

REGULAR SESSION – MONDAY, MAY 11, 2020

The Yates County Legislature met in regular session by Zoom webinar, Monday, May 11, 2020 at 1:00 p.m. with Chairman Paddock presiding and Legislator Willson absent.

Minutes of the April meeting were approved as presented.

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

Airport Fund	\$ 11,522.16
Finance	\$ 71,105.63
Flint Creek	-0-
Government Operations	\$152,501.67
Human Services	\$341,969.04
Prior to Audit	\$ 63,382.46
Public Safety	\$279,564.34
Public Works	\$144,987.03
Total	\$1,065,032.33

Chairman Paddock asked Deb Minor, Director of Public Health for an update on COVID-19.

Deb reported as of this date there have been 30 positive tests, 1 new case, 21 recovered, 3 deaths, 409 negative tests and 9 in isolation or quarantine. Deb explained an interactive map showing the townships where positive cases have been diagnosed is now on the Public Health website and is updated Monday thru Friday. Public Health continues to work with other members to reopen the community and region. Public Health is also working with the nursing homes and hospitals which had already started testing residents and staff. The Governor has also put a new initiative in place that all nursing home and assisted living facility staff be tested twice a week.

Ms. Chilson thanked Deb for all the work that she and her staff have been doing. Ms. Chilson questioned if a person tests positive in a nursing home or the hospital, are they quarantined to their room or are they still being brought out for meals and other things? Ms. Chilson stated that with other diseases they are being brought to the meal table but she is not sure about COVID-19. Deb stated that if they have tested positive for COVID-19, they are quarantined to their room. There are also requirements on what happens with the other residents on that floor or unit. If a nurse has a patient that has tested positive, there is an effect on all the other residents around where that patient was. They have to remain in their rooms, the residents have to wear masks, and patients that have tested positive cannot be in a room with a patient that has not been tested. There are a lot of rules in place for the nursing homes to try and stop the spread to other residents.

Ms. Chilson questioned how are we prepared now for the staff as far as personal protective equipment (PPE)? Do they have what they need now or do they still have a need? Deb reported the hospital system and nursing homes are working with Brian Winslow (Emergency Management) if they have needs. They identify those needs for his assistance. One of the criteria for our reopening is that hospitals and nursing homes have to have a minimum of a 90 day supply of PPE and they are required to report the supplies to the State Health Department every day.

Ms. Chilson questioned if one of the workers tests positive we're not keeping them on staff to work with positive cases, correct. we are making them go into quarantine? Deb stated that is correct. They will be in mandatory isolation in their home and Public Health will be monitoring them twice a day throughout their isolation.

Ms. Chilson questioned if a resident tests positive are they staying in the skilled nursing facility and dying there or are they going to the hospital for care? Deb stated that the current guidance from the State Health Department is that it is dependent on that resident's medical needs. If it is warranted for them to be in the hospital for their care and needs then they are transferred to the hospital. Then they cannot return to the nursing home until they test negative. Not all nursing home patients are transferred to the hospital.

Ms. Chilson questioned is this the standard from here on out? Are they going to remain in the nursing home until a need is determined or are they going to be transferred to the hospital to determine their need? Deb reported it is up to the physician to determine the need.

Ms. Chilson questioned if there is one physician who is over the nursing home; Deb confirmed there is one physician overseeing the nursing home.

Ms. Chilson questioned if Public Health had direct communication with the physician. Deb explained that she does not. She communicates with the Administrator and Vice President.

Ms. Chilson questioned at what point does a person have to get to, to be transferred to the hospital? Deb explained some of what comes into play is whether or not that patient is under comfort care measures or willing to be transferred as well.

Ms. Chilson questioned if the family would be involved with that decision. Deb explained that she does not know.

Chairman Paddock explained that nursing homes are not under the jurisdiction of Yates County Public Health; they are under the State Department of Health.

Chairman Paddock asked Steve Griffin, CEO of the Finger Lakes Economic Development Center (FLEDC) for an update as to their activities.

Steve reported they are helping businesses to come up with plans to reopen and relaying the information to Bob Duffy [Chair of the Finger Lakes Control Room] who then sends it on to the Governor's team. All manufacturing businesses in Yates County have been able to operate all along. Effective Friday, May 15th the rest of the manufacturers, construction and drive ins along with retail curbside will be able to be open. The Governor's team has put together a booklet called New York Forward which can be obtained from the Governor's website that will have more information on what to expect going forward.

Chairman Paddock asked Jessica Bacher, Director of the Yates County Chamber of Commerce for an update as to their activities.

Jessica reported the Chamber has been working with the FLEDC to put a gift certificate program in place to help area businesses. The gift certificates are available on the Chamber's website. They have also been helping businesses on reopening and answering questions. COVID-19 updates are posted on their website. Also, the Finger Lakes Lunch website has been expanded

and includes information on businesses that are doing curbside or takeout lunches, dinners, and who participates with Keuka To Go delivery service.

Committee Reports

Mr. Banach stated that with the virus it is getting to the point where the cure is worse than the sickness. He doesn't understand how the government decided what could and couldn't be open.

Mr. Button reported he anticipates some invoices from Flint Creek in the future.

Mrs. Church reported Cooperative Extension is partnering with the Finger Lakes Association for water safety stewards. This service is slated to start Memorial Day.

Mrs. Church thanked Mr. Button for picking up the hand sanitizer from the state. Distribution will begin on May 13th at the Finger Lakes Produce Auction and Horning's Greenhouse. The Cornell Cooperative Extension Vegetable program will be coordinating the distribution to the county horticultural businesses and the Finger Lakes Grape program will be coordinating distribution to the Yates County grape growers and wineries. Each farm business can get 2 gallons of the hand sanitizer, 2 personal size hand sanitizers and 1 package of 5 masks.

Ms. Percy questioned when the hairdressers and barbers can be opened. Jessica Bacher stated that she is unsure. Steve Griffin stated that they are pushing to get them up; he believes it maybe in Phase 4 but he is unsure.

County Administrator Flynn reported Yates County has partnered with ProAction and Foodlink to provide free food distributions. We have had 3 drive thru distributions as well as home delivered meals. So far, 1,000 boxes have been distributed. The 4th food distribution will be on May 13th from 3:00 to 4:30 at the Finger Lakes Produce Auction facility on Rt. 14A. People can either register online or call 315-536-5183.

Chairman Paddock reported the county has now been set up with daily Control Room calls with Empire State Development. Chairman Paddock along with the Administrator and Steve Griffin will be attending those. Hopefully, something will come out of them clarifying who and what businesses can open and we will be monitoring the current situations as far as recurrence of illness, illness in hospital rates, etc. because those are some of the metrics that the governor is using. Chairman Paddock also urged everyone to look at the New York Forward book. Steve is correct, it doesn't give you a lot of details but at least it gives an idea of some of the things that will be monitored and some criteria that will be assessed.

Chairman Paddock reported that he will be continuing the State of the Emergency which expires on Thursday. We will rescind it before the 30 days is up if need be.

Chairman Paddock appointed Tim Cutler and Ed Bronson to the Council 82 Sick Bank for Law Enforcement, Correction Officers, and Other Personnel and Tim Cutler to the Sick Bank for Emergency Dispatchers.

Chairman Paddock appointed Elizabeth Cromheecke to the Yates County Youth Board for a one year term beginning 5/30/2020.

Public Comment

Mark Morris reported the Seneca and Keuka Lake Associations have been moving forward with the 9 Element plant. The next meeting will be June 29th and held by Zoom.

Suzy Hayes, Miles Winery stated she reached out over the weekend with a letter asking if the Legislature could do anything to help wineries open sooner. Suzy reported they have been doing curbside sales. Chairman Paddock stated that we can encourage Bob Duffy to see if he can do anything to open the wineries sooner.

Arlene Wilson, Cooperative Extension reported they are working with the NY State Grape Growers on best practices. She also suggested reaching out to the Farm Bureau with regards to being able to open the wineries sooner.

Mr. Killen encouraged everyone to call and write the state.

Ms. Chilson thanked Ms. Hayes and questioned if Ms. Hayes had included the breweries and the distilleries to bring everyone together to form a more authoritative voice. Ms. Chilson also suggested using social media.

RESOLUTION NO. 181-20

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

**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 authorized to sign the Automon Corporation Software Maintenance Agreement for one year beginning July 20, 2020 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. 182-20

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

**SET DATE FOR PUBLIC HEARING ON PROPOSED LOCAL LAW 3-2020 ENTITLED
A LOCAL LAW AUTHORIZING A YATES COUNTY TRAFFIC DIVERSION
PROGRAM**

BE IT RESOLVED, that the Clerk of the Yates County Legislature is directed to advertise a public hearing on proposed local law 3-2020 entitled "A Local Law Authorizing A Yates County Traffic Diversion Program"; and be it further

RESOLVED, said public hearing shall be held June 8, 2020 at 1:05 p.m. in the Yates County Legislative Chambers, 417 Liberty Street, Penn Yan, NY., or may be held by remote access if needed.

LOCAL LAW NO. 3 OF THE YEAR 2020

A Local Law Authorizing a Yates County Traffic Diversion Program

Be it enacted by the County Legislature of the County of Yates, New York as follows:

SECTION 1. LEGISLATIVE INTENT

It is the intent of this Local Law to authorize the establishment of a traffic diversion educational program for persons referred by the District Attorney pursuant to this Local Law and guidelines hereby authorized to be instituted by the District Attorney, to provide for an educational program under State authority authorizing local government to provide for the safety and well-being of persons within the County of Yates. The Traffic Diversion Program will be a voluntary education program with the goal to increase safety of the roads in Yates County by way of educating motorists on driver safety and the rules of the road.

SECTION 2. DEFINITIONS

- a) "Traffic Diversion Program" – shall have the meaning set forth in Section 3 of this Local Law.
- b) "District Attorney" – shall mean the Yates County District Attorney.
- c) "County Treasurer" – shall mean the Yates County Treasurer.
- d) "County" – shall mean Yates County.

SECTION 3. ESTABLISHMENT OF PROGRAM

In order to effectuate the government, protection, order, conduct, safety, health and well-being of persons and property within the County of Yates, and pursuant to its home rule authority, the County hereby establishes a traffic diversion educational program for any and all such persons referred to the same, by the District Attorney (hereinafter referred to as the "Traffic Diversion Program" or the "Program"), as set forth herein:

- a) The District Attorney is hereby authorized, pursuant to the County's home rule authority under Section 10 of the New York Municipal Home Rule Law and Section 700(1) of the New York County Law, to establish written guidelines for the Traffic Diversion Program addressing i) eligibility for participation in the Program, ii) the application process for eligible persons to participate in the Program and iii) the educational content of the Program.
- b) The District Attorney's Office is authorized to administer all non-financial aspects of the Traffic Diversion Program in order to effectuate the intent of this Local Law.
- c) The District Attorney shall maintain its Traffic Diversion Program records in accordance with Section 700(7) of the New York County Law.
- d) The County Treasurer is authorized to accept all financial payments, as set forth herein in Section 4 below, for individuals deemed eligible by the District Attorney to participate in the Traffic Diversion Program.
- e) Any disbursements by the County Treasurer of such financial payments made pursuant to Section 4 below, including but not limited to disbursements to departments/offices of

County government or to other municipalities, shall be as authorized by resolution(s) of the Yates County Legislature.

SECTION 4. SERVICE CHARGE

- a) Based on the legislative intent stated herein, the County Treasurer is authorized to collect a service charge of \$250 for alleged New York Vehicle and Traffic Law traffic infractions and/or \$350 for alleged New York Vehicle and Traffic Law misdemeanors for an individual's voluntary participation in the Traffic Diversion Program. The District Attorney shall have the authority to waive all or part of such service charge(s) in instances of an individual's demonstrated financial hardship.
- b) All payments for such voluntary participation in the Traffic Diversion Program shall be submitted to the County Treasurer and all checks for the same shall be payable to "Yates County Treasurer" and shall be deposited in the general fund of Yates County; whereupon after deducting the cost of the Program, 65% of the remainder shall be distributed to the municipality having original jurisdiction concerning the traffic infraction(s) and/or misdemeanor(s) at issue and 35% of the remainder shall be retained by the County.
- c) The County Treasurer shall periodically review the comprehensive costs of the Traffic Diversion Program to ensure the service charge(s) imposed under this Section reasonably reflect the costs associated with conducting the Program.
- d) Pursuant to this Local Law, the Yates County Legislature shall have the authority upon recommendation by the District Attorney and/or the County Treasurer, to modify, change or otherwise adjust the service charge(s) set forth herein.

SECTION 5. SEPARABILITY

If any clause, sentence, paragraph, subdivision, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment, decree or order shall have been rendered.

SECTION 6. EFFECTIVE DATE

This Local Law shall take effect immediately.

VOTE: Unanimous

RESOLUTION NO. 183-20

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

AUTHORIZE CHAIRMAN AND SHERIFF TO SIGN JAIL INMATE LEGAL LIBRARY AGREEMENT

WHEREAS, presently an agreement exists with West Law for \$326.54 a month for legal law services required by statute to inmates at the county jail and the Sheriff desires to change the vendor for these services for less cost and for enhanced services;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairman and Sheriff are authorized to sign an agreement with Lexis Nexis for \$225 a month cost including tablets, etc; and be it further

RESOLVED, that copies of this resolution be provided the Sheriff and Treasurer.
VOTE: Unanimous

RESOLUTION NO. 184-20

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

AUTHORIZE SHERIFF AND CHAIRMAN TO SIGN AMENDMENT FOR JAIL TELEPHONE SERVICES

BE IT RESOLVED, that upon the approval of the County Attorney, the inmate telephone services agreement with GTL company provider per Res. No. 61-15 and as amended by Res. 54-19 be further amended regarding call rates, tablet utilization, etc. for enhanced technology services that currently extends to March 16, 2021 unless acted upon; and be it further

RESOLVED, that a copy of this agreement be provided the Sheriff.
VOTE: Unanimous

RESOLUTION NO. 185-20

Mr. Cutler offered the following resolution and move its adoption, seconded by Mrs. Percy.

RECOGNIZE PEACE OFFICERS' MEMORIAL DAY

WHEREAS, the Congress and President have designated May 15th 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 2020 law enforcement and all related public safety services our men and women are serving a vital community role during the state of emergency virus pandemic that has increased their 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 15th 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 Sheriff Spike, Building Maintenance Supervisor and Presidents of all local Council 82 unions #9875, #086, and #9010.
VOTE: Unanimous

RESOLUTION NO. 186-20

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

RECOGNIZE NATIONAL CORRECTIONAL OFFICERS' AND EMPLOYEES' WEEK

WHEREAS, the week of May 3rd thru May 9th 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. 187-20

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

AUTHORIZE PUBLIC DEFENDER TO CREATE AND FILL FULL-TIME POSITION (ASSISTANT PUBLIC DEFENDER)

WHEREAS, pursuant to Article 18a and Article 18b of County Law, subject to approval from the County Legislature, a public defender may appoint his/her employees as deemed necessary; and

WHEREAS, as a result of the February 28, 2020 Public Defender appointment, an Assistant Public Defender vacancy was created; and

WHEREAS, the Public Defender through the vacancy review process has not only identified the continued need for the Assistant Public Defender position but is also requesting that the position be made full-time; and

WHEREAS, the NYS Office of Indigent Legal Services has requested that the County increase the part-time position to full-time to improve the quality of mandated representation throughout Yates County; and

WHEREAS, the estimated annual cost to the County to fill the position is \$49,934 which includes fringe benefits; and

WHEREAS, the remaining salary including fringe will be funded by the Hurrell-Harring grant which is estimated to be \$68,309;

NOW, THEREFORE, BE IT RESOLVED, effective May 11, 2020 the Public Defender is hereby authorized to create and fill a full-time Assistant Public Defender position; and be it further

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

VOTE: Roll Call: Killen, Cutler, Bronson, Chilson, Gleason, Church, Banach, Holgate, Multer, Percy, Harper, Paddock voting “Yes”; Button voting “No”. Motion carried.

RESOLUTION NO. 188-20

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 15th, 2020; and

WHEREAS, the total premium amount for the period May 15th, 2020 to May 14th, 2021 is \$322,040.00;

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 14th, 2021; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 189-2020

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

CHANGE DATE OF OCTOBER LEGISLATIVE MEETING

WHEREAS, Columbus Day falls on October 12th, 2020;

NOW, THEREFORE, BE IT RESOLVED, that the October Legislative Board meeting will be held on October 13th, 2020 at 1:00 p.m. in the Legislative Chambers; and be it further

RESOLVED, that all departments receive a copy of this resolution.

VOTE: Unanimous

RESOLUTION NO. 190-20

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

AMEND RESOLUTION 153-2020

(Authorize Chairman To Enter Into A Written Agreement With Dianne S. Lovejoy For The Administration Of Indigent Person Conflict Assignments)

WHEREAS, resolution 153-2020 authorized the Chairman to sign an agreement with Dianne S. Lovejoy for the administration of indigent person conflict assignments as Assigned Counsel Administrator for an amount of \$13,500; and

WHEREAS, it has been determined the actual agreement amount is \$7,500 with the additional \$6,000 coming from grant funding;

NOW, THEREFORE, BE IT RESOLVED, that resolution 153-2020 is amended to read for the sum of \$7,500; and be it further

RESOLVED, that a copy of this resolution be given to the County Administrator, County Attorney, County Treasurer and Dianne S. Lovejoy.

VOTE: Unanimous

RESOLUTION NO. 191-20

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

DISCUSSION:

Mrs. Church commended Kerry Brennan for all her work on this along with all the others that helped.

ADOPT YATES COUNTY ADMINISTRATIVE GUIDE

WHEREAS, the Administrative Guide Committee has recommended for adoption and implementation the Yates County Administrative Guide;

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Administrative Guide is hereby adopted effective May 11, 2020; and be it further

RESOLVED, that all prior versions of the Administrative Guide be rescinded; and be it further

RESOLVED, that the Administrative Guide be made accessible to all County Department Heads by means of the Intranet; and be it further

RESOLVED, that the Personnel Officer is authorized to make changes to the Administrative Guide that do not affect content and is further authorized to post said changes to the Intranet after receiving approval from the County Administrator and Chairperson of the Government Operations Committee; and be it further

RESOLVED, that any changes to the content of the Administrative Guide shall require legislative approval; and be it further

RESOLVED, that all departmental policies directly affected by the adoption of the Administrative Guide be updated to reflect the language contained within the updated Guide; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 192-20

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

**AUTHORIZE CHAIRMAN TO SIGN INTERNET SERVICES CONTRACT
(Spectrum Business Class – Rochester, NY)**

BE IT RESOLVED, that the Chairman of the Legislature is hereby authorized to sign a contract with Spectrum Business Class of Rochester for Internet Services for the following services for a one (1) year term.

Monthly Recurring Charges

- 13 Static IP addresses 50.00
- 100Mbps Dedicated Internet Access 1080.00

Total MRC - 1130.00

And be it further

RESOLVED, that copies of this resolution be given to Spectrum and to the IT Director.

VOTE: Unanimous

RESOLUTION NO. 193-20

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

**RATIFYING MEMORANDA OF UNDERSTANDING WITH COUNCIL 82
REGARDING COUNTY'S SELF-FUNDED HEALTH PLAN**

WHEREAS, the New York State Law Enforcement Officers Union, Council 82, AFSCME, AFL-CIO ("Council 82") represents three bargaining units of the County of Yates consisting of deputy sheriffs, correction officers and other employees, and emergency communications personnel; and

WHEREAS, the collective bargaining teams for the County of Yates, the Yates County Sheriff, and Council 82 have met and conferred/negotiated in good faith with regard to the County's decision to self-fund the County's health plan effective January 1, 2020, and have reached final tentative agreements in that regard in the form of a Memorandum of Understanding for each bargaining unit; and

WHEREAS, the bargaining unit members have ratified said Memoranda of Understanding;

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature hereby ratifies said Memoranda of Understanding, and authorizes the expenditure of the necessary funds therefor; and be it further

RESOLVED, that the Chairman of the Yates County Legislature is hereby authorized to execute said Memoranda of Understanding on behalf of the County; and be it further

RESOLVED, that copies of this resolution be given to the Sheriff, the Council 82 Unit Presidents, the County Administrator, Personnel Officer and the County's Labor Attorney.
VOTE: Roll Call: Killen, Cutler, Bronson, Chilson, Gleason, Church, Banach, Holgate, Multer, Percy, Harper, Paddock voting "Yes"; Button abstaining. Motion carried.

RESOLUTION NO. 194-20

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

DISCUSSION:

Mr. Multer stated that he is opposed to this and feels it is self-serving.

Mr. Button agreed with Mr. Multer.

SET DATE FOR PUBLIC HEARING ON PROPOSED LOCAL LAW 4-2020 ENTITLED A LOCAL LAW PROVIDING FOR A CHANGE IN THE TERM OF THE LEGISLATORS ON THE YATES COUNTY LEGISLATURE

BE IT RESOLVED, that the Clerk of the Yates County Legislature is directed to advertise a public hearing on proposed local law 4-2020 entitled "A Local Law Providing for a Change in the Term of the Legislators on the Yates County Legislature"; and be it further

RESOLVED, said public hearing shall be held June 8, 2020 at 1:07 p.m. in the Yates County Legislative Chambers, 417 Liberty Street, Penn Yan, NY. or may be held by remote access if needed.

A Local Law Providing For A Change In The Term of The Legislators On The Yates County Legislature

Be it enacted by the Legislature of the County of Yates as follows:

Section 1. Legislative Intent

In order to provide for continuity in government and to amend the length of term of its legislators, it is the intent of the Yates County Legislature that at the general election to be held in November 2021, seven (7) legislators shall be elected by the registered voters of the County of Yates for a term of four (4) years and the other seven (7) legislators shall be elected by the registered voters of the County of Yates for a term of two (2) years. Thereafter, all legislators shall be elected by the registered voters of the County of Yates for a term of four (4) years.

Section 2. Determination of Term

- A. Districts 1 and 2: The four (4) candidates from District 1 and the three (3) candidates from District 2 receiving the highest number of votes at the general election to be held in November 2021 shall be elected to a term of four (4) years commencing on January 1, 2022. Said term thereafter shall be four (4) years.
- B. Districts 3 and 4: The four (4) candidates from District 3 and the three (3) candidates from District 4 receiving the highest number of votes at the general election to be held in November 2021 shall serve a term of two (2) years commencing on January 1, 2022. Said term thereafter shall be four (4) years.

Section 3. Severability

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence,

paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 4. Effective Date

This Local Law shall be subject to a mandatory referendum to be held at the next general election on November 3, 2020. It shall not become effective unless approved at said referendum. VOTE: Roll Call: Killen, Cutler, Bronson, Chilson, Gleason, Church, Banach, Holgate, Percy, Harper, Paddock voting “Yes”; Multer and Button voting “No”. Motion carried.

RESOLUTION NO. 195-20

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

AUTHORIZE CHAIRMAN OF LEGISLATURE TO SIGN NYS HAVA CARES ACT GRANT CONTRACT # BOE01-C004227-1110000

WHEREAS, the Federal Government through the New York State Board of Elections has allocated certain Federal/State funds provided to New York State for reimbursement for coronavirus expenses related to Federal Elections; and

WHEREAS, the Yates County Board of Elections desires to use the funding in the amount of \$26,980 for the purposes set forth;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of this Legislature be authorized to sign the contract for the acceptance of this grant funding; and be it further

RESOLVED, that a copy of this resolution be given to the Election Commissioners, and the Treasurer.

VOTE: Unanimous

RESOLUTION NO. 196-20

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

DISCUSSION:

Mr. Button thanked Deb Minor for making this agreement work.

SIGN INTER-MUNICIPAL PUBLIC HEALTH SHARED SERVICES AGREEMENT

WHEREAS, Yates and Schuyler Counties are committed to providing essential public health related services to their residents; and

WHEREAS, Article 5-G of the General Municipal Law empowers municipal corporations to enter into agreements for the performance among themselves or one for the other of their respective functions, powers and duties on a cooperative basis for the provision of a joint service; and

WHEREAS, given the mutual goal of Yates and Schuyler to work collectively towards fiscal responsibility balanced with public health services delivery, Yates and Schuyler are desiring to continue an inter-municipal agreement regarding the sharing of managerial and non-managerial positions;

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature approves the terms and conditions of the aforementioned agreement; and be it further

RESOLVED, that upon approval of the County Attorney, the Chairman is hereby authorized to sign an inter-municipal agreement for shared services with Schuyler County that shall become effective July 1, 2020 and will terminate on December 31, 2021; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 197-20

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

SIGN AGREEMENT WITH HEALTH RESEARCH INC. (HRI)

WHEREAS, Yates County Public Health has received the New York State Department of Health Emergency Preparedness Program grant award of \$249,625; with \$49,625 available to the County and \$200,000 restricted for use by NYSDOH; and

WHEREAS, said grant period will be for the period of July 1, 2020 - June 30, 2021.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman is hereby authorized to sign an agreement with Health Research Inc. (HRI) for the period July 1, 2020 through June 30, 2021 for the Public Health Emergency Preparedness and Response Grant; 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. 198-20

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

AUTHORIZE CHAIRMAN TO SIGN CONTRACT WITH MICHELLE WESTLAKE, PHYSICAL THERAPIST

WHEREAS, the County is desirous of engaging the services of Michelle Westlake, Physical Therapist for the purpose of providing services for preschool children;

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 Michelle Westlake, Physical Therapist; and be it further

RESOLVED, that said contract will run from May 1, 2020 to December 31, 2024 at an all-inclusive per visit rate for services rendered to children: \$63.00 in 2020, \$64.00 in 2021, \$65.00 in 2022, \$66.00 in 2023 and \$67.00 in 2024; and be it further

RESOLVED, that copies of this resolution be provided to the Public Health office and the Treasurer.

VOTE: Unanimous

RESOLUTION NO. 199-20

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

AUTHORIZE CHAIRMAN TO SIGN CONTRACT WITH GREAT EXPECTATIONS PHYSICAL, OCCUPATIONAL AND SPEECH THERAPY, P.L.L.C.

WHEREAS, the County is desirous of engaging the services of Great Expectations Physical, Occupational and Speech Therapy, P.L.L.C. for the purpose of providing services for preschool children;

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 Great Expectations Physical, Occupational and Speech Therapy, P.L.L.C.; and be it further

RESOLVED, that said contract will run from July 1, 2020 to June 30, 2025 at an all-inclusive per visit rate for services rendered to children at \$70.00 for Physical Therapy, \$60.00 for Occupational Therapy, and \$65.00 for Speech Therapy; and be it further

RESOLVED, that copies of this resolution be provided to the Public Health office and the Treasurer.

VOTE: Unanimous

RESOLUTION NO. 200-20

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

RATIFY SIGNATURE ON PROPOSAL

WHEREAS, the Finger Lakes Workforce Investment Board issued a request for proposals to apply for Workforce Investment and Opportunity Act (WIOA) Title 1 Youth Funding for the program year July 1, 2020 to June 30, 2021; and

WHEREAS, the Yates County Department of Social Services has been the recipient of this funding for a number of years and desires to continue as a recipient in order to continue to provide services to youth in Yates County; and

WHEREAS, the Yates County Department of Social Services submitted a proposal for this funding in the amount of \$81,100 on the response-required date of April 24, 2020; and

WHEREAS, a signature from the Chief Elected Official was required at the time of submittal;

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature authorizes the Chairman of the Legislature to execute and deliver the aforementioned Finger Lakes Workforce Investment Board proposal, on behalf of Yates County, and as such hereby ratifies the Chairman's execution and delivery of the same dated April 23, 2020; 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. 201-20

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

AUTHORIZE CONTRACT WITH GATE ANGER MANAGEMENT

WHEREAS, The Yates County Department of Social Services requires a provider for anger management services that is made available to clients;

NOW, THEREFORE, BE IT RESOLVED, that contingent upon the approval of the County Attorney, the Chairman of the Legislature and the Commissioner of Social Services be authorized to sign a contract between the Yates County Department of Social Services and GATE Anger Management for the provision of anger management services to the Department of Social Services for the period of April 1, 2020 to December 31, 2020 at the following rates:

\$60 per hour Individual Session
\$25 per hour Group Session
\$60 per hour Family Session

And be it further

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

VOTE: Unanimous

RESOLUTION NO. 202-20

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

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 5/1/20-9/30/20 for an amount not to exceed \$9,000; 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. 203-20

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

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. 204-20

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

RECOGNITION OF WWII U.S. ARMY VETERAN MARTHA D. ROUIN'S 100TH BIRTHDAY ON MAY 13, 2020

WHEREAS, May 13, 2020 marks the 100th birthday of U.S. Army Veteran Martha D. Rouin; and

WHEREAS, throughout the history of our state and nation, countless brave individuals have answered the call to patriotic duty, including World War II Veteran Martha Danforth Rouin, who honorably served our grateful nation, caring for the sick and wounded, while others risked their lives fighting on the battlefields in European and Pacific theatres for the ideals of democracy; and

WHEREAS, Mrs. Rouin enlisted in the United States Women's Army Auxiliary Corps in September of 1943, shortly after receiving her Bachelor of Arts degree from Smith College, graduated from basic training, received specialized advanced medical training and was assigned to the Army Signal Corps as a Surgical Technician at Fort Monmouth, New Jersey; and

WHEREAS, Mrs. Rouin was honorably discharged on February 5, 1946 with the rank of Private First Class; and

WHEREAS, the United States Army awarded Mrs. Rouin the following military awards: Army Good Conduct Medal, American Campaign Service Medal and World War II Victory Medal for her honest and faithful service to this county; and

WHEREAS, we solemnly commemorate the 100th anniversary of her birth and reflect on its significance for past, present, and future generations;

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature recognizes the service of Martha D. Rouin during World War II, extends its gratitude for her contribution to

the Allies' victory and exclaims, "Congratulations!" upon the occasion of her 100th Birthday; and be it further

RESOLVED, that the Yates County Legislature, in patriotic tradition, recognizes the importance of honoring all those from Yates County who served in battle and on the home front during the Second World War and acknowledges the immeasurable sacrifices that helped to preserve freedom; and be it further

RESOLVED, that copies of this resolution be provided to Martha D. Rouin and the Director of Veterans' Services.

VOTE: Unanimous

RESOLUTION NO. 205-20

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

AUTHORIZE LEGISLATURE CHAIRMAN TO SIGN 2020 INDEMNIFICATION AGREEMENTS

WHEREAS, due to a recognized need for an indemnification agreement to be executed between Yates County and various municipalities or entities within the County that may receive loaned equipment and vehicles from the County without operators; and

WHEREAS, the County Attorney has recommended that such an agreement be executed in the event the County is asked to loan equipment or vehicles without operators to various municipalities or entities within Yates County; and

WHEREAS, the indemnification agreement will be in effect for five years from the date of signature by the Chairman of the Yates County Legislature;

NOW, THEREFORE, BE IT RESOLVED, to authorize the Chairman of the Yates County Legislature to sign the indemnification agreements with various municipalities or entities within Yates County; and be it further

RESOLVED, that a copy of this resolution be sent to the Yates County Treasurer, the Yates County Highway Department and each municipality or entity that wishes to borrow County equipment and vehicles without operators.

VOTE: Unanimous

RESOLUTION NO. 206-20

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

AUTHORIZE CHAIRMAN TO SIGN AN AGREEMENT WITH RED HAWK FIRE AND SECURITY

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

WHEREAS the Building Maintenance Supervisor has received a proposal from our current vendor, ADT Commercial dba Red Hawk Fire and Security, under State Contract number PT68848 for \$8,024 per year; and

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

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairman of the Legislature is authorized to enter into a contract with ADT Commercial dba Red Hawk Fire and Security to perform the annual inspection and test on the automatic fire detection systems including FM-200 system in the Courthouse, County Office Building and the Buildings & Grounds facility; and be it further

RESOLVED, that said contract will run from 5-6-20 to 5-5-23 for a total sum of \$8,024.00 annually; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 207-20

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

AUTHORIZE CHAIRMAN TO ENTER INTO TOURISM FUNDS CONTRACTS WITH VARIOUS ORGANIZATIONS

WHEREAS, the promotion, attraction, stimulation, development and expansion of tourism within the County is of vital and necessary importance to the citizenry of the County, since such activities are an important part of the County's economy; and

WHEREAS, funds for the effectuation of the above recited public purpose are made available to the County through its collection of an occupancy tax pursuant to local law (said funds hereinafter referred to as "Tourism Funds"); and

WHEREAS, it has been duly determined that the following organizations are engaging in project(s) that effectuate the promotion, attraction, stimulation, development and expansion of tourism within the County, thereby providing a public benefit to the County; and

WHEREAS, upon due review, and by way of duly passed resolution, the County has agreed that the following organizations be awarded certain funding from its Tourism Funds in order to carry out such tourism project(s) in the year 2020:

<u>Organization</u>	<u>Funding Amount</u>
Yates County Chamber of Commerce	\$190,000.00 (TPA Program) and \$151,583.00 (Chamber Program)
Finger Lakes Museum & Aquarium	\$ 5,000.00
Yates County History Center	\$ 2,000.00
Finger Lakes Tourism Alliance	\$ 22,000.00
Finger Lakes Wine Country Tourism Marketing	\$ 47,800.00
Finger Lakes Regional Tourism Council	\$ 22,200.00
Arts Center of Yates County	\$ 5,500.00
Keuka College	\$ 15,000.00
Finger Lakes Economic Development Center	\$ 5,000.00
Keuka Lake Wine Trail	\$ 15,000.00

Fox Run Vineyards	\$ 3,483.00
Camp Cory	\$ 1,700.00
Keuka Comfort Care Home	\$ 6,900.00

And

WHEREAS, the County will distribute such funding to each respective organization upon the execution of a written contract between the County and such organization concerning the tourism project(s) being implemented and the funding amount;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairman is hereby authorized to execute separate written contracts on behalf of the County with each of the aforementioned organizations for their respective implementation of tourism projects and the amount to be paid thereon from Tourism Funds, for the year 2020; and be it further

RESOLVED that distribution of such funding to an organization named above is conditioned upon the execution of such written contract; and be it further

RESOLVED that the written contract between the County and the Yates County Chamber of Commerce make provision for the Yates County Chamber of Commerce's assistance to the County regarding the distribution of the funding allocated to the other organizations recited above; and be it further

RESOLVED that copies of this resolution be sent to the County Treasurer, Yates County Chamber of Commerce, all of the above recited recipient organizations and all members of the Yates County Tourism Advisory Committee.

VOTE: Unanimous

RESOLUTION NO. 208-20

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

2020 BUDGET TRANSFERS

BE IT RESOLVED, that the following transfers be made in the 2020 budget:

From:	To:	Amount:
A3021.51963 E911-PSAP FY18	A3021.52959 E911-PSAP FY19	\$ 18,058.16
A3021.58102 E911-PSAP FY19	A3021.52959 E911-PSAP FY19	\$ 12,422.00

And be it further

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

VOTE: Unanimous

RESOLUTION NO. 209-20

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

ACCEPT NYSDOT AVIATION PROJECT FUNDING AGREEMENT

WHEREAS, Yates County has received a grant from the New York State Department of Transportation (NYSDOT) to pay 90% of the allowable costs incurred in accomplishing the Weather and Emergency Preparedness Project (NYSDOT PIN: 6906.88) at Penn Yan – Yates County Airport; and

WHEREAS, Yates County has committed funds for the local share of project costs. Funding shares for project costs are as follows:

State	\$	558,652
Local	\$	62,072
Total Project Cost	\$	<u>620,724</u>

NOW, THEREFORE, BE IT RESOLVED that Yates County enter into an agreement with the NYSDOT concerning the receipt, implementation and administration of the above recited grant, entitled “Aviation Project Funding Agreement”, concerning the financial assistance for the project described above for Penn Yan – Yates County Airport; and be it further

RESOLVED, that the Chairman of the Yates County Legislature is hereby authorized to execute, on behalf of Yates County, the aforementioned Aviation Project Funding Agreement, between Yates County and NYSDOT, as well as any and all necessary documents pursuant thereto; 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 documents in connection with the project; and be it further

RESOLVED, that this resolution shall take effect immediately.

VOTE: Unanimous

RESOLUTION NO. 210-20

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

STATE ENVIRONMENTAL QUALITY REVIEW AND AUTHORIZE CHAIRMAN TO SIGN DV-21 FORM, REGARDING AIRPORT DEICING PAD PROJECT

WHEREAS, Yates County (the “County”) has received a grant from the New York State Department of Transportation (NYSDOT) to pay 90% of the allowable costs incurred in accomplishing the following project at Penn Yan – Yates County Airport (NYSDOT PIN: 6906.88):

Construct concrete deicing pad, with associated containment system for glycol contaminated stormwater storage & removal, an emergency backup generator, and purchase friction measuring equipment (decelerometer) for breaking action analysis and reporting. Project includes construction of concrete deicing pad, sized to service the type of business jet aircraft that routinely travel through the airport. A controllable containment system would also be installed, facilitating the proper treatment/disposal of glycol-contaminated stormwater. Deicing dispensing equipment to be purchased, enabling the County to deice aircraft on-site efficiently. Purchase & install emergency backup generator. The generator will be installed on a concrete pad, in a location convenient to connect the airfield lighting, weather monitoring equipment (ASOS), and airport's fuel farm. The generator will be sized to accommodate the necessary

circuits with capacity to provide modest future growth and will be powered by either natural or propane gas. Purchase decelerometer for use in determining braking action on airfield pavements as well as runway condition reporting (the “Project”); and

WHEREAS, in connection with the obtaining of the grant, the County is required to determine the classification of the Project in accordance with New York State regulations pursuant to the intent of the State Environmental Quality Review Act, as well as execute and file an applicable “DV-21” Form reciting such classification determination;

NOW, THEREFORE, BE IT RESOLVED that upon a review of the Project particulars, the County hereby determines that the aforementioned Project is classified pursuant to the State Environmental Quality Review Act as follows: “Unlisted Action – with no significant effect (Environmental Assessment Form or Environmental Assessment and Negative Declaration have been prepared and filed)”; and be it further

RESOLVED, that the Chairman is authorized to execute the aforementioned “DV-21” Form, reciting the above classification determination, as well as any other written instrument or document calling for said classification determination; and be it further

RESOLVED, that a copy of this resolution be sent to Passero Associates and any applicable government agency upon request.

VOTE: Unanimous

RESOLUTION NO. 211-20

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

APPROVE MORTGAGE TAX APPORTIONMENT

WHEREAS, this Legislature is in receipt of the Mortgage Tax Report showing the amounts to be credited to each tax district of the County, of the money collected during the period October 1, 2019 to March 31, 2020;

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 53 of the Tax Law, this Legislature issue a Tax Warrant for the payment to the respective tax districts of the amounts so credited and authorize and direct the County Treasurer to make payments of said amounts so credited and to the respective districts in accordance with the report:

Total Tax Collected	\$294,266.06
Recording Officer’s Expense	\$15,323.34
Treasurer’s Expense	
Interest Received	\$115.68
Adj and refunds	
Net amount of Distribution	\$279,058.40

Town	Net After	To Towns	Village	To Village	Total
Barrington	\$28,475.68	\$28,475.68			\$28,475.68
Benton	\$27,126.38	\$26,343.98	Penn Yan	\$782.40	\$27,126.38
Italy	\$8,047.92	\$8,047.92			\$8,047.92

Jerusalem	\$81,075.20	\$80,815.77	Penn Yan	\$259.43	\$81,075.20
Middlesex	\$17,513.10	\$17,513.10			\$17,513.10
Milo	\$61,043.37	\$49,393.74	Penn Yan	\$11,649.63	\$61,043.37
Potter	\$13,678.93	\$13,071.90	Rushville	\$607.03	\$13,678.93
Starkey	\$27,962.16	\$25,149.39	Dundee	\$2,812.77	\$27,962.16
Torrey	<u>\$14,135.66</u>	<u>\$13,722.45</u>	Dresden	<u>\$413.21</u>	<u>\$14,135.66</u>
	\$279,058.40	\$262,533.93		\$16,524.47	\$279,058.40

VOTE: Unanimous

RESOLUTION NO. 212-20

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

INTENT TO DECLARE UNLISTED ACTION FOR THE USDA RECONNECT PROGRAM GRANT (NY1702-A61)

WHEREAS, Yates County has applied for and been awarded grant financial assistance pursuant to the Rural Utilities Service ReConnect Program, concerning the construction of a broadband infrastructure project to serve rural areas where at least 100% of the households are without sufficient access to broadband (hereinafter referred to as the “Grant”); and

WHEREAS, as part of the Program, an environmental review shall be conducted under the requirements of 7 CFR 1970 as part of the National Environmental Policy Act;

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the National Environmental Review Act regulations (NEPA), the Yates County Legislature announces its intent to serve as lead agency to conduct an environmental review of the proposed ReConnect Program Project site; and be it further

RESOLVED, that the County Legislature has determined that the proposed action is an “Unlisted Action” as defined under NEPA; and be it further

RESOLVED, that the County Legislature will conduct a coordinated review with all Involved Agencies; and be it further

RESOLVED, that in accordance with the requirements of the funding agency, the County Legislature will notify the involved agencies of its intention to act as Lead Agency for this project and will provide them with a copy of the Long Environmental Assessment Forms.

VOTE: Unanimous

RESOLUTION NO. 213-20

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

CALLING ON CONGRESS TO PROVIDE DIRECT AID TO LOCAL GOVERNMENTS

WHEREAS, the largest single source of revenue for many counties in New York State is sales tax, and Counties such as Yates rely on the economic activity of a strong tourist industry and the substantial occupancy tax that is generated by that industry; and

WHEREAS, the New York State Association of Counties predicts that counties across New York State will face revenue shortfalls in excess of two billion dollars from lost sales and occupancy taxes, gaming revenue, and other fees as a consequence of the social distancing measures necessary to stop the spread of COVID-19; and

WHEREAS, in response to the COVID-19 pandemic, counties are facing unprecedented fiscal stress as revenue has plummeted at the same time that counties are experiencing record demand for services; and

WHEREAS, County Health Departments, Emergency Response Departments, 911, Office for the Aging, and many other County departments and agencies are on the front lines in the fight against COVID-19 and are extending every possible resource to help flatten the curve, save lives and return our County to normal operation as soon as possible; and

WHEREAS, the healthy function of our democratic society depends on effective and responsive local government in order to provide necessary services and resources; and

WHEREAS, the NYS Division of Budget has announced that budget shortfalls resulting from the COVID-19 pandemic could result in cuts of up to 50% in State Aid to local governments, and that "The scope and depth of the reductions to local aid programs needed to balance the FY 2021 Budget have no precedent in modern times" and that "In the absence of Federal Aid, nearly every activity funded by state government in the aid to localities budget ... will face steep cuts"; and

WHEREAS, local property taxpayers cannot absorb the cost of this loss of revenues and State Aid cuts; and

WHEREAS, the dissolution, bankruptcy or disintegration of our local government is clearly undesirable and a threat to the public good; and

WHEREAS, H.R. 748 Corona Virus Aid, Relief and Economic Security Act (CARES) has not yet provided any direct aid to local governments; and

WHEREAS New York State Residents paid \$22 billion more to the Federal Government than they got back in Federal spending in 2019, and more than \$116 billion over the past four years; and

WHEREAS New York pays more to the Federal Government than the next two largest donor states combined;

NOW, THEREFORE, BE IT RESOLVED, that as Congress negotiates the next COVID-19 response package, the Yates County Legislature calls on our United States Congressional Representatives to demand direct assistance to County and Local Governments; and be it further

RESOLVED, that copies of this resolution be furnished to Senators Charles E. Schumer and Kirsten Gillibrand, and Congressman Thomas Reed and NYSAC.

VOTE: Roll Call: Killen, Cutler, Bronson, Chilson, Gleason, Church, Banach, Holgate, Multer, Percy, Harper, Paddock voting "Yes"; Button voting "No". Motion carried.

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

1. matters leading to the appointment, employment, promotion, demotion, discipline suspension, dismissal or removal of a particular person or persons, with members of the legislature, County Administrator, Personnel Officer, Information Technology Director and the County's labor attorney present by phone, as appropriate;
2. collective bargaining involving CSEA union with members of the legislature, County Administrator, Personnel Officer, Information Technology Director and the County's labor attorney present by phone, as appropriate;
3. the proposed acquisition, sale or lease of real property with members of the legislature, County Administrator, Sheriff and Information Technology Director present by phone, as appropriate.

There may be a resolution or resolutions forthcoming after the conclusion of the executive sessions. Seconded by Mr. Cutler.

VOTE: Unanimous

The Legislature came back into open session and the following action was taken.

RESOLUTION NO. 214-2020

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

IMPLEMENTING A HIRING FREEZE IN COUNTY GOVERNMENT

WHEREAS, the COVID-19 public health emergency is expected to result in major negative financial consequences for all New York State counties, including the County of Yates ("County"), such as but not limited to significant decreases in revenue sources such as sales tax receipts, occupancy taxes, and state aid; and

WHEREAS, financial forecasts indicate that the County will be unable to sustain current levels of service and staffing due to the anticipated decline in available financial resources;

NOW, THEREFORE, BE IT RESOLVED, that this County Legislature hereby imposes and implements an immediate hiring freeze with regard to any current or future vacancies within the County's workforce, with the exception of the elected officers of the County; and be it further

RESOLVED, that, in view of the hiring freeze, there shall be no new positions or offices of employment created within County government during the period of the hiring freeze; and be it further

RESOLVED, that this County Legislature hereby reserves the right to grant limited exemptions to the aforesaid hiring freeze on an individual position-by-position basis, and in accordance with the existing Vacancy Review Policy; and be it further

RESOLVED, that this County Legislature hereby intends that any such exemptions be few in number, and granted only when this County Legislature is convinced that the refilling of a vacant position, or the creation of a new position, is absolutely necessary to the continued operations of County government and the provision of essential services to the residents of Yates County; and be it further

RESOLVED, that copies of this resolution be provided to the County Administrator/Treasurer, Sheriff, District Attorney, County Clerk and all Department Heads.

VOTE: Unanimous

RESOLUTION 215-2020

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

EXEMPTING THE PUBLIC DEFENDER FROM HIRING FREEZE

WHEREAS, due to the anticipated loss of revenue received from sales tax and State Aid reimbursements, Yates County has initiated a hiring freeze; and

WHEREAS, the Public Defender is in need of a full time Assistant Public Defender due to the various courts that need to be covered;

NOW, THEREFORE, BE IT RESOLVED, that the Public Defender is hereby exempt from the hiring freeze for said position; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 216-2020

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

APPROVING MEMORANDUM OF AGREEMENT WITH CSEA FOR VOLUNTARY TEMPORARY LAYOFF PROGRAM

WHEREAS, the Civil Service Employees Association, Inc. (“CSEA”) represents a bargaining unit consisting of blue and white collar employees of the County of Yates (“County”); and

WHEREAS, Governor Cuomo declared a Disaster Emergency in the State of New York to address the threat that COVID-19 poses to the health and welfare of its residents and visitors; and

WHEREAS, the COVID-19 pandemic is impacting sales tax receipts and other revenue sources for all counties of New York State, including the County; and

WHEREAS, sales tax receipts are a primary revenue source of the County and are used to pay a portion of the County cost of services each year; and

WHEREAS, it is projected that Yates County will incur a budget deficit in 2020 such that expenses are expected to exceed revenues; and

WHEREAS, the County is taking actions to mitigate the sales tax revenue shortfall and other deficits impacting the 2020 budget, including implementation of a temporary layoff of CSEA unit members for a period not to exceed July 31, 2020, but in a manner that ensures that the County continues to provide essential and non-essential governmental services consistent with the Executive Orders issued by Governor Cuomo; and

WHEREAS, the CSEA and the County are parties to a collective bargaining agreement that expires December 31, 2020; and

WHEREAS, CSEA has acknowledged the management right of the County to determine the size of its workforce; and

WHEREAS, the County and CSEA are negotiating and expect to reach a complete understanding in the form of a Memorandum of Agreement and as it relates to the impact of the County's decision to implement temporary layoffs of certain County employees represented by CSEA; and

WHEREAS, this County Legislature has reviewed the anticipated terms of said Memorandum of Agreement with regard to the Voluntary Temporary Layoff Program;

NOW, THEREFORE, BE IT RESOLVED, that this County Legislature hereby approves the County entering into the anticipated Memorandum of Agreement with CSEA, subject to approval of said Memorandum of Agreement as to form by the County's outside labor counsel, and also approves the expenditure of any funds necessary to implement same; and be it further

RESOLVED, that the Chairman of the County Legislature, County Administrator, and County Personnel Officer be and hereby are authorized to execute said anticipated Memorandum of Agreement on behalf of the County; and be it further

RESOLVED, that a copy of this resolution shall be provided to the County Administrator/Treasurer, Sheriff, District Attorney, County Clerk and County department heads, the County's outside labor counsel, and the CSEA Unit President.
VOTE: Unanimous

Meeting adjourned at 3:45 p.m.