect project; and

WHEREAS, an additional 285 NYSEG and Frontier poles have been identified to complete Phase 1B of the ReConnect project and LaBella has submitted a One Touch Make Ready Services proposal for these Phase 1B poles;

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 LaBella for its provision of the above recited services, for a price not to exceed \$49,050; and be it further

RESOLVED, that copies of this resolution be provided to LaBella, USDA/RUS, County Administrator, Director of Finance, Treasurer, Planner, and the Grant Specialist.

VOTE: Unanimous

RESOLUTION NO. 163-22

Mr. Holgate offered the following resolution and moved its adoption, seconded by Ms. Chilson.

DISCUSSION

Mr. Button stated that in the resolution, he sees where Yates County is supplying a dump truck to Schuyler County. In these years that Yates County holds the Household Hazardous Waste Day, he hasn't seen where they have brought a 10 wheeler up to Yates County. He wondered if that was something different.

Mr. Banach stated they have never been asked to previously.

Mr. Harper questioned about posting about the Household Hazardous Waste Day on the Yates County website. He stated that it is on the Schuyler County website, but it's not on Yates County's yet, so they do need to get that on theirs.

AUTHORIZE CHAIRWOMAN TO SIGN INTER-MUNICIPAL AGREEMENT WITH SCHUYLER COUNTY FOR HOUSEHOLD HAZARDOUS WASTE DAY SERVICES

WHEREAS, Schuyler County and Yates County will be holding a joint 2022 Household

Hazardous Waste Day for residents of Yates and Schuyler counties on July 23rd, 2022; and

WHEREAS, Yates County has agreed to pay \$4,500 for its participation along with supplying a dump truck for said event;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairwoman is hereby authorized to sign an inter-municipal agreement with Schuyler County; and be it further

RESOLVED, that a copy of the resolution be provided to the Schuyler County Planner.
VOTE: Unanimous

RESOLUTION NO. 164-22

Mr. Holgate offered the following resolution and moved its adoption, seconded by Dr. Cutler.

DISCUSSION

Dr. Cutler thanked Marsha Devine, Treasurer, for clearing up some of the details.

AUTHORIZE LETTER OF SUPPORT FOR FINGER LAKES LAND TRUST TO SUBMIT AN APPLICATION TO NYS DEPT OF AG AND MARKETS FOR THE PURCHASE OF A CONSERVATION EASEMENT ON HENDERSON FARM

WHEREAS, an email was received from the Finger Lakes Land Trust on March 18, 2022 requesting a letter of support from the County Planner, for the purchase of a 413 acre conservation easement at the Henderson Farm. 2932 Route 14A, Penn Yan, NY 14527; and

WHEREAS, Finger Lakes Land Trust is making an application to the NYS Department of Ag and Markets for the funding of this purchase; and

WHEREAS, the first county goal listed in the Comprehensive Plan "RELATED TO NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION," is "To preserve that land for agriculture which are identified as having unique value"; and

WHEREAS, the USDA soil report classifies the soils on this property as a mix of 3 classifications. "Farmland of statewide importance", "All areas are prime farmland," and "Prime farmland if drained;"

NOW, THEREFORE, BE IT RESOLVED, that the Planner is authorized to prepare and send a letter of support to the Finger Lakes Land Trust for said application; and be it further

RESOLVED, that a copy of this resolution be furnished to the Planner and to Elizabeth Newbold, Finger Lakes Land Trust.

VOTE: Unanimous

RESOLUTION NO. 165-22

Mr. Holgate offered the following resolution and moved its adoption, seconded by Mr. Harper.

**AUTHORIZE YATES COUNTY TO SUBMIT AN APPLICATION TO THE OFFICE OF
COMMUNITY RENEWAL FOR A COMMUNITY DEVELOPMENT BLOCK GRANT
ON BEHALF OF YATES COUNTY**

WHEREAS, the Yates County Comprehensive Plan 2020, under “Support Stewardship Efforts:” specifically calls out the county to “support efforts to protect the watersheds of all lakes within its borders;” and

WHEREAS, properly functioning septic and well systems are critical for the health of our citizens, the health of our ecosystems, and the health of our economy; and

WHEREAS, it is the desire of Yates County to submit an application for the 2022 New York State Community Development Block Grant (CDBG) program and to get funding to replace well and septic systems for low and moderate income families; and

WHEREAS, the process for CDBG applications involves holding one public hearing prior to submission of any 2022 CDBG applications to provide residents with information about the CDBG program and to discuss community development needs and priorities; and

WHEREAS, residents are invited to attend the hearing to assist the County in defining community development priorities; and

WHEREAS, the date and time of said public hearing are to be named in the future;

NOW, THEREFORE, BE IT RESOLVED, that Yates County is hereby authorized to submit an application to the Department of Housing and Community Renewal for a Community Development Block Grant; and be it further

RESOLVED, that Yates County’s Certifying Officer be hereby authorized to sign the application; and be it further

RESOLVED, that should said grant be awarded to Yates County, the County Treasurer is hereby authorized to deposit said grant in the appropriate line item in the Yates County Budget; and be it further

RESOLVED, that the Chairwoman of the Legislature is hereby authorized to sign all appropriate and necessary documents to implement said grant, subject to the approval of the Yates County Attorney; and be it further

RESOLVED, that a certified copy of this resolution shall be forwarded to the Executive Director of the Keuka Housing Council, Inc., 160 Main Street, Penn Yan, NY 14527.

VOTE: Unanimous

RESOLUTION NO. 166-22

Mr. Holgate offered the following resolution and moved its adoption, seconded by Mr. Morris.

2022 BUDGET TRANSFERS

WHEREAS, these funds are part of the 2022 budget;

NOW, THEREFORE, BE IT RESOLVED, that the following transfers be made as tabulated below:

From:	To:	Amount:
A1430.54019 PER- EAP	A1430.51505 PER- Overtime	\$ 25.62
A1430.54019 PER- EAP	A1430.51661 PER- Comp Time BO	\$ 5.58

And be it further

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

VOTE: Unanimous

RESOLUTION NO. 167-22

Mr. Holgate offered resolutions 167-22 through 168-22 and moved their adoption, seconded by Mr. Harper.

APPROPRIATE ADDITIONAL STATE AID (SOCIAL SERVICES)

WHEREAS, the Department of Social Services has received grant revenue along with corresponding expenditures; and

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

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

Revenue:		
A6010.44610 DSS- Social Service Admin		\$ 2,597.00
Appropriation		
A6010.54027 DSS- Miscellaneous		\$ 2,597.00

And be it further

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

VOTE: Unanimous

RESOLUTION NO. 168-22

APPROPRIATE ADDITIONAL STATE AID (SOCIAL SERVICES)

WHEREAS, the Department of Social Services has received grant revenue along with corresponding expenditures; and

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

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

Revenue:		
A6010.44610 DSS- Social Service Admin		\$ 14,700.00
Appropriation		
A6010.54305 DSS- Family Assistance		\$ 14,700.00

And be it further

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

VOTE: Unanimous

RESOLUTION NO. 169-22

Mr. Holgate offered resolutions 169-22 through 170-22 and moved their adoption, seconded by Mr. Harper.

ACCEPT BID FOR THE PENN YAN AIRPORT EMERGENCY WEATHER GRANT GENERATOR PURCHASE AND INSTALLATION

WHEREAS, a specification was generated and bids were solicited for a standby (backup) generator set for the Penn Yan Airport Emergency Weather DOT Grant Project; and

WHEREAS, on March 23, 2022, bids for the airport generator purchase and installation (Penn Yan Airport Emergency Weather DOT Grant Project) were received, opened, read aloud and documented, as follows:

Description	Schuler-Haas Electric Corp.	Baseline King
Generator / Installation	\$ 53,700	\$ 56,000
NG Line Installation Allowance	\$ 6,000	\$ 6,000
Total with NG Line Allowance	\$ 59,700	\$ 62,000
Delivery (weeks)	24	29
Optional Extended Service Agreement (years 2 – 6)	\$2000.00	\$5,000.00
Generator Set Manufacturer / Model	Kohler 38RCLC	Kohler 38RCLC-Q50
kW Rating	38	38

And;

WHEREAS, the apparent low quote is from Schuler-Haas Electrical Corporation of Painted Post, NY; and

WHEREAS, the County's project consultant, Passero Associates, has reviewed the bids and recommends accepting said bid from Schuler-Haas Electrical Corporation.

NOW, THEREFORE, BE IT RESOLVED, that the above Schuler-Haas Electrical Corporation bid is hereby accepted, contingent upon the execution of a written contract related thereto between the County and Schuler-Haas Electrical Corporation, and to this end, the Chairwoman of the Legislature, upon the approval of the NYS Department of Transportation (project grantor) and the County Attorney, is authorized to sign such a contract on behalf of the County, as well as any other necessary documents with Schuler-Haas Electrical Corporation to enable construction for the Penn Yan Airport Emergency Weather DOT Grant Project, including, but not limited to change orders; and be it further

RESOLVED, that total contract shall not exceed \$61,700; and be it further

RESOLVED, that copies of this resolution be furnished to the Airport Council, Building Maintenance Supervisor, County Administrator/Budget Officer, Director of Finance, Treasurer, Passero Associates and all bidders.

RESOLUTION NO. 170-22

ACCEPT BID FOR THE PENN YAN AIRPORT DEICING VEHICLE PURCHASE

WHEREAS, a specification was generated and bids were solicited for a deicing vehicle for the Penn Yan Airport; and

WHEREAS, on April 4, 2022 at 3 pm the sole bid for the airport deicing vehicle was received, opened, read aloud and documented, as follows:

Description	Ground Support Specialists, LLC
Deicing Vehicle including delivery	\$ 261,980
Truck Model	Hawk 800

And;

WHEREAS, the apparent low quote is from Ground Support Specialist, LLC of Horn Lake, MS; and

WHEREAS, the County's project consultant, Passero Associates, has reviewed the bids and recommends accepting said bid from Ground Support Specialist, LLC.

NOW, THEREFORE, BE IT RESOLVED, that the above Ground Support Specialist, LLC bid is hereby accepted, contingent upon the execution of a written contract related thereto between the County and Ground Support Specialist, LLC, and to this end, the Chairwoman of the Legislature, upon the approval of the FAA (project grantor) and the County Attorney, is authorized to sign such a contract on behalf of the County, as well as any other necessary documents with Ground Support Specialist, LLC to enable purchase for the Penn Yan Airport Deicing Vehicle Grant, including, but not limited to change orders; and be it further

RESOLVED, that total contract shall not exceed \$261,980; and be it further

RESOLVED, that copies of this resolution be furnished to the Airport Council, Highway Supervisor, County Administrator/Budget Officer, Director of Finance, Treasurer, Passero Associates and all bidders.

VOTE: Unanimous

RESOLUTION NO. 171-22

Mr. Bronson offered the following resolution and moved its adoption, seconded by Ms. Chilson.

AUTHORIZE COMMISSIONER OF SOCIAL SERVICES TO FILL SOCIAL WELFARE EXAMINER POSITION

WHEREAS, a Social Welfare Examiner vacancy became vacant effective April 1, 2022 as the result of a resignation; and

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

WHEREAS, the estimated cost to fill the position is \$44,870 to \$68,799, depending on health insurance; with the 80% reimbursement the total estimated cost to the County is \$8,974 to \$13,760;

NOW, THEREFORE, BE IT RESOLVED, that effective April 11, 2022 the Commissioner of Social Services is hereby authorized to fill a full-time Social Welfare Examiner position; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 172-22 (LOST)

Mr. Bronson offered the following resolution and moved its adoption, seconded by Mr. Killen.

DISCUSSION

Dr. Cutler stated that he intends to vote against this resolution. As a member of the Ad Hoc Committee that examined redistricting/reapportionment, this is not consistent with the recommendation of that Committee. He took personal offense by being characterized by one of the members of the Government Ops. Committee, as being biased and unprofessional. The whole Committee worked very hard over a number of months to come up with recommendations and in the end, they did not recommend 15 legislators.

Mr. Willson stated that he placed a document outlining his thoughts on redistricting on all the legislators desks. He is supporting adding a 15th legislator.

Ms. Chilson asked if Mr. Willson could briefly go over it so that everybody has an idea what it says. It was placed on their desks and not everyone has had time to read it.

Mr. Willson stated that part of it just gives the general, what's happened all the way through. It does talk about the Ad Hoc Committee going through a lot of hard work to make some recommendations. He does point out though, that this is not the first time in the history of this legislature that a legislator has been added, that has happened before. This is a resolution that has the least impact on everyone as far the whole districts and everything. He does not consider this to be a big government thing, which has been something brought forward. As a matter of fact, anything that gets more representation to the citizens is a better thing. The rest they can read:

Thoughts on Redistricting

With Resolution #144-22 on the agenda for Monday's meeting, we as a Legislature have come to the time for a vote on redistricting. The Ad Hoc Redistricting Committee has devoted weeks of time and research to this matter, as have several other legislators.

The Ad Hoc Committee's first report recommended weighted voting, which a majority of the Legislature as well as several town councils did not support.

For various reasons, various Government Operations Committee members also did not support the group of proposals in the Ad Hoc Committee's second report. Even after the current resolution moved out of committee, a number of legislators continued to try various combinations of boundary changes, but none were found that would garner the support needed for passage.

If the present resolution is defeated, a new Ad Hoc Committee will be chosen and the process will begin again with a fresh set of eyes. It is unlikely it will be possible to meet the deadline for a referendum this November.

Legislator Paddock has stated publicly that he will vote against the resolution before you, and if it passes, will campaign against the resulting referendum. That is his right and should be respected, as should the right of other legislators to campaign for it.

The idea of increasing the number of legislators is not a new concept. At least one has been added in a prior redistricting. Also, a fourth legislator in District II, for a total of 15 legislators, has some advantages.

First, it minimally impacts the present district boundaries and thus the number of voters, thereby allaying various legislators' fears of major changes to their districts. This option hits the mark on one of the Ad Hoc Committee's goals — the least impact to the voters.

Second, it captures the essence of various judges' redistricting rulings in favor of balance of representation, equity, maintaining a homogenous voting district and a distribution of power on the governing body. It gives another citizen the opportunity to be elected to the Legislature.

It has been argued in our Chambers that an increase in representatives is an increase in "big government." To the contrary, increasing the size of our Legislature adds personnel to our work force. Most of our legislators work on critical projects and are not just once-a-month oversight politicians.

As for the argument that adding a representative increases our costs and therefore should be avoided, the increased cost is minimal compared to many of the large infrastructure projects we

are currently or have recently been undertaking, and compared to the 2022 General Fund budget of \$11,476,495.

It can and should be argued that the addition of a 15th legislator provides the opportunity for the general public to have a more robust influence on the operation and direction of County government. Giving the public the opportunity to weigh in on this option through a referendum makes the public part of the decision-making process. If the public rejects the referendum, this outcome will give the Legislature direction it currently does not have on what other options to consider.

The Ad Hoc Committee's second report included a bar chart indicating our Legislature is 56th in the state for legislative representation. Frankly, that means Yates County provides a better opportunity for its citizens to be heard. Also, what the bar chart doesn't reflect is the small size of our county, and the geography and characteristics of our population.

In conclusion, Resolution #144-22 will require a mandatory referendum, and nothing better represents democracy than a public vote.

Rick Willson

Mrs. Percy stated that as one of them that was on the Ad Hoc Committee, she cannot support 15 legislators. She believes that the one they presented for 14 legislators can be tweaked a little, so that it is not 1.1% variation, so she will not vote for 15 legislators

Mr. Banach stated that also as a member of the Ad Hoc Committee, he cannot support this resolution.

Mr. Paddock stated that he has received some communication from Taylor Fitch, who was on the County Legislature for thirteen years, he served eight years as Finance Committee Chairman, and four years as Chairman. Taylor is agreeing that 14 legislators is the appropriate number and to change to 15 legislators is too many. Especially, if they benchmark other counties which they did to replace any vacant positions. Taylor favors weighted voting, but Doug informed him that that ship has already sailed. Mr. Paddock stated that he participated in the Ad Hoc Reapportionment/Redistricting Committee. He would like to thank the legislators that volunteered for that Committee, the County's Election Commissioners Robert Schwarting and Robert Brechko, and the technical support provided from Emilee Miller, Colby Petersen, and especially Jeff Ayers. All involved expended significant effort to produce the report and supplements provided to this legislature.

Mr. Paddock stated that there are 57 counties in New York State outside of New York City, of those 57 counties, two have 7 members in their governing bodies and one has 39 members. All of those counties have a larger population than Yates County. Only two counties have fewer residents than Yates County, Schuyler County with 17,898 and Hamilton County with 5,107. Each counties residents have ready access to their legislators, since each legislator represents 1,770 constituents. Only Hamilton's county supervisors individually represent fewer residents. Adding a legislator changes the representation to 1,652 residents per legislator. 14 legislators are more than enough for each county and an additional legislator is unnecessary. Public comment is part of every meeting, be it committee or legislature.

Mr. Paddock stated that if the issue with the redistricting plan for 14 legislators presented in the second supplemental report from the Ad Hoc Committee relates to incorporating the Village of Penn Yan in one legislative district, then that can be modified so that town lines are maintained as district boundaries and the village retains representation in three legislative districts. Mr. Paddock stated that perhaps, further input should be sought from the Penn Yan Village Board. At least two plans showing such configurations were presented in the first report prepared by the Ad Hoc Committee. Any of those plans can be adjusted to achieve representation within the 7.3% guidelines previously established by juris in, for example, Franklin versus Krause. It is not necessary to know today what their district boundaries will be. If their County Attorney writes a new local law, like those done in the past, he really only needs to know where new voting districts will be created and what they will be called. The local law does not describe specific geographical features for a legislative district, only that the voting district exists. There is time to decide on a legislative district configuration over the next three to four weeks.

Mr. Paddock stated that it has been suggested that a new committee be appointed to create district maps. He supports that approach, as long as the committee adjusts boundaries based on 14 legislators. He will not support the resolution presented here that changes this body to 15 legislators.

Mr. Holgate stated that when they take a look at what they were given by the Ad Hoc Committee, and he does want to thank them for all their great work, but the fact is that they have the B1 Redistricting, where they actually drew the lines and that came out to 1.1% deviation. It seems to him, that they could bring it up to the 7.3% that they are trying to achieve. By taking those people in Potter and giving them back to that district, and just reducing the number. As far as the Himrod thing, they have done that in the past. He stated that it just seems so simple and he is also opposed to 15.

Mr. Button stated that he thinks about how this discussion started. In the State of New York it was a mandate, a problem, or whatever they want to call it, they are the ones that said too many people moved into Potter and Benton. He is looking at the facts, they can't change until those people move out of Potter and Benton, and then they wouldn't have had a problem. New York State wouldn't have told them, but they aren't the only county that is having these discussions. The State of New York gave them a problem and there are a lot of other counties having this problem going forward. Mr. Button listened to the minutes from when the Ad Hoc Committee was formed and how the volunteers were asked, he still has not forgotten that. When they look at what Mr. Paddock just said about case law, there is no set percentage, that is the bottom line. They are using 1% or 7% and he has heard many different numbers. They have also talked about whether it is 14 or 15, how they draw the lines. If they went to 15, you ask the public to pass this, you make them involved. When they looked at the first handout from Mr. Paddock's committee, they looked at the way the lines were drawn, they have looked at it again. They haven't set those boundaries yet, and they can be set in the future. Those are the things that Mr. Button said they need to focus on when they take this vote, there is no set number.

Chairwoman Church questioned if Mr. Button is referring to the allowable deviation percentage. Mr. Button stated yes, they have to make an attempt. They have to let the state know that they have made an attempt. Wherever this goes, if they go to 15 it goes to the public. The public gets to decide yes or no. They could throw it back and say no, they don't want that and the Legislature will have to start over, draw different lines, or whatever, but if they really do care

about having the public involved, let them vote on it. They voted on changing their terms from two to four years, they voted on taking a full time Treasurer and making a part time Treasurer, they do pay attention. Whether the Legislature likes the outcome or not, they have to live with it.

Chairwoman Church stated that is a good point, if this resolution were to pass, then it would go to the voters in November.

Mr. Paddock stated that even if the number is 14, the voters, the constituents, have the opportunity to bring it to a referendum. It still has the opportunity to go before the voters at large, no matter what number they settle on.

Mr. Morris stated that he seconded the motion from Rick for this for the 15 and at that time he was in favor because he feels strongly that it had the least negative impact on all the towns in the County. From that perspective and it didn't have a wide variation on it, but he also said that he wasn't against one of the 14 options. He isn't going to feel like they have lost some big argument. He does want to make sure there is plenty of open discussion and he agrees that this is going to go to the public. If they were questioning how comfortable they feel about submitting this to the public, the public is going to give them their two cents and maybe they will agree and think it's a good idea for the county. In either case, he doesn't think that they would be on a wrong track if they said 15 or if they want 14. Mr. Morris thinks that the 14 needs some more analysis. He doesn't feel like they are in a bad place either way.

Mr. Bronson stated that he is going to support going to 15 because it affects the least number of residents in their county. Up to 250 residents would be impacted if they go with 15 and if they go with 14 they are impacting roughly 1,000 people. Going to 15 does have a budget implication, he definitely does not want to add money or costs to the tax payers, but it will be \$8,800 or \$8,900 plus FICA on a \$44-\$45 million budget. It's not a lot, but every bit they add to the budget does have an impact, he will support it.

Dr. Cutler stated that they can keep the budget flat and the legislators could take a 7% decrease in pay.

Mr. Killen stated that as mentioned, this was necessitated by State mandate to try to even out the representation, after a census, looking at the population change. District 2, which currently has three representatives is growing in size. If they look at the demographics and the population in District 2, he is willing to bet that in 10 years, they will probably find more people in that district than currently and some of the other districts are losing population. That brings the number of representatives between District 1 and District 2 an uneven number of people so that there's less chance of a tie vote. Presently, with 14 they could have a seven to seven vote on things. It impacts the least number of people, as far as having to vote in different districts or have major district line changes. Mr. Killen stated that this seems the most logical and least impactful way to adjust for the changing population and one that's likely to change more in that direction in the future. He will support the 15.

Mr. Harper stated that when they went out to look at a third party analysis of 14 and 15 from the Bonsai Index and Franklin indices, both were acceptable. He looks at this from if they can make a system that works with 14 legislators there is no additional expense and if they are going to redistrict, they are impacting people no matter what. They know that with Milo, there are

multiple housing projects that were not in the census, that in another 10 years they are going to be back here again. Maybe at that point, they would be talking about reversing the whole thing if you went to 15. Mr. Harper really feels that 14 and change the districting as needed is the way to go, saves the cost.

Mrs. Percy wanted to mention that it does not change the peoples polling place, they will be still going to the same polling place they are now.

Mr. Button stated that this only affects the legislative vote, it is not affecting their town board votes, state votes, or federal votes. They are talking about 14 or 15 people that might possibly get reelected and then not all at once.

Mr. Jayne stated that he appreciates what everyone has done. He felt like with 15, they were kicking it down the road because before he was elected he would have voted against it. If they could do it with 14, he would love to get on the Ad Hoc Committee and do the map. If they give him a month, he will put in as much time and effort as he possibly can. Where he could get 14 to work and draw the lines, and if it doesn't look good then they can go to 15, maybe a new set of eyes and going for the minimum amount of deviation. Not 1%, 7.3%, but they still don't know the number. They are saying 7.3% and after talking with the Attorney, he thought more than 7.3% was fine. Mr. Jayne thinks that one more look at the map and trying to keep it at 14 so they can get this done in house. He'd like a chance to get together with Jeff, Colby, some of the guys, and really crack down on it to see what they can do minimally.

Ms. Chilson stated on a comment that was made from Dr. Cutler about the Ad Hoc Committee, that he took personal offense by somebody that mentioned things about calling it a bias, the Committee was never mentioned that it was a bias, that they had bias. Only one person on the Committee was mentioned that way and that is because of the comments that person made. When someone says that they are going to actively work against having the 15th legislator if it's passed, Ms. Chilson calls that bias. When someone makes a comment that them and their committee can do whatever you want, she calls that a bias. The Ad Hoc Committee did put a lot of work into that and it is appreciated, but those comments are not. Ms. Chilson stated that as far as redistricting, Potter has more to lose than any other district and she thinks they as legislators need to fight for their districts. Milo is going to lose several representatives if they go with one. They are going to lose input and they are only going to have four legislators having active input in the Village of Penn Yan. That is a huge loss to them and they will also lose a huge percentage of Himrod. Ms. Chilson has spoken with some of the people from Himrod, and they prefer that they do not lose Himrod in their district. She has to advocate for the people that put her there and she advocates that they add a legislator and do the least damage or upstir of the people. They are talking about a minimal cost, they have just put tons of money into other things. Whether its engineers that were added to broadband or surveys that were added to broadband. She can go on and on, but thousands and thousands of dollars have been added to the budget, without very much interface at all. She thinks that by adding one legislator, it will be giving more representation to the people, where it belongs. That will also give the people an opportunity to tell the legislature what they want, instead of them mandating to them what they are going to get. Ms. Chilson thinks that it belongs in the hands of the people, not in the legislators hand once again.

Chairwoman Church clarified that the broadband expenditures are part of the grant, so that did not come out of the budget.

Ms. Chilson stated that they are part of the grant, but they changed the amount is what she is saying. It does come out if they are adding more money, taking more money from the grant, that they may have to fund things is her point. To her point with that, they have changed other things and added positions that have been needed in their county. It is what is needed in their county that they look at.

Mrs. Percy stated that one of the other things that they may have a misconception of is that the census includes children. They are redistricting with adults and children because of the census.

Mr. Button stated that throughout the whole county, there may be some different people who don't want to participate in the census, who have large households. The number that they have for population that they try to use as a benchmark, may not actually be an accurate number. In the end, next year, the other half of the legislature comes up to vote, the people participate, he will come up again in three years, nine months and if they don't like what the legislature is doing, they are all replaceable.

Mr. Willson stated that 15 is a mandatory referendum, so if they don't move relatively fast on that, the time will pass. Again, he added that when they bring something to the people and let them vote on it, that is democracy.

Mr. Paddock stated that the accusation of the Committee's bias was made before he had made any statements relative to 14 or 15. The comment that the report was unprofessional was also made prior to any comments relative to 15.

Mr. Button stated that he will go on record that the report that Mr. Paddock prepared was very good and it was pretty professional whether he liked it or didn't like it. Mr. Paddock put effort into it and Mr. Button appreciates it.

Mr. Paddock stated that the report was from the Committee, he just shared the meetings.

REQUEST COUNTY ATTORNEY TO CREATE LOCAL LAW ADJUSTING BOUNDARIES OF YATES COUNTY LEGISLATIVE DISTRICTS

WHEREAS, U.S. Supreme Court rulings relative to the 14th Amendment and New York County Law require that county legislative representation be reviewed every ten years and adjustments be made, if, necessary, based on information obtained in the decennial U.S. Census; and

WHEREAS, an Ad Hoc Reapportionment/Redistricting Committee was formed, examined alternatives, delivered an initial report and two supplements based on input from the Government Operations Committee, other legislators, and citizens; and

WHEREAS, the Government Operations Committee has reviewed and discussed the report and supplements in detail and finds that the Legislative boundaries reviewed on April 4, 2022, having 15 legislators represents an acceptable approach to achieving parity in

representation on Yates County Legislature with up to 111 residents from the Town of Milo to be represented by District 2 Legislators as well as up to 139 residents from the east side of Town of Jerusalem to be represented by District 2 Legislators;

NOW, THEREFORE, BE IT RESOLVED, that this legislature requests the County Attorney to draft a local law that represents the legislative district boundaries reviewed on April 4, 2022, having 15 legislators; and be it further

RESOLVED, that such draft local law be prepared and included in the agenda for the May 2, 2022 Government Operations Committee meeting.

VOTE: Roll Call – Killen, Bronson, Chilson, Morris, Button, Willson, Church voting “Yes”; Cutler, Paddock, Banach, Holgate, Jayne, Percy, Harper voting “No”. Motion lost.

Mr. Paddock asked what if they were to offer the same resolution with the number at 14, with an assignment to a new Ad Hoc Committee that brings back numbers, by next month’s Government Ops. meeting.

RESOLUTION NO. 173-22

Mr. Paddock offered the following resolution and moved its adoption, seconded by Mr. Holgate.

DISCUSSION

Mr. Morris stated that he remembers saying things in his earlier terms on the legislature, similar to Mr. Jayne. If they fully go along with something thinking that they are going to convince people to change their opinion, most of the time that does not happen. Whether they like the outcome or not, they are stuck, they don’t get to redo it.

Mr. Willson stated that in regard to this, the last Ad Hoc Committee was made up of one member from each district and he would like to see that continue with a new set of members.

Mr. Button made a suggestion that it should also include Mr. Bronson.

Mr. Bronson reminded everyone, at the March 17th meeting he stated and he restated, that if they are saying no, then they need to bring another idea forward. It is not enough to just say no, what is another possible solution.

Mr. Button stated that he can come to a decision on the borders and he will have to explain it to the people in Potter and Torrey. That they have done the best they can do in his district. He stated that in Milo and Jerusalem, they are going to have to take it to their people and say that this is the best they can do.

Mrs. Percy stated that Milo has been in the Barrington and Starkey district before. She doesn’t see that as a main problem with those people in Milo that have to go to Starkey.

Ms. Chilson stated that they have a problem with it, the people in Himrod have a problem with it.

Mr. Paddock clarified that this is in essence a resolution for 14 legislators, that clearly states that it is within the guidelines of 7.3% as established by Franklin versus Krause and advised by Mr. Simon.

Mr. Button stated that Mr. Paddock said 7.3%, but there is no stated outcome from a judge or jury of what the number is. The County Attorney has stated that there is no set number. He agrees with what Mr. Paddock presented, but he will not vote to put a specific number in. They started out at 1% and now all of a sudden they are allowed to go with 7%, they haven't set a number. The state has given them a problem, but they haven't told them the number that they need for it to be okay.

Mr. Paddock clarified that it has to be less than 7.3% and it was a judicial decision. If they would like input from the County Attorney, he can research Franklin versus Krause where that was established, overturned, and then reestablished back in the 70s. If it comes in at 7.3% no judiciary group would have an issue with it.

Dr. Cutler stated that having been part of the conversations with Mr. Simon, this 7.3% was the lowest threshold that had been accepted by the courts and that is where the standard came from. Whether 7.4% could fly, they don't know, all they know is what the legal precedent is. If they come in below 7.3%, then they have a legal position to stand on. They need to get within the legal precedents and that becomes kind of their protective barrier.

Mr. Button stated that they are talking about information from 1970, which was 50 years ago, things have changed, as they have talked about with the borders in Potter and Benton. For every lawyer and every committee that wants it one way, there are plenty of lawyers and plenty of committees that will stand on the other side. When it comes down to the end, Mr. Button will listen to what the State of New York Supreme Court tells him to do, but he knows there is enough to pick both sides.

Chairwoman Church stated that the existing Ad Hoc Committee with the addition of Mr. Jayne and Mr. Bronson, will meet and come up with an option.

Mr. Harper stated that he would rather see Mr. Willson or Mr. Button take his place. He thinks a new set of eyes would be good and they've got their opinions on this.

Dr. Cutler stated that he was thinking of recommending an all new group for the Ad Hoc Committee. He had Mr. Killen for District 1 and Mr. Jayne and Ms. Chilson, and then they have an entirely different perspective. Then they need to designate a Chair for that new Ad Hoc Committee.

Chairwoman Church appointed Mr. Jayne the Chair of the new Ad Hoc Reapportionment/Redistricting Committee. The new Ad Hoc Reapportionment/Redistricting Committee consists of Mr. Jayne, Mr. Willson, Mr. Killen, Ms. Chilson, and Mr. Bronson.

Ms. Chilson requested that Mr. Morris take her place as she may be unable to attend the meetings.

Chairwoman Church asked Mr. Morris to take Ms. Chilson's place, he agreed. The new Ad Hoc Committee, Mr. Jayne, Mr. Willson, Mr. Killen, Mr. Bronson, and Mr. Morris, will come back to the group or the Government Ops. Committee with a plan to move forward with 14 legislators.

**REQUEST COUNTY ATTORNEY TO CREATE LOCAL LAW ADJUSTING
BOUNDARIES OF YATES COUNTY LEGISLATIVE DISTRICTS WHILE
MAINTAINING 14 LEGISLATORS**

WHEREAS, U.S. Supreme Court rulings relative to the 14th Amendment and New York County Law require that county legislative representation be reviewed every ten years and adjustments be made, if, necessary, based on information obtained in the decennial U.S. Census; and

WHEREAS, an Ad Hoc Reapportionment/Redistricting Committee was formed, examined alternatives and delivered an initial report and two supplements based on input from the Government Operations Committee, other legislators, and citizens; and

WHEREAS, the Government Operations Committee reviewed and discussed the report and supplements in detail and found that the Legislative boundaries reviewed on April 4, 2022, having 15 legislators represented an acceptable approach to achieving parity in representation on the Yates County Legislature; and

WHEREAS, Resolution No. 172-22 requested the County Attorney to prepare a local law as proposed with 15 legislators; and

WHEREAS, Resolution No. 172-22 was not adopted by the Yates County Legislature;

NOW, THEREFORE, BE IT RESOLVED, that this legislature requests a newly formed Ad Hoc Reapportionment/Redistricting Committee prepare alternatives for Legislative district boundaries based on 14 legislators; and be it further

RESOLVED, that any alternatives prepared by said Committee shall achieve parity within a total deviation that has not yet been determined; and be it further

RESOLVED, that this legislature requests the County Attorney to draft a local law that represents legislative district boundaries having 14 legislators; and be it further

RESOLVED, that such alternatives and draft local law be prepared and included in the agenda for the May 3, 2022 Special Government Operations Committee meeting.

VOTE: Unanimous

Mr. Bronson moved to enter into executive session to discuss:

1. Legal matters with the Legislators, the County Administrator, the County Attorney; and
2. The employment history of a particular individual or individuals with the Legislators and the County Administrator.

Seconded by Mr. Harper.

VOTE: Unanimous

Meeting adjourned at 3:56 p.m.