

## REGULAR SESSION – TUESDAY, OCTOBER 15, 2019

The Yates County Legislature met in regular session Tuesday, October 15, 2019 at 1:00 p.m. in the Legislative Chambers. Chairman Douglas Paddock presided and Legislator Holgate was absent.

Gene Pierce and Susan Barron from the Tourism Advisory Committee (TAC) reviewed the following proposed funding recommendations for 2020.

Yates County Chamber of Commerce, TPS	\$190,000.00
Finger Lakes Wine Country	\$ 47,800.00
Finger Lakes Tourism Alliance	\$ 22,860.00
Finger Lakes Regional Tourism Council	\$ 22,200.00
Arts Center of Yates County	\$ 5,500.00
Keuka College	\$ 15,000.00
Finger Lakes Economic Development Center	\$ 5,000.00
Keuka Lake Wine Trail	\$ 15,000.00
Windmill Farm & Craft Market	-----
Fox Run Vineyards	\$ 3,483.00
Yates History Center	\$ 2,000.00
Camp Cory	\$ 1,700.00
Keuka Comfort Care Home	\$ 6,900.00
Finger Lakes Museum	\$ 5,000.00
Garces Design	-----
Total	\$342,443.00

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

Airport Fund	\$ 1,528.65
Finance	\$ 68,182.26
Flint Creek	\$ -0-
Government Operations	\$ 133,908.03
Human Services	\$ 298,167.94
Prior to Audit	\$ 205,116.16
Public Safety	\$ 91,387.14
Public Works	\$ 195,621.41
Total	\$ 991,911.59

### COMMITTEE REPORTS

Mr. Button reported he attended the Town of Torrey Board meeting where the expansion of the Water District was discussed along with a discussion on a noise issue from the power plant.

Mr. Morrison questioned why Mr. Holgate voted no on a Wine Tasting Room at the IDA meeting. Mr. Morrison was advised to discuss the matter with Mr. Holgate.

Mr. Cutler reported he attended the NYSAC meeting along with Chairman Paddock and Acting County Administrator Flynn in the Catskills.

Ms. Chilson reported she attended the Finger Lakes Community Health Human Trafficking Workshop. It was said that this is a bigger business than professional football, basketball and

baseball put together. Also, kids' pictures go out on social media, then they try to get a job or go to college and those pictures are still out there. So some have chosen to change their names thereby losing part of their identity. Ms. Chilson also attended the Youth Board meeting and the Village Board meeting where discussion took place on amending the zoning for senior housing and also closing off Maiden Lane in the summer and making that a fresh market.

PUBLIC COMMENT

Mrs. Valerie Brechko thanked the Public Safety Committee for moving forward with the resolution to consider a communications shelter proposal and also urged the Legislature to move forward with alternative sites for Emergency Management and I.T.

**RESOLUTION NO. 362-19**

Mr. Bronson offered resolutions 362 and 363-19 and moved their adoption, seconded by Mrs. Percy.

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

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

WHEREAS, the maintenance agreement is due to expire and the Assigned Counsel Administrator seeks to renew said agreement to October 17, 2020; and

WHEREAS, the Public Defense Case Management System Maintenance and Software Support are renewable annually, the Assigned Counsel Administrator is also requesting authorization to have the Chairman of the Legislature sign any future contract renewals pursuant to the above, thus forgoing the necessity of subsequent resolutions in this regard;

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

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

VOTE: Unanimous

**RESOLUTION NO. 363-19**

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

WHEREAS, the Public Defender's office uses a software package called Public Defense Case Management System; and

WHEREAS, the maintenance agreement is due to expire and the Public Defender seeks to renew said agreement to October 17, 2020; and

WHEREAS, the Public Defense Case Management System Maintenance and Software Support are renewable annually, the Public Defender's Office is also requesting authorization to have the Chairman of the Legislature sign any future contract renewals pursuant to the above, thus forgoing the necessity of subsequent resolutions in this regard;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature upon approval of the County Attorney is hereby authorized to sign an extension agreement for one year at a cost of \$1,000.00 (\$500.00 per license); and be it further

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

VOTE: Unanimous

### **RESOLUTION NO. 364-19**

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that after review by the County Attorney, the Chairman of the Legislature and the Social Services Commissioner are authorized to sign a contract with Safe Harbors at an amount not to exceed \$25,000 for the period of 7/1/19-6/30/20; and be it further

RESOLVED, that copies of this resolution be given to the Yates County Youth Bureau Director and the County Treasurer.

VOTE: Unanimous

### **RESOLUTION NO. 365-19**

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

#### **AUTHORIZE CONTRACT FOR TRANSPORTATION SERVICES**

BE IT RESOLVED, that contingent upon the approval of the County Attorney, the Chairman of the Legislature and the Commissioner of Social Services be authorized to sign a contract between the Yates County Department of Social Services and the Yates County Sheriff's Office for the provision of transportation services to the Department of Social Services for the period June 1, 2019 to December 31, 2019; and be it further

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

VOTE: Unanimous

**RESOLUTION NO. 366-19**

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

**AUTHORIZE CONTRACT WITH RAINBOW JUNCTION FOR CHILDCARE SERVICES**

WHEREAS, the Department of Social Services is required by regulation to provide childcare assistance for eligible Yates County residents; and

WHEREAS, the Department of Social Services is interested in contracting with Rainbow Junction Child Care Center for these services;

NOW, THEREFORE, BE IT RESOLVED, that after review by the County Attorney, the Chairman of the Legislature and the Social Services Commissioner are authorized to sign a contract with Rainbow Junction at the following rates for the period of 10/1/19-9/30/20:

Age	Weekly	Daily
6 Weeks-18 months	\$220.00	\$48.00
18-36 months	\$206.00	\$45.00
3-5 years	\$195.00	\$44.00
6-12 years in school	\$ 95.00	\$25.00
6-12 years out of school	\$180.00	\$39.00

And be it further

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

VOTE: Unanimous

**RESOLUTION NO. 367-19**

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

**APPOINTMENT TO THE FINGER LAKES WORKFORCE INVESTMENT BOARD**

WHEREAS, this Legislature, by Resolution #334-99, has authorized the creation of the Finger Lakes Workforce Investment Board for the Counties of Yates, Ontario, Seneca and Wayne in compliance with the Workforce Investment and Opportunity Act (WIOA) of 2017; and

WHEREAS, the Workforce Investment Board members must be appointed by the respective Legislative Boards; and

WHEREAS, the Executive Director has solicited nominations in accordance with the Law; and

WHEREAS, the Finger Lakes Workforce Investment Board By-Laws state voting members shall be appointed for terms of three (3) years, and that terms shall be staggered;

NOW, THEREFORE, BE IT RESOLVED, that this Legislature does hereby appoint the following representative to the Finger Lakes Workforce Investment Board to fill a three-year term from July 1, 2019 through June 30, 2022.

Peter J. Bekisz  
Associate Vice President  
Keuka College  
141 Central Ave  
Keuka Park, NY 14478

And be it further

RESOLVED, that certified copies of this resolution be sent to Wayne, Ontario and Seneca Counties, Yates County Workforce Development, the Finger Lakes Workforce Investment Board, and the to the aforementioned appointee.

VOTE: Unanimous

### **RESOLUTION NO. 368-19**

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

#### **AUTHORIZE CHAIRMAN TO ENTER INTO A LEGAL SERVICES AGREEMENT WITH NAPOLI SHKOLNIK PLLC CONCERNING GENERIC PHARMACEUTICALS LITIGATION, AND FURTHER AUTHORIZE THE COMMENCEMENT OF SUCH LITIGATION ON THE COUNTY'S BEHALF BY NAPOLI SHKOLNIK PLLC**

WHEREAS, the County of Yates (hereinafter referred to as "COUNTY") wishes to determine the feasibility of the COUNTY bringing a civil action against certain companies who manufacture generic pharmaceuticals, for damages to the COUNTY arising out of such companies' actions in fixing prices, allocating markets, engaging in antitrust violations and/or other wrongdoing with respect to generic pharmaceuticals; and

WHEREAS, the COUNTY wishes to retain outside counsel to investigate and if deemed appropriate by such outside counsel commence and prosecute litigation against such companies, with all work to be performed on a contingency fee basis and without the COUNTY advancing costs and expenses for such litigation; and

WHEREAS, the COUNTY has decided that it wishes to engage the law firm of NAPOLI SHKOLNIK PLLC (hereinafter referred to as "Napoli Shkolnik") as outside counsel to investigate the viability of and if appropriate prosecute a civil action against such companies;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the Yates County Attorney, the Chairman of the Yates County Legislature is hereby authorized on behalf of the COUNTY to enter into a legal services agreement with Napoli Shkolnik for the purposes of investigating the viability of and if appropriate commencing and prosecuting litigation against certain companies who manufacture generic pharmaceuticals, for damages to the COUNTY arising out of such companies' actions in fixing prices, allocating markets, engaging in antitrust violations and/or other wrongdoing with respect to generic pharmaceuticals; and be it further

RESOLVED, that pursuant to the terms of such legal services agreement and upon the approval of the Yates County Attorney, the COUNTY hereby authorizes such litigation against certain companies who manufacture generic pharmaceuticals as determined by Napoli Shkolnik

and Napoli Shkolnik's commencement and prosecution of such litigation on the COUNTY's behalf, with Napoli Shkolnik being the COUNTY's attorney of record; and be it further

RESOLVED, that copies of this resolution be given to the County Administrator, County Attorney and Napoli Shkolnik PLLC.

VOTE: Unanimous

### **RESOLUTION NO. 369-19**

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

#### **DESIGNATE OCTOBER 20, 2019 THROUGH OCTOBER 26, 2019 AS NATIONAL LEAD POISONING PREVENTION WEEK - PUBLIC HEALTH**

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

WHEREAS, lead poisoning may cause serious, long term harm to children, including reduced intelligence and attention span, behavior problems, learning disabilities, and impaired growth; and

WHEREAS, most children are poisoned in their homes 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, and geography; 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;

NOW, THEREFORE, BE IT RESOLVED, the Yates County Legislature designates the week of October 20, 2019 through October 26, 2019, as "National Lead Poisoning Prevention Week" and encourages all parents of one and two year olds to have their children tested; and be it further

RESOLVED, that a copy of this resolution be sent to the Public Health office.

VOTE: Unanimous

### **RESOLUTION NO. 370-19**

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

#### **AMENDMENT TO RESOLUTION NO. 263-19**

WHEREAS, Resolution 263-19 authorized an amendment to 98-19 signature of agreements for agencies and persons; and

WHEREAS, a revised State Aid Award letter has been received for OMH funding;

NOW, THEREFORE, BE IT RESOLVED, that Resolution 263-19 be amended as follows:

Soldiers and Sailors Hospital	Clinic Treatment	\$159,431.32
	Crisis Outreach	\$ 23,235.00
	Health Home/Service Dollars	\$ 25,126.00
	Telemedicine/Telepsychiatry	<u>\$ 4,801.68</u>
	TOTAL	\$212,594.00

And be it further

RESOLVED, that copies of this resolution be provided to the Public Health office, Community Services and Yates County Treasurer.

VOTE: Unanimous

**RESOLUTION NO. 371-19**

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

**AUTHORIZE SHERIFF/CHAIRMAN TO SIGN COURT SECURITY SERVICES CONTRACT WITH THE NYS UNIFIED COURT SYSTEM FOR 2019 – 2024**

BE IT RESOLVED, that upon approval of the County Attorney that the Sheriff and Chairman are authorized to sign the security services agreement Contract #C200530 that is effective April 1, 2019 through March 31, 2024 with renewal authorizations each year of the five year contract understanding that the agreed compensation for the period 2019-2020 is \$491,778; and be it further

RESOLVED, that the Clerk of the Legislature will provide the Sheriff with two stamped sealed original copies of this resolution.

VOTE: Unanimous

**RESOLUTION NO. 372-19**

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

Mr. Morrison stated there are a number of reasons why locating the shelter where it is being proposed is not a good idea and preferred the shelter be at the Highway facility.

Mr. Banach questioned a time line for when something would be done at the Highway Facility?

Mrs. Church felt it would be 5 years out while Mr. Morrison felt the shelter could be put up there within 18 months.

Chairman Paddock stated the construction of the shelter would go rather quickly. It's the configuration that would be desired by the Legislature and adoption of the necessary resolutions.

Ms. Chilson stated that we acknowledge that we need this building. But there seems to be concerns with the site. Ms. Chilson feels that a backup plan is needed.

Mr. Willson stated it will take 4 to 5 years to get a building in Benton. The Sheriff feels, for safety, that we need something ready as soon as possible. The site may not be great but right now there is not an alternative that is close, it's 4 to 5 years out.

Mr. Button agrees with Ms. Chilson that a backup is needed and he also agrees with Mr. Morrison that it should not be at this site.

Chairman Paddock stated having an alternate PSAP is a great idea, however, his concern with putting in the larger building is, it would be a quasi EOC that he doesn't believe will be adequate for a long term Emergency Operations Center. Once a small one is built folks on this legislature and at the State who have funded this would not have a vision to include a real EOC at a different location. Chairman Paddock would support a smaller building.

Mrs. Percy felt that with the larger building it could be used temporarily for an EOC and later turned into storage.

Mr. Bronson question if a smaller building was built how the rest of the grant funding would be used.

Sheriff Spike explained that there are always ancillary cost and feels that the whole \$351,000 grant would be used.

Ms. Chilson clarified, if the smaller building was built there is a financial difference, could that difference be use for the communications study. Ron explained that any of the SICG grants can be used for other communication projects.

Mr. Morrison stated that if we do not do anything at this point we will not lose the funding. Most of it can be rolled over to next year. There is approximately \$50,000 that maybe in question that could be used somewhere else.

Mr. Cutler stated he could support the smaller building and then look to the Highway Facility for an EOC.

Mrs. Church stated she doesn't think that anyone is saying that the larger building could be used as a long term EOC but it could be used in an immediate situation much sooner than something at Highway. We have to consider this in going with the larger building.

### **ACCEPT COMMUNICATION SHELTER PROPOSAL**

WHEREAS, with grant funding the Sheriff sought proposals for a specialty pre-cast concrete building known as a communication shelter to house emergency 911 PSAP communications, radio and related equipment, and personnel at the Sherman Tower site; and

WHEREAS, specifications were sent to eight different entities at their request, and no award was made as change order for reduced footprint specifications were applicable; and

WHEREAS, the County has a SICG grant for 2019/20 in the amount of \$351,776 approved and designated for a "Communication Shelter" by NYSHS;

NOW, THEREFORE, BE IT RESOLVED, that, after review, the proposal from United Concrete Products, Inc. from Wallingford, CT is accepted for \$334,920 with site installation at \$18,495, and freight at \$7,260; and be it further

RESOLVED, that the Sheriff is authorized to issue the purchase order herein, and proceed accordingly with the project's implementation with applicable site assistance from the



Highway Department, etc.; and be it further

RESOLVED, that a copy of this resolution be provided the Sheriff, Planner, OEM Director, the Acting County Administrator/Treasurer, and the Highway Superintendent.  
VOTE: Roll Call – Gleason, Church, Banach, Percy, Willson voting “Yes”; Morrison, Cutler, Bronson, Chilson, Multer, Dennis, Button, Paddock voting “No”. Motion lost.

### **RESOLUTION NO. 372A-19**

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

Mr. Button stated he thinks about utilities, fixed costs and so on and you have to think about the up keep.

Sheriff Spike explained that the cost for utilities would be approximately \$55 per month.

Ms. Chilson stated the Sheriff has a concern regarding public safety and she feels this is a reasonable request.

### **ACCEPT COMMUNICATION SHELTER PROPOSAL**

WHEREAS, with grant funding the Sheriff sought proposals for a specialty pre-cast concrete building known as a communication shelter to house emergency 911 PSAP communications, radio and related equipment, and personnel at the Sherman Tower site; and

WHEREAS, specifications were sent to eight different entities at their request, and no award was made as change order for reduced footprint specifications were applicable; and

WHEREAS, the County has a SICG grant for 2019/20 in the amount of \$351,776 approved and designated for a “Communication Shelter” by NYSHS;

NOW, THEREFORE, BE IT RESOLVED, that, after review, the proposal from United Concrete Products, Inc. from Wallingford, CT is accepted for \$294,075 with site installation at \$17,320, and freight at \$7,000; and be it further

RESOLVED, that the Sheriff is authorized to issue the purchase order herein, and proceed accordingly with the project’s implementation with applicable site assistance from the Highway Department, etc.; and be it further

RESOLVED, that a copy of this resolution be provided the Sheriff, Planner, OEM Director, the Acting County Administrator/Treasurer, and the Highway Superintendent.  
VOTE: Roll Call – Cutler, Bronson, Chilson, Gleason, Church, Banach, Multer, Percy, Willson, Paddock voting “Yes”; Morrison, Dennis, Button voting “No”. Motion carried.

### **RESOLUTION NO. 373-19**

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

### **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 32nd 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 Sheriff's 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 Sheriff's 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 2019 as Domestic Violence Awareness Month in Yates County together with the wearing of purple ribbons and recognizing the theme "*Partnering for Health and Hope Following Trauma.*" which brings awareness to the issue, and supports, recognizes, and trust 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. 374-19**

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

#### **DISCUSSION:**

Chairman Paddock pointed out that this resolution came from the NYSAC September conference.

Dr. Dennis stated that the Governor's office has been repeatedly invited to appear before this body to address these concerns. Where is the Governor's representative to support these additional unfunded mandates on this county?

Chairman Paddock stated the current schedule is for a representative from the Governor's office to be here on November 5<sup>th</sup> at the Public Safety meeting.

Mr. Button stated he appreciates Mrs. Church bringing this forward and the discussions that have taken place at the Public Safety Committee meetings.

Dr. Dennis stated that, should we implement everything in the budget that has been requested as a result of these changes, it is going to cost approximately \$250,000 on an annual basis. This is an ongoing expense to this county mandated by the State of New York with no additional funding.

Acting County Administrator Flynn stated that the cost is also half of the tax cap.

Mr. Cutler feels the estimates are very conservative.

### **CALLING ON GOVERNOR ANDREW M. CUOMO AND THE STATE LEGISLATURE TO FULLY FUND COSTS ASSOCIATED WITH IMPLEMENTING RECENTLY ENACTED CRIMINAL JUSTICE REFORMS INCLUDING BAIL, SPEEDY TRIAL, AND DISCOVERY**

WHEREAS, the SFY 2020 enacted state budget included significant criminal justice reforms, which take effect January 1, 2020; and

WHEREAS, the state budget did not include any targeted funding for counties to comply with bail, speedy trial, and discovery reforms; and

WHEREAS, these reforms will significantly impact many county departments, including probation, district attorney, county attorney, public defender, county administration and sheriff; and

WHEREAS, counties are preparing their budgets for the 2020 fiscal year without state revenue to offset the increase in staffing, equipment, technology and software needs across these departments, while also complying with a state-imposed property tax cap; and

WHEREAS, without a thorough review and modification of jail staffing levels on an

annual basis, counties will not see a reduction in county jail staffing costs; and

WHEREAS, the state taskforce must work to determine the full impact to the criminal justice system, including additional costs borne by county government, and recommend appropriate state funding support to assist counties with implementation of this new statute; and

WHEREAS, in addition to financial resources, Yates County calls for statutory changes to the law clarifying electronic monitoring provisions and pre-trial service agencies; and

WHEREAS, Yates County supports efforts to reform cash bail, discovery and speedy trial to return people to society where services can be provided. However, without adequate state funding, costs associated with pretrial supervision, district attorney costs for providing discovery to defense counsel within 15 days for most defendants, and the costs associated with transporting offenders that fail to appear to court are beyond current county resources;

NOW, THEREFORE, BE IT RESOLVED, that Yates County calls upon Governor Andrew M. Cuomo and the State Legislature to hold counties harmless and fund 100% of the incremental costs associated with these criminal justice reform proposals; and be it further

RESOLVED, that the State Commission on Corrections revise the minimum staffing requirement for each local correctional facility upon implementation of this legislation to adjust for expected reductions in local jail census; and be it further

RESOLVED, that §510.40 4(c) of the Criminal Procedures Law be amended to strike “but counties, municipalities and the state shall not contract with any private for-profit entity for such purposes”; and be it further

RESOLVED, that copies of this resolution be forwarded to Governor Andrew M. Cuomo, the New York State Legislature, Senator Thomas O’Mara, Assemblyman Philip Palmesano, the NYS Commission on Corrections, the New York State Association of Counties (NYSAC), and all others deemed necessary and proper.

VOTE: Unanimous

### **RESOLUTION NO. 375-19**

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

#### **AUTHORIZE CHAIRMAN TO ENTER INTO A LEGAL SERVICES AGREEMENT WITH NAPOLI SHKOLNIK PLLC CONCERNING 911 SURCHARGE LITIGATION, AND FURTHER AUTHORIZE THE COMMENCEMENT OF SUCH LITIGATION ON THE COUNTY’S BEHALF BY NAPOLI SHKOLNIK PLLC**

WHEREAS, the County of Yates (hereinafter referred to as “COUNTY”) wishes to determine the feasibility of the COUNTY bringing a civil action against certain telecommunications companies for damages to the COUNTY arising out of such companies’ failure to collect, remit and/or adequately account for 911 surcharges to the COUNTY; and

WHEREAS, the COUNTY wishes to retain outside counsel to investigate and if deemed appropriate by such outside counsel commence and prosecute litigation against such companies, with all work to be performed on a contingency fee basis and without the COUNTY advancing costs and expenses for such litigation; and

WHEREAS, the COUNTY has decided that it wishes to engage the law firm of NAPOLI SHKOLNIK PLLC (hereinafter referred to as “Napoli Shkolnik”) as outside counsel to investigate the viability of and if appropriate prosecute a civil action against such companies;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the Yates County Attorney, the Chairman of the Yates County Legislature is hereby authorized on behalf of the COUNTY to enter into a legal services agreement with Napoli Shkolnik for the purposes of investigating the viability of and if appropriate commencing and prosecuting litigation against certain telecommunications companies for damages to the COUNTY arising out of such companies’ failure to collect, remit and/or adequately account for 911 surcharges to the COUNTY; and be it further

RESOLVED, that pursuant to the terms of such legal services agreement and upon the approval of the Yates County Attorney, the COUNTY hereby authorizes such litigation against certain telecommunications companies as determined by Napoli Shkolnik and Napoli Shkolnik’s commencement and prosecution of such litigation on the COUNTY’s behalf, with Napoli Shkolnik being the COUNTY’s attorney of record; and be it further

RESOLVED, that copies of this resolution be given to the County Administrator, County Attorney and Napoli Shkolnik PLLC.

VOTE: Unanimous

#### **RESOLUTION NO. 376-19**

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

#### **AUTHORIZE CHAIRMAN TO SIGN CONTRACT AMENDMENT WITH TREAHY AND ASSOCIATES CONSULTATION SERVICES, LLC**

WHEREAS, the State of New York has passed legislation commonly known as the “Raise the Age” law; and

WHEREAS, under “Raise the Age,” no 16- or 17-year-old will be sentenced to or detained in a facility with adults; youth whose cases are heard in Family Court will be detained or placed in OCFS-operated, OCFS-licensed, or ACS facilities (including Close to Home), as Juvenile Delinquents currently are, while Adolescent Offenders who are detained pre-trial will be held in a specialized secure juvenile detention center for older youth, which will be certified and regulated by OCFS in conjunction with the State Commission of Correction; and

WHEREAS, Yates County is currently engaged in a collaborative effort with other counties, whereby the purpose of such collaborative effort is to develop resources, procedures and protocols in light of the mandates of “Raise the Age”; and

WHEREAS, pursuant thereto, Yates County and other members of the aforesaid coalition have previously entered into a written agreement with Treahy Consultation Services, LLC to assist the coalition in its endeavors (the “Treahy Agreement”), which includes a \$15,000.00 expense cap to the County; and

WHEREAS, the current contract with Treahy Consultation Services, LLC needs to be amended to have expenses be eligible for 100% reimbursement by New York State under “Raise the Age”;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature be authorized to sign a contract amendment with Treahy Consultation Services, LLC; and be it further

RESOLVED, that copies of this resolution be given to the Yates County Treasurer, Yates County Social Services Commissioner, Yates County Probation Director and Treahy Consultation Services, LLC.

VOTE: Unanimous

### **RESOLUTION NO. 377-19**

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

#### **AUTHORIZE CHAIRMAN TO SIGN CONTRACT WITH SIEMENS INDUSTRY INC.**

WHEREAS, the program used to manage the HVAC system is on a Windows 7 computer which needs to be replaced, thus we must upgrade the program to be compatible with newer software; and

WHEREAS, the Building Maintenance Supervisor has received a proposal for this service from Siemens Industry Inc. at \$3,604.00;

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 with Siemens Industry Inc. for the upgrade to the software; and be it further

RESOLVED, that said contract will run from 10/15/19 to 1/31/20 for an amount not to exceed \$3,604.00; and be it further

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

VOTE: Unanimous

### **RESOLUTION NO. 378-19**

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

#### **AUTHORIZE LEGISLATURE CHAIRMAN TO SIGN 2019 – 2020 SNOW AND ICE CONTRACTS**

WHEREAS, in the interest of public safety, all County roadways need to be cleared of snow and ice during the months of November to April; and

WHEREAS, the Yates County Highway Department does not employ sufficient staff to accomplish the snow and ice removal on all County roadways; and

WHEREAS, several Towns have agreed to contract this snow and ice removal on County roadways;

NOW, THEREFORE, BE IT RESOLVED, the Chairman of the Yates County Legislature is hereby authorized to sign contracts with participating Towns for Snow and Ice Removal for the County; and be it further

RESOLVED, that a copy of this resolution be sent to the Yates County Treasurer, the Yates County Highway Department and each Town contracting with the County for Snow and Ice removal.

VOTE: Unanimous

### **RESOLUTION NO. 379-19**

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

### **2019 BUDGET TRANSFERS**

BE IT RESOLVED, that the following transfers be made in the 2019 budget:

From:	To:	Amount:
A1190.54905 CONT-Contingent	A6410.54205 ECON-PY Hotel Occ Tx	\$ 797.00
A1190.54905 CONT-Contingent	A6420.54220 PROMO IND-PY Hotels Pilot	\$ 3,799.00
A1190.54905 CONT-Contingent	A6420.54222 PROMO IND-Lake St Plaza	\$ 330.00
A1410.54470 CLK-Office Supplies	A1410.51661 CLK-Comp Time BO NU	\$ 7.00
A6010.51354 DSS-Caseworker	A7310.54152 YTH-Conferences	\$ 137.37
A6010.51354 DSS-Caseworker	A7310.54480 YTH-Supplies-Program	\$ 429.67
A6010.51354 DSS-Caseworker	A7310.54654 YTH-Mileage	\$ 322.98
A6010.51354 DSS-Caseworker	A7310.54660 YTH-Travel	\$ 17.58
A6010.51354 DSS-Caseworker	A7310.54682 YTH-Telephone/Fax	\$ 30.00
A8020.54152 PLN-Conferences	A8020.51661 PLN-Comp Time BO NY	\$ 71.72
D3310.51450 HWY-Regular	D5120.51450 HWY-Regular	\$ 19,362.20
D3310.51505 HWY-Overtime	D5120.51505 HWY-Overtime	\$ 256.69
D3310.58100 HWY-FICA	D5120.58100 HWY-FICA	\$ 1,409.96

And be it further

RESOLVED, that copies of this resolution be given to the County Clerk, Social Services Commissioner, Youth Bureau Director, Director of Planning, Highway Superintendent, and County Treasurer/Budget Officer.

VOTE: Unanimous

### **RESOLUTION NO. 380-19**

Dr. Dennis offered resolutions 380, 381, 382, and 384-19 and moved their adoption, seconded by Mr. Banach.

### **APPROPRIATE ADDITIONAL STATE AID (PUBLIC DEFENDER)**

WHEREAS, the Public Defender's office will receive additional revenue to cover the costs for arraignments throughout the year; and

WHEREAS, these additional funds are not part of the 2019 budget;

NOW, THEREFORE, BE IT RESOLVED, that the following accounts be increased by \$ 30,000:

Revenue:  
A1170.43025 PD-Indigent Legal Services \$ 30,000.00

Appropriation:  
A1170.54941 PD-Indigent Legal Services \$ 30,000.00

And be it further

RESOLVED, that copies of this resolution be given to the Public Defender and the County Treasurer/Budget Officer.

VOTE: Unanimous

### **RESOLUTION NO. 381-19**

#### **APPROPRIATE ADDITIONAL STATE AID (ELECTIONS)**

WHEREAS, resolution 164-19 and 165-19 authorized the acceptance and use of \$7,447.13 (\$2,668.22 & \$4,778.91) for HAVA related expenditures; and

WHEREAS, these funds are not part of the 2019 budget;

NOW, THEREFORE, BE IT RESOLVED, that the following accounts be increased by \$ 7,447.13:

Revenue:  
A1450.43089 ELEC-Other State Aid \$ 7,447.13

Appropriation:  
A1450.54461 ELEC-Election Supplies \$ 7,447.13

And be it further

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

VOTE: Unanimous

### **RESOLUTION NO. 382-19**

#### **APPROPRIATE ADDITIONAL STATE AID (ELECTIONS)**

WHEREAS, resolution 320-19 authorized the purchase of electronic poll books with \$26,419.00 being matched in state aid; and

WHEREAS, these funds are not part of the 2019 budget;



NOW, THEREFORE, BE IT RESOLVED, that the following accounts be increased by \$ 26,419.00:

Revenue:		
A1450.43089 ELEC-Other State Aid		\$ 26,419.00
Appropriation:		
A1450.54156 ELEC-Training		\$ 2,075.00
A1450.54461 ELEC-Election Supplies		\$ 6,888.00
A1450.54571 ELEC-Software		\$ 17,456.00

And be it further

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

VOTE: Unanimous

### **RESOLUTION NO. 383-19**

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

#### **AUTHORIZE CHAIRMAN OF LEGISLATURE TO SIGN EARLY VOTING AID GRANT CONTRACT # BOE01-C004127-1110000**

WHEREAS, the New York State Board of Elections has allocated certain State funds provided to New York State for reimbursement of Early Voting aid; and

WHEREAS, the Yates County Board of Elections desires to use the funding in the amount of \$21,995.19 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 contract 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. 384-19**

#### **APPROPRIATE ADDITIONAL STATE AID (ELECTIONS)**

WHEREAS, the New York State Board of Elections has allocated certain State funds provided to New York State for reimbursement of Early Voting Aid; and

WHEREAS, the Yates County Board of Elections desires to use the additional funding in the amount of \$21,995.19 for the purposes set forth; and

WHEREAS, these funds are not part of the 2019 budget;

NOW, THEREFORE, BE IT RESOLVED, that the following accounts be increased by \$ 21,995.19:

Revenue:		
A1450.43089 ELEC-Other State Aid		\$ 21,995.19
Appropriation:		
A1450.51596 ELEC-Election Worker		\$ 3,918.00
A1450.54461 ELEC-Election Supplies		\$ 18,077.19

And be it further

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

VOTE: Unanimous

### **RESOLUTION NO. 385-19**

Dr. Dennis offered resolutions 385, 386 and 387-19 and moved their adoption, seconded by Mr. Gleason.

#### **ACCEPT FEDERAL AID (OFFICE OF EMERGENCY MANAGEMENT)**

WHEREAS, the Yates County Office of Emergency Management has been awarded Project FY2019 Emergency Management Performance Grant (EMPG) in the amount of \$14,256.00, matching Federal Grant monies administered by New York State Division of Homeland Security and Emergency Services (DHSES);

NOW, THEREFORE, BE IT RESOLVED, that the Chairman is authorized to accept the EMPG funding; and be it further

RESOLVED, that copies of this resolution be given to the Emergency Management Director and the County Treasurer/Budget Officer.

VOTE: Unanimous

### **RESOLUTION NO. 386-19**

#### **ACCEPT AND APPROPRIATE FEDERAL AID (OFFICE OF EMERGENCY MANAGEMENT)**

WHEREAS, the Yates County Office of Emergency Management has been awarded a non-matching Recruitment and Retention FY2018-2019 Division of Homeland Security and Emergency Services grant award in the amount of \$13,000; and

WHEREAS, these funds are not part of the 2019 budget;

NOW, THEREFORE, BE IT RESOLVED, that the following accounts be increased by \$ 13,000.00:

Revenue:		
A3645.44301 OEM-Recruitment & Retention		\$ 13,000.00

Appropriation:  
A3645.54908 OEM- Recruitment & Retention \$ 13,000.00

And be it further

RESOLVED, that copies of this resolution be given to the Emergency Management Director and the County Treasurer/Budget Officer.

VOTE: Unanimous

**RESOLUTION NO. 387-19**

**ACCEPT AND APPROPRIATE FEDERAL AID  
(OFFICE OF EMERGENCY MANAGEMENT & SHERIFF)**

WHEREAS, the Yates County Office of Emergency Management and Sheriff's Office have been awarded non-matching FY2019 Division of Homeland Security and Emergency Services grant award in the amount of \$39,988 (OEM - \$29,991; Sheriff - \$9,997) to enhance regional preparedness; and

WHEREAS, these funds are not part of the 2019 budget;

NOW, THEREFORE, BE IT RESOLVED, that the following accounts be increased by \$ 39,988.00:

Revenue:  
A3645.44304 OEM-SHSP '19 \$ 29,991.00  
A3110.44304 SHER-SHSP '19 \$ 9,997.00

Appropriation:  
A3645.52962 OEM-SHSP '19 \$ 29,991.00  
A3110.52962 SHER-SHSP '19 \$ 9,997.00

And be it further

RESOLVED, that copies of this resolution be given to the Emergency Management Director, Sheriff, and the County Treasurer/Budget Officer.

VOTE: Unanimous

**RESOLUTION NO. 388-19**

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

**APPROPRIATE ADDITIONAL REVENUE  
(PUBLIC HEALTH)**

WHEREAS, resolution 252-19 approved a Full Time Public Health Program Coordinator contingent on the amendment to the existing intermunicipal agreement between Yates County and Schuyler County; and

WHEREAS, Schuyler County will reimburse Yates County on a quarterly basis for fifty percent of the actual salary and fringe for this position; and

WHEREAS, these funds are not part of the 2019 budget;

NOW, THEREFORE, BE IT RESOLVED, that the following accounts be increased by \$ 3,726.19:

Revenue:  
A4010.41615 PH-Compensation Reimbursement \$ 3,726.19

Appropriation:  
A3645.51070 PH-Program Coordinator \$ 3,726.19

And be it further

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

VOTE: Unanimous

### **RESOLUTION NO. 389-19**

Dr. Dennis offered resolutions 389 and 390-19 and moved their adoption, seconded by Mrs. Percy.

### **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 2019-2020 appearing on the certified list filed by the County Treasurer, be and hereby are, re-levied as of November 1, 2019, 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 County Treasurer.

VOTE: Unanimous

### **RESOLUTION NO. 390-19**

### **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, 2019 appearing on the certified list filed by the County Treasurer, be and hereby are, re-levied as of November 1, 2019 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 County Treasurer.  
VOTE: Unanimous

### **RESOLUTION NO. 391-19**

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

#### **AUTHORIZE RENEWAL OF YATES COUNTY PLANNING BOARD APPOINTMENTS (SCHIESSER)**

WHEREAS, Robert Schiesser (4986 Apple Road, Dundee, NY) has been a member of the Yates County Planning Board representing the Town of Starkey since 2015; and

WHEREAS the term of the aforementioned Yates County Planning Board member expired on October 10, 2019; and

WHEREAS, said member has agreed to extend his term and continue his service on the Planning Board for a term to expire October 10, 2022;

NOW, THEREFORE, BE IT RESOLVED, that Robert Schiesser is hereby reappointed; and be it further

RESOLVED, that copies of this resolution be provided to Robert Schiesser as well as the Town Clerk of Starkey and the County Planner.

VOTE: Unanimous

### **RESOLUTION NO. 392-19**

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature is hereby authorized to sign the Annual Software Support Plan with Systems Development Group, Inc. in the amount of \$7,500.00, for a plan effective Nov. 1, 2019 through Oct. 31, 2020, for support,

modifications, and upgrades of the installed Image Mate Online software system; and be it further

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

VOTE: Unanimous

### **RESOLUTION NO. 393-19**

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

#### **DESIGNATION BY COUNTY OF OFFICIAL TOURISM PROMOTION AGENCY**

RESOLVED, that the Yates County Legislature designates the Yates County Chamber of Commerce as the county's Tourism Promotion Agency (TPA) in order to apply for, receive and distribute tourism promotion funds on behalf of Yates County pursuant to the New York State Tourism Promotion Act; and be it further

RESOLVED, that this designation is effective January 1, 2020 through December 31, 2020; and be it further

RESOLVED, that the Clerk of the Legislature file a certified copy of this resolution with the appropriate agencies, including the Yates County Chamber of Commerce; and be it further

RESOLVED, that a copy of this resolution be given to the County Treasurer and the Yates County Chamber of Commerce.

VOTE: Unanimous

### **RESOLUTION NO. 394-19**

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

#### **DESIGNATE NEWSPAPERS**

RESOLVED, pursuant to Section 214, subdivision 2, of the County Law, the three newspapers listed below are hereby designated as the official newspapers of the County of Yates for the publication of all local news, notices and other matters required by law to be published.

Chronicle Express  
The Observer  
Finger Lakes Times

VOTE: Unanimous

### **RESOLUTION NO. 395-19**

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

#### **ADOPT FY 2020 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, 2020, dated October 11, 2019, 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 \$347,514.31 be apportioned to the County of Yates as its share of said budget and be included in the County's 2020 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 Acting County Administrator and the County Treasurer.

WORKERS' COMPENSATION BUDGET  
Fiscal Year - January 1, 2020 through December 31, 2020  
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, 2020 through December 31, 2020.

Appropriations:

Administration Charges

S1710.54175	General Administration	4,497.00	
S1710.54011	Consultants	2,300.00	
S1710.54152	Conferences	0.00	
S1710.54156	Training	0.00	
S1710.54191	TPA Contract	21,120.00	
S1710.54192	NYS Workers' Comp Board	57,000.00	
S1710.54193	Insurance		
	Excess Workers' Comp	79,760.00	
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	
			180,712.00
S1720.54197	Benefits & Awards		<u>509,994.00</u>
	Total		690,706.00

690,706.00

WORKERS' COMPENSATION APPORTIONMENT SCHEDULE

MUNICIPALITY	50% EXP SHARE	50% EQ SHARE	ADM SHARE	TOTAL
Barrington	2638.00	12,509.71	8,865.41	24,013.12
Benton	6.39	9,602.30	6,804.99	16,413.68
Italy	12181.72	4,292.45	3,041.99	19,516.16

Jerusalem	247.96	36,393.56	25,791.49	62,433.01
Middlesex	6252.79	9,096.00	6,446.18	21,794.97
Milo	42.12	24,921.46	17,661.41	42,624.99
Potter	5511.93	4,703.88	3,333.56	13,549.37
Starkey	16054.61	11,305.31	8,011.88	35,371.80
Torrey	0.00	8,274.61	5,864.07	14,138.68
Yates County	140594.09	121,099.25	85,820.97	347,514.31
Dresden	0.00	690.33	489.22	1,179.55
Dundee	206.04	2,287.59	1,621.18	4,114.81
Penn Yan	71261.35	9,820.55	6,959.65	88,041.55
	\$ 254,997.00	\$ 254,997.00	\$ 180,712.00	\$ 690,706.00

Tim Dennis, Chair  
James Multer, Vice Chair  
Earle Gleason, Committee  
Carlie Chilson, Committee  
Bonnie Percy, Committee  
Timothy Cutler, Committee  
VOTE: Unanimous

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**RESOLUTION NO. 396-19**

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

**AUTHORIZE CHAIRMAN TO SIGN CONTRACT  
(Systems Management/Planning Inc.)**

WHEREAS, it is necessary to upgrade the Cisco Unified CM Administration VoIP system software from 11.0 to 11.5 due to the required patches to fix existing vulnerabilities and flaws; and

WHEREAS, the County will require assistance with the configuration of our firewall and VoIP equipment during the cut-over to our new Internet and Voice services; and

WHEREAS, SMP has quoted \$8,750; and

WHEREAS, this is a professional service so additional quotes are not required;

NOW, THEREFORE, BE IT RESOLVED, that the chairman is hereby authorized to sign a contract with Systems Management/Planning Inc. in the amount not to exceed \$8,750 for said services; and be it further

RESOLVED, that copies of this resolution be given to the I.T. Director and the County Treasurer.

VOTE: Unanimous

**RESOLUTION NO. 397-19**

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

**AUTHORIZE CHAIRMAN TO SIGN CONTRACT AND RESCIND 319-19  
(CDW Government)**



WHEREAS, multiple county departments are in need of a video conferencing and collaboration software solution; and

WHEREAS, Information Technology has vetted multiple solutions and found that the Zoom for Government video conferencing and collaboration software product has met or exceeded expectations;

NOW, THEREFORE, BE IT RESOLVED, that the chairman is hereby authorized to sign a contract with CDW Government at an annual cost of \$1,625.00 and liability insurance is hereby waived; and be it further

RESOLVED, that resolution 319-19 is hereby rescinded; and be it further

RESOLVED, that copies of this resolution be given to the I.T. Director and the County Treasurer.

VOTE: Unanimous

### **RESOLUTION NO. 398-19**

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

#### **AUTHORIZE CHAIRMAN TO SIGN CONTRACT (New York State Division of Homeland Security and Emergency Services)**

WHEREAS, the New York State Division of Homeland Security and Emergency Services offers Cybersecurity Vulnerability Scanning and External Penetration Testing Services at no cost; and

WHEREAS, Information Technology will be working with the New York State Division of Homeland Security and Emergency Services to enhance the County Cyber Security Preparedness posture;

NOW, THEREFORE, BE IT RESOLVED, that the chairman is hereby authorized to sign a contract with the New York State Division of Homeland Security and Emergency Services; and be it further

RESOLVED, that copies of this resolution be given to the I.T. Director.

VOTE: Unanimous

### **RESOLUTION NO. 399-19**

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

#### **APPROVING MEMORANDUM OF UNDERSTANDING WITH CSEA CONCERNING ALTERING THE BUILDINGS & GROUNDS DEPARTMENT WORK HOURS**

WHEREAS, the Building Maintenance Supervisor has recommended that the regular work hours of the employees of the County's Buildings and Grounds Department be changed in the interest of efficiency and productivity;

NOW, THEREFORE, BE IT RESOLVED, that this County Legislature hereby approves said alteration of the Maintenance Department work hours; and be it further

RESOLVED, that this County Legislature hereby approves a certain Memorandum of Understanding by and between the County and the Civil Service Employees Association, Local 1000 AFSCME, AFL-CIO, Yates County Unit, Yates County Local 862 (“CSEA”) for the purpose of memorializing a mutual agreement to amend the current collective bargaining agreement between the County and CSEA to accomplish the work hour alteration; and be it further

RESOLVED, that the Chairman of the County Legislature and the Acting County Administrator be and hereby are authorized to execute said Memorandum of Understanding on behalf of the County.

VOTE: Unanimous

#### **RESOLUTION NO. 400-19**

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

#### **AUTHORIZE CHAIRMAN TO SIGN BUSINESS ASSOCIATE AGREEMENT WITH RELPH BENEFIT ADVISORS AN ALERA GROUP COMPANY FOR COMPLIANCE WITH HIPPA**

WHEREAS, Relph Benefit Advisors an Alera Group Company (“RBA”), acting in the capacity of “Business Associate” for the Yates County Group Health Plan, sponsored by Yates County, will have access to, create, maintain, and/or otherwise use and/or disclose Protected Health Information (“PHI”); and

WHEREAS, Yates County and RBA desire to set forth their respective obligations with respect to PHI pursuant to the Health Insurance Portability and Accountability Act of 1996, as it may be amended from time to time, and the regulations promulgated at 45 C.F.R. Parts 160-164 (collectively, “HIPPA”);

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 with Relph Benefit Advisors an Alera Group Company setting forth the duties and responsibilities outlined in the Business Associate Agreement, with an effective date of October 11, 2019; and be it further

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

VOTE: Unanimous

#### **RESOLUTION NO. 401-19**

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

#### **AUTHORIZE CHAIRMAN TO SIGN AGREEMENT WITH THE MUNICIPAL HEALTHCARE FINANCING COLLECTIVE (MHFC) AND THE STOP-LOSS DISCLOSURE STATEMENT WITH BERKLEY LIFE**

WHEREAS, pursuant to Article 5-G and Section 119-o of the NYS General Municipal Law, municipalities are authorized to enter into an Inter-Municipal Cooperation Agreement

through the New York State Association of Counties (NYSAC) with respect to addressing a coordinated approach to the procurement of stop loss insurance; and

WHEREAS, after conducting a cost benefit analysis, the MHFC selected Berkley Life as the Stop-Loss Carrier; and

WHEREAS, the County desires to be in a position to enter into an agreement with the MHFC and Berkley Life for effective risk mitigation against healthcare claims experienced annually by reducing and/or stabilizing the cost of healthcare benefits over the long term;

NOW, THEREFORE, BE IT RESOLVED, that contingent upon the approval of the County Attorney and the outcome of consultations with employee organizations, the Chairman of the Yates County Legislature is hereby authorized to sign an agreement with The Municipal Healthcare Financing Collective and the Berkley Life Disclosure Form; and be it further

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

VOTE: Unanimous

#### **RESOLUTION NO. 402-19**

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

#### **AUTHORIZE REAL PROPERTY TAX SERVICES DIRECTOR TO CREATE AND FILL FULL TIME TEMPORARY TAX MAP TECHNICIAN POSITION**

WHEREAS, the Real Property Tax Services Director has requested to create and fill a full time temporary Tax Map Technician position due to an anticipated vacancy that will occur in January 2020 as the result of a retirement; and

WHEREAS, the Real Property Tax Services Director indicated that by creating and filling a temporary full time Tax Map Technician position in October will allow adequate time for recruitment, onboarding, succession planning and training; and

WHEREAS, the approximate cost to create and fill the position for three (3) months will not exceed \$16,741 which includes fringe benefits;

NOW, THEREFORE, BE IT RESOLVED, that effective October 14, 2019 a temporary full time Tax Map Technician position is hereby created for a time period not to exceed February 1, 2020, unless ended sooner by the Real Property Tax Services Director; and be it further

RESOLVED, that after the employee retires the vacancy that is created by the incumbent in the permanent Tax Map Technician position will be filled by the incumbent in the temporary position and as a result the temporary Tax Map Technician position will be abolished; and be it further

RESOLVED, that copies of this resolution shall be provided the Real Property Tax Services Director, Personnel Officer and County Administrator.

VOTE: Unanimous

#### **RESOLUTION NO. 403-19**

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

**AMEND RESOLUTION 213-19  
(Non-Union Salary Schedule)**

WHEREAS, it is a term and condition of employment for the current Director of Real Property that she receive an increase of \$1,000 to her salary for successfully completing each of the ten (10) required trainings she needed to complete in order to receive her Director of Real Property Certification; and

WHEREAS, since the adoption of Resolution 213-19 the Director of Real Property has completed her final training resulting in an increase of \$1,000 to her annual salary;

NOW, THEREFORE, BE IT RESOLVED, that effective September 16th, 2019 “Director of Real Property...\$66,500” be changed to “Director of Real Property...\$67,500; and be it further

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

VOTE: Unanimous

**RESOLUTION NO. 404-19**

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

**AUTHORIZE BUILDING MAINTENANCE SUPERVISOR TO CREATE AND FILL  
FULL TIME TEMPORARY BUILDING MAINTENANCE MECHANIC POSITION**

WHEREAS, the Building Maintenance Supervisor has requested to fill a full time temporary Building Maintenance Mechanic position due a current employee being on an extended leave of absence and in anticipation of two potential vacancies that may occur in 2020 as the result of retirements; and

WHEREAS, the Building Maintenance Supervisor has indicated that in order to adequately operate his department he is in need of bringing in additional manpower as well as training staff as part of a succession plan; and

WHEREAS, based on the current circumstances related to an employee’s leave of absence, there will be no additional cost to the County for the personnel related transactions within this resolution;

NOW, THEREFORE, BE IT RESOLVED, that effective October 15<sup>th</sup>, 2019 a temporary full time Building Maintenance Mechanic position is hereby created for up to six (6) months, unless the appointment is ended sooner by the Building Maintenance Supervisor; and be it further

RESOLVED, that the Building Maintenance Supervisor is also authorized to fill any subsequent vacancies that occur through promotion of an employee into the vacant temporary position and that said appointment will be on a temporary basis for up to six (6) months, unless the appointment is ended sooner by the Building Maintenance Supervisor; and be it further

RESOLVED, that when a permanent appointment is made after a vacancy occurs and the Building Maintenance Mechanic position is permanently filled by way of promotion, the Building Maintenance Helper position will be filled permanently at the discretion of the Building Maintenance Supervisor and as a result the temporary Building Maintenance Mechanic position will be abolished leaving the Buildings and Grounds staff at the full authorized strength of one (1) Building and Grounds Supervisor, three (3) Building Maintenance Mechanics, one (1) Building Maintenance Helper, one (1) Senior Cleaner and two (2) Cleaners; and be it further

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

#### **RESOLUTION NO. 405-19**

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

#### **AUTHORIZE HIGHWAY SUPERINTENDENT TO FILL POSITION (SIGN MAINTENANCE WORKER)**

WHEREAS, Resolution 361-19 authorized the Highway Superintendent to reorganize personnel within the Sign Maintenance Shop of the County Highway Department; and

WHEREAS, the mutually agreed upon reorganization took effect October 7<sup>th</sup>, 2019, ultimately leaving a Sign Maintenance Worker position vacant; and

WHEREAS, the 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 \$78,530 which includes fringe benefits;

NOW, THEREFORE, BE IT RESOLVED, that effective October 15<sup>th</sup>, 2019 the Highway Superintendent is hereby approved to fill a Sign Maintenance Worker position; and be it further

RESOLVED, that the 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 Highway Superintendent, Personnel Officer, and County Administrator.  
VOTE: Unanimous

#### **RESOLUTION NO. 406-19**

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

#### **AUTHORIZE COUNTY HISTORIAN TO CREATE AND FILL TEMPORARY PART TIME CLERK POSITION**

WHEREAS, Yates County in cooperation with the Town of Milo applied for a Local Government Records Management Improvement Fund Grant (LGRMIF) from the NYS Archives, through the New York State Department of Education; and

WHEREAS, the shared services grant application was successfully approved and received a total award of \$148,385; and

WHEREAS, the grant funds have been allocated towards the continuation of shared service efforts by both municipalities to increase efficiencies in delivering local services, customer support and availability to constituents relating to records management; and

WHEREAS, funding in the grant has been allocated towards personnel related expenses, with the intention that the County will create and fill a temporary part time position with the sole duties of the incumbent being applied towards management and implementation of the LGRMIF grant; and

WHEREAS, the estimated annual cost to fill the position is \$5,158 which includes fringe benefits; there is no financial obligation by the County to fund this position as all funding comes directly from the grant; and

WHEREAS, pursuant to Civil Service Law §64.3, appointments can be made to temporary positions that are established to conduct a special study or project for a period not to exceed eighteen months;

NOW, THEREFORE, BE IT RESOLVED, that effective October 11<sup>th</sup>, 2019 a temporary part time Clerk position is hereby created for a time period not to exceed June 11, 2021 unless ended sooner by the County Historian; and be it further

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

VOTE: Unanimous

#### **RESOLUTION NO. 407-19**

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

#### **AUTHORIZE CHAIRMAN TO SIGN AN EASEMENT AGREEMENT WITH THE TOWN OF MILO CONCERNING SEWER PROJECT**

WHEREAS, Yates County (hereinafter referred to as the “County”) has entered into an intermunicipal agreement with the Town of Milo (hereinafter referred to as the “Town”) regarding the extension of the Town’s existing sewer collection system to the Penn Yan-Yates County Airport (hereinafter referred to as the “Airport”) to provide sewer service to a proposed new sewer district (hereinafter collectively referred to as the “Sewer Project”) along Bath Road and Airport Drive, serving various residential and commercial properties in the vicinity of the Airport; and

WHEREAS, it is in the mutual interests of the County and Town that the above recited Sewer Project in the vicinity of the Airport be implemented; and

WHEREAS, an easement for installation and future maintenance of sewer mains and appurtenances across County-owned property is necessary; and

WHEREAS, an easement for use of County-owned property during construction is anticipated;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairman is hereby authorized to execute the necessary easement documents on behalf of the County with the Town concerning the Sewer Project, wherein the County would be allowing appropriate access to the Town, with said easement containing any other provisions approved by the County Attorney; and be it further

RESOLVED, that copies of this resolution be sent to the Acting County Administrator, Town of Milo and members of the Airport Council.

VOTE: Unanimous

Mrs. Church moved to enter into executive session to discuss:

- Collective bargaining involving CSEA and Council 82 unions with members of the legislature, the Acting County Administrator, Personnel Officer present and labor counsel present by phone; and
- The employment history of a particular individual or individuals, with members of the legislature and Acting County Administrator present.

The sessions will be held in the Executive Session Room.

Seconded by Dr. Dennis.

VOTE: Unanimous

Meeting adjourned at 4:31 p.m.