

SPECIAL SESSION – MONDAY, AUGUST 19, 2019

The Yates County Legislature met in special session on Monday, August 19, 2019 with Chairman Paddock presiding and Legislators, Holgate, Bronson and Church absent.

Chairman Paddock asked for a moment of silence for Amy Daines our Republican Election Commissioner who passed away a week ago tomorrow.

RESOLUTION NO. 329-19

Dr. Dennis offered the following resolution and moved its adoption, seconded by Mr. Cutler.
DISCUSSION:

Chairman Paddock stated that he does have the letter from the Republican Committee appointing Rob to fill the currently vacant position of Republican Election Commissioner and its dated Saturday, August 17, 2019.

Dr. Dennis stated we are extremely fortunate that we have somebody of this experience and capability that can step up to this position. Rob has been Amy's deputy for a period of time, and Dr. Dennis is pleased to welcome him into our team as the Republican Election Commissioner.

Dr. Dennis moved to amend the resolution to eliminate the wording "or such term length as determined by the County or State Legislative bodies (EL3-202) at the end of the third paragraph, seconded by Mr. Banach.

VOTE: Unanimous

Mr. Banach and Ms. Percy echoed what Dr. Dennis stated and wished Rob the best.

**APPOINT REPUBLICAN ELECTION COMMISSIONER
(Robert Schwarting)**

WHEREAS, the Chairman of the Yates County Republican Committee has filed with this Legislature a certificate in accordance with Election Law, Section 31, certifying that in the opinion of the majority of such committee that Robert Schwarting residing at 280 State Route 54, East Lake Road (Town of Milo) is a satisfactory and proper person to be appointed as a Commissioner of Elections and recommends such appointment; and

WHEREAS, the salary is as included in the salary schedule for non-represented employees;

NOW, THEREFORE, BE IT RESOLVED, that Robert Schwarting is hereby appointed as Commissioner of Elections for Yates County for a term commencing August 19, 2019 through December 31, 2019; and be it further

RESOLVED, that a copy of this resolution be provided to the Treasurer, Personnel Officer, County Clerk, Robert Schwarting, and the Chairman of the Republican Committee.

VOTE: Unanimous

RESOLUTION NO. 330-19

Dr. Dennis offered the following resolution and moved its adoption, seconded by Ms. Chilson.

DISCUSSION:

Acting County Administrator Flynn explained this is on recommendation from Todd Valentine the Republican Co-executive Director of the State Board. Per Election Law we have to have equal representation on both sides of the room in the Election office. Rob stepped up to the plate last week and he was working full time and he was still the Deputy Election Commissioner, therefore we have to offer the same to Ruth Bouchard the Democratic Deputy Election Commissioner.

Chairman Paddock stated that in essence, what you do for one party you have to do for the other party.

Acting County Administrator Flynn stated that this was vetted by the County Attorney as well.

TEMPORARY WORK HOUR INCREASE FOR CERTAIN BOARD OF ELECTIONS PERSONNEL

WHEREAS, in follow up to its meeting held August 12, 2019, it is the intent of this Legislature to temporarily increase the working hours of the Republican Deputy Election Commissioner position and the Democratic Deputy Election Commissioner position, in light of recent personnel events;

NOW, THEREFORE, BE IT RESOLVED, that for the pay period beginning August 11, 2019 and ending August 17, 2019 the Republican Deputy Election Commissioner, Robert Schwarting, is permitted to work a period of 35 hours as his normal work week, with such compensation at the same pay rate as that of Election Commissioner; and be it further

RESOLVED, that for the pay period beginning August 25, 2019 and ending August 31, 2019 the Democratic Deputy Election Commissioner, Ruth Bouchard, is permitted to work a period of 35 hours as her normal work week, with such compensation being at the same pay rate as that of Election Commissioner; and be it further

RESOLVED, that this resolution supersedes Resolution 328-19; and be it further

RESOLVED, that copies of this resolution be provided to the Board of Elections, Robert Schwarting, Ruth Bouchard, Personnel Officer and Acting County Administrator.

VOTE: Unanimous

RESOLUTION NO. 331-19

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

Mr. Banach explained this is for a little piece of land that is adjacent to the right-of-way that we have to have in order to building the bridge. It's \$200 that we have to hold in trust.

Acting County Administrator Flynn explained that the \$200 goes into a trust that the County has to hold for 5years.

Highway Superintendent Dave Hartman explained this is a requirement for the funding. Once the check is issued, Dave can file the maps in the County Clerk's office. Once the maps are filed the Right-of-Way Clearance certificate can be signed and sent to the DOT and then the DOT can ask for Construction Phase authorization. The authorization has to be in place and completed by next Monday or there is a chance the County could lose the funding

Mrs. Percy questioned in the next to last paragraph it says “in perpetuity until such time that a rightful owner or heir is found” shouldn’t that be just 5 years?

Acting County Administrator Flynn stated that it should be, because the County can’t hold court ordered trust funds longer.

Mr. Hartman stated that the court order states that the condemne shall have one year from the filing of the acquisition map and service of the notice of acquisition to file and serve a claim for compensation under the Eminent Doman Procedure Law.

Chairman Paddock stated that state law allows 5 years, so what if we said up to 5 years, maybe we will get it settled within that time.

Mrs. Percy moved to amend the resolutions 5th paragraph to read “for up to 5 years or until such time that a rightful owner or heir is found whichever is sooner” seconded by Mr. Banach.

DISCUSSION:

Ms. Chilson questioned what is or has been done to find the rightful owner. Mr. Hartman explained that searches have already been done. Owners have passed away, and deeds weren’t filed so until someone can produce a deed showing who owns the property an owner cannot be determined.

VOTE: Unanimous

**AUTHORIZE PAYMENT PRIOR TO AUDIT FOR EMINENT DOMAIN PROCEDURE
LAW PROPERTY ACQUISITION JUST COMPENSATION FOR THE WILLIAM
STREET BRIDGE OVER WEST RIVER RECONSTRUCTION PROJECT KNOWN AS
PIN 6755.14**

WHEREAS, there is one 0.046 acre parcel of Tax Map #22.67-1-19.1 on the northeast corner of the above named bridge that is required for the re-construction of the William Street over West River bridge; and

WHEREAS, the previous owner of the parcel is deceased and a rightful owner or heir cannot be determined; and

WHEREAS, just compensation for the parcel has been determined to be two hundred dollars (\$200.00) and that said amount of \$200.00 must be held by the Yates County Treasurer’s office in the event an owner or heir can be found and determined to be due the just compensation; and

WHEREAS, the \$200.00 will be paid for from the 2019 Road Fund budget line item D5120.54998;

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Treasurer is authorized to issue a check for \$200.00 payable to the Yates County Treasurer; and be it further

RESOLVED, that said check shall be held by the Yates County Treasurer for up to 5 years or until such time that a rightful owner or heir is found whichever is sooner; and be it further

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

VOTE: Unanimous

Meeting adjourned at 5:15 p.m.