

REGULAR SESSION – TUESDAY, OCTOBER 13, 2015

The Legislature convened in regular session Tuesday, October 13, 2015 at 1:00 p.m. with Chairman Dennis presiding.

Emily Staychock, Cornell Cooperative Extension, and Jim Balyszak. Soil & Water gave a presentation on Storm Water.

Minutes of the September 14th and 28th meetings were approved as presented.

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

Airport Fund	\$ 83,125.55
Finance	\$ 34,969.82
Flint Creek	\$ -0-
Government Operations	\$ 94,568.91
Human Services	\$259,012.07
Prior to Audit	\$196,347.32
Public Safety	\$ 86,310.43
Public Works	\$161,894.27

COMMITTEE REPORTS

Mrs. Dunn apologies for missing the committee meetings this last month. The past two month have not been good for her family due to deaths.

Mr. Paddock stated the Budget Officer has been working diligently on the budget and Legislators will be given the budget this week.

Mr. Smith reported on September 22nd a SLAP5 and Seneca Watershed Inter-municipal Organizational (Seneca IO) meeting was held. It was well attended and the new bylaws were unanimously passed. The next meeting will be January 26th at 7:00 p.m. in the Town of Geneva Offices.

Mr. Clark commended Emily and Jim on the presentation. Mr. Clark also stated that if there ever is a question as to water flow, etc. we are fortunate to have good technicians in our Soil & Water Department that are willing to assist you.

Chairman Dennis reported he attended a meeting with Senator Schumer this morning.

County Administrator, Purdy state the Tourism Advisor Committee met last Wednesday to hear presentations from all of the community groups that want occupancy tax funding for various events that will bring heads to beds in Yates County. The amount of money available for allocation totals less than the total amount of requests. Mike Linehan will be posting the minutes later today. Mike will be asking for the release of some funds from the occupancy tax reserve at the budget workshop in order to fully fund some of the entities that the Tourism Committee wants to fund.

PUBLIC COMMENT

Mr. Peter Gamba addressed the Legislature regarding concerns in the reopening of the Greenidge Plant in Dresden.

Mr. Robert Schwarting addressed the Legislature urging the Legislature to look into their governing procedures such as strategic planning, policy governance, and citizen based budgeting.

RESOLUTION NO. 327-15

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

**AUTHORIZE COUNTY LEGISLATURE TO EXECUTE AGREEMENT WITH HI-LITE
AIRFIELD SERVICES, LLC
PROJECT: RUNWAY 10-28 STRIPING**

WHEREAS, quotes were received to install pavement markings on Runway 10-28 at Penn Yan – Yates County Airport;

WHEREAS, the quotes were reviewed for correctness and completeness; and

WHEREAS, the low quote was submitted by Hi-Lite Airfield Services, LLC in the amount of \$18,500.00.

NOW, THEREFORE, BE IT RESOLVED, that the County Legislature is hereby authorized to execute an agreement with Hi-Lite Airfield Services, LLC in the amount of \$18,500.00; and be it further,

RESOLVED, that copies of this resolution be given to Yates County Treasurer and Passero Associates.

VOTE: Unanimous

RESOLUTION NO. 328-15

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

**AUTHORIZE CHAIRMAN TO ENTER INTO AN AGREEMENT AMENDING THE
DEVELOPMENT AGREEMENT WITH THE VILLAGE OF PENN YAN AND KEUKA
OUTLET DEVELOPMENT LLC CONCERNING THE REMEDIATION AND
REDEVELOPMENT OF THE PENN YAN MARINE PROPERTY and
ACKNOWLEDGEMENT OF REAFFIRMATION OF PRIOR RESOLUTIONS
CONCERNING CONVEYANCE OF TITLE OF THE PENN YAN MARINE PROPERTY
and AUTHORIZE CHAIRMAN TO SIGN OTHER DOCUMENTATION**

WHEREAS, Yates County (also sometimes referred to hereinafter as the “County”), the Village of Penn Yan and Keuka Outlet Development LLC have entered into a certain Development Agreement dated February 26, 2014, which was amended thereto by subsequent written amendment dated January, 2015; governing the terms and conditions regarding the remediation and redevelopment of certain land located on the east bank of the Keuka Lake Outlet commonly referred to as the Penn Yan Marine Property and located in the Village of Penn Yan, Town of Milo, County of Yates, State of New York, as well as matters related to the transfer of title of said property (hereinafter collectively referred to as the “Development Agreement”); and

WHEREAS, the parties now desire to amend certain provisions of the above recited Development Agreement to memorialize subsequent agreements between them as more particularly described in the proposed Second Amendment to Development Agreement between Yates County, the Village of Penn Yan and Keuka Outlet Development LLC that has been duly

submitted and presented to the Finance Committee of the Yates County Legislature at its meeting held on October 5, 2015; and

WHEREAS, in furtherance of its obligations under the Development Agreement, and pursuant to Resolutions Nos. 377-14 and 36-15, the County Legislature authorized the conveyance of title of the Penn Yan Marine Property to the Village of Penn Yan and authorized the Chairman of the Legislature (also sometimes referred to hereinafter as the “Chairman”) to execute a deed and all other necessary title conveyance documents thereto; and

WHEREAS, in furtherance of its obligations under the Development Agreement, and the proposed Second Amendment herein, the County wishes to memorialize its intent to terminate certain reverter language in the Deed(s) upon certain conditions being met by Keuka Outlet Development LLC in accordance with the Development Agreement and the proposed Second Amendment herein with respect to the remediation of the Penn Yan Marine Property, by authorizing the Chairman to execute and deliver a Termination of Right of Reverter, to be held in escrow until the above-referenced conditions have been satisfied by Keuka Outlet Development LLC with respect to remediation of the Penn Yan Marine Property;

NOW, THEREFORE, BE IT RESOLVED, that on behalf of Yates County, and subject to the review and approval of the County Attorney, the Chairman of the Legislature may enter into an agreement with the Village of Penn Yan and Keuka Outlet Development LLC amending the aforementioned Development Agreement, as follows: the form and substance of the aforementioned proposed Second Amendment to Development Agreement presented to the Finance Committee of the Yates County Legislature at its meeting held on October 5, 2015, is hereby approved and the Chairman of the Legislature is hereby authorized on behalf of the County, to execute and deliver said proposed Second Amendment to Development Agreement in substantially the same form, along with any further revisions thereto that are not related to County obligations or benefits; and be it further

RESOLVED, that Resolution Nos. 377-14 and 36-15 of the Yates County Legislature authorizing the conveyance of title of the Penn Yan Marine Property to the Village of Penn Yan and the Chairman to execute the Deed and all other necessary title conveyance documents thereto, is hereby reaffirmed in its entirety and remains in full force and effect; and be it further

RESOLVED, that the County hereby authorizes the grant of a Termination of Right of Reverter, subject to the review and approval of the County Attorney, and as such, the Chairman is hereby authorized to execute a Termination of Right of Reverter, after and subject to the review and approval of the County Attorney of the same; and furthermore, the County authorizes the delivery of said Termination of Right of Reverter into escrow, subject to the review and approval of the County Attorney of the escrow procedure and terms, as well as the escrow agent, where it will be held pending Keuka Outlet Development LLC’s satisfaction of certain conditions pursuant to the Development Agreement and the duly executed Second Amendment to Development Agreement regarding the remediation of the Penn Yan Marine Property, and as such, the Chairman is hereby authorized to deliver said Termination of Right of Reverter, after and subject to the review and approval of the County Attorney of the escrow procedure and terms, as well as the escrow agent, into escrow as set forth above; and furthermore, the County authorizes the Chairman to execute on its behalf any escrow agreement or other agreement related to said Termination of Right of Reverter, after and subject to the review and approval of the County Attorney of the same; and be it further

RESOLVED, that a copy of this resolution be given to the County Administrator, County Treasurer, County Planner, Village of Penn Yan and Keuka Outlet Development LLC.

VOTE: Unanimous

RESOLUTION NO. 329-15

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:

From:	To:	Amount:
A1620.54511 COB-Motors	A1625.52336 B&G-Tractor	280.00
A1621.54453 PSB-B&G Supplies	A1625.52336 B&G-Tractor	1,000.00
A1621.54511 PSB-Motors	A1625.52336 B&G-Tractor	500.00
A1623.54511 CT-Motors	A1625.52336 B&G-Tractor	287.00
A1625.58305 B&G-Med. Ins.NU	A1625.52336 B&G-Tractor	12,943.00
A3645.54156 OEM-Training	A3645.52308 OEM-Gator	809.08
A4010.54001 PH-Accounting	A4010.51151 PH-Super.PH Nurse	4,674.00
A6010.51416 DSS-IT Specialist	A6010.54004 DSS-Atty. Fees	643.82
A6010.51416 DSS-IT Specialist	A6010.54021 DSS-Substance Abuse	35.00
A6010.51416 DSS-IT Specialist	A6010.54027 DSS-Misc.	91.50
A6010.51416 DSS-IT Specialist	A6010.54660 DSS-Travel	76.16
A6010.51416 DSS-IT Specialist	A6010.54661 DSS-Vehicle Parts	926.42
A6010.51416 DSS-IT Specialist	A6010.58305 DSS-Med.Ins.NU	3,588.14
A6109.54305 Family Assistance	A6010.52180 DSS-Vehicle	22,000.00
A6109.54305 Family Assistance	A6123.54310 Juvenile Delinquent Care	12,592.34
A9060.58306 Med. Ins. Retirees	A3645.52308 OEM-Gator	7,512.83

and be it further

RESOLVED, that copies of this resolution be given to the County Administrator, Buildings & Grounds Supervisor, Director of Emergency Management, Public Health Director, Commissioner of Social Services and County Treasurer.

VOTE: Unanimous

RESOLUTION NO. 330-15

Mr. Paddock offered resolutions 330 and 331-15 and moved their adoption, seconded by Mr. Smith.

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 2015-2016 appearing on the certified list filed by the County Treasurer, be and hereby are, relieved as of November 2, 2015, 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. 331-15

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, 2015 appearing on the certified list filed by the County Treasurer, be and hereby are, relieved as of November 2, 2015 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. 332-15

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

AUTHORIZE CONVEYANCE OF REAL PROPERTY

WHEREAS, the Yates County Treasurer has conveyed the following 2013 delinquent tax parcels to the County of Yates:

Barrington: Tax Map No. 104.02-1-17, The Estate of Judith A. Hall

pursuant to the provisions of the Real Property Tax Law by Deed recorded in the Yates County Clerk's Office on June 5, 2015 in Liber 686 of Deeds at Page 205, and

WHEREAS, the taxes due plus interest, penalties and all other related delinquency expenses heretofore, plus a \$1,500 processing fee, for the above tax parcel, were paid within one week of the June 30, 2016 bid close date, within the time parameters set forth in Resolution No. 229-04 of the Yates County Legislature and said former owners are requesting that the County of Yates sell said tax parcels back to them by way of private sale, and

WHEREAS, Resolution No. 229-04 of the Yates County Legislature has set forth its policies and procedures regarding the sale of properties it acquires by tax foreclosure back to its former owner;

NOW, THEREFORE, BE IT RESOLVED, that Yates County hereby authorizes the grant and delivery by way of Quit Claim Deed conveying title of each of the tax parcels described above to the respective former owner(s) for the respective purchase price as determined pursuant to said Resolution No. 229-04; with each respective title conveyance being contingent upon payment of said purchase price to the County and compliance with and being in accordance with all terms of sale and other provisions promulgated by the County Treasurer in its respective written document entitled "Private Sale to Former Owners" and the former owner(s) execution of said written document; and be it further

RESOLVED, that the Chairman of the Legislature is hereby authorized to execute each respective aforementioned Quit Claim Deed and all other documentation to fully convey title of the same as outlined above; after and upon the review by the County Attorney; and be it further

RESOLVED, that all bids received by Yates County for the above listed tax parcels be rejected, and be it further,

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

VOTE: Unanimous

RESOLUTION NO. 333-15

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

ACCEPT BIDS ON TAX ACQUIRED PROPERTIES

WHEREAS, the 2013 delinquent tax parcels deeded to the Yates County for non-payment of real property taxes have been advertised for sealed bids and the County has received the sealed bids on said properties from the bid sale date of September 30, 2015, and

WHEREAS, the Finance Committee has reviewed said bids, and

WHEREAS, listed below are the high bids for each of the tax parcels listed below and the name of each respective bidder;

NOW, THEREFORE, BE IT RESOLVED, that all of the bids set forth below for said listed tax parcels are hereby accepted; and be it further

RESOLVED, that Yates County hereby authorizes the grant and delivery by way of Quit Claim Deed conveying title of each of the tax parcels described below to the respective bidder for the respective bid price, as set forth herein; with each respective title conveyance being contingent upon payment of said bid price to the County and compliance with and being in accordance with all terms of sale and other provisions promulgated by the County Treasurer in its public notice entitled "Public Notice Sale of Property Acquired for Taxes by Yates County" and its respective bid form(s) entitled "Property Acquired for Back Taxes by Yates County"; and be it further

RESOLVED, that the Chairman of the Legislature is hereby authorized to execute each respective aforementioned Quit Claim Deed and all other documentation to fully convey title of the same as outlined above; after and upon the review by the County Attorney; and be it further

Jerusalem	72.75-1-3	Timothy McMichael	\$17,150.00
Middlesex	31.01-1-9	James Mapes	\$21,797.93
Milo	61.43-1-3	JEC Land Trust, c/o Eric Herm	\$201.00
Potter	3.36-1-20	Patrick Grimaldi	\$5,000.00

RESOLVED, that all other bids on delinquent tax parcels pursuant to the public bid process of September 30, 2015 are hereby rejected; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 334-15

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

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:

Replace Runway 10/28 Medium Intensity Runway Lighting (MIRL); Install Precision Approach Path Indicators (PAPI) on Runway Ends 10 and 28
 FAA Project No. 3-36-0094-34-15

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	\$	334,818
State	\$	18,601
Local	\$	18,601
Total Project Cost	\$	<u>372,020</u>

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. 335-15

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 2014 as 28th Domestic Violence Awareness Month in Yates County together with the theme of purple ribbons and “*Shine the light*” 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. 336-15

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

**AUTHORIZE SHERIFF TO FILL POSITION
(SERGEANT DEPUTY SHERIFF)**

WHEREAS, due to an upcoming retirement, the Sheriff has requested to fill a Sergeant Deputy Sheriff position, and

NOW, THEREFORE, BE IT RESOLVED, that effective October 23rd, 2015 the Sheriff is authorized to fill this position, and be it further

RESOLVED, that the Sheriff is also authorized to fill any subsequent vacancies that occur through the initial promotion of an employee into the vacant position of Sergeant Deputy Sheriff, and be it further

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

VOTE: Unanimous

RESOLUTION NO. 337-15

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

AUTHORIZE DISTRICT ATTORNEY TO FILL POSITION (ASSISTANT DISTRICT ATTORNEY)

WHEREAS, due to a resignation, the District Attorney has requested to fill the Assistant District Attorney position, and

NOW, THEREFORE, BE IT RESOLVED, that effective October 31st, 2015 the District Attorney is authorized to fill this position, and be it further

RESOLVED, that the District Attorney has received authorization to fill the position with a starting annual salary not to exceed \$75,000, and be it further

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

VOTE: Unanimous

RESOLUTION NO. 338-15

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

RESOLUTION TO AMEND 2015 CONTRACT WITH ASSOCIATION FOR RETARDED CITIZENS

WHEREAS, the Association for Retarded Citizens, Inc., agrees to provide Developmental Disability services, and funding is available for this program through the NYS Office for People With Developmental Disability

WHEREAS, funding for this is 100% state funds and,

NOW, THEREFORE, BE IT RESOLVED, the contract for 2015, with Association for Retarded Citizens of Yates County be amended to reflect a decrease in funding available to this program from \$204,792.00 to \$148,465.00 and be it further,

RESOLVED, that a copy of this resolution be given to the Yates County Department of Community Services, the Association for Retarded Citizens Inc., and the Yates County Treasurer.

VOTE: Unanimous

RESOLUTION NO. 339-15

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

ADOPTING A POLICY REGARDING SECRETARIAL STIPENDS FOR CERTAIN ATTORNEY EMPLOYEES

WHEREAS, with regard to certain attorney employee(s) of the County, the County provides or may in the future provide for, the payment of a stipend to such attorney employee(s) to defray the attorney employee(s)' individual secretarial expenses incurred in connection with such attorney(s)' work for the County (hereinafter referred to as the "Secretarial Stipend"); and

WHEREAS, the County wishes to articulate its policy concerning the procedure for the payment of any Secretarial Stipend so provided for by the County;

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature does hereby adopt a policy whereby a Secretarial Stipend provided for by the County to an attorney employee for a particular fiscal year shall be:

- 5) Contingent upon the attorney employee agreeing in writing, on a form prepared by the County Attorney, stating and/or acknowledging in substance that i) the Secretarial Stipend is for the defrayment of the attorney employee's individual secretarial expenses incurred in connection with such attorney employee's work for the County, ii) the attorney employee employs or will employ a person who renders to such attorney employee secretarial services in connection with the attorney employee's work for the County, iii) the payment of any stipend installment is conditioned upon the attorney employee employing a person who renders to such attorney employee secretarial services in connection with the attorney employee's work for the County, iv) the attorney employee shall promptly notify the County if he/she no longer employs a person who renders to such attorney employee secretarial services in connection with the attorney employee's work for the County and v) the payment of any stipend installment is conditioned upon the attorney employee continuing to be employed as such by the County; and
- 2) Paid in installments at the same time and on the same schedule as the payment of the attorney employee's salary; and
- 3) The payment of each stipend installment shall be conditioned upon the attorney employee employing a person who renders to such attorney employee secretarial services in connection with the attorney employee's work for the County; and
- 4) The payment of each stipend installment shall be conditioned upon the attorney employee continuing to be employed as such by the County; and
- 5) The Secretarial Stipend received by the attorney employee is taxable as wages to the attorney employee and shall be treated and reported as such by the County Treasurer.

AND BE IT FURTHER, RESOLVED, that copies of this resolution be given to the County Administrator, County Treasurer and Any Applicable Attorney Employee.

VOTE: Unanimous

RESOLUTION NO. 340-15

Mrs. Church offered resolutions 340 thru 343-15 and moved their adoption, seconded by Mr. Paddock.

DISCUSSION:

Mr. Paddock pointed out that these resolutions are need as a result of the IRS Audit that was conducted.

PROVISION OF SECRETARIAL STIPEND FOR CONFLICT DEFENDER

WHEREAS, the County wishes to provide for the payment of a stipend to its Conflict Defender, Robert Gosper, to defray his individual secretarial expenses incurred in connection with his work for the County as Conflict Defender (hereinafter referred to as the "Conflict Defender Secretarial Stipend") for the 2015 fiscal year beginning with his first day of employment on August 10, 2015; and

WHEREAS, the County wishes to set the amount of the Conflict Defender Secretarial Stipend for the 2015 fiscal year and the procedure for the payment thereof; and

WHEREAS, the County wishes to set its procedure for the payment of any Conflict Defender Stipend provided by the County in subsequent fiscal years;

NOW, THEREFORE, BE IT RESOLVED, that the Conflict Defender Secretarial Stipend for the period of August 10, 2015 through December 31, 2015 shall be \$3,945.21, and paid in accordance with the County's policy resolution(s) regarding secretarial stipends for attorney employees of the County; and be it further

RESOLVED, that any Conflict Defender Secretarial Stipend provided by the County in subsequent fiscal years shall be paid in accordance with the County's policy resolution(s) regarding secretarial stipends for attorney employees of the County; and be it further

RESOLVED, that copies of this resolution be given to the County Administrator, County Treasurer and Robert Gosper, Conflict Defender.

VOTE: Unanimous

RESOLUTION NO. 341-15

PROVISION OF SECRETARIAL STIPEND FOR PUBLIC DEFENDER

WHEREAS, the County provides for the payment of a stipend to its Public Defender, Edward Brockman, to defray his individual secretarial expenses incurred in connection with his work for the County as Public Defender (hereinafter referred to as the "Public Defender Secretarial Stipend") for the 2015 fiscal year; and

WHEREAS, the County wishes to set its procedure for the payment thereof, as well as for any Public Defender Secretarial Stipend provided by the County in subsequent fiscal years;

NOW, THEREFORE, BE IT RESOLVED, that to the extent not already rendered moot, the Public Defender Secretarial Stipend for the 2015 fiscal year shall be paid in accordance with the County's policy resolution(s) regarding secretarial stipends for attorney employees of the County; and be it further

RESOLVED, that any Public Defender Secretarial Stipend provided by the County in subsequent fiscal years shall be paid in accordance with the County's policy resolution(s) regarding secretarial stipends for attorney employees of the County; and be it further

RESOLVED, that copies of this resolution be given to the County Administrator, County Treasurer and Edward Brockman, Public Defender.

VOTE: Unanimous

RESOLUTION NO. 342-15

PROVISION OF SECRETARIAL STIPEND FOR ASSISTANT PUBLIC DEFENDER

WHEREAS, the County provides for the payment of a stipend to its Assistant Public Defender, Keith Lord, to defray his individual secretarial expenses incurred in connection with his work for the County as Assistant Public Defender (hereinafter referred to as the "Assistant Public Defender Secretarial Stipend") for the 2015 fiscal year; and

WHEREAS, the County wishes to set its procedure for the payment thereof, as well as for any Assistant Public Defender Secretarial Stipend provided by the County in subsequent fiscal years;

NOW, THEREFORE, BE IT RESOLVED, that to the extent not already rendered moot, the Assistant Public Defender Secretarial Stipend for the 2015 fiscal year shall be paid in accordance with the County's policy resolution(s) regarding secretarial stipends for attorney employees of the County; and be it further

RESOLVED, that any Assistant Public Defender Secretarial Stipend provided by the County in subsequent fiscal years shall be paid in accordance with the County's policy resolution(s) regarding secretarial stipends for attorney employees of the County; and be it further

RESOLVED, that copies of this resolution be given to the County Administrator, County Treasurer and Keith Lord, Assistant Public Defender.

VOTE: Unanimous

RESOLUTION NO. 343-15

PROVISION OF SECRETARIAL STIPEND FOR SOCIAL SERVICES ATTORNEY

WHEREAS, the County provides for the payment of a stipend to its Social Services Attorney, Douglas Reynolds, to defray his individual secretarial expenses incurred in connection with his work for the County as Social Services Attorney (hereinafter referred to as the "Social Services Attorney Secretarial Stipend") for the 2015 fiscal year; and

WHEREAS, the County wishes to set its procedure for the payment thereof, as well as for any Social Services Attorney Secretarial Stipend provided by the County in subsequent fiscal years;

NOW, THEREFORE, BE IT RESOLVED, that to the extent not already rendered moot, the Social Services Attorney Secretarial Stipend for the 2015 fiscal year shall be paid in accordance with the County's policy resolution(s) regarding secretarial stipends for attorney employees of the County; and be it further

RESOLVED, that any Social Services Attorney Secretarial Stipend provided by the County in subsequent fiscal years shall be paid in accordance with the County's policy resolution(s) regarding secretarial stipends for attorney employees of the County; and be it further

RESOLVED, that copies of this resolution be given to the County Administrator, County Treasurer, Department of Social Services Commissioner and Douglas Reynolds, Social Services Attorney.

VOTE: Unanimous

RESOLUTION NO. 344-15

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

APPROPRIATE FUNDING FOR WORKFORCE DEVELOPMENT BUDGET

WHEREAS, Workforce Development has funding available from Yates County Department of Social Services for the 2015 Budget year:

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

Appropriation:

CD6292.8G DSS Works Staff Fringe \$1,911.00

Revenue

CD6292.42802 \$1,911.00

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. 345-15

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

WORKFORCE DEVELOPMENT BUDGET TRANSFER

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

FROM:	CD6292.1L	KKP Adult Staff Wage	\$ 283.00
	CD6292.8L	KKP Adult Staff Fringe	\$ 173.00
	CD6292.81L	KKP Adult Participant Fringe	\$ 125.25
	CD6292.1E	KKP Youth Staff Wage	\$ 700.00
	CD6292.8E	KKP Youth Staff Fringe	\$ 359.00
	CD6292.81E	KKP Youth Participant Fringe	\$ 128.08
	CD6294.1A	TANF Summer Youth – Staff Wage	\$1,731.46
	CD6294.8A	TANF Summer Youth – Staff Fringe	\$1,517.67
	CD6292.4G	DSS Operating	\$ 50.00
TO:	CD6292.11L	KKP Adult Participant Wage	\$ 581.25

CD6292.11E	KKP Youth Participant Wage	\$1,187.08
CD6294.11A	TANF Summer Youth – Participant Wage	\$1,359.00
CD6294.4A	TANF Summer Youth – Operating	\$1,890.13
CD6292.8G	DSS Staff Fringe	\$ 50.00

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. 346-15

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

AMEND RESOLUTION 304-15 (AUTHORIZE CONTRACT WITH PATHWAYS INC.)

RESOLVED, that resolution 304-15 is amended to adjust the childcare rates as listed.

Rate/Age	Weekly Care provided for 30 or more hours over a week	Daily Care is provided for at least 6 hours but fewer than 12 hours per day	Part-Day care is provided for at least 3 but fewer than 6 hours per day	Hourly Care is provided for less than 3 hours per day
Age: Under 1 ½	166.00	33.20	31.00	N/A
Age: 1 ½	161.00	32.20	30.00	N/A
Age: 3-5	140.00	28.00	26.00	N/A
Age: 6-12	140.00	28.00	26.00S	N/A

VOTE: Unanimous

RESOLUTION NO. 347-15

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

**AUTHORIZE COUNTY ATTORNEY TO FILL POSITION
(Part-Time Assistant County Attorney)**

RESOLVED, that the County Attorney is authorized to fill the part-time Assistant County Attorney position that is currently vacant, and be it further

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

VOTE: Unanimous

RESOLUTION NO. 348-15

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

ADOPTING A POLICY REGARDING THE FILING AND STORAGE OF AGREEMENTS AND CONTRACTS

WHEREAS, the County wishes to articulate its policy concerning the filing and storage of agreements and contracts, wherein the County is a party to the same or the County has authorized a party to sign the same or the County is a beneficiary of the same;

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature does hereby adopt a policy whereby ALL agreements and contracts, wherein the County is a party to the same or the County has authorized a party to sign the same or the County is a beneficiary of the same, shall be filed and stored in the Office of the Clerk of the Yates County Legislature; WITH THE EXCEPTION THAT, any agreements and contracts, wherein the County is a party

to the same or the County has authorized a party to sign the same or the County is a beneficiary of the same, that contains information concerning a County employee's or former County employee's medical status/history, employee disciplinary status/history, credit status/history, previous employment history, address or social security and other identifying numbers, shall be filed and stored in the Office of the Personnel Department; and be it further

RESOLVED, that this resolution supersedes Resolution No. 346-93; and be it further

RESOLVED, that copies of this resolution be given to the County Administrator and All Department Heads.

VOTE: Unanimous

RESOLUTION NO. 349-15

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

2016 WORKERS' COMPENSATION BUDGET

WHEREAS, the Workers' Compensation Committee, pursuant to Article 5 of the Workers' Compensation Law, has submitted its proposed budget for the fiscal year beginning January 1, 2016, dated September 14, 2015, which budget shows the amount chargeable to the several municipalities participating in the Yates County Workers' Compensation Self-Insurance Fund,

NOW, THEREFORE, BE IT RESOLVED, that said budget be and hereby is filed and approved, and be it further

RESOLVED, that the Yates County Treasurer collect from each participating village and town the amount chargeable to each, as provided by law, and be it further

RESOLVED, that the sum of \$340,434.94 be apportioned to the County of Yates as its share of said budget and be included in the County's 2016 budget, and be it further

RESOLVED, that a copy of this resolution and the budget be given to each of the Town Clerks, Village Clerks, the County Administrator and the County Treasurer.

WORKERS' COMPENSATION BUDGET

Fiscal Year - January 1, 2016 through December 31, 2016

TO THE HONORABLE, THE YATES COUNTY LEGISLATURE, NEW YORK

We, the undersigned members of the Workers' Compensation Committee on Mutual Self Insurance, do hereby submit the following budget for the fiscal period of January 1, 2016 through December 31, 2016.

Appropriations:

Administration Charges

\$1710.54011	Consultants	2,300.00
\$1710.54152	Conferences	0.00
\$1710.54156	Training	0.00
\$1710.54191	TPA Contract	36,240.00
	NYS Workers' Comp	
\$1710.54192	Board	70,000.00
\$1710.54193	Insurance	
	Excess Workers' Comp	121,301.00

S1710.54194	Physicals	4,132.00		
S1710.54195	Supplies: Office	0.00		
S1710.54196	Public Goods Pool	11,000.00		
S1710.54507	Copier Charges	0.00		
S1710.54515	Postage	0.00		
S1710.54654	Mileage	0.00		
S1710.54660	Travel Expenses	0.00		
S1710.54682	Utilities: Telephone/Fax	0.00		
S1710.54907	Dues	55.00		
			245,028.00	
S1720.54197	Benefits & Awards		<u>441,000.00</u>	
	Total		<u>686,028.00</u>	686,028.00

WORKERS' COMPENSATION APPORTIONMENT SCHEDULE

MUNICIPALITY	50% EXP SHARE	50% EQ SHARE	ADM SHARE	TOTAL
Barrington	142.09	11,866.58	13,186.60	25,195.27
Benton	351.01	8,228.93	9,144.30	17,724.24
Italy	3,437.65	4,128.54	4,587.79	12,153.98
Jerusalem	3,673.30	30,359.51	33,736.64	67,769.45
Middlesex	1,378.16	7,384.62	8,206.07	16,968.85
Milo	181.97	21,792.00	24,216.10	46,190.07
Potter	130.38	3,791.25	4,212.98	8,134.61
Starkey	10,924.21	10,005.08	11,118.02	32,047.31
Torrey	37.88	7,154.51	7,950.38	15,142.77
Yates County	119,365.02	104,711.03	116,358.89	340,434.94
Dresden	385.18	614.19	682.51	1,681.88
Dundee	1,111.09	1,979.01	2,199.15	5,289.25
Penn Yan	<u>79,382.06</u>	<u>8,484.75</u>	<u>9,428.57</u>	<u>97,295.38</u>
	220,500.00	220,500.00	245,028.00	686,028.00

VOTE: Unanimous

RESOLUTION NO. 350-15

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

CREATE PART-TIME TEMPORARY PERSONNEL ASSISTANT POSITION

WHEREAS, resolution 209-15 created a part-time temporary Personnel Assistant Position which was effective June 1, 2015 and due to continued administrative training it is now requested that this temporary appointment be again created for an additional ninety (90) days, and

NOW, THEREFORE, BE IT RESOLVED, that effective October 1, 2015 a part-time temporary Personnel Assistant Position is hereby created for up to ninety (90) days, unless appointment is ended sooner by the Personnel Officer, and be it further

RESOLVED, that Kim Fitzgerald be appointed for a temporary period not to exceed ninety (90) days, at a rate of pay of \$20.00 per hour, for the performance of an average of five (5) hour per week, and be it further

RESOLVED, that copies of this resolution be given to the Personnel Officer, the County Administrator, Treasurer and Ms. Fitzgerald.

VOTE: Unanimous

Mr. Multer made the following statement:

Every decision that is made by this board is preceded by discussion. That discussion may be a bit heated at times and emotions can run high but everyone is given ample opportunity to express their opinion. At the end of the day we should all agree or at least respect the decision and simply agree to disagree.

Once an issue is decided by the majority no good can come from continuing to badger about it. If new information comes to light and the issue needs to be looked at again, the board can always decide to give it further consideration.

If someone feels that more work should be done by the legislature or one of its committees, that person has the ability to do that work on their own. There is no reason to criticize others because they won't follow your lead and do what you want them to. Do it yourself. Making public statements and sending letters to the editor criticizing the board, one of its committees, or the incumbent members, erodes the public trust and confidence. It's offensive, it's insulting, it creates a hostile atmosphere and no good can come from it.

This Legislature may never be able to operate in blissful harmony but we should at least be able to refrain from divisive antagonism. There must be a middle ground for the good of the county. Going public and criticizing with inaccurate and misleading information is destructive and self-serving.

Even an election that is just days away, cannot justify such an adversarial approach.

Mr. Paddock moved to enter into executive session to discuss the medical history of a particular individual and the employment history of an individual, with Personnel Officer Kerry Brennan, County Treasurer, Nonie Flynn, County Administrator Sarah Purdy, and the full Legislature present, seconded by Mrs. Percy.

VOTE: Unanimous

Mr. Morris moved to enter open session, seconded by Mr. Morrison.

The Legislature reconvened in open session at 3:30p.m. for a workshop with the Non-Union Management Team pertaining to non-union health insurance options.

Meeting was adjourned at 4:07p.m.