The Yates County Legislature met in special session, Thursday, December 1, 2022 at 12:30 p.m. for the purpose of conducting SEQR determination and awarding the bids regarding the Yates County Emergency Communications Project, South Hill Tower. Chairwoman Church presided, Legislator Jayne arrived at 12:35 p.m., and Legislator Holgate was absent. Eric Kenna from C & S Companies and Robert Tyson from Bond Schoeneck & King Attorneys were present on Zoom.

Chairwoman Church made the following comments:

Welcome everyone to the special meeting of the Legislature for the purpose of conducting the SEQR determination and awarding the bids regarding the Yates County Emergency Communications Project and South Hill Tower.

We do have two guests on Zoom who will assist with questions after we get to that point, and that's Eric Kenna of C & S and Bob Tyson, of Bond Schoeneck & King.

RESOLUTION NO. 468-22

Mr. Willson offered the following resolution and moved its adoption, seconded by Mr. Paddock. DISCUSSION:

Mr. Paddock stated that back in September, they modified the Communications Project to include replacement or modification of the tower at South Hill to increase its height. The County declared at that time, its desire to be lead agency for the SEQR process. Emilee furnished an electronic file and a hard copy of the same documents was in the Legislature office. Documents included a completed full environmental assessment form parts, one, two, and three. An email from Tower notify indicating concurrence with the report that had been prepared by Binghamton University letters to the interested parties and the FCC Wireless Communications bureau, colocation packet, and included Binghamton University's report. None of the interested parties expressed a desire to act as lead agency and Binghamton University's report recommends that there are no effects in either direct or visual effects in the areas of potential effect or the Aps. Therefore the resolution that is presented, stating it will not have a significant adverse, environmental effect is the only one being presented. As Chairwoman Church has indicated, Eric Kenna from C & S and Bob Tyson from Bond Schoeneck & King, their environmental attorney, on Zoom prepared to answer any questions relative to this resolution.

Chairwoman Church asked if there were any questions form the Legislature on the project or the resolution.

Ms. Chilson stated that it is pretty straight forward.

RESOLUTION DECLARING LEAD AGENCY UNDER SEQRA, CLASSIFYING ACTION AND DETERMINING THAT ACTION WILL NOT HAVE A SIGNIFICANT ADVERSE ENVIROMENTAL IMPACT

WHEREAS, Yates County (“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, Report and subsequent engineering investigations, the County determined to install a new public safety communications system which included the construction of four (4) new emergency communication towers located in the Towns of Barrington, Italy and Jerusalem and the Village of Penn Yan (the “Project”); and

WHEREAS, the purpose of the Project is to improve emergency communication services and facilitate the provision of emergency services by police, fire, EMS and public works personnel for the benefit of all County residents; and

WHEREAS, by Resolution Nos. 277-21 dated August 9, 2021 and 401-21 dated November 8, 2021, the County authorized the commencement of review of the Project under the State Environmental Quality Review Act (“SEQRA”), and set forth other determinations regarding the Project, and it thereafter performed a coordinated review of the Project in accordance with SEQRA; and

WHEREAS, by Resolution No. 491-21 dated December 29, 2021, the County determined that the Project would not have a significant environmental impact, and it prepared and filed a Negative Declaration in accordance with SEQRA; and

WHEREAS, since adoption of Resolution No. 491-21, the County has determined that the Project should be modified to also include the modification of an existing emergency communication tower located in the Town of Middlesex (the “Middlesex Tower Component”); and

WHEREAS, the Middlesex Tower Component will further improve emergency communication services and facilitate the provision of emergency services by police, fire, EMS and public works personnel for the benefit of all County residents; and

WHEREAS, pursuant to the provisions of SEQRA as set forth in Article 8 of the Environmental Conservation Law and the requirements of the SEQRA Regulations at 6 NYCRR Part 617 (the “Regulations”), the County desires to comply with the provisions of SEQRA and the Regulations with respect to the Middlesex Tower Component; and

WHEREAS, on September 12, 2022, via Resolution 384-22, the County declared its interest in acting as “Lead Agency” for the Middlesex Tower Component’s environmental review and authorized its staff and consultants to complete Part I of the Full Environmental Assessment Form (“FEAF”) for the Middlesex Tower Component; and

WHEREAS, the County has considered the Middlesex Tower Component in light of the actions included on the Type I list specified in Section 617.4 of the Regulations and in light of the actions included on the Type II list specified in Section 617.5 of the Regulations; and

WHEREAS, on November 14, 2022, via Resolution 438-22, the County performed the “balancing of interests test” established in Matter of County of Monroe v. City of Rochester, 72 NY2d 338 (1988), and resolved that the Middlesex Tower Component and its process of development are exempt from the Town of Middlesex Zoning Law and its amendments (collectively, the “Local Regulations”)

WHEREAS, on October 21, 2022, the County, exercising its due diligence, circulated a letter (the “Notice Letter”) describing the Middlesex Tower Component and indicating the County’s intent to serve as “Lead Agency” for the environmental review of the Middlesex Tower
WHEREAS, the County, exercising further due diligence, caused the performance of a Phase I Cultural Resource Survey ("Phase I Survey") for the Middlesex Tower Component site in the Town which identified no historic resources in the area of potential effect for the Middlesex Tower Component site, and the County caused the filing of the Survey with SHPO for purposes of required consultation and requested comments from SHPO regarding whether the Middlesex Tower Component would have an impact on any historic or archeological resources; and

WHEREAS, by email dated November 17, 2022, SHPO indicated it concurs with the recommended finding of the Phase 1 Survey that there are no historic properties in the area of potential effects for the Middlesex Tower Component; and

WHEREAS, the other agencies did not provide any comments regarding the Middlesex Tower Component; and

WHEREAS, pursuant to SEQRA and the Regulations, the County has considered the significance of the potential environmental impacts of the Middlesex Tower Component by (a) using the criteria specified in Section 617.7 of the Regulations, and (b) examining the FEAF for the Middlesex Tower Component, together with other available supporting information, including comments from interested agencies, to identify the relevant areas of environmental concern; and (c) thoroughly analyzing the identified areas of relevant environmental concern; and

NOW THEREFORE, BE IT RESOLVED by the County as follows:

RESOLVED, the County declares itself “Lead Agency” for the Middlesex Tower Component’s environmental review; and

RESOLVED, the County classifies the Middlesex Tower Component as a “Type I” Action under SEQRA; and

RESOLVED, based upon an examination of the EAF, and other available supporting information, and considering both the magnitude and importance of each relevant area of environmental concern, and based further upon the County’s knowledge of the areas surrounding the Middlesex Tower Component site and such further investigation of the Middlesex Tower Component and its potential environmental impacts as the County has deemed appropriate, the County makes the following findings and determinations:

a. No significant adverse environmental impacts are noted in the EAF for the Middlesex Tower Component and none are known to the County. Therefore, the County hereby determines that the Middlesex Tower Component will not have a significant adverse environmental impact, and the County will not require the preparation of an environmental impact statement with respect to the Middlesex Tower Component; and
b. As a consequence of the foregoing, a Negative Declaration shall be prepared for the Middlesex Tower Component by County staff and consultants; and

c. The County hereby directs that all SEQRA documents and notices, including but not limited to the EAF and Negative Declaration, are to be maintained in files that are readily accessible to the public and made available on request, subject only to the limitations established by the Freedom of Information Law.

RESOLVED, that this Resolution shall take effect immediately; and

RESOLVED, that a copy of this Resolution shall be filed with the County Clerk and copies sent to the Yates County Sheriff, Director of the Office of Emergency Services, Highway Superintendent, Administrator, Planner, the Town of Middlesex, Eric Kenna of C & S Engineers, and Robert Tyson of Bond, Schoeneck & King, PLLC.

VOTE: Unanimous

RESOLUTION NO. 469-22

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

DISCUSSION:

Mr. Button stated that he was wondering for the Communications Upgrade Project, they might see a total expenditure of what they have expanded.

Mr. Paddock stated that it is just over two million.

Mr. Button stated he believes Doug, he was just wondering if they’re expanding it. Maybe they could see, because he was thinking, going forward it looks like they are going to have some over run in the use of the towers they have now. It may run out into spring, so those costs per month will incur.

Chairwoman Church asked if he was referring to the ones they are renting.

Mr. Button stated yes, and at some point they will also have to decommission or take down wires or buildings.

Mr. Willson stated that it would probably be good to have a summation of project costs, he doesn’t see a problem with that.

Mr. Morris stated that he agrees with that point. He kind of feels the same way about the fiber project. He would like to see a summation of what the costs are, how the scope has changed, etc. What was the original plan, what scope changes have been made to this, what have been the cost impacts, and where are they right now.

Mr. Willson stated that he spoke to Mr. Paddock earlier. It's had a lot of very frustrating things that he's had to deal with, and that they’ve all had to deal with. He thinks in the end, it's going to be a wonderful project that will benefit every citizen in the County, but he thinks it's always good to know exactly what dollars were spent, so that they all can report that and understand that it was money well spent.
Mr. Paddock stated that he just got a text, because he asked C & S, the project is going to extend farther into next year, and C & S will be asking for an increase. The only other thing that they are aware of right now, may be battery backups, but right now, the total expenditure is forecast for just about 6.3. With what the Sheriff got in grants, it brings it down to about 5.3, which was right where their budget was. Thanks to the Sheriff’s grants, they are just about on target.

Mr. Willson stated that what he is saying is grants or no grants, to know at the end, when they put it on the shelf, because it's done, they know exactly what it cost to build something.

Mr. Paddock stated that they have been keeping track of that.

Mr. Button stated that is a good thing, they are speaking to it in the public. It's being recorded, that way the public realizes they are paying attention.

Mrs. Percy asked if there was a line item in the financials that tells them how much has been spent on the project.

Ms. Flynn replied that yes, it is presented every month under line A3020.

Mr. Paddock stated that since they have declared that there are no adverse effects, they can now go ahead and contract to have the towering increased.

Ms. Chilson stated that the Sheriff and Mr. Paddock worked on this through the years. They presented it at the beginning. They were paying rent and gaining nothing for it, if they look at this as a long term project, as it was discussed early on, it will be saving the taxpayers so much money in years to come. She knows there are a lot of people appreciative of that foresight that Mr. Paddock and the Sheriff had. Moving forward with this has done a great service to their community.

**ACCEPT BID FOR PUBLIC SAFETY EMERGENCY COMMUNICATIONS SYSTEM UPGRADE PROJECT**

**SOUTH HILL TOWER EXTENSION AND RELATED SITE MODIFICATIONS**

WHEREAS, on November 21, 2022, bids for an extension to the South Hill tower and related site modifications (Phase 1, Yates County Emergency Communications System Upgrade Project, Contract 9 – Existing Site Modifications) were received, opened, read aloud and documented, as tabulated below:

<table>
<thead>
<tr>
<th>Company</th>
<th>Address</th>
<th>Total Lump Sum with Allowance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kaplan-Schmidt Electric, Inc.</td>
<td>50 Saginaw Drive Rochester, NY 14623</td>
<td>$152,855.00</td>
</tr>
<tr>
<td>Patriot Towers</td>
<td>870 Scottsville-Chili Road Scottsville, NY 14546</td>
<td>$103,970.00</td>
</tr>
<tr>
<td>Mid-State Communications</td>
<td>185 Clear Road Oriskany, NY 13424</td>
<td>$124,000.00</td>
</tr>
</tbody>
</table>

And
WHEREAS, the County’s project consultant, C & S Engineers, has reviewed the bids and recommends accepting the bid from Patriot Towers;

NOW, THEREFORE, BE IT RESOLVED, that the above Patriot Towers bid is hereby accepted, contingent upon the execution of a written contract related thereto between the County and Patriot Towers, and to this end, the Chairwoman of the Legislature, upon the approval of the County Attorney, is authorized to sign such a contract on behalf of the County, as well as any other necessary documents with Patriot Towers, to enable acquisition of an extension to the South Hill tower and related site modifications for the Public Safety Emergency Communications Upgrade Project, including, but not limited to change orders; and be it further

RESOLVED, that total contract shall not exceed $103,970; and be it further

RESOLVED, that copies of this resolution be furnished to the Yates County Sheriff, County Administrator/Budget Officer, Director of Emergency Services, Highway Superintendent, Information Technology Director, Director of Finance, Treasurer, C & S Engineers and Patriot Towers.

VOTE: Unanimous

Mr. Killen stated that everybody saw his email suggesting they do the cookies again. He saw no opposition to that, and a number of people in support of it. He went forward coordinating with Kerry in Personnel. Kerry put together numbers for him and he is working on breaking that down into trays. He went today, and got trays of various sizes for batches of cookies. Kerry also indicated that she talked with Nonie and they decided that they could do a small gift to the employees as well in the form of a water bottle. In addition to delivering trays of cookies to each department, there'll be a water bottle for each employee to distribute as well. It's going to take some time to get the cookies ready. He talked with the Sheriff and Chad Nelson, the new kitchen head, and they will help on that again. He is looking at picking up the day of their legislative meeting, Monday the 12th, after the meeting. Mr. Killen asked how that all sounded to the other legislators.

Dr. Cutler asked if they are still going to use Ms. Flynn’s conference room as the distribution center.

Ms. Flynn stated that yes, they'll deliver the cookies to her conference room, and they will have them all labeled right there. So any legislator can pick them up right there along with the water bottles. They took the money from the awards budget, they had some money left over, so it's an appropriate expenditure.

Mr. Killen stated that he will be asking if people want to donate money to cover the trays and cookies. So far he thinks he has spent $46.00 on trays. He doesn’t recall how much the cookies were last year, but they don't charge them very much. They pretty much do it at cost, and they can order the various types of cookies to cook from Cisco, so they'll get batches of cookies and make them up, and help tray them up.

Meeting adjourned at 12:43 p.m.