SPECIAL SESSION – THURSDAY, NOVEMBER 18, 2021

The Yates County Legislature met in special session, Thursday, November 18, 2021 at 6:03 p.m. for the purpose of conducting the public hearing on the 2022 Tentative Budget. Chairman Paddock presided, Legislators Gleason and Church were absent.

Chairman Paddock made the following comments:

Good evening. Welcome to this special legislature meeting that includes the public hearing for the 2022 Yates County budget. The public hearing is now open.

The budget document is the culmination of efforts that began in May with Capital Plan requests. During subsequent months, department heads prepared their budgets and met with Budget Officer Flynn who reviewed the requests and assembled notebooks such as this for legislators to use prior to and during the budget workshop, which was held this year on October 26th. Legislators, department heads and community agencies all participated.

The budget expresses financially the goals of Yates County. Said another way, the budget financially supports what the legislature believes is important to the county’s citizens. In the budget you will find capital projects, support for community agencies and cultural and recreational resources as well as traditional responsibilities of the county.

Budget Officer Flynn has made significant efforts to keep the property tax levy flat and still address capital projects such as ReConnect (Broadband), Public Safety Communications and Highway/Office of Emergency Management/Public Health facilities.

I’d like to thank the legislature, other elected officials, Department Heads, community agencies and, especially, our Budget Officer, Nonie Flynn, for their efforts in preparing the document we have here this evening. It truly has been a team effort.

In addition to the budget, another resolution related to the aforementioned Public Safety Communications Project is also on the agenda. If the budget discussion ends prior to 6:45 p.m., we will recess until that time and then reconvene the meeting in order to allow affected municipalities to make comments, should they choose to do so. If the discussion carries on beyond 6:45, comments and the proposed resolution will be addressed at that time.

I’ll now turn the floor over to Nonie who will review the budget.

Budget Officer Flynn made the following comments:

Thank you to Chairman Paddock and thank you Legislators. The County’s financial outlook for 2022 is much different than what we were facing a year ago. Last year at this time we were bracing for drastic cuts from state aid, approaching sales tax revenue projections with an abundance of caution, and questioning whether any federal stimulus funds would reach our
county. Fortunately, state aid reductions were restored, sales tax revenue is exceeding projections, and the county received a sizeable allocation from the American Rescue Plan Act. As you will see presented, the outlook for 2022 is much more optimistic. We are fortunate to have a dedicated work force that strives to provide the best possible services for our residents while being cost conscious. Thank you to all of our department heads here tonight, also, thank you to all others in attendance tonight.

Budget Officer Flynn offered the following Budget Presentation.
Yates County
2022 Budget
November 18, 2021
Winona Flynn
Budget Officer/County Administrator/Treasurer

Headlines

• The combined budget of the three main funds: General, Road, and Road Machinery results in a levy of $16.5 million.
  • Zero increase over the 2020 and 2021 levies.

• Increases in revenues outpaces increases in expenditures.

• The use of reserves is the lowest use since 1982.

• Budgeted tax rate is $5.50/$1,000 of equalized assessed valuation.
  • Reduction of $0.39/$1,000 from 2021
  • Seventh continuous year of reduced tax rates
  • Lowest rate since 2012
## All Funds Summary

<table>
<thead>
<tr>
<th></th>
<th>2021 Adopted</th>
<th>2022 Tentative</th>
<th>$ Change</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue (not including property taxes)</td>
<td>-$25,908,528</td>
<td>-$29,088,410</td>
<td>-$3,179,882</td>
<td>12.27%</td>
</tr>
<tr>
<td>Expenditures</td>
<td>$42,902,433</td>
<td>$45,608,082</td>
<td>$2,705,649</td>
<td>6.31%</td>
</tr>
<tr>
<td>Net</td>
<td>$16,993,905</td>
<td>$16,519,672</td>
<td>-$474,233</td>
<td>-2.79%</td>
</tr>
<tr>
<td>Reserve to Offset</td>
<td>-$474,233</td>
<td>$0</td>
<td>-$474,233</td>
<td>-100.00%</td>
</tr>
<tr>
<td>Total Levy</td>
<td>$16,519,672</td>
<td>$16,519,672</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>NYS Tax Levy Limit</td>
<td>$17,338,937</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Under Allowable Cap</td>
<td></td>
<td>-$819,265</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Revenue increases are primarily from increased sales tax revenue for 2022 and conservatively budgeting for a possible 20% reduction in NYS aid in 2021.

- Expenditure increases are primarily for a $1.4 million transfer to the Infrastructure Reserve for the communication project in 2022. Capital improvements include two vehicles for Central Garage, a truck for the Office of Emergency Management and five vehicles for the Sheriff’s department.

## General Fund Summary

<table>
<thead>
<tr>
<th></th>
<th>2021 Adopted</th>
<th>2022 Tentative</th>
<th>$ Change</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Revenues</td>
<td>-$24,584,001</td>
<td>-$27,431,630</td>
<td>-$2,847,629</td>
<td>11.58%</td>
</tr>
<tr>
<td>Total Expenditures</td>
<td>$36,323,040</td>
<td>$38,908,125</td>
<td>$2,585,085</td>
<td>7.12%</td>
</tr>
<tr>
<td>Net</td>
<td>$11,739,039</td>
<td>$11,476,495</td>
<td>-$262,544</td>
<td>-2.24%</td>
</tr>
<tr>
<td>Reserve to Offset</td>
<td>-$474,233</td>
<td>$0</td>
<td>-$474,233</td>
<td>-100.00%</td>
</tr>
<tr>
<td>Levy</td>
<td>$11,264,806</td>
<td>$11,476,495</td>
<td>$211,689</td>
<td>1.87%</td>
</tr>
</tbody>
</table>
### Road & Road Machinery Funds

<table>
<thead>
<tr>
<th></th>
<th>2021 Adopted</th>
<th>2022 Tentative</th>
<th>$ Change</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Revenues</td>
<td>-$1,324,527</td>
<td>-$1,656,780</td>
<td>-$332,253</td>
<td>25.08%</td>
</tr>
<tr>
<td>Total Expenditures</td>
<td>$6,579,393</td>
<td>$6,699,957</td>
<td>$120,564</td>
<td>1.83%</td>
</tr>
<tr>
<td>Net</td>
<td>$5,254,866</td>
<td>$5,043,177</td>
<td>-$211,689</td>
<td>-4.03%</td>
</tr>
<tr>
<td>Reserve to Offset</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>0.00%</td>
</tr>
<tr>
<td>Levy</td>
<td>$5,254,866</td>
<td>$5,043,177</td>
<td>-$211,689</td>
<td>-4.03%</td>
</tr>
</tbody>
</table>

- Expenditure decreases are from employee wages and benefits due to retirements with lower cost employees being hired.
- Capital investment expenditures include 13.9 miles of paving, two pickup trucks, one road widener, one wheel loader and one tandem dump truck.

### Airport Fund Summary

<table>
<thead>
<tr>
<th></th>
<th>2021 Adopted</th>
<th>2022 Tentative</th>
<th>$ Change</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Revenues</td>
<td>-$42,995</td>
<td>-$58,499</td>
<td>-$15,504</td>
<td>36.06%</td>
</tr>
<tr>
<td>Total Expenditures</td>
<td>$75,970</td>
<td>$36,550</td>
<td>-$39,420</td>
<td>-51.89%</td>
</tr>
<tr>
<td>Net</td>
<td>$32,975</td>
<td>-$21,949</td>
<td>-$54,924</td>
<td>-166.56%</td>
</tr>
<tr>
<td>Reserve to Offset</td>
<td>-$32,975</td>
<td>$0</td>
<td>-$32,975</td>
<td>-100.00%</td>
</tr>
<tr>
<td>Levy</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>0.00%</td>
</tr>
</tbody>
</table>

- The airport operates at no cost to Yates County taxpayers.
- Increased revenues are generated from increased hangar rents and fuel flowage fees.
- Operating expenditures include ongoing operational expenditures and the county’s share for grants for taxiway extension and to acquire easements for obstruction removal.
Expenditures by Function

- Economic Asst. 24.7%
- Public Safety 23.1%
- General Gov’t 14.5%
- Road & Road Machinery 14.7%
- Public Health 6.5%
- Education 5.1%
- Transfers 3.8%
- EE Benefits 5.9%
- Community Developmt. 1.5%
- Culture & Rec 0.1%
- Airpot 0.1%
- Airport 0.1%
- Culture & Rec 0.1%

New York State Mandates

<table>
<thead>
<tr>
<th></th>
<th>2021 Adopted</th>
<th>2022 Tentative</th>
<th>$ Change</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicaid</td>
<td>$3,970,400</td>
<td>$3,999,000</td>
<td>$28,600</td>
<td>0.72%</td>
</tr>
<tr>
<td>NYS Pension</td>
<td>$2,347,956</td>
<td>$2,453,000</td>
<td>$105,044</td>
<td>4.47%</td>
</tr>
<tr>
<td>Community College</td>
<td>$1,150,000</td>
<td>$1,150,000</td>
<td>$0</td>
<td>0.00%</td>
</tr>
<tr>
<td>Social Services Programs</td>
<td>$1,055,722</td>
<td>$1,338,825</td>
<td>$283,103</td>
<td>26.82%</td>
</tr>
<tr>
<td>Education/Handicapped Children</td>
<td>$720,000</td>
<td>$600,000</td>
<td>-$120,000</td>
<td>-16.67%</td>
</tr>
<tr>
<td>Probation</td>
<td>$571,220</td>
<td>$524,049</td>
<td>-$47,171</td>
<td>-8.26%</td>
</tr>
<tr>
<td>Indigent Defense</td>
<td>$369,400</td>
<td>$361,348</td>
<td>-$8,052</td>
<td>-2.18%</td>
</tr>
<tr>
<td>Workers’ Compensation</td>
<td>$345,450</td>
<td>$345,506</td>
<td>$56</td>
<td>0.02%</td>
</tr>
<tr>
<td>Early Intervention</td>
<td>$51,680</td>
<td>$43,350</td>
<td>-$8,330</td>
<td>-16.12%</td>
</tr>
<tr>
<td><strong>Total Net Cost</strong></td>
<td><strong>$10,581,828</strong></td>
<td><strong>$10,815,078</strong></td>
<td><strong>$233,250</strong></td>
<td><strong>2.20%</strong></td>
</tr>
<tr>
<td>Percent of Total Levy</td>
<td>64.06%</td>
<td>65.47%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Revenues by Source

<table>
<thead>
<tr>
<th>Source</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Taxes</td>
<td>36.2%</td>
</tr>
<tr>
<td>Sales Tax</td>
<td>32.9%</td>
</tr>
<tr>
<td>State Aid</td>
<td>15.4%</td>
</tr>
<tr>
<td>Federal Aid</td>
<td>6.2%</td>
</tr>
<tr>
<td>Charges for Services</td>
<td>5.3%</td>
</tr>
<tr>
<td>Non-Property Taxes</td>
<td>2.1%</td>
</tr>
<tr>
<td>Property Tax Items</td>
<td>1.8%</td>
</tr>
<tr>
<td>Inter-fund Transfers</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

2022 Property Tax Levy and Rate

<table>
<thead>
<tr>
<th></th>
<th>2021 Adopted</th>
<th>2022 Tentative</th>
<th>$ Change</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Tax Levy</td>
<td>$16,519,672</td>
<td>$16,519,672</td>
<td>$0.00</td>
<td>0.0%</td>
</tr>
<tr>
<td>Equalized Full Value Used for Apportionment</td>
<td>$2,803,937,102</td>
<td>$3,002,211,332</td>
<td>$198,274,230</td>
<td>7.07%</td>
</tr>
<tr>
<td>Full Value County Tax Rate</td>
<td>$5.8916</td>
<td>$5.5025</td>
<td>-$0.3891</td>
<td>-6.60%</td>
</tr>
</tbody>
</table>

- Reduction in the full value county tax rate.
- No increase in fees.
- No reduction in programs or services.
- No layoffs.
# Tax Information

<table>
<thead>
<tr>
<th>Year</th>
<th>Full Value Rate used for Apportionment</th>
<th>% Change</th>
<th>Tax Levy</th>
<th>% Change</th>
<th>Full Value Tax Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>$2,215,925,516</td>
<td>-0.19%</td>
<td>$14,660,231</td>
<td>14.67%</td>
<td>$6.6159</td>
</tr>
<tr>
<td>2014</td>
<td>$2,258,024,293</td>
<td>1.90%</td>
<td>$15,453,192</td>
<td>5.41%</td>
<td>$6.8437</td>
</tr>
<tr>
<td>2015</td>
<td>$2,290,352,793</td>
<td>1.43%</td>
<td>$15,810,332</td>
<td>2.31%</td>
<td>$6.9030</td>
</tr>
<tr>
<td>2016</td>
<td>$2,386,419,234</td>
<td>4.19%</td>
<td>$16,023,444</td>
<td>1.35%</td>
<td>$6.7144</td>
</tr>
<tr>
<td>2017</td>
<td>$2,458,877,868</td>
<td>3.05%</td>
<td>$16,045,571</td>
<td>0.14%</td>
<td>$6.5256</td>
</tr>
<tr>
<td>2018</td>
<td>$2,507,949,430</td>
<td>2.00%</td>
<td>$16,192,832</td>
<td>0.92%</td>
<td>$6.4556</td>
</tr>
<tr>
<td>2019</td>
<td>$2,635,736,072</td>
<td>5.10%</td>
<td>$16,437,397</td>
<td>1.51%</td>
<td>$6.2364</td>
</tr>
<tr>
<td>2020</td>
<td>$2,756,179,955</td>
<td>4.57%</td>
<td>$16,519,672</td>
<td>0.50%</td>
<td>$5.9936</td>
</tr>
<tr>
<td>2021</td>
<td>$2,803,937,102</td>
<td>1.73%</td>
<td>$16,519,672</td>
<td>0.00%</td>
<td>$5.8916</td>
</tr>
<tr>
<td>2022</td>
<td>$3,002,211,332</td>
<td>7.07%</td>
<td>$16,516,672</td>
<td>0.00%</td>
<td>$5.5025</td>
</tr>
</tbody>
</table>

**Tax Rate per Thousand 2013 - 2022**

![Graph showing tax rate per thousand from 2013 to 2022](image)
New for 2022

- Funding $5.5 million communications project to purchase land, build towers and replace aging equipment.

- Funding new $14.6 million highway/emergency management/public health building.

- Implementation of the $14 million broadband ReConnect Project throughout Yates County. Continued grant applications for all residents and businesses to have access to reliable, affordable, high-speed internet service.

- Budget Stabilization Assigned Fund balance is at $1.2 million.

2022 Budget Summary

- Tax levy increase of $0.
- Continued low dependence on reserves
- Reduction of tax rate by $0.39/$1,000 of assessed value.
- Increasing property values
- Alignment with core mission
- Continued commitment to fiscally responsible policies
- Ensuring services are maintained at a reasonable level
- Maintaining and improving infrastructure
## Looking Ahead

- Continuing 5-year budget planning.
- Continued increase in revenue from sales taxes with internet sales tax.
- Slowly increasing pension costs.
- Minimal health insurance cost increases to employees.
- Cap on the growth of Medicaid costs.

## Thank You!

Winona Flynn  
nflynn@yatescounty.org  
315-536-5192
Chairman Paddock made the following comments:

Thank you, Nonie.

We’ll now open the meeting to questions and comments from the floor. If you wish to speak, please come to the podium or raise your hand on the Zoom meeting. State your name and address. Please limit your remarks to the budget and keep them no longer than 3 minutes. If you are suggesting a change to the budget, it would be extremely helpful to reference a line number and the proposed modification. If your remarks go longer than the allotted time, we will ask you to stop. You will be permitted to continue for another 3 minutes once everyone who wishes to speak has been able to do so.

For this portion of the meeting, the legislature’s Chair of the Finance Committee, Bill Holgate, will monitor and respond or refer questions to the appropriate individual.

PUBLIC COMMENTS

John Prendergast addressed the legislature regarding a separate meeting being held for Local Law 2-21 and the Court Security Officer Position.

Arlene Wilson addressed the legislature regarding increasing the Cornell Cooperative Extension Budget.

Joy Shank addressed the legislature regarding the Court Security Officer position and standing with Schuyler County in regards to the closing of Willard Drug Treatment Campus and Southport Correctional Facility.

Jim Smith addressed the legislature regarding increasing the Cornell Cooperative Extension Budget.

Chairman Paddock thanked all who spoke and closed the public hearing at 6:34 p.m.

Mr. Holgate moved the following changes to the tentative budget, seconded by Mr. Banach.

<table>
<thead>
<tr>
<th>Account #</th>
<th>Department</th>
<th>Description</th>
<th>Original</th>
<th>Revised</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1170.51565</td>
<td>Public Defender</td>
<td>Assistant Public Defender</td>
<td>0 20,000</td>
<td>0 20,000</td>
</tr>
<tr>
<td>A3190.51866</td>
<td>Court Security</td>
<td>Court Security Officer</td>
<td>51,668 -51,668</td>
<td>0 0</td>
</tr>
<tr>
<td>A3190.58100</td>
<td>Court Security</td>
<td>FICA</td>
<td>3,473 -3,473</td>
<td>0 0</td>
</tr>
<tr>
<td>A3190.58304</td>
<td>Court Security</td>
<td>Insurance - CO82</td>
<td>18,820 -18,820</td>
<td>0 0</td>
</tr>
<tr>
<td>A9089.58600</td>
<td>Employee Benefits</td>
<td>HRA</td>
<td>2,600 -2,600</td>
<td>0 0</td>
</tr>
<tr>
<td>A7310.54368</td>
<td>Youth Program</td>
<td>Summer Rec</td>
<td>0 20,000</td>
<td>0 20,000</td>
</tr>
<tr>
<td>A1990</td>
<td>Contingent</td>
<td>Contingent</td>
<td>772,072 36,561</td>
<td>808,633 0</td>
</tr>
</tbody>
</table>
DISCUSSION:
Mr. Button questioned if the $20,000 increase for line item A7310.54368 Youth Program would benefit all the towns.

Ms. Flynn stated that it benefits all the towns and villages that have summer recreation programs. That is Penn Yan, Middlesex, Jerusalem, Dundee, and Torrey.

Mr. Button questioned how the money is apportioned.

Amy Miller stated the money is apportioned based on the request from municipalities, how it will be used, and how many people it will serve.

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

Mr. Killen moved to increase the allocation by $13,000 for Cornell Cooperative Extension and reduce the amount in contingent so that the tax levy remains the same, seconded by Mr. Harper.

DISCUSSION:
Ms. Chilson questioned why the money was originally removed from Cornell Cooperative Extension’s budget.

Ms. Flynn stated that it is flat compared to last year. Two years ago when they weren’t sure what the budget would be and what they had coming in for 2021 we reduced it. There was one less employee in the department.

Ms. Chilson asked what has Cornell Cooperative Extension cut back on to meet the needs of the budget.

Arlene Willson stated they were able to receive some COVID emergency relief and PPE relief and let a new hire go, but were able to maintain the staffing. The concern is filling the two vacancies that they currently have.

Ms. Chilson questioned if the increase would go towards the staff.

Arlene stated yes, the money received from the county primarily goes to salary and a little bit goes to machine supports for the copier.

Ms. Chilson questioned if funding is received from anywhere else.

Arlene states that the county funding is about 40% of the operating expense. They also typically receive grant money, federal money, and state money through Cornell University.

Ms. Chilson asked if any of that funding will increase this year.
Arlene stated that she does not know. With grants it is always in question and they are typically program specific for materials and do not cover staff.

Mr. Banach stated that two years ago Cornell Cooperative Extension did away with the Dairy Program, which had a big impact on costs. It seems to be working, they haven’t heard from any farmers or dairy persons saying that it isn’t.

Arlene stated one of the reason they did away with that program was to bring Cornell Cooperative Extension out of the deficit. It was a hard decision, but it was a $54,000 a year program. They have really focused on print media and in person education.

Ms. Chilson asked if their offices are open Fridays as they had been closed on Fridays in the past.

Arlene stated yes, they are now open on Fridays and that was an initial way to cut costs. Now they stagger the staff so someone is always in the office and they close at lunch time.

Mr. Button questioned if they had thought about putting this money into contingent until we know if Cornell University will help fund Cornell Cooperative Extensions office.

Arlene stated that they will not fund them as they don’t actually give them money. Their contribution is the employee benefits; no benefits are charged to Yates County.

Ms. Chilson questioned how they would handle not receiving this $13,000 increase.

Arlene stated that she doesn’t know. They will have to look at cuts, we will have to see what we can do and it is just going to be very difficult. A part time bookkeeper is not a great thing in terms of handling your money, finances, and getting bills paid on time. Everybody is struggling right now as inflation has increased a lot of prices. They are moving forward with not having any raises for 2022 for staff. The staff is working very hard, diligently, and extra hours.

Ms. Chilson asked what Cornell Cooperative Extension has done to reach out to dairy farmers since they no longer have the Dairy Program.

Arlene stated that they have reached out to the farmers, had site visits, produced publications that they mail and drop off, and they have farmers who come into the office. They are looking to do more collaborations with Soil & Water in the upcoming years.

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

Mr. Button moved to increase the Veterans Travel budget by $2,500, motion failed for lack of a second.

Ms. Chilson moved to increase the Veterans Travel Budget by $1,000, seconded by Mr. Button. VOTE: Roll Call – Chilson, Multer, Harper, Button voting “Yes”; Bronson, Banach, Holgate, Percy, Willson, Paddock, Killen, Cutler voting “No”. Motion lost.
Mr. Button moved to move the Court Security Officer position money into contingent, seconded by Mr. Willson.

DISCUSSION:
Mr. Killen stated that the general feeling from the discussions about office building security was there was not support for the higher end of the spectrum security and full magnetometer setup. The single Court Security Officer was a half way step to try and then assess. Mr. Killen would be disinclined to add funds to the budget if we haven’t done what they agreed to do to start with.

Chairman Paddock stated that Mr. Button’s intent is not to add funds to the budget. It is to take what is in the budget now for one Court Security Officer and move the funds into contingent. The funds are then to be moved back out again, if there is a decision to do so.

Mr. Button stated that if we need additional revenue to continue to make a better plan, as we haven’t really had the discussion out of executive session, then he can add that to the motion. The money is there, they need to figure out how they are going to move forward and spend it.

Chairman Paddock stated that there have been multiple discussions in executive session about this and thought there was a consensus on how to move forward, but if that’s not then they can move it into contingent and then move it back out.

Mr. Cutler pointed out that budgeting isn’t spending. It can be in the Sheriff’s budget or in contingency and in neither case would they spend those dollars without interaction from the Legislature.

Mr. Killen asked Mr. Button exactly what his intentions were.

Mr. Button stated this money is in the budget and he wants it moved to contingent so that they have public discussions about how this money will actually be spent. Whether they need to spend it all or whether we need to spend more to accomplish our ultimate goal.

Mr. Killen questioned what impact this would have on the budget.

Mr. Button stated that it would not impact the budget, the money would just move into contingent. Do not take it out, but put it over to the side to spend it the way they agree to spend it.

Ms. Chilson stated that she looks at it as putting the money into contingency is putting it on hold.

Chairman Paddock stated it has no effect on the tax levy it merely moves it from one or four accounts into one and if we go forward with plans that may have been discussed it would have to be moved back out again. So there is no effect on the budget. As Mr. Cutler pointed out, it doesn’t really matter where it is.
Mr. Button stated that it does matter where the money is. When things go into contingent they will discuss them again and they will discuss them in public session and then the public will know where we put the money.

Chairman Paddock stated that if it is appropriate for public session then it will be held then, but if it’s appropriate for executive session it will be discussed in executive session. The items that have been discussed previously have been discussed in executive session because they pertain to public safety.

Mr. Cutler stated he was the sole vote that wanted to keep the discussion in the public. Mr. Cutler thinks the discussion should be public. Nothing is being accomplished by moving the money around because spending and budgeting are two different things. They won’t spend it until the Legislature is on board with how it’s spend.

Mr. Button stated that we are pretty big on procedure, policy, and precedent.

Chairman Paddock stated that the executive sessions were held at the suggestion of the County Attorney.

Ms. Chilson stated so having this position in our budget says they have somebody that is being hired or is hired, but if they take it and put it into contingent they have the choice to bring it back into the budget.

Chairman Paddock stated that he doesn’t know if someone has been hired yet or not, but it has been funded.

Mr. Holgate stated that this money was put into the budget primarily because there was a consensus of what direction they thought they were going. As Mr. Killen stated, it was something they were going to use to get a feel and take a look at it and consider what it is they need in the future. It was just a way to move forward. The money can be moved into contingent, but it doesn’t matter if it’s in contingent or if it stays in this line.

Mr. Multer stated there is no reason not to put this into contingent. No final decision has been made and if it’s funded in the budget, it gives the appearance at least, that it is ok to go ahead and fill the position.

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

Mr. Button moved to remove the 2% wage increase for the Legislators from the budget, motion failed for lack of a second.
RESOLUTION NO. 435-21

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

DISCUSSION:
Mr. Button stated he will vote “no” because he is not giving himself a pay raise.

Mr. Cutler stated budgeting isn’t spending. The Legislature wouldn’t get a raise unless they voted to do it. Their salaries aren’t very large and that 2% is needed to compensate the employees in the ways that we have discussed many times.

Mr. Button stated his motion is only for the Legislators, not the employees.

Ms. Chilson stated that a couple years back, she brought a motion to the floor to increase the wage of the Legislators. The Legislature hadn’t had a raise in years and they dropped their health insurance because times got hard. If the income doesn’t increase then it will be difficult to get people to run for Legislature.

ADOPT 2022 COUNTY BUDGET

WHEREAS, the Tentative Budget for 2022 has been duly presented to the County Legislature by the Budget Officer and adopted by this County Legislature by Resolution 392-2021, and the duly advertised Public Hearing has been held thereon;

NOW, THEREFORE, BE IT RESOLVED, pursuant to Section 360 of the County Law, that said Tentative Budget as presented is hereby adopted as the budget for Yates County for the Year 2022; and be it further

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

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

RESOLUTION NO. 436-21

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

CONSIDERATION OF LOCAL ZONING EXEMPTION IN REGARD TO PROPOSED AND EXISTING COMMUNICATIONS TOWER SITES IN THE TOWNS OF BENTON, BARRINGTON, JERUSALEM AND THE VILLAGE OF PENN YAN, COUNTY OF YATES, STATE OF NEW YORK

WHEREAS, Yates County (the “County”) commissioned a public safety communications study in 2019 and received a Public Safety Systems Communications Study Recommendations Report (the “Report”) in 2020; and

WHEREAS, as a result of the study and Report, the County desires to install a new public safety communications system which shall include the construction of two (2) new emergency communication towers to be located in the Towns of Barrington and Italy and the potential
construction of a tower in Benton; and

WHEREAS, by Resolution No. 401-21 dated November 8, 2021, the County modified the Project to also include the replacement or potential replacement of existing emergency communication towers located in the Town of Jerusalem and the Village of Penn Yan (collectively, the installation of new towers and replacement towers is referred to herein as the “Project”); and

WHEREAS, as applicable, the County wishes to acquire parcels of real property in the towns of Benton and Barrington (the “Acquisition Parcels”) to accommodate the installation and operation of County-owned communications towers; and

WHEREAS, the County wishes to ascertain whether its acquisition of the Acquisition Parcels and its intended construction, operation and use of the improvements thereon and at existing tower sites in the Town of Jerusalem and Village of Penn Yan (the “Existing Parcels”) are exempt from local regulations; and

WHEREAS, the local regulations being considered herein are namely the Town of Benton Zoning Law, Town of Benton Subdivision Law, Town of Barrington Zoning Law, Town of Barrington Subdivision Law, Town of Jerusalem Zoning Ordinance, Town of Jerusalem Land Subdivision Regulations, Zoning Law of the Village of Penn Yan, and Village of Penn Yan Subdivision Regulations (collectively, the “Local Regulations”); and

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

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

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

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

3) The kind of function or land use involved: The provision of adequate coverage to service the public interest communications needs within the County. To this end, on each of the Acquisition Parcels and Existing Parcels the County wishes to construct, install and operate a communications tower, and construct and operate those improvements necessary to support the installation and operation of said tower, as well as place the necessary associated utilities thereon. The locations of the Acquisition Parcels have been chosen to most effectively meet
engineering coverage requirements in this regard.

4) The effect local land use regulation would have upon the enterprise concerned: Upon information and belief, the Local Regulations require subdivision approval to divide an existing parcel and contain various requirements concerning the installation and operation of communications towers.

5) Alternative locations for the facility in less restrictive zoning areas: Upon investigation and evaluation of possible locations, the Acquisition Parcels and Existing Parcels are the County’s best alternative for the placement and operation of its own communications towers. To this end, the Acquisition Parcels and Existing Parcels are at a high enough elevation to ensure improved radio coverage, and are relatively cost effective when compared to the development of other potential sites or the continued rental of a communications tower servicing the area in question.

6) The impact upon legitimate local interests: Communications towers are not uncommon in the County as a whole. Any impacts, if at all, are minimal compared to the need for adequate communications benefitting the public.

7) Alternative methods of providing the proposed improvement: The County has investigated alternative site locations, and for the reasons set forth in Section (5) above determines that the Acquisition Parcels and Existing Parcels are the best locations for the proposed communications towers.

8) The extent of the public interest to be served by the improvements: The new communications towers located at the Acquisition Parcels and Existing Parcels would greatly benefit the public interest, by way of their enhancements to communications to allow for the proper rendering of the following services, all of which are vital to the public-at-large: law enforcement, fire, emergency medical, emergency management and highway, as well as interoperability with regional radios of other counties regarding such services. The County will use the proposed towers on the Acquisition Parcels and Existing Parcels to dispatch, receive and coordinate these vital communications. These important public needs outweigh any other impact identified with the construction and operation of the proposed site.

9) Intergovernmental participation in the project development process and an opportunity to be heard: The towns of Benton, Barrington, Jerusalem and the Village of Penn Yan were verbally made aware by the County of its intentions to build communications towers at the Acquisition Parcels and to replace or potentially replace communication towers at the Existing Parcels. Via letters dated November 5, 2021 to the towns of Benton, Barrington, and Jerusalem, and to the Village of Penn Yan, each Town and the Village was put on written notice by the Yates County Attorney of the Project and the County’s intention to consider the issue of whether the Project is exempt from the Local Regulations, with such consideration to be done by way of application of the “balancing of interests test” established in Matter of County of Monroe v. City of Rochester, 72 NY2d 338 (1988). Moreover, pursuant to said letter, the County invited any and all comments and/or questions from the towns of Benton, Barrington, Jerusalem and the Village of Penn Yan regarding the subject land acquisition, the planned project and the project’s process of development; it being the intention of the County to keep the Towns and Village
continually informed and give the Towns and Village an opportunity to be heard; with the request that the Towns and Village provide any comments or questions prior to November 15, 2021, to which none have been so provided. Furthermore, the Towns and Village were notified by the County Attorney of the applicable committee and full legislature meeting dates wherein the “balancing of interests tests” would be applied, wherein Town or Village representatives are welcome to attend and be heard on the issue at such meeting(s); and be it further

RESOLVED, that the Yates County Legislature hereby finds that the balancing of interests analysis weighs in favor of the acquisition of Acquisition Parcels and the planned Project and its process of development, all as more particularly described herein, being exempt from the Local Regulations; and be it further

RESOLVED, that copies of this resolution be forwarded to the towns of Benton, Barrington, Jerusalem and the Village of Penn Yan.
VOTE: Unanimous

Ms. Chilson moved to adjourn the meeting, seconded by Mrs. Percy.
VOTE: Unanimous

Meeting adjourned at 7:27 p.m.