

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION**

**OCTOBER 13, 2015**

**CALL TO ORDER:** The regular meeting of the Board of Legislators was called to order at 2:04 p.m. by Chairman Curtis W. Crandall.

**PLEDGE OF ALLEGIANCE TO THE FLAG:** The Pledge of Allegiance was led by United States Marine Corps Chief Warrant Officer Four Kenneth H. Glass.

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

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

**APPROVAL OF MINUTES:**

The Board meeting minutes of September 28, 2015, were approved on a motion made by Legislator Graves, seconded by Legislator Curran, and carried.

The Committee of the Whole minutes of September 28, 2015, were approved on a motion made by Legislator Root, seconded by Legislator Pullen, and carried.

**PRIVILEGE OF THE FLOOR:**

Chairman Crandall presented a certificate to Kenneth H. Glass, United States Marine Corps Chief Warrant Officer Four, in grateful appreciation of his service to our country. Mr. Glass enlisted in November 1989 and plans to retire in December 2015. His assignments have included: Camp Lejeune, SC, Parris Island, SC, Kaneohe Bay, HI, Camp Smith, HI, Okinawa, Japan, Iraq, Afghanistan, Korea, and Cleveland, OH. Mr. Glass spent over 1,000 days in combat zones. Commendations he's received include: Joint Meritorious Service Medal, Joint Service Accommodation Medal, Joint Achievement Medal, 3 Navy Commendation Medals, 3 Navy Achievement Medals, 5 Good Conduct Medals, 4 Overseas Ribbons, Expert Rifle Qualification, Operation Iraqi Freedom and Operation Enduring Freedom Ribbons. Mr. Glass' primary specialty is Financial Management Resource Officer. Mr. Glass led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Alfred State College Center for Civic Engagement Director Jonathan Hilsher addressed the Board about the upcoming Make a Difference Day (Celebrate Service/Celebrate Allegany) coming up on Saturday, October 24. This community service day was started by a Leadership Allegany group a few years ago. All three institutions of higher education (Alfred State, Alfred University, Houghton College) come together with

student volunteers to provide service and build relationships in their community. They are looking for additional projects for this year. If you know of an organization, church, etc. that could use help please let him know. Chairman Crandall concurred with Mr. Hilsher on the importance of Leadership Allegany and Make a Difference Day. He thanked Mr. Hilsher for keeping the project going.

Cancer Services Program Coordinator Madelyn Thorton spoke to the group about Breast Cancer Awareness Month which takes place each October. She noted that, based on statistics, 39 women in Allegany County will be diagnosed with breast cancer this year. She expressed the importance of screenings and early detection, saying that early screening improves survival rates.

Cornell Cooperative Extension Executive Director Laura Hunsberger addressed the Board regarding the upcoming Cornell Cooperative Extension Annual Dinner to be held on November 10. Cornell Cooperative Extension Director Dr. Christopher Watkins will be the keynote speaker.

Allegany County Artisan Terri L. Ross invited those in attendance to participate in the Allegany Artisans 28<sup>th</sup> Annual Studio Tour being held October 17 and 18, with a new pre-tour reception held on October 16, from 5-8 p.m. The tour includes the work of 42 artists from around Allegany County.

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

1. Report of IntraFund Transfers Approved by the County Administrator in September.
2. Report of Tax Bill Corrections Approved by the County Administrator in September.
3. County Treasurer Terri Ross filed a copy of the December 31, 2014, Financial Statements for Allegany County prepared by EFP Rotenberg in the Clerk of the Board's Office on September 30, 2015.
4. Notice of next InterCounty Association meeting to be hosted by Wayne County at the Young-Sommer Winery in Williamson, New York, on Friday, October 16.

#### **APPOINTMENTS:**

Chairman Curtis Crandall appointed Michael Johnsen of Dalton, New York, and Luis Rodriguez of Alfred, New York, as members of the **ALLEGANY COUNTY TELECOMMUNICATIONS DEVELOPMENT CORPORATION** for a two-year term effective immediately, and expiring September 30, 2017. Subject to confirmation by the Board of Legislators.

**PROCLAMATIONS:**

Chairman Curtis Crandall proclaimed October 2015 as Domestic Violence Awareness Month in Allegany County. This proclamation was read by Vice Chairman Dwight Fanton at a domestic violence awareness event held in Wellsville on October 10.

Chairman Curtis Crandall proclaimed October 2015 as Breast Cancer Awareness Month in Allegany County to raise awareness of the importance of early breast cancer detection.

Chairman Curtis Crandall proclaimed October 24, 2015, as Make a Difference Day in Allegany County. October 24, marks the fourth annual "Celebrate Service/Celebrate Allegany" day of community service in Allegany County.

**INTRODUCTION OF LEGISLATION:**

Legislator Charles Jessup introduced Local Law No. 5-2015, Print No. 1, A Local Law to Provide Increases in the Compensation of Certain County Officers.

**RESOLUTIONS:**

**RESOLUTION NO. 208-15**

**RESOLUTION SETTING DATE OF PUBLIC HEARING ON A LOCAL LAW TO PROVIDE INCREASES IN THE COMPENSATION OF CERTAIN COUNTY OFFICERS**

Offered by: Ways & Means Committee

**WHEREAS**, on this 13th day of October, 2015, a local law (Intro. No. 5-2015, Print No. 1) was introduced to provide increases in the compensation of certain county officers, and

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

**RESOLVED:**

1. That a public hearing shall be held on October 26, 2016, at 2:00 p.m. in the County Legislators' Chambers, Room 221, County Office Building, 7 Court Street, Belmont, New York, before the Allegany County Board of Legislators, in relation to proposed Local Law Intro. No. 5-2015, 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 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 five days before the public hearing.

Moved by: Mr. Jessup  
Seconded by: Mr. Healy

Adopted: Voice Vote

**RESOLUTION NO. 209-15**

**APPROVAL OF BOARD CHAIRMAN'S APPOINTMENT OF ONE MEMBER TO THE  
CHAUTAUQUA, CATTARAUGUS, ALLEGANY AND STEUBEN  
SOUTHERN TIER EXTENSION RAILROAD AUTHORITY**

Offered by: Planning & Economic Development Committee

**RESOLVED:**

1. That Steven Havey of Wellsville, New York, is appointed to the Chautauqua, Cattaraugus, Allegany, and Steuben Southern Tier Extension Railroad Authority, to fill the remainder of John Foel's three-year term, commencing immediately and expiring August 27, 2017.

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

Adopted: Voice Vote

**RESOLUTION NO. 210-15**

**BUDGET TRANSFER WITHIN COUNTY CLERK ACCOUNTS**

Offered by: Personnel Committee

**RESOLVED:**

1. That the sum of \$2,000 shall be transferred from Account No. A1410.201 (County Clerk - Equipment) to Account No. A1410.407 (County Clerk - Supplies).

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

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

**RESOLUTION NO. 211-15**

**ACCEPTANCE AND APPROPRIATION OF ADDITIONAL  
TANF SUMMER YOUTH FUNDING**

Offered by: Planning & Economic Development Committee

**RESOLVED:**

1. The Employment & Training Center had budgeted \$135,119 in 2015 for TANF (Temporary Assistance for Needy Families) Summer Youth Funding and actually received \$143,989. This created an additional \$8,870 in funding; the additional funds are accepted and appropriated as follows:

|                                      | Amount     |
|--------------------------------------|------------|
| A6794.101 (TANF - Staff Regular Pay) | \$1,295    |
| A6794.803 (TANF - Staff FICA)        | 600        |
| A6795.101 (TANF - Part. Regular Pay) | 5,625      |
| A6795.802 (TANF - Part. Retirement)  | 750        |
| A6795.803 (TANF - Part. FICA)        | <u>600</u> |
| Total:                               | \$ 8,870   |

2. That a like sum of \$8,870 is credited to Revenue Account No. CD1 6794.4701.12 (TANF – Federal Aid).

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

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

Comments made regarding Resolution No. 211-15 included: Chairman Crandall invited Employment & Training Director Reita Sobeck-Lynch forward to explain the additional funds. Ms. Lynch explained that this is an employment program for disadvantaged youth. They are never certain what they are going to receive for funding. They base their budget on what was received the previous year. She also explained that these funds have to be used for this specific purpose.

**RESOLUTION NO. 212-15**

**ACCEPTANCE AND APPROPRIATION OF FUNDS FOR THE HOMELAND SECURITY  
PRE-DISASTER MITIGATION COMPETITIVE GRANT TO UPDATE THE COUNTY'S  
MULTI-JURISDICTIONAL MULTI-HAZARD MITIGATION PLAN; AUTHORIZING BOARD  
CHAIRMAN TO EXECUTE AGREEMENT**

Offered by: Resource Management and Ways & Means Committees

**RESOLVED:**

1. That the sum of \$90,000 from the Homeland Security Pre-Disaster Mitigation Competitive Grant to update the County's Multi-Jurisdictional Multi-Hazard Mitigation Plan, is approved.

2. That the accepted sum of \$90,000 is placed in Account No. A3655.447 (Homeland Security – Public Safety Contracts) with a like sum credited to Revenue Account No. A3655.3306.HZMT (Hazard Mitigation – PDMC C#000755).

3. That the Chairman of this Board is authorized to execute the contract with the New York State Division of Homeland Security and Emergency Services to receive the grant funds.

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

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

Comments made regarding Resolution No. 212-15 included: Legislator Decker stated that he would be voting no on the resolution. He was on the Hazard Mitigation committee last year and feels they didn't meet enough to have the opportunity to put this together. Legislator Ungermann questioned if the members were volunteers. Chairman Crandall replied that they were volunteers or employees. Chairman Crandall expressed that this was extremely important for municipalities. Legislator Ungermann stated that he was concerned about having an outside group put this together as they wouldn't know the "ins and outs" of Allegany County. He wondered if the committee members would be part of putting the plan together. Legislator Graves indicated that they would be part of the plan development and that all of the issues have been resolved. The firm being used is very knowledgeable and has completed plans for other counties. Legislator Graves expressed the importance of passing the resolution as municipalities within the County could stand to lose millions in aid.

### **RESOLUTION NO. 213-15**

#### **ACCEPTANCE AND APPROPRIATION OF FUNDS FROM THE NEW YORK STATE OFFICE OF HOMELAND SECURITY FOR THE 2015 LETPP GRANT LE15-1000-D00**

Offered by: Public Safety and Ways & Means Committees

#### **RESOLVED:**

1. That the sum of \$17,500 from the New York State Office of Homeland Security 2015 LETPP Grant LE15-1000-D00 to purchase equipment for the Tactical/ACLERT Team, is approved.

2. That the accepted sum of \$17,500 is placed in Account No. A3654.210 (Homeland Security – Equipment) with a like sum credited to Revenue Account No. A3654.3306.SH15 (State Aid – Homeland Security 2015 LETPP T969152).

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

Adopted: Roll Call  
10 Ayes, 3 Noes, 2 Absent  
Voting No: Decker, Graves, Ungermann

Comments made regarding Resolution No. 213-15 included: Legislator Graves stated that in most cases he would like to see our County employees have the best equipment we can afford. He is voting no on this resolution because he feels it's duplication of services and because of training issues. He feels we are well equipped with the State Troopers and NYS SORT team. He believes it's an unnecessary expenditure at this time.

**RESOLUTION NO. 214-15**

**APPROVAL OF THE PURCHASE OF A PORTION OF REAL PROPERTY LOCATED AT SWAIN HILL ROAD, GROVE, NEW YORK, FROM CYNTHIA J. JEFFORDS FOR THE SUM OF EIGHT THOUSAND FIVE HUNDRED DOLLARS**

Offered by: Public Works and Ways & Means Committees

**WHEREAS**, Cynthia J. Jeffords owns property located at Swain Hill Road, Parcel ID 32.-1-52, in the Town of Grove, and

**WHEREAS**, upon review of the situation, it was determined that acquiring a portion of the property at this location would be advantageous to the Sheriff's Office due to its proximity to the road and that it is partially cleared for the purpose of constructing one of four new E911 towers, and

**WHEREAS**, the offering price of \$8,500 appears reasonable given the property's location and usefulness for the Sheriff's Office, now therefore, be it

**RESOLVED:**

1. That the County of Allegany is authorized to enter into an agreement with Cynthia J. Jeffords to purchase a parcel of land in the Town of Grove for the sum of Eight thousand five hundred Dollars (\$8,500).

2. That the County Attorney is directed to review and approve all paperwork related to the agreement and conveyance of the parcel of property into the County of Allegany.

3. That the Chairman of this Board is authorized to sign all documents necessary for the sale and conveyance of this parcel into the County of Allegany.

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

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

**RESOLUTION NO. 215-15**

**APPROVAL OF LEASE BETWEEN DONALD BALDWIN AND  
COUNTY OF ALLEGANY FOR PREMISES AT  
3453B NYS ROUTE 417, WELLSVILLE, NEW YORK**

Offered by: Human Services and Ways & Means Committees

**RESOLVED:**

1. That the Lease between Donald Baldwin and the County of Allegany for the term October 1, 2015, through September 30, 2016, for premises located at 3453B NYS Route 417, with a monthly rental rate of \$2,100 for use by the Allegany County Department of Health WIC/Cancer Services, is approved.

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

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

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

Comments made regarding Resolution No. 215-15 included: Legislator Ungermann asked if this was a renewal of the existing lease. Chairman Crandall replied that it was indeed a renewal. Legislator Burt stated that he was initially a "no" on this, but once he saw there was a "90-day out," he is reluctantly a "yes." He feels the utility bills are out of control, and he is a proponent of looking into using the former school building here in Belmont. Legislator Decker indicated that he would be voting "yes" because these programs are essential, but would like to look into the former school building. We spend \$250,000 a year on rent for facilities. Legislator Healy concurred with Legislators Burt and Decker saying that we need to look into the former school building. He noted that there are six acres, public sewer, public water, plenty of parking and is within walking distance of the other County buildings. He understands that having the County purchase the school building might not be as beneficial to the town as a private agency, but it would be good for the County.

**RESOLUTION NO. 216-15**

**APPROVAL OF THE 2016 ALLEGANY COUNTY PLAN UNDER COUNTY SPECIAL  
TRAFFIC OPTIONS PROGRAM FOR DRIVING WHILE INTOXICATED;  
AUTHORIZING STOP-DWI COORDINATOR TO ENTER INTO  
AGREEMENTS FOR SERVICES**

Offered by: Public Safety and Ways & Means Committees

Pursuant to Vehicle and Traffic Law § 1197

**RESOLVED:**

1. That the Allegany County 2016 STOP-DWI Plan is approved.
2. Authorization for the Chairman of the Board to sign the Allegany County 2016 STOP-DWI Plan.
3. That the STOP-DWI Coordinator is authorized to enter into agreements with Towns and Villages who wish to participate in the STOP-DWI Program; all such agreements to be in accordance with the approved Plan.

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

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

Resolution Intro. No. 220-15 (**APPROVAL OF THE SALE OF A PORTION OF THE FORMER BUFFALO AND SUSQUEHANNA RAILROAD RIGHT-OF-WAY TO BLADES HOLDING COMPANY, INC.**) was not pre-filed and was considered from the floor on a motion made by Legislator Jessup, seconded by Legislator Graves, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

#### **RESOLUTION NO. 217-15**

#### **APPROVAL OF THE SALE OF A PORTION OF THE FORMER BUFFALO AND SUSQUEHANNA RAILROAD RIGHT-OF-WAY TO BLADES HOLDING COMPANY, INC.**

Offered by: Ways & Means Committee

**WHEREAS**, a request has been made by Blades Holding Company, Inc., "Blades," to purchase a portion of the former Buffalo and Susquehanna Railroad right-of-way located on a parcel of property owned by Blades in the Town of Amity that was previously acquired by Allegany County by tax deed in 1946, and

**WHEREAS**, this property has not been used nor will it be used by the County and has no economic value to the County, and

**WHEREAS**, there is no benefit for the County in retaining the right-of-way, now therefore, be it

#### **RESOLVED:**

1. This Board does hereby approve selling to Blades Holding Company, Inc., for the sum of Two Hundred Dollars, (\$200), the County's interest, if any, in the former Buffalo and Susquehanna Railroad right-of-way that runs across Blades property located in the Town of Amity at 5652 Tuckers Corners Road.

2. That conveyance of the County's interest shall be by quit claim deed with no warranty as to title.

3. That upon payment of the sales price, the Chairman of this Board is authorized to execute such deed.

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

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

Comments made regarding Resolution No. 217-15 included: Legislator Burt questioned the benefit of selling the right-of-way. He wondered if the County would be giving away access that may be regretted. County Attorney Tom Miner indicated that this was received by way of tax deed. He stated that even if we have a right, we wouldn't have access. This is basically to allow other parties to "clean up" their property titles. He sees the right-of-way as more of a potential liability than a benefit. Legislator Decker asked for clarification of the property location. Mr. Miner indicated that it was at Tuckers Corners. Legislator Healy stated, "We don't have any reason to keep this. It's just a right-of-way." Legislator Ungermann remarked, "Here we're going to put a little back on the tax rolls."

#### **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 questioned if the Connect NY Broadband Grant Project expenses listed in the Audit Summary were the first money to be spent on that project. County Treasurer Terri Ross indicated that other expenditures have already been made.

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 \$3,218,856.93, 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 \$7,727,440.*)

#### **COMMENTS:**

Legislator Burt reminded the group that Wednesday night's episode of American Pickers would be featuring an estate in Wellsville. He hoped it would be good public relations for Allegany County.

Legislator Pullen remarked that Houghton College had hosted a large Christian artist musical event at the Kerr-Pegula Complex over the weekend. With a large facility like the Kerr-Pegula Complex, he hoped it would be the first of many events there.

Legislator Ungermann jested that today's honored vet should be offered a job here at the County with his exemplary money-saving skills.

**ADJOURNMENT:** The meeting was adjourned at 2:59 p.m. on a motion made by Legislator Graves, seconded by Legislator Root, and carried.