

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION**

AUGUST 24, 2015

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:06 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by retired United States Air Force Senior Master Sergeant Calvin J. Densmore.

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, Timothy O'Grady, David Pullen, Debra Root, Norman Ungermann, Jr. Absent: Aaron McGraw

APPROVAL OF MINUTES:

The Board meeting minutes of August 10, 2015, were approved on a motion made by Legislator Decker, seconded by Legislator Curran, and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Calvin J. Densmore, retired United States Air Force Senior Master Sergeant, in grateful appreciation of his service to our country. Mr. Densmore's service dates were from December 10, 1969, to January 1, 1990. Following Basic Training at Lackland AFB, TX, assignments included: Da Nang AFB, Vietnam, Royal AFB, Mildenhall, United Kingdom, MacDill AFB, FL, Wright-Patterson AFB, OH, Ramstein AFB, Germany, Carswell AFB, TX. Commendations he received included: Meritorious Service Medal with 2 devices, Joint Service Commendation Medal, Republic of Vietnam Gallantry Cross with 1 device, Republic of Vietnam Campaign Medal, Air Force Commendation Medal with 3 devices, Distinguished Presidential Unit Citation, Air Force Outstanding Unit Award with 1 device, Air Force Good Conduct Medal with 5 devices, National Defense Service Medal, Vietnam Service Medal, Air Force Overseas Short Tour Ribbon, Air Force Overseas Long Tour Ribbon with 1 device, Air Force Longevity Service Ribbon with 4 devices, Noncommissioned Officers Professional Education Graduate Ribbon with 1 device, Small Arms Expert Marksmanship Ribbon and Air Force Training Ribbon. Mr. Densmore led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. Correspondence from Senator Young inviting Legislators to attend a press conference announcement regarding The Cancer Services Program of Allegany and

Cattaraugus Counties. The event will be held in the Legislative Board Chambers on Thursday, September 3. Please let Clerk of the Board Riehle know if you plan to attend.

2. Invitation to attend Cindy Santora's retirement reception on Thursday, August 27, from 1 to 3 p.m.

3. Correspondence from the Cuba Chamber of Commerce, Greater Allegany County Chamber of Commerce, and Wellsville Area Chamber of Commerce inviting Legislators to attend the Business After Hours Multi-Chamber Event hosted by Allegany Arc on Thursday, August 27, from 5 to 7 p.m. at PWI in Wellsville.

4. Correspondence from the Greater Allegany County Chamber of Commerce inviting Legislators to attend the annual 2015 Legislative Breakfast at Houghton College Reinhold Campus Center on Friday, September 11 from 8:30 a.m. to 11:30 a.m. *(This event has since been postponed until after the first of the year.)*

PROCLAMATION:

Chairman Curtis W. Crandall proclaimed August 2015 as Child Support Awareness Month in Allegany County.

RESOLUTIONS:

RESOLUTION NO. 181-15

**CREATION OF ONE POSITION OF A FULL TIME NETWORK TECHNICIAN
WITHIN THE INFORMATION TECHNOLOGY DEPARTMENT**

Offered by: Facilities & Communications and Ways & Means Committees

RESOLVED:

1. That one position of a full time Network Technician (AFSCME, Grade 17) is created.
2. This resolution shall take effect immediately.

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

Adopted: Roll Call
13 Ayes, 1 No, 1 Absent
Voting No: Ungermann

Comments made regarding Resolution No. 181-15 included: Legislator Pullen noted that although it is a newly established position, it will ultimately save money due to restructuring of

the department. He feels it's in the best interest of the County. Legislator O'Grady remarked that he would like to look into abolishing any titles that have been vacated.

RESOLUTION NO. 182-15

**APPROVAL FOR GRANT APPLICATION TO THE ALZHEIMER'S DISEASE
CAREGIVER SUPPORT INITIATIVE FOR THE OFFICE OF THE AGING**

Offered by: Human Services and Ways & Means Committees

WHEREAS, the Office for the Aging is requesting approval to apply for grant money through the Alzheimer's Disease Caregiver Support Initiative, and

WHEREAS, this is a collaborative effort with Catholic Charities (lead agency), Alzheimer's Association, Erie County OFA, Niagara County OFA, Chautauqua County OFA, Cattaraugus County OFA, Wyoming County OFA and Genesee County OFA, and

WHEREAS, the grant will provide support to caregivers of individuals with Alzheimer's disease and other dementias through Care Consultants, Support Groups, Education and Training, Respite and other services, and

WHEREAS, the total grant is \$1.5 million with the Allegany County share to be determined, now, therefore, be it

RESOLVED:

1. That the Office for the Aging is authorized to act on behalf of the County of Allegany to apply for grant funds through the Alzheimer's Disease Caregiver Support Initiative.

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

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

RESOLUTION NO. 183-15

BUDGET TRANSFER WITHIN PROBATION DEPARTMENT ACCOUNTS

Offered by: Public Safety Committee

RESOLVED:

1. That the sum of \$500 shall be transferred from Account No. A3140.413 (Probation-Rentals) to Account No. A3140.201 (Probation-Equipment).

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

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

RESOLUTION NO. 184-15

**APPROVING POWER PURCHASE AGREEMENT WITH SOLARCITY
TOGETHER WITH A RELATED PERFORMANCE GUARANTEE
AND LIMITED WARRANTY AGREEMENT; AUTHORIZING
CHAIRMAN TO EXECUTE THESE AGREEMENTS**

Offered by: Ways and Means Committee

WHEREAS, Allegany County participates with the Municipal Electric and Gas Alliance (MEGA) to facilitate procurement of gas and electric Power Purchase Agreements as authorized pursuant to New York law, and

WHEREAS, MEGA has chosen SolarCity as the preferred provider for solar energy procurement, and

WHEREAS, SolarCity is the recognized national leader in the provision of clean energy services, and

WHEREAS, SolarCity is currently involved in constructing the largest solar panel manufacturing plant in the Western Hemisphere in Buffalo, New York, and

WHEREAS, Allegany County has reviewed a proposal from SolarCity to install and maintain a solar system on County property under a Power Purchase Agreement which will lock in electricity rates for the next twenty years, and

WHEREAS, all costs related to the engineering, permitting, installation and maintenance of the solar system on County property will be paid by SolarCity, and

WHEREAS, due to substantial government incentives currently in place related to solar energy projects, the guaranteed electric rates under a Power Purchase Agreement with SolarCity are estimated to result in a savings of more than two million dollars over the twenty year term of the proposed Power Purchase Agreement, and

WHEREAS, upon a thorough review of both the economic and environmental benefits resulting from the installation of a solar system by SolarCity on County property, this Board finds that entering into a Power Purchase Agreement with SolarCity is in the best interests of the residents and taxpayers of Allegany County, now therefore, be it

RESOLVED:

1. That subject to final review and approval of the terms thereof by the County Attorney, the proposed Power Purchase Agreement with SolarCity for an initial term of twenty years together with a related Performance Guarantee Agreement and Limited Warranty Agreement are hereby approved.

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

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

Comments made regarding Resolution No. 184-15 included: Legislator Ungermann commented on a similar project that was completed in Houghton. The project supposedly cost around \$5.5 million. He stated that the life expectancy is around 25 years, and is supposed to save around \$119,000 per year in electrical costs. He said, "It's all tax dollars from some place. I just wonder about the economics of these things." Legislator Pullen noted that he acknowledges what Legislator Ungermann said, but when the County has the potential to receive a check, we would be acting irresponsibly if we didn't take advantage of this. Savings would be about \$80,000.

RESOLUTION NO. 185-15

APPROVAL OF RENEWAL AGREEMENT BETWEEN THE NEW YORK STATE UNIFIED COURT SYSTEM AND THE COUNTY OF ALLEGANY FOR SFY 2015-2016 MAINTENANCE AND OPERATION OF COURT FACILITIES

Offered by: Public Works Committee

RESOLVED:

1. That the Renewal Agreement between the New York State Unified Court System and County of Allegany, in relation to cleaning services for the interior of the Allegany County Courthouse as well as minor and emergency repairs to that facility for the period April 1, 2015, to March 31, 2016, is approved.
2. That the Chairman of this Board is authorized to execute such Agreement.

Moved by: Mr. Fanton
Seconded by: Mr. Graves

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

RESOLUTION NO. 186-15

APPROVAL OF TRANSPORTATION OF PRE-SCHOOL CHILDREN WITH HANDICAPPING CONDITIONS AGREEMENTS WITH SIXTEEN CENTRAL SCHOOL DISTRICTS; AUTHORIZING CHAIRMAN TO EXECUTE AGREEMENTS

Offered by: Human Services and Ways & Means Committees

WHEREAS, sixteen central school districts have agreed to provide transportation for County pre-school children with handicapping conditions, now, therefore, be it

RESOLVED:

1. That each Agreement titled "Agreement Concerning The Transportation Of Pre-School Children With Handicapping Conditions" for the period July 1, 2015, to June 30, 2016, with the respective Central School Districts of Alfred-Almond, Andover, Arkport, Belfast, Bolivar-Richburg, Canaseraga, Canisteo-Greenwood, Cuba-Rushford, Fillmore, Friendship, Genesee Valley, Livingston-Wyoming NYSARC, Portville, Scio, Wellsville, and Whitesville, is approved.
2. That the Chairman of this Board is authorized to execute said Agreements.

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

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

Comments made regarding Resolution No. 186-15 included: Legislator Pullen remarked that this transportation plan should be a model for other counties in the State. It was initially proposed by former Legislator Lee Frair. It saves the County money. He acknowledged Lee Frair for his creativity and insights.

RESOLUTION NO. 187-15

**APPROVAL OF AMENDMENT TO AGREEMENT BETWEEN THE
COUNTY OF ALLEGANY AND KVR SERVICES LLC
INCREASING THE 2016 PRICE PER MEAL**

Offered by: Human Services and Ways & Means Committees

WHEREAS, the original agreement between the County of Allegany and KVR Services, approved pursuant to Resolution No. 94-2012 and subsequently assigned to KVR Services LLC, was last amended by Resolution No. 173-2014 to adjust 2015 meal prices to \$4.00 per meal; and

WHEREAS, the agreement as amended provided a mechanism after 2013 to review meal prices prior to June 1 of each year for the following year and modify the per meal price if agreed to by both parties; and

WHEREAS, the Office for the Aging met with KVR Services LLC prior to June 1 of this year and agreed to modify the price per meal for the year 2016 from the original price of \$4.00 per meal to an amended price of \$4.15 per meal; and

WHEREAS, an amendment to the agreement between the County of Allegany and KVR Services LLC, increasing the price per meal for 2016 to \$4.15, needs to be approved, now, therefore, be it

RESOLVED:

1. That the agreement between the County of Allegany and KVR Services LLC, is hereby amended to increase the price per meal to \$4.15 for the period January 1, 2016, to December 31, 2016.
2. That the Director of the Allegany County Office for the Aging is authorized to execute the agreement increasing the 2016 price per meal to \$4.15.

Moved by: Mr. LaForge
Seconded by: Mr. Hopkins

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

RESOLUTION NO. 188-15

APPROVAL OF AMENDMENT TO AGREEMENT BETWEEN HOME AND HEALTH SERVICES AND THE OFFICE FOR THE AGING

Offered by: Human Services and Ways & Means Committees

RESOLVED:

1. That the agreement to amend the prior contract between the Office for the Aging and Home and Health Services, Inc., dated January 1, 2015, which increases the price for home care services for the elderly for both EISEP and Respite from \$22.36/hour to \$22.56/hour for Level I Care (Housekeeping) and from \$22.68/hour to \$22.88/hour for Level II Care (Personal Care) is approved.
2. That the Director of the Allegany County Office for the Aging is authorized to execute the agreement amending the agreement between the Office for the Aging and Home and Health Services.

Moved by: Mr. LaForge
Seconded by: Mr. Graves

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

RESOLUTION NO. 189-15

APPROVAL OF FIDELIS CARE NEW YORK CONTRACT FOR HOME DELIVERED MEALS TO LONG-TERM CARE CLIENTS; AUTHORIZING DIRECTOR OF THE OFFICE FOR THE AGING TO EXECUTE AGREEMENT

Offered by: Human Services and Ways & Means Committees

RESOLVED:

1. That the Fidelis Care New York contract to supply home delivered meals to long-term care clients of the Office for the Aging effective July 1, 2015, is approved.
2. That the Director of the Office for the Aging is authorized to execute said contract.

Moved by: Mr. LaForge
Seconded by: Mr. Decker

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

Comments made regarding Resolution No. 189-15 included: Legislator LaForge made a motion to amend the resolution to correct the title to match the body of the resolution where it states who is authorized to execute the contract. The motion was seconded by Legislator Graves, and carried to amend the resolution to state that the Director of the Office for the Aging will execute the agreement. Legislator Ungermann questioned if we'd ever handled this type of care in this manner. Office for the Aging Director Madeleine Gasdik explained that VNA out of Syracuse had previously been used. This arrangement with Fidelis Care should be financially favorable to Allegany County.

Resolution Intro. No. 193-15 (Resolution No. 190-15) was not pre-filed and was considered from the floor on a motion made by Legislator LaForge, seconded by Legislator Healy, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 190-15

REPEALING RESOLUTION 179-15; ACCEPTANCE AND APPROPRIATION OF NEW YORK STATE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE FOR THE PROVISION OF SUPPORTIVE EMPLOYMENT SERVICES TO ELIGIBLE NONCUSTODIAL PARENTS

Offered by: Human Services, Planning & Economic Development and
Ways & Means Committees

RESOLVED:

1. That Resolution 179-15 is hereby repealed.
2. That the sum of \$46,792 in New York State Office of Temporary Disability Assistance funding for the provision of supportive employment services to eligible noncustodial parents is accepted.
3. The funds shall be appropriated as follows:

Appropriation Accounts:

A6010.101 (Social Services – Personnel Services) \$ 5,412

A6010.402 (Social Services – Mileage)	720
A6010.407 (Social Services – Supplies)	500
A6010.476 (Social Services – Contractual Expenses)	33,235
A6010.482 (Social Services – Contractual Expenses)	<u>6,925</u>
	\$ 46,792

Revenue Account:

A6010.4610.00 (Social Services – Federal Aid)	\$ 46,792
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Moved by: Mr. LaForge
Seconded by: Mr. Curran

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

Resolution Intro. No. 194-15 (Resolution No. 191-15) was not pre-filed and was considered from the floor on a motion made by Legislator Hopkins, seconded by Legislator Curran, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 191-15

**APPROVAL OF AGREEMENT WITH THE STATE UNIVERSITY OF NEW YORK
COLLEGE OF TECHNOLOGY AT ALFRED FOR DEVELOPMENT RELATED SERVICES;
TRANSFER OF FUNDS**

Offered by: Planning & Economic Development and Ways & Means Committees

WHEREAS, the Director of Economic Development position became vacant upon the retirement of the individual holding that position, and

WHEREAS, the County subsequently advertised for candidates seeking to be considered for that position, and

WHEREAS, this Board believes that economic development is critical to reducing the tax burden while enhancing opportunities and the quality of life for Allegany County residents, and

WHEREAS, there are a number of economic development initiatives both underway and contemplated that require ongoing development services, and

WHEREAS, a proposal was put forward by the State University of New York College of Technology at Alfred (Alfred State) to provide such services to the County on a contractual basis, and

WHEREAS, following said proposal, discussions followed between the County and Alfred State to ascertain the scope and nature of economic development services that Alfred State would be able to offer; and

WHEREAS, based upon those discussions, this Board is satisfied that Alfred State is in a position to undertake economic development services for the County which will seek to promote economic development throughout the County, and

WHEREAS, the parties wish to enter into an agreement describing the services to be performed, fee for those services and term of the agreement, now therefore, be it

RESOLVED:

1. That the agreement between the County of Allegany and the State University of New York College of Technology at Alfred providing for economic development services at an annual cost of one hundred thousand dollars (\$100,000) is hereby approved.

2. That the Chairman of this Board is authorized to execute said agreement.

3. That the sum of \$41,700 is transferred from Account No. A.6430.101 (Economic Development - Regular Pay) to Account No. A.6430.477 (Economic Opportunity and Development - Contractual).

Moved by: Mr. Hopkins
Seconded by: Mr. Curran

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

Comments made regarding Resolution No. 191-15 included: Legislator Healy stated that initially he had some strong reservations regarding this agreement. One of his concerns was the possibility of conflict concerning priorities. He stated that his concerns have been alleviated and he supports the agreement. Legislator Ungermann stated that he likes this arrangement for a couple of reasons. He likes having a contract. If we don't get results, we end the contract. If we were to hire someone to do this, it's not as easy to get out of the arrangement. Another reason is that this will cost less than what we've been spending on supporting an economic development department. Legislator Pullen expressed his opinion that if you continue to do things the way you've always done, you're going to get what you've got. He feels there is a good opportunity here. SUNY Alfred President Skip Sullivan has a background in this. If this arrangement doesn't produce, we can move in another direction. He said, "As parents we want our children to be able to stay here. They need jobs that will allow them to stay." He urged support for the resolution. Legislator Decker stated that he was a little skeptical initially but feels the strong alumni network of SUNY Alfred is beneficial. Legislator Burt remarked that this is a very unique, out-of-the-box way of thinking. Constituents look for us to do something like this. He feels it's a great business move.

Resolution Intro. No. 195-15 (Resolution No. 192-15) was not pre-filed and was considered from the floor on a motion made by Legislator Jessup, seconded by Legislator Curran, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 192-15

**RESOLUTION SETTING DATE FOR PUBLIC HEARING ON A GRANT APPLICATION
SEEKING A \$850,000 GRANT UNDER THE NEW YORK STATE HOMES AND
COMMUNITY RENEWAL COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

Offered by: Ways & Means Committee

WHEREAS, Cattaraugus Community Action Agency has approached Allegany County to act as the lead agency on a grant application under the New York State Homes and Community Renewal Community Development Block Grant Program, and

WHEREAS, the application will seek a grant in the amount of \$850,000 to replace, within Allegany County, eight to ten dilapidated owner occupied manufactured homes and address septic and well issues serving those properties, and

WHEREAS, the houses to be replaced will target the most vulnerable populations within Allegany County comprising the elderly, disabled and veterans, and

WHEREAS, there is no requirement that any County dollars be committed as a condition of receiving the grant, and

WHEREAS, Cattaraugus Community Action Agency intends to prepare the grant application and oversee administration of the grant, and

WHEREAS, the program requires that a municipal corporation act as the lead agency and recipient of the grant funds, and

WHEREAS, Allegany County is willing to serve as the lead agency, and

WHEREAS, the grant application process requires that Allegany County hold a public hearing concerning the grant prior to submission of the grant application, now, therefore, be it

RESOLVED:

1. That a public hearing on the proposed grant application shall be held by this Board at the County Legislators' Chambers, Room 221, 7 Court Street, County Office Building, Belmont, New York 14813, on September 14, 2015, at 2:00 p.m.

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 a copy 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 seven days before the public hearing.

Moved by: Mr. Jessup
Seconded by: Mr. Curran

Adopted: Voice Vote

Comments made regarding Resolution No. 192-15 included: Legislator Burt asked about a question raised by Legislator Curran during caucus. He asked if any of the funding would go to individuals who are already receiving public assistance. Legislator LaForge stated that part of the criteria for being selected for the program is that you are currently paying taxes and can demonstrate ability to pay taxes going forward. Legislator Burt asked if that meant they weren't receiving assistance. Social Services Commissioner Vicki Grant replied that they may still be receiving some type of assistance, but it would certainly help them to get their home up to code and therefore less likely to need emergency assistance.

AUDITS:

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

A motion was made by Legislator Jessup, seconded by Legislator Fanton, and adopted on a roll call vote of 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$3,544,715.98, 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 \$6,375,138.*)

COMMENTS:

A press release regarding the agreement with SUNY Alfred for economic development was distributed.

Legislator Pullen remarked on the recent attack on a train in France. American service men, who were vacationing, along with some civilians, were able to disarm the attacker. Legislator Pullen stated, "I don't think it's a coincidence that Americans responded. America essentially brought democracy to the modern world. I trust that we never lose that trait." He said their actions have been hailed as heroism. He doesn't think it's unique to just these guys. Legislator Decker echoed some of what Legislator Pullen said and added, "Our service men have responded not only in uniform, but also when they're not in uniform."

ADJOURNMENT: The meeting was adjourned at 2:58 p.m. on a motion made by Legislator Graves, seconded by Legislator Decker, and carried.