

REGULAR SESSION – TUESDAY, OCTOBER 11, 2016

The Yates County Legislature convened in regular session Tuesday, October 11, 2016 at 12:00p.m. with Chairman Dennis presiding.

Chairman Dennis introduced Steve Manning, Southern Tier Network and Any Lukasiewicz, ECC who updated the Legislature on the status of the Dark Fiber Network. Mr. Lukasiewicz reported that the fiber backbone is complete, ahead of schedule and under budget by approximately \$220,000. The Legislature had identified 4 additional options that the \$220,000 could be used for, running fiber to the South Hill Communications Tower, along with the Angus Road Communications Tower, stringing fiber to the Highway Barns in Benton and also possibly into Middlesex.

Mr. Lukasiewicz explained that in talking with the State on the use of the grant funds, the state would like the grant closed out by the end of year. Therefore, the only projects that could possibly be done by the end of the year were the fiber to the tower sites. Further discussion will need to take place and cost estimates will be needed before a decision can be made.

Mr. Morris moved to enter executive session to discuss the financial history of a corporation with Bob Lawton, Tim Cutler and Legislature present, seconded by Mr. Bronson.

The Legislature reconvened in open session at 12:45pm and the following actions were taken.

Dr. Nye and Mr. Fisher from FLCC gave a brief presentation on the tuition chargebacks to the county.

Chairman Dennis opened the hearing on proposed Local Law 3-16 entitled A Local Law Amending County Of Yates Local Law No. 1 Of The Year 1996. There were no comments at this time.

Minutes of the September meeting were approved as presented.

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

Airport Fund	\$ 7,358.11
Finance	\$339,953.16
Flint Creek	\$ 3,150.00
Government Operations	\$ 94,273.35
Human Services	\$214,136.79
Prior to Audit	\$160,060.91
Public Safety	\$101,767.87
Public Works	\$ 83,047.36

COMMITTEE REPORTS

Mr. Bronson reported he attended the ProAction Board meeting which was based on Community Needs Assessments that they recently completed

Mr. Paddock reported the Budget Officer has submitted the proposed 2017 budget. The Legislature will be reviewing the budget at workshops on October 24th and 25th.

Mr. Smith reported the Seneca Inter-Municipal Organization will hold its next meet October 18th in Lodi.

Mr. Button reported clean up/maintenance of the Fleet Creek continues.

Mr. Morris reported in preparation of the budget workshops he sent the Sheriff, the Public Safety Committee, the Legislature, the Budget Officer and the County Administrator questions about Public Safety costs and he requested that those questions be answered before or after the budget workshop.

Mr. Banach reported he attended the Airport Council meeting. The construction has started on the new T Hangar. Discussion is taking place on work that needs to be done to the grass runway.

Chairman Dennis reported he attended fall NYSAC conference, the Genesee Finger Lakes Regional Planning Council meeting, and the STN Board meeting.

County Administrator Lawton reported he attended the fall NYSAC meeting and the bidder's conference for Phase II of the New York Broadband project.

Public Comments

Mr. Zerges addressed the Board with 3 specific actions that together can be taken to maximize the return on our tourism investments.

1. We can increase input into the development of the county's strategic tourism marketing plan by those contributing to its financing through the bed tax.
2. There can be much greater transparency and reporting on the results of the County's strategic tourism marketing plan.
3. Improved tracking and reporting of return on investment for the tourism dollars that are being spent.

Dr. Bell reported to the Board the FLCC failed to acknowledge that they provide free courses to persons over the age of 60.

Jack Clancy, Mike Willis and Gerald Masucci spoke in support of refilling the Administrative Assistant position that is now vacant in the Veterans Services Office.

Chairman Dennis appointed Jarrett Alexander to the Yates County Youth Board for a term of 10/12/16 to 10/12/17.

RESOLUTION NO. 333-16

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

REAPPOINT MEMBERS TO THE YATES COUNTY PLANNING BOARD (Caryl Sutterby, Village of Dundee) (Don Sheive, Town of Middlesex)

WHEREAS, Caryl Sutterby (52 Seneca Street, Dundee), Don Sheive (1159 South Lake Road, Middlesex) have been recommended by their respective municipalities to be their representation on the Yates County Planning Board,

NOW, THEREFORE, BE IT RESOLVED, that *Caryl Sutterby* is hereby reappointed as a member of the Yates County Planning Board, representing the *Village of Dundee*, to a term to expire on November 10, 2020, and *Don Sheive* is hereby reappointed as a member of the Yates County Planning Board, representing the *Town of Middlesex* to a term to expire on November 10, 2020, and be it further

RESOLVED, that copies of this resolution be given Caryl Sutterby, Don Sheive, the County Planner, the Village of Dundee, the Town of Middlesex, and a copy filed with the County Clerk.

VOTE: Unanimous

RESOLUTION NO. 334-16

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

2016 BUDGET TRANSFERS

BE IT RESOLVED, that the following transfers be made in the 2016 budget:

From:	To:	Amount:
A1450.54156 ELEC-Training	A1450.51596 ELEC-Election Workers	3,112.00
A1450.54660 ELEC-Travel	A1450.51596 ELEC-Election Workers	2,020.56
A2960.54154 Ed-Handicapped	A4054.54102 EI-Early Intervention	20,000.00
A3020.54734 COM-Radio Parts	A3150.54734 JAIL-Radio Parts	85.50
A3021.52954 E911-SLETPP	A3110.54661 SHER-Vehicle Parts	3,750.22
A3110.52435 SHER-FIT Equipmt.	A3645.52218 OEM-Trailer	500.00
A3110.52988 SHER-Leg. Grant	A3110.54988 SHER-Leg. Grant	4,995.00
A3110.54011 SHER-Consultants	A3150.54034 JAIL-Physicals	1,479.12
A3110.54157 SHER-K-9 Training	A3510.54859 ANIM-Vet Services	611.29
A3110.54470 SHER-Office Supp.	A3510.54470 ANIM-Office Supplies	31.99
A3110.54661 SHER-Vehicle Parts	A3020.54661 COM-Vehicle Parts	30.29
A3150.51991 JAIL-Physician	A3150.54035 JAIL-Physician	23,040.00
A3350.54457 DWI-Computer Supp.	A3110.54474 SHER-Safety Supplies	43.14
A3510.54859 ANIM-Vet. Services	A3110.54850 SHER-Dog Expense	360.25
D5112.51450 HWY-Chips-Regular	D5120.51450 HWY-Brid.&Cul.-Regular	8,633.90
D5112.58100 HWY-Chips-FICA	D5120.58100 HWY-Brid.&Cul.-FICA	599.32
D5142.51500 HWY-Snow-Call Bck.	D5110.51500 HWY-Maint.-Call Back	20.94

and be it further

RESOLVED, that copies of this resolution be given to the Sheriff, Emergency Management Director, Director of Public Health, Highway Superintendent and County Treasurer/Budget Officer.

VOTE: Unanimous

RESOLUTION NO. 335-16

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

APPROPRIATE MENTAL HEALTH FEDERAL SHARING RESERVE (Community Services)

WHEREAS, Community Services has identified an increase in expenditures for suicide prevention services, which are valid uses of the Mental Health Federal Salary Sharing reserve fund, and

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

NOW, THEREFORE, BE IT RESOLVED, that the following accounts be increased in the 2016 budget:

Revenue:	
A511.000 Appropriate Reserve	\$3,000.00
Appropriation:	
A4320.54282 CS-Suicide Prevention	\$3,000.00

And be it further

RESOLVED, that a copy of this resolution be provided the Director of Community Services and Treasurer/Budget Officer.

VOTE: Unanimous

RESOLUTION NO. 336-16

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

**APPROPRIATE ADDITIONAL STATE AID
(Social Services)**

WHEREAS, the Department of Social Services Office has received additional State Aid, and

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

NOW, THEREFORE, BE IT RESOLVED, that the following accounts be increased by \$2,214.00:

Appropriation	
A7310.54368 Youth – Summer Recreation	

Revenue	
A7310.43820 Youth – Programs State Aid	

and be it further

RESOLVED, that copies of this resolution be given to the Director of Social Services, Youth Director and County Treasurer/Budget Officer.

VOTE: Unanimous

RESOLUTION NO. 337-16

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

Mr. Paddock explained this is necessitated due to our change in the method of selling tax acquired properties using a formal auction format as we did this year, which was found to be very successful. Now if someone wishes to redeem their property the funds have to be received by the Treasurer's office 30 calendar days prior to the date of the auction.

Chairman Dennis stated the Treasurer in conjunction with the County Attorney worked hard on improving this process and thanked both of them for their efforts.

ADOPTING A POLICY REGARDING THE SALE OF TAX ACQUIRED PROPERTIES BY PRIVATE SALE

WHEREAS, the County takes title to tax delinquent properties each year through a tax foreclosure process pursuant to Article 11 of the Real Property Tax Law; and

WHEREAS, pursuant to Section 1166 of the Real Property Tax Law, the County is authorized to sell and convey said tax acquired properties as it sees fit; and

WHEREAS, the County wishes to articulate its policy concerning the allowance of the former owners of such properties at the time they were foreclosed upon by the County to reacquire their respective properties from the County by way of private sale;

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature does hereby adopt a policy whereby prior to the County's first public tax sale of a tax acquired property, such property may be reacquired by the former owners of such property at the time it was taken by the County through the tax foreclosure process, by way of a private sale between the County and said former owners, if the following conditions are met: 1) all of the said former owners make such a request to reacquire the property no later than thirty calendar days prior to the date of the first public tax sale of the property and 2) the purchase price is paid in the amount, manner and timeframe set forth herein; and be it further

RESOLVED, that the purchase price for an aforementioned private sale property shall be the total dollar amount of i) the foreclosed delinquent tax lien and all other delinquent tax liens on the property, plus ii) interest, penalties and all other related delinquency expenses thereon plus iii) a processing fee of \$1,500; and that the payment of said purchase price shall be paid to the Yates County Treasurer in the form of cash or certified check made payable to the Yates County Treasurer, and said purchase price must be received by the Yates County Treasurer's Office no later than thirty calendar days prior to the date of the first public tax sale of the property; and be it further

RESOLVED, that any such private sale must be approved and confirmed by a majority vote of the Yates County Legislature, subject to any conditions to approval it may impose, before such sale shall become effective; and be it further

RESOLVED, that this resolution is hereby adopted by a majority of the members of the Yates County Legislature; and be it further

RESOLVED, that this resolution supersedes all prior resolutions related to the County's policy regarding the sale of tax acquired properties by private sale; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 338-16

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

CHARGEBACK ELECTION EXPENSE

RESOLVED, the following amounts be levied against the Towns of Yates County for election expense as set forth below:

Barrington	\$27,585.39
Benton	19,834.95
Italy	9,597.61
Jerusalem	76,466.63
Middlesex	18,182.96
Milo	53,280.23
Potter	8,953.36
Starkey	23,940.35
Torrey	17,160.10
Total	\$255,001.58

And be it further

RESOLVED, that a copy of this resolution be given to the Commissioners of Elections and the County Treasurer.

VOTE: Unanimous

RESOLUTION NO. 339-16

Mr. Paddock offered resolutions 339 and 340-16 and moved its adoption, seconded by Mr. Morris.

RELEVY DELINQUENT SCHOOL TAXES

WHEREAS, the County Treasurer will submit to this Legislature in November, pursuant to Section 1330 of the Real Property Tax Law, a certified list of unpaid school taxes relating to property situated in Yates County and in the various school districts lying wholly or partly within Yates County, and

WHEREAS, pursuant to said law, the Legislature is required to levy and add such delinquent school taxes,

NOW, THEREFORE, BE IT RESOLVED, that the delinquent school taxes for the fiscal year 2016-2017 appearing on the certified list filed by the County Treasurer, be and hereby are, relieved as of November 1, 2016, and the Clerk of the Legislature is hereby directed to assess and levy on the tax rolls of the respective towns in which the respective school districts are located,

against the parcels of property so listed, the unpaid taxes, including penalties and interest, as set forth thereon, and be it further

RESOLVED, that a copy of this resolution be sent to the County Treasurer.
VOTE: Unanimous

RESOLUTION NO. 340-16

RELEVY DELINQUENT VILLAGE TAXES

WHEREAS, the County Treasurer will submit to this Legislature in November, pursuant to Local Law No. 1 of 1978, a certified list of unpaid Village taxes relating to property situated in Yates County and in the several villages lying wholly or partly within Yates County, and

WHEREAS, pursuant to said Local Law, the Legislature is required to levy and add such delinquent Village taxes in accordance with Section 1442 of the New York State Real Property Tax Law,

NOW, THEREFORE, BE IT RESOLVED, that the delinquent Village taxes for the fiscal year beginning June 1, 2016 appearing on the certified list filed by the County Treasurer, be and hereby are, re-levied as of November 1, 2016 and the Clerk of the Legislature is hereby directed to assess and levy on the tax rolls of the respective towns in which the respective villages are located, against the parcels of property so listed, the unpaid taxes, including penalties and interest, as set forth thereon, and be it further

RESOLVED, that a copy of this resolution be sent to the County Treasurer.
VOTE: Unanimous

RESOLUTION NO. 341-16

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

ACCEPT NYSDOT AVIATION CAPITAL PROJECT AGREEMENT

WHEREAS, Yates County has received a grant from the Federal Aviation Administration to pay 90% of the allowable costs incurred in accomplishing the following project at Penn Yan – Yates County Airport:

Construct Taxiway (Construct 255 Linear Feet of New Taxilanes), Rehabilitate Taxiway (Rehabilitate 60 Linear Feet of Existing Taxilanes)
FAA Project No. 3-36-0094-35-16

WHEREAS, the New York State Department of Transportation is offering a matching grant to the federal grant for 50% of the non-federal share of eligible costs.

WHEREAS, Yates County has committed funds for the local share of project costs. Funding shares for project costs are as follows:

Federal	\$	445,364
State	\$	24,742
Local	\$	<u>24,742</u>
Total Project Cost	\$	494,849

WHEREAS, if Yates County and/or the FAA notifies the NYSDOT that Yates County has requested and received an increase in federal funding for the project based on increased eligible costs and has authorized the proportionate increase in local funding, the New York State share noted above shall be increased proportionately up to a maximum increase of 15%.

NOW, THEREFORE, BE IT RESOLVED that Yates County enter into an agreement with the State of New York for financial assistance for the project described above at Penn Yan-Yates County Airport;

RESOLVED, that the Chairman of the County Legislature be authorized to execute all necessary documents on behalf of Yates County with NYS in connection with the project; and be it 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 documents in connection with the project.

VOTE: Unanimous

RESOLUTION NO. 342-16

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

RECOGNIZE DOMESTIC VIOLENCE AWARENESS MONTH – OCTOBER

WHEREAS, Domestic Violence remains one of society's challenges as a crime under-reported having significant impact on victims and their children – including physical, emotional, financial, social, and spiritual implications so in nationally recognizing October as Domestic Violence Awareness Month, it promotes a time for the community to come together and build awareness toward safe and healthy relationships for all individuals and families.

WHEREAS, Domestic violence touches every person in our community and society as a whole; and violates a person's dignity, safety, and basic human rights, and knowing the Offices of District Attorney and Sheriff support services that assist victims of domestic violence, including District Attorney's Victims Assistance program advocating for victims and assisting victims in their court appearances, legal rights, psychological, personal safety and family needs while additionally the Yates County Sheriff has VineLink.Com and Victims Hotline providing automated information (1-800-VINE-4-NY) about an offenders incarceration (jail) status to registered victims to help them find a greater sense of safety, and SAVIN the NYS Sheriffs 'order of protection notification program, as well as advocating the National Domestic Violence Hotline at 1-800-799-SAFE.

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature proclaims October 2016 as Domestic Violence Awareness Month in Yates County together with the theme of purple ribbons and "*Take a Stand Against Domestic Violence*" theme which brings awareness to the issue and emphasizes that families and especially partners in a healthy relationship demonstrate respect, feel physically and emotionally safe and take care to prevent any troubles when they occur, and further

RESOLVED, that by showing an ongoing commitment to and support for victims of domestic violence we recognize the efforts of the office of District Attorney, the Sheriff, and

especially Safe Harbors of the Finger Lakes (SHFL), as well as other entities in our local and Finger Lakes area community in ensuring advocates and supportive services are available to victims, and further

RESOLVED, that a copy of this resolution be provided the Sheriff, District Attorney, and SHFL.

VOTE: Unanimous

RESOLUTION NO. 343-16

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

PROMOTE LEGISLATION FOR THE USE OF VIDEO CONFERENCING FOR INMATE COURT APPEARANCES

WHEREAS, under current law, video conferencing of inmates for arraignment or other court appearances is permitted in several counties, but is actually not in practice because the law requires the inmate to agree to such an appearance; and

WHEREAS, many counties have video conferencing systems which are not used for inmate court appearances, simply because inmates routinely chose to be transported to court rather than make an appearance by video conference; and

WHEREAS, expanded use of video conferencing for court appearances would save much time and county taxpayer expense by avoiding transporting inmates to court for minor or routine matters, make courtrooms safer, and avoid problems which might happen when inmates are transported by auto or van to a court miles away from the jail,

NOW, THEREFORE, BE IT RESOLVED, that upon the recommendation of the Yates County Sheriff that this Legislature supports NYS legislation to promote the full and expanded use of video conferencing for court appearances for inmates held at the county jail; and that the applicable judge in the presiding court, and not the inmate, should make the determination as to whether video conferencing is appropriate for the court appearance to be made; and

RESOLVED that copies of this resolution be sent to Governor Cuomo, and the leaders of both the Senate and the Assembly, as well as our own representative Senator and Assemblyman, the NYSAC, and the Sheriff.

VOTE: Unanimous

RESOLUTION NO. 344-16

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

SUPPORT EFFORTS TO PROVIDE HIGH-NEED INDIVIDUALS WITH MEDICAID COVERAGE THIRTY DAYS PRIOR TO JAIL RELEASE

WHEREAS, a critical gap exists between medical care for individuals in jail or prison, and health coverage for individuals leaving incarceration because while in jail, medical care is provided through the correctional facility, and upon release many inmates are left without coverage at all; and

WHEREAS, it has been reported that one in 70 formerly incarcerated individuals are hospitalized within a week of release from jail, and one in 12 are hospitalized within 90 days; and

WHEREAS, numerous federal and state studies have shown that formerly incarcerated individuals are more susceptible to drug overdose and hospitalization as recognized by the Governor's Council on Community Re-Entry and Reintegration who recommended expanding health care coverage for formerly incarcerated individuals, as the authority for the initiative was included in the 2016-17 State Budget that builds on federal and New York State efforts to reduce rates of incarceration and recidivism, combat the opioid epidemic, and other substance disorders, and improve community based mental health care; and

WHEREAS, the New York State Department of Health (DOH) has engaged with the federal government and is in the process of finalizing a waiver request with the Centers for Medicare and Medicaid Services, with the purpose of the waiver to better connect individuals to the outside healthcare system and prevent barriers that would prevent individuals access to health coverage both in the short and long terms.

NOW, THEREFORE, BE IT RESOLVED, the Yates County Legislature supports the efforts put forth to continue efforts to receive federal approval to provide high-need individuals with Medicaid coverage 30 days prior to release to avoid relapse and recidivism, and

RESOLVED, that copies of this resolution be forwarded to Governor Cuomo, the New York State Legislature, the New York State Department of Health, our NYS Senator and Assemblyman, NYSAC, and our Sheriff.

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

RESOLUTION NO. 345-16

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

Chairman Dennis reported this was discussed at the NYSAC conference and the Sheriff also reported at the Public Safety meeting.

RESOLUTION CALLING ON THE GOVERNOR AND LEGISLATURE TO PLAN FOR NG911 IN NYS AND CREATE A STATE 911 DEPARTMENT THAT SUPPORTS COUNTY PSAPS AND ENHANCES LOCAL EMERGENCY DISPATCH SERVICES

WHEREAS, counties provide 911 services in New York State by operating Public Safety Answering Points (PSAPs) that serve all residents in times of emergency by dispatching emergency medical, fire, and police assistance, and the Yates County Sheriff's Office oversees this vital task in this county; and

WHEREAS, we continue to incur substantial costs to upgrade and maintain communications systems, as well as keep up to date with technological changes due to a fundamental shift toward an IP based 911 system that is commonly referred to as Next Generation (NG 911); and

WHEREAS, NG 911 requires greater planning and investment on the part of local governments in order to keep pace with rapidly evolving consumer technologies while recognizing that the majority of states across the country have aggressively begun preparing for NG 911 and in numerous instances deploying significant infrastructure and policies to build the foundation for a NG 911 system; and

WHEREAS, New York State has done comparatively little to prepare for NG 911 and is facing significant risk in becoming a straggler in the deployment of NG 911 technologies; and the lag in planning and investment in NG 911 places New York's citizens at risk as they rely on a legacy 911 system that is rapidly becoming IT obsolete; and

WHEREAS, the NYS Public Service Commission (PSC) conducted a telecommunications study on 911 that required the insight of public safety and 911 experts to relay relevant public safety information to the PSC as they make 911 related telecommunications decisions; and the PSC intends to work collaboratively with the Department of Homeland Security and Emergency Services (DHSES), the 911 Advisory Board and the Public Safety Broadband Working Group to further advance the implementation of NG 911 in New York State, while maintaining their oversight of 911 system affordability and reliability as it pertains to providers of 911 services; and

WHEREAS, a New York State effort to provide coordinated leadership in the area of 911 would be most appropriately empowered to both support the mission of the PSAPs in the state as well as transition the current state's 911 legacy system to a NG 911 system that will better serve its citizens for years to come; and

WHEREAS, leadership from New York State is crucial to ensure success and to prevent future tragedies related to the 911 network in NYS; and

WHEREAS, we urge New York State to adopt the Automated Secure Alarm Protocol (ASAP) which automates all alarms coming from alarm companies and allows for an electronic link between the Central States Alarm Association, the NLETS system and the PSAP's via the NYS e-justice system;

NOW, THEREFORE, BE IT RESOLVED, that this Legislature calls upon the Governor, the State Legislature and the Division of Homeland Security and Emergency Services to create a New York State 9-1-1 Department that best serves the public interest and supports PSAPs in New York State while continuing to allow the City of New York and the 57 counties outside of NYC to receive emergency 9-1-1 calls and dispatch emergency services in a manner that is most appropriately determined by those municipalities; and

BE IT FURTHER RESOLVED that this county joins with the NYS Association of Counties (NYSAC) calling upon the State Legislature and the Governor to enable a State 9-1-1 Department that would:

- Provide funding;
- Issue RFPs and award contracts as necessary to support 9-1-1;
- Establish standards for 9-1-1;
- Apply for and distribute Federal Grant Funds;
- Coordinate and provide training for 9-1-1 directors, supervisors and call takers;
- Provide Public Education;
- Provide necessary networks to support 9-1-1 both in a legacy and NG 9-1-1 environment;

- Provide a Statewide ESInet to support interoperability within and outside of New York State;
- Create, maintain and distribute GIS databases;
- Create and maintain NG 9-1-1 and other appropriate databases to support 9-1-1 efforts;
- Provide and propose appropriate regulation / legislation / tariffs to support 9-1-1;
- Represent New York State in efforts to support and advance 9-1-1 at a national level including participating in events sponsored by NASNA, NENA, APCO and the FCC;
- Provide consultative services to PSAPs in NYS in regards to industry trends, products, techniques, and standards;
- Help manage Civil Service exams;
- Manage the TERT program;
- Provide legal expertise in 9-1-1 related matters;

VOTE: Unanimous

RESOLUTION NO. 346-16

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

DISCUSSION:

Mr. Morris stated this started in September of 2015 and we agreed to hire two new correction officers to reduce overtime and then there was a refill because someone left in March 2016 but there were actually 4 issued that were raised and still have not been dealt with. Mr. Morris is going to vote no because he still has not received answers. There were comments that we should try part-time first, some of us felt we did not do property analysis to determine if the full time issues were really going to reduce the cost. We should look at the seasonal impact and we should better understand Openbook NY ranks on this.

Chairman Dennis pointed out that monthly reports have been given especially since we asked about the efforts of recruiting part-time officers and even with the increased in pay that recruitment has been very slow.

AUTHORIZE SHERIFF TO FILL POSITION (Correction Officer)

WHEREAS, a Correction Officer position is vacant due to a retirement,

NOW, THEREFORE, BE IT RESOLVED, that effective October 11th, 2016 the Sheriff is authorized to fill the Correction Officer position, and be it further

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

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

RESOLUTION NO. 347-16

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

AUTHORIZE LEGISLATURE CHAIRMAN TO SIGN 2016 – 2017 SNOW AND ICE CONTRACTS

WHEREAS, in the interest of public safety all County roadways need to be cleared of snow and ice during the months of November to April, and

WHEREAS, the Yates County Highway Department does not employ sufficient staff to accomplish the snow and ice removal on all County roadways, and

WHEREAS, several Townships have agreed to contract this snow and ice removal on County roadways,

NOW, THEREFORE, BE IT RESOLVED, to authorize the Chairman of the Yates County Legislature to sign contracts with participating Townships for Snow and Ice Removal for the County, and be it further

RESOLVED, that a copy of this resolution be sent to the Yates County Treasurer, the Yates County Highway Department and each Town contracting with the County for Snow and Ice removal.

VOTE: Unanimous

RESOLUTION NO. 348-16

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

SUICIDE PREVENTION COALITION MONTH RECOGNITION IN YATES COUNTY

WHEREAS, in the United States, one person dies by suicide every 12.3 minutes, with 42,773 deaths by suicide in our country during 2014;

WHEREAS, in our country, suicide is the 2nd leading cause of death for 15-24-year old's, and is the 10th leading cause of death for people of all ages;

WHEREAS, each person's death by suicide intimately affects at least six other people, with over 200,000 newly bereaved each year;

WHEREAS, in 2014, 1700 New Yorkers died by suicide, and several thousand friends and family members were changed forever by losing those people;

WHEREAS, many of those people who died never received effective behavioral health services, for many reasons including the difficulty of accessing services by healthcare providers trained in best practices to reduce suicide risk, the stigma of using behavioral health treatment and the stigma associated with losing a loved one to suicide;

WHEREAS, the Suicide Prevention Center of New York State has joined with the Yates County Community Services Department, Yates County Public Health, Yates County Department of Social Services, local agency representatives, health care providers and members of the local public to develop a Yates County Suicide Prevention Coalition.

WHEREAS, the Coalition has come together to find ways of reducing the frequency of suicide attempts and deaths, and the pain for those affected by suicide deaths, through special projects, educational programs, intervention services, community training and bereavement services, urges that all Yates County residents; Recognize suicide as a significant public health

problem and declare suicide prevention a local priority; recognize that access to Behavioral Health Services for everyone without delays is essential to the prevention of suicide,

WHEREAS, far too many Yates County residents attempt or die by suicide each year, and most of these deaths are preventable;

THEREFORE, IT BE RESOLVED that the Yates County Legislature, does hereby designate the month of October, 2016, as “Suicide Prevention Coalition Month” in Yates County.
VOTE: Unanimous

RESOLUTION NO. 349-16

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

**AUTHORIZE DIRECTOR OF VETERAN SERVICES TO FILL VACANCY
(ADMINISTRATIVE ASSISTANT)**

WHEREAS, due to a recent resignation the Director of Veteran Services is requesting authorization to fill the vacant position of Administrative Assistant, and

NOW, THEREFORE, BE IT RESOLVED, that effective October 11th, 2016 the Director of Veteran Services is authorized to fill the vacant position of Administrative Assistant, and be it further

RESOLVED, that copies of this Resolution be given to the Director of Veteran Services, Personnel Officer and Treasurer

VOTE: Unanimous

RESOLUTION NO. 350-16

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

**AUTHORIZE CREATION AND FILLING OF POSITION
(PUBLIC HEALTH)**

WHEREAS, due to recruitment difficulty the Director of Public Health has requested to create and fill a Public Health Specialist position that if filled will replace the current Public Health Nurse Position, and

WHEREAS, the Public Health Director is requesting if recruitment efforts fail for the Public Health Specialist position and/or if a candidate meets the requirements for a Public Health Nurse that she be authorized to fill the position with the most appropriate title based on the candidates qualifications, and

NOW, THEREFORE, BE IT RESOLVED, that effective October 11th, 2016 the Director of Public Health has the authorization to fill the current Public Health Nurse vacancy with either a Public Health Specialist or a Public Health Nurse, 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. 351-16

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

Mr. Montgomery stated questioned what the downside would be if this was differed for a month.

Mr. Morris questioned if Mr. Montgomery would like to appoint someone else as the TPA. Mr. Montgomery clarified that he simply wants more time to study the situation.

Chairman Multer stated an email was received stating that the TPA currently received approximately \$37,000 in state funding. Mr. Montgomery clarified he would like to understand if there is a downside for us to delay a decision on this resolution this month. Chairman Dennis stated he did not have a definitive answer but knows it is timely that it has to get into the state to cover the calendar year of 2017.

Mr. Smith stated with the budget workshops coming up at the end of this month, if we don't have this we won't be assured of the \$37,000 and perhaps that will be a question mark when the Legislature goes through the budget process.

Mr. Morris stated that after last week's Government Operations meeting he talked to those involved and there is no one else who wants to try and do this roll. There are questions around are there ways to improve the roll but he doesn't think the appointment should be held up. It would be wise to have the appointment and then have some further discussion. Mr. Zerges suggestion about having a better marketing plan would be some of the improvement. Those discussions could take place and do not need to be contingent on the appointment of the TPA.

After a lengthy discussion Mr. Montgomery moved to table this resolution until the budget workshops, seconded by Mr. Morrison. VOTE: Roll Call – Montgomery, Morrison, Button voting "Yes" Paddock, Bronson, Percy, J. Multer, Holgate, Banach, Church, Gleason, Morris, Smith, Dennis voting "No" Motion Lost.

DESIGNATION BY COUNTY OF OFFICIAL TOURISM PROMOTION AGENCY

RESOLVED, that the Yates County Legislature designates the Yates County Chamber of Commerce as the county's Tourism Promotion Agency (TPA) in order to apply for, receive and distribute tourism promotion funds on behalf of Yates County pursuant to the New York State Tourism Promotion Act, and be it further

RESOLVED, that this designation is effective January 1, 2017 through December 31, 2017 and be it further

RESOLVED, that the Clerk of the Legislature file a certified copy of this resolution with the appropriate agencies, including the Yates County Chamber of Commerce, and be it further

RESOLVED, that a copy of this resolution be given to the County Treasurer and the Yates County Chamber of Commerce.

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

RESOLUTION NO. 352-16

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

**PROCLAMATION OF THE MUNICIPALITY OF
YATES COUNTY
DECLARING OCTOBER 16 – 22, 2016 “FREEDOM FROM WORKPLACE BULLIES
WEEK”**

WHEREAS, the Municipality of Yates County has an interest in promoting the social and economic well-being of its employees and citizens; and

WHEREAS, that well-being depends upon the existence of healthy and productive employees working in safe and abuse-free environments; and

WHEREAS, surveys and studies have documented the stress-related health consequences for individuals caused by exposure to abusive work environments; and

WHEREAS, abusive work environments can create costly consequences for employers, including reduced productivity, absenteeism, turnover, employee health-related expenses and if left unchecked, costly litigation; and

WHEREAS, protection from abusive work environments should apply to every worker, and not limited to legally protected class status based only on race, color, gender, national origin, age, or disability;

NOW, THEREFORE, the Municipality of Yates County hereby proclaims October 16 – 22, 2016 “Freedom From Workplace Bullies Week”.

VOTE: Unanimous

RESOLUTION NO. 353-16

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

ADOPT ALTERNATE TEST DATE POLICY

WHEREAS, the Yates County Alternate Test Date Policy for Civil Service examinations is revised to include the procedure for military applicants, and

NOW, THEREFORE BE IT RESOLVED, that effective October 12th the Yates County Legislature hereby adopts the aforementioned policy and all pre-existing policies and resolutions be abolished, and be it further

RESOLVED, that a copy of this resolution be forwarded to the, Personnel Officer, Department Heads, Town, Villages, School Districts and Special Districts

**YATES COUNTY
ALTERNATE TEST DATE POLICY**

I. PURPOSE:

To facilitate the security of examination materials, a test shall be administered only on the announced date (if any), with due provision being made for religious observance; provided, however, the Yates County Civil Service Agency may provide for rescheduling the administration of a test to a candidate under such circumstances of personal hardship and under such conditions as defined by that office.

II. SCOPE:

It is the policy of the Yates County Civil Service Agency to provide alternate test dates to those candidates who are unable to appear on the announced scheduled dates for written tests because of religious beliefs, emergencies, or scheduling conflicts beyond their control. However, with respect to each written test administration, this policy will be weighed against the overriding need of the Civil Service Agency to maintain the security and integrity of the written test. Because written tests require considerable planning, preparation, and expense, candidates are expected to make every effort to take tests on the scheduled dates. When an alternate test date is requested, appropriate documentation acceptable to the Yates County Civil Service Agency must be submitted to verify the need for the alternate test date.

III. ALTERNATE TEST DATE POLICY:

An alternate written test date will be provided for a candidate who can establish one of the following:

A death in the immediate family or death of a member of the household in which the candidate resides within the week immediately preceding the announced written test date.

Religious beliefs which preclude a candidate from taking an examination on the announced date.

Military duty.

A conflict with a previously scheduled commitment to participate as a member of a ceremonial party, such as a wedding, baptism, bar or bat mitzvah, or graduation, or as a member of the family or household of the individual for whom the ceremony is being held.

A conflict with a professional or educational examination. Examples of professional examinations include the Certified Public Accountant or Professional Engineer examinations. Examples of educational examinations include the Scholastic Aptitude Test and Graduate Record Examination.

A conflict with a previously scheduled vacation, professional conference, or retreat for which a deposit of at least \$100 (one hundred dollars) was made prior to the date the examination announcement was issued.

A conflict with a court-ordered appearance.

Hospital confinement or medical emergency or health problem of the candidate or member of the immediate family or household in which the candidate resides, if documented by an attending physician.

Emergency weather conditions, verified by the local public safety agency, that result in the closing of specified roads, highways, or independent transportation services which prevent a candidate from reaching the test center.

IV. NOTIFICATION OF NEED FOR ALTERNATE TEST DATE:

As soon as a candidate is aware of a conflict prior to the scheduled test date, the candidate should notify the Yates County Civil Service Agency in writing or by phone call. The address is: Yates County, Personnel Office, 417 Liberty Street, Penn Yan, NY 14527. The telephone number is (315) 536-5112. The request should contain a complete explanation of the reason the candidate cannot take the test on the scheduled date and include appropriate supporting documentation. It is essential that the Yates County Civil Service Agency receives these requests before the date of the written test. Requests received on the date of the written test or thereafter will not be considered, unless they involve unforeseen emergencies. Medical emergencies or illness occurring on the date of the examination must be documented by a medical professional seen on the date of the examination.

V. ALTERNATE TEST DATE PROCEDURE FOR MILITARY APPLICANTS:

According to Military Law Section 243(b), all people on active duty in the United States Army, Navy, Marine Corps, Air Force or Coast Guard are covered. State Militia and National Guard, if under Federal control, should also be considered as covered by the Law. A military make-up examination would not be limited to written tests. If an eligible armed forces member was unable to appear for a physical, physical agility test, psychological test or any other part of an examination, the Law would apply.

In order for a military make-up examination to be administered, the eligible list resulting from the original examination holding would still have to be in existence. A person eligible for a military make-up test does not have to wait until discharge from active duty to take the test. Candidates are required to make-up the examination no later than 60 days after release from active duty. In unusual situations, exceptions could be made e.g., someone hospitalized due to service connected injuries. It will not usually be practicable to administer a test requested less than 60 days before the list in question will expire.

Each approved applicant who notifies the Yates County Personnel Office that he/she will be unable to appear on a scheduled test date due to active military duty will be notified explaining the terms and conditions under which the test will be given. The terms and conditions include:

- 1) Prior to the test being administered, the applicant needs to complete and return the Alternate Test Date/Religious Observer Examination Affirmation Form (MSD-392). The applicant must make full disclosure in writing of all New York State and Municipal Civil Service Examinations for which a military make-up test is being or will be requested.

- 2) Prior to the test being administered the applicant must submit a copy of a military order, DD214 or other official military document that substantiates the applicant's active military service at the time of the examination and any subsequent service.
- 3) The eligible list resulting from the examination applied for must still be in existence. The date of the test will be provided to the applicant.
- 4) If the applicant notifies the Yates County Civil Service Office on the date of examination or after they will not be eligible for an alternate test date.

VOTE: Unanimous

RESOLUTION NO. 354-16

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

Chairman Dennis thanked Personnel Officer Kerry Brennan for all her work and continued work on updating the county policies.

ADOPT POLICY AND PROCEDURE/NOTICES ON EMPLOYEE COMMUNICATION AND ABOLISH ALL PRE EXISTING EMPLOYEE COMMUNICATION POLICIES

WHEREAS, the term “employee” needed to be defined under Blood Donation Leave, and be it

RESOLVED, that effective October 12th, 2016 the Policy and Procedure/Notices on Employee Communications is hereby adopted and shall be added to the Yates County Employee Handbook and all pre-existing policies and resolutions be abolished, and be it further

RESOLVED, that a copy of this resolution be forwarded to all department heads and employees.

YATES COUNTY EMPLOYEE COMMUNICATION ON POLICIES/PROCEDURES/NOTICES

POLICY COMMUNICATION

- Employee Blood Donation Leave (NYS Labor Law Section 202-j)
- Leave of Absence for Bone Marrow Donation (Resolution 320-13)
- Cancer Screening Leave Policy (Resolution 273-16)

The following summary of the above listed policies, procedures and/or notices is hereby distributed to all employees of Yates County. Full versions of each policy and/or notice will be accessible in the Public Folders in Outlook, and if required by law will also be posted on the Personnel Office bulletin board, as well as at remote work sites. Individual departments may also maintain electronic and/or paper copies as per their customary operating procedures. Requests for full version paper copies may be made to your Department Head or the Personnel Office as applicable.

Employees will be required to sign the attached acknowledgement statement that they have received and read the policy communication. It is the responsibility of each employee to seek

clarification from their Department Head or the Personnel Office if they have any questions related to the content of a policy or communication.

Disclaimer: Where there exists a provision in a collective bargaining agreement (Agreement) related to a communicated policy, the Agreement generally governs.

EMPLOYEE BLOOD DONATION LEAVE

Pursuant to and in accordance with Section 202-j of the New York State Labor Law, Yates County allows any employee, as that term is defined herein, without the use of accumulated leave time, to donate blood during work hours at least two (2) times per year by way of participation in blood drives held at the Yates County Office Building. To this end, Yates County hosts two (2) blood drives at the Yates County Office Building in any given calendar year. Should an employee choose to participate in said blood drive(s) by donating blood, he/she may do so during work hours and without charge to leave credits. Departments may implement specific procedures and guidelines for their employees with regard to requesting leave to donate blood as set forth above. For the purposes of this Employee Blood Donation Leave policy, the term “employee” shall mean a person who is 1) employed by Yates County and 2) works for an average of twenty (20) or more hours per week pursuant to said employment.

LEAVE FOR CANCER SCREENING

Full time employees of Yates County are entitled to take up to eight (8) hours of paid leave each calendar year, for the purpose of cancer screening scheduled during the employees’ regular work hours. Cancer screening includes physical exams, and subsequent follow-up visits, for the detection of cancer; Travel time is included in this eight (8) hour cap; Employees who undergo screenings outside their regular work schedule do so on their own time; Absence beyond the eight (8) hour cap must be charged to leave credits, or be unpaid (employees are granted compensatory time off for cancer screenings that occur on a day off or a holiday; Leave for cancer screening is not cumulative and expires at the close of business on the last day of each calendar year. Yates County employees must comply with Yates County, Department, and applicable Collective Bargaining Agreement leave policies and practices, and follow the customary leave procedures for their office/department. Failure to follow the proper procedures may result in disciplinary action.

LEAVE OF ABSENCE FOR BONE MARROW DONATION

Eligible employees of Yates County shall be granted unpaid leave* to undergo a medical procedure to donate bone marrow. The length and duration of leave must be determined by a physician, but the combined leaves may not exceed twenty-four (24) hours per each request, unless agreed to by the Department Head and/or employer. The leave entitlement is available only to the extent that it conflicts with the employee’s work schedule. Bone marrow donations undergone outside employees’ work schedule are done on an employees’ own time. (NYS Labor Law Section 202-a).

***Yates County’s Policies and the provisions of respective collective bargaining agreements may require the substitution of accrued paid leave run concurrent with any unpaid leaves of absence for bone marrow donations. An employee must comply with County, Department, and applicable collective bargaining agreement leave policies and practices, and customary procedures for*

*their unit/department, and will be required to provide suitable verification/documentation from a physician regarding the purpose and length of each leave.***



**YATES COUNTY
EMPLOYEE COMMUNICATION ON POLICIES/PROCEDURES/NOTICES
ACKNOWLEDGMENT RECEIPT**

By signing below I hereby acknowledge that I have received, and will read the summarized versions of the Yates County policies, procedures, and/or legal notice(s) listed below, and I've been informed that full versions will be made available to me upon request.

- Employee Blood Donation Leave (NYS Labor Law Section 202-j)
- Leave for Cancer Screening (Resolution 273-16)
- Leave of Absence for Bone Marrow Donation (Resolution 320-13)

My signature also confirms that I will comply with these policies and procedures, and I am aware that it is my responsibility to seek clarification if I don't fully understand the information contained within a policy communication, as lack of comprehension is not a valid defense for the violation of a policy.

I understand that nothing contained within these or any other County policies shall be construed as creating a promise of future benefits or a binding or contractual obligation for continued employment, benefits, or any other purpose.

Notwithstanding the provisions of any collective bargaining agreement, I understand that policies and procedures are continually evaluated, and that Yates County may change, modify, suspend, interpret or cancel, in whole or part, any of the published or unpublished personnel policies or practices, and such revised information may supersede, modify or eliminate existing policies. The Yates County Legislature shall have the sole authority to add, delete or adopt revisions to Yates County Policies.

NAME (PLEASE PRINT):		DATE:	
SIGNATURE:			

TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE

VOTE: Unanimous

RESOLUTION NO. 355-16

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

**AMEND RESOLUTION NUMBER 174-16
ADOPT 2016 HOURLY SALARY SCHEDULE**

WHEREAS, due to recruitment difficulty the hourly rate of pay for the Part Time Jail Cook needs to be increased to take into consideration that the position works non-traditional work hours that include holidays and weekends, and

WHEREAS, resolution 174-16 Adopt 2016 Hourly Salary Schedule needs to be amended to reflect the hourly premium rate of pay for the Part Time Jail Cook to holidays and weekends to be \$12.93 for year 1, \$13.19 after 12 months and \$13.44 after 3 years, and

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature hereby amends Resolution 174-16 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>Historian/Records Management Office</i>)	\$13.67					
Correction Officer	\$17.34	\$18.36				
Correction Officer/ Court Security	\$17.34	\$18.36				
Coroner	\$100.00 /case					
County Code Enforcement Officer	\$20.00					
County Historian (<i>Part Time</i>)	\$24.07					
Deputy County Clerk (<i>Part Time Temporary</i>)	\$30.00					
Deputy Sheriff (<i>Experience 80% CO82 LE contract for appropriate step</i>)	\$17.65					
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					
	<u>Year 1</u>	<u>After 12 Months</u>		<u>After 3 Years</u>		
	<u>Start Rate</u>	<u>Premium</u>	<u>Rate</u>	<u>Premium</u>	<u>Rate</u>	<u>Premium</u>
Jail Cook	\$10.93	\$12.93	\$11.61	\$13.19	\$12.09	\$13.44
Laborer (<i>Seasonal- Highway Department</i>) (<i>80% CSEA Contract rate</i>)	\$11.94					
	<u>First season</u>	<u>After 1 season</u>		<u>After 3 seasons</u>		
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					
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 Personnel Officer, Treasurer and Sheriff.

VOTE: Unanimous

RESOLUTION NO. 356-16

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

**AUTHORIZE CHAIRMAN TO SIGN MEMORANDUM OF UNDERSTANDING
(CSEA)**

RESOLVED, that the Chairman of the Legislature is hereby authorized to sign a Memorandum of Understanding with the CSEA regarding the addition of the Public Health Specialist job title to Group XIII, and be it further

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

VOTE: Unanimous

RESOLUTION NO. 357-16

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

**URGING PASSAGE OF SENATE BILL S.4964A AND ASSEMBLY BILL A.8201 BY
THE NEW YORK STATE LEGISLATURE TO INCREASE THE SHARE OF REVENUE
COUNTIES RETAIN FOR PROVIDING CERTAIN DMV SERVICES**

WHEREAS, Senate bill S.4964A and Assembly bill A.8201 a concurrent resolution of the New York State Assembly and Senate proposing amendments to the New York State Vehicle and Traffic Law in relation to increasing the retention percentage collected for certain motor vehicle fees; and

WHEREAS, 51 of the 62 New York counties are mandated by the state to operate a local Department of Motor Vehicles (DMV) Office; and

WHEREAS this local DMV operations is one of many examples of shared services that counties provide for the state; and

WHEREAS, under current law the State of New York takes 87.3 percent of all fees collected from the work performed by county-operated DMV Offices, despite the county providing all services including overhead and staffing to fulfill its state-mandated obligations; and

WHEREAS, Yates County DMV brought in revenues of \$176,721 for the year 2015; and

WHEREAS, the remaining 12.7 percent county share has not been increased since 1999 while Internet services continue to affect the amount of fee-based revenue available to county DMVs and;

WHEREAS, the Governor and State Legislature have stated that lowering the property tax burden on local residents is a key priority; and

WHEREAS, increasing the county DMV revenue sharing rate with the state will not result in any increased costs of fees to local residents or taxpayers and will provide counties with revenue to continue to provide necessary local government services; and

BE IT RESOLVED, that the Yates County Legislature hereby urges the New York State Senate and Assembly to approve Senate Bill S.4964 and Assembly Bill A.8201; and be it further

RESOLVED, that a copy of this resolution be forward to Governor Andrew M. Cuomo, Senator Thomas F. O'Mara and Assemblyman Philip A. Palmesano

VOTE: Unanimous

RESOLUTION NO. 358-16

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

A lengthy discussion took place with Legislators, Montgomery, Smith, Morrison, Button, Paddock, and Multer expressing their view.

ADOPT NEW RULES OF PROCEDURE FOR THE YATES COUNTY LEGISLATURE

RESOLVED, that the following Rules of procedure be, and hereby are, adopted as the Rules governing the conduct of the County Legislature, and be it further

RESOLVED, that these Rules shall supersede and take the place of the previous Rules as contained in the front of the Proceedings of the County Legislature,

RULES OF PROCEDURE – YATES COUNTY LEGISLATURE

1. **ORGANIZATION MEETING:** The Legislature shall meet for organization on or before the 8th day of January of each even numbered year.

MONTHLY MEETINGS: The Legislature shall meet for the transaction of such business as may be brought before it at 1:00 p.m. on the second Monday of each month. Upon a majority vote of the full voting strength of the Legislature, the regular monthly meeting may be held at a different day and time, provided that such vote occurs at least four (4) weeks prior to the proposed different day and time.

SPECIAL MEETINGS: Special meetings may be called by the Chairman/Chairwoman when he/she deems necessary and upon three (3) days' notice to each legislator.

EXECUTIVE SESSION: A motion for Executive Session of the entire Legislature must state the reason for the Executive Session and must pass by a majority vote of the full strength of the Legislature. Attendance at such Executive Session shall be limited to any member of the Legislature, as well as any other persons authorized by a majority of Legislature members present.

A motion for Executive Session of a Committee must state the reason for the Executive Session and must pass by a majority vote of the full strength of the Committee. Attendance at such Executive Session shall be limited to any member of the Committee, as well as any other persons authorized by a majority of the Committee members present. Inclusion of members of the Legislature that are not members of the Committee is encouraged.

Any discussion conducted during any Executive Session shall not be revealed to persons not in attendance unless agreed upon during the Session by a majority of Legislature members present. If information is to be revealed to persons not in attendance, it is preferred that said information be clearly defined and that a spokesperson be appointed during the Session. Persons who violate this rule shall be subject to censure by the Legislature in a manner to be determined.

2. **AUDITS:** No claims shall be audited at the regular monthly meeting unless they have been filed with the County Treasurer on the first Monday of the month. Should the first Monday fall on a holiday, the claims must be filed with the County Treasurer on the Friday preceding the first Monday.

All auditing committees shall complete the audit of all claims prior to 12:00 p.m. of the second Monday of the month.

3. **STANDING COMMITTEES:** The following Standing Committees shall be appointed by the Chairman/Chairwoman and shall consist of a minimum of five (5), but no more than six (6) members each.

STANDING COMMITTEES

Finance

Real Property	Purchasing
Budget/Capital Planning	Airport Council
Treasurer	Tobacco Securitization Board
Planning (including Historian/Records Management)	Audit
Economic Development (including F. L. Economic Development Corp., Empire Zone and Y. C. Capital Resource Corp.)	

Government Operations

Administrator	County Clerk
Legislature	Elections
Personnel (including Insurance/Risk Management)	County Attorney
Cornell Cooperative Extension (CCE)	Information Technology (IT)
Soil & Water Conservation District	

Human Services

Community Services	ProAction
Social Services/Workforce Dev/Youth Bureau	Public Health
Public Defender	
Veterans Services	

Public Safety

District Attorney	Emergency Management
Justices	Sheriff
Jail	Coroners
Animal Control	Probation
Communications	Stop DWI

Public Works

Highway	Weights & Measures
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APPOINTMENTS: The following appointments shall also be made by the Chairman/Chairwoman of the Legislature and shall consist of one (1) Legislator, except as otherwise indicated.

APPOINTMENTS

Cornell Cooperative Extension Board	Flint Creek Board
Soil and Water Conservation District (2)	Airport Council
Inter-County Association of Western New York	ProAction Board
Planning Board	Jury board
Western Finger Lakes Solid Waste Management Authority	Youth Board
F. L. Resource Conservation and Development Council	S ² AY Board

4. The Legislature shall elect a Chairman/Chairwoman at the biennial Organization Meeting. A majority of the full voting strength shall be required to elect the Chairman/Chairwoman.
5. Such special or select committees may be appointed as the Legislature may deem necessary, all of which shall be appointed by the Chairman/Chairwoman and consist of three (3) members, unless otherwise ordered by the Legislature. The Chairman/Chairwoman of the Legislature shall be an ex-officio member of each of the Committees of the Board.
6. Agenda for each meeting shall be prepared by the Chairman/Chairwoman and the Clerk and be provided to each Legislator at least three (3) days prior to the meeting. Information concerning any topic that calls for discussion by the Legislature must be provided to members at least three (3) days prior to the meeting. Items not listed upon the agenda may be tabled until the following meeting by a vote of 1/3 of the Legislators present.
7. At each meeting, the order of business shall include:
 - (1) Pledge of Allegiance
 - (2) Roll Call
 - (3) Approval of minutes
 - (4) Presentation of the audits
 - (5) Presentation of petitions and communications
 - (6) Report of Special Committees
 - (7) Report of Standing Committees
 - (8) Resolution, motions and notices
 - (9) Unfinished business
 - (10) Special order of the day
8. The Chairman/Chairwoman shall preserve order and decorum and shall decide upon all questions of order, subject to an appeal to the Legislature. A member called to order shall immediately come to order. If a Legislator appeals a decision of the Chair, the Legislature, by majority vote of those members present, shall decide the case without debate.
9. The Chairman/Chairwoman shall, in all cases, have the right to vote, and when the vote is equally divided, including his/her vote, the question shall be lost. For approval, resolutions must receive a simple majority vote of the full voting strength of the Legislature, unless otherwise required by law.

10. Every member, previous to his/her speaking, shall be recognized by the Chair. When two or more members wish to speak at once, the Chairman/Chairwoman shall name the member to speak first.
11. Persons not members of the Legislature may, by consent of the Chairman/Chairwoman, be permitted to speak in regard to matters pending before the Legislature.
12. After a motion is stated, it shall be in the possession of the Legislature, but may be withdrawn at any time before the decision or amendment.
13. A roll call vote shall be taken and entered in the minutes
 - (1) when required by law,
 - (2) if requested by any Legislator,
 - (3) whenever there is a spoken “no” vote.
14. Reconsideration, at the same meeting, of a motion shall be in order only if presented by a member of the majority previously deciding the issue and a second by any member of the Legislature. The same motion may be introduced and seconded at a subsequent meeting of the Legislature by any member.
15. The report of the Finance Committee presenting the proposed annual budget shall be laid on the table at least one day before being offered for adoption.
16. A motion to adjourn is non-debatable and shall be approved upon a majority vote of those members present.
17. These Standing Rules may be changed only by unanimous consent of those members present during the meeting where first proposed. Such changes may be made by majority vote of the full voting strength of the Legislature at a regular meeting subsequent to the one where first proposed.

The current edition of “Roberts Rule of Order, Newly Revised”, shall be the parliamentary guide and authority in matters not contained in these rules.

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

Chairman Dennis closed the public hearing on proposed Local Law 3-16 at 3:00pm with no comments being made.

RESOLUTION NO. 359-16

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

Chairman Dennis thanked Sharon Dawes the Director of Probation for her work in keeping the county up to date on this local law.

ADOPT LOCAL LAW NO. 3-16 ENTITLED A LOCAL LAW AMENDING COUNTY OF YATES LOCAL LAW NO. 1 OF THE YEAR 1996

WHEREAS, proposed Local Law 3-16 entitled “A Local Law Amending County Of Yates Local Law No. 1 Of The Year 1996” was introduced at the September meeting.

NOW, THEREFORE, BE IT RESOLVED, that proposed Local Law 3-16 entitled “A Local Law Amending County Of Yates Local Law No. 1 Of The Year 1996” is hereby adopted, and be it further

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

NEW YORK STATE DEPARTMENT OF STATE

Local Law Filing **162 WASHINGTON AVENUE,**
ALBANY, NY 12231 (Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underling to indicate new matter.

County
~~City~~ of Yates
~~Town~~
~~Village~~

LOCAL LAW 3-16 ENTITLED:

A LOCAL LAW AMENDING COUNTY OF YATES LOCAL LAW NO. 1 OF THE YEAR 1996

Be it enacted by the Legislature of the County

~~City~~ of Yates as follows:

~~Town~~
~~Village~~

Section 1: Legislative Intent

The intent of this Local Law is to amend County of Yates Local Law No. 1 of the Year 1996, which as authorized by Section 257-c of the Executive Law requires persons sentenced to a period of probation upon conviction of any crime under Article 31 of the Vehicle and Traffic Law to pay an administrative fee to the County Probation Department, to further clarify when such fee shall or may be waived by such Probation Department.

Section 2: Waiver of Probation Administrative Fee

The Subdivision lettered “(b)” of the Section numbered “2”, of County of Yates Local Law No. 1 of the Year 1996, is hereby amended as follows:

SECTION 2. PROBATION ADMINISTRATIVE FEE

(b) The Department shall waive all or part of such administrative fee where, because of the indigence of the offender, the payment of such fee would work an unreasonable hardship on the person convicted, his or her immediate family, or any other person who is dependent on such person for financial support. The Department may waive all or part of such administrative fee where, the offender is paying on outstanding financial obligations imposed by the Court as part of his or her sentence.

Section 3: Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.

VOTE: Unanimous

RESOLUTION NO. 360-16

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

**AUTHORIZE CHAIRMAN TO SIGN AN AGREEMENT WITH
Security Integrations Technologies**

WHEREAS, the Velocity Server and software are outdated and have been malfunctioning and is in need of replacement, and

WHEREAS the Building Maintenance Supervisor has received a proposal, from Security Integrations Technologies for \$10,030.62 for this service, and

WHEREAS Security Integrations Technologies will performing this work under state contract number PT63302,

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature be authorized to sign the agreement with Security Integrations Technologies to perform the replacement for a sum of \$10,030.62.

RESOLVED, that copies of the resolution be given to the Buildings Maintenance Supervisor.

VOTE: Unanimous

Mr. Montgomery moved to rescind resolution 279-16 entitled Resolution In Support Of the Reopening of the Greenidge Power Plant, seconded by Mr. Morrison.

DISCUSSION:

Mr. Montgomery explained that we encourage the public's participation in our meetings and in August a concerned citizen addressed the legislature with concerns regarding the reopening of the Greenidge Power Plant. There were several individuals that were opposed and attended various meetings. This legislature then passed unanimously a resolution supporting the reopening.

Chairman Dennis stated that he paid close attention to the comments that were made and took them into consideration and then made his vote. He did not ignore the comments.

Mr. Holgate agreed with Chairman Dennis but felt that the comments that were made were based on opening a coal fired plant and our resolution stated that it was not to be reopened as a coal fired plant. Mr. Holgate felt that the citizen may not have read the resolution.

Mr. Morris stated he did listen to the comments and there was only one person that came to the legislature. The individual also went to the IDA and spoke as they also passed a resolution.

Mr. Smith stated as a resident of the Town of Torrey in which the power plant is located and he has had a lot of discussion with constituents and overwhelming the people in the Town of Torrey are supportive of the reopening of the plant. It is important for the economic development of the area and also he feels that it is important to have that source of power. Well there are so some that contend that we have sufficient power on the grid or that solar power could supplant the need, Mr. Smith does not feel solar power will do any good at night and limited good during

daytime in the winter. It may not seem logically to have excess power capacity, Mr. Smith feels that is a far better situation than having under capacity.

Chairman Dennis pointed out that this is probably a little late in the process.

Mr. Button stated he agrees with Mr. Montgomery that we want the public to come and comment but he also agrees with Mr. Holgate in the individuals comments were atoned to coal.

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

Mr. Button moved to enter executive session to discuss the employment history of an individual and collective negotiations with Kerry Brennan, County Administrator and Legislators present, seconded by Mr. Paddock.

VOTE: Unanimous

Meeting adjourned at 4:30p.m.