

REGULAR SESSION – MONDAY, JULY 10, 2017

The Yates County Legislature met in regular session Monday, July 10, 2017 at 1:00p.m. in the Legislative Chambers. Chairman Dennis called the meeting to order and Vice Chairman Douglas Paddock presided and Legislator Percy was absent.

Vice Chairman Paddock opened the public hearings on the following:

- Local Law 1-17 entitled A Local Law Repealing Local Law 3-02 Surcharge On Wireless Communications Services, And Imposing Surcharge on Wireless Communications Services.
- Community Development Block Grant (Sewer)
- Community Development Block Grant for a new application

There were no comments at this time.

Vice Chairman Paddock introduced Julie Coleman, Interim Director of the Chamber of Commerce. Ms. Coleman updated the Legislature on what the Chamber of Commerce does who they partner with and what they are doing to promote the Finger Lakes.

Minutes of the June meeting were approved as presented.

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

Airport Fund	\$ -0-
Finance	\$ 93,343.68
Flint Creek	\$ 550.00
Government Operations	\$ 36,036.28
Human Services	\$ 328,275.23
Prior to Audit	\$ 133,498.96
Public Safety	\$ 82,353.08
Public Works	\$ 2,167,755.82

COMMITTEE REPORTS

Mr. Banach reported he attended the Finger Lake Wildlife Management Board. Around this area the deer population is exploding. The DEC has allowed the landowners to contact them if they have a large amount of deer on the property to get extra permits. The landowner can hand these out to individual hunters. Also, a Fishing Promotion weekend was held for the youth of Yates County and there were approximately 200 youth participating. Mr. Banach state that the NYS has told the DEC officers there is no overtime, and vehicles now have to travel over 250,000 miles before they are replaced.

Mr. Button reported he attended the Rushville Health Center meeting and also attended the Fling Creek Committee meeting. Ed Hansen Jr. the Committee Chair is looking for some help from Soil & Water for some type of resolution to help them promote more conservation of soil and water in the surrounding area.

Mr. Smith reported the next meeting of the Seneca Watershed Inter-municipal Organization will be holding its next quarterly meeting on July 25, 2017 at 7:00p.m. at the Town of Geneva Town Hall.

Mr. Bronson reported he attended the ProAction Board meeting where training on roles and responsibilities for board members was held.

Vice Chairman Paddock stated the STN was to give a quarterly report but they have been called way, so the report will be given in August.

RESOLUTION NO. 196-17

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

2017 BUDGET TRANSFERS

BE IT RESOLVED, that the following transfers be made in the 2017 budget:

From:	To:	Amount:
A3110.54011 SHER-Consultants	A3150.51850 JAIL-Crime Analyst PT	201.14
A3150.51820 JAIL-Corrections Off.	A3350.51942 SDWI-OT CO82 LE	105.91
A3021.54771 E911-W911	A3021.52504 E911-W911	931.75
A3110.54754 SHER-Weapon Target	A3110.52415 SHER-Weapons	84.29
A3021.54770 E911-Expenses	A3110.54571 SHER-Computer Software	3,000.00
A3150.54409 JAIL-Maintenance	A3110.54571 SHER-Computer Software	800.00
A3150.54815 JAIL-Corrections Exp	A3110.54571 SHER-Computer Software	1,200.00
A3190.52514 CTSEC-Training Exp	A3110.54571 SHER-Computer Software	400.00
A3190.54731 CTSEC-Prot. Eqt.	A3110.54571 SHER-Computer Software	600.00
A3350.52422 SDWI-Camera	A3110.54571 SHER-Computer Software	500.00
A3021.54771 E911-W911	A3110.54156 SHER-Training	1,300.00
A9060.58306 Med. Ins. Ret.	A6420.54222 PROM-Lake St. Plaza	326.72
A9060.58306 Med. Ins. Ret.	A9902.59150 TRAN-Transfers to Other Funds	5,791.51
A9060.58306 Med. Ins. Ret.	A1430.58305 PERS-Med. Ins. NU	5,127.56
D5120.54913 HWY-Misc.	D5110.54638 HWY-Misc. Maint.	149.05

and be it further

RESOLVED, that copies of this resolution be given to the County Clerk, Personnel Officer, Director of Information Technology, Director of Real Property, Highway Superintendent and County Treasurer/Budget Officer.

VOTE: Unanimous

RESOLUTION NO. 197-17

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

APPROPRIATE CARRYOVER OF HOMELAND SECURITY GRANT (OEM)

WHEREAS the Office of Emergency Management has received a Homeland Security Grant through the New York State Office of Homeland Security, and a balance of \$30,000.00 remained at the end of 2016, and

WHEREAS, these funds are not part of the 2017 budget and can be carried over to the 2017 fiscal year,

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

Appropriation
A3645.52957 SHSP '16 \$30,000.00

Revenue
A3645.44303 SHSP '16 \$30,000.00

and be it further

RESOLVED, that copies of this resolution be given to the Emergency Management Director and County Treasurer/Budget Officer.

VOTE: Unanimous

RESOLUTION NO. 198-17

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

ACCEPT AND APPROPRIATE FY2017 SHSP-SLETPP GRANT (OEM)

WHEREAS, the Yates County Office of Emergency Management and Sheriff's Office has been awarded a non-matching FY2017 Division of Homeland Security and Emergency Services grant award in the amount of \$39,988 (OEM - \$29,991; Sheriff - \$9,997) to enhance regional preparedness, and

WHEREAS, these funds are not a part of the 2017 budget,

NOW, THEREFORE, BE IT RESOLVED, Chairman of the Legislature is authorized to accept this grant, and be it further

RESOLVED, that the Treasurer is authorized to make the following appropriations increasing the 2017 OEM expenses and revenue by \$29,991; Sheriff expenses and revenue by \$9,997:

Revenue		
A3645.44307	OEM-SLETPP	\$29,991.00
A3110.44307	SHER-SLETPP	9,997.00
Expenditure		
A3645.52953	OEM-SLETPP	29,991.00
A3110.52953	SHER-SLETPP	9,997.00

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

VOTE: Unanimous

RESOLUTION NO. 199-17

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

APPROPRIATE ADDITIONAL STATE AID (PH)

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

WHEREAS, these funds are not part of the 2017 budget,

NOW, THEREFORE, BE IT RESOLVED, that the following accounts be increased by \$185,437.00:

Appropriation:

A4010.54947 Public Health – Grant: Rural Health Network

Revenue:

A4010.43403 Public Health – SAY Grant

and be it further

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

VOTE: Unanimous

RESOLUTION NO. 200-17

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

**APPROPRIATE ENVIRONMENTAL CLEANUP RESERVE FUND
(PLANNING)**

WHEREAS, resolution 425-02 established the capital reserve fund for the environmental clean-up of 15 Waddell Ave. Penn Yan and,

WHEREAS, resolution 195-17 authorized the payment of \$30,000 to Keuka Outlet Development, LLC upon conveyance of title the Penn Yan Marine Property to the Village of Penn Yan and,

WHEREAS, this allocation is not part of the 2017 budget,

NOW, THEREFORE, BE IT RESOLVED, that the Environmental Cleanup Reserve be appropriated as follows:

A511.000	Appropriated Reserve-Environmental Cleanup	\$30,000.00
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A1364.54936	TAP Expense: Cleanup	\$30,000.00
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and be it further

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

VOTE: Unanimous

RESOLUTION NO. 201-17

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

APPROPRIATE STATE AID (PH)

WHEREAS, the Public Health Director has received additional state aid, and

WHEREAS, this aid is not part of the 2017 budget,

NOW, THEREFORE, BE IT RESOLVED, that the following accounts be increased in the 2017 budget:

Revenue:		
A4010.43401 PH-State Aid		\$280.00
Appropriation:		
A4010.54469 PH-Nursing Supplies		\$280.00

and be it further

RESOLVED, that a copy of this resolution be provided to the Public Health Director and Treasurer/Budget Officer.

VOTE: Unanimous

RESOLUTION NO. 202-17

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

RESOLUTION CONCERNING DELINQUENT TAX LIEN

WHEREAS, the following tax parcel is subject to delinquent tax lien for the year 2016:

Town of Torrey, State of New York
Tax Map No. 64.36-1-1.1
Long Pt Beach
Assessed to: Leclair Mary Joan

WHEREAS, the above referenced parcel is now assessed to The Salvation Army and classified as tax exempt by the assessor; and

WHEREAS, upon information and belief, The Salvation Army was the apparent owner of said parcel on the taxable status date that formed the basis for the aforementioned tax lien that is now delinquent; and

WHEREAS, the County has the power to direct that any interest, penalties and other charges on a delinquent tax lien be cancelled upon determination that it is for the best interests of the tax district to do so, and

WHEREAS, the County has reviewed the totality of the facts and circumstances regarding this matter, and what is in the best interest of the tax district;

NOW, THEREFORE, BE IT RESOLVED, that Yates County hereby authorizes as follows: With regard to the 2016 delinquent tax lien concerning the above referenced tax parcel, if by September 1, 2017 the total tax levied portion of the delinquent tax lien is paid in full, the County hereby directs the County Treasurer to cancel all interest, penalties and other charges attributable to said delinquent tax lien, and as such the payment of the aforementioned total tax levied amount would constitute a redemption of said delinquent tax lien; and be it further

RESOLVED, that a copy of this resolution be furnished to the County Treasurer and The Salvation Army.

VOTE: Unanimous

RESOLUTION NO. 203-17

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

ACCEPT BIDS ON TAX ACQUIRED PROPERTIES

WHEREAS, the 2015 delinquent tax parcels deeded to the Yates County for non-payment of real property taxes have been advertised for tax auction and the County has received the bids on said properties, and

WHEREAS, the Finance Committee has reviewed said bids, and

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

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

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

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

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

Italy	44.04-1-8	Thomas & Janis Barnett	\$1,000
Middlesex	21.04-1-2	Edward Barra	\$7,250
Middlesex	22.02-1-16	Wise Choice Real Estate	\$27,000
Milo	49.59-1-24	First Presbyterian Church	\$1,000
Milo	5.62-1-11	Teresa Vivier	\$300
Starkey	114.04-1-24	Nicole Kreidler	\$17,000
Starkey	120.24-1-16	Megan Sotir	\$41,000
Starkey	120.27-1-13	Samuel Dixon	\$36,000

VOTE: Unanimous

RESOLUTION NO. 204-17

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

DISCUSSION:

Mr. Smith explained in #1after (TAC) there needs to be added "to the Yates County Legislature". Also in #11 the date needs to read September 15th.

ADOPT TOURISM FUNDING PROCEDURE

WHEREAS, a sub-committee of the Finance Committee has met with the Tourism Advisory Committee (TAC) of the Yates County Chamber of Commerce, as Yates County's

designated Tourism Promotion Agency, and reviewed the procedure for allocating Occupancy Tax funds to tourism activities established by Resolution 141-11, and

WHEREAS, the TAC and sub-committee have suggested changes to the procedure established in Resolution 141-11 and have presented the changes to the Finance Committee of the Legislature, and

WHEREAS, the Finance Committee discussed and supports the changes and the procedure,

NOW, THEREFORE, BE IT RESOLVED, Resolution 141-11 is hereby rescinded, and be it further

RESOLVED, that the Yates County Legislature hereby adopts the following procedure for allocating Occupancy Tax funds to tourism activities:

1. Yates County's designated Tourism Promotion Agency (TPA), will recommend membership of a Tourism Advisory Committee (TAC) to the Yates County Legislature.
2. Voting members of the TAC shall consist of two members of the Yates County Chamber of Commerce, one member from each of the lodging sectors (hotel/motel, beds and breakfasts, and vacation rentals), one member from the Keuka Lake Wine Trail, one member from the Seneca Lake Wine Trail, one member of the Yates County Legislature and the Yates County Administrator.
3. Non-voting advisory members of the TAC shall consist of the President of the Tourism Promotion Agency and the Yates County Treasurer.
4. Members of the TAC must be Yates County residents or be principals of businesses having operations in Yates County.
5. The Yates County Legislature shall appoint the members of the TAC.
6. Members of the TAC, other than the Yates County Legislator and Administrator, shall serve staggered two year terms, with the initial one or two year terms for each of the nine members being determined by "drawing of straws" by the appointees.
7. Members of the TAC may serve as many as three consecutive terms (i.e. – six years), after which at least one year must elapse before a member or members may be reappointed. TAC members already serving may be reappointed, depending on the outcome of the "drawing of straws", for a maximum of six years, after which at least one year must elapse before reappointment.
8. The TAC will review proposals from tourism agencies and related groups for funding from Occupancy Tax revenues. Decisions to fund these groups will be based on the marketing plans submitted to the TAC. Priority will be given to those applicants showing the ability to create activities that will increase occupancy in the lodging sector in Yates County.
9. Results will be monitored by the TAC in order to provide return on investment reports to the Yates County Legislature on a semi-annual basis.
10. The total funding level from Occupancy Tax revenues will be set by Yates County prior to June 1st of each year and will represent 50% of the net Occupancy Tax revenues from the prior budget year.
11. Review of funding requests from tourism agencies and related groups for the upcoming County fiscal year will be conducted by the TAC during July and August, with final determination made prior to September 15st. The TPA will provide an agency by agency breakdown of the proposed funding levels prior to September 30th for inclusion in the County budget for the upcoming fiscal year.

12. The TAC is advisory in nature, only; ultimate decisions as to allocation of funds are the responsibility of the Legislature.
13. The TPA will voucher the County for the funds in December for payment to the TPA in January. The TPA will disburse the funds as approved to the funded agencies in February.

BE IT FURTHER RESOLVED, that the TAC create a set of by-laws for review and adoption by the Yates County Legislature, and

BE IT FURTHER RESOLVED, that copies of this resolution be given to the Yates County Tourism Promotion Agency President, the County Administrator and the County Treasurer.

VOTE: Unanimous

RESOLUTION NO. 205-17

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

AUTHORIZE CHAIRMAN TO SIGN CONTRACT (GST BOCES)

RESOLVED, that the Chairman of the Legislature is hereby authorized to sign the GST BOCES School Tax Bill Administration Services Municipal Agreement for assistance to the Real Property Tax dept. in the processing of data for 2017-18 School Tax bills for the six school districts within Yates County,

RESOLVED, that copies of this resolution be given to the County Administrator, the Treasurer, and the Real Property Tax Services Director.

VOTE: Unanimous

RESOLUTION NO. 206-17 (Held)

AUTHORIZE CREATION AND FILLING OF TEMPORARY DIRECTOR OF REAL PROPERTY TAX SERVICES I POSITION

WHEREAS, due to the pending resignation of the incumbent to be effective July 5th, 2017 the Legislature has requested to temporarily reconfigure the Real Property Office by creating and filling a temporary Director of Real Property Tax Services I position, and

NOW, THEREFORE, BE IT RESOLVED, that effective July 10th, 2017 the Legislature authorized to create and fill a temporary position for Director of Real Property Tax Services I for a period not to exceed six (6) months unless terminated sooner by the Legislature at a rate of pay of \$37.78 per hour, and be it further

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

RESOLUTION NO. 207-17

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

AUTHORIZATION TO ESTABLISH TRUST & AGENCY ACCOUNT FOR THE YATES COUNTY SHERIFF'S OFFICE APPROPRIATE EVIDENCE AND PROPERTY

WHEREAS, the Yates County Sheriff's Office maintains an official Evidence Holding Room and areas where seized property is held, and

WHEREAS, after criminal proceedings are over the tracking down of rightful owners of evidence can be time consuming or the owners of found property may not be known, and

WHEREAS, this has resulted in cash and or coins being stored in the Evidence and Property Room for long periods of time, and

WHEREAS, a recent audit regarding "Property and Evidence Administration" by the Bonadio Group has recommended that the Sheriff establish a "Trust & Agency" type of account to hold funds that do not have a physical evidentiary value until the rightful owners can be located and a check can be written, and

WHEREAS, the Sheriff's Office and the District Attorney's Office will determine when cash (currency) are no longer needed for criminal prosecution and can be transferred to this trust account, now

THEREFORE, BE IT RESOLVED that the Yates County Sheriff is authorized to establish a Trust & Agency Account to deposit currency from the Sheriff's Evidence and Property Room until an appropriate authorized disposition, and that the Treasurer will receive monthly statements, and

RESOLVED, that a copy of this resolution be provided the Treasurer, District Attorney and the Sheriff.

VOTE: Unanimous

RESOLUTION NO. 208-17

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

**AUTHORIZE CHAIRMAN AND SHERIFF TO SIGN MOU
WITH FINGER LAKES RADIO GROUP**

NOW THEREFORE BE IT RESOLVED, that upon the approval of the County Attorney that the Chairman and Sheriff may sign a Memorandum of Understanding for the lease of designated small space on outside of county radio communications building (Italy) to the Finger Lakes Radio Group (FLRG) for one dollar a day (\$365 annually) according to the agreed terms and period,

RESOLVED, that a copy of this resolution be provided the Sheriff, Treasurer and the President of FLRG.

VOTE: Unanimous

RESOLUTION NO. 209-17

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

AUTHORIZE SHERIFF TO RENEW 911 HYPER-REACH SERVICES AGREEMENT

WHEREAS, an agreement exists for reverse 911 known as hyper-reach last agreed in 2012 for \$10,800 annual costs and

WHEREAS, Sheriff has negotiated a lower cost going forward of \$9,000 annually,

NOW THEREFORE BE IT RESOLVED, that upon review by the County Attorney that the Sheriff is authorized to sign a renewal, and the Treasurer is authorized to make payment forthwith on the current billing of \$9,000 for the reverse 911 hyper reach services maintenance renewal for a 3-year period at the Yates County 911 Communications Center in order to avoid a disruption in services, and

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

VOTE: Unanimous

RESOLUTION NO. 210-17

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

DISCUSSION:

Mr. Button questioned if there were contracts with the other schools.

Mr. Holgate explained this is the only resource officer that we have a contract with a school for this person.

Vice Chairman Paddock explained Penn Yan Central School contracts with the Penn Yan Police Department and Marcus Whitman contracts with Ontario County.

**AUTHORIZE SHERIFF TO SIGN MOU WITH DUNDEE SCHOOL FOR 2017-2018
SCHOOL RESOURCE OFFICER (SRO) SERVICES**

WHEREAS, the Sheriff provides a Deputy performing Youth related School Resource Officer tasks assigned to and for the Dundee Central School District whose service is reimbursed by the school district as agreed for 2017-2018 in the amount of \$55,807.12.

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney that the Sheriff is authorized to sign the Memorandum of Understanding with the Dundee Central Superintendent for SRO services and liability insurance is waived, and

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

VOTE: Unanimous

RESOLUTION NO. 211-17

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

**AMEND RESOLUTION #118-17
AUTHORIZING CONTRACT RENEWALS FOR COMMUNITY SERVICES**

WHEREAS resolution # 118-17 authorized renewals of contracts with the Yates County Community Services and,

WHEREAS, said resolution needs to be amended to reflect a correction in the funding for the following contracts which are 100% state funded:

- Soldiers & Sailors Hospital to provide outpatient mental health services: clinic \$119,977.00, crisis outreach \$ 23,235.00, health home/service dollars, \$ 26,664.00, psychiatric consultations \$ 44,256.00, total \$ 214,132.00.

These changes reflect updated 2017 funding approved spending plans.

And be it

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

VOTE: Unanimous

RESOLUTION NO. 212-17

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

**SIGN NON-UNION EMPLOYEE EDUCATION BENEFIT REIMBURSEMENT
REQUEST FORM (S. Christensen)**

WHEREAS, Sara Christensen, Supervising Public Health Nurse, has submitted a Non-Union Employee Education Benefit Reimbursement Form requesting reimbursement for courses in pursuit of a Master of Public Health degree, and,

WHEREAS Deborah Minor, Director of Public Health reviewed the request and recommended to the Human Services Committee that the request be approved, now, therefore, be it

RESOLVED, that the Chair of the Human Services Committee is hereby authorized to sign the request form for Non-Union Employee Education Benefit pursuant to resolution No. 242-13 for Sara Christensen , and be it further,

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

VOTE: Unanimous

RESOLUTION NO. 213-17

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

**AUTHORIZE PUBLIC HEALTH DIRECTOR TO FILL VACANCY
(PUBLIC HEALTH SPECIALIST)**

WHEREAS, due to a separation of a provisional appointment, the Public Health Director is requesting authorization to fill the vacancy for the position of Public Health Specialist, and

NOW, THEREFORE, BE IT RESOLVED, that effective July 10, 2017 the Public Health Director is authorized to fill the vacant position of Public Health Specialist, and be it further

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

VOTE: Unanimous

RESOLUTION NO. 214-17

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

**RENEW RESIDENTIAL SERVICES CONTRACTS
FROM July1, 2017- June 30, 2018**

RESOLVED, that contingent on the approval of the County Attorney, the Chairman of the Legislature and the Social Services Commissioner be authorized to sign contracts for residential services for eligible youth at the rates as shown below, or as adjusted by OCFS (New York State), and at the following institutions as listed below for the time frame July 1, 2017- June 30, 2018.

Catholic Charities of Chemung/Schuyler SILP \$105.96
And, be it further

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

RESOLUTION NO. 215-17

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

AUTHORIZE AGREEMENT WITH FINGER LAKES COMMUNITY COLLEGE

RESOLVED, that the Chairman of the Yates County Legislature is hereby authorized to sign an agreement with the Ontario County Board of Supervisors and the Finger Lakes Community College for the offering of courses in Yates County for the 2017 – 2018 academic year, and be it further

RESOLVED, that copies of this resolution be sent to the Finger Lakes Community College, the Ontario County Board of Supervisors and the Yates County Treasurer.
VOTE: Unanimous

RESOLUTION NO. 216-17

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

**GRANT UNPAID LEAVE OF ABSENCE
(C. Pierce)**

RESOLVED, that a Computer Technical Specialist is hereby granted an unpaid leave of absence from July 31st, 2017 to August 4th, 2017, and be it further

RESOLVED, that a copy of this resolution be given to Mr. Pierce, the IT Director, Personnel Officer and the Treasurer.
VOTE: Unanimous

RESOLUTION NO. 217-17

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

**AUTHORIZE YATES COUNTY BOARD OF ELECTIONS TO ENTER INTO AN
EXTENDED WARRANTY AGREEMENT WITH DOMINION VOTING TO MAINTAIN
VOTING MACHINES**

WHEREAS, the Yates County Board of Elections needs to maintain the Dominion Voting machines

WHEREAS, the cost of doing so without an extended warranty from Dominion Voting can exceed the cost of the extended warranty

NOW, THEREFORE BE IT RESOLVED, that the Legislature authorizes the Board of Elections to enter into and sign an extended warranty agreement with Dominion Voting to maintain our voting machines for 3 years through July 31, 2020 and be it

RESOLVED, that the Treasurer is authorized to pay Dominion Voting \$3,648 for 3 annual payments with the first payment made prior to August 1st, subject to the County Attorney's approval and receiving a signed agreement, and be it further

RESOLVED, that a copy of this resolution be given to the Election Commissioners and the County Treasurer.

VOTE: Unanimous

RESOLUTION NO. 218-17

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

AUTHORIZE YATES COUNTY BOARD OF ELECTIONS TO ENTER INTO AN AGREEMENT WITH FORT ORANGE PRESS FOR 4 YEARS TO PRINT OUR BALLOTS

WHEREAS, the Yates County Board of Elections has had an agreement with Fort Orange Press to produce our ballots from April 1, 2013 through December 31, 2016 and

WHEREAS, Fort Orange Press is offering a new agreement that will not increase the costs that we have been paying in the old agreement and will continue to furnish miscellaneous election supplies at no cost

NOW, THEREFORE BE IT RESOLVED, that the Legislature authorizes the Board of Elections to enter into and sign a contract agreement with Fort Orange Press to purchase election supplies effective April 1, 2017 and expiring on December 31, 2020

RESOLVED, that a copy of this resolution be given to the Election Commissioners.
VOTE: Unanimous

RESOLUTION NO. 219-17

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

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

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

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

NOW, THEREFORE BE IT RESOLVED, that effective July 10th, contingent upon the approval of the County Attorney, the Chairman of the Yates County Legislature is hereby authorized to sign an agreement with Interactive Health; and be it further

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

VOTE: Unanimous

RESOLUTION NO. 220-17

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

AUTHORIZE CHAIRMAN TO SIGN LETTER OF SUPPORT (Yates Cultural & Recreational Resources)

WHEREAS, the Yates Cultural & Recreational Resources is applying for a grant through the New York State Office of Parks, Recreation & Historic Preservation to expand the Yates Community Center,

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature is authorized to sign a letter in support of their project, and be it

RESOLVED, that a copy of this resolution be provided to the Yates Cultural & Recreational Resources Center

VOTE: Unanimous

At this time Vice Chairman Paddock closed the public hearing with no comments on the public hearings.

PUBLIC COMMENT

Mr. Gillespie stated the First Presbyterian Church purchased a property during the tax sale that was damaged and condemned during the flood. The house has been torn down, the garage is still standing. The church was advised that it would have to go to the Historic Preservation Review Board. The Review Board does not meet again until early August. Mr. Gillespie was advised to go to the Village of Penn Yan. The County has no status in the matter.

RESOLUTION NO. 221-17

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

ADOPT LOCAL LAW 1-17 ENTITLED A LOCAL LAW REPEALING LOCAL LAW 03-02 SURCHARGE ON WIRELESS COMMUNICATIONS SERVICES; & IMPOSING SURCHARGE ON WIRELESS COMMUNICATIONS SERVICES

WHEREAS, proposed Local Law 1-17 entitled “A Local Law Repealing Local Law 03-02 Surcharge on Wireless Communications Services & Imposing Surcharge on Wireless Communications Services” was introduced at the June 2017 meeting,

NOW, THEREFORE, BE IT RESOLVED, that proposed Local Law 1-17 entitled “A Local Law Repealing Local Law 03-02 Surcharge on Wireless Communications Services and Imposing Surcharge on Wireless Communications Services” is hereby adopted, and be it further

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

Local Law Filing

(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 of Yates

City

Town

Village

LOCAL LAW 1-17 ENTITLED: A Local Law Repealing Local Law 3-02 Surcharge on Wireless Communications Services; and Imposing the Wireless Communications Surcharges pursuant to the Authority of Tax Law § 186-g.

Be it enacted by the Legislature of the

County of Yates as follows:

City

Town

Village

SECTION 1. Local Law No. 3 of the year 2002 is hereby REPEALED.

SECTION 2. Imposition of wireless communications surcharges. (a) Pursuant to the authority of Tax Law § 186-g, there are hereby imposed and there shall be paid surcharges within the territorial limits of the County of Yates on: (i) wireless communications service provided to a wireless communications customer with a place of primary use within such County, at the rate of thirty cents per month on each wireless communications device in service during any part of the month; and (ii) the retail sale of prepaid wireless communications service sold within such County, at the rate of thirty cents per retail sale, whether or not any tangible personal property is sold therewith.

(b) Wireless communications service suppliers shall begin to add such surcharge to the billings of its customers and prepaid wireless communications sellers shall begin to collect such surcharge from its customers commencing December 1, 2017.

(c) Each wireless communications service supplier and prepaid wireless communications seller is entitled to retain, as an administrative fee, an amount equal to three percent of its collections of the surcharges imposed by this Local Law, provided that the supplier or seller files any required return and remits the surcharges due to the New York State Commissioner of Taxation and Finance on or before its due date.

SECTION 3. Administration of surcharges. The surcharges imposed by this Local Law shall be administered and collected by the New York State Commissioner of Taxation and Finance as provided in paragraph (8) of Tax Law § 186-g, and in a like manner as the taxes imposed by Articles Twenty-eight and Twenty-nine of the Tax Law.

SECTION 4. Applicability of State law to surcharges imposed by this Local Law. All the provisions of Tax Law § 186-g shall apply to the surcharges imposed by this Local Law with the same force and effect as if those provisions had been set forth in full in this Local Law, except to the extent that any of those provisions is either inconsistent with or not relevant to the surcharges imposed by this Local Law.

SECTION 5. Net collections received by this County from the surcharges imposed by this Local Law shall be expended only upon authorization of the Legislature of the County of Yates and only for payment of system costs, eligible wireless 911 service costs, or other costs associated with the administration, design, installation, construction, operation, or maintenance of public safety communications networks or a system to provide enhanced wireless 911 service serving such County, as provided in paragraph (9) of Tax Law § 186-g, including, but not limited to, hardware, software, consultants, financing and other acquisition costs. The County shall separately account for and keep adequate books and records of the amount and object or purpose of all expenditures of all such monies. If, at the end of any fiscal year, the total amount of all such monies exceeds the amount necessary for payment of the above mentioned costs in such fiscal year, such excess shall be reserved and carried over for the payment of those costs in the following fiscal year.

SECTION 6. Effective date. This Local Law shall take effect December 1, 2017.

VOTE: Unanimous

RESOLUTION NO. 222-17

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

DISCUSSION:

Vice Chairman Paddock explained this is the sales tax extender that was held hostage for a period of time in Albany.

RESOLUTION OF THE LEGISLATURE OF THE COUNTY OF YATES, INCREASING TAXES ON SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND OF CERTAIN SERVICES, ON OCCUPANCY OF HOTEL ROOMS AND ON AMUSEMENT CHARGES, PURSUANT TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK.

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

SECTION 1. Section 4-A of Resolution No. 112-67, enacted by the Yates County Legislature on November 20, 1967, imposing sales and compensating use taxes, as amended, is amended to read as follows:

SECTION 4-A. Imposition of additional rate of sales and compensating use taxes.

Pursuant to the authority of section 1210 of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional one percent rate of such sales and compensating use taxes, for the period beginning September 1, 2003, and ending November 30, 2020. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes.

All of the provisions of this resolution relating to or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the

same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

SECTION 2. Paragraph (B) of subdivision (1) of section 11 of Resolution No. 112-67, enacted by the Yates County Legislature on November 20, 1967, imposing sales and use taxes, as amended, is amended to read as follows:

(B)With respect to the additional tax of one percent imposed for the period beginning September 1, 2003, and ending November 30, 2020, in respect to the use of property used by the purchaser in this county prior to September 1, 2003.

SECTION 3. This enactment shall take effect December 1, 2017.

VOTE: Unanimous

RESOLUTION NO. 223-17

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

**SET DATE FOR PUBLIC HEARING ON PROPOSED LOCAL LAW 2-17 ENTITLED
RENEWING A LOCAL LAW ESTABLISHING AN ADDITIONAL MORTGAGE TAX
FOR MORTGAGES ON REAL PROPERTY SITUATED IN YATES COUNTY**

RESOLVED, that the Clerk of the Yates County Legislature is directed to advertise a public hearing on proposed local law 2-17 entitled Renewing A Local Law Establishing An Additional Mortgage Tax For Mortgages On Real Property Situated In Yates County

BE IT RESOLVED, said public hearing on proposed local law 2-17 shall be held August 14, 2017 at 1:05pm in the Yates County Legislative Chambers located at 417 Liberty St., Penn Yan, NY and be it further

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 2-17 ENTITLED “RENEWING A LOCAL LAW ESTABLISHING AN
ADDITIONAL MORTGAGE TAX FOR MORTGAGES ON REAL PROPERTY
SITUATED IN YATES COUNTY”**

Be it enacted by the Legislature of the

County

~~City~~ of Yates as follows:

~~Town~~

~~Village~~

SECTION 1. Pursuant to §253-t of the Tax Law, and commencing December 1, 2017, there is hereby imposed in Yates County a tax of twenty-five cents (\$0.25) for each one hundred dollars (\$100.00) and each remaining major fraction thereof of principal debt or obligation which is or under any contingency may be secured at the date of execution thereof, or at any time thereafter, by a mortgage on real property situated within such county and recorded on or after the date upon which such tax takes effect and a tax of twenty-five cents (\$0.25) on such mortgage if the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than one hundred dollars (\$100.00). This local law hereby continues without interruption the imposition of the Yates County Mortgage Recording Tax as authorized by Yates County local law number 1 of 2005.

SECTION 2. The taxes imposed under the authority of this local law shall be administered and collected in the same manner as the taxes imposed under subdivision 1 of Section 253 and paragraph (b) of subdivision 1 of Section 255 of the Tax Law. Except as otherwise provided in this section, all the provisions of the Tax Law relating to or applicable to the administration and collection of the taxes imposed by such subdivisions shall apply to the taxes imposed under the authority of this section with such modifications as may be necessary to adapt such language to the tax so authorized. Such provisions shall apply with the same force and effect as if those provisions had been set forth in full in this local law, except to the extent that any provision is either inconsistent with a provision of this local law or not relevant to the tax authorized by this local law. For purposes of this section, reference in this article to the tax or taxes imposed by Article 11 of the Tax Law shall be deemed to refer to a tax imposed pursuant to this local law, and any reference to the phrase “within this state” shall be read as “within Yates County”, unless a different meaning is clearly required.

SECTION 3. Where the real property covered by the mortgage subject to the tax imposed pursuant to the authority of this local law is situated in this State but within and without Yates County, the amount of such tax due and payable to Yates County shall be determined in a manner similar to that prescribed in the first paragraph of Section 260 of the Tax Law, which concerns real property situated in two or more counties. Where such property is situated both within Yates County and without the State, the amount due and payable to Yates County shall be determined in the manner prescribed in the second paragraph of Section 260 of the Tax Law, which concerns property situated within and without the State. Where real property is situated within and without Yates County, the recording officer of the jurisdiction in which the mortgage is first recorded shall be required to collect the taxes imposed pursuant to this section.

SECTION 4. A tax imposed under the authority of this section shall be in addition to the taxes imposed by Section 253 of the Tax Law and shall take effect on December 1, 2017 and shall expire and be deemed repealed on December 1, 2020.

SECTION 5. Notwithstanding any provision of Article 11 of the Tax Law to the contrary, the balance of all moneys paid to the recording officer of the County of Yates during each month upon account of the tax imposed pursuant to the authority of this local law, after deducting the necessary expenses of his or her office as provided in Section 262 of the Tax Law, except taxes paid upon mortgages which under the provisions of this section or Section 260 of the Tax Law are first to be apportioned by the New York State Commissioner of Taxation and Finance, shall be paid over by such officer on or before the tenth (10th) day of each succeeding month to the Treasurer of Yates County and, after the deduction by such County Treasurer of the necessary expenses of his or her office provided in Section 262 of the Tax Law shall be deposited in the general fund of the County of Yates for expenditure on any county purpose. Notwithstanding the provisions of the preceding sentence, the tax so imposed and paid upon mortgages covering real

property situated in two or more counties, which under the provisions of this section or Section 260 of the Tax Law are first to be apportioned by the New York State Commissioner of Taxation and Finance, shall be paid over by the recording officer receiving the same as provided by the determination of said Commissioner.

SECTION 6. Any local law imposing a tax pursuant to the authority of this local law repealing or suspending such a tax shall take effect only on the first day of a calendar month. Such a local law shall not be effective unless a certified copy thereof is mailed by registered or certified mail to the New York State Commissioner of Taxation and Finance at the Commissioner's office in Albany at least thirty (30) days prior to the date the local law shall take effect.

SECTION 7. Certified copies of any local law described in this section shall also be filed with the County Clerk of the County of Yates, the Secretary of State and the State Comptroller within five days (5) after the date it is duly enacted.

VOTE: Unanimous

RESOLUTION NO. 224-17

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

AUTHORIZE LEGISLATURE CHAIRMAN TO SIGN AGREEMENT WITH THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK (DASNY) FOR A SAM (STATE AND MUNICIPAL FACILITIES PROGRAM) GRANT

WHEREAS, the Yates County Highway Department applied for and has been selected in accordance with the procedures required to receive a State and Municipal Facilities Program ("SAM") grant in the amount of \$225,000 for the purchase of a Tracked Excavator, and

WHEREAS, the Dormitory Authority of the State of New York has provided an agreement to be executed by Yates County, and

WHEREAS, it is the intent of Yates County to accept this SAM grant in the amount of \$225,000,

NOW, THEREFORE, BE IT RESOLVED, to authorize the Chairman of the Yates County Legislature to sign the agreement with the Dormitory Authority of the State of New York (DASNY) contingent upon approval of the agreement by the Yates County Attorney, and be it further

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

VOTE: Unanimous

RESOLUTION NO. 225-17

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

APPOINT TOURISM ADVISORY COMMITTEE (TAC)

WHEREAS, by Resolution 204-17, a Tourism Funding Procedure was adopted by the Yates County Legislature, and

WHEREAS, a portion of the procedure requires the County's Tourism Promotion Agency (TPA) to recommend to the Yates County Legislature a Tourism Advisory Committee (TAC), the members of which represent various segments of the local tourism industry, and

WHEREAS, the Yates County Chamber of Commerce, as Yates County's TPA, has recommended the following people representing the corresponding sectors of the tourism industry:

Susan Baron (Los Gatos Bed and Breakfast) – Yates County Chamber of Commerce
Ray Spencer (Water Street Wine and Spirits) – Yates County Chamber of Commerce
John Socha (Showboat Motel) – Hotel/Motel
Dani Eichas (New Vines Bed and Breakfast) – Beds and Breakfasts
Brian Zerges (Finger Lakes Premier Properties) – Vacation Rentals
Jeane Wiltberger (Keuka Springs Winery) – Keuka Lake Wine Trail
Gene Pierce (Glenora Wine Cellars and The Inn at Glenora) – Seneca Lake Wine Trail,

NOW, THEREFORE, BE IT RESOLVED, that the recommendation of the TPA is accepted by this Legislature and the above personnel are appointed to the TAC, and

BE IT FURTHER RESOLVED, that the following personnel are appointed to the TAC as Yates County's representatives:

James Multer – YC Legislature
Robert Lawton – Yates County Administrator, and

BE IT FURTHER RESOLVED, that the following personnel are appointed as non-voting advisors to the TAC:

Julie Coleman – Interim Yates County Chamber of Commerce President
Winona Flynn – Yates County Treasurer, and

BE IT FURTHER RESOLVED, that the members of the TAC conduct a "drawing of straws" as stated in Resolution 204-17 in order to determine initial one- and two-year terms and will advise this Legislature of the results of the drawing, and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to all persons stated above.

VOTE: Unanimous

RESOLUTION NO. 194-17

Mr. Morris moved to removed Resolution No. 194-17 from the table, seconded by Mr. Smith.

VOTE: Unanimous

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

**ADOPTING YATES COUNTY MISSION, VISION AND CORE VALUES
STATEMENTS**

WHEREAS, the Yates County Legislature provides County administration and departments with policy leadership, fiscal direction and oversight, and

WHEREAS, Yates County government is a \$42 million enterprise, serving nearly 25,000 residents through the efforts of more than 250 employees organized into 24 departments, and

WHEREAS, Yates County departments achieve focus and accountability for their effective and efficient conduct of day-to-day operations through mission and vision statements developed by departmental managers and staff, and

WHEREAS, this combination of efforts has built for Yates County a strong record of achievement in fiscal and program matters, and

WHEREAS, an organization which expresses, and adheres to, a clear set of guiding principles engages leaders, staff and stakeholders in considering the broadest impacts of policy recommendations and decisions, and

WHEREAS, the Legislature has determined that the development of countywide mission, vision and values statements can complement similar efforts at the department level while providing a unifying framework for all County activities, and

WHEREAS, a facilitated Legislative Workshop was held on May 11, 2017 with the objective of agreeing on proposed Mission, Vision and Core Values Statements for consideration by the Legislature as a body, and

WHEREAS, Legislators present, and the County Administrator, meeting both in teams and as a group, agreed on the following statements and referred them to the Legislature for further action:

VISION:

Yates County: A community that values our people and environment; a place that encourages prosperity, safety and opportunities for ALL.

MISSION:

Yates County, will deliver high quality services, supported by essential infrastructure, in a fiscally responsible, efficient manner, while respecting the diverse and changing needs of our community,.

VALUES:

Accountability

Continuous Improvement

Fiscal Responsibility

Integrity

Respect

Stewardship

Teamwork

WHEREAS, The Yates County Legislature finds that these statements address such fundamental organizational questions as, “To what do we aspire?”, “What is our contribution?” and “For what do we wish to be known?”

NOW, THEREFORE, BE IT RESOLVED, Yates County Legislature adopts as the County’s Mission, Vision and Values the statements set forth in this Resolution, to express a framework for making decisions that impact the community and government of Yates County, and be it further

RESOLVED, that copies of this Resolution be given to the County Administrator and all County department heads.

VOTE: Unanimous

Mr. Morris moved to enter executive session to discuss the employment history of an individual and contract negotiations, with the Legislature and County Administrator present, seconded by Mr. Smith.

The Legislature reconvened in open session at 2:55p.m., the following action was taken.

RESOLUTION NO. 206-17

Mr. Smith offered the following resolution with the following changes. The amount per hour is changed to \$60.00 per hour and the addition of not to exceed 28 hours per pay period is added, seconded by Mr. Banach.

AUTHORIZE CREATION AND FILLING OF TEMPORARY DIRECTOR OF REAL PROPERTY TAX SERVICES I POSITION

WHEREAS, due to the pending resignation of the incumbent to be effective July 5th, 2017 the Legislature has requested to temporarily reconfigure the Real Property Office by creating and filling a temporary Director of Real Property Tax Services I position, and

NOW, THEREFORE, BE IT RESOLVED, that effective July 10th, 2017 the Legislature authorized to create and fill a temporary position for Director of Real Property Tax Services I for a period not to exceed six (6) months unless terminated sooner by the Legislature at a rate of pay of \$60.00 per hour, not to exceed 28 hours per pay period, and be it further

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

VOTE: Unanimous

Meeting adjourned at 3:00p.m.