

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION  
JULY 16, 2015**

**\*\* APPROVED \*\***

**CALL TO ORDER:** The regular meeting of the Board of Legislators was called to order at 2:08 p.m. by Chairman Curtis W. Crandall.

**PLEDGE OF ALLEGIANCE TO THE FLAG:** The Pledge of Allegiance was led by Angelica Boy Scout Troup 736 represented by Ethan Burke, Conner Cockle, Austin Ford, and Gunther Krohn; and retired United States Army Sergeant First Class Timothy D. Hennard.

**INVOCATION:** The Invocation was given by Legislator Pullen.

**ROLL CALL:** 14 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, David Pullen, Debra Root, Norman Ungermann, Jr. Absent: Timothy O'Grady

**APPROVAL OF MINUTES:**

The Board meeting minutes of June 22, 2015, were approved on a motion made by Legislator Graves, seconded by Legislator Decker, and carried.

The Committee of the Whole minutes of June 22, 2015, were approved on a motion made by Legislator Root, seconded by Legislator Curran, and carried.

The Committee of the Whole minutes of July 1, 2015, were approved on a motion made by Legislator Fanton, seconded by Legislator Pullen, and carried.

**PRIVILEGE OF THE FLOOR:**

Chairman Crandall presented a certificate to Timothy D. Hennard, retired United States Army Sergeant First Class, in grateful appreciation of his service to our country. Mr. Hennard's service dates were from June 28, 1975, to June 27, 1979, and December 1, 1981, to September 30, 1998. Following Basic Training at Fort Polk, LA, assignments included: Fort Moyer, VA (Old Guard), Fort Jackson, SC, Italy, Ft. Benning, GA, Osan Air Force Base, Korea, Fort Campbell, KY, University of Pittsburgh, PA. Commendations he received included: Meritorious Service Medal (2 awards), Joint Service Commendation Medal, Army Commendation (4 awards), Army Achievement Medal (3 awards), Meritorious Unit Commendation, Army Good Conduct Medal (6 awards), National Defense Service Medal, Noncommissioned Officers Professional Development Ribbon (2 awards), Air Assault Badge with Driver, Mechanic Badge with Driver – W Bar, and Drill Sergeant Identification Badge.

Mr. Hennard led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Crandall presented certificates to members of Angelica Boy Scout Troup 736. Representing Troup 736 were Ethan Burke, Conner Cockle, Austin Ford and Gunther Krohn. He commended them for their participation in scouting.

Chairman Crandall recognized Mary Joy Cady-Fagan for her many 4-H accomplishments. He listed some of the agricultural education competitions she had participated in. He also recognized Tricia Heary for her dedication to the Allegany County 4-H program for more than a decade.

Chairman Crandall acknowledged Francis Green for being honored with the 2015 Allegany County Fair dedication. Mr. Green has many years of loyalty, service, and support to the Fair. He is a long time participant of the Fair and has served as Barn Manager and Superintendent of the Horse Pull.

Chairman Crandall presented a certificate to Allegany County Agricultural Society President Karen Tripp in recognition of the 171<sup>st</sup> Allegany County Fair and its dedication to agriculture and tourism.

Allegany County Senior Foundation President Reita Sobeck-Lynch presented Allegany County Office for the Aging Director Madeleine Gasdik with a check for \$40,000 to be used to help support the many programs offered by Office for the Aging. It was noted that this money was raised through donations and fundraisers, thanks to the generosity of residents in Allegany County.

Senator Catharine Young thanked the Board of Legislators for, "bringing government to the people." She commended the Board for the great job they do. She congratulated the Allegany County Fair Board for another successful year of putting together the County Fair. She congratulated Sergeant Hennard for his service, and asked for a round of applause for veterans who were in attendance. She also acknowledged Boy Scout Troup 736 and the 4-H representatives who were present. Additionally, she thanked the Allegany County Senior Foundation for their efforts in raising funds to help residents of Allegany County. She said, "Something special about Allegany County is that neighbors reach out and help one another in need." She mentioned the flooding that had occurred Tuesday evening and stated that she would be traveling with Emergency Services Director Jeff Luckey to visit sites in the County that were hit with flooding. She mentioned that she had been in touch with the Governor's office. Unfortunately because the damage was very localized, it would not likely reach the threshold for federal aid. She was hoping the State would be able to offer help. Senator Young also mentioned some agriculture related legislation that had been passed. One bill was to help with the construction of farmers' markets, which would assist farmers in getting their products to market. She also mentioned the State budget included help for seniors in the form of a coupon book that would assist them in being able to afford to purchase fresh fruits and vegetables at farm markets.

Assemblyman Joseph Giglio remarked that it's always a pleasure to be at the Allegany County Fair. He said that it's nice to work for a district where actions speak louder than words. In regards to the flooding, he said, "When something like this (the flooding) happens, people spring into action."

Lee James, representing Congressman Tom Reed, addressed the audience. She noted that Congressman Reed was regrettably unable to attend the Fair due to his being in Washington, DC. She stated that he was being closely briefed on the flooding and expressed hope that they would be able to help.

Chairman Crandall recognized County Department Heads for their expertise and guidance.

### **ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:**

1. Reports of Tax Bill Corrections and Transfers Approved by the County Administrator in June.
2. Allegany County Historical Roundtable Fall Museum Tour Brochure.
2. Interim Report from Comprehensive Plan Implementation Group Chairman Edward Eicher.
3. Correspondence from Senator Young acknowledging receipt and support of our resolution opposing the conversion of STAR to a PIT Credit.
4. Copy of a letter from Assemblyman Giglio urging the Governor to sign the sales tax extension.

### **APPOINTMENTS:**

Chairman Curtis W. Crandall appointed the following individuals to serve on the **CATTARAUGUS-ALLEGANY WORKFORCE DEVELOPMENT BOARD** for the following terms:

#### For terms to expire December 31, 2016:

Carrie Childs, Child's Blueberries  
Lesley Christman, ACCORD Corporation  
Karen Comstock, Dresser Rand  
Joe Hart, Lufkin – GE  
Keith Kranick, J.C.C. Olean Campus  
Brad Monroe, Dresser Rand  
Celeste Schoonover, Swain Ski Resort

#### For terms to expire December 31, 2017:

Steve Crowley, Holiday Valley  
Ed Giardini, Jr., Laborer's Local #621  
Gretchen Hanchett, Allegany County Chamber of Commerce  
Christine Luly, NYS Education Department  
Patricia Magara, Cattaraugus Community Action, Inc.  
David Wilkinson, IBEW Local #106  
Meme Yanetsko, Greater Olean Chamber of Commerce

For terms to expire December 31, 2018:

Cesar Cabrera, Western Region NYSDOL  
Matt Harrington, Harrington Buildings  
Michael Hendrix, Both, Branch & Hendrix  
Lisa Lee, Literacy West NY  
Christopher Napoleon, Napoleon Engineering Services  
Brenda Sobeck, Jones Memorial Hospital  
Richard Zink, Southern Tier West

For indefinite terms:

Mitchell Alger, Allegany County Administrator  
John R. Searles, Cattaraugus County Administrator

Chairman Curtis W. Crandall appointed Jack Potter of Scio, New York, and Tom Kent of Andover, New York, as Active Farmer members on the **ALLEGANY COUNTY AGRICULTURAL AND FARMLAND PROTECTION BOARD** for a four-year term commencing March 5, 2015, and expiring March 4, 2019.

Chairman Curtis W. Crandall appointed Dwight "Mike" Healy, of Belmont, New York, as the Legislative Representative on the **GREATER ALLEGANY COUNTY CHAMBER OF COMMERCE**, for a three-year term commencing May 1, 2015, and expiring May 1, 2018.

**PROCLAMATION:**

Chairman Crandall proclaimed July 12-18, 2015, as **PRETRIAL, PROBATION, AND PAROLE SUPERVISION WEEK** in Allegany County.

**INTRODUCTION OF LEGISLATION:**

Legislator Pullen introduced Local Law Intro. No. 3-2015, "A Local Law Authorizing the Establishment of a Local Development Corporation to Manage the Allegany County Wireless Broadband Internet Service."

**RESOLUTIONS:**

**RESOLUTION NO. 153-15**

**CREATING ONE FULL-TIME POSITION OF DIRECTOR OF PLANNING**

Offered by: Personnel and Planning & Economic Development Committees

**RESOLVED:**

1. That one position of Director of Planning (Section IV Salary Plan) is created in the Office of Planning.

2. This resolution shall take effect immediately.

Moved by: Ms. Root

Seconded by: Mr. Hopkins

Adopted: Roll Call

14 Ayes, 0 Noes, 1 Absent

Comments made regarding Resolution No. 153-15 included: Legislator Ungermann remarked that the first two resolutions are for positions that are already filled. This is just a matter of restructuring. There are no new hires.

**RESOLUTION NO. 154-15**

**CREATING ONE FULL-TIME POSITION OF SECRETARY  
TO THE DIRECTOR OF PLANNING**

Offered by: Personnel and Planning & Economic Development Committees

**RESOLVED:**

1. That one position of Full-Time Secretary to the Director of Planning (Non-Unit, Grade 2) is created in the Office of Planning.

2. This resolution shall take effect immediately.

Moved by: Ms. Root

Seconded by: Mr. Hopkins

Adopted: Roll Call

14 Ayes, 0 Noes, 1 Absent

**RESOLUTION NO. 155-15**

**RESOLUTION IN SUPPORT OF MERGING THE JUNE FEDERAL PRIMARY AND**

## SEPTEMBER STATE AND LOCAL PRIMARY TO THE FIRST TUESDAY IN AUGUST

Offered by: Personnel Committee

**WHEREAS**, merging the June Federal Primary and the September State and Local Primary to the first Tuesday in August will allow the Board of Elections to meet all requirements of the Federal M.O.V.E. Act allowing our Military and Overseas Voters an equal opportunity to have their voices heard in all Elections, and

**WHEREAS**, this will reduce the burden on County committees to only having to collect petition signatures one time for all candidates and allow that process to take place in late April and May when the weather upstate is more conducive to collecting signatures, and

**WHEREAS**, this will also reduce the confusion of voters by having only one primary election in non-Presidential years thus increasing voter turnout, and

**WHEREAS**, since school districts will not be allowed to use lever machines in the future, the conflict with using optical scan machines is removed since any budget revote is required to take place on the third Tuesday of June and the federal primary is currently scheduled for the fourth Tuesday in June, and

**WHEREAS**, this would enhance school safety as the primary election would take place when school is not in session, and

**WHEREAS**, this will allow approximately 30 days to resolve contested primaries, and

**WHEREAS**, this will spread out elections to give staff time to resume normal operations between elections, and

**WHEREAS**, according to the New York State Board of Elections it will save Counties and Towns approximately \$50,000,000 in unfunded mandate costs, now therefore, be it

### RESOLVED:

1. That the Allegany County Legislature hereby supports the merging of the June Federal Primary and September State and Local Primary to the first Tuesday in August.

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

Adopted: Voice Vote

Comments made regarding Resolution No. 155-15 included: Legislator Decker noted that this would save the County a great deal of money.

**RESOLUTION NO. 156-15**

**A RESOLUTION PROVIDING FOR A CHARGE BACK  
TO THE VILLAGE OF WELLSVILLE**

Offered by: Ways and Means Committee

Pursuant to Real Property Tax Law § 554

**WHEREAS**, an application from the WLSV Seneca Housing Co., LP has been made to the County's Director of Real Property Tax Service Agency, for the correction of certain errors affecting their real property on various tax rolls, and

**WHEREAS**, the County's Director of Real Property Tax Service Agency has determined that the Village of Wellsville tax roll failed to list the taxpayer's property as exempt, and

**WHEREAS**, the error resulted in the tax bill showing a tax due the Village of Wellsville in the amount of \$21,977, now, therefore, be it

**RESOLVED:**

1. That the County Treasurer is directed to make the following charge back on her books:

	<u>2015</u>
Village of Wellsville	\$21,977

2. That the Clerk of this Board shall mail a copy of this resolution to the above named Village and the amount to be charged back to the Village shall not be charged until 10 days after such mailing. Such amount shall be deducted by the County Treasurer from the money payable to the Village as a result of village taxes returned after the date the amount is charged and which shall be paid to each Village after October 31, 2015. The County Treasurer shall send a written notice to the Village of the amount of such deduction prior to October 31, 2015.

Moved by: Mr. Jessup  
Seconded by: Mr. Graves

Adopted: Roll Call  
14 Ayes, 0 Noes, 1 Absent

**RESOLUTION NO. 157-15**

**ACCEPTANCE OF PROBATION STATE AID BLOCK GRANT FROM THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES; AUTHORIZING CHAIRMAN TO EXECUTE ANY AND ALL DOCUMENTS**

Offered by: Public Safety Committee

**RESOLVED:**

1. That the Probation State Aid Block Grant in the amount of \$151,101 for the 2015-2016 State Fiscal Year from the New York State Division of Criminal Justice Services, is accepted.
2. That the accepted sum of \$151,101 has already been budgeted for 2015 under Account No. A3140.101 (Probation - Personnel) and Revenue Account No. A3140.3310.00 (Probation Block Grant).
3. The Chairman of the Board of Legislators is authorized to execute and deliver all necessary documents and agreements to secure such funds.

Moved by: Mr. Curran  
Seconded by: Mr. Fanton

Adopted: Roll Call  
14 Ayes, 0 Noes, 1 Absent

**RESOLUTION NO. 158-15**

**ACCEPTANCE AND APPROPRIATION OF FUNDS FOR THE PHEP EBOLA PREPAREDNESS AND RESPONSE ACTIVITIES GRANT FOR THE 2015 BUDGET YEAR**

Offered by: Human Services and Ways & Means Committees

**RESOLVED:**

1. That the sum of \$38,000 for the PHEP Ebola Preparedness and Response Activities Grant for the 2015 Budget year is accepted.
2. The funds shall be appropriated as follows:

Appropriation Accounts:

A4188.201 (Health Department – Office Equipment)	\$ 450
A4188.206 (Health Department – Health Equipment)	31,143
A4188.402 (Health Department – Mileage/Transportation)	250

A4188.405 (Health Department – Conference Expense)	1,500
A4188.407 (Health Department – Office Supplies)	233
A4188.408 (Health Department – General Supplies)	2,624
A4188.409 (Health Department – Fees)	<u>1,800</u>
	\$38,000

Revenue Account:

A4188.4401.00 (Federal Aid – Public Health)	\$38,000
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Moved by: Mr. LaForge  
Seconded by: Mr. Jessup

Adopted: Roll Call  
14 Ayes, 0 Noes, 1 Absent

**RESOLUTION NO. 159-15**

**TRANSFER OF FUNDS WITHIN CLERK OF THE BOARD OFFICE ACCOUNTS  
FOR THE PURCHASE OF A FILING CABINET**

Offered by: Ways & Means Committee

**RESOLVED:**

1. That the sum of \$110 is transferred from Account No. A1040.419 (Clerk of the Board - Printing) to Account No. A1040.201 (Clerk of the Board - Equipment) to fund the purchase of a two-drawer filing cabinet.

Moved by: Mr. Jessup  
Seconded by: Mr. Graves

Adopted: Roll Call  
9 Ayes, 5 Noes, 1 Absent  
Voting No: Burt, Curran, Decker,  
Healy, Ungermann

Comments made regarding Resolution No. 159-15 included: Legislator Burt stated that \$100 may not seem like a lot of money, but that it was a lot to him. He had asked the Department of Health about using their furniture that is stored on the third floor. He stated, "Voting yes to buy a new one when there is one on the third floor baffles me."

**RESOLUTION NO. 160-15**

**RATIFYING AGREEMENT WITH MAXIMUS, INC. TO PREPARE COUNTY-WIDE COST  
ALLOCATION PLANS AND RELATED INDIRECT COST RATE PROPOSALS FOR  
CALENDAR YEARS 2014, 2015 AND 2016**

Offered by: Ways & Means Committee

**RESOLVED:**

1. That a three-year Agreement with MAXIMUS, Inc., at a total cost of \$25,600, covering calendar years 2014, 2015 and 2016, to prepare the annual Federal (OMB A-87) cost allocation plan for Allegany County as a condition for receipt of Federal aid, is approved.

2. That the yearly cost for said Agreement is budgeted, with \$8,500 to be budgeted for 2016 and 2017 and \$8,600 for 2018, and will be charged to Account No. A1040.429.

3. That the signature of the County Treasurer on said Agreement is hereby ratified. An executed copy of the Agreement shall be filed with the Clerk of this Board and one sent to MAXIMUS, Inc.

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

Adopted: Roll Call  
14 Ayes, 0 Noes, 1 Absent

### **RESOLUTION NO. 161-15**

#### **APPROVAL OF APPROPRIATION FOR DISTRICT OPERATIONS AND AGREEMENT WITH ALLEGANY COUNTY SOIL AND WATER CONSERVATION DISTRICT FOR THE MANAGEMENT OF COUNTY REFORESTATION AREAS, PARKS AND AGRICULTURAL DISTRICTS FOR A THREE-YEAR PERIOD; AUTHORIZING CHAIRMAN TO EXECUTE AGREEMENT**

Offered by: Resource Management and Ways & Means Committees

#### **RESOLVED:**

1. That the appropriation for District operations and agreement with the Allegany County Soil and Water Conservation District for the management of County Reforestation Areas, Parks and Agricultural Districts for year beginning January 1, 2016, to December 31, 2016, in the amount of \$136,000, January 1, 2017, to December 31, 2017, in the amount of \$138,000, and January 1, 2018, to December 31, 2018, in the amount of \$140,000, is approved.

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

Moved by: Mr. Jessup  
Seconded by: Mr. Fanton

Adopted: Roll Call  
14 Ayes, 0 Noes, 1 Absent

Comments made regarding Resolution No. 161-15 included: Legislator Burt remarked that the cost of the agreement included "healthy numbers." We are only talking about 2,100 acres. That doesn't seem like a good business situation. He asked to be educated on that agreement. Allegany County Soil & Water Executive Director Scott Torrey explained that the 2,100 acres mentioned in the agreement was just a small portion of what they cover. Without County funding they wouldn't be able to provide the services they do. He said that it isn't all outlined in the agreement. Many things are simply understood because of state law. The

items in the agreement are specific to the County. He noted that they don't have to outsource because they have a forester on staff. He indicated that this had gone before the Resource Management Committee for consideration. Legislator Burt asked Legislator Graves, Chairman of the Resource Management Committee, if he was happy with the agreement. Legislator Graves indicated that the Committee was happy with the arrangement. Legislator Graves made a motion to amend the resolution to show Resource Management as one of the committees that had offered the resolution in place of Planning & Development. The motion was seconded by Legislator Decker, and carried.

### **RESOLUTION NO. 162-15**

#### **APPROVAL OF AGREEMENT BETWEEN COUNTY OF ALLEGANY AND ALLEGANY COUNTY FEDERATION OF SNOWMOBILERS, INC.; APPROPRIATION OF STATE GRANT-IN-AID**

Offered by: Resource Management and Ways & Means Committees

#### **RESOLVED:**

1. That the Agreement between the County of Allegany and Allegany County Federation of Snowmobilers, Inc., is approved.
2. That the Chairman of this Board is authorized to execute said Agreement.
3. That the sum of \$95,865 in State grant-in-aid was appropriated in the 2015 Budget to Account No. A7185.483 (NYS OPRHP Funding Award), with a like sum credited to Revenue Account A7185.3089.00 (AC Snowmobile Association – State Aid). No budget adjustments are necessary at this time.

Moved by: Mr. Graves  
Seconded by: Mr. Jessup

Adopted: Roll Call  
14 Ayes, 0 Noes, 1 Absent

Comments made regarding Resolution No. 162-15 included: Legislator Ungermann noted that this appropriation is a pass through. The money comes from registration fees paid by snowmobilers.

### **RESOLUTION NO. 163-15**

#### **APPROVING THE 2015 RESOURCE ALLOCATION PLAN AGREEMENT WITH OFFICE OF CHILDREN AND FAMILY SERVICES; PROVIDING FOR APPROPRIATION OF FUNDS WHEN SUBCONTRACTS ARE APPROVED**

Offered by: Resource Management and Ways & Means Committees

**RESOLVED:**

1. That the 2015 Resource Allocation Plan Agreement with Office of Children and Family Services in relation to the State's allocation of funds to the County for providing youth services under its Comprehensive Youth Service Plan, is approved.
2. That the Chairman of this Board is authorized to execute such Plan Agreement.
3. That a portion of the funds to be received under such Plan Agreement shall be appropriated from time to time to cover the costs under sub-contractor service provider agreements as may be approved by this Board.

Moved by: Mr. Graves  
Seconded by: Mr. Jessup

Adopted: Roll Call  
14 Ayes, 0 Noes, 1 Absent

Resolution Intro. No. 167-15 (RESOLUTION SETTING DATE OF A PUBLIC HEARING ON A LOCAL LAW TO AUTHORIZE THE ESTABLISHMENT OF A LOCAL DEVELOPMENT CORPORATION TO MANAGE THE ALLEGANY COUNTY WIRELESS BROADBAND INTERNET SERVICE) was not pre-filed and was considered from the floor on a motion made by Legislator Pullen, seconded by Legislator Hopkins, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

**RESOLUTION NO. 164-15**

**RESOLUTION SETTING DATE OF A PUBLIC HEARING ON A LOCAL LAW TO AUTHORIZE THE ESTABLISHMENT OF A LOCAL DEVELOPMENT CORPORATION TO MANAGE THE ALLEGANY COUNTY WIRELESS BROADBAND INTERNET SERVICE**

Offered by: Facilities & Communications and Ways & Means Committees

**WHEREAS**, on this 16th day of July, 2015, a local law (Intro. No. 3-2015, Print No. 1) was introduced which seeks to authorize the establishment of a Local Development Corporation to manage the Allegany County Wireless Broadband Internet Service, and

**WHEREAS**, it will be necessary to set a date for a public hearing on said proposed law, now, therefore, be it

**RESOLVED:**

1. That a public hearing shall be held on July 27, 2015 at 2:00 p.m. in the County Legislators' Chambers, Room 221, County Office Building, Belmont, New York, before the Allegany County Board of Legislators, in relation to proposed Local Law Intro. No. 3-2015, Print No. 1.

2. That the Clerk of the Board of Legislators is directed to prepare, with the assistance of the County Attorney, a notice of said public hearing, to cause the publication of said notice in each of the two newspapers which have been officially designated by this Board to publish "notices", and to affix a copy of said notice on the County bulletin board in the County Courthouse at Belmont, New York; both publication and posting to be made at least five days before the public hearing.

Moved by: Mr. Pullen  
Seconded by: Mr. Jessup

Adopted: Roll Call  
14 Ayes, 0 Noes, 1 Absent

### **AUDITS:**

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

Legislator Ungermann asked if the Facilities and Communications expenses included ConnectNY grant money. It was confirmed that the expenses did include ConnectNY related expenses.

A motion was made by Legislator Root, seconded by Legislator Jessup, and adopted on a roll call vote of 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$4,942,295.41, 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 \$5,409,208.*)

### **COMMENTS:**

Chairman Crandall reminded those in attendance of the Allegany County Senior Picnic on July 29 and the Allegany County Legislators' Clambake on July 24.

Legislator Burt mentioned the Bare Knuckle Boxing Hall of Fame inductions being held in Belfast on August 1. He also mentioned the Purple Heart Homes organization which helps veterans obtain affordable housing. He remarked that he would like to start a branch here in Allegany County.

**ADJOURNMENT:** The meeting was adjourned at 3:37 p.m. on a motion made by Legislator Graves, seconded by Legislator Decker, and carried.