

REGULAR SESSION – MONDAY, SEPTEMBER 13, 2021

The Yates County Legislature convened in regular session Monday, September 13, 2021 at 9:30 a.m. with Chairman Paddock presiding and Legislator Bronson absent and Legislator Holgate attending by Zoom at 10:12 a.m.

Annmarie Flanagan, Director of Public Health updated the Legislature regarding COVID-19. As of this morning there are 16 new cases since Friday, 9 of which were close contacts of previous positive cases. 15 of the cases had symptoms, 1 was vaccinated and 4 were too young to be vaccinated. There were 18 more recoveries and 2 in the hospital. According to the CDC tracker, we have had 62 cases on a rolling basis over a 7 day period yielding a positivity rate of over 10%. We have not had any deaths and of the eligible population to be vaccinated we are at 53.5% that have at least the first dose.

Annmarie reported that the ELC COVID grant is moving forward for the schools, however, she needs to hire numerous people to be able to staff those position.

Chairman Paddock opened the public hearing on proposed local law 2-21 Entitled Banning the Possession of Firearms and Dangerous Weapons in Buildings Owned, Leased or Operated by the County of Yates at 9:35 a.m. Chairman Paddock stated the purpose of this public hearing is for the Legislature to receive input from its constituents. Speakers should address their comments to the Legislature. It is inappropriate for speakers to engage in debate with others in the audience. While Legislators are welcome to speak during the public hearing it is more appropriate to engage in discussion after the resolution to adopt the local law has been introduced and seconded.

COMMENTS:

Valerie Brechko, Maureen Sward, Bengt Sward, Lois Hall, Brian Winslow, Tom Shepard, Richard Stewart and Kenneth Walker spoke in support of the law.

John Prendergast, Joy Schank, Leo Galletta, Jr., spoke against the local law.

Marsha Devine stated that she spoken to a number of people in the community and they have expressed their concern about having officers at the entrance door. They feel that it takes away from the environment that we encourage in rural America. They are not opposed necessarily to banning weapons or having an armed guard that would patrol the facility.

Chairman Paddock stated in the Government Operations Committee meeting last week, the Commissioners of Election did report that there have been threats against election workers in other areas of the state. Also, just under two weeks ago Chairman Paddock was in the hallway and there were 4 officers of the peace outside of one of the departments because there had been someone who had gotten rather upset and was perceived to be making threats.

Lisa Minns, Yates Transit Services (YTS) updated the Legislature on the second quarter activity for YTS.

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

Airport Fund	\$ 18,397.37
Finance	\$ 214,379.29

Flint Creek	\$ -0-
Government Operations	\$ 102,577.60
Human Services	\$ 282,530.10
Prior to Audit	\$ 118,950.16
Public Safety	\$ 136,415.61
Public Works	\$ 508,268.59
Total	\$ 1,381,518.72

Minutes of the August meeting were approved as presented.

COMMITTEE REPORTS

Mr. Banach reported he attended a meeting of the Finger Lakes Wildlife Management Board where it was announced that there will be an early deer hunting season in this area starting in September.

Mr. Banach thanked Terry Button, Dick Harper and Connie Hayes for all their work on the Hazardous Waste and Electronic Day that was held on August 28th. The next event will be held in Schuyler County next year.

Ms. Chilson reported there will be a public hearing in the village of Penn Yan office on September 21st at 6:00 p.m. regarding the adult use of marijuana. Decisions that will be made are where we would like to see it smoked in our village, because it is coming. Ms. Chilson encouraged all those that have strong feelings on the topic to attend the meeting.

Mr. Cutler stated the Genesee/Finger Lakes Regional Planning Council approved the appointment of Paul Gavin as the new executive director. He will begin in early October.

Mr. Button stated there will be a walk through today at the Highway Buildings in anticipation of a possible new facility. Mr. Button thanked Greg McDonald and his son who are farmers in the Town of Jerusalem, for relighting the USA sign.

PUBLIC COMMENT

Joy Schank reported that Cattaraugus County has become a Constitutional Sanctuary and she hopes that Yates County would also become a Constitutional Sanctuary. Ms. Schank also stated, notice how we all sat down and took off our masks. She would love that the same opportunity would be given to the children. Maybe if we were a Constitutional Sanctuary they could do just that.

RESOLUTION NO. 313-21

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

AUTHORIZE CHAIRMAN AND COORDINATOR TO SIGN APPROVED 2022 STOP-DWI BUDGET AND PLAN

WHEREAS, the 2022 STOP-DWI budget and plan shows appropriations of \$79,000 and an anticipated revenue of \$79,000 with a reserve fund of \$44,984.01 in place; and

WHEREAS, the Coordinator and the Public Safety Committee have discussed the budget and plan noting that the NYS Governor's Traffic Safety Committee requires this plan be submitted no later than September 30, 2021;

NOW, THEREFORE, BE IT RESOLVED, that this 2022 STOP-DWI budget and plan is approved and the Legislative Chairman and Coordinator are hereby authorized to sign said plan; and be it further

RESOLVED, that a copy of this resolution be provided to the Treasurer/Budget Officer and STOP-DWI Coordinator for attachment to the plan being submitted as required.

VOTE: Unanimous

RESOLUTION NO. 314-21

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

AUTHORIZE 2021-22 TOWER SITE EMERGENCY GENERATOR AGREEMENT

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney the Chairman and Sheriff are hereby authorized to renew the generator maintenance contract with Penn Power of Syracuse, NY for an amount not to exceed \$677 at each of the five tower sites for one yearly inspection and one preventive maintenance totaling \$3,385 in 2021/2022; and be it further

RESOLVED, that a copy of the insurance certificate is required and that a copy of this resolution be provided to the Sheriff.

VOTE: Unanimous

RESOLUTION NO. 315-21

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

RECOGNITION OF SHERIFF'S WEEK

WHEREAS, the Office of Sheriff has been an integral part of the criminal justice system in New York State and in Yates County throughout our history, having been established in the State's first constitution in 1777 and having been continued in every succeeding constitution, and having been one of the original constitutional offices of Yates County first established in 1823; and

WHEREAS, despite changes in its function, status and powers during its long history, the Office of Sheriff has maintained a continuous existence, preserved its distinguishing heritage, and continued to be an essential component of our criminal justice community; and

WHEREAS, the Office of Sheriff has evolved into a modern, professionally accredited, full-service law enforcement and public safety agency, manned by fully trained police and peace officers, as well as civilians using state-of-the-art technology and applying the latest and most advanced theories and practices in criminal justice, civil process, corrections, 911 communications, and court security; and

WHEREAS, the Office of Sheriff is unique in the Yates County community, and the duties of the Office go far beyond the traditional role of "Conservator of the Peace," and extend into many facets of public service, including county police services, maintaining the county jail, providing security in our courts, dispatching 911 emergency services, communication systems,

animal control, Coroner administration, and serving and executing civil process and victim protection orders for our courts; and

WHEREAS, as a constitutionally empowered entity directly responsible to the people, the ancient Office of Sheriff remains, even today, responsive to public safety and accountable to the public it serves; and

WHEREAS, it is fitting to celebrate the historical contributions of the Office of Sheriff and the significant role that the Sheriff's Office plays in our modern criminal justice system;

NOW, THEREFORE, BE IT RESOLVED that the Yates County Legislature does hereby recognize this September 19 to 25 that has had Governor's proclamation to be Sheriffs' Week in Yates County; and be it further

RESOLVED, that a copy of this resolution be provided Sheriff Spike and to the Council 82 three units that represent Sheriff's employees.

VOTE: Unanimous

RESOLUTION NO. 316-21

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

AUTHORIZE CHAIRMAN TO SIGN MEMORANDUM OF UNDERSTANDING (CSEA)

WHEREAS, the Director of Public Health has presented to the Human Services Committee justification for the title of Public Health Specialist to be moved from Group XIII of the CSEA Non-Highway and Highway Clerical Employee Salary Schedule to Group XIV;

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 Public Health Specialist to Group XIV of the current collective bargaining agreement; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 317-21

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

APPOINT CLERK, COUNTY LEGISLATURE

RESOLVED, that effective October 4, 2021, Emilee D. Miller be appointed as Clerk, County Legislature at an annual salary of \$48,000; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 318-21

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

AUTHORIZE DIRECTOR OF PUBLIC HEALTH FILL POSITION

WHEREAS, a Public Health Nurse position became vacant on August 20, 2021 as the result of a resignation; and

WHEREAS, the Director of Public Health through the vacancy review process has identified the continued need for the position and is requesting the vacancy be filled with the most appropriate title based on the candidate's qualifications; and

WHEREAS, the estimated annual cost to fill a Registered Professional Nurse position, including fringe, is \$65,300 to \$85,613, depending on health insurance; the County receives 80% reimbursement from NYS for salary only, therefore the estimated annual cost to the County, including fringe, is \$13,060 to \$33,373, depending on health insurance; and

WHEREAS, the estimated annual cost to fill a Public Health Nurse position, including fringe, is \$68,185 to \$88,499, depending on health insurance; the County receives 80% reimbursement from NYS for salary only, therefore the estimated annual cost to the County, including fringe, is \$13,637 to \$33,950, depending on health insurance;

NOW, THEREFORE, BE IT RESOLVED, that effective September 13, 2021 the Director of Public Health is hereby authorized to fill the Public Health Nurse vacancy with a candidate who meets the minimal qualifications for either Registered Professional Nurse or Public Health Nurse; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 319-21

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

Ms. Chilson asked for clarification that all of the positions were covered by a grant and that there was no cost to the county.

Chairman Paddock explained that it is stated within the resolutions whether there was a cost. Some are covered by grants completely and some are covered by grants partially.

**AUTHORIZE DIRECTOR OF PUBLIC HEALTH TO CREATE AND FILL
TEMPORARY FULL TIME PUBLIC HEALTH SPECIALIST POSITION**

WHEREAS, the Director of Public Health through the vacancy review process has identified the need to create and fill a temporary full time Public Health Specialist position and is requesting the position be filled; and

WHEREAS, the estimated annual cost to fill the Public Health Specialist position, including fringe, is \$68,185 to \$88,499, depending on health insurance; the County receives 100% reimbursement from NYS Fellow Grant Program for salary and partial reimbursement for

fringe, therefore the estimated annual cost to the County, including fringe, is \$8,732 to \$20,313, depending on health insurance; and

WHEREAS, the Director of Public Health has requested authorization to start the candidate at either STEP one (1) or STEP two (2) of the current CSEA CBA Salary Schedule, should the candidate meet the eligibility for a higher starting rate of pay, and therefore, the estimated annual cost to fill the newly created position, including only fringe as the salary is reimbursed at 100%, is \$9,117 to \$20,313, depending on health insurance;

NOW, THEREFORE, BE IT RESOLVED, that effective September 13, 2021 a temporary full time Public Health Specialist position is hereby created for up to twelve (12) months, unless the appointment is ended sooner by the Director of Public Health; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 320-21

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

AUTHORIZE DIRECTOR OF PUBLIC HEALTH TO CREATE AND FILL A TEMPORRY FULL TIME POSITION (Registered Professional Nurse or Public Health Specialist)

WHEREAS, the Director of Public Health through the vacancy review process has identified the need to create and fill a temporary full time position and is requesting the position be filled with the most appropriate title based on the candidate's qualifications; and

WHEREAS, the estimated annual cost to fill a Registered Professional Nurse position, including fringe, is \$65,300 to \$85,613, depending on health insurance; the County receives 100% reimbursement from the NYS Fellow Grant Program for salary and partial reimbursement for fringe, therefore the estimated annual cost to the County, including fringe, is \$8,363 to \$20,313, depending on health insurance; and

WHEREAS, the estimated annual cost to fill a Public Health Specialist position, including fringe, is \$68,185 to \$88,499, depending on health insurance; the County receives 100% reimbursement from NYS Fellow Grant Program for salary and partial reimbursement for fringe, therefore the estimated annual cost to the County, including fringe, is \$8,732 to \$20,313, depending on health insurance; and

WHEREAS, the Director of Public Health has requested authorization to start the candidate at either STEP one (1) or STEP two (2) of the current CSEA CBA Salary Schedule, should the candidate meet the eligibility for a higher starting rate of pay, and therefore, the estimated annual cost to fill the newly created position, including only fringe as the salary is reimbursed at 100%, is \$9,117 to \$20,313, depending on health insurance;

NOW, THEREFORE, BE IT RESOLVED, that effective September 13, 2021 a temporary full time position is hereby created for up to twelve (12) months, unless the appointment is ended sooner by the Director of Public Health, and shall be filled with a

candidate who meets the minimal qualifications for either Registered Professional Nurse or Public Health Specialist; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 321-21

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

AUTHORIZE DIRECTOR OF PUBLIC HEALTH TO CREATE AND FILL THREE (3) TEMPORARY PART TIME NURSE POSITIONS

WHEREAS, the Director of Public Health through the vacancy review process has identified the need to create and fill three (3) temporary part time nurse positions and is requesting the positions be filled with the most appropriate title based on the candidates qualifications; and

WHEREAS, the estimated annual cost to fill the Bachelors Prepared Nurse position, including fringe, is \$27,764 to \$31,842; and

WHEREAS, the estimated annual cost to fill the Registered Professional Nurse position, including fringe, is \$34,104 to \$39,113; and

WHEREAS, the estimated annual cost to fill the three (3) positions, including fringe, is \$83,292 to \$117,339; the three (3) positions, including salary and fringe, are funded at 100% by the Epidemiology and Laboratory Capacity (ELC) COVID-19 Grant, therefore, the estimated annual cost to the County for the three (3) positions is \$0;

NOW, THEREFORE, BE IT RESOLVED, that effective September 13, 2021 the Director of Public is hereby authorized to create and fill three (3) temporary part time positions with candidates who meet the minimal qualifications for either Registered Professional Nurse or a Bachelors Prepared, for up to twelve (12) months, unless the appointment is ended sooner by the Director of Public Health; and be it further

RESOLVED, the nurses will provide a copy of their personally paid medical malpractice insurance; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 322-21

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

AUTHORIZE DIRECTOR OF PUBLIC HEALTH TO CREATE AND FILL TEMPORARY FULL TIME SENIOR ACCOUNT CLERK TYPIST POSITION

WHEREAS, the Director of Public Health through the position review process has identified the need to create and fill a temporary full time Senior Account Clerk Typist position

and is therefore requesting the current part time position be temporarily increased to full time; and

WHEREAS, the estimated annual cost to fill the Senior Account Clerk Typist position, including fringe, is \$45,057 to \$65,370; the County receives 100% reimbursement from the Epidemiology and Laboratory Capacity (ELC) Grant for salary and partial reimbursement for fringe, therefore the estimated annual cost to the County, including fringe, is \$0 to \$29,707;

NOW, THEREFORE, BE IT RESOLVED, that effective September 13, 2021 a temporary full time Senior Account Clerk Typist position is hereby created for up to twenty-four (24) months, unless the appointment is ended sooner by the Director of Public Health; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 323-21

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

AUTHORIZE SHERIFF TO CREATE AND FILL SENIOR TYPIST POSITION

WHEREAS, the Sheriff has requested to create and fill a full-time Senior Typist position due to an anticipated vacancy that will occur in January 2022 as the result of a retirement.

WHEREAS, the Sheriff through the vacancy review process has identified the need to create and fill a full-time Senior Typist position to allow for a seamless transition for personnel and to ensure the needs of the Yates County Sheriff's Office and public are met; and

WHEREAS, the estimated annual cost to fill the position, including fringe, is \$45,057 to \$65,370, depending on health insurance;

NOW, THEREFORE, BE IT RESOLVED, that effective September 13, 2021 the Sheriff is hereby authorized to create and fill a full-time Senior Typist 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. 324-21

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

AUTHORIZE SHERIFF TO FILL CORRECTION OFFICER SERGEANT/COURT SECURITY POSITION

WHEREAS, the Correction Officer Sergeant/Court Security position will become vacant September 30, 2021 as the result of a retirement; and

WHEREAS, the Sheriff through the vacancy review process has identified the continued need for the Correction Officer Sergeant/Court Security position and is requesting that the position be filled; and

WHEREAS, the estimated annual cost to fill the position, including fringe, is \$75,920 to \$98,316, depending on health insurance; the County receives 100% reimbursement from NYS Unified Court System for salary and fringe for hours actually worked, therefore the estimated annual cost to the County including fringe shall not exceed \$20,000;

NOW, THEREFORE, BE IT RESOLVED, that effective September 13, 2021 the Sheriff is hereby authorized to fill a full-time Correction Officer Sergeant/Court Security position; and be it further

RESOLVED, that the Sheriff is also authorized to fill any subsequent vacancy that will occur as the result of a promotion of an employee into the vacant Correction Officer Sergeant/Court Security 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. 325-21

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

AUTHORIZE SHERIFF TO CREATE AND FILL TEMPORARY FULL TIME CORRECTION OFFICER POSITION

WHEREAS, the Sheriff is requesting to fill a full time temporary Correction Officer position due to the residual effect of the multiple vacant positions and the downtime it takes for recruitment, the background check process and basic training; and

WHEREAS, the approximate cost to create the position is \$45,780, which includes fringe benefits;

NOW, THEREFORE, BE IT RESOLVED, that effective September 13, 2021 a temporary full time Correction Officer position is hereby created for up to twelve (12) months, unless the appointment is ended sooner by the Sheriff; 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. 326-21

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

DISCUSSION:

Mr. Button stated the Sheriff reported that the State cut the jail capacity by 5 beds. Mr. Button is not going to support this resolution because in the preceding months we approved two other positions.

Mr. Cutler reminded Mr. Button that there is an enormous amount of overtime that's been going into correction officers in the jail. Of the approved positions, the Sheriff has not been able to fill those. The main thing is to get to the point where they are not continually running the jail with overtime. This is completely separate from the last item on the agenda, which will be related to weapons in the county buildings.

Ms. Chilson agrees with Mr. Button, it's not a matter of needing more positions created, it's a matter of needing more staff to fill the positions already created or already there that have been vacated. The Sheriff expressed a great concern about having difficulty hiring people to fill the already needed positions. If we have the opportunity to fill the vacant positions, and there is still the need, then we can discuss that need. Projecting this far out for this position is not appropriate and she will also be voting no.

**AUTHORIZE SHERIFF TO FILL TWO (2) POSITIONS
(CORRECTION OFFICER)**

WHEREAS, the Sheriff currently has four (4) vacant Correction Officer positions, two (2) of the vacancies have received prior Legislative approval to fill, the remaining two (2) have not; and

WHEREAS, the Sheriff through the vacancy review process has identified the need to fill the remaining two (2) Correction Officer vacant positions and is requesting the positions be filled; and

WHEREAS, the estimated annual cost to fill one (1) position, including fringe, is \$59,671 to \$79,984, depending on health insurance; and

WHEREAS, the estimated annual cost to fill two (2) positions, including fringe, is \$119,342 to \$159,968, depending on health insurance;

NOW, THEREFORE, BE IT RESOLVED, that effective September 13, 2021 the Sheriff is hereby approved to fill two (2) Correction Officer positions; and be it further

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

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

RESOLUTION NO. 327-21

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

**AUTHORIZE BUILDING MAINTENANCE SUPERVISOR TO FILL CLEANER
POSITION**

WHEREAS, a Cleaner vacancy was created effective September 9, 2021 as a result of a resignation; and

WHEREAS, the Building Maintenance Supervisor through the vacancy review process has identified the continued need for the Cleaner position and is requesting that the position be filled; and

WHEREAS, the estimated annual cost to fill the position, including fringe, is \$44,318 to \$64,631, depending on health insurance;

NOW, THEREFORE, BE IT RESOLVED, that effective September 13, 2021 the Building Maintenance Supervisor is hereby authorized to fill the Cleaner position; and be it further

RESOLVED, that copies of this resolution shall be provided to the Building Maintenance Supervisor, Personnel Officer, County Administrator and County Treasurer.

VOTE: Unanimous

RESOLUTION NO. 328-21

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

DISCUSSION:

Mr. Button stated that he looks at the salary range in the resolution and then at what we are currently paying our Planner and it is shameful. Mr. Button will not support this resolution. This also brings into question our salary study, it's possible that other department heads' salaries may need to be adjusted.

County Administrator Flynn stated the figure in the resolution includes fringes, it is not the base salary. It includes FICA, Medicare, social security, unemployment insurance, workers comp and health insurance.

AUTHORIZE COUNTY ADMINISTRATOR TO FILL COUNTY PLANNER POSITION

WHEREAS, the County Planner position will become vacant on September 17, 2021 as a result of a resignation; and

WHEREAS, the County Administrator through the vacancy review process has identified the continued need for the County Planner position and is requesting that the position be filled; and

WHEREAS, the estimated annual cost to fill the position, including fringe, is \$76,388 to \$123,662, depending on experience and health insurance;

NOW, THEREFORE, BE IT RESOLVED, that effective September 13, 2021 the County Administrator is hereby authorized to fill the County Planner position; and be it further

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

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

RESOLUTION NO. 329-21

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

DISCUSSION:

Mr. Button questioned if the Deputy Treasurer's salary will be prorated until the end of the year.

Chairman Paddock stated that the figure is an annual salary, the individual will get so much every two weeks.

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that effective September 13, 2021 the salary schedule shall be amended as follows;

- Assistant District Attorney (First) \$100,000
- Assistant Public Defender (First) \$36,614
- Assistant Public Defender (First) – Hurrell-Harring Grant Add-On \$53,386
- Clerk, County Legislature (Second Position) \$48,000
- Deputy Treasurer \$90,000

And be it further

RESOLVED, that the salary for the Assistant District Attorney (First) be made retroactive to August 9, 2021; and be it further

RESOLVED, the following shall be removed from the resolution;

- Assistant Public Defender (First) \$36,614
- Assistant Public Defender (First) – Hurrell-Harring Grant Add-On \$48,699

And be it further

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

VOTE: Unanimous

RESOLUTION NO. 330-21

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that effective September 13, 2021, “Bachelors Prepared Nurse (ASN, AND, AASN)...\$25.05” be added after “Animal Control Officer (*Part Time*)”; and be it further

RESOLVED, that the following be removed:

- SPOA Coordinator...\$57.00
- Law Enforcement Liaison (*Temporary*)...\$23.36

And be it further

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

VOTE: Unanimous

RESOLUTION NO. 331-21

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

RECOGNIZE SEPTEMBER AS NATIONAL SUICIDE PREVENTION MONTH

WHEREAS, in New York, suicide is the 12th leading cause of death for all ages, the 2nd leading cause of death for ages 10-34, the 4th leading cause of death for ages 35-54, the 9th leading cause of death for ages 55-64 and the 18th leading cause of death for ages 65 and older; and

WHEREAS, in New York it is estimated that there are as many as 40,000 suicide attempts each year; and

WHEREAS, each person's death by suicide intimately affects at least six other people, with over 10,000 newly bereaved each year; and

WHEREAS, in 2020, over 1,700 New Yorkers died by suicide, and several thousand friends and family members were changed forever by losing those people; and

WHEREAS, many of those people who died never received effective behavioral health services, for many reasons, including the difficulty of accessing services by healthcare providers trained in best practices to reduce suicide risk, the stigma of using behavioral health treatment and the stigma associated with losing a loved one to suicide; and

WHEREAS, suicide cost New York a total of \$1,806,769,000.00 combined lifetime medical and work loss in 2010 or an average of \$1,167,918.00 per suicide death; and

WHEREAS, the Suicide Prevention Center of New York State has joined with the Yates County Community Services Department, Yates County Public Health, Yates County Department of Social Services, local agency representatives, health care providers and members of the local public to develop a Yates County Suicide Prevention Coalition; and

WHEREAS, the Coalition has come together to find ways of reducing the frequency of suicide attempts and deaths, and the pain for those affected by suicide deaths, through special projects, educational programs, intervention services, community training and bereavement services; and

WHEREAS, the Coalition urges all Yates County residents to recognize suicide as a significant public health problem, declare suicide prevention a local priority and recognize that

access to Behavioral Health Services for everyone without delays is essential to the prevention of suicide; and

WHEREAS, far too many Yates County residents attempt or die by suicide each year, and most of these deaths are preventable;

NOW, THEREFORE, IT BE RESOLVED, that the Yates County Legislature does hereby designate the month of September 2021, as “Suicide Prevention Coalition Month” in Yates County.

VOTE: Unanimous

RESOLUTION NO. 332-21

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

APPOINT MEMBER TO THE YATES COUNTY MENTAL HEALTH SUBCOMMITTEE

BE IT RESOLVED, that the Yates County Legislature appoint Melissa Law, 7636 State Route 53, Apt 101, Bath, New York 14810 to the Mental Health Subcommittee, to a term ending 12/31/2025; and be it further

RESOLVED, that a copy of this resolution be provided to Melissa Law and to the Yates County Department of Community Services.

VOTE: Unanimous

RESOLUTION NO. 333-21

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

AMEND RESOLUTION NO. 234-21 (Authorize Contract with Safe Harbors for Non-Residential Domestic Violence Services)

WHEREAS, Resolution 234-21 authorized the Chairman of the Legislature to sign a contract with Safe Harbors of the Finger Lakes for non-residential domestic violence services for \$25,000; and

WHEREAS, The New York State Office of Children and Family Services has issued an administrative directive with a different allocation amount;

NOW, THEREFORE, BE IT RESOLVED, that the cost of the contract will be \$32,450; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 334-21

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

AUTHORIZE THE CHAIRMAN TO SIGN SOFTWARE SUPPORT AGREEMENT EXTENSION FOR PUBLIC DEFENSE CASE MANAGEMENT SYSTEM MAINTENANCE AND SOFTWARE SUPPORT AGREEMENT BETWEEN THE YATES COUNTY ASSIGNED COUNSEL PROGRAM OFFICE AND NEW YORK STATE DEFENDERS ASSOCIATION, INC.

WHEREAS, the Assigned Counsel Program office uses a software package called Public Defense Case Management System; and

WHEREAS, the maintenance agreement is due to expire and the Public Defender seeks to renew said agreement to October 18, 2022;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature upon approval of the County Attorney is hereby authorized to sign an extension agreement for one year at the cost of \$500.00; and be it further

RESOLVED, that copies of this agreement be given to the Public Defender, the Assigned Counsel Administrator and the County Treasurer.

VOTE: Unanimous

RESOLUTION NO. 335-21

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

AUTHORIZE DIRECTOR OF PUBLIC HEALTH TO CONTRACT WITH CATHY BOND, AN EMERGENCY PLANNING CONSULTANT, TO ESTABLISH AND OVERSEE THE SURVEILLANCE AND TESTING PLANS AS IDENTIFIED UNDER THE ELC SCHOOLS COVID GRANT

WHEREAS, the Director of Public Health has identified a need to contract for the planning, execution and oversight of the COVID 19 surveillance and testing piece of the ELC COVID 19 schools grant; and

WHEREAS, Cathy Bond will be paid at a rate of \$100 an hour, not to exceed \$50,000 in a given year;

NOW, THEREFORE, BE IT RESOLVED, that effective August 24, 2021 upon the approval of the County Attorney, the Chairman of the Legislature is hereby authorized to sign a contract with Cathy Bond for up to twelve (12) months, unless the contract is ended sooner by the Director of Public Health; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 336-21

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

DISCUSSION:

Mr. Button questioned if individuals' information is kept confidential.

Annamarie Flanagan stated the information is reported to Public Health on a daily bases. Public Health will receive the names and information related to the individual. However, the history of present illness information will not be shared with the public, just the numbers.

AUTHORIZE DIRECTOR OF PUBLIC HEALTH TO CONTRACT WITH QUADRANT BIOSCIENCE FOR POOL AND INDIVIDUAL COVID TESTING

WHEREAS, the Director of Public Health has identified a need to contract with Quadrant Bioscience, a laboratory for pool and individual testing to be completed on a regular basis per the protocols established by New York State; and

WHEREAS, Quadrant Bioscience will be paid \$20 per test for each test in the pooled testing. If the pool has a positive result each individual swab is then placed into reflex testing to determine who is positive. It will no longer be considered screening for those individuals in the positive test pool, therefore any additional tests needed will be billed directly to the individual's insurance. The CARES Act has offered funding to insurance companies to pay for said tests and the individual is not responsible. If for some reason the insurance company does not pay, the bill will be sent to Yates County Public Health, who will pay the bill, which would then be vouchered through the ELC Schools COVID grant;

NOW, THEREFORE, BE IT RESOLVED, that effective September 13, 2021 upon the approval of the County Attorney the Chairman of the Legislature is hereby authorized to sign said contract with Quadrant Bioscience for up to a twelve (12) month renewable contract, unless the contract is ended sooner by the Director of Public Health; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 337-21

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

SIGN AGREEMENT WITH HEALTH RESEARCH INC. (HRI)

WHEREAS, Yates County Public Health has received the New York State Department of Health Emergency Preparedness Program grant award of \$1,050,099; with \$50,099 available to the County and \$1,000,000 restricted for use by NYSDOH; and

WHEREAS, said grant period will be for the period of July 1, 2021 – June 30, 2022.

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney the Chairman is hereby authorized to sign an agreement with Health Research Inc. (HRI) for the period July 1, 2021 through June 30, 2022 for the Public Health Emergency Preparedness and Response Grant; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 338-21

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

**RESOLUTION URGING GOVERNOR HOCHUL AND COMMISSIONER ZUCKER TO
MODIFY THE PROPOSED COVID-19 MANDATE FOR ALL HEALTHCARE
WORKERS**

WHEREAS, Governor Hochul announced, in her first day in office, that she would be implementing a mandate that all healthcare workers in New York State be vaccinated against COVID-19 by September 27, 2021; and

WHEREAS, many nursing homes and hospitals across the Finger Lakes region have indicated that significant numbers of their staff have threatened to resign effective September 26, 2021 rather than receive the COVID-19 vaccine; and

WHEREAS, our nursing homes and hospitals are already experiencing staff shortages caused by complex and diverse factors; and

WHEREAS, while well-intentioned, the vaccine mandate proposed by Governor Hochul and Commissioner Zucker runs the risk of effecting the mass resignation of unvaccinated healthcare workers throughout the state; and

WHEREAS, both hospitals and nursing homes have indicated they would be forced to shutter beds and reduce capacity if the threatened resignations come to fruition; and

WHEREAS, as the Delta variant of COVID-19 increases its spread through our communities and college and K through 12 schools resume classes, our community cannot risk losing critical healthcare workers and acute and long-term care capacity; and

WHEREAS, allowing for a twice a week, or more frequent, testing alternative to the proposed vaccine mandate would protect patient safety, respect the personal rights of healthcare workers, and ensure that our medical system is as prepared as possible for the anticipated increase in COVID-19 cases heading into the fall and winter;

NOW, THEREFORE, BE IT RESOLVED, the Yates County Legislature encourages all eligible New Yorkers to get vaccinated against COVID-19; and be it further

RESOLVED, the Yates County Legislature hereby calls on Governor Hochul and Department of Health Commissioner Zucker to modify their proposed healthcare worker COVID-19 vaccine mandate to allow for a testing option for those workers who do not wish to receive the vaccine at this time; and be it further

RESOLVED, certified copies of this resolution be sent to Governor Kathy Hochul, Department of Health Commissioner Howard Zucker, State Assembly Speaker Carl Heastie, Senate Majority Leader Andrea Stewart-Cousins, Assembly Minority Leader Will Barclay, Senate Minority Leader Rob Ortt, Senator Tom O'Mara and Assemblyman Phil Palmesano.
VOTE: Unanimous

RESOLUTION NO. 339-21

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

AUTHORIZE CHAIRMAN TO SIGN AN AGREEMENT WITH SHUTTLEWORTH ENTERPRISES FOR PARKING LOT MAINTENANCE

WHEREAS, the parking lots at the Courthouse and County Office Building are in need of crack filling, sealing and striping; and

WHEREAS, the Building Maintenance Supervisor has received a proposal for these services from Shuttleworth Enterprises LLC for a sum of \$5,900.00;

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 Shuttleworth Enterprises, LLC to fill cracks, seal, and stripe all above mentioned parking lots; and be it further

RESOLVED, that said contract will run from 9-13-21 to 7-1-22 for a total sum of up to \$5,900; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 340-21

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

**AMEND RESOLUTION NO. 239-21
(Authorize Chairman to Sign Contract for Repairs to Generator Set)**

WHEREAS, Resolution 239-21 authorized the Chairman of the Legislature to sign a contract with Cummins Sales and Service for generator set repairs at a cost of \$22,772; and

WHEREAS, Cummins Sales and Service has notified the Building Maintenance Supervisor that a cost adjustment is necessary;

NOW, THEREFORE, BE IT RESOLVED, that the cost for said services will be \$24,088; and be it further

RESOLVED, that copies of this resolution be provided to the Building Maintenance Supervisor and the County Treasurer

VOTE: Unanimous

RESOLUTION NO. 341-21

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

RESOLUTION CONCERNING CANCELLATION OF CERTAIN DELINQUENT TAX LIENS

WHEREAS, the following tax parcels are subject to the following delinquent tax liens:

Lien Date(s): January 1, 2020

Owner: Lane Floyd D
Town: Benton
Tax Map Number: 37.57-1-10

Lien Date(s): January 1, 2020
Owner: Lane Floyd D
Town: Milo
Tax Map Number: 61.65-1-2

Lien Date(s): January 1, 2019 and January 1, 2020
Owner: McCredy Scott, McCredy Virginia B
Town: Milo
Tax Map Number: 61.35-1-6; and

WHEREAS, the Yates County Treasurer, being the enforcing officer of the tax district, has previously withdrawn the aforementioned tax parcels from the foreclosure proceedings concerning the above recited delinquent tax liens, pursuant to Section 1138(1) of the Real Property Tax Law; and

WHEREAS, pursuant to Section 1138(6) of the Real Property Tax Law, after a foreclosure proceeding has been withdrawn, the Yates County Legislature, being the governing body of the tax district, may cancel a delinquent tax lien based on certain determinations; and

WHEREAS, the Yates County Legislature hereby determines that with respect to the above referenced tax delinquent tax liens that there is no practical method to enforce the collection of such delinquent tax liens and that a supplementary proceeding to enforce collection of the tax would not be effective;

NOW, THEREFORE, BE IT RESOLVED, that in light of the foregoing, the Yates County Legislature hereby directs that the following delinquent tax liens be cancelled:

Lien Date(s): January 1, 2020
Owner: Lane Floyd D
Town: Benton
Tax Map Number: 37.57-1-10

Lien Date(s): January 1, 2020
Owner: Lane Floyd D
Town: Milo
Tax Map Number: 61.65-1-2

Lien Date(s): January 1, 2019 and January 1, 2020
Owner: McCredy Scott, McCredy Virginia B
Town: Milo
Tax Map Number: 61.35-1-6

And be it further

RESOLVED, that a copy of this resolution directing such cancellation be filed with the Yates County Treasurer; and be it further

RESOLVED, that the Yates County Treasurer, in accordance with Section 1138(6) of the Real Property Tax Law, shall thereafter issue applicable Certificates of Cancellation and thereafter file such Certificates of Cancellation with the Yates County Clerk.
VOTE: Unanimous

RESOLUTION NO. 342-21

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

RESOLUTION CONCERNING CANCELLATION OF PROSPECTIVE DELINQUENT TAX LIENS ARISING AGAINST CERTAIN TAX PARCELS

WHEREAS, pursuant to Section 1138(6) of the Real Property Tax Law, the Yates County Legislature, being the governing body of the tax district, may cancel prospective delinquent tax liens arising against a tax parcel, based on certain determinations; and

WHEREAS, the Yates County Legislature hereby determines that there is no practical method to enforce the collection of delinquent tax liens arising thereafter against the following tax parcels:

Owner: McCredy Scott, McCredy Virginia B
Town: Milo
Tax Map Number: 61.35-1-6;

NOW, THEREFORE, BE IT RESOLVED, that in light of the foregoing, the Yates County Legislature hereby directs the cancellation of prospective delinquent tax liens arising against the following tax parcels:

Owner: McCredy Scott, McCredy Virginia B
Town: Milo
Tax Map Number: 61.35-1-6; and be it further

RESOLVED that a copy of this resolution directing such prospective cancellations be filed with the Yates County Treasurer; and be it further

RESOLVED, that the Yates County Treasurer, in accordance with Section 1138(6) of the Real Property Tax Law, shall thereafter issue applicable Certificates of Prospective Cancellation and then file such Certificates of Prospective Cancellation with the assessor of the assessing units in which the parcels are located and the Yates County Director of Real Property Tax Services.
VOTE: Unanimous

RESOLUTION NO. 343-21

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

2021 BUDGET TRANSFERS

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

From:	To:	Amount:
A1430.54011 Consultants	A1430.51615 Exam Monitor	\$ 40.13
A1430.54011 Consultants	A1430.51961 35-40 Hours	\$ 46.40

And be it further

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

VOTE: Unanimous

RESOLUTION NO. 344-21

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

**ACCEPT AND APPROPRIATE GTSC STATE AID
(SHERIFF)**

WHEREAS, the Office of Sheriff is to receive a Child Passenger Safety Incentive Grant from the New York State Governor's Traffic Safety Committee (GTSC) for the NYS fiscal year 2021/2022; and

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

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

Revenue: A3110.43334	CPS 2022	\$ 1,200.00
Appropriation: A3110.54953	CPS 2022	\$ 1,200.00

And be it further

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

VOTE: Unanimous

RESOLUTION NO. 345-21

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

**ACCEPT AND APPROPRIATE GTSC STATE AID
(SHERIFF)**

WHEREAS, the Office of Sheriff is to receive a Police Traffic Services grant from New York State Governor's Traffic Safety Committee (GTSC) for the NYS fiscal year 2021/2022; and

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

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

Revenue: A3110.43333	PTS 2022	\$ 4,600.00
Appropriation A3110.51938	PTS OT 2022	\$ 4,600.00

And be it further

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

VOTE: Unanimous

RESOLUTION NO. 346-21

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

**ACCEPT AND APPROPRIATE CYBER SECURITY GRANT
(INFORMATION TECHNOLOGY)**

WHEREAS, the Information Technology Department is to receive a \$50,000 grant under the Cyber Security Grant Program; and

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

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

Revenue: A1680.43089 Other \$ 50,000.00

Appropriation: A1680.54571 Computer Software \$ 50,000.00

And be it further

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

VOTE: Unanimous

RESOLUTION NO. 347-21

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

**ACCEPT AND APPROPRIATE ADDITIONAL STATE AID
(DEPARTMENT OF SOCIAL SERVICES)**

WHEREAS, the Department of Social Services has been awarded additional revenue from the state Emergency Rental Assistance Program Funding in the amount of \$20,000; and

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

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

Revenue:
A6010.44610 Social Services Admin \$ 20,000.00

Appropriation:
A6010.54027 Miscellaneous \$ 20,000.00

And be it further

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

VOTE: Unanimous

RESOLUTION NO. 348-21

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

AUTHORIZE CHAIRMAN TO SIGN CONTRACT (Systems Development Group, Inc.)

WHEREAS, Yates County Real Property Tax Services Department uses the Image Mate Online system;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature is hereby authorized to sign the Annual Software Support Plan with Systems Development Group, Inc. (SDG) in the amount of \$7,500.00, for a plan effective Nov. 1, 2021 through Oct. 31, 2022, for support, modifications, and upgrades of the installed Image Mate Online software system; and be it further

RESOLVED, that copies of this resolution be given to the County Administrator, the Treasurer, and the Real Property Tax Services Director.

VOTE: Unanimous

RESOLUTION NO. 349-21

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

AUTHORIZE CHAIRMAN TO SIGN MEMORANDUM OF UNDERSTANDING WITH THE TOWN OF MIDDLESEX AND THE VILLAGE OF DUNDEE FOR PLACEMENT OF EQUIPMENT SHELTERS

WHEREAS, Yates County is currently undertaking the design and construction of a fiber optic broadband network (hereinafter referred to as the “project”); and

WHEREAS, the project requires equipment shelters to be placed in various locations as determined by the project engineers and agreed to by the municipalities in which they are to be located; and

WHEREAS, it has been determined that two equipment shelters are to be located at 5565 Water Street, Middlesex, NY and 25 Spring Street, Dundee, NY, respectively;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of County Attorney the Chairman is authorized to sign an MOU with the Town of Middlesex and the Village of Dundee with the understanding that the insurance requirements are waived; and be it further

RESOLVED, that copies of this resolution be given to the Town of Middlesex, the Village of Dundee and the County Planner.

VOTE: Unanimous

RESOLUTION NO. 350-21

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

ENTER INTO A POLE ATTACHMENT AGREEMENT WITH FRONTIER COMMUNICATIONS

WHEREAS, the County of Yates (hereinafter referred to as the “County”) wishes to license for its own use, the right to attach and maintain its telecommunications cables, equipment, facilities and attachments with necessary guys and appurtenances on poles owned by Frontier Communications (hereinafter referred to as “Frontier”); and

WHEREAS, Frontier is willing to permit, to the extent it may lawfully do so, the placement of said cables, equipment, facilities and attachments on Frontier poles; and

WHEREAS, to this end, Frontier requires the County to enter into a Pole Attachment Agreement with it, concerning the licensing of the use of Frontier poles by the County for the purposes set forth above;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairman of the Legislature is authorized to execute on behalf of Yates County a Pole Attachment Agreement with Frontier concerning the County’s right, by way of license, to attach and maintain its telecommunications cables, equipment, facilities and attachments with necessary guys and appurtenances on poles owned by Frontier; and be it further

RESOLVED, that copies of this resolution be provided to the Yates County Administrator, Yates County Planner and Frontier Communications.

VOTE: Unanimous

RESOLUTION NO. 351-21

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

ENTER INTO A POLE ATTACHMENT AGREEMENT WITH THE VILLAGE OF PENN YAN

WHEREAS, the County of Yates (hereinafter referred to as the “County”) wishes to license for its own use, the right to attach and maintain its telecommunications cables, equipment, facilities and attachments with necessary guys and appurtenances on poles owned by the Village of Penn Yan (hereinafter referred to as “Village”); and

WHEREAS, the Village is willing to permit, to the extent it may lawfully do so, the placement of said cables, equipment, facilities and attachments on Village poles; and

WHEREAS, to this end, the Village requires the County to enter into a Pole Attachment Agreement with it, concerning the licensing of the use of Village poles by the County for the purposes set forth above;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairman of the Legislature is authorized to execute on behalf of Yates County a

Pole Attachment Agreement with the Village concerning the County's right, by way of license, to attach and maintain its telecommunications cables, equipment, facilities and attachments with necessary guys and appurtenances on poles owned by the Village; and be it further

RESOLVED, that copies of this resolution be provided to the Yates County Administrator, Yates County Planner, the Grant Specialist and the Village of Penn Yan.
VOTE: Unanimous with Mr. Banach abstaining.

Chairman Paddock pointed out that communications were received from Janet Lewis M.D. and Wayne Strouse, Steve & Carol Clendenin, and William Rouge all in support of passing the local law banning dangerous weapons in the county buildings. Chairman Paddock closed the public hearing at 10:39 a.m.

RESOLUTION NO. 352-21 (LOST)

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

DISCUSSION:

Mr. Willson realizes this is a separate issue from another piece that is to follow, he doesn't have a problem banning weapons in the county buildings. But he does not feel that an entire plan has not been fully debated and developed, so he will be voting no. Mr. Willson went on to say that more people are killed on our highways in buggies and on bicycles, yet we have not brought any resolutions forward to add police patrols or any highway safety. In-house de-escalation training for all employees is imperative. That's how you avoid anger and things getting out of line. There are less obtrusive ways of having security in this building than going with a magnetometer and x-ray machine. Mr. Willson stated that he cannot separate the two issues because there is no full plan.

Ms. Chilson stated this was briefly discussed with the Legislature in executive session and the next thing here we are. We have talked a little bit about it here and there. Ms. Chilson also believes that it has not been discussed enough to make a decision today. It is good that we have some kind of law to protect our people from harm, from someone bringing in a gun. But Ms. Chilson does not feel there is a definite disconnect between the law and what next. Ms. Chilson feels this is a forerunner to bringing in a lot of expense. There was no plan brought to us, other than the sheriff laying out ideas in an email. It has not been discussed with the Sheriff here telling us what kind of recommendations in detail. We haven't had time for debate as a legislature to be able to figure out how we tie this law in with future expense to our county. It is our responsibility, not only to protect the people that work here, but we also have a fiscal responsibility to the people that we serve. We make laws, we pass budgets and we make recommendations. Because of that Ms. Chilson will be voting no, she feels it needs to be discussed and a plan needs to be laid out and tied in with the local law.

Mr. Cutler pointed out that the Sheriff told us up front you can't have a discussion on enforcement unless we have a local law. There is nothing in this law that authorizes the Sheriff to do anything. Mr. Cutler stated that, in Yates County, people abide by the law. It doesn't mean we have to set up a fortress here. If people know that we have passed a law they will abide by the law. Any discussion on enforcement can only come after we decide we don't want dangerous weapons in the buildings.

Mr. Killen stated he is a strong supporter of the second amendment. He has spent almost half his life wearing a firearm in defense of the people in the county. When there was the incident in Schuyler County, Mr. Killen and others were assigned specific duties at DSS before they

increased the physical security in the building. Mr. Killen stated he has a lot of knowledge about safety and security, the people in this building and the people in this community. Banning firearms from the building is a good position to take. We live in a very politically charged and emotionally charged time, we don't need to watch the news to hear about all the violent incidents that are happening across the nation right now. We have a duty and an obligation to try and protect the people that work for us here. Mr. Killen cannot see a valid reason for carrying a firearm into this building as a general citizen. Therefore Mr. Killen will support this law. He feels the legislature can have a debate on how it is going to be enforced but that can only happen once the legislature decides whether or not to ban weapons.

Mr. Banach stated the second amendment says "A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed."

Mr. Banach stated we are government, we are the state, and we are infringing upon the rights of our citizens to keep and bear arms. Mr. Banach cannot support this law.

Mr. Multer stated that if this law passes those with concealed carry permits and the vast majority of the employees will certainly comply. They won't risk getting in trouble for possessing anything that could be considered a weapon. Now, consider the hot tempered irate customer, disgruntled employee who is determined to get even, or the mentally ill that think God told them to kill someone. It is delusional to think that a law banning weapons is all that is needed to stop any of them. If a law like this is all it takes, why do we have security at the entrance of the courthouse? There can be no benefit unless there is enforcement, an officer roaming about the building or stationed in a particular office may be a deterrent. But when a determined shooter enters, that officer will probably be the first one to get shot. There is not one single mass shooting in history where a single incident of the shooting, stabbing or violence that has ever taken place that would have been prevented simply by having a law in place that prohibits weapons. It is ridiculous to think that this law will provide any protection without effective enforcement. The law applies to any and all Yates County buildings that even includes locations that are leased such as a vaccination clinic. Mr. Multer feels there has been no discussion as to how or if the law will be enforced, can it be enforced in every building, how much will it cost, can the taxpayers afford that, can the taxpayers even afford the cost of security in this building. If the law is to be enforced only in this building, then the law should specify that it only applies to this building. The State and Federal Government pass laws frequently placing unnecessary restrictions on the law abiding while doing nothing to curb violence. The New York Safe Act is a classic example. The Safe Act was passed quickly without any idea how it would be enforced. It placed unnecessary restrictions on legal gun owners and everybody else who obeys the law. Even though several years have passed there are parts of that law that are unenforceable. If we pass this today we will be making a similar rush. Moving forward now lacks proper planning and consideration. The law and enforcement go hand in hand. One is no good without the other. Passing this law without knowing how it will be enforced, will it be enforced, how much will it cost when enforced is every bit as irresponsible as passing the Safe Act.

Mr. Multer moved to postpone this decision until at least the next regular meeting of the Legislature in hopes that it will provide sufficient time for discussion, planning and pricing for enforcement to be determined. Seconded by Mr. Willson.

VOTE: Roll Call – Chilson, Church, Banach, Multer, Button, Willson voting "Yes"; Killen, Cutler, Gleason, Holgate, Percy, Harper, Paddock voting "No". Motion Lost. NOTE: it takes 8 votes to pass a motion or resolution.

Mr. Holgate stated he agrees with a lot of what has been said. Mr. Holgate feels that this has nothing to do with the second amendment rights. Mr. Holgate feels that most people assume that

they can't bring dangerous weapons into our public buildings. Therefore, voting this down right now is basically advertising that we allow that.

Mr. Willson stated that he doesn't feel the Sheriff meant that we couldn't continue to a full plan of security. He said it could not be enforced without the law. He could not arrest somebody without a law. That is different than working out a full plan before we vote to go ahead with this.

Mr. Button stated he wanted to thank everybody for their comments whether they are here or on zoom or they sent them in, whether they supported the law one way or another. "They took the time to make a comment so I appreciate it. I sit here and I think, I've been here 5 3/4 years, 8 of the 14 legislators here today have been here also. I am raising my hand that I have let you down public. We have let you down. Because this discussion has been had many times from the Safety Committee coming forward. We've had this discussion, we've had this information but we have kicked the can down the road. We've not done anything about it. Now we are sitting here, passing another law, another mandate, just like Washington does, just like Albany, and we know better because we haven't corrected the problem. I appreciate Mrs. Hall's comment because when I took the time to call every county in this state, not every county building has security. They have different types, as Ms. Chilson said, we haven't had that discussion. We have not had that discussion, we haven't done our job. So to sit here and think that one size fits all, we are going down a road and we shouldn't do this because we know better. Again, we know this, but failed to act before. Now we coming up against a wall and we are going to make a decision."

Chairman Paddock stated it is unfortunate that some folks say this has not been discussed. There was a fairly extensive discussion in Public Safety last week, wherein the Sheriff commented and actually issued a memo that said, in essence, the cost could be zero, status quo, or could staff with peace officers, metal detectors and so on. That discussion is separate from the discussion on this local law. The Sheriff did issue a memo addressing approaches that he reviewed, which was discussed last week in Public Safety, it is unfortunate that not everyone could make it. Part of the memo that he issued says if someone with a concealed carry handgun permit visits the county office building and does not want to voluntarily give up the weapon's possession, there is no local law to prevent the person with the firearm from building entry. Additionally, should someone have a long gun in his/her hands or on a sling over their shoulder, there is no law that prohibits it from being possessed inside the county office building and that would also carry on to any other building leased or owned by Yates County. Chairman Paddock stated that he probably sends more projectiles down range in a year than anyone on this legislature and perhaps anyone in this room. Chairman Paddock supports the second amendment, he has a fair amount of firearms and does not want to see further restrictions placed on the ability to obtain guns. The only purpose that he can fathom for someone to bring a large knife, a crossbow, shotgun, a rifle, machete, or other weapon into a county-owned building is to injure or intimidate county personnel or others present. This local law will help in protecting those that work in and conduct business in county buildings. If passed, signs will be posted advising those that are entering the buildings that weapons are not allowed so they may return them to their vehicles. Additional, mandatory, in-person de-escalation training is being investigated and will be a supplement to that already included in our virtual classes. Chairman Paddock urges that the law be passed.

Ms. Chilson stated it was one week ago that the Sheriff provided this information to our legislature to prepare for this public hearing. There is no law that prevents anyone to bring a weapon to protect themselves into this building. We are talking about somebody sitting out there

with a long gun, that's all the more reason to get yourself ready to protect yourself in case there is an uprising. We have the right to bring a weapon in as well, that we don't have the intention to use. But we could have the intention to protect the person next to us. At this point we still have the right as Americans, we made this law and we have no right.

Chairman Paddock stated as an employee of Yates County you would be violating County Policy to carry a concealed weapon into this building. Ms. Chilson questioned even if she entered as a member of the public. Chairman Paddock clarified that you are always an employee of the county because you are a salaried employee, so you are always on duty.

Mrs. Percy stated that she knows that a pistol has been brought into this building and pointed at an employee. But we have no way to protect this person. Just remember there are guns coming into this building and she feels that this law needs to be passed.

Mr. Multer stated if there is a law in place those with concealed carry permits and county employees will comply but the disgruntled employee or the irate customer is not going to pay any attention to the fact that there is a sign on the door that says you can't bring a weapon in.

ADOPT LOCAL LAW 2-21 ENTITLED BANNING THE POSSESSION OF FIREARMS AND DANGEROUS WEAPONS IN BUILDINGS OWNED, LEASED OR OPERATED BY THE COUNTY OF YATES

WHEREAS, proposed Local Law 2-2021 entitled Banning The Possession Of Firearms And Dangerous Weapons In Buildings Owned, Leased Or Operated By The County Of Yates was introduced at the August 9, 2021 Legislative meeting; and

WHEREAS, a public hearing was duly held on September 13, 2021;

NOW, THEREFORE, BE IT RESOLVED, that proposed Local Law 2-21 entitled Banning The Possession Of Firearms And Dangerous Weapons In Buildings Owned, Leased Or Operated By The County Of Yates is hereby adopted; and be it further

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

Be it enacted by the Legislature of the

County

~~City~~ **of Yates as follows:**

~~Town~~

~~Village~~

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

Section 1. LEGISLATIVE INTENT

In order to insure essential government functions without fear, threat, intimidation, or harm to any person or function therein, the County of Yates, through its Legislature in its proprietary capacity, declares that it is necessary for the security, safety, protection and well-being of its employees, its property, and any individuals present thereupon, to place restrictions on the

bearing and possession of firearms and other dangerous weapons and instruments by individuals entering into and being present in buildings owned, leased or operated by the County of Yates.

Section 2. PROHIBITION

This local law prohibits any individual from bearing or having in his or her possession, either openly or concealed, any firearm, gun, explosive device or substance, electronic stun device (Taser), lethal or debilitating chemical or gas, or any dangerous or deadly weapon or instrument of any description; including but not limited to, a handgun, pistol, target pistol, revolver, rifle, shotgun, dangerous knife, dagger, dirk, razor, stiletto, taser, or imitation firearm or weapon, while entering into or while being present in any building owned, leased, or operated by the County of Yates.

Section 3. EXEMPTION

This local law shall not apply to any authorized peace officer or police officer, as defined in the New York State Criminal Procedure Law, or any other official employed by local, county, state or federal government who is duly exempted by the Yates County Sheriff.

Section 4. PENALTY

A violation of any of the provisions of this local law shall constitute an offense, punishable by a fine not exceeding five hundred dollars (\$500) and/or a term of imprisonment in the Yates County Jail not to exceed three (3) months.

Section 5. SEVERABILITY

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

Section 6. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.

VOTE: Roll Call – Killen, Cutler, Gleason, Holgate, Percy, Harper, Paddock voting “Yes”; Chilson, Church, Banach, Multer, Button, Willson voting “No”. Motion lost. NOTE: it takes 8 votes to pass a motion or resolution.

RESOLUTION NO. 353-21

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

AUTHORIZE DIRECTOR OF PUBLIC HEALTH TO ENTER INTO AN AGREEMENT WITH FINGER LAKES STAFFING SERVICES TO STAFF COVID SURVEILLANCE AND TESTING CLINICS FOR YATES COUNTY SCHOOLS

WHEREAS, the Director of Public Health has identified that more than ten positions are needed on a temporary basis to cover surveillance and testing clinics for the Yates County Schools; and

WHEREAS, a contract with Finger Lakes Staffing Services shall commence on the first day of surveillance testing and end upon the completion of the ELC Schools COVID Grant or sooner as identified by the Director of Public Health; and

WHEREAS, said contract will be for an amount not to exceed \$100,000 and is 100% paid for with the ELC Grant;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairman of the Legislature and the Director of Public Health are hereby authorized to enter into a contract with Finger Lakes Staffing Services; and be it further

RESOLVED, that copies of this resolution be provided to the Director of Public Health, the Treasurer, and Finger Lakes Staffing Services.

VOTE: Unanimous

Mr. Willson moved to enter executive session to discuss the proposed acquisition of real property where publicity would substantially affect the value thereof, with members of the Legislature and the County administrator present. It is not anticipated that there will be a resolution or resolutions forthcoming after the executive session. Seconded by Mr. Killen.

VOTE: Unanimous

Meeting adjourned at 11:12 a.m.