

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION**

SEPTEMBER 14, 2015

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:03 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Navy Electrician's Mate Warren J. Reynolds.

INVOCATION: The Invocation was given by Legislator Pullen.

ROLL CALL: 13 Legislators Present: Scott Burt, Curtis Crandall, Philip Curran, Dwight Fanton, Karl Graves, Dwight "Mike" Healy, Charles Jessup, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Debra Root, Norman Ungermann, Jr.
Absent: David Decker, Theodore Hopkins

APPROVAL OF MINUTES:

The Board meeting minutes of August 24, 2015, were approved on a motion made by Legislator Graves, seconded by Legislator Fanton, and carried.

PUBLIC HEARING:

Chairman Crandall closed the regular meeting to hold a public hearing on Resolution Intro. No. 202-15, entitled "Resolution Authorizing Allegany County to Pursue a \$850,000 Grant under the New York State Homes and Community Renewal Community Development Block Grant Program; Authorizing Chairman to Sign Documents."

There being no one desiring to speak, the public hearing was declared closed and the Board reconvened in regular session.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Warren J. Reynolds, former United States Navy Electrician's Mate, in grateful appreciation of his service to our country. Mr. Reynolds' service dates were from September 21, 1961, to January 14, 1966. Following Basic Training at Great Lakes, IL, assignments included: Norfolk, VA, USS Sahara, USS Tidewater, USS Blue, Japan. Commendations he received included: Armed Forces Expeditionary Medal. Mr. Reynolds led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Catherine Schuyler Chapter NSDAR Regent Meredith Chilson reminded everyone in attendance about Constitution Week, which is being celebrated September 17 through 23, 2015. September 17, 2015, marks the 228th anniversary of the drafting of the Constitution of

the United States of America. She also noted that 2015 is the 60th anniversary of Constitution Week. Chairman Crandall read a proclamation recognizing Constitution Week in Allegany County.

Sheriff Rick Whitney addressed those in attendance about Sheriff's Week, which is being celebrated this week in New York State. He stated, "This celebration is in honor of the significant traditional and contemporary contributions made by the Office of Sheriff in county government and in the statewide criminal justice system." He added, "The Sheriff is the only law enforcement officer in New York State to be directly elected by those he serves and as an elected official; he is a true public servant, directly accountable to the people of his community." This is the 31st annual celebration of Sheriff's Week in New York State. Chairman Crandall read a proclamation declaring September 14 through 20, 2015, as Sheriff's Week in Allegany County.

NYS Farm Bureau Field Advisor Timothy Bigham updated the group on agriculture related issues. He indicated that some agricultural commodities here in Allegany County have been good, others not good. Dairy prices have been down. Vegetable and animal management have been affected by weather. He stated that the Avian Influenza has not been as severe here as elsewhere. He attributes that to better biohazard management by our farms. Our Cooperative Extension Program is keeping farmers educated about these problems. On a national level, employment opportunities in food, agriculture and environmental fields in the next five years will continue to outnumber the graduates in these fields.

Allegany County Public Health Director and Founder of Allegany County Cancer Services Lori Ballengee addressed the audience regarding screenings for early cancer detection. She encouraged everyone to get their screenings including mammograms and colonoscopies, as well as, screenings for cervical and skin cancers. She stressed the importance of early detection. She spoke about some of the Allegany County Cancer Services fundraisers coming up including the 350 Dinner on September 19, and Christmas Basket Auction being held December 3-5. She remarked that Allegany County Cancer Services has helped 407 residents to date. The organization is operated 100 percent by volunteers.

Ardent Solutions Community Health Program Manager Melissa Biddle addressed the audience about unintentional injuries and their prevention. The Allegany County Fall Prevention Collaborative consists of partners from Ardent Solutions, ACOFA & NY Connects, Allegany County Department of Social Services, Allegany County Department of Health and Jones Memorial Hospital. This group has worked to develop a comprehensive fall prevention approach which includes programs such as A Matter of Balance and Allegany County Growing Stronger classes. Free home safety assessments are being conducted throughout the County. Education regarding fall risks associated with medications is being offered. Residents are responding about the positive effects of these programs and statistics are showing a decrease in the rate of hospitalizations due to unintentional falls amount adults age 65 and older. Ms. Biddle thanked current and past members of the County Legislature

for including fall prevention efforts as a priority in the Allegany County Comprehensive Planning process.

Supervising Public Health Educator Theresa K. Moore spoke about the Lead Poisoning Prevention Program. Lead exposure can affect children's brains and nervous systems. Exposure is due to swallowing or inhaling lead or lead dust. Pregnant women can spread lead poisoning to their unborn child. Lead poisoning has harmful and lasting effects and a blood test is the only way to know if there is lead poisoning. Ms. Moore stressed the importance of parents and physicians making sure that children are tested at one, and again at two years of age.

Cornell Cooperative Extension of Allegany County Executive Director Laura Hunsberger spoke briefly about a couple of upcoming events. A Farmer Neighbor dinner will be held on September 23. The Farmer Neighbor Dinner is an opportunity for farmers, members of the community, local leaders and friends to come together to recognize and celebrate the role that agriculture plays in Allegany County. Run-4-Health will be held Saturday, October 3, and will feature a 5K run/walk. This event will be held at Island Park in Wellsville and will include many family friendly activities and displays, as well as a barbeque dinner.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. Report of Tax Bill Corrections Approved by the County Administrator in August.
2. Report of IntraFund Transfers Approved by the County Administrator in August.
3. Correspondence from Senator Young confirming receipt and support of our resolution opposing Part W of the Governor's Budget which was adopted March 9, 2015. Senator Young indicated that Senate Republican's opposed the Governor's changes to IDAs and were successful in defeating those changes in the final state budget.
4. Correspondence from Senator Young regarding our resolution to allow for the use of standard mail when contacting voters.
5. Correspondence from Cindy Santora thanking the Board for the flowers and gifts cards in honor of her retirement.
6. Correspondence from Mary Joy Cady-Fagan thanking the Board for recognizing her 4-H achievements during our Board meeting at the Fair.
7. The FBI Antenna Site License Renewal for the period October 1, 2015, through September 30, 2016, (Renewal #10 of 10) was returned to the FBI on September 11, and a copy of the annual renewal will be filed with the 10-year agreement approved by Resolution No. 140-06.

8. Meeting Notice that the next Fire Advisory Board meeting will be on Thursday, September 24, at 8:00 p.m. in Room 122 of the Public Safety Building.

APPOINTMENTS:

Chairman Crandall appointed Steven Havey of Wellsville, New York, to the **CHAUTAUQUA, CATTARAUGUS, ALLEGANY AND STEUBEN SOUTHERN TIER EXTENSION RAILROAD AUTHORITY** to fill the remainder of a three-year term commencing immediately and expiring August 27, 2017. This appointment is subject to confirmation by the Board of Legislators.

Chairman Crandall appointed Lynn Bliven of Belmont, New York, as a member of the **COMPREHENSIVE PLAN IMPLEMENTATION GROUP**, effective immediately, to serve at his pleasure.

PROCLAMATION:

Chairman Crandall proclaimed September 14-20, 2015, as **SHERIFF'S WEEK** in Allegany County. *(This proclamation was read earlier in the meeting by Chairman Crandall.)*

Chairman Crandall proclaimed September 17-23, 2015, as **CONSTITUTION WEEK** in Allegany County. *(This proclamation was read earlier in the meeting by Chairman Crandall.)*

Chairman Crandall proclaimed September 23, 2015, as **FALL PREVENTION AWARENESS DAY** in Allegany County.

INTRODUCTION OF LEGISLATION:

Legislator Jessup introduced Local Law Intro. No. 4-2015, "A Local Law Authorizing the Use of Best Value in the Competitive Bidding Process."

RESOLUTIONS:

RESOLUTION NO. 193-15

**RESOLUTION SETTING DATE OF PUBLIC HEARING ON
A LOCAL LAW AUTHORIZING THE USE OF BEST VALUE IN THE
COMPETITIVE BIDDING PROCESS**

Offered by: Ways & Means Committee

WHEREAS, on this 14th day of September, 2015, a local law (Intro. No. 4-2015, Print No. 1) was introduced which seeks to authorize the use of best value in the competitive bidding process, and

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

RESOLVED:

1. That a public hearing shall be held on September 28, 2015, at 2:00 p.m. in the County Legislative Chambers, Room 221, County Office Building, Belmont, New York, before the Allegany County Board of Legislators, in relation to proposed Local Law Intro. No. 4-2015, 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. Jessup
Seconded by: Mr. LaForge

Adopted: Voice Vote

RESOLUTION NO. 194-15

**RESOLUTION AMENDING BOARD RULES TO
PROVIDE ADMINISTRATIVE OVERSIGHT OF THE
ALLEGANY COUNTY TELECOMMUNICATIONS DEVELOPMENT CORP.
BY THE FACILITIES AND COMMUNICATIONS COMMITTEE**

Offered by: Ways & Means Committee

RESOLVED:

1. That County Board Rule 220.B.2 is amended to reflect material added as shown by material underlined as follows:

g. General supervision of the Allegany County Telecommunications Development Corp. and governing board.

2. That County Board Rule 220.B.3 is amended to reflect material added as shown by material underlined as follows:

d. Allegany County Telecommunications Development Corp.

3. This resolution shall take effect immediately.

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

Adopted: Roll Call
10 Ayes, 3 Noes, 2 Absent
Voting No: Burt, O'Grady, Ungermann

Comments made regarding Resolution No. 194-15 included: Legislator Burt stated that he wanted to be supportive of this but he can't at this time. He's concerned about relying on the opinion of one person and feels another opinion ought to be sought. Chairman Crandall noted that this resolution is simply to find a place within the Board rules for this. Legislator Ungermann questioned if this was going to eliminate the need for a person to run the corporation, and stated that he doesn't see clearly what this corporation is going to do. Chairman Crandall responded that it's going to be up to the governing board of the corporation to decide who will run the corporation, and that many of these questions will be answered as we go forward.

RESOLUTION NO. 195-15

CREATION OF ONE POSITION OF DEPUTY ONE TRAINEE WITHIN THE COUNTY CLERK'S OFFICE

Offered by: Personnel Committee

RESOLVED:

1. That one position of Deputy One Trainee (Non-unit, Grade 1) is created.
2. This position of Deputy One Trainee shall be abolished December 31, 2016.
3. This resolution shall take effect immediately.

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

Adopted: Roll Call
13 Ayes, 0 Noes, 2 Absent

Comments made regarding Resolution No. 195-15 included: Legislator Burt had questioned the long training session, but said his question had been answered and he's now in support of the position.

RESOLUTION NO. 196-15

CREATION OF ONE POSITION OF SENIOR RECORDING CLERK WITHIN THE COUNTY CLERK'S OFFICE

Offered by: Personnel Committee

RESOLVED:

1. That one position of Senior Recording Clerk (AFSCME, Grade 10) is created.
2. This position of Senior Recording Clerk shall be abolished December 31, 2015.
3. This resolution shall take effect immediately.

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

Adopted: Roll Call
13 Ayes, 0 Noes, 2 Absent

RESOLUTION NO. 197-15

**RESOLUTION DIRECTING NOTICE OF DISTRICT REVIEW OF AGRICULTURAL
DISTRICT NUMBER ONE PURSUANT TO SECTION 303-a OF
THE AGRICULTURE AND MARKETS LAW**

Offered by: Resource Management Committee

WHEREAS, Agricultural District Number One, being within the Towns of Allen, Birdsall, Caneadea, Centerville, Granger, Hume, New Hudson and Rushford in the County of Allegany was created on August 13, 2001, and subsequently modified and continued on November 24, 2008, by Resolution No. 204-2008, and

WHEREAS, pursuant to Agriculture and Markets Law § 303-a, an eight year review of the District is required, now, therefore, be it

RESOLVED:

1. That the Clerk of the Board of Legislators is directed to provide proper notice of such district review by publication of the notice within the Wellsville Daily Reporter and Cuba Patriot, as provided for in Section 303-a subdivision 2. a. of the Agriculture and Markets Law.
2. That at least five copies of such notice shall also be posted in conspicuous places within the district.
3. That the County Agricultural and Farmland Protection Board is directed to prepare and file with the Board of Legislators a report in accordance with Section 303-a subdivision 2. b. of the Agriculture and Markets Law.

Moved by: Mr. Graves
Seconded by: Mr. Pullen

Adopted: Roll Call
13 Ayes, 0 Noes, 2 Absent

RESOLUTION NO. 198-15

**REQUESTING RUSHFORD LAKE RECREATION DISTRICT TO
IMPROVE PUBLIC ACCESS AND LAUNCHING FEE SCHEDULE**

Offered by: Resource Management Committee

WHEREAS, Rushford Lake is the largest recreational body of water in Allegany County; and

WHEREAS, the Rushford Lake Recreation District was created under the authority of the 1981 Laws of New York State, Chapter 78; and

WHEREAS, said District was formed with an emphasis on preservation, public access, and recreation; and

WHEREAS, access to Rushford Lake has been limited in recent times through actions of the Rushford Lake Recreation District Commissioners by installing a gate at the Balcom Beach Boat Launch, reducing times of operation, and charging fees in excess of other public boat launches across New York State; and

WHEREAS, Allegany County taxpayer's dollars contribute to the Allegany County Sheriff's water patrol; and

WHEREAS, Allegany County promotes through tourism outdoor recreation, fishing, boating, and other activities which distinguish us as a rural county; and

WHEREAS, the Department of Environmental Conservation (DEC) is now questioning whether or not to continue stocking Rushford Lake due to limited access; and

WHEREAS, concerns of invasive species have been answered and addressed by DEC and Senator Young's assistance by funding a boat washing station; and

WHEREAS, costly repairs for the operation of the dam and other facilities operated by the Rushford Lake Recreation District are and will be dependent upon taxpayer dollars, now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators calls upon the Commissioners of the Rushford Lake Recreation District to immediately remove the gate at the Balcom Beach Boat Launch, create boat launching fees in line with other similar fees charged at state boat launches across New York State, and increase the times of operation so the public has unrestricted access to the lake and its facilities.

Moved by: Mr. Graves
Seconded by: Mr. Healy

Adopted: Voice Vote

Comments made regarding Resolution No. 198-15 included: Legislator Graves stated, "Mr. Chairman, although the property around Rushford Lake is owned by a few, the lake itself is owned by all of us. The Lake's governing body, the Rushford Lake Recreation District, is facing some serious challenges. Chief among those are needed repairs to the Caneadea Dam and dealing with new DEC requirements regarding invasive species. The answer they've chosen, I believe, is a wrong one. Raising fees, limiting access and other draconian measures have had a negative effect and sent the wrong message to the general public. It's given the impression that the public is not wanted; that they want the lake to be a private lake and not a public lake. If you need help, you don't push the public away. You ask for their help. State Senator Cathy Young is working tirelessly on this issue. She's offered financial help and other assistance. She, or one of her aides, is attending the District's board meetings and she is trying to resolve this matter in a way that secures the public's access to the lake for generations to come. This resolution supports her efforts and is intended to send a message to the Rushford Lake Recreation District Board that says we want them to stop what they are doing and work with us, not against us. Senator Young supports this measure and I ask for its immediate adoption." Legislator Pullen remarked that he has no problem with the hours being expanded or the gate being taken down. However, he's concerned about the wording of the last line in paragraph one of the resolution. He feels the word "unrestricted" goes too far and therefore he can't support unless the wording were changed. Legislator Ungermann noted that although it says "unrestricted", the lake is still subject to rules set out by the NYS Department of Environmental Conservation and others. He remarked that Cuba Lake is mostly unrestricted, but it's still subject to navigation laws. There are no fees to launch on Cuba Lake. He added that fishermen want to get out there early, and forty dollars to launch a boat is a lot. Legislator Healy stated that he feels by passing this, some happy medium may arise for all parties.

RESOLUTION NO. 199-15

RESOLUTION AUTHORIZING ALLEGANY COUNTY TO PURSUE A \$850,000 GRANT UNDER THE NEW YORK STATE HOMES AND COMMUNITY RENEWAL COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; AUTHORIZING CHAIRMAN TO SIGN DOCUMENTS

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 homes 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, as part of the grant process a public hearing was conducted, now, therefore, be it

RESOLVED:

1. That Allegany County is authorized to pursue a \$850,000 grant under the New York State Homes and Community Renewal Community Development Block Grant program.

2. That the Chairman of this Board is authorized to sign all documents necessary to apply for the grant.

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

Adopted: Roll Call
12 Ayes, 1 Noes, 2 Absent
Voting No: Burt

Comments made regarding Resolution No. 199-15 included: Legislator Burt stated that while he encourages helping veterans with fixing their homes, he's concerned about people who are already receiving public assistance receiving this as well.

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 Root, and adopted on a roll call vote of 13 Ayes, 0 Noes, 2 Absent, that the audit of claims, totaling \$4,801,479.11, 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 \$6,954,696.*)

COMMENTS: Legislator Pullen reminded everyone of the Garlic Festival taking place in Cuba this weekend.

ADJOURNMENT: The meeting was adjourned at 3:22 p.m. on a motion made by Legislator Graves, seconded by Legislator Pullen, and carried.