

**REGULAR SESSION – MONDAY, MAY 10, 2021**

The Yates County Legislature met in regular session Monday, May 10, 2021 at 1:00 p.m. in the Legislative Chambers with Chairman Paddock presiding and Legislators Percy and Multer attending by Zoom meeting.

Mr. Cutler moved that the Legislature forthwith conduct an election by way of open ballot to determine the appointee to fill the vacant Legislator seat in Legislative District 1. Seconded by Ms. Chilson.

VOTE: Unanimous

Mr. Bronson moved that nominations for the appointee to fill the current Legislator vacancy in Legislative District 1 are now open. Seconded by Ms. Chilson.

VOTE: Unanimous

Mr. Cutler nominated Patrick Killen.

Mr. Bronson nominated K. Dixon Zorovich.

There being no further nominations, Mr. Cutler moved that the nominations be closed. Seconded by Mr. Button.

VOTE: Unanimous

Chairman Paddock asked the Legislators to fill out paper ballots and asked the Clerk to collect them. The vote was unanimous for Mr. Killen with Mrs. Percy and Mr. Multer voice voting by Zoom.

**RESOLUTION NO. 180-21**

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

**APPOINT DISTRICT 1 LEGISLATOR**

WHEREAS, there is a current vacancy in the Legislature, from Legislative District 1, due to the resignation of Legislator Patrick Killen; and

WHEREAS, pursuant to Local Law, the Legislature is the appointing authority to fill such vacancy; and

WHEREAS, the Legislature conducted a nomination and election process on May 10, 2021, where Patrick Killen received the requisite votes needed to be appointed to fill the above recited vacancy;

NOW, THEREFORE, BE IT RESOLVED, that Patrick Killen is hereby appointed to fill the aforementioned vacancy and as such is hereby appointed as a Legislator representing Legislative District 1, for a term effective immediately and ending on December 31, 2021.

VOTE: Unanimous

County Clerk Lois Hall administered the Oath of Office to Mr. Killen, he signed the Oath and took his seat on the Legislature. All members welcomed him back.

Chairman Paddock opened the public hearing on proposed Local Law 1-21 Entitled A Local Law Adopting A Pilot Youth Deer Hunting Program. Leigh Williams, C. George Hullings and Jack Prendergast all spoke in support of proposed Local Law 1-21.

Chairman Paddock held the public hearing open until later in the meeting.

### **RESOLUTION NO. 181-21**

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

#### **RECOGNIZE YATES COUNTY DISTINGUISHED YOUTH AWARD RECIPIENT**

WHEREAS, the Yates County Youth Board selected Caiden DeMarco for recognition as a Yates County Distinguished Youth of 2020, acknowledging his outstanding service to his community;

NOW, THEREFORE, BE IT RESOLVED, that this Legislature take recognition of this honor bestowed upon Caiden DeMarco by the Yates County Youth Board on May 10, 2021 in Penn Yan, NY, and thank him for his dedicated service to the community of Penn Yan and to the citizens of Yates County; and be it further

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

VOTE: Unanimous

Amy Miller, Commissioner of Social Services, presented Caiden DeMarco with the Distinguished Youth Award.

Annmarie Flannigan, Director of Public Health updated the Legislature on COVID-19. Annmarie reported this is week 22 of vaccination efforts. 51.3% of Yates County has been vaccinated and 8,937 individuals have completed both shots. As of the last report on Friday, there are 7 new cases with 105 in isolation. There are no hospitalizations.

Chairman Paddock asked for a report of the auditing committees. The audit was approved as presented.

Airport Fund	\$ 5,377.95
Finance	\$ 28,813.27
Flint Creek	\$ -0-
Government Operations	\$ 63,190.38
Human Services	\$ 366,426.65
Prior to Audit	\$ 61,618.25
Public Safety	\$ 510,701.98
Public Works	\$ 119,134.61
Total	\$1,155,263.09

The minutes of the April 12<sup>th</sup> and April 29<sup>th</sup> meetings were approved as presented.

#### **COMMITTEE REPORTS**

Mr. Bronson reported that he attended the ProAction Board meeting where it was reported there was a clean audit for 2020.

Mrs. Church reported she attended Cornell Cooperative Extension Gardening Matters Day which was well attended.

Mr. Holgate reported that the Audit Committee met with the County Auditors prior to this meeting where the auditors presented a clean audit for the 2020 year.

Mr. Button reported he attended the Village of Rushville meeting where they discussed the budget for the coming year and the water treatment expenditures.

Mr. Willson stated he attended the SWIO meeting, SWIO supports the National Heritage Area designation.

County Administrator Flynn reported the County is moving forward with the ReConnect Broadband grant to serve the underserved and unserved areas in our County. The engineering firm is currently looking for office space and it is hoped that groundbreaking will take place by the end of summer. Residents will be notified on the roads that will be impacted. Solicitation will be done for new business to sign up with our internet service provider (Empire).

#### PUBLIC COMMENT

Valerie Brechko addressed the Legislature with her displeasure on how the vacant seat process was handled.

Lois Hall, County Clerk stated that the Governor has extended the Executive Order for the DMV to continue to open by appointment only until June 7<sup>th</sup>. Lois spoke with the Chairman and County Administrator and the decision was made to open the DMV office with no appointment necessary as of June 1<sup>st</sup>. Social distancing will be observed along with masks being required. Lois explained that the lobby of the County Office Building may become congested at times as the office can only handle 13 individuals at a time due to social distancing.

Grant Downs addressed the Legislature and thanked them for their funding of two projects, the Town of Torrey improvements to the Town Park and for SWIO the improvements to the Keuka Outlet.

Kevan Thompson addressed the Legislature with a request for reimbursement of a towing bill that was incurred due to a vehicle being in the way for milling of West Lake Road. There was no action taken.

Rich Stewart addressed the Legislature with his disappointment in the discussion with Senator O'Mara and Assemblyman Palmesano. Mr. Stewart stated that he had hoped that discussion would focus on the good things in the State Budget that would impact individuals and businesses and not just the negative things. Mr. Stewart also agreed with Legislator Banach that something should be done to keep one type of time, rather than changing from Standard to Daylight Saving, then back again.

#### **RESOLUTION NO. 182-21**

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

#### **AUTHORIZE CHAIRMAN TO SIGN SOFTWARE MAINTENANCE AGREEMENT RENEWAL**

WHEREAS, the Yates County Probation Department operates the computer software program Caseload Explorer, owned by AutoMon Corporation and requires an annual agreement for software maintenance;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairman is hereby authorized to sign the AutoMon Corporation Software Maintenance Agreement for one year beginning July 20, 2021 at a cost of \$6,370.02; and be it further

RESOLVED, that a copy of this resolution be sent to the Probation Director.  
VOTE: Unanimous

### **RESOLUTION NO. 183-21**

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

#### **RECOGNIZE PEACE OFFICERS' MEMORIAL DAY**

WHEREAS, Congress and the President have designated May 15<sup>th</sup> as Peace Officers Memorial Day during National Police Week recognizing that law enforcement plays an essential role in safeguarding the rights and freedoms of citizens while members understand their duties, responsibilities, hazards, sacrifices, and duty to serve and safeguard life and property against violence and disorder, and that local law enforcement provides an essential public safety service; and

WHEREAS, in this year 2021 law enforcement and all related public safety services our men and women are serving in challenging times with increases in vulnerability to the risks of the profession;

NOW, THEREFORE, BE IT RESOLVED, that this Legislature extends its appreciation to the men and woman of local law enforcement, corrections and public safety related duties on this national week and observance of May 15<sup>th</sup> where Public Law 103-322 directs flags at government buildings be at half-staff in observance of this recognition; and be it further

RESOLVED, that copies of this resolution be provided to Sheriff Spike, Supervisor of Buildings and Grounds and to Presidents of all local Council 82 Unions #9875, #086, and #9010.  
VOTE: Unanimous

### **RESOLUTION NO. 184-21**

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

#### **RECOGNIZE NATIONAL CORRECTIONAL OFFICERS' AND EMPLOYEES' WEEK**

WHEREAS, the first full week of May, the 2 - 8 is recognized as National Correctional Officers' and Employees' Week by President Reagan's proclamation commencing in 1984 to honor the work of correctional officers as peace officers, and correctional personnel working at jails and court houses nationwide guarding, transporting and supervising offenders in the facility, the community, and preparing offenders for their return to their communities are critical to protecting public safety, while related personnel prepare meals, laundry services, education, recreation and related inmate care and custody often working under demanding circumstances facing danger in their daily lives;

NOW, THEREFORE, BE IT RESOLVED that this Legislature joins with the Sheriff and recognizes the contributions made by the men and women who work in our county jail protecting

and serving our community 24X7 during this national week and thank them for their essential public service; and be it further

RESOLVED, that a copy of this resolution be provided the Sheriff and President of the Council 82 #086.

VOTE: Unanimous

### **RESOLUTION NO. 185-21**

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

#### **DESIGNATE THE WEEK OF MAY 16-22, 2021, AS EMERGENCY MEDICAL SERVICES WEEK**

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators and others; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week;

NOW, THEREFORE BE IT RESOLVED that this Legislature hereby designates the week of May 16<sup>th</sup> thru the 22<sup>nd</sup> as Emergency Medical Services Week; and be it further

RESOLVED, that a copy of this resolution be provided to Director of OEM, EMS Coordinator, 911 Advisory Board and the EMS Advisory Board President.

VOTE: Unanimous

### **RESOLUTION NO. 186-21**

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

#### **AUTHORIZE DISTRICT ATTORNEY TO CREATE AND FILL CONFIDENTIAL SECRETARY TO DISTRICT ATTORNEY AND LAW ENFORCEMENT LIAISON POSITION**

WHEREAS, the District Attorney has requested to create and fill a full-time Confidential Secretary to the District Attorney and Law Enforcement Liaison position due to the anticipated vacancy that will occur on July 23, 2021 as the result of a retirement; and

WHEREAS, the District Attorney through the vacancy review process has identified the need to create and fill the Confidential Secretary to District Attorney and Law Enforcement

Liaison position in order to allow for a seamless transition for personnel and to ensure public safety enforcement is upheld; and

WHEREAS, the estimated cost to fill the position, including fringe, is \$53,920 to \$74,234, depending on health insurance;

NOW, THEREFORE, BE IT RESOLVED, effective May 10, 2021 the District Attorney is hereby authorized to fill the full-time Confidential Secretary to District Attorney and Law Enforcement Liaison position; and be it further

RESOLVED, that copies of this resolution be given to the District Attorney, Personnel Officer, County Administrator and County Treasurer.

VOTE: Unanimous

#### **RESOLUTION NO. 187-21**

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

#### **AUTHORIZE INSURANCE RENEWAL**

WHEREAS, various insurance policies on behalf of the County expire on May 15<sup>th</sup>, 2021; and

WHEREAS, the total premium amount for the period May 15<sup>th</sup>, 2021 to May 15<sup>th</sup>, 2022 is \$339,086.00;

NOW, THEREFORE, BE IT RESOLVED, that the County continue their policies with the Stork Insurance Agency; and be it further

RESOLVED, that the Clerk of the Legislature is hereby authorized to renew said policies with the Stork Insurance Agency with an expiration date of May 15<sup>th</sup>, 2022; and be it further

RESOLVED, that copies of this resolution be given to the Treasurer and the Stork Insurance Agency.

VOTE: Unanimous

#### **RESOLUTION NO. 188-21**

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

#### **AMEND RULES OF PROCEDURE (EXECUTIVE SESSION)**

WHEREAS, a request has been made to modify the Executive Session portion of the Rules of Procedure for the Yates County Legislature;

NOW, THEREFORE, BE IT RESOLVED, that the third paragraph of the Executive Session portion of the Rules of Procedure for the Yates County Legislature be modified as follows (text in *italics* to be added and text in ~~strikethrough~~ to be deleted):

Any discussion conducted during any Executive Session *may be revealed to any member of the Legislature who was not in attendance, but* shall not be revealed to *any other person* ~~persons~~ not in attendance unless agreed upon during the Session by a majority of Legislature

members present. If information is to be revealed to persons not in attendance, it is preferred that said information be clearly defined and that a spokesperson be appointed during the Session. VOTE: Roll Call – Killen, Bronson, Chilson, Gleason, Church, Banach, Holgate, Multer, Percy, Harper, Button, Willson voting “Yes”; Cutler, Paddock voting “No”. Motion carried.

**RESOLUTION NO. 189-21**

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

**AMEND RESOLUTION 449-20  
ADOPT 2021 NON-UNION EXEMPT EMPLOYEE SALARY SCHEDULE**

WHEREAS, Resolution 449-20 was duly adopted on December 14, 2020 which adopted the 2021 Non-Union Exempt Employee Salary Schedule; and

WHEREAS, the salary for the Assistant Public Defender (First) has been amended;

NOW, THEREFORE, BE IT RESOLVED, that effective May 10, 2021 the following shall be added to the resolution;

Assistant Public Defender (First) (Temporary)	\$36,614
Assistant Public Defender (First) – Hurrell-Harring Grant Add-On (Temporary)	\$53,386

And be it further

RESOLVED, that copies of this resolution be given to the Public Defender, Personnel Officer, County Administrator and County Treasurer.

VOTE: Unanimous

**RESOLUTION NO. 190-21**

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

**AMEND RESOLUTION 10-21  
ADOPT 2021 NON-UNION NON-EXEMPT EMPLOYEE WAGE SCHEDULE**

WHEREAS, Resolution 10-21 was duly adopted on January 11, 2021 which amended the 2021 Non-Union Non-Exempt Employee Wage Schedule; and

WHEREAS, the resolution is in need of additional amendments due to recent action taken by the County Legislature; and

WHEREAS, as a result of the Confidential Secretary to District Attorney and Law Enforcement Liaison retirement to be made effective July 23, 2021 the District Attorney has requested authorization to create and fill a temporary Confidential Secretary to District Attorney and Law Enforcement Liaison position;

NOW, THEREFORE, BE IT RESOLVED, that “Law Enforcement Liaison (Temporary)...\$23.36” be added after “Law Enforcement Liaison...\$23.36”; and be it further

RESOLVED, that copies of this resolution be given to the Personnel Officer, District Attorney, County Administrator and County Treasurer.

VOTE: Unanimous

**RESOLUTION NO. 191-21**

Mrs. Church 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 Chairman 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 5/1/21-9/30/21 for an amount not to exceed \$9,500; and be it further

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

VOTE: Unanimous

**RESOLUTION NO. 192-21**

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

**AUTHORIZE CHAIRMAN TO SIGN CHILD AND FAMILY SERVICES PLAN**

WHEREAS, it is necessary for each local Department of Social Services to develop a Child and Family Services plan for the time period April 1, 2018-March 31, 2023, and submit said plan and annual updates to the New York State Office of Children and Family Services, and that this plan requires approval from the Chief Elected Official; and

WHEREAS, the Commissioner of Social Services is authorized to make technical adjustments in the Child and Family Services Plan if so directed by the NYS Office of Children and Family Services;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman is hereby authorized to electronically sign the plan on behalf of the county; and be it further

RESOLVED, that a copy of this resolution be forwarded to the Yates County Department of Social Services.

VOTE: Unanimous

**RESOLUTION NO. 193-21**

Mrs. Church offered the following resolution and moved its adoption, seconded by Ms. Chilson.

**AUTHORIZE CHAIRMAN TO ELECTRONICALLY SIGN APPLICATION**

WHEREAS, Yates County has been awarded \$120,000 from the Office of Temporary and Disability Assistance to conduct outreach for the Emergency Rental Assistance Program; and

WHEREAS, this funding is accessed through Grants Gateway and requires an electronic signature from the Chairman of the Legislature;

NOW, THEREFORE, BE IT RESOLVED, the Chairman of the Legislature is authorized to electronically sign the application for this funding in the Grants Gateway; and be it further

RESOLVED, that the Chairman of the Legislature is authorized to electronically sign grant acceptance documents should the grant be awarded; and be it further

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

VOTE: Unanimous

### **RESOLUTION NO. 194-21**

Mrs. Church offered resolutions 194 thru 197-21 and moved their adoption, seconded by Mr. Harper.

#### **SIGN AGREEMENTS WITH ARC OF YATES DBA KEUKA LAKE SCHOOL**

WHEREAS, Yates County Public Health seeks to sign agreements with Arc of Yates dba Keuka Lake School, to provide services to children with developmental delays and disabilities in the Preschool Program;

NOW, THEREFORE, BE IT RESOLVED, that upon approval of the County Attorney, the Chairman of the Legislature be hereby authorized to sign agreements with Arc of Yates dba Keuka Lake School at the following all-inclusive rates:

NAME	SERVICE	RATE	CONTRACT DATE
Arc of Yates dba Keuka Lake School	3-5 Services & Evaluations Center Based	NYSED Rates	07/01/2021-06/30/2026
Arc of Yates dba Keuka Lake School	Related Services	ST \$70, OT \$70, PT \$70, SEIT (Special Instruction) NYSED Rate	07/01/2021-06/30/2026

And be it further

RESOLVED, that a copy of this resolution be sent to the Public Health office and the Treasurer.

### **RESOLUTION NO. 195-21**

#### **SIGN AGREEMENTS WITH FINGER LAKES UCP DBA HAPPINESS HOUSE**

WHEREAS, Yates County Public Health seeks to sign agreements with Finger Lakes UCP dba Happiness House, to provide services to children with developmental delays and disabilities in the Preschool Program;

NOW, THEREFORE, BE IT RESOLVED, that upon approval of the County Attorney, the Chairman of the Legislature is hereby authorized to sign agreements with Finger Lakes UCP dba Happiness House at the following all-inclusive rates:

NAME	SERVICE	RATE	CONTRACT DATE
Finger Lakes UCP dba Happiness House	3-5 Services & Evaluations Center Based	NYSED Rates	07/01/2021- 06/30/2026
Finger Lakes UCP dba Happiness House	Related Services	ST \$55, OT \$55, PT \$55, AT \$55	07/01/2021- 06/30/2026

And be it further

RESOLVED, that a copy of this resolution be sent to the Public Health office and the Treasurer.

**RESOLUTION NO. 196-21**

**SIGN AGREEMENT WITH ANTHONY CERNESKIE, SPEECH LANGUAGE PATHOLOGIST**

WHEREAS, Yates County Public Health seeks to sign an agreement with Anthony Cerneskie, Speech Language Pathologist, to provide services to children with developmental delays and disabilities in the Preschool Program;

NOW, THEREFORE, BE IT RESOLVED, that upon approval of the County Attorney, the Chairman of the Legislature is hereby authorized to sign an agreement with Anthony Cerneskie, Speech Language Pathologist at the following all-inclusive rates: \$65.00 in 2021, \$66.00 in 2022, \$67.00 in 2023, \$68.00 in 2024, \$69.00 in 2025, and \$70.00 in 2026, for the period 7/1/2021 to 6/30/2026; and be it further

RESOLVED, that a copy of this resolution be sent to the Public Health office and the Treasurer.

**RESOLUTION NO. 197-21**

**SIGN AGREEMENT WITH CHRISTINE TONER, SPEECH LANGUAGE PATHOLOGIST**

WHEREAS, Yates County Public Health seeks to sign an agreement with Christine Toner, Speech Language Pathologist, to provide services to children with developmental delays and disabilities in the Preschool Program;

NOW, THEREFORE, BE IT RESOLVED, that upon approval of the County Attorney, the Chairman of the Legislature be hereby authorized to sign an agreement with Christine Toner, Speech Language Pathologist at the following all-inclusive rates: \$65.00 in 2021, \$66.00 in 2022, \$67.00 in 2023, \$68.00 in 2024, \$69.00 in 2025, and \$70.00 in 2026, for the period 7/1/2021 to 6/30/2026; and be it further

RESOLVED, that a copy of this resolution be sent to the Public Health office and the Treasurer.

VOTE: Unanimous

**RESOLUTION NO. 198-21**

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

**MENTAL HEALTH MONTH 2021**

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

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

WHEREAS, prevention is an effective way to reduce the burden of mental health conditions and there are practical tools that all people can use to improve their mental health and increase resiliency; and

WHEREAS, mental health conditions are real and prevalent in our nation and with effective treatment, those individuals with mental health conditions can recover and lead full, productive lives; and

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

NOW, THEREFORE, BE IT RESOLVED that the Yates County Legislature does hereby proclaim May 2021 as Mental Health Month in Yates County and calls upon the citizens, local governments, agencies, public and private institutions, businesses, and schools in Yates County to commit our community to increasing awareness and understanding of mental health, the steps our citizens can take to protect their mental health, and the need for appropriate and accessible services for all people with mental health conditions.

VOTE: Unanimous

#### **RESOLUTION NO. 199-21**

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

#### **AUTHORIZE CHAIRMAN TO SIGN INTER-MUNICIPAL AGREEMENT WITH SCHUYLER COUNTY FOR HOUSEHOLD HAZARDOUS WASTE AND ELECTRONICS DAY SERVICES**

WHEREAS, Schuyler County and Yates County will be holding a joint Household Hazardous Waste and Electronics Day for residents of Yates and Schuyler counties; and

WHEREAS, Schuyler County has agreed to pay \$4,500 for its residents' participation in the event;

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

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

#### **RESOLUTION NO. 200-21**

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

#### **AUTHORIZE CHAIRMAN TO SIGN AGREEMENT WITH E-WASTE+**

WHEREAS, Yates County will be holding a Household Hazardous Waste and Electronics Day on August 28, 2021; and

WHEREAS, RFPs were sought for electronic waste collection vendors; and

WHEREAS, E-WASTE+ of 7318 Victor-Mendon Road, Victor, NY 14564 was the only responding vendor;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairman of the Legislature is hereby authorized to sign an agreement with E-WASTE+ at an estimated cost of \$10,000, with the understanding that the cost is an estimate and will depend on participation and weight of items collected; and be it further

RESOLVED, that copies of this resolution be provided to E-WASTE+, the County Treasurer and the Clerk of the Legislature.

VOTE: Unanimous

### **RESOLUTION NO. 201-21**

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

#### **AUTHORIZE CHAIRMAN TO SIGN AGREEMENT WITH MXI ENVIROMENTAL SERVICES**

WHEREAS, Yates County will be holding a Household Hazardous Waste and Electronics Day on August 28, 2021; and

WHEREAS, RFPs were sought for Hazardous Waste collection vendors; and

WHEREAS, MXI Environment Services of 297 Zimmerman Lane, Langhorne, PA 19047 was the only responding vendor;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairman of the Legislature is hereby authorized to sign an agreement with MXI Environmental Services at an estimated cost of \$15,999, with the understanding that the cost is an estimate and will depend on participation; and be it further

RESOLVED, that copies of this resolution be provided to MXI, the County Treasurer and the Clerk of the Legislature.

VOTE: Unanimous

### **RESOLUTION NO. 202-21**

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

#### **AUTHORIZE CHAIRMAN TO SIGN CONTRACT WITH TK ELEVATOR CORPORATION**

WHEREAS, ThyssenKrupp Elevator, now TKE, installed the elevators in the Courthouse and the controls on Elevator B have become obsolete and are in need of updating; and

WHEREAS, the County wishes to enter into a contract with TKE to ensure that the elevators operate as designed without interruption or problems;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairman of the Legislature is authorized to enter into a contract with the TK Elevator Corporation to update controls on the County Courthouse Elevator B; and be it further

RESOLVED, that said contract will run from 5/10/21 through 5/9/22, for an amount of \$93,500.00; and be it further

RESOLVED, that copies of this resolution be provided to TK Elevator Corporation, and Building Maintenance Supervisor.

VOTE: Unanimous

### **RESOLUTION NO. 203-21**

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

### **2021 BUDGET TRANSFERS**

BE IT RESOLVED, that the following transfers be made in the 2021 budget:

From:	To:	Amount:
A3110.54156 SH-Training	A3150.54306 Jail-BP Vests	\$ 1,828.50
A6010.43610 DSS-Soc Svc Admin	A6010.41810 DSS-Repay Admin	\$ 20,000.00
A6010.54309 DSS-HEAP Admin	A6010.51389 DSS-Soc Welfare Exam	\$ 25,150.00

And be it further

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

VOTE: Unanimous

### **RESOLUTION NO. 204-21**

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

### **AUTHORIZE CHAIRMAN TO DESIGNATE SIGNATORY FOR DEPARTMENT OF TRANSPORTATION STOA QUARTERLY REPORTING AND REIMBURSEMENT FORMS FOR YATES TRANSIT SYSTEM**

WHEREAS, the Department of Transportation requires authorization of an approved signatory other than the Legislative Chair for STOA quarterly reports and reimbursement funding for the County Transportation System (Yates Transit System, YTS); and

WHEREAS, the DOT allows the Legislative Chair to designate a signatory to perform such duties via authorizing letter or resolution; and

WHEREAS, the CFO of MOZIAC, the agency that provides administrative support for the operation of YTS is currently responsible for such duties and has agreed to act as signatory;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman be authorized to designate the CFO as signatory on behalf of Yates County for the Yates Transit System; and be it further

RESOLVED, the copies of this resolution be forwarded to the Department of Transportation, the County Planner, the MOZIAC CFO and Yates Transit Services.

VOTE: Unanimous

**RESOLUTION NO. 205-21**

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

**AMEND RESOLUTION NO. 99-21 NATURAL AND RECREATIONAL RESOURCE PROTECTION GRANT- SELECTION OF GRANT AWARDEES AND FUNDING AMOUNTS FOR 2021**

WHEREAS, Resolution No. 99-21 awarded \$19,600 to Hobart and William Smith (HWS), Friends of the Outlet and Yates Soil and Water for Outlet Trail improvements; and

WHEREAS, HWS has requested that the Town of Geneva be named as the sponsor instead of HWS;

NOW, THEREFORE, BE IT RESOLVED, that \$19,600 in Cultural and Recreational Resources funds be awarded to the Town of Geneva, Friends of the Outlet and Yates County Soil and Water Conservation District for Outlet Trail improvements; and be it further

RESOLVED, that a copy of this resolution be forwarded to the Town of Geneva and the County Planner.

VOTE: Unanimous

**RESOLUTION NO. 206-21**

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

**APPOINT MEMBERS TO THE YATES COUNTY PLANNING BOARD  
(David Ferry, Town of Italy)**

WHEREAS, David Ferry (722 Italy Valley Road, Naples), has been recommended by his respective municipality to be its representative on the Yates County Planning Board;

NOW, THEREFORE, BE IT RESOLVED, that David Ferry is hereby appointed as a member of the Yates County Planning Board, representing the Town of Italy, to a term to expire on May 10, 2022; and be it further

RESOLVED, that copies of this resolution be given to David Ferry, the County Planner, the Town of Italy, and a copy filed with the County Clerk.

VOTE: Unanimous

**RESOLUTION NO. 207-21**

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

**A RESOLUTION IN SUPPORT OF THE FINGER LAKES NATIONAL HERITAGE AREA**

WHEREAS, the Finger Lakes form a unique and diverse region in Upstate New York and encompass a patchwork of cultures and history, as well as spectacular natural, scenic and recreational resources that reflect a unique contribution to the collective American identity; and

WHEREAS, the Finger Lakes region is distinguished by eleven pristine lakes formed over 19,000 years ago at the end of the "Ice Age" that have over the years been Native American

hunting grounds and villages, rich agricultural lands that inspired settlement, villages and small towns, a world-renowned wine industry, which have together formed a unique and distinctive landscape; and

WHEREAS, the Congress of the United States has the authority to designate a National Heritage Area that encompasses a region where natural, cultural, historic and recreational resources combine to form a cohesive, nationally distinctive landscape shaped by geography and cultural traditions; and

WHEREAS, the Finger Lakes National Heritage Area Feasibility Study was authorized by the John D. Dingell, Jr. Conservation, Management, and Recreation Act of 2019, which directed the Secretary of the Interior to evaluate the natural, historic, cultural, educational, and recreational resources of the Finger Lakes; and

WHEREAS, the legislation identified the following counties to be considered as part of the study: Cayuga, Chemung, Cortland, Livingston, Monroe, Onondaga, Ontario, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne, and Yates; and

WHEREAS, Yates County is within the Finger Lakes Tourism region, as designated by New York State law and the National Heritage Area study area and has a plethora of natural, cultural, historic, agricultural and recreational resources pertinent to the study; and

WHEREAS, the Finger Lakes Tourism Alliance, founded in 1919, has worked since 2014 with regional and area civic organizations, local jurisdictions and local governments, business community and numerous other stakeholders and non-profit groups in submitting the original request to the National Park Service which resulted in the Feasibility Study funding in 2019, and continues to work with the National Park Service to gather input from the public regarding the creation of a national heritage area in the Finger Lakes;

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature supports the Finger Lakes National Heritage Area designation and the inclusion of all fourteen counties including Cayuga, Chemung, Cortland, Livingston, Monroe, Onondaga, Ontario, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne, and Yates counties in the National Heritage Area, and supports Finger Lakes Tourism Alliance in their current and future leadership role in administering the National Heritage Area; and be it further

RESOLVED, that a copy of this letter be given to the Finger Lakes Tourism Alliance.  
VOTE: Unanimous

Chairman Paddock closed the public hearing on proposed Local Law 1-21 at 1:51 p.m. with no additional comments.

### **RESOLUTION NO. 208-21**

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

### **ADOPT LOCAL LAW 1-21 ENTITLED A LOCAL LAW ADOPTING A PILOT YOUTH DEER HUNTING PROGRAM**

WHEREAS, proposed Local Law 1-2021 entitled “A Local Law Adopting A Pilot Youth Deer Hunting Program” was introduced at a special meeting of the Legislature on April 29, 2021; and

WHEREAS, a public hearing was duly held on May 10, 2021;

NOW, THEREFORE, BE IT RESOLVED, that proposed Local Law 1-21 entitled “A Local Law Adopting A Pilot Youth Deer Hunting Program” is hereby adopted; and be it further

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

NEW YORK STATE DEPARTMENT OF STATE  
162 WASHINGTON AVENUE, ALBANY, NY

**Local Law Filing**  
12231 (Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underling to indicate new matter.

County  
City of Yates  
Town  
Village

**LOCAL LAW 1-2021 ENTITLED: A LOCAL LAW ADOPTING A PILOT YOUTH DEER HUNTING PROGRAM**

**Be it enacted by the Legislature of the**

County  
City of Yates as follows:  
Town  
Village

**SECTION 1. TITLE**

This Local Law shall be known as “A Local Law Adopting a Pilot Youth Deer Hunting Program.”

**SECTION 2. LEGISLATIVE INTENT**

The intent of this Local Law is to authorize Yates County to permit 12 and 13 year old individuals to participate in the new and safe hunting opportunities in accordance with Environment Conservation Law § 11-0935. The enacted 2021-2022 New York State Budget includes a pilot program allowing the opportunity for young hunters, ages 12 and 13, to hunt deer with firearms and crossbow through 2023 if a county authorizes such action within their municipality. Yates County is passing this local law as hunting is a valued tradition for many families, and this new opportunity allows experienced, adult hunters to introduce the value of hunting to the next generation. Furthermore, teaching young people safe, responsible, and ethical hunting practices will ensure a rewarding experience for the youth, while providing quality food to families and contributing to important deer management population control practices.

**SECTION 3. PILOT PROGRAM AUTHORIZATION**

Pursuant to Environmental Conservation Law, ECL 11-0935, Yates County elects to participate in the temporary program to allow for young hunters, ages twelve (12) and thirteen (13), to hunt deer with a firearm, to include rifles, shotguns, and muzzle loaded firearms or crossbow through 2023.

**SECTION 4. STATE REQUIREMENTS TO ADHERE ONCE AUTHORIZED**

Twelve (12) and thirteen (13) year old licensed hunters shall be allowed to hunt deer with the following requirements to be followed:

- Twelve (12) and thirteen (13) year old licensed hunters shall be under the supervision of a licensed adult hunter, age 21 years or older, with a rifle, shotgun, or muzzle loading firearm in areas where and during the hunting season in which such firearms may be used; and
- Twelve (12) and thirteen (13) year old licensed hunters shall be allowed to hunt deer under the supervision of a licensed adult hunter, age 21 years or older, with a crossbow during the times when other hunters may use crossbows; and
- Supervision of a licensed adult hunter, age twenty-one (21) years or older, with at least three (3) years of experience who exercises dominion and control over the youth hunter at all times is required; and
- All licensed twelve (12) and thirteen (13) year old hunters as well as their adult supervisors shall be required to wear fluorescent orange or pink clothing while engaged in hunting to an extent and covering so designated pursuant to the law, rules, and regulations promulgated by the State of New York; and
- All licensed twelve (12) and thirteen (13) year old hunters shall remain at ground level while hunting deer with a crossbow, rifle, shotgun, or muzzleloader; and
- Notwithstanding any State or Federal Law to the contrary, this local law shall not authorize the hunting of bear by twelve (12) and thirteen (13) year old with a firearm or crossbow.

#### SECTION 5. LOCAL LAW FILING REQUIREMENTS

A copy of this local law shall be sent to the New York State Department of Environmental Conservation as well as the New York State Department of State.

#### SECTION 6. SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or part of this Local Law, or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

#### SECTION 7. EFFECTIVE DATE

This local law shall take effect immediately upon filing and publication in accordance with Section 27 of the Municipal Home Rule.

VOTE: Unanimous

Mr. Button stated he attended the meeting with Senator Schumer and his staff and spoke with Mr. Zeltmann and let him know that we need to be able to focus on some things in Yates County for the future as we are trying to promote our agriculture, tourism and small business. We will need to address land use and highway infrastructure. Mr. Button stated that he also discussed reaching out to New York City regarding their garbage problem as we shouldn't have to deal with their garbage problem here.

Mr. Willson move to enter into executive session to discuss:

- the employment history of a particular person or persons with members of the legislature, the County Administrator and County Information Technology Director present or in attendance by Zoom access.

And

- matters leading to the appointment or employment of a particular corporation, with members of the legislature, the County Administrator and the County Information Technology Director present or in attendance by Zoom access.

Seconded by Mr. Bronson.

It is anticipated that there will be some action taken after the conclusion of the executive session.

The Legislature reconvened in open session at 1:55 p.m. and the following action was taken.

Chairman Paddock appointed an Ad Hoc Technical Committee to oversee the Public Safety Communications project. Members are as follows:

Sheriff ,Ron Spike

Director of Emergency Management, Brian Winslow

Highway Superintendent, Craig Prior

County Administrator, Nonie Flynn

County Planner, Dan Long

Chair of the Public Safety Committee, Tim Cutler

Legislator Bonnie Percy

Legislator Richard Harper.

Meeting adjourned at 2:12 p.m