

## REGULAR SESSION – MONDAY, JANUARY 11, 2016

The Yates County Legislature convened in regular session Monday, January 11, 2016 with Chairman Dennis presiding and Legislator Holgate absent.

Chairman Dennis made the following comments:

Each year at the January meeting we recognize the dedication of our employees. We do this for individuals as they reach five year increments of their career with us. This year, the people we salute represent a total of 810 years' experience. If we multiply that by five, our staff has over 4,000 years of experience working for the people of Yates County. That is dedicated experience by the people we count on day by day to provide for our safety, maintain our roads and infrastructure, serve to protect our public health, carry out our missions of providing social services to those who need it, and maintain the integrity of our county records and finances.

This is all done by our friends and neighbors who carry out the mission of Yates County Government. We thank you and salute you for all you do.

Chairman Dennis was joined by Kerry Brennan, Personnel Officer in recognizing the following individuals for their service to the County.

<b>5 Years</b>	
Angela Druker	Public Health
Juanita Lohnes	Sheriff
Edith Miller	Public Health
Robert Miller	Sheriff
Jeremy Panzik	Sheriff
Elizabeth Russell-Orr	Social Services
Tim Groth	IT
Brandon Dehond	Sheriff
Christine Yonge	Youth Bureau
<b>10 Years</b>	
Brett Baker	DSS
Cartha Conklin	DSS
Janelle Orr	DSS
Dan Scott	Sheriff
Sara Christensen	Public Health
Keith Lord	Public Defender
<b>15 Years</b>	
Phil Biehls	Sheriff
David Coon	Buildings and Grounds
Lynn Foy	DSS
Greg Hampsey	Sheriff
Brian Hawley	Highway
Brandon Jensen	Sheriff

Antonia Gridley	Sheriff
Michael O'Mallon	Probation
Karen Shaffer	Sheriff
Lisa Williams	Sheriff
<b>20 Years</b>	
Terri Cadwell	Public Health
Diana DeKay	Sheriff
Amy Gelder	Probation
Judy Messenger	Sheriff
Adam Talley	Sheriff
Brian Tomion	Sheriff
<b>25 Years</b>	
Roberta Brink	DSS
Dave Cummings	Buildings and Grounds
Teresa Hines	County Clerk
Denise Jackson	DSS
Pat Killen	Sheriff
Ann Murphy	Public Health
Gerald Nolan	Highway
Diane Simonsen	DSS
Deb Minor	Public Health
<b>30 Years</b>	
Clay Rugar	Sheriff
Mary Anne Delcour	Public Health
Todd Sotir	Sheriff
Barry Hines	Highway
<b>45 Years</b>	
Julie Betts	County Clerk
Ronald Spike	Sheriff

Chairman Dennis asked for a report of the auditing committees.

	<u>2015</u>	<u>2016</u>
Airport Fund	\$ 19,701.57	\$ 566.23
Finance	\$120,904.97	\$237,408.45
Flint Creek	\$ 0	\$ 0
Government Operations	\$ 33,304.95	\$ 39,266.24
Human Services	\$ 264,200.56	\$ 26,370.25
Prior to Audit	\$ 89,195.86	\$ 0
Public Safety	\$ 127,231.67	\$ 150.00
Public Works	\$ 267,260.49	\$ 2,256.53

Mr. Montgomery questioned an invoice for ECC in the amount of \$58,164 for professional services. Mr. Montgomery stated shouldn't we know what those professional services were, and should we not hold this payment until we have more knowledge as to what is being paid.

Chairman Dennis explained that sometimes those invoices are for a flat contract fee and they are paid quarterly for that contract but he cannot say for sure that this invoice reflects this.

Chairman Dennis stated we could table this until the end of the meeting in order to obtain an explanation then the entire bill could be paid. If we don't have a satisfactory explanation we could pull the invoice and pay the rest of the bills.

Mr. Morrison stated this particular invoice has 3 items and he believes all of them are coming out of the infrastructure account. The first item shows professional services for October, November and December the exact same amount each month and adds up to \$11,601. It does appear that there is some kind of recurring charge. There are two other charges, one is for design services and another one for professional services. Evidently somebody had asked for a more detailed report. There are a number of different categories but there are no number of hours attached to any one category. There is not enough detail for Elden to agree to this payment.

Mr. Paddock stated that part of what Mr. Morrison is referring to is a \$30,000 charge for reengineering to the poling of the project.

Chairman Dennis stated that he suspected that some of that does relate to actions that had to be redone because of the delay in the project.

Chairman Dennis stated there are a couple of options. We can table the motion or we can withdraw this particular invoice and pay the rest of the bills.

Mr. Multer moved to table the motion until the end of the meeting, seconded by Mr. Morris.  
VOTE: Roll Call – Paddock, Montgomery, Bronson, Morrison, Percy, Multer, Church, Gleason, Morris, Button, Smith, Dennis voting “Yes” Banach voting “No” motion carried.

#### COMMITTEE REPORTS

Mr. Paddock reported there will be a workshop on the Dark Fiber project following the Legislative meeting. Mr. Paddock pointed out that resolution 3-16 will execute a notice of Certificate of Completion of the Penn Yan Marine project. Meaning that the site has been cleaned up.

Mr. Smith reported the Seneca Inter-Municipal Watershed Organization will be holding its first meeting of the year January 26<sup>th</sup> at 7:00 p.m. at the Geneva Town Hall. All interested parties and representatives from the municipalities within the watershed are encouraged to attend.

Mr. Button reported Flint Creek met on January 6<sup>th</sup> where election of officers was held.

Mrs. Church reported in the Human Services Committee meeting Deb Minor reported on the multijurisdictional efforts the S<sup>2</sup>AY Rural Health Network efforts which is a network of eight counties. They are involved in the Public Health Accreditation which the efforts are ongoing. The results will be a significant cost savings because of the network for this process.

Also, Katie Smeenk of ProAction reported that there would be a change in meal services with the increase in minimum wage. Currently they deliver two meals a day but this will be reduced to one meal a day due to the increase in cost.

Mr. Banach reported there was a tour of the county campus scheduled for tomorrow at 9:00. Dan would like to reschedule the tour for January 25<sup>th</sup> at 9:00a.m. Anyone interested are asked to meet in the Legislative office.

Mr. Banach stated he is getting tired of picking up the paper and finding that someone from Yates County has had an overdose. Three of them within the last 6 to 7 days. There is something that needs to be done about this. We can have all sorts of outside committees look at this and wonder how we can inform people and so and so forth. Most every county around us has a drug unit, we have none. Mr. Banach proposed that the Legislature look at this at the next Public Safety Committee meeting and we hire a new deputy and promote someone from within and get a little bit of a drug force going and discuss it with the Sheriff. We should all think about this and there is something we can do now. If we wait a month, we wait two months, it puts everything off another 6 to eight months. It will probably take a year before anything gets going and how many people do we have to lose. We need to have someone to find out where this stuff is coming from. Please make an attempt to solve this problem.

Chairman Dennis stated he is working with Deb Minor on setting up a presentation from the Yates County Coalition on Substance Abuse for the February 8, 2016 legislative meeting.

#### CHAIRMAN APPOINTMENTS

Chairman Dennis appointed Christine Yonge to the Yates County Youth Board for a term to run 1/11/16 to 1/10/19.

Chairman Dennis appointed George Hullings to the Fish and Wildlife Management Board as the County Sportsmen Representative for a term to run 1/1/16 to 12/31/17.

Chairman Dennis appointed Robert Clark to the Soil & Water Board to fill the vacant 7<sup>th</sup> set for a term to run 1/1/16 to 12/31/18.

Chairman Dennis made the following comment: As you all know we have an opportunity to examine central administration of County operations. We have had two days of presentation from a highly respected scholar of local government in New York State.

Now is the time to move forward on this analysis. It is important for this to be done as an open analysis and that conclusions and recommendations be reached. I have proposed an outline of the charge and timeline for this Task Force. I have received interest from several members of the legislature and management team. I thank all those who responded. Here are my appointments to the County Administrator Vacancy Task Force.

Scott Falvey, County Attorney, Deb Minor, Director of Public Health, Nonie Flynn, County Treasurer, Kerry Brennan, Personnel Officer, Mark Morris, Chairman of Government Operations, Jim Multer, Vice Chairman of the Governments Operations, Ed Bronson, Gary Montgomery, and Doug Paddock, Vice Chairman of the Legislature, will chair the Task Force.

#### **RESOLUTION NO. 1-16**

Mr. Paddock offered the following resolution and moved its adoption, seconded by Mr. Smith.

**APPROPRIATE ENVIRONMENTAL CLEANUP RESERVE FUND**

WHEREAS, an invoice has to be paid per the Brownfield Cleanup Agreement, authorized under Resolution #361-13, with the NYS Department of Environmental Conservation for services associated with the remedial investigation and work at the Penn Yan Marine Manufacturing Corp. site, and

WHEREAS, this allocation is not part of the 2015 Budget,

NOW, THEREFORE, BE IT RESOLVED, that the Environmental Cleanup Reserve be appropriated as follows:

A511.E	Appropriated Reserve-Environmental Cleanup	\$11,375.00
A1364.54936	TAP Expense: Cleanup	\$11,375.00

and be it further

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

VOTE: Unanimous

**RESOLUTION NO. 2-16**

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

**AUTHORIZE CHAIRMAN TO EXECUTE COMMUNITY DEVELOPMENT BLOCK GRANT AWARD AGREEMENT**

WHEREAS, Yates County, via the efforts of Keuka Housing Council, was awarded a 2015 New York State Community Development Block Grant (CDBG) Housing Award,

WHEREAS, the Agreement is made between the Housing Trust Fund Corporation (HTFC), represented by the Office of Community Renewal and Yates County, to be administered by Keuka Housing Council,

WHEREAS, the grant award is up to \$243,600.00 and will be used for septic and water well replacements or repairs and installation of water/sewer laterals to low income homeowners,

NOW, THEREFORE, BE IT RESOLVED, that Yates County accepts the grant award and authorizes the Chairman of the Yates County Legislature to sign the CDBG Housing Award Agreement

RESOLVED, that copies of this resolution be given to the County Planner, Renee Bloom (Keuka Housing Council), and the County Treasurer.

VOTE: Unanimous

**RESOLUTION NO. 3-16**

Mr. Paddock offered the following resolution and moved its adoption, seconded by Mr. Morris.

## **RESOLUTION TO EXECUTE NOTICE OF CERTIFICATE OF COMPLETION**

WHEREAS, the remedial program at the Penn Yan Marine Manufacturing Corporation site has been completed and the NYSDEC issued the Certificate of Completion (COC) on December 30, 2015,

WHEREAS, a notice of the COC must be recorded in the Yates County Clerk's office,

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature is authorized to execute the notice of COC and record the same with the Yates County Clerk and be it further

RESOLVED, that copies of this resolution be given to the Planner, Chris Iversen, Keuka Outlet LLC and a copy submitted with the proof of recording to the NYSDEC.

VOTE: Unanimous

### **RESOLUTION NO. 4-16**

Mrs. Percy offered resolutions 4 and 5-16 and moved their adoption, seconded by Mr. Banach.

#### **AUTHORIZE SHERIFF TO SIGN 2016 TOWER SITE EMERGENCY GENERATOR AGREEMENT**

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the county attorney the Sheriff is authorized to renew the generator maintenance contract with Penn Power of Syracuse, NY not to exceed \$560 per site at five towers sites for one inspection and one preventive maintenance each in 2016, understanding that tower transition planning finalization will reduce the maintenance site demands and costs yet to be determined at this time, and

RESOLVED, that a copy of the insurance certificate is required and that a copy of this resolution be provided to the Sheriff.

VOTE: Unanimous

### **RESOLUTION NO. 5-16**

#### **AUTHORIZE 2016 STOP DWI SERVICES AGREEMENT WITH FLACRA**

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the county attorney the Sheriff is authorized to renew the contract with Finger Lakes Addictions and Counseling Referral Agency for the year 2016 for rehabilitative and counseling services for DWI related offenders at \$7,800, and

RESOLVED, that a copy of this resolution be provided to the Sheriff/STOP Coordinator

VOTE: Unanimous

### **RESOLUTION NO. 6-16**

Mrs. Percy offered resolutions 6 and 8-16 and moved their adoption, seconded by Mr. Multer.

#### **AUTHORIZE SHERIFF AND CHAIRMAN TO SIGN JAIL PHYSICIAN SERVICES MOU**

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney that the Sheriff and Chairman are authorized to sign an agreement with Dr. Eleanor H. De Witt and Finger Lakes Health Medical, P.C. in conjunction with a Nurse Practitioner Patsy Ballard for Yates County Jail Physician medical services in compliance with state law effective January 1, 2016 through December 31, 2016, at the budgeted \$34,560 amount, and

RESOLVED, that a copy of medical professional insurance is required and a copy of any general insurance certificate is not required, and this resolution be provided the Sheriff, and the Director of Public Health.

VOTE: Unanimous

#### **RESOLUTION NO. 7-16**

Mrs. Percy offered resolutions 7 and 9-16 and moved their adoption, seconded by Mr. Multer.

#### **ACCEPT AND APPROPRIATE VICTIM SERVICES GRANT**

WHEREAS, the Sheriff's Office has been awarded a legislative initiative grant for victim services LG15101661, Project Contract #T101661 in the amount of \$5,000,

NOW, THEREFORE, BE IT RESOLVED, that this grant is hereby accepted and the following accounts shall be appropriated in the 2016 budget by being increased:

Revenue - Grant

A3110.43325(State Aid Drug Enforcement) \$5,000

Appropriations

A3110.54990 (State Aid drug enforcement) \$5,000

and be it further,

RESOLVED, that a copy of this resolution be provided the Budget Officer-Treasurer, and the Sheriff.

VOTE: Unanimous

#### **RESOLUTION NO. 8-16**

#### **AUTHORIZE SHERIFF TO SIGN MOU WITH SAFE HARBORS OF FL**

WHEREAS, the Sheriff has received a Legislative grant for \$5,000 and he desires to use the services of a Victim Services Specialist from Safe Harbors of the FL to address and advocate for victims of domestic violence or related crime issues wherein the case did not reach the level of the District Attorney's victim advocacy, and

NOW, THEREFORE, BE IT RESOLVED, that upon approval of the county attorney the Sheriff is authorized to execute said agreement for the period 1/1/2016 through 12/31/2016, and

RESOLVED, that a copy of this resolution be provided the Sheriff and the Treasurer.

VOTE: Unanimous

#### **RESOLUTION NO. 9-16**

#### **ACCEPT AND APPROPRIATE GTSC RURAL TRAFFIC ENFORCEMENT GRANT**

WHEREAS, the Sheriff's Office via the efforts of the NYSSA representative to the GTSC has been awarded a GTSC grant for rural traffic safety with focus on DWAI overtime and these funds are not a part of the 2016 budget;

NOW, THEREFORE, BE IT RESOLVED, that this grant is hereby accepted and the following accounts shall be appropriated in the 2016 budget by being increased:

Revenue – A3110.44388 (GTSC) \$3,150

Appropriations – A3110.54954 (GTSC – Support) \$3,150

RESOLVED, that a copy of this resolution be provided the Budget Officer-Treasurer and the Sheriff.

VOTE: Unanimous

#### **RESOLUTION NO. 10-16**

Mrs. Percy offered resolutions 10 and 12-16 and moved their adoption, seconded by Mr. Banach.

#### **AUTHORIZE CHAIRMAN AND SHERIFF TO SIGN 2016 INMATE HOLDING AGREEMENTS BETWEEN YATES AND ONTARIO COUNTY'S**

WHEREAS, there are times when Yates County may require boarding an inmate into the Ontario County Jail and

WHEREAS, there are times when Ontario County may require boarding an inmate into the Yates County Jail, and

WHEREAS, should that occasion arise then an inmate housing agreement is required at terms and at a rate set by Yates and Ontario County of \$85 a day each;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney that the Sheriff and Chairman are authorized to sign said separate agreements, and

RESOLVED, that a copy of this resolution be provided the Sheriff.

VOTE: Unanimous

#### **RESOLUTION NO. 11-16**

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

#### **AUTHORIZE SHERIFF TO RENEW FIREARMS RANGE CONTRACT**

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the county attorney the Sheriff is authorized to renew the firearms range usage agreement with the Branchport Rod and Gun Club for 2016 at \$50 a day, and

RESOLVED, that a copy of this resolution be provided the Sheriff.

VOTE: Unanimous with Mr. Paddock abstaining.

**RESOLUTION NO. 12-16**

**AUTHORIZE CHAIRMAN AND SHERIFF TO SIGN PRE-ARRAIGNMENT  
DETENTION (LOCK-UP) INTERMUNICIPAL AGREEMENT  
WITH VILLAGE OF PENN YAN FOR 2016**

WHEREAS, arrestees held in the Jail “Lock-Up” is at no charge to the village of Penn Yan and an agreement exists due to expire at end of year for charging the Village of Penn Yan for any extra services in detaining “Lock-Up” inmates including costs for medical attention, treatment, care as well as custodial costs where extra manpower must be deployed by Sheriff’s Corrections personnel for constant supervision or transport of a Penn Yan Police Department arrestee in a pre-arraignment holding section of the county jail,

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney that the Sheriff and Chairman are authorized to sign said agreement effective January 1, 2016 through December 31, 2016, and

RESOLVED, that an insurance certificate is not required and a copy of this resolution be provided the Sheriff.

VOTE: Unanimous

**RESOLUTION NO. 13-16**

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

**ACCEPT SHERIFF’S 2016 GTSC CHILD PASSENGER SAFETY GRANT**

NOW, THEREFORE, BE IT RESOLVED, that due to the Sheriff receiving a Governors Traffic Safety Committee Grant (GTSC) 2015/2016 CPS award #YCSO-00043 (062) for the Child Passenger Safety Program is hereby accepted and it has already been appropriated into the 2016 budget via Appropriation 3110.54954 GTSC Supplies \$3,500 and Revenue A3110.44388 – Federal Aid Grant GTSC \$3,500;

RESOLVED, that a copy of this resolution be provided the Treasurer-Budget Officer and Sheriff.

VOTE: Unanimous

**RESOLUTION NO. 14-16**

Mrs. Percy offered resolutions 14, 15, 17, 18, 19, and 20-16 and moved their adoption, seconded by Mr. Bronson.

**AUTHORIZE CHAIRMAN AND SHERIFF TO RENEW  
SOUTH HILL TOWER SITE LEASE**

WHEREAS, the current South Hill communications tower site in the Town of Middlesex having a lease with Dr. Sean Meitner has been in effect for the last fifteen years and if the parties agree it can be extended according to the terms of the lease for an additional five year period to 12/31/2020,

NOW, THEREFORE, BE IT RESOLVED that the Sheriff is authorized to extend this lease the additional five year period in the annual amount equal to the real property county only tax due and he is authorize to make contact with the leaser for a resolve, and

RESOVLED that a copy of this resolution be provided the Sheriff and Treasurer.  
VOTE: Unanimous

**RESOLUTION NO. 15-16**

**AUTHORIZE INMATE HOLDING 2016 AGREEMENT WITH WAYNE COUNTY**

WHEREAS, there are times when Yates County may require boarding an inmate into the Wayne County Jail and should that occasion arise then an inmate housing agreement is required at terms and at a rate set by Wayne County of \$85 a day;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney that he Sheriff and Chairman are authorized to sign said 2016 year agreement, and

RESOLVED, that a copy of this resolution be provided the Sheriff.  
VOTE: Unanimous

**RESOLUTION NO. 16-16**

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

**AUTHORIZE 2016 AGREEMENT WITH PENN YAN AREA  
VOL. AMBULANCE CORPS FOR INMATE MEDICAL TRANSPORTATION**

NOW, THEREFORE, BE IT RESOLVED, that the Chairman and Sheriff may execute an agreement for the year 2016 with the Penn Yan Volunteer Ambulance Corps for transportation costs for an inmate with medical needs of hospitalization at a cost of \$300 plus \$12 fuel charge from the jail to the hospital, and that insurances are herein waived, further

RESOLVED, that the Sheriff shall be provided a copy of this resolution.  
VOTE: Unanimous with Mr. Paddock abstaining.

**RESOLUTION NO. 17-16**

**AUTHORIZE SHERIFF TO RENEW EAP AGREEMENT FOR 2016**

NOW, THEREFORE BE IT RESOLVED, that as the Sheriff has an employer EAP agreement with Public Safety EAP, Inc. and cost for employees for 2016 is \$3,565.76, and the Sheriff is authorized to renew,

RESOLVED, that a copy be provided the Sheriff and Personnel Officer.  
VOTE: Unanimous

**RESOLUTION NO. 18-16**

**AUTHORIZE CHAIRMAN TO SIGN INTER-MUNICIPAL AGREEMENT WITH  
MONROE COUNTY FOR FORENSIC LABORATORY SERVICES - 2016**

WHEREAS, the contract with the County of Monroe requires renewal for the calendar year 2016 for enhanced forensic evidentiary services, including DNA, arson, controlled substances, firearms related, trace evidence and blood analysis, etc. processing provided to Yates County Sheriff's Office and to the Penn Yan Police Dept. by the Regional Crime

Laboratory, and such contract has increased substantially for 2016 and is \$36,836 and the Sheriff's budget is designated to be responsible for this entire payment,

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the county attorney that the Chairman is authorized to sign this agreement, and

RESOLVED, that a copy of this resolution be provided the Sheriff and the Village of Penn Yan Board.

VOTE: Unanimous

**RESOLUTION NO. 19-16**

**AUTHORIZE SHERIFF RENEW DENTAL SERVICES  
AGREEMENT WITH FINGER LAKES COMMUNITY HEALTH**

WHEREAS, at times the Sheriff requires special dental services for county jail inmates and resolution #388-14 approved a 2014/15 contract with the Finger Lakes Community Health group for special dental inmate services by this local provider,

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the county attorney that the Sheriff may extend and renew this agreement effective November 1, 2015 through December 31, 2016, and

RESOLVED, that a copy of this resolution be provided the Sheriff.

VOTE: Unanimous

**RESOLUTION NO. 20-16**

**AUTHORIZE SHERIFF TO RENEW INMATE MEDICAL SERVICES  
AGREEMENT WITH S&S MEMORIAL HOSPITAL**

WHEREAS, Resolution #62-15 as approved by the county attorney and Legislature authorized Sheriff to enter into a letter of agreement with Soldiers and Sailors Memorial Hospital administered by FLH, Geneva, NY for inmate medical services to be charged at the Medicaid rate for efficiency of budget,

NOW, THEREFORE, BE IT RESOLVED, that the Sheriff is authorized to renew the letter of agreement for related hospital billing effective January 1, 2016 through December 31, 2016, and

RESOLVED, that a copy of this resolution be provided the Sheriff.

VOTE: Unanimous

**RESOLUTION NO. 21-16**

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

**DISCUSSION:**

Mr. Morris stated he would vote in favor of this. Despite the fact that we received this right at the meeting and we didn't have time to really take a look at it. He really would appreciate that not happening in the future. We need to have time to read a six page position review. Mr. Morris also stated that he had questions that he brought up but they were never answered. Mr. Morris stated that he would vote for this as he knows the position needs to be filled. However, he will not vote for the next one unless a copy of the position review form is received early enough and his questions are answered.

Chairman Dennis stated that the document that was handed out was similar to the ones that have been handed out several times before and doubts there is anything different.

Sheriff Spike stated that when this was brought up he stated that he would be glad to discuss this in executive session and no one asked for that.

**AUTHORIZE SHERIFF TO FILL POSITION  
(Emergency Services Dispatcher)**

NOW, THEREFORE, BE IT RESOLVED, that because a full-time Emergency Services Dispatcher has resigned that the Sheriff is authorized to fill this position, and

RESOLVED, that copies of this resolution be given to the Sheriff, Personnel Officer and the Treasurer.

VOTE: Unanimous

**RESOLUTION NO. 22-16**

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

Mr. Montgomery questioned the Sheriff that this is to address someone that is leaving, and will this get the staffing to the 12 deputies plus the 4 that sergeants. Sheriff stated this will get him to the authorize amount. He does not have 12 deputies at this time.

**AUTHORIZE SHERIFF TO FILL POSITION  
(Deputy Sheriff)**

NOW, THEREFORE, BE IT RESOLVED, that because a full-time deputy sheriff is resigning to join another police agency, that the Sheriff is authorized to fill this position, and

RESOLVED, that copies of this resolution be given to the Sheriff, the Personnel Officer and the Treasurer.

VOTE: Roll Call – Paddock, Montgomery, Bronson, Percy, Multer, Banach, Church, Gleason, Morris, Button, Smith, Dennis voting “Yes” Morrison voting “No”

**RESOLUTION NO. 23-16**

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

**APPOINT MEMBERS TO THE YATES COUNTY FIRE ADVISORY BOARD**

RESOLVED, that the following people be appointed to the Yates County Fire Advisory Board for the term 1/1/2016 – 12/31/16

Bellona	Fire Chief	Mike Alexander
Benton	Fire Chief	Matt Perry
Branchport/KP	Fire Chief	Steve Schmidt
Dresden	Fire Chief	John Stryker
Dundee	Fire Chief	Steve Warriner
Himrod	Fire Chief	James Sorce
Middlesex	Fire Chief	Jason Bassett

Penn Yan	Fire Chief	Michael Clancy
Potter	Fire Chief	Rich Dimon
Rushville	Fire Chief	Art Riland Jr.
Yates County	Fire Coordinator	Brian Winslow
Yates County	Deputy Fire Coord.	Tom Murphy
Yates County	Deputy Fire Coord.	Charles Leach
Yates County	EMS Coordinator	Chris Warriner
Yates County	Legislature	Bill Holgate

And be it further

RESOLVED, that a copy of this resolution be given to the Director of the Office of Emergency Management.

VOTE: Unanimous

#### **RESOLUTION NO. 24-16**

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

#### **AUTHORIZE CHAIRMAN TO SIGN YATES COUNTY FIRE MUTUAL AID PLAN**

WHEREAS, the County Fire Mutual Aid Plan has now been updated and the Yates County Fire Advisory Board has approved said plan,

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Fire Mutual Aid Plan is hereby adopted, and be it

RESOLVED, that a copy of this resolution be given to the Emergency Management Coordinator.

VOTE: Unanimous

#### **RESOLUTION NO. 25-16**

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

#### **CREATION OF A YATES COUNTY SAFETY COMMITTEE**

WHEREAS, Yates County will established a Safety Committee to assist in the management of the Safety programs at the County.

WHEREAS, The Yates County Safety Committee will be structured and tasked with the following,

**Safety Committee:** Involvement from various parties and personnel is an integral aspect to the success of the Safety Program. The Safety Committee allows for open discussion with resources from around the County on Safety issues and active participation in the decision-making process.

The Safety Committee will be established according to these guidelines:

1. The committee will be comprised of at least 6 but no more than 10 representative(s) from Public Safety, Highway, OEM, Union members, Management Group and the Safety Coordinator. Guest will also be asked to attend, as deemed appropriate.
2. The committee will meet on a quarterly basis.

3. The committee will be chaired by the Safety Coordinator, who will also prepare an agenda for each meeting.
4. Minutes will be taken at all meetings, filed and distributed to all committee members.
5. Members of the committee will serve a term of 4 years.
6. Members of the committee will be recommended by the committee to the Public Works committee of the Legislature for their approval.

Goals of the Safety Committee will be to:

1. Encourage open discussion on Safety issues.
2. Discuss means to reduce County accidents.
3. Educate employees on Yates County Safety Policies and procedures.

The Safety Committee will participate in the following activities, but not limited to:

1. Interactive Safety Committee meetings discussing current safety issues.
2. Accident investigation and follow-up.
3. Safety inspections.
4. Safety training and awareness.

Activities from the committee will be developed into action plans for review and authorization, as appropriate.

Quarterly updates will be given to the Public Works Committee by the Safety Coordinator.

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature recognizes the need for and the importance of a Safety Committee and therefor approves the creation of the Yates County Safety Committee and be it further

RESOLVED, that a copy of this resolution be given to the Buildings & Ground's Supervisor.

VOTE: Unanimous

### **RESOLUTION NO. 26-16**

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

#### **AUTHORIZE YATES COUNTY TO PARTICIPATE IN COOPERATIVE PURCHASING WITH OTHER MUNICIPALITIES THAT OFFER COOPERATIVE PURCHASING (PIGGYBACKING) IN THEIR BID SPECIFICATIONS AND TO PURCHASE MATERIALS, EQUIPMENT AND SERVICES FROM VARIOUS PURCHASING COOPERATIVES FOR BEST VALUE PRACTICES**

WHEREAS, the County of Yates wishes to improve the efficiency and effectiveness for the procurement of products and services that are necessary; and

WHEREAS, Cooperative purchasing, also known as piggybacking, allows municipalities and schools to secure cheaper costs for a particular product or service by using the same contract for a vendor that was used by any other government agency; and eliminating the competitive bid process; and

WHEREAS, certain enactments of Bill Numbers S.5525c, Chapter 308, and S3766A, which amends subdivision 16 of section 103 to the General Municipal Law, allows municipalities and school districts in New York to jointly contract for goods and services with any other federal, state or local government agency, as well as, giving political subdivisions the

option of letting contracts based on "best value," as an alternative to letting contracts to the "lowest responsible bidder"; and

WHEREAS, the effects of said legislation gives public agencies additional opportunities to purchase products and services in an efficient and cost-saving manner; and

WHEREAS, purchasing cooperatives such as The Cooperative Purchasing Network (TCPN); US Communities Government Purchasing Alliance and National Joint Powers Alliance (NJPA) have existing contracts with national vendors for commonly purchased products and services as the competitive bid process has already been completed for public agencies; now, therefore, be it

RESOLVED, that Yates County is hereby authorized on the basis of taking advantage of the prices available through said contracts for compliant purchases at a valued rate to become a member with the following cooperatives and be allowed to purchase materials and equipment from those cooperatives and from other county bids that provide language allowing their bids to be used by other municipalities:

- The Cooperative Purchasing Network (TCPN)
- US Communities Government Purchasing Alliance
- National Joint Powers Alliance (NJPA)

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to all Yates County Departments.

VOTE: Unanimous

#### **RESOLUTION NO. 27-16**

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

#### **LOCALLY ADMINISTERED PROJECT FOR EMERGENCY REPAIRS ON CR #24 AND CR #32**

WHEREAS, a Project for the ER: NY 14-01, Emergency Repairs on CR #24 and CR #32 in the Towns of Italy and Jerusalem in Yates County, P.I.N. 6E14.02 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 100% Federal funds and 0% non-federal funds; and

WHEREAS, Resolution #270-15 authorized participation in a Federal Aid reimbursement project for Emergency Repairs to CR#24 and CR#32 in the Towns of Italy and Jerusalem in Yates County and,

WHEREAS, the project costs identified in Resolution #270-15 have been adjusted from \$93,553 to \$93,867 enabling Yates County to seek reimbursement for an additional \$314, and

WHEREAS, the County of Yates desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of ER: NY 14-01, Emergency Repairs on CR #24 and CR #32 in the Towns of Italy and Jerusalem in Yates County; and

NOW, THEREFORE, the Yates County Legislature, duly convened does hereby

RESOLVED, that Resolution #270-15 be rescinded, and be it further

RESOLVED, that the Yates County Legislature hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Yates County Legislature hereby authorizes the County of Yates to pay in the first instance 100% of the federal and non-federal share of the cost of Emergency Repair Construction work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$93,867 is hereby appropriated from the Yates County Road Fund budget and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Yates County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Chairperson of the Yates County Legislature be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Yates with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately  
VOTE: Unanimous

### **RESOLUTION NO. 28-16**

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

### **RESOLUTION CALLING ON THE STATE OF NEW YORK TO RESTORE FUNDING PARITY BETWEEN THE CAPITAL PLANS OF THE METROPOLITAN TRANSPORTATION AUTHORITY (MTA) AND THE NY STATE DEPARTMENT OF TRANSPORTATION**

WHEREAS, Governor Andrew Cuomo and Mayor de Blasio recently announced an agreement to jointly subsidize the Metropolitan Transportation Authority's (MTA) nearly \$11 billion funding gap for its 2015-19 five-year capital program; and

WHEREAS, as part of this agreement, the Governor is committing \$8.3 billion in state resources to cover the MTA plan's multi-year deficit; and

WHEREAS, while we may agree that this vital investment in downstate transit is needed, the state has yet to develop a new Department of Transportation 5-Year Capital Plan designed to assess current conditions and determine investments needed to provide for the future needs of a modern, safe, reliable and efficient multimodal transportation system; and

WHEREAS, the enactment of the FAST Act, a fully funded five-year authorization of federal surface transportation programs that provides long-term federal funding predictability, should now facilitate the state to develop and fund a Transportation 5-Year Capital Plan; and

WHEREAS, locally-owned roads and bridges account for 87 percent of the State's 110,000 miles of roadways and 50 percent of the State's 18,000 bridges and are responsible for a vast system of aging culverts. These locally-owned transportation facilities are deteriorating at a rapid rate as counties continue to struggle to find adequate funding for their maintenance and replacement; and

WHEREAS, three of the last four DOT/MTA five-year capital programs were virtually identical in size; and

WHEREAS, for nearly two decades, through 2009, the parity agreement was honored and both five-year capital programs were similar in size as well as adopted within a month of each other. It is necessary to once again restore parity between the programs; and

WHEREAS, according to a 2014 Comptroller's report, thirty four percent (34%) of bridges are deficient and forty-eight percent (48%) of road pavements in the state are rated fair or poor and getting worse.

NOW, THEREFORE, BE IT RESOLVED, that Yates County, calls upon Governor Cuomo and our State Legislative Delegation to work with our County and other local governments in order to develop and fully-fund a 5 Year Capital Plan that will provide the necessary and proper funding to New York's counties by substantially increasing CHIPS and Marchiselli funding and establishing a 5 year State Aid to Local Bridge and Culvert Program to give them the ability to adequately maintain their infrastructure; and

BE IT FURTHER RESOLVED, that restoring parity between the Department of Transportation's (DOT) highway and bridge five-year capital program and the MTA's capital program will assure each program is funded at a \$26.1 billion level, providing enough resources to help fund the local needs as described above; and

BE IT FURTHER RESOLVED, that Yates County shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature, NYSAC, NYSCHSA and the Yates County Highway Superintendent.

VOTE: Unanimous

#### **RESOLUTION NO. 29-16**

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

#### **ADOPT 1964 CIVIL RIGHTS ACT TITLE VI NON-DISCRIMINATION PLAN**

WHEREAS, Title VI of the Civil Rights Act of 1964 protects individuals and groups from discrimination in programs and activities that receive Federal financial assistance and,

WHEREAS, Yates County receives Federal financial assistance as a sub recipient for various bridge replacement projects from the United States Department of Transportation (Federal Highway Administration) through the New York State Department of Transportation, and,

WHEREAS, all sub recipients of Federal financial assistance must have a Title VI policy statement and procedures in place to ensure no person(s) or groups are discriminated against, now, therefore be it

RESOLVED, that Yates County hereby adopts the following Title VI policy statement and Title VI Program,

## **YATES COUNTY TITLE VI POLICY STATEMENT**

As a recipient of federal and state funds, Yates County is subject to the requirements and provisions of Title VI of the Civil Rights Act of 1964, as amended. The provisions include but are not limited to, prohibiting discrimination on the grounds of race, color or national origin (being denied the benefits of, or being otherwise subjected to discrimination under any program or activity administered by federal or state assisted programs, services, or activities). Non-compliance with this mandate can affect federal financial assistance.

The Civil Rights Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of Federal Aid recipients, sub-recipients, and consultants, whether such programs and activities are federally assisted or not.

Yates County assures that every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. Yates County's Highway Superintendent is responsible for monitoring the Title VI activities for Yates County.

Anyone who has a discrimination complaint against Yates County with regard to transportation services should complete a complaint form available at the Yates County Highway Department Office. Complaints should be made in writing and mailed or brought to:

Yates County Highway Department  
Attn. Highway Superintendent  
939 Rte. 14A  
Penn Yan, NY 14527  
315-531-3200

Yates County will respond and may request further information with the goal of obtaining an appropriate resolution. Formal complaints may also be initiated by filing a complaint with the Federal Transit Administrative Office of Civil Rights or the New York State Division of Human Rights. Those agencies can be contacted at the following addresses:

US Department of Transportation  
1200 New Jersey Ave, SE  
Washington DC 20590

Federal Transit Administration Office of Civil Rights  
Attention Title VI Program Coordinator  
East Building, 5<sup>th</sup> Floor —TCR  
1200 New Jersey Ave., SE  
Washington DC 20590

NYS Division of Human Rights  
333 East Washington St  
Syracuse NY 13202  
1-888-392-3644

## **YATES COUNTY TITLE VI PROGRAM**

As a recipient of federal and state funds, Yates County is subject to the requirements and provisions of Title VI of the Civil Rights Act of 1964, as amended. The provisions include but not limited to, prohibiting discrimination on the grounds of race, color or national origin (being

denied the benefits of, or being otherwise subjected to discrimination under any program or activity administered by federal or state assisted programs, services, or activities). Non-compliance with this mandate can affect federal financial assistance.

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance" (42 U.S.C. Section 2000d).

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of Federal Aid recipients, sub-recipients, and consultants, whether such programs and activities are federally assisted or not.

Yates County assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. Yates County's Highway Superintendent is responsible for monitoring the Title VI activities for Yates County.

Yates County is committed to ensuring that no person is excluded from participation in, or denied the benefits of its services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1.B.

## **Public Notification Process**

### ***Title VI Information Dissemination***

Title VI information shall be prominently and publicly displayed in Yates County facilities. The name of the Title VI coordinator is available on the Yates County website at [www.yatescounty.org](http://www.yatescounty.org). Additional information relating to nondiscrimination obligation can be obtained from the Yates County Highway Superintendent or his/her designee.

Title VI information shall be disseminated to Yates County employees annually, via a payroll stuffer. This form reminds employees of the Yates County Policy statement, and of their Title VI responsibilities in their daily work and duties.

## **Title VI Complaint Procedures**

### ***How to file a Title VI Complaint?***

The complainant may file a signed, written complaint up to thirty (30) days from the date of the alleged discrimination. The complaint should include the following information:

- Name of complainant, mailing address, and how to contact the complainant (i.e. telephone number, e-mail address, etc.).
- How, when, where, and why the complainant believes he or she was discriminated against. The complainant shall include the location, names, and contact information of any witnesses.
- Other information that is deemed significant by the complainant.

The Title VI Complaint Form (attached) should be used to submit the complaint information. The complaint may be filed in writing to Yates County at the following address:

Yates County Highway Department  
Attn. Highway Superintendent  
939 Rte. 14A  
Penn Yan, NY 14527  
315-531-3200

### ***What happens to the complaint once it is submitted?***

All complaints alleging discrimination based on race, color, or national origin in a service or benefit provided by Yates County will be directly addressed by Yates County. Yates County shall also provide

appropriate assistance to complainants, including those persons with disabilities, or who are limited in their ability to communicate in English. Additionally, Yates County shall make every effort to address all complaints in an expeditious and thorough manner.

A letter acknowledging receipt of a complaint will be mailed within seven days to the complainant. Please note that in responding to any requests for additional information, a complainant's failure to provide the requested information may result in the administrative closure of the complaint.

***How will the complainant be notified of the outcome of the complaint?***

Yates County shall send a final written response letter to the complainant. If a complaint is not substantiated the complainant will be advised of his or her right to:

1. File a complaint externally with the US Department of Transportation and/or the Federal Transit Administration and/or
2. File a complaint with the New York State Division of Human Rights.

In addition to the complaint process above, a complainant may file a Title VI complaint with the following offices:

Federal Transit Administration Office of Civil Rights  
Attn. Title VI Program Coordinator  
East Building, 5<sup>th</sup> Floor —TCR  
1200 New Jersey Ave., SE  
Washington DC 20590

NYS Division of Human Rights  
333 East Washington St  
Syracuse NY 13202  
1-888-392-3644

**Community Outreach**

As an agency receiving federal financial assistance, Yates County makes the following community outreach efforts:

1. The public is invited to attend and participate in the legislative process
2. Title VI statements are posted in all County facilities for public viewing
3. Yates County has a website to enhance community relation efforts. Yates County's Title VI plan will be available to the community on the website.

# Yates County Complaint of Discrimination Form

Name \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

Telephone: Home \_\_\_\_\_ Work \_\_\_\_\_ Cell \_\_\_\_\_

## Basis of Complaint:

Race \_\_\_\_\_

Color \_\_\_\_\_

Sex \_\_\_\_\_

National Origin \_\_\_\_\_

Age \_\_\_\_\_

Disability (ADA) \_\_\_\_\_

Low-Income \_\_\_\_\_

Limited English Proficiency \_\_\_\_\_ yes \_\_\_\_\_ no

## Who allegedly discriminated against you?

Name \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_

## If an organization, what is its name?

Name of Organization \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_

Name of Contact \_\_\_\_\_

## How were you discriminated against?

\_\_\_\_\_  
\_\_\_\_\_

## Where did the alleged discrimination occur?

\_\_\_\_\_  
\_\_\_\_\_

## Date/s and times discrimination occurred?

First time: \_\_\_\_\_ Second Time: \_\_\_\_\_

**Were there any other witnesses to the discrimination?**

<b>Name</b>	<b>Title</b>	<b>Work Telephone</b>	<b>Home Telephone</b>

**What can be done to resolve the complaint?**

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**Have you filed your complaint with anyone else?**

**Who** \_\_\_\_\_

**When** \_\_\_\_\_

**Complaint number, if known** \_\_\_\_\_

**Do you have an Attorney in this matter?**

**Name** \_\_\_\_\_

**Address** \_\_\_\_\_ **City** \_\_\_\_\_ **Zip** \_\_\_\_\_

**When did you acquire?** \_\_\_\_\_

**Signed** \_\_\_\_\_ **Date** \_\_\_\_\_

**Mail to:** Yates County Highway Department  
Attn. Highway Superintendent  
939 Rte. 14A  
Penn Yan, NY 14527  
VOTE: Unanimous

**RESOLUTION NO. 30-16**

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

**APPOINT MEMBER TO THE YATES COUNTY COMMUNITY SERVICES BOARD:**

BE IT RESOLVED, that the Yates County Legislature appoint Richard Hoyt, PhD. residing at 665 Castle Street, Geneva, New York 14456 to the Yates County Community Services Board, to a term ending, 12/31/2019.

RESOLVED, that a copy of this resolution be provided to Richard Hoyt, PhD. and to the Yates County Department of Community Services.

VOTE: Unanimous

**RESOLUTION NO. 31-16**

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

**APPOINT MEMBER TO THE YATES COUNTY COMMUNITY SERVICES BOARD:  
DEVELOPMENTAL DISABILITIES SUB-COMMITTEE**

BE IT RESOLVED, that the Yates County Legislature appoint Virginia Penepent residing at 390 Rt. 54 E. Lake Rd., Penn Yan, New York 14527 to the Yates County Community Services Board Developmental Disabilities Sub-Committee, to a term ending, 12/31/2019.

RESOLVED, that a copy of this resolution be provided to Virginia Penepent and to the Yates County Department of Community Services.

VOTE: Unanimous

**RESOLUTION NO. 32-16**

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

**APPROPRIATE CARRYOVER OF MENTAL HEALTH GRANT  
(Community Services)**

WHEREAS, the Community Services Department received a Mental Health grant in the amount of \$5,600.00, and

WHEREAS, a balance of \$2,332.95 remained at the end of 2015 and these funds can be carried over into the 2016 Fiscal Year, and

WHEREAS, these funds are not part of the 2016 budget,

NOW, THEREFORE, BE IT RESOLVED, that the following accounts be increased by \$2,332.95:

Appropriation  
A4320.54282 (Suicide Prevention Grant)

Revenue:  
A4320.41690 (Mental Health Grant)

and be it further

RESOLVED, that a copy of this resolution be given to the Community Services Director, and the Treasurer.

VOTE: Unanimous

**RESOLUTION NO. 33-16**

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

**APPOINT MEMBER TO THE YATES COUNTY COMMUNITY SERVICES BOARD:  
DEVELOPMENTAL DISABILITIES SUBCOMMITTEE**

BE IT RESOLVED, that the Yates County Legislature appoint Carol G. Schreiner, residing at 596 County Road 26, Newark, New York, 14513 to the Yates County Developmental Disabilities Subcommittee, to a term ending, 12/31/2019.

RESOLVED, that a copy of this resolution be provided to Carol G. Schreiner and to the Yates County Department of Community Services

VOTE: Unanimous

**RESOLUTION NO. 34-16**

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

**ENTER INTO CONTRACT WITH DUNDEE CHILDREN'S CENTER. FOR THE  
PROVISION OF DAY CARE SERVICES**

RESOLVED, that after the approval of the County Attorney, the Chairman of the Legislature and the Social Services Commissioner will be authorized to sign a contract renewal with the Dundee Children's Center for the provision of day care services to eligible clients of the Department of Social Services for the period January 1, 2016-December 31, 2016 at the rate herein identified:

Family Income	Weekly Rate (all day care)
Up to \$15,999	\$75
\$16,000-\$25,999	\$90
\$26,000-\$45,999	\$100
\$36,000-49,999	\$115
\$50,000-and up	\$135

All day care for 2<sup>nd</sup> child-2/3 the price of the program and additional child are \$25 per week.

Before School-\$25 per week for first child, \$10 for each additional child

After School- \$50 per week for first child and \$25 per week for additional children

After 3 year old program-\$ 62.50 per week and additional children \$31.25

And be it further

RESOLVED, that a copy of this resolution be forwarded to the Department of Social Services and the Yates County Treasurer

VOTE: Unanimous

**RESOLUTION NO. 35-16**

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

**AUTHORIZE CONTRACT RENEWAL**

WHEREAS, Yates County and the Yates County Department of Social Services wish to renew their contracts/agreements with the following agencies/persons, and

WHEREAS, the term of these contracts/agreements is January 1, 2016 through December 31, 2016, and

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Yates County Legislature and Commissioner of Social Services to sign contracts/agreements with the following agencies/persons:

Family Counseling of the Finger Lakes	
Initial Intake Session (90 minutes)	\$135.00
Office Based Individual Counseling (50 minutes)	\$90.00
Office Based Individual Counseling (90 minutes)	\$115.00
Office based Family Counseling (50 minutes)	\$115.00
Office Based Family Counseling (90 minutes)	\$135.00
Home Based Counseling	\$125.00
Staff and Foster Parent Training	\$150.00 per hour
Group Counseling (per person)	\$50 per hour

Waive Liability Insurance due to having professional Liability Insurance

Arnab Bagchi, LCSW-R for counseling services \$75 per hour

VOTE: Unanimous

**RESOLUTION NO. 36-16**

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

**REAPPOINT CONFLICT DEFENDER  
(Gosper)**

RESOLVED, that Robert L. Gosper is hereby reappointed to the part-time position of Conflict Defender, for the term January 1, 2016 to December 31, 2017 at an annual salary of \$45,900, and be it further

RESOLVED, that copies of this resolution be given to Mr. Gosper, the Public Defender, Assigned Counsel Administrator, County Administrator, County Attorney, Personnel Officer and Treasurer.

VOTE: Unanimous

**RESOLUTION NO. 37-16**

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

**APPOINTMENT TO THE FINGER LAKES ECONOMIC DEVELOPMENT CENTER (YATES COUNTY IDA) BOARD THE YATES CAPITAL RESOURCE CORP. BOARD AND THE FINGER LAKES HORIZON ECONOMIC DEVELOPMENT CORP.**

BE IT RESOLVED, that the following individuals be appointed to Finger Lakes Economic Development Center (Yates County IDA) Board The Yates Capital Resource Corp. Board and The Finger Lakes Horizon Economic Development Corp. the for the terms indicated:

James Willson, 591 Lovejoy Road, Penn Yan, NY 14527	Term: 1/1/16 to 12/31/17
Jerry Hiller, 223 E. Lake Road, Rushville, NY 14544	Term: 1/1/16 to 12/31/17
Mark Morris, 591 E. Lake Rd., Penn Yan, NY 14527	Term: 1/1/16 to 12/31/17
Taylor Fitch, 2902 Williams Hills Road, Penn Yan, NY 14527	Term: 1/1/16 to 12/31/17

And be it

RESOLVED, that a copy of this resolution be forwarded to Steven Griffin, Executive Director of the FLEDC, the Department of State, and the County Clerk.

VOTE: Unanimous with Mr. Morris abstaining.

**RESOLUTION NO. 38-16**

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

**AUTHORIZE CHAIRMAN TO RENEW CONTRACT  
(DSS - ExtraDev)**

RESOLVED, that the Chairman of the Legislature is hereby authorized to sign a contract renewal with ExtraDev, Inc. of Rochester for computer technical assistance, effective January 1, 2016 through December 31, 2016 at a cost not to exceed \$49,500, and be it further

RESOLVED, that a copy of this resolution be given to DSS/ExtraDev and to the IT Director.

VOTE: Unanimous

**RESOLUTION NO. 39-16**

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

**AUTHORIZE CHAIRMAN TO RENEW RECYCLING AGREEMENT  
(Regional Computer Recycling & Recovery)**

RESOLVED, that the Chairman of the Legislature is hereby authorized to sign agreement renewal with Regional Computer Recycling & Recovery of Victor for computer recycling and hard drive data destruction, effective January 1, 2016 through December 31, 2016 and be it further

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

### **RESOLUTION NO. 40-16**

Mr. Morris offered the following resolution and moved its adoption, seconded by Mr. Smith.

#### **ADOPT 2016 EMPLOYEE BENEFITS FOR NON-UNION PERSONNEL**

WHEREAS, Yates County offers health insurance and other benefits for non-union personnel;

NOW, THEREFORE, BE IT RESOLVED, that effective January 1, 2016, the Yates County Legislature adopts the following health insurance and other benefit options for non-union personnel:

#### **Part-Time Non-Union Employees**

1. Part-time employees and temporary employees not listed elsewhere (per Res. #76-96)
2. County Legislator(s)

#### **Benefits:**

- New York State and Local Retirement System membership, to the extent required by law.  
(*Enrollment is optional*).
- No other benefits.

#### **Full-Time Non-Union Employees**

1. Elected and Appointed Officials
2. All other full-time non-union employees (not including temporary employees)

#### **Benefits:**

- New York State and Local Retirement System (mandatory participation for full-time employees).
- Health Insurance: Employees may elect to participate in any County sponsored health insurance plan that is offered for which they are eligible to enroll. Employee premium contribution rates are subject to change during the duration of employment.
  - Employees hired prior to January 1, 2013, contribute 15% of the premium cost.
  - Employees hired after January 1, 2013 contribute 25% of the premium cost for a period of one (1) year, after which their contribution will be 20%.

- Employees may elect to participate in any health plan option being offered by the County. In maintaining the fiscal responsibility to the County, effective January 1, 2015 the County's portion of the premium cost will only reflect that of the most inexpensive health plan being offered. Therefore, should the employee decide to go with a more expensive plan he/she will be responsible for the difference in the health plan premium to be considered as the "buy-up". Upon hire the employees premium contribution rate will be 25% for a period of one (1) year, after which the contribution rate will be 20%.
- Health Insurance "Buy-Out": Eligible employees who have been active participants in the County's health insurance program for a period of at least one (1) year immediately preceding such election, may discontinue participation during the annual open enrollment period, or subsequent to a qualifying event, and shall receive a stipend of 20% of the County's share of the most inexpensive health plan premium which would be paid if the employee chose to receive such insurance. Proof of alternate coverage is required. (*Certain restrictions apply*).
- Health Insurance "Opt-Out": Employees who have NOT been active participants in the County's health insurance program for a period of at least one (1) year throughout the course of their employment are not eligible to receive the Health Insurance "Buy-Out".
- Dental Insurance: Excellus Dental Blue Plans: Core or Buy-Up. Employee pays 100% of the premium cost. (*Coverage is subject to certain plan limitations and restrictions as applicable*).
- Health Flexible Spending Account (FSA): maximum election \$2,550 (per law).
- Dependent Care Flexible Spending Account: maximum election \$5,000 (per law).
- Health Reimbursement Account (HRA): The County will fund an HRA account for benefit eligible employees that enroll in the SimplyBlue HDHP. The HRA account will be funded at \$1,300 for single employees and \$2,600 for employee/spouse, employee/child(ren) and family to a level not to exceed \$6,000. (*HRA use is subject to certain terms, conditions, and restrictions*).
- Paid Leave: Full-time non-union employees with the exception of Elected Officials.

and be it further

RESOLVED, that a copy of this resolution be given to the Treasurer, the County Administrator, and the Personnel Officer.

VOTE: Unanimous with Mr. Button abstaining.

#### **RESOLUTION NO. 41-16**

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

#### **AUTHORIZE CHAIRMAN TO SIGN CONTRACT AGREEMENT WITH FINGER LAKES HEALTH FOR OCCUPATIONAL HEALTH SERVICES**

RESOLVED, that contingent upon review by the County Attorney, the Chairman is authorized to sign an agreement with Finger Lakes Health for occupational health services at Seneca Family Health Center for pre-employment drug testing for the period of January 1, 2016

through December 31, 2016 in the amount of \$80/per County new hire, and be it further

RESOLVED, that a copy of this resolution be given to the Personnel Officer, Treasurer and Finger Lakes Health.

VOTE: Unanimous

**RESOLUTION NO. 42-16**

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

**AUTHORIZE CREATION AND FILLING OF POSITION  
(PRINCIPAL ACCOUNT CLERK- PUBLIC HEALTH)**

WHEREAS, due to an upcoming retirement in May 2016, the Public Health Director has requested to create and fill a Principal Account Clerk position that will replace the current Sr. Administrative Assistant Position at the time of the retirement, and

WHEREAS, the Public Health Director is requesting the newly created position be filled immediately and run parallel with the current Sr. Administrative Assistant to allow for training and a transition period, and

NOW, THEREFORE, BE IT RESOLVED, that effective January 11, 2016 a full time position of Principal Account Clerk is hereby created in the Public Health Department, and be it further

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

VOTE: Unanimous

**RESOLUTION NO. 43-16**

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

**AUTHORIZE COUNTY CLERK TO FILL VACANCY  
(Motor Vehicle Supervisor)**

RESOLVED, that effective January 1, 2016 the County Clerk is hereby authorized to fill by promotion the vacant Motor Vehicle Supervisor position, and

NOW, THEREFORE, BE IT RESOLVED, that Teresa Hines will be appointed at a salary of \$42,000 a year, and be it further

RESOLVED, that copies of this resolution be given to the County Clerk, the Personnel Officer, the Treasurer and Teresa Hines.

VOTE: Unanimous

**RESOLUTION NO. 44-16**

Mr. Morris offered the following resolution and moved its adoption, seconded by Mr. Smith.

**DESIGNATE NEWSPAPERS**

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

The Chronicle Express  
The Observer

VOTE: Unanimous

**RESOLUTION NO. 45-16**

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

**AMEND RESOLUTION 433-15**

**ADOPT 2016 HOURLY SALARY SCHEDULE**

WHEREAS, changes have been made to the Account Clerk Typist (Sheriff’s Office):  
Start \$13.95, after 12 months \$14.20, and after 3 years \$14.69, and

WHEREAS, changes have been made to add the Part Time Temporary Deputy County Clerk with a rate of pay of \$30 an hour, and

WHEREAS, changes have been made to the Motor Vehicle Supervisor hourly rate to reflect \$22.99, and

WHEREAS, changes have been made to add the Part Time Temporary Planner with a rate of pay of \$25 an hour,

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature hereby amends Resolution 433-15 and replaces it with the subsequent resolution, and

**Schedule II – Hourly Positions**

	<u>Start Rate</u>	<u>After 12 months</u>	<u>After 3 years</u>
Account Clerk Typist ( <i>Sheriff’s Office</i> )	\$13.95	\$14.20	\$14.69
Animal Control Officer ( <i>Part Time</i> )	\$14.72		
Clerk ( <i>Records Management Office</i> ) ( <i>80% CSEA Contract rate</i> )	\$12.86		
Correction Officer	\$17.34	\$18.36	
Correction Officer/ Court Security	\$17.34	\$18.36	
Coroner	\$100.00	per case	
County Code Enforcement Officer	\$20.00		
County Historian	\$24.07		
Deputy County Clerk ( <i>Part Time Temporary</i> )	\$30.00		
Deputy Sheriff ( <i>Experience= TBD @ 80% Council 82 LE contract for appropriate step</i> )	\$16.32		

Deputy Election Commissioner	\$13.93		
Election Coordinator	\$15.00		
Election Inspector	\$10.00		
Election Inspector ( <i>Traveling</i> )	\$11.00		
Election Inspector ( <i>Chair</i> )	\$12.50		
Election Inspector ( <i>Chair-Traveling</i> )	\$13.50		
Election Machine Technician	\$25.00		
Emergency Services Dispatcher	\$14.46	\$14.89	
Examination Monitor	\$10.00		
Fiscal Administrative Assistant ( <i>Community Services</i> )	\$78.37		
Jail Cook	\$10.93	\$11.61	\$12.09
Laborer ( <i>seasonal- Highway Department</i> ) ( <i>80% CSEA Contract rate</i> )	\$11.94		
	<b><u>First Season</u></b>	<b><u>After 1 season</u></b>	<b><u>After 3 seasons</u></b>
Marine Patrol Officer ( <i>Seasonal</i> )	\$14.78	\$15.36	\$16.00
Motor Equipment Operator ( <i>YC Stop- SMART</i> )	\$13.75		
Motor Vehicle Supervisor	\$22.99		
Planner ( <i>Part Time Temporary</i> )	\$25.00		
Public Health Program Coordinator	\$29.97		
Records Retention Clerk ( <i>80% CSEA Contract rate</i> )	\$13.67		
Secretary to County Attorney	\$30.74		
Senior Administrative Assistant ( <i>PH</i> )	\$23.03		
SPOA Coordinator	\$52.15		
Youth Bureau Director	\$22.45		

RESOLVED, that a copy of this resolution be given to the County Administrator, Personnel Officer, County Attorney, County Clerk, Historian, Director of Community Services, Treasurer, Sheriff, Election Commissioner(s), Highway Superintendent, Director of Emergency Management, and County Historian.

VOTE: Unanimous

#### **RESOLUTION NO. 46-16**

Mr. Morris offered the following resolution and moved its adoption, seconded by Mr. Paddock.

DISCUSSION:

Mr. Morrison questioned the time this person will work is an average of 17.5 hours per week, over what time frame.

Chairman Dennis stated that it would be over a 2 week pay period.

Mr. Morrison questioned the 90 day time limit and that it seems short.

Chairman Dennis stated that the resolution and be extended if need be.

#### **CREATE PART-TIME TEMPORARY PLANNER POSITION**

WHEREAS, due to a pending resignation, the full-time County Planner position will become vacant, and

WHEREAS, there are current projects that the Yates County Planner is responsible for as well as other essential functions that must be performed until a full time Planner is appointed,

NOW, THEREFORE, BE IT RESOLVED, that effective January 12th, 2016 a part-time temporary Planner position is hereby created in the Yates County Planning Department, and be it further

RESOLVED, that Timothy Cutler will be appointed for a temporary period, not to exceed ninety (90) days, at a rate of pay of \$25.00 per hour, for the performance of an average of (17.5) hours per week, and be it further

RESOLVED, that copies of this resolution be given to the Legislative Chairman, Personnel Officer, Treasurer, and Mr. Cutler.

VOTE: Unanimous

Mr. Multer moved to remove approving the audit from the table, seconded by Mr. Morris.

Shawna Bonshak, County Planner was asked to explain the invoice from ECC that is in the audit for payment. Shawna explained all the reengineering of the network that we had to go through to get to where we are today. This actually came in significantly under budget than what was expected.

Chairman Dennis stated that \$11,000 of the \$58,164 is characterized as a recurring monthly bill.

Shawna stated the \$11,000 is ECC's work to get us to where we needed to be due to the delay in the project.

Chairman Dennis stated so the question then becomes was that bill itemized as to how much time was spent on various activities.

Shawna explained the \$11,000 was not itemized, the \$46,563 was itemized in an email attachment.

Mr. Morrison stated it is itemized to the extent that there is a sentence that states transfer of polaroid from AO to STN but there is no number as to how many hours that particular task took. On the first bullet it says there are 200 hours at \$125 per hour but there is no breakdown of what that 200 hours was spent doing. Mr. Morrison states he sees no urgency here, and would pull this particular invoice and allow ECC an opportunity to give us a detailed breakdown of what this is.

After a lengthy discussion over this bill. Mr. Morrison moved to remove the ECC invoice in the amount of \$58,164 from the audit, seconded by Mr. Montgomery.

VOTE: Roll Call – Montgomery, Morrison, Smith, “Yes” Paddock, Bronson, Percy, J. Multer, Banach, Church, Gleason, Morris, Button, Dennis voting “No” motion lost.

VOTE to approve the audit Roll Call – Paddock, Bronson, Percy, J. Multer, Banach, Church, Gleason, Morris, Button, Smith, Dennis. “Yes” Montgomery, Morrison voted “No” motion carried.

Mr. Smith stated that Sarah Purdy was appointed as the official representative to the STN Board. With her departure Mr. Smith does not believe we have appointed a new representative to that board in open session.

Chairman Dennis stated that it was announced how that would be handled in Committee but may not have been stated at a Legislative meeting. Chairman Dennis explained, the understanding on the STN Board is that that Board membership from participating counties is held by the Chief Operating Officer of each county. Since we do not have a Chief Operating Officer in this County, Chairman Dennis appointed himself as Chief Executive Office and Chief Elected Officer of this county to serve on that board.

At this time the Legislature entered into a workshop with the Southern Tier Network who reviewed the following.



# **SOUTHERN TIER NETWORK AND YATES COUNTY**

Project Y586  
YATES COUNTY OPEN ACCESS DARK FIBER NETWORK

UPDATE  
Since April 2015

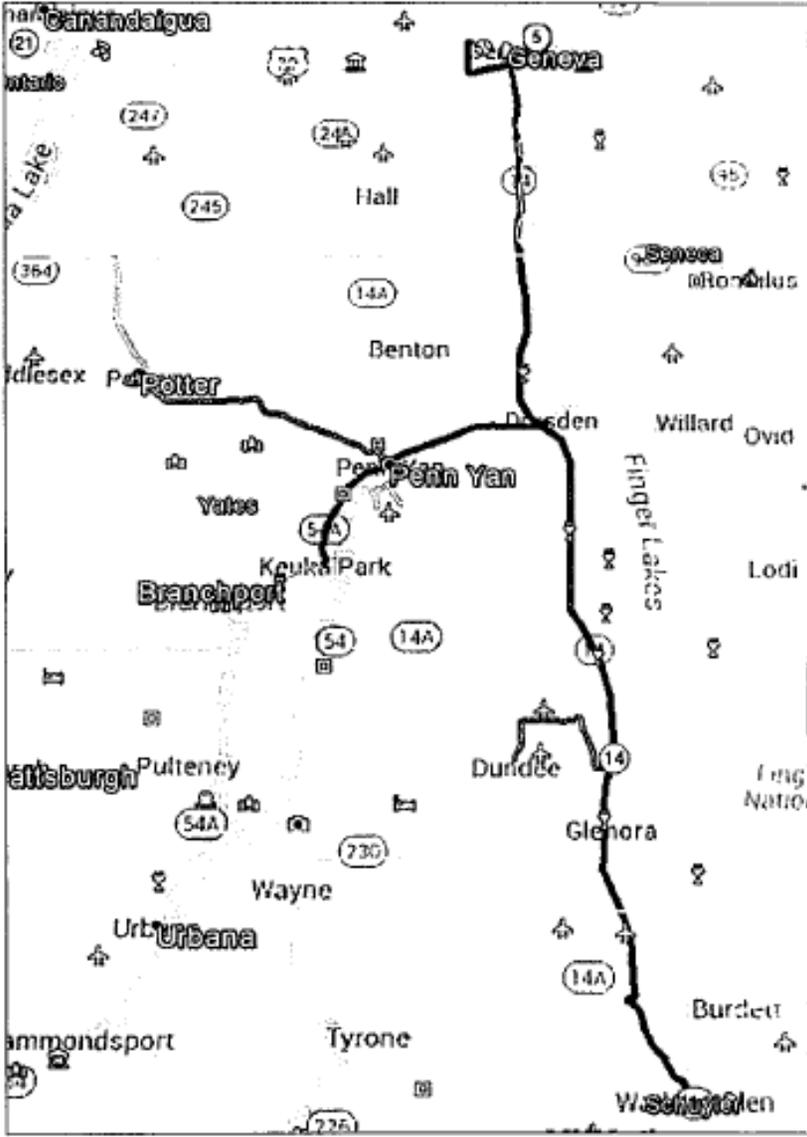
Presented by ECC Technologies and Southern Tier Network

JANUARY 11, 2016



The fiber route design was approved by Yates County 5/15/2015

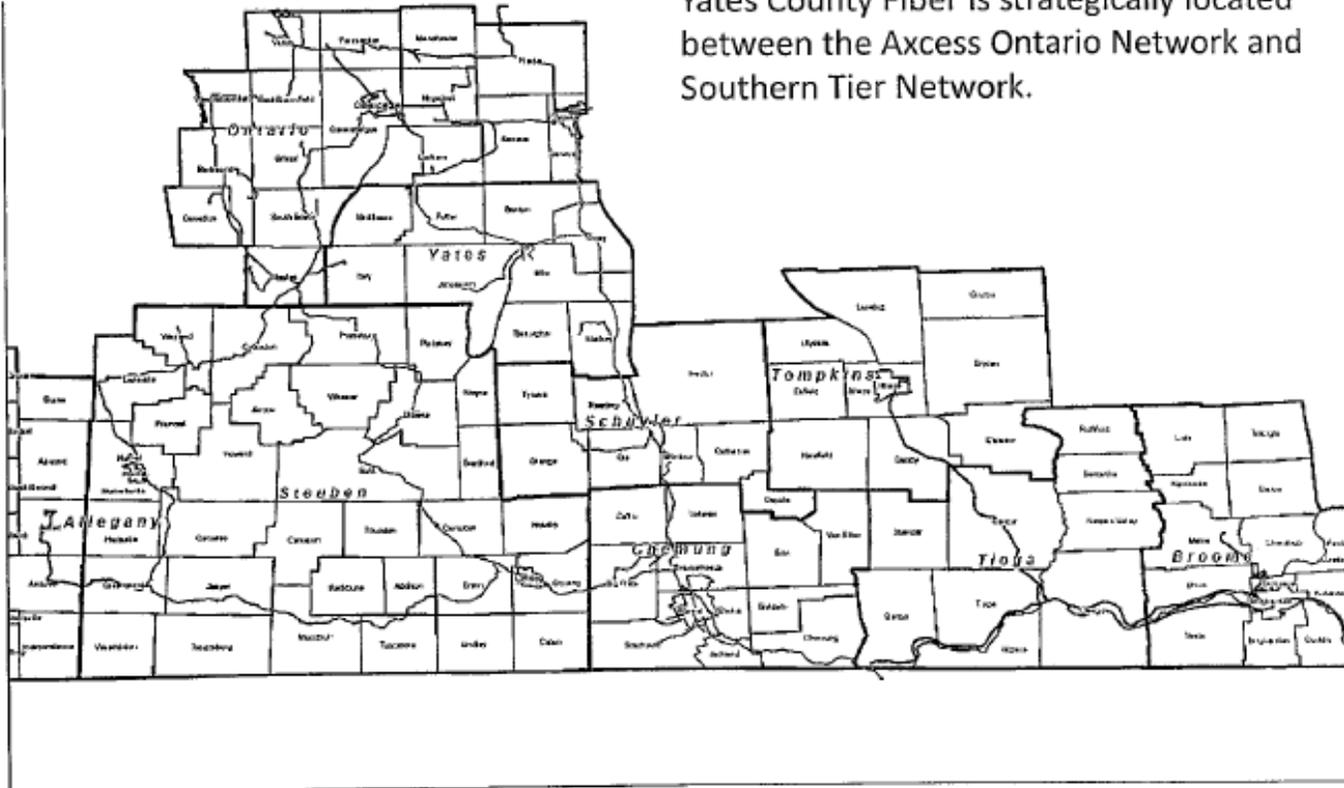
**Legend:**  
Phase 1: Geneva to Keuka  
Phase 2: Penn Yan to Watkins Glen  
Phase 3: Rushville to Penn Yan  
Optional Routes







Yates County Fiber is strategically located between the Access Ontario Network and Southern Tier Network.



**Allegany/Ontario/Yates/Steuben/Schuyler/Chemung/Tioga/Broome**  
Regional Fiber Map  
Date: 10/27/2010

Confidential Information Do not distribute





**Accomplishments since April 2015:**

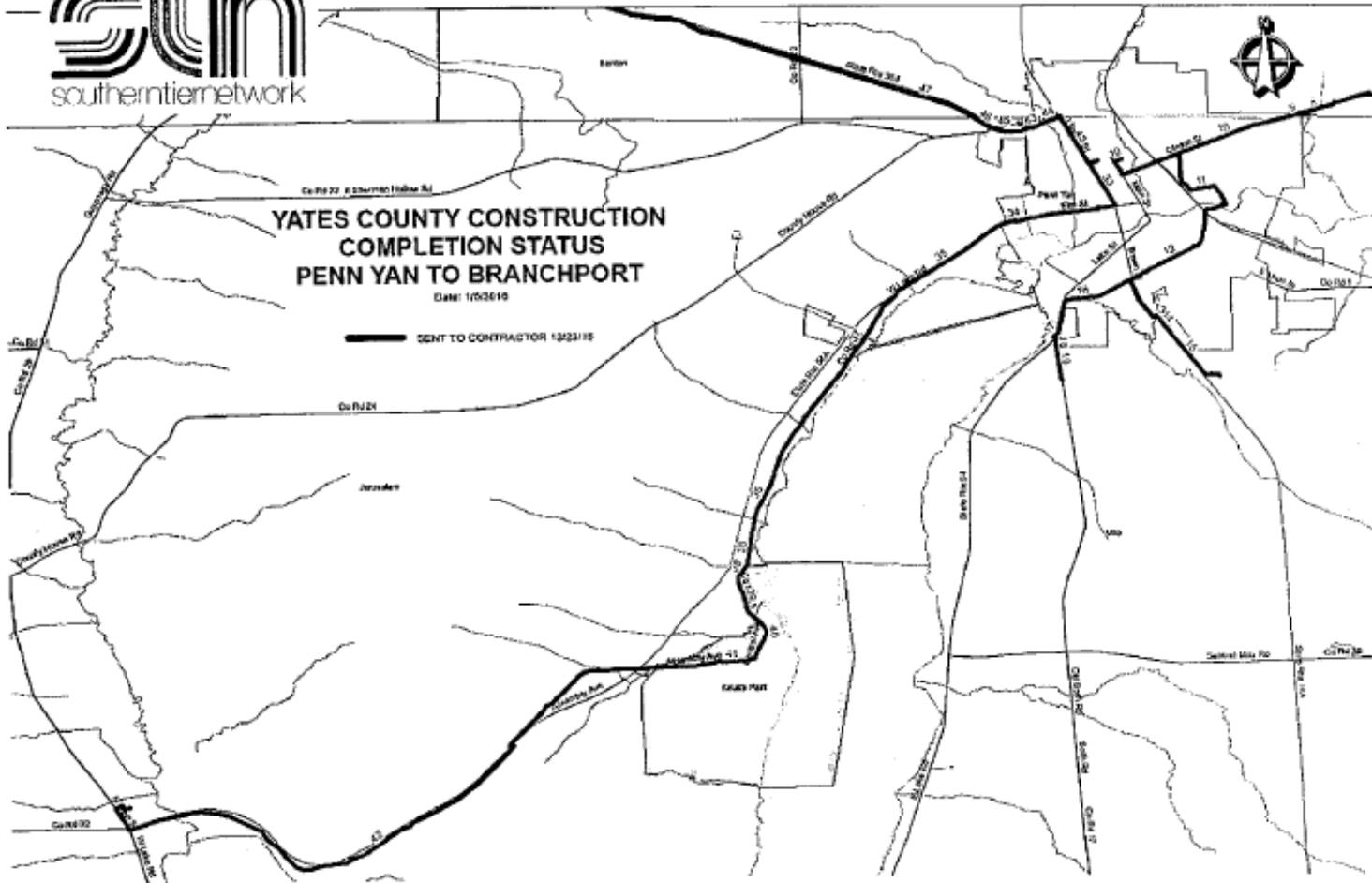
- Grant Disbursement Agreement is executed between Yates County and New York State
- Design and Construction Management agreement executed
- IRU between Yates County and STN is fully executed
- Construction contract executed.
- Minority/Women Owned Business requirements identified
- M/WBE purchasing plan in place.



**Accomplishments since April 2015 (Continued):**

- Design, approximately 95% of design work is completed on the network.
- Pole Attachment Agreements have been executed with the exception of the village of Penn Yan.
- State and County Permit applications have been filed
- Make Ready ride outs are underway
- Fiber has been ordered with expected delivery 1/11/2016
- Approximately 30 miles of fiber route has been released to Todd Cable to construct.
- Currently compiling all actual Permit, Make Ready and Construction costs to provide an updated budget projection for the project.











Time		Phase I: 25.5 Miles	Phase II: 22.7 Miles	Phase III: 17.3 Miles & (Option 2 and 3; 8.7 Miles)
2015	May	Finalize route		
2015	June			
2015	July	NYS/Yates GDA Execution, STN/Yates IRU Contract, ECC/STN Contract.		
2015	August	Design engineering, Award of Material Contractor Contract, Order Fiber		
2015	September	Design engineering, Materials Contractor Bid Process		
2015	October	Make Ready and Permitting		
2015	November	Make Ready and Permitting	Make Ready and Permitting	
2015	December	Make Ready and Permitting	Make Ready and Permitting	
2016	January	Construction	Make Ready and Permitting	
2016	February	Construction	Make Ready and Permitting	
2016	March	Construction	Make Ready and Permitting	Make Ready and Permitting
2016	April	Splicing, Testing and Turnover	Construction	Make Ready and Permitting
2016	May	Construction of last mile to Finger Lakes Community Health Locations; Geneva & Penn Yan	Construction	Make Ready and Permitting
2016	June	Splicing, Testing and Turnover of last mile fiber	Construction	Construction
2016	July		Splicing, Testing and Turnover	Construction
2016	August		Construction of last mile to Finger Lakes Community Health Locations; Dundee	Construction
Construction Complete	2016		Splicing, Testing and Turnover	Splicing, Testing and Turnover



## Questions

### EXECUTIVE SESSION

Mr. Morris moved to enter executive session to discuss the financial history of a corporation and the employment history of an individual, with representatives from ECC and STN along with the County Planner and Tim Cutler present, seconded by Mr. Bronson.  
VOTE: Unanimous

The executive session with ECC and STN adjourned at 5:05p.m and the executive session regarding an employment history adjourned at 5:20p.m.