

# GOVERNMENT OPERATIONS COMMITTEE

August 2, 2016 at 1:00 p.m.

Location: Legislative Chambers

Committee members: Mark Morris, Jim Multer, Earle Gleason, Bonnie Percy, Jim Smith

Mark and Jim Smith will do the audit this month.

- Public Comment
- Approve minutes of the July meeting

## Legislative Operations

- Discussion on fall NYSAC conference
- Set date for September meeting

## Soil & Water – Jim Balyszak

- Program updates

## Cornell Cooperative Extension – Arlene Wilson

- Program updates

## IT – Tim Groth

- Monthly statistics
- Program updates

## Elections – Robert Brechko/Amy Daines

- Unable to attend, report attached

## County Clerk – Lois Hall

- Statistical Report
- DMV update
- Various updates

## Clerk of the Legislature – Connie Hayes

- Resolution to adopt Local Law 2-16 Renewing and Revising the Occupancy Tax Law
- Proposed 2017 Legislative office budget

## Personnel – Kerry Brennan

- Notifications
- Current positions recruiting
- Discussion on Vacancy Review Policy and form
- Proposed Local Law 3-16
- Work still in progress

Resolutions:

- Set Date for Public Hearing on Proposed Local Law 3-16 Entitled Prohibiting Tobacco Use upon all Real Property owned or leased by the County of Yates
- Grant unpaid leave of absence
- Appoint Deputy Fire Coordinator

**EXECUTIVE SESSION – If needed**



## Government Operations Committee

### Manure Gas Safety Program:

Another successful safety workshop was held at Eugene Zimmerman's in Rushville. The event that drew farm owners and emergency personnel from Yates and Ontario counties and there were approximately 65 people in attendance.

We will be undertaking a pilot program to test a product that is reported to reduce the amount of hydrogen sulfide gas produced in manure pits. Two county dairy farms will be participating and our office will be monitoring the efficiency of this product application over a number of months. One farm uses a gypsum bedding product and the other one does not. We have good gas monitoring data for each farm before this product testing will start.

### Annual Agricultural District Review:

The Yates County Legislature is responsible for conducting the Annual Agricultural District Review. The process is for the legislature to designate the month of November as an open enrollment period where requests can be made to add parcels to Yates County's agricultural district.

After applications are received they are reviewed by the county Farm Land Protection Board and a report is made to the legislature. A public hearing is then held in December and the legislature makes a resolution / recommendation to the Commissioner of the NYS Department of Agriculture and Markets on the addition of parcels to the county's agricultural district.

### Farm tile bioreactors:

Attached is an article that provides additional information on how the field tile bioractor being tested in Yates County removes nitrogen from groundwater carried through farm field tiles.

## Reducing Water Pollution with Microbes and Wood Chips

Jul 6, 2016 by Laura Christianson, University of Illinois at Urbana-Champaign

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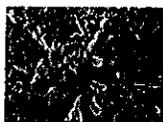
Harmful algal bloom caused by nutrient pollution, Assateague island National Seashore, MD. Image credit: Eric Vance / U.S. EPA.

Beneath fields of corn and soybeans across the U.S. Midwest lies an unseen network of underground pipes. These systems, which are known as tile drainage networks, channel excess water out of soil and carry it to lakes, streams and rivers. There are over 38 million acres of tile drainage in the Corn Belt states.

These networks play a vital role in farm production. They allow farmers to drive tractors into fields that would otherwise be too wet and make it possible to plant early in spring. And they boost crop growth and yield by preventing fields from becoming waterlogged.

But drainage systems are also major contributors to water pollution. The water they remove from fields contains nitrogen, which comes both from organic matter in rich Midwestern soil and from fertilizer. This nitrogen over-fertilizes downstream water bodies, causing blooms of algae. When the algae die, bacteria decompose them, using oxygen in the water as fuel.

The result is hypoxic zones, also known as dead zones, where nothing can live. Some of these zones, such as the one that forms in the Gulf of Mexico every



'Reverse Photosynthesis' Process Discovered

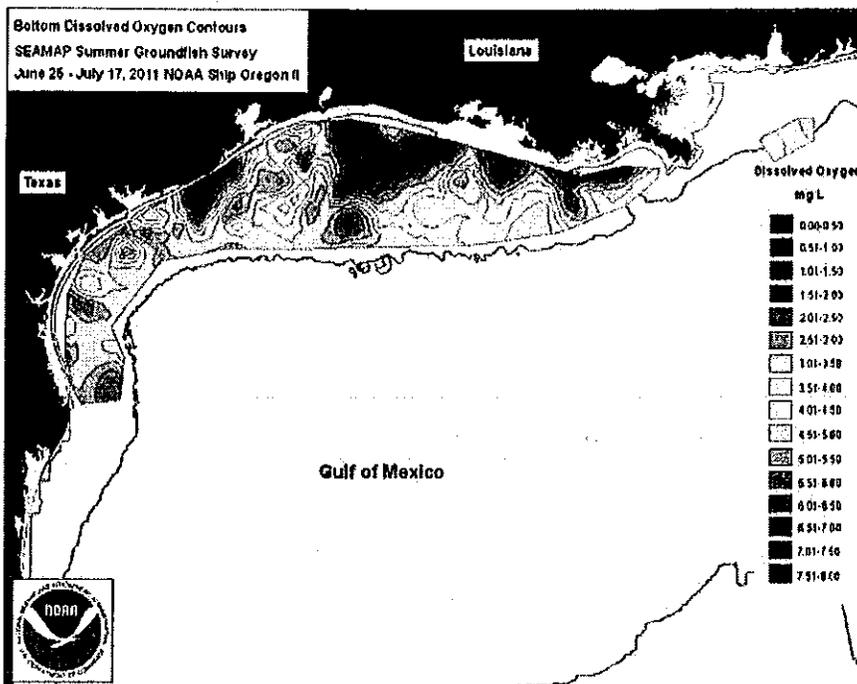


Researchers Develop Highly Stretchable Electroluminescent 'Skin'



Acoustic Tweezers Capture, Manipulate Single Cells in 3D

year fed by Midwestern farm drainage water, cover thousands of miles.



The Gulf of Mexico dead zone forms every summer, fed by drainage from midwestern farms. Image credit: NASA / NOAA.

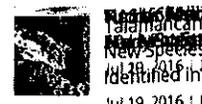
Across the Midwest and in many other areas, we need to reduce nitrogen pollution on a very large scale to improve water quality. My research focuses on woodchip bioreactors – simple trenches that can be constructed on farms to clean the water that flows out of tile drains. This is a proven practice that is ready for broad-scale implementation. Nevertheless, there is still great potential to improve how well wood chip bioreactors work, and to convince farmers to use them through additional research and engagement.

### Removing nitrogen from farm runoff

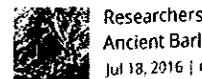
Researchers studying ways to improve agricultural water quality have shown that we can use a natural process called denitrification to treat subsurface drainage water on farms. It relies on bacteria found in soil around the world to convert nitrate – the form of nitrogen in farm drainage water – to nitrogen gas, which is environmentally benign and makes up more than three-fourths of the air we breathe.

These bacteria use carbon as a food source. In oxygen-free conditions, such as wetlands or soggy soils, they are fueled by carbon in the surrounding soil, and inhale nitrate while exhaling nitrogen gas. Bioreactors are engineered environments that take advantage of their work on a large scale.

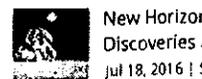
Denitrifying bioreactors on farms are surprisingly simple. To make them we dig trenches between farm fields and the outlets where water flows from tile drains into ditches or streams. We fill them with wood chips, which are colonized by native bacteria from the surrounding soil, and then route water from farm drainage systems through the trenches. The bacteria 'eat' the carbon in the wood chips, 'inhale' the nitrate in the water, and 'exhale' nitrogen



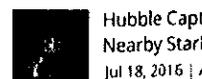
New Species Identified in... Jul 19, 2016 | B



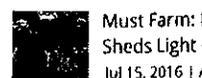
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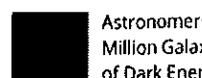
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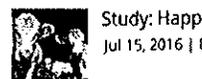
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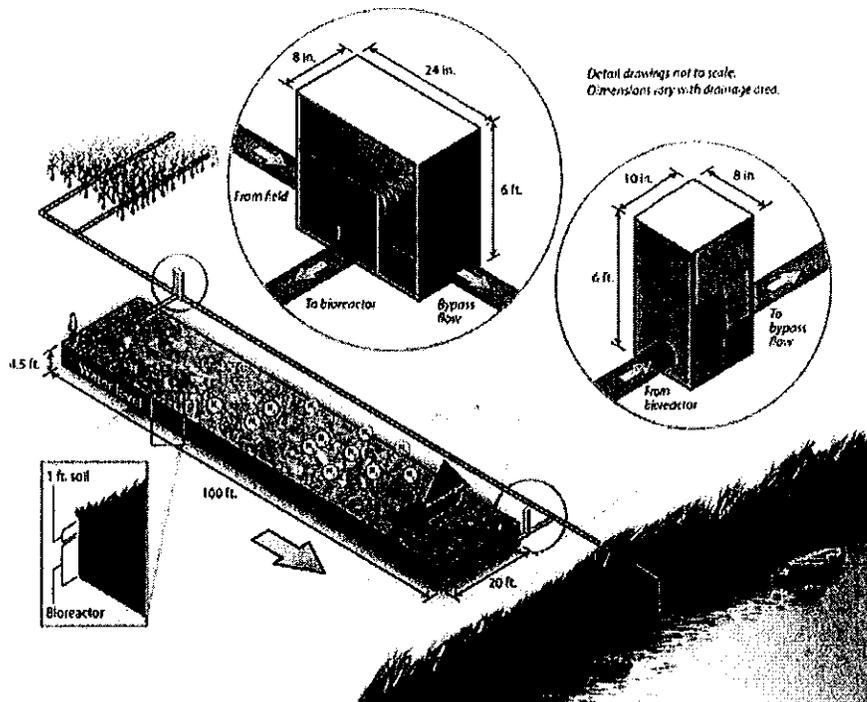
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Study: Happy... Jul 15, 2016 | B



gas. In the process, they reduce nitrogen pollution in water flowing off of the farm by anywhere from 15 percent to over 90 percent.



A denitrifying woodchip bioreactor removing nitrate from a tile-drained corn field. Image credit: Christianson and Helmers / Iowa State Extension.

Although denitrifying bioreactors are relatively new, they have moved beyond proof of concept. A new special collection of papers in the *Journal of Environmental Quality*, which I co-edited with Dr. Louis Schipper of the University of Waikato in New Zealand, demonstrates that these systems can now be considered an effective tool to reduce pollution in nitrate-laden waters. Researchers are using these systems in an expanding range of locations, applications, and environmental conditions.

### Making bioreactors work for farmers

Woodchip bioreactors can be installed without requiring farmers to take land out of production, and require very little annual maintenance. These are important selling points for farmers. The Clean Water Act does not regulate nitrogen pollution from diffuse agricultural sources such as farm runoff, but states across the Midwest are working with federal regulators to set targets for reducing nitrogen pollution. They also are developing water quality strategies that call for installing tens of thousands of denitrifying bioreactors to help reach those targets.

So far, wood chips have proven to be the most practical bioreactor fill. Research at the lab scale has also analyzed the idea of using farm residues such as corn cobs instead. In laboratory studies, such agricultural residues consistently provide much higher nitrate removal rates than wood chips. However, they need to be replaced more frequently than wood chips, which have an estimated design life of 10 years in a bioreactor.

Laboratory studies have also helped us understand how other factors

influence nitrate removal in bioreactors, including water temperature and the length of time that water remains inside the bioreactor – which, in turn, depends on the flow rate and the size of the bioreactor. Another challenge is that bioreactors work best in late summer, when drainage flow rates are low and the water flowing from fields is warm, but most nitrogen flows from fields in drainage water in spring, when conditions are cool and wet. Researchers are working to design bioreactors that can overcome this disconnect.

We have also carried out tests to see whether bioreactors can treat aquaculture wastewater, which typically contains much higher levels of nitrate and other water pollutants than tile drainage water. Our study showed that bioreactors could be a viable low-cost water treatment option for fish farms.

And researchers from New Zealand recently showed that denitrifying bioreactors may be an effective option for treating some small sources of municipal wastewater. Their work provided the first indication that woodchip bioreactors may be able to remove microbial contaminants like *E. coli* and viruses, which can be hazardous to human health, from water. The exact process by which the *E. coli* and viruses were removed is not yet known.

One difficult challenge in designing denitrifying bioreactors is testing novel designs at the field scale. We need to build and test large bioreactors so that we can provide useful information to farmers, landowners, crop advisors, drainage contractors, conservation staff, and state and federal agencies. They want to know practical facts, such as how long the wood chips last (approximately 7-15 years), how much it costs to install a field-scale bioreactor (\$8,000-\$12,000), and whether bioreactors back up water in tile drainage systems (no). To refine what we know, we plan to continue installing full-size bioreactors either on research farms or by collaborating with private farmers who want to be at the cutting edge of water-quality solutions.

We all play a role in agriculture because we all eat, and at the same time, we all need clean water. Simple technologies like woodchip bioreactors can help meet both goals by helping farmers maintain good drainage and providing cleaner water downstream.

*This article was originally published on The Conversation.*

## THE CONVERSATION

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**Program Updates**  
**Cornell Cooperative Extension of Yates County**  
**Arlene Wilson, Executive Director**  
**Governmental Operations Meeting**  
**August 2, 2016**

TANF Life Skills Program

- Vallie has completed 8 workshops thus far for 2016. A workshop was held on July 14<sup>th</sup> with Catholic Charities (4 participants) and another is set for July 22<sup>nd</sup> with JRT.
- Seven families have graduated the 1:1 programming. Vallie is currently working with 2 additional families. One family had to drop out of the program due to having a child in the NICU. This summer is proving difficult to connect with families for enrollment and follow through.
- Summer youth budget program has started with Workforce Development in conjunction with the Summer Youth Employment Program. A series of 3 workshops will be presented 3 times each (for a total of 9 workshops in all). The first set of workshops took place earlier this month, with the 2<sup>nd</sup> set scheduled to start on July 22<sup>nd</sup>. The program has placed 40 youth participants.
- Vallie attended a Money Management and More summit at Cornell on June 29<sup>th</sup>. Information and resources were available and shared by budgeting educators from across the state.

Community Nutrition

- Barb attended a Community Health Assessment Plan Meeting on June 24<sup>th</sup>
- Food preservation season is starting to peak and Barb uses her Master Food Preserver training to answer questions as they come in.

4-H and Youth Development

1. June 25<sup>th</sup> – Yates County Youth Fishing Derby
  - Barb attended with a watershed display for attendees to view and interact with
  - A total of 83 youth attended the event with accompanying adults
2. June 26<sup>th</sup> – Dog Obedience at the Yates County Fairgrounds
  - This was the last dog obedience workshop prior to county fair. 7 youth took part in the programming series, with 3 youth receiving their dog obedience project completion and then taking part in this year's Dog Show at the Yates County Fair.
3. June 27<sup>th</sup> – Fair Clean-up
  - Many of our 4-H families came together to help sweep, mop, scrub, and clean 4-H areas of the fairgrounds in preparation for county fair.
4. June 28<sup>th</sup>-30<sup>th</sup> – Career Exploration at Cornell University.
  - 3 youth attended taking part in Paleontology, Geospatial Science, and Human Development career tracks. All came home with rave reviews on the event and

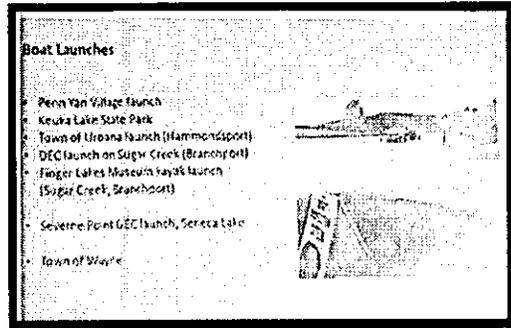
- one youth created an activity at the Yates County Fair highlighting his experiences.
5. June 28<sup>th</sup> – Horse Clinic and Riding Level Evaluations at the Yates County Fairgrounds
    - 8 youth took part in the clinic/evaluations in preparation for county fair
    - Clinic topics included showmanship and gaming patterns
  6. July 1<sup>st</sup> – Teen Leader Training
    - 2 teens completed the intensive 3 hour training to become certified Teen Leaders. The training focused on teambuilding activities, problem solving, building communication skills, providing constructive feedback, and working with and preparing activities for youth of a variety of ages.
  7. July 11<sup>th</sup> – 16<sup>th</sup> – Yates County Fair
    - 91 animals, exhibited by 20 youth, with 6 new exhibitors
    - Poultry was able to be displayed and shown
    - A Dog Show was held for the first time since 2013
    - 232 exhibits on display from 39 4-H members
      - Number of exhibits was up 20% from last year!!
    - A total of 31 exhibits (from 18 youth) were selected to go on to State Fair for judging
    - A total of 21 exhibits (from 18 youth) were selected to go to State Fair for display only
    - 2 summer assistants (both past 4-H members) were on hand to help with county fair week
  8. July 13<sup>th</sup> – August 24<sup>th</sup> – Rainbow Junction Summer Rec
    - Weekly nature themed programs are being provided to 20 school aged youth participants
  9. July 14<sup>th</sup>, 21<sup>st</sup>, and 28<sup>th</sup> – Summer Rec with KAT
    - Nature themed programs are being provided to up to 10 youth and 5 staff
    - Each lesson is 2 hours in length, totaling 6 hours total
  10. July 14<sup>th</sup> – Jen provided a shooting sports report at the Yates County SCOPE meeting.
  11. July 19<sup>th</sup> – Open Archery Shoot at the Branchport Rod and Gun Club
  12. August 1<sup>st</sup> and 2<sup>nd</sup> – Sewing Camp
  13. August 4<sup>th</sup> – 4-H Teens will visit Corning Museum of Glass

### **Keuka Lake Association Annual Meeting**

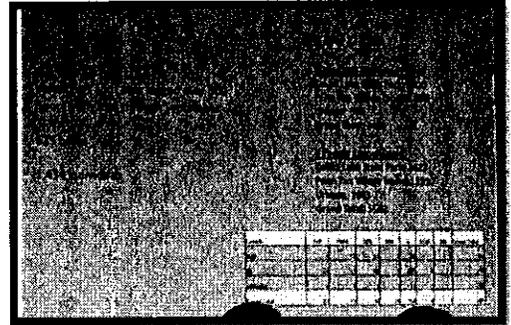
On July 9, 2016 Emily Staychock Watershed Educator gave two [2] presentations at the KLA Annual Meeting:

- Invasive Species- she gave an update on the removal/management of current invasive species [**water chestnut**], and the newly arrived invasive species of concern in Keuka Lake [**Starry Stonewort, Chinese Mystery Snail**].

- Watercraft Stewardship Program- she provided an update on this project [KLA received funding for three paid staff from NYS DEC] which operates from [5] five boat launches on Keuka Lake and one launch on Seneca Lake and one in the town of Wayne.



- This project trains paid [4] and volunteer [13] on site boat stewards and provides educational resources to educate boat owners on how to keep their boats from transferring invasive species into Keuka Lake [clean/drain/dry]. The following are the comparative outcomes through June 2016:



	Boats Inspected	Individuals Educated
2015	625	1,434
2016	2,401	5,502

**Cornell Vegetable Program:**

**VEGLOG**  
YOUR TRUSTED SOURCE FOR REGIONAL VEGETABLE PRODUCTION INFORMATION

Cornell University  
Cooperative Extension  
Cornell Vegetable Program

**Squash Bug on Zucchini and Summer Squash**  
Autumn Auld, CCE Cornell Vegetable Program

Hot, dry conditions often favor insect pest outbreaks, and 2016 is proving to be a year of heavy squash bug damage. The adult of this pest overwinters in crop debris, then lays copper-colored eggs in triangular clusters (Fig. 1) of susceptible crops including zucchini, squash, pumpkins, melons and cucumbers. Freshly hatched nymphs do not resemble adults; rather are gray to green with black appendages (Fig. 2). Feeding damage from the adults results in a bright condition where plants yellow and wilt (Fig. 3). Crop brown leaf margins are characteristic.

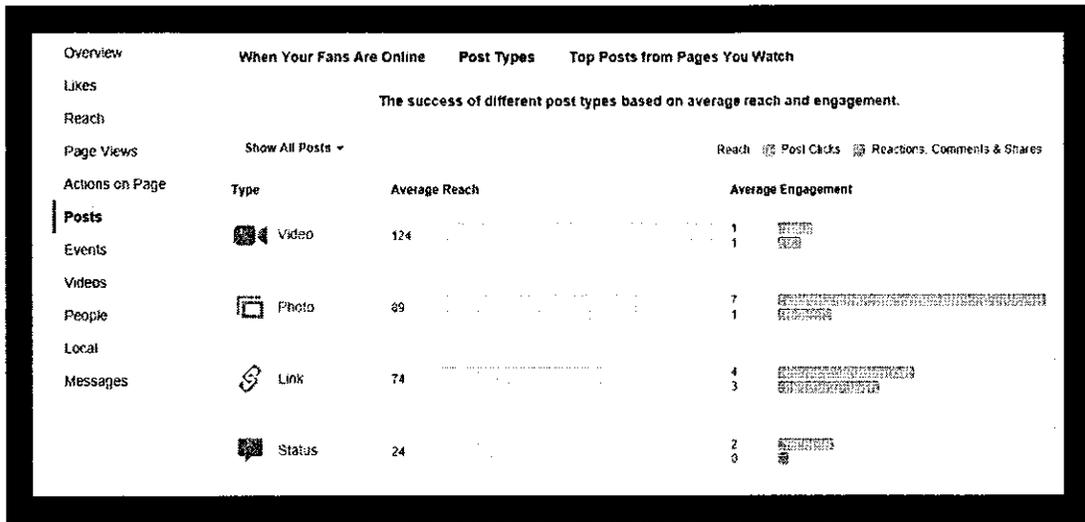
Management begins with rotation away from cucurbits. Adults thrive in the lower canopy, underneath plastic mulch, and are difficult to target. Instead, scout egg masses and time pesticide applications

Figure 1. Squash bug adult and egg mass. Adapted from Cornell Vegetable Program.

## Cornell Cooperative Administration:

1. Annual Meeting: December 1 [Elks Club]
2. Legislative Luncheon: October 11

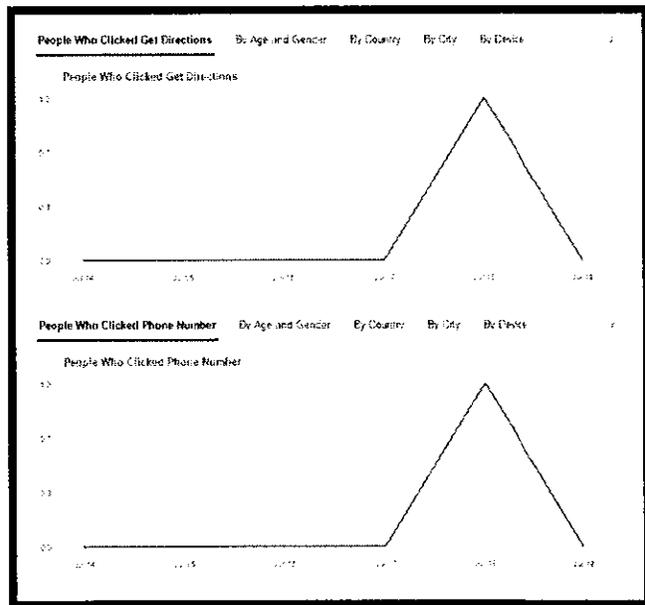
## Social Media Pages



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Published	Post	Type	Targeting	Reach	Engagement
07/15/2016 4:02 pm	Photos from Cornell University Cooperative Extension Yates County			41	3 0
07/14/2016 11:14 am	Timeline Photos			39	0 1
07/14/2016 8:10 am	Cornell University Cooperative Extension Yates County shared Y			6	0 0
07/13/2016 1:24 pm	Come visit the Master Gardener table! Get free seeds and take p			13	0 1
07/12/2016 1:04 pm	Come and see the Fairy Gardens (Gnome homes and beach hot			12	0 1
07/12/2016 2:43 pm	The Yates County Fair is in full swing! Click the link below to get t			28	5 1
07/11/2016 7:55 pm	Volunteers, student exhibitors and staff are getting the 4H Exhibi			95	12 2
07/09/2016 11:23 am	KLA Annual Meeting summary photos of presenters			68	5 0
07/09/2016 10:43 am	Cornell University Cooperative Extension Yates County was live			162	3 1
07/09/2016 10:44 am	Dr. Tim Sellers (Keuka College Limnologist and KLA water quali			144	0 1
07/09/2016 10:19 am	Thanks to Yates Sheriff Ron Spikes for supporting the establish			158	0 0



**From:** [Judson Edward Reid](#)  
**To:** [Laura K. Hunsberger](#); [Suzann Marie Cushman](#); [Emily C. Reynolds](#); [Diane B. Held](#); [Beverly L. Mancuso](#); [Andrea Lista](#); [Cathy Lovejoy Maloney](#); [Timothy Scott Davis](#); [Arlene Albertine Wilson](#); [W. Averell H. Bauder](#)  
**Cc:** [Angela E Parr](#); [Julie R. Kikkert](#); [Peter T. Landre](#)  
**Subject:** CVP program update-Reid  
**Date:** Wednesday, July 6, 2016 2:29:13 PM

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Hello EDs,

Hope summer is going well in your county. As part of my work with the Cornell Vegetable Program we are managing a series of projects this season which are relevant to your county. Here are some of our highlights:

- Produce Auction twilight meetings-the CVP region is home to 5 of NYS' 6 produce auctions. We coordinate the educational activities for these auctions:
  - Orleans-7/20 6:00 pm –Curvin Martin farm, 12829 Eagle Harbor-Knowlesville Rd, Albion NY 14411
  - Seneca-7/27 7:00 pm –David K Stoltzfus Farm, 4844 Rt 414, Romulus, NY, 14541
  - Ontario/Yates-7/29 6:00 pm –David Fox farm, 3269 Lake-to-Lake Rd, Stanley NY, 14561
  - Chautauqua-9/13 5:00 pm –location TBD
  - Allegany-date and farm TBD, waiting on BOD
  - In CVP/Harvest NY research we documented important economic impact of these auctions and the vital role CCE plays in supporting their growth and development.
  
- High Tunnel Best Management Practices. In the latest census NYS listed 435 greenhouse/high tunnel farms. This represents over 100% growth from the previous 5 year period. The CVP is the statewide leader in research and education on these systems. Our work is funded by multiple competitive grant programs:
  - NYFVI “Increasing Yield by Controlling Leaf Mold in Tomato High Tunnel Production”- \$108,977. Co-PI with Prof Chris Smart; sampling to be conducted in all CVP counties, research sites in Ontario and Yates counties.
  - NYFVI “Best Management Practices for Long Term Profitable High Tunnel Soil Fertility and Health”- \$116,126. Collaboration with NOFA-NY, cooperating farms in Ontario, Yates, Monroe, Wayne, Erie, Cattaraugus counties as well as the Hudson and Champlain Valleys. Field meeting 8/2 in Ontario county.
  - TSF “Best Management Practices for long term high tunnel soil sustainability”- \$10,000-This works includes undergraduate instruction through the Cornell Student Farm, Dilmun Hill.
  - FFF “Advancing Season Extension in NYS”-\$37,500. These are capacity funds used to harmonize our season extension projects and help NYS growers maximize their potential. We recently updated the [CU High Tunnel page](#)
  - Challenge Grant “Advancing High Tunnel Tomato Grafting”-\$6,000. Research site in Yates County. Check out [this story](#) by RJ Anderson on our work there.
  - OREI/NIFA “Organic Cucurbit pest management” -\$64,514. Collaboration with Prof. Michael Mazourek to improve cucurbit pest management; trials sites in Monroe and Niagara counties.

- Collaboration with CVP specialists Hadad and Telenko on fresh market trials in Genesee and Chautauqua counties. Field days 7/6 and 8/31.
- Team Leader for Harvest NY-We now cover 20 counties with 7 specialists in 5 core program areas:
  - Dairy Modernization
  - Dairy Processing and Marketing
  - Livestock Processing and Marketing
  - Local Foods
  - Farm Based Beverages.

My role in HNY is to guide and support the specialists in their work, and at times collaborate on programs. For example Cheryl Thayer and Elizabeth Newbold's project "Supply chain analysis for emerging NYS malting barley industry"; funded by NYFVI for \$33,000. This program is of great benefit to the counties as it is funded directly by NYS.

I was also honored to be an invited speaker at the American Society for Horticultural Sciences annual conference in Atlanta, GA this August. My topic is "Modern Communication, Effective Extension and Technology Limiting Cultures". Wish me luck in the Georgia heat!

The above doesn't capture all of our work in the region, but hopefully gives you a picture of our current efforts. I use social media such as Twitter to share the word about our programs including impacts. Feel free to have your association social media leads linked to me: @Jud\_Reid

Best wishes for a great summer in your county,

Judson Reid

FACT SHEET

AGRICULTURE ENERGY AUDIT PROGRAM



**REDUCE**  
operating costs

**IMPROVE**  
energy efficiency

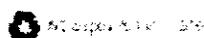
**REDUCE**  
carbon emissions

call:  
**1-800-732-1399**

email:  
**aeap@nyscrda.ny.gov**

visit:  
**nyscrda.ny.gov/agriculture**

NYSERDA, a public benefit corporation, offers objective information and analysis, innovative programs, technical expertise, and support to help New Yorkers increase energy efficiency, save money, use renewable energy, and reduce reliance on fossil fuels.



NYSERDA offers energy audits to help eligible farms and on-farm producers identify ways to save energy and money on utility bills. Reports include recommendations for energy efficiency measures.

**Eligibility**

Eligible farms include but are not limited to dairies, orchards, greenhouses, vegetables, vineyards, grain dryers, and poultry/egg. The farms must also be customers of New York State investor-owned utilities and contribute to the System Benefits Charge (SBC). Please check your farm's current utility bills to see if your farm pays the SBC.

**Energy Audit Options**

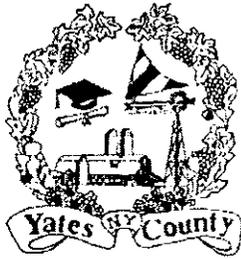
You can request the level of energy audit that best fits your farm's needs. NYSERDA will assign a Flexible Technical Assistance Program Consultant to visit your farm and perform an energy audit at no cost to you.

Level	Audit Activities	Type of Report that the Farm Receives
<b>Level 1</b>	Walk-through energy audit	Summary letter with limited evaluation of feasible energy efficiency measures
<b>Level 2</b>	Detailed energy audit	Energy audit report with calculated evaluations of appropriate energy efficiency measures including simple payback; meets ANSI/ASABE S612 standards
<b>Level 3</b>	Energy audit focused on specific systems, energy efficiency measures, or renewable energy	System-specific energy analysis report

**Get Started**

Visit **nyscrda.ny.gov/agriculture** to download an application or apply online. Call **1-800-732-1399** to learn more, request an application, or for assistance with determining the audit level.





# YATES COUNTY INFORMATION TECHNOLOGY

417 Liberty Street, Suite 2027

Penn Yan, New York 14527

Phone: 315-531-3444

Fax: 315-531-3226

## MEMORANDUM

To: Government Operations Committee

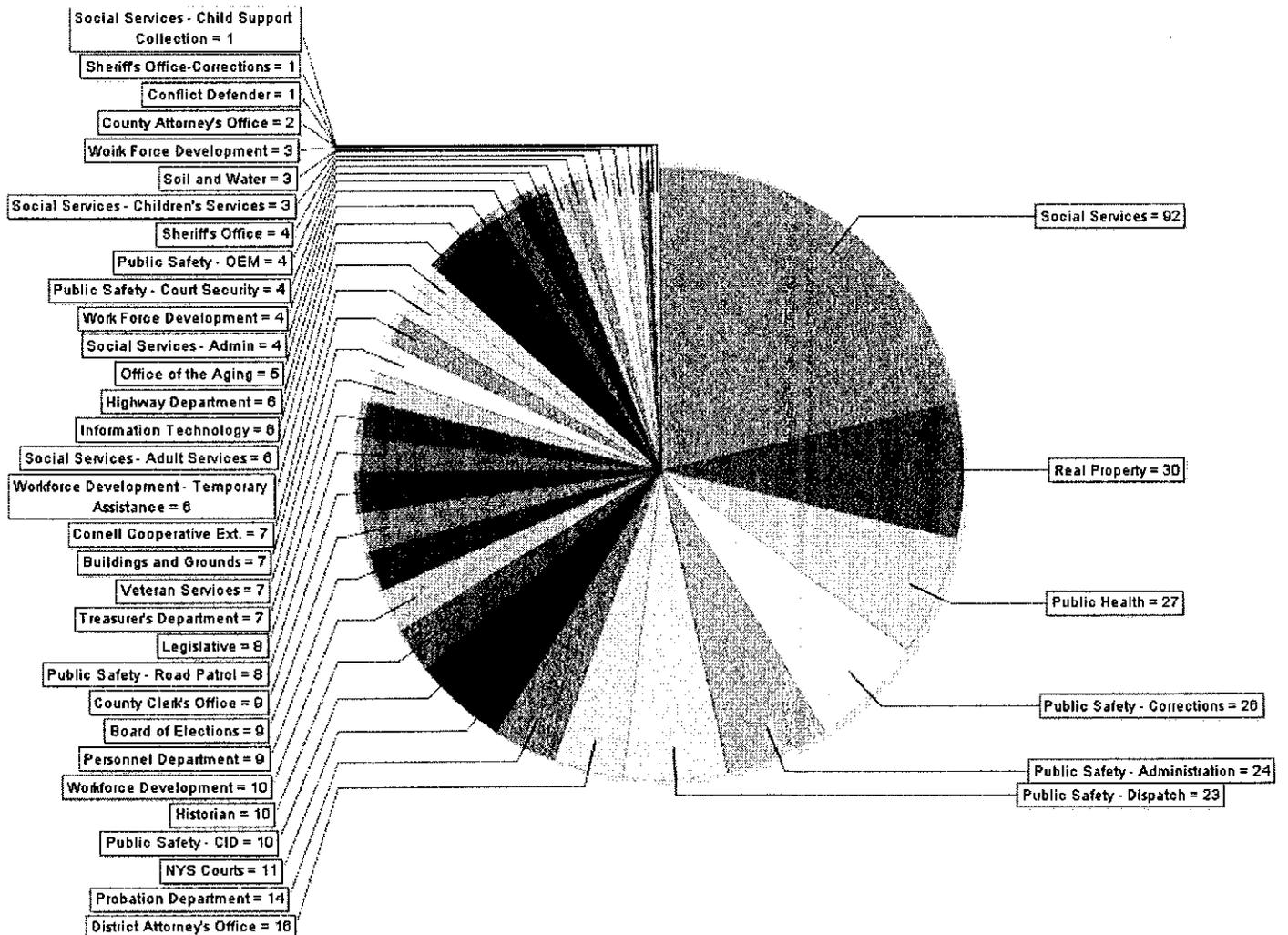
From: Tim Groth  
I.T. Director

Date: July 25, 2016

Re: Report for July 2016

### Help-Desk calls

In the month of June the helpdesk took in a total of 427 calls.



## Received Requests by Date by Department

	2016						
	Jan	Feb	Mar	Apr	May	Jun	Count
Board of Elections	8	7	18	7	19	9	68
Buildings and Grounds	0	0	0	4	1	7	12
Community Services	0	0	1	0	1	0	2
Conflict Defender	0	0	1	0	0	1	2
Cornell Cooperative Ext.	0	0	0	0	1	7	8
County Attorney's Office	0	0	0	3	2	2	7
County Clerk's Office	3	1	1	5	4	9	23
District Attorney's Office	2	5	0	5	11	16	39
Highway Department	1	3	0	2	3	6	15
Historian	2	1	0	1	5	10	19
Information Technology	1	7	3	2	3	6	22
Legislative	7	7	6	9	5	8	42
NYS Courts	0	0	0	0	0	11	11
Office of the Aging	0	1	0	0	2	5	8
Personnel Department	22	16	8	13	13	9	81
Planning	0	0	1	0	1	0	2
Probation Department	3	4	10	1	6	14	38
Public Defender	0	1	0	0	0	0	1
Public Health	9	14	28	23	34	27	135
Public Safety - Administration	21	16	5	14	8	28	92
Public Safety - CID	5	4	0	10	3	10	32
Public Safety - Corrections	5	7	17	18	13	27	87
Public Safety - Court Security	1	4	2	5	4	4	20
Public Safety - Dispatch	18	32	17	28	14	23	132
Public Safety - Marine Patrol	3	1	0	0	1	0	5
Public Safety - OEM	3	2	3	1	1	4	14
Public Safety - Road Patrol	5	14	24	15	12	8	78
Real Property	9	3	21	18	19	30	100
Social Services	45	41	45	68	57	106	362
Soil and Water	0	1	1	0	0	3	5
Treasurer's Department	1	3	11	7	3	7	32
Veteran Services	2	1	2	2	1	7	15
Workforce Development	10	5	8	3	6	23	55
<b>Count</b>	<b>186</b>	<b>201</b>	<b>233</b>	<b>264</b>	<b>253</b>	<b>427</b>	<b>1564</b>

## 2016 Email & Internet Statistics

Jan Feb Mar Apr May Jun

### Traffic Summary

Inbound Messages	61014	72288	142483	104743	142459	66523
Average Inbound Messages / hour	82	103.9	191.8	145.5	191.5	92.4
Outbound Messages	10175	10404	12101	10956	10333	10750
Average Outbound Messages / Hour	13.7	14.9	16.3	15.2	13.9	14.9

### Bandwidth Summary

Inbound Total Bandwidth	4.1 GB	4.4 GB	4.4 GB	4.4 GB	4.5 GB	4.7 GB
Average Inbound Message Size	69.7 KB	63.2 KB	32.6 KB	44.4 KB	33.3 KB	74.4 KB
Outbound Total Bandwidth	1.6 GB	2.4 GB	2.6 GB	3.3 GB	2.5 GB	2.9 GB
Average Outbound Message Size	162.9 KB	237.5 KB	228.4 KB	315.5 KB	248.9 KB	281.0 KB

### Inbound Threat Summary

Total Viruses	285	635	2152	474	1144	499
Infection Rate	1/214	1/114	1/66	1/221	1/125	1/133
Total Spam Identified	10002	9837	10806	12092	8602	4287
Spam Volume	16.4%	13.6%	7.6%	11.5%	6.0%	6.4%
Spam Beacons Detected	40152	41462	46266	43261	42832	43219
Content Policy Violations	0	0	0	0	0	0
Attachment Policy Violations	12	19	539	164	301	18

### Outbound Threat Summary

Total Viruses	0	0	0	0	0	0
Infection Rate	0/10175	0/10404	0/12101	0/10956	0/10333	0/10750
Total Spam Identified	37	116	52	80	288	82
Spam Volume	0.4%	1.1%	0.4%	0.7%	2.8%	0.8%
Content Policy Violations	10	16	11	25	30	29
Attachment Policy Violations	0	4	0	0	0	0

### Attachment Summary

Average Attachment Size	143.3 KB	162.5 KB	178.3 KB	213.9 KB	180.9 KB	224.2 KB
Executables	9	1	3	6	2	0
Scripts	5	13	535	157	299	11
Office Documents	2866	3946	3846	3029	3082	3537
Audio	0	17	28	25	7	14
Images	16975	17800	14032	14389	15584	12730
Compressed Archives	42	70	588	228	484	65

## Project Updates

- Network Refresh and VoIP Installation
  - The network refresh is 99% complete. SMP has completed the initial configuration and training of the new WebSense URL Filtering appliance. I.T. will continue to configure this appliance over the next several weeks. We have been experiencing configuration issues with the WSA that we are working on with our vendor.
  
- Website update
  - Becky Olsen been working on fixes to the management side of the application in addition to working on content management for the Historian's web page.
  - Jean Hubbell in the Sheriff's Office has been selected to update & maintain their portion of the website. I have provided Jean with credentials to edit their web pages as well as the training materials and will be getting with her in the near future for some additional training.
  
- Internal Fiber upgrade
  - Todd Cable has installed the LIU's and terminated all of the internal fiber cable as agreed upon. We will start to migrate over to the new fiber in the upcoming weeks once Todd Cable has provided Yates Final Test Results.
  
- Mutual Link Installation & Configuration
  - We will be working with a company call Mutual Link which is a firm that has contracted with NYS and is a network agnostic multimedia interoperability platform, Mutual link is designed to leverage the sharing of your existing radio, video, telephone, and IP-sensory equipment (including disparate systems), as well as next-generation communication technology. The equipment was provided by NYS at no cost to the counties and they are providing installation support. This technology will allow E911 centers from different counties to link their radio & telephone lines (up to a certain degree) in the event of large statewide emergencies via the Internet. This will give the E911 centers interoperability that was not previously available.
  
- E911 CAD & Jail Management Server Replacement
  - I.T. will be working with EM Systems (Sheriff's CAD vendor) to replace and upgrade the old server and software. This will be a coordinated effort between Yates I.T., EM Systems, E911, and the Corrections department as this will cause down time for a period of approximately 2 hours. This upgrade is set to take place at 6:00am on Wednesday August 3<sup>rd</sup>.
  
- E911 Priority Dispatch ProQA & AQUA Server Installation/Training
  - I.T. installed and configured a new virtual server for a new software platform called ProQA & AQUA. ProQA incorporates adaptive software that gives the dispatcher scripted panel-logic caller interrogation utilizing International Academies of Emergency Dispatch (IAED) protocols that expedite a response that best assists the caller/patient. We set up a computer lab in the YCSO training room and Priority Dispatch (vendor) sent out a trainer for a day for a "Train the Trainer" session.

**To:** Government Operations Committee  
**From:** Bob Brechko, Amy Daines  
**Date:** July 28, 2016  
**Subject:** Monthly Report for August 2016 Meeting  
**State Legislative Update:** Nothing to report.

**July Accomplishments:**

- Designating Petitions were filed and reviewed July 11-14.
- Several Objections were filed to Designating Petitions filed for Yates County Coroner and Yates County Judge. A hearing was scheduled for July 28<sup>th</sup>. We expect further legal action to be taken.
- File was sent to NTS for annual Mail Check Cards. Cards will be mailed week of Aug 1<sup>st</sup>.
- Because of objections filed the primary ballot was not developed this month. Originally we had petitions filed that would require 8 Primaries. If some the objections are upheld, that will go down.
- Developed a Ballot Marking Device training handout.
- Updating the Inspector Notebooks used at each Polling Site is in progress, but due to the amount of objections filed it was not able to be completed.
- Began calculating 2017 budget needs.
- Initiated complaint as to validity of 3 voter registration applications. 1 criminal action expected as a result of Commissioners discussions with Investigator.

**August Objective**

- Commissioners are scheduled to be at Conference August 1st-4<sup>th</sup> and each have vacation planned for Friday.
- Possible court proceedings related to objections filed.
- Develop the primary ballots.
- Complete update to Inspector notebooks.
- Continue working on 2017 budget.
- Independent Petitions to be filed August 16<sup>th</sup> thru 23<sup>rd</sup>.
- Mail Military Ballots.
- Voting machine testing and training.
- Last minute Inspector training if needed.
- Finalize Inspector schedule for Primary.

**Please stop by our office to discuss these topics or any others that may be of concern.  
Thank you.**

## INTER-OFFICE CORRESPONDENCE

### YATES COUNTY

TO: Mark Morris, Chair  
Legislators Government Operations Committee

FROM: Lois Hall, County Clerk

SUBJECT: Updates—County Clerk's Office

DATE: July 28, 2016

#### STATISTICAL REPORTS

January 2016 through June 2016, Statistical Report, including two year's prior totals for transactions processed in the Recording Office is attached. Also, the DMV report indicating collections from January through June 2016 with 13-month comparison.

#### DMV

The DMV office has received notice that the AKTS (Automated Knowledge Test System) will be delivered and installed on August 12. This process has taken DMV one year to implement. We will be receiving one testing unit for DMV.

All CDL tests must be taken on the automated system.

If the test machine is occupied by a CDL user it is up to the discretion of the office staff to ask the client to wait or we may continue to issue D and M tests that are in our inventory. D and M tests are regular vehicle permits and motorcycle.

There is a change in federal regulations and NYS law that will affect drivers of "farm vehicles" creating a new "covered farm vehicle" definition for licensing purposes that took effect July 11.

This new law affects holders with a Farm Class A Vehicles (F), Farm Class B Vehicle (G), or Farm Hazmat (Z) endorsement.

Holders of an F or G endorsement must keep a "Designation as a New York State Covered Farm Vehicle (CVF-1) form in all vehicles they operate. The Covered Farm Vehicle designation indicates to law enforcement personnel that they are exempt from CDL requirements and the federal regulations in the Important Information Regarding Covered Farm Vehicle (CFV-2). Copies of the CFV-1, CFV-2 and CFV-3 are attached. The Z endorsement will be eliminated. All drivers who transport Farm hazardous materials must obtain a CDL with a Hazardous Materials endorsement. This includes all required testing and background check.

Previously farmers were exempt from the CDL process if they were operating their own vehicles within a 150-mile radius of their farm. This new law just enforces that they have the correct documentation in the vehicles that they operate for proof of the exemption.

## COUNTY CLERK

Attached is clarification from Passport Services, in reference to the question of cross training employees in the clerk's office and DMV. The reason that this cannot be done is indicated as,

An Acceptance Agent must meet the following qualifications:

- \*\* Be unable to issue, create, or amend citizenship or identity documents, such as birth certificates and **driver licenses**.

The ACS computers arrived July 18<sup>th</sup>. We are still in the process of the install. This should be complete by months end.

Molly and I have completed the Ejustice training module to be compliant for the background checks of the employees for the EDL and CDL process at DMV.

The office is continuing to be busy with real estate closings and criminal and civil recording.

As you can see the revenue is up at this time.

# Department, Group, Class Statistical Report

Yates County, Lois E. Hall, Yates County Clerk  
( Jan 01, 2016 thru Jun 30, 2016 )

	01/01/2016	03/31/2016	01/01/2015	03/31/2015
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## Official Records

			1 Year Ago		2 Year(s) Ago	
<b>Charge Account Pymnts</b>						
	56,522.75	83	50,121.10	94	50,237.32	51
Account Payment	56,522.75	83	50,121.10	94	50,237.32	51
<b>Court Fees</b>	35,930.00	425	62,085.00	635	58,205.00	668
Civil Search	10.00	1	10.00	1		
Criminal Search	40.00	4	940.00	94	910.00	91
Index Number	12,180.00	58	28,350.00	135	28,140.00	134
Index Number Divorce	4,830.00	23	4,830.00	23	4,620.00	22
Index Number Exempt	.00	18	.00	18	.00	14
Index Number Exempt Divorce	.00	10	.00	8	.00	8
Index Number Fee w/o Number	420.00	2			420.00	2
Index Number Foreclosure	2,100.00	10	6,930.00	33	3,570.00	17
Index Number Foreclosure Add Fee	1,900.00	10	6,270.00	33	3,230.00	17
Jury Demand	260.00	4	65.00	1	130.00	2
Motion Exempt	.00	1			.00	9
Motion/Cross Motion	5,400.00	120	5,130.00	114	6,750.00	150
Note of Issue Exempt	.00	2	.00	6	.00	5
Note of Issue With RJI PD	840.00	28	690.00	23	960.00	32
Note of Issue Without RJI PD	60.00	2	30.00	1	30.00	1
Notice of Appeal	130.00	2	195.00	3	65.00	1
Request Judicial Inventn	6,270.00	66	6,745.00	71	7,030.00	74
RJI Exempt	.00	17	.00	15	.00	21
Separation Agreement	20.00	4	10.00	2	5.00	1
Stipulation of Settlement	175.00	5	420.00	12	525.00	15
Voluntary Discontinuance	1,295.00	37	1,470.00	42	1,620.00	52
Voluntary Discontinuance Exempt	.00	1				
<b>Equalization Assment</b>	82,375.00	536	61,000.00	414	55,875.00	373
RP-5217 (Exempt)	.00	4	.00	5	.00	3
RP-5217 Commercial	31,750.00	127	19,750.00	79	19,250.00	77
RP-5217 Resid/Agric	50,625.00	405	41,250.00	330	36,625.00	293
<b>Filing Fees</b>	15,730.50	1237	17,054.00	1062	13,737.50	970
Affidavit	10.00	2	5.00	1		
Affidavit - Attachment	745.00	149	735.00	147	605.00	121
Agreement Deed Book	730.50	11	604.50	10	216.50	4
Assign Deed Exempt					.00	1
Assignment Deed Book	4,170.50	48	3,087.00	48	2,236.50	34
Boundary Line Agreement	150.00	3	388.00	7	461.00	9
Building & Loan Agreement	350.00	14	375.00	15	350.00	14
Building & Loan Agreement No Fee	.00	1				
Corporation \$\$ Only	1,361.00	3	3,660.00	11	2,572.00	7
Corporation-From NY	.00	11	.00	3	.00	9
County Map	18.00	6	27.00	9	45.00	15
Doing Business As	2,025.00	81	2,325.00	93	1,800.00	72
Doing Business As - \$\$ Only	205.00	8	101.00	4	251.00	10
Doing Business As - From NY	.00	121	.00	54	.00	94
Fed Tax Lien	40.00	1	280.00	7	400.00	10
Federal Tax Lien - Direct deposit	40.00	1				
Federal Tax Lien Release	360.00	9	240.00	6	320.00	8

# Department, Group, Class Statistical Report

Yates County, Lois E. Hall, Yates County Clerk

( Jan 01, 2016 thru Jun 30, 2016 )

01/01/2016	01/01/2016	01/01/2016	01/01/2016
06/30/2016	06/30/2016	06/30/2016	06/30/2016

## Official Records

			1 Year Ago		2 Year(s) Ago	
<b>Filing Fees</b>	15,730.50	1237	17,054.00	1062	13,737.50	970
Lis Pendens	840.00	24	1,330.00	38	980.00	28
Map Filing	1,280.00	128	1,290.00	129	1,030.00	103
Mechanics Lien	30.00	2	15.00	1	15.00	1
Miscellaneous Deed W Inst#	320.50	5	191.50	4	290.50	4
Miscellaneous Recording No Fee	.00	1				
Mortgage Discharge Exempt	.00	2	.00	3	.00	4
Mortgage Exempt	.00	5	.00	10	.00	2
Notice of Lending	105.00	7	180.00	12	150.00	10
TP-584	2,925.00	585	2,165.00	433	1,965.00	393
TP-584 - Exempt	.00	4	.00	6	.00	5
TP-584 Additional	25.00	5	50.00	10	45.00	9
TP-584.1					.00	2
TP-584.2			5.00	1	5.00	1
 <b>Judgement Fees</b>	 320.00	 321	 240.00	 292	 255.00	 285
Judgment Exempt	.00	286	.00	265	.00	258
Judgment Transcript	290.00	29	210.00	21	240.00	24
Judgment Transcript Issue	30.00	6	30.00	6	15.00	3
 <b>MISC - Other Fees</b>	 27,520.30	 4679	 23,359.39	 4185	 21,783.15	 3868
Adjusting Entry	.25	1	.00	4	.00	4
Affidavit Attachment Exempt	.00	5	.00	10	.00	4
Autobill - Auto Account Print	1,605.50	804	1,454.05	738	1,485.25	741
Certificate	55.00	11	20.00	4	25.00	5
Copies and Map Copies	5,866.05	705	5,805.84	728	5,271.10	570
Coversheet	8,425.00	1685	7,610.00	1522	7,100.00	1420
Coversheet Exempt	.00	11	.00	22	.00	14
Execution Issued	25.00	5	50.00	10	20.00	4
Miscellaneous Filing	649.00	118	517.00	94	594.00	108
Miscellaneous Filing No Fee	.00	3	.00	2	.00	17
Mortgage Tax Miscellaneous Filing			11.00	2	11.00	2
Notary Certificate	3.00	1	42.00	14		
Other	2,852.50	93	2,535.50	130	2,186.80	120
Passport Photo	1,840.00	184	1,600.00	160	1,310.00	131
Photo	2,460.00	246	1,070.00	107	1,250.00	125
Pistol Permit	990.00	99	280.00	28	320.00	32
Pistol Permit Amendment	1,194.00	398	1,029.00	343	975.00	325
Pistol Permit Dealer/Gun	10.00	1			10.00	1
Pistol Permit Duplicate	1,510.00	302	1,255.00	251	1,175.00	235
Pistol Permit Transfer	35.00	7	80.00	18	50.00	10
 <b>Mortgage Taxes</b>	 434,657.29	 390	 407,752.29	 416	 351,629.48	 349
Mortgage Apportionment	.00	6	.00	1	.00	1
Mortgage Tax	434,657.29	384	407,752.29	415	351,629.48	348
 <b>Notary</b>	 560.00	 12	 2,480.00	 46	 3,100.00	 58
Notary - Exempt					.00	1
Notary Public	480.00	8	2,340.00	39	2,940.00	49

# Department, Group, Class Statistical Report

Yates County, Lois E. Hall, Yates County Clerk

( Jan 01, 2016 thru Jun 30, 2016 )

	01/01/2015	06/30/2015	01/01/2016	06/30/2016	01/01/2017	06/30/2017
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## Official Records

			1 Year Ago		2 Year(s) Ago		
<b>Notary</b>		560.00	12	2,480.00	46	3,100.00	58
Notary Public - NY		80.00	4	140.00	7	160.00	8
<b>Other Fees</b>		94,193.09	663	94,344.51	609	89,587.18	623
Dept Motor Vehicle		87,439.65	126	88,274.72	125	83,560.34	125
Dept Motor Vehicle Sales Tax		1,640.50	128	1,501.50	125	1,521.50	125
Dept Motor Vehicle Voluntary Surrender		1,266.00	126	1,194.00	125	1,198.00	125
Dissolution of Marriage		95.00	19	105.00	21	135.00	27
Non Refundable Fees		442.94	113	243.89	69	301.55	80
Passport		3,225.00	129	2,925.00	117	2,775.00	111
Postage		84.00	24	100.40	27	95.79	30
<b>Recording Fees</b>		109,633.50	1625	99,100.00	1463	91,617.50	1382
Deed		29,131.50	543	22,490.50	416	20,985.50	383
Deed Exempt		.00	4	.00	6	.00	3
Easement		1,256.50	18	575.50	9	265.00	4
Easement Government				55.00	1	110.00	2
Easement Public Utility		1,200.00	24	1,125.00	23	545.00	11
Estate Tax Recording		637.00	14	820.00	18	728.00	16
Judgment Assignment				.00	1	.00	3
Land Contract MTG Exempt						.00	2
Land Contract RETT Exempt				.00	1	.00	2
Land Contract with MTGTax		.00	3	.00	2	.00	2
Land Contract with RETT		210.00	3	70.00	1	135.00	2
Lease		1,528.00	22	319.50	6	2,254.50	10
Lease Exempt						.00	1
Miscellaneous Recordings		2,415.00	49	1,344.00	26	1,507.00	27
Mortgage		39,628.00	370	40,688.50	400	34,149.50	339
Mortgage Agreement		8,622.00	56	8,192.00	63	5,878.00	52
Mortgage Assignment		3,247.50	63	3,058.50	62	2,122.50	42
Mortgage Discharge		19,147.50	415	17,591.00	382	20,552.50	445
Mortgage Release		568.50	11	1,159.00	22	824.00	15
Power Of Attorney		2,042.00	30	1,611.50	24	1,561.00	21
<b>Transfer Taxes</b>		187,214.00	631	199,170.00	483	204,054.50	425
Transfer Tax		187,214.00	631	199,170.00	483	204,054.50	425
<b>UCC</b>		1,880.00	47	1,825.00	46	2,035.00	52
UCC Search				25.00	1	75.00	3
Uniform Commercial Code		1,880.00	47	1,800.00	45	1,960.00	49
<b>Veteran Cards</b>		.00	16	.00	24	.00	29
ID CARD		.00	16	.00	24	.00	29
		1,046,536.43	10665	1,018,531.29	9769	942,116.63	9133

2016	2016	2016	2016	2016	2016	2016	2015	2015	2015	2015	2015	2015	2015
	JAN	FEB	MAR	APRIL	MAY	JUNE	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
VEHICLE REGISTRATIONS	907	882	1390	1629	1495	1313	1302	1202	1047	887	1080	1392	1536
2 YR ORIGINAL	84	172	182	164	192	167	209	171	181	157	175	108	123
2 YEAR RENEWAL	240	294	373	393	383	381	411	399	342	319	350	271	260
BOATS	11	24	58	106	207	236	174	157	86	48	12	10	15
SNOWMOBILES	74	17	1	0	0	0	0	4	0	10	8	19	41
MISC	47	64	55	90	109	94	69	91	59	26	63	46	31
INTRANSIT PERMIT	0	0	1	1	1	3	0	0	3	1	1	2	2
DUP TITLE	13	14	23	21	19	25	25	19	25	20	24	31	10
TITLE ONLY IRP	15	13	14	12	17	9	10	10	11	12	7	9	2
LICENSES	136	127	160	146	162	199	160	180	139	184	168	126	130
PHOTO ID	26	29	36	42	31	33	33	20	40	23	43	18	39
LICENSE ABSTRACTS	22	22	32	23	26	28	25	23	28	27	21	20	13
PERMITS	23	39	60	69	75	75	59	55	54	40	45	32	25
PLATE SURRENDER	155	166	178	171	177	176	201	190	182	190	237	223	164
DUPLICATE SURRENDERS	6	6	13	20	20	21	15	18	18	8	17	8	11
PLATES SURRENDER FS	45	42	44	24	36	47	40	34	40	38	32	37	40
FS CIVIL PENALTY	13	15	12	7	8	14	13	8	14	15	15	12	11
AMOUNT	\$ 2,508.00	\$ 1,666.00	\$ 3,040.00	\$ 776.00	\$ 986.00	\$ 2,138.00	\$ 2,728.00	\$ 1,118.00	\$ 1,712.00	\$ 2,428.00	\$ 2,740.00	\$ 2,210.00	\$ 1,740.00
INQUIRY LETTER NO LAPSE	0	0	1	0	0	0	0	0	0	1	0	1	0
FS RECISSION	0	1	0	0	1	0	0	0	0	2	1	1	0
DRA	18	23	18	13	18	15	18	18	13	16	21	10	16
AMOUNT	\$4,425.00	\$7,175.00	\$4,275.00	\$3,225.00	\$3,525.00	\$4,650.00	\$4,625.00	\$5,550.00	\$3,150.00	\$ 4,700.00	\$ 4,125.00	\$ 2,350.00	\$3,485.00
ESCORT CERTIFICATION	0	0	\$0.00	0	1	0	0	0	0	1	0	0	0
ESCORT CERT FEES	\$ -				\$ 40.00					\$ 40.00			\$ 80.00
CIVIL PENALTY	0	1	0	0	1	0		2	3	1	0	1	1
AMOUNT	0	\$750.00	\$0.00	0	\$750.00	\$0.00		\$1,000.00	\$ 1,625.00	\$500.00	0	\$500.00	\$500.00
LICENSE COMPLIANCE	10	11	7	7	5	11	8	12	20	6	2	12	12
\$25.00 SUSPENSION TERM	6	8	6	3	2	6	5	7	11	3	2	7	7
DDP PROGRAM	3	2	0	2	1	5	1	2	5	2	0	4	2
CONDITIONAL LICENSE	1	2	0	0	2	1	1	2	2	1	1	1	2
RESTRICTED LICENSE	2	3	5	2	2	1	4	3	1	2	3	1	2
FULL LICENSE RESTORED	9	10	9	10	7	5	1	5	12	2	2	4	4
CONDITIONAL LICENSE	2	3	1	5	0	0	2	2	5	2	2	4	0
RESTRICTED LICENSE	4	1	2	2	2	2	0	3	7	0	2	0	0
SALES TAX RECEIPTS	159	221	307	306	368	410	348	351	320	246	229	176	185
SALES TAX ONLY RECEIPTS	15	15	15	16	18	9	12	11	13	13	9	11	13
VOTER REGISTRATION - YES	14	9	18	8	23	31	24	21	16	21	16	11	20
FEE PAYMENT RECEIPTS	24	35	34	44	45	46	44	40	23	35	43	28	28
FEES TO STATE (DMV)	\$45,530.78	\$34,659.73	\$53,550.14	\$38,374.41	\$43,961.07	\$42,582.34	\$45,575.66	\$42,401.29	\$39,174.73	\$39,916.94	\$38,409.36	\$48,824.69	\$79,096.26
SALES TAX	\$26,766.86	\$26,423.83	\$63,325.76	\$42,295.68	\$50,860.67	\$44,233.13	\$50,069.47	\$42,606.61	\$52,496.52	\$32,983.47	\$36,019.97	\$34,687.89	\$29,367.24
CREDIT CARD PAYMENT	\$36,194.24	\$48,051.41	\$65,501.29	\$72,742.87	\$76,313.55	\$73,901.84	\$74,819.56	\$65,313.88	\$56,489.69	\$48,876.39	\$55,697.81	\$40,179.14	\$53,839.90
FEES TO COUNTY (DMV)	\$11,383.73	\$12,217.55	\$16,559.57	\$15,377.47	\$16,601.43	\$16,356.90	\$16,605.53	\$14,387.60	\$13,219.68	\$12,320.17	\$13,112.33	\$12,482.17	\$18,807.84
FEES TO COUNTY (ST)	\$147.00	\$220.00	\$267.00	\$291.50	\$334.00	\$374.00	\$327.50	\$312.50	293.00	\$243.00	\$215.50	\$171.50	\$186.00
TOTAL REVENUES	\$129,039.61	\$121,572.52	\$199,223.76	\$169,081.93	\$188,070.72	\$177,448.21	\$187,397.72	\$165,021.88	\$161,673.62	\$134,319.97	\$143,454.97	\$136,345.39	\$181,287.24



The undersigned designates the following vehicle as a covered farm vehicle, as defined in section 501-a(7) of the NYS Vehicle and Traffic Law and 49 CFR §390.5.

Vehicle Information

Year	Make	Model	VIN
Owner Name			
Owner Address			

\_\_\_\_\_  
Signature of Owner or Authorized Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title (if applicable)

**A covered farm vehicle is:**

- Operated by the owner or operator of a farm or ranch, or an employee or family member of an owner or operator of a farm or ranch;
- Used to transport agricultural commodities, livestock, machinery or supplies to or from a farm or ranch;
- Not used in for-hire motor carrier operations; however, for-hire motor carrier operations do not include the operation by a tenant pursuant to a crop share farm lease agreement to transport the landlord's portion of the crops under that agreement.

A covered farm vehicle may not transport hazardous materials in an amount that requires placarding.

**Exemptions**

A person operating a covered farm vehicle is exempt from the following requirements:

- Holding a commercial driver license
- Federal controlled substances and alcohol use and testing
- Medical certification requirements
- Hours of service requirements
- Federal inspection, repair and maintenance requirements

A covered farm vehicle weighing more than 26,000 pounds may be operated only in New York State, within 150 air miles from the farm or ranch. A covered farm vehicle weighing 26,000 pounds or less, may be operated anywhere within the United States. However, before operating outside of New York State, consult with other states to determine whether they recognize the covered farm vehicle designation.

If the covered farm vehicle weighs more than 26,000 pounds, the operator of the vehicle must have an F or G endorsement on his or her NYS license.

**The covered farm vehicle designation must be kept in the motor vehicle at all times and produced to a law enforcement official upon request.**



Effective July 11, 2016 in light of federal regulations, New York State law is amended to change the term "farm vehicle" to "covered farm vehicle", to define covered farm vehicles, and to include a new "Covered Farm Vehicle designation" requirement.

Under the new law, a covered farm vehicle is defined as: A vehicle or combination of vehicles registered in this state which:

- displays a covered farm vehicle designation,
- is operated by the owner or operator of a farm or ranch, or an employee or family member of an owner or operator of a farm or ranch,
- is used to transport agricultural commodities, livestock, machinery or supplies to or from a farm or ranch,
- is not used for for-hire motor carrier operations, exclusive of operation by a tenant pursuant to a crop share agreement to transport the landlord's crop, and
- is not used to transport hazardous materials

The Covered Farm Vehicle designation means that you are exempt from needing a commercial driver license (CDL) to operate a covered farm vehicle. It also means that you are exempt from federal regulations related to:

- Hours of service
- Medical certification
- Drug testing
- Inspection, repair and maintenance requirements

A Covered Farm Vehicle may only be operated as follows:

1. A single or combination covered farm vehicle weighing over 26,000 pounds may only be operated in New York State, within 150 air miles of farm or ranch.
2. A covered farm vehicle weighing 26,000 pounds or less may be operated anywhere within New York State and in any other state as long as the state honors the Covered Farm Vehicle designation.

Please note: If your vehicle displays a "FARM" plate, it may only be operated within 25 miles of the farm.

**WHAT EFFECT DOES THIS HAVE ON LICENSE HOLDERS WITH AN "F" or "G" ENDORSEMENT?**

If you currently have an F or G endorsement, or are applying for one, effective July 11, 2016, you must have a **CFV-1 (Designation As A New York State Covered Farm Vehicle)** form. The CFV-1 serves as proof that you have the Covered Farm Vehicle designation and are exempt from needing a CDL to operate a covered farm vehicle. You must **keep a copy of form CFV-1 in each covered farm vehicle** that you operate, as it indicates to law enforcement personnel that you are exempt from CDL requirements and the above-mentioned federal regulations. As noted above, if the vehicle is over 26,000 lbs, it may be operated only in New York State within 150 air miles of your ranch or farm.

You may download copies of the CFV-1 from DMV's website at [www.dmv.ny.gov/forms/cfv1.pdf](http://www.dmv.ny.gov/forms/cfv1.pdf), or obtain them at your local DMV office.

**WHAT EFFECT DOES THIS HAVE ON CURRENT HOLDERS OF THE 'Z' ENDORSEMENT?**

On July 11, 2016 the "Z" endorsement will be removed from your license record.

If you no longer transport farm hazardous materials and wish to obtain a new license document without the "Z" endorsement, you may apply for a duplicate license after July 11, 2016. You may obtain the duplicate license online at <https://dmv.ny.gov> or at any DMV office.

If you wish to continue to transport farm hazardous materials on or after July 11, 2016, you must first obtain a commercial driver's license (CDL), and undergo a criminal history check, as required by section 501 (6) of the NYS Vehicle and Traffic Law and section 383 of the federal regulations.

**To obtain a CDL with an H endorsement, you must:**

- Take the appropriate written tests, and depending on which vehicle class you are applying for (CDL A, B or C), you may be required to obtain a commercial learner permit (CLP) and take and pass a skills test in a representative vehicle. You may also be required to pass a written test for the "H" (hazardous materials) endorsement.
- Complete form **HAZ-44, Application for a Hazardous Materials Endorsement**, and make a copy of one or more of the legal status documents that are listed on the form. Mail the completed form and a copy of your legal status document(s) to:  
**HazMat Unit, NYS DMV, 6 Empire State Plaza, Albany, NY 12228.**
- Contact **MorphoTrust Enrollment Solutions** to schedule fingerprinting. Fingerprinting is done by appointment only. You may contact MorphoTrust to select a fingerprinting location, schedule an appointment, and get information about the required fee at [www.identogo.com](http://www.identogo.com) or by calling 1-877-472-6915. The fees are \$148.50 for the background checks and a fee for MorphoTrust to perform the fingerprint service.
- Complete form **HAZ-600, Request for NYS Fingerprinting Services – Information Form**, and bring it to your appointment along with your NYS CDL and one of the second proofs of ID that are listed on form HAZ-600. If you did not pay the fees when you scheduled your appointment, you must pay the fees at the time you are fingerprinted.



[Redacted]

DATE: 05/12/2016

Effective July 11, 2016, due to a change in federal regulations and state law, you may no longer operate a farm vehicle that transports hazardous materials unless you have a commercial driver's license (CDL) with a hazardous materials "H" endorsement. You can find information about this new law at [www.dmv.ny.gov/commercial-drivers/covered-farm-vehicle](http://www.dmv.ny.gov/commercial-drivers/covered-farm-vehicle).

Our records indicate that you currently have a non-CDL license with a Farm/Hazmat "Z" endorsement. **On July 11, 2016 the "Z" endorsement will be removed from your license record.**

If you no longer use a farm vehicle to transport hazardous materials and you want a new license document without the "Z" endorsement, you may apply for a duplicate license on or after July 11, 2016. You can apply for a duplicate license at any DMV office or online at [www.dmv.ny.gov](http://www.dmv.ny.gov). A document/processing fee will be required. A new license document without the "Z" endorsement will be mailed to you.

If you want to continue to use a farm vehicle to transport hazardous materials on or after July 11, 2016, you must first obtain a CDL with a hazardous materials "H" endorsement. **To obtain a CDL with the "H" endorsement, you must:**

- Take the appropriate CDL written tests. Depending on which vehicle class you apply for (CDL A, B or C), you may be required to obtain a commercial learner permit and take and pass a road test in a representative commercial vehicle.
- Take a written test for the hazardous materials "H" endorsement. If you pass the test, you must apply for the "H" endorsement and undergo a criminal history check, as required by section 501 (6) of the NYS Vehicle and Traffic Law and section 383 of the Federal regulations.

Detailed information about obtaining a CDL can be found at: [www.dmv.ny.gov/get-cdl](http://www.dmv.ny.gov/get-cdl).

**To apply for a hazardous materials "H" endorsement and undergo a criminal history check you must:**

- Complete form HAZ-44 (Application for a Hazardous Materials Endorsement) and make a copy of one or more of the legal status documents that are listed on the form. Mail the completed form and a copy of your legal status document(s) to:

HazMat Unit  
NYS DMV  
6 Empire State Plaza  
Albany, NY 12228

- Contact MorphoTrust Enrollment Solutions to schedule fingerprinting. Fingerprinting is done by appointment only. You may contact MorphoTrust to select a fingerprinting location, schedule an appointment, and get information about the required fee at [www.identogo.com](http://www.identogo.com) or by calling 1-877-472-6915. The fees are \$148.50 for the background checks and a fee for MorphoTrust to perform the fingerprint service.
- Complete form HAZ-600 (Request for NYS Fingerprinting Services Information Form) and bring it to your appointment along with your NYS CDL and one of the second proofs of ID that are listed on form HAZ-600. If you did not pay the fees when you scheduled your appointment, you must pay the fees at the time you are fingerprinted.

Additional information about obtaining a hazardous materials "H" endorsement can be found at: [www.dmv.ny.gov/commercial-drivers/get-hazardous-materials-hazmat-endorsement](http://www.dmv.ny.gov/commercial-drivers/get-hazardous-materials-hazmat-endorsement).



Passport Services  
Bureau of Consular Affairs  
U.S. Department of State

**IMPORTANT NOTICE**  
to  
**PASSPORT APPLICATION ACCEPTANCE AGENTS**

**Updated Qualifications of Passport Acceptance Agents**

Passport Services has updated the list of qualifications of persons designated by the Department of State to serve as Acceptance Agents to include the prohibition of employees that have come under indictment for a Federal, state or local felony charge or for a misdemeanor charge related to breach of trust or moral turpitude.

Any Acceptance Agent that comes under indictment will be unable to accept applications and will be suspended immediately from the Passport Acceptance Program until the matter is resolved.

An Acceptance Agent must meet the following qualifications:

- Be a United States citizen or U.S. national
- Be at least 18 years old
- Be approved by the Department of State
- Be a permanent employee of the designated facility (not temporary, *ad hoc*, contractual, or volunteer) or be an employee on-site at a Passport Agency
- \*• Be unable to issue, create, or amend citizenship or identity documents, such as birth certificates and driver's licenses \*
- Be all of the following:
  - Not presently on parole or probation related to any Federal, state, or local convictions
  - Not presently under indictment for a Federal, state, or local felony
  - Not presently under indictment for a misdemeanor related to breach of trust or moral turpitude
  - Free of any Federal, state, or local felony convictions
  - Free of any Federal, state, or local misdemeanor conviction related to breach of trust or moral turpitude (i.e. embezzlement, document fraud, drug offense, or dishonesty carrying out a responsibility involving public trust)

A Passport Program Manager or Supervisor of Acceptance Agents must meet the same qualifications (listed above) as Acceptance Agents in order for an Acceptance Facility to be eligible for participation in the Program. Facilities that do not meet all of the above requirements must immediately notify their regional Customer Service Manager (CSM).

Please note that the Department of State has the authority to suspend or permanently remove an Acceptance Agent, Passport Program Manager/Acceptance Agent Supervisor, or an Acceptance Facility from the Passport Acceptance Program at its discretion.

**ADOPT LOCAL LAW NO. 2-16 ENTITLED RENEWAL AND REVISION OF LOCAL LAW 4-07 ENTITLED A LOCAL LAW ESTABLISHING AN OCCUPANCY TAX IN YATES COUNTY**

WHEREAS, proposed Local Law 2-16 entitled “ Renewal And Revision Of Local Law 4-07 Entitled A Local Law Establishing An Occupancy Tax In Yates County was introduced at the July meeting,

NOW, THEREFORE, BE IT RESOLVED, that proposed Local Law 2-16 entitled “ Renewal And Revision Of Local Law 4-07 Entitled A Local Law Establishing An Occupancy Tax In Yates County is hereby adopted, and be it further

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

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

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

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

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

**Local Law No. 2-16**

**RENEWAL AND REVISION OF LOCAL LAW 4-07 ENTITLED “A LOCAL LAW ESTABLISHING AN OCCUPANCY TAX IN YATES COUNTY”**

(Insert Title)

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

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

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

**SECTION 1 Intent** - The Yates County Legislature declares that the intent and purpose of this Local Law shall be to impose a tax on facilities providing lodging on an overnight basis and provide for the collection thereof in order to make funds available for tourism and General Fund of Yates County. Pursuant thereto, the County of Yates has enacted on Occupancy Tax by way of Local Law No. 4-07 entitled “A Local Law Establishing an Occupancy Tax in Yates County”,

which was renewed by Local Law No. 1-10, and by Local Law No. 2-13. The intent of this Local Law is to further renew said Local Law 4-07, with revisions to the same as set forth herein.

**SECTION 2 Definitions** - When used in this local law, the following terms shall mean:

- (a) County - Yates County, New York
- (b) County Treasurer – The Yates County Treasurer, or such other fiscal officer(s) of Yates County.
- (c) County Legislature – The legislature of the County of Yates.
- (d) Hotel or Motel – Any facility providing lodging on an overnight basis and shall include those facilities designated and commonly known as “bed and breakfast”, inns, cabins, condominiums, cottages, campgrounds, lodges, tourist homes, convention centers, and vacation rentals. The term condominium shall mean and include those units rented or leased directly by the owner or through a real estate agency or rental management agency. The provisions of this section relating to campgrounds, shall only apply to those leases and rentals in which the campground provides overnight shelter or lodging, and shall not apply to the provision of services by a campground when the customer provides his or her own shelter or lodging.
- (e) Occupancy – The use or possession, or the right to the use or possession of any room in a hotel or motel.
- (f) Occupant - A person who, for a charge or any consideration uses, possess, or has the right to use or possess, any room in a hotel or motel under any lease, concession, permit, right, license, agreement, or otherwise.
- (g) Operator – Any person operating a hotel or motel, as those terms are defined in subdivision (d) above and elsewhere herein, including, but not limited to, the owner, proprietor, lessee, sub-lessee, mortgagee in possession, licensee, or any other person otherwise operating such hotel or motel.
- (h) Permanent Resident – Any person occupying any room or rooms in a hotel or motel for at least 30 consecutive days.
- (i) Person – An individual, partnership, limited liability company, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.
- (j) Rent – The consideration received for occupancy valued in money, whether received in money or otherwise. The term rent includes separately stated charges for the use of furnishings and equipment, maid services, towel and linen services, telephone service and other accommodations. Any charges for food, drinks, entertainment, valet, laundry service, theater ticket service, transportation, and administration do not constitute rent.
- (k) Return – Any return filed, or required to be filed, as herein provided.
- (l) Room – any room or rooms of any kind in any part or portion of a hotel or motel, which is available for, rented or otherwise let out for the lodging of guests.
- (m) State – The State of New York

**SECTION 3 Imposition of Tax** – Effective January 1, 2008, there is hereby imposed and there shall be paid a tax of four percent (4%) of the per diem rental rate upon the rent for each room or rooms in a hotel or motel located within the County, except that such tax shall not be applicable to a permanent resident of a hotel or motel.

**SECTION 4 Transitional Provisions** – The tax imposed by this local law shall be paid upon any occupancy on or after January 1, 2008, although such occupancy is pursuant to a prior contract, lease or other arrangement. Where rent is paid on a weekly or other term basis, the rent shall be subject to the tax imposed by this local law to the extent that it covers any period on or after January 1, 2008. Any reservation for 2008 which is made prior to December 1, 2007, with a deposit, shall be exempt from the occupancy tax.

**SECTION 5 Exempt Organizations** – Section 1202-Y of the Tax Law does not authorize the imposition of this occupancy tax upon any transaction, by or with any of the following in accordance with Section 1230 of the Tax Law.

(a) The State of New York, or any public corporation (including a public corporation created pursuant to agreement or compact with another state) or the Dominion of Canada, improvement district or other political subdivision of the State;

(b) The United States of America, insofar as it is immune from taxation;

(c) Any corporation or association, or trust, or community chest, fund or foundation organized and operated exclusively for religious, charitable or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this paragraph shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this paragraph.

**SECTION 6 Territorial Limitations** – The tax imposed by this local law shall apply only within the territorial limits of Yates County.

**SECTION 7 Registration** –

(a) Within ten (10) days after the effective date of this local law, or in the case of operators commencing business after such effective date, within three (3) days after such commencement or opening, every operator shall file with the County Treasurer a registration application in a form prescribed by the County Treasurer.

(b) The County Treasurer shall, within ten days after such registration, issue without charge to each operator, a certificate of authority empowering such operator to collect the tax from the occupant and duplicate thereof for each additional hotel of such operator. Each certificate or duplicate shall state the hotel or motel to which it is applicable. Such certificates of authority shall be prominently displayed by the operator in such manner that it may be seen and come to the notice of all occupants and persons seeking occupancy. Such Certificates shall be non-assignable and non-transferable and shall be surrendered immediately to the County Treasurer upon the cessation of business at the hotel named or upon its sale or transfer.

**SECTION 8 Administration and Collection** –

(a) The tax imposed by this local law shall be administered and collected by the County Treasurer, or other fiscal officers of Yates County, by such means and in such manner as other taxes which are now collected and administered by such officers or as otherwise may be provided by this local law.

(b) The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for, and upon every evidence of occupancy or any bill or statement of charge made for such occupancy issued or delivered by the operator, and the tax shall be paid by the occupant to the operator as trustee for and on account of the County, and the operator shall be liable for the collection thereof and subsequent payment of the same to the County Treasurer.

(c) The following persons shall be personally liable for the tax imposed, collected or required to be collected under this local law: i) the operator, ii) any member of a partnership operator, iii) any member of a limited liability company operator; and iv) any officer, director or employee of a corporation operator or dissolved corporation operator, any employee of a partnership operator, any employee or manager of a limited liability company operator, or any employee of an individual proprietorship operator who as such officer, director, employee or manager is under a duty to act for such corporation, partnership, limited liability company or individual proprietorship in complying with any requirement of this local law.

Any such person shall have the same right in respect to collecting the tax from the occupant, or in respect to non-payment of the tax by the occupant, as if the tax were a part of the rent or charge and payable at the same time as the rent or charge; provided, however, that the County Treasurer or other fiscal officers, employees or agents specified in this local law, shall be joined as a party in any action or proceeding brought to collect the tax.

(d) Where any occupant has failed to pay a tax imposed by this local law, then in addition to all other rights, obligations and remedies provided in this local law, such tax shall be payable by the occupant directly to the County Treasurer and it shall be the duty of the occupant to file a return with the County Treasurer and to pay the tax to the County Treasurer within fifteen (15) days of the date the tax was required to be paid.

(e) The County Treasurer may, whenever he/she deems it necessary for the proper enforcement of this local law, provide by regulation that occupants shall file returns and pay directly to the County Treasurer any tax herein imposed, at such times as returns are required to be filed and payment made by an operator.

(f) For the purpose of the proper administration of this local law and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of proving that a rent for occupancy is not taxable hereunder shall be upon the operator.

(g) Where an occupant claims exemption from the tax under the provisions of section 5 of this local law, the rent shall be deemed taxable hereunder unless the operator shall receive from the occupant claiming such exemption a certificate duly executed by an exempt corporation or association.

**SECTION 9 Records To Be Kept** – Every operator shall keep records of every occupancy and of all rent paid, charged and due thereon and of the tax payable thereon, in such form as the County Treasurer may require. Such records shall be available for inspection and examination at any time upon demand by the County Treasurer or the County Treasurer's duly authorized agents or employees, and shall be preserved for a period of not less than three (3) years, except that the County Treasurer may consent in writing to their destruction within that period, or may in writing require that such records be kept and maintained for a specified period in excess of three (3) years.

**SECTION 10 Returns** –

(a) Every operator shall file with the County Treasurer a return of occupancy and of rents, and of the taxes payable thereon for the quarterly periods ending February 28, May 31, August 31 and November 30 of each year on or after January 1, 2008. Such returns shall be filed within twenty (20) days from the expiration of the period covered thereby. The County Treasurer may permit or require returns to be made by other periods and upon such dates as may be specified. If the County Treasurer deems it necessary in order to insure the payment of the tax imposed by this local law, then the County Treasurer may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this section and upon such dates as may be specified.

(b) The forms of returns shall be prescribed by the County Treasurer and shall contain such information as he or she may deem necessary for the proper administration of this local law. The county Treasurer may require amended returns to be filed within twenty (20) days after notice and to contain the information specified in the notice.

(c) If the return required by this local law is not filed, or a return filed is incorrect or insufficient on its face, then the County Treasurer shall take the necessary steps to enforce the filing of such return, or of a corrected return.

**SECTION 11 Payment of tax -**

(a) Upon the time of filing a return of occupancy and of rents, each operator shall pay to the County Treasurer the taxes imposed by this local law upon the rents required to be included in such return, as well as other monies collected by the operator acting, or purporting to act, under the provisions of this local law.

(b) Where the County Treasurer, in his or her discretion, deems it necessary to protect revenues to be obtained under this local law, the County Treasurer may require any operator obligated to collect the tax imposed by this local law to file with the County Treasurer's office a bond, issued by a surety company authorized to transact business in this state and approved by the New York State Superintendent of Insurance as to solvency and responsibility, in such amount as the County Treasurer may fix to secure the payment of any tax and/or penalties and interest due, or which may become due, from such operator.

(c) In the event the County Treasurer determines that an operator is to file such bond, notice shall be given by the County Treasurer to such operator to that effect specifying the amount of the bond required.

(d) The operator shall file such bond within five (5) days after the issuance of such notice, unless within five (5), days the operator shall serve upon and deliver to the County Treasurer a written request for a hearing before the Finance Committee at which time the necessity, propriety and amount of the bond shall be determined by the County Treasurer. Any determination by the County Treasurer upon such hearing shall be final and shall be complied with by the operator within fifteen (15) days after the giving of notices thereof.

(e) In lieu of such bond, securities approved by the County Treasurer or cash in such amount as may be prescribed, may be deposited which shall be kept in the custody of the County Treasurer, who may at any time without notice to the depositor apply them to any tax and interest and penalties due, and for that purpose, the securities may be sold by the County Treasurer at public or private sale, without notice to the depositor thereof.

**SECTION 12 Determination of Tax -**

(a) If a return required by this local law is not filed, or if a return is incorrect or insufficient, then the amount of tax due shall be determined by the County Treasurer from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of

external indices, such as number of rooms, location, scale of rents, comparable rents, type of accommodations and service, number of employees and/or other factors. Such notice of determination shall be mailed by certified or registered mail to the person or persons liable for the collection or payment of the tax at his/her last known address. If such person or persons is deceased or under a legal disability, a notice of determination may be mailed to his/her last known address, unless the County Treasurer has received notice of the existence of a fiduciary relationship with respect to such person. After thirty (30) days from the mailing of such notice of determination, such notice of determination shall be an assessment of the amount of tax specified in such notice of determination, together with the interest, additions to tax and penalties stated in such notice of determination. Such notice of determination shall finally and irrevocably fix the tax, unless the person against whom it is assessed, within the above stated thirty (30) day time period, applies to the County Treasurer for a hearing, or unless the County Treasurer of his or her own motion shall re-determine the same. After such hearing, the County Treasurer shall give a notice of determination made to the person(s) against whom the tax is assessed. Any final determination of the amount of any tax payable hereunder, shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under article seventy-eight of the Civil Practice Law and Rules, if application therefore is made to the Supreme Court within thirty (30) days after the giving of the notice of such final determination, provided, however, that any such proceeding under article seventy-eight of the Civil Practice Law and Rules shall not be instituted unless:

(1) The amount of tax sought to be reviewed, with such interest and penalties thereon as may be provided for by local law or regulation shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in New York State and approved by the New York State Superintendent of Insurance as to solvency and responsibility, in such amount as a justice of the Supreme Court shall approve, to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or

(2) At the option of the petitioner, such undertaking may be in a sum sufficient to cover the taxes, interests, and penalties stated in such determination, plus the costs and charges which may accrue against such petitioner in the prosecution of the proceeding, in which event, the petitioner shall not be required to pay such taxes, interests or penalties as a condition precedent to the application.

(b) Whenever such tax is estimated as provided for in this Section 12, such notice shall contain a statement conspicuously placed on such notice advising the applicable person(s): that the amount of the tax was estimated; that the tax may be challenged through a hearing process; and that the petition for such challenge must be filed with the County Treasurer within thirty (30) days.

(c) The liability of the a purchaser, transferee or assignee of assets sold, transferred or assigned in bulk for the payment to the County of taxes determined to be due from the seller, transferor or assignor arising under subdivision (c) of Section 17 of this local law shall be an assessment of the liability determined unless the purchaser, transferee or assignee, within thirty (30) days after the giving of notice by the County Treasurer to such purchaser, transferee or assignee of the total amount of any tax or taxes which the County claims to be due from the seller, transferor or assignor, shall apply to the County Treasurer for a hearing unless the County Treasurer, on its own motion, shall re-determine such liability. Where the County Treasurer determines that the amount of taxes claimed due from the seller, transferor or assignor is

erroneous or excessive in whole or in part it shall, on behalf of the purchaser, transferee or assignee, determine the amount of tax or taxes properly due and if such amount is less than the amount of taxes for which the purchaser would have been liable in the absence of such determination it shall reduce such liability accordingly.

(d) The liability, pursuant to subdivision (c)(iv) of Section 8 of this local law, of any officer, director or employee of a corporation operator or dissolved corporation operator, any employee of a partnership operator, any employee or manager of a limited liability company operator, or any employee of an individual proprietorship operator who as such officer, director, employee or manager is under a duty to act for such corporation, partnership, limited liability company or individual proprietorship in complying with any requirement of this local law for the tax imposed, collected or required to be collected, or for the tax required to be paid or paid over to the County Treasurer under this local law, and the amount of such tax liability (whether or not a return is filed under this local law, whether or not such return when filed is incorrect or insufficient, or where the tax shown to be due on the return filed under this local law has not been paid or has not been paid in full) shall be determined by the County Treasurer in the manner provided for in subdivisions (a) and (b) of this Section 12. Such determination shall be an assessment of the tax and liability for the tax with respect to such person unless such person, within thirty (30) days after the giving of notice of such determination, shall apply to the County Treasurer for a hearing. If such determination is identical to or arises out of a previously issued determination of tax of the corporation, dissolved corporation, partnership, limited liability company or individual proprietorship for which such person is under a duty to act, an application filed with the County Treasurer on behalf of the corporation, dissolved corporation, partnership, limited liability company or individual proprietorship shall be deemed to include any and all subsequently issued personal determinations and a separate application to the County Treasurer for a hearing shall not be required. The County Treasurer may, nevertheless, of its own motion, re-determine such determination of tax or liability for tax. Where the County Treasurer determines or re-determines that the amount of tax claimed to be due from the operator is erroneous or excessive in whole or in part, it shall re-determine the amount of tax properly due from any such person, and if such amount is less than the amount of tax for which such person would have been liable in the absence of such determination or re-determination, it shall reduce such liability accordingly.

(e) If the County Treasurer believes that the collection of any tax will be jeopardized by delay, for reasons including but not limited to, a person liable for the tax is about to cease business, leave the state or remove or dissipate assets out of which the tax or penalties and interest might be satisfied, the County Treasurer may determine the amount of such tax and assess the same, together with all interest and penalties provided by this local law, against any person liable therefor prior to the filing of a return and prior to the date when such return is required to be filed. The amount so determined shall become due and payable to the County Treasurer by the person(s) against whom such a jeopardy assessment is made, as soon as notice thereof is given to such person personally or by registered or certified mail. The provisions of subdivisions (a) and (b) of this Section 12 shall apply to any such determination except to the extent that they may be inconsistent with this subdivision. The County Treasurer may abate any jeopardy assessment if it finds that jeopardy does not exist.

### **SECTION 13 Refunds –**

(a) In the manner provided in this section, the County Treasurer shall refund or credit, without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid, if application to the County Treasurer for such refund shall be made within one year of payment thereof. Whenever a refund is made by the County Treasurer, the reason therefore shall be stated in writing. Such application may be made by the operator, or other person who has actually paid the tax. Such application may also be made by an operator who has collected and paid over such tax to the County Treasurer, provided the application is made within one year of the payment by the occupant to the operator, but no actual refund of money shall be paid to such operator until it is first established to the satisfaction of the County Treasurer, under such regulations as the County Treasurer may prescribe, that the County Treasurer has repaid to the occupant the amount for which the application for refund is made. The County Treasurer may in lieu of any refund required to be made, allow credit therefore on payments due from the applicant.

(b) Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the proper fiscal officer or officers, and such officer or officers shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under article seventy-eight of the Civil Practice Law and Rules, provided, however, that such proceeding is instituted within thirty (30) days after the giving of the notice of such denial, that final determination of the tax due was not previously made, and that an undertaking is filed with the proper fiscal officer or officers in such amount and with such sureties as a justice of the Supreme Court shall approve, to the effect that such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

**SECTION 14 Reserves** In cases where the operator or other person who has paid the tax has applied for a refund and has instituted a proceeding under article seventy-eight of the Civil Practice Law and Rules to review a determination adverse to such operator or other person who has paid the tax on such application for a refund, the County Treasurer shall set aside sufficient monies to meet any decision adverse to the County.

**SECTION 15 Disposition Of Revenues** – All revenues resulting from the imposition of the tax under this local law shall be paid into the treasury of Yates County and shall be credited to, and deposited in, the General Fund of the County. Thereafter the revenues from the tax after the cost of administration is deducted (said cost of administration being a percentage of such revenues, said percentage being established by County resolution, but not to exceed 10% of such revenues, to defer the necessary expenses of the County in administering such tax), shall be equally divided for the purpose of i) promoting tourism in the County (Yates County Tourism) and ii) the enhancement of the general economy in the County, its towns and villages (Yates County General Fund).

**SECTION 16 Remedies Exclusive** - The remedies provided by sections twelve (12) and thirteen (13) of this local law shall be the exclusive remedies available to any person for the review of the tax liability imposed by this local law; and no determination, or proposed determination, of tax or determination of any application for refund or credit shall be enjoined, contested or reviewed by any action or proceeding, except by a proceeding under article seventy-eight of the Civil Practice Law and Rules provided, however, that a taxpayer may proceed by

declaratory judgment if suit is instituted within thirty (30) days after a deficiency assessment to the County Treasurer prior to the institution of such suit and posts a bond for costs pursuant to section twelve (12) of this local law.

### **SECTION 17 Proceedings to Recover Tax**

(a) Whenever any operator or other person liable for the tax shall fail to collect or pay over and/or to pay any tax, penalty or interest imposed by this local law as herein provided, or whenever any occupant shall fail to pay any such tax, penalty or interest, the County Attorney shall, upon the request of the County Treasurer, bring or cause to be brought an action to enforce the payment of the same on behalf of Yates County in any court of the State of New York or any other state or of the United States.

(b) As an additional or alternate remedy, the County Treasurer may issue a warrant, directed to the Yates County Sheriff or to the sheriff of any other county, commanding him to levy upon and sell the real and personal property of any person liable for the tax, which may be found within that sheriff's county, for the payment of the amount thereof, with any penalties and interest, and the cost of executing the warrant, and to return such warrant to the County Treasurer and to pay to the County Treasurer the money collected by virtue thereof within sixty (60) days after the receipt of such warrant. The Sheriff shall, within five (5) days after the receipt of the warrant, file with the County Clerk a copy thereof, and thereupon such clerk shall enter in the judgment docket the name of the person(s) mentioned in the warrant and the amount of the tax, with any penalties and interest, for which the warrant is issued and the date when such copy is filed. Thereupon the amount of such warrant so docketed shall become a lien upon the title to and interest in real and personal property of the person(s) against whom the warrant is issued. Such lien shall not apply to personal property unless another copy of such warrant is filed in the New York State Department of State. The sheriff shall then proceed upon the warrant, in the same manner and with like effect as that provided by law in respect to executions issued against property upon judgments of a court of record, and for services in executing the warrant the sheriff shall be entitled to the same fees, which may be collected in the same manner. In the discretion of the County Treasurer, a warrant of like terms and effect may be issued and directed to any officer or employee of the County Treasurer and in the execution thereof such officer or employee shall have all the powers conferred upon sheriffs, but shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. Upon such filing of a copy of a warrant, the County Treasurer shall have the same remedies to enforce the amount due thereunder as if the County had recovered judgment therefore. If a warrant is returned not satisfied in full, the County Treasurer may from time to time issue new warrants and shall also have the same remedies to enforce the amount due thereunder as provided in this section.

(c) Whenever an operator or other person liable for the tax shall make a sale, transfer or assignment in bulk of any part of the whole of a hotel, motel, or lease, or of such operator's business assets, otherwise than in the ordinary course of business, the following provisions shall apply:

(1) the purchaser, transferee or assignee shall, at least twenty (20) days before taking possession of the subject of such sale, transfer or assignment, or paying therefor, notify the County Treasurer by registered mail of the proposed sale and of the price, terms and conditions thereof whether or not the seller, transferor or assignor has represented to, or informed the purchaser, transferee or assignee that any tax is owed pursuant to this local law, and whether

or not the purchaser, transferee or assignee has knowledge that such taxes are owing and whether any such taxes are in fact owing;

(2) whenever the purchaser, transferee or assignee shall fail to give notice to the County Treasurer as required by the preceding paragraph (1), or whenever the County Treasurer shall inform the purchaser, transferee or assignee that a possible claim for such tax or taxes exists, any sums of money, property or choses in action or other consideration, which the purchaser, transferee or assignee is required to transfer over to the seller, transferor or assignor, shall be the subject of a first priority right and lien of any such taxes theretofore or thereafter determined to be due from the operator, seller, transferor or assignor to the County, and the purchaser, transferee or assignee is forbidden to transfer to the operator, seller, transferor or assignor and shall withhold, any such sums of money, property or choses in action, or other consideration to the extent of the amount of the County's claim. Within fifteen (15) days of receipt of the notice of the sale, transfer or assignment from the purchaser, transferee or assignee, the County Treasurer shall give notice to the purchaser, transferee or assignee and to the operator, seller, transferor or assignor of the total amount of any tax or taxes, as well as of any penalties or interest due thereon, which the County Treasurer claims to be due from the operator, seller, transferor or assignor to the County, and whenever the County Treasurer shall fail to give such notice within fifteen (15) days from receipt of the notice of the sale, transfer or assignment required by subdivision (1) of this paragraph, such failure shall release the purchaser, transferee or assignee from any further obligation to withhold any sums of money, property or choses in action or other consideration which the purchaser, transferee or assignee is required to transfer over to the operator, seller, transferor or assignor. For failure to comply with the provisions of this paragraph, the purchaser, transferee or assignee, in addition to being subject to the liabilities and remedies imposed under the provisions of Article Six of the Uniform Commercial Code, shall be personally liable for the payment determined to be due to the County from the seller, transferor or assignor, and such liability may be assessed and enforced in the same manner as the liability for tax under this local law. Upon receipt of the County Treasurer's notice issued pursuant this paragraph stating the total amount of the County's claim, the purchaser, seller, transferee or assignee may make payment of such claim to the County Treasurer from any sums of money, property, or choses in action or other consideration withheld in accord with the provisions of this paragraph, except that such payment shall be limited to an amount not in excess of the purchase price or fair market value of the assets sold, transferred, or assigned to such purchaser, transferee, or assignee, whichever is higher, and upon making such payment the purchaser, transferee or assignee shall be relieved of all liability for such amounts to the operator, seller, transferor or assignor and such amounts paid to the County Treasurer shall be deemed satisfaction of the tax liability of the operator, seller, transferor or assignor to the extent of the amount of such payment.

**SECTION 18 General Powers of the County Treasurer** – In addition to the powers granted to the County Treasurer by County Law and this local law, the County Treasurer is hereby authorized and empowered:

(a) To make, adopt and amend rules and regulations, and to issue orders, appropriate to the carrying out of this local law and the purposes thereof;

(b) To extend for cause shown, the time of filing any return for a period not exceeding thirty (30) days; and for cause shown, to remit or waive penalties, but not interest; and to compromise disputed claims in connection with the taxes hereby imposed;

(c) To request information from the Tax Commissioner of the State of New York or the Treasury Department of the United States relative to any person; and to afford information to such Tax Commissioner or such Treasury Department relative to any person, and any other provision of this local law to the contrary notwithstanding;

(d) To delegate such functions hereunder to any employee or employees of the County Treasurer;

(e) To prescribe methods for determining the rents for occupancy and to determine the taxable and non-taxable rents;

(f) To require any operator within the County to keep detailed records of the nature and type of hotel or motel maintained, nature and type of service rendered, the rooms available and rooms occupied daily, leases or occupancy contracts or arrangements, rents received charged and accrued, the names and addresses of the occupants, whether or not any occupancy is claimed to be subject to the tax imposed by this local law, and to furnish such information upon request to the County Treasurer;

(g) To assess, determine, revise and readjust the taxes imposed under this local law.

#### **SECTION 19 Administration of Oaths and Compelling Testimony**

(a) The County Treasurer, or the County Treasurer's duly designated and authorized employees or agents, shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of the County Treasurer's powers and duties under this local law.

(b) The County Treasurer shall have the power to subpoena and require the attendance of witnesses and the production of books, papers, and documents to secure information pertinent to the performance of his or her duties hereunder and of the enforcement of this local law, and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of the state or unable to attend before the County Treasurer or excuse from attendance.

(c) A justice of the Supreme Court, either in court or at chambers shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the County Treasurer under this local law.

(d) Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the County Treasurer under this local law shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars (\$1,000) or imprisonment for not more than one year, or both such fine and imprisonment.

(e) The officers who serve the summons or subpoena of the County Treasurer and witnesses attending in response there to shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein otherwise provided.

(f) The County Sheriff, the Sheriff's duly appointed deputies, and any officer or employee of the County Treasurer designated to serve process under this local law, are hereby authorized and empowered to serve any summons, subpoena, order, notice, document, instrument, or other process to enforce or carry out this local law.

**SECTION 20 Reference to Tax** - Wherever reference is made in placards or advertisements or in any other publications to this tax, such reference shall be substantially in the following form: "Occupancy Tax"; except that in any bill, receipt, statement or other evidence of memorandum of occupancy or rent charge issued or employed by the operator, the word "tax" will suffice.

## **SECTION 21 Penalties, Interest, and Violation**

(a) Any person failing to file a return or to pay or pay over any tax to the Treasurer within the time required by this local law shall be subject to:

(1) a penalty consisting of the higher of i) five percent (5%) of the amount of tax due or ii) the sum of \$5.00; plus

(2) interest at the rate of one percent (1%) of the amount of tax due for each month of delay, except that no interest shall be charged for the first thirty (30) days immediately after the date such return was required to be filed or such tax became due.

(b) The County Treasurer, if satisfied the delay was excusable, may remit or waive all or any part of the penalty but not the interest owed. Such penalties and interest shall be paid and disposed of in the same manner as other revenues from this local law. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this local law. Any person that is personally liable for the tax imposed, collected or required to be collected under this local law shall also be personally liable for the penalties and interest herein imposed.

(c) In addition to the penalties herein or elsewhere prescribed, any person found to have committed any of the following acts shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand (\$1,000) dollars or imprisonment for not more than one (1) year, or both such fine and imprisonment:

(1) failing to file a return required by this local law;

(2) filing or causing to be filed, or making or causing to be made, or giving or causing to be given, any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this local law which is willfully false;

(3) willfully failing to file a bond required to be filed pursuant to this local law;

(4) failing to file a registration certificate and such data in connection therewith as the Treasurer may by order, regulation or otherwise require;

(5) failing to display, or to surrender upon demand of the Treasurer the certificate of authority as required by this local law;

(6) assigning or transferring such a certificate of authority;

(7) willfully failing to charge separately from the rent the tax herein imposed, or willfully failing to state such tax separately on any evidence of occupancy and on any bill or statement or receipt of rent issued or employed by the operator;

(8) willfully failing or refusing to collect any tax imposed by this local law from the occupant;

(9) referring or causing reference to be made to this tax in a form or manner other than that required by this local law; or

(10) failing to keep or maintain the records required by this local law.

(d) The certificate of the County Treasurer to the effect that a tax has not been paid, that a return, bond or registration certificate has not been filed, or that information has not been supplied pursuant to the provisions of this local law, shall be presumptive evidence thereof.

## **SECTION 22 Returns to be Confidential**

(a) Except in accordance with proper judicial order, or as otherwise provided by law, it shall be unlawful for the County Treasurer to divulge, or make known in any manner, the rents or other information relating to the business of the taxpayer contained in any return required

under this local law. The officers charged with the custody of such returns shall be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the County Treasurer in an action or proceeding under the provisions of this local law or on behalf of any party to any action or proceeding under this local law, when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of, and may admit into evidence, so much of such returns, or of the facts shown thereby, as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the delivery to a taxpayer, or his or her duly authorized representative, of a certified copy of any return filed in connection with his or her tax, nor to prohibit the publication of statistics so classified as to prevent the identification of particular returns and the items thereof, or the inspection by the County Attorney or other legal representatives of the County of the return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty. Returns shall be preserved for three (3) years and thereafter until the County Treasurer permits them to be destroyed.

(b) Any violation of this section shall be punishable by a fine not exceeding one thousand dollars (\$1,000).

#### **SECTION 23 Notice and Limitations of Time**

(a) Any notice authorized or required under the provisions of this local law may be given by mailing the same to the person for whom it is intended in a post-paid envelope addressed to such person at the address given in the last return filed by him or her pursuant to the provisions of this local law, or in any application made by him or her, or if no return has been filed or application made, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom it is addressed. Any period of time which is determined according to the provisions of the local law giving of notice shall commence to run from the date of such notice.

(b) The provisions of the Civil Practice Law and Rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the County to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this local law. However, except in the case of a willfully false or fraudulent return with the intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three (3) years from the date of the filing of a return, provided, however, that where no return has been filed as provided by law, the tax may be assessed at any time.

(c) Where, before the expiration of the period described herein for the assessment of an additional tax, a taxpayer has consented in writing that such period be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period.

**SECTION 24 SEPARABILITY** – If any provision of this local law or the application thereof to any person or circumstance shall be held invalid, the remainder of this local law and the application of such provision to other persons or circumstances shall not be affected thereby.

**SECTION 25 Limitation of Effect of Local Law** – This local law shall remain in full force and effect for a period of three (3) years from the date of enactment by the Yates County Legislature; except nothing shall prohibit or prevent the adoption and enactment of subsequent local laws continuing or imposing the tax authorized hereby after the expiration of this local law.

**SECTION 26 Effective Date** – This local law shall take effect January 1, 2017.

**YATES COUNTY LEGISLATURE  
INTER-OFFICE MEMO**

**TO:** Government Operations Committee

**FROM:** Connie Hayes, Clerk of Legislature

**REGARDING:** 2017 Legislative office budget

**DATE:** July 27, 2014

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Attached please find the proposed 2016 budget for the Legislative office.

**1010/4152 – Conferences:** This allows registration for 5 individuals to attend a NYSAC conference, either in the spring or fall. Registration fees for 2016 were \$190 each, which is what this total is based on. To date we have spent \$190 however, the fall conference will be taking place in September.

**1010/4470 – Office supplies:** There is no change from the 2016 budget. As of the writing of this memo there is \$203.89 left in this line and we have spent \$146.11.

**1010/4501 – Advertising:** As of the writing of this memo, we have spent approximately \$346. I have \$50.74 in bills going through the audit this month which will leave us with approximately \$295.26 in this line. I still have to advertise local law 2-16 for the public hearing and once adopted and the state gives me the filing date I can advertise the local law and then you have the budget public hearing and any other laws that might come up so I am proposing that this line stay the same, although this line may go over a little bit.

**1010/4507 – Copier:** So far this year approximately \$1,226.60 has been used. However, budget time is approaching and coping usually increases at that time. This line item will be close if not over budget. If you average this out we are using approximately \$205 a month which if this continues will put us about \$560 over budget.

**1010/4515 – Postage:** There is no change from the 2016 budget. As of the writing of this memo we have spent approximately \$39.94 and have \$160.06 left. If you average this line out we should have approximately \$118 left in this line at the end of the year. I use email as much as I can.

**1010/4654 Mileage:** Mileage reimbursement is at 54 cents, the IRS standard rate. As of the writing of this memo we have spent 1,318.66 which leaves \$2,524.34.

**1010/4660 Travel:** I have left this line item at the 2016 level. However, you have the conference line budgeted for \$950 which is where the conference registrations are taken from. (Remember the conference line allows for 5 Legislators to attend the NYSAC conference) Based

on the figures for the 2016 NYSAC conference, the registration fees were \$190 and the hotel was \$480. I did attend my Clerk's conference this year which came out of this line, but I will not be going in 2017 so that will be \$500 that will not come out of this line. Therefore, budgeting at \$3,000 should allow for 5 legislators to attend a NYSAC conference whether it be the spring or fall conference, with an additional \$287 for the representation at the Inter-County meetings, a little left over in case the pricing increases in 2017.

**1010/4682 Utilities: Telephone/Fax:** As of the writing of this memo we have used \$344.20 of the \$400 budgeted so I will need to transfer from another line to cover the expense for the rest of the year, which averaged out should be about \$290. I am suggesting increasing this line by \$100.00

**1010/4907 Dues:** There is no change to this line from the 2016 budget. This line covers the dues for Inter-county and my dues for the Legislative Clerk's Association.

**1010/4915 Proceedings:** There is slight increase in this line of \$30 to cover the increase in paper cost. This covers the printing of 10 proceeding books.

Also, we current pay \$500 to National Association of Counties (NACO) for membership. Do you still want me to include that in the budget?

# YATES COUNTY



## DEPARTMENT BUDGET REQUESTS

BUDGET PROJECTION 2017    2017 BUDGET

ORG	OBJECT PROJ	ACCOUNT DESCRIPTION	CURRENT ADJ BUDGET	PROJECTED ACTUAL	DEPT REQ	PERCENT CHANGE
A1010	54152 A .1010.54152	CONFERENCES	950.00	325.71	950.00	.00
A1010	54156 A .1010.54156	TRAINING	.00	.00	.00	.00
A1010	54470 A .1010.54470	SUPPLIES:OFFICE	350.00	250.47	350.00	.00
A1010	54501 A .1010.54501	ADVERTISING	700.00	593.26	700.00	.00
A1010	54507 A .1010.54507	COPIER CHARGE	1,900.00	2,102.74	1,900.00	.00
A1010	54515 A .1010.54515	POSTAGE	200.00	68.47	200.00	.00
A1010	54516 A .1010.54516	PRINTING	.00	.00	.00	.00
A1010	54653 A .1010.54653	GASOLINE	.00	.00	.00	.00
A1010	54654 A .1010.54654	MILEAGE	3,843.00	2,260.56	3,843.00	.00
A1010	54660 A .1010.54660	TRAVEL EXPENSES	2,493.00	3,146.57	3,000.00	20.34
A1010	54682 A .1010.54682	UTILITIES:TEL/FAX	400.00	590.06	500.00	25.00
A1010	54907 A .1010.54907	DUES	657.00	1,126.29	150.00	-77.17
A1010	54915 A .1010.54915	PROCEEDINGS	670.00	.00	700.00	4.48
		BUDGET CEILING:			24,326.00	
		TOTALS:	12,163.00	10,464.13	12,293.00	1.07

\*\* END OF REPORT - Generated by Connie Hayes \*\*



# YATES COUNTY PERSONNEL DEPARTMENT

417 Liberty Street, Suite 1007

Penn Yan, New York 14527

Phone: (315) 536-5112

Fax: (315) 536-5118

[personnel@yatescounty.org](mailto:personnel@yatescounty.org)

[www.yatescounty.org](http://www.yatescounty.org)

[www.facebook.com/YatesCountyPersonnel](https://www.facebook.com/YatesCountyPersonnel)

Kerry M. Brennan  
Personnel Officer

Karen L. Bradley  
Personnel Assistant

## Government Ops Committee Agenda 8/1/2016

### Notifications:

- Blood Drive: September 7<sup>th</sup>, 9:00 AM – 1:00 PM, County Auditorium
  
- County Positions Currently Recruiting For:
  - Public Health Nurse
  - Caseworker
  - Employment and Training Counselor
  - Employment and Training Program Supervisor

### Items for Discussion:

- Vacancy Review Policy and Form
  - Part Time Position Vacancies
- Local Law 3-16

### Still in Progress:

- Employee Handbook Update/Administrative Guide
- Various Policy Updates
- Health Insurance:
  - New employees Insurance Policy
  - Retiree Policy
- Local Rules Update
  - Possibly adopt NYS Civil Service Model Rules
  - Need to complete a side by side comparison

### Resolutions:

- **SET DATE FOR PUBLIC HEARING ON PROPOSED LOCAL LAW 3-16 ENTITLED “PROHIBITING TOBACCO USE UPON ALL REAL PROPERTY OWNED OR LEASED BY THE COUNTY OF YATES”**
- **GRANT UNPAID LEAVE OF ABSENCE**
- **APPOINT DEPUTY FIRE COORDINATOR**



## YATES COUNTY MEMORANDUM

**TO:** Legislature  
**FROM:** Kerry Brennan, Personnel Officer  
**SUBJECT:** Vacancy Review Discussion  
**DATE:** July 28<sup>th</sup>, 2016

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It was recently brought to my attention that several years ago (approximately 13 or so) a concern was brought to the Legislature in regards to the turnover of Part Time Home Health Aides in Public Health and having to complete a vacancy review every time someone resigned. As a result of this issue the Legislature gave the then Director of Public Health, Loren Snyder authorization to fill "part-time vacant positions" for positions where there were two (2) or more part time people classified under the same title and who were listed in the same personnel services line in the budget and who were budgeted for at the time the budget was adopted. For part time positions where there was only one (1) person in the title and had their own personnel services budget line dedicated to them, the vacancy review process was still applicable. At that time, discussions ensued between other Department Heads and Committee Chairpersons and it was interpreted that this methodology applied to other like positions that fell into the same category as the Home Health Aides.

Now come back to present day and time, and there are inconsistencies between departments and how part-time vacancies are filled as some are still operating under the above mentioned past practice. In an attempt to streamline things and to make sure all departments are being treated equally, I make the following recommendation based on what was previously done, should the Legislature feel that it is appropriate to expand on this to include all part-time positions the accompanying policy can easily be amended:

I recommend that the following highlighted language be added to the draft vacancy review policy for consideration by the Legislature:

### III. SCOPE:

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

\*\*Exception – all part-time positions where there are two (2) or more employees classified under the same title and who are listed in the budget under the same personnel services account number.

### IV. VACANCY REVIEW PROCEDURE:

The requesting supervising authority 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 supervising authority reports to, will review the Vacancy Review Form. The standing committee will preliminarily approve the vacancy request and the vacancy review will go before the entire Legislature to either approve or disapprove the supervising authority's vacancy request.

After the conclusion of the standing committee meeting the supervising authority will notify the Personnel Officer. The Personnel Officer in collaboration with the supervising authority 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 supervising authority can act accordingly based on the effective date stated within the resolution.

In the event the position were to become vacant within two (2) months of the initial Legislative approval to fill the vacancy, the supervising authority may fill the vacancy without obtaining further approval from the Legislature.

(Example: a position becomes vacant and the legislature has given approval to refill it, for some reason after 3 months that same position became vacant again the supervising authority can refill the position without having to come back to the legislature. However, if another position in the same job title becomes vacant, a new position review would have to be done.) Should the position become vacant after the initial two (2) month period, the supervising authority will initiate the Vacancy Review process from the beginning.

In the event part-time position(s) where there are two (2) or more employees classified under the same title and who are listed in the budget under the same personnel services account number becomes vacant, the supervising authority has Legislative approval to fill ongoing vacancies without obtaining further approval from the Legislature.

**\*\*Benchmarking has been removed from the procedure and the Vacancy Review Form. The intent is for supervising authorities to benchmark with other counties at other times rather than during the vacancy review process.**

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Since a couple of months have passed since the last time there was a real discussion on the vacancy review policy I thought it would be helpful to provide everyone with a little recap and thanks to Connie, here it goes:

At the June Legislature meeting the following occurred:

- The resolution for the vacancy review did not go through. There was discussion on the 2 months vs 6 months as there were concerns with the wording in the following paragraph:
  - 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.
- The following question was asked: if a position is filled and then in 2 months it becomes vacant then the Department Head can go ahead and fill the position without having to come back to the legislature. BUT let's say a Dispatcher position comes open, permission is given to fill it, then in 4 months a different Dispatcher position comes up does the Department Head just fill it or do they need to come back to the legislature.
- There was a motion to table this which was defeated.
- A motion to amend it to say instead of position it should say in the same job title that was defeated.
- There was a motion to change the 6 months to 2 months, which was defeated.
- And lastly, the vote on the resolution that was submitted was defected on a tie.

In an attempt to rectify the issue in regards to the language in the paragraph, I offer the following revision and please note I reverted back to the two months since a motion to change this to 6 months did not pass:

- In the event the position were to become vacant within two (2) months of the initial Legislative approval to fill the vacancy, the supervising authority may fill the vacancy without obtaining further approval from the Legislature. (Example: a position becomes vacant and the legislature has given approval to refill it, for some reason after 3 months that same position became vacant again the supervising authority can refill the position without having to come back to the legislature. However, if another position in the same job title becomes vacant, a new position review would have to be done.) Should the position become vacant after the initial two (2) month period, the supervising authority will initiate the Vacancy Review process from the beginning.

At the July Legislature meeting the following occurred:

- A motion was made to remove all mention of benchmarking from the policy and the vacancy review form. This has been completed and the amended document is attached, with the exception that I was asked to add the following language to the procedure portion of the policy:

- **\*\*Benchmarking has been removed from the procedure and the Vacancy Review Form. The intent is for supervising authorities to benchmark with other counties at other times rather than during the vacancy review process.**

Please let me know if you have any questions.

Sincerely,  
Kerry Brennan

**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 August 8<sup>th</sup>, 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. DEFINITIONS:**

**Supervising authority** is defined as the appointing authority that can hire or appoint the employee and who supervises the individual either directly or indirectly.

**III. SCOPE:**

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

**\*\*Exception** – all part-time positions where there are two (2) or more employees classified under the same title and who are listed in the budget under the same personnel services account number.

**IV. VACANCY REVIEW PROCEDURE:**

The requesting supervising authority 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 supervising authority reports to, will review the Vacancy Review Form. The standing committee will preliminarily approve the vacancy request and the vacancy review will go before the entire Legislature to either approve or disapprove the supervising authority's vacancy request.

After the conclusion of the standing committee meeting the supervising authority will notify the Personnel Officer. The Personnel Officer in collaboration with the supervising authority 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 supervising authority can act accordingly based on the effective date stated within the resolution.

In the event the position were to become vacant within two (2) months of the initial Legislative approval to fill the vacancy, the supervising authority may fill the vacancy without obtaining further approval from the Legislature. (Example: a position becomes vacant and the legislature has given approval to refill it, for some reason after 3 months that same position became vacant again the supervising authority can refill the position without having to come back to the legislature. However, if another position in the same job title becomes vacant, a new position review would have to be done.) Should the position become vacant after the initial two (2) month period, the supervising authority will initiate the Vacancy Review process from the beginning.

In the event part-time position(s) where there are two (2) or more employees classified under the same title and who are listed in the budget under the same personnel services account number becomes vacant, the supervising authority has Legislative approval to fill ongoing vacancies without obtaining further approval from the Legislature.

**\*\*Benchmarking has been removed from the procedure and the Vacancy Review Form. The intent is for supervising authorities to benchmark with other counties at other times rather than during the vacancy review process.**

**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
  
- 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  
\$ \_\_\_\_\_

10. If the position were eliminated, what would be the net county savings? *(Include fringe benefits and retirement)* \$ \_\_\_\_\_

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.



## EMPLOYEE WELLNESS MEMORANDUM

**TO:** Legislature  
**FROM:** Yates County Wellness Committee  
**SUBJECT:** Tobacco Free Campus  
**DATE:** July 28<sup>th</sup>, 2016

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One of the goals of the Yates County Wellness Committee is to see that the Legislature adopts the attached proposed Local Law which has been drafted and approved by the County Attorney. Below you will find data that supports the Wellness Committees recommendation for making Yates County Tobacco Free.

### Tobacco Free Campuses currently in Yates County:

- Penn Yan Public Library
- Penn Yan First Baptist Church
- Penn Yan School District
- Dundee School District
- ARC of Yates
- Finger Lakes Health – Soldiers and Sailors Memorial Hospital

### Contiguous/Area County's with Tobacco control policies and/or Local Law:

- Clinton
- Livingston
- Madison
- Ontario
- Schuyler
- Seneca
- Steuben
- Tompkins
- Wayne

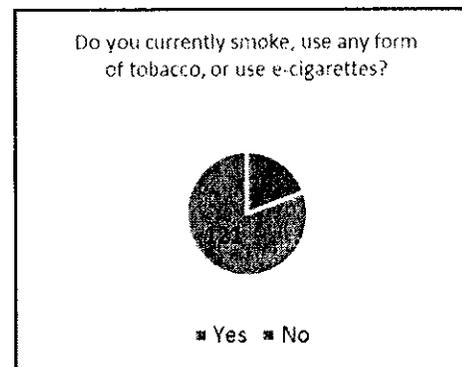
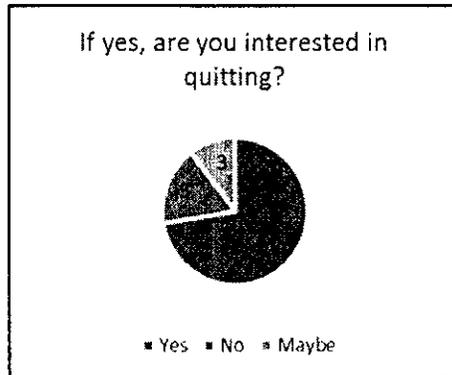
### Yates County Workforce Survey's:

We recently surveyed Yates County employees and asked that they respond by July 22<sup>nd</sup> to the following question:

***Would you support a complete Tobacco-free grounds policy (no tobacco use allowed on Yates County owned locations, with the exceptions of the Sheriff's Office and the airport)?***

Approximately 275 employees received the survey and 126 responded. 88 employees are in favor of a Tobacco Free Campus, 38 employees are not in favor and 149 employees did not respond. In other words 46% of the Yates County Workforce responded and 70% of those employees want a Tobacco Free Campus. Employees were asked to send additional comments and provide feedback on how they feel about Yates County being Tobacco Free. Attached in a separate document are the employee's comments.

When the Wellness Committee was established one of the first things we did, was survey our workforce. The goal of the survey was to help us get a baseline understanding for where we are at and where we would like to go in respect to health and wellness. In relation to tobacco use the following questions were asked and you will see from the graphs that out of the 157 returned surveys, 29 people indicated they smoked and 21 out of those 29 people indicated they are interested in quitting. For more details of this survey please see the attached document.



### **NYS Department of Health Study**

In a recent study that was released by the NYS Department of Health that reported on data collected from April 2013 through March 2014, the study shows that only 13.8% of Yates County's population smoke, that means 86.2% of Yates County's population does not smoke. The NYS Department of Health report is attached.

### **Letters of Support**

Along with the proposed Local Law you will find letters from organized groups within Yates County who are in support of Yates County becoming Tobacco Free:

- Youth Board
- Community Services Board
- Excellus

### **Health Insurance Impact**

As you will read in the support letter from our Excellus Workplace Wellness Consultant you will read where she states. "The financial impacts of smoking are attributed to health status as well as productivity and facility maintenance. According to the CDC, there is an annual excess cost to employers of \$7,874 for each employee who smokes. Lost productivity accounts for over \$1,000 of that cost. The cost of property maintenance, including extinguishing accidental fire is not factored into the estimation." (The County pays approximately \$8,000 for 1 employee who smokes. Based on the results of the Workforce Survey and the information reported by the CDC, Yates County employees who smoke could be costing the County taxpayers approximately \$233,000 a year.)

### **Loss of productivity/Safety Concerns**

Below is a picture of a cigarette tower on fire/smoking/smoldering. In instances where this occurs Department Heads have had the general public come into their office to notify them of their concern with the towers on fire and the Department Head will go out and extinguish the fire. In other instances Buildings and Grounds is notified and one of the staff members will attend to the issue. In another situation where the smoking tower was on fire, a member of the general public was witnessed going back to their car and getting a jug of water and extinguishing the fire. Recently, within the last three weeks there was an incident where the mulch caught on fire next to the picnic table located by the generator and the Baptist Church shed, luckily Buildings and Grounds was notified in a timely manner and were able to respond and extinguished the fire without injury or serious damage.



Over the span of 4 months, someone had to respond to the smoke towers being on fire 6 times and the time that was invested into extinguishing them totaled approximately 1 hour. In addition to the time spent to extinguish the fire in smoke towers. Buildings and Grounds walks the grounds and picks up litter and trash that includes cigarette butts. As a result of a time study completed by the employees performing this task it is concluded that on average it takes one employee one and a half hours to pick up garbage and forty five of those minutes is spent picking up cigarette butts. So out of the 260 working days a year, approximately 195 hours is spent to picking up cigarette butts.

#### **Smoking Cessation:**

In an attempt to assist our employees who are interested in quitting using tobacco products the Wellness Committee has taken steps to enlist assistance from Yates County Public Health to offer tobacco cessation classes to groups of adults who are tobacco users who want to quit within the support of a group and a tobacco cessation specialist. Fall classes can help accomplish this goal of tobacco-free transition to all employees and spouses who need help with the "QUIT". This can be done by contacting Public Health to sign up for classes that can be held when it is most convenient for everyone to attend. It is recommended that tobacco users also contact the New York State Smokers' Quitline at 1-866-NY-QUITS (1-866-697-8487) to speak with a specialist there that can offer continuous cessation support. If eligible, NRT (nicotine replacement therapy) can also be obtained to help support and ease the QUIT process.

By making Yates County a Tobacco Free Campus it does not guarantee that the public or our employees are going to quit smoking, but it not only sends a message to the public and to our employees that Yates County promotes and supports healthy choices and lifestyles, but it also sends a message to the 86.2% of our population that we support their right to breathe clean air and to continue living a tobacco free life. Thank you for considering our proposed Local Law and recommendation to make Yates County tobacco free.

Sincerely,

*Yates County Wellness Committee*

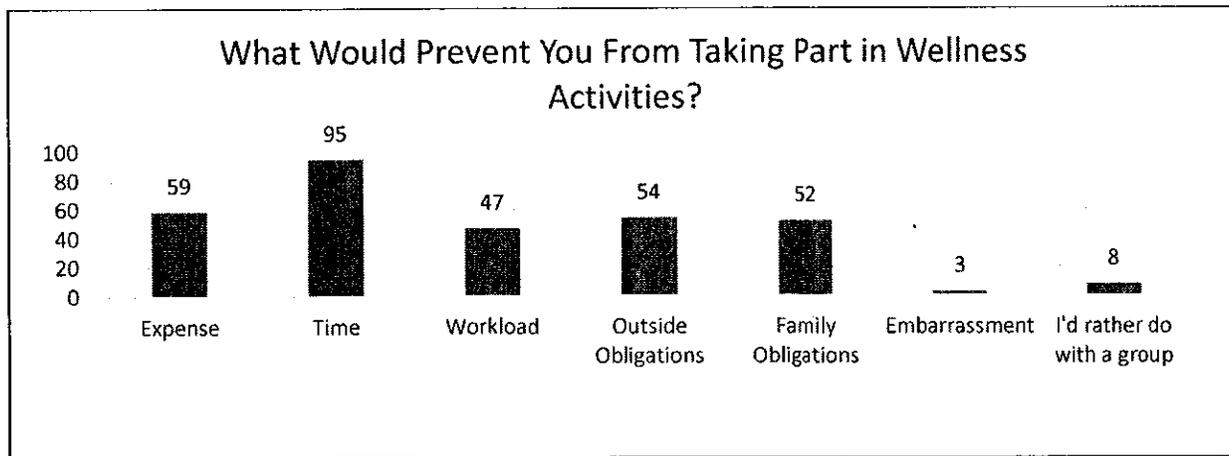
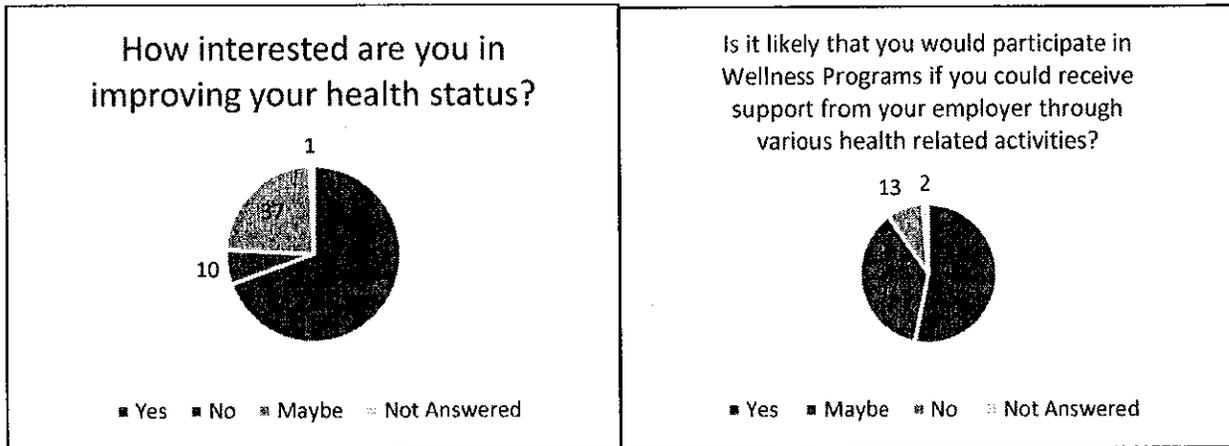


**Yates County Employees Worksite Wellness Survey Tally – July 7, 2016**

Surveys distributed – Approximately 260

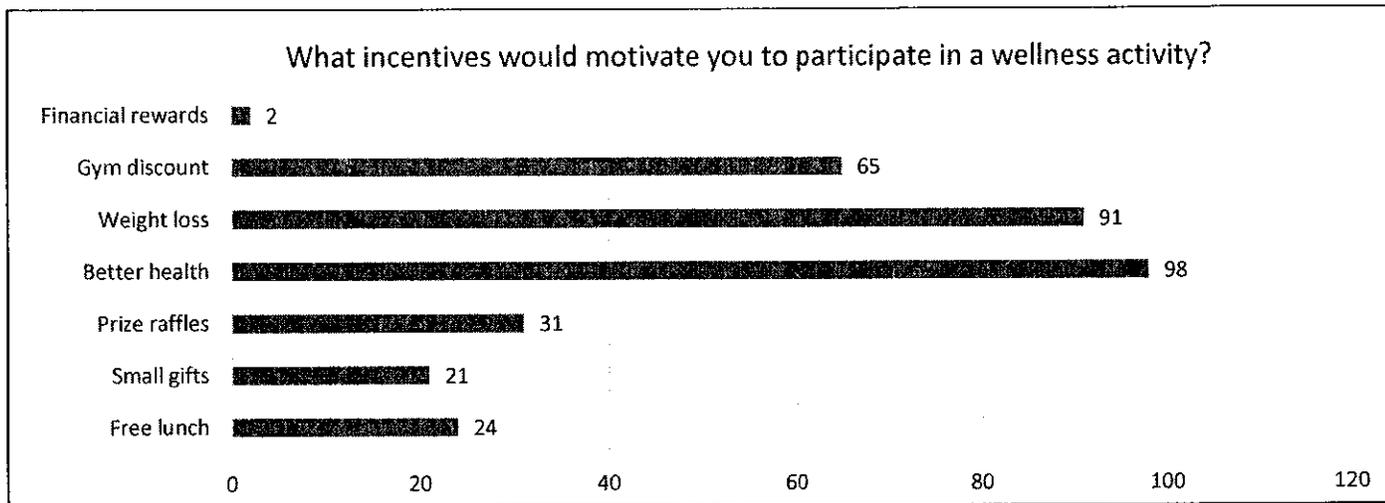
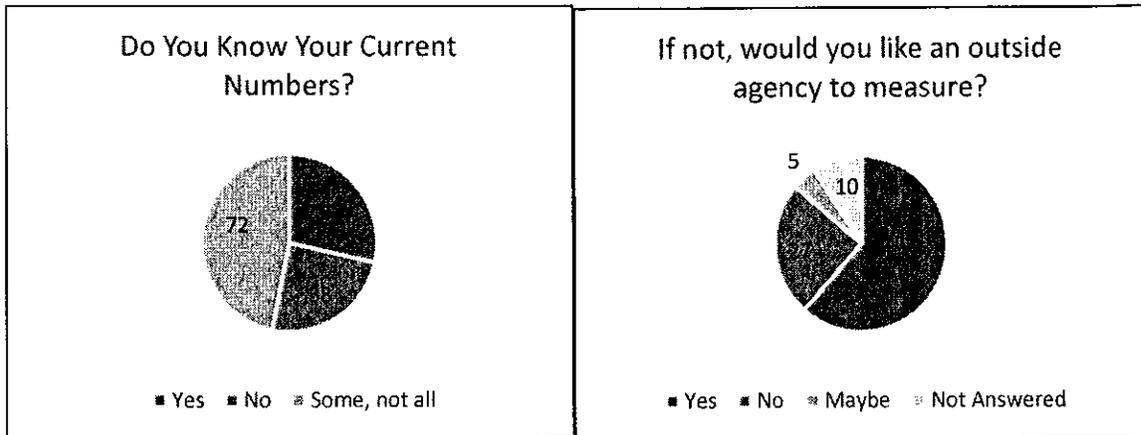
Surveys returned – 157

Return Rate – 60%



**Other:**

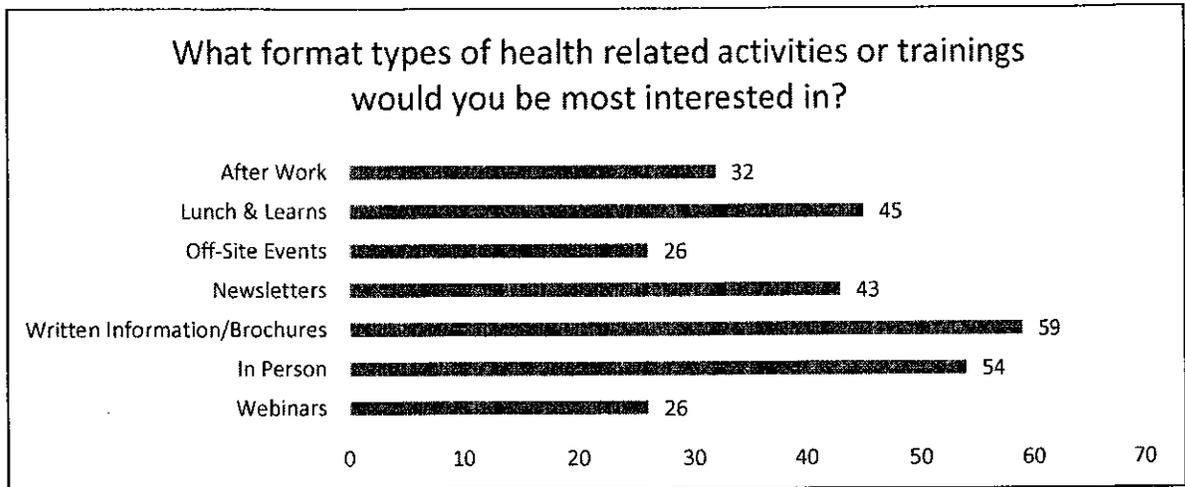
Set with my own routines, All, Attitude, Health Issue, I prefer alone, Do on my own, Various reasons, Already Participate in various wellness activities, work overnights.



**Other:**

- |                                   |  |
|-----------------------------------|--|
| Nothing, I have my own activities | Don't need any incentive                         |
| Ease of scheduling/access         | Support from co-workers                          |
| Onsite fitness center             | Availability of my schedule                      |
| Prevention of future problems     | Coworkers participating/partaking                |
| Competition perhaps with prize    | Discount or free membership to local rec center  |
| Support                           | Time off/penalize people that can't do their job |
| Time off                          | Structure-help to fit fitness into busy schedule |
| None (x4)                         | All of the above                                 |
- Employer awards time off for consistent participation – i.e. 1 hour time off for “x” sessions or days of participation

Not necessary



**Other:**

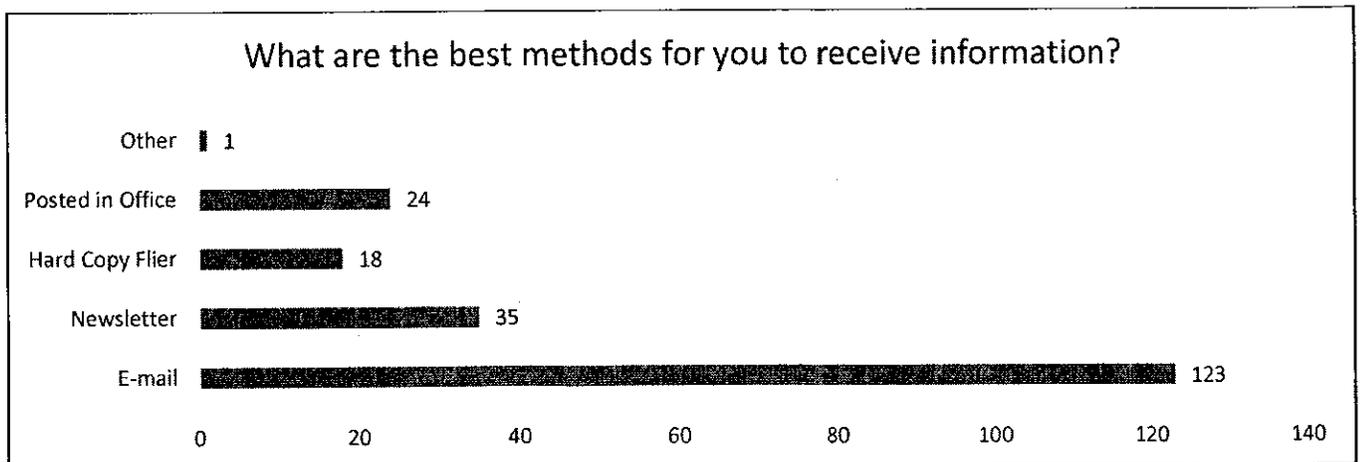
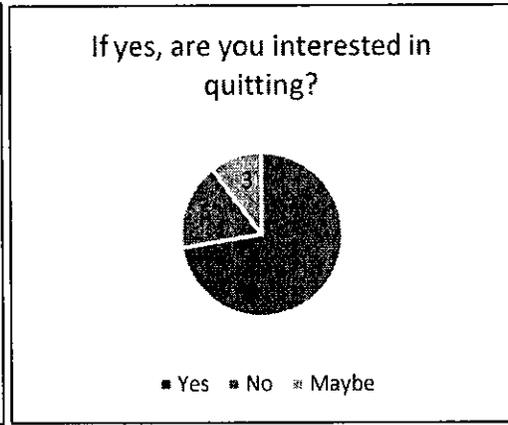
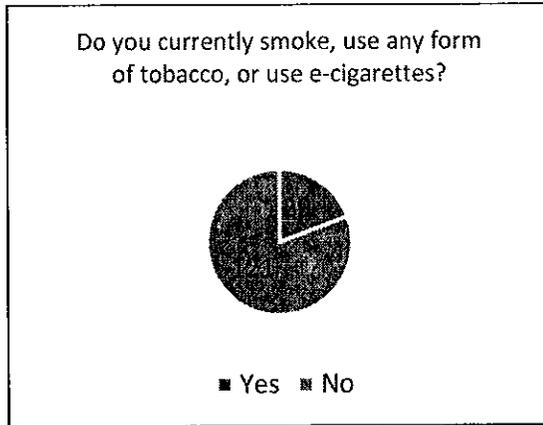
Nothing

Exercise Program

None

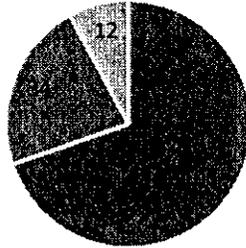
Equipment, treadmill, bicycle

Fitness Instructions



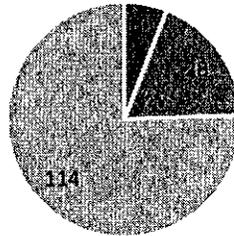
**Other:** Lounge Area

Do you have county email?

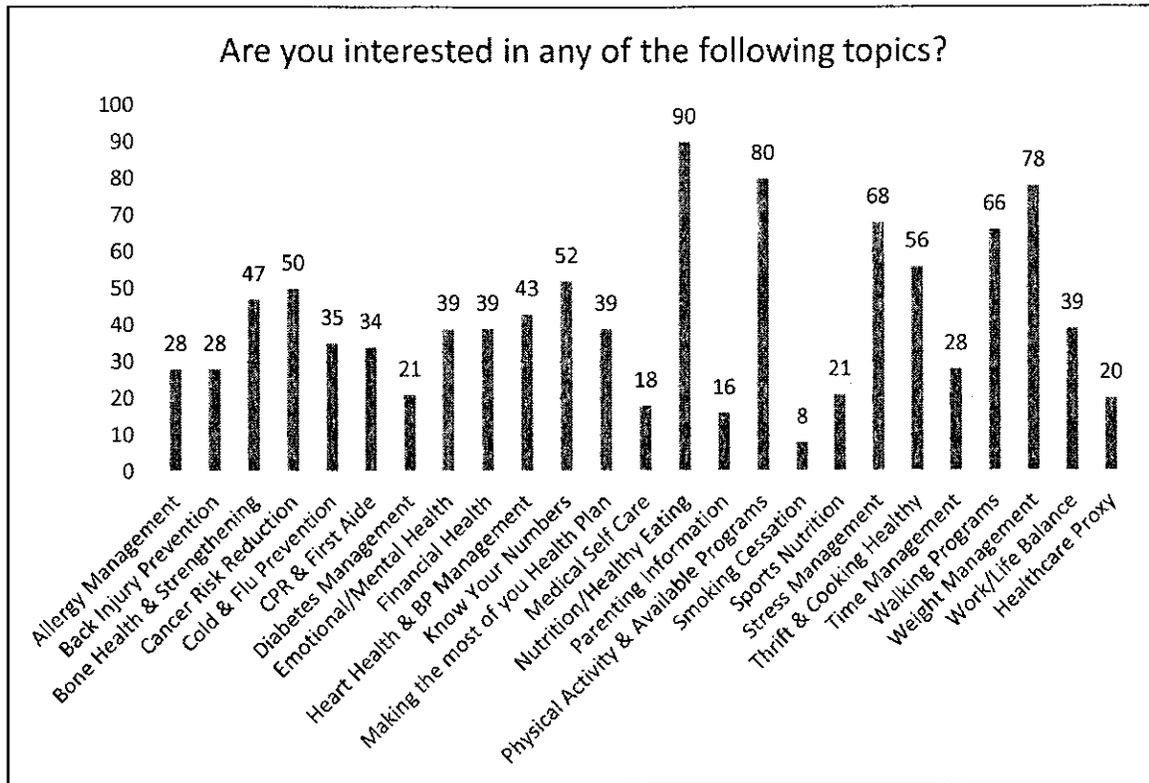


■ Yes ■ No ■ Surveys did not have this question

Are you interested in becoming a committee member or Wellness Champion for your department?



■ Yes ■ Maybe ■ No



**Comments/Other:**

Sounds great-let's do it!

I look forward to this working out.

This is a great idea!! Thank you!!

Paid for/or partial pay for weight loss/fitness program

Employees need some place in the building where they could go use a treadmill, reclining bike or elliptical during lunch hour or breaks. This would help with stress.

Firearms instructors should be tested yearly at county expense to monitor lead and other heavy metal blood levels.

What about sponsoring a couch to 5K Program?

Good survey! Easy and quick!

Mosquito/tick management. Caregiver stress; hearing loss management/coping; vision care; skin cancer signs/prevention; dementia signs/news; home accident prevention; family vaccination programs (teens, new vaccines, how pet vaccines protect you family).

Nothing (this individual was not interested in a worksite wellness program)

All of the above topics are issues that I have dealt with in the past or deal now on a weekly basis, through BCBS counseling, community health counseling, cardiac rehab or just outside reading material.

I have lost some weight but am struggling with not putting it all back on now. My doctor would like me to lose 40 more pounds.

I would love to see the county give us a reimbursement towards a gym membership. If not a full one, a partial one would be great. I think more people would get a membership.



July 28, 2016

Yates County Legislature

417 Liberty Street

Penn Yan, NY 14527

Dear Yates County Legislators,

I am writing this letter in support of the proposed Tobacco Free Campus policy for Yates County properties. As a certified Workplace Wellness Consultant, I can attest that addressing tobacco use through a comprehensive approach is an effective strategy with both health and financial benefits.

Eliminating exposure to second hand smoke, which is a health risk factor in itself, protects Yates County employees and citizens. Secondhand smoke poses a particular health threat to individuals with chronic conditions such as asthma, as well as children and other vulnerable populations. Additionally, second hand smoke is considered a preventable risk factor for several cancers.

The financial impacts of smoking are attributed to health status as well as productivity and facility maintenance. According to the CDC, there is an annual excess cost to employers of \$ 7874.00 for each employee who smokes. Lost productivity accounts for over \$1,000 of that cost. The cost of property maintenance, including extinguishing accidental fires is not factored into that estimation.

The proposed policy for Yates County properties includes support and opportunities for tobacco users who want to quit. Many of those cessation opportunities are available for both employees and citizens in Yates County. As a Workplace Wellness Consultant with a history of tobacco policy evaluation and implementation, I can attest that the approach outlined in this proposed policy is sound and is in line with the approach taken by many businesses, organizations and municipalities in New York State.

It is my hope that you will consider the merits of this proposal. Additionally, as a partner on the Yates County Employee Wellness Committee, you have my assurance of support with both the roll out of the policy as well as providing any needed education or resources for employees.

Thank you for your consideration of this Tobacco Free Campus policy.

Sincerely,

A handwritten signature in cursive script that reads "Eileen Wolff".

Eileen Wolff, CWCP, CWPM

Workplace Wellness Consultant, Excellus BCBS



## Yates County Youth Bureau

417 Liberty Street, Suite 2122  
Penn Yan, New York 14527  
Phone: 315-531-3451 Fax: 315-536-5168

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Alicia Avellaneda, Director

July 28, 2016

To whom it may concern:

Yates County Youth Board supports tobacco-free outdoor areas. Tobacco-free outdoor areas reduce exposure to secondhand smoke and tobacco litter and denormalizes tobacco use, especially among children and young people. Yates County Youth Board supports tobacco-free outdoor areas because:

### **Secondhand smoke is hazardous even in outdoor areas:**

- The U.S. Environmental Protection Agency has classified secondhand smoke as a group A carcinogen, the most dangerous class of carcinogens.<sup>1</sup>
- The U.S. Surgeon General has concluded that there is no risk-free level of exposure to secondhand smoke.<sup>1</sup>
- Secondhand smoke causes approximately 7,330 deaths from lung cancer and 33,950 deaths from heart disease each year.<sup>5</sup>
- Secondhand smoke exposure causes as many as 300,000 children in the United States under the age of 18 months to suffer lower respiratory tract infections, such as pneumonia and bronchitis;<sup>3</sup> exacerbates childhood asthma; and increases the risk of acute, chronic, middle-ear infections in children.<sup>1</sup>

### **Secondhand Smoke in the Workplace:**

- Secondhand smoke costs our economy \$5.6 billion per year due to lost productivity.<sup>2</sup>
- Being employed in a workplace where smoking is prohibited is associated with a reduction in the number of cigarettes smoked per day and an increase in the success rate of smokers who are attempting to quit.

### **Tobacco litter is hazardous to children, animals and the environment:**

- It is estimated that over two billion cigarette butts are discarded every day worldwide, and that Americans alone discard more than 175 million pounds of cigarette butts every year.<sup>4</sup>
- Cigarette butts are often cast onto sidewalks and streets and frequently end up in storm drains that flow into streams, rivers, bays, lagoons and ultimately, the ocean.<sup>4</sup> Within an hour of contact with water, cigarette butts can begin leaching chemicals such as cadmium, lead and arsenic into the marine environment.<sup>6</sup>

### **Tobacco use negatively impacts youth and young adults:**

- When young people see adults using tobacco they think smoking is acceptable and are more likely to mimic the behavior.
- The average age of a new smoker in New York State is 13 years old.<sup>7</sup>

- Each day in the United States, more than 3,200 youth aged 18 years or younger smoke their first cigarette, and an additional 2,100 youth and young adults become daily cigarette smokers<sup>8</sup>

***For these reasons, Yates County Youth Board SUPPORTS efforts to reduce the hazardous effects of secondhand smoke and tobacco litter and the negative influence of tobacco use on youth and young adults in our community.***

Sincerely,



Jessica M. Kennedy  
Chair, Yates County Youth Board

1. U.S. Department of Health and Human Services. The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General. Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Coordinating Center for Health Promotion, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006.  
2. Centers for Disease Control and Prevention. Smoking-Attributable Mortality, Years of Potential Life Lost, and Productivity Losses--United States, 2000-2004. *Morbidity and Mortality Weekly Report* 2008;57(45):1226-8 [accessed 2009 Apr 8].  
3. Centers for Disease Control and Prevention. Tobacco Use Targeting the Nation's Leading Killer: [http://www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2010/tobacco\\_2010.pdf](http://www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2010/tobacco_2010.pdf)  
4. Surfrider Foundation, San Diego Chapter. *Hold on to Your Butts: Our Beaches and Streets are Not Your Ashtray*, at <http://www.surfriders.org/holyb.php>  
5. U.S. Department of Health and Human Services. The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General. 2014.  
6. New York State Tobacco Free Community Partners: <http://www.tobaccofreepartners.com/nobuttsaboutit.htm>  
7. Monitoring the Future Study: <http://www.monitoringthefuture.org/pub/monographs/mtf-overview2014.pdf>  
8. U.S. Department of Health and Human Services. Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General ([http://www.cdc.gov/tobacco/data\\_statistics/sgr/2012/index.htm](http://www.cdc.gov/tobacco/data_statistics/sgr/2012/index.htm)). Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2012 [accessed 2016 Apr 14].

## EMPLOYEE TOBACCO FREE CAMPUS COMMENTS

### Yes - Comments in favor of Tobacco Free Campus

I voted yes to support the ban but I also wanted to vote no. I see this as a partial win and a potential start to a campus wide ban but I do not believe the Sheriff's Office or the airport should be exempt from the tobacco-free grounds. The claim that the smoker needs this for the stress relief is wrong. I'm a former smoker and I have found other healthier ways to reduce this stress they speak of.

It seems this Legislature group would see the financial burden caused by smokers. That is, the Legislature is paying a smoker to take a 10-15 minute break each hour, sometimes those smoke breaks go longer than 10-15 minutes and sometimes there are multiple smoke breaks in one hour. That certainly adds up over the course of a working day.

1. Which group is more productive?
2. Passing a policy that affects all of us but only a few can take advantage of hourly breaks?

I voted yes to at least a tobacco-free grounds policy but -- I would support a tobacco-free campus on all Yates County owned locations -- even at the Sheriff's office and the airport.

I would like to vote yes, it would be great to have a no smoking campus. Maybe it would be an incentive for some to quit. The only bad thing is the ones who won't quit will take longer breaks to go off campus to smoke and where will they go? On the neighbors lawns?  
(my answer is yes, I just had to include my thoughts on it)

The policy should also extend to County owned vehicles!

I would like to hear more information. If it is truly just looking at a tobacco free campus, then yes I would like to support that. But, I would like to see defined and designated areas...

Yes, but all County owned locations.

Yes, but only if the Sheriff's Office and Airport and completely Tobacco-Free

Yes I support it. I feel it should be banned at all county property locations including Sheriffs' Department and airport.

I think everything should be tobacco free

Long overdue .... But I disagree with the exceptions.

### No - Comments not in favor of a Tobacco Free Campus

I don't support it as this is not going to stop people from smoking but will just push them on the streets. There is already a smoking ban within certain feet of the buildings. If that is enforced, then there shouldn't be a problem.

My answer is absolutely not. As a smoker, I already abide by all the policies set forth by the county as it is. Why should be we punished even more???

If all County owned locations are not Tobacco-Free then, none of them should be.

No -- but designated areas are fair

If it's going to be for one group of people it should be for all no exceptions however I vote NO. I believe no smoking within 50 feet of the building is good enough taking the right of one group away for the satisfaction of another group is wrong.

I vote no. But I would like to have a designated smoking area and/or enforcement of the set distance to be smoking from the doors.

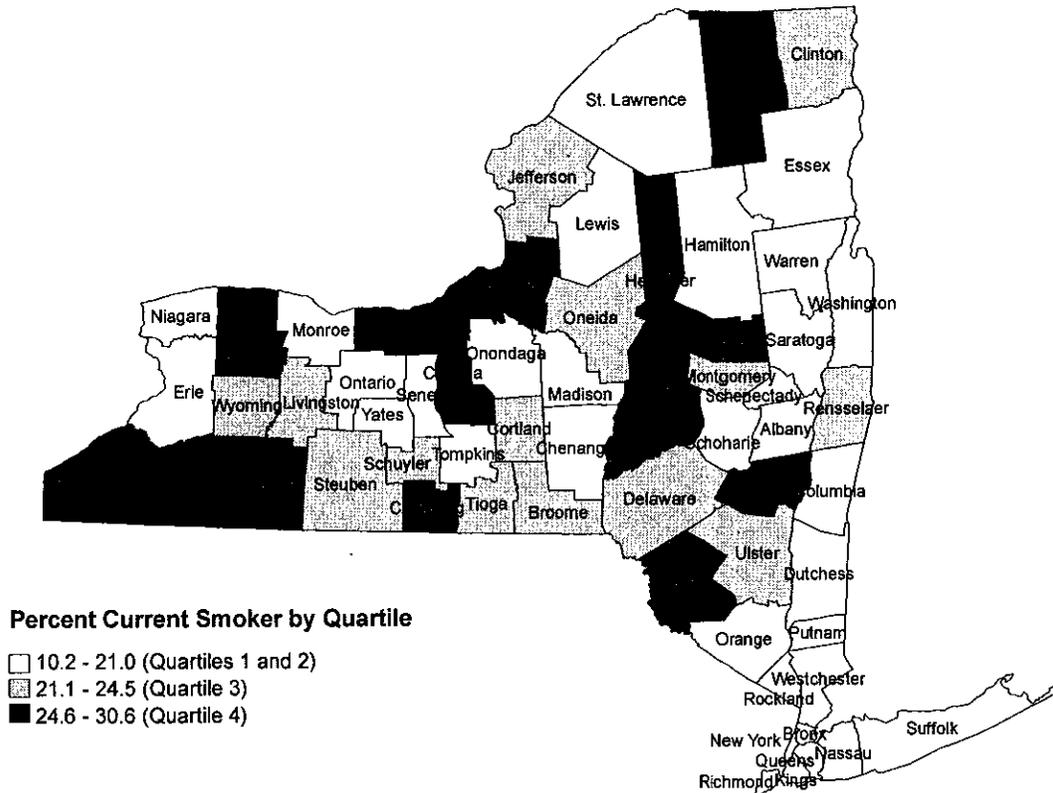


County Level Prevalence of Smoking Among Adults

County level prevalence of current smoking was obtained from the New York State Expanded Behavioral Risk Factor Surveillance System (eBRFSS), a random-digit dial telephone survey designed to generate representative estimates of various chronic disease indicators and related behaviors for all adult residents in each county. Data was collected from April 2013 through March 2014.

The prevalence of cigarette smoking by county in New York State ranged from a low of 10.2% in Rockland County to a high of 30.6% in Cayuga County (see Table on page 2 for county estimates). Smoking rates were lowest among downstate counties. Higher rates were observed among NY's more rural counties.

Prevalence of Current Smoking Among Adults in NYS by County, eBRFSS 2013-2014



Note: Prevalence estimates for individual counties in NYC are not available. Prevalence reported is for the NYC area as a whole.

Source: New York eBRFSS 2013-2014. The eBRFSS sampling methodology is specifically designed to generate county-level estimates for over 50 health indicators for the non-institutionalized adult population in NYS. The NYSDOH recommends using e-BRFSS data when reporting and communicating about county level estimates of health indicators. For more information on the eBRFSS please visit https://health.data.ny.gov. Contact the Bureau of Chronic Disease Evaluation and Research, New York State Department of Health at (518) 473-0673 or send an e-mail to tcp@health.ny.gov. StatShots can be accessed online at: http://www.health.ny.gov/prevention/tobacco\_control/reports/statshots/



**Prevalence of Current Smoking Among Adults in NYS by County, eBRFSS 2013-2014**

County	Estimated Percent of Current Smokers (%)	[95%CI]	County	Estimated Percent of Current Smokers (%)	[95%CI]
Albany	16.3	[13.3-19.7]	Niagara	20.8	[16.2-26.2]
Allegany	26.8	[20.7-33.8]	Oneida	22.0	[17.4-27.4]
Broome	22.3	[18.1-27.2]	Onondaga	20.3	[16.8-24.3]
Cattaraugus	28.4	[21.2-36.8]	Ontario	17.6	[12.4-24.5]
Cayuga	30.6	[21.2-41.9]	Orange	15.7	[12.1-20.2]
Chautauqua	24.7	[19.0-31.5]	Orleans	25.7	[18.6-24.3]
Chemung	24.8	[17.4-34.2]	Oswego	28.0	[22.1-34.8]
Chenango	18.9	[13.9-25.1]	Otsego	26.3	[18.7-35.7]
Clinton	22.6	[17.4-28.7]	Putnam	13.9	[9.6-19.7]
Columbia	21.0	[15.6-27.5]	Rensselaer	23.8	[18.3-30.3]
Cortland	21.4	[14.2-30.8]	Rockland	10.2	[7.3-14.1]
Delaware	22.9	[16.7-30.4]	Saratoga	17.7	[13.8-22.4]
Dutchess	16.1	[11.5-22.0]	Schenectady	19.3	[15.5-23.9]
Erie	18.8	[15.9-22.0]	Schoharie	19.3	[14.4-25.4]
Essex	16.6	[12.0-22.7]	Schuyler	22.3	[15.6-30.9]
Franklin	27.0	[20.0-35.3]	Seneca	13.7	[9.3-19.7]
Fulton	29.0	[23.2-35.5]	St. Lawrence	19.5	[14.5-25.6]
Genesee	25.8	[19.1-34.0]	Steuben	23.7	[18.9-29.2]
Greene	24.5	[17.3-33.4]	Suffolk	14.4	[10.8-18.8]
Hamilton	19.0	[13.1-26.7]	Sullivan	24.5	[18.6-31.4]
Herkimer	25.8	[19.7-33.1]	Tioga	22.8	[16.8-30.0]
Jefferson	22.1	[16.6-28.7]	Tompkins	14.1	[8.9-21.6]
Lewis	14.9	[10.5-20.8]	Ulster	21.1	[15.2-28.6]
Livingston	23.0	[16.8-30.8]	Warren	18.7	[14.4-24.0]
Madison	17.0	[11.3-24.9]	Washington	21.0	[16.3-26.6]
Monroe	14.5	[11.9-17.6]	Wayne	24.5	[17.7-33.0]
Montgomery	23.4	[18.1-29.6]	Westchester	11.7	[9.0-15.2]
Nassau	12.7	[8.4-18.7]	Wyoming	21.6	[16.0-28.4]
New York City	13.3	[9.9-17.6]	Yates	13.8	[10.2-18.6]

Note: Prevalence estimates for individual counties in NYC are not available. Prevalence reported is for the NYC area as a whole.

Source: New York eBRFSS 2013-2014. The eBRFSS sampling methodology is specifically designed to generate county-level estimates for over 50 health indicators for the non-institutionalized adult population in NYS. The NYSDOH recommends using e-BRFSS data when reporting and communicating about county level estimates of health indicators. For more information on the eBRFSS please visit <https://health.data.ny.gov>. Contact the Bureau of Chronic Disease Evaluation and Research, New York State Department of Health at (518) 473-0673 or send an e-mail to [tcp@health.ny.gov](mailto:tcp@health.ny.gov). StatShots can be accessed online at: [http://www.health.ny.gov/prevention/tobacco\\_control/reports/statshots/](http://www.health.ny.gov/prevention/tobacco_control/reports/statshots/)

**SET DATE FOR PUBLIC HEARING ON PROPOSED LOCAL LAW 3-16 ENTITLED  
“PROHIBITING TOBACCO USE UPON ALL REAL PROPERTY OWNED OR  
LEASED BY THE COUNTY OF YATES”**

RESOLVED, that the Clerk of the Yates County Legislature is directed to advertise a public hearing on proposed Local Law 3-16 Entitled Prohibiting Tobacco Use Upon All Real Property Owned Or Leased By The County Of Yates, and be it

RESOLVED, said public hearing shall be held September 12, 2016 at 1:05 p.m. in the Yates County Legislative Chambers, 417 Liberty St., Penn Yan, NY.

**NEW YORK STATE DEPARTMENT OF STATE**

**Local Law Filing**

**162 WASHINGTON AVENUE,**

**ALBANY, NY 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: PROHIBITING THE USE OF TOBACCO, NICOTINE, OR OTHER LIKE SUBSTANCES  
UPON REAL PROPERTY OWNED OR LEASED BY THE COUNTY OF YATES**

**Section 1: Findings**

The Legislature of the County of Yates finds that the use of tobacco, nicotine, or other like substances on real property owned or leased by the County of Yates should be prohibited in order to:

Protect the public health, safety and general welfare by eliminating exposure to secondhand smoke and residue produced as the result of the use of tobacco, nicotine, and other like substances.

Acknowledge the need of nonsmokers, especially children, to breathe smoke-free air, recognizing the danger to public health which secondhand smoke causes.

Recognize that the need to breathe air free of the disease-causing toxins in secondhand smoke should have priority over the desire and convenience of Tobacco-Use on real property owned or leased by the County of Yates.

Recognize the right and benefit to municipal residents and visitors to be free from unwelcome secondhand smoke and residue from tobacco, nicotine, and other like substances while on real property owned or leased by the County of Yates.

**Section 2: Definitions**

As used in this Local Law, “use of tobacco, nicotine, or other like substances” or “tobacco, nicotine, or other like substances use” shall mean and include, but not be limited to, the burning and/or lighting of a cigar, cigarette, pipe, electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, vape pen, any cartridge or other component of the device or related product or any other matter or product which contains tobacco, nicotine, or other like substances; or the chewing, holding in the mouth, and/or expectorating of chewing tobacco, nicotine, or other like substances; or the use of any other matter or substance which contains tobacco, nicotine, or other like substances.

**Section 3: Prohibition**

Use of tobacco, nicotine, or other like substances shall be prohibited upon all real property owned or leased by the County of Yates. The term "real property" as used in this Local Law, shall mean and include real estate, lands and any structures, buildings or facilities located upon said real estate and lands.

**Section 4: Exceptions**

The provisions of this Local Law shall not apply to:

- (A) Roadways and right of ways located within the county road system established under section 115 of the New York State Highway Law;
- (B) A moving motor vehicle which is in the process of exiting or entering real property owned or leased by the County of Yates;
- (C) An outside area designated and approved by the Yates County Sheriff located on the grounds of the Yates County Sheriff's Office, for use by Yates County Sheriff's employees only.

**Section 5: Posting of Signs.**

"**TOBACCO, NICOTINE, OR OTHER LIKE SUBSTANCES USE IS PROHIBITED**", or "**NO USE OF TOBACCO, NICOTINE, OR OTHER LIKE SUBSTANCES**" signs, using the international symbols (where possible) shall be prominently and conspicuously posted upon the entrance to all real property where tobacco, nicotine, or other like substances use is regulated by this Local Law. Such signs shall be protected from tampering, damage, removal or concealment.

**Section 6: Violations and Penalties.**

It shall be unlawful for any person to use tobacco, nicotine, or other like substances in any area where such use is prohibited by the provisions of this Local Law.

Any person who violates any provision of this Local Law shall be guilty of a violation, punishable by a civil penalty not to exceed one thousand dollars (\$1,000.00).

**Section 7: Other Applicable Laws.**

This Local Law shall not be interpreted or construed to permit tobacco, nicotine, or other like substances use where it is otherwise restricted by other applicable laws.

**Section 8: Severability.**

If any provision, clause, sentence, or paragraph of this Local Law or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Local Law which can be given effect without the valid provision or application, and to this end the provisions of this Local Law are declared to be severable.

**Section 9: Effective Date.**

This Local Law shall take effect on January 1, 2017.

**GRANT UNPAID LEAVE OF ABSENCE  
(S. Wakeman)**

RESOLVED, that Building Maintenance Worker is hereby granted an unpaid leave of absence from July 28<sup>th</sup>, 2016 to July 30<sup>th</sup>, 2016, and be it further

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

**APPOINT DEPUTY FIRE COORDINATOR  
(W. Allison)**

RESOLVED, that William Allison be appointed as a Yates County Deputy Fire Coordinator, and be it further

RESOLVED, that a copy of this resolution be given to the Director of Emergency Management.