

REGULAR SESSION – MONDAY, APRIL 13, 2015

The Yates County Legislature convened in regular session, Monday, April 13, 2015 at 1:00p.m with Chairman Dennis presiding. Legislator Montgomery attended later in the meeting.

RESOLUTION 118-15

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

RECOGNIZE YATES COUNTY DISTINGUISHED YOUTH AWARD RECIPIENT

WHEREAS, the Yates County Youth Board selected Zoe Trombley for recognition as a Yates County Distinguished Youth for the first 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 Zoe Trombley by the Yates County Youth Board on April 13, 2015 in Penn Yan, NY, and thank her for her dedicated service to the community of Penn Yan and to the citizens of Yates County, and

RESOLVED, that a copy of this resolution be provided Zoe Trombley and the Youth Bureau Director.
VOTE: Unanimous

Christine Yonge, Youth Bureau Director, presented Zoe Trombley with the first quarter of 2015 Distinguished Youth Award.

Chairman Dennis opened the public hearing on proposed Local Law 1-2015 entitled A Local Law of the County Of Yates, New York, Allowing For Common, Safe Items To Be Excluded From The Dangerous Fireworks Definitions As Permitted By New York State Penal Law Section 405.

Jason Odom, from Phantom Fireworks spoke in support of the passage of the Local Law.

Benjamin Vedder, on behalf of the Firemen’s Association spoke against the passage of the Local Law.

The public hearing was held open until later in the meeting.

Minutes of the March 9th, 26th, and 30th meetings were approved as presented.

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

Airport Fund	\$ 9,325.11
Finance	\$ 360,575.00
Flint Creek	\$ -0-
Government Operations	\$ 83,978.86
Human Services	\$ 353,894.88
Prior to Audit	\$6,407,078.67
Public Safety	\$ 131,403.57
Public Works	\$ 338,311.41

COMMITTEE REPORTS

Mrs. Dunn commended Highway Superintendent Dave Hartman and his crew for the work done on the Wells Road with is being used as a detour for the Italy Hill Turnpike.

Mr. Paddock withdrew resolutions 122 and 123-15.

Mr. Banach reported Erie County reimbursed Yates County \$17,036.01 for assistance during their snow emergency.

County Administrator Sarah Purdy reported recruitment has begun again for the Conflict Defender Position.

Sarah also thanked Phil Rouin, Valerie Gardner and Nonie Flynn for their participation in the Celebrate Service Celebrate Yates. Sarah report that Valerie and crew worked at the Presbyterian Church, Nonie did a great job in getting our team organized. Phil and Sarah worked at the Habitat for Humanity site in Dresden. Sarah explained that although it has been a few years since the County donated the house on Liberty Street to Habitat for Humanity, the organization still remains grateful to the County for that.

Chairman Dennis thanked Sarah and everyone on the Management Team who participated in the Celebrate Service, Celebrate Yates. As a follow up to the comments on Habitat for Humanity and the donation of the Liberty Street house, Chairman Dennis recognized Legislator Banach for his persistence on the Liberty Street project.

RESOLUTION NO. 119-15

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:

\$321.07 from A1165.54660 (District Attorney-Travel Expenses) to A1165.51661 (District Attorney-Compensatory Time Buyout Non-Union);
\$2,030.27 from A1430.54011 (Personnel-Consultants) to A1430.51630 (Personnel-Insurance Manager);
\$125.88 from A1430.54011 (Personnel-Consultants) to A1430.58100 (Personnel-FICA/Medicare);
\$182.68 from A1430.54920 (Personnel-State Fees) to A1430.51661 (Personnel-Compensatory Time Buyout Non-Union);
\$38,250.00 from A1990.54905 (Special Items-Contingent Fund) to A3110.51752 (Sheriff-Deputy Sheriff);
\$1,409.07 from A1990.54905 (Special Items-Contingent Fund) to A4320.51605 (Community Services-Deputy Director Community Services);
\$107.79 from A1990.54905 (Special Items-Contingent Fund) to A4320.58100 (Community Services-FICA/Medicare);
\$10,416.78 from A3020.54949 (Communications-SLETPP SICG2) to A3020.52949 (Communications-SLETPP SICG2);
\$1,915.83 from A3110.54661 (Sheriff-Vehicle Parts/Maintenance/Repair) to A3510.52213 (Animal Control-Vehicle Marked);
\$34,560.00 from A3150.51991 (Jail-Jail Physician) to A3150.54035 (Jail-Physician);
\$22,000.00 from A6610.51610 (Weights and Measures-Director of Weights and Measures) to A1625.54402 (Buildings and Grounds-Weights and Measures Services);
\$50.00 from A6610.54152 (Weights and Measures-Conferences) to A1625.54402 (Buildings and Grounds-Weights and Measures Services);
\$300.00 from A6610.54408 (Weights and Measures-Equipment Maintenance) to A1625.54402 (Buildings and Grounds-Weights and Measures Services);
\$100.00 from A6610.54470 (Weights and Measures-Office Supplies) to A1625.54402 (Buildings and Grounds-Weights and Measures Services);
\$25.00 from A6610.54515 (Weights and Measures-Postage) to A1625.54402 (Buildings and Grounds-Weights and Measures Services);
\$150.67 from A6610.54653 (Weights and Measures-Gasoline) to A1625.54402 (Buildings and Grounds-Weights and Measures Services);
\$800.00 from A6610.54661 (Weights and Measures-Vehicle Parts/Maintenance/Repair) to A1625.54402 (Buildings and Grounds-Weights and Measures Services);

\$150.00 from A6610.54930 (Weights and Measures-Petroleum Testing) to A1625.54402 (Buildings and Grounds-Weights and Measures Services);
\$1,683.00 from A6610.58100 (Weights and Measures-FICA/Medicare) to A1625.54402 (Buildings and Grounds-Weights and Measures Services);
(\$500.00) from D3310.42655 (Road Fund-Traffic-Minor Sales) to D5110.42655 (Road Fund-Maintenance of Roads and Bridges-Minor Sales);
(\$100.00) from D3310.42655 (Road Fund-Traffic-Minor Sales) to D5120.42655 (Road Fund-Bridges and Culverts-Minor Sales);
(\$1,400.00) from D3310.42655 (Road Fund-Traffic-Minor Sales) to D5142.42655 (Road Fund-Snow removal-Minor Sales);
\$637.90 from D5110.51505 (Road Fund-Maintenance of Roads and Bridges-Overtime) to D3310.51505 (Road Fund-Traffic-Overtime);

and be it further

RESOLVED, that copies of this resolution be given to the Building Maintenance Supervisor, Sheriff, Community Services Director; Highway Superintendent, Budget Officer and County Treasurer.
VOTE: Unanimous

RESOLUTION NO. 120-15

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

APPROPRIATE ADDITIONAL STATE AID (Public Health)

WHEREAS, the Public Health Department has received additional State Aid, and

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

NOW, THEREFORE, BE IT RESOLVED, that the following accounts be increased by \$235,000:

Appropriation:

A4010.54947 (Grant: Rural Health Network)

Revenue:

A4010.43403 (State Aid-Facilitated Enrollment)

and be it further

RESOLVED, that copies of this resolution be given to the Public Health Director, the Budget Officer and the County Treasurer.
VOTE: Unanimous

RESOLUTION NO. 121-15

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

APPROPRIATE CARRYOVER OF 2014 INDIGENT LEGAL SERVICES GRANT (Public Defender)

WHEREAS, in 2014 the Public Defender's Office received an Indigent Legal Services grant in the amount of \$16,228.00 from the New York State Office of Indigent Legal Services, and a balance of \$5,438.25 remained at the end of the year, and

WHEREAS, these funds are not part of the 2015 budget and can be carried over into the 2015 fiscal year,

NOW, THEREFORE, BE IT RESOLVED, that the following accounts be increased by \$5,438.25:

Appropriation
A1170.54941 (Grant: Indigent Legal Services)

Revenue
A1170.43025 (State Aid – Indigent Legal Services)

and be it further

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

VOTE: Unanimous

RESOLUTION NO. 122-15 (WITHDRAWN)

Mr. Paddock withdrew resolutions 122 and 123-15.

AUTHORIZE CHAIRMAN TO SIGN A GRANT DISBURSEMENT AGREEMENT AMENDMENT WITH NEW YORK STATE URBAN DEVELOPMENT CORPORATION d/b/a EMPIRE STATE DEVELOPMENT, REGARDING THE YATES COUNTY OPEN ACCESS FIBER NETWORK

WHEREAS, regarding the Yates County Open Access Fiber Network, the County has by prior resolution authorized the Chairman to enter into a Grant Disbursement Agreement with New York State Urban Development Corporation d/b/a Empire State Development and upon approval by the County Attorney, to sign such Grant Disbursement Agreement, and any ancillary documentation related to the proper execution thereof; and

WHEREAS, it is contemplated that in connection with the execution of the Grant Disbursement Agreement, the signing of a Grant Disbursement Agreement Amendment will be necessary to make needed revisions to the Grant Disbursement Agreement and effectuate the subject Grant;

NOW, THEREFORE, BE IT RESOLVED, that the County is authorized to enter into a Grant Disbursement Agreement Amendment with New York State Urban Development Corporation d/b/a Empire State Development, and to this end, the Chairman of the Legislature, upon approval by the County Attorney, is hereby authorized to sign such Grant Disbursement Agreement Amendment, and any ancillary documentation related to the proper execution thereof; and be it further

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

RESOLUTION NO. 123-15 (WITHDRAWN)

AUTHORIZE CHAIRMAN TO ENTER INTO A DARK FIBER IRU AGREEMENT WITH SOUTHERN TIER NETWORK, INC. CONCERNING THE YATES COUNTY OPEN ACCESS FIBER NETWORK

WHEREAS, Yates County (the “County”) desires to establish an Open Access Model backbone network consisting of strands of fiber optic cable within the geographical area of Yates County and portions of Ontario and Schuyler Counties; for the purposes of broadband expansion, enhancement of economic development opportunities, improvement of healthcare and education, as well as general improvement of quality of life for its residents and interconnection with other telecommunications networks (the “Network”); and

WHEREAS, the County wishes to enter into an agreement with Southern Tier Network, Inc. (“STN”), wherein STN would construct, own, operate, manage and market the Network using Rights-of-Way, facilities, aerial attachments, underground conduit, poles and towers of various utilities, railroads and governmental entities and the County would receive an Indefeasible Right of Use to use 12 strands of said Network’s dark fiber for the County’s exclusive internal use (the “Dark Fiber IRU Agreement”);

NOW, THEREFORE, BE IT RESOLVED, that the County is authorized to enter into a Dark Fiber IRU Agreement with STN, and to this end, the Chairman of the Legislature, upon approval by the County Attorney, is hereby authorized to sign such Dark Fiber IRU Agreement, and any ancillary documentation related to the proper execution thereof; and be it further

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

RESOLUTION NO. 124-15

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

RECOGNIZE 2015 NATIONAL CRIME VICTIMS RIGHTS WEEK

WHEREAS, the National Crime Victims’ Rights Week is designated as April 19-25, and this year’s theme is Engaging Communities, Empowering Victims, and as the District Attorney, Sheriff, and the Probation Director in their commitments to raise victim awareness now request a proclamation for recognition of this annual victims’ rights week, and

WHEREAS, crime can leave a lasting physical, emotional, and financial impact on people of all ages, and of all economic, racial, and social backgrounds as victims face a criminal justice system that at times can be stressful, and so the mission of victim advocates is to empower them throughout the healing process as they become survivors to insure that they receive the dignity and respect they deserve, and

WHEREAS, we know that in order to help victims become survivors, we must first listen and learn in an effort to better understand what they need and how they can better be served. Community leaders and organizations, can leverage existing community resources to understand the needs of underserved victims and the impact the victimization has, and

WHEREAS, in Yates County criminal justice services both public and private are available to help rebuild lives, and thus victims’ rights are a critical component that the Probation Officers, District Attorney’s staff and Victim’s Advocate, Sheriff’s services including STOP program VIP, and VINE in-custody hotline and service of protective orders all play in victims’ support,

NOW, THEREFORE, BE IT RESOLVED, that this Legislature recognizes National Crime Victims’ Rights Week April 19-25 and supports the rights of crime victims and survivors to be treated with dignity and fairness by providing protection for children and sexual assault victims, ordering and enforcing victim restitution from offenders, the issuance of an order of protection, and notifying victims of their right to notification of in-jail custody and service of orders and other related services, thereby respecting victims’ rights this week and throughout the year, and

RESOLVED that this Legislature thanks all the local efforts of so many advocates, volunteers, individuals, public employees and entities in our community for this endeavor, and express our appreciation for those victims and crime survivors who have turned personal tragedy into a motivating force toward victim services, and further

RESOLVED, that a copy of this resolution be provided Edith Mann, Director, Safe Harbors of the Finger Lakes; Jannine Phillips, Victim’s Advocate at D.A.’s office; STOP program VIP Coordinator Kerry Brennan, Probation Director Sharon Dawes; District Attorney Valerie Gardner; and to Sheriff Ron Spike.
VOTE: Unanimous

RESOLUTION NO. 125-15

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

RECOGNIZE NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK

WHEREAS, National Public Safety Telecommunications Week has been designated by APCO as April 12 - 18, 2014, celebrating all emergency telecommunications personnel hard work, sacrifices and devotion to their law enforcement and public safety efforts in their local communities, and

WHEREAS, dispatchers are the real 24X7 first responders, and this week is an occasion that allows for citizens to thank public safety men and women who receive emergency calls and dispatch emergency professionals and equipment during times of crisis showing gratitude to 9-1-1 call takers, dispatchers, technicians that maintain radio and emergency phone systems, communications trainers, communications administrative personnel, and other public safety telecommunications staff across the country who work tirelessly, often behind the scenes, to help citizens during emergencies, and

WHEREAS, Yates County recently opened a fully renovated 911 public safety answering point location within the public safety building with full CAD and other IT capabilities in preparation for Next Generation 911 services and will schedule a public open house for this special week, now

THEREFORE, BE IT RESOLVED, that this Legislature at the request of the Sheriff, takes recognition of the National Public Safety Telecommunications Week April 12 – 18 and this Legislature thanks all the Yates County 911 emergency services dispatch personnel and related staff for their continued efforts to preserve the public's safety and health, and

RESOLVED, that copies of this resolution be provided Sheriff Spike, the Director of OEM Winslow, Chief Dispatcher Smith, the 911 Advisory Board members, and the President of Local #9075 of Council 82.

VOTE: Unanimous

RESOLUTION NO. 126-15

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

RECOGNIZE YATES COUNTY SHERIFF'S OFFICER OF THE YEAR

WHEREAS, on March 21, 2015 the Johnson Costello Post 355 of the American Legion, Penn Yan has recognized Criminal Investigator Arlyn Cunningham, Jr. as the 2014 officer of the year noting that he joined the Sheriff's Office in 2004 as a deputy sheriff on the road patrol and during his employment left for military duty as a soldier in the national guard twice deployed to Iraq and to Afghanistan. He has received commendations for apprehending burglary suspects, performing lifesaving CPR, and for felony criminal arrests. He was promoted to Criminal Investigator in 2013 where he has done fraud cases, abuse cases, felony work, and has done extensive work in drug investigations, especially focusing on sale of heroin and opiate drug possession in our community, and

WHEREAS, he is a trained police instructor, crime scene technician, voice stress analyzer, photographer and holds other credentials. His police work is always comprehensive and accurate, and he is constantly willing to work the hours needed to complete the job and set an example for others, and assist patrol deputies and other local police. His professionalism, work ethic, and unselfish commitment to public service is respected,

THEREFORE, BE IT RESOLVED that this Legislature joins the Sheriff in recognizing Investigator Arlyn Cunningham, Jr. as county officer of the year, and thanks him for his police services to Yates County, and further

RESOLVED, that a copy of the resolution be provided to Inv. Cunningham, Council 82 LE local President, the Personnel Officer, and to Sheriff Spike.

VOTE: Unanimous

RESOLUTION NO. 127-15

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

AUTHORIZE CHAIRMAN TO SIGN NYS HOMELAND SECURITY MUTUALINK COMMUNICATIONS INTERGOVERNMENTAL AGREEMENT

WHEREAS, NYS Homeland Security and Emergency Services is deploying an interoperability and collaboration program for counties called "Mutualink," for sharing critical communications radio as well as other loaned hardware and other data capable resources via the county 911 PSAP and EOC, with licenses for communications, especially regionally with adjoining counties understanding that there is a onetime one dollar administrative fee,

NOW, THEREFORE BE IT RESOLVED, that the Chairman upon the review of the Sheriff and approval of the County Attorney is authorized to execute memorandums of understandings with NYS DHSES, and

RESOLVED, that copies of this resolution be provided the Sheriff and to the Director of OEM.

VOTE: Unanimous

RESOLUTION NO. 128-15

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

INMATE HOUSING AGREEMENT ONTARIO COUNTY (2014)

WHEREAS, there are times when Yates County may require boarding an inmate into the Ontario County Jail and should that occasion arise when neither jail is a substitute jail for each other at the sometime then an inmate housing agreement is required at terms, and at a rate set by Ontario County of \$85 a day 2014;

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

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

VOTE: Unanimous

RESOLUTION NO. 129-15

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

APPROPRIATE COMMUNICATION RESERVE FUNDS

WHEREAS, the Yates County Sheriff has reviewed an issue with the Treasurer and needs to appropriate \$18,420 temporarily from the Communications Reserve Fund,

NOW, THEREFORE, BE IT RESOLVED, the following accounts be increased by a total of \$18,420

Budgetary Account:

A511.800 (Appropriate Communications Reserve) \$18,420

Appropriations Account:

A3020-52949 (SLETPP) \$18,420

And be it further,

RESOLVED, copies of this resolution be provided the Sheriff, County Treasurer, and Budget Officer.

VOTE: Unanimous

RESOLUTION NO. 130-15

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

APPROVE RFP TOWER TRANSITION PROJECT

WHEREAS, the county via the Sheriff's administration has a proprietary contract in place for radio communications and microwave network systems at tower sites with Mid-State Communications, especially the Parish site, and that additional one-time work is required with this contracted equipment's transition from the before mentioned tower site to the Shay site causing uninstalls of antenna systems, and then a reinstallation and service, etc. with ancillary tower work and calibrations involved to complete the transition events, and to make ready for restart of continued communications operations and maintenance consistent to agreed terms, and

WHEREAS, the Sheriff has caused a review by the county attorney and received his approval to proceed sole source consistent with contracts in place and that prevailing wage rates are applicable, now

THEREFORE, BE IT RESOLVED, that the proposal for this additional maintenance, service and material for the relocation work for this transitional tower project with the maintenance contractor Mid-State in the amount of \$47,890 is accepted and the Sheriff is authorized to proceed accordingly, and

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

VOTE: Unanimous

RESOLUTION NO. 131-15

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

**AUTHORIZE SHERIFF TO FILL POSITION
(Correction Officer)**

WHEREAS, a Correction Officer position will become vacant by the end of April due to a retirement,

NOW, THEREFORE, BE IT RESOLVED, that effective April 13, 2015 the Sheriff is authorized to fill the Correction Officer position, and be it further

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

VOTE: Unanimous

RESOLUTION NO. 132-15

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

**SET DATE FOR PUBLIC HEARING ON LOCAL LAW 2-15 ENTITLED A LOCAL LAW
REPEALING LOCAL LAW 1-2000 MAINTENANCE OF BRIDGES BY YATES COUNTY**

NOW, THEREFORE BE IT RESOLVED, that the Yates County Legislature will hold a public hearing here on proposed Local Law 2-15 on May 11, 2015 at 6:00p.m. in the Legislative Chambers located at 417 Liberty St., Penn Yan, NY and be it further

RESOLVED, that the Clerk of the Legislature is directed to advertise said public hearing.

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 2-15 ENTITLED: A Local Law Repealing Local Law 1-2000 Maintenance of Bridges by Yates County

Be it enacted by the Legislature of the

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

BE IT ENACTED BY THE YATES COUNTY LEGISLATURE, that:

Section 1. County of Yates Local Law No. 1-2000 entitled Maintenance of Bridges by Yates County is hereby repealed in its entirety.

Section 2. This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with the New York State Municipal Home Rule Law.

VOTE: Unanimous

RESOLUTION NO. 133-15

Mr. Banach offered resolutions 133 thru 135-15 and moved their adoption, seconded by Mrs. Dunn.

AWARD BID FOR COLD MILLING OF ASPHALT PAVEMENT

WHEREAS, bids were requested for Cold Milling of Asphalt Pavement and received on March 19, 2015 at 10:00 a.m. and four firms submitted bids to the Yates County Highway Department,

Midland	Bothar	Donegal	Villager
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Project # 1 CR #1, Himrod Road (1.34 miles)

3" depth, Estimated quantity: +/-18,135 sy

With County Trucking /sq yd:	1.665	1.93	1.41	1.12
Deduct for County provided M&P of Traffic	-0.244	-0.20	-0.08	-0.06
	1.42	1.73	1.33	1.06

Project # 2 CR #35, Italy Friend Road (2.01 miles)

3" depth, Estimated quantity: +/-27,069 sy

With County Trucking /sq yd:	1.445	1.93	1.22	1.18
Deduct for County provided M&P of Traffic	-0.223	-0.20	-0.07	-0.08
	1.222	1.73	1.15	1.10

Project # 3 CR #48, Hobson Road (1.10 miles)

3" depth, Estimated quantity: +/-15,715 sy

With County Trucking /sq yd:	1.645	1.93	1.62	1.27
Deduct for County provided M&P of Traffic	-0.233	-0.20	-0.09	-0.07
	1.412	1.73	1.53	1.20

Project # 4 CR #12, Dunton Road (2.08 miles)

3" depth, Estimated quantity: +/-28,109 sy

With County Trucking /sq yd:	1.658	1.93	1.23	1.15
Deduct for County provided M&P of Traffic	-0.26	-0.20	-0.06	-0.08
	1.398	1.73	1.17	1.07

NOW, THEREFORE BE IT RESOLVED, to award the bid to Projects #1 thru #4 to Villager Construction Inc., and be it further

RESOLVED, that copies of this resolution be forwarded to all bidders, the Yates County Treasurer, and the Yates County Highway Superintendent.

VOTE: Unanimous

RESOLUTION NO. 134-15

AWARD BID FOR LIQUID BITUMINOUS MATERIAL

WHEREAS, bids were requested for Liquid Bituminous Material and received on March 19, 2015 at 10:00 a.m. and four firms submitted a bid to the Yates County Highway Department,

	Vestal	Midland	Minority Paving	Suit Kote
LIQUID EMULSIFIED ASPHALT MATERIALS "PER GALLON"				
702-3101 RS-2	2.734	2.825	NB	2.805
HFMS-2P	2.969	3.058	NB	3.037
702-3301 HFMS-2	3.081	3.174	NB	3.156
HFMS-2ST	2.725	2.805	NB	2.568
AEPM	1.835	2.490	NB	1.830
702-4101 CRS-2	2.725	2.805	NB	2.825
CRS-2P	2.951	3.038	NB	3.057
MIX PAVER OPTION "APPLIED PER GALLON"				
702-4201 CMS-2	2.563	3.434	NB	3.459
HFMS-2GH	NB	3.564	NB	3.539
CHIPPER RENTAL & APPLIED OIL PRICE PER GALLON				
Chipper w/CRS-2	2.680	3.015	NB	3.035
w/RS-2	2.680	3.035	NB	3.015
w/HFRS-2	2.730	3.035	NB	3.015
w/HFRS-2ST	2.730	3.035	NB	2.995
w/HFMS-2ST	2.730	3.015	NB	2.799
PUG MILL and PAVER OPERATIONS "APPLIED PER GALLON"				
702-3301 HFMS-2	3.581	3.724	NB	3.666
HFMS-2C	NB	NB	NB	3.726
702-4201 CMS-2	3.563	3.704	NB	3.686
HFMS-2GH	NB	3.834	NB	3.766
702-4501 CSS-1H	3.299	3.434	NB	3.414
RENTAL OF EQUIPMENT INCLUDING OPERATOR				
VIBRATORY ROLLER DOUBLE DRUM /DAY	2000.00	NB	1825.00	1900.00
10-12 TON RUBBER TIRED ROLLER /DAY	1800.00	1850.00	NB	1800.00
MIX PAVER /DAY	NB	2800.00	NB	3300.00
ASPHALT PAVER /DAY	3500.00	NB	2550.00	2900.00
MILLING MACHINE 75" DOWN CUT /DAY	NB	NB	NB	5400.00
WATER TRUCK WITH PUMP				

PUG MILL OPERATION	/DAY	NB	NB	NB	NB
CHIPPER	/DAY	2000.00	2400.00	NB	2200.00
SPECIALIZED PERSONNEL					
ASPHALT RAKER	/DAY	NB	NB	\$775.00	\$875.00
BLACKTOP LABORER	/DAY	NB	NB	\$775.00	\$875.00

NOW, THEREFORE, BE IT RESOLVED, to award the bid to: Vestal for Liquid Emulsified Asphalt Materials RS-2, HFRS-2P, HFMS-2, CRS-2, CRS-2P, Mix Paver Options CMS-2, Chipper Rental CRS-2, RS-2, HFRS-2, HFRS-2ST, HFMS-2ST, Pug Mill and Paver Operations HFMS-2, CMS-2, CSS-1H. To Suit Kote for Liquid Emulsified Asphalt Materials HFMS-2ST, AEPM, Mix paver Options HFMS-2GH, Pug Mill and Paver Operations HFMS-2C, HFMS-2GH.

AND, for Rental of Equipment Including Operator to: Vestal for 10-12 Ton Rubber Tired Roller, Pug Mill Operation, and Chipper. To Suit Kote for 10-12 Ton Rubber Tired Roller, Milling Machine 75" Down Cut. To Midland for Mix Paver. To Minority Paving for Vibratory Roller Double Drum, Asphalt Paver, Specialized Personnel Asphalt Raker and Blacktop Laborer, and be it further

RESOLVED, to forward a copy of this resolution to each bidder, the Yates County Treasurer, and the Yates County Highway Superintendent.

VOTE: Unanimous

RESOLUTION NO. 135-15

AWARD BID FOR HOT MIX ASPHALT CONCRETE

WHEREAS, bids were requested for Hot Mix Asphalt Concrete and received on March 19, 2015 at 10:00 a.m. and six firms submitted bids to the Yates County Highway Department,

NYSDOT ITEM	ITEM	TYPE	Est. QUANT. (Tons)	AL Blades	Dolomite	Seneca Stone	Dalrymple	Hanson	Spallina
403.18	TOP	7	<500	\$70.00	\$69.00	\$71.00	NB	\$70.35	\$65.00
403.17	TOP	6F	500-1,000	\$67.75	\$65.50	\$70.40	NB	\$67.30	\$64.00
403.17	BINDER	Fine	500-1,000	\$66.75	\$61.00	\$66.20	NB	\$62.95	\$61.00
403.13	BINDER	3	500-1,000	\$63.00	\$59.00	\$61.65	NB	\$60.95	\$60.00

SPECIFIED IN-PLACE PROJECTS

Project #1

CR #1 From CR #42 to State Route 14									
1.34 Mi.	3,531 tons	Type 3	Unit:	\$70.00	NB	NB	\$75.50	\$62.74	NB
	1,465 tons	6F top	Unit:	\$76.25			\$82.25	\$70.74	
			Total:	\$358,876.25			\$387,086.75	\$325,169.04	

Project #2

CR #35 From Italy Hill Road to Keech Road									
2.01 Mi.	5,400 tons	Type 3	Unit:	\$65.00	NB	NB	\$73.50	\$62.79	NB
	2,185 tons	6F top	Unit:	\$75.05			\$80.25	\$70.16	
			Total:	\$514,984.25			\$572,246.25	\$492,365.60	

Project #3

CR #48 From State Route 14A to Bath Road									
1.01 Mi.	3,115 tons	Type 3	Unit:	\$67.50	NB	NB	\$74.65	\$62.11	NB

1,270 tons 6F top	Unit:	\$74.75			\$81.40	\$69.71	
	Total:	\$305,195.00			\$335,912.75	\$282,004.35	

Project #4

CR #12 From State Route 364 to State Route 247							
2.08 Mi. 5,605 tons Type 3	Unit:	\$66.00	NB	NB	\$74.00	\$60.83	NB
2,270 tons 6F top	Unit:	\$77.00			\$80.90	\$68.18	
	Total:	\$544,720.00			\$598,413.00	\$495,720.75	

Project #5

CR #03 From State Route 14 to Village of Dresden Line							
2.04 Mi. 2,225 tons 6F top	Unit:	\$77.50	NB	NB	\$83.00	\$67.71	NB
	Total:	\$172,437.50			\$184,675.00	\$150,654.75	

UNSPECIFIED IN-PLACE PROJECTS

403.198302	TOP	7F3	Base Bid:	nb	nb	nb	\$99.50	\$93.21	\$105.00
403.178302	TOP	6F3	Base Bid:	nb	nb	nb	\$97.50	\$91.56	\$104.00
*	BINDER	FINE	Base Bid:	nb	nb	nb	\$95.50	\$84.67	\$101.00
403.138902	BINDER	Type 3	Base Bid:	nb	nb	nb	\$95.50	\$84.67	\$99.00

NOW, THEREFORE BE IT RESOLVED, due to various worksites throughout the County, the bid award for F.O.B. materials shall be awarded to all bidders and the purchase of F.O.B. from any vendor shall be determined by combining the price per ton at the vendor yard and the Yates County cost for hauling the materials to the job site.

AND, Specified In-Place Project #1 thru # 5 shall be awarded to Hanson Aggregates New York LLC, Unspecified In Place Projects with 7F3 Top, 6F3 Top, Fine Binder, and Type 3 Binder to Hanson Aggregates New York LLC, be it further

RESOLVED, to forward a copy of this resolution to each bidder, the Yates County Treasurer, and the Yates County Highway Superintendent.

VOTE: Unanimous

RESOLUTION NO. 136-15

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

**AUTHORIZE HIGHWAY SUPERINTENDENT TO FILL POSITION
(Highway Maintenance Supervisor)**

WHEREAS, the Highway Superintendent anticipates a vacancy in the full-time position of Highway Maintenance Supervisor in September,

NOW, THEREFORE, BE IT RESOLVED, that effective on that date the position becomes vacant the Highway Superintendent is authorized to refill the position, and be it further

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

VOTE: Unanimous

RESOLUTION NO. 137-15

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

**CREATE AND AUTHORIZE HIGHWAY SUPERINTENDENT TO FILL POSITION
(Motor Equipment Operator Light)**

WHEREAS, the Highway Superintendent anticipates a vacancy in the full-time position of Highway Maintenance Supervisor in September, and

WHEREAS, the Highway Superintendent anticipates filling this vacancy through the promotion of a full-time Working Supervisor, and

WHEREAS, the Highway Superintendent wishes to address the resulting vacancy by creating and filling a full-time Motor Equipment Operator Light (MEOL) position rather than filling the vacant Working Supervisor position,

NOW, THEREFORE, BE IT RESOLVED, that effective upon the vacancy occurring in the Working Supervisor position, a full-time MEOL position is hereby created, and be it further

RESOLVED, that effective on that date the Highway Superintendent is authorized to fill the full-time MEOL position, and be it further

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

VOTE: Unanimous

RESOLUTION NO. 138-15

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

**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 and Right of Way Incidentals and Acquisition work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$161,000 is hereby appropriated from the 2015 Road Fund budget line #D5120.4992 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. 139-15

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

SIGN INTER-MUNICIPAL AGREEMENT BETWEEN COUNTIES OF MONROE, LIVINGSTON, STEUBEN, YATES, SCHUYLER, CHEMUNG, ONTARIO, WAYNE AND SENECA

WHEREAS, the COUNTIES OF MONROE, LIVINGSTON, STEUBEN, YATES, SCHUYLER, CHEMUNG, ONTARIO, WAYNE AND SENECA are referred to as the "Finger Lakes Counties";

WHEREAS, the County Health Departments of the Finger Lakes Counties all have responsibilities for public health emergency planning and response;

WHEREAS, some public health problems may require public health services that exceed the capacities of the individual County Public Health Departments;

WHEREAS, the County Health Departments of the Finger Lakes Counties are desirous of establishing an inter-municipal agreement to provide mutual aid to each other during a public health emergency;

RESOLVED, that the Chairman is hereby authorized to sign an inter-municipal agreement with the Finger Lakes Counties for the period July 1, 2015 – June 30, 2020; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 140-15

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

AUTHORIZE LEGISLATIVE CHAIRMAN AND DIRECTOR OF COMMUNITY SERVICES TO SIGN AMENDED AGREEMENTS

WHEREAS, resolution 352-14 authorized the renewal of contracts with Finger Lakes Addiction Counseling and Referral Agency (FLACRA) in the amount of \$84,125.00 and Council on Addictions of the Finger Lakes in the amount of \$233,042.00, and

WHEREAS, NYS has authorized additional funding for these agencies,

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature and the Director of Community Services is hereby authorized to sign amended agreements with FLACRA increasing their funding from \$84,125.00 to \$85,992.00 and Council on Addictions of the Finger Lakes increasing their funding from \$233,042 to 234,919.00, and be it further

RESOLVED, that copies of this resolution be provided to the Director of Community Services, and the County Treasurer.

VOTE: Unanimous

RESOLUTION NO. 141-15

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

WORKFORCE DEVELOPMENT BUDGET TRANSFER

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

FROM:	CD6292.11L	KKP Adult Participant Wage	\$ 200.00
TO:	CD6292.41L	KKP Adult Operating	\$ 200.00
FROM:	CD6293.4C	WIA Youth Operating	\$6,238.00
TO:	CD6293.11C	WIA Youth Participant Wage	\$5,373.80
	CD6293.81C	WIA Youth Participant Fringe	\$ 864.20

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. 142-15

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

AUTHORIZE CONTRACT FOR HELP DESK SERVICES

RESOLVED, that contingent upon the approval of the County Attorney, the Chairman of the Legislature and the Commissioner of Social Services be authorized to sign a contract between the Yates County Department of Social Services and the Yates County Information Technology Department for the provision of help desk services to the Department of Social Services for the period January 1, 2015-December 31, 2015 at a cost not to exceed \$24,684, and be it further

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

VOTE: Unanimous

RESOLUTION NO. 143-15

Mrs. Church offered resolutions 143 and 144-15 and moved their adoption, seconded by Mr. Paddock.

ENTER INTO CONTRACT WITH COMPANION CARE OF ROCHESTER

RESOLVED, that contingent upon the approval of the County Attorney, the Chairman of the Legislature and the Social Services Commissioner be authorized to sign a contract with Companion Care of Rochester to act as fiscal administrator for the Consumer Directed Personal Assistance Program (no cost) for the time frame of February 4, 2015 through December 31, 2015

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

VOTE: Unanimous

RESOLUTION NO. 144-15

ENTER INTO CONTRACT WITH CHEMUNG FAMILY SERVICES

RESOLVED, that contingent upon the approval of the County Attorney, the Chairman of the Legislature and the Social Services Commissioner be authorized to sign a contract with Chemung Family Services for the provision of psychiatric Assessments including psychological testing and evaluation for the time frame of January 1, 2015 through December 31, 2015.

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

VOTE: Unanimous

RESOLUTION NO. 145-15

Mrs. Church offered resolutions 145 and 146-15 and moved their adoption, seconded by Mr. Smith.

AUTHORIZE CONTRACT FOR FOSTER CARE SERVICES

RESOLVED, that contingent upon the approval of the County Attorney, the Chairman of the Legislature and the Social Services Commissioner be authorized to sign a contract for residential services with Northeast Parent and Child Society at the rates established by OCFS (New York State) for the time frame March 1, 2015-June 31, 2015.

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

VOTE: Unanimous

RESOLUTION NO. 146-15

AUTHORIZE CONTRACT FOR DETENTION SERVICES

RESOLVED, that contingent upon the approval of the County Attorney, the Chairman of the Legislature and the Social Services Commissioner be authorized to sign a contract for detention services with Ontario County at the rates established by OCFS (New York State) for the time frame March 1, 2015-June 31, 2015.

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

VOTE: Unanimous

RESOLUTION NO. 147-15

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

**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 desires to contract with Benetech, Inc. for the administration of the aforementioned services, for all Plan participants, at a total cost not to exceed \$10,500, inclusive of all component services, including the online training program.

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 the date of execution of said agreement through December 31, 2015, 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. 148-15

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

AUTHORIZE CHAIRMAN TO SIGN AGREEMENT WITH BENETECH FOR LEAVE MANAGEMENT

WHEREAS, Yates County (“the County”) desires to enter into an agreement with Benetech, Inc. for the administration and management of the Yates County Disability and Leave Management Program, and

WHEREAS, for a cost not to exceed \$1,548.00 annually, Benetech, Inc. will manage FMLA leaves and other disability related leave programs, including implementation and training, leave management and processing, tracking, notifications, reporting, data protection, confidentiality, and compliance, and

WHEREAS, this agreement is exclusive to Yates County, Benetech, Inc. is offering this service to any municipal Plan participant that wishes to contract with them for these services.

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 the date of execution of said agreement through December 31, 2015, 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. 149-15

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

REQUEST HOME RULE LEGISLATION TO RENEW THE 1% SALES TAX INCREASE IMPOSED IN 2003

WHEREAS, in 2003 Yates County increased the county portion of the sales tax rate by 1% in order to generate approximately \$2 million per year in additional county revenue without imposing an additional burden to property owners through the property tax, and

WHEREAS, the authorization from the State Legislature to impose this additional sales tax expires on November 30, 2015,

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature hereby requests home rule legislation be passed by the Assembly in bill A5181 and the Senate in bill S2548 to amend the tax law in relation to the imposition by the County of the additional 1% on the county portion of the sales tax rate through November 30, 2017, and be it further

RESOLVED, that copies of this resolution be given to Senator O'Mara, Assemblyman Palmesano, the Yates County Administrator and the Yates County Treasurer.

VOTE: Unanimous

RESOLUTION NO. 150-15

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

AUTHORIZE INSURANCE RENEWAL

WHEREAS, various insurance policies on behalf of the County with Selective Insurance Company and Midwest Causality expire on May 10, 2015, and

WHEREAS, the County would like to renew the policies for a period of one year from May 10, 2015 through May 10, 2016,

NOW, THEREFORE, BE IT RESOLVED, that, effective May 10, 2015, that Stork Insurance Agency is hereby authorized as the local insurance agent for Selective Insurance Company and Midwest Causality that all insurance policies currently due for renewal on May 10, 2015 may be renewed for said one-year period, and be it further

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

VOTE: Unanimous

Chairman Dennis questioned if there was anyone else who would like to speak with regard to Local Law 1-15.

Legislator Paddock questioned where other counties in New York State stand, how many have passed it, how many have offered it and rejected it.

Connie explained she knows of none so far that have rejected it. There are a lot of counties that are still working on it. There have been eight so far that have passed it.

Mr. Sackett questioned if wire sparklers were now excluded from manufacturing.

Mr. Odom from Phantom Fireworks stated that his company does not manufacture them and he does not believe they can be manufactured anymore.

Chairman Dennis stated it is his understanding that wire sparklers would not be approved under this law. Mr. Odom confirmed.

Chairman Dennis closed the public hearing at 1:35p.m.

RESOLUTION NO. 151-15

Mr. Morris stated that after listening to the comments he is not comfortable offering this resolution. Mr. Paddock suggested that Mr. Morris offer the resolution get a second and then move to table it or not offer it at all.

Mr. Paddock reminded everyone that this was approved by the Government Operations Committee. Mr. Morris stated that with the remarks from the public hearing and we didn't have that data and there may be more that we don't have. Mr. Morris stated that we should collect additional information on what others are doing. Who else has concerns, why, and then he would be willing to offer this after that discussion.

Chairman Dennis stated the question would be the timeliness, the July 4th window is coming up. There is no reason we couldn't consider this in May. Chairman Dennis questioned the Clerk in that if the resolution was to be reconsidered does another public hearing have to be held. Connie confirmed that another public hearing would need to be held. Chairman Dennis stated the public hearing would need to be announced, a date set and advertising done. Connie confirmed that by doing it that way the July sale dates would be missed. Chairman Dennis stated that if the public hearing was set today a vote could be taken in May.

Chairman Dennis questioned if anyone wanted to offer a resolution setting the date and time for another public hearing on this local law or are we just not going to consider it.

Mr. Holgate questioned what additional information is being sought.

Mr. Paddock stated that from his stand point, he feels that it is great for Yates County to be out in front on somethings, this just might not be one we want to be out in front on. Mr. Paddock also has concerns as expressed by the Fire Advisory Board, we didn't have this information until today, and he is concerned about the safety of our emergency services providers if they have to respond to fires caused by fireworks such as this.

Chairman Dennis stated as a counter to that, there is going to be fireworks no matter what. This way it will make it legal rather than illegal. There has been a good safety record on these fireworks that are being proposed.

Mr. Holgate stated that by basically doing this by county to county somebody could actually go to Ontario County, if they have approved this law, buy sparklers and bring them into Yates County. It makes the whole law enforcement complicated.

Chairman Dennis stated that one of the comments that was heard when this was first mentioned is these products are going to be bought and this would give our local merchants a chance to sell them and have some commerce and obtain sales tax.

Mr. Morrison questioned if anyone else could offer a resolution if Mr. Morris was uncomfortable with it and if so what happens if it is passed or not.

Chairman Dennis stated at the end of the agenda as always he will call for any further business to come before the legislature. If someone wants to offer a resolution to set the date for a public hearing in May he would suggest they refer to the previous resolution that we had today setting the date and time for a public hearing and make it 5 minutes later.

Mr. Morris stated that if people want an up or down vote he will offer the resolution and vote "no" he has no problem doing that if that is what the board would like to do. All the time we pull back resolutions before the legislature because we just learn something that we didn't know prior. We just learned there is more controversy than we thought there was at the meeting.

Mr. Holgate stated he feels a vote should be taken as he does not feel anything will be gained with additional information. It's pretty cut and dry, we're talking sparklers, are we going to allow them or not. Mr. Holgate stated that being a county to county issue, they are going to be out there anyway.

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

DISCUSSION:

Mr. Clark asked for clarification as to whether the wire sparklers are included in the law. Chairman Dennis stated that they were not.

Mr. Holgate stated prior to this coming out, all fireworks were illegal in New York State. Now it's going to be a county by county thing. Mr. Holgate feels that this should be allowed throughout the state or not allowed throughout the state. He does not feel it should be county by county.

Mr. Paddock stated if we pass this law, they can purchase certain fireworks in Yates County and can be used in Yates County. If we don't pass this law, they can purchase them elsewhere, can they then be used in Yates County or are they not allowed to be used in Yates County.

Connie read the following excerpt from the local law:

Whereas the Governor signed this version of the bill into law in part due to its strong home rule authority, only allowing for certain fireworks to be sold and used in municipalities that affirmatively enact a local law authorizing such action.

Mr. Smith stated that if the law states it's sold and used in affect we are going to be criminalizing people for purchasing in another county and lighting a sparkler in Yates County.

Mr. Morris questioned how that is different from what it has been.

Mr. Smith explained that up until the Governor passed this law all dangerous fireworks were banned both sale and use across the state. Now we have a situation where sales could be just across the county line.

Connie stated that Steuben County has adopted this law.

ADOPT LOCAL LAW NO. 1-15 ENTITLED A LOCAL LAW OF THE COUNTY OF YATES, NEW YORK, ALLOWING FOR COMMON, SAFE ITEMS TO BE EXCLUDED FROM THE DANGEROUS FIREWORKS DEFINITIONS AS PERMITTED BY NEW YORK STATE PENAL LAW SECTION 405

WHEREAS, proposed Local Law 1-15 entitled " A Local Law Of The County Of Yates, New York, Allowing For Common, Safe Items To Be Excluded From The Dangerous Fireworks Definitions As Permitted By New York State Penal Law Section 405" was introduced at the March 2015 meeting

NOW, THEREFORE, BE IT RESOLVED, that proposed Local Law 1-14 entitled " A Local Law Of The County Of Yates, New York, Allowing For Common, Safe Items To Be Excluded From The Dangerous Fireworks Definitions As Permitted By New York State Penal Law Section 405" is hereby adopted, and be it further

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

VOTE: Roll Call: Dunn, Morrison, Percy, Multer, Holgate, Banach, Clark, Smith, Dennis voting "Yes" Paddock, Church, Sackett, Morris voting "No" and Montgomery abstained. Motion Carried.

Mr. Paddock moved to enter executive session to discuss contract negotiations and personnel performance, seconded by Mr. Smith.

Meeting adjourned at 1:45p.m.