

**REGULAR SESSION – MONDAY, MAY 9, 2016**

The Yates County Legislature convened in regular session, Monday, May 9, 2016 with Chairman Dennis presiding.

**RESOLUTION NO. 184-16**

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

**RECOGNIZE YATES COUNTY DISTINGUISHED YOUTH AWARD RECIPIENT**

WHEREAS, the Yates County Youth Board selected Allison Kimball for recognition as a Yates County Distinguished Youth for the first quarter of 2016, acknowledging her outstanding service to her community,

NOW, THEREFORE, BE IT RESOLVED, that this Legislature take recognition of this honor bestowed upon Allison Kimball by the Yates County Youth Board on May 9, 2016 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 Allison Kimball and the Youth Bureau Director.

VOTE: Unanimous

Commissioner of Social Services, Amy Miller presented Allison Kimball with the Yates County Distinguished Youth Award at this time.

Danielle Lyman and Mary Zelazny gave a presentation to the Legislature on Public Transportation. Ms. Zelazny reviewed the results of the survey and the public forum that was held and Ms. Lyman reviewed the business plan. Ms. Lyman explained that there would be no cost to the county to set this up on routes that are already established by ARC bus routes and at any time if the system is failing or cannot sustain itself with rider fees and state funding the county can opt out of the system. The consensus of the Legislature was to move forward and have Ms. Lyman come to the Finance Committee in June with what the next steps would be.

The following people asked various questions and expressed concerns with having public transportation. Some of the topics were, taking business away from already established businesses doing transportation, the county doesn't need this, there would eventually be a cost to the taxpayers, and that a public transportation system could also boost business for Penn Yan and help people get to and from work that currently do not have transportation.

Speakers: Jim Moon, Sandra King read a letter from Stan Olevnik, Teresa Vivier, Keuka Taxi, Chris Bailey, Bill Berg, Mike Leary, Executive Director Rochester Primary Care Network.

Minutes of the April meeting were approved as presented.

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

Airport Fund	\$ 1,760.45
Finance	\$ 58,015.67
Flint Creek	\$ 0.00
Government Operations	\$ 78,384.38
Human Services	\$404,671.55
Prior to Audit	\$ 49,656.03

Public Safety \$126,710.35  
Public Works \$185,587.33

**COMMITTEE REPORTS**

Mr. Smith reported the Seneca Watershed Municipal Organization met April 26<sup>th</sup> in Montour Falls. There were a number of members from several municipalities attending. Discussion took place on the different septic system regulations in various towns. It was decided to look into what those different regulations were. Next meeting will be held in Seneca County and is tentatively set for the 4<sup>th</sup> Tuesday in July.

Mr. Holgate reported there is a resolution recognizing Peace Officer's Memorial Day. The flags will be a half-staff on May 15<sup>th</sup>. The Sheriff will be having a dedication ceremony on May 18<sup>th</sup> at 6:00p.m. in front of the Public Safety Building.

Mr. Paddock thanked Nonie Flynn and Scott Falvey for the auction of tax acquired properties. After the payment of taxes and the auctioneer's fees a net of \$161,737 was received.

Mr. Montgomery asked if a couple of things could be added to the website which Mr. Montgomery feels the general public should care about. Mr. Montgomery would like to see the Yates County tax levy and fund balance performance from 1980 thru current, and the historical data on spending for the various funds which was done for the years 2003, 2005 and 2015 put up on the county website.

Mr. Paddock stated that this request would be put on the agenda for the June Finance Committee meeting.

**RESOLUTION NO. 185-16**

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

**2016 BUDGET TRANSFERS**

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

From:	To:	Amount:
A4010.54856 PH-Rabies Treatment	A4042.54855 RABIES-Rabies Control	950.00
A1430.54019 PERS-EAP	A1430.51505 PERS-Overtime	5.45
A1430.54019 PERS-EAP	A1430.51961 PERS-35-40 Hours	72.90
A1430.54156 PERS-Training	A1430.51961 PERS-35-40 Hours	203.46

and be it further

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

VOTE: Unanimous

**RESOLUTION NO. 186-16**

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

**AUTHORIZE CONVEYANCE OF REAL PROPERTY**

WHEREAS, the Yates County Treasurer has conveyed the following 2014 delinquent tax parcels to the County of Yates:

Milo: Tax Map No. 88.35-1-19.1, Young, Scott; Young, Donna

pursuant to the provisions of the Real Property Tax Law by Deed recorded in the Yates County Clerk's Office on March 23, 2016 in Liber 701 of Deeds at Page 19, and

WHEREAS, the respective former owners of each of the above recited tax parcels have paid the taxes due plus interest, penalties and all other related delinquency expenses heretofore, plus a \$1,500 processing fee within the time parameters set forth in Resolution No. 256-15 of the Yates County Legislature and said former owners are requesting that the County of Yates sell said tax parcels back to them by way of private sale, and

WHEREAS, Resolution No. 256-15 of the Yates County Legislature has set forth its policies and procedures regarding the sale of properties it acquires by tax foreclosure back to its former owner;

NOW, THEREFORE, BE IT RESOLVED, that Yates County hereby authorizes the grant and delivery by way of Quit Claim Deed conveying title of each of the tax parcels described above to the respective former owner(s) for the respective purchase price as determined pursuant to said Resolution No. 256-15; with each respective title conveyance being contingent upon payment of said purchase price to the County and compliance with and being in accordance with all terms of sale and other provisions promulgated by the County Treasurer in its respective written document entitled "Private Sale to Former Owners" and the former owner(s) execution of said written document; and be it further

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

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

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

VOTE: Unanimous

#### **RESOLUTION NO. 187-16**

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

#### **ACCEPT BIDS ON TAX ACQUIRED PROPERTIES**

WHEREAS, the 2014 delinquent tax parcels deeded to the Yates County for non-payment of real property taxes have been advertised for tax auction and the County has received the bids on said properties, and

WHEREAS, the Finance Committee has reviewed said bids, and

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

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

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

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

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

Barrington	125.03-1-5.121	James & Jane LeBaron	<b>\$15,750</b>
Italy	45.03-1-13	Ervin & Lena Sensenig	<b>\$10,000</b>
Italy	45.03-1-15	Donald Petrie, Jr.	<b>\$3,700</b>
Italy	68.80-1-4	Bellwood Farms LLC	<b>\$26,000</b>
Jerusalem	47.04-1-24	Larry & Eileen Zimmerman	<b>\$15,000</b>
Jerusalem	82.02-1-4	Nathaniel Duffy	<b>\$6,500</b>
Jerusalem	82.02-1-5	Chad Allison	<b>\$19,000</b>
Jerusalem	83.76-1-3	Robert Saxon	<b>\$300</b>
Jerusalem	83.76-1-5	Rolf Zerges, Lynda Rummel	<b>\$100</b>
Middlesex	32.02-1-22	Wayne Dunton	<b>\$200</b>
Middlesex	43.38-1-7	Linda Bailey	<b>\$100</b>
Middlesex	45.01-1-11	William Rought	<b>\$5,250</b>
Middlesex	45.01-1-12	William Rought	<b>\$100</b>
Milo (PY)	49.68-2-21	Raymond & Martha Knafo	<b>\$30,000</b>
Milo (PY)	49.74-1-3	Wise Choice Real Estate	<b>\$40,000</b>
Milo (PY)	49.76-1-12	Tyler Berman	<b>\$4,500</b>
Milo (PY)	50.61-1-21	ESI Land Holdings, LLC	<b>\$20,000</b>
Milo	87.76-1-5	Maria Rodriguez	<b>\$100</b>
Starkey	107.01-1-12	David & Irene Eberly	<b>\$5,500</b>
Torrey	51.41-1-2	Phillip Rohr	<b>\$3,250</b>

VOTE: Unanimous

### **RESOLUTION NO. 188-16**

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

### **ADOPT INVESTMENT POLICY**

WHEREAS, Resolutions 7-14 and 48-14 adopted the Yates County Investment Policy and,

WHEREAS, there is a need to amend the policy,

NOW THEREFORE BE IT RESOLVED, that resolutions 7-14 and 48-14 are hereby rescinded and the following Investment Policy for Yates County is hereby adopted, and be it further;

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

## **INVESTMENT POLICY FOR YATES COUNTY**

### **I. SCOPE**

This investment policy applies to all moneys and other financial resources available for investment on its own behalf or on behalf of any other entity or individual.

### **II. OBJECTIVES**

The primary objectives of the local government's investment activities are, in priority order,

- To conform with all applicable federal, state and other legal requirement (legal);
- To adequately safeguard principal (safety);
- To provide sufficient liquidity to meet all operating requirements (liquidity); and
- To obtain a reasonable rate of return (yield)

### **III. DELEGATION OF AUTHORITY**

The governing board's responsibility for administration of the investment program is delegated to the **County Treasurer** who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a database or records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

### **IV. PRUDENCE**

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the **County of Yates** to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

### **V. DIVERSIFICATION**

It is the policy of the **County of Yates** to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

### **VI. INTERNAL CONTROLS**

It is the policy of the **County of Yates** for all moneys collected by any officer or employee of the government to transfer those funds to the County Treasurer within 7 days of deposit, or within the time period specified in law, whichever is shorter.

The **County Treasurer** is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

**VII. DESIGNATION OF DEPOSITARIES**

The banks and trust companies authorized for the deposit of monies up to the maximum amounts are:

<u>Depository Name</u>	<u>Maximum Amount</u>
Community Bank, N.A.	\$20,000,000
Lyons National Bank	20,000,000
Five State Bank, N.A.	20,000,000
JP Morgan Chase Bank	20,000,000

**VIII. COLLATERALIZING OF DEPOSITS**

In accordance with the provisions of General Municipal Law, Article 10, all deposits of Yates County, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured by:

1. A pledge of "eligible securities" with an aggregate "market value" that is at least equal to the aggregate amount of deposits by the officers.
2. An "irrevocable letter of credit" issued in favor of Yates County by a federal home loan bank whose commercial paper and other unsecured short-term debt obligations are rated in the highest rating category by at least one nationally recognized statistical rating organization, as security for the payment of 100 percent of the aggregate amount of deposits and the agreed-upon interest, if any.

**IX. SAFEKEEPING AND COLLATERALIZATION**

Eligible securities used for collateralizing deposits shall be held by the depository and/or a third party bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the **County of Yates** or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any

other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

**X. PERMITTED INVESTMENTS**

As authorized by General Municipal Law, Chapter 11, the **County of Yates** authorizes the **Treasurer** to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- Special time deposit accounts;
- Certificates of deposit;
- Obligations of the United States of America;
- Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- Obligations of the State of New York;
- Obligations issued pursuant to LFL Chapter 24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the **County of Yates**;
- Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorizes such investments.
- Certificates of participation (COPs) issued pursuant to GML Chapter 109-b.
- Obligations of this local government, but only with any moneys in a reserve fund established pursuant to GML Chapters 6-c,6-d,6-e,6-g,6-h,6-j,6-k,6-l,6-m,or 6-n.

All investment obligations shall be payable or redeemable at the option of the **County of Yates** within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys shall be payable or redeemable at the option of the **County of Yates** within two years of the date of purchase.

**XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS**

The **County of Yates** shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the local government conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the **County of Yates**. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The **Treasurer** is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

**XII. PURCHASE OF INVESTMENTS**

The **Treasurer** is authorized to contract for the purchase of investments:

1. Directly, including through a repurchase agreement, from an authorized trading partner.
2. By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No.88-46, and the specific program has been authorized the governing board.
3. By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the governing board.

All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the **County of Yates** by the bank or trust company.

Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, Chapter 10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

### **XIII. REPURCHASE AGREEMENTS**

Repurchase agreements are authorized subject to the following restrictions.

- All repurchase agreements must be entered into subject to a Master Repurchase Agreement.
- Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.
- Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.
- No substitution of securities will be allowed.
- The custodian shall be a party other than the trading partner.

VOTE: Unanimous

### **RESOLUTION NO. 189-16**

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

### **SET PUBLIC HEARING FOR AMENDMENT TO LOCAL LAW 1-78 PROVIDING FOR THE COLLECTION OF CERTAIN DELINQUENT VILLAGE TAXES BY THE COUNTY OF YATES**

NOW, THEREFORE BE IT RESOLVED, that the Yates County Legislature will hold a public hearing on an amendment to Local Law 1-78 on June 13, 2016 at 1:00 p.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.

## **LOCAL LAW NO. 1 OF THE YEAR 2016**

A Local Law Amending County of Yates Local Law No. 1 of the Year 1978

Regarding County Collection of Delinquent Village Real Property Taxes

Be it enacted by the County Legislature of the County of Yates, New York as follows:

### Section 1: Legislative Intent

The intent of this Local Law is to amend County of Yates Local Law No. 1 of the Year 1978, in which the County elected pursuant to Section 1442 of the New York State Real Property Tax Law to collect delinquent village real property taxes if such collection is requested by any village in the County in accordance with the procedural framework set forth in said Local Law 1-78. Upon the enactment of Local Law 1-78, the County began making such villages whole for the amount of delinquent village real property taxes.

It has recently come to the attention of the Yates County Legislature that some villages are including and/or intend to include in their return of delinquent taxes to the County unpaid assessments for demolition, repair, or clean-up work performed by the village, as well as fines or other charges related to zoning or other code violations; none of which constitutes a tax under the New York State Real Property Tax Law. The County is thereby placed in the position of underwriting the expense of unsafe property remediation work and other enforcement measures for villages in the County, even though the County has no role whatsoever in village code enforcement activities. The purpose of this Local Law is to clarify Local Law 1-78 to make clear that the expense of demolition, repair, or clean-up work incurred by a village,

or fines or other charges imposed by a village related to zoning or other code violations, that are assessed against real property by a village, will not be collected, relieved, enforced, or guaranteed by the County.

### Section 2: Amendment to Local Law No. 1 of the Year 1978

County of Yates Local Law No. 1 of the Year 1978, is hereby amended by addition of the following new Section to read as follows:

Section 7. Definitions. For the purposes of this Local Law, "delinquent Village taxes" shall not include any assessments imposed by a village on real property for the cost of demolition, repair, clean-up, or code enforcement work undertaken by a village, or fines or other charges imposed by a village related to zoning or other code violations. Such assessments recited herein as not constituting delinquent Village taxes, will not be collected, relieved, enforced, or guaranteed by the County of Yates.

### Section 3: Invalidity of Local Law

In the event that any provision of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, ineffective, or unenforceable, this Local Law and Local Law No. 1 of the Year 1978 shall both be deemed to be immediately repealed in their entirety and the County

of Yates shall immediately cease to collect, levy, enforce, or guarantee any delinquent village taxes.

Section 4: Effective Date

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

VOTE: Unanimous

**RESOLUTION NO. 190-16**

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

**DISCUSSION:**

Mr. Paddock explained this resolution calls on the State to take away some of the mandates. They have helped over the past few years, but need to remove some of the mandates the counties are under to provide services as designated by the State of New York.

Chairman Dennis stated while the State says they are giving us relief at the same time they are adding new ones. One of those we will talk about later but another is the change in qualification for indigent legal defense. The qualifications for that are being considerably liberalized and could conceivably cost our operation of indigent defense additional money with no additional state aid.

**RESOLUTION URGING THE STATE TO ENACT MANDATE RELIEF MEASURES THAT WILL REDUCE PROPERTY TAXES AND COSTS FOR COUNTIES AND LOCAL GOVERNMENTS**

WHEREAS, counties have long had a central role in the administration and financing of a wide variety of state programs; and

WHEREAS, many municipalities in New York State face significant fiscal challenges that are amplified by a slow economic recovery and a state imposed restriction on local revenues; and

WHEREAS, in most instances the county fiscal challenges are directly tied to state imposed mandates and reduced state reimbursement; and

WHEREAS, in 2015, the state capped the growth in the local share of Medicaid, so that local taxpayers will not pay more than \$7.5 billion per year to fund the state's growing Medicaid program; and

WHEREAS, in 2013, the state enacted pension reforms that will reduce out year pension expenses of new public employees; and

WHEREAS, the hard cap on county Medicaid costs and pension reforms have been very helpful for local governments operations but more reform needs to be done to enable local governments to provide local services, pay for state mandates and stay under the state imposed property tax cap.

NOW, THEREFORE, BE IT RESOLVED, Yates County strongly encourages the Governor and State Legislature to work to address the underlying causes to county property taxes and the fiscal stress facing many localities; and

BE IT FURTHER RESOLVED, Yates County shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature, NYSAC and all others deemed necessary and proper.

VOTE: Unanimous

### **RESOLUTION NO. 191-16**

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

#### **APPROPRIATE CARRYOVER OF THE 2014 SLETPP GRANT**

WHEREAS, the FY14 grant from New York State Division of Homeland Security for law enforcement terrorism funding per Res. 68-15 under (LE14-1051-D00) per contract T974742 has remaining balance in the amount of \$3,750.22 that has not been appropriated into the 2016 budget;

NOW, THEREFORE, BE IT RESOLVED that this grant is hereby carried over to the 2016 budget and the following accounts shall be appropriated by being increased:

Revenue:

A3021-44395 \$3,750.22

Appropriation:

A3021-52954 \$3,750.22

and be it further,

RESOLVED, that a copy of this resolution be given to the Treasurer/Budget Officer and the Sheriff.

VOTE: Unanimous

### **RESOLUTION NO. 192-16**

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

DISCUSSION:

Chairman Dennis stated there will be a dedication on May 18<sup>th</sup> at 6:00 p.m. in front of the Public Safety Building. It is to recognize officers that have fallen in the line of duty protecting public safety in Yates County. If the weather is not cooperative, the dedication will be held in the County Auditorium.

#### **RECOGNIZE PEACE OFFICER'S MEMORIAL DAY**

WHEREAS, the Congress and President have designated May 15 as Peace Officers Memorial Day during National Police Week recognizing that law enforcement plays an essential role in safe guarding the rights and freedoms of citizens while members understand their duties, responsibilities, hazards, sacrifices, and duty to serve and safeguard life and property against violence and disorder, and that local law enforcement provides an essential public safety service, and,

WHEREAS, Sheriff Spike has realized his conception of having a local Peace Officers Memorial erected in front of the Public Safety Building from private donations and with a dedication ceremony National Police Week, now

THEREFORE, BE IT RESOLVED, that this Legislature commemorates this occasion, and extends their appreciation to the men and woman of local law enforcement, corrections and

public safety on this national week and observance of May 15 where public law 103-322 directs flags at government buildings be at half-staff in observance of this recognition, and

RESOLVED, that the memorial erected at the Yates County Public Safety Building this month be forever dedicated as a tribute to those law enforcement officers in Yates County that made the ultimate sacrifice while on duty in service to our citizens, and further,

RESOLVED, that copies of this resolution be provided Sheriff Ron Spike, Buildings and Grounds Supt., President of local Council 82 COPS, and President of local Council 82 DSA.

VOTE: Unanimous

### **RESOLUTION NO. 193-16**

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

DISCUSSION:

Mr. Morris stated that he will be voting no on the Council 82 Deputy Sheriff's contract. This deal is worse than the last one that we had and he made comments at the September 9<sup>th</sup> meeting. Mr. Morris explained that he would not restate those comments he will send an email to the legislature with those comments which are basically the same comments he had before.

### **RATIFYING LABOR AGREEMENT WITH COUNCIL 82 (DEPUTY SHERIFFS UNIT)**

WHEREAS, the collective bargaining teams for the County of Yates, the Yates County Sheriff and the Law Enforcement Officers Union, AFSCME Council 82 have concluded negotiations for a successor collective bargaining agreement covering the period of January 1, 2015 through December 31, 2018 for the deputy sheriffs bargaining unit,

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature hereby ratifies said agreement and authorizes the expenditure of the necessary funds therefor, and be it further

RESOLVED, that the Chairman of the Yates County Legislature is hereby authorized to execute said agreement on behalf of the County, and be it further

RESOLVED, that copies of this resolution be given to the Sheriff, the Council 82 Unit President, the County Administrator and the County's Labor Attorney.

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

Chairman Dennis made the following comment:

This agreement is for a four year period from 1/1/15 through 12/31/18. It was reached after numerous bargaining and mediation sessions. I want to thank our Law Enforcement Unit for the forth right approach they took. All sessions were respectful and both sides were willing to listen to the other's concerns and proposals.

In the end we have this agreement which avoids the need to involve another party and go to interest arbitration.

The members of this unit are on the line everyday around the clock to protect our citizens and property. We certainly respect their dedication and thank them for their service.

### **RESOLUTION NO. 194-16**

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

**AUTHORIZE SHERIFF TO FILL POSITION**

NOW, THEREFORE, BE IT RESOLVED, that effective June 30, 2016 the Sheriff is authorized to fill the Undersheriff vacancy and subsequent vacancies that may occur due to the domino effect of promotions, if any, and

RESOLVED, that copies of this resolution be provided the Sheriff, Treasurer/Budget Officer, and Personnel Officer.

VOTE: Unanimous

**RESOLUTION NO. 195-16**

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

**APPOINT MEDICAL DIRECTOR (DEWITT)**

WHEREAS, Yates County Public Health has received notification from the New York State Commissioner of Health determining that Eleanor H. DeWitt, M.D. is to qualified and approved to serve in the capacity as Medical Consultant, and

WHEREAS, Eleanor H. DeWitt, M.D. has been credentialed by the Human Services Committee of the Yates County Legislature

NOW, THEREFORE BE IT RESOLVED, that Eleanor H. DeWitt, M.D. is hereby appointed to the position of Medical Director for Yates County Public Health for a two (2) year period January 1, 2016- December 31, 2017, and be it further

RESOLVED, that a copy of this resolution be sent to Eleanor H. DeWitt, M.D. and the Public Health office.

VOTE: Unanimous

**RESOLUTION NO. 196-16**

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

**AMENDMENT TO RESOLUTION #160-16  
AUTHORIZING AGREEMENT WITH JOSEPH AXTELL**

WHEREAS, Resolution #160-16 authorized signature of an agreement with Joseph Axtell

NOW, THEREFORE BE IT RESOLVED, that the requirement for general liability insurance be waived, and be it further

RESOLVED, that a copy of this resolution be sent to the Public Health office, the Office of Emergency Management and the Personnel Department.

VOTE: Unanimous

**RESOLUTION NO. 197-16**

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

**SIGN AGREEMENTS FOR**

**SERVICES FOR CHILDREN WITH SPECIAL NEEDS**

RESOLVED, that the Chairman is hereby authorized to sign the following agreements for services for children with special needs:

NAME	SERVICE	RATE	CONTRACT DATE
Cerneskie, Anthony	Speech	\$60/v 2016, \$61/v 2017, \$62/v 2018, \$63/v 2019, \$64/v 2020, \$65/v 2021	07/01/16 – 06/30/21
FLUCP/Happiness House	3-5 Services & Evaluations Center Based	NYSED Rate	07/01/16 - 06/30/21
FLUCP/Happiness House	Itinerant Services	Speech, PT and Assistive Tech \$50	07/01/16 - 06/30/21
Keuka Lake School	3-5 Services & Evaluations Center Based	NYSED Rate	07/01/16 - 06/30/21
Keuka Lake School	Itinerant Services	ST \$41, OT \$45, PT \$45, SW \$38, Psychology \$62, Special Instruction NYSED Rate	07/01/16 - 06/30/21
Toner, Christine	Speech	\$60/v 2016, \$61/v 2017, \$62/v 2018, \$63/v 2019, \$64/v 2020, \$65/v 2021	07/01/16– 06/30/21

And, be it further

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

VOTE: Unanimous

**RESOLUTION NO. 198-16**

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

**AUTHORIZE DIRECTOR OF PUBLIC HEALTH TO FILL VACANCY  
(PUBLIC HEALTH NURSE)**

WHEREAS, effective May 6<sup>th</sup>, 2016 due to a resignation there is a vacant Public Health Nurse position,

NOW, THEREFORE BE IT RESOLVED, that effective May 9<sup>th</sup>, 2016 the Director of Public Health is authorized to fill the vacant position of Public Health Nurse, and be it further

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

VOTE: Unanimous

**RESOLUTION NO. 199-16**

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

**AUTHORIZE CHAIR TO SIGN  
CHIEF ELECTED OFFICIAL AGREEMENT FOR THE WORKFORCE INVESTMENT  
BOARD**

RESOLVED, that the Chair of the Legislature is hereby authorized to sign The Chief Elected Office Agreement with the Finger Lakes Workforce Investment Board for the Program year 2016

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

VOTE: Unanimous

**RESOLUTION NO. 200-16**

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

**AMEND RESOLUTION 158-16 ENTER INTO CONTRACT WITH COLLEEN  
JOHNSTON**

WHEREAS Resolution 156-16 authorized a contract with Collen Johnston at a rate of \$95 per hour

NOW, THEREFORE, BE IT RESOLVED, that the rate in that resolution be corrected to be \$100 per hour.

VOTE: Unanimous

**RESOLUTION NO. 201-16**

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

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

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

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

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

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

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

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

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

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

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

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

VOTE: Unanimous

### **RESOLUTION NO. 202-16**

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

#### **CREATE AND FILL PART TIME ADDITIONAL DEPUTY COUNTY CLERK POSITION**

WHEREAS, due to the recent Deputy County Clerk appointment that is effective May 2, 2016 the County Clerk has requested to create and fill a Part Time Additional Deputy County Clerk position, and

WHEREAS, the County Clerk is requesting the additional position be filled immediately to allow for training and a transition period, and

NOW, THEREFORE, BE IT RESOLVED, that effective May 9, 2016 in accordance with Section 526 of the County Law a Part Time Additional Deputy County Clerk position is hereby created at a rate of \$30.00 per hour for a period not to exceed May 31, 2016 in the County Clerk Department, and be it further

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

VOTE: Unanimous

### **RESOLUTION NO. 203-16**

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 October 1, 2015 to March 31, 2016 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	\$249,528.05
Recording Officer's Expense	\$15,285.94
Treasurer's Expense	
Interest Received	\$19.51
Adj and refunds	
Net amount of Distribution	\$234,261.62

Town	Net After	To Towns	Village	To Village	Total
Barrington	\$24,113.33	\$24,113.33			\$24,113.33
Benton	\$18,152.54	\$16,982.19	Penn Yan	\$1,170.35	\$18,152.54
Italy	\$5,693.35	\$5,693.35			\$5,693.35
Jerusalem	\$50,968.61	\$50,746.42	Penn Yan	\$222.19	\$50,968.61
Middlesex	\$26,245.41	\$26,245.41			\$26,245.41
Milo	\$50,919.96	\$34,383.72	Penn Yan	\$16,536.24	\$50,919.96
Potter	\$7,169.14	\$6,662.87	Rushville	\$506.27	\$7,169.14
Starkey	\$26,904.29	\$22,778.57	Dundee	\$4,125.72	\$26,904.29
Torrey	<u>\$24,094.99</u>	<u>\$23,130.30</u>	Dresden	<u>\$964.69</u>	<u>\$24,094.99</u>
	\$234,261.62	\$210,736.15		\$23,525.47	\$234,261.62

VOTE: Unanimous

**RESOLUTION NO. 204-16**

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

**AUTHORIZE CHAIRMAN TO SIGN CLIENT TERMS AND CONDITIONS AGREEMENT WITH INTERACTIVE HEALTH**

WHEREAS, the Chairman is authorized to sign the Client Terms and Conditions Agreement with Interactive Health to perform health evaluations, post evaluation follow up and correspondence, interactive health standard tools and resources and healthy lifestyle coaching to Yates County employees, and

WHEREAS, Interactive Health has partnered with Excellus through the Blue4U Health Awareness and Preventative Care Program that is offered to Yates County Employees at no additional cost through our current health insurance plans, 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 Interactive Health; and be it further

RESOLVED, that a copy of this resolution be provided to Interactive Health, Personnel Officer and the Treasurer.

VOTE: Unanimous

**RESOLUTION NO. 205-16**

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

Mr. Paddock moved to amend the resolution to include the following wording in the 3<sup>rd</sup> paragraph “upon being advised that New York State will reimburse Yates County for the DA Salary increase” and also correct the dollar amount to read \$183,400, seconded by Mrs. Percy.  
DISCUSSION:

Mr. Paddock stated this adds \$30,500 to Yates County’s budget. New York State has traditional reimbursed counties for the amount of the increase for many years. Mr. Paddock suspects it was an oversight in this year’s budget and he also suspects that the state will correct it. However, this sends, at least to some degree, a message to NYS that Yates County recognizes another mandate, another unfunded mandate and we expect the state, when they do so, to fund it. Also, this \$30,500 based on what we are hearing for projections next year could be up to 25 to 30% of our allowable tax increase. This is a substantial amount and this is in no way shape or form personal. It is merely trying to send a message to the State of New York.

Mr. Bronson suggested that state officials should also receive a copy of this resolution.

Mr. Morrison stated that what this would actually do is not pay our District Attorney the additional stipend until we were sure that the State would reimburse us. Mr. Morrison feels this will be decided at the state level. There has been massive outcry on this through many counties and NYSAC and certainly the State and the Governor is well aware of this. Mr. Morrison would not put our District Attorney in a tough spot over this. We will either get reimbursed or not and he will not support this resolution.

Mr. Morris asked that NYSAC and Inter-County be added to the distribution list.

Chairman Dennis reported he did check this morning with Albany, right now there are two senate bills that have been introduced, S7408 is being sponsored by Senator Kathy Young and that seems to be the preferred one as it will cover this mandated increase along with the one in 2018 and also any future increases. There is one in the Assembly that is being supported also. The Governor has indicated that he is not enthusiastic about signing whatever they do.

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

**AMEND RESOLUTION NUMBER 178-16  
ADOPT 2016 NON-UNION SALARY SCHEDULE**

WHEREAS, on December 24<sup>th</sup>, 2015, the New York State Commission on legislative, Judicial, and Executive Compensation voted to recommend increasing all state judge salaries in 2016 and 2018, and on April 1, 2016 the State approved the Commission’s recommendation and subsequently State Judicial Law 183-a links judicial salaries with county district attorneys’ salaries requiring DA salaries to be equal or higher than either the County Court Judge, depending on full or part-time status, and

WHEREAS, the Deputy County Clerk salary is amended to \$37,000, and

NOW THEREFORE BE IT RESOLVED, that effective April 1, 2016 the Yates County District Attorney’s salary be increased from \$152,500 to \$183,400 upon being advised that New York State will reimburse Yates County for the DA Salary increase and effective May 2, 2016 the Deputy County Clerk’s salary is \$37,000, and be it further

RESOLVED, that effective May 9th, 2016 the Yates County Legislature hereby amends Resolution 178-16 and replaces it with the subsequent resolution, and

**ADOPT 2016 NON-UNION SALARY SCHEDULE**

<b><u>Elected Officials</u></b>	<b><u>Annual</u></b>
County Clerk	\$63,038
County Treasurer	\$70,979
District Attorney	\$183,400
Legislators (14 at \$8,183 each)	\$114,562
Legislature Chairman	\$8,183
Sheriff	\$92,651

<b><u>Full-Time/Part-Time</u></b>	<b><u>Annual</u></b>
Assistant District Attorney (DM)	\$36,414
Assistant District Attorney (LT)	\$66,362
Assistant Public Defender (KL)	\$41,860
Assistant Public Defender (KM)	\$34,333
Budget Officer	\$9,286
Building Maintenance Supervisor	\$56,828
Clerk, County Legislature	\$52,842
Commissioner of Social Services	\$64,946
Confidential Assistant to Sheriff	\$41,134
Conflict Defender	\$45,900
County Administrator	\$99,491
County Attorney	\$90,606
Deputy County Clerk	\$37,000
Deputy County Treasurer	\$47,754
Deputy Highway Superintendent	\$61,551
Director of Children and Family Services	\$57,370
Director of Community Services	\$71,400
Director of Emergency Management	\$63,864
Director of Income Maintenance & Child Support	\$57,370
Director of Patient Services/Public Health	\$69,179
Director of Real Property Tax Services	\$67,092
Director of Veteran Services Agency	\$46,818
Election Commissioner (D)	\$38,679
Election Commissioner (R)	\$38,679
Highway Superintendent	\$79,365
Information Technology Director	\$71,767
Personnel Assistant	\$36,720
Personnel Officer	\$64,000
Planner	\$67,092
Probation Director	\$61,466
Public Defender	\$72,076
Secretary to District Attorney	\$35,307

Social Services Attorney	\$61,901
Supervising Public Health Nurse	\$60,090
Undersheriff	\$72,733

and be it further

RESOLVED, that a copy of this resolution be given to the Personnel Officer, District Attorney, County Attorney, Treasurer, Senator O'Mara, Assemblymen Palmesano, Governor Cuomo, NYSAC and Inter-County.

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

**RESOLUTION NO. 206-16**

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

**APPROVAL OF NEW YORK STATE DEPARTMENT OF AG AND MARKETS  
FARMLAND PROTECTION GRANT PROGRAM**

WHEREAS, the 2004 Yates County Agricultural Development and Farmland Enhancement Plan states in part that support for "the presence of conditions that allow Yates County's extraordinarily diverse agricultural economy to continue to grow and prosper" should be implemented through recommended tools, "among them is the Purchase of Development Rights, which is a program that Yates County should consider for some of its land areas with...prime agricultural areas for vegetable production or other high-value crops..."; and

WHEREAS, New York State provides funding for the protection of valuable farmland through the Farmland Protection Implementation Grant Program; and

WHEREAS, the Robert Henderson Farm has been selected through a competitive selection process by the Yates County Ag and Farmland Protection Board to apply to the state program; and

WHEREAS, the Finger Lakes Land Trust has agreed to apply to the state program on behalf of the Robert Henderson Farm and to hold, monitor and enforce the conservation easement, should the project be funded; and

WHEREAS, the Yates County Legislature values the contributions and protection of agriculture in the County and recognizes the important opportunity the New York State Farmland Protection Implementation Grant Program provides for farmers across the state;

NOW, THEREFORE, BE IT RESOLVED, the Yates County Legislature supports the application of the Robert Henderson Farm for the New York State Farmland Protection Implementation Grant Program.

VOTE: Unanimous

**RESOLUTION NO. 207-16**

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

DISCUSSION:

Mr. Button questioned where the funds would come from to pay for this.

Chairman Dennis stated that this was discussed in Government Operations and that the funding would probably have to come out of the Contingent Fund.

Mr. Paddock stated that the funding would be committed this year if we so choose to go ahead so that it does not affect next year's tax levy.

Elizabeth Newbold explained by having the cash match it provides additional points. There are six points allocated for municipal support of the application, two points are added if the County has an added Farmland Protection Plan, which Yates County has, so those points would be awarded. The additional four points are allocated if there is a cash match. The total municipal points are worth 10% of the grant. So the cash match comes to about 8% of the total points for the grant. Without the match those points are not awarded and the farm would have to rise to the level of funding without it.

Mr. Montgomery stated that the likelihood of the grant being approved without the cash match is 50/50. Mr. Montgomery questioned if there was a tax benefit to the land owner. Elizabeth explained that by going through this process, there is no tax benefit to the landowner. The land stays on the tax roll and they pay on the access value.

Mr. Paddock clarified this is not writing a check to the landowner. This is participating in the cost of the administration and it would also pay some of the filing fees that would be charged to the landowner when filing in the county office.

Mr. Morrison questioned the size of the plot of land, and stated that this is a onetime max of \$5,000 that buys the development rights for the plot forever. Elizabeth clarified that the plot of land is 412 acres.

**PLEDGE OF CASH MATCH FOR APPLICATION TO THE NEW YORK STATE  
DEPARTMENT OF AG AND MARKETS FARMLAND PROTECTION GRANT  
PROGRAM**

WHEREAS, the 2004 Yates County Agricultural Development and Farmland Enhancement Plan states in part that support for "the presence of conditions that allow Yates County's extraordinarily diverse agricultural economy to continue to grow and prosper" should be implemented through recommended tools, "among them is the Purchase of Development Rights, which is a program that Yates County should consider for some of its land areas with...prime agricultural areas for vegetable production or other high-value crops..."; and

WHEREAS, New York State provides funding for the protection of valuable farmland through the Farmland Protection Implementation Grant Program; and

WHEREAS, the Robert Henderson Farm has been selected through a competitive selection process by the Yates County Ag and Farmland Protection Board to apply to the state program; and

WHEREAS, the Finger Lakes Land Trust has agreed to apply to the state program on behalf of the Robert Henderson Farm and to hold, monitor and enforce the conservation easement, should the project be funded; and

WHEREAS, the Yates County Legislature values the contributions and protection of agriculture in the County and recognizes the important opportunity the New York State Farmland Protection Implementation Grant Program provides for farmers across the state;

NOW, THEREFORE, BE IT RESOLVED, the Yates County Legislature pledges a cash match of 5% of the project's transaction costs, not to exceed \$5,000 and to be provided at the time of the project's closing in support of the application for the Robert Henderson Farm for the New York State Farmland Protection Implementation Grant Program.

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

**RESOLUTION NO. 208-16 (RESOLUTION LOST)**

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

Mr. Smith stated this is a new area of insurance that has very little history and it is particularly new in insurance companies pushing this to municipalities. Many of us are aware that security breaches that have happen are at large institutions like Excellus where there are health records or large retailers like Target or financial institutions like Visa. With regards to the threat and the potential harm that could come to a small county such as Yates, Mr. Smith does not feel we have properly identified what that threat risk is, what would be the impact of a breach of security, what is the information that we maintain and whether this insurance would in fact cover us. There are a number of concerns with regards to exclusions with this type of insurance and we do not have a plan and have not discussed this in detail such that given our perceived threats would this insurance actually pay us out. This insurance cost several thousands of dollars which we have not secured competitive quotes, we did not even request a quote on this, and it was presented to us by our agent. This would be an imprudent use of taxpayers’ dollars at this time.

Mr. Montgomery questioned the cost. Connie stated that the cost was \$8,200 and that she did in fact request the quote. Mr. Montgomery stated that he heard last week that some of the towns have purchased this insurance.

Mr. Morris stated we could consider this during the budget process and that will give additional time to investigate whether we want to do it. As we go through the budget process we can decide if we have the money.

Connie explained that she thought she had provided all the information needed but obviously had not done an adequate job and that someone else should do the additional research that is being requested.

**AUTHORIZE THE PURCHASE OF CYBER INSURANCE**

WHEREAS, in reviewing the County’s insurance policies for their renewal in May it was brought to the Legislature’s attention that there may be a need to acquire Cyber Insurance,

NOW, THEREFORE, BE IT RESOLVED, that the Clerk of the Legislature is hereby authorized to acquire Cyber Insurance and be it further,

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

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

**RESOLUTION NO. 209-16 (MOTION TABLED)**

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

Mr. Morris stated he would like to table this resolution to allow for more discussion.

Mr. Paddock moved to table the resolution until the Government Operations Committee has had the opportunity to review next month, seconded by Mr. Smith.

VOTE: Unanimous

Chairman Dennis thanked all those involved in in bringing putting this policy together.

**ADOPT VACANCY REVIEW POLICY AND ABOLISH RESOLUTION 87-03 ADOPT  
PROCEDURE FOR VACANT POSITIONS**

WHEREAS, like all other counties in New York, Yates County faces budget challenges and in an effort to address these budget challenges, it is the goal of the Yates County Legislature to review whether positions should be refilled when they become vacant, and

WHEREAS, the Yates County Legislature needs the expertise of the department heads to assist in achieving this goal, and

WHEREAS, the proposed Vacancy Review Policy and Procedure supersedes any former policy and procedure, and

NOW, THEREFORE BE IT RESOLVED, that the Yates County Legislature adopts the following Vacancy Review Policy and Procedure, effective April 11, 2016, and be it further

RESOLVED, that copies of this policy be given to the all department heads.

**YATES COUNTY  
VACANCY REVIEW POLICY AND PROCEDURE**

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**I. PURPOSE:**

In an effort to create cost reduction efficiencies and sustain current levels of services within available resources, Yates County has adopted the Vacancy Review Policy and Procedure.

**II. SCOPE:**

Applies to all budgeted full-time and part-time positions that become vacant.

**III. VACANCY REVIEW PROCEDURE:**

The requesting Elected Official/Department Head will complete the Vacancy Review Form and submit to the Clerk to the Legislature as an agenda item for their standing committee to review.

The appropriate Legislative standing committee that the Elected Official/Department Head reports to, will review the Vacancy Review Form. The standing committee has the sole discretion to either approve or disapprove the Elected Official/Department Heads vacancy request. If the request is disapproved, no further action is taken. If the request is approved, the Elected Official/Department Head will notify the Personnel Officer. The Personnel Officer in collaboration with the Elected Official/Department Head will then create and submit the applicable resolution to the Clerk of the Legislature to be included in the Legislature Meeting Agenda under the appropriate committee chairperson for review and disposition by the entire Legislature. If the Legislature disapproves the resolution, no further action is taken. If the Legislature approves the resolution, the Elected Official/Department Head can act accordingly based on the effective date stated within the resolution.

In the event the position were to become vacant within six (6) months of the initial Legislative approval to fill the vacancy, the Elected Official/Department Head may fill the vacancy without obtaining approval from the Legislature.

Should the position become vacant after the initial six (6) month period, the Elected Official/Department will initiate the Vacancy Review process from the beginning.

**VACANCY REVIEW FORM**

1. Does this position perform services that are mandated by the Federal or State government?  YES  NO
2. If the answer to #1 is no, does this position perform services that the County has traditionally maintained?  YES  NO
3. If the answer to #2 is yes, can an entity other than Yates County government perform these services?  YES  NO
4. If this position is not refilled, can other positions be reconfigured to handle the work performed by the person in this position? If so, what positions? If not, how will the work conducted by the person in this position be handled?  YES  NO
5. If applicable, is there an existing Civil Service Eligibility List for this position?  YES  NO
6. If the duties of this position are performed by a contract in any of the counties listed below, please explain: *(The general terms of the contract, the entity performing the contract, the amount paid per year, what department oversees the contract, etc.)*  


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7. Are there any factors that make it difficult to conduct a comparison of the duties of this position with any of the counties listed below? *If yes, please explain.*  YES  NO  


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8. Will the loss of this position impact overtime? *If yes, why and how can this be minimized? (Please attach an analysis showing any impact on overtime.)*  YES  NO  


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9. Does federal and/or state aid offset the cost of this position? *(If yes, how much)*  YES  NO  


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10. If the position were eliminated, what would be the net county savings? *(Include fringe benefits and retirement)*  YES  NO  


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11. Is there any risk, financial or otherwise, to waiting 30 days to refill this position?  YES  NO
12. If you are given approval to refill this position, when do you expect to fill it? Date:
13. Please submit any other information that you think would be helpful to this review.

### COUNTY BENCHMARKING DATA COMPARISON

*Complete the table below to the best of your ability.*

County	Population (2014 Statistics)	# of EE's in Position under Review	Measurable Data/Statistics (add more columns if needed)	Measure of Work (add up measurable Data)
Lewis:	27,220			
Orleans:	41,984			
Schoharie:	31,566			
Schuyler:	18,479			
Seneca:	34,884			
Steuben:	98,394			

Wyoming:	41,188			
Yates:	25,208			
<b>TOTALS:</b>				
<b>AVERAGE:</b>				

**RESOLUTION NO. 210-16**

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

**APPOINT BENETECH AS YATES COUNTY BROKER OF RECORD FOR HEALTH INSURANCE**

WHEREAS, it is necessary for the proper conduct of the order of business that Yates County designate and name an insurance broker for its health insurance needs, and

WHEREAS, this authorization of appointment supersedes all other appointment given or inferred and shall remain in effect until cancelled in writing by the County,

NOW, THEREFORE, BE IT RESOLVED, that effective May 9<sup>th</sup>, 2016 through the competitive Request for Proposal process, Benetech is appointed as Yates County's Broker of Record for health insurance, and be it further

RESOLVED, that a copy of this resolution be given to the Treasurer, Personnel Officer, Excellus BlueCross Blue Shield and Benetech.

VOTE: Unanimous

Meeting adjourned at 3:20 p.m.