

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION**

**OCTOBER 26, 2015**

**CALL TO ORDER:** The regular meeting of the Board of Legislators was called to order at 2:02 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 Second Class Milton C. Newcomb.

**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 Committee of the Whole minutes of September 28, 2015, were approved as amended (Salary of Assistant Public Defender 3<sup>rd</sup> on page 2 of 4 was corrected to \$73,185) on a motion made by Legislator Graves, seconded by Legislator Curran, and carried.

The Board meeting minutes of October 13, 2015, were approved on a motion made by Legislator Decker, seconded by Legislator Fanton, and carried.

The Committee of the Whole minutes of October 13, 2015, were approved on a motion made by Legislator Root, seconded by Legislator Graves, and carried.

**PUBLIC HEARING:**

Chairman Crandall closed the regular meeting to hold a public hearing on Local Law Intro. No. 5-2015, entitled "A Local Law to Provide Increases in the Compensation of Certain County Officers." Comments from the public included the following:

Barbara Hetzel, Wellsville, expressed her concerns over the raises saying she was against them at this time. She indicated that the October 13 edition of the Wellsville Daily Reporter listed over 600 or so properties for foreclosure due to nonpayment of property taxes. If people lose these properties, they won't be paying taxes to help pay for these raises. Her second concern was the approximately 33 percent of the population who are on Social Security. These people are not going to be getting a raise this year, so she doesn't feel these County employees should be getting one either.

Monica Cole, Angelica, stated that she is a life-long resident of Allegany County and has worked for the County for over 34 years. She is also president of AFSCME, a union that

represents the largest portion of County employees. She would like to see equitable treatment of all employees regarding compensation. She remarked that the Personnel Director already received an additional \$10,000 to take on the duties of Deputy County Administrator, a position she feels shouldn't even exist. She stated, "The line level employees do the lion's share of work for each department from fixing roads, administering at immunization clinics, performing protective investigations, administering home-delivered meals, etc. We are essential to the carrying out of the mission and work of each department. The message that we receive from this body is that we are not essential as you continually give department heads and non-unit staff raises and do not require concessions from not only their benefits and salaries, but your own as well. Some of you have even made comments that the 'good staff' will leave. Well, what are we, chopped liver?" She also expressed her displeasure with the County Clerk's office hiring a Deputy Clerk I trainee for 67 weeks of training at a cost of \$38,000. She made the following remarks regarding health insurance. "Many if not all department heads, Section IV, Non-Unit positions and Legislators do not pay a monthly premium on their health insurance. Many union employees have worked at the County longer and all unions now pay towards their health insurance. The County has saved money on our Local (AFSCME) going to Option 1. It is now time to lead by example and all of you should be contributing toward the County Health Insurance Plan." She finished by saying, "I ask that you deny these proposed raises and any further ones that come up until you have honestly and fairly negotiated with all of your unions."

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 presented a certificate to Milton C. Newcomb, former United States Navy Electrician's Mate, in grateful appreciation of his service to our country. Mr. Newcomb's service dates were from November 1943 to May 1946. Following Basic Training at Sampson, NY, assignments included: Ames, IA, Shoemaker, CA, Treasure Island, CA, the USS Altamaha, Pearl Harbor, US Tinoso, USS Sea Dog, USS Spot, USS Norton Sound and Bainbridge, MD. Commendations he received included: Three American Campaign Medals, Asiatic Pacific Medal, and World War II Victory Medal. Mr. Newcomb led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Legislator Debra Root, who serves on the board of the United Way of Allegany County, spoke briefly about the fundraising campaign they've recently kicked off. The goal for this year is \$350,000. She encouraged everyone to consider making contributions to the campaign and explained how they have impact boards in place to determine where this money is most needed and how it would be best utilized. She indicated that the United Way serves all ages from babies to seniors and reaches all communities in the County.

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

1. November 2015 Calendar.

2. 2016 Tentative Budget

**APPOINTMENTS:**

Chairman Crandall appointed John Margeson of Scio, New York, as a member of the **ALLEGANY TELECOMMUNICATIONS DEVELOPMENT CORPORATION** for a two-year term effective immediately, and expiring September 30, 2017. This appointment is subject to confirmation by the Board of Legislators.

**RESOLUTIONS:**

**RESOLUTION NO. 218-15**

**ADOPTION OF LOCAL LAW INTRO. NO. 5-2015, PRINT NO.1, TO PROVIDE INCREASES IN THE COMPENSATION OF CERTAIN COUNTY OFFICERS**

Offered by: Ways & Means Committee

**RESOLVED:**

1. That proposed Local Law, Intro. No. 5-2015, Print No. 1, is adopted without any change in language, to wit:

**COUNTY OF ALLEGANY**

Intro. No. 5-2015

Print No. 1

**A LOCAL LAW TO PROVIDE INCREASES IN THE COMPENSATION OF CERTAIN COUNTY OFFICERS**

**BE IT ENACTED** by the Board of Legislators of the County of Allegany, State of New York, as follows:

Section 1. Commencing January 1, 2016, the annual salary of the incumbents of the following County offices shall be as follows: County Attorney - \$104,026; Employment & Training Director - \$62,527; Personnel Officer - \$69,996; Public Defender - \$98,657; Public Health Director - \$77,438; Public Works Superintendent - \$86,149; Real Property Tax Director - \$68,813; Sheriff - \$72,150; Social Services Commissioner - \$79,774; Treasurer - \$80,572..

Section 2. This local law shall take effect on the date of its filing with the Secretary of State.

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

Adopted: Roll Call  
9 Ayes, 4 Noes, 2 Absent  
Voting No: Burt, Decker, Graves, Ungermann

Comments made regarding Resolution No. 218-15 included: Legislator Ungermann remarked, "I guess I'm a merit raise person." He stated that it bothers him that we do these raises across the board. He's tired of hearing that we budget for it, or that we've always done it this way. I look for improvement in a department. Last year the County paid over \$23 million in wages, 49.79 percent in fringe benefits, \$4.3 million for retirement and \$5 million for health insurance (minus the contributions that are made). We need to look at slowing the boat a bit. Every year that I've been here there's been a 2-3 percent raise. Legislator Burt stated, "As Legislators we have intentionally not received an increase in pay..." He remarked that newly elected Legislators only have insurance available during their term of office and must contribute towards the insurance premiums. He feels giving raises sends a mixed message. Allegany County Legislator's salaries are low in comparison to other counties, yet the people in these positions are justifying their raises by comparing their wages to other counties. That coupled with the embarrassingly small increases our seniors are receiving does not justify giving any raises this year. Salaries before these raises are great salaries for Allegany County. Legislator Decker stated that he agrees whole-heartedly with Legislators Burt and Ungermann and will therefore be a "no" vote on this resolution.

### **RESOLUTION NO. 219-15**

#### **RESOLUTION SETTING DATE OF PUBLIC HEARING ON 2016 COUNTY TENTATIVE BUDGET AND PROVIDING CONTENTS OF SUCH NOTICE**

Offered by: Ways & Means Committee

**WHEREAS**, the 2016 County Tentative Budget has been presented to this Board together with a copy of the proposed appropriation resolution, and

**WHEREAS**, it is necessary to hold a public hearing on the Budget before any further action can be taken on the Budget and on the appropriation resolution, and

**WHEREAS**, it is necessary to provide notice to the public of such public hearing and to also include in such notice or in a separate notice published in the same manner and at the same time as such notice of public hearing, a statement of the maximum salary that may be fixed and payable during the year 2016 to the members of the County Board of Legislators and to its officers, now, therefore, be it

**RESOLVED:**

1. That a public hearing on the 2016 County Tentative Budget shall be held in the Legislators' Chambers, Room 221, at the County Office Building, 7 Court Street, Belmont, New York, at 7:00 p.m. on November 12, 2015.

2. That the notice of public hearing shall include a statement that the 2016 maximum salary for members of the Board of Legislators and the maximum salary that may be fixed and payable during said fiscal year 2016 to the Majority Leader, Minority Leader and Board Chairman, are as follows:

Members of the Board of Legislators	\$8,500. annual
Chairman of the Board of Legislators	\$8,500. annual
Majority Leader of Board	\$300. annual
Minority Leader of Board	\$300. Annual

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

Adopted: Voice Vote

### RESOLUTION NO. 220-15

#### AMENDMENT OF RESOLUTION NO. 170-2009 ESTABLISHING SOLID WASTE RESIDENTIAL USER FEES FOR YEAR 2016

Offered by: Public Works Committee

**WHEREAS**, by Resolution No. 170-2009, the County established solid waste residential user fees, which was subsequently amended by Resolution No. 89-2010, and

**WHEREAS**, it is necessary to amend the fees as set forth in Resolution No. 170-2009 further amended by Resolution no. 89-2010 to provide for an increase in user fees, now, therefore, be it

#### **RESOLVED:**

1. That "Disposal Ticket" fees in paragraph 1. of Resolution No. 170-2009, is amended to read as follows:

#### Residential Permit Fees

Price Per Bag:

30 Gallon	\$3
55 Gallon	\$5
Large Items (couch, mattress, etc.)	\$5
Small Items (chair, table, sink, etc.)	\$4

#### Other Residential Fees

Minimum Scale Fee for Weighing In \$20

2. The new fees will be implemented April 1, 2016.

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

Adopted: Roll Call  
12 Ayes, 0 Noes, 2 Absent  
Abstained: LaForge

Comments made regarding Resolution No. 220-15 included: Legislator LaForge requested permission to abstain from voting on this resolution. Permission was granted on a motion made by Legislator Graves, seconded by Legislator Curran, and carried by a vote of the Board.

### **RESOLUTION NO. 221-15**

#### **AUTHORIZING THE PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE OF THE COUNTY BOARD OF LEGISLATORS TO ACT AS TOURIST PROMOTION AGENCY AND TO APPLY FOR STATE FUNDS FOR TOURISM PROMOTION PURPOSES**

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

Pursuant to Article 5-A of the Economic Development Law

#### **RESOLVED:**

1. That the Planning & Economic Development Committee of this County Board of Legislators is authorized to act as a tourist promotion agency and to apply for state funds up to \$220,000 for tourism promotion purposes.
2. That if the application for the funding is approved, such Committee, or its designee, shall submit the grant agreement to this Board for approval and appropriation of such funds prior to commencing any work pursuant to the terms of the grant agreement or expending any of such funds.
3. That the Clerk of this Board is directed to send a certified copy of this resolution to the New York State Commissioner of Economic Development.

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

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

### **RESOLUTION NO. 222-15**

#### **BUDGET TRANSFER WITHIN PUBLIC WORKS ACCOUNTS**

Offered by: Public Works Committee

**RESOLVED:**

1. That the sum of \$10,000 shall be transferred from Account No. A8160.422 (Solid Waste – Gasoline/Oil) to Account No. A8160.204 (Solid Waste – Motor Vehicles/Equipment).

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

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

Comments made regarding Resolution No. 222-15 included: Legislator Decker stated that he wasn't at the committee meeting where this was discussed and asked what the transfer was for. Public Works Superintendent Guy James replied that the transfer was for the purchase of solid waste recycling containers.

**RESOLUTION NO. 223-15**

**APPROVING ADDITIONAL STUDY BY LABELLA ASSOCIATES, DPC FOR THE  
THIRD FLOOR PLANS OF THE COUNTY OFFICE BUILDING**

Offered by: Facilities & Communications Committee

**RESOLVED:**

1. That a proposal for an additional study for design services to investigate additional options for space distribution within the third floor of the County Office Building for a sum not to exceed five thousand dollars is hereby approved.

2. That the Chairman of this Board is authorized to execute a Proposal Service Agreement with LaBella Associates, DPC for their design services.

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

Adopted: Roll Call  
10 Ayes, 3 Noes, 2 Absent

Voting No: Burt, Decker, Ungermann

Comments made regarding Resolution No. 223-15 included: Legislator Decker remarked that he was prepared to offer a motion to table this resolution because he feels that they are going about it haphazardly. However, the consensus in caucus was to continue with it. He stated that he would be voting "no" on the resolution. Legislator Ungermann stated that in his opinion this will not take care of space needs or parking problems. Legislator Burt remarked that this project had been piecemealed over the years; and, therefore, we are where we are. He feels because of that we have to continue. He likes the idea of spending the least amount of money and is content with that plan. Therefore, he will be voting against this. Legislator Pullen stated that this is to find a plan that complies with the requirements of a grant that Senator Young helped the County obtain. He feels it's a modest amount to spend for a considerable amount to be gained through the grant. He feels it would be irresponsible not to

do what needs to be done for that grant. Legislator Burt remarked that his impression was that the smaller project they'd discussed was within the constraints of the grant. Chairman Crandall clarified that the smaller project was to utilize a small amount of space near the elevator. This resolution would provide them with two other options.

**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 Pullen, and adopted on a roll call vote of 13 Ayes, 0 Noes, 2 Absent, that the audit of claims, totaling \$3,136,525.00, 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 \$8,113,812.)*

**ADJOURNMENT:** The meeting was adjourned at 2:48 p.m. on a motion made by Legislator Graves, seconded by Legislator Fanton, and carried.