

REGULAR SESSION – MONDAY, NOVEMBER 9, 2015

The Legislature convened in regular session Monday, November 9, 2015 at 1:00p.m. in the Legislative Chambers with Chairman Dennis presiding.

RESOLUTION NO. 351-15

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

RECOGNIZE YATES COUNTY DISTINGUISHED YOUTH AWARD RECIPIENT

WHEREAS, the Yates County Youth Board selected Caitlyn Cornish for recognition as a Yates County Distinguished Youth for the third quarter of 2015, acknowledging her outstanding service to her community,

NOW, THEREFORE, BE IT RESOLVED, that this Legislature take recognition of this honor bestowed upon Caitlyn Cornish by the Yates County Youth Board on November 9, 2015 in Penn Yan, NY, and thank her for her dedicated service to the community of Dundee and to the citizens of Yates County, and

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

VOTE: Unanimous

Chairman Dennis introduced Christine Yonge, Youth Bureau Director, who presented Caitlyn Cornish with the Distinguished Youth award for the third quarter of 2015.

Minutes of the October meeting were approved as presented.

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

| | |
|-----------------------|--------------|
| Airport Fund | \$125,441.99 |
| Finance | \$396,026.77 |
| Flint Creek | \$ -0- |
| Government Operations | \$ 69,711.08 |
| Human Services | \$419,775.49 |
| Prior to Audit | \$ 57,727.76 |
| Public Safety | \$ 62,925.17 |
| Public Works | \$286,997.96 |

Appointments

Chairman Dennis made the following reappointments to the Youth Bureau.

Joshua Kayn for a term 10/15/15 to 10/14/16

Cameron Howell for a term 11/10/15 to 11/9/16

Committee Reports

Chairman Dennis reported some of the members of the Legislature attended the meeting of the Public Service Commission hearing in Dresden on Wednesday evening regarding the reopening of the Greenidge Power Plant. This Legislature has unanimously passed a resolution in support of the reopening.

Phil Rouin, Director of Veterans Services reported the following events taking place around the Community for Veterans Day.

- 11/10/15 a light breakfast and ceremony at the Penn Yan Academy at 8:00a.m. .
- 11/10/15 St. Michaels Program to honor men and women who have served our country and will start at 9:00a.m.
- 11/11/15 Dundee Veterans day concert at 6:30 p.m.
- 11/11/15 American Legion at 11:00 a.m. ceremony
- 11/11/15 Keuka College at Norton Chapel at 4:00p.m.

RESOLUTION NO. 352-15

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

**APPOINT MEMBER TO THE YATES COUNTY PLANNING BOARD
(Bob Schiesser, Representing the Town of Starkey)**

WHEREAS, Bob Schiesser (4986 Apple Road Dundee, NY 14837), Bob Schiesser has been recommended by the Town of Starkey to be its representative to the Yates County Planning Board, replacing the position of James Ritter,

NOW, THEREFORE, BE IT RESOLVED, that Bob Schiesser is hereby appointed as a member of the Yates County Planning Board, representing the Town of Starkey, to a term to expire on November 9, 2017, and be it further

RESOLVED, that copies of this resolution be given Bob Schiesser, the County Planner, the Town of Starkey and a copy filed with the County Clerk.

VOTE: Unanimous

RESOLUTION NO. 353-15

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

2015 BUDGET TRANSFERS

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

| From: | To: | Amount: |
|-----------------------------------|-------------------------------------|----------|
| A1170.54039 PD-Secretary Asst.PD | A1170.51646 PD-Secretary | 2,695.33 |
| A1170.54042 PD-Secretarial PD | A1170.51646 PD-Secretary | 4,936.67 |
| A1170.54042 PD-Secretarial PD | A1170.58100 PD-FICA/Medicare | 583.84 |
| A1170.54042 PD-Secretarial PD | A9010.58400 State Retirement | 1,577.02 |
| A1171.54039 CD-Secretarial | A1171.51646 CD-Secretary | 3,945.21 |
| A1171.54039 CD-Secretarial | A1171.58100 CD-FICA/Medicare | 301.81 |
| A1171.54039 CD-Secretarial | A9010.58400 State Retirement | 721.58 |
| A1620.54417 COB-Fire/Sprinkler | A1625.52516 B&G-W&M Equipment | 585.00 |
| A1625.54402 B&G-W&M Services | A1625.52516 B&G-W&M Equipment | 3,258.67 |
| A3190.54470 CTSEC-Office Supply | A3645.54470 OEM-Office Supplies | 442.28 |
| A4054.54102 PH-Early Intervention | A4010.54107 PH-Immunization Program | 962.89 |
| A4010.54469 PH-Nursing Supplies | A4010.52115 PH-Computer Hardware | 191.18 |

| | | |
|---------------------------------|--|-----------|
| A4010.54001 PH-Accounting | A4010.52115 PH-Computer Hardware | 697.84 |
| A6010.54041 DSS-Secretarial | A6010.51646 DSS-Secretary | 919.00 |
| A6010.54041 DSS-Secretarial | A6010.58100 DSS-FICA/Medicare | 70.31 |
| A6010.54041 DSS-Secretarial | A9010.58400 State Retirement | 198.22 |
| A6010.51416 DSS-IT Support | A6010.54004 DSS-Attorney Fees | 95.07 |
| A6010.51416 DSS-IT Support | A6010.54027 DSS-Misc. Contractual Exp. | 544.22 |
| A6010.51416 DSS-IT Support | A6010.54048 DSS-Workforce Development | 592.14 |
| A6010.51416 DSS-IT Support | A6010.54516 DSS-Printing | 74.00 |
| A6010.51416 DSS-IT Support | A6010.54660 DSS-Travel | 82.06 |
| A6109.54305 DSS-Fam Assist Cont | A6010.54048 DSS-Workforce Development | 7,425.76 |
| A6109.54305 DSS-Fam Assist Cont | A6010.58305 DSS-Med Insurance NU | 3,586.56 |
| A6109.54305 FAM/ASST-Contract | A6123.54310 Juvenile Delinquent Care | 20,240.65 |
| D5110.51636 RD&BR-Part Time | D3310.51505 TRAFFIC-OT | 8.35 |
| D5110.51636 RD&BR-Part Time | D5120.51505 BR&CUL-OT | 64.76 |
| D5110.54632 RD&BR-Weed Cont | D5010.54501 ADM-Advertising | 90.84 |
| D5110.54632 RD&BR-Weed Cont | D5010.54516 ADM-Printing | 927.00 |
| D5110.51520 RD&BR-InsBO CSEA | D5112.51505 CHIPS-Overtime | 28.51 |
| D5112.51450 CHIPS-HWY-Regular | D5120.51450 BR&CUL-HWY-Regular | 3,596.92 |
| D5112.54602 CHIPS-Bit Material | D5010.54470 ADM-Office Supplies | 201.15 |
| D5112.54602 CHIPS-Bit Material | D5110.54602 RD&BR-Bit Material | 741.98 |
| D5112.54602 CHIPS-Bit Material | D5110.54610 RD&BR-Gabion Basket | 7,986.82 |
| D5112.54602 CHIPS-Bit Material | D5110.54629 RD&BR-Stone/Gravel | 32,000.00 |
| D5112.54602 CHIPS-Bit Material | D5110.54636 RD&BR-Crack Sealing | 25,000.00 |
| D5112.54602 CHIPS-Bit Material | D5120.54629 BR&CUL-Stone/Gravel | 30,850.00 |
| D5112.54602 CHIPS-Bit Material | D5120.54913 BR&CUL-Misc. Items | 7,000.00 |
| D5112.54602 CHIPS-Bit Material | D5120.54994 BR&CUL-West Ave. Bridge | 23,400.00 |
| D5112.54602 CHIPS-Bit Material | D5142.51505 SNOW-OT | 15,000.00 |
| D5112.54602 CHIPS-Bit Material | D5142.54624 SNOW-Salt & Abrasive | 28,000.00 |
| D5112.54602 CHIPS-Bit Material | D5120.54637 BR&CUL-Patching | 10,019.85 |
| D5112.58100 CHIPS-FICA | D5120.58100 BR&CUL-FICA | 24.99 |
| D5112.54602 CHIPS-Bit Material | D5110.54602 RD&BR-Bit Material | 293.23 |
| D5112.54602 CHIPS-Bit Material | D5142.54032 SNOW-Personal Services | 12,200.00 |
| D5112.54602 CHIPS-Bit Material | D5142.54625 SNOW-Salt & Abrasive Mix | 20,600.00 |
| D5112.54602 CHIPS-Bit Material | D5142.54961 SNOW-Leases:Equipment | 32,200.00 |
| DM5130.52331 MACH-SUV | DM5130.54657 MACH-Tires/Tubes | 1,282.89 |
| DM5130.52331 MACH-SUV | DM5130.54662 MACH-Outside Repairs | 279.54 |

and be it further

RESOLVED, that copies of this resolution be given to the Public Defender, Conflict Defender, Commissioner of Social Services, Buildings & Grounds Supervisor, Public Health Director, Commissioner of Social Services, Highway Superintendent and County Treasurer.

VOTE: Unanimous

RESOLUTION NO. 354-15

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

APPROPRIATE ADDITIONAL FEDERAL AID (PH)

WHEREAS, Yates County has received additional Federal Aid, and

WHEREAS, these funds are not part of the 2015 budget,

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

| Revenue: | Expense: | Amount: |
|-------------------------|-------------------------------------|----------|
| A4010.44457 PH Fed. Aid | A4010.54107 PH-Immunization Program | 1,799.00 |

and be it further

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

VOTE: Unanimous

RESOLUTION NO. 355-15

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

SET DATE FOR PUBLIC HEARING ON LOCAL LAW 3-15 ENTITLED A LOCAL LAW TO INCREASE TAX EXEMPTION FOR PERSONS 65 YEARS OF AGE OR OVER

RESOLVED, that the Clerk of the Yates County Legislature is directed to advertise a public hearing on proposed law 3-15 A Local Law To Increase Tax Exemption For Persons 65 Years Of Age Or Over

BE IT RESOLVED, said public hearing shall be held December 14, 2015 at 1:00p.m. in the Yates county Legislative chambers, 417 Liberty Street, Penn Yan, NY.

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY

Local Law Filing
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 No. 3-15

A LOCAL LAW TO INCREASE TAX EXEMPTION FOR PERSONS 65 YEARS OF AGE OR OVER

Be it enacted by the Legislature of the

County
~~City~~ of Yates as follows:
~~Town~~
~~Village~~

BE IT ENACTED by the County Legislature of the County of Yates as follows:

Local Law No. 3-73 Section 5(a) as last amended by Local Law 1-89, 3-08 and Local Law 1-09 is hereby amended to read as follows:

SECTION 5. Limitations on Exemption

The amount of income to determine eligibility for tax exemption under section 467 of the Real Property Tax Law is increased to \$14,000.00.

The income eligibility sliding scale set forth under section 467(b)(1), (b)(2), and (b)(3) of the Real Property Tax Law shall continue for property owners exceeding the \$14,000.00 income eligibility level.

| <u>Annual Income</u> | | <u>Percentage Assessed Valuation</u> | <u>Exempt From Taxation</u> |
|----------------------|----|--------------------------------------|-----------------------------|
| \$0 | to | \$14,000.00 | 50% |
| \$14,000.01 | to | \$14,999.99 | 45% |
| \$15,000.00 | to | \$15,999.99 | 40% |
| \$16,000.00 | to | \$16,999.99 | 35% |
| \$17,000.00 | to | \$17,899.99 | 30% |
| \$17,900.00 | to | \$18,799.99 | 25% |
| \$18,800.00 | to | \$19,699.99 | 20% |
| \$19,700.00 | to | \$20,599.99 | 15% |
| \$20,600.00 | to | \$21,499.99 | 10% |
| \$21,500.00 | to | \$22,399.99 | 5% |

This increase shall be effective with the 2016 assessment roll.

VOTE: Unanimous

RESOLUTION NO. 356-15

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

PROCLAMATION FOR JUROR APPRECIATION WEEK

WHEREAS, juries are essential to a fair, reliable, and citizen-based system of justice, in which people, and not government officials, resolve, disputes;

WHEREAS, juries represent the common sense of ordinary people and thus keep the administration of law in accord with the wishes and feelings of the community;

WHEREAS, the decision that jurors make affects millions of lives every day and have a profound impact on our economy and our society;

WHEREAS, by entrusting jurors from the community to decide legal cases – some of them involving millions of dollars or life and death issues we reinforce our belief that everyday people can make correct decisions, that we are an open, democratic government;

WHEREAS, few activities in our civic life provide such a direct contract with our democracy as does jury services;

WHEREAS, along with voting, jury service is one of the main ways we take part in the public life of our nation when we vote, we are one of millions, but when we serve on a jury, we are one of twelve,

WHEREAS, the jury system gives equal weight to diverse voices the system works because everyone on the jury has an equal voice regardless of who they are, what they earn, or where they are from,

WHEREAS, the success of our jury system depends on the participation of all citizens who are called to serve;

WHEREAS, every day, throughout our country citizens devote their time and energies to deciding disputes that significantly affect the lives, liberties, and property of others;

NOW THEREFORE, I, Timothy J. Dennis Chair of the Yates County Legislature, do hereby proclaim the week of November 16, 2015, as Juror Appreciation Week. On this week, let us recognize those who are called upon to take time from their daily lives to fulfill the highest responsibility of citizenship and makes our system of justice a reality through their jury service. In addition, I urge the citizens, schools, businesses, and media of our nature to use this occasion to dedicate ourselves to preserve and strengthen the jury system.

VOTE: Unanimous

RESOLUTION NO. 357-15

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

AUTHORIZE LEGISLATURE CHAIRMAN TO SIGN 2015 – 2016 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. 358-15

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

AWARD BID FOR CR # 10 OVER VINE VALLEY CREEK BRIDGE REPLACEMENT

WHEREAS, resolution number 239-13 authorized participation in a Federal Aid bridge reconstruction project know as CR#10 over Vine Valley Creek, and

WHEREAS, bids were received on October 1, 2015 and five firms submitted bids,

| Contractor | Total Bid |
|-----------------------------|---------------|
| Economy Paving Co. Inc. | \$ 558,558.58 |
| Wind-Sun Construction, Inc. | \$ 626,469.00 |
| C.P. Ward, Inc. | \$ 639,131.24 |
| Dolomite Products Company | \$ 713,645.00 |
| Ramsey Constructors, Inc. | \$ 597,103.50 |

WHEREAS, the engineering firm of C&S Engineers has reviewed the bids and recommended that the bid be awarded to Economy Paving Co. Inc., located at 1819 NYS Route 13, Cortland, NY 13045 for a total bid price of \$ 558,558.58 and,

WHEREAS, written approval and authorization to award the bid from the New York State Department of Transportation has been received,

NOW THEREFORE BE IT RESOLVED, to award the bid to Economy Paving for the total bid price of \$ 558,558.58, and it is further

RESOLVED, that copies of this resolution be forwarded to the Yates County Administrator, Yates County Treasurer, Yates County Highway Superintendent, New York State Department of Transportation, C&S Engineers and all bidders.

VOTE: Unanimous

RESOLUTION NO. 359-15

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

AUTHORIZE LEGISLATURE CHAIRMAN TO SIGN THE CONSTRUCTION INSPECTION AGREEMENT FOR A FEDERAL AID BRIDGE PROJECT (VINE VALLEY ROAD OVER VINE VALLEY CREEK, PIN 6754.69)

WHEREAS, Resolution number 239-13 authorized participation in and the implementation and funding of a federal aid bridge replacement project known as Vine Valley Road over Vine Valley Creek (PIN 6754.69) in the Town of Middlesex, Yates County, and

WHEREAS, Construction Inspection work is required to ensure that the bridge is replaced according to plans and specifications and to ensure federal aid funding is not jeopardized, and

WHEREAS, C&S Companies was previously selected as the engineering consultant for this project and approved by the New York State Department of Transportation,

NOW, THEREFORE, BE IT RESOLVED, to authorize the Chairman of the Yates County Legislature to sign the Construction Inspection agreement with C&S Companies contingent upon approval of the contract by the Yates County Attorney, and be it further

RESOLVED, that copies of this resolution be forwarded to the Yates County Treasurer, C&S Companies, the Yates County Highway Superintendent.

VOTE: Unanimous

RESOLUTION NO. 360-15

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

AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE.

WHEREAS, a Project for the Bridge Replacement (BIN 3335560) CR 10 over Vine Valley Creek in the Town of Middlesex, Yates County, P.I.N. 6754.69 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the County of Yates desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the Bridge Replacement (BIN 3335560) CR 10 over Vine Valley Creek in the Town of Middlesex, Yates County.

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

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

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

RESOLVED, that the sum of \$824,000 is hereby appropriated from the adopted 2015 Yates County budget and made available to cover the cost of participation in the above phase of the Project; and it is further

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

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

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

RESOLVED, this Resolution shall take effect immediately
VOTE: Unanimous

RESOLUTION NO. 361-15

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

AUTHORIZE CHAIRMAN TO SIGN AN AGREEMENT WITH COLONIAL FIRE PROTECTION SYSTEMS INC.

WHERE AS, the quarterly inspections and test on the automatic sprinkler systems in the Courthouse and County Office Building facilities is due and perform the annual backflow preventer test in the Courthouse, County Office Building and Buildings and Grounds Shop when they are due, and

WHEREAS the Building Maintenance Supervisor has received two quotes, they are as follows:

| | |
|-----------------|-------------|
| Colonial | \$ 2,160.00 |
| Associated Fire | \$ 2,775.00 |
| Davis-Ulmer | \$ 2,513.00 |

WHERE AS Colonial is certified and licensed to work on and service the County’s automatic sprinkler systems and backflow preventers.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature be authorized to sign a three year agreement with Colonial to perform the annual inspection and test on the automatic sprinkler systems in the Courthouse, County Office Building and the Buildings & Grounds facility and the backflow preventers in the Courthouse, County Office Building and Buildings and Grounds Shop for a total sum of \$2,160.00 annually, and be it further

RESOLVED, that a copy of this resolution be given to the Building Maintenance Supervisor.

VOTE: Unanimous

RESOLUTION NO. 362-15

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

RENEWAL OF THE INTERMUNICIPAL AGREEMENT WITH SCHUYLER COUNTY TO SHARE THE DIRECTOR OF WEIGHTS AND MEASURES POSITION FOR 2016-2018

WHEREAS, Yates and Schuyler County are desirous of renewing the inter-municipal agreement for a Shared Director of Weights and Measures.

WHEREAS, this agreement retains the Weights and Measures Director as a Schuyler County employee, but shares said position with Yates County. The contract rate from Yates County for 2016 shall be \$22,720 annually payable consistent with the current agreement and reviewable on an annual basis for the purpose of determining cost.

NOW, THEREFORE, BE IT RESOLVED, that upon approval of the agreement by the Yates County Attorney, the Chairman of the Yates County Legislature is hereby authorized to sign an agreement with Schuyler County for the shared services of Schuyler County’s Weights and Measures Director A position as set forth above, said agreement to run from January 1, 2016 through December 31, 2018. A copy of this resolution is to be given to Schuyler County, the Building Maintenance Supervisor of Yates County and the Yates County Treasurer.

VOTE: Unanimous

RESOLUTION NO. 363-15

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

**GRANT UNPAID LEAVE OF ABSENCE
(K. Fudge)**

RESOLVED, that Buildings and Grounds Cleaner Karen Fudge is hereby granted an unpaid leave of absence from October 13, 2015 through October 19, 2015, and be it further

RESOLVED, that a copy of this resolution be given to Ms. Fudge, the Building Maintenance Supervisor, Personnel Officer and the Treasurer.

VOTE: Unanimous

RESOLUTION NO. 364-15

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

**AUTHORIZE CHAIRMAN TO SIGN AGREEMENT TO USE FIRST PRESBYTERIAN
CHURCH PARKING LOT**

WHEREAS, due to certain times there is a parking shortage at the County Complex during normal business hours and,

WHEREAS, the County has made arrangements to use the First Presbyterian Church parking lot,

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature be authorized to sign an agreement with the First Presbyterian Church for parking from January 1, 2016 through December 31, 2018 for a fee of \$500.00 per year and be it further

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

VOTE: Unanimous

RESOLUTION NO. 365-15

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

**AUTHORIZE A TRI-COUNTY INTER-MUNICIPAL SHARED EQUIPMENT AGREEMENT
WITH SCHUYLER AND CHEMUNG COUNTIES WEIGHTS AND MEASURES
DEPARTMENT PROVER**

WHEREAS, Yates, Schuyler and Chemung counties currently own and maintain separate large volume prover trailers that are outdated and unsafe for today's fuels, and

WHEREAS, all three counties are joining together in the purchase of a new Large Volume Prover (hereinafter called "Prover"), and contracting with each other for the purpose of sharing the use, operation, storage, maintenance, and disposal of the Prover, and to participate with each other in the recognition of the attendant savings achieved thereby, and

WHEREAS, the three Counties shall contribute a percentage (Chemung 72%, Schuyler 17% and Yates 11%) in the purchase of the prover, in the amount of \$34,939 based on usage in each County using 2015 department funds.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Yates County Legislature is hereby authorized to sign a tri-county inter-municipal equipment agreement with Schuyler and Chemung Counties, subject to approval of the Yates County Attorney, and certified copy of said Resolution and agreement will be provided to all counties.

VOTE: Unanimous

RESOLUTION NO. 366-15

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

RECOGNIZING NOVEMBER 2015 AS HIRE A VETERAN'S MONTH

WHEREAS, Yates County Workforce Development, in partnership with the Finger Lakes Workforce Investment Board recognizes November as hire a veteran month. As part of this recognition, YCWFD and its affiliate Finger Lakes Career Centers reiterate their Recommitment to improving workforce services to area veterans; and

To engaging businesses and employers in the community in hiring more veterans and,

Offering specific workshops and programs to veterans; and

The business services staff will actively solicit employers to utilize the programs available to hire veterans; and

That we honor all veterans in November 2015 for their service to our country;

And be it further resolved that this Legislature does proclaim November as Hire a Veteran Month.

VOTE: Unanimous

RESOLUTION NO. 367-15

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

RENEW CONTRACT WITH RAINBOW JUNCTION, LTD. FOR THE PROVISION OF DAY CARE SERVICES

RESOLVED, that after the approval of the County Attorney, the Chairman of the Legislature and the Social Services Commissioner will be authorized to sign a contract renewal with Rainbow Junction, Ltd. for the provision of day care services to eligible clients of the Department of Social Services for the period October 1, 2015-September 30, 2016 at the rate set by New York State Office of Children and Family Services and be it further

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

VOTE: Unanimous

RESOLUTION NO. 368-15

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

RESOLUTION URGING THE GOVERNOR AND LEGISLATURE TO GRADUALLY RESTORE THE 50/50 STATE/COUNTY SHARING FOR THE SAFETY NET PROGRAM AND TO INCREASE SHELTER GRANT REIMBURSEMENTS TO COUNTIES

WHEREAS, the 2011-2012 State budget dramatically lowered the State's fiscal responsibility in the Safety Net Program by shifting the cost of 71 percent county/29 percent state, severing the historic 50 percent county/50 percent New York State partnership; and

WHEREAS, this continues a long line of state legislative actions that have transferred the State's constitutional and fiscal responsibility to care for the needy to county taxpayers, while providing counties virtually no control over eligibility for services and benefit levels; and

WHEREAS, the Safety Net funding shift also builds upon recent trends where the State has leveraged significant savings from maximizing available federal resources largely for state financial plan purposes only, at the expense of local property taxpayers; and

WHEREAS, the net effect of this state practice forced local property taxes to be higher than they should because available savings are being spent by the state rather than being used to lower the cost of state mandates that can provide direct relief to local property taxpayers; and

WHEREAS, nearly half of the states do not have Safety Net programs and New York is one of only 11 states that provide benefits to childless adults that do not have some disability; and

WHEREAS, most other states do not require counties to fund such a large share of public assistance costs; and

WHEREAS, counties in New York are required to finance the vast majority of Safety Net costs, putting in twice as much funding as the State; and

WHEREAS, for the first half 2015, Yates County Safety Net costs have increased by over fifteen percent per month over the prior year; and

WHEREAS, counties believe that the rising cost of providing shelter assistance to recipients is a major contribution to this increase; and

WHEREAS, the reduction of State funding support for Safety Net Assistance is part of a larger trend where the State has reduced its fiscal commitment for nearly every public assistance program including child welfare, adoption subsidies, food stamp administration, Safety Net, child support enforcement, juvenile justice and programs designed to help recently released state incarcerated offenders returning to the community.

NOW, THEREFORE, BE IT RESOLVED, that Yates County calls on the State to gradually restore the historic 50/50state/county cost sharing for the Safety Net program over a five year period, starting with an increase in county reimbursement for shelter assistance in order to help lower the local property tax burden for homeowners and small businesses; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the sixty-two counties of New York State encouraging member counties to enact similar resolutions.

VOTE: Unanimous

RESOLUTION NO. 369-15

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

**GRANT UNPAID LEAVE OF ABSENCE
(Potts)**

RESOLVED, that during the period October 13, 2015 through October 14, 2015 Social Welfare Examiner Daryn Potts is hereby granted 11.5 hours of unpaid leave , and be it further

RESOLVED, that copies of this resolution be given to Ms. Potts, the Commissioner of Social Services, the Treasurer and the Personnel Officer.

VOTE: Unanimous

RESOLUTION NO. 370-15

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

**AUTHORIZATION TO SIGN AND SUBMIT ANNUAL IMPLEMENTATION PLAN FOR THE
YATES COUNTY AREA AGENCY ON AGING**

WHEREAS, it is required that the Yates Area Agency on Aging, Pro Action of Steuben and Yates, Inc., submit an Annual Implementation Plan, and

WHEREAS, Expanded In-home Services for the Elderly Program and the Community Services for the Elderly Program have been approved in the 2016 Yates County Budget for the Pro Action Yates Office for the Aging, and

WHEREAS, that 2016 Annual Implementation Plan submission requires Local Executive Review and Approval to receive State and Federal funds for the Expanded In-home Services for the Elderly Program or the Community Services for the Elderly Program, and

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature be authorized to sign the 2016 Annual Implementation Plan, and further

RESOLVED, that copies of this resolution be forwarded to the Pro Action Yates Office for the Aging.

VOTE: Unanimous

RESOLUTION NO. 371-15

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

NET TAX DEBITS TO TOWNS

WHEREAS, the County Treasurer's report on Town charges and credits for the fiscal year ending October 31, 2015 show the following net tax debits to the following towns:

| | |
|------------|------------|
| Barrington | \$2,912.19 |
|------------|------------|

| | |
|-----------|------------------|
| Benton | \$2,272.98 |
| Italy | \$ 560.06 |
| Jerusalem | \$1,404.80 |
| Middlesex | \$ 276.18 |
| Milo | \$1,040.23 |
| Potter | \$ 128.31 |
| Starkey | \$ 525.08 |
| Torrey | <u>\$ 433.18</u> |
| Total | \$9,553.01 |

and be it further

RESOLVED, that the County tax levy be increased by \$9,553.01 and that the amount be levied against the taxable properties of each Town as specified therein.

VOTE: Unanimous

RESOLUTION NO. 372-15

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

APPROVE MORTGAGE TAX APPORTIONMENT

WHEREAS, this Legislature is in receipt of the Mortgage Tax Report showing the amounts to be credited to each tax district of the County, of the money collected during the period April 1, 2015 to September 30, 2015 be it

RESOLVED, that pursuant to Section 53 of the Tax Law, this Legislature issue a Tax Warrant for the payment to the respective tax districts of the amounts so credited and authorize and direct the County Treasurer to make payments of said amounts so credited and to the respective districts in accordance with the report:

| | |
|-----------------------------|--------------|
| Total Tax Collected | \$266,994.47 |
| Recording Officer's Expense | \$15,198.38 |
| Treasurer's Expense | |
| Interest Received | \$16.10 |
| Adj and refunds | |
| Net amount of Distribution | \$251,812.19 |

| Town | Net After | To Towns | Village | To Village | Total |
|------------|--------------------|--------------------|-----------|-------------------|--------------------|
| Barrington | \$30,952.40 | \$30,952.40 | | | \$30,952.40 |
| Benton | \$15,590.32 | \$14,625.55 | Penn Yan | \$964.77 | \$15,590.32 |
| Italy | \$5,751.39 | \$5,751.39 | | | \$5,751.39 |
| Jerusalem | \$66,325.41 | \$66,035.12 | Penn Yan | \$290.29 | \$66,325.41 |
| Middlesex | \$22,613.10 | \$22,613.10 | | | \$22,613.10 |
| Milo | \$42,240.75 | \$33,904.29 | Penn Yan | \$8,336.46 | \$42,240.75 |
| Potter | \$7,599.32 | \$7,034.99 | Rushville | \$564.33 | \$7,599.32 |
| Starkey | \$20,848.61 | \$18,359.81 | Dundee | \$2,488.80 | \$20,848.61 |
| Torrey | <u>\$39,890.89</u> | <u>\$38,301.98</u> | Dresden | <u>\$1,588.91</u> | <u>\$39,890.89</u> |
| | \$251,812.19 | \$237,578.64 | | \$14,233.55 | \$251,812.19 |

VOTE: Unanimous

RESOLUTION NO. 373-15

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

REAPPOINT REPUBLICAN ELECTION COMMISSIONER (Daines)

WHEREAS, the Chairman of the Yates County Republican Committee has filed with this Legislature a certificate in accordance with Election Law, Section 31, certifying that in the opinion of the majority of such committee that Amy J. Daines residing at 3345 Shay Road, Naples, New York (Town of Italy), is a satisfactory and proper person to be reappointed a Commissioner of Elections and recommends such appointment.

NOW, THEREFORE, BE IT RESOLVED, that Amy Daines is hereby reappointed as Commissioner of Elections for Yates County for a term commencing January 1, 2016 through December 31, 2017, or such term length as determined by the County or State Legislative bodies (EL 3-202), and be it further RESOLVED, that a copy of this resolution be provided to the Treasurer, Personnel Officer, County Clerk, Ms. Daines, and the Chairman of the Republican Party

VOTE: Unanimous

RESOLUTION NO. 374-15

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

ADOPT VACATION LEAVE POLICY FOR NON-UNION EMPLOYEES

RESOLVED, that the following Vacation Leave policy is hereby adopted for all full-time non-elected non-union employees, effective November 9, 2015. Employees covered by this policy shall become entitled to vacation leave as follows:

One (1) week, after completion of six (6) months continuous employment for the County.

One (1) week, on the first anniversary date of continuous employment for the County.

Two (2) weeks on the second, third, fourth, fifth and sixth anniversary dates of continuous employment for the County.

Three (3) weeks on the seventh, eighth, ninth, tenth, eleventh, twelfth and thirteenth anniversary dates of continuous employment for the County.

Four (4) weeks on the fourteenth anniversary date of continuous employment for the County, and four (4) weeks on each anniversary date thereafter of continuous employment for the County.

No vacation leave, or part thereof, may be carried over unless the employee's workload makes it impractical for the employee to take vacation leave, in part or in full, within twelve (12) months immediately following the annual anniversary date on which the employee became entitled thereto or within six (6) months of the vacation leave of five (5) days after completion of six (6) months continuous employment.

Carry over of up to ten (10) days of vacation leave will be granted only if it is applied for in writing, and approved in writing, by the employee to his/her supervising authority. The County Administrator is authorized to approve up to ten (10) days of Department Head vacation carry-over. The County

Administrator is required to bring any additional carry-over requested beyond ten (10) days to the Department Head's Standing Committee for consideration of approval.

Terminal vacation benefit: Any employee whose employment with the County is terminated by reason of resignation, death, layoff, bona fide retirement into the New York State Employees' Retirement System, or other non-disciplinary separation from employment, shall be compensated for accrued but unused vacation leave at the time of employment separation at the employee's then current regular rate of pay. In the event of death of an employee, said payment shall be made to the employee's estate. Any employee whose employment with the County is involuntarily terminated for disciplinary reasons shall not be eligible for the payment of unused vacation leave upon termination of employment.

and be it further

RESOLVED, that any and all previous Vacation Leave policies adopted by the Yates County Legislature for non-union employees are hereby rescinded, and be it further

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

VOTE: Unanimous

RESOLUTION NO. 375-15 (LOST)

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

DISCUSSION:

Mr. Banach stated that he is opposed to this and anything that we sign that promotes businesses outside of the County of Yates and this is what this is doing. You are giving another County sales tax.

Mr. Morris stated this resolution barely made it out of committee, for the same reason that Mr. Banach raised. Those that voted no did not want to encourage sales tax revenue for other counties.

Mr. Paddock stated he agrees with Mr. Banach and Mr. Morris.

YATES COUNTY AGREES TO PROVIDE BJ'S CORPORATE MEMBERSHIP PROGRAM FOR EMPLOYEES

WHEREAS, Yates County agrees to participate in the BJ's Corporate Membership Program for Employees and their families; and

WHEREAS, All Yates County Employees are eligible to enroll in a BJ's Membership for a reduced cost and an extended annual renewal period; and

WHEREAS, employees wishing to participate will be able to contact a BJ's representative directly to complete the enrollment process; and

NOW, THEREFORE, BE IT RESOLVED, that effective November 9th, 2015 employees will be eligible to enroll, and be it further

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

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

RESOLUTION NO. 376-15

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

**AMEND RESOLUTION NO. 147-15
AUTHORIZE CHAIRMAN TO SIGN AGREEMENT WITH
BENETECH FOR LOSS CONTROL AND SAFETY TRAINING**

WHEREAS, Yates County (“the County”) recently entered into an agreement with Benetech, Inc. for the administration and management of the Yates County Self-Insured Workers’ Compensation Plan (“the Plan”), and

WHEREAS, the proposal included various optional services, such as Loss Control and Prevention/Risk Management; and Occupational Health and Safety Training, which would be beneficial to the Plan and all participants in the resulting cost avoidance and reduction of risk, and

WHEREAS, the County and Benetech, Inc. (“Administrator”) wish to amend scope of work of the Service Agreement to include administration of the New York State Workers’ Compensation Board (“WCB”) General Administration Assessments (“Assessments”). Therefore, the scope of work is amended to add section 3.13:

3.13 Administrator shall provide data gathering for the Client in regards to capturing information necessary for the quarterly WCB Assessments. This will include requesting the appropriate NYS 45 forms from each member entity and related communications and follow up. The Administrator will use the data to complete and submit the required WCB Assessment form. The Administrator will submit the corresponding WCB Assessment payment from the Client funding to the WCB.

WHEREAS, the County desires to contract with Benetech, Inc. for the administration of the aforementioned services, for an additional cost, not to exceed \$200 per month, or \$3,600 for the life of the agreement; and

NOW, THEREFORE BE IT RESOLVED, that contingent upon the approval of the County Attorney, the Chairman of the Yates County Legislature is hereby authorized to sign an agreement with Benetech, Inc. as described above, for the period from July 1, 2015 through December 31, 2016, and be it further

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

VOTE: Unanimous

RESOLUTION NO. 377-15

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

**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, 2016 through December 31, 2016, 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: Unanimous

RESOLUTION NO. 378-15

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

DISCUSSION:

Mr. Paddock stated this is a response to an audit conducted by NYS Office of State Comptroller during the summer. They audited cash receipts and cash procedures for all the offices that take in cash for the county. Their findings were that no monies were missing in any way, however, they did have some suggestions as to some procedures that could be put in writing. This resolution will approve the plan to correct and add those procedures in the County Clerk's office. Mr. Paddock commended all the departments that participated in that audit, he is very proud and happy that there were no findings of any more significance than this.

Chairman Dennis congratulated the entire Yates County Government from the top administrator to the clerks that handle the cash that 3 people for 3 months, and all they came up with was we need to put what we are already doing in writing.

APPROVING THE CORRECTIVE ACTION PLAN IN RESPONSE TO THE OSC AUDIT REPORT

WHEREAS, the County has undergone an audit by the New York State Office of the State Comptroller; and

WHEREAS, the Office of the State Comptroller has prepared preliminary draft findings; and

WHEREAS, the Yates County Clerk has developed and implemented policies and procedures in response to the recommendations from the Office of the State Comptroller;

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature has hereby reviewed and approved the entire corrective action plans developed by the Yates County Clerk. These plans include: 1) a written procedure describing the method for collecting cash receipts to assure cash receipts are safeguarded and 2) a written policy describing the duties and responsibilities of the staff members who operate within the Recording Office Section of the County Clerk's Office. This includes the County Clerk, Deputy and two recording clerks and 3) A written policy for separation of employee's duties for handling money, making daily bank deposits and reconciling monthly bank statements and 4) A written policy requiring the use of an individual employee's sign-on to the Xerox System

RESOLVED, that copies of this resolution be given to the County Administrator and County Clerk.
VOTE: Unanimous

At 1:37p.m the Legislature moved in a budget workshop.

Mr. Paddock moved to suspend the rules of procedure for voting purposes, the vote is the majority present at the time, seconded by Mrs. Percy.

VOTE: Unanimous

Mrs. Percy moved remove from the table adding a deputy sheriff line item A3110/51756 from the table, seconded by Mr. Holgate.

VOTE: Unanimous

Mr. Montgomery stated this is not just the \$44,000 for the salary it is also the cost of benefits.

Mr. Morrison state if we do this we need to find the money within the budget to pay for this.

Mrs. Percy stated we are very well aware that the public is asking for some compliance with vehicle laws by the number of complains that the Sheriff has given us. Mrs. Percy suggested if we do this funding could come from Fund Balance.

Chairman Dennis stated this would be an ongoing expense that would come from the Fund Balance.

Mr. Smith stated he understands that there may be some other items that we are obligated to fund such as within the Social Services area. In light of the fact that we are just \$27,000 under the tax cap, we are not in the position to increase the budget. To reach into the Fund Balance to pay for increased head count is not acceptable.

Mr. Holgate stated that we seem to run a considerable amount of overtime due to the fact that we are never up to full staffing. Basically we are looking at some retirements and we are short now. It would be nice to get the department back up to actually having full staff so that we could possibly see a reduction in overtime.

VOTE: Paddock, Dunn, Percy, Multer, Holgate, Banach, Church, Sackett, Clark voting "Yes" Montgomery, Morrison, Morris, Smith, Dennis voting "No" motion carried.

Mr. Morris moved to remove from the table reducing line item A3150/51952 overtime by \$40,000, seconded by Mrs. Dunn.

VOTE: Unanimous

Mrs. Percy stated this line item has never been where it should be to cover the overtime. It is prudent not to reduce this line item.

Mr. Multer stated that if this line item runs over, we are going to have to pay it regardless. We can lower the budget to make it look good but it doesn't help.

Mr. Morris stated our understanding when we agreed to the additional correction officers, they were to reduce the total cost of the overtime and that included total compensation not just the salary. That was the issue.

Mr. Holgate stated that the Sheriff explained pretty well that at the time he was making that recommendation that he was using figures from that time. Now, 2015 things have changed for the budget.

Chairman Dennis stated that his understanding is the need for extra time is even greater that it was at the time of the August memo.

Mr. Morrison stated there was a discrepancy in hours. The Sheriff was showing 10,075 hours in overtime thus far this year and the Munis report was showing something different. The Sheriff indicated in a memo that he thought the discrepancy might be the comp time in that the Munis report identifies what has been paid for. Whereas his hourly report would identify what has actually been worked and the differential might

be comp time. Is this where the discrepancy is and also in what year does that comp time get cashed in. Mr. Morrison believes it has to be cashed in by the end of year, but is it paid out of 2015 funds or 2016.

Ms. Flynn stated it is paid out of 2016. This year's comp time will be paid through the end of the year payroll in January 2016.

Mr. Smith with respect to the proposal to take another \$40,000 out of overtime. Mr. Smith understands and appreciates the explanation that was given by the Sheriff that overtime has continued to increase and therefore that mitigated the reduction that the 2 new correction officers would then result in. However, Mr. Smith believes when this resolution originally came up back in August and September time frame that it was the goal to reduce over time that prompted it. At that time, Mr. Smith requested more detailed analysis and that we take our time and figure out exactly what is the number of additional head count we need to reduce overtime. It was not clear to Mr. Smith that the legislature had the analysis to determine that 2 was the magic number that would result in the results that we wanted. Here it is in November and we still don't know what that number is. We approved the 2 additional correction officers and yet overtime continues to increase. Again Mr. Smith asked that the Public Safety Committee and the Sheriff work together to do the analysis that is needed to come up with what it is going to take to reduce the expanding overtime of the correction officers.

Mr. Holgate stated that everyone is aware of the pressures that have been put on corrections in the last few months. Basically having people staffed at different hospitals, there is defiantly a lot of pressure that is on corrections and it is one of those things that happens.

Sheriff Spike explained that at the time the memo was done back in August the 2014 average hours were used so that budgeting could be on a whole year. In putting the budget together and noting the two additional officers, which would be an additional 320 hours a month that would go against those hours, just the months of June, July, August, and September the average went from 1,066 hours up to 1,300 hours a month. The number of hours that the Sheriff is trying to cover have increased so he only dared apply \$100,000 to the amount that was to be reduced.

Mrs. Percy stated one of the things that needs to be realized is that so far this year \$189,000 has been spent and last year we ended up with approximately \$316,000 being spent. This year has been worse than last year and you add on the extra holidays coming up, we are probably going to spend \$295,000 that is budget.

Mr. Morrison questioned we authorized 2 correction officers, one of them was already trained. Ron explained he was able to hire an individual that was already trained and that person is working. Ron explained for the second one, there is a possibility of a lateral transfer from another adjoining county to come to work. That process is taking place and may or may not happen. If it does happen we have someone already trained, if not we will have to go off the civil service list which at the same time we have been doing interviews for that as well.

VOTE: Montgomery, Morris, Clark voting "Yes" Paddock, Dunn, Morrison, Percy, Multer, Holgate, Banach, Church, Sackett, Smith, Dennis voting "No" motion lost.

Mrs. Percy moved to add 1 new vehicle which is line item A3110/52213, seconded by Mr. Holgate.

Mr. Paddock questioned where the money would come from if we add a car and a deputy, he is assuming it will be taken from Fund Balance.

Mr. Morrison questioned any expenditure over \$25,000 was a capital expenditure and this is going to be \$28,000.

Chairman Dennis stated if this is approved it would be an amendment to the capital plan. Once it comes out of the capital plan it goes back into specific line items in the budget. Today's meeting is to address the budget and not the capital plan.

Mrs. Percy questioned where the Contingent Fund is going to be at the end of the year? Could we have the Sheriff purchase a new vehicle from the Contingent Fund in 2015?

Chairman Dennis stated in turn this would reflect on the remaining Fund Balance at the end of the year.

Nonie Flynn, County Treasurer/Budget Officer reported, there was going to be a little left after the cost of the roof repairs were taken out.

Chairman Dennis stated the report on the Contingent Fund at the Finance Committee, there was a little over \$300,000 left.

County Administrator Purdy reported there is still a question on what is happening with Council 82 Law Enforcement.

Chairman Dennis stated he feels it would be safer to include this in the 2016 budget, if there is money left over from 2015 budget it would go into unallocated fund balance. Which some of that we are going to use to offset the property tax.

VOTE: Paddock, Dunn, Percy, Multer, Holgate, Banach, Church, Sackett, Clark, Dennis voting "Yes" Montgomery, Morrison, Morris, Smith voting "No" motion carried.

Mrs. Percy moved to add another deputy to allow a deputy to be put in school to cover a gap that might take place with a retirement, seconded by Mr. Holgate.

Mr. Holgate stated one of things that he has always been lead to believe as far as replacing retirement type situations, is that is something we think is going to happen. We don't know for a fact, someone can change their mind. Mr. Holgate always thought that we waited for that retirement to happen before we actually refilled that position. So where he is confused right now is in trying to refill an upcoming retirement other than, we may want to try and have someone in school. But to actually vote right now to refill that retirement he does not feel this is the way the legislature operates.

Mr. Smith stated that one way to address this is to allocate funds in the Contingency Fund for next year.

Chairman Dennis stated, because you're trying to address a situation that you're not sure you're going to have.

Mr. Smith stated that way we account for it in our budget process for 2016 but we are not forcing the decision at this time.

Mr. Paddock stated that when he voted to put a deputy in the 2016 budget as far as he was concerned that person can do traffic control if they have time, if we have a retirement then it's covered. If it turns out we don't get the retirement then we have a deputy for traffic control. If we do get the retirement that slot is back filled and we have someone ready to go in 3 months rather than 15 months. Mr. Paddock stated he will not support putting in another deputy beyond what has always been done.

Mr. Holgate stated that discussion will come up when we actually have another retirement to fill. At that time we will be able to say ok, this worked out really well, or basically we can't afford to refill this retirement and we will bring the Sheriff back down to where he is.

Mr. Morris stated that he is ok with the logistical moves to get people trained and get them ready. He wasn't ok with adding the extra deputy, he voted no. He stated that the legislature is in denial of the data that we have from Open Book NY that says we are one of the most expensive Public Safety Systems. Mr. Morris feels we should be holding flat while we analyze and figure out why we are out of whack.

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

Mrs. Church moved to increase line item A6129/54316 state training by \$115,000 to cover an individual that was put in care, seconded by Mr. Smith.

Mr. Smith would like to know where the funding for this is going to come from. Mr. Smith would also like to get the impact of the changes that we have agreed to today.

VOTE: Unanimous

Mr. Morris moved to reduce line item A1410/54002 archival by \$960, seconded by Mrs. Percy.

VOTE: Unanimous

Mr. Morris moved to increase line item A1450/51596 by \$3,500 for election workers, seconded by Mr. Clark.

Mr. Morris explained the Commissioners requested this amount be added in to cover the election workers as next year is a presidential election year. The amount is less than what they originally requested.

Mr. Morrison questioned if these were voting location workers or office workers.

Amy explained by law an individual from each party has to be at a polling site and they have to have breaks and dinner. There are 4 workers in a traditional election district. If there are two districts at the same site then there are 8 workers to comply with the law. Amy explained they have been working on getting this law changed to increase the district sizes so that there would be a little more control of the number of workers.

Mr. Paddock asked for confirmation that anything we spend this year is reimbursed next year by the towns. Mr. Morris confirmed.

VOTE: Unanimous

Mr. Brockman addressed the Legislature regarding the secretarial compensation and how the way the legislature is addressing the IRS concerns will cost the Public Defender's secretary approximately \$8,600 in wages.

Mr. Paddock moved to increase line item A1170/51646 Public Defender from \$30,409 to \$39,018 and with that we will have to create a position to support the Public Defender and Assistant Public Defender, seconded by Mr. Banach.

Mr. Smith stated that this was discussed at length in Committee and also in previous budget workshops in conjunction with the county attorney. Mr. Smith is not comfortable making this change without further discussion with the County Attorney, therefore he cannot support it.

County Administrator Purdy commented that people need to remember some of the details from a memo that she distributed to the Human Services Committee.

Mr. Banach stated we get very hypocritical on this board in regards to all of the sudden we get an increase that somebody else has pushed on this county and all of the sudden we are going to push it down to the people below us. It is the same thing the state does to us and we call it a mandate and we get excited. It is hypocritical on our part to push this down, it is our expense and we have to take care of it.

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

Budget officer Flynn reported she has the amendments to moving the Investigator to Sergeant, Deputy to Investigator and having a new Deputy.

A3110/51736 Investigator increases by \$4,155
A3110/51740 Sergeant is reduced by \$4,515
A3110/51751 Deputy sheriff is reduced by \$9,229

Mr. Morrison moved the above amendments, seconded by Mr. Holgate.

VOTE: Unanimous

Chairman Dennis stated that we are now over the tax cap how are we going to get under the cap and is it going to be by taking additional fund balance or by finding reductions. I think the consensus is that it is going to be from taking additional fund balance.

Mrs. Percy moved to allocate and additional \$184,870 out of Fund Balance for a total of \$739,255, seconded by Mr. Holgate.

Discussion took place on what the appropriate figure would be that would keep the budget under the tax cap. Mrs. Percy suggest \$250,000 which would put the budget way under the cap. Others suggested being \$10,000 under the cap. Budget officer Flynn stated to stay under the cap by \$10,000 and additional \$184,870 would need from Fund Balance.

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

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

DISCUSSION:

Chairman Dennis asked the Budget Officer to relay to the board the total expenditures and property tax levy. So we know what we are voting on.

| | |
|--|--|
| Budget Office Flynn reported, the revenues are | \$23,980,984 |
| The expenditures are | \$41,893,513 |
| For a net of | \$17,912,529 |
| Reserves used | \$ 1,889,085 (of which \$739,255 is coming for General Fund) |
| General Levy | \$16,230,444 |

Which puts the budget \$10,000 under the cap

RESOLUTION 279-15

ADOPT TENTATIVE BUDGET

WHEREAS, the Finance Committee recommends for adoption the Tentative Budget for the year 2016 as filed by the Budget Officer, and as modified and revised by the Legislature,

NOW, THEREFORE, BE IT RESOLVED that the Legislature hereby adopts the Tentative Budget, and be it further

RESOLVED, that a copy of this resolution be given to the Budget Officer.

VOTE: Unanimous

RESOLUTION 280-15

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

SET DATE FOR PUBLIC HEARING ON TENTATIVE BUDGET

RESOLVED, that the Clerk of the Yates County Legislature is directed to advertise a public hearing on the Tentative Budget to be held in Yates County Legislative Chambers, 417 Liberty Street, Penn Yan, New York on November 23, 2015 at 6:30 p.m. and be it

RESOLVED, that a copy of this resolution be given to all Department Heads

VOTE: Unanimous

Mrs. Percy moved to enter executive session to discuss the financial history of a corporation, and the employment history of a particular individual with the legislature and Sarah present, seconded by Mr. Sackett.

VOTE: Unanimous

Meeting adjourned at 4:28 p.m.