

REGULAR SESSION – MONDAY, JANUARY 12, 2015

The Legislature convened in regular session – Monday, January 12, 2015 at 1:00p.m. in the County Auditorium with Chairman Dennis presiding.

RESOLUTION NO. 1-15

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

RECOGNIZE YATES COUNTY DISTINGUISHED YOUTH AWARD RECIPIENT

WHEREAS, the Yates County Youth Board selected Sheila Smoker for recognition as a Yates County Distinguished Youth for the fourth quarter of 2014, acknowledging her outstanding service to her community,

NOW, THEREFORE, BE IT RESOLVED, that this Legislature take recognition of this honor bestowed upon Sheila Smoker by the Yates County Youth Board on January 12, 2015 in Penn Yan, NY, and thank her for her dedicated service to the community of Penn Yan and to the citizens of Yates County, and

RESOLVED, that a copy of this resolution be provided Sheila Smoker and the Youth Bureau Director.

VOTE: Unanimous

Chairman Dennis introduced Christine Yonge, Youth Bureau Director, who presented Sheila Smoker with the Distinguished Youth award for the fourth quarter of 2014.

Chairman Dennis, Personnel Office Amy Guererri, and Personnel Assistant Kim Fitzgerald conducted the annual Employee Recognition Ceremony. The following people were recognized

Five (5) Years of service:

Charles	Bishop	Highway
Derek	Christensen	Sheriff
Daniel	Davis	Sheriff
Jillian	Dillon	DSS
Stephen	LaBarr	Highway
Elizabeth	Putnam	DSS
Carl	Smeenk	Weights & Measures
Erica	Verdehem	Sheriff
Michael	Williams	DSS

Ten (10) years of service:

James	Adams	Highway
Chad	Betts	Sheriff
Bonnie	Clawson	Sheriff
Arlyn	Cunningham	Sheriff
Julie	Foster	DSS
Nicole	Jensen	DSS

Fifteen (15) years of service:

Robert	Bell	Highway
Brian	Champlin	Highway
Neil	Freeland	Sheriff
Pamela	Housel	Sheriff
Suzanne	Kurz	Highway
Craig	Prior	Highway
Robert	Quayle, Jr.	Buildings & Grounds
Susan	Simmons	Public Health
Lindsay	Tones	Sheriff
Kay	Williamson	County Clerk

Twenty (20) years of service:

Jill	Emerson	Sheriff
P. Earle	Gleason	Veterans Services
Judy	Hoover	Sheriff
Edwin	Nemitz, Jr.	Sheriff
Sarah	Purdy	County Administrator

Twenty-five (25) years of service:

Alan	Mack	Sheriff
Sandra	Smith	Sheriff
Sharon	Swarts	DSS

Thirty (30) years of service:

Michael	Hainsworth	Highway
Randolph	Hines	Highway
Donna	Jensen	DSS

Thirty-five (35) years of service:

Susan	Irwin	Probation
Derry	Jensen	DSS

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

	<u>2014</u>	<u>2015</u>
Airport Fund	\$ 204,753.74	\$ 558.40
Finance	\$ 3,986,78.04	\$ 251,264.45
Flint Creek	\$ 16,752.01	-0-
Government Operations	\$ 55,892.09	\$ 12,050.50
Human Services	\$ 350,896.92	\$ 23,569.00
Prior to Audit	\$ 46,949.77	-0-
Public Safety	\$237,956.98	\$ 5,141.66
Public Works	\$626,272.19	\$ 1,487.37

COMMITTEE REPORTS

Mrs. Church reported Deb Minor stated our Chronic Disease Nurse accepted on behalf of Yates County Public Health and the local Cancer Assistance Program at check for \$20,000 from Friendly Dodge, Chrysler, Jeep, Ram Inc. of Penn Yan and Friendly Ford Inc. The funds are to

be used to support local families afflicted with a diagnoses of cancer through the local Cancer Assistance Program.

Mrs. Church stated Amy Miller, Commissioner of Social Services reported the Workforce Development staff received a thank you note from a client, thanking them for their help in getting them back on their feet by obtaining a full time job and the individual is now attending college.

Mr. Clark reported he attended the Flint Creek Watershed Committee meeting. Mr. Clark explained the committee is made up of landowners along the Flint Creek Watershed. The work they do is at no cost to the county, it is all funded by the landowners. The Committee thanked the Highway Department for the cleaning that was done after the flood. They were also complimentary to the Yates County Soil and Water District for their assistance that they gave and continue to give after the flooding situation.

Mr. Smith reported the SLAP5 meeting was held on January 5th where Professor Halfman of Hobart & Williams Smith College gave a presentation on the water quality of Seneca Lake. It was also the organizational meeting for SLAP5, elections were held of officers. Mr. Smith and Mr. Richard Ahola were nominated and elected as co-chairs of the organization for 2015. This is an important year as the organization transitions from an agency driven organization to a municipality organization.

Mr. Montgomery reported it is important to note that sales tax receipts received through our last payment were approximately \$10.4 million dollars vs. \$10.3 that is budgeted and there is one payment that is still due for 2014 and that will be in tomorrow. History will tell us that that payment will be another half a million dollars. So we are looking for a total in sales tax receipts for 2014 of approximately \$10.9 million.

Chairman Dennis introduced Allison Hunt from Congressman Reed's Office. Ms. Hunt stated she plans on attending a few meetings during the year to see what the county is working on. It is always good to have the Congressman's office informed of any issues that may be coming up. Currently, the office is working with the Sheriff on an FCC issue and Ms. Hunt urged the public to use the Congressman's office as a resource.

Chairman Dennis stated that typically sometime in March the county has a meeting with our state representatives and perhaps the Congressman would like to take part in that meeting. Ms. Hunt suggested to let her know when that meeting might take place and she will see if it can be worked into his schedule. Chairman Dennis thanked the Congressman for his efforts particularly with our FEMA disaster.

RESOLUTION NO. 2-15

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

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

BE IT RESOLVED, that the following individuals be appointed 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 for the terms indicated:

Gene Pierce, 164 N. Glenora Road, Dundee, NY 14837 Term: January 1, 2015- 12/31/16

Rita Gow, 785 E. Lake Road, Penn Yan, NY 14527 Term: January 1, 2015-12/31/16
Mary Zelazny, 3393 Stryker Road, Penn Yan, NY 14527 Term: January 1, 2015-12/31/16

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

RESOLUTION NO. 3-15

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

REAPPOINT MEMBER TO THE YATES COUNTY PLANNING BOARD (John Sawers, Village of Rushville)

WHEREAS, John Sawers (12 Bassett Street, Rushville) has been recommended by the Village of Rushville to be their representative on the Yates County Planning Board,

NOW, THEREFORE, BE IT RESOLVED, that *John Sawers* is hereby reappointed as a member of the Yates County Planning Board, representing the *Village of Rushville*, to a term to expire on January 12, 2017, and be it further

RESOLVED, that copies of this resolution be given John Sawers, the Village of Rushville, the County Planner and a copy filed with the County Clerk.

VOTE: Unanimous

RESOLUTION NO. 4-15

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

2015 BUDGET TRANSFERS

BE IT RESOLVED, that the following transfers be made in the 2015 budget:

\$1,003.00 from A1010.8305 (Legislature-Medical Insurance Non-Union) to A9089.8600 (Undistributed Employee Benefits-HRA);

\$4938.00 from A1165.8305 (District Attorney-Medical Insurance Non-Union) to A9089.8600 (Undistributed Employee Benefits-HRA);

\$1,003.00 from A1230.8305 (County Administrator-Medical Insurance Non-Union) to A9089.8600 (Undistributed Employee Benefits-HRA);

\$4,938.00 from A1325.8305 (Treasurer-Medical Insurance Non-Union) to A9089.8600 (Undistributed Employee Benefits-HRA);

\$3,935.00 from A1355.8305 (Real Property Tax Services-Medical Insurance Non-Union) to A9089.8600 (Undistributed Employee Benefits-HRA);

\$8,338.00 from A1410.8305 (County Clerk-Medical Insurance Non-Union) to A9089.8600 (Undistributed Employee Benefits-HRA);

\$1,025.00 from A1430.8305 (Personnel-Medical Insurance Non-Union) to A1990.4905 (Special Items-Contingent Fund);

\$6,845.00 from A1430.8305 (Personnel-Medical Insurance Non-Union) to A9089.8600 (Undistributed Employee Benefits-HRA);

\$196.00 from A1450.8305 (Elections-Medical Insurance Non-Union) to A1450.1660 (Elections-Insurance Buyout Non-Union);

\$807.00 from A1450.8305 (Elections-Medical Insurance Non-Union) to A9089.8600 (Undistributed Employee Benefits-HRA);

\$468.00 from A1625.8305 (Buildings and Grounds-Medical Insurance Non-Union) to A1990.4905 (Special Items-Contingent Fund);
\$1,003.00 from A1680.8305 (Information Technology-Medical Insurance Non-Union) to A1990.4905 (Special Items-Contingent Fund);
\$2,822.00 from A3110.8305 (Sheriff-Medical Insurance Non-Union) to A1990.4905 (Special Items-Contingent Fund);
\$3.00 from A3110.8305 (Sheriff-Medical Insurance Non-Union) to A3020.1958 (Communications-Insurance Buyout Council 82 Other);
\$225.00 from A3110.8305 (Sheriff-Medical Insurance Non-Union) to A3021.1958 (E911 Dispatch Center-Insurance Buyout Council 82 Other);
\$902.00 from A3110.8305 (Sheriff-Medical Insurance Non-Union) to A3110.1948 (Sheriff-Insurance Buyout Council 82 Law Enforcement);
\$18.00 from A3110.8305 (Sheriff-Medical Insurance Non-Union) to A3150.1958 (Jail-Insurance Buyout Council 82 Other);
\$901.00 from A3110.8305 (Sheriff-Medical Insurance Non-Union) to A3190.1958 (Court Security-Insurance Buyout Council 82 Other);
\$3,710.00 from A3140.8305 (Probation-Medical Insurance Non-Union) to A1990.4905 (Special Items-Contingent Fund);
\$225.00 from A3140.8305 (Probation-Medical Insurance Non-Union) to A3645.1660 (Office of Emergency Management-Insurance Buyout Non-Union);
\$7,645.00 from A4010.8305 (Public Health-Medical Insurance Non-Union) to A1990.4905 (Special Items-Contingent Fund);
\$225.00 from A4010.8305 (Public Health-Medical Insurance Non-Union) to A4010.1660 (Public Health-Insurance Buyout Non-Union);
\$467.00 from A6010.8305 (Social Services Administration-Medical Insurance Non-Union) to A1990.4905 (Special Items-Contingent Fund);
\$225.00 from A6010.8305 (Social Services Administration-Medical Insurance Non-Union) to A6010.1660 (Social Services Administration-Insurance Buyout Non-Union);
\$1,003.00 from A7510.8305 (Historian-Medical Insurance Non-Union) to A1990.4905 (Special Items-Contingent Fund);
\$468.00 from A8020.8305 (Planner-Medical Insurance Non-Union) to A1990.4905 (Special Items-Contingent Fund);
\$3,154.00 from D5010.8305 (Road Fund-Administration-Medical Insurance Non-Union) to D9089.8600 (Road Fund-Undistributed Employee Benefits-HRA);

and be it further

RESOLVED, that copies of this resolution be given to the District Attorney, Treasurer, Real Property Tax Services Director, County Clerk, Personnel Officer, Election Commissioners, Building Maintenance Supervisor, Information Technology Director, Sheriff, Probation Director, Emergency Management Director, Public Health Director, Social Services Commissioner, Historian, Planner and Highway Superintendent.

VOTE: Unanimous

RESOLUTION NO. 5-15

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

AUTHORIZE THE TREASURER TO PROCESS RPTL TAX REFUNDS AND CORRECTIONS

WHEREAS, Chapter 515, Laws of 1997, Sections 554 and 556, New York State Real Property Tax Law, have been amended to permit a tax levying body to authorize designated officials to approve correcting the tax roll and tax bill, and to authorize the payment of refunds less than \$2,500.00 (two thousand five hundred dollars) for correction of errors appearing on assessment and tax rolls: and

WHEREAS, The County Treasurer and the Director of Real Property Tax Services recommend that this amendment be adopted in order to make these corrections and/or refunds to the taxpayer erroneously assessed in a timely and efficient fashion;

NOW, THEREFORE, BE IT RESOLVED, that the County Treasurer is hereby designated pursuant to the provisions of Chapter 515, New York State Real Property Tax Law for the calendar year beginning January 1, 2015; and be it further;

RESOLVED, Also pursuant to Chapter 515, that on or before the 15th day of each month, the County Treasurer shall submit a report to the County Legislators of the corrections and refunds processed by her during the preceding month indicating the name of each recipient, the location of the property, and the amount of the correction or refund, and further;

RESOLVED, that a copy of this resolution be sent to the Real Property Tax Director and to the County Treasurer.

VOTE: Unanimous

RESOLUTION NO. 6-15

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

DISCUSSION:

Mr. Montgomery questioned if a distinction should be made between infrastructure and roads or does it not make a difference. Infrastructure could mean a lot of different things.

Mr. Paddock stated that the change was suggested by the auditors and implemented at this time to reflect what is currently being done.

AMEND RESOLUTION NO. 391-13 FIXED ASSET POLICY & PROCEDURES

WHEREAS, the true useful life of some of the roads is under the 20 years identified in the current Fixed Asset Policy and Procedures;

THEREFORE, the County Treasurer and the Highway Superintendent recommend that the section Depreciation and Useful Life of the Fixed Asset Policy & Procedures be amended to read as follows:

<u>Useful Life</u>	<u>Capital Asset</u>
10 – 50 years	Infrastructure

And be it further;

RESOLVED, that a copy of this resolution be sent to the Highway Superintendent and to the County Treasurer.

VOTE: Unanimous

RESOLUTION NO. 7-15

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

ADOPT POST-ISSUANCE TAX COMPLIANCE & CONTINUING DISCLOSURE PROCEDURES

RESOLVED, that the Post-Issuance Tax Compliance & Continuing Disclosure Procedures for Yates County is hereby adopted, and be it further;

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

Post-Issuance Tax Compliance and Continuing Disclosure Procedures For Tax-Exempt Notes & Bonds

The purpose of these Post-Issuance Tax Compliance and Continuing Disclosure Procedures is to establish policies and procedures in connection with tax-exempt notes and bonds, or other tax-exempt or tax-advantaged debt obligations (referred to herein in each case as the “Bonds”) issued by the municipality or school district issuer (the “Issuer”) so as to maximize the likelihood that certain applicable post-issuance requirements of federal income tax law needed to preserve the tax-exempt status of the Bonds are met and so as to likewise maximize the likelihood that certain applicable post-issuance requirements of the federal securities laws Rule, hereinafter defined, are met. The Issuer reserves the right to use its discretion as necessary and appropriate to make exceptions or request additional provisions as circumstances warrant, and as permitted by applicable law. The Issuer also reserves the right to change these policies and procedures from time to time. The Issuer shall review and reconfirm and re-adopt these policies and procedures not less frequently than annually at the same time it adopts or re-adopts its other ongoing policies and procedures.

Post-Issuance Tax Compliance Requirements

External Advisors/Documentation

The Issuer shall consult with bond counsel and other legal counsel and with its financial advisor and other advisors, as needed, throughout the Bond issuance process to identify requirements and to establish procedures necessary or appropriate so that the Bonds will continue to qualify for tax-exempt status. Those requirements and procedures shall be documented in the tax arbitrage certificate (the “Arbitrage Certificate”) and/or other documents finalized at or before issuance of the Bonds. Those requirements and procedures shall include future compliance with applicable arbitrage rebate or yield restriction requirements and all other applicable post-issuance requirements of federal tax law throughout (and in some cases beyond) the term of Bonds.

When authorized or required in the Arbitrage Certificate, the Issuer shall engage expert advisors, which may include the financial advisor to the Issuer (each a “Rebate Service Provider”), to assist in the determination of whether yield restriction is required or in the calculation of arbitrage rebate payable in respect of the investment of Bond proceeds, unless the Arbitrage Certificate documents that arbitrage rebate or yield restriction will not be applicable to an issue of Bonds. When authorized or required by the Arbitrage Certificate, the Issuer shall engage bond counsel for consultation to assist the Issuer in meeting its obligations in the Arbitrage Certificate.

The Issuer shall prepare regular, periodic statements regarding the investments and transactions involving Bond proceeds.

Arbitrage Rebate and Yield

Unless the Arbitrage Certificate documents that arbitrage rebate will not be applicable to an issue of Bonds, the Issuer shall be responsible for:

- engaging the services of a Rebate Service Provider and, prior to each rebate calculation date, delivering periodic statements concerning the investment of Bond proceeds to the Rebate Service Provider;
- providing to the Rebate Service Provider additional documents and information reasonably requested by the Rebate Service Provider;
- monitoring efforts of the Rebate Service Provider;
- assuring payment of required rebate amounts, if any, no later than 60 days after each 5-year anniversary of the issuer date of the Bonds, and no later than 60 days after the last Bond of each issue is redeemed;
- during the acquisition and construction period of each capital project financed in whole or part by Bonds, monitoring the investment and expenditure of Bond proceeds and consulting with the Rebate Service Provider to determine compliance with any applicable small issuer or spending exceptions from the arbitrage rebate requirements during each 6-month spending period up to 6 months, 18 months, 24 months, or 36 months, as applicable, following the issue date of the Bonds; and
- retaining copies of all arbitrage reports and spending or investment statements as described below under “Record Keeping Requirements.”

Use of Bond Proceeds and Bond-Financed or Refinanced Assets

The Issuer shall be responsible for:

- monitoring the use of Bond proceeds and the use (including, with particular sensitivity, any use or potential for use by any person or entity other than a governmental unit, such as, a private entity or not-for-profit entity) of Bond-financed or refinanced assets (e.g., facilities, furnishings or equipment) throughout the term of the Bonds to ensure compliance with covenants and restrictions set forth in the Arbitrage Certificate relating to the Bonds;
- maintaining records identifying the assets or portion of assets that are financed or refinanced with proceeds of each issue of Bonds, including a final allocation of Bond proceeds as described below under “Record of Keeping Requirements”;
- consulting with bond counsel and other legal counsel and with the financial advisor or other advisors in the review of any contracts or arrangements involving the transfer, or sale, or lease or other use of all or any portion of Bond-financed or refinanced assets to ensure compliance with all covenants and restrictions set forth in the Arbitrage Certificate relating to the Bonds;
- maintaining records for any contracts or arrangements involving the use of Bond-financed or refinanced assets as described below under “Record Keeping Requirements”;
- conferring at least annually with personnel responsible for Bond-financed or refinanced assets to identify and discuss any existing or planned use of Bond-financed or refinanced

assets, to ensure that those uses are consistent with all covenants and restrictions set forth in the Arbitrage Certificate relating to the Bonds; and

- to the extent that the Issuer discovers that any applicable tax restrictions regarding use of Bond proceeds and Bond-financed or refinanced assets will or may be violated, consulting promptly with bond counsel and other legal counsel and with the financial advisor or other advisors to determine a course of action to remediate all nonqualified bonds, if such counsel or advisor advises that a remedial actions is necessary.

All relevant records and contracts shall be maintained as described below.

Due Diligence Monitoring Compliance

The board of the Issuer will identify in writing the appropriate business official(s) or other individual(s) or employee(s) of the Issuer responsible for conducting due diligence review of all outstanding Bonds at regular intervals and will provide a written description of the training provided, or to be provided, to such responsible individual(s) with regard to monitoring compliance. The Issuer will assure adequate maintenance of training of the responsible official/employee and will establish such monitoring procedures, with timely reporting to the chief fiscal officer and/or to the Finance Board of the Issuer, reasonably expected to timely identify tax law noncompliance and procedures ensuring that the Issuer will take steps to timely correct any and all discovered noncompliance with the tax law. If the Issuer engages in an activity causing bond-financed property to be used in a manner that violates the applicable use and payment limitations in the internal revenue code, the Issuer may take one or more “self-help” remedial actions. Possible remedial actions include defeasing the non-qualified portion of the outstanding Bonds or using the amounts realized from a sale of bond-financed property for another qualifying use; and if the Issuer fails to timely identify noncompliance early enough to qualify for self-help remedial actions or for matters in which self-help is not available, the Issuer can approach the IRS under its VCAP program which is described in more detail in IRS Notice 2008-31 and Internal Revenue Manual Sections 7.2.3.

The Issuer is aware of its ability, pursuant to Revenue Service Notice 2008-31, as it may be modified by the IRS from time to time, to request a voluntary closing agreement with the IRS to correct failures on the part of the Issuer to comply with the federal tax rules related to tax-exempt debt issuances.

Whenever possible, monitoring of tax law compliance will be integrated with the Issuer’s accounting systems so that those who directly manage Bond-financed or refinanced assets will be prompted to identify relevant facts at the time any changes are contemplated and to communicate such plans to the appropriate finance officials of the Issuer.

Record Keeping Requirement

The Issuer shall be responsible for maintaining the following documents for the term of each issue of Bonds (including refunding Bonds, if any) plus at least three years:

- a copy of the Bond closing transcript(s) and other relevant documentation delivered to the Issuer at or in connection with closing of the issue of Bonds;
- a copy of all material documents relating to capital expenditures financed or refinanced by Bond proceeds, including (without limitation) construction contracts, purchase orders, invoices, and payment records, as well as documents relating to costs reimbursed with

Bond proceeds and records identifying the assets or portion of assets that are financed or refinanced with Bond proceeds, including a final allocation of Bond proceeds;

- a copy of all expenditures of Bond proceeds for project expenses and records of all investments, arbitrage reports and underlying documents, including bank statements and copies of all investment bidding documents, if any;
- a copy of expenditure reimbursements incurred for expenditures paid prior to Issuing the Bonds; and
- a copy of audited financial statements.

Post-Issuance Continuing Disclosure

Under the provisions of SEC Rule 15c2-12 (the “Rule”), Participating Underwriters (as defined in the Rule) are required to determine that each borrower (such as the Issuer) has entered into a written Continuing Disclosure Agreement to make ongoing disclosure in connection with each debt offering subject to the Rule. Unless the Issuer is exempt from compliance with the Rule or the continuing disclosure provisions of the Rule as a result of certain permitted exemptions, the transcript of closing documentation for each issue of related Bonds will include a Continuing Disclosure Agreement executed by the Issuer (“Continuing Disclosure Agreement”).

In addition to the responsibilities of the Issuer set forth in each Continuing Disclosure Agreement, in order to monitor compliance by the Issuer with its Continuing Disclosure Agreements, the appropriate business official(s) or other individual(s) or employee(s) of the Issuer, as designated in writing by the board of the Issuer, will:

- A. Assist in the preparation or review of annual reports of financial information and operating data (“Annual Reports”) in the form required by the related Continuing Disclosure Agreements.
- B. Maintain a calendar, with appropriate reminder notifications, listing the filing due dates relating to dissemination of Annual Reports, which annual due date is generally expressed as a date within a certain number of days (e.g., 180 days) following the end of the Issuer’s fiscal year (the “Annual Report Due Date”), as provided in the related Continuing Disclosure Agreements.
- C. Ensure timely dissemination of the Annual Report by the Annual Report Due Date, in the format and manner provided in the related Continuing Disclosure Agreements, which may include transmitting such filing to the Municipal Securities Rulemaking Board (“MSRB”) through the Electronic Municipal Market Access (“EMMA”) System at www.emma.mrsb.org in the format prescribed by the MSRB.
- D. Monitor the occurrence of any event notice (as described in the Continuing Disclosure Agreements) and timely file notice of the occurrence of any such event in the manner provided under the Continuing Disclosure Agreements. To be timely filed, such notice must be transmitted within 10 business days (or such other time period as set forth in the Continuing Disclosure Agreements) of the occurrence of such event.

- E. Ensure timely dissemination of notice of any failure to provide the require Annual Report on or before the date specified in the Continuing Disclosure Agreement, if and as required by the Continuing Disclosure Agreement, and ensure that each official statement of the Issuer describes any instances in the previous five years in which the Issuer failed to comply, in all material respects, with any previous Continuing Disclosure Agreement.
- F. Monitor the performance of any dissemination agent(s) engaged by the Issuer (which may include the financial advisor to the Issuer) to assist in the performance of any obligation under the Continuing Disclosure Agreements.

The Issuer shall provide, or cause to be provided, periodic training of such business officials(s) or other individual(s) or employee(s) of the Issuer regarding continuing disclosure obligations pursuant to the Rule to ensure compliance with the federal securities laws.

VOTE: Unanimous

RESOLUTION NO. 8-15

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

AUTHORIZE SHERIFF TO SIGN MOU WITH DCJS ON PROJECT LIFESAVER REFRESHER

NOW, THEREFORE, BE IT RESOLVED, as the Yates County Sheriff has a current Project Lifesaver program in cooperation with the Office for the Aging the Sheriff upon the approval of the County Attorney is authorized to sign an MOU with DCJS for program refresher training and update equipment support, especially for autism and others appropriate for the services, and

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

VOTE: Unanimous

RESOLUTION NO. 9-15

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

AUTHORIZE CHAIRMAN AND SHERIFF TO SIGN 2015 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. 10-15

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

RESOLUTION DELEGATING AUTHORITY TO PERSONNEL ASSISTANT

WHEREAS, the Yates County Personnel Officer (Personnel Officer) has a statutory responsibility under CSL §15(b) to provide an orderly and uniform system of civil service administration; and is responsible for ensuring compliance with Civil Service Law (Law); and establishing and enforcing the Yates County Local Civil Service Rules (Rules), and

WHEREAS, CSL § 20 governs the Personnel Officer's obligation to prescribe, amend and enforce suitable rules covering jurisdictional and position classifications, examinations, appointments, promotions, transfers, resignations and reinstatements.

NOW, THEREFORE, BE IT RESOLVED, that the Personnel Officer hereby authorizes the Personnel Assistant to carry out all functions related to a certain employee reinstatement to a position in the Sheriff's Office, and be it further

RESOLVED, that the Personnel Assistant's signature on any correspondence related to this request for reinstatement, and subsequent Report of Personnel Change & Supplementary Payroll Certification form (MSD 426-A), shall constitute approval and official certification that said reinstatement is in accordance with the Law and Rules, and be it further

RESOLVED, that a copy of this resolution be placed in the employee's personnel file, a copy be provided to the Sheriff, and a copy retained in the Personnel Office.

VOTE: Unanimous

RESOLUTION NO. 11-15

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

AUTHORIZE CREATION AND FILLING OF POSITION (Deputy Sheriff Full-Time)

WHEREAS, a full-time Deputy Sheriff vacancy is anticipated later this year due to a retirement, and

WHEREAS, the training program for new deputies begins in February and is completed in October,

NOW, THEREFORE, BE IT RESOLVED, that, in order to avoid a lengthy delay in being able to fill the upcoming vacancy with a fully trained Deputy Sheriff, the Legislature hereby authorizes the creation of a full-time Deputy Sheriff position, effective January 12, 2015, and be it further

RESOLVED, that the Sheriff is hereby authorized to fill this full-time Deputy Sheriff position, and be it further

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

VOTE: Unanimous

RESOLUTION NO. 12-15

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

**AUTHORIZE SHERIFF TO REFILL POSITION
(Sergeant Correction Officer/Court Security)**

WHEREAS, the full-time position of Sergeant Correction Officer/Court Security will become vacant at the end of January due to a retirement,

NOW, THEREFORE, BE IT RESOLVED, that the Sheriff is hereby authorized to refill the position when it becomes vacant through a provisional promotion until the eligible list is issued for a permanent appointment, and be it further

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

VOTE: Unanimous

RESOLUTION NO. 13-15

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

**AUTHORIZE SHERIFF TO REFILL POSITION
(Correction Officer/Court Security)**

WHEREAS, a vacancy in a Correction Officer/Court Security position is anticipated due to a pending provisional promotion to the position of Sergeant Correction Officer/Court Security,

NOW, THEREFORE, BE IT RESOLVED, that, when the vacancy occurs due to the provisional promotion, the Sheriff is hereby authorized to refill, on a contingent basis, the vacant full-time Correction Officer/Court Security position, and proceed accordingly for permanency when appropriate, and be it further

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

VOTE: Unanimous

RESOLUTION NO. 14-15

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

AUTHORIZE CHAIRMAN TO SIGN AGREEMENT (RG HR Group)

RESOLVED, that the Chairman of the Legislature is authorized to sign an agreement with RG HR Group for consulting services in an amount not to exceed \$10,000 and be it further

RESOLVED, that the insurance requirements are waived, and be it further

RESOLVED, that a copy of this resolution be given to the County Attorney.

VOTE: Roll Call – Paddock, Montgomery, Dunn, Percy, Multer, Holgate, Banach, Church, Sackett, Morris, Clark, Smith, Dennis voting “Yes” Morrison voting “No” motion carried.

RESOLUTION NO. 15-15

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

**AUTHORIZE CHAIRMAN TO SIGN CONTRACT
(ROETS)**

RESOLVED, that the Chairman of the Legislature is hereby authorized to sign a contract with George Roets for management consulting services as the Director of Community Services from January 28, 2015 through December 31, 2015 at a cost not to exceed \$81,558 and be it further

RESOLVED, that the requirement for liability coverage be waived for this contract, and be it further

RESOLVED, that copies of this resolution be given to George Roets, to the chairperson of the Inter-Office Coordinating Council of the New York State Department of Mental Hygiene, to the County Treasurer and to the County Administrator.

VOTE: Unanimous

RESOLUTION NO. 16-15

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

**APPOINT DIRECTOR OF VETERANS SERVICE AGENCY
AND AMEND RES. NO. 432-14**

RESOLVED, that effective January 20, 2015, Philip T. Rouin be appointed as the Director of the Veterans Service Agency at an annual salary of \$45,000, and be it further

RESOLVED, that Resolution No. 432-14 Adopt 2015 Non-Union Salary Schedule be amended, effective January 20, 2015, to reflect the annual salary of \$45,000, and be it further

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

VOTE: Unanimous

RESOLUTION NO. 17-15

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

**RENEW CONTRACT WITH CRESTWOOD CHILDREN'S CENTER FOR
COUNSELING SERVICES**

RESOLVED, that after the review of the County Attorney, the Chairman of the Legislature and the Social Services Commissioner be authorized to sign a contract with Crestwood Children's Center (Hillside Family of Agencies) to provide counseling and psychological services for the period of January 1, 2015- December 31, 2015.

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

VOTE: Unanimous

RESOLUTION NO. 18-15

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

AUTHORIZE CONTRACT WITH CORNELL COOPERATIVE EXTENSION OF SCHUYLER COUNTY

RESOLVED, that after review by the County Attorney, the Chairman of the Legislature and the Social Services Commissioner are authorized to sign a contract with Cornell Cooperative Extension of Schuyler County for the provision of parent education services for the period of September 1, 2014- December 31, 2015.

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

VOTE: Unanimous

RESOLUTION NO. 19-15

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

AMEND RESOLUTION 401-14

RESOLVED, that resolution 401-14 be amended to reflect to add the rate of \$150 for an initial session fee with Colleen Johnston.

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

VOTE: Unanimous

RESOLUTION NO. 20-15

Mrs. Church offered resolutions 20 and 21-15 and moved their adoption, seconded by Mr. Sackett.

WORKFORCE DEVELOPMENT BUDGET TRANSFER

BE IT RESOLVED, that the following transfers be made in the Yates County Workforce Development account:

FROM:	CD6292.1G	DSS Works Staff Wage	\$60.00
TO:	CD6292.8G	DSS Works Staff Fringe	\$25.00
	CD6292.4G	DSS Works Operating	\$35.00

and be it further

RESOLVED, that a copy of this resolution be provided to the Commissioner of Yates County Dept. of Social Services, Workforce Development Director, and the Yates County Treasurer.

VOTE: Unanimous

RESOLUTION NO. 21-15

WORKFORCE DEVELOPMENT BUDGET TRANSFER

BE IT RESOLVED, that the following transfers be made in the Yates County Workforce Development account:

FROM: CD6292.11L	KKP Participant Wage Adult	\$ 95.00
CD6292.81L	KKP Participant Fringe Adult	\$ 15.00
TO: CD6292.41L	KKP Operating Adult	\$110.00

And be it further

RESOLVED, that copies of this resolution be provided to the Workforce Development Director, and the Yates County Treasurer.

VOTE: Unanimous

RESOLUTION NO. 22-15

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

AUTHORIZE CHAIRMAN TO SIGN MEMORANDUM OF UNDERSTANDING FOR ALLOCATION OF FUNDING

WHEREAS, funding has been appropriated in the 2015 Yates County Budget for the following municipalities

Village of Penn Yan (Lifeguard Services) \$10,260.00
Town of Middlesex (Lifeguard Services) \$1,026.00
Town of Torrey (Lifeguard Services) \$1,026.00

NOW, THEREFORE IT BE RESOLVED, the chairman of the Yates County Legislature is hereby authorized to sign said memorandums of understanding for the allocation for these funds, and it be further

RESOLVED, that a copy of this resolution be provided to the County Treasurer and the Youth Bureau Director.

VOTE: Unanimous

RESOLUTION NO. 23-15

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

RE-APPOINT MEMBER TO THE YATES COUNTY COMMUNITY SERVICES BOARD DEVELOPMENTAL DISABILITIES SUBCOMMITTEE

BE IT RESOLVED, that the Yates County Legislature re-appoint Penny Coon, residing at 2599 Knapp Rd., Dundee, NY 14837 to the Yates County Community Services Board's Developmental Disabilities Subcommittee, for a second term commencing 01/01/2015 and ending 12/31/2018

RESOLVED, that a copy of this Resolution be provided to Penny Coon and to the Yates County Department of Community Services.

VOTE: Unanimous

RESOLUTION NO. 24-15

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

**RE-APPOINT MEMBER TO THE YATES COUNTY COMMUNITY SERVICES
BOARD SUBSTANCE ABUSE SUBCOMMITTEE**

BE IT RESOLVED, that the Yates County Legislature re-appoint Sharon Dawes, residing at 307 R West Lake Rd., Penn Yan, NY 14527, to the Yates County Community Services Board's Substance Abuse Subcommittee, for a second term commencing 01/01/2015 and ending 12/31/2018

RESOLVED, that a copy of this Resolution be provided to Sharon Dawes and to the Yates County Department of Community Services

VOTE: Unanimous

RESOLUTION NO. 25-15

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

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

BE IT RESOLVED, that the Yates County Legislature re-appoint Sue Simmons, residing at 1778 Lake to Lake Rd., Stanley, NY 14561 to the Yates County Community Services Board's Developmental Disabilities Subcommittee, for a second term commencing 01/01/2015 and ending 12/31/2018

RESOLVED, that a copy of this Resolution be provided to Sue Simmons and to the Yates County Department of Community Services

VOTE: Unanimous

RESOLUTION NO. 26-15

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

**APPOINT MEMBER TO THE YATES COUNTY COMMUNITY SERVICES BOARD
MENTAL HEALTH SUBCOMMITTEE**

BE IT RESOLVED, that the Yates County Legislature appoint Marie Woodford, residing at 1514 Fitzpatrick Hill Rd., Montour Falls, Schuyler County, NY 14865 to the Yates County Community Services Board's Mental Health Subcommittee, for a term commencing 01/01/2015 and ending 12/31/2018

RESOLVED, that a copy of this Resolution be provided to Marie Woodford and to the Yates County Department of Community Services

VOTE: Unanimous

RESOLUTION NO. 27-15

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

**APPOINT MEMBER TO THE YATES COUNTY COMMUNITY SERVICES BOARD
MENTAL HEALTH SUBCOMMITTEE**

BE IT RESOLVED, that the Yates County Legislature appoint Lisa Youngs residing at 28 Hillcrest Dr., Penn Yan, NY 14527, to the Yates County Community Services Board's Mental Health Subcommittee, for a term commencing 01/01/2015 and ending 12/31/2018

RESOLVED, that a copy of this resolution be provided to Lisa Youngs and to the Yates County Department of Community Services

VOTE: Unanimous

RESOLUTION NO. 28-15

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

**PROCLAMATION RECOGNIZING NYSAC'S 90 YEARS OF DEDICATED SERVICE
TO NEW YORK COUNTIES**

WHEREAS, The New York State Association of Counties (NYSAC) was organized in 1925 dedicated to the improvement of all county governments in the Empire State;

WHEREAS, NYSAC is the only statewide association representing the elected and appointed interests of New York State's 62 counties, including the 5 boroughs of New York City;

WHEREAS, NYSAC's major objectives are to strengthen New York's system of local government, and to make county government an efficient, economic and dynamic part of that system

WHEREAS, In order to achieve this aim, NYSAC represents New York counties before Federal, State, and Local officials on matters germane to county government; and informs its membership and the public at large on issues of importance to county government;

WHEREAS, NYSAC further strives to educate, train and provide research on public policies affecting counties;

WHEREAS, NYSAC has consistently represented the best interests of all of its members, rural, urban or suburban and their respective priorities;

WHEREAS, 2015 will mark NYSAC's ninetieth (90th) year as the counties' official voice in Albany; and

WHEREAS, It is the intention of this legislative body to recognize NYSAC's 90 years of continuous and dedicated service on behalf of the counties of the Empire State, and to applaud the organization's expertise, spirit of cooperation and commitment to good government;

NOW, THEREFORE, BE IT RESOLVED, That this legislative body pause in its deliberations to commemorate the Ninetieth Anniversary of the New York State Association of Counties.

VOTE: Unanimous

RESOLUTION NO. 29-15

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

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. 30-15

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

**AUTHORIZE CHAIRMAN TO SIGN CONTRACT AGREEMENT WITH
CATALOG & COMMERCE SOLUTIONS, LLC**

RESOLVED, that contingent upon review by the County Attorney, the Chairman is authorized to sign an agreement with Catalog & Commerce Solutions, LLC for the development and implementation of an automated application and civil service employment system for the Personnel Department, at a cost of \$19,750.00 for system development and implementation, and be it further

RESOLVED, that a copy of this resolution be given to the Treasurer, the Personnel Officer and Catalog & Commerce Solutions, LLC.

VOTE: Unanimous

RESOLUTION NO. 31-15

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

DISCUSSION:

Mr. Sackett questioned if a correction is needed to the last sentence to reflect that the storage will not be in Seneca Lakes.

Mr. Smith questioned if the County Attorney has reviewed this and what the implications are to the County.

Chairman Dennis stated he also thought of that and in checking with the County Administrator it was decided that the implications were so slight that we were not going to bog him down with this.

Mr. Holgate read the following statement from Attorney Deborah Goldberg, the language regarding litigation is boiler plate, post closure, etc. She also said for Crestwood to sue the Finger Lakes municipalities would be extremely bad "PR" for one thing, and also stated she has never seen it happen in all the years of practice. It is highly unlikely that it would happen in this case. We are not suing the company per say, and they do not have a permit.

Mr. Morrison questioned if we had not already passed something similar to this.

Chairman Dennis stated no, this is to take part in the issues conference. We expressed our opinion and this is the next step.

Mr. Holgate clarified, the DEC is saying we want to hear everyone's issues. We did pass a resolution which really dealt with water quality issues. To be represented at this conference you have to have representation. We are basically joining with other municipalities and being represented for our concern for water quality. A lot of this is being driven by the Cities of Geneva and Waterloo with regards to their water treatment plants. They are concerned that we are very close to the threshold of having too much salt in the water and what they will have to do to provide safe drinking water. This is where the DEC will hear the issues from Crestwood, the municipalities, Seneca Pure Water Association and others.

Mrs. Dunn stated she knows a previous resolution was passed and she is hoping to support this because there is so much civil disobedience where we have to send deputies to assist because of the way people are acting. Will those individuals have the same legal representation?

Mr. Holgate stated the municipalities would not be signing on with them. Gas Free Seneca will have their own representation. They have nothing to do with the civil disobedience, which is a group called We Are Seneca Lake. We are signing on with other municipalities which basically is all the towns and counties surrounding the lake with the exception of Schuyler County, but the Village of Watkins Glen did sign on.

**YATES COUNTY JOINS COALITION OF MUNICIPALITIES AGAINST STORAGE OF LPG
GAS IN SENECA LAKE SEEKING REPRESENTATION BY THE NATURAL RESOURCES
DEFENSE COUNCIL**

WHEREAS, Finger Lakes LPG Storage, LLC, a subsidiary of Crestwood Midstream Partners, LP, has proposed to construct and operate a new underground LPG storage facility for the storage and distribution of propane and butane on a portion of a 576-acre site located west of Seneca Lake in the Town of Reading, Schuyler County; and

WHEREAS, the State Department of Environmental Conservation (DEC) will host an issues conference for the Finger Lakes LPG Storage, LLC's proposed liquid propane gas (LPG) storage facility on February 12, 2015 for the purpose of determining if there are any significant and substantive issues that require an adjudicatory hearing; and

WHEREAS, the Natural Resources Defense Council (NRDC) has agreed to represent at no charge, a coalition of interested municipalities that stand against proposal, by filing a Petition for Party Status and represent the coalition of municipalities at the issues conference at no cost to Yates County; now, therefore be it

RESOLVED, that the Yates County Legislature does hereby authorize NRDC to represent Yates County, at no charges, as a member of a coalition of municipalities against the proposal for the storage and distribution of propane and butane immediately adjacent to Seneca Lake, in a Petition for Party Status for the DEC Issues Conference in February 2015.

VOTE: Roll Call – Paddock, Montgomery, Dunn, Morrison, Percy, Multer, Holgate, Sackett, Morris, Clark, Dennis voting “Yes” Banach, Church, Smith voting “No” motion carried.

RESOLUTION NO. 32-15

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

**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, 2015 through December 31, 2015 at a cost not to exceed \$49,175, 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. 33-15

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

**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, 2015 through December 31, 2015 and be it further

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

VOTE: Unanimous

RESOLUTION NO. 34-15

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

**AUTHORIZE CHAIRMAN TO SIGN INTERNET & TELEPHONE SERVICES
CONTRACT
(Time Warner Cable Business Class)**

RESOLVED, that the Chairman of the Legislature is hereby authorized to sign a contract with Regional Time Warner Cable Business Class of Rochester for Internet & Telephone Services, effective January 1, 2015 through December 31, 2015 and be it further

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

VOTE: Unanimous

RESOLUTION NO. 35-15

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

**SIGN AGREEMENT WITH NATIONAL ASSOCIATION OF COUNTY AND CITY
HEALTH OFFICIALS (NACCHO) for the MEDICAL RESERVE CORP CAPACITY
BUILDING AWARD**

RESOLVED, that the Director of Public Health is hereby authorized to sign a contract with the National Association of County & City Health Officials (NACCHO) for the 2015 Medical Reserve Corp Capacity Building Award (\$3,500), and be it further

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

VOTE: Unanimous

Mr. Smith moved to enter executive session to discuss an employee performance, seconded by Mr. Morris.

Meeting adjourned at 2:10p.m.