

**SPECIAL SESSION-THURSDAY, MAY 4, 2023**

The Yates County Legislature convened in special session Thursday, May 4, 2023 at 2:15 p.m. with Chairwoman Church presiding, with Mr. Morris & Mr. Killen on Zoom, with Mr. Holgate, Mr. Button, Mr. Willson, and Mr. Jayne absent.

Legislative Zoom Attendees: 2 Other Zoom Attendees: 7

**RESOLUTION NO. 223-23**

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

**REQUEST HOME RULE LEGISLATION TO RENEW THE 1% SALES TAX INCREASE IMPOSED IN 2003**

WHEREAS, in 2003 Yates County increased the county portion of the sales tax rate by 1% in order to generate approximately \$2 million per year in additional county revenue without imposing an additional burden to property owners through the property tax; and

WHEREAS, the authorization from the State Legislature to impose this additional sales tax expires on November 30, 2023;

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature hereby requests home rule legislation be passed by the Assembly in bill **A5332A** and the Senate in bill **S5609A**, to amend the tax law in relation to the imposition by the County of the additional 1% on the county portion of the sales tax rate through November 30, 2026; and be it further

RESOLVED, that copies of this resolution be given to Senator O'Mara, Assemblyman Palmesano, NYSAC, the Yates County Administrator, the Yates County Director of Finance, and the Yates County Treasurer.

VOTE: Unanimous

**RESOLUTION NO. 224-23**

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

**REQUEST HOME RULE LEGISLATION TO RENEW THE ADDITIONAL COUNTY RECORDING TAX ON MORTGAGES**

WHEREAS, Yates County has identified a 0.25% increase in the County portion of the recording tax on obligations secured by a mortgage on real property as a method for obtaining approximately \$200,000 per year in additional county revenue without imposing an additional burden on property owners through the property tax; and

WHEREAS, the authorization from the State Legislature to impose this additional county recording tax expires on December 1, 2023;

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature hereby requests home rule legislation be passed by the Assembly in bill **A4915A** and the Senate in bill **S5612A** to amend the tax law in relation to authorizing Yates County to impose the additional

county recording tax on obligations secured by a mortgage on real property through December 1, 2025; and be it further

RESOLVED, that copies of this resolution be given to Senator O'Mara, Assemblyman Palmesano, NYSAC, the Yates County Administrator, the Yates County Director of Finance, and the Yates County Treasurer.

VOTE: Unanimous

### **RESOLUTION NO. 225-23**

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

DISCUSSION:

Mr. Harper stated that they were going to wait until next week, but the FAA came back to Passero yesterday and said they would like assignment or assigned letter indicating that Reiff would accept the \$60,000 price tag by tomorrow. They are trying to see if they can get the easement in place first, but if not, they will do a letter to the FAA.

### **AUTHORIZE CHAIRWOMAN AND COUNTY ATTORNEY TO EXECUTE AN EASEMENT FOR AARON AND LINDA REIFF**

WHEREAS, the Federal Aviation Agency (FAA) desires airports to obtain permanent easements for land directly in the runway flight path so that obstructions can be addressed as necessary and permanent restrictions are placed on building heights within that FAA airspace; and

WHEREAS, the FAA has agreed to fund the price of this permanent easement; and

WHEREAS, Passero Associates, Engineering, Architecture and Surveying, D.P.C. had a third party appraisal performed on the property; and

WHEREAS the County Attorney, Scott Falvey, has worked with the landowners, Aaron and Linda Reiff, and their attorney, Don Schneider, to develop a mutually acceptable easement; and

WHEREAS, Yates County desires to enter into this permanent agreement with the landowner;

NOW, THEREFORE, BE IT RESOLVED, that the Chairwoman of the Legislature and the County Attorney be authorized to sign a permanent easement for \$60,000 with Aaron and Linda Reiff at 2246 Second Milo Road, Penn Yan NY 14527 with payment pending final FAA grant release; and be it further

RESOLVED, that copies of this resolution be furnished to the Yates County Treasurer, Finance Director, Airport Council, County Attorney, Passero Associates, and C&S Companies.

VOTE: Unanimous

### **PUBLIC COMMENT**

Ryan Egburton stated that he is on the Trap team, in the seventh grade, 13 years old; and he actually has ADHD. He is there today to help support the right to keep the second amendment, for the right to bear arms. He heard that the Governor was wanted to take away that, and he personally thought that cannot happen. Trap and hunting has changed his life

entirely. If it wasn't for that, he doesn't think he would be who he is today. Trap can help somebody in school and out of school, it can teach someone how to focus on a certain thing, but still be aware of their surroundings. With the right trainer and the right instructions it can still be a little dangerous, but with the right precautions it can be fun and it can be educational. Because of this, he thinks that they should keep that amendment.

Colt Wicker stated that he is 9 years old, from Dundee, New York, and he started fundraising when he was 4 years old. Places he has donated include:

- The Living Well in Penn Yan
- Golisano Children's Hospital in Rochester
- New York State Sheriff's camp on Keuka Lake
- Dundee Central School's food pantry
- Dundee Central School Pre-k/Kindergarten early reading program
- Hope Walk of Yates County
- Tyrone Fire Department/EMT

Now, Colt is raising money for his school's playground, as the current one is over 30 years old, is not ADA approved, and he wants it to be accessible to everyone.

**Donations can be dropped off to Our Town Rocks on 12 Main Street, Dundee, NY 14837 and checks can be made out to Our Town Rocks memo: Playground fund**

John Prendergast, Supervisor, town of Benton, stated that last night they held a meeting at the town of Benton on the gas project for the highway department and he wants to thank the Yates County legislators for taking and listening to his plea to encourage the input of the public along the proposed routes of Havens Corners or 14A. The meeting was very successful, there are 75 people whose properties on those 2 roads are involved, they had at least 70 people attend, and 19 people, so far, have turned in letters saying they're very interested in the gas already.

John then spoke as an individual and a citizen, not as the Supervisor for the town. In regards to Governor Hochul's budget, she's says they not raising income taxes this year. She's not, she's screwing everybody else. He wants it on the public record, Kathy Hochul is proposing to withhold funds from the counties, 62 counties, Yates included, of some 219 million dollars of monies that are going to go for Medicaid. She's not raising taxes, income taxes, but she's going to force the county to make up that difference. Counties in general terms are going to have to raise their taxes, their county taxes from 8% to 14% to make up for this funding, she's setting there as a blatant liar to the people of New York State. The other issue is outward migration from New York State. They say they are not losing that many people, that's a bunch of crap, in 2020 and 2021 New York State people have left. High income people have left, amounting to about 45 billion dollars of outward migration of funds from New York State primarily to Texas, Florida, Tennessee, and other States. People vote with their feet, elections have consequences. People that are coming in to NYS are not high income people, they have an average of \$60,000 or \$75,000 a person and the people that left are millionaires and billionaires. This state is in a lot of trouble, and he wants this on the record, he wants the people to know it, he wants the news media that reads this to put that out there. John thank these young youth, and if they continue what they are doing, they will be setting up here (gesturing to where O'Mara and Palmesano were sitting) and he doesn't want then to think they can't do it because they can. The Yates County, Scope Shooter Committee on Political Education, is a 501, C 4 organization, anticipates donating to the Trap programs at Marcus Whitman, Penn Yan, and Dundee Schools \$2,000 each. They raised approximately \$6,000 through a chicken & biscuits fundraiser dinner.

Valerie Brechko stated that she is a Democrat, the Co-chair of the Democratic Party in Yates County, but what came through in the budget is ridiculous. They know that their county can't afford to be picking up the Medicaid. The state was supposed to be working towards the county not picking up any Medicaid. They're going backwards, and they're going to hurt every single taxpayer. She won't call Governor Hochul a liar, but what she is saying is that this should not have been how they decided to pass this budget. It really is going to hurt the County, and it's going to hurt their Medicaid people and there's many of them here in Yates County.

Senator O'Mara & Assemblyman Palmesano made their opening statements (**audio file available**).

The Legislature asked the following questions (**for complete questions and responses, please refer to the audio file available**):

Q. NYS Department of Health staff indicated back in 2021 that they had completed the reconciliation of our eFMAP reimbursement for Medicaid. At that time, Yates County was owed \$710,127 for the years 2016 – 2020. We still have not received these funds. Where does this stand?

A. There's not even anything in the budget on the eFMAP proposal to withhold those funds going forward. It's all being done administratively, but we debated it on the floor during the budget and they're well aware of it. The majorities are, but they've chosen not to push on either of those in the budget process. They did increase touring roads, state touring roads by 40 million, which only benefits like 88 municipalities across the State.

Q. Two main things that are wrong in the budget, the Medicaid, and also the panel attorneys. That's something that counties did not budget for in our current year Budget, and we're going to have to make up for that somehow. We didn't see that one coming at all. You know, we thought maybe the panel Attorney Fees would go up, but we had heard that there would be a New York State match.

A. They were not expecting the increase to be as much upstate. They thought it would be that level downstate, but it's over a 100% increase. It's going to hurt a lot of rural counties, totally agree.

Q. Sheriff Spike applied for a grant for Emergency Services Communications in the amount of approximately \$3.1 million to upgrade Yates County's system. He reported that the grant was denied to Yates, but other adjacent counties (Schuyler and Steuben, I believe) received awards. Yates is in the process of installing all new communications equipment along with towers, shelters, generators, etc. almost totally at county expense. What are the reasons for the focused grant denial?

A. They haven't the slightest idea. Yates County should certainly request an explanation and a basis for the denials, particularly with surrounding counties getting it. Now, maybe it's something they can go back at again next year.

Q. NYS has enacted various legislation relating to power generation, electric vehicles sales, and new home construction all of which will increase electricity demands. Yates County continues to see projects not being able to move forward due to lack of grid capabilities. What is NYS

doing to get the grid in better shape to handle these future demands? How are you going to turn around the destructive NYS energy policies and what can you do to help your colleagues into the real world of Facts and Reality?

A. They talk about it almost every day. They talked about it at length on the floor, both the Assembly and the Senate during these Budget debates with these things on all these issues that they have talked about today. It's a matter of numbers, elections have consequences, and this is one of them. The reliability aspect is in serious question as well. The build out is massive, but the reliability is a significant question, because their generating capacity when they are at a full capacity is about 41 gigawatts. By 2040 the electrification they need 27 to 45 additional gigawatts of dispatchable mission-free resources. That means 24/7, that means natural gas nuclear that comes on demand that doesn't include one in solar. That 27 to 45 gigawatts is not in existence today. No one has any idea what the resources are going to be, but the fact is as they continue to move forward with implementing this aggressive plan, it's not feasible. There's no resources to address it. So in the meantime, the DEC continues to stop the permitting of natural gas power plants, continue to deny renewals of natural gas power plants, and one thing after another. You can't take base load generation, that's reliable off the grid, and to have a plan and the technology resources in place to handle that demand. It's not happening, that's a big problem. The other issue with this, too, is land use.

Q. In the governor's address to NY, she is mandating every municipality to build new housing developments for low income people. This is overriding the local government's control over their community. How can we help you push back on the states mandates of land use planning which has historically been the sole responsibility of local government? The governor has also taken away the power of the local zoning authority to make decisions in regard to solar projects. How can we support you to fight against this?

A. Keep being vocal about it. The Governor will not be giving up on that, it's complete overreach by the State Government to get into Home Rule and local zoning issues. They are vehemently opposed to that, but the governor of this budget process when she saw that she wasn't going to get that authority to override, then she kind of took her ball and went home on that issue, too, because there's no money for incentives to build that housing now, either. Then they have a big problem, because, the wind was excluded from Budget. They took away all local input, local control. These have even a represent. When it was article 10 Processor used to be a member of the Board from the local to be a part, or at least be part of this is discussion, decision, making process. In this budget, because they didn't want the lawsuit, they went through and basically changed the language, that it was never the intention to make them go through that process to decline it. So now, they go through pilot agreements and have the possibility of some of these developers is not going to be skewed to their favor versus the local community from a tax roll perspective. That's problematic, because now they can just come in and get this assessment model, which will decrease it like there's some of our communities. So it's all going to be aimed in a favor of developers to get these things up. That's something to really keep an eye on, and the other thing is part of the plan that they passed with the electrification is they also allowed NYPA the ability to develop the authorization and the ability to go out there and develop renewables. No they can compete with private, there's not a shores of private companies that they want to do this it's really the interconnectivity problem that's out there. So now, and these private developers assume all the cost overruns now. So, NYPA now can compete against these

private developers for bidding on these contracts, but NYPA does not pay property taxes on their projects. It's Socialism.

Q. Mental health continues to be a community issue across NYS. Yates County relies on a lot of organizations to address the mental health issues but there are limited resources available it seems to help address this major issue. There are limited mental health specialists available to fill positions, beds for those in need are scarce, and the need seems to be increasing which put a strain on local law enforcement and EMS services. Is anything being done on a State level to address mental health? Is any funding available for our local hospital to open the 3rd floor (mental health) so we can address our community's needs for mental health. George has reported that the governor decreased the number of beds in all hospitals during the pandemic. When will they be reopened? Is Albany proposing new mental health beds in our region? Is there a plan to attract mental health professionals to our region?

A. It is a small, bright spot in the budget this year there is over a 1 billion dollars in the budget for mental health and increasing mental health beds to one of like 850 beds. That's not enough in the grand scheme of things, but they went through a decade of Governor Cuomo assaulting the state mental health system, closing beds at state facilities across the State, and reducing beds in those that stayed open. Only a 150 of those beds are to be in state facilities, and the rest of them are supposed to come in community-based organizations, not for profits that were supposed to come all along when this assault was taking place on the State mental health facilities, and they never came and they're still not there. Something that came out in the Education Bill, which was the big, ugly bill that everything was put in it. They are still trying to figure out some of the stuff that's in there, but the education funding is very good. There's also some language in there about school based mental health services and reimbursements from through insurance companies. They're still trying to get the details on what that might mean, and we know for sure that their schools are lacking in mental health resources, and they've dealt with it directly right here in Yates County, with the with Dundee and Penn Yan school districts, and the lack of those. They are woefully lacking in mental health services and they brought this up during budget hearings on the mental health issues that we've got the dual diagnosis issues that are most prevalent right now of addiction. Mental health issues together, and they really don't have anywhere near an adequate workforce in this state to deal with dual diagnosis treatments because they need to be handled together, not separately.

Q. EMS continues to be a challenge across NYS. Various items were mentioned by State reps at NYSAC conferences in the past but it seems little has actually been put into effect to address this issue. There was a property tax incentive floated recently but that is really just displacing a tax credit already in place for many so it really isn't going to do much. Is NYS offering any real corrective actions to help with addressing this issue before it becomes too late?

A. They are not sure if the counties are going to have to pick up this whole cost, if all these volunteers go down, it's going to be a huge cost. It's an acknowledged problem and an issue. If they remember last year they finally got through some legislation that would allow their departments to provide ambulance service to get reimbursed. There is some language in this budget that will provide a stipend directly to EMS workers. That's something that needs to be addressed, it's something they've been talking about for years. The thing that was passed last year that the Governor signed was to provide allowed for a property tax abatement, but then they had to choose between that and the income tax credit. It should be both, it shouldn't be either or, it

should be both. There's one idea out there, it's kind of created like CHIPS for their ambulance, for their community. The devil will be in the details on how to work that.

Q. I am aware of several people with huge billing errors on utility bills, clearly errors not usage. \$5000, \$1000. I know NYS Dept. of Public Service oversees utilities, but there is a persistent problem across the region, RG&E, NYSEG, National Grid etc. with over billing. I hear this is also at a time when they are pushing people to get constant monitoring meters and worse thermostats that report back to utility company and I fear may be controlled by them at some point. What can they do?

A. They haven't heard anything about them controlling thermodynamics remotely at all, but they are well aware of the billing errors. That's been an issue kind of moving around the State, the Central Hudson region was really one of the first big ones and they had a huge problems with this errant billing taking place. The Public Service Commission is fully engaged on this, and they are putting pressure on these utilities to figure out why these errors are happening, and there's really been no sufficient explanation other than software errors. Their offices deal with getting these inquiries quite frequently, but it's been going on for well over 5 years now with the different utilities. They wouldn't encourage anybody to waste their time trying to get through the utility, and just go right to the Public Service Commission complaint line. They are fairly responsive on that.

Q. Senator O'Mara- can you help with the grant that I wrote through your office, and you approved, several years ago to do repairs to masonry under main street bridge on behalf of KLOC? Status?

A. They haven't heard anything about that, but will check into it.

Q. YC Legislature recently approved \$2,000,000 towards a field house at Yates Community Center. There is no public access pool in Yates since Keuka closed theirs several years ago. Are there any state or other grant opportunities you know of that could help with a swimming pool or the field house?

A. Not off the top of their head, but they can certainly look. They should look on a Federal level and definitely check with Claudia Tenney about any Federal categorical grant.

Q. How is NYS going to stop the exiting of our population and businesses to other states, as destructive fees and the tax revenue flows will slow and finally stop and our NYS spending policies are not going down, as these are just basic facts? When cash flows go even more thoroughly negative and NYS government grinds down will anybody in Albany realize that layoffs must happen and how will they make the public understand the reduction of state and county services and this is going to affect their quality of life?

A. That's right on target, different election outcomes. That's the only way to deal with this one, because they can tell them that those on the other side of the aisle from them are bound and determined to keep spending. They want to tax the rich more, they don't think they're paying enough. Everyone else is tightening their belts and the government should do the same thing, but they think it's their money.

Q. The past ongoing budget discussions are proof that no one is willing to except financial reality, can and will you help and how? Why are non-budgetary items (e.g. - In-Rem Foreclosure) included with budget negotiations? What can be done to separate them?

A. The Governor, under existing case law in New York State has broad powers in the budget process. The Governor utilizes the budget process to try to move the Governor's agenda items. It's been upheld in case law that the Governors can get away with it. The assembly sued Governor Pataki over it and the Governor has broad latitude in the budget language that the governor puts forth and the limitations of how the legislature can change that.

Meeting adjourned at 4:38 p.m.