

REGULAR SESSION-MONDAY, JUNE 12, 2023

The Yates County Legislature convened in regular session Monday, June 12, 2023 at 1:00 p.m. with Chairwoman Church presiding and Mr. Banach, Mr. Willson absent.

Legislative Zoom Attendees: 0 Other Zoom Attendees: 19

Minutes from the May 4th meeting were approved as presented. Minutes from the May 8th meeting were approved as presented with 1 “no” from Mr. Button.

PUBLIC COMMENT

Joy Schank sent the following email to the legislature to be included into the minutes:

“I want to thank you for declaring a state of emergency. I have spoken with numerous people who are also grateful and want the state of emergency to continue until there is no threat. Millions have illegally crossed our open borders and there is no end in sight. As a nation, we are trillions of dollars in debt and our tax dollars are being hijacked to house, clothe, feed, and provide medical care to illegal immigrants. Yates County does not have the money to take care of them. In fact, Yates County must now come up with money to pay for Medicaid because the governor is withholding our money from us. I know most have empathy for the illegal immigrants, but how about empathy for those trying to legally gain entrance into our country – and more importantly, how about empathy for the residents of Yates County? Many are having a tough time feeding their own families and are swamped with medical bills. Our plan for housing illegal immigrants should be a resounding no – our back up plan? Again, a resounding no! If they end up on our doorstep, turn the plane or bus around. Yates County must continue to have a backbone and protect its residents, while our nation’s borders are wide open.”

Joy Schank

Chairwoman Church made the following comments:

Due to the growing immigrant crisis in May, New York City officials have declared that their local resources are being overwhelmed and were considering transport of immigrants to the counties throughout the State for housing. Yates County, like many other counties, responded by declaring a state of emergency to control the housing and mobilize resources. In a response, a committee was formed, and consists of: Doug Sinclair, of the Public Health Department; Amy Miller, of Social Services; Brian Winslow, of Emergency Management; Howard Davis, of the Sheriff’s Department; Todd Castella, our District Attorney; Nonie Flynn, the County Administrator; Jessica Mullins, the assistant County Administrator; Emilee Miller, the Legislative Clerk, and myself as Chair of the Legislature. The purpose of this committee is to provide a framework for Yates County to initiate humanitarian response to a newly arrived group of people with possibly unmet basic needs. We also have had communications with our community partners which could be of assistance should an arrival occur. I can assure you that we will be better prepared to meet the humanitarian needs with a plan that is being developed.

PUBLIC COMMENT

Alex Andrasik thanked the Chairwoman for the update on the situation. His comment is in regards to that situation. Many of them understand that the goal with the emergency declaration, is to gain space to plan for the arrival of migrants and asylum seekers. But it's important to understand in turn, that whatever the intentions of that emergency declaration, the way it has proceeded has been provocative in what is a very dangerous environment for migrants and people perceived to be migrants. It is important to choose words carefully. They must not make statements about quote preserving the character of the community and

other similar provocative lines. If that's in a template that the county draws from. It must be something they are aware of, and it's impact that such words could have and been changed, if at all possible. If they don't reflect what they believe. Ultimately, he believes that they should not declare emergencies where none exist. He is asking as they legislators constituent that the emergency declaration be rescinded, that the county legislature and related committees be completely transparent about the progress and content of the emergency plan in their undertaking, and to actively seek and accept the assistance of agencies and individuals from throughout the community, willing and able to join that process, to bring it to completion more quickly. And with an eye towards the amount of compassion and empathy that is brought to bear in the process. It can't be a process and plan about county resources and numbers on a spreadsheet and comparing this group's need to that ones. They can't have a scarcity mindset and 0 sum, thinking the plan must include full and complete recognition of the human suffering and human need at play need that they can fulfill and suffering that they can alleviate.

Peggy Sue Paul stated that she was just appalled at the language. She's glad they want a plan, and many of them want to help. She has talked to many people in this community, if they had 50 people dropped there tonight they would take them in, and to take a family for a few days until they could have a better plan. She considers this a very welcoming community, and they have welcome to her, and she hopes they will do the same. And she would also ask, that they please rescind this resolution today. It makes them look just horrible throughout the State, and she knows that them and people like them are not like that.

Claudia Guthrie stated that her question is how this resolution was drawn out like this resolution, and the language that's used in this resolution, and how some of these decisions were arrived at? For instance, if she, as a private citizen, is the County now telling her as a private citizen, or the owner of a private business, who she may have, or may provide services to? If she were to take in a migrant for a week, according to this resolution, she would pay \$2,000 a day for each day. So if she had a migrant for one week, that's \$14,000. If she had a family for a week, that's \$56,000. So again, she just wants to know, who drew this up.

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

May 2023	
Airport Fund	\$ 284,455.96
Finance	\$ 2,090,845.58
Flint Creek	\$ 0
Government Operations	\$ 268,589.66
Human Services	\$ 429,723.13
Prior to Audit	\$ 273,071.44
Public Safety	\$ 1,571,727.22
Public Works	\$ 1,524,867.47
Total	\$ 6,443,280.46

COMMITTEE REPORTS

Ms. Chilson reported that the Bicentennial Committee is meeting regularly, and she was gifted a book from Rushville, America's first threshold. She is going to give it to the legislature and it'll be in the office for reference. It's really nice book on the history of Rushville and it's very valuable.

Mr. Morris reported that Arlene Wilson, has left CCE and Jen Clancy is temporarily replacing her while they look for a new permanent candidate.

Mr. Paddock reported that the communication system has been up and running since May 24th. The conversion was very effective and very smooth. Additional work has been done at South Hill, so that the entire system is now a loop and is operating properly. The historic markers, thanks, to Doug Rapalee and his crew, have been reinstalled.

Dr. Cutler reported that the Genesee Finger Lakes Regional Planning Council had its annual meeting last week and it's in June when they appoint new officers. Rochelle Stein from Genesee County will continue as president, Michael Falk from Livingston County will be Vice President, and Kevin Kelley from the city of Rochester, will be the treasurer.

Mr. Killen reported that on May 31st he attended domestic terrorism awareness training. It was very informative and an interesting training. A good thing to be aware of, pleased to hear that they are making some preparations in case of any concerns about people with a leaning towards some type of incident or terrorist or outputs, otherwise that might endanger people. He also shared some information with their collective group, and he sees that a number of the county employees are there. He is presuming some of them with concerns about their discussions on budget and health care options.

Mr. Button reported that the Flint Creek Committee will meet July 5th. The Farmland Protection Board will be meeting Wednesday regarding the 8 Year Plan. When he was doing the Human Services audit, he had a question. It was an \$86,000 quarterly payment to the hospital and he reached out to Dr. Sinclair, who was gracious enough to take his call. He told Mr. Button what it was about. He appreciates Dr. Sinclair for the help on that. That's a big expenditure, and he was concerned as they are not meeting mental health needs in the County.

Mr. Harper reported that last week he mentioned that C & S will be there on Friday morning at 8:00 to go over with the Airport Council and any members of the Finance committee that want to attend, regarding the airport long term plan primarily for the next 5 years, but also doing some looking out.

Mr. Holgate stated that he doesn't think that there's anything in that state of emergency declaration that, to answer the question, would prohibit anybody from bringing anybody into their home. Chairwoman Church confirmed this to be correct.

RESOLUTION NO. 274-23

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

AUTHORIZE CHAIRWOMAN TO SIGN MEMORANDUM OF UNDERSTANDING FOR AMBULANCE HOUSING (Branchport/Keuka Park Fire District)

WHEREAS, Yates County Emergency Medical Services is preparing to begin operations within the County; and

WHEREAS, ambulances will be deployed to different parts of Yates County to maximize operational coverage; and

WHEREAS, the Branchport/Keuka Park Fire District is willing to allow Yates County to house an ambulance and applicable staff within their Ambulance building, subject to terms mutually agreed upon within a Memorandum of Understanding between the Branchport/Keuka Park Fire District and Yates County;

NOW, THEREFORE, BE IT RESOLVED, that after approval from the County Attorney, the Chairwoman is authorized to sign the Memorandum of Understanding between the Branchport/Keuka Park Fire District and Yates County; and be it further

RESOLVED, that a copy of this resolution be sent to the Director of Emergency Services, County Attorney, County Administrator, County Treasurer, Budget Officer and Finance Director.

VOTE: Unanimous

RESOLUTION NO. 275-23

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

AUTHORIZE CHAIRWOMAN TO SIGN MEMORANDUM OF UNDERSTANDING FOR AMBULANCE HOUSING (Village of Dundee)

WHEREAS, Yates County Emergency Medical Services is preparing to begin operations within the County; and

WHEREAS, ambulances will be deployed to different parts of Yates County to maximize operational coverage; and

WHEREAS, the Village of Dundee is willing to allow Yates County to house an ambulance and applicable staff within their Ambulance building, subject to terms mutually agreed upon within a Memorandum of Understanding between the Village of Dundee and Yates County;

NOW, THEREFORE, BE IT RESOLVED, that after approval from the County Attorney, the Chairwoman is authorized to sign the Memorandum of Understanding between the Village of Dundee and Yates County; and be it further

RESOLVED, that a copy of this resolution be sent to the Director of Emergency Services, County Attorney, County Administrator, County Treasurer, Budget Officer and Finance Director.

VOTE: Unanimous

RESOLUTION NO. 276-23

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

AUTHORIZE SHERIFF TO PURCHASE COMMERCIAL WASHER FOR JAIL

WHEREAS, the thirteen year old commercial washing machine in use at the Yates County Jail has been out of service due to unavailability of parts, etc. since May 8 and latest reports indicate several weeks may incur waiting with no guarantee of the parts arrival as the machine no longer being made; and

WHEREAS, presently for past 29 days alternative means being used by jail officers for daily laundry services at a cost at local laundromat, at cost to county, and creates a crisis of need; and

WHEREAS, Building Maintenance Supervisor has sought RFP's for a replacement commercial washing machine in the 40 lbs. class with five-year warranty as follows:

- Continental \$14,803 (delivery in 4-6 weeks)
- Huebsch \$13,847 (Immediately available)
- B&C Technologies \$13,600 (delivery 6 weeks)

NOW, THEREFORE, BE IT RESOLVED, that the Sheriff or the Building Maintenance Supervisor due to this crisis of need is authorized to execute a purchase offer for the Huebsch at \$13,847 from Empire Machinery of Palmyra, NY as the most responsible purchase cost given delivery times and current ongoing expenses for the immediate install of this replacement machine, and should there be any value in the used not operating machine to pursue any credit; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 277-23

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

**AUTHORIZE CHAIRPERSON AND SHERIFF TO SIGN
TOMPKINS AND OSWEGO COUNTY JAIL CONTRACTS**

WHEREAS, at times the situation may arise for Tompkins and Oswego County's to house inmates temporarily at the Yates County Jail at a cost of \$85/males and \$95/females a day; and

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney that the Chairperson and the Sheriff are authorized to sign a business and an inmate housing agreement for both counties effective 1/1/2023 thru 12/31/2023; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 278-23

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

AUTHORIZE SHERIFF TO PURCHASE SECURITY CAMERA

WHEREAS, the county of Yates authorized a contract with Integrated Systems, Inc. per Res. 68-23 to update security camera systems; and

WHEREAS, this resolution recognized a bid by Broome County awarded to Integrated Systems, and its relevance; and

WHEREAS, per this same bid Integrated Systems will provide a camera system for the Public Safety Building Interview room for a cost of \$5,054.63 with support;

NOW, THEREFORE, BE IT RESOLVED, that the Sheriff is authorized to purchase this security camera for this amount using grant funding provided by the NYS Department of Homeland Security; and be it further

RESOLVED, that a copy of this resolution be provided the Director of Finance, the IT Director, the Building Maintenance Supervisor and the Sheriff.

VOTE: Unanimous

RESOLUTION NO. 279-23

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

**AUTHORIZE SHERIFF AND CHAIRPERSON TO SIGN
AMENDMENT FOR JAIL TELEPHONE SERVICES**

WHEREAS, the inmate telephone services agreement with GTL/ViaPath Technologies company provider per Res. expires in March of 2027 and services have now been enhanced, thus the Sheriff would like to accept thus enhancements;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney the Sheriff and the Chairperson are hereby authorized to sign said enhanced services amendment agreement with GTL/ViaPath Technologies; and be it further

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

RESOLUTION NO. 280-23

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

**AUTHORIZE SHERIFF TO RENT COMMUNICATIONS
EQUIPMENT TEMPORARY STORAGE**

WHEREAS, with the transition to the new public safety communications upgrade that various communications equipment may or may not be needed in the future, and requires immediate emergency storage as tower sites are presently being decommissioned on mandated timeline, and various radio and microwave antenna and equipment needs to be moved and secured; and

WHEREAS, Sheriff has no immediate adequate storage space available, and in consultation with the Chair of the public Safety Committee and the review of Yates County Legislative resolution 381-22 that sought RFP's and resolved the Planner to rent storage containers from A-Verdi, LLC, and after Sheriff's review this authorization is still best proposal; and

NOW, THEREFORE, BE IT RESOLVED, as piggy back onto the spirit of Res. 381-22 the Sheriff is authorized to make the rental purchase of commercial ground level storage container with A-Verdi, LLC for transportation charge of \$192 and updated pricing of \$135 a month; and

RESOLVED, that a copy be provided the Budget Officer, Finance Director, and the Sheriff.

VOTE: Unanimous

RESOLUTION NO. 281-23

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

DECLARE AS SURPLUS PROPERTY LEGACY PUBLIC SAFETY COMMUNICATIONS TOWERS, MICROWAVE AND LAND MOBILE RADIO EQUIPMENT AND AUTHORIZE SHERIFF TO DISPOSE OF SAME

WHEREAS, Yates County has undertaken a project to improve public safety communications within the county and has constructed, among others, new towers at the county's Sherman Hollow and Public Safety Building sites; and

WHEREAS, a tower in Ovid replaces the county's Angus site; and

WHEREAS, new public safety communications equipment and appurtenances have been installed at all tower sites and the system is now operational; and

WHEREAS, legacy towers located at Yates County's Sherman Hollow, Public Safety Building and Angus sites no longer have benefit to Yates County; and

WHEREAS, legacy public safety communications equipment, including but not limited to, some or all microwave equipment and antennas and land mobile radios, antennas and related equipment no longer have benefit to Yates County;

NOW, THEREFORE, BE IT RESOLVED, that the legacy public safety communications towers located at Yates County's Sherman Hollow, Public Safety Building and Angus sites are hereby declared surplus and the Sheriff is authorized to create a request for proposals, send to auction, sell to another municipality or otherwise dispose of the said legacy public safety communications towers; and be it further

RESOLVED, that the legacy public safety communications equipment and/or appurtenances located at tower sites, Public Safety Building and/or Courthouse are hereby declared surplus and the Sheriff is hereby authorized to create a request for proposals, send to auction, sell to another municipality or otherwise dispose of the surplus equipment; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 282-23

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

AUTHORIZE PLANNER TO CREATE AND FILL PLANNER ASSISTANT POSITION

WHEREAS, the part-time Project Manager in the Planning Department will be retiring in September 2023; and

WHEREAS, through the position review process the Planner has identified that the County's current staffing level of the Planning Department is insufficient as the department is currently unable to meet the growing demands and complexities of departmental projects, resulting in delays, inadequate support to municipalities, and missed opportunities for economic growth; and

WHEREAS, the Planner has identified the need to create and fill a full-time Planner Assistant position to significantly enhance the County's ability to provide professional guidance, expertise, and coordination to local governments, residents, and developers; and

WHEREAS, the estimated annual cost to fill the position, including fringe, is \$62,598 to \$89,726;

NOW, THEREFORE, BE IT RESOLVED, that effective June 12, 2023 the Planner is hereby authorized to create and fill and full-time Planner Assistant position; and be it further

RESOLVED, the part-time Project Manager position will remain vacant after the retirement of the current incumbent; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 283-23

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

AUTHORIZE CHAIRWOMAN TO SIGN MEMORANDUM OF UNDERSTANDING

(CSEA)

WHEREAS, the Emergency Preparedness Coordinator presented to the Public Safety Committee justification for the need of a non-traditional work schedule for the employees hired for the newly established ambulance service operations and specifically in the job titles of Paramedic and Emergency Medical Technician; and

WHEREAS, the County has engaged in discussions with the authorized representative for such employees regarding their work schedule;

NOW, THEREFORE, BE IT RESOLVED, that the Chairwoman of the Legislature is hereby authorized to sign a Memorandum of Understanding with the CSEA regarding the work schedule for Emergency Services employees in the job titles of Paramedic and Emergency Medical Technician to consist of a minimum of a three (3) day work week and not to exceed forty (40) hours per week; and be it further

RESOLVED, that this action establishes the initial schedule for such employees, and it is subject to change in the future by subsequent resolution; and be it further

RESOLVED, that copies of this resolution be given to the Director of Emergency Services, Emergency Preparedness Coordinator, CSEA Union President, CSEA Union Representative, Personnel Officer, County Administrator and Director of Finance.
VOTE: Unanimous

RESOLUTION NO. 284-23

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

AMEND 2023 NON-UNION EXEMPT EMPLOYEE SALARY SCHEDULE

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

WHEREAS, the resolution is in need of an amendment due to recent action taken by the County Legislature;

NOW, THEREFORE, BE IT RESOLVED, that effective June 12, 2023, “Confidential Assistant to the Sheriff...\$48,902” be amended to “Confidential Assistant to the Sheriff...\$52,272”; and be it further

RESOLVED, that copies of this resolution be given to the Confidential Assistant to the Sheriff, the Sheriff, Personnel Officer, County Administrator and Director of Finance.

VOTE: Unanimous

RESOLUTION NO. 285-23

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

Mr. Paddock offered an amendment to this resolution, after the “NOW, THEREFORE, BE IT RESOLVED” “;and be it further” section add an additional section “RESOLVED, that the Director of Finance is hereby authorized and directed to make payment to the said villages

forthwith; and be it further” That will save them, having to submit vouchers, and so on, and authorize the Director of Finance to make payments immediately. Ms. Chilson seconded the amendment.

RESOLUTION IN SUPPORT OF YATES COUNTY BICENTENNIAL CELEBRATIONS

WHEREAS, the year 2023 marks a significant milestone for Yates County as it celebrates its bicentennial anniversary, signifying two centuries of community, progress, and resilience; and

WHEREAS, the villages of Penn Yan, Dresden, Rushville, and Dundee have demonstrated exceptional dedication and enthusiasm in organizing a wide range of activities, parades, and events to honor the Yates County Bicentennial and create cherished memories for residents, including our children; and

WHEREAS, the participation of each village in the countywide celebration has played a vital role in fostering a sense of pride, unity, and community engagement throughout Yates County; and

WHEREAS, the Yates County Legislature acknowledges the importance of providing further support to bolster the efforts made by these villages in ensuring the success and lasting impact of the bicentennial festivities;

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature authorizes and directs the Director of Finance to allocate \$500 to each of the Yates County Villages, totaling \$2000, from the Bicentennial fund, specifically designated for the enhancement and improvement of their respective local parks; and be it further

RESOLVED, that the Director of Finance is hereby authorized and directed to make payment to the said villages forthwith; and be it further

RESOLVED, that a copy of this resolution be provided to the Director of Finance, Budget Officer, Treasurer, and the villages of Penn Yan, Dresden, Rushville, and Dundee.
VOTE (Resolution as amended): Unanimous

RESOLUTION NO. 286-23

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

SIGN AGREEMENT WITH HEALTH RESEARCH INC. (HRI) – PUBLIC HEALTH STRENGTHENING INFRASTRUCTURE, WORKFORCE AND DATA SYSTEMS

WHEREAS, Yates County Public Health has received the New York State Department of Health Public Health (NYSDOH) Strengthening Infrastructure, Workforce and Data Systems grant award of \$5,672,787; with \$672,787 available to the County over five years and \$5,000,000 restricted for use by NYSDOH; and

WHEREAS, said grant period will be for the period of December 1, 2022 – November 30, 2027;

NOW, THEREFORE, BE IT RESOLVED, that the Chairwoman is hereby authorized to sign an agreement with Health Research Inc. (HRI) for the period December 1, 2022 through November 30, 2027 for the Strengthening Infrastructure, Workforce and Data Systems Grant; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 287-23

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

AUTHORIZE CONTRACT WITH FINGER LAKES WORKFORCE INVESTMENT BOARD

BE IT RESOLVED, that after review by the County Attorney, the Commissioner of Social Services and the Chair of the Legislature be authorized to sign contracts with the following agency for the time frame 7/1/2023-6/30/2024:

Finger Lakes Workforce Investment Board	
Youth Funding	\$80,577.91
Admin/Adult/Dislocated Worker	\$69,148.00

and be it further;

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

VOTE: Unanimous

RESOLUTION NO. 288-23

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

AUTHORIZE CONTRACT FOR CLIENT TRANSLATION

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

WHEREAS, the term of this contract is June 1, 2023 through December 31, 2023;

NOW, THEREFORE, BE IT RESOLVED, that after review by the County Attorney, the Chairwoman of the Yates County Legislature and Commissioner of Social Services are authorized to sign a contract with:

Stella Garcia , waiving liability insurance

And be it further

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

VOTE: Unanimous

RESOLUTION NO. 289-23

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

DISCUSSION:

Mr. Button stated that they'll probably give a report back to on what they use the funding for and how to improve.

AUTHORIZE CHAIRWOMAN TO SIGN CONTRACT WITH THE PENN YAN CENTRAL SCHOOL DISTRICT (OPIOID SETTLEMENT)

WHEREAS, Yates County Community Services wishes to enter into a contract with the Penn Yan Central School District to assist in substance abuse prevention education and prevention related activities for all youth; and

WHEREAS, the funds of \$6,011.04 were received from the 2022 Opioid settlement; and

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairperson of the Legislature is authorized to enter into an agreement with the Penn Yan Central School District; and be it further

RESOLVED, that said contract will run from 1/1/2023 to 12/31/2023; and be it further

RESOLVED, that a copy of this resolution be sent to Community Services, the Public Health office, Penn Yan Central School District, the Finance Director, and the Treasurer.

VOTE: Unanimous

RESOLUTION NO. 290-23

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

AWARD BID FOR LEACHATE HAULING FOR THE COUNTY LANDFILL

WHEREAS, there is a need for Leachate Hauling & Disposal service for the County Landfill on Long Point Road in the Town of Torrey; and

WHEREAS, bids were requested and received on May 25, 2023 at 11:00 a.m. and two firms submitted a bid;

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNITS	Magee Transportation Services Inc		Gotta Do Contracting LLC	
				UNIT BID PRICE	TOTAL AMOUNT	UNIT BID PRICE	TOTAL AMOUNT
1	MOBILIZATION	1	LUMP SUM	\$1,360.00	\$1,360.00	\$1,350.00	\$1,350.00

2	LOADING, REMOVAL, TRANSPORT, UNLOADING, AND DISPOSAL OF LEACHATE AT THE WATER POLLUTION CONTROL FACILITY. THIS PRICE INCLUDES ALL APPLICABLE FREIGHT, DELIVERY, ANALYTICAL, REGULATORY COMPLIANCE, AND INSURANCE COSTS AND CHARGES.	200,000 gallons	PER THOUSAND GALLONS	\$155.00	\$31,000.00	\$135.00	\$27,000.00
TOTAL BID FOR YATES COUNTY TORREY LANDFILL LEACHATE HAULING AND DISPOSAL CONTRACT				\$1,515.00	\$32,360.00	\$1,485.00	\$28,350.00

WHEREAS, the submitted bid documents have been reviewed by Barton & Loguidice, D.P.C., and a recommendation to award has been received from Barton & Loguidice, D.P.C.;

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

RESOLVED, that copies of this resolution be provided to the Director of Finance, the County Administrator, the Highway Superintendent, Barton & Loguidice, D.P.C., and all bidders.

VOTE: Unanimous

RESOLUTION NO. 291-23

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

DISCUSSION:

Mr. Button stated that he just wanted to thank Mr. Reed and Mr. Rapalee for expanding on this. He felt like changing his mind and authorizing that.

AMEND RESOLUTION NO. 154-23

(C & S Engineers, Not to Exceed Contract Authorization)

WHEREAS, Resolution No. 422-21 authorized a contract with C & S Engineers, Inc. for engineering services on the Yates County Highway, Office of Emergency Services and Public Health Facility Project for an amount not-to-exceed \$900,000; and

WHEREAS, Resolution No. 154-23 authorized \$129,684 in additional services for a revised contract totaling \$1,029,684; and

WHEREAS, the required scope of services for the Highway, Office of Emergency Services and Public Health Facility Project has increased beyond the amended scope of services as presented in Resolution 154-23; and

WHEREAS, the Highway Superintendent is requesting additional services for the construction administration portion of the project to allow C&S to complete the Time and Material NTE contract services; and

WHEREAS, the amount of said contract shall be increased by a sum not to exceed sixty-thousand (\$60,000);

NOW, THEREFORE, BE IT RESOLVED, that the "Not-to-Exceed" amount of said contract be amended to \$1,089,684; and be it further

RESOLVED, that after approval by the County Attorney, the Chairwoman of the Legislature is authorized to execute appropriate documents to affect the above amendment; and be it further

RESOLVED, that copies of this resolution be provided to C & S Engineers, Inc., the Office of Emergency Services Director, the Highway Superintendent, the Director of Public Health, the Director of Finance, the Building Maintenance Supervisor and the County Administrator/Budget Officer.

VOTE: Unanimous

RESOLUTION NO. 292-23

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

AMEND RESOLUTION NO. 197-23 (Lloyd Mechanical Contract Amendment Authorization)

WHEREAS, Resolution No. 197-23 authorized a contract with Lloyd Mechanical Company, LLC for the Plumbing Construction contract on the Yates County Highway, Office of Emergency Services and Public Health Facility Project for the amount of \$1,464,100; and

WHEREAS, the required scope of services for the Highway, Office of Emergency Services and Public Health Facility Project has increased beyond the originally identified scope of services as presented in the bid documents; and

WHEREAS, Lloyd Mechanical Co., LLC will be required to make necessary changes to the bid documents relating to the addition of an embedded shallow basin and associated piping for the waste water system; and

WHEREAS, the amount of said contract shall be increased by a sum not to exceed \$8,483.00;

NOW, THEREFORE, BE IT RESOLVED, that the revised amount of said contract be amended to \$1,472,583; and be it further

RESOLVED, that the Chairwoman of the Legislature is authorized to execute the appropriate documents to affect the above amendment; and be it further

RESOLVED, that copies of this resolution be provided to C & S Engineers, Inc., the Office of Emergency Services Director, the Highway Superintendent, the Director of Public Health, the Director of Finance, the Building Maintenance Supervisor and the County Administrator/Budget Officer.

VOTE: Unanimous

RESOLUTION NO. 293-23

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

DISCUSSION:

Mr. Button stated that credits due, he appreciates them lowering the cost of the building by \$57,000 roughly.

**AMEND RESOLUTION NO. 196-23
(Building Innovation Group Contract Amendment Authorization)**

WHEREAS, Resolution No. 196-23 authorized a contract with Building Innovation Group, Inc. for the General Construction contract on the Yates County Highway, Office of Emergency Services and Public Health Facility Project for the amount of \$9,293,084; and

WHEREAS, the required scope of services for the Highway, Office of Emergency Services and Public Health Facility Project has been altered from the originally identified scope of services as presented in the bid documents; and

WHEREAS, Building Innovation Group, Inc. will be required to make necessary changes to the bid documents relating to the revisions to the pre-engineered metal building roof panel system; and

WHEREAS, the amount of said contract shall be decreased by the sum \$57,207.00;

NOW, THEREFORE, BE IT RESOLVED, that the revised amount of said contract be amended to \$9,235,877; and be it further

RESOLVED, that the Chairwoman of the Legislature is authorized to execute the appropriate documents to affect the above amendment; and be it further

RESOLVED, that copies of this resolution be provided to C & S Engineers, Inc., the Office of Emergency Services Director, the Highway Superintendent, the Director of Public Health, the Director of Finance, the Building Maintenance Supervisor and the County Administrator/Budget Officer.

VOTE: Unanimous

RESOLUTION NO. 294-23

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

**AWARD BID FOR CONTRACT NO. 1 - CHUBB HOLLOW CULVERTS
GUIDERAIL INSTALLATION**

WHEREAS, bids were requested for Contract No. 1 - Chubb Hollow Culverts Guiderail Installation and received on June 1, 2023 at 2:00 p.m. and two firms submitted bids to the Yates County Highway Department;

BIDDER:

Pavilion Drainage Supply Co., Inc	Elderlee, Inc
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Labor, materials, supplies, equipment, and allowances and other facilities and things necessary or proper for or incidental to the construction and completion of Contract No. 1: Lump Sum:	\$37,868.00	\$17,178.50 <i>(Bid Withdrawn)</i>
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SIGNED DOCUMENTS INCLUDED:

IRANIAN ENERGY SECTOR DIVESTMENT CERTIFICATION	X	X
BIDDERS STATEMENT ON SEXUAL HARASSMENT	X	X
NON-COLLUSIVE BIDDING CERTIFICATION	X	X
STATEMENT OF SURETY'S INTENT	X	X
BID SECURITY	X	X
ACKNOWLEDGEMENT OF ADDENDA	X	X

NOW, THEREFORE, BE IT RESOLVED, to award the bid for Contract No. 1 - Chubb Hollow Road Culverts Guiderail Installation to Pavilion Drainage Supply Co., Inc. for a lump sum cost of \$37,868.00; and be it further

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

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

VOTE: Unanimous

RESOLUTION NO. 295-23

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

DISCUSSION:

*For full and complete discussion please listen to the audio available at www.yatescounty.org

Mr. Holgate stated that he has had an opportunity to think about this quite a bit more, plus he has also talked to quite a few constituents, and they were talking about which way to go with the natural gas line. They were talking about talking to people, and then in committee this just got thrown out as option 1 or option 2, and he doesn't think that they have had thorough enough discussion on this whole gas line deal. He certainly doesn't have the information, so he will be voting "No". One of the things that really kind of sticks with him at this point is they really thought that Havens Corners would be a good option because they wouldn't run into any opposition from the State and maybe there's reason that the State has opposition, that's credible. He thinks their payoff for this was at 20 years, fossil fuels going 20 years out may not be a great option. They don't have any guarantees what the price of natural gas is going to be. They don't know what kind of taxes might be put on it. They just don't know enough of anything. At this point, he did not hear enough as to why geothermal is not a good option. Technology has come a

huge way in just the last couple of years with heat pumps and everything else. So solar is obviously going to be getting better. He just doesn't see where, at this point, he could actually vote for putting the natural gas line and he wished they had more discussion, and that they actually had more tools to go by. He asked for the information on geothermal and all he heard is it wouldn't work. He can't tell anybody out there why it won't work, so he will have to vote "No."

Mr. Holgate made a motion to table this resolution, seconded by Mr. Morris.

DISCUSSION:

Mr. Button stated that they have talked about not wanting to hold this project up. He gets that they talk about compressed natural gas and natural gas. He pointed it out, many people in this room go to Wegmans, go to Tops, behind their trucks. That big square box is natural gas, UPS has it behind their trucks, FedEx, it says, compressed natural gas. The State under the Cuomo administration moved to make many of their vehicles, whether the big highway trucks or the vehicles that they travel around to the different towns and counties compress natural gas. It's a cleaner alternative as a farmer and many of the farmers in this country in this county are not going to have to go out and buy new equipment. They're not going to run it on solar. They're not going to go on an electric. These are the facts. They have a plan moving forward and they adjust to it. They don't go off the cliff that quick, they can't hurt businesses. They are running business out of the State because they can't operate. They're trying to operate and build a highway facility/ office of emergency management/public health facility, that's state of the art that uses good, clean, natural gas. The State of Pennsylvania isn't going to stop supplying it. He's going to vote "No" to tabling this.

Mr. Killen stated that they've had discussions on this for several months. He thinks they have plenty of information that has been made available to decide yes or no, or someone comes staying kicking it down the road. Seems a waste of their time.

Ms. Chilson stated that from the beginning there was an effort to divide this from the project of the highway building, and she thinks this is just another effort to divide this from the highway building. Number 2, they have had exhaustive conversations, explanations from Mr. Rapalee, from the people that represent this, and talking about why not? That it's hard to heat, heavy equipment with electric and that it would take all night long to bring it up to a certain temperature. Where this is a faster heating. It's not just heating rooms. It's heating heavy equipment as well to get the ice off of them and electric will not do the job. They were told that this is something that has been recommended from the experts, and they're always told to listen to the experts. This is their field of expertise, this is what they have brought before them, and everybody's been on board for the most part on this project, except for just now and she thinks to stop this project is going to be an injustice to the whole. They don't know what the State is going to do. I agree with that, but they are also making exceptions, according to the conference that they went to, for vehicles to not be electric, such as snow plows. They're making certain exceptions to the rules, because they understand this is not going to be appropriate. They can't have an electric snow plow. So there are exceptions to the rules that they are making and she thinks to not move forward with this project in a timely manner is going to be detrimental to the whole. The other thing she was going to say, is at one of their meetings, the Mennonite who purchased a heat pump to put in his building, said it took 4 places in his electric panel to hook up that heat pump. And that was taking up other spots of things he could have hooked up, and he wished that he would have waited for this opportunity.

Mr. Holgate stated that as Doug said, basically at their committee meeting, that if they didn't basically go there, they would go with the propane, and propane is actually is a viable option. One of the things that it does is if they want to change down the road, they can change, whereas they're bringing in a pipeline with a 20 year buyback. They're going to be using it for 20 years and he's just not so sure how viable natural gas is going to be in 20 years. He asked Terry, as far as compressed natural gas and all those sort of things, are they going to be using compressed natural gas, so where are they? He has personally not heard enough of a reason that they need to go to this extent, to actually pipe in natural gas. It's a long time to count on natural gas being a great source.

Mr. Button stated that they just ripped up downtown to replace the natural gas line.

Mr. Holgate stated he is trying to understand. He's just saying he doesn't have enough good information. Because to say that this is why they should be extending natural gas to their facility when they sat there during committee and said, they probably should go up Haven's Corners, because New York State won't allow it to go down 14A because they're against it. He is just wondering what's going to come down the road. Is it going to come down the road where fossil fuels are going to have a special tax and that sort of thing? Are they just looking at today's prices? He doesn't have all this information and he has been at these meetings and all he has heard is that this is what the experts tell them.

Mr. Button stated that in the late sixties and seventies out in Oklahoma, Texas, there were multiple tractors that we're trying to be run on propane. They didn't have the power, there were issues of safety when refueling them, and that's why they didn't expand propane. Compressed natural gas is cleaner, it doesn't have quite the power, it's a fossil fuel, but it is clean energy. When they look at all these companies, they are running their trucks on them. They have grants, low interest loans, by the people in this room in the country to buy that equipment to use. Because that was where they were trying to go cleaner energy. They have to run them so many miles a year to upkeep their grant and the loans they get. So they're going to keep running the equipment until they throw them away.

Mr. Holgate asked if Terry is telling him that part of this project, is them converting all of their trucks over to compressed natural gas.

Mr. Button stated that he doesn't know. Look to the future, that's an opportunity.

Mr. Holgate stated that it's an opportunity, but is it part of the actual study and everything going forward was that one of the reasons we're going with the natural gas.

Mr. Button stated that's why they're running those trucks in Pennsylvania because they have opportunity to use it. Those fracking trucks and trucks that are using that gas already.

Ms. Chilson stated last month they had several resolutions in regard to the highway department, and on the last resolution was this about the guest line, and it was brought up that they should postpone that, and that was turned down. Mr. Holgate has sat in on these meetings, he's had plenty of opportunity, they asked these questions, and she hasn't heard these questions, until today, when they are ready to make a vote on this. She thinks Mr. Rapalee has the answers to this. If Mr. Rapalee would like to give them an answer once again, as he's been asked many times in their meetings. Maybe he should have the opportunity to explain to their public why they have chosen this, and why they for the most part, are in agreement on it.

Mr. Rapalee stated that he will first say that they can have all these hypothetical conversations, but there isn't one person in this room that has a crystal ball. When they presented the findings back in August of 22, when they were in the either 60% or 90% designed to this building. They took the information that they had in front of them at that time, and made as a committee the best decision. Moving forward, they came to the Legislature with that presentation and that natural gas was the best way to go, knowing full well that they were going to have to make a decision and what not, so on and so forth, as to which way they are going to go. His original recommendation, back if they listen to the meetings, was Havens Corners Road, based on fact. Not anything to do with the town of Benton residents, not anything to do with 14A, simply fact of what the experts were telling them. What C & S was telling them, based on the information that they had at that time, how much they had spent on propane per gallon average, how much they had spent on natural gas, etc., etc. They can sit there and question all their decisions back to last August, but he has a project going on on the hill right now. He is still a firm believer in the C & S documentation that the natural gas is the best option. They have been going back and forth with this and back and forth and back and forth, and he will do whatever they want. They said last month, the propane, is in motion right now. That is what they're going to run the building off of, if they don't have gas in the ground. They've been running numbers, they've been running numbers again, based on what they're paying for propane right now, and they're paying about an average of \$1.49 right now. When they did the calculations back in August, he thinks it was \$1.96, and he could be coming there and telling them exactly the opposite. Right now, fortunately, they're down a little bit, but all of their calculations that they have done and received from C & S point in the direction that the gas line will save the County money in the long run. Not just 20 years, but over the life of the building, which they believe, and their goal has been said several times, is a 60 to 75 plus year building. They are not building a wood structure, they're building a steel structure for that reason, for longevity of this facility.

Mr. Paddock stated that if the discussion is on tabling, he's not sure waiting another month or 2 months is going to change any decision of the legislature.

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

Mr. Harper stated that he would be voting “No”, only because he believes the 14A route is actually a better route and investment for the people in the County. It has more people interested from that side, he thinks the only thing that was held up against it really was concerns about the State right away. He's not necessarily sure that's going to be an issue. He thinks that there's going to be a long-term natural gas use by businesses. It may be some short term things by residential that the State can control, but he doesn't think they're going to shut down natural gas for businesses in the short term and there's enough businesses along that route that would like to jump on. They've been about 2 years now with the airport trying to get some electricity in there, and that hasn't happened, and he doesn't see the local grids being expanded that quickly. They're going to see a mass exodus over to electricity right away. They've got a lot of things to do with the electric grid before they're going to see a lot of these conversions.

Mr. Killen stated that he would just comment that he appreciates the information that Jack had presented to them. The interest in the community was 20 some people on the 14A route and 7 on the Havens Corners route. There was a significant cost difference between the 2, 3 or \$400,000 difference, even factoring in any offset, with additional sign on by locations along the way, so that for that reason the more cost-effective route is the shorter route.

Ms. Chilson stated that originally she had thought the same as what Dick presented, but when she found out that they have an 8 inch line from Havens Corners road to their highway department, and when they take it from 14A up, it's a 4 inch line, and there needs to be some

kind of booster along the way. They're talking about people possibly tapping into that in Benton's center. It just doesn't make as much sense to her with a 4 inch line versus an 8 inch line, and how much their county building is going to use along that way as well.

Mr. Killen stated that he has consistently supported trying to extend it to the town offices and the fire department as a public service to that area which would put them near to a cluster of a number of businesses that also have an interest, and that discussions with NYSEG, they possibly would see it in their own interest, since they already have the information on a concentration of interest parties that they might extend further, but not necessarily on the county taxpayers funds, but by nature of having that future business. He's hoping that would be something they would discuss.

Mr. Paddock stated that the line as proposed from Preemption to the County facility is a 4 inch line correct and the line along preemption is an 8 inch line?

Mr. Rapalee stated it is a 4 inch line.

Mr. Paddock stated it's a 4 inch line along Preemption, high pressure. It's still going to be just a 4 inch line coming up to the facility, but he believes, that this may be an advantage and/or a good deal for the people along Haven's Corners Road. He thinks it's a great deal for NYSEG. He is not convinced because of the payback period involved with this gas line that it is a good deal for Yates County. So he will not support this resolution.

Mr. Button stated that NYSEG ultimately has the final say. They're the ones people talk to, just buy their gas. If the opportunity, when they dig the trench, instead of laying 4 inch line, they can lay 6, 8, whatever. They're also going to look to the future. As Mr. Bronson spoke to their priority is to support Mr. Rapalee and get it to the highway facility. They have the opportunity then, to go on to the road and go, north, and south, and continue to support the community. That's a great thing, it also opens up the opportunity for business to expand, lower costs for homeowners, and help support their public services in the firehouse, and such that. That decision, when they start digging the trench and hooking things up, they'll make that because they're going to count their beans and decide what's most profitable for New York State Electric and Gas.

Dr. Cutler stated that this resolution is supporting option, one which is Preemption to Havens corners. He just wanted to be sure, that everybody is clear on that.

Mr. Paddock stated that option one for clarification, only goes to the highway facility.

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

WHEREAS, Resolution #205-23 authorized the Highway Superintendent to expend funds for the installation of a new gas main upon completion of a Public Information Meeting and upon receipt of a final decision of the Yates County Legislature of whether to proceed with Option #1 or Option #2; and

WHEREAS, the required Public Information Meeting was held on May 3, 2023 at the Benton Firehouse; and

WHEREAS, on June 6, 2023 at the monthly Public Works Committee meeting, the Public Works Committee has recommended to proceed with Option #1; and

WHEREAS, Option #1 includes the routing of the new gas main from the intersection of Pre-emption Road (CR15) and Havens Corners Road (CR14) along Havens Corners Road at a total length of approximately 9,860'; and

WHEREAS, the Public Works Committee has recommended that the termination point of the new gas main be at the point on Havens Corners Road where the Highway, Office of Emergency Services and Public Health facility contract documents identify the underground natural gas service piping to be installed on drawing C-204; and

WHEREAS, the amended Not to Exceed amount of funds to be expanded for this scope of services will be \$1,220,001 in lieu of the previously approved cost in Resolution #205-23; and

WHEREAS, the aforementioned resolution provided the Chairwoman authorization to enter into an agreement with New York State Electric & Gas (NYSEG);

NOW, THEREFORE, BE IT RESOLVED, that the Highway Superintendent is to proceed with this routing of the new gas main; and be it further

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

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

RESOLUTION NO. 296-23

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

AMEND RESOLUTION NO. 8-23 (Authorize Exception to the Procurement policy)

WHEREAS, Resolution 8-23 authorized exception to the Procurement Policy; and

WHEREAS, there is a need to add two qualified contract to the list of acceptable purchasing contract;

NOW, THEREFORE, BE IT RESOLVED, that Equalis Group and Huston-Galveston Area Council (H-GAC) be added to the approved contracts; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 297-23

Mr. Button offered the following resolution and moved its adoption, seconded by Mr. Paddock.
DISCUSSION:

Mr. Button stated he thinks he has listened to Mr. Reed and how he's presented this along with Mr. Rapalee, to make their controls fit with other facilities, and it's a good thing to move this forward is, he'll keep things more consistent.

AUTHORIZE CHAIRWOMAN TO SIGN A CONTRACT WITH SIEMENS FOR HIGHWAY, OES AND PUBLIC HEALTH BUILDING AUTOMATION CONTROLS

WHEREAS, the controls that are needed to control the Building Automation Controls (BAC) for the new Highway, OES and Public Health facility are being procured by the County; and

WHEREAS, the Building Maintenance Supervisor sought a proposal for providing these controls to integrate with the current County BMS system from Siemens for \$292,438.00 under state contract pricing for this service;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairwoman of the Legislature is authorized to enter into a contract with Siemens to provide controls for the BAC system at Highway, OES and Public Health facility; and be it further

RESOLVED, that said contract will run from 6-12-23 to 12-31-24 for a total sum of up to \$292,438.00; and be it further

RESOLVED, that copies of the resolution be given to the Building Maintenance Supervisor, Highway Superintendent, Budget Officer, Treasurer and Director of Finance.
VOTE: Unanimous

RESOLUTION NO. 298-23

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

AUTHORIZE CHAIRWOMAN TO SIGN A CONTRACT WITH STARK TECH FOR REPLACEMENT OF THE DATA CENTER HVAC UNIT

WHEREAS, the HVAC unit that serves the primary data center for the County is aging and in need of replacement as identified in the 2023 capital plan; and

WHEREAS, the Building Maintenance Supervisor sought a proposal for providing and installing a new HVAC unit from Stark Tech for \$70,965.00 under Equalis contract pricing for this service;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairwoman of the Legislature is authorized to enter into a contract with Stark Tech to provide a new HVAC unit and install said unit; and be it further

RESOLVED, that said contract will run from 6-12-23 to 3-31-24 for a total sum of up to \$70,965.00; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 299-23

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

2023 BUDGET TRANSFERS

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

From:	To:	Amount:
A1990.54905 Contingent	A1230.51041 CA- Temp. County Ad. Asst	\$ 11,500.00
D9010.58400 HWY-State Retire.	D5010.58303 HWY- Med Ins. CSEA	\$ 22,300.00
D9010.58400 HWY-State Retire.	D5010.58305 HWY- Med Ins. Non Union	\$ 8,100.00
CD6293.4A WFD-WIOA Adult Op.	CD6293.8A WFD- WIOA Adult St. Fringe	\$ 247.00
CD6293.4B WFD-WIOA DW Op.	CD6293.8B WFD- WIOA DW St. Fringe	\$ 247.00
CD6293.41F WFD- WIOA ISY Op.	CD6293.11F WFD- WIOA ISY Part. Wage	\$ 65.00
CD6293.41F WFD- WIOA ISY Op.	CD6293.81F WFD- WIOA ISY Part. Fringe	\$ 35.00

And be it further

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

VOTE: Unanimous

RESOLUTION NO. 300-23

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

APPROPRIATE INFRASTRUCTURE RESERVE FUNDS

WHEREAS, reserve funds need to be appropriated from the Infrastructure Reserve to pay expenditures to date in regards to the public safety towers capital project; and

WHEREAS, these funds were agreed upon to be used for this purpose;

NOW, THEREFORE, BE IT RESOLVED, said reserve funds will be appropriated from the Infrastructure Reserve Fund in the amount of \$53,386.44; and be it further

RESOLVED, that the following accounts be increased and tabulated below:

Revenue Account:

A511.000 Appropriate Reserve (Infrastructure Reserve A878.I)	\$ 53,386.44
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Appropriation Account:

A3020.54736 SH- Tower Transition	\$ 4,959.00
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A3020.54968 SH- Leases TS Intermedia	\$ 48,427.44
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And be it further

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

VOTE: Unanimous

RESOLUTION NO. 301-23

Mr. Holgate offered resolutions 301-23 & 302-23 and moved their adoption, seconded by Mr. Paddock.

**APPROPRIATE ADDITIONAL AID
(HWY)**

WHEREAS, the Highway Department has received revenue over the 2023 budgeted amount from a sale of equipment with corresponding expenditures; and

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

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

Revenue:		
A1640.42665 HWY- Sale of Equipment	\$	4,800.00
Appropriation		
A1640.52180 HWY- Vehicle Purchase	\$	4,800.00

And be it further

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

RESOLUTION NO. 302-23

**APPROPRIATE ADDITIONAL STATE AID
(HWY)**

WHEREAS, the Highway department has received revenue over the 2023 budgeted amount from PAVE NY, EWR, POP and CHIPS with corresponding expenditures; and

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

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

Revenue:		
D5112.43510 HWY- CHIPS Capital	\$	256,423.00
D5112.43089 HWY – Other State Aid (PAVE NY, EWR, POP)	\$	933,430.00
Appropriation		
D5112.54602 HWY- Bituminous Materials	\$	1,189,853.00

And be it further

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

VOTE: Unanimous

RESOLUTION NO. 303-23

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

**RESCIND RESOLUTION NO. 264-23
APPROPRIATE ADDITIONAL STATE AID
(DSS)**

WHEREAS, Resolution No. 264-23 appropriated funds in error. Resolution No.264-23 is a duplication of Resolution No. 216-23; and

NOW, THEREFORE, BE IT RESOLVED, that Resolution No. 264-23 be rescinded to correct the duplication of revenue; and be it further

RESOLVED, that Resolution No. 264-23 is rescinded; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 304-23

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

**APPROPRIATE ADDITIONAL AID
(YB)**

WHEREAS, the Youth Bureau Department has received YDPP Funding and is allocating it to contracted programs; and

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

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

Revenue:

A7310.43820 YB- Youth Bureau Revenue	\$ 21,338.00
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Appropriation

A7310.54351 YB- Modeste Bedient Mem. Library	\$ 2,000.00
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A7310.54352 YB- CFRC	\$ 1,000.00
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A7310.54365 YB- Safe Harbors of the FL	\$ 2,500.00
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A7310.54356 YB- Rushville Summer Reading	\$ 1,000.00
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A7310.54368 YB- Summer Rec.	\$ 6,000.00
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A7310.54371 YB- Big Brother/Big Sisters	\$	1,250.00
A7310.54373 YB- Dundee Library	\$	1,400.00
A7310.54379 YB-YCRR	\$	6,188.00

And be it further

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

VOTE: Unanimous

RESOLUTION NO. 305-23

Mr. Holgate offered resolutions 305-23 & 306-23 and moved their adoption, seconded by Mr. Killen.

**APPROPRIATE ADDITIONAL STATE AID
(DSS)**

WHEREAS, the Department of Social Services has been awarded additional; revenue from TANF SYEP in the amount of \$73,023.00 for summer youth employment; and

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

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

Revenue:		
A6010.44610 DSS- Social Service Admin	\$	73,023.00
Appropriation		
A6010.54381 DSS- TANF Summer Youth Employ.	\$	73,023.00

And be it further

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

RESOLUTION NO. 306-23

**APPROPRIATE ADDITIONAL STATE AID
(DSS)**

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

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

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

Revenue:		
A6010.43610 DSS- Social Service Admin	\$	1,779.00

Appropriation
A6010.54027 DSS- Miscellaneous \$ 1,779.00

And be it further

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

VOTE: Unanimous

RESOLUTION NO. 307-23

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

**AUTHORIZE WORKFORCE DEVELOPMENT BUDGET ALLOCATIONS
(WFD)**

WHEREAS, Yates County received funding from the Office of Temporary and Disability Assistance for the Summer Youth Employment Program;

NOW, THEREFORE, BE IT RESOLVED that the following accounts be allocated to the 2023-2024 Workforce Budget;

CD6294.1A	Staff Wage	\$	5,550.00
CD6294.8A	Staff Fringe	\$	1,280.00
CD6294.11A	Part. Wage	\$	53,623.00
CD6294.81A	Part. Fringe	\$	5,500.00
CD6294.4A	Operating	\$	7,070.00
CD6294.42802	Revenue	\$	73,023.00

And be it further

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

VOTE: Unanimous

RESOLUTION NO. 308-23

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

AMEND RESOLUTION NO. 294-22

**(ENTER INTO AN AGREEMENT FOR ONE TOUCH MAKE READY SERVICES FOR
PHASE 3 OF THE RECONNECT PROJECT WITH LABELLA ASSOCIATES)**

WHEREAS, Resolution 294-22 authorized entering into an agreement for One Touch Make Ready Services for Phase 3 of the ReConnect project with LaBella Associates; and

WHEREAS, there are a much greater number of midspan pole measurements required than was initially anticipated which will require additional field survey, midspan and design costs in order to complete Phase 3 of the network make ready design;

NOW, THEREFORE, BE IT RESOLVED, that the Chairwoman of the Legislature is authorized to approve an amended contract with LaBella Associates for an additional not to exceed \$75,000 for a total contract amount of \$391,608.70; and it be further

RESOLVED, that copies of this resolution be provided to LaBella, the County Administrator, the Finance Director, the Treasurer, the County Planner, and the Broadband Project Manager.

VOTE: Unanimous

RESOLUTION NO. 309-23

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

DISCUSSION:

Mr. Button asked if the huts that he sees now are some of the huts that are talking about.

Dr. Cutler stated that those 2 were from Dundee and Italy for the communications project. They moved them there.

Mr. Button stated that he knows which one they were talking about, he just didn't realize they could be that big.

AUTHORIZATION FOR LEGISLATIVE CHAIRWOMAN TO SIGN DOCUMENTS RELATING TO THE NYSEG ELECTRIC CONNECTION AT THE TELCO HUTS

WHEREAS, the Middlesex and Dundee Huts, build for the ReConnect project and located within Yates County require an electric connection to facilitate their operations; and

WHEREAS, NYSEG (New York State Electric & Gas Corporation) has been identified as the appropriate utility company to provide electric services to the aforementioned Huts; and

WHEREAS, the necessary applications, documents and agreements must be signed and executed in order to initiate the electric connection process with NYSEG; and

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature hereby authorizes and empowers the County Chairwoman to sign any and all documents required by NYSEG for the purpose of establishing electric connections at the Middlesex and Dundee Huts; and be it further

RESOLVED, that the County Chairwoman is granted the authority to execute any additional agreements, permits, or related documents necessary to facilitate the electric connection process, including but not limited to service applications, right-of-way agreements, and any associated paperwork; and be it further

RESOLVED, that the County Chairwoman is further authorized to enter into a contract with NYSEG on behalf of the county, wherein the county agrees to pay its portion of the monthly electric bill for the Middlesex and Dundee Huts; and be it further

RESOLVED, that a copy of this resolution shall be provided to the County Chairwoman, NYSEG, the Planning Dept and any other relevant parties involved in the electric connection process for the Middlesex and Dundee Huts.

VOTE: Unanimous

RESOLUTION NO. 310-23

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

RESOLUTION ACCEPTING PASSERO ASSOCIATES CONSULTANT FEE FOR TERMINAL APRON CONSTRUCTION AS REASONABLE (FAA PROJECT NUMBER 3-36-0094-XX-23)

WHEREAS, Yates County has received a grant from the FAA for the rehabilitation of the Penn Yan – Yates County Airport Terminal Apron; and

WHEREAS, Passero Associates has submitted a consultant fee for the construction phase of this project in the amount of \$65,000 for inspections and \$6,500 for administration for a total of \$71,500; and

WHEREAS, the FAA requires a “letter of reasonableness” from the County accepting the Passero fee; and

WHEREAS, the current County Airport Engineering Consultant, C&S Companies, agreed to do an informal IFE review and determined based on their estimate of inspections, grant work, testing, travel time that a \$70,000 fee would be reasonable,

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature agrees the Passero Associates fee of \$71,500 is reasonable; and

RESOLVED, that copies of this resolution be furnished to the Airport Council, Passero Associates, C&S Companies, and to the FAA via Passero.

VOTE: Unanimous

RESOLUTION NO. 311-23

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

AUTHORIZE A LETTER OF SUPPORT FOR THE FINGERLAKES LAND TRUST TO SUBMIT AN APPLICATION TO NYS DEPT OF AG AND MARKETS FOR THE PURCHASE OF CONSERVATION EASEMENTS ON TWO HALLINGS FAMILY FARM PARCELS

WHEREAS, the Finger Lakes Land Trust has requested a letter of support from the County Planner, for the purchase of 2 conservation easements totaling 195.2 acre on 2 Hallings’ Family Farm parcels; and

WHEREAS, the two parcels are #62.03-1-9.2, 2673 Old Route 14A, 102 Acres, owned by Christine & Ryan Hallings and #73.04-1-2.11, (no address), 93.2 Acres, owned by Dale & Karen Hallings; and

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

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

WHEREAS, the USDA soil report classifies the soils on this property as a mix of 3 classifications; “Farmland of Statewide Importance”, “All Areas are Prime Farmland,” and “Prime Farmland if Drained;”

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

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

VOTE: Unanimous

RESOLUTION NO. 312-23

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

AUTHORIZING THE COUNTY PLANNER TO SUBMIT ALL REQUIRED SEQRA AND NEPA FORMS TO THE OFFICE OF COMMUNITY RENEWAL FOR A COMMUNITY DEVELOPMENT BLOCK GRANT ON BEHALF OF THE CERTIFYING OFFICER AND YATES COUNTY

WHEREAS, Yates County is applying for a grant from the Community Development Block Grant (CDBG Well and Septic Grant) Program; and

WHEREAS, Section 3 part D of the New York State Community Development Block Grant Program Document: Request for Applications, states: “All CDBG projects will be required to submit an Environmental Review Record (ERR) for the National Environmental Policy Act (NEPA) and State Environmental Quality Review Act (SEQRA) at the time of application; and

WHEREAS, such SEQRA actions are listed as a Type II action under 6NYCRR Section 617.4; and

WHEREAS, the grant activities under the NEPA review are Exempt Activities [24CFR58.34] like Administration and Management activities [58.34(a)(3)] or “Categorically Excluded Activities [24 CFR 58.35(a)] such as “Rehabilitation of buildings and improvements for residential use...[58.35(a)(3)(ii)];

NOW, THEREFORE, BE IT RESOLVED, that the Certifying Officer is hereby authorized to sign all the environmental certification forms; and be it further

RESOLVED, that the Planner is hereby authorized to submit the SEQRA and NEPA documentation to the Department of Housing and Community Renewal in support of the Community Development Block Grant that provides funding for the Well and Septic Program; and be it further

RESOLVED, a copy of this resolution shall be forwarded to the County Administrator, the County Treasurer and the County Planner.

VOTE: Unanimous

RESOLUTION NO. 313-23

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

DISCUSSION:

Mr. Button stated they need to thank Mr. Ayers as he brought this before committee, realized that it was going to be a lot to do, and had it done by Monday.

DESIGNATE THE COUNTY ADMINISTRATOR AS THE CERTIFYING OFFICER FOR THE 2023 SEPTIC AND WELL COMMUNITY DEVELOPMENT BLOCK GRANT

WHEREAS, it is the desire of Yates County to submit an application for the 2023 New York State Community Development Block Grant (CDBG) program and to get funding to replace well and septic systems for low and moderate income families; and

WHEREAS, the office of CDBG requires that Yates County designate a “Certifying Officer” to oversee the environmental review component of the grant;

NOW, THEREFORE, BE IT RESOLVED, that the County Administrator is designated as the Certifying Officer for the Community Development Block Grant; and be it further

RESOLVED, that Yates County’s Certifying Officer be hereby authorized to sign the application and all CDBG documents that call for a Certifying Officer; and be it further

RESOLVED, copies of this resolution be given to the County Administrator, the County Planner, and the Keuka Housing Council.

VOTE: Unanimous

RESOLUTION NO. 314-23

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

DISCUSSION:

Mr. Holgate stated this is where he was going to actually thank Jeff. Good job. Put this on very quickly and got it done.

SET THE DATE FOR A PUBLIC HEARING TO DISCUSS THE POSSIBILITY OF SUBMITTING AN APPLICATION TO THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

WHEREAS, it is the desire of Yates County to submit an application for the 2023 New York State Community Development Block Grant (CDBG) program and to get funding to replace well and septic systems for low and moderate income families; and

WHEREAS, the process for completing a CDBG application involves holding one public hearing prior to the submission of any applications for the purpose of hearing public comments on the community's development needs and to discuss the possible submission of the proposed grant;

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature will hold a Public Hearing on the CDBG application in the Legislative Chambers, 417 Liberty Street, Penn Yan, NY at 1:05 pm on July 10th, 2023; and be it further

RESOLVED, that the Clerk of the Legislature is directed to publish or cause to be published a Public Hearing notice in the official newspapers of the County before July 3rd, 2023.
VOTE: Unanimous

PUBLIC COMMENT

Patrick, last name unknown, stated that as a resident and on behalf of Local 1, 8, 6, 9, of the Yates County Sheriff's Office Road Patrol, they respectfully request that the Health Care Plan, referenced by Mr. Killen, be revisited by the legislative body as a cost savings measure to the County and a positive opportunity for the employees.

Mr. Killen stated to be assured things will be continue to be discussed, it's not over.

Mr. Button stated that he just wanted to point out, as he thinks he has said it before that offering the opportunity to open up public comment again at the end of the meeting makes a big difference. The public has asked him about that, and he commends Chairwoman Church for doing that because people have another opportunity to hear what goes on through the meeting, so he appreciates it.

Robert Beach stated that he is there to support the Road Patrol Union, as he is a member of the Emergency Communications Union with the sheriff's office to revisit the health care consortium plan that was talked about as well.

Mr. Killen stated that he would note that he did share the joint letter that was published by the representatives of the Union. He shared that with all the legislators, they're aware of that.

John Prendergast stated that he would like to state, his thank you for the resolution that they put forth for the emergency resolution on the illegal immigrants that eventually are going to be there. The problem has been coming at them for over the last year, and it's pure failure of Joe Biden, his administration a lot, not locking down the rest of the border, allowing unabated people into this country, over 5 million by most counts got away at least another 1 million. President of Mexico, says he now has at least 20 million citizens that are there. Now they've got a committee, and they're looking at how it's going to handle. First thing that they need to do is find out where they're going to get them, get money. People are saying 50 people, that's one bus load on Route 14, he saw unmarked buses, white buses going up there. These are the same buses they see down on the border, picking them up. There's no lettering on it, there's nothing these, they look the same. They're heading up, he doesn't know where they're going hopefully, damn well to Canada, but they're going to have them there in Yates County. They are going to have to find

out where the money is coming from. 5 million of them getting at least \$800 a month, 4 billion dollars a month in the United States. What happens if they drop 2,600 there, 10% of their county. He's not against immigration, they are all sons, grandsons, third generation, maybe second generation, fourth generation of immigrants. They all get along and people will assimilate. He doesn't have a problem with that. He is telling them first thing on their agenda with their committee should be to find out where the money is coming from.

Claudia Guthrie stated that what she wants to know is where is the evidence? First of all, that they have illegal immigrants coming there. If they're declaring an emergency declaration, then obviously, there's an emergency, and there's some evidence of an emergency. According to the Governor's office, New York City has to notify them before they send anybody there. They also have to take care of their initial food and provisions. They also have to make arrangements. She doesn't see that this is so uncoordinated delivery. They don't know where the evidence is for illegal immigrants, and they've been locked together with asylum seekers. Asylum seekers have a right to seek asylum, that's not illegal. She just would like to see the evidence for this, but making these statements, there's a hundred, and like 7,000 cities, nice country that if you take the number of the backlog of asylum seekers, that's something like 7 or 10 people per city. She certainly thinks that this city could handle 7 or 10 people. Obviously, some cities have more resources than others. Some can take more, some can take less. But it isn't for one city to have all that responsibility, whether it's cities on the boarder or their city. There's no reason that they can't take a few people.

Chairwoman Church stated that as per their Social Services Director, they have a difficult time housing Yates County residents that are homeless. So they don't have enough housing for their Yates County homeless people here in the county. It's a big challenge, so all of that has to be looked at fairly.

Alex Andrasik stated that he just believes that given the known difficulties that some counties have versus others, it doesn't seem likely that they're going to be a destination determined by whatever body the city, the State. That's good to be prepared, and he fully supports that, but the idea of sort of getting their hair on fire about unmarked buses and things of that nature coming to Yates County when there's no basis in reality for any of that. He thinks that should not be taken too much into consideration. Border crossings in in Mexico have been down 50% since title 42 expired about a month ago. It's a crisis, it's something that needs to be dealt with, but he doesn't see the emergency for them in Yates County.

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

1. The employment history of a particular individual, attendees being members of the legislature, the County Administrator and the Assistant County Administrator;
2. The proposed acquisition, sale or lease of real property, attendees being members of the legislature, the County Administrator and the Assistant County Administrator.

Seconded by Mr. Bronson.

VOTE: Unanimous

Meeting adjourned at 3:00 p.m.