

REGULAR SESSION – TUESDAY, OCTOBER 13, 2020

The Yates County Legislature met in regular session Tuesday, October 13, 2020 at 1:00 p.m. in the Legislative Chambers and by Zoom meeting. Chairman Paddock presided with Legislator Percy absent.

Minutes of the September meeting were approved as presented.

Brian Zerges, member of the Tourism Advisory Council (TAC) reviewed the following recommendations for the 2021 tourism funding.

2021 Funding Requests					
Organization	Requested Funding	Recommend Funding			
Yates Chamber of Commerce - TPA	\$250,000	\$186,411			
Finger Lakes Wine Country	\$47,800	\$47,800			
Finger Lakes Tourism Alliance	\$22,860	\$22,860			
Keuka Wine Trail	\$15,000	\$15,000			
Windmill	\$6,000	\$0			
Finger Lakes Museum	\$10,000	\$10,000			
Garces Design	\$22,929	\$22,929			
Fox Run Vineyards	\$3,483	\$0	Withdrew their Request		
Totals	\$378,072	\$305,000			
Funds Available	\$305,000				
Difference --Request/Available	-\$73,072				

County Administrator Flynn advised that a resolution stating the above funding recommendations would be presented at the November Finance Committee meeting.

Lisa Minns from Mosaic updated the Legislature on how the pandemic has affected the routes and ridership. Lisa explained that she was working with the Village on bus stop signs, however, the Village’s attorney advised against it. She is now working with Yates County Highway.

COVID-19:

Deb Minor, Director of Public Health, updated the Legislature on COVID-19. As of today, there are three active community member cases, none are in the hospital, grades K-12 have no students or faculty members testing positive. Keuka College has 55 students testing positive along with two staff members that live out of Yates County. There are 100 students under quarantine. Keuka College’s cases are linked to two off campus social gathers that happened on October 2nd and October 3rd.

Brian Winslow, Director of Emergency Management, updated the Legislature on COVID-19 as it relates to emergency services. Brian stated that he is having a hard time obtaining gowns, otherwise he feels everything is in good shape with supplies.

Brian reported there was a fire today at Keuka College. The plan that was put in place for the college was that Keuka College Security will be first to go on scene and assess what is needed and advise Emergency Services.

Kerry Brennan, Personnel Officer updated the Legislature on the COVID-19 procedures for entering the County Office Building. Kerry explained that a second screening station has been established and there is now tape on the floor for social distancing. The podiums are wiped off after each use, pens are now used once and put in a container and sanitized at the end of the day. Hands-free sanitizing stations have been ordered for the County Office Building, Courthouse and Public Safety Buildings. Additional partitions have been put in the County Clerk's office.

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

Airport Fund	\$ 7,975.52
Finance	\$ 79,354.13
Flint Creek	\$ 4,468.09
Government Operations	\$ 88,326.56
Human Services	\$202,977.36
Prior to Audit	\$197,764.03
Public Safety	\$ 87,223.10
Public Works	\$236,657.15
Total	\$904,745.94

COMMITTEE REPORTS:

Mr. Button thanked the Sheriff and Probation Director Dawes for recent Victim's Impact Panel.

Mr. Bronson thanked Cornell Cooperative Extension (CCE) for the presentation and luncheon.

Ms. Chilson reported she attended a Yates Substance Abuse Coalition meeting with the Planner regarding zoning for possible marijuana shops in the county. Ms. Chilson also thanked CCE for the presentation and luncheon.

Mrs. Church thanked CCE for the presentation and luncheon.

County Administrator Flynn thanked the COVID-19 Task Force that meets every Monday for their continued work.

Ms. Flynn also reported regarding Broadband. RFPs for engineering services were sent out and are due next week. Responses from ISPs are due at the end of month. Ms. Flynn hopes to have contracts in place by the end of the year.

Ms. Flynn also reported that the budget binders for legislators will be available Wednesday of next week and the budget workshops are October 27th and 28th in the Legislative Chambers starting at 9:00 a.m.

PUBLIC COMMENT:

Grant Downs, Seneca Water Shed Intermunicipal Organization (SWIO), invited the Legislature to attend a meeting on October 29th in the County Auditorium. Mr. Downs also stated that a letter requesting funding was sent to all the Legislators urging them to consider funding for SWIO. Chairman Paddock stated that a letter was never received. Mr. Downs will forward the letter.

Valerie Brechko addressed the Legislature on her discontent in that the Director of Veterans' Service has to go out into the County and beg for donations to install power doors on the agency's doors so that it is easier for veterans to come into the office and asked that the Legislature find the money within the budget.

Mr. Button asked that those in charge of the Keuka Housing Council project take into consideration the concerns of Mr. Killen, Ms. Chilson, Mr. Harper, and Mr. Willson.

RESOLUTION NO. 347-20

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

CONSIDERATION OF LOCAL ZONING EXEMPTION IN REGARD TO PROPOSED COMMUNICATIONS TOWER SITE AT EMERSON ROAD IN THE TOWN OF ITALY, COUNTY OF YATES, STATE OF NEW YORK

WHEREAS, Yates County wishes to acquire a parcel of real property to accommodate the installation and operation of a County owned communications tower; and

WHEREAS, Yates County has found a parcel of real property conducive to such objective, namely: a parcel of real property consisting of vacant land owned by Paul Dale Cayward and Lourie J. Cayward, located in the Town of Italy, County of Yates, State of New York, at Emerson Road, and being a portion of the parcel of real property having a current tax map parcel number of 80.03-1-10 and currently commonly known as 2869 Emerson Road (hereinafter referred to as the "Subject Parcel"); and

WHEREAS, Yates County is currently under contract to purchase the Subject Parcel; and

WHEREAS, Yates County wishes to ascertain whether its acquisition of the Subject Parcel and its intended construction, operation and use of the improvements thereon are exempt from local zoning, namely the zoning code of the Town of Italy; and

WHEREAS, in order to ascertain the same, Yates County wishes to apply the "balancing of interests test" established in Matter of County of Monroe v. City of Rochester, 72 NY2d 338 (1988);

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Yates County Legislature makes the following findings with respect to the foregoing issue and each of the factors contained in the aforementioned "balancing of interests test":

1) The nature and scope of the instrumentality seeking immunity: Yates County is a municipal corporation, who through its offices and departments, coordinates the communications within Yates County of various government departments providing services that benefit the public.

2) The encroaching government's legislative grant of authority: Yates County is permitted and expected to provide adequate communications to enable municipal offices and departments to service the public interest; including but not limited to: law enforcement, fire, emergency medical, emergency management and highway services.

- 3) The kind of function or land use involved: The provision of adequate coverage to service the public interest communications needs within Yates County. To this end, on the Subject Parcel Yates County wishes to construct, install and operate a communications tower, and construct and operate those improvements necessary to support the installation and operation of said tower, as well as place the necessary associated utilities thereon. The Subject Parcel was chosen to most effectively meet engineering coverage requirements in this regard.
- 4) The effect local land use regulation would have upon the enterprise concerned: Upon information and belief, the Town of Italy's zoning law does not require subdivision approval to divide an existing parcel but does contain various requirements concerning the installation and operation of communications towers.
- 5) Alternative locations for the facility in less restrictive zoning areas: Upon investigation and evaluation of possible locations, the Subject Parcel is the County's best alternative for the placement and operation of its own communications tower. To this end, the Subject Parcel is at a high enough elevation to ensure improved radio coverage, is relatively cost effective when compared to the development of other potential sites or the continued rental of a communications tower servicing the area in question, and is contiguous to other lands of the County which can provide further support to the project as needed.
- 6) The impact upon legitimate local interests: Communications towers are not uncommon to the Town of Italy or Yates County as a whole. Any impacts, if at all, are minimal compared to the need for adequate communications benefitting the public.
- 7) Alternative methods of providing the proposed improvement: Yates County has investigated alternative site locations, and for the reasons set forth in Section (5) above determines that the Subject Parcel is the best location for the proposed communications tower.
- 8) The extent of the public interest to be served by the improvements: The new communications tower located at the Subject Parcel would greatly benefit the public interest, by way of its enhancements to communications to allow for the proper rendering of the following services, all of which are vital to the public-at-large: law enforcement, fire, emergency medical, emergency management and highway, as well as inter-operability with regional radios of other counties regarding such services. Yates County will use the proposed tower on the Subject Property to dispatch, receive and coordinate these vital communications. These important public needs outweigh any other impact identified with the construction and operation of the proposed site.
- 9) Intergovernmental participation in the project development process and an opportunity to be heard: Prior to the execution of the contract for the Subject Parcel, the Town of Italy was verbally made aware by Yates County of its intentions to build a communications tower at the Subject Property. Via letter dated September 4, 2020 to the Town of Italy by way of its Town Board, Town Supervisor, Town Planning Board and Town Code Enforcement Officer, the Town was put on written notice by the Yates County Attorney of the proposed project at the Subject Parcel and Yates County's intention to consider the issue of whether the planned project is exempt from the Town of Italy's zoning laws, with such consideration to be done by way of application of the "balancing of interests test" established in Matter of County of Monroe v. City of Rochester, 72 NY2d 338 (1988). Moreover, pursuant to said letter, the County invited any and all comments and/or questions from the Town of Italy regarding the subject land acquisition, the planned project and the project's process of development; it being the intention of the County to keep the Town continually informed and give the Town an opportunity to be heard; with the request that the Town provide any comments or

questions prior to October 1, 2020, to which none have been so provided. Furthermore, the Town, through its Code Enforcement Officer was notified by the County Attorney of the applicable committee and full legislature meeting dates wherein the “balancing of interests tests” would be applied, wherein Town representatives are welcome to attend and be heard on the issue at such meeting(s); and be it further

RESOLVED, that the Yates County Legislature hereby finds that the balancing of interests analysis weighs in favor of the acquisition of the Subject Parcel and the planned project and its process of development, all as more particularly described herein, being exempt from Town of Italy zoning laws; and be it further

RESOLVED, that copies of this resolution be forwarded to the Town of Italy.
VOTE: Unanimous

RESOLUTION NO. 348-20

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

RECOGNIZE DOMESTIC VIOLENCE AWARENESS MONTH – OCTOBER

WHEREAS, Domestic Violence remains one of society’s challenges as a crime often not reported that has significant impact on victims, their children, and families – including physical, emotional, financial, social, and spiritual implications so in nationally recognizing October as Domestic Violence Awareness Month, it promotes a time for the community to build awareness toward safe and healthy relationships for all individuals. First recognized in October 1987 makes this the 33rd year anniversary where we know that domestic violence is not merely a "private issue" that only affects a single person or family. Domestic violence affects our entire community. Everyone has the responsibility to prevent domestic violence and build a healthy, safe community; and

WHEREAS, Domestic Violence poisons relationships, destroys lives, and shatters families. Homes should be places of comfort and stability where love and mutual respect thrive. Domestic violence erodes this environment, leaving many Americans in potentially life-threatening situations. We must resolve to have zero tolerance for acts of domestic violence. During National Domestic Violence Awareness Month, we reaffirm our steadfast commitment to empowering survivors and ending this destructive abuse; and

WHEREAS, Domestic Violence affects Americans regardless of income, race, gender, or socioeconomic status. Still, women make up a disproportionately higher number of victims of domestic violence, with nearly half of female homicide victims killed by a current or former male partner. Each of us has a duty to speak out against these crimes and to make every effort to prevent such tragedies from occurring. We must ensure those who have suffered at the hands of abusers receive needed care and support, and we can protect potential victims from future abuse; and

WHEREAS, this month, we strengthen our resolve to ensure homes are places of refuge, comfort, and protection — and not places of fear and abuse. We renew our commitment to support and protect victims, hold perpetrators accountable, and prevent violence before it starts. We strive to eliminate domestic violence in all its horrific forms in order to sustain the hope of a better life for victims and to foster safer homes and relationships for all Americans; and

WHEREAS, Domestic Violence violates a person's dignity, safety, and basic human rights, and knowing the Offices of District Attorney and Sheriff support services that assist victims of domestic violence, including District Attorney's and Sheriffs' Victims Assistance program advocating for victims and assisting victims in their court appearances, legal rights, psychological, personal safety and family needs while additionally the Sheriff has VineLink.com and Victims Hotline providing automated information (1-800-VINE-4-NY) about an offender's incarceration (jail) status to registered victims to help them find a greater sense of safety, and SAVIN, the NYS Sheriffs' order of protection notification program, as well as advocating the National Domestic Violence Hotline at 1-800-799-SAFE and locally having a victims' advocate available;

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature proclaims October 2020 as Domestic Violence Awareness Month in Yates County together with the wearing of purple ribbons and recognizing the theme "*Shine the light on domestic violence,*" which brings awareness to the issue, and supports, recognizes, and trusts in the efforts of law enforcement, public health and social services providers to hold offenders accountable, protect victims of crime and their communities, and prevent future violence; and be it further

RESOLVED, that by showing an ongoing commitment to and support for victims of domestic violence we recognize the efforts of the office of District Attorney, the Sheriff, and especially Safe Harbors of the Finger Lakes (SHFL), the Child Advocacy Center of the Finger Lakes (CACFL), as well as other entities in our regional community in ensuring advocates and supportive services are available to victims; and be it further

RESOLVED, that a copy of this resolution be provided the Sheriff, District Attorney, Safe Harbors of the Finger Lakes, and Child Advocacy Center of the Finger Lakes.

VOTE: Unanimous

RESOLUTION NO. 349-20

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

AWARD CRANE BID FOR ALTERNATE PSAP

WHEREAS, the Sheriff sought RFP proposals for special crane needs at the alternate 911 PSAP Communications Shelter at the Sherman Radio Tower location upon its arrival and required setting; and

WHEREAS, bids were timely received from Wilcox Crane (\$7,700); Auburn Crane (\$7,800); Klug Crane (\$8,000); and Clark Rigging (\$12,500); and

WHEREAS, an exam was completed for meeting of specifications of load capacities, schedule, operator and spreader bars;

NOW, THEREFORE, BE IT RESOLVED, to award the bid to Wilcox Crane, Canandaigua, New York as the low proposal meeting specifications; and be it further

RESOLVED, to provide a copy to Yates County Treasurer and to the Sheriff.

VOTE: Unanimous

RESOLUTION NO. 350-20

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

AUTHORIZE CHAIRMAN TO SIGN INTERMUNICIPAL AGREEMENT WITH SCHUYLER COUNTY TO SHARE THE CODE ENFORCEMENT OFFICER FOR 2020

WHEREAS, Yates and Schuyler County are desirous of continuing an inter-municipal agreement for a Shared Code Enforcement Officer; and

WHEREAS, this agreement retains the Code Enforcement Officer as a Schuyler County employee, but shares said position with Yates County. The contract rate from Yates County for 2020 shall be \$3,000 annually payable consistent with the current agreement and reviewable on an annual basis;

NOW, THEREFORE, BE IT RESOLVED, that upon approval by the Yates County Attorney, the Chairman of the Yates County Legislature is hereby authorized to sign an agreement with Schuyler County for the shared services of Schuyler County's Code Enforcement Officer position as set forth above, said agreement to run from January 1, 2020 through December 31, 2020; and be it further

RESOLVED, that a copy of this resolution be given to Schuyler County, the Yates County Director of Emergency Services, Building Maintenance Supervisor of Yates County and the Yates County Treasurer.

VOTE: Unanimous

RESOLUTION NO. 351-60

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

AUTHORIZE CHAIRMAN TO SIGN AGREEMENT WITH ROCHESTER MUSEUM & SCIENCE CENTER

WHEREAS, several artifacts were found during the building project for the new Courthouse and County Office Building; and

WHEREAS, said artifacts were loaned to Yates County for display in said buildings; and

WHEREAS, said loan agreement will expire October 15, 2020;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman is hereby authorized to sign a renewal loan agreement to expire on October 14, 2021; and be it further

RESOLVED, that a copy of this resolution be given to the County Administrator, Building Maintenance Supervisor, and the County Historian.

VOTE: Unanimous

RESOLUTION NO. 352-20

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

RESOLUTION IN SUPPORT OF PRESERVING FUNDING FOR CRITICAL AGRICULTURE PROGRAMS DURING THE COVID-19 PANDEMIC

WHEREAS, during the COVID-19 pandemic, most farms have been deemed as essential businesses and stepped up their efforts to provide nourishment to all New Yorkers; and

WHEREAS, despite facing their own difficulties, Yates County farmers have assisted our residents and county government in helping to maintain food security and public health during these critical times; and

WHEREAS, farms have been donating thousands of pounds of fresh products to food banks across the state to help feed those in need; and

WHEREAS, now more than ever, farms are in need of critical support from the State of New York; and

WHEREAS, Yates County appreciates the funding that Governor Andrew M. Cuomo and the New York State Legislature provided for many agriculture programs in the FY 2020-2021 State Budget, but are concerned that this funding could be cut or lost all together; and

WHEREAS, Yates County urges the State not to cut the critical programs that keep farms farming, as these programs are important to help the agriculture community recover from the economic crisis and necessary to promote New York State products, provide critical applied research, ensure access to markets, and educate the public and connect them to their food; and

WHEREAS, programs that are funded through Cornell University's College of Agriculture and Life Sciences, including PRO DAIRY, have helped farmers to safely dispose of dumped milk during this time and provided quality information from economists on where the milk market is headed; and

WHEREAS, throughout the pandemic Cornell's College of Agriculture and Life Sciences has also provided many services to our farmers, including weekly online seminars on food safety, virtual meetings that explain how to best adopt social distancing on farms, and bilingual educational materials to reach the farm employee community; and

WHEREAS, the loss of this funding would be detrimental to the entire state's food systems and take many years to recover from; and

WHEREAS, Yates County farmers are "New York Tough" and doing everything they can to survive the pandemic and continue farming to keep New Yorkers fed;

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature calls upon Governor Andrew M. Cuomo and the New York State Legislature to continue New York's commitment to local farms and the agricultural sector by maintaining funding for local agricultural assistance; and be it further

RESOLVED, that this resolution be forwarded to Governor Andrew M. Cuomo, the New York State Legislature, Senator O'Mara, Assemblyman Palmesano, and all others deemed necessary and proper.

VOTE: Unanimous

RESOLUTION NO. 353-20

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

AUTHORIZE CHAIRMAN OF LEGISLATURE TO SIGN CENTER FOR TECH & CIVIC LIFE GRANT AGREEMENT

WHEREAS, the Center for Tech & Civic Life has allocated certain funds to Yates County for the purpose of planning and operationalizing safe and secure election administration in Yates County in 2020; and

WHEREAS, the Yates County Board of Elections desires to use the funding in the amount of \$11,376 for the purposes set forth;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of this Legislature, upon approval of the County Attorney, be and hereby is authorized to sign the agreement for the acceptance of this grant funding; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 354-20

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

AUTHORIZE COUNTY HIGHWAY SUPERINTENDENT TO FILL POSITION (SIGN MAINTENANCE WORKER)

WHEREAS, a Sign Maintenance Worker vacancy was created effective October 2, 2020 as a result of a resignation; and

WHEREAS, the County Highway Superintendent through the vacancy review process has identified the continued need for the Sign Maintenance Worker position and is requesting that the vacancy be filled; and

WHEREAS, the estimated annual cost to fill the Sign Maintenance Worker position is \$61,260 which includes fringe benefits;

NOW, THEREFORE, BE IT RESOLVED, that effective October 13, 2020 the County Highway Superintendent is hereby approved to fill a Sign Maintenance Worker position; and be it further

RESOLVED, that the County Highway Superintendent is also authorized to fill any subsequent vacancies that occur through promotion of an employee into the vacant position, if applicable; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 355-20

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

**AUTHORIZE CHAIRMAN TO SIGN AGREEMENTS WITH ALERA GROUP, INC.
AND AUTHORIZE TREASURER TO PAY ALERA PRIOR TO AUDIT**

WHEREAS, Yates County desires to enter into an agreement with Alera Group, Inc. concerning the plan administration of the Yates County Health Reimbursement Arrangement (HRA) Account and Flexible Spending Arrangement (FSA) Account;

NOW, THEREFORE, BE IT RESOLVED, that contingent upon the approval of the County Attorney, the Chairman of the Yates County Legislature is hereby authorized to sign the agreements/documentation on behalf of Yates County concerning the Yates County HRA and FSA plan administration:

i) Master Services Agreement between Yates County and Alera Group, Inc., ii) Business Associate Agreement between Yates County and Alera Group Inc. and iii) AleraPay Card Collateral Funding Account Authorization Form; and be it further

RESOLVED, that the County Treasurer is authorized to pay Alera Group Inc.'s invoice upon receipt prior to audit and a one-time collateral payment of \$7,500; and be it further

RESOLVED, that a copy of this resolution be provided to Relph Benefit Advisors an Alera Group Company, Alera Group Inc., the Personnel Officer, County Administrator and County Treasurer.

VOTE: Unanimous

RESOLUTION NO. 356-20

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

**AMEND RESOLUTION 225-20
AUTHORIZE CHAIRMAN TO SIGN AGREEMENT BETWEEN YATES COUNTY
AND GILA LLC, D/B/A MUNICIPAL SERVICES BUREAU**

WHEREAS, Resolution 225-20 was duly adopted on June 8, 2020 authorizing the County to enter into an agreement with Gila, LLC, d/b/a Municipal Services Bureau credit card payment processing for County departments; and

WHEREAS, the County IT Director is recommending additional encryption security be added to all card devices;

NOW, THEREFORE, BE IT RESOLVED, that contingent upon the approval of the County Attorney, the Chairman of the Yates County Legislature is hereby authorized to sign an agreement amendment between Yates County and Gila, LLC, d/b/a Municipal Services Bureau; and be it further

RESOLVED, that a copy of this resolution be provided to Gila, LLC d/b/a Municipal Services Bureau, the Personnel Officer, County Administrator, and County Treasurer.

VOTE: Unanimous

RESOLUTION NO. 357-20

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

ADOPT FY 2021 WORKERS' COMPENSATION BUDGET

WHEREAS, the Workers' Compensation Committee, pursuant to Article 5 of the Workers' Compensation Law, has submitted its proposed budget for the fiscal year beginning January 1, 2021, dated October 13, 2020, the budget shows the amount chargeable to the several municipalities participating in the Yates County Workers' Compensation Self-Insurance Fund;

NOW, THEREFORE, BE IT RESOLVED, that said budget be and hereby is filed and approved; and be it further

RESOLVED, that the Yates County Treasurer collect from each participating village and town the amount chargeable to each, as provided by law; and be it further

RESOLVED, that the sum of \$345,448.77 be apportioned to the County of Yates as its share of said budget and be included in the County's 2021 budget; and be it further

RESOLVED, that a copy of this resolution and the budget be given to each of the Town Clerks, Village Clerks, the Personnel Officer, County Administrator and the County Treasurer.

WORKERS' COMPENSATION BUDGET
Fiscal Year - January 1, 2021 through December 31, 2021
TO THE HONORABLE, THE YATES COUNTY LEGISLATURE, NEW YORK

We, the undersigned members of the Workers' Compensation Committee on Mutual Self Insurance, do hereby submit the following budget for the fiscal period of January 1, 2021 through December 31, 2021.

Appropriations:

Administration Charges

S1710.54175	General Administration	4,497.00	
S1710.54011	Consultants	3,000.00	
S1710.54152	Conferences	0.00	
S1710.54156	Training	0.00	
S1710.54191	TPA Contract	21,970.00	
	NYS Workers' Comp		
S1710.54192	Board	57,000.00	
S1710.54193	Insurance		
	Excess Workers' Comp	84,700.00	
S1710.54194	Physicals	4,000.00	
S1710.54195	Supplies: Office	0.00	
S1710.54196	Public Goods Pool	11,000.00	
S1710.54507	Copier Charges	0.00	
S1710.54515	Postage	0.00	
S1710.54654	Mileage	0.00	
S1710.54660	Travel Expenses	980.00	
S1710.54682	Utilities: Telephone/Fax	0.00	
S1710.54907	Dues	55.00	
			187,202.00
S1720.54197	Benefits & Awards		<u>503,504.00</u>
	Total		690,706.00

WORKERS' COMPENSATION APPORTIONMENT SCHEDULE

50%

50%

MUNICIPALITY	EXP SHARE	EQ SHARE	ADM SHARE	TOTAL
Barrington	2,671.77	12,815.83	9,183.80	24,671.40
Benton	6.39	9,435.93	7,049.38	16,491.70
Italy	12,344.59	4,268.86	3,151.23	19,764.68
Jerusalem	310.55	35,616.02	26,717.75	62,644.32
Middlesex	5,600.93	9,282.86	6,677.68	21,561.47
Milo	42.14	24,178.06	18,295.69	42,515.89
Potter	8,968.27	4,637.58	3,453.28	17,059.13
Starkey	11,662.99	11,275.49	8,299.62	31,238.10
Torrey	0	8,131.47	6,074.67	14,206.14
Yates County	136,903.58	119,642.09	88,903.10	345,448.77
Dresden	0	665.66	506.79	1,172.45
Dundee	339.46	2,272.92	1,679.40	4,291.78
Penn Yan	72,901.33	9,529.25	7,209.60	89,640.18
	\$ 251,752.00	\$ 251,752.02	\$ 187,201.99	\$ 690,706.01

VOTE: Unanimous

RESOLUTION NO. 358-20

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

REAPPOINT DEMOCRATIC ELECTION COMMISSIONER (Brechko)

WHEREAS, the Chair of the Yates County Democratic Committee filed with this Legislature a certificate in accordance with Election Law, Section 31, certifying that the recommendation by majority of said committee that Robert F. Brechko residing at 6 White Tail Lane, Penn Yan, NY 14527 (Town of Milo) is suitable and qualified for appointment to the office of Commissioner of Elections and recommends such reappointment be made; and

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

NOW, THEREFORE, BE IT RESOLVED, that Robert F. Brechko is hereby reappointed as Commissioner of Elections for Yates County for a term commencing January 1, 2021 through December 31, 2022, or such term length as determined by the County or State Legislative bodies (EL 3-202); and be it further

RESOLVED, that a copy of this resolution be provided to the County Administrator, Personnel Officer, County Clerk, Mr. Brechko, Yates County Democratic Committee Chair and the Yates County Democratic Committee Secretary.

VOTE: Unanimous

RESOLUTION NO. 359-20

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

ADOPT YATES COUNTY TITLE VI NONDISCRIMINATION POLICY

WHEREAS, the Personnel Officer has recommended for adoption and implementation the Yates County Title VI Nondiscrimination Policy;

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Title VI Nondiscrimination Policy is hereby adopted effective October, 13, 2020; and be it further

RESOLVED, that all prior versions of the Title VI Nondiscrimination Policy be rescinded; and be it further

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

RESOLVED, that any changes to the content of the Title VI Nondiscrimination Policy shall require legislative approval; and be it further

RESOLVED, that a copy of this resolution be forwarded to all Yates County employees via the Intranet.

VOTE: Unanimous

YATES COUNTY

TITLE VI NONDISCRIMINATION POLICY



Yates County

Title VI Nondiscrimination Policy

Revision Record

Revision	Date	Paragraph(s)	Description
0	October 12, 2020	All	Original issue.

Yates County Title VI Nondiscrimination Policy

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101 *Definitions*

For purposes of this Plan, the following terms shall be defined as set forth below.

1. **Age** – Defined by the Census Bureau as the length of time in completed years that a person has lived.
2. **Color** – Refers to a person's pigmentation, complexion, or skin shade or tone.
3. **Complainant** – A complainant is the person who has filed a Title VI complaint.
4. **Disability** – A condition that involves a physical or mental impairment which substantially limits a person's major life activity.
5. **Environmental Justice (“EJ”)** – Includes efforts to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of programs, policies and activities on minority populations and low-income populations which includes the following: Black; Hispanic or Latino; Asian American; American Indian and Alaskan Native; and Native Hawaiian or other Pacific Islander.
6. **Federal Financial Assistance and Federal-aid** –
 - A. Grants and loans of federal funds
 - B. The grant or donation of federal property and interests in property
 - C. The detail of federal personnel
 - D. The sale and lease of, and the permission to use (on other than a casual or transient basis), federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient
 - E. Any federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.
7. **Limited English Proficiency** – An individual who does not speak English as a primary language and has a limited ability to read, speak, write or understand English is considered Limited English Proficient (“LEP”). LEP individuals include those who reported to the United States Census that they speak English less than “Very Well,” “Not Well,” or “Not At All.”
8. **Low Income** – The Federal Highway Administration has defined "low-income" as a family of four (4) whose household income is either at or below the United States Department of Health and Human Services poverty guidelines.
9. **Low Income Population** – Any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who would be similarly affected by a proposed a federal program, policy, or activity.
10. **National Origin** – Relates to person's birthplace, ancestry, culture or language.
11. **Race** – Generally refers to a person's ancestry or physical or cultural characteristics associated with a certain race, such as skin color, hair texture or styles and/or certain facial features.
12. **Recipient** – Any State, territory, possession, the District of Columbia, or Puerto Rico, or any political subdivision thereof, or instrumentality thereof, any public or private agency, institution, or organization, or other entity, or any individual, in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom federal financial assistance is extended, directly or through another recipient, including any successor, assignee, or transferee thereof, but such term does not include any ultimate beneficiary.
13. **Sex** – Refers to a person's biological sex.
14. **Subrecipient** – A subrecipient - is a non-federal entity that receives a sub-award from a pass-through entity to carry out part of a federal program. A subrecipient may include,

but is not limited to: a city, county, metropolitan planning organization, college/university, contractor or sub-grantee.

15. **Title VI** – Title VI of the Civil Rights Act of 1964 is the federal law that protects individuals and groups from discrimination on the basis of their race, color, and national origin in programs and activities that receive federal financial assistance. The Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, Federal Railroad Administration, Department of Labor, Department of Health, Department of Education, etc. each reference Title VI and other civil rights statutes and related authorities that prohibit discrimination in programs and activities receiving federal financial assistance.

102 *The Purpose of the Title VI Nondiscrimination Policy*

The purpose of the Title VI Nondiscrimination Policy is to ensure compliance with Title VI of the Civil Rights Act of 1964 (Title 23 CFR Part 200 and Title 49 CFR Part 21), as well as related statutes and regulations.

200 OVERVIEW OF TITLE VI COMPLIANCE

201 *Title VI Nondiscrimination Policy Statement*

It is the policy of Yates County not to discriminate on the basis of sex, (including gender identity or expression and the status of being transgender), sexual orientation, race (including traits historically associated with race, including, but not limited to, hair texture and protective hairstyles, for example, braids, locks or twists), color, national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, genetic information or predisposing characteristics, domestic violence victim status or any other protected status.

This policy fully incorporates throughout all of the Yates County operations, the requirements of applicable State and federal laws and executive orders to prohibit any discriminatory practices, procedures and policies. All Legislators, Department Heads/Supervising Authorities and employees are directed to comply with these laws and orders.

Yates County is committed to maintaining a local government, which recognizes and values the inherent worth and dignity of every person; fosters tolerance, sensitivity, understanding, and mutual respect among its members; and encourages all individuals to strive to reach their own potential.

202 *Title VI Program*

1. Program Summary –

- A. As a subrecipient of federal and state funds, Yates County is subject to the requirements and provisions of Title VI of the Civil Rights Act of 1964, as amended. The provisions include, but are not limited to, prohibiting discrimination on the grounds of race, color or national origin, which includes being denied the benefits of, or being otherwise subjected to discrimination under any program or activity administered by federal or state assisted programs, services, or activities.
- B. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, denied the benefits of, or be subjected to discrimination under

any program or activity receiving Federal financial assistance" (42 U.S.C. Section 2000d).

- C. Yates County assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. Yates County's Personnel Officer is responsible for monitoring the Title VI activities for Yates County.
 - D. Yates County is committed to ensuring that no person is excluded from participation in, or denied the benefits of its services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration ("FTA") Circular 4702.1.B.
 - E. As a subrecipient of federal funds, Yates County makes Environmental Justice ("EJ") part of its mission through identifying and addressing disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations, and to ensure the full and fair participation by all potentially affected communities in the transportation decision-making process. Yates County addresses EJ concerns in transportation decisions in the planning, construction and maintenance stages.
 - F. As detailed more fully in a separate LEP Plan, Yates County has reaffirmed that it will not subject an individual to discrimination based upon that person's inability to speak, read, write or understand English, which is recognized as a form of national origin discrimination. Yates County's LEP Plan assists Yates County in identifying reasonable steps for providing language assistance to individuals with LEP who wish to access services provided by Yates County.
2. **Title VI Coordinator** – The Yates County Legislature has designated the Personnel Officer as the Title VI Coordinator. The roles and responsibilities assigned to the Title VI Coordinator include, but are not limited to:
- A. Schedule training concerning Title VI related statutes for Yates County employees;
 - B. Receive, investigate and resolve complaints of discrimination; and
 - C. Develop Title VI information for public dissemination, which includes ensuring information is provided to the public and, where appropriate, in languages other than English.
3. **Related Documents** –
- A. [42 U.S.C. Section 2000d](#)
 - B. [Civil Rights Restoration Act of 1987](#)
 - C. [Title VI in Federal Transit Administration \(FTA\) Circular 4702.1.B](#)
 - D. [Yates County Personnel Officer – Title VI Coordinator Contact Information](#)

203 Related Policy and Authoritative Sources

1. **Statement of Purpose** – Title VI of the Civil Rights Act of 1964 and subsequent statutes, regulations and executive orders require subrecipients of federal financial assistance to ensure that no person shall be excluded from participation in, denied the benefits of, or be subject to unlawful discrimination in, the operation, implementation, access and use of the subrecipients' programs, activities and facilities based on race, color, national origin, sex, age, disability, level of income or an individual's limited ability to speak English.
2. **Subsequent Statutes, Regulations and Executive Orders** –
 - A. **Americans with Disabilities Act ("ADA")** – The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public

life, including jobs, school, transportation, and all public and private places that are open to the general public.

- B. **Civil Rights Restoration Act of 1987** – This Act clarified the definition of "programs and activities" covered by the nondiscrimination provisions of civil rights statutes. The revised definition states that discrimination is prohibited throughout an entire agency or institution, if any part of that agency receives federal financial assistance ([refer to Section 202.1.B](#)).
 - C. **Environmental Justice ("EJ")** – Executive Order 12898 seeks to avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations, and to ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
 - D. **Limited English Proficiency ("LEP")** – Executive Order 13166 ensures individuals whose first language is not English and have a limited capacity to read, write or understand English are provided meaningful access to programs, information and services by any entity receiving federal funding.
3. **Title VI of the Civil Rights Act of 1964 (42 USC 2000d et seq)** – This statute prohibits exclusion from participation in, denial of benefits of, and discrimination under federally assisted programs on ground of race, color or national origin.
4. **Related Documents** –
- A. [Americans with Disabilities Act \(ADA\)](#)
 - B. [Civil Rights Restoration Act of 1987](#)
 - C. [Environmental Justice \(EJ\)](#)
 - D. [Limited English Proficiency \(LEP\)](#)
 - E. [Yates County Limited English Proficiency \(LEP\) Plan](#)
 - F. [49 CFR Part 21](#)
 - G. [23 CFR Part 200](#)
 - H. [Section 162 \(a\) of the Federal-Aid Highway Act of 1973](#)
 - I. [Title VI of the Civil Rights Act of 1964 \(42 USC 2000d et seq\)](#)

300 INFORMATION DISSEMINATION

301 *Title VI Information Dissemination*

- 1. **Statement of Purpose** – In accordance with 28 CFR 42.405, Yates County will make the Yates County Title VI Program information available to employees, contractors and subcontractors, as well as the general public.
- 2. **Public Dissemination** – Title VI information public dissemination will include the posting of public statements in Yates County owned and operated facilities, inclusion of Title VI language in contracts (as applicable), publishing Title VI information on the Yates County website, which is available to the public generally, and also posting Title VI information on Yates County's Intranet which can be accessed only by Yates County employees.
- 3. **Employee Dissemination/Training** – On an annual basis, Yates County employees are required to undergo Title VI training. This annual training reminds Yates County employees of Yates County's Title VI policies and procedures and ensures employees understand their Title VI responsibilities as public servants.

4. Related Documents –

- A. [Yates County Intranet - Title VI Nondiscrimination](#)
- B. [U.S. Code of Federal Regulations § 42.405 – Public Dissemination of Title VI](#)

302 **Community Outreach**

1. **Summary** – As an agency receiving federal financial assistance, Yates County makes the following community outreach efforts:
 - A. The public is invited to attend and participate in the legislative process;
 - B. Title VI statements are posted in all Yates County facilities for public viewing;
 - C. Yates County has a website to enhance community relation efforts; and
 - D. Yates County's Title VI plan is available to the community on the Yates County website.

400 **TITLE VI COMPLAINT PROCEDURES**

401 **Complaint Procedures**

1. **Statement of Purpose** – The procedures are designed to provide due process for complainants and respondents relating to discrimination in federally funded programs and services administered by Yates County.
2. **Forms of Discrimination Prohibited by Title VI** – In general, the specific kinds of discrimination prohibited by Title VI, subrecipients may not, directly or through contractual arrangements:
 - A. Engage in intentional discrimination because of race, color, or national origin;
 - B. Use criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin; or
 - C. Intimidate, threaten, coerce, or discriminate against any individual in retaliation for exercising a right or privilege.
3. **Intimidation or Retaliation** – Yates County will not intimidate or discriminate against an individual for engaging in lawful protected activity. Yates County complaint procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the Title VI Coordinator may be utilized for resolution.
4. **Applicability of Policy** – This policy applies to any person who believes he/she or a specific class of persons were subjected to discrimination on the basis of race, color, or national origin in the programs and activities administered by Yates County, which receives federal financial assistance.
5. **Reporting Timeframe** – A complaint must be filed not later than one hundred and eighty (180) days after the date of the last instance of alleged discrimination, unless the time for filing is extended by the processing agency.
6. **Reporting of Discrimination** – Reports of alleged discrimination must be made in writing. A copy of a Title VI Complaint Form is included with this policy and individuals shall use this form to properly file a complaint. The written complaint shall be filed with the Title VI Coordinator ([refer to Section 202](#)). The complainant shall include the following information:

- A. A written explanation of the alleged discriminatory actions;
 - B. The complainant's contact information, including, if available: full name, postal address, phone number, and email address;
 - C. The basis of the complaint (e.g., race, color, national origin);
 - D. The names of specific persons , including the applicable Yates County department, alleged to have discriminated;
 - E. Sufficient information to understand the facts that led the complainant to believe that discrimination occurred in a program or activity that receives federal financial assistance; and
 - F. The date(s) of the alleged discriminatory act(s) and whether the alleged discrimination is ongoing.
7. **Investigation of Complaint** – Investigations of alleged violations of Title VI will commence within thirty (30) days of a complaint being filed. Yates County will follow the following protocol for investigating a complaint:
- A. Acknowledge receipt of the complaint;
 - B. Determine if Yates County has jurisdiction to review the complaint;
 - C. Schedule an interview, if necessary;
 - D. Determine if other public or private entities are or should be involved;
 - E. Determine if meetings are needed;
 - F. Issue a preliminary review finding within one hundred and eighty (180) days;
 - G. Issue a final review finding;
 - H. Issue corrective action recommendations, if appropriate; and
 - I. If necessary, issue sanction recommendations.
8. **Corrective Action / Discipline for Noncompliance** – When a complaint is substantiated, Yates County will impose such necessary corrective or disciplinary actions as are applicable.
9. **Complaint Dismissal** – Reasons for a complaint to be dismissed include but may not be limited to:
- A. The complaint is untimely filed;
 - B. The complainant fails to respond to repeated requests for additional information needed to process the complaint;
 - C. The complainant cannot be located after reasonable attempts;
 - D. There is no statutory or alleged basis for the complaint, Yates County lacks jurisdiction in the matter, or the complainant does not allege any harm with regard to current programs or statutes;
 - E. The complaint has been investigated by another agency and the resolution of the complaint meets regulatory standards; e.g., all allegations were investigated, appropriate legal standards were applied; and/or
 - F. The complainant decides to withdraw the complaint.
10. **Legal Protections and External Remedies** – Nothing in this policy should be construed as in any way limiting an individual's right to file a formal complaint with the appropriate state or federal agencies responsible for administering anti-discrimination laws. Complainants should be aware that time restrictions may apply to filing a complaint. Aside from Yates County's internal process, individuals may also choose to pursue legal remedies with governmental entities that include but are not limited to:
- A. **Federal Aviation Administration** – To file a complaint a written statement/complaint shall be sent to:
 - a. Federal Aviation Administration Office of Civil Rights

ACR-1, Room 1030 800 Independence Ave
SW Washington, DC 20591

- B. **Federal Highway Administration** – To file a complaint via US Mail, a complainant may contact the FHWA Office of Civil Rights at 202-366-0693 or via email at: FHWA.TitleVIcomplaints@dot.gov or FHWA.ADAcomplaints@dot.gov to request hardcopy and send it to:
- a. Federal Highway Administration
U.S. Department of Transportation
Office of Civil Rights
1200 New Jersey Avenue, SE
8th Floor E81-105
Washington, DC 20590
- C. **Federal Railroad Administration** – Individuals and organizations may file a complaint by completing the Title VI complaint form. Complaints should be signed and include contact information and should be sent to:
- a. Office of Civil Rights Federal Railroad Administration
1200 New Jersey Avenue
SE ROA-10, Mail Stop 5
Washington, DC 20590
- D. **Federal Transit Administration Office of Civil Rights** – A complainant may file a complaint by completing the FTA Complaint Form. The complaint form should be emailed to FTACivilRightsCommunications@dot.gov with "FTA complaint form" included in the subject line. Alternatively, complaints may be mailed to:
- a. Federal Transit Administration
Office of Civil Rights
Attention: Complaint Team
East Building, 5th Floor – TCR
1200 New Jersey Avenue, SE
Washington, DC 20590
- E. **New York State Education Department** – Complaints may be emailed to CONAPPTA@nysed.gov with "COMPLAINT" in the subject line of the email. Alternately, a complaint may be mailed to NYSED at the following address:
- a. New York State Education Department
Office of ESSA Funded Programs
Attention: Complaint Coordinator
89 Washington Avenue, Room 320EB
Albany, New York 12234
- F. **New York State Division of Human Rights** – Persons who feel they have been discriminated against can file a complaints with the Division of Human Rights by completing the form provided on the NYS Division of Human Rights website. In addition to submitting the complaint online, complaints may also be emailed to complaints@dhr.ny.gov or mailed to:
- a. NYS Division of Human Rights
333 East Washington St.
Syracuse NY 13202
- G. **The United States Department of Health and Human Services** – Anyone who believes that he/she has been discriminated against because of race, color or national origin may file a complaint with OCR within 180 days of the date on which the discrimination took place. The address for the OCR Regional Office for Yates County is:
- a. Office for Civil Rights
U.S. Department of Health & Human Services
26 Federal Plaza - Suite 3313
New York, NY 10278

- H. **The United States Department of Justice** – Contact the Department of Justice to report a civil rights violation by completing the online complaint form or by mail:
 - a. U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001
- I. **United States Equal Employment Opportunity Commission** – A Charge of Discrimination can be completed through the online system, in person at an EEOC Office, by telephone, or by mail:
 - a. U.S. Equal Employment Opportunity Commission
131 M Street, NE
Washington, DC 20507

11. Related Documents –

- A. [Federal Aviation Administration Compliance Program](#)
- B. [Federal Highway Administration Complaint Form](#)
- C. [Federal Highway Administration Complaint Procedure](#)
- D. [Federal Railroad Administration Complaint Template](#)
- E. [Federal Transit Administration](#)
- F. [Federal Transit Administration Complaint Form](#)
- G. [New York State Division of Human Rights](#)
- H. [New York State Division of Human Rights Complaint Form](#)
- I. [New York State Education Department Complaint Procedure](#)
- J. [Title VI Statutes and Regulations](#)
- K. [The United States Department of Health and Human Services Title VI Summary](#)
- L. [The United State Department of Justice Complaint Form](#)
- M. [The United States Department of Justice Complaint Process](#)
- N. [United States Equal Employment Opportunity Commission Complaint Process](#)
- O. [Yates County Title VI Discrimination Complaint Form](#)

VOTE: Unanimous

RESOLUTION NO. 360-20

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

**AMEND YATES COUNTY EMPLOYEE HANDBOOK
(Yates County Employee Handbook)**

WHEREAS, the Employee Handbook is in need of modifications;

NOW, THEREFORE, BE IT RESOLVED, that effective October 13, 2020, a section titled “Title VI Nondiscrimination Policy” be added and become the new Section 803 and the remaining section numbers be updated accordingly;

803 Title VI Nondiscrimination Policy

- 1. **Policy Statement** – In accordance with Title VI of the Civil Rights Act of 1964 (Title 23 CFR Part 200 and Title 49 CFR Part 21), as well as related statutes and regulations, as a subrecipient of federal and state funds, Yates County is subject to the requirements and provisions as set forth within. The provisions include, but are not limited to, prohibiting discrimination on the grounds of race, color or national origin, which includes being denied the benefits of, or being otherwise subjected to discrimination under any program or activity administered by federal or state assisted programs,

services, or activities. The County has established an official Title VI Nondiscrimination policy that must be followed without exception.

2. **Related Document - [Title VI Nondiscrimination Policy](#)**

And be it further

RESOLVED, that the revised Employee Handbook be made available to all County employees by means of the Intranet; and be it further

RESOLVED, that a copy of this resolution be forwarded to all Yates County Employees.

VOTE: Unanimous

RESOLUTION NO. 361-20

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

**AUTHORIZE CHAIRMAN TO SIGN CONTRACT
(Layer 3 Technologies - Rochester, NY)**

WHEREAS, in preparation for the installation of the public safety body cams, I.T. will need to have the firewall reconfigured to allow the body cam traffic to be uploaded to the Axon cloud storage utilizing our secondary ISP connection;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature is hereby authorized to sign a contract with Layer 3 Technologies of Rochester, NY for Professional Services to make configuration changes to our production firewall at a cost not to exceed \$1,800.00; and be it further

RESOLVED, that a copy of this resolution be given to Layer 3 and to the IT Director.
VOTE: Unanimous

RESOLUTION NO. 362-20

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

**AUTHORIZE CHAIRMAN TO SIGN CONTRACT
(Entre Computer Services - Rochester, NY)**

WHEREAS, in preparation for the installation of the public safety body cams, I.T. will need to have the core switch and public safety switch reconfigured to allow the body cam traffic to be uploaded to the Axon cloud storage utilizing our secondary ISP connection;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature is hereby authorized to sign contract with Entre Computer Services of Rochester, NY for Professional Services to make configuration changes as required at a cost not to exceed \$1,400.00; and be it further

RESOLVED, that a copy of this resolution be given to Entre and to the IT Director.
VOTE: Unanimous

RESOLUTION NO. 363-20

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

Mr. Willson stated he will not be supporting this. He does not believe the project has ripened to the point where all the facts are known. Mr. Willson also has a difficult time with the only access to the apartments which have been declared for FLACRA going right in front of the high school.

Mr. Killen stated he has a hard time supporting this as the Town of Jerusalem is not in agreement with what has been proposed.

Ms. Chilson stated she also has a difficult time supporting this as the access road is small and leads down past the school. She is concerned that children will be available and at risk. Ms. Chilson also feels the building will be over flooded with individuals that need rehab. It has to have a different design to meet the needs better for the people they want to reach.

RATIFY LETTER OF SUPPORT

WHEREAS, an email requesting a letter supporting a grant application for a housing project (“Vineyard Hill”) proposed by Keuka Housing Council (KHC) was received by the Chairman on September 22, 2020; and

WHEREAS, the Letter of Support was needed by Monday, October 5, 2020 in order to be included with the grant application; and

WHEREAS, Renee Bloom, Executive Director of KHC presented the request to the Government Operations Committee at its October 5 meeting and described the project; and

WHEREAS, the majority of the committee and other legislators present agreed that the Chairman should provide such letter and bring forth a resolution ratifying same;

NOW, THEREFORE, BE IT RESOLVED, that the Letter of Support sent by the Chairman for Vineyard Hill is hereby ratified; and be it further

RESOLVED, that a copy of this resolution be furnished to Keuka Housing Council.
VOTE: Roll Call – Cutler, Bronson, Gleason, Church, Banach, Holgate, Multer, Button, Paddock voting “Yes”, Killen, Chilson, Harper, Willson voting “No”. Motion carried.

RESOLUTION NO. 364-20

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

COMMEMORATING THE 55th ANNIVERSARY OF PRO ACTION OF STEUBEN AND YATES, INC. CELEBRATED ON SEPTEMBER 14, 2020

WHEREAS, the Yates County Legislature recognizes that the quality and character of life in our communities are reflective of the concerned and dedicated efforts of those organizations and individuals devoted to the welfare of the community and its citizenry; and

WHEREAS, in 1964, President Lyndon B. Johnson and the United States Congress enacted into law the Economic Opportunity Act (EOA) and the war on poverty was declared; and

WHEREAS, the Act established the Office of Economic Opportunity, which was part of the executive branch of government and reported directly to the President; within the next two years, more than 1,600 community action programs opened throughout the nation; and

WHEREAS, the first planning meeting for what is now known as Pro Action met on April 12, 1965; one year later a proposal was developed and a Board of Directors was created; during this time, the Agency was referred to as the Economic Opportunity Program of Steuben County; and

WHEREAS, the Yates County Legislature designated Steuben-Yates County EOP as the Community Action Agency for Yates County on February 14, 1983 and became the sponsor for Yates Office for the Aging; and

WHEREAS, newly incorporated as Pro Action of Steuben and Yates, Inc. in 1993, this vital organization continues to work diligently each year to promote school readiness among young children, improve access to affordable, quality childcare, assist low-income people to gain jobs or improve their employment situations, reduce the burden of high energy/fuel costs, and help seniors remain healthy and independent; and

WHEREAS, the 55th Anniversary of Pro Action of Steuben and Yates, Inc. occurred on Thursday, September 14, 2020; and

WHEREAS, after 55 years of steadfast and unwavering service, Pro Action remains true to its mission by working to build a community of resilient individuals and families who can meet their basic needs, overcome adversity, and prosper; and

WHEREAS, the success of Pro Action is in direct correlation to the efforts of its staff, directors and administrators whose involvement is, and always has been, characterized by an impressive commitment, an unbridled enthusiasm, and an uncompromising standard of excellence in all endeavors on behalf of the organization and the communities it serves;

NOW, THEREFORE, BE IT RESOLVED, that this Legislature commemorates the 55th Anniversary of Pro Action of Steuben and Yates, Inc. celebrated on September 14, 2020; and be it further

RESOLVED, that a copy of this resolution be forwarded to Laura Rossman, CEO, Pro Action of Steuben and Yates, Inc.

VOTE: Unanimous

RESOLUTION NO. 365-20

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

**APPOINTING YATES COUNTY VETERANS' SERVICES DIRECTOR AS THE
VETERAN INDIGENT BURIAL DESIGNEE FOR YATES COUNTY**

WHEREAS, the Yates County Legislature is required to appoint an appropriate designee to arrange and/or pay for indigent burials and headstones relative to Veterans pursuant to New York State General Municipal Law Section 148; and

WHEREAS, said designee shall also be responsible for compiling an annual report to the Yates County Legislature that encompasses the mandates of General Municipal Law Section 148(3);

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature hereby appoints the Yates County Veterans' Services Director as the Veteran indigent burial designee for Yates County; and be it further

RESOLVED, that copies of this resolution be given to the Veterans' Services Director and the County Treasurer.

VOTE: Unanimous

RESOLUTION NO. 366-20

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

**CALLING ON THE GOVERNOR TO COMPLETE AFFORDABLE CARE ACT
ENHANCED FEDERAL MEDICAID ASSISTANCE PERCENTAGE
RECONCILIATIONS AS SOON AS POSSIBLE**

WHEREAS, the funding to support the Medicaid program is provided by a combination of federal, state and local resources; and

WHEREAS, the state-required county and New York City contribution is \$7.6 billion annually; and

WHEREAS, the statutorily-required share of Medicaid funding paid in New York by localities is the highest of any state in the country; and

WHEREAS, this large local funding share for Medicaid and other state programs is a major contributor to New York's high local tax burden compared to other states; and

WHEREAS, under the Affordable Care Act the federal government provided an enhanced Medicaid matching share (eFMAP), which has saved the State of New York billions of dollars; and

WHEREAS, the state is required under federal law to share these savings with counties and New York City based on the proportionate share localities pay of the nonfederal match; and

WHEREAS, the state has used a methodology that provides 80 percent of these estimated federal savings to counties in the year the costs accrue; and

WHEREAS, the balance of savings owed to counties is supposed to be reconciled annually to ensure these savings can benefit local budgets and taxpayers; and

WHEREAS, the last completed reconciliation was for state fiscal year 2015-16; and

WHEREAS, this leaves reconciliations more than three years behind, with hundreds of millions of federal dollars being withheld from counties and New York City; and

WHEREAS, by not providing these federal funds, the state is requiring counties and New York City to reserve funds locally to make up for the loss, forcing local taxes higher over multiple years; and

WHEREAS, in the years leading up to the last completed eFMAP reconciliation, counties were provided an estimate of their next year Medicaid costs by September, in time to incorporate the savings in their upcoming budget, a practice that ceased when regular reconciliations ended.

NOW, THEREFORE, BE IT RESOLVED, that Yates County urges the Governor to complete these unfinished reconciliations as soon as possible and to make appropriate adjustments in local weekly shares; and be it further

RESOLVED, the state should also renew its practice of providing timely notice to counties of coming year Medicaid costs so they can appropriately budget those savings for local taxpayers; and be it further

RESOLVED, if the state is unable to provide timely notice and there is an increase in local Medicaid costs in the subsequent year, all of the increase should be exempt from the property tax cap calculation; and be it further

RESOLVED, that this resolution be forwarded to Governor Andrew M. Cuomo, the New York State Legislature, Senator O'Mara, Assemblyman Palmesano, and all others deemed necessary and proper.

VOTE: Unanimous

RESOLUTION NO. 367-20

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

URGING THE GOVERNOR AND LEGISLATURE TO SUPPORT IMPLEMENTATION OF LONG-TERM CARE REFORM

WHEREAS, the State of New York has enacted substantial reforms to its Medicaid program to ensure future cost growth remains within state law limits; and

WHEREAS, a large share of these Medicaid changes are directed at modifying the administration of long-term care services, as well as implementing eligibility and beneficiary limits for Medicaid long term care services; and

WHEREAS, the Governor and Legislature enacted statutory reforms almost a decade ago to streamline the administration of Medicaid, with a goal of improving uniformity and enhancing

accountability through a gradual state takeover of all local Medicaid administrative functions; and

WHEREAS, the state has not completed the takeover of local administrative functions in accordance with the statutory deadline of April 1, 2018; and

WHEREAS, counties have been operating under the direction of the state to reduce local Medicaid staffing and personnel in preparation of the state takeover of these functions; and

WHEREAS, the state's failure to complete its takeover of local Medicaid administrative functions will require counties to implement and administer many of these long-term care administrative and eligibility changes during a period of severe fiscal distress that was increased by the COVID-19 pandemic; and

WHEREAS, these changes include instituting an eligibility Lookback Period of 24 months: the 30-month period immediately preceding the date that such a non-institutionalized individual applies for medical assistance coverage of long-term care services; and

WHEREAS, since asset and income lookback for potential recipients comprises one of the most labor-intensive and complex eligibility and administrative functions in the entire Medicaid program, this will require in-depth regional training, frequent ongoing dialogue requiring support from desk guides, administrative directives and other technology tools; and

WHEREAS, other reforms include changing eligibility criteria for Personal Care Services (PCS), the Consumer Directed Personal Assistance Program (CDPAS) and eligibility criteria for enrollment in Medicaid managed long term care partial plans; and

WHEREAS, these proposals would change the current eligibility criteria for individuals to receive PCS and CDPAS as a Medicaid benefit, regardless of whether such services are received through fee-for-service, Mainstream Managed Care plans, or MLTC plans; and

WHEREAS, to be eligible to receive such services, a recipient would need to demonstrate a minimum need for assistance with activities of daily living (ADL) before such services may be authorized. Specifically, individuals with dementia or Alzheimer's must need at least supervision with more than one ADL, and all others must need at least limited assistance with physical maneuvering with more than two ADLs; and

WHEREAS, the changes to eligibility for Personal Care will lead to Level 1 services being eliminated from Medicaid and shifting these services to county adult protective services requiring a local cost share of 51 percent, representing a significant cost shift to county taxpayers.

NOW, THEREFORE, BE IT RESOLVED, Yates County calls on the Governor and Legislature to ensure the state provides timely training for staff by September 1, 2021; and be it further

RESOLVED, Yates and all New York counties and New York City should be granted immunity for any fiscal penalties for errors in the process that are governed by state policy; and be it further

RESOLVED, the state needs to continue the Medicaid Administrative Cap at the current funding level until such time as the state completes its takeover of Medicaid Administration; and be it further

RESOLVED, that this resolution be forwarded to Governor Andrew M. Cuomo, the New York State Legislature, Senator O'Mara, Assemblyman Palmesano, and all others deemed necessary and proper.

VOTE: Unanimous

RESOLUTION NO. 368-20

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

RECOGNIZE OCTOBER 25, 2020 THROUGH OCTOBER 31, 2020 AS NATIONAL LEAD POISONING PREVENTION WEEK

WHEREAS, lead poisoning remains a leading environmental health hazard to children in Yates County; and

WHEREAS, lead poisoning may cause serious, long term harm to children, including kidney problems, loss of hearing, bone weakness, tooth decay, and anemia; and

WHEREAS, even low levels of exposure to lead can impair young children's ability to learn and thrive, causing reduced IQ and attention span, learning difficulties and behavior problems, and these effects are persistent and interfere with success in school and later life; and

WHEREAS, young children and pregnant women living in pre-1978 housing are most vulnerable, through exposure to lead particles when lead-based paint deteriorates or is disturbed during home renovation and repainting; and

WHEREAS, lead poisoning crosses all barriers of race, income, culture and geography; and

WHEREAS, lead poisoning is preventable; the key is to keep children from coming into contact with lead; and

WHEREAS, education and awareness about the dangers of lead provides an opportunity to ensure that children throughout Yates County can learn, grow and mature in an environment free from the harmful, long-term effects of lead, protecting children now, and for their future.

NOW, THEREFORE, BE IT RESOLVED, the Yates County Legislature recognizes the week of October 25, 2020 through October 31, 2020, as "National Lead Poisoning Prevention Week" and encourages all parents to have their children tested for lead at age one and again at age two.

VOTE: Unanimous

RESOLUTION NO. 369-20

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

**AUTHORIZE CONTRACT AMENDMENT WITH CYNTHIA VOLLMER,
OCCUPATIONAL THERAPIST**

WHEREAS, Resolution 348-17 authorized signature of an agreement with Cynthia Vollmer, Occupational Therapist; and

WHEREAS, rates for the service provided by this contractor have been revised to \$67.00 per session effective October 1, 2020 and \$68.00 per session effective January 1, 2022; and

WHEREAS, the onset of the COVID-19 pandemic creates a need to add a COVID-19 clause to the existing contract to require compliance with applicable COVID-19 related authority and protocols and provide for defense and indemnification by the contractor.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature be and hereby is authorized to execute a contract amendment with Cynthia Vollmer, Occupational Therapist; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 370-20

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

**AUTHORIZE CONTRACT AMENDMENTS WITH EXISTING INDEPENDENT
CONTRACTORS FOR COVID-19 COMPLIANCE**

WHEREAS, Yates County Public Health has existing contracts with contractors to provide preschool special services including physical therapy, occupational therapy, and speech therapy; and

WHEREAS, the onset of the COVID-19 pandemic creates a need to add a COVID-19 clause to the existing contracts to require compliance with applicable COVID-19 related authority and protocols and provide for defense and indemnification by the contractor(s);

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature be and hereby is authorized to execute contract amendments with the following contractors:

ABC Therapeutics, Occupational Therapy and Physical Therapy
Maida Bachman, Occupational Therapist
Western New York Speech-Language Pathology, OT, and PT Consultants, PLLC dba
Clinical Associates of the Finger Lakes
Anthony Cerneskie, Speech Language Pathologist
Finger Lakes Therapy Works, PLLC
Great Expectations Physical, Occupational, and Speech Therapy, PLLC
Judith Hillyard, Teacher of the Deaf
Juventas Physical, Occupational, and Speech Therapy Services, PLLC

Melissa MacDowell, Speech Language Pathologist
Megan Schewe, Occupational Therapist
Lauren Taylor, Speech Language Pathologist
Christine Toner, Speech Language Pathologist
Pauline Young, Speech Language Pathologist

And be it further

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

VOTE: Unanimous

RESOLUTION NO. 371-20

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

AUTHORIZE CHAIRMAN TO EXECUTE STATEWIDE EXPANSION OF HURELL-HARRING GRANT AND ANY CONTRACT EXTENSIONS RELATING TO STATEWIDE EXPANSION OF HURELL-HARRING GRANT

WHEREAS, there are funds available to the Yates County Public Defender's Office through grants; and

WHEREAS, a grant was written titled "Statewide Expansion of Hurrell-Harring" (Contract Number: CSTWIDEHH53) in the total amount of \$1,736,169.00 in available funds and funds in the amount of \$231,489.20 for year number 2; and

WHEREAS, to access these funds a "State of New York Master Contract for Grants" grant disbursement agreement must be executed by the County by signature of the Chairman of the Legislature for the receipt of the same (hereinafter referred to as "Statewide Expansion of Hurrell-Harring Master Contract");

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature is authorized to execute Statewide Expansion of Hurrell-Harring Master Contract, as well as any future contract extension time periods, and any other necessary documentation related thereto with notification of extensions being given to the Legislature; and be it further

RESOLVED, that a copy of this resolution be given to the Public Defender, Assigned Counsel Administrator, County Administrator, County Treasurer and the Office of Indigent Legal Services (ILS).

VOTE: Unanimous

RESOLUTION NO. 372-20

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

URGING THE NEW YORK STATE LEGISLATURE TO INCREASE RECYCLING AND REDUCE MUNICIPAL WASTE MANAGEMENT COSTS BY EXPANDING THE NEW YORK STATE RETURNABLE CONTAINER ACT

WHEREAS, empty wine, spirit and non-alcoholic beverage glass containers comprise an estimated 90,000 tons of curbside recyclables statewide; and

WHEREAS, such empty glass bottles are not economically viable to recycle as part of curbside recycling programs throughout New York State because the bottles break and become contaminated with paper, plastic, and other non-glass materials at local recycling recovery and sorting facilities; and

WHEREAS, there are no economically viable markets to recycle this contaminated, broken glass material into new glass bottles, and, therefore, the unwanted glass becomes a significant financial burden to New York State's local communities to sort, transport, and properly dispose of, which totals millions of dollars statewide; and

WHEREAS, such broken glass ends up contaminating other recyclable materials, such as paper and corrugated cardboard, at local material recovery facilities, thereby diminishing the value and marketability of recovered paper products; and

WHEREAS, significant environmental benefits would be realized, including the avoidance of one ton of carbon dioxide for every six tons of container glass recycled, if breaking and contaminating this glass could be prevented; and

WHEREAS, if this glass could be recovered for recycling, it could be endlessly reprocessed into new glass containers with no loss in quality or purity; and

WHEREAS, the New York State Returnable Container Act, also known as the Bottle Bill, has proven to be the most effective method to reduce litter and increase the recovery and recycling of various glass beverage containers, including glass beer and soda bottles; and

WHEREAS, glass beverage containers with a deposit, such as beer and soda, have an economically viable market because they are source separated; and

WHEREAS, several other states recognize the environmental and economic benefits of including wine, spirit, and other glass beverage containers in their respective Bottle Bill systems, including California, Hawaii, Iowa, Maine, and Vermont; and

WHEREAS, the Yates County Legislature believes that expansion of the New York State Returnable Container Act to include wine, liquor and other glass beverage bottles will dramatically increase recycling of these other glass containers; create new recycling jobs for clean, uncontaminated glass; and reduce municipal costs to manage these materials as part of municipal curbside recycling collection programs; and

WHEREAS, the Yates County Legislature is committed to the New York State solid waste management hierarchy, which emphasizes waste reduction, reuse, and recycling first; all of which would be served by expanding the bottle deposit system to include these additional glass containers.

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature does hereby strongly urge the New York State Legislature to expand the Bottle Bill as outlined above to include wine, liquor, and other non-alcoholic glass drink containers as a means to reduce litter, increase recycling, and create new recycling jobs, as well as reduce the significant financial burden such containers place on local municipalities as part of curbside recycling collection programs; and be it further

RESOLVED, that this resolution be forwarded to Governor Andrew M. Cuomo, the New York State Legislature, Senator O'Mara, Assemblyman Palmesano, and all others deemed necessary and proper.

VOTE: Unanimous

RESOLUTION NO. 373-20

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

RESOLUTION URGING FULL FUNDING FOR LOCAL ROAD, BRIDGE AND CULVERT PROGRAMS AND ASSURANCES FOR TIMELY REIMBURSEMENT OF QUALIFIED TRANSPORTATION EXPENDITURES

WHEREAS, the enacted 2020-2021 State Budget funds CHIPS, PAVE-NY and Extreme Winter Recovery (EWR) local transportation programs for a total of \$603 million; and

WHEREAS, Governor Andrew Cuomo and the Director of the Division of the Budget have notified municipalities that the aid allocation may be subject to a reduction of up to 20 percent; and

WHEREAS, this potential substantial cut (\$120.6 million total) along with the initial delay in releasing the official authorization in local highway funding contained in the 2020-2021 adopted state budget has caused local highway construction for many counties to grind to a halt; and

WHEREAS, the threat of a 20 percent state funding cut, in full or in part, at any time during the construction season is having a stifling effect on counties' construction plans and project schedules, as they struggle to pay for mandated public services in the face of a pandemic and severely decreasing sales tax revenues; and

WHEREAS, this situation, where counties are struggling or unable to come up with upfront cash in order to proceed with road and bridge work that qualifies for state reimbursement is needlessly sidelining hundreds of construction workers, many of whom find themselves unemployed at a time when the state should be promoting full employment in a sector the state has deemed essential to the economy; and

WHEREAS, all regions of the state that had been shut down to "flatten the curve" of virus infection are now slowly moving through a reopening process that will put communities on the path to economic recovery; and

WHEREAS, counties across New York State (outside of New York City) identified more than \$10.95 billion in infrastructure funding needs, much of it transportation related, and are calling for additional funding for these necessary and long-overdue projects to create or save up to 200,000 jobs that will help jumpstart local economies as they endeavor to recover from the economic devastation wrought by the pandemic; and

WHEREAS, to ensure long-term economic revitalization and a safe, resilient, and functional infrastructure, the funds appropriated and allocated to counties and municipalities in the enacted budget for CHIPS, PAVE-NY and EWR must be fully guaranteed and state reimbursements for qualifying expenditures processed timely by the state Department of Transportation and Division of the Budget;

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature urges Governor Andrew Cuomo to immediately commit to fully funding the CHIPS, PAVE-NY and EWR local transportation programs; and be it further

RESOLVED, that the state must assure full reimbursement for qualified expenditures on local road, bridge and culvert projects for SFY 2020-2021, including timely processing by the state Department of Transportation and Division of the Budget; and be it further

RESOLVED, that this resolution be forwarded to Governor Andrew M. Cuomo, the New York State Legislature, Senator O'Mara, Assemblyman Palmesano, and all others deemed necessary and proper.

VOTE: Unanimous

RESOLUTION NO. 374-20

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

Chairman Paddock called for a moment of silence in honor of those who have passed due to COVID-19.

DIRECT THE BUILDING MAINTENANCE SUPERVISOR TO RAISE THE FLAGS

WHEREAS, Governor Cuomo directed through a press release that flags be flown at half-mast in honor of those we have lost to COVID-19; and

WHEREAS, traditionally flags are lowered for specific periods of time to honor the passing of dignitaries; and

WHEREAS, the Governor did not set a specific period of time for the lowering of the flags; and

WHEREAS, a reasonable period of time for mourning deaths due to COVID-19 has passed, and the United States and New York State Flags should be raised to full mast effective immediately, subject to any new limited order to lower flags for a specific period to honor a service member, fireman, member of law enforcement, or dignitary;

NOW, THEREFORE, BE IT RESOLVED, that the Building Maintenance Supervisor is directed to raise the flags to full-mast effective immediately; and be it further

RESOLVED, that a copy of this resolution be provided to the Building Maintenance Supervisor.

VOTE: Unanimous

RESOLUTION NO. 375-20

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

URGING LEGISLATIVE APPROVAL OF S.8257/A.10369 TO INCREASE THE MAXIMUM AMOUNT OF GRANTS UNDER THE AVIATION CAPITAL GRANT PROGRAM

WHEREAS, the Aviation Capital Grant Program is a critical state funding source for general aviation (GA) and commercial service airports because it supports projects that are not eligible for funding under the federal Airport Improvement Program (AIP); and

WHEREAS, the program covers projects such as aviation-related facility construction and reconstruction, terminal improvement and expansion projects, the purchase of airport equipment, the purchase and installation of navigational aids and projects which address safety issues at airports; and

WHEREAS, funding under this program can be used for revenue-generating projects such as concession areas and hangar construction; and

WHEREAS, the maximum grant award under the Aviation Capital Grant Program is \$1.5 million; and

WHEREAS, the last time the grant cap was adjusted was in 2015 when it was increased from \$1 million to \$1.5 million; and

WHEREAS, raising the cap now will help compensate for inflation and the rising costs of construction and materials, and will also allow airports, particularly smaller GA airports, to take on bigger projects, many of which will generate revenues that will help them remain or become more self-sustaining; and

WHEREAS, these grants are vital for many airports across the state and increasing the cap will create more opportunity for airports to upgrade their facilities and enhance the experience, safety and comfort of the traveling public; and

WHEREAS, legislation has been introduced in both houses (S.8257/A.10369) to enact the higher cap for eligible projects of \$2.5 million into law;

NOW, THEREFORE, BE IT RESOLVED, the Yates County Legislature supports this legislation to increase the maximum grant amount allowable under the Aviation Capital Grant Program from \$1.5 million to \$2.5 million and calls for its enactment this year; and be it further

RESOLVED, that this resolution be forwarded to Governor Andrew M. Cuomo, the New York State Legislature, Senator O'Mara, Assemblyman Palmesano, and all others deemed necessary and proper.

VOTE: Unanimous

RESOLUTION NO. 376-20

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

AUTHORIZE CHAIRMAN TO SIGN CONTRACT WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR A REVISED 5311 CAPITAL EXPENDITURES GRANT.

WHEREAS, Yates County has contracted with Yates Transit Service to provide for public transportation for the residents of Yates County; and

WHEREAS, the New York State Department of Transportation anticipates sending a revised contract for Capital Expenditures through its 5311 program that will merge two past contracts unexecuted at this time; and

WHEREAS, this contract will provide for replacement buses and tracking software necessary for the efficient operation of public transportation by Yates Transit Services;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairman of the Legislature is authorized to enter into a contract, on behalf of the County, with New York State Department of Transportation for the purpose set forth above; and be it further

RESOLVED, that copies of this resolution be provided to the NYS Department of Transportation, Yates Transit Service and the Planner.

VOTE: Unanimous

RESOLUTION NO. 377-20

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

2020 BUDGET TRANSFERS

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

From:	To:	Amount:
A1990.54905 Contingent	A6410.54205 ECON-PY Hotels	\$ 2,205.14
A1990.54905 Contingent	A1010.51045 LEG-Clerk Leg.	\$ 2,163.00
A1990.54905 Contingent	A1010.58100 FICA/Med	\$ 182.30
A1230.58100 ADM-FICA/Med	A1230.54320 ADM-Emerg. Exp	\$ 614.00
A1623.54310 DSS-Juv Delinqu.	A6109.54305 DSS-Family Assistance	\$ 300,000.00
A1625.58303 Medical Ins CSEA	A1623.58303 Medical Ins CSEA	\$ 5,000.00
A3110.51753 SH-Youth Officer	A9080.51673 Sick Bank-Public Safety	\$ 8,004.83
A3110.58100 SH-FICA/Med	A9080.58100 Sick Bank-Public Safety	\$ 578.47
A3510.52213 ANML CNT-Veh	A3510.54661 ANML CNT-Vehicle PMR	\$ 608.26
D5110.54602 HWY-Bit Materials	D5120.54606 HWY-Culvert Pipe	\$ 20,273.99

And be it further

RESOLVED, that copies of this resolution be provided to the Clerk of the Legislature, the County Administrator, the Commissioner of Social Services, the Building Maintenance Supervisor, the Sheriff, the Highway Superintendent, and the County Treasurer/Budget Officer.

VOTE: Unanimous

RESOLUTION NO. 378-20

Mr. Holgate offered resolutions 378 thru 381-20 and moved their adoption, seconded by Mr. Harper.

APPROPRIATE ADDITIONAL STATE AID (PLANNING)

WHEREAS, the Planning Department has received additional revenue for Census Outreach; and

WHEREAS, these funds are not part of the 2020 budget;

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

Revenue:		
A8020.43089	PLN-Other State Aid	\$ 21,951.00
Appropriation		
A8020.54898	PLN-Census Outreach	\$ 21,951.00

And be it further

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

RESOLUTION NO. 379-20

**ACCEPT AND APPROPRIATE ADDITIONAL STATE AID
(PUBLIC HEALTH)**

WHEREAS, Public Health has received additional revenue from the New York State Health Foundation for COVID Response; and

WHEREAS, these funds are not part of the 2020 budget;

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

Revenue:		
A4010.43402	PH-NYSHF COVID Response	\$ 6,785.00
Appropriation		
A4010.54115	PH-NYSHF COVID Response	\$ 6,785.00

And be it further

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

RESOLUTION NO. 380-20

**ACCEPT AND APPROPRIATE ADDITIONAL STATE AID
(PUBLIC HEALTH)**

WHEREAS, Public Health is to receive additional revenue for a Supplemental Flu Grant; and

WHEREAS, these funds are not part of the 2020 budget;

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

Revenue:		
A4010.43401	PH-State Aid	\$ 13,566.00
Appropriation		
A4010.54107	PH-Immunization Program	\$ 898.68

A4010.54654 PH-Mileage	\$ 200.00
A4010.54153 PH-Education	\$ 2,500.00
A4010.54516 PH-Printing & Copier	\$ 100.00
A4010.54469 PH-Nursing Supplies	\$ 700.00
A4010.51508 PH-35-40 Hours	\$ 2,136.27
A4010.51505 PH-OT	\$ 500.00
A4010.58100 PH-FICA/Medicare	\$ 1,031.05
A4010.52516 PH-Equipment	\$
5,500.00	

And be it further

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

RESOLUTION NO. 381-20

**APPROPRIATE ADDITIONAL STATE AID
(COMMUNITY SERVICES)**

WHEREAS, Community Services has received additional revenue from Columbia University for the HEALing Communities Grant; and

WHEREAS, these funds are not part of the 2020 budget;

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

Revenue:

A4320.41688 CS-Columbia University	\$ 39,407.80
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Appropriation

A4320.54263 CS-Columbia University	\$ 39,407.80
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And be it further

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

VOTE: Unanimous

RESOLUTION NO. 382-20

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

CHARGEBACK ELECTION EXPENSE

BE IT RESOLVED, the following amounts be levied on 1/1/2021 against the Towns of Yates County for 2019 election expenses as set forth below:

BARRINGTON	\$ 32,935.64
BENTON	\$ 24,249.57
ITALY	\$ 10,970.62
JERUSALEM	\$ 91,530.28

MIDDLESEX	\$ 23,856.19
MILO	\$ 62,135.64
POTTER	\$ 11,918.21
STARKEY	\$ 28,977.10
TORREY	\$ 20,897.21
TOTAL	\$ 307,470.46

And be it further

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

VOTE: Unanimous

RESOLUTION NO. 383-20

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

**RELEVY DELINQUENT SCHOOL TAXES
(TREASURER)**

WHEREAS, the County Treasurer will submit to this Legislature in November, pursuant to Section 1330 of the Real Property Tax Law, a certified list of unpaid school taxes relating to property situated in Yates County and in the various school districts lying wholly or partly within Yates County; and

WHEREAS, pursuant to said law, the Legislature is required to levy and add such delinquent school taxes;

NOW, THEREFORE, BE IT RESOLVED, that the delinquent school taxes for the fiscal year 2020-2021 appearing on the certified list filed by the County Treasurer, be and hereby are, re-levied as of November 2, 2020, and the Clerk of the Legislature is hereby directed to assess and levy on the tax rolls of the respective towns in which the respective school districts are located, against the parcels of property so listed, the unpaid taxes, including penalties and interest, as set forth thereon; and be it further;

RESOLVED, that a copy of this resolution be given to the Clerk of the Legislature and the County Treasurer.

VOTE: Unanimous

RESOLUTION NO. 384-20

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

**RELEVY DELINQUENT VILLAGE TAXES
(TREASURER)**

WHEREAS, the County Treasurer will submit to this Legislature in November, pursuant to Local Law No. 1 of 1978, a certified list of unpaid Village taxes relating to property situated in Yates County and in the several villages lying wholly or partly within Yates County; and

WHEREAS, pursuant to said Local Law, the Legislature is required to levy and add such delinquent Village taxes in accordance with Section 1442 of the New York State Real Property Tax Law;

NOW, THEREFORE, BE IT RESOLVED, that the delinquent Village taxes for the fiscal year beginning June 1, 2020 appearing on the certified list filed by the County Treasurer, be and hereby are, re-levied as of November 2, 2020 and the Clerk of the Legislature is hereby directed to assess and levy on the tax rolls of the respective towns in which the respective villages are located, against the parcels of property so listed, the unpaid taxes, including penalties and interest, as set forth thereon; and be it further

RESOLVED, that a copy of this resolution be given to the Clerk of the Legislature and the County Treasurer.

VOTE: Unanimous

RESOLUTION NO. 385-20

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

CALLING ON THE GOVERNOR AND STATE LEGISLATURE TO END THE PRACTICE OF DIVERTING LOCAL SALES TAX IN ORDER TO SUPPLANT THE STATE'S OWN FUNDING FOR LONGSTANDING STATE RESPONSIBILITIES

WHEREAS, the State of New York has recently implemented a practice of diverting local sales tax to supplant state funding for state designed and controlled programs that have been the responsibility of the state for decades; and

WHEREAS, local sales tax is one of the primary revenue sources available to Yates County to help offset property tax increases and to lower property taxes in many instances; and

WHEREAS, state elected leaders have made controlling and lowering property taxes a key priority in efforts to reduce the tax burden for homeowners and small businesses, and to lower New York's ranking as one of the highest property tax burden states in the nation; and

WHEREAS, the state is diverting, or directing local sales tax be used for specific state purposes, taking away more than \$167 thousand annually in locally raised revenues from Yates County; and

WHEREAS, the county inflation factor for the state property tax cap is 1.5 percent for 2021; and

WHEREAS, Yates County is experiencing record revenue losses from the COVID-19 pandemic, including record state reimbursement cuts and payment delays, with no reform of state mandated programs; and

WHEREAS, the diversion of local revenues for state purposes ultimately results in higher property taxes, further damaging New York's economic competitiveness and harming homeowners and small businesses;

NOW, THEREFORE, BE IT RESOLVED, Yates County calls on the Governor and State Legislature to end the practice of diverting local sales taxes for state budget purposes;

and be it further

RESOLVED, that Yates County urges the state to reverse the diversion of county sales tax to pay for state programs, and abide by the two-year sunset for the diversion of sales tax that can be used to supplant state funding for distressed health care providers or go directly into the state general fund; and be it further

RESOLVED, that this resolution be forwarded to Governor Andrew M. Cuomo, the New York State Legislature, Senator O'Mara, Assemblyman Palmesano, and all others deemed necessary and proper.

VOTE: Unanimous

RESOLUTION NO. 386-20

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

CALLING ON THE GOVERNOR AND STATE LEGISLATIVE LEADERS TO MODIFY ENACTED ACROSS THE BOARD CUTS IN STATE AID TO LOCALITIES AS THE PRIMARY WAY TO BALANCE THE STATE BUDGET AND REPLACE IT WITH A MORE BALANCED APPROACH THAT INCLUDES REFORMING STATE MANDATED PROGRAMS SO THEY ARE LESS COSTLY TO STATE AND LOCAL TAXPAYERS

WHEREAS, the onset of the COVID-19 pandemic forced monumental personal loss in our daily lives, in addition to imposing significant economic hardships on families, individuals, businesses, and governments at all levels; and

WHEREAS, the State closed a large SFY 2020-2021 budget shortfall of \$6.1 billion before the full fiscal and economic impacts of the pandemic could be calculated; and

WHEREAS, closing this initial state fiscal gap was accomplished by a variety of reforms to state programs and state reimbursement cuts that will require Yates County to absorb more than \$2 million in new costs compared to the prior state fiscal year; and

WHEREAS, after the budget was adopted the State acknowledged that the shortfall will likely increase by another \$13.3 billion by the end of the fiscal year; and

WHEREAS, the State proposes to close this gap by cutting Aid to Localities state funding by over \$8 billion, requiring a 20 percent or more cut in this funding depending on implementation; and

WHEREAS, a 20 percent across-the-board cut in state aid to localities would cost Yates County between \$2 million and \$4 million annually; and

WHEREAS, over 65% of Yates County's 2020 property tax levy is mandated spending for state and federal programs, meaning most of these cuts will have to be backfilled with county revenues, potentially on a permanent basis; and

WHEREAS, increases in local taxes of this size are not practical, nor sustainable, and will only harm New York's economic competitiveness and reduce opportunities to all New Yorkers; and

WHEREAS, the state budget cuts are likely to become permanent if additional federal assistance is not provided;

NOW, THEREFORE, BE IT RESOLVED, that Yates County calls on the governor and State Legislature to modify the across the board cuts in Aid to Localities spending as the primary means to fill the state budget gap, and replace it with a more balanced approach that includes reforming state mandated programs, so they are less costly to state and local taxpayers and sustainable even during economic downturns; and be it further

RESOLVED, that this resolution be forwarded to Governor Andrew M. Cuomo, the New York State Legislature, Senator O'Mara, Assemblyman Palmesano, and all others deemed necessary and proper.

VOTE: Unanimous

Mr. Willson moved to enter into executive session to discuss the employment history of a particular individual or individuals, with members of the legislature and the County Administrator present.

It is not anticipated that there will be any resolutions forthcoming after the conclusion of the executive session. Seconded by Mr. Harper.

VOTE: Unanimous

Meeting adjourned at 2:14 p.m.