

**ALLEGANY COUNTY BOARD OF LEGISLATORS
ORGANIZATION MEETING**

**JANUARY 5, 2015
** APPROVED ****

CALL TO ORDER: The organization meeting of the Board of Legislators was called to order at 2:00 p.m. by Clerk of the Board Brenda Rigby Riehle.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by Veterans' Service Agency Director Michael D. Hennessy.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 15 Legislators Present: Scott Burt, Curtis Crandall, Philip Curran, David Decker, Dwight Fanton, Karl Graves, Dwight "Mike" Healy, Theodore Hopkins, Charles Jessup, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Debra Root, Norman Ungermann, Jr.

Immediately following roll call, Legislator Burt raised his hand. When called upon by the Board Clerk, he stood up and thanked her for privilege of the floor (which had not been granted to him). Legislator Healy interrupted Legislator Burt and made a motion that the Board go into Republican caucus. Mr. Healy stated that with two candidates for Chairman and two candidates for Vice Chairman, he feels they should hold a caucus to choose one unified candidate for Chairman. Legislator Graves seconded the motion. The motion was defeated on a roll call vote.

Legislator Burt tried again to gain privilege of the floor. The Board Clerk reminded Legislator Burt that the first order of business was to select a Chairman. Legislator Burt continued to press for privilege of the floor. The Board Clerk deferred to the County Attorney to verify the order of business. County Attorney Miner indicated that presently we don't have a Chairperson to run the meeting. The first order of business needs to be the selection of a Chairperson. He added that there can be discussion after the motion for the selection of a Chairperson, but at this point Legislator Burt was out of order. Legislator Burt asked if there would be discussion after the nomination. The County Attorney indicated that any resolution that comes before the Board can be discussed as long as it pertains to the resolution. Board Clerk Brenda Rigby Riehle then proceeded to read the first resolution.

RESOLUTIONS:

RESOLUTION INTRO. NO. 1-15 (APPOINTMENT OF LEGISLATOR DWIGHT "MIKE" HEALY TO CHAIRMANSHIP OF BOARD OF LEGISLATORS; AUTHORITY TO DETERMINE NUMBER OF BOARD MEMBERS ON COMMITTEES) was DEFEATED on a roll call vote of 7 Ayes, 8 Noes, 0 Absent. Voting No: Crandall, Fanton, Hopkins, Jessup, LaForge, McGraw, Pullen, Root.

Comments made relative to the proposed resolution included:

Legislator Burt read a prepared written statement (attached to original minutes) in which he gave multiple reasons why he doesn't feel Legislator Crandall should be selected as Chairman. Additionally he made a motion to excuse Legislator LaForge from voting on the resolutions regarding Chairmanship of the Board, explaining that he doesn't believe Legislator LaForge could cast an unbiased vote. Legislator Decker read a prepared statement (attached to original minutes) giving reasons why he wouldn't support Legislator Crandall for Chairman. He then seconded Legislator Burt's motion to excuse Legislator LaForge from voting regarding the Chairmanship. Legislator Pullen stated that it was his understanding that once someone was voted into office they would remain there until removed. He indicated that only the Appellate Division of the Fourth Department has the authority to remove a sitting legislator. County Attorney Miner stated that Legislator LaForge could not be removed from the vote. He added that only Legislator LaForge can request to be removed from the vote. Legislator Ungermann read a prepared statement (attached to original minutes) explaining why he didn't support Legislator Crandall being selected as Chairman. Legislator Pullen made a motion that the Clerk call for the vote.

RESOLUTION NO. 1-15

**REAPPOINTMENT OF LEGISLATOR CURTIS W. CRANDALL TO CHAIRMANSHIP
OF BOARD OF LEGISLATORS; AUTHORITY TO DETERMINE NUMBER
OF BOARD MEMBERS ON COMMITTEES**

Offered by: Legislators Curtis W. Crandall, Dwight R. Fanton,
Theodore L. Hopkins, Charles O. Jessup, Kevin S. LaForge,
Aaron M. McGraw, David T. Pullen and Debra A. Root

Pursuant to County Law § 450

RESOLVED:

1. That Legislator Curtis W. Crandall is reappointed Chairman of this Board of Legislators, with term of office commencing immediately and expiring December 31, 2015.

2. That said Chairman is authorized to determine the number of Board members to serve on each of the standing and special committees of this Board which have been or may be established by this Board.

Moved by: Mr. Fanton
Seconded by: Mr. Hopkins

Adopted: Roll Call
9 Ayes, 6 Noes, 0 Absent
Voting No: Burt, Curran, Decker,
Graves, Healy, Ungermann

Comments made regarding Resolution No. 1-15 included: Legislator Burt stated that the Board was very clearly broken down the middle. He made a motion that they go into caucus to try to select a candidate that both sides could agree on. Legislator Decker seconded the motion. Legislator Pullen asked for a roll call vote. The motion was defeated on a roll call vote of 7 ayes, 8 noes, 0 absent.

OATH OF OFFICE ADMINISTERED:

Allegany County Judge Terrence Parker administered the Oath of Office to Chairman Crandall, who was accompanied by his wife, Cathy, following adoption of Resolution No. 1-15. Chairman Crandall assumed leadership of the meeting.

RESOLUTION INTRO. NO. 3-15 (APPOINTMENT OF LEGISLATOR SCOTT R. BURT AS VICE CHAIRMAN) was DEFEATED on a roll call vote of 7 Ayes, 8 Noes, 0 Absent. Voting No: Crandall, Fanton, Hopkins, Jessup, LaForge, McGraw, Pullen, Root.

RESOLUTION NO. 2-15

REAPPOINTMENT OF LEGISLATOR DWIGHT R. FANTON AS VICE CHAIRMAN

Offered by: Legislators Curtis W. Crandall, Dwight R. Fanton,
Theodore L. Hopkins, Charles O. Jessup, Kevin S. LaForge,
Aaron M. McGraw, David T. Pullen and Debra A. Root

Pursuant to Rule 70 of County Board Rules as enacted by Resolution No. 77-89

RESOLVED:

1. That Legislator Dwight R. Fanton is reappointed Vice Chairman of this Board of Legislators to act pursuant to, and during the designated time periods specified in, County Board Rules.

Moved by: Mr. Hopkins
Seconded by: Ms. Root

Adopted: Roll Call
9 Ayes, 6 Noes, 0 Absent
Voting No: Burt, Curran, Decker,
Graves, Healy, Ungermann

OATH OF OFFICE ADMINISTERED:

Allegany County Judge Terrence Parker administered the Oath of Office to Vice Chairman Dwight Fanton, who was accompanied by his wife, Linda, following adoption of Resolution No. 2-15.

Allegany County Judge Terrance Parker administered the Oath of Office to Allegany County Sheriff Ricky L. Whitney.

RESOLUTION NO. 3-15

**DESIGNATION OF OFFICIAL NEWSPAPERS FOR THE PUBLICATION
OF LOCAL LAWS, NOTICES AND OTHER MATTERS REQUIRED
BY LAW TO BE PUBLISHED IN 2015**

Offered by: Ways & Means Committee

WHEREAS, in accordance with subdivision 1 of Section 214 of the County Law the members of this Board of Legislators representing respectively each of the two principal political parties into which the people of this State are divided have designated in writing the newspapers set forth below to publish, in 2015, the concurrent resolutions of the State Legislature, election notices issued by the Secretary of State, and the official canvass:

Concurrent resolutions of the Legislature:

The Alfred Sun, Alfred, New York (Republican)
Cuba Patriot & Free Press, Cuba, New York (Democrat)

Election Notices and Official Canvass:

Wellsville Daily Reporter, Wellsville, New York (Republican)
Cuba Patriot & Free Press, Cuba, New York (Democrat)

WHEREAS, subdivision 2 of Section 214 of the County Law requires this Board of Legislators to annually designate at least two newspapers within the County of Allegany as official newspapers for the publication of all local laws, notices and other matters required by law to be published, now, therefore, be it

RESOLVED:

1. That the newspapers listed below are designated as the official newspapers of the County of Allegany for the publication of local laws, notices and other matters required by law to be published in 2015:

Wellsville Daily Reporter, Wellsville, New York (Republican)
Cuba Patriot & Free Press, Cuba, New York (Democrat)

Moved by: Mr. Hopkins
Seconded by: Ms. Root

Adopted: Voice Vote

APPOINTMENTS:

The Clerk of the Board announced that Chairman Curtis W. Crandall has made the following appointments:

ACCORD Board of Directors (1-year term)

Kevin LaForge, an elected official appointed Reita Sobeck-Lynch
Curtis W. Crandall, Chairman, appointed Vicki Grant

Comprehensive Plan Implementation Group (1-year term)

Charles Jessup, Alfred Station	Linda Clayson, Belmont
Edward Eicher, Wellsville	William Shuler, Cuba
Lee Gridley, Wellsville	Gretchen Hanchett, Belmont
Elaine Hardman, Wellsville*	Donald Cameron, Alfred Station
Scott Torrey, Belmont	Lee James, Cuba
Steve Havey, Wellsville	Michael Johnsen, Dalton
Odeney Carty, Hume	Julie Hart, Wellsville
Steven B. Rennie, Fillmore	

**Resignation Subsequently Received*

Comprehensive Planning Board (2-year term)

Legislative Members

Theodore L. Hopkins
Kevin S. LaForge
Charles Jessup

Planning Board Members

Lee Gridley
Aaron Dale Foster

At-Large Members

Michael Johnsen
Richard Ewell
Edward Eicher

Cornell Cooperative Extension (1-year term)

David T. Pullen, Esq., Fillmore (Legislative Representative)

Emergency Food and Shelter Program (Local Board) (1-year term)

Jeffrey N. Luckey, Fillmore

Emergency Interim Successor (1-year term)

Theodore L. Hopkins, Fillmore

Emergency Management and Fire Director (1-year term)

Jeffrey N. Luckey, Fillmore

EMS Coordinator (1-year term)

Jeffrey N. Luckey, Fillmore

InterCounty Association (1-year term)

Voting Members

Charles O. Jessup, Alfred Station
Kevin S. LaForge, Wellsville
Brenda Rigby Riehle, Belmont

Alternate Voting Members

Philip B. Curran, Alfred Station
Debra A. Root, Scio

Open Space Advisory Committee (1-year term)

H. Kier Dirlam, Angelica

Solid Waste Hearing Board (1-year term)

Members must include the Chairman of Public Works and two Legislators who are not on the Public Works Committee.

Dwight R. Fanton, Chairman of Public Works Committee
Scott R. Burt, District III Legislator
Debra A. Root, District III Legislator

Alternates

David A. Decker, District II Legislator
Dwight "Mike" Healy, District II Legislator

STOP-DWI Coordinator (1-year term)

Linda S. Edwards, Houghton

Transportation Task Force (1-year term)

Dwight R. Fanton, Wellsville
Dwight "Mike" Healy, Belmont

The Clerk announced the Chairman has made the following appointments in a joint measure with Norman L. Marsh, Chairman of the Cattaraugus County Board of Legislators:

Cattaraugus-Allegany Workforce Investment Board

Cesar Cabrera, Regional Representative, *NYS DOL*
Mike Hendrix, President, *Both, Branch & Hendrix, Inc.*
Chris Napoleon, President, *Napoleon Engineering Services, Inc.*
Brenda Sobeck, *Jones Memorial Hospital*
John Stevens, *JB Stevens Organization Solutions*

Cattaraugus-Allegany Workforce Investment Board Youth Council (2-year term)

Gordon Diffenderfer, *Cattaraugus County Probation*
Patsi Magara, *WIB*
Becky Scott, *Literacy West NY*
Rebecca Cooper, *Housing Options Made Easy*

The Clerk of the Board announced that Chairman Crandall has made the following appointments, all of which are subject to confirmation by the Board of Legislators:

Fish & Wildlife Management Board – Region 9 (2-year term)

Landowner Representative: Phillip May
Landowner Alternate: Richard "Butch" Lorow

Veterans' Service Agency Director (1-year term)

Michael D. Hennessy, Wellsville

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. Communication from the Republican Party members of the Allegany County Board of Legislators recommending that the Chairman designate Theodore L. Hopkins as Majority Leader of said Board for 2015.

2. Any Legislator wishing to attend the NYSAC Conference in Albany from February 2 through February 4, 2015, should let Brenda Rigby Riehle know today or as soon as possible.

MESSAGE FROM THE CHAIRMAN:

“Each year that I have been sworn in as this Board’s Chairman, I have addressed fellow elected officials, department heads, family, friends, the people of Allegany County, and the Media. I have read and presented to the Board and to the people of Allegany County a mini State-of-the-County address, pointing out accomplishments of the past as well as challenges and opportunities we face as we enter the new year. At this time, I would do something different; I have an open letter to the Board of Legislators that I would like to read and share.

‘Dear Fellow Legislators,

We have just taken care of the business that was before us today - our annual Organizational meeting. We have selected the Chairman and Vice-Chairman of the Board, tended to the necessary appointments, and we are set to carry on into the new year. Since the Republican Caucus of this Board in November, there have been news articles, phone calls, e-mails, letters to the Editor, and radio coverage spurred and directed by some members of this Board in opposition to me continuing as Chairman. I have read of my strong-arm tactics, my unwillingness to step aside, my use of committee chairmanships, and other threats to retain my position as Chairman of this Board, as well as my splitting the membership of the Board. Not until recently, did I read that three of our colleagues including the Majority Leader were absent and did not participate in that caucus. I also did not see any mention that the letter I personally sent to each of you about this position was done privately, well in advance of the caucus in an open and above-board fashion, with an invitation for discussion. Each of you knows what transpired at the caucus until today, you know my actions, and the actions of your colleagues. There are fifteen members on this Board, and each member is entitled to one equal vote. By Municipal Law, the vote for our Chairman and Vice-Chairman happens in open session at this organizational meeting within a timeframe determined by that same law. For several years now, we have had a Veteran come in and lead us in the Pledge of Allegiance at the beginning of each meeting. The Veteran is thanked for his/her service, and we tell them that we know firsthand the freedoms we enjoy in America because of them and their comrades. What took place here today was an exercise of those rights and what makes America different and greater than any other country on earth.

‘To my supporters, I want to thank you for your confidence in my leadership. To those that worked in opposition of me, I will say that my goal is to earn your trust and confidence from this point forward, and that I appreciate the open and honest discussion I have had with some of you. As your Chairman, I recognize and acknowledge that there is work to do in quickly bringing this Board together in common cause. I am scheduling some special "Beyond the Minutes" meetings that will help detail the challenges and opportunities that are before us. With these special presentations and a fresh approach to executive level project management, no member of this Board will be sidelined on up-to-date information for our major projects. I have attached an outline of the "Beyond the Minuets" Program and some of the key projects that will utilize this means of information.

‘The exercise in democracy today should strengthen not weaken our term in office. I listened when you spoke, and take to heart the reasons that some of you were reluctant in supporting me. The selection of the leadership of this Board is up to only you and it's a responsibility that that should never be taken lightly. As I stated in my personal letter to each of you, ***I pledge to serve to the best of my ability with respect to the office, to you, and our colleagues.*** As we leave here today, let's all join together and work for the good of the County.’

STANDING AND SPECIAL COMMITTEE ASSIGNMENTS:

Chairman Crandall distributed copies of his assignments to the **STANDING AND SPECIAL COMMITTEES OF THE BOARD OF LEGISLATORS FOR 2015**. Assignments are as follows; Chairmen and Vice Chairmen are listed first:

FACILITIES AND COMMUNICATIONS:

Chairman: Pullen, **Vice Chairman:** Jessup

Committee Members: Fanton, Graves, McGraw, Root, Ungermann

HUMAN SERVICES:

Chairman: LaForge, **Vice Chairman:** Pullen

Committee Members: Burt, Decker, Jessup, O'Grady

PERSONNEL:

Chairman: Root, **Vice Chairman:** O'Grady

Committee Members: Curran, Decker, Fanton, Pullen,

Special – Negotiations Ad Hoc Committee (Sub-Committee of Personnel)

Chairman: Pullen, **Committee Members:** Root

PLANNING AND ECONOMIC DEVELOPMENT:

Chairman: Hopkins, **Vice Chairman:** Root

Committee Members: Healy, Jessup, LaForge, Pullen

PUBLIC SAFETY:

Chairman: Curran, **Vice Chairman:** Healy

Committee Members: Burt, Hopkins, LaForge, McGraw

PUBLIC WORKS:

Chairman: Fanton, **Vice Chairman:** McGraw

Committee Members: Curran, Decker, Graves, Hopkins,

RESOURCE MANAGEMENT:

Chairman: Graves, **Vice Chairman:** Fanton
Committee Members: McGraw, O'Grady, Ungermann

WAYS & MEANS:

Chairman: Jessup, **Vice Chairman:** Fanton
Committee Members: Curran, Graves, Healy, Hopkins, LaForge, Pullen, Root

Special – Budget Committee (Sub-Committee of Ways & Means)

Chairman: Hopkins, **Vice Chairman:** LaForge
Committee Members: Curran, Fanton, O'Grady

COMMENTS:

Legislator Burt stated that there seems to be some kind of confusion about the Republican caucus vote and now that Party Chairman Healy has allowed us to speak about it, now seems to be the appropriate time to clear the air. Ms. Gridley, Mr. Pullen, Mr. Budinger and myself went into the small room next door to count those votes. Ms. Gridley announced to us verbally the count was 4 to 7 in favor of Mr. Healy. I questioned that vote, and it was not re-counted. She again stated the vote as being 4 to 7, threw the ballots back in the box and left the room. If the vote was 5 to 7, with two missing, my tune throughout this ordeal would have been different; but she was adamant that it was 4 to 7.

ADJOURNMENT: The meeting was adjourned at 3:06 p.m. following a motion made by Legislator Graves, seconded by Legislator Root, and carried.