

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
APRIL 13, 2015**

****APPROVED ****

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:05 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by Chairman Crandall.

INVOCATION: The Invocation was given by Legislator 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.

APPROVAL OF MINUTES:

The Board meeting minutes of March 23, 2015, were approved on a motion made by Legislator Decker, seconded by Legislator Curran, and carried.

The Committee of the Whole minutes of March 23, 2015, were approved on a motion made by Legislator Root, seconded by Legislator Fanton, and carried.

PUBLIC HEARING:

Chairman Crandall closed the regular meeting to hold a public hearing on Local Law Intro. No. 1-2015, entitled "**A LOCAL LAW OF THE COUNTY OF ALLEGANY ALLOWING FOR COMMON, SAFE ITEMS TO BE EXCLUDED FROM THE DANGEROUS FIREWORKS DEFINITION AS PERMITTED BY NEW YORK STATE PENAL LAW SECTION 405 (5)(b).**"

Comments from the public included the following:

Fred Kramer, representing Phantom Fireworks of Youngstown, Ohio, read a prepared statement in which he addressed some of the safety concerns there may be regarding fireworks.

As there were no further comments, the public hearing was declared closed, and the Board reconvened in regular session.

PRIVILEGE OF THE FLOOR:

Chairman Crandall noted that the Board did not have the privilege of acknowledging a veteran in person today. Instead Chairman Crandall gave a brief history on the Bataan Death March which began on April 9, 1942. Tens of thousands of American and Filipino soldiers were surrendered to Japanese forces. Thousands died. Chairman Crandall stated that we have the privilege here at our Board meetings of honoring veterans who have served; "Let's remember those veterans who weren't able to return."

Julie Tomasi, Deputy Director for the Department of Social Services, addressed the audience about what her office does to deal with and help prevent child abuse. She noted that anyone can make a report. The Department of Social Services exhausts all means necessary to keep families together. The last resort is to remove a child from their home. Angela Tinder, a supervisor working in Child Protective Services, stated, "To understand how we prevent child abuse in Allegany County, you first have to understand the people and families that live in this County." She remarked that just like teachers, law enforcement, and medical providers, they (CPS staff) work and live in the communities they serve. She stressed the importance of preventative measures and working with families to reduce the occurrence of child abuse. Marcia Moore, Foster Care Supervisor, spoke about foster care and the difficult work that her staff does on a daily basis. Ms. Tomasi concluded by saying, "The faces are many, the effort is endless, and the partnerships are crucial in making a difference in the lives of children and families. In Allegany County we are so fortunate to have so many positive working relationships that make a difference in decreasing risk for children and increasing their safety and keeping families together. Each and every person within our community is a crucial partner in ensuring children's safety." She said that New York State has identified "Pinwheels for Prevention" as a way to support the cause and make a difference. A pinwheel garden had been planted in front of the courthouse. She said, "You can purchase and plant a pinwheel, but more importantly, everyone has a chance to make a difference. Don't wait until it's too late. Each person can be a better family member, better neighbor, landlord, store owner, doctor, teacher, and professional. One person makes a difference; many people make a lasting impact."

Chairman Crandall read a proclamation naming April 2015 as Child Abuse Prevention Month.

Representatives present to answer questions regarding 2014 Annual Reports for the following: Employment & Training, Veterans, Youth Bureau, STOP DWI Program, District Attorney, Public Defender, Workers' Compensation

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. Report of Tax Bill Corrections Approved by the County Administrator in March.
2. Report of Intrafund Transfers Approved by the County Administrator in March.
3. 2014 Annual Reports for Review: Soil & Water Conservation, Parks & Forests, Weights & Measures, Information Technology, Historian, Sheriff

4. Correspondence from Senator Catharine M. Young and Assemblyman Joseph Giglio acknowledging receipt and support of our resolution requesting the continuation of the additional one and one-half percent County sales tax. Senator Young and Assemblyman Giglio have sponsored Legislation to extend this provision to November 30, 2017.
5. Notice of next InterCounty Association meeting to be hosted by Steuben County in Hammondsport on April 17.
6. Correspondence from Allegany County Fair Board President Karen Tripp extending an invitation to all Legislators to visit the different areas of the fairgrounds before or after our Board meeting at the Fair in July.
7. Correspondence from the Independence Emergency Squad thanking the Board for its donation in memory of former Legislator Donald Kramer.
8. Legislators have been invited to attend a meeting where Congressman Tom Reed will share his proposal to compensate landowners for government takings at Crossroads on Friday, April 17, at 11 a.m.
9. Invitation to attend the annual Legislative Lunch hosted by the Office for the Aging on May 8.
10. Notice announcing the Allegany Senior Foundation Swingin' to the Oldies Benefit on Saturday, May 30, 2015.

APPOINTMENTS:

Chairman Crandall's appointment in a joint measure with Cattaraugus County Board Chairman Marsh of Jeremy Donlon to the Cattaraugus-Allegany Workforce Investment Board.

PROCLAMATION:

Chairman Crandall's Proclamation Declaring April 2015 as Child Abuse Prevention Month in Allegany County was read earlier in the meeting.

Chairman Crandall Proclaimed April 12 through April 18, 2015, as Public Safety Telecommunications Week in Allegany County. This proclamation is to honor the men and women whose diligence and professionalism keep our County and citizens safe.

RESOLUTIONS:

RESOLUTION INTRO. No. 99-15 (ADOPTION OF LOCAL LAW INTRO. NO. 1-2015, PRINT NO. 1, TO ALLOW FOR COMMON, SAFE ITEMS TO BE EXCLUDED FROM THE

DANEROUS FIREWORKS DEFINITION AS PERMITTED BY NEW YORK STATE) was TABLED following a motion made by Legislator Healy, seconded by Legislator O'Grady, and carried.

Prior to tabling, comments made regarding Resolution Intro. No. 99-15 included: Legislator Healy asked if the associations that Sheriff Whitney or Emergency Services Director Jeff Luckey are associated with had an opinion on this law. The response appeared to be of mixed opinion. Legislator O'Grady expressed concern over the enforcement of the law. Legislator Ungermann agreed saying that the law isn't enforced now.

RESOLUTION NO. 97-15

RESOLUTION SUPPORTING A REQUIREMENT THAT DRIVER'S LICENSE PHOTOS BE UPDATED OVER A REASONABLE PERIOD OF TIME

Offered by: Personnel Committee

WHEREAS, New York State law and regulations currently require that all New York driver's licenses are renewed and updated at a minimum of every eight years, and

WHEREAS, this requirement for updated license information is for safety precautions and the required updates include listing changes in height, residential address and listing eye examination results, and

WHEREAS, under current state law and regulations there is the requirement to obtain an eye exam every eight years which can be achieved at county and state operated Departments of Motor Vehicles, and

WHEREAS, New York and Nevada are the only two states in the country that lack the requirement to update photos on driver's licenses, and

WHEREAS, due to this inconsistency with all other states, many New York driver's license photos are decades old, and

WHEREAS, the intent of requiring a picture on a driver's license is to help verify identity and prevent fraud or identity theft and to increase safety, and

WHEREAS, allowing license holders to have photos that are decades old may work against the goals identified above, and

WHEREAS, the requirement to get an updated photo on a driver's license would not have to include an additional cost to the state resident license holder, and

WHEREAS, the requirement to get an updated photo on a driver's license should not be an inconvenience for the license holder as they can get the updated photo in the same

Department of Motor Vehicles and at the same time as taking the state law required eye exam, and

WHEREAS, in New York and throughout the country a driver's license is the leading document provided to safety officials, government workers, and private businesses when picture identification is needed, and

WHEREAS, an updated photo is necessary to prevent fraud, provide accurate information to police officers in the field, and strengthen homeland security efforts, and

WHEREAS, the New York State Association of Counties (NYSAC) has passed a resolution calling on Governor Cuomo and members of the State Legislature to require an updated photo on all drivers' licenses in keeping with 48 other states in our nation, now therefore, be it

RESOLVED:

1. That this Board supports the requirement that driver's license photos be updated.

2. That the Clerk of this Board is directed to forward certified copies of this Resolution to Governor Andrew M. Cuomo, Senator Catharine M. Young, and Assemblyman Joseph M. Giglio.

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

Adopted: Voice Vote

Comments made regarding Resolution No. 97-15 included: Legislator Ungermann offered his support of the resolution. He remarked how difficult it is to see the picture on his own license after years of carrying it. Legislator Healy also offered his support of the resolution. He noted that for most people, a driver's license is their primary source of identification.

RESOLUTION NO. 98-15

RESOLUTION SUPPORTING REQUEST THAT NEW YORK STATE INCREASE THE SHARE OF REVENUE COUNTIES RETAIN FOR PROVIDING STATE DEPARTMENT OF MOTOR VEHICLE SERVICES

Offered by: Personnel Committee

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

WHEREAS, this local DMV operation is one of many examples of shared services that counties provide for the State, and

WHEREAS, under current law, the State of New York takes 87.3 percent of all fees collected from the work performed by the county operated DMV, and

WHEREAS, the remaining 12.7 percent county share has not been increased since 1999, yet the amount of work required by the local DMV offices has increased in that same time period, and

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

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

WHEREAS, there is a clear inequity present when a county DMV provides all the services, including overhead and staffing needs to fulfill these DMV requirements for state residents, yet the State takes 87.3 percent of the revenue generated from providing said services, and

WHEREAS, the New York State Association of Counties (NYSAC) has passed a resolution calling on Governor Andrew M. Cuomo and members of the State Legislature to require a substantial increase of the county DMV revenue share with the State, now, therefore, be it

RESOLVED:

1. That the County of Allegany supports the NYSAC resolution requiring a substantial increase of the county DMV revenue share with New York State.
2. That the Clerk of this Board is directed to forward certified copies of this Resolution to Governor Andrew M. Cuomo, Senator Catharine M. Young, and Assemblyman Joseph M. Giglio.

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

Adopted: Voice Vote

RESOLUTION NO. 99-15

**CREATION OF ONE POSITION OF FULL-TIME COMMUNITY SERVICES WORKER
IN THE OFFICE FOR THE AGING DEPARTMENT**

Offered by: Human Services Committee

RESOLVED:

1. That one position of full-time Community Services Worker (AFSCME, Grade 11, Step Base) is created in the Office for the Aging Department.
2. That this position will be filled for only as long as the New York State or Federal funding is available.
3. This resolution shall take effect April 15, 2015.

Moved by: Mr. LaForge
Seconded by: Mr. Pullen

Adopted: Roll Call
15 Ayes, 0 Noes, 0 Absent

RESOLUTION NO. 100-15

CREATION OF ONE POSITION OF FULL-TIME AGING SERVICES TECHNICIAN IN THE OFFICE FOR THE AGING DEPARTMENT

Offered by: Human Services Committee

RESOLVED:

1. That one position of full-time Aging Services Technician (AFSCME, Grade 13, Step Base) is created in the Office for the Aging Department.
2. That this position will be filled for only as long as New York State or Federal funding is available.
3. This resolution shall take effect April 15, 2015.

Moved by: Mr. LaForge
Seconded by: Mr. Fanton

Adopted: Roll Call
15 Ayes, 0 Noes, 0 Absent

Comments made regarding Resolution No. 100-15 included: Legislator Ungermann stated, "As of late, we've really increased the size of government." Legislator Burt stated that he didn't disagree with Legislator Ungermann. Legislator Burt called attention to the MOE which stated that the position will only be filled as long as funding remains.

RESOLUTION NO. 101-15

REAPPOINTMENT OF ONE MEMBER TO COUNTY BOARD OF HEALTH

Offered by: Human Services Committee

Pursuant to Public Health Law §§ 343 and 344

RESOLVED:

1. That Willard L. Simons is reappointed to the County Board of Health for a six-year term beginning July 8, 2015, and expiring July 7, 2021.

Moved by: Mr. LaForge
Seconded by: Mr. Healy

Adopted: Voice Vote

RESOLUTION NO. 102-15

APPROVAL FOR GRANT APPLICATION FROM THE FEDERAL CHILD ABUSE PREVENTION AND TREATMENT ACT FOR FUNDING FOR CO-LOCATION/COLLABORATION OF BEHAVIORAL HEALTH AND CHILD PROTECTIVE SERVICES

Offered by: Human Services and Ways & Means Committees

WHEREAS, the Allegany County Department of Social Services is requesting approval to apply for grant money through the Federal Child Abuse Prevention and Treatment Act (CAPTA), and

WHEREAS, the funds would be used for hiring or contracting for or partnering with a local behavioral health provider to support the work of child protective services, and

WHEREAS, if approved the grant would provide \$75,000 per year, for a total of \$150,000 for two years, now, therefore, be it

RESOLVED:

1. That the Department of Social Services is authorized to act on behalf of the County of Allegany to apply for grant funds through the Federal Child Abuse Prevention and Treatment Act.

Moved by: Mr. LaForge
Seconded by: Mr. Jessup

Adopted: Roll Call
15 Ayes, 0 Noes, 0 Absent

RESOLUTION NO. 103-15

APPROVAL OF AGREEMENT BETWEEN THE COUNTY OF ALLEGANY AND THE NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES FOR THE TEMPORARY LOAN OF INTEROPERABLE COMMUNICATIONS RESOURCES

Offered by: Public Safety Committee

RESOLVED:

1. That the Agreement between the County of Allegany and the New York State Division of Homeland Security and Emergency Services (DHSES) for the temporary loan of interoperable communications resources to allow communication between counties on a common platform for emergency management and public safety planning and response purposes, is approved.

2. That the Chairman of this Board is authorized to execute such Agreement.

Moved by: Mr. Curran
Seconded by: Mr. Pullen

Adopted: Roll Call
15 Ayes, 0 Noes, 0 Absent

Comments made regarding Resolution No. 103-15 included: Legislator Ungermann remarked that the agreement is long (in pages) for the simplicity of it. Legislator Burt commented that none of them fully understand this 100 percent, but said there is an opt-out after one year. He sees no reason not to give it a shot for a year. Legislator Pullen remarked that while it is a potential expense for us, it's also a possible backup for us. He stated that he's in favor of participating, but looking at it in a couple of years to see how it's working. Chairman Crandall noted that the Sheriff's Office was supportive of the resolution. Lieutenant Grusendorf stated that he doesn't want the cost of this to be a burden to the County. He would like to look at the arrangement in a couple of months to see if it's worthwhile. Legislator Decker remarked that we might not even use the equipment in the year, so we still may not know. Legislator Graves noted that they will receive training, so that should help them to judge the capability of the equipment.

AUDITS:

A motion was made by Legislator Jessup, seconded by Legislator Root, and carried, that the audits be acted upon collectively and by totals.

A motion was made by Legislator Jessup, seconded by Legislator Root, and adopted on a roll call vote of 15 Ayes, 0 Noes, 0 Absent, that the audit of claims, totaling \$4,508,475.51, including prepaid expenses, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$2,704,604.*)

COMMENTS:

Legislator Decker remarked that he was sorry to see we didn't have a veteran to lead the pledge today. He noted that it's a pleasure to have veterans join us. He suggested the possibility of having retired Troopers or other law enforcement lead us in the pledge of allegiance if a veteran were unable to attend.

Legislator Healy praised our County employees and other professionals in our communities who deal with child abuse. He commented on the importance and demanding nature of their jobs, which isn't always recognized. He wanted to publically thank them for the work they do.

Legislator Burt wanted to remind the audience that the television show American Pickers would be coming to the County. Scouts for the show will be coming out next week. In speaking with a representative for the show, she noted that the response from people (interested in selling items) in our County has been very great.

ATTORNEY/CLIENT SESSION:

The Board entered attorney/client session at 3:10 p.m. on a motion by Legislator Hopkins, seconded by Legislator Graves, and carried. The Board exited attorney/client session at 3:37 p.m. on a motion by Legislator Root, seconded by Legislator Healy, and carried.

ADJOURNMENT: The meeting was adjourned at 3:38 p.m. on a motion made by Legislator Graves, seconded by Legislator Pullen, and carried.