

REGULAR SESSION – MONDAY, NOVEMBER 9, 2020

The Yates County Legislature met in regular session Monday, November 9, 2020 with Chairman Paddock presiding, Legislator Percy absent and Legislator Chilson attending by Zoom.

Minutes of the October 13th meeting were approved as presented.

Deb Minor, Director of Public Health, updated the Legislature on COVID-19. Deb reported currently there are 272 positive cases year to date. There have been 12 new cases since Friday and 173 are in isolation or quarantine and there are 33 active cases. The 7 day rolling positive cases is at 4.2% and the 14 day rolling positive cases is at 3.5%. Deb continues to work with the schools and Finger Lakes Community Health. Deb went on to say that staff continue to be busy answering questions from individuals who want to travel here for holidays.

Deb explained that the issue with Keuka College has been resolved and all have recovered. The cases that are appearing now are from individuals who are in close contact with someone that has COVID. Public Health through contract tracing can confirm that the virus is being spread through social clubs, cards/dinner at someone's home, birthday parties, and the workplace.

Deb urged the continuation of wearing a mask, keeping gatherings to small groups, and maintaining social distancing.

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

Airport Fund	\$ 7,211.68
Finance	\$ 66,109.84
Flint Creek	\$ 1,820.00
Government Operations	\$ 37,920.71
Human Services	\$393,712.14
Prior to Audit	\$ 54,427.26
Public Safety	\$143,599.86
Public Works	\$157,784.02
Total	\$862,585.51

COMMITTEE REPORTS

Mr. Button reported that with the warm weather, work is continuing on Flint Creek.

Mr. Cutler reported Jay Gsell has taken the reins at the Genesee Finger Lakes Regional Planning Council.

Mr. Bronson reported he attended a tour of the Rochester Folk Art Guild's East Hill farm in Middlesex with Marian Walrath from Planning. They had several questions about the Broadband project. They are also looking for ways to bring more people to the farm. There will be an open house this Friday and Saturday from 12:00 to 4:00.

Mr. Banach reported he has received emails from the DEC reminding everyone it is hunting season and to be careful.

County Administrator Flynn reminded everyone that the public hearing on the proposed 2021 budget is Thursday, November 19, 2020 in the Legislative Chambers at 6:00 p.m.

PUBLIC COMMENTS

Grant Downs thank Mr. Willson for setting up the Seneca Watershed Intermunicipal Organization's (SWIO) meeting last month. Mr. Downs also thanked the Legislature for the Natural Resources Funding. Mr. Downs explained that municipalities are being asked to renew their agreements with SWIO.

Reverend John Tharp addressed the Legislature regarding the Vineyard Hill Project that Keuka Housing Council is proposing at the upper end of Court Street and that residents on Court Street had not been contacted regarding the project. Reverend Tharp stated several concerns that residents have with the project.

Arlene Wilson, Cornell Cooperative Extension, thanked the Legislature for their ongoing support and invited Legislators to the annual meeting that will be held by zoom on December 10th at 6:00 p.m.

James Bobreski, Court Street resident, expressed his concerns with the Vineyard Hill Project and not being contacted and urged that something be done so this does not happen in the future.

Chairman Paddock explained that there are state laws and procedures that are in place for notifications on projects. He further explained that the Yates County Legislature does not have any approval authority for the project and that it is not uncommon for an entity to come to the Legislature for letters of support to be submitted with grant applications. Chairman Paddock went on to explain that the Village of Penn Yan and the Town of Jerusalem are the approving authorities for the project

Mr. Killen stated that the property in question is in Jerusalem and in the Village of Penn Yan. If an entity makes an application to go before the Planning Board, in Jerusalem there are requirements to notify neighbors within certain distances. Mr. Killen went on to explain that the same requirements are probably in the Village of Penn Yan's Code also. If an application has not been made to either Planning Board yet then it would not have triggered that notification.

RESOLUTION NO. 389-20

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

Brian Winslow, Director of Emergency Management presented Mr. Murphy with a plaque and the official resolution.

RECOGNIZE DEDICATED COMMUNITY SERVICE IN YATES COUNTY

WHEREAS, recently THOMAS MURPHY, JR. of the Town of Benton, retired from his public service to the County of Yates as a Fire Investigator on the Fire Investigation Team and as a Deputy County Fire Coordinator; and

WHEREAS, his dedicated service to the people of the County of Yates was 45 years in length devoted to public safety related services; and

WHEREAS, THOMAS MURPHY, JR. has had unswerving loyalty to duty and volunteerism with constant devotion to excellence in fire and emergency services where he has been a friend and model for many, and a mentor to those entering emergency services;

NOW, THEREFORE, BE IT RESOLVED that this Legislature joins those in Yates County Fire and Emergency Services in recognizing THOMAS MURPHY, JR. for his public safety work, and proficiency in his skills that have benefited so many, and recognizes him for his

dedicated distinguished public service and extends gratitude for his community service above self; and be it further

RESOLVED, that a copy of the resolution be provided to THOMAS MURPHY, JR., the OEM Fire Coordinator, the Sheriff, and the Benton Volunteer Fire Department.

VOTE: Unanimous

RESOLUTION NO. 390-20

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

APPOINT DEPUTY FIRE COORDINATOR (B. Murphy)

BE IT RESOLVED, that Brian Murphy be appointed as Yates County Deputy Fire Coordinator; and be it further

RESOLVED, that copies of this resolution be provided to Brian Winslow, Emergency Management Coordinator, Sheriff Ron Spike, and Brian Murphy.

VOTE: Unanimous

RESOLUTION NO. 391-20

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

RECOGNIZE SHERIFF'S CIVIL DIVISION REACCREDITATION

WHEREAS, the Yates County Sheriff's Civil Division has achieved reaccreditation recognition by the NYS Sheriffs' Association Institute as in compliance with the 121 benchmarking standards for operating a civil division according to the applicable myriad of laws and rules relating to serving and executing civil court process, such as summons, evictions, Family Court orders, property/income executions, orders of attachment, orders of seizure, and many more civil processes including collecting funds and enforcing civil judgments to contemporary accepted legal standards; and

WHEREAS, Sheriff's staff that were involved in the reaccreditation process recognized by the NYSSA were Lieutenant Edwin Nemitz, Jr., Deputy Chris Hansen, Civil Clerk Jean Hubbell Lenton, and Account Clerk Lorraine Brockman;

NOW, THEREFORE, BE IT RESOLVED, that this Legislature takes recognition of the Sheriff's Civil Division reaccreditation for a five year period accomplishment noting that in 2019 eight hundred legal papers were processed/served and \$482,000 was collected, thus this Legislature takes this opportunity to thank the Sheriff and all the Sheriff's Civil Division and related staff for their professional services that although civil process does not receive the notoriety of some public safety sheriff's responsibilities, it is nevertheless legally required and an important service to our citizenry, legal community, and our courts; and be it further

RESOLVED, that copies of this resolution be provided Sheriff Spike.

VOTE: Unanimous

RESOLUTION NO. 392-20

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

AUTHORIZE DIRECTOR OF PUBLIC HEALTH TO FILL VACANCY

WHEREAS, a Registered Professional Nurse vacancy will be created effective December 4, 2020 as the result of a resignation; and

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

WHEREAS, the estimated annual cost for Registered Professional Nurse is \$70,772 which includes fringe benefits; the County receives 80% reimbursement from NYS for salary; additionally, the County receives Immunization Grant funding for a portion of the position's salary and fringe totaling \$17,609, therefore the total estimated cost to the County will be \$12,463; and

WHEREAS, the estimated annual cost for Public Health Nurse is \$73,885 which includes fringe benefits; the County receives 80% reimbursement from NYS for salary; additionally, the County receives Immunization Grant funding for a portion of the position's salary and fringe totaling \$17,609, therefore the total estimated cost to the County will be \$13,786;

NOW, THEREFORE, BE IT RESOLVED, that effective November 9, 2020 the Director of Public Health is hereby authorized to fill the current Registered Professional Nurse vacancy with a candidate who meets the minimal qualifications for either Registered Professional Nurse or Public Health Nurse; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 393-20

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

AUTHORIZE BUILDING MAINTENANCE SUPERVISOR TO FILL BUILDING MAINTENANCE MECHANIC POSITION

WHEREAS, a Building Maintenance Mechanic vacancy was created effective October 9, 2020 as a result of a resignation; and

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

WHEREAS, the estimated annual cost to fill the position is \$59,423 which includes fringe benefits;

NOW, THEREFORE, BE IT RESOLVED, that effective November 19, 2020 the Building Maintenance Supervisor is hereby authorized to fill the Building Maintenance Mechanic position; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 394-20

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

**AUTHORIZE DIRECTOR OF EMERGENCY MANAGEMENT TO FILL A POSITION
(EMERGENCY SERVICES COORDINATOR)**

WHEREAS, Resolution 149-2020 was duly adopted on April 13, 2020 authorizing the Director of Emergency Management to create and fill a full time Emergency Services Coordinator position, however, as a result of the COVID-19 public health emergency Yates County implemented a hiring freeze effective May 11, 2020 subsequently leaving the newly created position vacant; and

WHEREAS, the Director of Emergency Management has demonstrated the continued need for the position and is requesting the newly created full time position of Emergency Services Coordinator be filled; and

WHEREAS, the estimated annual cost to fill the full-time position is \$56,103 which includes fringe benefits; and

WHEREAS, Schuyler County will reimburse Yates County on a quarterly basis for fifty percent (50%) of the actual salary and fringe for this position;

NOW, THEREFORE, BE IT RESOLVED, that effective November 19, 2020 the Director of Emergency Management is hereby authorized to fill a full-time Emergency Services Coordinator position; and be it further

RESOLVED, that copies of this resolution be given to the Yates County Director of Emergency Management, Schuyler County Director of Emergency Management, Schuyler County Administrator, Yates County Administrator, Yates County Treasurer and Yates County Personnel Officer.

VOTE: Unanimous

RESOLUTION NO. 395-20

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

**AUTHORIZE COUNTY HIGHWAY SUPERINTENDENT TO FILL POSITION
(DEPUTY COUNTY HIGHWAY SUPERINTENDENT)**

WHEREAS, the Deputy County Highway Superintendent position became vacant on July 13, 2020 as a result of a promotion; and

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

WHEREAS, the estimated annual cost to fill the Deputy County Highway Superintendent position is \$85,414 which includes fringe benefits;

NOW, THEREFORE, BE IT RESOLVED, that effective November 19, 2020 the County Highway Superintendent is hereby approved to fill the Deputy County Highway Superintendent 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. 396-20

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

AMEND RESOLUTION 258-20 ADOPT 2020 NON-UNION EXEMPT EMPLOYEE SALARY SCHEDULE

WHEREAS, Resolution 531-19 was duly adopted on December 30, 2019 which adopted the 2020 Non-Union Salary Schedule; and

WHEREAS, the Deputy Highway Superintendent Add-On of \$9,420 is no longer needed and has been removed and in addition, the salary for the Deputy Highway Superintendent was in need of being amended to accurately reflect the 2020 budgeted amount of \$65,961; and

WHEREAS, to accurately identify the salary of the Assistant Public Defender the dollar amount associated with the Distribution #9 Grant have been incorporated into the Non-Union Exempt Employee Salary Schedule as “Distribution #9 Grant Add-On” as follows:

- Assistant Public Defender – Distribution #9 Grant Add-On – \$16,228

NOW, THEREFORE, BE IT RESOLVED, the Yates County Legislature hereby adopts the following Non-Union Exempt Employee Salary Schedule effective November 9, 2020; and be it further

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

<u>Elected Officials</u>	<u>Annual</u>
County Clerk	\$69,938
County Treasurer	\$77,585
District Attorney	\$200,400
Legislators (14 at \$8,933 each)	\$125,062
Legislature Chairman	\$8,933
Sheriff	\$101,275
<u>Exempt Employees</u>	<u>Annual</u>
Assistant District Attorney	\$39,803
Assistant District Attorney	\$68,000
Assistant District Attorney	\$83,640
Assistant Public Defender (First)	\$35,896
Assistant Public Defender (First) – Hurrell-Harring Grant Add-On	\$47,744
Assistant Public Defender	\$43,764
Assistant Public Defender – Distribution #9 Grant Add-On	\$16,228

Budget Officer	\$17,000
Building Maintenance Supervisor	\$68,790
Chief Corrections Officer	\$68,216
Clerk, County Legislature	\$58,790
Commissioner of Social Services	\$72,024
Confidential Assistant to Sheriff	\$44,962
Conflict Defender	\$49,189
County Administrator	\$26,100
County Attorney	\$99,039
Deputy County Clerk	\$43,720
Deputy County Treasurer	\$50,220
Deputy County Treasurer – Add-On	\$6,000
Deputy Director of Public Health	\$68,967
Deputy Director of Public Health – Schuyler Add-On	\$2,500
Deputy Highway Superintendent	\$65,961
Director of Child and Family Services	\$62,710
Director of Community Services	\$78,045
Director of Emergency Management	\$70,840
Director of Income Maintenance & Child Support	\$62,710
Director of Public Health	\$76,650
Director of Public Health – Schuyler Add-On	\$20,000
Director of Real Property Tax Services	\$67,500
Director of Veterans’ Services Agency	\$52,900
Election Commissioner (D)	\$52,900
Election Commissioner (R)	\$52,900
Highway Superintendent	\$83,000
Information Technology Director	\$78,447
Personnel Officer	\$69,657
Planner	\$61,915
Probation Director	\$68,220
Public Defender	\$73,288
Social Services Attorney	\$71,116
Undersheriff	\$80,533

VOTE: Unanimous

RESOLUTION NO. 397-20

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

**AUTHORIZE CHAIRMAN TO SIGN RUNOUT ADDENDUM TO THE
ADMINISTRATIVE SERVICES AGREEMENT BETWEEN LIFETIME BENEFIT
SOLUTIONS, INC. AND YATES COUNTY**

WHEREAS, effective January 1, 2021 Yates County will no longer be contracting with Lifetime Benefit Solutions, Inc. as the medical insurance carrier for the County; and

WHEREAS, following June 30, 2021 the County shall pay a per report fee of \$250.00 for any reports requested from Lifetime Benefit Solutions, Inc.;

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 between Yates County and Lifetime Benefit Solutions, Inc.; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 398-20

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

DISCUSSION:

Mr. Multer stated that we had this resolution to freeze hiring and the Legislature primarily ignored the hiring freeze, but at least it made us look closer at the positions when they came up. Mr. Multer feels it should stay in place as he feels it makes the Legislature take a harder look at the positions.

RESCIND RESOLUTION 214-2020

WHEREAS, Resolution 214-2020 entitled, “Implementing a Hiring Freeze in Yates County” was duly adopted on May 11, 2020; and

WHEREAS, since its adoption the Legislature has postponed filling some positions, but has not failed to grant all requests for personnel; and

WHEREAS, the County has in place a vacancy review policy that requires all requests for positions to be reviewed and authorized by the Legislature;

NOW, THEREFORE BE IT RESOLVED, that Resolution 214-2020 is hereby rescinded; and be it further

RESOLVED, that a copy of this resolution be given to all Department Heads.

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

RESOLUTION NO. 399-20

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

REAPPOINT MEMBER TO THE YATES COUNTY COMMUNITY SERVICES BOARD DEVELOPMENTAL DISABILITIES SUB-COMMITTEE

WHEREAS, James E. Wilson, residing at 3073 Roenke Rd., Himrod, New York, 14842 has been recommended for reappointment to serve on the Developmental Disabilities Sub-committee;

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature reappoints James E. Wilson to the Developmental Disabilities Sub-committee for a term ending 12/31/23; and be it further

RESOLVED, that copies of this resolution be provided to James E. Wilson, and the Yates County Department of Community Services.

VOTE: Unanimous

RESOLUTION NO. 400-20

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

**REAPPOINT MEMBER TO THE YATES COUNTY COMMUNITY SERVICES BOARD
ALCOHOL/SUBSTANCE ABUSE SUB-COMMITTEE**

WHEREAS, Gerri Kolbe, residing at 658 Ritchey Blvd., Penn Yan, New York, 14527 has been recommended for reappointment to serve on the Alcohol/Substance Abuse Sub-committee;

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature reappoints Gerri Kolbe to the Alcohol/Substance Abuse Sub-committee for a term ending 12/31/23; and be it further

RESOLVED, that copies of this resolution be provided to Gerri Kolbe, and the Yates County Department of Community Services.

VOTE: Unanimous

RESOLUTION NO. 401-20

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

**AUTHORIZE CHAIRMAN TO SIGN LABORATORY EQUIPMENT AGREEMENT
WITH HEALTH RESEARCH INC.**

WHEREAS, Health Research Inc. (HRI) desires to loan equipment to Yates County to assist in increasing its ability to provide COVID-19 virus testing using the Abbott ID Now EUA approved test kit; and

WHEREAS, said loan period will begin as of the date of execution by both parties and will expire in one year;

NOW, THEREFORE, BE IT RESOLVED, that contingent upon the approval of the County Attorney, the Chairman of the Legislature is authorized to sign an agreement with Health Research Inc. (HRI) for the loan of COVID-19 virus testing equipment; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 402-20

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

**SIGN AGREEMENT WITH NATIONAL ASSOCIATION OF COUNTY AND CITY
HEALTH OFFICIALS (NACCHO)**

WHEREAS, Yates County Public Health has received notice of additional MRC COVID-19 funding through the National Association of County and City Health Officials of \$5,000; and

WHEREAS, said grant period will begin December 31, 2020 with no end date;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman is hereby authorized to sign an agreement with the National Association of County and City Health Officials (NACCHO) for the period beginning December 31, 2020 for the COVID-19 Grant; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 403-20

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

**PROCLAIMING NOVEMBER 11TH AS VETERANS DAY
IN YATES COUNTY**

WHEREAS, since the birth of our Nation, American Patriots have stepped forward to serve our country and defend our way of life; and

WHEREAS, with honor and distinction, generations of servicemen and women have taken up arms to win our independence, preserve our Union and secure our freedom; and

WHEREAS, our veterans are brave and selfless individuals who, when duty called, willingly put themselves in harm's way to defend the lives and liberties of others; and

WHEREAS, their abiding patriotism and enduring devotion to the ideals on which the United States was founded can never fail to inspire us; and

WHEREAS, on Veterans Day, our Nation comes together to honor our veterans and commemorate the legacy of profound service and sacrifice they have upheld in pursuit of a more perfect Union; and

WHEREAS, serving as teachers, engineers, government employees, parents and in other important capacities, these patriots have made contributions to civilian life that serve as a testament to their dedication to the welfare of our country; and

WHEREAS, on November 11th we are reminded of our solemn obligation to serve our veterans as well as they have served us; and

WHEREAS, it was proclaimed in the first Veterans Day Proclamation, issued by President Dwight D. Eisenhower, in order to insure proper and widespread observance of this anniversary, all veterans, veterans' organizations, and the entire citizenry will wish to join hands in the common purpose;

NOW, THEREFORE BE IT RESOLVED, that the Yates County Legislature and all citizens join together to observe Veterans Day on November 11th and to honor the special men and women who have served our country.

VOTE: Unanimous

RESOLUTION NO. 404-20

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

**PROCLAIMING NOVEMBER 10TH AS US MARINE CORPS BIRTHDAY
IN YATES COUNTY**

WHEREAS, a resolution of the Continental Congress on November 10, 1775, created a Corps of Marines to be formed of men so acquainted with maritime affairs as to be able to serve on sea vessels for the Continental Navy; and

WHEREAS, Marines hold to an array of significant, highly respected traditions including the celebration of the birth of their Corps by gathering every year on November 10th with a formal, widely known ceremony that includes the singing of the Marine Corps Hymn (unless circumstance prohibit); and

WHEREAS, Marine missions have changed over the last 245 years, the Marine Corps' unyielding commitment to protecting the lives of our citizens and the interests of our nation has remained constant with its purpose, by congressional mandate, to be this nation's rapid response force. From humanitarian relief efforts to combat operations, the Marine Corps is always ready to answer our nation's call; and

WHEREAS, a special breed of American multitudes have borne the name "Marine" protecting this great nation on land, on sea and in the air faithfully signifying all that is highest in military efficiency;

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature extends its gratitude to all Marines, past and present, their families and loved ones, who continue to sacrifice for our liberty and freedoms, by proclaiming November 10, 2020 as "US Marine Corps Birthday" in Yates County, and be it further

RESOLVED, that copies of this resolution be given to the Veterans' Services Director and all Yates County Veteran organizations.

VOTE: Unanimous

RESOLUTION NO. 405-20

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

AUTHORIZE CHAIRMAN TO ENTER INTO AN AGREEMENT CONCERNING GARBAGE AND RECYCLING COLLECTION AT CERTAIN COUNTY PROPERTY

WHEREAS, the Town of Jerusalem (hereinafter referred to as the "Town") is the owner of a parcel of real property located at 2672 Guyanoga Road in the Town of Jerusalem, County of Yates, State of New York (hereinafter referred to as the "Town Property"); and

WHEREAS, the County of Yates (hereinafter referred to as the "County") is the owner of a parcel of real property located at 2782 Guyanoga Road in the Town of Jerusalem, County of Yates, State of New York (hereinafter referred to as the "County Property"), said parcel being near the Town Property; and

WHEREAS, the Town permits Cardinal Disposal to operate a garbage and recyclable collection service utilized by the public (hereinafter referred to as the "Cardinal Disposal Services") at the Town Property, wherein Cardinal Disposal places a garbage truck and dumpsters at the Town Property for the collection of garbage and recyclables, and provides the removal of such garbage and recyclables; and

WHEREAS, the Town wishes to have the Cardinal Disposal Services relocated to the County Property for the winter months; and

WHEREAS, the County will agree to such re-location for the 2020-21 winter season; and

WHEREAS, the Town has agreed to provide all snow removal and maintenance at this relocated area in order to accommodate the provision and utilization of the Cardinal Disposal Services;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairman is hereby authorized to execute an agreement on behalf of the County with the Town and/or Cardinal Disposal, allowing the Cardinal Disposal Services to be conducted at the County Property from the time such agreement is executed and continuing up to and including March 31, 2021, and obligating the Town to provide the necessary snow removal and maintenance at the County Property needed in connection with the provision and utilization of such services; and be it further

RESOLVED that copies of this resolution be sent to Cardinal Disposal and the Town of Jerusalem.

VOTE: Unanimous

RESOLUTION NO. 406-20

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

AUTHORIZE YATES COUNTY TO ACQUIRE A PERMANENT EASEMENT AND COMPENSATE OWNERS FOR LAND REQUIRED FOR THE RECONSTRUCTION OF THE EAST SHERMAN HOLLOW OVER SUGAR CREEK BRIDGE (PIN 6755.34)

WHEREAS, resolution number 57-19 authorized participation in a Bridge NY Project know as East Sherman Hollow Road over Sugar Creek; and

WHEREAS, the new bridge design requires permanent easements from three owners adjacent to the East Sherman Hollow Road over Sugar Creek bridge in order to successfully complete the reconstruction project; and

WHEREAS, the properties have been appraised by a licensed NYS General Appraiser and the Yates County Highway Department has reached an agreement with

Derek W. Chisom, 2119 Guyanoga Road, Tax Map #47.04-1-22 to acquire a permanent easement of 1200 square feet of land for a fee of \$200.00.

David W. & Janet M. Hopkins, 3690 East Sherman Hollow Road, Tax Map #47.04-1-17 to acquire a permanent easement of 543 square feet of land for a fee of \$200.00.

Sharon L. McMillen, 2067 Guyanoga Road, Tax Map #47.04-1-18 to acquire a permanent easement of 657 square feet of land for a fee of \$200.00.

NOW, THEREFORE, BE IT RESOLVED, to authorize the Yates County Treasurer to issue payment to the above land owners after the Yates County Attorney has completed the required documentation and has recorded the deed transfers at the Yates County Clerk's office; and be it further

RESOLVED, to forward a copy of this resolution to the Yates County Administrator, the Yates County Treasurer, the Yates County Attorney and the Yates County Highway Superintendent.

VOTE: Unanimous

RESOLUTION NO. 407-20

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

AUTHORIZE CHAIRMAN TO SIGN CONTRACT (GST BOCES)

WHEREAS, the Yates County Real Property Office processes School Tax Bills;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature is hereby authorized to sign the annual Yates County School Tax Bill Administration Services Municipal Agreement with GST BOCES in the amount of \$500, for a plan effective January 1, 2021 through December 31, 2021, for reviewing, updating and enhancing the School Tax Billing Program that Yates County utilizes; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 408-20

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

AUTHORIZE CHAIRMAN TO SIGN CONTRACT (VHB)

BE IT RESOLVED, that the Chairman of the Legislature is hereby authorized to sign the Yates County Data Table/GIS Attachment Agreement for 2021 with VHB Engineering, Surveying and Landscape Architecture, PC for the attaching of data layers in an amount not to exceed \$840.00, for a plan effective through December 31, 2021 and in the event that the entire budget is not used, Yates County can decide to use the remaining hours as general GIS Tech Support for tax mapping purposes; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 409-20

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

NET TAX DEBITS AND CREDITS TO TOWNS

WHEREAS, the County Treasurer’s report on Town charges as of October 31, 2020 shows the following net tax debits and credits to the following;

DEBITS	
BARRINGTON	\$1,098.69
BENTON	1,226.21
ITALY	294.06
JERUSALEM	1,194.30
MIDDLESEX	811.96
MILO	399.50
POTTER	13.57
STARKEY	613.61

TORREY 207.08

TOTAL\$ 5,858.98

CREDITS

BARRINGTON .31

ITALY .04

JERUSALEM 5.06

MIDDLESEX .17

MILO .35

TORREY .09

TOTAL \$6.02

NOW, THEREFORE, BE IT RESOLVED, that the County tax levy be increased by \$5,852.96 and that the amount be levied against the taxable properties of each Town as specified therein.

VOTE: Unanimous

RESOLUTION NO. 410-20

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

**APPROVE RECOMMENDATIONS OF THE TOURISM ADVISORY COMMITTEE
(TAC)**

WHEREAS, by Resolution 204-17, a Tourism Funding Procedure was adopted by the Yates County Legislature; and

WHEREAS, a portion of the procedure requires the County's Tourism Promotion Agency (TPA) to recommend to the Yates County Legislature a Tourism Advisory Committee (TAC), the members of which represent various segments of the local tourism industry; and

WHEREAS, by Resolutions 117-18, 404-18, 41-20 and 129-20 members of the TAC were duly appointed; and

WHEREAS, the total available funding from Occupancy Tax revenue for distribution to various organizations for promotion of tourism in 2021 is \$305,000.00; and

WHEREAS, the TAC has received submissions from seven (7) organizations with requests totaling \$385,723.00; and

WHEREAS, the TAC has reviewed the requests and recommends funding as follows:

<u>Organization</u>	<u>Request</u>	<u>TAC Recommendation</u>
Yates County Chamber of Commerce-TPA	\$250,000.00	\$186,411.00
Finger Lakes Wine County	\$47,800.00	\$47,800.00
Finger Lakes Tourism Alliance	\$22,860.00	\$22,860.00
Keuka Lake Wine Trail	\$15,000.00	\$15,000.00
The Windmill	\$6,000.00	\$0
Finger Lakes Museum	\$10,000.00	\$10,000.00
Garcés Design	\$22,929.00	\$22,929.00
Total:	\$374,589.00	\$305,000.00

NOW, THEREFORE, BE IT RESOLVED, that the recommendations of the TAC are accepted by this Legislature; and be it further

RESOLVED that the total available funds are to be reflected in the 2021 Yates County budget; and be it further

RESOLVED that the Yates County Chamber of Commerce, acting as the designated Yates County Tourism Promotion Agency, invoice Yates County in December 2020 for the funds to be distributed by the Chamber to the various organizations in January 2021; and be it further

RESOLVED, that the Chairman is authorized to execute any documents pertaining to the funding as reflected above; and be it further

RESOLVED that copies of this resolution be sent to the Yates County Chamber of Commerce, the County Treasurer and all members of the Yates County Tourism Advisory Committee.

VOTE: Unanimous

RESOLUTION NO. 411-20

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

REAPPOINT YATES COUNTY PLANNING BOARD MEMBER (SUTTERBY)

WHEREAS, Caryl Sutterby has served on the Yates County Planning Board; and

WHEREAS, the term of the aforementioned Yates County Planning Board member is to expire on November 10, 2020; and

WHEREAS, the member has agreed to extend her term and continue her service on the Planning Board as specified herein: Caryl Sutterby (52 Seneca Street, Dundee) representing the Village of Dundee for a term to expire November 10th, 2022;

NOW, THEREFORE, BE IT RESOLVED, that Caryl Sutterby is hereby reappointed to the Yates County Planning Board; and be it further

RESOLVED, that copies of this resolution shall be provided to Caryl Sutterby, the Village Clerk of Dundee, the Planner, and the County Clerk.

VOTE: Unanimous

RESOLUTION NO. 412-20

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

AUTHORIZE CHAIRMAN TO SIGN NEW YORK STATE DEPARTMENT OF TRANSPORTATION OPERATING ASSISTANCE AGREEMENT #C004102

WHEREAS, a Transit Operating Assistance Grant was awarded to Yates County in support of its efforts to provide affordable public transportation; and

WHEREAS, the Grant provides for operating assistance for County public transportation provided by Yates Transit Service;

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 the New York State Department of Transportation for said grant funding; and be it further

RESOLVED, that said contract will run from 1/1/2018 to 12/31/2022 for an amount of \$114,000 with the local match being met by existing in-kind administrative services with no monetary outlay required by the County; and be it further

RESOLVED, that copies of this resolution be provided to the New York State Department of Transportation, Yates Transit Service, Mozaic, and the County Planner.

VOTE: Unanimous

RESOLUTION NO. 413-20

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

2020 BUDGET TRANSFERS

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

From:	To:	Amount:
A4010.54153 PH-Education	A4042.54855 Rabies-Control	\$ 5,000.00

And be it further

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

VOTE: Unanimous

RESOLUTION NO. 414-20

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

AUTHORIZE ASSIGNMENT OF UNASSIGNED FUND BALANCE

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

WHEREAS, the Use of Fund Balance report presented to the Finance Committee was accepted on 10/06/2020; and

WHEREAS, the Yates County Legislature wishes to appropriate additional monies from the Unassigned General Fund Balance toward any possible future needs; and

WHEREAS, Yates County has \$1,400,000.00 of available unassigned fund balance as of 10/01/2020;

NOW, THEREFORE, BE IT RESOLVED, that the County Treasurer be, and hereby is, authorized to transfer \$1,400,000 from the unassigned general fund balance to the following funds:

Infrastructure Reserve Fund: \$1,400,000.00

And be it further

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

VOTE: Unanimous

RESOLUTION NO. 415-20

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

**AUTHORIZE CHAIRMAN TO SIGN AGREEMENT FOR ACTUARIAL SERVICES
(TREASURER)**

WHEREAS, it is necessary to perform reporting of actuarial valuations for postemployment benefits according to GASB 75; and

WHEREAS, the cost for this service varies depending on interim and full actuarial reporting services; and

WHEREAS, the fees are as follows based on reporting and fiscal year end dates:

Interim Actuarial Valuation Services for the fiscal year ending 12/31/2020	\$4,000
Full Actuarial Valuation Services for the fiscal year ending 12/31/2021	\$8,500
Interim Actuarial Valuation Services for the fiscal year ending 12/31/2022	\$4,250

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Yates County Legislature is authorized to sign the service agreement with BPAS Actuarial & Pension Services, effective 1/1/2021-12/31/2023; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 416-20

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

**AUTHORIZE CHAIRMAN TO SIGN RUS FORM 675 CERTIFICATE OF
AUTHORITY WITH RURAL UTILITIES SERVICE IDENTIFYING AUTHORIZED
SIGNERS OF RUS FORM 481 FINANCIAL REQUIREMENTS STATEMENT**

WHEREAS, Yates County (hereinafter the "County") has established a Pledged Asset Account for the RUS ReConnect Grant funds; and

WHEREAS, submission of a signed RUS FORM 481 FINANCIAL REQUIREMENTS STATEMENTS is required to be sent to RUS for their approval in order to requisition (for payment of invoices) and account for Grant funds in the Pledged Asset Account; and

WHEREAS, in order to effectuate RUS FORM 481, the Legislature must authorize County officials as signers of the FORM 481 using RUS FORM 675;

NOW, THEREFORE, BE IT RESOLVED, that the County is authorized to complete RUS FORM 675, Certificate of Authority, and to this end, the Chairman of the Legislature, is hereby authorized to sign RUS FORM 675, identifying Winona Flynn, Administrator/Treasurer and Douglas Paddock, Chairman of the Legislature, as authorized signers on RUS FORM 481; and be it further

RESOLVED, that copies of this resolution be given to the County Administrator, County Planner and USDA Rural Utilities Service.

VOTE: Unanimous

At 1:56 Mr. Willson moved to enter into executive session to discuss the:

1. financial history of a particular corporation or corporations, with members of the legislature, the County Administrator, County Planner, Grant Specialist for the Broadband Grant and County Information Technology Director present by phone or Zoom access, and
2. the employment history of a particular individual or individuals with members of the legislature, the County Administrator and County Information Technology Director present by phone or Zoom access.

It is anticipated that there will be a resolution or resolutions forthcoming after the conclusion of the executive session. Seconded by Mr. Harper.

VOTE: Unanimous

At 2:15 the Legislature reconvened in open session and the following action was taken.

RESOLUTION NO. 417-20

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

ENTER INTO NON-DISCLOSURE AGREEMENTS WITH EMPIRE ACCESS AND GREENLIGHT IN FURTHERANCE OF THE RURAL UTILITIES SERVICE RECONNECT GRANT PROJECT

WHEREAS, Yates County (hereinafter the "County") has been awarded grant financial assistance pursuant to the Rural Utilities Service ReConnect Program, concerning the construction and operationalization of a broadband infrastructure to serve unserved and underserved premises without sufficient access to broadband; and

WHEREAS, the County does not have the intention to be the telecommunications operator of the installed network but rather to partner with an existing Internet Service Provider (hereinafter referred to as "ISP") for network operations; and

WHEREAS, the County issued and received responses to a ReConnect Business Model Request for Information and a ReConnect Engineering Request for Proposal; and

WHEREAS, the Yates County Broadband Committee (hereinafter referred to as the "Committee") reviewed these responses and has identified Empire Access and Greenlight as candidates to partner with the County on project engineering services and operations given that both services were included in their proposals; and

WHEREAS, in order to further assess and work towards Engineering and Operations Agreements, the Committee has requested five (5) years of financials and other information from these ISPs; and

WHEREAS, the ISPs consider the information proprietary and confidential; Empire Access and Greenlight require a non-disclosure agreement to be executed between them and the County as a prerequisite to the County obtaining such information;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairman of the Legislature is authorized to execute on behalf of the County a non-disclosure agreement with Empire Access and a non-disclosure agreement with Greenlight concerning the use and disclosure of the information; and be it further

RESOLVED, that copies of this resolution be given to the County Administrator and the County Planner.

VOTE: Unanimous

Meeting adjourned at 2:16 p.m.