

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION**

DECEMBER 28, 2015

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:05 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by retired United States Army Major H. Scott Spillane.

INVOCATION: The Invocation was given by Legislator Pullen.

ROLL CALL: 15 Legislators Present: Scott Burt, Curtis Crandall, Philip Curran, David Decker, Dwight Fanton, Karl Graves, Dwight "Mike" Healy, Judith Hopkins (*joined the meeting after her appointment and swearing in*), Charles Jessup, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Debra Root, Norman Ungermann, Jr.

APPROVAL OF MINUTES:

The Board meeting minutes of December 14, 2015, were approved on a motion made by Legislator Graves, seconded by Legislator Decker, and carried.

The Committee of the Whole minutes of December 14, 2015, were approved on a motion made by Legislator Root, seconded by Legislator Fanton, and carried.

The Committee of the Whole minutes of December 16, 2015, were approved on a motion made by Legislator Curran, seconded by Legislator Graves, and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to H. Scott Spillane retired United States Army Major, in grateful appreciation of his service to our country. Mr. Spillane's service dates were from August 1967, to September 1996. Following Basic Training at Fort Polk, LA, assignments included: Vietnam; Fort Knox, KY; and Fort Totten, NY. Commendations he received included: Combat Infantry Badge, Bronze Star Medal, Purple Heart, Meritorious Service Medal (2), Army Achievement Medal, and Gold Badge Recruiting Badge and Expert Rifle. Mr. Spillane 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 recognized the following County employees for 30 years of service:

Valerie Guilluly
Tina Zalar
Larry Watson, Jr.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. January 2016 Calendar
2. Report of IntraFund Transfers Approved by the County Administrator in December.
3. Organization Meeting Notice

APPOINTMENTS:

Chairman Curtis Crandall reappointed Michael Hennessy of Wellsville, New York, to the position of **DIRECTOR OF THE COUNTY VETERANS' SERVICE AGENCY**, effective January 1, 2016, subject to the approval of the Allegany County Board of Legislators.

RESOLUTIONS:

RESOLUTION NO. 285-15

**APPOINTMENT OF JUDITH D. HOPKINS AS COUNTY LEGISLATOR
FROM DISTRICT I FOR PERIOD DECEMBER 28, 2015,
TO AND INCLUDING DECEMBER 31, 2016**

Offered by: Ways & Means Committee

WHEREAS, a vacancy has occurred in the office of County Legislator from District I due to the death of Theodore Hopkins, and

WHEREAS, pursuant to Section 7 of Local Law No. 3 of 1993, it will be necessary for this Board to appoint a person to fill this vacancy until January 1, 2017, and

WHEREAS, Judith D. Hopkins, of the Town of Hume has been recommended to this Board as the person who should be appointed to fill such vacancy, and

WHEREAS, the Ways and Means Committee of this Board believes that Judith D. Hopkins will meet the qualifications established for such office by Section 5 of said Local Law No. 3 of 1993, now, therefore, be it

RESOLVED:

1. That Judith D. Hopkins of the Town of Hume is appointed as a County Legislator from District I with term of office commencing December 28, 2015, and ending December 31, 2016.

2. That the appointee shall take and file her official oath in the Allegany County Clerk's Office within thirty days after the commencement of said term of office and shall also, within such thirty day period, file in said Clerk's Office an affidavit, subscribed and sworn to by the appointee, that she is presently a resident of the Town of Hume and was a continuous resident of said Town for at least one year immediately preceding the 28th day of December, 2015; and further, that she holds no other elective county office nor holds any elective town or village office. The foregoing affidavit shall be in such form as shall be approved by the County Attorney.

3. That within ten days of the respective filing date or dates of such official oath and affidavit the County Clerk shall transmit in writing to this Board a notification that such official oath and affidavit have been filed and specifying the respective filing date or dates of such official oath and affidavit.

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

Adopted: Voice Vote

OATH OF OFFICE ADMINISTERED:

Allegany County Judge Terrence Parker administered the Oath of Office to Legislator Judith D. Hopkins, who was accompanied by her family. Following adoption of Resolution No. 285-15, Legislator Hopkins joined the meeting.

RESOLUTION NO. 286-15

RESOLUTION TO APPOINT JOHN E. MARGESON AS COUNTY ADMINISTRATOR ON A PART-TIME INTERIM BASIS PENDING THE APPOINTMENT OF A FULL-TIME COUNTY ADMINISTRATOR

Offered by: Ways & Means Committee

WHEREAS, the current County Administrator, Mitchell M. Alger, has resigned his position in order to take an administrative position in another county, and

WHEREAS, due to Mr. Alger's resignation, there currently exists a vacancy in the office of County Administrator, and

WHEREAS, this Board has begun efforts to actively search for a new full-time County Administrator, and

WHEREAS, the position of County Administrator requires a unique skill set and job experiences, and

WHEREAS, the job of the County Administrator is critical for ensuring the efficient operation of County government and execution of Board policies, and

WHEREAS, it is anticipated that the search for a full-time County Administrator may take several months, and

WHEREAS, the duties and responsibilities of a County Administrator cannot be put on hold while a search for a full-time replacement is ongoing, and

WHEREAS, due to his past experience and thorough knowledge of the duties and responsibilities of the Office of County Administrator, former Allegany County Administrator, John E. Margeson, was approached to determine whether he would be willing to act as County Administrator on an interim basis, and

WHEREAS, Mr. Margeson has indicated that he would be willing to do so with the understanding that he will not be available on a full-time basis and would expect to work approximately twenty-five hours per week, and

WHEREAS, Mr. Margeson has further indicated that he is prepared to work up to six months on a part-time basis for an amount not to exceed Thirty Thousand Dollars (\$30,000), and

WHEREAS, this Board believes that it is in the County's best interest to appoint Mr. Margeson as County Administrator to serve on an interim basis pending the appointment of a full-time County Administrator, now therefore, be it

RESOLVED:

1. That John E. Margeson is appointed County Administrator to serve for a period not to exceed six months at the pleasure of this Board of Legislators.

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

Adopted: Roll Call
15 Ayes, 0 Noes, 0 Absent

Comments made regarding Resolution No. 286-15 included: Legislator Ungermann remarked that he hoped part of Mr. Margeson's duties will be to cross-train other employees. Legislator Ungermann feels it is important to be able to cover things like this with the people we've got. Legislator Burt stated that we have Mr. Margeson for six months; it would be nice to have someone trained who can help out for a bit longer.

Following the adoption of Resolution No. 286-15, Mr. Margeson joined the meeting.

RESOLUTION NO. 287-15

**RESOLUTION CONTINUING AGRICULTURAL DISTRICT NUMBER ONE
WITH MODIFICATIONS**

Offered by: Resource Management Committee

Pursuant to Agriculture and Markets Law Sections 303-a and 303-b

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

WHEREAS, the eight-year review of Agricultural District Number One for requesting inclusion of predominantly viable agricultural land into said District for calendar year 2016 has been completed, and

WHEREAS, 26 landowners have requested the inclusion of approximately 2,492.05 acres of predominantly viable agricultural land within Agricultural District Number One, and

WHEREAS, 1 landowner has requested to be removed from Agricultural District Number One totaling approximately 33.56 acres, and

WHEREAS, due notice of a public hearing on whether such predominantly viable agricultural land should be included or removed in the District having been published as required by Agriculture and Markets Law Section 303-b, and such hearing having been held before this Board on December 14, 2015, and

WHEREAS, this Board has duly deliberated on whether the District should be modified, now, therefore, be it

RESOLVED:

1. That this Board of Legislators determines after review of the report of the Agricultural and Farmland Protection Board and after a public hearing held on December 14, 2015, that Agricultural District Number One be continued and modified to include the addition of 2,492.05 acres of predominantly viable agricultural land and the removal of approximately 33.56 acres of land from said District.

2. That the Clerk of this Board is directed to send a certified copy of this resolution to the New York State Commissioner of Agriculture and Markets.

3. That this Board requests that the New York State Commissioner of Agriculture certify that the proposed inclusion in Agricultural District Number One, located in the Towns of Allen, Birdsall, Caneadea, Centerville, Granger, Hume, New Hudson and Rushford, of approximately 2,492.05 acres of predominantly viable agricultural lands and the removal from Agricultural District Number One of approximately 33.56 acres of predominantly viable agricultural land is feasible and in the public interest.

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

Adopted: Roll Call
15 Ayes, 0 Noes, 0 Absent

RESOLUTION NO. 288-15

**ADOPTION OF ALLEGANY COUNTY EMPLOYEE ELECTRONIC
COMMUNICATIONS AND DEVICE USE POLICY**

Offered by: Personnel Committee

WHEREAS, the widespread use of a variety of different means of electronic communication by County employees has warranted a review of the County's existing policy on this matter, now therefore, be it

RESOLVED:

1. That the Employee Electronic Communications & Device Use Policy is hereby approved.
2. That this policy is intended to complement the Computer Use Policy; E-Mail Policy and Internet Policy previously adopted by Resolution No. 35-2004, and to the extent that this earlier policy conflicts with the newly adopted Employee Electronic Communications & Device Use Policy, the newly adopted Policy shall apply.
3. This resolution shall take effect immediately.

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

Adopted: Roll Call
15 Ayes, 0 Noes, 0 Absent

RESOLUTION NO. 289-15

**AMENDMENT OF RESOLUTION NO. 82-2011, ADDING KEY BANK
AS A DESIGNATED DEPOSITORY TO RECEIVE FUNDS FOR
DEPARTMENT OF SOCIAL SERVICES ADOPTION SUBSIDY**

Offered by: Ways & Means Committee

Pursuant to County Law § 212 and General Municipal Law § 10

RESOLVED:

1. That paragraph 1 of Resolution No. 82-2011, is amended with the addition of Key Bank to the list of designated depositories, with a limit of \$500,000, to receive funds for the Department of Social Services Adoption Subsidy effective January 2016; to read as follows:

Community Bank of New York	\$24,000,000
Five Star Bank and Trust	\$24,000,000

JP Morgan Chase	\$24,000,000
Steuben Trust Company	\$24,000,000
Key Bank	\$ 500,000** new

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

Adopted: Roll Call
15 Ayes, 0 Noes, 0 Absent

RESOLUTION NO. 290-15

CREATION OF ONE TEMPORARY POSITION OF FOURTH ASSISTANT COUNTY ATTORNEY; FIXING SALARY AND AMENDING NON-UNIT SALARY PLAN

Offered by: Personnel Committee

RESOLVED:

1. That one temporary position of Fourth Assistant County Attorney is created and the annual salary of such position is fixed at \$70,000.
2. That Section 4 of Resolution No. 297-75, as amended, is hereby amended by adding the title of Fourth Assistant County Attorney.
3. That this position shall be abolished no later than September 6, 2016.
4. This resolution shall take effect immediately.

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

Adopted: Roll Call
15 Ayes, 0 Noes, 0 Absent

Comments made regarding Resolution No. 290-15 included: Legislator Burt pointed out that the actual costs are not to exceed \$43,750; plus we are getting reimbursement. He stated that he was going to support the resolution.

RESOLUTION NO. 291-15

CREATION OF ONE POSITION OF DIRECTOR OF ENVIRONMENTAL HEALTH IN THE COUNTY HEALTH DEPARTMENT

Offered by: Personnel Committee

RESOLVED:

1. That one position of Director of Environmental Health (PEF, Grade 9) is created.
2. This resolution shall take effect immediately.

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

Adopted: Roll Call
15 Ayes, 0 Noes, 0 Absent

Comments made regarding Resolution No. 291-15 included: Legislator Ungermann asked who covered these duties now. Public Health Director Lori Ballengee stated that Tom Hull who serves as the Deputy Public Health Director does this work, but he's retiring. Ms. Ballengee noted that she is getting rid of the Deputy position at a savings of almost \$29,000.

RESOLUTION NO. 292-15

RESOLUTION URGING THE GOVERNOR AND LEGISLATURE TO GRADUALLY RESTORE THE 50/50 STATE/COUNTY SHARING FOR THE SAFETY NET PROGRAM AND TO INCREASE SHELTER GRANT REIMBURSEMENTS TO COUNTIES

Offered by: Human Services Committee

WHEREAS, the 2011-2012 State budget dramatically lowered the State's fiscal responsibility in the Safety Net Program by shifting the cost of 71 percent county/29 percent state, severing the historic 50 percent county/50 percent New York State partnership, and

WHEREAS, this continues a long line of state legislative actions that have transferred the State's constitutional and fiscal responsibility to care for the needy to county taxpayers, while providing counties virtually no control over eligibility for services and benefit levels, and

WHEREAS, the Safety Net funding shift also builds upon recent trends where the State has leveraged significant savings from maximizing available federal resources largely for state financial plan purposes only, at the expense of local property taxpayers, and

WHEREAS, the net effect of this state practice forced local property taxes to be higher than they should because available savings are being spent by the state rather than being used to lower the cost of state mandates that can provide direct relief to local property taxpayers, and

WHEREAS, nearly half of the states do not have Safety Net programs and New York is one of only 11 states that provides benefits to childless adults that do not have some disability, and

WHEREAS, most other states do not require counties to fund such a large share of public assistance costs, and

WHEREAS, counties in New York are required to finance the vast majority of Safety Net costs, putting in twice as much funding as the State, and

WHEREAS, counties believe that the rising cost of providing shelter assistance to recipients is a major contribution to this increase, and

WHEREAS, the reduction of State funding support for Safety Net Assistance is part of a larger trend where the State has reduced its fiscal commitment for nearly every public assistance program including child welfare, adoption subsidies, food stamp administration, Safety Net, child support enforcement, juvenile justice and programs designed to help recently released state incarcerated offenders returning to the community, now, therefore, be it

RESOLVED:

1. That Allegany County calls on the State to gradually restore the historic 50/50 state/county cost sharing for the Safety Net program over a five year period, starting with an increase in county reimbursement for shelter assistance in order to help lower the local property tax burden for homeowners and small businesses; and

2. That certified copies of this resolution be sent to Governor Andrew Cuomo; Senator Catharine M. Young; Assemblyman Joseph M. Giglio; the New York State Association of Counties and the Inter-County Association of Western New York.

Moved by: Mr. LaForge
Seconded by: Mr. Fanton

Adopted: Voice Vote

Comments made regarding Resolution No. 292-15 included: Legislator Pullen said that the State had financial difficulties. What the State doesn't acknowledge is that they've shifted costs down to us. We're just asking for an equal partnership. Hopefully the State will listen and go back. He would like to see it return to where it's historically been. Legislator Decker said that Mr. Pullen makes a very good point, but this isn't the only program they've done this to us. It really puts a burden on the counties. Legislator Decker urged the Board to vote unanimously on this resolution. Legislator Ungermann stated that if the State can cut 25 percent out of this, the counties should be able to cut out 25 percent.

RESOLUTION NO. 293-15

RESOLUTION FIXING DATE OF 2016 ORGANIZATION MEETING

Offered by: Ways & Means Committee

RESOLVED:

1. That the Board of Legislators shall meet on Monday, January 4, 2016, at 2:00 p.m. in the Legislators' Chambers in the County Office Building, Belmont, New York, for the purpose of organizing the Board, selecting a Chairman and such other officers or appointees as may be desired, and for the transaction of any other business which could properly come before any regular meeting of the Board.

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

Adopted: Voice Vote

RESOLUTION NO. 294-15

**SUSPENDING CERTAIN COUNTY BOARD RULES AFFECTING PROPOSED
RESOLUTIONS REQUESTED TO BE SUBMITTED AT ORGANIZATION MEETING ON
JANUARY 4, 2016**

Offered by: Ways & Means Committee

RESOLVED:

1. That section D. of Rule 170 and sections C., D. and E. of Rule 180 of County Board Rules, are suspended for proposed resolutions which are requested to be submitted at the organization meeting of the County Board of Legislators to be held on January 4, 2016.

Moved by: Mr. Jessup
Seconded by: Mr. Decker

Adopted: Voice Vote

RESOLUTION NO. 295-15

**APPROVAL OF BOARD CHAIRMAN'S APPOINTMENT OF MICHAEL D. HENNESSY
AS DIRECTOR OF COUNTY VETERANS' SERVICE AGENCY**

Offered by: Personnel Committee

Pursuant to Executive Law § 357 and Resolution No. 58-45

RESOLVED:

1. That the appointment by the Chairman of this Board of Legislators of Michael D. Hennessy as Director of the County Veterans' Service Agency for a term commencing January 1, 2016, and ending December 31, 2016, is approved.

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

Adopted: Voice Vote

RESOLUTION NO. 296-15

**APPOINTMENT AND REAPPOINTMENT OF MEMBERS TO THE
ALLEGANY COUNTY PLANNING BOARD**

Offered by: Planning & Economic Development Committee

RESOLVED:

1. That each of the following persons are appointed to the Allegany County Planning Board, with term of office for each commencing January 1, 2016 and expiring December 31, 2018:

William Emrick	District II, Scio, New York
Bryan D. Fanton	District IV, Wellsville, New York
Lee Gridley	District IV, Wellsville, New York

2. That Charles O. Jessup, Chairman of the Ways and Means Committee of this Board, Guy R. James, Superintendent of Public Works, and Terri L. Ross, Allegany County Treasurer are reappointed ex-officio members of the Allegany County Planning Board with term of office to commence January 1, 2016, and expiring December 31, 2016.

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

Adopted: Voice Vote

RESOLUTION NO. 297-15

**APPOINTMENT OF ONE COUNTY FARM BUREAU MEMBER TO THE ALLEGANY
COUNTY SOIL AND WATER CONSERVATION DISTRICT BOARD**

Offered by: Resource Management Committee

Pursuant to Soil and Water Conservation District Law §§ 6 and 7

RESOLVED:

1.. That Marvin Covert is appointed to the Allegany County Soil and Water Conservation District Board as an County Farm Bureau appointee, with term of office commencing January 1, 2016, and expiring December 31, 2018.

Moved by: Mr. Graves
Seconded by: Mr. Decker

Adopted: Voice Vote

RESOLUTION NO. 298-15

**BUDGET TRANSFER FROM CONTINGENCY FUND TO FUND AN ALLOCATION TO THE
ALLEGANY COUNTY TELECOMMUNICATION CORPORATION
(BROADBAND LDC) PER CONTRACT**

Offered by: Ways & Means Committee

RESOLVED:

1. That the sum of \$20,000 shall be transferred from Account No. A1990.429 (Contingency) to Account No. A8676.492 (Home and Community Service - Contractual) to fund an allocation to the Allegany County Telecommunication Corporation (Broadband LDC) per contract from the 2015 budget year.

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

Adopted: Roll Call
13 Ayes, 2 Noes, 0 Absent
Voting No: O'Grady, Ungermann

RESOLUTION NO. 299-15

**DELEGATING AUTHORITY FOR CERTAIN REAL PROPERTY TAX REFUNDS AND
CORRECTION OF TAX BILLS AND TAX ROLLS**

Offered by: Ways & Means Committee

Pursuant to Sections 554 (9) (a) and 556 (8) (a) of the
Real Property Tax Law

WHEREAS, Sections 554 and 556 of the Real Property Tax Law authorize the County Board of Legislators to delegate the authority to make real property tax refunds and correct tax bills and tax rolls where the recommended refund or correction is \$2,500 or less, and

WHEREAS, utilization of this option will save numerous resolutions per year, and

WHEREAS, it is proposed that the County Administrator, who is also the County Auditor, as the individual who audits bills for payments, would be the official to perform the delegated refund and correction duties, and

WHEREAS, should the County Administrator as County Auditor deny the refund, the application would then be presented to the County Board of Legislators for its consideration, and

WHEREAS, the delegation must be given each calendar year, now, therefore, be it

RESOLVED:

1. This Board does delegate the authority to make real property tax refunds and to correct tax bills and tax rolls to the County Administrator as County Auditor pursuant to the above sections of the Real Property Tax Law subject to the limitations in paragraphs 2. and 3. of this resolution for calendar year 2016.

2. That for calendar year 2016, the County Administrator as County Auditor is authorized to perform the duties of the County Board of Legislators in providing real property tax refunds, where the recommended refund is \$2,500 or less, in accordance with Section 556 of the Real Property Tax Law.

3. That for calendar year 2016, the County Administrator as County Auditor is authorized to correct tax bills and tax rolls, where the recommended correction is \$2,500 or less, in accordance with Section 554 of the Real Property Tax Law.

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

Adopted: Roll Call
15 Ayes, 0 Noes, 0 Absent

RESOLUTION NO. 300-15

**REAPPOINTMENT OF TWO MEMBERS TO THE CITIZENS ADVISORY
COUNCIL TO THE OFFICE FOR THE AGING**

Offered by: Human Services Committee

Pursuant to Resolution No. 221-74

RESOLVED:

1. That the reappointments of Mona Pettit (Over 60 Member) of Cuba, New York and Reita Sobeck-Lynch of Wellsville, New York, to the Citizens Advisory Council to the Office for the Aging, with term of office for each commencing January 1, 2016, and expiring December 31, 2018, are confirmed.

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

Adopted: Voice Vote

RESOLUTION NO. 301-15

**REAPPOINTMENT OF TWO MEMBERS TO ALLEGANY COUNTY
COMMUNITY SERVICES BOARD**

Offered by: Human Services Committee

RESOLVED:

1. That Kathy Bentley of Andover, New York, and Calvin L. Schierer, of Houghton, New York, are reappointed to the Allegany County Community Services Board, with term of office to commence January 1, 2016, and expire December 31, 2019.

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

Adopted: Voice Vote

RESOLUTION NO. 302-15

**DESIGNATION OF OFFICIAL NEWSPAPERS FOR THE PUBLICATION
OF LOCAL LAWS, NOTICES AND OTHER MATTERS REQUIRED
BY LAW TO BE PUBLISHED IN 2016**

Offered by: Ways & Means Committee

WHEREAS, in accordance with subdivision 1 of Section 214 of the County Law the members of this Board of Legislators representing respectively each of the two principal political parties into which the people of this State are divided have designated in writing the newspapers set forth below to publish, in 2016, the concurrent resolutions of the State Legislature, election notices issued by the Secretary of State, and the official canvass:

Concurrent resolutions of the Legislature:

The Alfred Sun, Alfred, New York (Republican)
Cuba Patriot & Free Press, Cuba, New York (Democrat)

Election Notices and Official Canvass:

Wellsville Daily Reporter, Wellsville, New York (Republican)
Cuba Patriot & Free Press, Cuba, New York (Democrat)

WHEREAS, subdivision 2 of Section 214 of the County Law requires this Board of Legislators to annually designate at least two newspapers within the County of Allegany as official newspapers for the publication of all local laws, notices and other matters required by law to be published, now, therefore, be it

RESOLVED:

1. That the newspapers listed below are designated as the official newspapers of the County of Allegany for the publication of local laws, notices and other matters required by law to be published in 2016:

Wellsville Daily Reporter, Wellsville, New York (Republican)

Cuba Patriot & Free Press, Cuba, New York (Democrat)

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

Adopted: Voice Vote

RESOLUTION NO. 303-15

ACCEPTANCE OF INSURANCE PAYMENT FROM NYMIR AND APPROPRIATION OF FUNDS TO RISK RETENTION ACCOUNTS

Offered by: Ways & Means Committee

WHEREAS, a check in the amount of \$2,904.15, representing the settlement, less a \$500 deductible, on a Sheriff's Office 2010 Ford Crown Victoria (VIN#2FABP7BV5AX130631) that was damaged as a result of a motor vehicle/deer accident on or around November 11, 2015, has been offered by NYMIR (New York Municipal Insurance Reciprocal) in settlement for such damage, now, therefore, be it

RESOLVED:

1. That the sum of \$2,904.15 representing the settlement on a 2010 Ford Crown Victoria (VIN#2FABP7BV5AX130631) that was damaged on or around November 11, 2015, is accepted.

2. That the sum of \$2,904.15 is placed in Account No. CS1931.429 (Risk Retention - Uninsured Property Loss) with a like sum credited to Revenue Account No. CS1930.2680.00 (Insurance Recovery).

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

Adopted: Roll Call
15 Ayes, 0 Noes, 0 Absent

Comments made regarding Resolution No. 303-15 included: Legislator Burt stated that he would support without hesitation, but felt more information could be included in the MOE. He would like to know the circumstances of the accident in order to be more transparent for the constituents.

RESOLUTION NO. 304-15

TRANSFER OF FUNDS WITHIN HEALTH DEPARTMENT WIC ACCOUNTS

Offered by: Human Services Committee

RESOLVED:

1. That the transfer of \$13,788 of WIC Fringe Benefits to Fees within Health Department accounts is approved as follows:

<u>From:</u>	
A4190.806 WIC – Hosp/Med Ins.	\$13,788
<u>To:</u>	
A4190.456 WIC – Health Contracts	\$12,216
A4190.802 WIC – Retirement	1,359
A4190.803 WIC – FICA	172
A4190.804 WIC – Workers Comp	35
A4190.805 WIC – Disability	<u>6</u>
	\$13,788

Moved by: Mr. LaForge
Seconded by: Mr. Fanton

Adopted: Roll Call
15 Ayes, 0 Noes, 0 Absent

RESOLUTION NO. 305-15

**TRANSFER OF FUNDS WITHIN HEALTH DEPARTMENT
FAMILY PLANNING ACCOUNTS**

Offered by: Human Services Committee

RESOLVED:

1. That the transfer of \$6,281 of Family Planning Fringe Benefits to Fees within Health Department accounts is approved as follows:

<u>From:</u>	
A4035.806 Family Planning – Hosp/Med Ins.	\$ 6,281
<u>To:</u>	
A4035.409 Family Planning – Fees	\$ 5,586
A4035.802 Family Planning – Retirement	461
A4035.803 Family Planning – FICA	190
A4035.804 Family Planning – Workers Comp	38
A4035.805 Family Planning – Disability	<u>6</u>
	\$ 6,281

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

Adopted: Roll Call
15 Ayes, 0 Noes, 0 Absent

RESOLUTION NO. 306-15

TRANSFER OF FUNDS WITHIN DEPARTMENT OF SOCIAL SERVICES ACCOUNTS

Offered by: Human Services and Ways & Means Committees

RESOLVED:

1. That the transfer of \$130,000 within the Department of Social Services accounts is approved as follows:

<u>From Account No.</u>	<u>To Account No.</u>	<u>Amount</u>
A6010.482 DSS Admin. – Contracts	A6010.413 DSS Admin. – Lease	\$ 5,000
A6119.474 Child Care – Child Welfare	A6010.481 DSS Admin. - ACCORD	25,000
A6119.474 Child Care – Child Welfare	A6070.474 Serv. For Recip. - POS	50,000
A6119.474 Child Care – Child Welfare	A6109.474 Aid to Dep. Child - TANF	<u>50,000</u>
	Total:	\$130,000

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

Adopted: Roll Call
15 Ayes, 0 Noes, 0 Absent

RESOLUTION NO. 307-15

TRANSFER OF FUNDS WITHIN DEPARTMENT OF PUBLIC WORKS ACCOUNTS

Offered by: Public Works and Ways & Means Committees

RESOLVED:

1. That the transfer of \$73,041 within the Department of Public Works budgeted Capital accounts is approved as follows:

<u>From:</u>	
H5938.200 Granger, Town BR 1801	\$12,350
H5941.200 West Almond, Town BR 27-05	15,300
H5942.200 Wirt, Culvert Hassard Rd	24,250
H5944.200 Granger, CR27B, BR 18-06	13,500
H1621.200 Asbestos Abatement Bldg. Imp.	<u>7,641</u>
	\$73,041

<u>To:</u>	
H5936.200 Hume, Town BR 20-18	\$25,350
H5940.200 Rushford, Town BR 23-08	40,050
H5633.200 Jail Floor Renovations (Elevator)	<u>7,641</u>
	\$73,041

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

Adopted: Roll Call
15 Ayes, 0 Noes, 0 Absent

RESOLUTION NO. 308-15

**APPROVING THE HARTFORD AS THE ALLEGANY COUNTY EMPLOYEE
DISABILITY INSURANCE CARRIER**

Offered by: Personnel Committee

RESOLVED:

1. That the disability insurance agreement with The Hartford, with office at 325 Essjay Road, Suite 402, Williamsville, New York, 14221, to provide disability benefits to eligible employees, is approved.
2. That the agreement provides disability benefits at a rate of 50% of wages up to a maximum of \$400 per week at a monthly cost to Allegany County of \$0.45 per \$10 of coverage per employee.
3. That the term of such disability insurance through The Hartford for employees of Allegany County shall commence January 1, 2016, and expire on December 31, 2017.

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

Adopted: Roll Call
15 Ayes, 0 Noes, 0 Absent

RESOLUTION NO. 309-15

TRANSFERS BETWEEN APPROPRIATION ACCOUNTS

Offered by: Ways & Means Committee

WHEREAS, the Committees of this Board have authorized expenditures and such expenditures may be in excess of appropriations, and

WHEREAS, unexpended, unencumbered balances may exist in accounts, now, therefore, be it

RESOLVED:

1. That the County Treasurer is authorized to make transfers between appropriation accounts upon her books and to expend the same therefrom as she deems necessary for the purpose of balancing the accounts for the end of the 2015 fiscal year.

2. That upon the completion of such transfers the County Treasurer shall file a certification listing such transfers with the Clerk of this Board. Such certification shall be incorporated in the 2015 proceedings of this Board following this resolution.

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

Adopted: Roll Call
15 Ayes, 0 Noes, 0 Absent

Resolution Intro. No. 313-15 (**ACCEPTANCE OF BID FROM KINLEY CORPORATION FOR BID ADDENDUM NO. 1 PREPARED BY LABELLA ASSOCIATES, D.P.C. FOR WORK INVOLVING THE ALLEGANY COUNTY 911 EQUIPMENT ROOM RENOVATIONS**) was withdrawn by Legislator Pullen, Chairman of the Facilities & Communications Committee.

RESOLUTION NO. 310-15

DETERMINATION THAT ALLEGANY COUNTY REAL PROPERTY LOCATED AT 5435A COUNTY ROAD 48 IN THE TOWN OF AMITY IS NO LONGER REQUIRED FOR PUBLIC USE; AUTHORIZING THE SALE OF SAID PROPERTY

Offered by: Resource Management and Ways & Means Committees

WHEREAS, Allegany County was recently advised that its real property located at 5435A County Road 48 was condemned by the New York State building inspector and is no longer suitable for occupancy without major repairs, and

WHEREAS, Allegany County had been allowing Cooperative Extension use those offices, and

WHEREAS, Cooperative Extension has now vacated this property, and

WHEREAS, Allegany County has no interest in using the property for County purposes and does not believe it is in the County's best interest to incur the cost necessary to properly repair the building, and

WHEREAS, Section 215 of the County Law requires that the County make a determination that County owned real property is no longer required for public use prior to the sale or long term lease of said property, now therefore, be it

RESOLVED:

1. That the real property owned by Allegany County which is located at 5435A on County Road 48 in the Town of Amity, Allegany County, New York, is no longer required for public use.

2. That this property shall be sold to the highest responsible bidder after public advertisement of such sale.

3. That the Chairman of this Board is authorized to sign any documents necessary to effectuate the sale and conveyance of said property.

Moved by: Mr. Graves
Seconded by: Mr. Curran

Adopted: Roll Call
15 Ayes, 0 Noes, 0 Absent

Comments made regarding Resolution No. 310-15 included: Legislator Burt remarked that during the caucus today he was having doubts about this. He thanked his fellow Legislators and the County Attorney for explaining it to him. As it is written at this stage, he offered his support of the resolution. Legislator Pullen thanked Legislator Burt for raising questions during the caucus. He feels things were clarified and now everyone understands what is going on.

Resolution Intro. No. 315-15 (**ACCEPTANCE OF ALTERNATE NO. 1 BID FROM KINLEY CORPORATION FOR ELECTRICAL UPGRADES TO 911 EQUIPMENT ROOM; AUTHORIZING CHAIRMAN TO EXECUTE AGREEMENT**) was not pre-filed and was considered from the floor on a motion made by Legislator Pullen, seconded by Legislator Decker, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 311-15

ACCEPTANCE OF ALTERNATE NO. 1 BID FROM KINLEY CORPORATION FOR ELECTRICAL UPGRADES TO 911 EQUIPMENT ROOM; AUTHORIZING CHAIRMAN TO EXECUTE AGREEMENT

Offered by: Facilities & Communications Committee

RESOLVED:

1. That Alternate No. 1 bid, in regards to bid specifications prepared by LaBella Associates, D.P.C., in the amount of \$41,850 from Kinley Corporation for electrical upgrades involving renovation of the Allegany County 911 Equipment Room is hereby accepted and approved.

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

Moved by: Mr. Pullen
Seconded by: Mr. Decker

Adopted: Roll Call
12 Ayes, 1 No, 0 Absent
2 Abstaining: LaForge, Ungermann
Voting No: Burt

Comments made regarding Resolution No. 311-15 included: Legislator LaForge asked for permission to abstain from the vote on this resolution. A motion was made by Legislator Graves, seconded by Legislator Burt, and carried allowing Legislator LaForge to abstain. Legislator Ungermann asked for permission to abstain from the vote on this resolution. A motion was made by Legislator Healy, seconded by Legislator Fanton, and carried allowing Legislator Ungermann to abstain from the vote on this resolution. Legislator Burt stated that on December 14, 2015, the Board authorized \$167,850, then within 48 hours had a committee meeting asking for another \$41,850. He wondered why this wasn't included in the original amount. He questioned the procedure and the lack of information.

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 Root, seconded by Legislator Pullen, and adopted on a roll call vote of 15 Ayes, 0 Noes, 0 Absent, that the audit of claims, totaling \$3,123,437.13, 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 \$9,852,486.*)

ADJOURNMENT: The meeting was adjourned at 3:06 p.m. on a motion made by Legislator Graves, seconded by Legislator Decker, and carried.