

REGULAR SESSION – MONDAY, JUNE 14, 2021

The Yates County Legislature met in regular session, Monday, June 14, 2021 at 1:00 p.m. with Chairman Paddock presiding and Legislator Church absent.

Annmarie Flannigan, Director of Public Health, updated the Legislature on COVID-19. Annmarie explained that the County is at .1% with only one person in quarantine and we have been at this percentage for several days. Annmarie went on to explain that we still need to be careful. The State is currently at 69% vaccinated and when we hit 70%, the Governor has stated that the restrictions will be lifted. Yates County is now over 50% vaccinated.

Lisa Minns and Tammy Slayton from Yates Transit Service updated the Legislature on Yates Transit activity.

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

Airport Fund	\$ 6,755.96
Finance	\$ 489,652.21
Flint Creek	\$ -0-
Government Operations	\$ 212,126.23
Human Services	\$ 416,515.24
Prior to Audit	\$ 102,234.77
Public Safety	\$ 210,160.30
Public Works	\$ 367,982.24
Total	\$1,805,426.95

Minutes of the May 10, 2021 meeting were approved as presented.

COMMITTEE REPORTS

Mr. Banach stated that fishing season has started, and a 30-pound trout was caught on the Yates County end of Canandaigua Lake.

Mr. Gleason reported that June 14 is Flag Day and the birthday of the US Army.

Mr. Bronson thanked the I.T. Department for all their work in getting the email back up and working.

Mr. Cutler reported he attended the quarterly meeting of the Genesee Finger Lakes Regional Planning Council where project updates were given. The Council continues to recruit for and executive director. Mr. Cutler will be chair for another year. Mr. Cutler reported there was another car vs. horse and buggy accident that had one fatality.

Mr. Button reported the next Flint Creek meeting would be held in Gorham in July. Mr. Button also reported he attended Torrey, Benton and Potter's town board meetings.

County Administrator Flynn reported the Yates County Tourism grants are available through the Chamber's website or in person at the Chamber. The applications for the funding are due August 20 by 4:00 p.m.

Ms. Flynn reported she did a FOIL request to the New York State Department of Health because we have not received the Medicaid funding that was passed from the Federal Government to the State since 2016. Ms. Flynn requested the reconciliation that the Department of Health has done since 2016. Ms. Flynn received the reconciliation for four of the fiscal years; they still have not reconciled 2020 and 2021. Yates County is owed over \$700,000 in Medicaid funding from the State. There is no time frame as to when the County will receive this funding.

Ms. Flynn went on to report that the County received the funding from the American Rescue Plan. However, the Towns and Villages have not received their funding yet. The State has received the funding from the Federal Government and has 30 days to distribute the funding to the Towns and Villages; however, the State can request another 30 day extension before they give the money to the Towns and Villages. Ms. Flynn sent an email to Senator Schumer's office thanking him for having this funding come directly to the counties and not going through New York State, and let him know that funding is being held to the Towns and Villages.

Ms. Flynn reported the Governor made an announcement on the Public Safety Emergency Communications Funding. This is for fiscal year 2021 and is revenue that should be coming to the Counties from the surcharge on cell phones. Yates County will be receiving over \$209,000 and we are the 10th highest in New York State.

PUBLIC COMMENT

John Prendergast addressed the Legislature regarding Resolution 250-21, which urges Governor Cuomo to not sign New York State Senate Bill S7196/Assembly Bill A6762, which would allow individuals or whomever to sue Rem Arms LLC or any of the gun manufacturers and sellers across NYS. Mr. Prendergast is in favor of this resolution, as it is just another way to circumvent the second amendment.

Mr. Prendergast also urged the Legislature to not approve legislation on cryptocurrency.

Chairman Paddock stated the resolution from Schuyler County on cryptocurrency was introduced last month at Inter-County. Yates County has forwarded additional information to the members of the Inter-County Association of Western New York. The proposed resolution from Schuyler County was tabled last month, so it will be addressed this month.

RESOLUTION NO. 213-21

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

AUTHORIZE CHAIRMAN TO SIGN MEMORANDUM OF UNDERSTANDING (CSEA)

WHEREAS, the Probation Director has presented to the Public Safety Committee justification for the title of Probation Assistant to be moved from Group IV of the CSEA Non-Highway and Highway Clerical Employee Salary Schedule to Group IX;

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

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

VOTE: Unanimous

RESOLUTION NO. 214-21

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

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

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

WHEREAS, Mr. Schaffer's attendance for such training is required for the time period of June 14, 2021 to November 16, 2021; and

WHEREAS, Mr. Schaffer will exhaust his Military Leave Time and his County issued accrual time effective July 24, 2021;

NOW, THEREFORE, BE IT RESOLVED, that Corrections Officer, Mason Schaffer, be granted a Military Leave of Absence without pay effective July 25, 2021 for a time period not to exceed November 18, 2021; and be it further

RESOLVED, that copies of this resolution be given to Mr. Schaffer, Sheriff, Personnel Officer, County Administrator and County Treasurer.

VOTE: Unanimous

RESOLUTION NO. 215-21

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

**GRANT UNPAID LEAVE OF ABSENCE
(M. Scouten)**

BE IT RESOLVED, that employee M. Scouten is hereby granted an unpaid leave of absence on August 2, 3 and 4 and September 9 and 10; and be it further

RESOLVED, that a copy of this resolution be given to Ms. Scouten, Director of Public Health, Personnel Officer, County Administrator and County Treasurer.

VOTE: Unanimous

RESOLUTION NO. 216-21

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

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

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

WHEREAS, the resolution is in need of additional amendments; and

WHEREAS, as a result of recruitment difficulty, the Sheriff requested authorization to increase the hourly rate of pay for the positions of part-time Animal Control Officer and Marine Patrol Officer for year one (1) and two (2); and

WHEREAS, the Sheriff requested that a pay rate be set for a Vessel Operator position;

NOW, THEREFORE, BE IT RESOLVED, that effective June 14, 2021, “Animal Control Officer (*Part-Time*)...\$16.00” be amended to “Animal Control Officer (*Part-Time*)...\$17.00”; and be it further

RESOLVED, “Marine Patrol Officer (*Seasonal*)...Year 1-\$16.08, Year 2-\$16.71” be amended to “Marine Patrol Officer (*Seasonal*)...Year 1-\$18.86, Year 2-\$19.95”; and be it further

RESOLVED, “Vessel Operator...\$16.71, be added after “SPOA Coordinator...\$57.00”; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 217-21

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

AUTHORIZE SHERIFF TO FILL CORRECTION OFFICER POSITION

WHEREAS, as the result of a Correction Officer’s Military Leave of absence commencing on June 4, 2021 for a period not to exceed November 18, 2021, the Sheriff is requesting authorization to fill a pre-existing Correction Officer vacant position; and

WHEREAS, the Sheriff currently has three (3) vacant positions he has not otherwise received authorization to fill and through the vacancy review process, the Sheriff has identified the need to fill one (1) of the vacant Correction Officer positions and is requesting that the position be filled; and

WHEREAS, the estimated cost to fill the position, including fringe, is \$59,671 to \$79,984, depending on health insurance;

NOW, THEREFORE, BE IT RESOLVED, that effective June 14, 2021 the Sheriff is hereby approved to fill a Correction Officer position; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 218-21

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

AUTHORIZE SHERIFF TO FILL EMERGENCY SERVICES DISPATCHER POSITION

WHEREAS, an Emergency Services Dispatcher vacancy was created on May 25, 2021 as the result of a resignation; and

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

WHEREAS, the estimated cost to fill the position, including fringe is \$58,431 to \$78,745, depending on health insurance;

NOW, THEREFORE, BE IT RESOLVED, that effective June 14, 2021 the Sheriff is hereby approved to fill the Emergency Services Dispatcher position; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 219-21

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

AUTHORIZE SHERIFF TO CREATE AND FILL VESSEL OPERATOR POSITION

WHEREAS, the Department of Criminal Justice Services (DCJS) considers a Marine Patrol Officer a Peace Officer and as a result, individuals occupying said position are mandated to complete approximately one-hundred-sixty-eight (168) hours of training each year in order to obtain their certification to maintain their Peace Officer status; and

WHEREAS, due to COVID-19, a current Marine Patrol Officer was granted a Peace Officer certification extension as a result of being unable to complete his annual training; and

WHEREAS, the Sheriff has requested an additional extension but should his request be denied, the employee is set to lose his Peace Officer status; and

WHEREAS, as a result of recruitment and retention difficulty the Sheriff has requested to create and fill a Vessel Operator position that is not classified as a Peace Officer; and

WHEREAS, the estimated cost to fill the position, including fringe, is \$9,868;

NOW, THEREFORE, BE IT RESOLVED, effective June 14, 2021 the Sheriff is hereby authorized to create and fill a Vessel Operator position; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 220-21

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

Mr. Bronson stated he would not be supporting this resolution. He believes the Town of Jerusalem should be hiring their own assessor through their Town Board.

Ms. Chilson asked for feedback on the resolution. Chairman Paddock explained the Town of Jerusalem came to the County and asked if we could assist in hiring an assessor and having it within the Real Property Tax Office. We are in the process of setting up a meeting with the Town of Jerusalem to review a proposed contract with them.

Mr. Button stated that he will not be supporting this resolution but appreciates Ms. Kincaid's work.

Chairman Paddock explained that there is no reason why the County can't go forward on a parallel path, while the discussion is ongoing relative to the proposed contract, we can also be recruiting for the position.

Ms. Chilson questioned if the position were filled and the Town was able to come up with an assessor would this position then be null and void. Chairman Paddock explained that if the Town and County were unable to come to an agreement then there would not be a county assessor position.

Mr. Willson stated that he believes this is premature. Negotiations between the Town and the County need to occur first. There are too many hidden expenses that need to be dealt with. He will not support this resolution.

**AUTHORIZE DIRECTOR OF REAL PROPERTY TAX SERVICES TO CREATE AND
FILL AN ASSESSOR POSITION**

WHEREAS, the Town of Jerusalem, located in Yates County is an assessing unit; and

WHEREAS, the Town of Jerusalem has expressed an interest in negotiating an agreement with Yates County, per RPTL 1537, to provide assessment services for the town; and

WHEREAS, the Director of Real Property through the position review process has identified the need to create and fill an Assessor position; and

WHEREAS, per Real Property Tax Law §310.2 the term of office for an Assessor shall be six (6) years commencing on the first day of October, nineteen-hundred seventy-one (1971) and each sixth year thereafter; and

WHEREAS, the estimated cost to fill the position, including fringe, is between \$70,000 and \$100,000 depending on health insurance;

NOW, THEREFORE, BE IT RESOLVED, that effective June 14, 2021 the Director of Real Property is hereby authorized to create and fill a full-time Assessor position; and be it further

RESOLVED, that the position of Assessor is charged by NYS law with the duty of assessing real property for an assessing unit for the purposes of taxation and special *ad valorem* levies; and be it further

RESOLVED, due to the authority the Assessor position carries, the County has deemed the position as confidential/policy influencing, and therefore, the position will be deemed Non-Union Non-Exempt; and be it further

RESOLVED, that copies of this resolution shall be provided to the Director of Real Property Tax Services, Personnel Officer, County Administrator, and County Treasurer.
VOTE: Roll Call – Killen, Cutler, Chilson, Banach, Holgate, Percy, Harper, Paddock voting “Yes”; Bronson, Gleason, Multer, Button, Willson voting “No”. Motion carried.

RESOLUTION NO. 221-21

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

AUTHORIZE COUNTY TREASURER TO FILL DEPUTY TREASURER POSITION

WHEREAS, a Deputy Treasurer position became vacant effective May 28, 2021 as the result of a resignation; and

WHEREAS, the County Treasurer through the vacancy review process has identified the need to refill the Deputy Treasurer position to ensure adequacy and efficiency with the financial operations of the County and is requesting that the position be filled; and

WHEREAS, the estimated cost to fill the position including fringe, is between \$113,000 and \$134,000, depending on health insurance benefits;

NOW, THEREFORE, BE IT RESOLVED, effective June 14, 2021 the County Treasurer is hereby authorized to fill a full-time Deputy Treasurer position; and be it further

RESOLVED, that copies of this resolution be given to the Personnel Officer, County Administrator and County Treasurer.
VOTE: Unanimous

RESOLUTION NO. 222-21

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

AUTHORIZE DISTRICT ATTORNEY TO CREATE AND FILL ASSISTANT DISTRICT ATTORNEY POSITION

WHEREAS, the District Attorney has requested to create and fill a full-time Assistant District Attorney position; and

WHEREAS, the District Attorney through the position review process has identified the need to create and fill an Assistant District Attorney position to ensure public safety enforcement is upheld; and

WHEREAS, as a result of the 2020 Criminal Justice Reform local governments were forced to hire additional legal personnel to sustain the increase in workload, which additionally is now causing a ripple effect that plagues New York State local governments as we are all struggling to recruit and retain attorneys; and

WHEREAS, due to the increase in demand for attorneys, to compete as a contender with other local governments, the District Attorney is requesting the salary for the position be increased to be commensurate with experience; and

WHEREAS, the estimated cost to fill the position, including fringe, is \$89,800 to \$108,751, depending on health insurance;

NOW, THEREFORE, BE IT RESOLVED, effective June 14, 2021 the District Attorney is hereby authorized to create and fill a full-time Assistant District Attorney position; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 223-21

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

AUTHORIZE COMMISSIONER OF SOCIAL SERVICES TO FILL ACCOUNT CLERK TYPIST POSITION

WHEREAS, an Account Clerk Typist position will become vacant effective June 18, 2021 as the result of a resignation; and

WHEREAS, the Commissioner of Social Services through the vacancy review process has identified the need to refill the Account Clerk Typist position and is requesting that the position be filled; and

WHEREAS, the estimated cost to fill the position, including fringe, is \$42,379 to \$62,692, depending on health insurance; with the 80% reimbursement the cost to the County is \$8,476 to \$12,539;

NOW, THEREFORE, BE IT RESOLVED, effective June 14, 2021 the Commissioner of Social Services is hereby authorized to fill a full-time Account Clerk Typist position; and be it further

RESOLVED, that copies of this Resolution be given to the Commissioner of Social Services, Personnel Officer, County Administrator, and County Treasurer.

VOTE: Unanimous

RESOLUTION NO. 224-21

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

AUTHORIZE THE LEGISLATURE TO CREATE AND FILL CLERK OF THE LEGISLATURE POSITION

WHEREAS, the Legislature has requested to create and fill a full-time Clerk of the Legislature position due to an anticipated vacancy that will occur on December 31, 2021 as the result of a retirement; and

WHEREAS, the Legislature has identified the need to create the Clerk of the Legislature position for efficient and effective succession planning and is requesting that the position be filled; and

WHEREAS, the cost to fill the position will be commensurate with experience;

NOW, THEREFORE, BE IT RESOLVED, effective June 14, 2021 the Legislature is hereby authorized to create and fill a full-time Clerk of the Legislature position; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 225-21

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

AUTHORIZE CHAIRMAN TO SIGN CONTRACT INCLUDING A MASTER SERVICES AGREEMENT (MSA) AND NONDISCLOSURE AGREEMENT FOR STORAGE AREA NETWORK REPLACEMENT AND INSTALLATION SERVICES (Mainline Information Systems, Inc.)

WHEREAS, the I.T. department has identified a need to replace our current End-of-Life and End-of-Support Storage Area Network (SAN) equipment; and

WHEREAS, the I.T. department received a quote from Mainline Information Systems, Inc. of Tallahassee, Florida for \$122,874.02 under NYS OGS contract; and

WHEREAS, in order to provide services and installation support, Mainline requires a master services agreement (MSA) in addition to a nondisclosure agreement (NDA) required by Yates County;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney the Chairman of the Legislature is hereby authorized to sign a contract including an MSA and NDA with Mainline Information Systems, Inc. of Tallahassee, FL for an 84TB primary SAN and an 42TB secondary SAN including installation services and 5-years support at a cost not to exceed \$122,874.02; and be it further

RESOLVED, that a copy of this resolution be furnished to the County Treasurer, Information Technology Director and Mainline Information Systems, Inc.

VOTE: Unanimous with Mr. Button abstaining.

RESOLUTION NO. 226-21

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

AUTHORIZE CHAIRMAN TO SIGN CONTRACT FOR SECURITY INFORMATION AND EVENT MANAGEMENT (SIEM) AND INSTALLATION SERVICES (Sedara Security)

WHEREAS, the I.T. department has identified a need to enhance our current security information and event management (SIEM) solution to include advanced 24/7 monitoring for increased security of the county network; and

WHEREAS, the I.T. department received a quote from Sedara Security of Buffalo, NY for a two (2) year contract under the NCPA contract as follows;

- Year 1 for 250 MPS Cloud SIEM MDR Service and monitoring – \$27,883.46
- Implementation and Onboarding Services – \$4,255.32
- Year 2 for 250 MPS Cloud SIEM MDR Service and monitoring – \$27,883.46

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney the Chairman of the Legislature is hereby authorized to sign a contract including 2-years of services and support at a cost not to exceed \$60,022.24; and be it further

RESOLVED, that a copy of this resolution be furnished to the County Treasurer, Information Technology Director and Mainline Information Systems, Inc.

VOTE: Unanimous

RESOLUTION NO. 227-21

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

AUTHORIZE PURCHASE OF LED SIGN

WHEREAS, Yates County Public Health seeks to sign an agreement to purchase an LED sign for informational and educational outreach to the community members and visitors of Yates County; and

WHEREAS, the purchase is intended for dissemination of information to the public;

NOW, THEREFORE, BE IT RESOLVED, that upon approval of the County Attorney, the Director of Public Health and Chairman of the Legislature are authorized to sign an agreement to purchase an LED sign from the company Genoptic for the purchase price of \$20,544.80 with a total amount not to exceed \$24,999.00 in the event of delivery fees and applicable fees for transportation of the sign; 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. 228-21

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

RENEW RESIDENTIAL SERVICES CONTRACTS FROM JULY 1, 2021- JUNE 30, 2022

WHEREAS, the Department of Social Services is required to pay for children in foster care;

NOW, THEREFORE, BE IT RESOLVED, that contingent on the approval of the County Attorney, the Chairman of the Legislature and the Social Services Commissioner are hereby authorized to sign contracts for residential services for eligible youth at the amended daily rates as shown below, or as adjusted by OCFS (New York State), and at the following institutions as listed below for the time frame July 1, 2021 - June 30, 2022.

Children's Home of Wyoming Conference	Institution	\$329.52
	Emergency	\$348.30
	Group Home	\$331.21/\$260.80
	FBH	\$37.45
Cayuga Home for Children	Therapeutic FBH	\$128.43
	Regular FBH	\$50.34
	HTP Inter Care Institution	\$481.46
Glove House	Regular GH	\$295.47
	Therapeutic FBH	\$78.17
	Regular FBH	\$33.30
Hillside Children's Center	HTP Horton Institution	\$411.99
	HTP Snell Institution	\$358.23
	HTP Varrick Institution	\$683.10
	HTP Grow Institution	\$502.71
	HTP Critical Care Institution	\$410.83
	HTP Crestwood Institution	\$553.14
	Regular FBH	\$38.27
	Therapeutic FBH	\$89.93
House of the Good Shepherd	Emergency Institution	\$530.26
	Therapeutic FBH	\$63.76
Kinship Family and Youth Services	Therapeutic FBH	\$51.10
Northeast Parent and Child Society	Emergency Institution	\$455.74
	Regular GH	\$351.28
	Therapeutic FBH	\$64.04
Pathways Inc.	Therapeutic FBH	\$92.25
Saint Ann's Institute	HTP Institution	\$392.32
Saint Catherine's Center	Program 2-GR	\$358.09
	Regular GH	\$471.42
	Regular FBH	\$42.87
	Therapeutic FBH	\$81.96
Toomey Residential Services	Agency BH	\$292.10
	Therapeutic FBH	\$47.56
Vanderheyden Hall	Regular Institution	\$304.51
	HTP CSE Institution	\$405.50
	Regular GH	\$312.56
	HTP GH	\$402.99

Villa of Hope	HTP Institution	\$466.88
	Regular GH	\$384.48
William George Agency	HTP Institution	\$450.33
	HTP SO Institution	\$570.18
	HTP ME/ED Institution	\$596.33
	HTP Dual Diag Institution	\$633.50
	HTP Integ Res. Focused Inst	\$516.06
	HTP girls Institution	\$567.56

And be it further;

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

VOTE: Unanimous

RESOLUTION NO. 229-21

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

AUTHORIZE WORKFORCE DEVELOPMENT TO ENTER INTO CONTRACT

WHEREAS, The Workforce Innovation and Opportunity Act (WIOA) of 2014 requires an Administrative Agreement between the Chief Elected Officials and the Workforce Investment Board for the allocation of Title I Workforce Innovation and Opportunity Act funds, and for the designation of the Career Center(s); and

WHEREAS, it is necessary for the County to enter into financial contracts with the Finger Lakes Workforce Investment Board Inc., as Grant Recipient for WIOA Title I Administration, Adult and Dislocated Worker funds and for Youth funds as indicated below for the period July 1, 2021-June 30, 2022:

- | | |
|--|----------|
| 1. WIOA Youth | \$65,489 |
| 2. WIOA Adult/Dislocated Worker/ Admin | \$69,148 |

WHEREAS, these budget amounts have been approved by the Finger Lakes Workforce Investment Board, Inc.;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairman of the Legislature is hereby authorized to enter into a contract with the Finger Lakes Workforce Investment Board to administer this funding; and be it be it further

RESOLVED, that certified copies of this resolution be sent to the Finger Lakes Workforce Investment Board Inc., and the Yates County Commissioner of Social Services.

VOTE: Unanimous

RESOLUTION NO. 230-21

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

RENEW CONTRACT WITH CANANDAIGUA DRIVING SCHOOL

WHEREAS, the Department of Social Services assists with driving instruction for eligible individuals;

NOW, THEREFORE, BE IT RESOLVED, that after the approval of the County Attorney, the Chairman of the Legislature and the Social Services Commissioner are hereby authorized to sign a contract with Canandaigua Driving School for the provision of driver training services to eligible clients of the Department of Social Services for the period July 1, 2021-June 30, 2022 at the rates herein identified:

Driving Lessons	
Pick up within 15 miles of the school	\$70.00
Pick up between 16-20 miles of the school	\$80.00
Pick up between 21-30 miles of the school	\$90.00
Road Test/90 Minute Lesson	
Pick up within 15 miles of the school	\$105.00
Pick up between 16-20 miles of the school	\$115.00
Pick up between 21-30 miles of the school	\$125.00

And be it further

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

VOTE: Unanimous

RESOLUTION NO. 231-21

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

AUTHORIZE CONTRACTS FOR OUTREACH FOR THE EMERGENCY RENTAL ASSISTANCE PROGRAM

WHEREAS, the Department of Social Services has been provided with Federal Funding through the New York State Office of Temporary and Disability Assistance for outreach to prevent eviction; and

WHEREAS, the Department of Social Services is interested in contracting with community agencies for those services;

NOW, THEREFORE, BE IT RESOLVED, that after review by the County Attorney, the Chairman of the Legislature and the Social Services Commissioner are hereby authorized to sign contracts with the following agencies for the period of 5/1/21 to 9/30/22;

ProAction of Steuben and Yates Inc.	\$60,000
The Living Well	\$5,000
Our Town Rocks	\$5,500

And be it further

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

VOTE: Unanimous

RESOLUTION NO. 232-21

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

AUTHORIZE WORKFORCE DEVELOPMENT BUDGET ALLOCATIONS

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 amounts be allocated to the 2021-2022 Workforce Budget;

CD6294 1A	Staff Wages	\$6,900
CD69294 8A	Staff Fringe	\$1,807
CD6294 11A	Participant Wages	\$40,774
CD6294 81A	Participant Fringe	\$5,550
CD6294 4A	Operating	\$16640
CD6294.42802	Revenue	\$71,671

And be it further

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

VOTE: Unanimous

RESOLUTION NO. 233-21

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

WORKFORCE DEVELOPMENT BUDGET TRANSFER

BE IT RESOLVED, that the following transfers be made in the Yates County Workforce Development account:

FROM:	CD6293 41F	Operating	\$750
	CD6293 11F	Participant Wage	\$750
TO:	CD629 31F	Staff Wage	\$750
	CD6293 8F		\$750

And be it further;

RESOLVED, that copies of this resolution be provided to the DSS Commissioner and the Yates County Treasurer.

VOTE: Unanimous

RESOLUTION NO. 234-21

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

AUTHORIZE CONTRACT WITH SAFE HARBORS FOR NON-RESIDENTIAL DOMESTIC VIOLENCE SERVICES

WHEREAS, the Department of Social Services is required by regulation to provide non-residential domestic violence services to Yates County residents; and

WHEREAS, the Department of Social Services is interested in contracting with Safe Harbors of the Finger Lakes for these services;

NOW, THEREFORE, BE IT RESOLVED, that after review by the County Attorney, the Chairman of the Legislature and the Social Services Commissioner are hereby authorized to sign a contract with Safe Harbors at an amount not to exceed \$25,000 for the period of 7/1/21-6/30/22; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 235-21

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

APPROVAL OF FINGER LAKES LOCAL PLAN

WHEREAS, the New York State Department of Labor Division of Employment and Workforce Solutions has requested that local areas complete and submit the Workforce Investment Innovation and Opportunity Act (WIOA) Local Plan for the period July 1, 2021 – June 30, 2025; and

WHEREAS, the draft Local Plan was available for public review for 30 days; and

WHEREAS, the final plan submission date is June 25, 2021; and

WHEREAS, the Local Plan must be signed by the Chief Elected Officials and the Finger Lakes Workforce Investment Board Chair;

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature authorizes the Chairman of the Legislature Chief Elected Official to sign the necessary plan documents for publication and submission; and be it further

RESOLVED, that the Yates County Legislature authorizes the Chairperson of the Finger Lakes Workforce Investment Board, Rick Plympton, to sign the plan on behalf of the Finger Lakes Workforce Investment Board, Inc.; and be it further

RESOLVED, that copies of this resolution be sent to the Workforce Investment Board and the Commissioner of Social Services.

VOTE: Unanimous

RESOLUTION NO. 236-21

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

RECOGNITION OF NEW YORK STATE WOMEN VETERANS

WHEREAS, Seventy-Three years ago, on June 12, 1948, President Harry S. Truman signed into law the Women's Armed Services Act of 1948 (P.L. 625-80th Congress); this law ensured that women would have a permanent place in the Army, Navy, Air Force and Marines; and

WHEREAS, Women have always answered the call to duty, serving The United States of America with integrity and respect; and

WHEREAS, Women make up nearly 15% of today's active duty military; 19.5% of the United States Coast Guard and United States Reserve forces are women; and

WHEREAS, Women from New York who have served in the Armed Forces of the United States have made countless contributions and tremendous sacrifices; and

WHEREAS, it is important to recognize the contributions of New York women veterans and educate the people of New York concerning the role of women in our military; and

WHEREAS, Women serving in the military continue to demonstrate their professionalism, dedication, leadership, and skills, as well as the patriotism and love for their country as they mobilize in record numbers to support Operation Noble Eagle, Operation Enduring Freedom, Operation Iraqi Freedom, Operation New Dawn, Operation Inherent Resolve and the Global War on Terrorism; and

WHEREAS, among the Armed Forces, there are estimated 62,893 women veterans in the State of New York and approximately 100 women veterans in Yates County; and

WHEREAS, Women have served this country in uniform, during wartime and peacetime service, and have earned our respect and thanks; and

WHEREAS, through its avowed commitment to those who have served in the cause of America's Freedom, Women Veterans Recognition Day does so unselfishly advance the spirit of the united purpose and shared concern which is the unalterable manifestation of our American experience;

NOW, THEREFORE, BE IT RESOLVED, that this Legislative Body pauses in its deliberations to the bravery, patriotism and sacrifice made by women, both those still living and those who died in service of our great country; and most proudly commemorates the 73rd Anniversary of the signing of the Women's Armed Forces Act of 1948, which later came to be known as Women Veterans Recognition Day; and be it further

RESOLVED, that the Yates County Legislature, in patriotic tradition, recognizes the importance of honoring all Yates County Women Veterans who served in battle and on the home front and acknowledges the immeasurable sacrifices that helped to preserve freedom.

VOTE: Unanimous

RESOLUTION NO. 237-21

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

AUTHORIZE CHAIRMAN TO SIGN CONTRACT WITH EMPIRE ACCESS CORPORATION

WHEREAS, the County has the dark fiber network's point of presence (POP) in the basement of the County Office Building; and

WHEREAS, Yates County has leased space in the POP to Empire Access Corporation for the past five years and the agreement is due to expire;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairman of the Legislature is authorized to enter into an agreement with the Empire Access Corporation to lease space in the County Office Building POP; and be it further

RESOLVED, that said contract will run from 7/1/21 to 6/30/26 at a rate of \$200 per month; and be it further

RESOLVED, that copies of this resolution be provided to Empire Access Corporation and the Building Maintenance Supervisor.

VOTE: Unanimous

RESOLUTION NO. 238-21

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

AUTHORIZE DIRECT ENERGY NATURAL GAS CONTRACT

WHEREAS, Yates County's contract for natural gas supply is ending in July 2021 for the Yates County facility in Penn Yan; and

WHEREAS, bids were received through the Municipal Electric and Gas Alliance bidding process; and

WHEREAS, Direct Energy Business was the low bidder and the variable price with a cap per dekatherm delivered to the NYSEG city gate will be set on the day the contract is signed and the term shall be for three years;

NOW, THEREFORE, BE IT RESOLVED, the contract for Natural Gas be granted to Direct Energy Business and the Chairman of the Legislature is authorized to sign said contract upon the approval of the County Attorney; and be it further

RESOLVED, that copies of this resolution be given to the Building Maintenance Supervisor.

VOTE: Unanimous

RESOLUTION NO. 239-21

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

Mr. Button stated a lot of money was put into this asset and were told it was in good shape last year and going forward. Mr. Button feels that Cummins Northeast needs to be aware that they are not giving us good customer support and customer services on this. If the gaskets were

defective when they installed them, then they have not done a good job in supporting Yates County.

AUTHORIZE CHAIRMAN TO SIGN CONTRACT FOR REPAIRS TO GENERATOR SET

WHEREAS, the Building Maintenance Supervisor has reported to the Public Works Committee that repairs are required on the generator set that provides emergency power to the Courthouse and County Office Building; and

WHEREAS, the Building Maintenance Supervisor has received a quote from Cummins Sales and Service for the repairs in the amount of \$22,772; and

WHEREAS, Cummins Sales and Service is the only authorized service provider in this area and the County has a preventive maintenance agreement in place with them;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairman of the Legislature is hereby authorized to enter into a contract with Cummins Sales and Service to perform repairs on the generator systems for the Courthouse, County Office Building and Buildings & Grounds; and be it further

RESOLVED, that said contract will run from 6-14-21 to 12-31-21 for a total sum of not to exceed \$22,772; and be it further

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

RESOLUTION NO. 240-21

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, 2020 to March 31, 2021;

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			\$448,179.50	
	Recording Officer's Expense			\$15,156.91	
	Treasurer's Expense				
	Interest Received			\$182.14	
	Adj and refunds				
	Net amount of Distribution			\$433,204.73	
Town	Net After	To Towns	Village	To Village	Total
Barrington	\$58,556.36	\$58,556.36			\$58,556.36

Benton	\$46,881.43	\$45,537.58	Penn Yan	\$1,343.85	\$46,881.43
Italy	\$11,579.27	\$11,579.27			\$11,579.27
Jerusalem	\$114,648.36	\$114,274.27	Penn Yan	\$374.09	\$114,648.36
Middlesex	\$48,576.83	\$48,576.83			\$48,576.83
Milo	\$70,499.52	\$57,185.65	Penn Yan	\$13,313.87	\$70,499.52
Potter	\$12,986.10	\$12,413.59	Rushville	\$572.51	\$12,986.10
Starkey	\$50,611.49	\$45,478.36	Dundee	\$5,133.13	\$50,611.49
Torrey	<u>\$18,865.37</u>	<u>\$18,323.65</u>	Dresden	<u>\$541.72</u>	<u>\$18,865.37</u>
	\$433,204.73	\$411,925.57		\$21,279.16	\$433,204.73

VOTE: Unanimous

RESOLUTION NO. 241-21

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

2021 BUDGET TRANSFERS

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

From:	To:	Amount:
A1990.54905 CONTINGENT	A1910.54923 Unallocated ins.	\$10,248.36

And be it further

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

VOTE: Unanimous

RESOLUTION NO. 242-21

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

APPROPRIATE ADDITIONAL REVENUE

WHEREAS, Yates County has been awarded additional revenue from the U.S. governmental program American Rescue Plan in the amount of \$2,419,529; and

WHEREAS, these additional funds are not part of the 2021 budget;

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

Revenue:		
A9999.44089	Other Federal Aid	\$2,419,529
Appropriation:		
A878.B	Building Reserve Fund	\$2,419,529

And be it further

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

VOTE: Unanimous

RESOLUTION NO. 243-21

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

RESERVE BALANCE TRANSFER

WHEREAS, the use of the Infrastructure Reserve for the updating of infrastructure incorporates the use of the Communications Reserve for updating communications systems; and

WHEREAS, the Yates County Legislature wishes to combine the two reserves into one reserve;

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

From: Communications Reserve A878.C	\$111,233.66
To: Infrastructure Reserve A878.I	\$111,233.66

And be it further

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

VOTE: Unanimous

RESOLUTION NO. 244-21

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

AUTHORIZE ASSIGNMENT OF FUND BALANCE

WHEREAS, Resolution 432-11, Fund Balance Policy, authorizes the Treasurer to assign funds for specific purposes; and

WHEREAS, Resolution 191-03 established the assignment of \$5 million into “unappropriated unreserved General Fund balance”, which is no longer deemed necessary due to the unassigned fund balance policy under Resolution 169-17; and

WHEREAS, the unassigned fund balance in the General Fund at the end of 2020 was \$15,041,943, within the level defined in Resolution 169-17 of \$9 million to \$18 million based on 2021 budgeted General Fund expenditures of \$36 million, but approximately \$1 million above the amount recommended by the Yates County Treasurer; and

WHEREAS, the Yates County Legislature wishes to appropriate the amount of \$6 million, comprised of the \$5 million from assigned General Fund balance and the excess unassigned fund balance of \$1 million, toward any possible future needs;

NOW, THEREFORE, BE IT RESOLVED, that the County Treasurer be, and hereby is, authorized to transfer \$1 million from the unassigned and \$5 million from the assigned general fund balance to the following funds:

Building Reserve Fund:	\$4,600,000
Infrastructure Reserve Fund:	\$1,400,000

And, be it further

RESOLVED, that a copy of this resolution be given to the County Treasurer/Budget Officer.

VOTE: Unanimous

RESOLUTION NO. 245-21

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

ADOPT GENERAL FUND BALANCE OBJECTIVE

WHEREAS, Resolution 191-03 adopted the Yates County General Fund Balance Objective of maintaining a \$5 million balance in assigned fund balance; and

WHEREAS, Resolution 169-17 updated the levels of unrestricted fund balance in the policy; and

WHEREAS, Resolution 207-19 corrected Resolution 169-17 to refer to the level of unassigned fund balance, instead of the unrestricted fund balance;

WHEREAS, the Yates County Legislature wished to rescind Resolution 191-03, 169-17 and 207-19 and create a new fund balance objective;

NOW, THEREFORE BE IT RESOLVED that the Legislature hereby adopts a fiscal policy that will meet specific targets for ensuring accounting and fiscal stability taking into account risk factors such as the predictability of future revenues, the volatility of expenditures, exposure to significant one-time outlays, legal claims and liquidity concerns as follows:

1. Fund balance size and stability are important factors to credit markets when they determine the credit rating of Yates County debt instruments, which in turn affects the interest rate that taxpayers must pay for borrowed funds for many years.
2. An adequate fund balance enables the County to respond to unforeseen negative events and to level out the impact of those events on taxpayers and service-delivery recipients.
3. An adequate fund balance makes possible a cash position that is viewed by credit markets as healthy and avoids unnecessary staff time for accounting.
4. Adequate fund balance avoids the costs of borrowing and generates interest earnings.
5. Adequate fund balance provides sufficient cash flow for daily financial needs and to offset significant economic downturns or revenue shortfalls.
6. The County will strive to maintain an unassigned fund balance in the General Fund with a lower level of 25% of current year budgeted expenditure to ensure the orderly operation of County government and the continued provision of services.

7. To the extent that the General Fund unassigned fund balance exceeds 25% of current year budgeted expenditures, and is less than 50% of current year budgeted expenditures, the balance may be utilized to fund capital expenditures or pay down outstanding County debt.
8. To the extent that the General Fund unassigned fund balance exceeds 50% of current year budgeted expenditures, the balance shall be utilized to fund capital expenditures or pay down outstanding County debt.

And be it further

RESOLVED, that a copy of this resolution be forwarded to the County Treasurer.

VOTE: Unanimous

RESOLUTION NO. 246-21

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

AUTHORIZE TREASURER TO PAY NEW YORK STATE THRUWAY AUTHORITY BILLS PRIOR TO AUDIT

WHEREAS, Yates County receives monthly charges for ez-passes and tolls which have a 30-day payment term for the Credit Agreement and, because bills are generated early in the month, payments are not typically received by NYSTA until approximately 45 days (minimum) after the billed date; and

WHEREAS, allowing payment prior to audit will eliminate Yates County from receiving monthly past due notices;

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer is authorized to pay the New York State Thruway Authority prior to audit; and be it further

RESOLVED, that a copy of this resolution be provided to the Sheriff, Highway Superintendent and Treasurer.

VOTE: Unanimous

RESOLUTION NO. 247-21

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

AUTHORIZE PURCHASE OF CAMERA SYSTEM REPLACEMENT AND ADDITIONS

WHEREAS, Seneca Flight Operations (hereinafter, SFO) is the Fixed Base Operator for the Penn Yan – Yates County Airport; and

WHEREAS, SFO monitors the airport with, among other methods, a security system that includes cameras, recorder, monitor and other appurtenances; and

WHEREAS, the system is nearing end-of-life and needs to be replaced and have additional equipment included that will enhance security monitoring; and

WHEREAS, expenditures for security are allowable items under federal grant guidelines, specifically the CARES Act grant; and

WHEREAS, SFO solicited proposals for replacement and enhancement of the security system and received the following:

Description	Covert Security, Inc.	Convergent Technologies
Network video recorder, monitor, 7 cameras, installation and programming	\$13,600.00	\$38,452.34
Additional runway and ramp coverage (beacon)	<u>\$6,330.00</u>	<u>\$6,336.87</u>
Totals	\$19,930.00	\$44,789.21

NOW, THEREFORE, BE IT RESOLVED, that Yates County is hereby authorized to purchase the security system replacement and enhancements as proposed by Covert Security, Inc.; and be it further

RESOLVED, that the Chairman of the Legislature is hereby authorized to execute the necessary documents in connection with the advancement of the aforementioned security system replacement and enhancements at the Penn Yan – Yates County Airport; and be it further

RESOLVED, that copies of this resolution be given to the Sheriff, Treasurer, Seneca Flight Operations and Passero Associates.

VOTE: Unanimous

RESOLUTION NO. 248-21

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

AUTHORIZE CHAIRMAN TO SIGN FAA GRANT

WHEREAS, Yates County has received a grant in the maximum amount of \$90,000 from The United States of America, acting through the Federal Aviation Administration (hereinafter referred to as the “FAA”) to pay the allowable costs incurred in accomplishing the following project at Penn Yan – Yates County Airport:

Rehabilitate Terminal Apron and Associated Drainage and Remarkings (Design)
FAA Project No. 3-36-0094-039-2021; and

WHEREAS, in order to effectuate the above grant, the County’s execution of an applicable grant agreement with the FAA is required;

NOW, THEREFORE, BE IT RESOLVED, that the County wishes to accept the above grant and enter into the applicable grant agreement with the FAA pertaining thereto, and to this end, the Chairman of the County Legislature be and hereby is authorized, upon approval of the County Attorney, to execute on behalf of the County the applicable grant agreement with the FAA, as well as all other necessary documents with the FAA in connection with said grant; and be it further

RESOLVED, that a certified copy of this resolution be filed with the FAA by attaching it to any necessary documents in connection with the project.

VOTE: Unanimous

RESOLUTION NO. 249-21

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

AUTHORIZE CHAIRMAN TO EXECUTE AGREEMENT WITH PASSERO ASSOCIATES, ENGINEERING, ARCHITECTURE & SURVEYING, D.P.C.

PROJECT: TERMINAL APRON REHABILITATION

WHEREAS, Passero Associates, Engineering, Architecture and Surveying, D.P.C. (hereinafter referred to as “Passero”) has submitted a proposed contract for professional services to the County pertaining to the design and other aspects of the Terminal Apron Rehabilitation project at the County’s Penn Yan – Yates County Airport for a total maximum cost of \$88,380 (hereinafter referred to as the “Terminal Apron Contract”);

NOW, THEREFORE, BE IT RESOLVED, that the County resolves to enter into the Terminal Apron Contract, and to this end, the Chairman of the Legislature, upon approval of the County Attorney, is authorized to execute the Terminal Apron Contract on behalf of the County; and be it further

RESOLVED, that copies of this resolution be furnished to the Yates County Treasurer and Passero.

VOTE: Unanimous

RESOLUTION NO. 250-21

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

Mr. Button suggested it would nice to keep track of what counties support this and which ones do not.

Chairman Paddock stated he has a letter from Steuben County, supporting Herkimer County.

Mr. Cutler stated that there is a key phrase in this resolution. It is ‘targeting specific lawful business enterprises’; this is really the core and Mr. Cutler’s reason for objecting to these actions on the part of the state.

Ms. Chilson stated she fully supports this resolution and thanks Mr. Prendergast for the comments that he made.

Mr. Button stated we don’t want to start setting precedents on certain businesses through the state.

URGING NEW YORK STATE GOVERNOR ANDREW CUOMO NOT TO SIGN NEW YORK STATE SENATE BILL S7196/ASSEMBLY BILL A6762 INTO LAW

WHEREAS, Rem Arms LLC (formerly known as Remington Arms) is a major employer in Upstate New York, a significant manufacturing success story in recent years, and a company which the Herkimer County Legislature has been proud to support and will continue to support; and

WHEREAS, Rem Arms LLC is a major contributor to the viability and stability of the Upstate New York economy; and

WHEREAS, Rem Arms LLC provides for many families to live a middle class lifestyle; and

WHEREAS, Senate Bill S7196/Assembly Bill A6762 seeks to impose liability on firearms manufacturers who lawfully design, manufacture, market, distribute, import, and sell firearms in compliance with all federal, state, and local laws; and

WHEREAS, the US Supreme Court has ruled the Second Amendment protects the right of individuals to keep and bear arms and that the Second Amendment applies to the States; and

WHEREAS, Senate Bill S7196/Assembly Bill A6762 seeks to impose liability on law-abiding firearms businesses for the criminal misuse of firearms which is contrary to the will of Congress which enacted the Protection of Lawful Commerce in Arms Act (PLCAA); and

WHEREAS, this may set a negative precedent of imposing liability on other lawful businesses (e.g.: - electric and motor vehicle manufacturers, wineries, breweries, distilleries, marihuana producers, etc.);

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature joins the Herkimer County Legislature in urging New York Governor Andrew M. Cuomo not to sign Senate Bill S7196/Assembly Bill A6762 into law, as doing so would target specific lawful business enterprises and send a negative message to other businesses already located in New York or that may be considering locating in New York; and be it further

RESOLVED, that certified copies of this Resolution be forwarded to New York Governor Andrew M. Cuomo, Congressman Tom Reed, New York Senator Thomas O'Mara, Assemblyman Philip Palmesano, New York State Association of Counties, InterCounty Association of Western New York, Herkimer County, Rem Arms LLC and all others deemed necessary and proper.

VOTE: Unanimous

Meeting adjourned at 1:50 p.m.