

## REGULAR SESSION – MONDAY, SEPTEMBER 12, 2016

The Yates County Legislature convened in regular session Monday, September 12 2016 at 1:00pm in the legislative chambers. Chairman Dennis presided with Legislator Button absent.

Minutes of the August meetings were approved as presented.

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

Airport Fund	\$ 13,305.60
Finance	\$1,123,343.95
Flint Creek	\$ 4,560.00
Government Operations	\$ 109,542.05
Human Services	\$ 169,602.67
Prior to Audit	\$ 89,596.56
Public Safety	\$ 143,279.34
Public Works	\$ 599,133.31

### Committee Reports

Mr. Banach reported he attended the Wild Life Management meeting where discussion took place on wild life being stressed. Also, the DEC has acquired 72 acres adjacent to Hi-Tour which will be open for public use.

Mr. Banach also attended the airport council meeting, the sewer project was reviewed, and last Thursday Mr. Banach attended the pre-construction meeting for the new hangar.

Mr. Gleason reported a member of the management team along with two legislators participated in the Operation 49 of the Rochester Honor Flight.

Mr. Morris reported discussion took place at the Government Operations meeting last week pertaining to Openbook NY/Seethrough NY rankings for Yates County vs the 32 other upstate NY small counties. Copies of those spreadsheets are attached to the September Government Operations Committee meeting minutes which can be found on the county website.

Also, at that same meeting, total compensation growth for Yates County employees was reviewed. Total compensation includes salaries, benefits and pensions. Copies of those spreadsheets are attached to the September Government Operations Committee meeting minutes which can be found on the county website.

Mr. Holgate reported he received a letter from a Mr. Brown who is head of the sailing program for the Keuka Lake Yacht Club, thanking the Legislature for continuing to funding the Marine Patrol.

Mr. Bronson reported he attended the ProAction meeting in Steuben County. The program was centered on the WIC Program where it was stated that 13% of the people that qualify for the benefits do not pick up the benefits.

Mr. Bronson also stated that he was impressed with the military personal that greeted Honor Flight in Washington and the 700 to 800 individuals that greeted Honor Flight in Rochester when they returned.

Mr. Paddock reported the Department Heads have submitted their 2017 budgets to the Budget Officer. Thereby starting the 2017 budget process.

Chairman Dennis reported he will be attending the FLEDC meeting tomorrow. He also attended the STN Board meeting last week with the County Administrator.

Chairman Dennis welcomed Mr. Lawton, County Administrator to his first official meeting.

Mr. Lawton, County Administrator, reported he did attend the STN meeting and the Management Group meeting and will be meeting with individual legislators and department heads. He has also started sending out a memo on Fridays of what occurred during the week.

### **RESOLUTION NO. 310-16**

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

#### **AUTHORIZE CONSENT TO LESSEE'S ASSIGNMENT OF THE LEASE FOR THE COUNTY'S NORTH HANGAR LOCATED AT PENN YAN-YATES COUNTY AIRPORT**

WHEREAS, the County entered into a written lease with Aire-Tech Rotorcraft Services LLC (hereinafter referred to as the "Lessee") for the rental of property from the County commonly known as the North Hangar located at the Penn Yan-Yates County Airport, in the Town of Milo, County of Yates (hereinafter referred to as the "Lease"); and

WHEREAS, the aforementioned Lessee, wishes to assign the Lease to Performance Aviation, LLC; and

WHEREAS, per the terms of the Lease, a Lessee may only assign the Lease upon written consent of the County; and

WHEREAS, the County is willing to provide such consent in this instance;

NOW, THEREFORE, BE IT RESOLVED, that upon approval of the assignment and consent document(s) by the County Attorney, the County hereby consents to the assignment of the aforementioned Lease from Aire-Tech Rotorcraft Services LLC to Performance Aviation, LLC and authorizes the Chairman to sign any documentation necessary to effectuate such consent; and be it further

RESOLVED, that a copy of this resolution be given to the County Administrator, County Attorney, County Treasurer, Aire-Tech Rotorcraft Services LLC and Performance Aviation, LLC.

VOTE: Unanimous

### **RESOLUTION NO. 311-16**

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

#### **AUTHORIZE CHAIRMAN TO EXECUTE CHANGE ORDER NO. 1 FOR CHRISANNTHA CONSTRUCTION CORPORATION**

**PROJECT: CONSTRUCTION OF T-HANGAR AND TAXILANE EXTENSION**

WHEREAS, Chrisantha Construction Corporation submitted Change Order No. 1 for an increase of \$17,950 for the NYS Share A of its contract for the Construction of the T-Hangar and Taxilane Extension project at Penn Yan-Yates County Airport; and

WHEREAS, the change order was reviewed for correctness and completeness.

The contract totals would be adjusted as follows:

Current Contract	\$790,503.75
Share A (State)	\$425,555.00
Change Order No. 1	+17,950.00
	<u>\$443,505.00</u>
Share B (FAA)	\$364,948.75
Revised Contract Total	<u>\$808,453.75</u>

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature is authorized to execute Change Order No. 1 for an increase of \$17,950 for the NYS Share A of its contract with Chrisantha Construction Corporation; and be it further

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

VOTE: Unanimous

### RESOLUTION NO. 312-16

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

### 2016 BUDGET TRANSFERS

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

From:	To:	Amount:
A1990.54905 Contingent	A3110.51730 SHER-Dep. Sher. Lieutenant	2,714.40
A1990.54905 Contingent	A3110.51731 SHER-Dep. Sher. Lieutenant	2,770.60
A1990.54905 Contingent	A3110.51734 SHER-Dep. Sher. Cr. Investigator	2,507.60
A1990.54905 Contingent	A3110.51736 SHER-Dep. Sher. Cr. Investigator	2,376.50
A1990.54905 Contingent	A3110.51737 SHER-Dep. Sher. Cr. Investigator	2,509.20
A1990.54905 Contingent	A3110.51739 SHER-Dep. Sher. Sergeant	2,459.10
A1990.54905 Contingent	A3110.51740 SHER-Dep. Sher. Sergeant	3,629.02
A1990.54905 Contingent	A3110.51742 SHER-Dep. Sher. Sergeant	2,560.77
A1990.54905 Contingent	A3110.51743 SHER-Dep. Sher. Sergeant	2,589.50
A1990.54905 Contingent	A3110.51750 SHER-Dep. Sher. Youth	2,495.28
A1990.54905 Contingent	A3110.51751 SHER-Dep. Sher.	804.10
A1990.54905 Contingent	A3110.51752 SHER-Dep. Sher.	1,763.01
A1990.54905 Contingent	A3110.51753 SHER-Dep. Sher.	2,283.65
A1990.54905 Contingent	A3110.51755 SHER-Dep. Sher.	2,472.52
A1990.54905 Contingent	A3110.51757 SHER-Dep. Sher.	598.40
A1990.54905 Contingent	A3110.51758 SHER-Dep. Sher.	1,920.99
A1990.54905 Contingent	A3110.51759 SHER-Dep. Sher.	2,605.52

A1990.54905 Contingent	A3110.51761 SHER-Dep. Sher.	2,239.90
A1990.54905 Contingent	A3110.51762 SHER-Dep. Sher.	1,974.74
A1990.54905 Contingent	A3110.51763 SHER-Dep. Sher.	2,331.58
A1990.54905 Contingent	A3110.51764 SHER-Dep. Sher.	2,373.48
A1990.54905 Contingent	A3110.51765 SHER-Dep. Sher.	2,317.09
A1990.54905 Contingent	A3110.51942 SHER-Overtime C82 LE	8,786.51
A1990.54905 Contingent	A3110.51985 SHER-Dep. Sher. Part Time	2,479.95
A3645.54985 OEM-SHSP '14	A3645.52985 OEM-SHSP '14	30.60
A4010.41689 PH-Donation	A4010.54103 PH-EMS Equipment	50.00
A6109.54305 Family Assistance	A6101.54311 Medical Assistance	460.00
A6410.54205 EC.DEV-PY Occ.	A6420.54222 PROM.IND-PY Hotel PILOT	4,559.96
A6510.54653 VET-Gas	A6510.51661 VET-Comp. Time NU	24.63
D5112.51450 HWY-Chips Regular	D5120.51450 HWY-Brid.&Cul. Regular	173.62
D5112.54629 HWY-Chips Stone	D5110.54629 HWY-Maint. Stone	3,000.00
D5112.58100 HWY-Chips FICA	D5120.58100 HWY-Brid.&Cul. FICA	15.02

and be it further

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

VOTE: Unanimous

#### **RESOLUTION NO. 313-16**

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

#### **APPROPRIATE CHIPS AID (Highway)**

WHEREAS, the Highway Department received New York State Department of Transportation Consolidated Local Street and Highway Improvement Program (CHIPS) funding, and

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

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

Revenue:

D5112.43510 HWY-CHIPS	\$266,673.34
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Appropriation:

D5112.54602 HWY-CHIPS-Bituminous	\$266,673.34
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And be it further

RESOLVED, that a copy of this resolution be provided the Highway Superintendent and Treasurer/Budget Officer.

VOTE: Unanimous

#### **RESOLUTION NO. 314-16**

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.

Middlesex	2.61-1-2	Robert J. Brenner	<b>\$77,000</b>
Middlesex	22.68-1-6.11	Terry & Michelle Reid	<b>\$37,000</b>
Potter	35.03-1-16	Shawn A. McCann	<b>\$110,000</b>

VOTE: Unanimous

**RESOLUTION NO. 315-16**

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

**AUTHORIZE CHAIRMAN AND COORDINATOR TO SIGN APPROVED 2017 STOP-DWI BUDGET AND PLAN**

WHEREAS, the 2017 Stop-DWI budget and plan shows appropriations of \$90,050 and an anticipated revenue of \$90,050 or more with a reserve fund of \$75,711 and,

WHEREAS, the budget and plan has been discussed by the Coordinator and Public Safety Committee noting that the NYS Governors Traffic Safety Committee requires this plan be submitted before or by October 1, 2015;

NOW, THEREFORE, BE IT RESOLVED, that this 2017 Stop-DWI budget and plan is approved and the Board Chairman and Coordinator are authorize to sign it, and further

RESOLVED, that a copy of this resolution be provided to the Treasurer-Budget Officer and Sheriff for attachment to the plan being submitted.

VOTE: Unanimous

**RESOLUTION NO. 316-16**

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

**AWARD BID FOR COMMUNICATIONS VEHICLE**

WHEREAS, the Yates County Office of Emergency Management and Yates County Sheriff's Office has advertised for bid a 2007 or newer used truck based ambulance using pre-built box system (NFPA 1917),

WHEREAS, these bids were publicly opened at the Public Safety meeting on Sept 6, 2017, and after review by Yates County Office of Emergency Management, Yates County Sheriff and the Public Safety Committee of the Legislature accepted the bid of VCI Emergency Vehicle Specialists in the amount of \$40,000.

NOW, THEREFORE, BE IT RESOLVED, the Yates County Legislature awards the bid to VCI Emergency Vehicle Specialists in the amount of \$40,000.

RESOLVED, that a copy of this resolution be given to the Treasurer, Office of Emergency Management, Sheriff's Office.

VOTE: Unanimous

**RESOLUTION NO. 317-16**

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

**AMEND RESOLUTION NO. 309-16  
(AWARD ENGINEERING SERVICES FOR ALEXANDER ROAD BRIDGE  
BIN NO. 3219230)**

WHEREAS, Resolution 309-16 awarded engineering services for the Alexander Road Bridge,

WHEREAS, it is necessary to amend that resolution in order to reflect the correct proposal amounts, and

WHEREAS, the proposals were received on August 16, 2016 and three firms submitted,

<u>Engineer</u>	
Barton & Loguidice	\$ 29,600.00
Hunt Engineering	\$ 29,925.00
Foit-Albert	\$ 55,050.00

NOW THEREFORE BE IT RESOLVED, to award the engineering services to Barton & Loguidice, and be it further

RESOLVED, to authorize the Chairman of the Legislature to sign the proposal,

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

VOTE: Unanimous

## RESOLUTION NO. 318-16

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

Chairman Dennis pointed out that the state legislature passed this before the close of their session earlier this year, and this is awaiting the Governor's signature. This has long term implications to the counties in meeting the mandates of supplying indigent legal defense. Without a new law coming forward, this is going to add on considerably to our unfunded mandates.

Mr. Paddock stated the public defender met with the Committee and the with the change in eligibility for public defender services, his estimate was that probably 95% of the people appear would qualify for public defender services because of the significant change in eligibility.

Mrs. Percy stated one of the statements was eligibility was going to be based on net pay. People can have deductions that could eat up all their net pay.

### **URGING GOVERNOR CUOMO TO SIGN INTO LAW PUBLIC DEFENSE MANDATE RELIEF ACT (S.8114/ A.10706)**

WHEREAS, it is a fundamental right of all persons in the United States to have legal representation in all criminal proceedings; and in the case of *Gideon vs. Wainwright*, 372 U.S. 335, the United States Supreme Court ruled that persons who were unable to afford counsel had a constitutional right to be defended by an appointed attorney paid by the State, and

WHEREAS, the New York State Senate and Assembly have passed legislation entitled Public Defense Mandate Relief Act (S.8114/A.10706) which will require New York State to reimburse counties for expenditures made fulfilling the state's obligation to provide representation for those who cannot afford counsel beginning in 2017 and incrementally reaching 100% in 2023 and thereafter, and

WHEREAS, the Public Defense Mandate Relief Act (S.8114/A.10706) will give the Indigent Legal Service Office the authority "to adopt, promulgate, amend or rescind rules and regulations to carry out the provisions of [Executive Law 832], and

WHEREAS, the Public Defense Mandate Relief Act (S.8114/A.10706) also requires that the various counties and New York City receive an amount equal to the amount paid from the Indigent Legal Services Fund to the counties and NYC in March 2010, and

WHEREAS, New York State has previously entered into an agreement to settle the *Hurrell-Harring vs. State of New York* class action lawsuit and has begun to expend substantial amounts of State funds to create a more equitable and Constitutional system of representation in only the five settlement counties and creating an unequal system of justice in the remaining counties of the State, and

WHEREAS, by entering into such agreement and funding additional services in only the five settlement counties, the State acknowledges that it is constitutionally required to fund public defense services for mandated representation, and

WHEREAS, requiring counties to fund the State's obligation to provide public defense services imposes a significant financial burden on counties dependent on real property taxes to provide needed services; which would be remedied under the Public Defense Mandate Relief Act (S.8114/A.10706) as passed by the New York State Senate and Assembly, now, therefore, be it

RESOLVED, that the Yates County Legislature hereby strongly urges Governor Cuomo to sign the Public Defense Mandate Relief Act (S.8114/A.10706} when it is delivered to him, fulfilling the State's obligation under *Gideon vs. Wainwright*, 372 U.S. 335, relieving the taxpayers of Yates County and the other counties of the State to fund this State mandate, and, be it further

RESOLVED, that a copy of this resolution be sent to Governor Andrew Cuomo, Senate Majority Leader John Flanagan, Assembly Speaker Carl Heastie, Senator Thomas O'Mara, Senator Charles Schumer, Senator Kirsten Gillibrand, Assemblyman Philip Palmesano, the New York State Office of Indigent Legal Services (ILS), the New York State Defenders Association (NYSDA), the Chief Defenders Association of New York (CDANY), and the New York State Association of Counties (NYSAC).

VOTE: Unanimous

### **RESOLUTION NO. 319-16 (WITHDRAWN)**

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

Discussion:

Mr. Paddock stated that this resolution should be withdrawn this was actually last week.

Chairman Dennis stated this is an important subject whether we pass this or not. George was asked to write something up that encourages participation in some form of suicide prevention.

### **A RESOLUTION RECOGNIZING SEPTEMBER 8 THRU SEPTEMBER 14, 2016 AS SUICIDE PREVENTION WEEK.**

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

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

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

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

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

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

WHEREAS, the Coalition has come together to find ways of reducing the frequency of suicide attempts and deaths, and the pain for those affected by suicide deaths, through special projects, educational programs, intervention services, community training and bereavement services, urges that all Yates County residents; Recognize suicide as a significant public health problem and declare suicide prevention a local priority; recognize that access to Behavioral Health Services for everyone without delays is essential to the prevention of suicide,

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

THEREFORE IT BE RESOLVED that the Yates County Legislature, does hereby designate September 5th through 11th, 2016, as "Suicide Prevention Week" in Yates County.

**RESOLUTION NO. 320-16**

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

**AMEND RESOLUTION 243-16  
Allocate WIOA Funding**

WHEREAS, Resolution 243-16 allocated WIOA Funding in the Workforce Development Budget

WHEREAS, it is necessary to amend that resolution,

NOW, THEREFORE BE IT RESOLVED, that the following amounts be allocated

CD6293.1A	(WIOA Title I Adult Staff Wage)	\$ 21,416
CD6293.4A	(WIOA Title I Adult Operating)	\$ 3,067
CD6293.8A	(WIOA Title I Adult Staff Fringe)	\$ 14,007
CD6293.1B	(WIOA Title I Dislocated Staff Wage)	\$ 17,523
CD6293.4B	(WIOA Title I Dislocated Operating)	\$ 3,716
CD6293.8B	(WIOA Title I Dislocated Staff Fringe)	\$ 11,116
CD6293.1D	(WIOA Administration Wage)	\$ 0
CD6293.4D	(WIOA Administration Operating)	\$ 2,825
CD6293.8D	(WIOA Administration Fringe)	\$ 0
CD6293.1C	(WIOA Title I Youth Staff Wage)	\$ 31,151
CD6293.4C	(WIOA Title I Youth Operating)	\$ 12,400
CD6293.8C	(WIOA Title I Youth Staff Fringe)	\$ 7,975
CD6293.11C	(WIOA Title I Youth Participant Wage)	\$ 27,000
CD6293.81C	(WIOA Title I Youth Participant Fringe)	\$ 3,000
CD6293.44791	(REVENUE)	\$155,196

and be it further

RESOLVED, that copies of this resolution be provide to the Workforce Development Director, and the Treasurer

VOTE: Unanimous

**RESOLUTION NO. 321-16**

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

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

RESOLVED, that after the approval of the County Attorney, the Chairman of the Legislature and the Social Services Commissioner will be authorized to sign a contract renewal

with Rainbow Junction, Ltd. for the provision of day care services to eligible clients of the Department of Social Services for the period October 1, 2016-September 30, 2017 at the rate herein identified:

	<b>Under 1½</b>	<b>1 ½ - 2</b>	<b>3 - 5</b>	<b>6-12</b>
				Before & After School/Full Day
WEEKLY	\$200	\$190	\$180	\$80/\$170
DAILY	\$43	\$41	\$38	\$27/\$37

And be it further

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

VOTE: Unanimous

**RESOLUTION NO. 322-16**

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

**RENEW CONTRACT WITH PROACTION OF STEUBEN AND YATES COUNTIES INC. FOR THE ADMINISTRATION OF THE HEATING ENERGY ASSISTANCE PROGRAM (HEAP) PROGRAM FOR 2016-2017**

RESOLVED, that after review by the County Attorney, the Chairman of the Legislature and the Social Services Commissioner are authorized to sign a contract for the administration of the HEAP program with ProAction of Steuben and Yates Counties, Inc. at an amount not to exceed \$15,465 for the period of 10/1/16-9/30/17-.

VOTE: Unanimous

**RESOLUTION NO. 323-16**

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

**ESTABLISH RATE OF PAY  
(Joe Davis)**

WHEREAS, the employment procedures contained in the Yates County Administrative Guide and the CSEA contract state that a person may be hired above the beginning pay rate with Legislative approval, and

WHEREAS, it has been established that Joe Davis, Employment and Training Program Supervisor has prior work experience,

NOW, THEREFORE, BE IT RESOLVED, upon the recommendation of the Social Services Commissioner, that Joe Davis be hired at the Step 1 rate, Group XIV of the CSEA contract (\$27.47) effective September 26, 2016, and be it further

RESOLVED, that a copy of this resolution be given to the Social Services Commissioner, Personnel Officer, Treasurer, CSEA Local President, and Joe Davis.

VOTE: Unanimous

**RESOLUTION NO. 324-16**

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

**PROCLAIMING THE MONTH OF SEPTEMBER HUNGER ACTION MONTH**

**WHEREAS**, hunger is a grave concern for the State of New York and Yates County; and

**WHEREAS**, according to Feeding America, there are nearly 3,000 Yates County residents (or 1 in 9 people) who are considered food insecure, meaning they do not have enough food to live a healthy life: and

**WHEREAS**, for the youngest residents of our county, food insecurity is even more common, affecting 1 in 5 children; and

**WHEREAS**, Yates County is committed to working with Foodlink, other food banks across the state and local hunger relief agencies to educate people about the role of food banks and hunger relief programs in addressing hunger: and

**WHEREAS**, many impoverished communities are classified as food deserts and have limited access to fresh fruits and vegetables. Residents of these neighborhoods have high health disparities, with increased levels of obesity and other diet related diseases, such as diabetes and heart disease: and

**WHEREAS**, Foodlink and its network of hunger –relief organizations provided over 19 million pounds of food to vulnerable children, seniors and adults in its 10-county service area throughout the Finger Lakes region of New York; and

**WHEREAS**, food banks across the country, including Foodlink, will host events and activities throughout the month of September to bring awareness and attention to the issue of hunger and encourage the involvement of our community to help solve this pressing issue.

**NOW, THEREFORE**, we do hereby proclaim the month of September, 2016 **HUNGER ACTION MONTH**, in Yates County.

VOTE: Unanimous

**RESOLUTION NO. 325-16**

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

**CHANGE DATE OF OCTOBER LEGISLATIVE MEETING**

**WHEREAS**, Columbus Day falls on October 10, 2016 which is the date slated for the October Legislative meetings, be it

**RESOLVED**, that the October Legislative Board meetings will be held on October 11, 2016 at 1:00 p.m. in the Legislative Chambers and be it further

**RESOLVED**, that all departments receive a copy of this resolution.

VOTE: Unanimous

**RESOLUTION NO. 326-16**

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

**REAPPOINT DEMOCRAT ELECTION COMMISSIONER  
(Brechko)**

WHEREAS, the Acting Chair of the Yates County Democrat Committee has filed with this Legislature a certificate in accordance with Election Law, Section 31, certifying that in the opinion of the majority of such committee that Robert Brechko residing at 6 White Tail Lane, Penn Yan, NY 14527 (Town of Milo) is a satisfactory and proper person to be reappointed a Commissioner of Elections and recommends such appointment.

NOW, THEREFORE, BE IT RESOLVED, that Robert Brechko is hereby reappointed as Commissioner of Elections for Yates County for a term commencing January 1, 2017 through December 31, 2019, or such term length as determined by the County or State Legislative bodies (EL 3-202), and be it further

RESOLVED, that a copy of this resolution be provided to the Treasurer, Personnel Officer, County Clerk, Mr. Brechko, and the Acting Chair of the Democrat Committee.

VOTE: Unanimous

**RESOLUTION NO. 327-16**

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

**RESCIND RESOLUTION 304-16  
(Amend Resolution Number 174-16 Adopt 2016 Hourly Salary Schedule)**

WHEREAS, resolution 304-16 amended the 2016 Hourly Salary Schedule, specifically the start rate of pay for a Part Time Deputy Sheriff, and

WHEREAS, the start hourly rate of pay for a Part Time Deputy Sheriff is not a result of a collective bargaining unit contract, and

NOW, THEREFORE, BE IT RESOLVED, that resolution 304-16 is hereby rescinded, and be it further

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

VOTE: Unanimous

**RESOLUTION NO. 328-16**

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

**SET FEES FOR CIVIL SERVICE EXAMINATIONS**

WHEREAS, under Civil Service Law Section 23.2 the NYS Department of Civil Service may charge a reasonable fee as a condition of rendering examination services, and

WHEREAS, resolution 29-00 Increase Fees for Civil Service Examinations is hereby rescinded, and

NOW, THEREFORE, BE IT RESOLVED that effective September 12<sup>th</sup>, 2016 a non-refundable fee of \$17.00 will be charged to all applicants for all open-competitive and promotional examinations with the exception of Deputy Sheriff/Police Officer open-competitive examinations the fee will be \$27.00, and be it further

RESOLVED, that copies of this resolution be provided to the Personnel Office and the County Treasurer.

VOTE: Unanimous

### **RESOLUTION NO. 329-16**

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

#### **DISCUSSION:**

Mr. Paddock reviewed the changes which were under #1 pertaining to executive sessions, and #14.

Mr. Morrison clarification that rule #17 does apply to these rules today. Chairman Dennis clarified that yes rule #17 does apply to this resolution in that a unanimous consent of those members present during the meeting where first proposed is in place.

Mr. Morrison stated that if a violation of executive session rules took place he would assume that those discussions would take place in executive session.

Chairman Dennis stated discussions pertaining to a violation of the rules would take place in executive session. It is possible that if there was a censure that it would have to be part of a public record.

Mr. Paddock stated that he did provide links to websites. There is a wide range of instances that have occurred as a result of violating a section of this. Any violation of these rules does not fall under a criminal situation it is merely a violation of rules of procedures and would be entirely up to the legislature to deal with the situation.

### **ADOPT NEW RULES OF PROCEDURE FOR THE YATES COUNTY LEGISLATURE**

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

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

#### **RULES OF PROCEDURE – YATES COUNTY LEGISLATURE**

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

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

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

**EXECUTIVE SESSION:** A motion for Executive Session of the entire Legislature must state the reason for the Executive Session and must pass by a majority vote of the full strength of the Legislature. Attendance at

such Executive Session shall be limited to any member of the Legislature, as well as any other persons authorized by a majority of Legislature members present.

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

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

Persons who violate this rule shall be subject to censure by the Legislature in a manner to be determined.

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

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

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

### STANDING COMMITTEES

#### Finance

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

#### Government Operations

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

#### Human Services

Community Services	Youth Bureau
Social Services	ProAction
Public Defender	Public Health
Workforce Development	Veterans Services

#### Public Safety

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

#### Public Works

Highway	Weights & Measures
Buildings & Grounds	Solid Waste

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

### APPOINTMENTS

Cornell Cooperative Extension Board  
Soil and Water Conservation District (2)  
Inter-County Association of Western New York  
Planning Board  
Western Finger Lakes Solid Waste Management Authority  
F. L. Resource Conservation and Development Council

Flint Creek Board  
Airport Council  
ProAction Board  
Jury board  
Youth Board  
S<sup>2</sup>AY Board

4. The Legislature shall elect a Chairman/Chairwoman at the biennial Organization Meeting. A majority of the full voting strength shall be required to elect the Chairman/Chairwoman.
5. Such special or select committees may be appointed as the Legislature may deem necessary, all of which shall be appointed by the Chairman/Chairwoman and consist of three (3) members, unless otherwise ordered by the Legislature. The Chairman/Chairwoman of the Legislature shall be an ex-officio member of each of the Committees of the Board.
6. Agenda for each meeting shall be prepared by the Chairman/Chairwoman and the Clerk and be provided to each Legislator at least three (3) days prior to the meeting. Information concerning any topic that calls for discussion by the Legislature must be provided to members at least three (3) days prior to the meeting. Items not listed upon the agenda may be tabled until the following meeting by a vote of 1/3 of the Legislators present.
7. At each meeting, the order of business shall include:
  - (1) Pledge of Allegiance
  - (2) Roll Call
  - (3) Approval of minutes
  - (4) Presentation of the audits
  - (5) Presentation of petitions and communications
  - (6) Report of Special Committees
  - (7) Report of Standing Committees
  - (8) Resolution, motions and notices
  - (9) Unfinished business
  - (10) Special order of the day
8. The Chairman/Chairwoman shall preserve order and decorum and shall decide upon all questions of order, subject to an appeal to the Legislature. A member called to order shall immediately come to order. If a Legislator appeals a decision of the Chair, the Legislature, by majority vote of those members present, shall decide the case without debate.
9. The Chairman/Chairwoman shall, in all cases, have the right to vote, and when the vote is equally divided, including his/her vote, the question shall be lost. For approval, resolutions must receive a simple majority vote of the full voting strength of the Legislature, unless otherwise required by law.
10. Every member, previous to his/her speaking, shall be recognized by the Chair. When two or more members wish to speak at once, the Chairman/Chairwoman shall name the member to speak first.
11. Persons not members of the Legislature may, by consent of the Chairman/Chairwoman, be permitted to speak in regard to matters pending before the Legislature.
12. After a motion is stated, it shall be in the possession of the Legislature, but may be withdrawn at any time before the decision or amendment.
13. A roll call vote shall be taken and entered in the minutes
  - (1) when required by law,
  - (2) if requested by any Legislator,
  - (3) whenever there is a spoken "no" vote.
14. Reconsideration, at the same meeting, of a motion shall be in order only if presented by a member of the majority previously deciding the issue and a second by any member of the Legislature. The same motion may be introduced and seconded at a subsequent meeting of the Legislature by any member.
15. The report of the Finance Committee presenting the proposed annual budget shall be laid on the table at least one day before being offered for adoption.

16. A motion to adjourn is non-debatable and shall be approved upon a majority vote of those members present.
17. These Standing Rules may be changed only by unanimous consent of those members present during the meeting where first proposed. Such changes may be made by majority vote of the full voting strength of the Legislature at a regular meeting subsequent to the one where first proposed.

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

VOTE: Roll Call – Paddock, Montgomery, Bronson, Percy, Holgate, Banach, Church, Gleason, Morris, Dennis voting "Yes" Morrison, Multer, Smith voting "No" motion lost – (Note see rule number 17 above which explains this vote as to why it lost)

### **RESOLUTION NO. 330-16**

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

#### **2017 WORKERS' COMPENSATION BUDGET**

WHEREAS, the Workers' Compensation Committee, pursuant to Article 5 of the Workers' Compensation Law, has submitted its proposed budget for the fiscal year beginning January 1, 2017, dated September 12, 2016, which budget shows the amount chargeable to the several municipalities participating in the Yates County Workers' Compensation Self-Insurance Fund,

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

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

RESOLVED, that the sum of \$313,221.87 be apportioned to the County of Yates as its share of said budget and be included in the County's 2017 budget, and be it further

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

**WORKERS' COMPENSATION BUDGET**

Fiscal Year - January 1, 2017 through December 31, 2017

TO THE HONORABLE, THE YATES COUNTY LEGISLATURE, NEW YORK

We, the undersigned members of the Workers' Compensation Committee on Mutual Self Insurance, do hereby submit the following budget for the fiscal period of January 1, 2017 through December 31, 2017.

Appropriations:

Administration Charges

S1710.54011	Consultants	2,300.00		
S1710.54152	Conferences	0.00		
S1710.54156	Training	0.00		
S1710.54191	TPA Contract	21,120.00		
S1710.54192	NYS Workers' Comp Board	50,000.00		
S1710.54193	Insurance			
	Excess Workers' Comp	124,000.00		
S1710.54194	Physicals	4,000.00		
S1710.54195	Supplies: Office	0.00		
S1710.54196	Public Goods Pool	11,000.00		
S1710.54507	Copier Charges	0.00		
S1710.54515	Postage	0.00		
S1710.54654	Mileage	0.00		
S1710.54660	Travel Expenses	0.00		
S1710.54682	Utilities: Telephone/Fax	0.00		
S1710.54907	Dues	55.00		
			212,475.00	
S1720.54197	Benefits & Awards		<u>420,650.00</u>	
		Total	633,125.00	
				633,125.00

**WORKERS' COMPENSATION APPORTIONMENT SCHEDULE**

MUNICIPALITY	50% EXP SHARE	50% EQ SHARE	ADM SHARE	TOTAL
Barrington	68.47	10,805.38	10,915.83	21,789.68
Benton	259.12	7,769.48	7,848.90	15,877.50
Italy	4,800.28	3,759.45	3,797.88	12,357.61
Jerusalem	3,136.95	29,952.47	30,258.66	63,348.08
Middlesex	5,910.46	7,122.38	7,195.19	20,228.03
Milo	15.55	20,870.21	21,083.55	41,969.31
Potter	4,332.47	3,507.09	3,542.94	11,382.50
Starkey	9,931.48	9,377.59	9,473.45	28,782.52
Torrey	33.26	6,721.72	6,790.43	13,545.41
Yates County	112,429.29	99,885.76	100,906.82	313,221.87
Dresden	338.28	577.27	583.17	1,498.72
Dundee	561.74	1,833.13	1,851.87	4,246.74
Penn Yan	68,507.65	8,143.07	8,226.31	84,877.03
	<u>\$ 210,325.00</u>	<u>\$ 210,325.00</u>	<u>\$ 212,475.00</u>	<u>\$ 633,125.00</u>

VOTE: Unanimous

**RESOLUTION NO. 331-16**

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

**ACCEPT AND APPROPRIATE 2015 SLETPP GRANT**

WHEREAS, the county was awarded \$40,000 in Homeland Security funding in FY15 monies with \$30,000 (SHSP) for OEM and \$10,000 (SLETPP) for Sheriff and the fund to be combined and managed by OEM as an SHSP award #SH15-1051-D00 under Contract #T974750 for equipment initiatives,

WHEREAS, the SLETPP funding part is not currently a part of the 2016 budget;

NOW, THEREFORE, BE IT RESOLVED, that this grant is accepted and following accounts shall be appropriated by being increased:

Revenue

A3110.44394 (SLETPP Grant)            \$10,000

Appropriation

A3110-54949 (SLETPP Grant)            \$10,000

And be it further,

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

VOTE: Unanimous

**RESOLUTION NO. 332-16**

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

**SET DATE FOR PUBLIC HEARING ON LOCAL LAW 3-16 entitled  
A LOCAL LAW AMENDING COUNTY OF YATES LOCAL LAW NO. 1 OF THE YEAR  
1996**

RESOLVED, that the Clerk of the Yates County Legislature is directed to advertise a public hearing on proposed local law 3-16 Entitled A LOCAL LAW AMENDING COUNTY OF YATES LOCAL LAW NO. 1 OF THE YEAR 1996

BE IT RESOLVED, said public hearing shall be held October 11, 2016 at 1:05p.m. in the Yates County Legislative Chambers, 417 Liberty St., Penn Yan, NY.

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

**Local Law Filing**

**12231 (Use this form to file a local law with the Secretary of State.)**

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

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

**LOCAL LAW 3-16 ENTITLED:**

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

**Be it enacted by the Legislature of the**

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

Section 1: Legislative Intent

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

Section 2: Waiver of Probation Administrative Fee

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

SECTION 2. PROBATION ADMINISTRATIVE FEE

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

Section 3: Effective Date

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

VOTE: Unanimous

Mr. Paddock moved to enter executive session to discuss the employment history of an individual/individuals and collective negotiations with John Corcoran, Legislators, and the County Administrator present. Also, to discuss the financial history of a particular corporation with the legislators and County Administrator present, seconded by Mr. Morris.

VOTE: Unanimous

Meeting adjourned at 3:14P.M.