

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
ORGANIZATION MEETING**

**JANUARY 5, 2015  
\*\* APPROVED \*\***

**CALL TO ORDER:** The organization meeting of the Board of Legislators was called to order at 2:00 p.m. by Clerk of the Board Brenda Rigby Riehle.

**PLEDGE OF ALLEGIANCE TO THE FLAG:** The Pledge of Allegiance was led by Veterans' Service Agency Director Michael D. Hennessy.

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

**ROLL CALL:** 15 Legislators Present: Scott Burt, Curtis Crandall, Philip Curran, David Decker, Dwight Fanton, Karl Graves, Dwight "Mike" Healy, Theodore Hopkins, Charles Jessup, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Debra Root, Norman Ungermann, Jr.

Immediately following roll call, Legislator Burt raised his hand. When called upon by the Board Clerk, he stood up and thanked her for privilege of the floor (which had not been granted to him). Legislator Healy interrupted Legislator Burt and made a motion that the Board go into Republican caucus. Mr. Healy stated that with two candidates for Chairman and two candidates for Vice Chairman, he feels they should hold a caucus to choose one unified candidate for Chairman. Legislator Graves seconded the motion. The motion was defeated on a roll call vote.

Legislator Burt tried again to gain privilege of the floor. The Board Clerk reminded Legislator Burt that the first order of business was to select a Chairman. Legislator Burt continued to press for privilege of the floor. The Board Clerk deferred to the County Attorney to verify the order of business. County Attorney Miner indicated that presently we don't have a Chairperson to run the meeting. The first order of business needs to be the selection of a Chairperson. He added that there can be discussion after the motion for the selection of a Chairperson, but at this point Legislator Burt was out of order. Legislator Burt asked if there would be discussion after the nomination. The County Attorney indicated that any resolution that comes before the Board can be discussed as long as it pertains to the resolution. Board Clerk Brenda Rigby Riehle then proceeded to read the first resolution.

**RESOLUTIONS:**

**RESOLUTION INTRO. NO. 1-15 (APPOINTMENT OF LEGISLATOR DWIGHT "MIKE" HEALY TO CHAIRMANSHIP OF BOARD OF LEGISLATORS; AUTHORITY TO DETERMINE NUMBER OF BOARD MEMBERS ON COMMITTEES) was DEFEATED** on a roll call vote of 7 Ayes, 8 Noes, 0 Absent. Voting No: Crandall, Fanton, Hopkins, Jessup, LaForge, McGraw, Pullen, Root.

Comments made relative to the proposed resolution included:

Legislator Burt read a prepared written statement (attached to original minutes) in which he gave multiple reasons why he doesn't feel Legislator Crandall should be selected as Chairman. Additionally he made a motion to excuse Legislator LaForge from voting on the resolutions regarding Chairmanship of the Board, explaining that he doesn't believe Legislator LaForge could cast an unbiased vote. Legislator Decker read a prepared statement (attached to original minutes) giving reasons why he wouldn't support Legislator Crandall for Chairman. He then seconded Legislator Burt's motion to excuse Legislator LaForge from voting regarding the Chairmanship. Legislator Pullen stated that it was his understanding that once someone was voted into office they would remain there until removed. He indicated that only the Appellate Division of the Fourth Department has the authority to remove a sitting legislator. County Attorney Miner stated that Legislator LaForge could not be removed from the vote. He added that only Legislator LaForge can request to be removed from the vote. Legislator Ungermann read a prepared statement (attached to original minutes) explaining why he didn't support Legislator Crandall being selected as Chairman. Legislator Pullen made a motion that the Clerk call for the vote.

**RESOLUTION NO. 1-15**

**REAPPOINTMENT OF LEGISLATOR CURTIS W. CRANDALL TO CHAIRMANSHIP  
OF BOARD OF LEGISLATORS; AUTHORITY TO DETERMINE NUMBER  
OF BOARD MEMBERS ON COMMITTEES**

Offered by: Legislators Curtis W. Crandall, Dwight R. Fanton,  
Theodore L. Hopkins, Charles O. Jessup, Kevin S. LaForge,  
Aaron M. McGraw, David T. Pullen and Debra A. Root

Pursuant to County Law § 450

**RESOLVED:**

1. That Legislator Curtis W. Crandall is reappointed Chairman of this Board of Legislators, with term of office commencing immediately and expiring December 31, 2015.

2. That said Chairman is authorized to determine the number of Board members to serve on each of the standing and special committees of this Board which have been or may be established by this Board.

Moved by: Mr. Fanton  
Seconded by: Mr. Hopkins

Adopted: Roll Call  
9 Ayes, 6 Noes, 0 Absent  
Voting No: Burt, Curran, Decker,  
Graves, Healy, Ungermann

Comments made regarding Resolution No. 1-15 included: Legislator Burt stated that the Board was very clearly broken down the middle. He made a motion that they go into caucus to try to select a candidate that both sides could agree on. Legislator Decker seconded the motion. Legislator Pullen asked for a roll call vote. The motion was defeated on a roll call vote of 7 ayes, 8 noes, 0 absent.

**OATH OF OFFICE ADMINISTERED:**

Allegany County Judge Terrence Parker administered the Oath of Office to Chairman Crandall, who was accompanied by his wife, Cathy, following adoption of Resolution No. 1-15. Chairman Crandall assumed leadership of the meeting.

**RESOLUTION INTRO. NO. 3-15 (APPOINTMENT OF LEGISLATOR SCOTT R. BURT AS VICE CHAIRMAN) was DEFEATED** on a roll call vote of 7 Ayes, 8 Noes, 0 Absent. Voting No: Crandall, Fanton, Hopkins, Jessup, LaForge, McGraw, Pullen, Root.

**RESOLUTION NO. 2-15**

**REAPPOINTMENT OF LEGISLATOR DWIGHT R. FANTON AS VICE CHAIRMAN**

Offered by: Legislators Curtis W. Crandall, Dwight R. Fanton,  
Theodore L. Hopkins, Charles O. Jessup, Kevin S. LaForge,  
Aaron M. McGraw, David T. Pullen and Debra A. Root

Pursuant to Rule 70 of County Board Rules as enacted by Resolution No. 77-89

**RESOLVED:**

1. That Legislator Dwight R. Fanton is reappointed Vice Chairman of this Board of Legislators to act pursuant to, and during the designated time periods specified in, County Board Rules.

Moved by: Mr. Hopkins  
Seconded by: Ms. Root

Adopted: Roll Call  
9 Ayes, 6 Noes, 0 Absent  
Voting No: Burt, Curran, Decker,  
Graves, Healy, Ungermann

**OATH OF OFFICE ADMINISTERED:**

Allegany County Judge Terrence Parker administered the Oath of Office to Vice Chairman Dwight Fanton, who was accompanied by his wife, Linda, following adoption of Resolution No. 2-15.

Allegany County Judge Terrance Parker administered the Oath of Office to Allegany County Sheriff Ricky L. Whitney.

**RESOLUTION NO. 3-15**

**DESIGNATION OF OFFICIAL NEWSPAPERS FOR THE PUBLICATION  
OF LOCAL LAWS, NOTICES AND OTHER MATTERS REQUIRED  
BY LAW TO BE PUBLISHED IN 2015**

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 2015, 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 2015:

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

Moved by: Mr. Hopkins  
Seconded by: Ms. Root

Adopted: Voice Vote

## APPOINTMENTS:

The Clerk of the Board announced that Chairman Curtis W. Crandall has made the following appointments:

### ACCORD Board of Directors (1-year term)

Kevin LaForge, an elected official appointed Reita Sobeck-Lynch  
Curtis W. Crandall, Chairman, appointed Vicki Grant

### Comprehensive Plan Implementation Group (1-year term)

Charles Jessup, Alfred Station	Linda Clayson, Belmont
Edward Eicher, Wellsville	William Shuler, Cuba
Lee Gridley, Wellsville	Gretchen Hanchett, Belmont
Elaine Hardman, Wellsville*	Donald Cameron, Alfred Station
Scott Torrey, Belmont	Lee James, Cuba
Steve Havey, Wellsville	Michael Johnsen, Dalton
Odeney Carty, Hume	Julie Hart, Wellsville
Steven B. Rennie, Fillmore	

*\*Resignation Subsequently Received*

### Comprehensive Planning Board (2-year term)

#### Legislative Members

Theodore L. Hopkins  
Kevin S. LaForge  
Charles Jessup

#### Planning Board Members

Lee Gridley  
Aaron Dale Foster

#### At-Large Members

Michael Johnsen  
Richard Ewell  
Edward Eicher

### Cornell Cooperative Extension (1-year term)

David T. Pullen, Esq., Fillmore (Legislative Representative)

Emergency Food and Shelter Program (Local Board) (1-year term)

Jeffrey N. Luckey, Fillmore

Emergency Interim Successor (1-year term)

Theodore L. Hopkins, Fillmore

Emergency Management and Fire Director (1-year term)

Jeffrey N. Luckey, Fillmore

EMS Coordinator (1-year term)

Jeffrey N. Luckey, Fillmore

InterCounty Association (1-year term)

Voting Members

Charles O. Jessup, Alfred Station  
Kevin S. LaForge, Wellsville  
Brenda Rigby Riehle, Belmont

Alternate Voting Members

Philip B. Curran, Alfred Station  
Debra A. Root, Scio

Open Space Advisory Committee (1-year term)

H. Kier Dirlam, Angelica

Solid Waste Hearing Board (1-year term)

*Members must include the Chairman of Public Works and two Legislators who are not on the Public Works Committee.*

Dwight R. Fanton, Chairman of Public Works Committee  
Scott R. Burt, District III Legislator  
Debra A. Root, District III Legislator

Alternates

David A. Decker, District II Legislator  
Dwight "Mike" Healy, District II Legislator

STOP-DWI Coordinator (1-year term)

Linda S. Edwards, Houghton

Transportation Task Force (1-year term)

Dwight R. Fanton, Wellsville  
Dwight "Mike" Healy, Belmont

The Clerk announced the Chairman has made the following appointments in a joint measure with Norman L. Marsh, Chairman of the Cattaraugus County Board of Legislators:

Cattaraugus-Allegany Workforce Investment Board

Cesar Cabrera, Regional Representative, *NYS DOL*  
Mike Hendrix, President, *Both, Branch & Hendrix, Inc.*  
Chris Napoleon, President, *Napoleon Engineering Services, Inc.*  
Brenda Sobeck, *Jones Memorial Hospital*  
John Stevens, *JB Stevens Organization Solutions*

Cattaraugus-Allegany Workforce Investment Board Youth Council (2-year term)

Gordon Diffenderfer, *Cattaraugus County Probation*  
Patsi Magara, *WIB*  
Becky Scott, *Literacy West NY*  
Rebecca Cooper, *Housing Options Made Easy*

The Clerk of the Board announced that Chairman Crandall has made the following appointments, all of which are subject to confirmation by the Board of Legislators:

Fish & Wildlife Management Board – Region 9 (2-year term)

Landowner Representative: Phillip May  
Landowner Alternate: Richard "Butch" Lorow

Veterans' Service Agency Director (1-year term)

Michael D. Hennessy, Wellsville

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

1. Communication from the Republican Party members of the Allegany County Board of Legislators recommending that the Chairman designate Theodore L. Hopkins as Majority Leader of said Board for 2015.

2. Any Legislator wishing to attend the NYSAC Conference in Albany from February 2 through February 4, 2015, should let Brenda Rigby Riehle know today or as soon as possible.

**MESSAGE FROM THE CHAIRMAN:**

“Each year that I have been sworn in as this Board’s Chairman, I have addressed fellow elected officials, department heads, family, friends, the people of Allegany County, and the Media. I have read and presented to the Board and to the people of Allegany County a mini State-of-the-County address, pointing out accomplishments of the past as well as challenges and opportunities we face as we enter the new year. At this time, I would do something different; I have an open letter to the Board of Legislators that I would like to read and share.

‘Dear Fellow Legislators,

We have just taken care of the business that was before us today - our annual Organizational meeting. We have selected the Chairman and Vice-Chairman of the Board, tended to the necessary appointments, and we are set to carry on into the new year. Since the Republican Caucus of this Board in November, there have been news articles, phone calls, e-mails, letters to the Editor, and radio coverage spurred and directed by some members of this Board in opposition to me continuing as Chairman. I have read of my strong-arm tactics, my unwillingness to step aside, my use of committee chairmanships, and other threats to retain my position as Chairman of this Board, as well as my splitting the membership of the Board. Not until recently, did I read that three of our colleagues including the Majority Leader were absent and did not participate in that caucus. I also did not see any mention that the letter I personally sent to each of you about this position was done privately, well in advance of the caucus in an open and above-board fashion, with an invitation for discussion. Each of you knows what transpired at the caucus until today, you know my actions, and the actions of your colleagues. There are fifteen members on this Board, and each member is entitled to one equal vote. By Municipal Law, the vote for our Chairman and Vice-Chairman happens in open session at this organizational meeting within a timeframe determined by that same law. For several years now, we have had a Veteran come in and lead us in the Pledge of Allegiance at the beginning of each meeting. The Veteran is thanked for his/her service, and we tell them that we know firsthand the freedoms we enjoy in America because of them and their comrades. What took place here today was an exercise of those rights and what makes America different and greater than any other country on earth.

‘To my supporters, I want to thank you for your confidence in my leadership. To those that worked in opposition of me, I will say that my goal is to earn your trust and confidence from this point forward, and that I appreciate the open and honest discussion I have had with some of you. As your Chairman, I recognize and acknowledge that there is work to do in quickly bringing this Board together in common cause. I am scheduling some special "Beyond the Minutes" meetings that will help detail the challenges and opportunities that are before us. With these special presentations and a fresh approach to executive level project management, no member of this Board will be sidelined on up-to-date information for our major projects. I have attached an outline of the "Beyond the Minuets" Program and some of the key projects that will utilize this means of information.

‘The exercise in democracy today should strengthen not weaken our term in office. I listened when you spoke, and take to heart the reasons that some of you were reluctant in supporting me. The selection of the leadership of this Board is up to only you and it's a responsibility that that should never be taken lightly. As I stated in my personal letter to each of you, ***I pledge to serve to the best of my ability with respect to the office, to you, and our colleagues.*** As we leave here today, let's all join together and work for the good of the County.’

## **STANDING AND SPECIAL COMMITTEE ASSIGNMENTS:**

Chairman Crandall distributed copies of his assignments to the **STANDING AND SPECIAL COMMITTEES OF THE BOARD OF LEGISLATORS FOR 2015**. Assignments are as follows; Chairmen and Vice Chairmen are listed first:

### **FACILITIES AND COMMUNICATIONS:**

**Chairman:** Pullen, **Vice Chairman:** Jessup

**Committee Members:** Fanton, Graves, McGraw, Root, Ungermann

### **HUMAN SERVICES:**

**Chairman:** LaForge, **Vice Chairman:** Pullen

**Committee Members:** Burt, Decker, Jessup, O'Grady

### **PERSONNEL:**

**Chairman:** Root, **Vice Chairman:** O'Grady

**Committee Members:** Curran, Decker, Fanton, Pullen,

Special – Negotiations Ad Hoc Committee (Sub-Committee of Personnel)

**Chairman:** Pullen, **Committee Members:** Root

### **PLANNING AND ECONOMIC DEVELOPMENT:**

**Chairman:** Hopkins, **Vice Chairman:** Root

**Committee Members:** Healy, Jessup, LaForge, Pullen

### **PUBLIC SAFETY:**

**Chairman:** Curran, **Vice Chairman:** Healy

**Committee Members:** Burt, Hopkins, LaForge, McGraw

### **PUBLIC WORKS:**

**Chairman:** Fanton, **Vice Chairman:** McGraw

**Committee Members:** Curran, Decker, Graves, Hopkins,

### **RESOURCE MANAGEMENT:**

**Chairman:** Graves, **Vice Chairman:** Fanton  
**Committee Members:** McGraw, O'Grady, Ungermann

**WAYS & MEANS:**

**Chairman:** Jessup, **Vice Chairman:** Fanton  
**Committee Members:** Curran, Graves, Healy, Hopkins, LaForge, Pullen, Root

Special – Budget Committee (Sub-Committee of Ways & Means)

**Chairman:** Hopkins, **Vice Chairman:** LaForge  
**Committee Members:** Curran, Fanton, O'Grady

**COMMENTS:**

Legislator Burt stated that there seems to be some kind of confusion about the Republican caucus vote and now that Party Chairman Healy has allowed us to speak about it, now seems to be the appropriate time to clear the air. Ms. Gridley, Mr. Pullen, Mr. Budinger and myself went into the small room next door to count those votes. Ms. Gridley announced to us verbally the count was 4 to 7 in favor of Mr. Healy. I questioned that vote, and it was not re-counted. She again stated the vote as being 4 to 7, threw the ballots back in the box and left the room. If the vote was 5 to 7, with two missing, my tune throughout this ordeal would have been different; but she was adamant that it was 4 to 7.

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

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION**

**JANUARY 12, 2015  
\*\* APPROVED \*\***

**CALL TO ORDER:** The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

**PLEDGE OF ALLEGIANCE TO THE FLAG:** The Pledge of Allegiance was led by former United States Marine Corps Corporal Richard K. Lee.

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

**ROLL CALL:** 14 Legislators Present: Scott Burt, Curtis Crandall, Philip Curran, David Decker, Dwight Fanton, Karl Graves, Dwight "Mike" Healy, Theodore Hopkins, Charles Jessup, Kevin LaForge, Timothy O'Grady, David Pullen, Debra Root, Norman Ungermann, Jr. Absent: Aaron McGraw

**APPROVAL OF MINUTES:**

The Board meeting minutes of December 22, 2014, were approved on a motion made by Legislator Decker, seconded by Legislator Root, and carried.

**PRIVILEGE OF THE FLOOR:**

Chairman Crandall presented a certificate to Richard K. Lee, former United States Marine Corps Corporal, in grateful appreciation of his service to our country. Mr. Lee's service dates were from October 3, 1963, to October 2, 1967. Following Basic Training at Parris Island, SC, assignments included: Camp Lejeune and Vietnam. Commendations he received included: National Defense Service Medal, Vietnam Service Medal, Good Conduct, M-16 Sharpshooter Badge. Mr. Lee led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

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

1. Legislators Compensation Table for 2014.
2. Report of Tax Bill Corrections Approved by the County Administrator in December.
3. Report of Intrafund Transfers Approved by the County Administrator in December.

4. County Treasurer Terri Ross filed a correction to the list of delinquent taxes (TF-14) that she filed in the Clerk of the Board's Office in November, 2014, for property in the town of Scio.

5. Allegany County Comprehensive Plan Implementation Group Chairman Edward W. Eicher forwarded a copy of the Group's End-of-Year Report

6. Correspondence from the Allegany County Planning Board inviting Legislators to attend their annual dinner on January 21.

#### **APPOINTMENTS:**

Chairman Crandall appointed the following to serve as **YOUTH REPRESENTATIVE ON THE ALLEGANY COUNTY YOUTH BOARD**; the term of such appointment is unfixed, but in no event shall such terms exceed the twenty-first birthday of the appointee:

Gage Lincoln, Belfast, New York (District I)

Chairman Crandall appointed the following members to the **RESOURCE CONSERVATION AND DEVELOPMENT BOARD**, effective immediately, to serve at his pleasure:

County Representative Member

Scott Torrey, Belmont, New York

County Alternate: Philip B. Curran, Alfred Station, New York

Legislative Member

Norman G. Ungermann, Jr., Cuba, New York

Member At Large

Thomas Parmenter, Fillmore, New York

#### **PROCLAMATION:**

Chairman Crandall recognized the New York State Association of Counties (NYSAC) in honor of their ninetieth (90<sup>th</sup>) anniversary. NYSAC was organized in 1925 dedicated to the improvement of all county governments of the Empire State.

**RESOLUTIONS:**

**RESOLUTION NO. 4-15**

**RESOLUTION IN OPPOSITION TO GOVERNOR CUOMO'S PLAN TO ESTABLISH A  
STATE-WIDE WEATHER FORECASTING SYSTEM**

Offered by: Ways & Means Committee

**WHEREAS**, Governor Andrew Cuomo is proposing to spend \$18,650,000 to create the most advanced weather detection system in the nation by using federal funds appropriated for disaster relief efforts caused by storms Sandy, Irene, and Lee; and

**WHEREAS**, as the proposed system will be built totally within New York, such system can do little to improve existing weather forecasts as such an intra-state system will do nothing to detect those weather systems outside the state which are the systems that actually dictate weather impacting New York State; and

**WHEREAS**, this money needs to be used to address actual storm damage as opposed to building a state weather forecasting system when the existing national weather forecasting system appears to be more than adequate; and

**WHEREAS**, diverting taxpayer dollars to develop a state weather detection system appears to be both unnecessary and wasteful, now therefore, be it

**RESOLVED:**

1. That the Allegany County Legislature hereby opposes the expenditure of FEMA or any other taxpayer monies to create a state weather detection system.

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

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

Adopted: Voice Vote

Comments made regarding Resolution No. 4-15 included: Legislator Decker expressed his concern about Governor Cuomo's plan to use storm relief money to establish a weather forecasting system. He doesn't feel it is right for this money, which was meant to be used to repair homes and businesses, to be used for this purpose.

**RESOLUTION NO. 5-15**

**APPOINTMENT AND RE-APPOINTMENT OF MEMBERS TO THE  
ALLEGANY COUNTY PLANNING BOARD**

Offered by: Planning & Economic Development Committee

**RESOLVED:**

1. The Chairman of the Board plans to appoint Jon Gorton of Grove, New York, to fill the remainder of a three-year term as a member of the Allegany County Planning Board commencing January 1, 2015, and expiring December 31, 2016.

2. That each of the following persons are reappointed to the Allegany County Planning Board, with term of office for each commencing January 1, 2015, and expiring as set forth below:

Robert Ellis	Belmont, New York (District II)	December 31, 2017
James Ninos	Alfred, New York (District V)	December 31, 2017

3. That Charles 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 appointed ex-officio members of the Allegany County Planning Board with terms of office to commence January 1, 2015, and expiring December 31, 2015.

Moved by: Mr. Hopkins  
Seconded by: Mr. Fanton

Adopted: Voice Vote

**RESOLUTION NO. 6-15**

**APPOINTMENT OF MEMBERS TO ALLEGANY COUNTY  
FIRE ADVISORY BOARD**

Offered by: Public Safety Committee

Pursuant to County Law § 225-a.

**RESOLVED:**

1. That each of the following persons is appointed to the Allegany County Fire Advisory Board, with term of office for each to commence January 1, 2015, and expire December 31, 2015:

G. Douglas Clarke	Alfred
Judson Stearns, Jr.	Alfred Station
Paul Edwards	Allentown
Emily Ormsby	Almond
Brian Ennis	Andover

Paul Gallmann	Angelica
David Jennings	Belfast
Brandon LaValley	Belmont
Terry Richardson	Bolivar
Scott Kenyon	Canaseraga
John Wilson	Cuba
Gerald Gayford	Fillmore
Carl Greene	Friendship
Loren Luzier	New Hudson
Sherman Gage	Richburg
Dan Metcalf	Rushford
Tim Voss	Short Tract
David Sweet	Wellsville
Dennis Graves	Whitesville
LeRoy Ives	Willing
Alan Mills	Wischoy-Rossburg

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

Adopted: Voice Vote

#### **RESOLUTION NO. 7-15**

#### **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 \$2,344.98, representing the settlement, less a \$500 deductible, on an Office for the Aging 2012 Dodge Van (#6872) that was damaged as a result of a motor vehicle accident on or around October 24, 2014, 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 \$2,344.98 representing the settlement on a 2012 Dodge Van (#6872) that was damaged on or around October 24, 2014, is accepted.
2. That the sum of \$2,344.98 is placed in Appropriation 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. Fanton

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

**RESOLUTION NO. 8-15**

**APPROVAL OF AGREEMENT BETWEEN THE COUNTY OF ALLEGANY  
AND THE GREATER ALLEGANY COUNTY CHAMBER OF COMMERCE TO ADMINISTER  
COUNTY TOURISM; AUTHORIZING BOARD CHAIRMAN TO  
EXECUTE SAID AGREEMENT**

Offered by: Planning & Economic Development Committee

**RESOLVED:**

1. That an Agreement between the County of Allegany and the Greater Allegany County Chamber of Commerce to administer tourism as the County Tourism Promotion Agency for an annual fee of \$80,000, commencing January 1, 2015, and ending on December 31, 2015, is approved.

Moved by: Mr. Hopkins  
Seconded by: Ms. Root

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

**AUDITS:**

A motion was made by Legislator Jessup, seconded by Legislator Hopkins, 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 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$3,706,246.31, 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 \$193,186.*)

**COMMENTS:**

Chairman Crandall announced that a Committee of the Whole meeting was scheduled to follow the Board meeting. The meeting would include a presentation regarding biorefinery research and development in Wellsville.

**ADJOURNMENT:** The meeting was adjourned at 2:21 p.m. on a motion made by Legislator Graves, seconded by Legislator Root, and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION**

**JANUARY 26, 2015  
\*\* APPROVED \*\***

**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 Army Sergeant John A. "Jack" Reed.

**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, Theodore Hopkins, Charles Jessup, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Debra Root, Norman Ungermann, Jr.

**APPROVAL OF MINUTES:**

The Organization meeting minutes of January 5, 2015, were amended following a motion made by Legislator Decker, seconded by Legislator Ungermann, and carried to clarify Mr. Decker's comments, on Resolution Intro. No. 1-15. This was regarding the appointment of the Chairman of the Board of Legislators. Those comments appear on page 2 of the minutes. Legislator Decker wanted to clarify that he didn't ask for Legislator LaForge to be "removed from voting", he asked that Legislator LaForge "excuse himself" from voting. The minutes were then approved as amended following a motion made by Legislator Graves, seconded by Legislator Curran, and carried.

The Board meeting minutes of January 12, 2015, were approved on a motion made by Legislator Root, seconded by Legislator Curran, and carried.

**PRIVILEGE OF THE FLOOR:**

Chairman Crandall presented a certificate to John A. "Jack" Reed, former United States Army Sergeant, in grateful appreciation of his service to our country. Mr. Reed's service dates were from August 25, 1972, to August 22, 1975. Following Basic Training at Fort Dix, NJ, assignments included: Fort Campbell, KY, West Point, NY, and as part of the 1/321<sup>st</sup> Field Artillery, 101<sup>st</sup> Airborne Division. Commendations he received included: National Defense Service Medal, Good Conduct Medal and Sharpshooter Badge M-16. Mr. Reed led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

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

1. February 2015 Calendar
2. American Legion Post 814 thanking the Board for its donation in memory of former Legislator Lee Frair.

**APPOINTMENTS:**

Chairman Crandall appointed Rodney K. Bennett to serve on the **ALLEGANY COUNTY AGRICULTURAL AND FARMLAND PROTECTION BOARD** coterminous with his designation as Chairman of Soil and Water Conservation District's Board of Directors, for a one-year term expiring December 31, 2015.

Chairman Crandall appointed the following members to the **HAZARD MITIGATION TEAM**, effective immediately, to serve at his pleasure:

Jeffrey Luckey, Allegany County Office of Emergency Services

Karl Graves, Allegany County District IV Legislator, Member of Resource Management Committee

Guy R. James, Allegany County Public Works Superintendent

Kevin (Fred) Demick, Allegany County Highway Superintendent Association President

H. Kier Dirlam, Allegany County Planner (GIS Mapping)

Tom Hull, Allegany County Deputy Public Health Director (Environmental Health)

Scott Torrey, Allegany County Soil and Water Conservation District Executive Director

Chairman Crandall appointed and reappointed the following members to the **ALLEGANY COUNTY PLANNING BOARD**, effective immediately, to serve at his pleasure:

Appointment to fill remainder of a three-year term

Jon Gorton, Grove

(Commencing January 1, 2015, and expiring December 31, 2016.)

Reappointments to a new three-year term

James Ninos, Alfred

Robert Ellis, Belmont

(Commencing January 1, 2015, and expiring December 31, 2017.)

Annual ex-officio appointments

Guy R. James, Public Works Superintendent, Scio  
Terri L. Ross, County Treasurer, Angelica  
Charles O. Jessup, Ways & Means Committee Chairman, Alfred Station

**RESOLUTIONS:**

**RESOLUTION NO. 9-15**

**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, 2015, and ending December 31, 2015, is approved.

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

Adopted: Voice Vote

**RESOLUTION NO. 10-15**

**ESTABLISHING CAPITAL PROJECT ACCOUNT FOR BRIDGE #11-10 ON  
NARROWS ROAD IN THE TOWN OF BURNS; TRANSFER OF FUNDS  
FOR SUCH CAPITAL ACCOUNT**

Offered by: Public Works and Ways & Means Committees

**RESOLVED:**

1. A Capital Project Account is established within the Capital Fund for Bridge #11-10 on Narrows Road in the Town of Burns.

2. That the following transfers are required for such Capital Project: \$457,100 is transferred from Account No. H5120.200 (Maintenance of Bridges) to Account No. H5939.200 (Burns, BR#11-10, Narrows Road).

3. That the sum of \$68,565, representing the town's share of the project, is transferred from Account No. H5120.2300.00 (Revenues-Intergovernmental Charges) to Account No. H5939.2300.00 (Town Share).

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

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

Comments made regarding Resolution No. 10-15 included: Legislator Ungermann stated that he would support these bridge resolutions, but remarked that they've been talking about possibly doing something different in regards to bridge maintenance. He asked how many of these bridge projects would be bid out to the private sector. Chairman Crandall responded that he believed all of these bridges are County projects. Legislator Ungermann remarked about a bid listed in the Olean Times Herald for repair of a Cattaraugus County bridge. After talking to someone from Cattaraugus County DPW, he found that their bridge crew is down to four guys. These guys do maintenance work on the bridges. Town bridges are most often bid out. Occasionally towns might need help with their bridges, but they get help in return from the towns. He added that the idea of bidding out these projects is an interesting thing. He feels that Allegany County ought to try this and see where it comes out. He stated that Cattaraugus County has been able to get rid of a lot of their big equipment.

#### **RESOLUTION NO. 11-15**

#### **ESTABLISHING CAPITAL PROJECT ACCOUNT FOR BRIDGE #23-08 ON BARBER ROAD IN THE TOWN OF RUSHFORD; TRANSFER OF FUNDS FOR SUCH CAPITAL ACCOUNT**

Offered by: Public Works and Ways & Means Committees

#### **RESOLVED:**

1. A Capital Project Account is established within the Capital Fund for Bridge #23-08 on Barber Road in the Town of Rushford.

2. That the following transfers are required for such Capital Project: \$302,000 is transferred from Account No. H5120.200 (Maintenance of Bridges) to Account No. H5940.200 (Rushford, BR#23-08, Barber Road).

3. That the sum of \$45,300, representing the town's share of the project, is transferred from Account No. H5120.2300.00 (Revenues-Intergovernmental Charges) to Account No. H5940.2300.00 (Town Share).

Moved by: Mr. Fanton  
Seconded by: Mr. Hopkins

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

**RESOLUTION NO. 12-15**

**ESTABLISHING CAPITAL PROJECT ACCOUNT FOR BRIDGE #27-05  
ON TUCKER ROAD IN THE TOWN OF WEST ALMOND; TRANSFER  
OF FUNDS FOR SUCH CAPITAL ACCOUNT**

Offered by: Public Works and Ways & Means Committees

**RESOLVED:**

1. A Capital Project Account is established within the Capital Fund for Bridge #27-05 on Tucker Road in the Town of West Almond.
2. That the following transfers are required for such Capital Project: \$224,000 is transferred from Account No. H5120.200 (Maintenance of Bridges) to Account No. H5941.200 (West Almond, BR#27-05, Tucker Road).
3. That the sum of \$33,600, representing the town's share of the project, is transferred from Account No. H5120.2300.00 (Revenues-Intergovernmental Charges) to Account No. H5941.2300.00 (Town Share).

Moved by: Mr. Fanton  
Seconded by: Mr. McGraw

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

**RESOLUTION NO. 13-15**

**ESTABLISHING CAPITAL PROJECT ACCOUNT FOR CULVERT #01  
ON HASSARD ROAD IN THE TOWN OF WIRT; TRANSFER  
OF FUNDS FOR SUCH CAPITAL ACCOUNT**

Offered by: Public Works and Ways & Means Committees

**RESOLVED:**

1. A Capital Project Account is established within the Capital Fund for Culvert #01 on Hassard Road in the Town of Wirt.
2. That the following transfers are required for such Capital Project: \$167,000 is transferred from Account No. H5120.200 (Maintenance of Bridges) to Account No. H5942.200 (Wirt, Culvert #01, Hassard Road).

3. That the sum of \$25,050, representing the town's share of the project, is transferred from Account No. H5120.2300.00 (Revenues-Intergovernmental Charges) to Account No. H5942.2300.00 (Local Share).

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

Adopted: Roll Call  
11 Ayes, 4 Noes, 0 Absent  
Voting No: Burt, Decker,  
O'Grady, Ungermann

Comments made regarding Resolution No. 13-15 included: Legislator Ungermann stated that the County's policy does not include culverts or bridges less than 25 feet in length. Legislator Fanton remarked that the County has done other projects approved by resolution. Legislator O'Grady brought up a project that had been done in Friendship as an example, stating that, "Just because we've done a project like this in the past, doesn't make it right." He indicated that he would not support the resolution.

#### **RESOLUTION NO. 14-15**

#### **ESTABLISHING CAPITAL PROJECT ACCOUNT FOR BRIDGE #15-01 ON COUNTY ROAD 6 IN THE TOWN OF CUBA; TRANSFER OF FUNDS FOR SUCH CAPITAL ACCOUNT**

Offered by: Public Works and Ways & Means Committees

#### **RESOLVED:**

1. A Capital Project Account is established within the Capital Fund for Bridge #15-01 on County Road 6 in the Town of Cuba.

2. That the following transfers are required for such Capital Project: \$291,500 is transferred from Account No. H5120.200 (Maintenance of Bridges) to Account No. H5943.200 (Cuba, CR6, BR#15-01).

Moved by: Mr. Fanton  
Seconded by: Mr. Healy

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

Comments made regarding Resolution No. 14-15 included: Legislator Decker stated that he would like to echo Legislator Ungermann's comments regarding the bridges. Legislator Decker stated that he was in favor of putting these bridges out for bid. He will support this, but in the future feels that the Board should look at bidding these out.

**RESOLUTION NO. 15-15**

**ESTABLISHING CAPITAL PROJECT ACCOUNT FOR BRIDGE #18-06  
ON COUNTY ROAD 27B IN THE TOWN OF GRANGER; TRANSFER  
OF FUNDS FOR SUCH CAPITAL ACCOUNT**

Offered by: Public Works and Ways & Means Committees

**RESOLVED:**

1. A Capital Project Account is established within the Capital Fund for Bridge #18-06 on County Road 27B in the Town of Granger.
2. That the following transfers are required for such Capital Project: \$335,000 is transferred from Account No. H5120.200 (Maintenance of Bridges) to Account No. H5944.200 (Granger, CR27B, BR#18-06).

Moved by: Mr. Fanton  
Seconded by: Mr. Pullen

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

Comments made regarding Resolution No. 15-15 included: Legislator Pullen stated that in view of other comments made, the purpose of the Bridge Program is to provide safe and appropriate travel for the citizens of our County. He added that he will support a program that provides that in an economical manner. The safety of our citizens is paramount. I don't want any failures of our bridges. He stated that he will support this although he encourages looking into other options.

**RESOLUTION NO. 16-15**

**RESOLUTION DETERMINING THAT AN ERROR EXISTS ON THE 2014-2015  
WELLSVILLE CENTRAL SCHOOL TAX BILL FOR PROPERTY  
OWNED BY LUFKIN INDUSTRIES, INC., DIRECTING MAILING OF NOTICE  
OF APPROVAL OF APPLICATION FOR CORRECTED TAX ROLLS  
AND ORDERING THE TOWN TAX COLLECTOR TO CORRECT THE  
TAX ROLLS; PROVIDING FOR CHARGE BACKS OR CREDITS**

Offered by: Ways & Means Committee

Pursuant to Real Property Tax Law § 554

**WHEREAS**, an application for the taxpayer hereafter described, has been made to the County's Director of Real Property Tax Service Agency, for the correction of a certain error affecting their real property on the various tax rolls, and

**WHEREAS**, the Director has transmitted to this Board the application, in duplicate, together with a written report of his investigation of the claimed error and his written recommendation for action thereon by this Board as to the application, and

**WHEREAS**, this Board has examined the application and report to determine whether the claimed error exists, now, therefore, be it

**RESOLVED:**

1. That with regard to the application for the named taxpayer pertaining to claimed errors regarding their real property on the tax roll of the Wellsville Central School, this Board of Legislators does determine that the claimed error as alleged in the application exists and does approve the application.

2. That the Chairman of this Board is authorized and directed to make a notation on the application and the duplicates thereof that it is approved, to enter thereon the respective correct extension of taxes as set forth by the Director in his report, to enter thereon the respective date of mailing of a notice of approval, to enter thereon the date of mailing of a certified copy of this resolution to the proper Tax Collector, and to sign thereon as Chairman.

3. That the Clerk of this Board is directed to mail to the below listed taxpayer a notice of approval stating, in substance, that their application made has been approved, to inform the Chairman of this Board of the date of the mailing thereof, and to inform the taxpayer of the applicable provisions of subdivision seven of Section 554 of the Real Property Tax.

4. That the Tax Assessor for the Town of Wellsville is ordered and directed to correct in the 2014 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

Lufkin Industries, Inc.: Parcel 238.-1-47.323  
Assessment: Land \$102,000 Total \$1,950,000

In that the assessment on this parcel was incorrect due to the inclusion of the value of the building. The parcel was under a PILOT program which provided that only the land should be assessed, thereby reducing the Total Taxable Value to \$102,000, and correcting the taxes as follows;

School	\$2,317.25
Library	\$2,161.32
Total	\$4,478.57

and the County Treasurer is directed to make the following refund:

School	\$25,773.72
Library	-(790.82)

Total \$24,982.90

5. That the Clerk of this Board is directed to forthwith mail a certified copy of this resolution to the Tax Collector for the Wellsville Central School District together with the original copy of the application completed in accordance with section two of this resolution.

6. That the Clerk of this Board shall mail a copy of this resolution to the above named school and the amount to be charged to the school shall not be charged until 10 days after such mailing. Such amount shall be deducted by the County Treasurer from the money payable to the school as a result of school taxes returned after the date such amount is charged and which shall be paid to the school after May 1, 2015. The County Treasurer shall send a written notice to the school of the amount of such deduction prior to May 1, 2015.

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

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

### RESOLUTION NO. 17-15

#### RE-APPROPRIATION OF THE REMAINING UNSPENT FUNDS FOR THE 2013 LETPP HOMELAND SECURITY GRANT

Offered by: Public Safety and Ways & Means Committees

**WHEREAS**, by Resolution No. 87-14, the 2013 LETPP Homeland Security Grant funds in the amount of \$15,000 were accepted and appropriated for the 2014 budget year, and

**WHEREAS**, the sum of \$6,280 of the 2104 budget appropriation of the 2013 LETPP Homeland Security Grant funds remain unspent, and

**WHEREAS**, it is necessary to re-appropriate the unexpended 2013 LETPP Homeland Security Grant funds in the amount of \$6,280, now, therefore, be it

#### RESOLVED:

1. That the sum of \$6,280 in unexpended 2013 LETPP Homeland Security Grant funds shall be re-appropriated to Account No. A3652.447 (FY2013 LETPP) with a like sum credited to Revenue Account No. A3652.3306.SH13 (2013 LETPP #T969132-Homeland Security-Sheriff).

Moved by: Mr. Curran  
Seconded by: Mr. Decker

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

**RESOLUTION NO. 18-15**

**RE-APPROPRIATION OF UNSPENT FUNDS FOR THE  
2014 LETPP HOMELAND SECURITY GRANT**

Offered by: Public Safety and Ways & Means Committees

**WHEREAS**, by Resolution No. 167-14, the 2014 LETPP Homeland Security Grant funds in the amount of \$17,500 were accepted and appropriated for the 2014 budget year, and

**WHEREAS**, it is necessary to re-appropriate the unexpended 2014 LETPP Homeland Security Grant funds in the amount of \$17,500, now, therefore, be it

**RESOLVED:**

1. That the sum of \$17,500 in unexpended 2014 LETPP Homeland Security Grant funds shall be re-appropriated to Account No. A3646.210 (FY2014 LETPP) with a like sum credited to Revenue Account No. A3646.3306.SH14 (2014 LETPP #T969142-Homeland Security-Sheriff).

Moved by: Mr. Curran  
Seconded by: Mr. Decker

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

**RESOLUTION NO. 19-15**

**RE-APPROPRIATION OF UNSPENT FUNDS FOR THE  
ACT II BATTERERS PROGRAM**

Offered by: Public Safety and Ways & Means Committees

**RESOLVED:**

1. That the sum of \$12,991 in unexpended funds for the ACT II Batterers Program should be appropriated from A15.599.00 (Fund Balance) to Account No. A3117.449 (ACT II Batterers Program) to allow for the spending of the balance of the grant.

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

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

**RESOLUTION NO. 20-15**

**RE-APPROPRIATION OF UNSPENT FUNDS FOR THE  
LITERACY WEST GRANT**

Offered by: Public Safety and Ways & Means Committees

**WHEREAS**, by Resolution No. 86-14 (\$24,907) and Resolution No. 230-14 (\$11,993) Literacy West Grant funds were accepted and appropriated for the 2014 budget year, and

**WHEREAS**, the Literacy West Grant funds were advanced in 2014 and not expended in 2014, the balance fell to the Fund Balance on December 31, 2014, and

**WHEREAS**, it is necessary to re-appropriate the unexpended Literacy West Grant funds in the amount of \$36,900, now, therefore, be it

**RESOLVED:**

1. That the sum of \$36,900 in unexpended Literacy West Grant funds shall be appropriated from A15.599.00 (Fund Balance) to Account No. A3151.2705.LW (Jail-Educational Services-Gifts-Donations-Jail/Literacy West).

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

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

**RESOLUTION NO. 21-15**

**RE-APPROPRIATION OF THE REMAINING 2014 CHIPS (CONSOLIDATED  
HIGHWAY IMPROVEMENT PROGRAM) FUNDING**

Offered by: Public Works and Ways & Means Committees

**RESOLVED:**

1. That the sum of \$12,128, the remaining funds from SFY 2014-15 CHIPS funds, shall be re-appropriated to Account No. D5112.223 (County Road-CHIPS Paving) with a like sum credited to Revenue Account No. D5110.3501.00 (State Aid-CHIPS Revenue).

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

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

**RESOLUTION NO. 22-15**

**ACCEPTANCE AND APPROPRIATION OF GRANT FUNDS RECEIVED  
FROM NYS STOP-DWI FOUNDATION FOR CRACKDOWN  
ENFORCEMENT FOR THE FEDERAL FISCAL YEAR  
OCTOBER 1, 2014, TO SEPTEMBER 30, 2015**

Offered by: Public Safety and Ways & Means Committees

**RESOLVED:**

1. That grant funds from NYS STOP-DWI Foundation in the amount of \$52,802 for Crackdown Enforcement for the federal fiscal year of October 1, 2014, to September 30, 2015, are accepted.

2. The sum of \$52,802 shall be placed in Account No. A3141.449 (STOP-DWI Program-Crackdown Enforcement), with a like sum credited to Revenue Account No. A3141.1589.CE (STOP-DWI Program-Other Public Safety Dept. Revenue).

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

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

**RESOLUTION NO. 23-15**

**ACCEPTANCE AND APPROPRIATION OF FUNDS RECEIVED FROM THE GOVERNOR'S  
TRAFFIC SAFETY PROGRAM, STEPS IN SAFETY  
GRANT (SAFETY ON WHEELS), FROM OCTOBER 1, 2014,  
THROUGH SEPTEMBER 30, 2015**

Offered by: Public Safety and Ways & Means Committees

**RESOLVED:**

1. That funds from the STEPS in Safety Grant (Safety On Wheels) from the Governor's Traffic Safety Program, in the amount of \$3,000, are accepted.

2. The STEPS in Safety Grant (Safety on Wheels) was budgeted in the 2015 budget for \$2,800, the additional \$200 received shall be placed in Account No. A3114.452 (Traffic Program-Public Info) with a like sum credited to Revenue Account No. A3114.3389.00 (STOP-DWI-STEPS in Safety).

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

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

**RESOLUTION NO. 24-15**

**ACCEPTANCE AND APPROPRIATION OF NEW YORK STATE FY 14 PUBLIC SAFETY  
ANSWERING POINTS SUSTAINMENT GRANT PS14-1033-D00**

Offered by: Public Safety and Ways & Means Committees

**RESOLVED:**

1. That the sum of \$165,914 from New York State for FY 14 Public Safety Answering Points Sustainment Grant PS14-1033-D00, is accepted.

2. That the sum of \$165,914 shall be placed in Account No. H3023.200 (911 Public Safety Answering Points Sustainment Grant) with a like sum credited to Revenue Account No. H3023.3097.00 (State Aid-911 Public Safety Answering Points Sustainment Grant).

Moved by: Mr. Curran  
Seconded by: Mr. Healy

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

**RESOLUTION NO. 25-15**

**APPROVAL OF AGREEMENT BETWEEN THE COUNTY OF ALLEGANY AND THE COUNTY OF CHAUTAUQUA FOR HOUSING CHAUTAUQUA COUNTY MALE AND FEMALE PRISONERS IN THE ALLEGANY COUNTY JAIL**

Offered by: Public Safety and Ways & Means Committees

Pursuant to Corrections Law § 504

**RESOLVED:**

1. That the Agreement between the County of Allegany and the County of Chautauqua in relation to the housing of Chautauqua County male and female prisoners in the Allegany County Jail for the period January 1, 2015, to December 31, 2015, is approved.

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

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

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

Comments made regarding Resolution No. 25-15 included: Legislator Decker remarked that this is wonderful to have this type of agreement with other counties. He feels this is a good example of shared services and he supports efforts like this.

**RESOLUTION NO. 26-15**

**APPROVAL OF AGREEMENTS WITH THE VILLAGES OF BELMONT, BOLIVAR AND WELLSVILLE; AND THE TOWNS OF CANEADEA AND FRIENDSHIP, IN RELATION TO THE DISPOSAL OF COUNTY LANDFILL LEACHATE AT THE VILLAGE AND TOWN WASTE WATER TREATMENT PLANTS; AUTHORIZING**

## **BOARD CHAIRMAN TO EXECUTE AGREEMENTS**

Offered by: Public Works Committee

### **RESOLVED:**

1. That Agreements between the County of Allegany and the Villages of Belmont, Bolivar, Wellsville; Towns of Friendship and Caneadea; in relation to the County's disposal of leachate at the respective Village, Town, and City waste water treatment plants at the rate of \$.025 per gallon for period January 1, 2015, to December 31, 2016, are approved.

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

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

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

Comments made regarding Resolution No. 26-15 included: Legislator Fanton stated that he wanted to recognize the importance of the agreement. He stated that it's important to continue agreements like this with municipalities.

## **RESOLUTION NO. 27-15**

### **APPROVAL OF AGREEMENT WITH THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK (DASNY) IN RELATION TO THE MUNICIPAL FACILITIES PROGRAM "SAM" GRANT; APPROPRIATION OF FUNDS; AUTHORIZING BOARD CHAIRMAN TO EXECUTE AGREEMENT**

Offered by: Facilities & Communications and Ways & Means Committees

### **RESOLVED:**

1. That the sum of \$250,000, for a State and Municipal Facilities Program "SAM" grant, to renovate the former jail to create office space, is accepted.

2. That the accepted sum of \$250,000 shall be placed in Account No. H5633.200 (Capital Projects) with a like sum credited to Revenue Account No. H5633.3097 (SAM St Aid Capital-SAM Grant).

3. That the Chairman of this Board is authorized to execute the contract with the Dormitory Authority of the State of New York to receive the grant funds.

Moved by: Mr. Pullen  
Seconded by: Mr. Hopkins

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

**RESOLUTION NO. 28-15**

**APPROVAL OF INTERMUNICIPAL AGREEMENT BETWEEN MONROE COUNTY AND ALLEGANY COUNTY FOR FORENSIC PATHOLOGY SERVICES THROUGH THE MONROE COUNTY MEDICAL EXAMINER'S OFFICE**

Offered by: Human Services and Ways & Means Committees

Pursuant to County Law § 675

**RESOLVED:**

1. That the Intermunicipal Agreement between Monroe County and Allegany County for forensic pathology services for the period of January 1, 2015, to December 31, 2015, is approved.
2. That the Chairman of this Board is authorized to execute said Agreement.

Moved by: Mr. LaForge  
Seconded by: Mr. Curran

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

Comments made regarding Resolution No. 28-15 included: Legislator Fanton remarked that he wanted to acknowledge that Lori Ballengee for her part in getting the local service at Olean General Hospital arranged. He added that Ms. Ballengee has been very aggressive in saving the County money on this type of service.

Resolution Intro. No. 31-15 (**ACCEPTANCE OF THE INSURANCE PROPOSAL OF NYMIR SUBMITTED BY RICHARDSON & STOUT INSURANCE COMPANY; CONTINUED AUTHORITY OF BOARD CLERK AND PERSONNEL COMMITTEE TO SECURE OTHER INSURANCE**) was not pre-filed and was considered from the floor on a motion made by Legislator Decker, seconded by Legislator Curran, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

**RESOLUTION NO. 29-15**

**ACCEPTANCE OF THE INSURANCE PROPOSAL OF NYMIR SUBMITTED BY RICHARDSON & STOUT INSURANCE COMPANY; CONTINUED AUTHORITY OF BOARD CLERK AND PERSONNEL COMMITTEE TO SECURE OTHER INSURANCE**

Offered by: Personnel Committee

**RESOLVED:**

1. That the NYMIR insurance proposal and related services as submitted by Richardson & Stout Insurance Company of Wellsville, New York, to the County of Allegany for the period February 1, 2015, to February 1, 2016, is approved.

2. That the premium of \$245,976.09 plus any additional premium amounts resulting from the addition or inclusion of vehicles, equipment and other property to the policies is charged to Account No. A1910.406 of the 2015 County Final Budget in which the funds are proportionately provided to cover the whole of such premium.

3. That all other insurance not provided for in the foregoing proposal shall continue to be secured by the Clerk of the County Board of Legislators with approval of the Personnel Committee of such County Board, limited by the funds appropriated by such County Board therefor.

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

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

Comments made regarding Resolution No. 29-15 included: Legislator Ungermann remarked that it's interesting to know some of the things that made this insurance go up. The increase in the County Budget impacted this. He noted that property values and increases in law enforcement personnel have caused an increase. He feels that if some of these things were let out to the private sector to take care of, the insurance costs for the County would go down. Additionally, the private sector pays sales tax for things, so that would help too. Legislator Fanton stated that the increase was only 1.7 percent. If you compare that to the private sector, which is paying 8-10 percent more (with NYMIR), we got a pretty good deal.

Resolution Intro. No. 32-15 (**RESOLUTION SETTING DATE FOR PUBLIC HEARING ON A GRANT APPLICATION SEEKING A \$750,000 GRANT UNDER THE NEW YORK STATE HOMES AND COMMUNITY RENEWAL COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**) was not pre-filed and was considered from the floor on a motion made by Legislator Curran, seconded by Legislator Fanton, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

### **RESOLUTION NO. 30-15**

#### **RESOLUTION SETTING DATE FOR PUBLIC HEARING ON A GRANT APPLICATION SEEKING A \$750,000 GRANT UNDER THE NEW YORK STATE HOMES AND COMMUNITY RENEWAL COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

Offered by: Ways & Means Committee

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

**WHEREAS**, the application will seek a grant in the amount of \$750,000 to replace, within Allegany County, seven to eight dilapidated owner occupied manufactured homes and address septic and well issues serving those properties, and

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

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

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

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

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

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

**RESOLVED:**

1. That a public hearing on the proposed grant application shall be held by this Board at the County Legislators' Chambers, Room 221, 7 Court Street, County Office Building, Belmont, New York 14813, on February 9, 2015, at 2:00 P. M.

2. That the Clerk of the Board of Legislators is directed to prepare, with the assistance of the County Attorney, a notice of said public hearing, to cause the publication of a copy of said notice in each of the two newspapers which have been officially designated by this Board to publish "notices," and to affix a copy of said notice on the County bulletin board in the County Courthouse at Belmont, New York; both publication and posting to be made at least seven days before the public hearing.

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

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

Comments made regarding Resolution No. 30-15 included: Legislator O'Grady remarked that the resolution stated that they are replacing manufactured homes. He wondered if they were replacing them with manufactured homes. County Treasurer Terri Ross indicated that yes, they would be replaced with manufactured homes. Legislator Hopkins stated that Allegany County is the lead agency on this. He said, "There is no cost to the County. If they get it, great; it would certainly help update housing." Legislator Healy asked if the properties had already been identified. County Administrator Mitch Alger stated that they had not. Legislator Pullen stated that if they receive the grant, he thinks there would be an application process for people who want to participate.

Resolution Intro. No. 33-15 (**CREATION OF ONE TEMPORARY PART-TIME POSITION OF TYPIST WITHIN THE OFFICE FOR THE AGING**) was not pre-filed and was considered from the floor on a motion made by Legislator LaForge, seconded by Legislator Pullen, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

**RESOLUTION NO. 31-15**

**CREATION OF ONE TEMPORARY PART-TIME POSITION OF TYPIST WITHIN THE OFFICE FOR THE AGING**

Offered by: Human Services Committee

**RESOLVED:**

1. That one part-time temporary position of Typist (AFSCME, Grade 4, Step Base) is created.
2. That this position is created to provide coverage while a permanent employee is on leave.
3. That upon the return of the permanent employee from leave, the additional temporary part-time position of Typist shall be abolished
4. This resolution shall take effect immediately.

Moved by: Mr. LaForge  
Seconded by: Mr. Curran

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

Comments made regarding Resolution No. 31-15 included: Legislator Burt asked for clarification on the resolution. County Administrator Mitch Alger indicated that the position already exists, this resolution creates another. It was further explained that two part-time people are going to cover for one full-time person while that person is on leave.

**COMMENTS:**

Chairman Crandall remarked on Resolution Intro. No. 29-15 (*Approval of Agreement with the Dormitory Authority of the State of New York (DASNY) in Relation to the Municipal Facilities Program "SAM" Grant; Appropriation of Funds; Authorizing Board Chairman to Execute Agreement*). He didn't think it was appropriate to quickly accept the money without acknowledging the very hard work done by Senator Young in helping us to receive that.

**AUDITS:**

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

A motion was made by Legislator Root, seconded by Legislator Curran, and adopted on a roll call vote of 15 Ayes, 0 Noes, 0 Absent, that the audit of claims, totaling \$3,036,811.82, 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 \$579,558.*)

**COMMENTS:**

Chairman Crandall indicated that there would be a Human Services Committee meeting following the Board meeting. However, before that he would like to hold a brief Committee of the Whole meeting.

Legislator Burt commented on Resolution Intro. No. 15-15. He stated that he can understand how they've always voted on this, but that when the policy is in black and white, he can't vote that way. He would like to see the Department of Public Works change the policy so he can support this type of resolution in the future.

Legislator O'Grady stated that the only problem with changing the policy to include culverts is that you're doubling the County's responsibility. He said, "It's easy to change a policy, but you must have the means to follow through."

Legislator Hopkins stated that Chairman Crandall made a good point about recognizing Senator Young for the work she had done in securing the \$250,000 grant for the County. It's a big thing for us to get that \$250,000.

Legislator LaForge stated that there would not be a Consolidation & Efficiencies Committee meeting this week. He said that the next meeting would take place in February.

Legislator Pullen remarked that he appreciates the work done by Lori Ballengee in putting together an agreement with Olean General Hospital for the County's autopsies.

**ADJOURNMENT:** The meeting was adjourned at 3:02 p.m. on a motion made by Legislator Graves, seconded by Legislator Root and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION**

**FEBRUARY 9, 2015  
\*\* APPROVED \*\***

**CALL TO ORDER:** The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

**PLEDGE OF ALLEGIANCE TO THE FLAG:** The Pledge of Allegiance was led by retired United States Coast Guard Chief Warrant Officer Second Class Scott G. Stewart.

**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, Theodore Hopkins, Charles Jessup, Kevin LaForge, Aaron McGraw, David Pullen, Debra Root Absent: Timothy O'Grady, Norman Ungermann, Jr.

**APPROVAL OF MINUTES:**

The Board meeting minutes of January 26, 2015, were amended following a motion made by Legislator Burt, seconded by Legislator Root, and carried to correct a typographical error on line four of page four. The word "bit" should have been "bid." The minutes were then approved as amended following a motion made by Legislator Burt, seconded by Legislator Root, and carried.

**PUBLIC HEARING:**

Chairman Crandall closed the regular meeting to hold a public hearing concerning a proposed grant application developed in partnership with the Cattaraugus Community Action Agency and directed to the New York State Homes and Community Renewal Community Development Block Grant Program, seeking a \$750,000 grant to replace seven to eight dilapidated owner-occupied manufactured homes within Allegany County and address septic and water issues serving those homes, with such homes owned by members of a vulnerable population comprising the elderly, disabled and veterans.

The Board did receive one comment via email. The following statement was received from Frederick Sinclair.

"I am writing to express my support for the Cattaraugus Community Action Agency application to the New York State Homes and Renewal Community Development Block Grant Program. The proposed project will replace 7 or 8 dilapidated manufactured homes for the Allegany County vulnerable population comprising elderly, disabled and veterans.

‘The HUD plan for our County as well as the Comprehensive Plan and NYSEERDA Sustainability Plan all identify the need for upgrading aging manufactured homes. Not only are there health and safety issues that will be resolved, but long term reduction in energy costs are also worthwhile results.

‘Such activity will also potentially spark action toward the application of energy efficient modular prototypes which have been developed at the SUNY School of Applied Science in conjunction with Alfred University. These award winning unit designs and costs will be evaluated against the specifications for the replacement homes and possibly be part of the competitive bidding process for the replacements.’

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 Scott G. Stewart, retired United States Coast Guard Chief Warrant Officer Second Class, in grateful appreciation of his service to our country. Mr. Stewart’s Army service dates were from July 12, 1976, to July 11, 1979. Mr. Stewart’s Coast Guard service dates were from April 28, 1980, to August 31, 1998. Following Basic Training at Fort Dix, NJ, assignments included: Fort McClellan, AL, two tours in Germany, Cape Main, NJ, Yorktown, VA, Iwo Jima, Japan, two tours in Galveston, TX, Marcus, Japan, Kodiak, AK, Fort Seward, AK, Baltimore, MD, Coast Guard Cutter Clamp, Coast Guard Cutter Hatchet, Coast Guard Cutter Yocona and Coast Guard Cutter Mustang. Commendations he received included: Coast Guard Bronze Star, Coast Guard Commendation Medal, Coast Guard Achievement Medal, five Coast Guard Good Conduct Medals, Coast Guard Humanitarian Service Medal, National Defense Service Medal, Commandants Letter of Commendation Ribbon with one gold star, Coast Guard Meritorious Unit Commendation Ribbon, Coast Guard Commendation Ribbon with one gold star, Coast Guard Bicentennial Unit Commendation Ribbon, Sea Service Ribbon with two bronze stars, Coast Guard Restricted Duty Ribbon with one bronze star, and Marksman M-16 and .45 Caliber Pistol. Mr. Stewart 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 noted that Mr. Stewart is the 150<sup>th</sup> Veteran to be honored since this program began.

Chairman Crandall presented a certificate and a copy of the 2013 Allegany County Legislators’ Proceedings to the family of former Legislator Douglas Burdick. The 2013 Allegany County Legislators’ Proceedings was dedicated to Mr. Burdick. His wife Mary Jane and his daughter Dawn were in attendance to accept these items on behalf of his family. Chairman Crandall read the following press release which was made at the time of Mr. Burdick’s death.

“As Chairman of the Allegany County Board of Legislators, I am deeply saddened by the passing of Legislator Doug Burdick as is our entire Board of legislators, Department

Heads, and County employees. Our thoughts and prayers go out to Doug's wife Mary Jane and the Burdick family.

'Doug played a key role in the progression of Allegany County. Since Doug took office in 2006, he has used his common sense approach to issues to influence the Board of Legislators in a positive way. We will miss Doug's quick sense of humor and ability to ask the proper questions for all of our benefit even though many times Doug already knew the answer.

'As Chairman of the Human Services Committee, Doug had the Commissioner of Social Services, Public Health Director, Office for the Aging Director, and Community Services Director report to him and his committee on a regular basis. Collectively these departments make up the largest portion of our County Budget. Doug took special interest in each so he could better understand their operations and better serve the people of Allegany County. Besides Chairman of the Human Services Committee, Doug was Vice Chairman of the Personnel Committee, and served on the Ways & Means and Public Safety Committees. Doug also served as the Legislative representative to the Office for the Aging Citizens Advisory Council, County Board of Health, and Soil & Water Conservation District Board, along with involvement in other organizations.

'Allegany County has lost a great Legislator and citizen with the untimely passing of Doug Burdick.'

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

1. Report of Tax Bill Corrections Approved by the County Administrator in January 2015.
2. Report of IntraFund Transfers Approved by the County Administrator in January 2015.
3. The County Treasurer filed a List of Delinquent Taxes (TF14) which was filed on November 6, 2014, in the Clerk of the Board's Office on January 27, 2015.
4. Correspondence from Nancy Meyers the owner of the Duke House Tea Room & Bakery inviting Legislators to visit her establishment while renovations are taking place.
5. Governor Cuomo's Office has announced that a Cabinet Official will present the Governor's State-of-the-State Address at 10:30 a.m. at the Wellsville Library and 2 p.m. at the Alfred State College Leadership Center. All Legislators are invited to attend.

#### **APPOINTMENTS:**

Chairman Curtis W. Crandall appointed Amanda Vallone, Sr. Disaster Program Manager with the American Red Cross of Central & Western New York to the **HAZARD MITIGATION TEAM**, effective immediately, to serve at his pleasure.

Chairman Curtis W. Crandall made the following appointments to the **ALLEGANY COUNTY YOUTH BOARD**.

Jessica Jennings	District I	Re-Appointment (term expiring 3/25/18)
Kelly Goble	District II	New Appointment (term expiring 3/25/18)
Jack Emrick	District III	Re-Appointment (term expiring 3/25/18)
Michele Henry	District IV	Re-Appointment (term expiring 3/25/18)
Vicky Westacott	District V	Re-Appointment (term expiring 3/25/18)

## RESOLUTIONS:

### RESOLUTION NO. 32-15

#### RESOLUTION URGING GOVERNOR CUOMO AND THE NEW YORK STATE LEGISLATURE TO ADVANCE FUNDING AND EXPEDITE COMPLETION OF THE INTERSTATE 86 PROJECTS IN BROOME, DELAWARE, SULLIVAN, AND ORANGE COUNTIES

Offered by: Ways & Means Committee

**WHEREAS**, Governor Pataki committed to a ten-to-twelve year construction program to complete the Route 17 conversion to I-86 beginning with the first designation (177 miles Chemung County West to Pennsylvania) on December 3, 1999; and

**WHEREAS**, the designation of New York State Route 17 to I-86 will provide a highway network across the entire Southern Tier into Western New York with connection to every Interstate Highway located within New York State and Interstate Highways leading into Pennsylvania; and

**WHEREAS**, the upgrade and designation of Route 17 as I-86 will make the region more competitive and able to attract substantial growth in business, industry, and tourism as well as improve the safety of the traveling public; and

**WHEREAS**, the New York I-86 Economic Development Benefit Study, issued in January 2000, which was widely accepted and quoted at all levels of government, called for an aggressive eight-year construction period that would result in a 3.2 billion dollar direct economic benefit to communities along the I-86 Highway Corridor once the conversion has been completed; and

**WHEREAS**, with proper funding and resources (Fast Track/Design Build) for the remaining projects in Broome, Delaware, Sullivan, and Orange Counties, the conversion of Route 17 to I-86 could be completed many years sooner than on the present schedule providing vast economic benefits to the Hudson Valley, Southern Tier, and Western New York regions and would yield significant economic benefits for the nation by facilitating national freight flows, reducing travel times, improving safety, and enhancing access to markets; completion would create new jobs and greater value-added activity; and

**WHEREAS**, the New York State Department of Transportation in the latest update to its capital program proposes to delay to 2017 the first stage of the two stage Exit 131 reconstruction project which was to have begun in 2013; and

**WHEREAS**, the New York State Department of Transportation has also proposed to delay construction to Exit 122 (State Route 3 westbound ramps) to 2017; and

**WHEREAS**, the Ways and Means Committee of this Board has recommended that the Allegany County Legislature authorize this Resolution, now therefore, be it

**RESOLVED:**

1. That the Allegany County Legislature does hereby request Governor Andrew Cuomo and the New York State Legislature advance funding (Fast Track/Design Build) expediting completion of the projects in Broome, Delaware, Sullivan and Orange Counties on New York State Route 17 so that the same may be converted to Interstate Route 86.

2. The the Clerk of the Board is hereby authorized and directed to forward copies of this resolution to Governor Andrew Cuomo, the current Speaker of the New York State Assembly, Honorable Dean Skelos, Honorable Christopher Friend, Honorable Thomas O'Mara, Honorable David Gantt, Honorable Catharine Young, Honorable Thomas Libous, Honorable David Carlucci, Honorable John Bonacic, Honorable William Larkin, Honorable Joseph Giglio, Honorable Kenneth Zebrowski, Honorable Phillip Palmesano, Honorable Karl Brabenec, Honorable Donna Lupardo, Honorable Aileen Gunther, Honorable Andy Goodell, Honorable Thomas Santulli, the Inter-County Association of Western New York, the New York State Association of Counties, and the I-86 Corridor Counties (Cattaraugus, Chautauqua, Steuben, Tioga, Broome, Delaware, Sullivan, Orange).

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

Adopted: Voice Vote

Comments made regarding Resolution No. 32-15 included: Legislator Decker remarked that this project was supposed to take ten years. The project began in 1999. There are still four counties to go through to finish this up. This project benefits the whole state, not just the Southern Tier. We need to have this highway show up on the Interstate map. Legislator Decker offered his support for the resolution.

**RESOLUTION NO. 33-15**

**CREATION OF ONE POSITION OF A FULL TIME E-911 DISPATCHER  
WITHIN THE SHERIFF'S OFFICE**

Offered by: Public Safety Committee

**RESOLVED:**

1. That one position of full time E-911 Dispatcher (AFSCME, Council 66, Grade 13, Step Base) is created.
2. This resolution shall take effect immediately.

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

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

Comments made regarding Resolution No. 33-15 included: Legislator Burt stated that he had talked to Sheriff Whitney about the need for this position. He said that Sheriff Whitney explained the situation very well and Legislator Burt understands that this will save costs. Legislator Burt offered his support for the resolution.

**RESOLUTION NO. 34-15**

**APPOINTMENT TO THE ALLEGANY COUNTY PLANNING BOARD**

Offered by: Planning & Economic Development Committee

**RESOLVED:**

1. That the appointment of John Stolfus of Independence, New York, by the Chairman of this Board, to a three-year term as a member of the Allegany County Planning Board commencing January 1, 2015, and expiring December 31, 2017, is approved.

Moved by: Mr. Hopkins  
Seconded by: Ms. Root

Adopted: Voice Vote

**RESOLUTION NO. 35-15**

**REAPPOINTMENT OF TWO LEGISLATIVE MEMBERS AND ONE  
COUNTY GRANGE 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 Theodore L. Hopkins of Fillmore, New York, and Karl Graves of Wellsville, New York, are reappointed to the Allegany County Soil and Water Conservation District Board as Legislative Members, with term of office commencing January 1, 2015, and expiring December 31, 2015.

2. That James Wilcox of Almond, New York, is appointed to the Allegany County Soil and Water Conservation District Board as the County Grange appointee, to replace Curtis Rung, with term of office commencing January 1, 2015, and expiring December 31, 2017.

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

Adopted: Voice Vote

**RESOLUTION NO. 36-15**

**APPROVAL OF BOARD CHAIRMAN'S RE-APPOINTMENTS OF TWO MEMBERS TO  
REGION NINE FISH AND WILDLIFE MANAGEMENT BOARD**

Offered by: Resource Management Committee

Pursuant to Environmental Conservation Law § 11-0501

**RESOLVED:**

1. That the re-appointments by the Chairman of this Board of Phillip May as the Landowner Representative Member and Richard (Butch) Lorow as the Alternate Landowner Representative Member, to the Region Nine Fish and Wildlife Management Board, with a term of office commencing January 1, 2015, and expiring December 31, 2016, are approved.

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

Adopted: Voice Vote

**RESOLUTION NO. 37-15**

**RESOLUTION AUTHORIZING THE SUBMISSION OF A CONSOLIDATED GRANT  
APPLICATION FOR SECTION 5311 CAPITAL/OPERATING FUNDING FOR THE  
ALLEGANY COUNTY PUBLIC TRANSPORTATION SYSTEM FOR CALENDAR YEARS  
2015 AND 2016 THROUGH THE NEW YORK STATE DEPARTMENT OF  
TRANSPORTATION (NYSDOT)**

Offered by: Ways & Means Committee

**WHEREAS**, the County of Allegany is submitting a grant application for funding to the New York State Department of Transportation (NYSDOT), pursuant to Section 5311, Title 49 United States Code, for Capital/Operating funding for the Allegany County public transportation system for calendar years 2015 and 2016, and

**WHEREAS**, the total amount being sought for the 2015 and 2016 calendar years is \$2,044,275, now, therefore, be it

**RESOLVED:**

1. That the Chairman of the Board is authorized to act on behalf of the County of Allegany to sign the consolidated grant application for Section 5311 Capital/Operating funding.

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

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

**RESOLUTION NO. 38-15**

**RESOLUTION AUTHORIZING ALLEGANY COUNTY TO PURSUE A \$750,000  
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 \$750,000 to replace, within Allegany County, seven to eight dilapidated owner occupied manufactured homes and address septic and well issues serving those properties, and

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

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

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

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

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

**WHEREAS**, 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 \$750,000 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: Ms. Root

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

**RESOLUTION NO. 39-15**

**RE-APPROPRIATION OF ALLEGANY COUNTY  
COMPREHENSIVE PLANNING SCHOOL GRANT MONEY**

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

**WHEREAS**, by Resolution No. 131-14, Allegany County Comprehensive Planning School grant funds in the amount of \$67,669 were accepted and appropriated, and

**WHEREAS**, the Allegany County Comprehensive Planning School grant funds were not received in 2014, and

**WHEREAS**, it is necessary to re-appropriate the Allegany County Comprehensive Planning School grant funds, now, therefore, be it

**RESOLVED:**

1. That the sum of \$67,669 is appropriated and shall be placed in Account No. A8020.495 (Home and Community Service-Contractual Allegany County Comprehensive Planning School) with a like sum credited to Revenue Account No. A8020.3089.00 (Planning-State Aid Other).

Moved by: Mr. Hopkins  
Seconded by: Mr. Fanton

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

**RESOLUTION NO. 40-15**

**APPROVAL OF AGREEMENT WITH ALLEGANY COUNTY AGRICULTURAL SOCIETY  
FOR PAYMENT OF 2015 BUDGETARY APPROPRIATION**

Offered by: Planning & Economic Development Committee

**RESOLVED:**

1. That the Agreement between the County of Allegany and the Allegany County Agricultural Society, is approved.
2. That the Chairman of this Board is authorized to execute such Agreement.
3. That the County Treasurer, upon receipt of a true copy of said Agreement, is authorized and directed to remit to said Society the sum of \$8,000 and charge Account No. A8752.492 (Agricultural Society) therefor.

Moved by: Mr. Hopkins  
Seconded by: Ms. Root

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

**RESOLUTION NO. 41-15**

**APPROVAL OF AGREEMENT WITH ALLEGANY COUNTY ASSOCIATION FOR THE  
BLIND AND VISUALLY HANDICAPPED, INC., IN RELATION TO THE RENDERING OF  
SERVICE, TRAINING OR AID TO INDIGENT BLIND IN ALLEGANY COUNTY**

Offered by: Human Services Committee

Pursuant to County Law § 224 (6)

**RESOLVED:**

1. That the Agreement in the amount of \$8,000 between the County of Allegany and Allegany County Association for the Blind and Visually Handicapped, Inc., in relation to the rendering of service, training or aid to indigent blind in Allegany County during 2015, is approved.
2. That the Chairman of this Board is authorized to execute said Agreement in triplicate.

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

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

Voting No: Burt

Comments made regarding Resolution No. 41-15 included: Legislator Burt stated that he would probably be the only Legislator to vote "no". He indicated that it was not because of the services provided by the association. He noticed when looking at the association's budget that they give Christmas bonuses to their employees. He feels he needs to be a good steward of the taxpayer's money. He can't see giving the association \$8,000 and then have the association give bonuses to their employees. (Note: The bonuses Legislator Burt referred to total \$150, divided by three employees.)

## **RESOLUTION NO. 42-15**

### **ACCEPTANCE OF PROPOSAL FROM MRB GROUP TO CONDUCT AND OVERSEE, IN COOPERATION WITH THE COUNTY PLANNER, THE ALLEGANY COUNTY COMPREHENSIVE PLANNING SCHOOL**

Offered by: Planning & Economic Development Committee

**WHEREAS**, Allegany County has received a grant from NYSERDA in the amount of \$67,669 for the purpose of running an Allegany County Comprehensive Planning School to assist participating Towns and Villages throughout the County in the preparation of their respective comprehensive plans, and

**WHEREAS**, the total cost of the Comprehensive Planning School project is not to exceed \$90,225 with the County and participating Towns and Villages to provide \$22,556 of in-kind services, which amount represents 25% of the total cost, and

**WHEREAS**, a requirement of the grant is that the County must procure the professional services of a consultant to work with the County Planner in conducting and overseeing the Comprehensive Planning School, and

**WHEREAS**, in response to the issuance of an RFP by the County, MRB Group submitted a proposal that best meets the requirements of the County for a professional consultant to work with the County Planner in conducting and overseeing the Allegany County Comprehensive Planning School at a cost not to exceed of \$67,669, now therefore, be it

#### **RESOLVED:**

1. That the terms of the proposal set forth in a letter dated January 19, 2015 from MRB Group to H. Kier Dirlam regarding the provision of professional services related to the Allegany County Comprehensive Planning School at a lump sum cost of \$67,500 are hereby approved.

2. That the Chairman of this Board is authorized to execute said letter indicating acceptance of the proposal.

Moved by: Mr. Hopkins  
Seconded by: Mr. Pullen

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

Comments made regarding Resolution No. 42-15 included: Legislator Pullen remarked that this school represents an innovative effort by County Planner Kier Dirlam. He noted that this could be a template or model for other counties. Legislator Pullen wanted to recognize Mr. Dirlam for his efforts and offered his support of the resolution.

Resolution Intro. No. 45-15 (**AMENDING RESOLUTION 20-2015 TO SHOW THE PROPER ACCOUNT THAT FUNDS ARE BEING TRANSFERRED TO**) was not pre-filed and was considered from the floor on a motion made by Legislator Curran, seconded by Legislator Root, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

#### **RESOLUTION NO. 43-15**

#### **AMENDING RESOLUTION 20-2015 TO SHOW THE PROPER ACCOUNT THAT FUNDS ARE BEING TRANSFERRED TO**

Offered by: Public Safety and Ways & Means Committees

#### **RESOLVED:**

1. That Resolution 20-2015 is hereby amended to provide that the sum of \$36,900 in unexpended Literacy West Grant funds shall be transferred from A15.599.00 (Fund Balance) to Account No. A3151.447 (Jail-Educational Services-Contractual).

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

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

Resolution Intro. No. 46-15 (**APPROVAL OF MEMORANDUM OF AGREEMENT WITH CORNELL COOPERATIVE EXTENSION ASSOCIATION OF ALLEGANY COUNTY AND AUTHORIZING CHAIRMAN TO EXECUTE MEMORANDUM OF AGREEMENT; AUTHORIZING COUNTY TREASURER TO MAKE APPROPRIATION PAYMENTS IN RELATION TO THE 2015 BUDGETARY APPROPRIATION FOR THE WORK OF SUCH ASSOCIATION**) was not pre-filed and was considered from the floor on a motion made by Legislator Graves, seconded by Legislator LaForge, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

#### **RESOLUTION NO. 44-15**

**APPROVAL OF MEMORANDUM OF AGREEMENT WITH CORNELL COOPERATIVE  
EXTENSION ASSOCIATION OF ALLEGANY COUNTY AND  
AUTHORIZING CHAIRMAN TO EXECUTE MEMORANDUM OF AGREEMENT;  
AUTHORIZING COUNTY TREASURER TO MAKE APPROPRIATION PAYMENTS  
IN RELATION TO THE 2015 BUDGETARY APPROPRIATION FOR THE  
WORK OF SUCH ASSOCIATION**

Offered by: Resource Management Committee

Pursuant to County Law § 224 (8)

**RESOLVED:**

1. That Memorandum of Agreement between the County of Allegany and the Cornell Cooperative Extension Association of Allegany County, dated January 21, 2015, in relation to the payment of appropriations to such Association by the County and the providing of services for such appropriations is approved and the Chairman of this Board is authorized to execute such Memorandum of Agreement.

2. That the County Treasurer is authorized and directed to pay one-half of the sum provided in the 2015 County Final Budget for such Association in advance on the first day of each half of the year beginning January 2015, to be used by such Association pursuant to the terms and conditions of such Agreement; such payments to be made to the duly bonded Treasurer of such Association.

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

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

Comments made regarding Resolution No. 44-15 included: Legislator Burt remarked that this is a huge amount of money. He doesn't know exactly what we're getting for that money. Legislator Graves stated that he'd had the pleasure of working with the director of Cornell Cooperative Extension. He's seen what they do and feels it's a much needed program. Legislator Graves urged support of the resolution. Legislator Pullen stated that he's been on the Board of Cornell Cooperative Extension for nine years. He feels it's an excellent program. It pulls together state and federal money, and we get "considerable bang for our buck." Legislator Pullen urged support of the resolution.

Resolution Intro. No. 47-15 (**RESOLUTION AUTHORIZING A CONTINUING AGREEMENT WITH THE STATE OF NEW YORK FOR UNDERTAKING THE PROJECT AS IT RELATES TO SECTION 5311 FUNDING FOR THE COUNTY PUBLIC TRANSPORTATION SYSTEM; AUTHORIZING SUBMISSION OF ANNUAL GRANT APPLICATIONS FOR 5311 FUNDS**) was not pre-filed and was considered from the floor on a motion made by Legislator Jessup, seconded by Legislator Curran, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

**RESOLUTION NO. 45-15**

**RESOLUTION AUTHORIZING A CONTINUING AGREEMENT WITH THE  
STATE OF NEW YORK FOR UNDERTAKING THE PROJECT AS IT  
RELATES TO SECTION 5311 FUNDING FOR THE COUNTY PUBLIC  
TRANSPORTATION SYSTEM; AUTHORIZING SUBMISSION  
OF ANNUAL GRANT APPLICATIONS FOR 5311 FUNDS**

Offered by: Ways and Means Committee

**WHEREAS**, Section 5311 of Title 49, United States Code, provides federal financial assistance for public transportation in rural and small urban areas by way of a formula grant program to be administered by the States; and

**WHEREAS**, the County of Allegany may make application annually to New York State Department of Transportation for such federal aid for operating assistance for a Project to provide public mass transportation service on a continuing basis in Allegany County; and

**WHEREAS**, the County of Allegany desires to enter into a continuing agreement with the State of New York for the undertaking of the Project; now therefore, be it

**RESOLVED:**

1. That the Chairman of this Board is authorized to act on behalf of the County of Allegany to sign a continuing agreement between the County of Allegany and the State of New York providing for the undertaking of the Project and authorizing annual grant applications for such Section 5311 funds.

2. That the Chairman of this Board is further authorized to act on behalf of the County of Allegany to sign any and all agreements between the County of Allegany and any third party subcontractors necessary to complete the Project.

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

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

**AUDITS:**

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

Legislator Healy asked for clarification on the appropriations under Public Safety. County Treasurer Terri Ross indicated that equipment for the E911 phone system was included in there, and that it's part of the grant received by the Sheriff's Office. Legislator Hopkins added that grants are included in the appropriation accounts, so you have to be

careful when talking about appropriations, because these grants can make the Budget look larger.

A motion was made by Legislator Root, seconded by Legislator Graves, and adopted on a roll call vote of 13 Ayes, 0 Noes, 2 Absent, that the audit of claims, totaling \$3,402,577.08, 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 \$965,930.*)

**COMMENTS:** Chairman Crandall reminded the Board about the State-of-the-State Address being presented locally. He added that the presentation was open to the public as well.

**ADJOURNMENT:** The meeting was adjourned at 2:56 p.m. on a motion made by Legislator Graves, seconded by Legislator Root, and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION**

**FEBRUARY 23, 2015  
\*\*APPROVED \*\***

**CALL TO ORDER:** The regular meeting of the Board of Legislators was called to order at 2:01 p.m. by Chairman Curtis W. Crandall.

**PLEDGE OF ALLEGIANCE TO THE FLAG:** The Pledge of Allegiance was led by former United States Marine Corps Sergeant Paul J. Gabriel, Jr.

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

**ROLL CALL:** 12 Legislators Present: Scott Burt, Curtis Crandall, Philip Curran, David Decker, Karl Graves, Dwight "Mike" Healy, Charles Jessup, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Debra Root Absent: Dwight Fanton, Theodore Hopkins, Norman Ungermann, Jr.

**APPROVAL OF MINUTES:**

The Committee of the Whole minutes of January 12, 2015, were amended following a motion made by Legislator Root, seconded by Legislator Graves, and carried to correct an error. Legislator Root's name had been inadvertently excluded from the list of those in attendance at that meeting. The minutes were then approved on a motion made by Legislator Graves, seconded by Legislator Root, and carried.

The Committee of the Whole minutes of January 26, 2015, were amended following a motion made by Legislator Root, seconded by Legislator Graves, and carried to correct an error. Legislator Root's name had been inadvertently excluded from the list of people in attendance at that meeting. The minutes were then approved on a motion made by Legislator Decker, seconded by Legislator Curran, and carried.

The Board meeting minutes of February 9, 2015, were approved on a motion made by Legislator Graves, seconded by Legislator Root, and carried.

**PRIVILEGE OF THE FLOOR:**

Chairman Crandall acknowledged a group of government interns who were in attendance. The students will be introduced at a future meeting.

Chairman Crandall presented a certificate to Paul J. Gabriel, Jr., former United States Marine Corps Sergeant, in grateful appreciation of his service to our country. Mr. Gabriel's service dates were from September 7, 1978, to September 8, 1982. Following Basic Training at Parris Island, assignments included: Cherry Point, NC, Turkey, Spain, St. Thomas, Virgin Islands, and Operation Display Determination on a ship off the coast of Cuba.

Commendations he received included: Navy Achievement Medal, Good Conduct Medal and Sharpshooter Badge for M-16 Rifle. Mr. Gabriel led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

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

1. Allegany County 2015 Directory
2. March 2015 Calendar
3. 2014 Annual Reports from the County Attorney, County Clerk, Probation, Public Works, and Cooperative Extension.
4. The County Treasurer filed Certificates of Withdrawal of Delinquent Tax Liens in the Clerk of the Board's Office for properties in the towns of Belfast, Clarksville, and Wirt on February 10, and for properties in the Town of Independence and Wirt on February 13, 2015.
5. The County Treasurer filed Certificates of Reinstatement for properties located in Belfast and Bolivar in the Clerk of the Board's Office on February 2, 2015.
6. The Allegany County Grange forwarded a resolution urging the Board to pass legislation banning importation of hydrofracking fluid and requiring plants to clean up contamination at their facilities caused by radioactive waste. In addition, they forwarded the DEC's draft permits proposed for the Hyland Landfill.

**RESOLUTIONS:**

**RESOLUTION NO. 46-15**

**RESOLUTION CALLING ON THE STATE OF NEW YORK TO DEVELOP A 100 PERCENT STATE-FUNDED INDIGENT LEGAL DEFENSE SYSTEM AS A WAY TO PROVIDE MANDATE RELIEF AND LOWER PROPERTY TAXES**

Offered by: Public Safety Committee

**WHEREAS**, the United States Supreme Court held in *Gideon v. Wainwright* that the right to counsel for one charged with a crime is fundamental and that it is the state's responsibility to supply lawyers for those unable to afford them; and

**WHEREAS**, in 1965 the State of New York delegated this state responsibility to the counties; and

**WHEREAS**, the decision to entrench responsibility at the county level in the State of New York has resulted in a system by which the county and local property taxpayers are burdened with the vast majority of the cost of this state responsibility; and

**WHEREAS**, the shift of costs for this state mandated service has become so imbalanced that the counties of New York now cover more than 80 percent of the cost burden; and

**WHEREAS**, due to a well-recognized correlation between socio-economic factors and criminal behavior, this burden tends to fall hardest on poorer counties; and

**WHEREAS**, implementation of the constitutional right to counsel under Gideon is a state, not county, obligation; and

**WHEREAS**, in 2006 the Kaye Commission on the Future of Indigent Defense Services declared that the New York State System of County-Delivered Indigent Services is in crisis and urged the expeditious establishment of an independent Public Defense Commission; and

**WHEREAS**, the State of New York and multiple counties are now defendants, and recently entered into a settlement, in the matter of Hurrell-Harring, et al. v. State of New York, a systemic lawsuit similar to many that have been successful across the country seeking to transform the indigent legal defense system; and

**WHEREAS**, the settlement will have a profound fiscal impact on the state and each and every county therein; and

**WHEREAS**, the state can both comply with its obligations under the settlement and significantly improve the public defense system by establishing a 100 percent state funded indigent legal defense program; and

**WHEREAS**, such a state funded system would relieve the counties of this state of the burden imposed upon them since 1965; now therefore, be it

**RESOLVED:**

1. That the Allegany County Legislature calls upon the State of New York and Governor Cuomo to immediately create a 100 percent state funded indigent legal defense system and relieve the counties of this state of the burden imposed upon them since 1965.

2. That the Clerk of this Board is directed to forward certified copies of this resolution to Governor Andrew M. Cuomo; Senator Catharine M. Young; Assemblyman Joseph M. Giglio; New York State Association of Counties; Inter-County Association of Western New York.

Moved by: Mr. Curran  
Seconded by: Mr. Healy

Adopted: Voice Vote

Comments made regarding Resolution No. 46-15 included: Legislator Pullen remarked that as an attorney, he is particularly close to this topic. He finds it troubling that the State keeps imposing greater and greater burdens. The cost of these programs has skyrocketed. Our County Budget for indigent legal defense is around \$1 Million. Some of that is paid for by the State, but a lot of it comes from our own taxpayers. He acknowledged that while it's an important program, it's really a State issue. It should be paid for by the State. After the vote, Chairman Crandall noted that this program is one of the "big eight" unfunded mandates that he has spoken about on numerous occasions.

**RESOLUTION NO. 47-15**

**CREATION OF ONE POSITION OF AN**

**INTENSIVE CASE MANAGER IN COMMUNITY SERVICES**

Offered by: Human Services Committee

**RESOLVED:**

1. That one position of Intensive Case Manager (PEF, Grade 7, Step Base) is created.
2. This resolution shall take effect immediately.

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

Adopted: Roll Call  
12 Ayes, 0 Noes, 3 Absent

**RESOLUTION NO. 48-15**

**APPOINTMENT OF ONE NEW MEMBER TO COUNTY TRAFFIC SAFETY BOARD TO COMPLETE AN UNEXPIRED TERM**

Offered by: Public Safety Committee

Pursuant to Local Law No. 2 of 1972

**RESOLVED:**

1. That Brian Perkins of Andover, New York, is appointed to the County Traffic Safety Board, to complete a vacant unexpired three-year term, commencing immediately and expiring December 31, 2015.

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

Adopted: Voice Vote

**RESOLUTION NO. 49-15**

**APPROVAL FOR GRANT APPLICATION TO INDIGENT LEGAL SERVICES UNDER DISTRIBUTION #5 FOR THE PUBLIC DEFENDER'S OFFICE**

Offered by: Public Safety and Ways & Means Committees

**WHEREAS**, the Allegany County Public Defender is requesting approval to apply for grant money through the Indigent Legal Services (ILS) Distribution #5, and

**WHEREAS**, if approved the grant would provide \$70,434 per year, for a total of \$211,302 for three years, now, therefore, be it

**RESOLVED:**

1. That the Public Defender is authorized to act on behalf of the County of Allegany to apply for grant funds through the Indigent Legal Services Distribution #5.

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

Adopted: Roll Call  
12 Ayes, 0 Noes, 3 Absent

**RESOLUTION NO. 50-15**

**AUTHORIZATION FOR THE PURCHASE OF FIVE MOTOR VEHICLES FROM THE  
VEHICLE PURCHASE AND REPLACEMENT CAPITAL ACCOUNT**

Offered by: Ways & Means Committee

**WHEREAS**, the County Administrator has requested authorization to purchase five motor vehicles to be financed by previously allocated resources in the Vehicle Replacement Capital Fund Account, and

**WHEREAS**, the Department of Public Works Buildings & Grounds seeks to purchase a vehicle not to exceed \$23,000, and

**WHEREAS**, the Health Department seeks to purchase a vehicle not to exceed \$18,000, and

**WHEREAS**, Community Services seeks to purchase a vehicle not to exceed \$20,000, and

**WHEREAS**, the Office for the Aging seeks to purchase a vehicle not to exceed \$22,000, and

**WHEREAS**, the Office for the Aging seeks a replacement vehicle necessitated by a motor vehicle accident, not to exceed \$22,000, now, therefore, be it

**RESOLVED:**

1. That purchase of five vehicles, all as described above, is approved.
2. That the amount of \$105,000 for the purchase of four motor vehicles from the Vehicle Replacement Capital Fund No. H5997.2 is approved.

Moved by: Mr. Jessup  
Seconded by: Ms. Root

Adopted: Roll Call  
12 Ayes, 0 Noes, 3 Absent

Comments made regarding Resolution No. 50-15 included: Legislator Burt expressed his concern for the lack of detail regarding the vehicles on the paperwork submitted for the Board's review. He understood that more detail was available about these vehicles when they were discussed during the Budget process, but he would like the memorandum of explanation that's attached to the resolution to contain more detail so that taxpayers know the Board has done its homework.

**RESOLUTION NO. 51-15**

**RE-APPROPRIATION OF UNSPENT STATE HOMELAND SECURITY PROGRAM (SHSP)  
GRANT MONEY FOR 2014 FOR CONTRACT #C969110**

Offered by: Public Safety and Ways & Means Committees

**RESOLVED:**

1. That the sum of \$14,159, SHSP grant money not spent in 2014 (Project #SH11-1050-E00 SHSP, Contract #C969110), shall be appropriated to Account No. A3648.450 (Public Safety Contract – P-25 Mobile & Portable High-Band Radios) with a like sum credited to Revenue Account No. A3648.3306.EM11 (State Aid – HS #C969110).

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

Adopted: Roll Call  
12 Ayes, 0 Noes, 3 Absent

**RESOLUTION NO. 52-15**

**RE-APPROPRIATION OF UNSPENT STATE HOMELAND SECURITY PROGRAM (SHSP)  
GRANT MONEY FOR 2014 FOR CONTRACT #C969140**

Offered by: Public Safety and Ways & Means Committees

**RESOLVED:**

1. That the sum of \$52,500, SHSP grant money not spent in 2014 (Project #SH14-1002-D00 SHSP, Contract #C969140), shall be appropriated to the following Accounts:

A3647.447	Public Safety Contract - Purchase GIS Aerial Photography Package of Allegany; County to Update 2006 Version	\$41,500
A3647.447	Public Safety Contract – Personal Protective Equipment for Fire Service	10,000
A3647.447	Public Safety Contract – PDA Sustainment of Connectivity Plan for Emergency Manager	<u>1,000</u>
	TOTAL	\$52,500

with a like sum credited to Revenue Account No. A3647.3306.EM14 (State Aid – HS Contract #C969140).

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

Adopted: Roll Call  
12 Ayes, 0 Noes, 3 Absent

**RESOLUTION NO. 53-15**

**RE-APPROPRIATION OF UNSPENT STATE HOMELAND SECURITY PROGRAM (SHSP)  
GRANT MONEY FOR 2014 FOR CONTRACT #T969120**

Offered by: Public Safety and Ways & Means Committees

**RESOLVED:**

1. That the sum of \$40,790, SHSP grant money not spent in 2014 (Project #SH12-1001-D00 SHSP, Contract #T969120), shall be appropriated to the following accounts:

A3649.451	Public Safety Contract – Mobile Data Terminals	\$30,000
A3649.451	Public Safety Contract – Personal Protective Equipment	10,000
A3649.451	Public Safety Contract – Connectivity Service for Personal Digital Assistant	<u>790</u>
	TOTAL	\$40,790

with a like sum credited to Revenue Account No. A3649.3306.EM12 (State Aid – HS #T969120).

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

Adopted: Roll Call  
12 Ayes, 0 Noes, 3 Absent

**RESOLUTION NO. 54-15**

**RE-APPROPRIATION OF UNSPENT STATE HOMELAND SECURITY GRANT (SHSP)  
GRANT MONEY FOR 2014 FOR CONTRACT #T969130**

Offered by: Public Safety and Ways & Means Committees

**RESOLVED:**

1. That the sum of \$21,500, SHSP grant money not spent in 2014 (Project #SH13-1050-E00 SHSP, Contract #T969130), shall be appropriated to Account No. A3645.448 (Emergency Services – Incident Command Cargo Trailer and Generator) with a like sum credited to Revenue Account No. A3645.3306.EM13 (State Aid – 2013 HS #T969130).

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

Adopted: Roll Call  
12 Ayes, 0 Noes, 3 Absent

Comments made regarding Resolution No. 54-15 included: Legislator O'Grady asked if the County already had an Incident Command trailer. Undersheriff Kevin Monroe replied that this is an additional trailer for Fire Service.

### **RESOLUTION NO. 55-15**

#### **TRANSFER OF FUNDS WITHIN PUBLIC HEALTH ACCOUNTS**

Offered by: Human Services Committee

#### **RESOLVED:**

1. That the sum of \$1,200 is transferred from Account No. A4071.456 (Cancer Services – Health Contracts) to Account No. A4071.201 (Cancer Services – Equipment) for the purchase of a white board.

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

Adopted: Roll Call  
12 Ayes, 0 Noes, 3 Absent

Comments made regarding Resolution No. 55-15 included: Legislator Burt remarked that he had questioned the cost of \$1,200 for a white board. He wanted the public to know that the \$1,200 included more than just a white board. A laminator as well as three side units for desks were included.

### **RESOLUTION NO. 56-15**

#### **BUDGET ADJUSTMENT WITHIN COMMUNITY SERVICES ACCOUNTS**

Offered by: Human Services and Ways & Means Committees

#### **RESOLVED:**

1. That the sum of \$72,652 shall be appropriated to Account No. A4314.456 (Arc CSS) with a like sum credited to Revenue Account No. A4314.3490.1014 (State Aid – MH CSS) due to recent adjustments outlined in the latest State Aid letter.

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

Adopted: Roll Call  
12 Ayes, 0 Noes, 3 Absent

**RESOLUTION NO. 57-15**

**VEHICLE BUDGET ADJUSTMENT FOR PASS-THRU FUNDING WITHIN  
COMMUNITY SERVICES CONTRACTUAL ACCOUNTS**

Offered by: Human Services and Ways & Means Committees

**RESOLVED:**

1. That the sum of \$20,400 shall be appropriated to Account No. A4220.458 (Council on Alcoholism and Substance Abuse - Contractual) with a like sum credited to Revenue Account No. A4220.3486.00 (State Aid – Allegany Council/Substance Abuse).

Moved by: Mr. LaForge  
Seconded by: Ms. Root

Adopted: Roll Call  
12 Ayes, 0 Noes, 3 Absent

**RESOLUTION NO. 58-15**

**BUDGET ADJUSTMENT WITHIN PROBATION DEPARTMENT ACCOUNTS**

Offered by: Public Safety and Ways & Means Committees

**RESOLVED:**

1. That the sum of \$7,100 is transferred from Revenue Account No. A3140.3310.05 (State Aid – Probation SORA) to Revenue Account No. A3140.1580.06 (Sex Offender Fees - OVW).

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

Adopted: Roll Call  
12 Ayes, 0 Noes, 3 Absent

**RESOLUTION NO. 59-15**

**ACCEPTANCE OF COLA FUNDS FOR THE CANCER SERVICES PROGRAM;  
APPROPRIATION OF FUNDS**

Offered by: Human Services and Ways & Means Committees

**RESOLVED:**

1. The sum of \$10,226 in COLA funds for the County Health Department Cancer Services Program is accepted.

2. The sum of \$10,226 shall be appropriated to the following accounts:

A4071.201	Cancer Screening – Office Equipment	\$2,814
A4071.407	Cancer Screening – Office Supplies	216
A4071.419	Cancer Screening – Printing/Microfilming	680
A4071.422	Cancer Screening – Gasoline/Oil	500
A4071.424	Cancer Screening – Legal Advertising	2,327
A4071.802	Cancer Screening – Retirement	1,473
A4071.803	Cancer Screening – FICA	609
A4071.804	Cancer Screening – Workers Comp	120
A4071.805	Cancer Screening – Disability	14
A4071.806	Cancer Screening – Hosp/Med Ins	<u>1,473</u>
	TOTAL	\$10,226

with a like sum credited to Revenue Account No. A4071.340100 (State Aid – Cancer Screening).

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

Adopted: Roll Call  
12 Ayes, 0 Noes, 3 Absent

Comments made regarding Resolution No. 59-15 included: Legislator Pullen commended Department of Health Director Lori Ballengee for her hard work.

### **RESOLUTION NO. 60-15**

#### **ACCEPTANCE AND APPROPRIATION OF FUNDS FROM NEW YORK STATE FOR INTENSIVE INTERVENTION SERVICES**

Offered by: Human Services and Ways & Means Committees

#### **RESOLVED:**

1. That the sum of \$95,000 from New York State to provide Intensive Intervention Services as a result of the closure of the St. James Psychiatric Care Unit, is accepted.

2. That the accepted sum of \$95,000 shall be appropriated to Account No. A4313.464A (Mental Health Contracts – Contractual) with a like sum credited to Revenue Account No. A4314.3490.175A (State Aid – MH ARA Adult Care).

Moved by: Mr. LaForge  
Seconded by: Ms. Root

Adopted: Roll Call  
12 Ayes, 0 Noes, 3 Absent

Comments made regarding Resolution No. 60-15 included: Legislator Decker remarked that when his wife was working in Rochester, she witnessed the closing of the Rochester Psychiatric Center. He said the State came in and closed the doors. Some of those people became homeless.

**RESOLUTION NO. 61-15**

**ACCEPTANCE AND APPROPRIATION OF FUNDS FROM ACCORD CORPORATION  
FOR ACT II BATTERERS PROGRAM**

Offered by: Public Safety and Ways & Means Committees

**RESOLVED:**

1. That the sum of \$6,825 from ACCORD Corporation for the continuation of the ACT II Batterers' Program is accepted.

2. That the sum of \$6,825 is appropriated to Account No. A3117.449 (ACT II Batterers' Program – Contractual Expenses) with a like sum credited to Revenue Account A3117.2230.00 (ACT II Batterers' Program – Public Safety Service for Other Govts.).

Moved by: Mr. Curran  
Seconded by: Mr. Healy

Adopted: Roll Call  
12 Ayes, 0 Noes, 3 Absent

**RESOLUTION NO. 62-15**

**ACCEPTANCE AND APPROPRIATION OF TECHNICAL RESCUE AND URBAN SEARCH  
AND RESCUE GRANT FUNDS**

Offered by: Public Safety and Ways & Means Committees

**RESOLVED:**

1. That the sum of \$98,946 for the FY 2014 Technical Rescue and Urban Search and Rescue (USAR) grant is accepted.

2. That the sum of \$98,946 shall be appropriated to Account No. A3653.207 (Emergency Services – Equipment) with a like sum credited to Revenue Account No. A3653.3306.EM14 (State Aid – 2014 SHSP #969149 Swift Water Team).

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

Adopted: Roll Call  
12 Ayes, 0 Noes, 3 Absent

Comments made regarding Resolution No. 62-15 included: Legislator O'Grady stated that he questioned how effective a County-wide rescue team was going to be. It's a lot of money to be spending. Legislator Graves remarked that Emergency Services Director Jeff Luckey did a great job on this. He stated that there are volunteers that are trained and that this is a good thing to have with the number of people who kayak on the Genesee River. Legislator Pullen stated that he was thankful for the individuals who have volunteered to do this. He feels we should adequately protect the volunteers. Legislator Healy stated that he feels we need to support our volunteers. It's nice when that support doesn't cost us anything. Legislator Burt remarked that he initially agreed with Legislator O'Grady, but that Mr. Luckey had done a great job explaining to him how this could help solve emergency issues resulting from flooding. Legislator Burt offered his support of the resolution.

### **RESOLUTION NO. 63-15**

#### **APPROVAL OF INTER-MUNICIPAL AGREEMENT WITH CATTARAUGUS COUNTY TO PROVIDE LEAD POISONING PREVENTION PROGRAM SERVICES; APPROPRIATION OF FUNDS**

Offered by: Human Services and Ways & Means Committees

#### **RESOLVED:**

1. That the Inter-Municipal Agreement between Allegany County and Cattaraugus County for the provision of a Lead Poisoning Prevention Program and Comprehensive Elevated Blood Lead Investigation Services for the period January 1, 2015 through December 31, 2017, in an amount not to exceed \$3,000 per year, is approved.

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

Adopted: Roll Call  
12 Ayes, 0 Noes, 3 Absent

Comments made regarding Resolution No. 63-15 included: Legislator Burt noted that there was a typo on page 49 of the agreement. County Attorney Tom Miner stated that the agreement Legislator Burt was referring to actually goes with the next resolution. Legislator Pullen gave a summary of the Lead Poisoning Prevention Program saying that lead poisoning tends to be a problem with infants because they like to put things in their mouths. This type of program can help to prevent mental retardation and other problems that go along with lead poisoning. The program can have a real impact.

### **RESOLUTION NO. 64-15**

#### **APPROVAL OF AGREEMENT WITH APPROVED PROVIDER OF PROGRAMS, SEIT AND/OR EVALUATIONS FOR PRESCHOOLERS WITH DISABILITIES**

Offered by: Human Services and Ways & Means Committees

#### **RESOLVED:**

1. That the Agreement titled "County of Allegany Contract for Approved Providers of Programs, SEIT and/or Evaluations for Preschoolers with Disabilities" with Southtowns Children's SLP, PT & OT Associates, PLLC, for the period September 1, 2014, to August 31, 2015, is approved.

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

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

Adopted: Roll Call  
12 Ayes, 0 Noes, 3 Absent

**AUDITS:**

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

A motion was made by Legislator Root, seconded by Legislator Graves, and adopted on a roll call vote of 12 Ayes, 0 Noes, 3 Absent, that the audit of claims, totaling \$2,700,359.85, 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 \$1,352,302.*)

**ADJOURNMENT:** The meeting was adjourned at 2:47 p.m. on a motion made by Legislator Graves, seconded by Legislator Burt, and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION  
MARCH 9, 2015**

**\*\* APPROVED \*\***

**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 former United States Army Specialist Fourth Class Lyle L. Ostrander.

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

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

**APPROVAL OF MINUTES:**

The Board meeting minutes of February 23, 2015, were amended following a motion made by Legislator Burt, seconded by Legislator Curran, and carried to clarify Mr. Burt's comments on Resolution No. 62-15 regarding the Technical Rescue and Urban Search and Rescue Grant Funds. The sentence "Legislator Burt remarked that he had initially agreed with Legislator O'Grady, but that Mr. Luckey had done a great job with some of the recent flooding issues.", should be changed to "Legislator Burt remarked that he had initially agreed with Legislator O'Grady, but that Mr. Luckey had done a great job explaining to him how this could help solve emergency issues resulting from flooding." The minutes were then approved as amended following a motion made by Legislator Graves, seconded by Legislator Decker, and carried.

**PRIVILEGE OF THE FLOOR:**

Chairman Crandall presented a certificate to Lyle L. Ostrander, former United States Army Specialist Fourth Class, in grateful appreciation of his service to our country. Mr. Ostrander's service dates were from August 9, 1965, to August 8, 1967. Following Basic Training at Ft. Dix, NJ, assignments included: Ft. Leonard Wood, MO, Vietnam, and Ft. Devens, MA. Commendations he received included: National Defense Service Medal, Vietnam Service Medal, Vietnam Campaign Medal, Good Conduct Medal, Sharp Shooter M-14. Mr. Ostrander led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

County Government Intern Instructor John Padlo introduced the 2015 Allegany County Government Interns.

Bailey Morse – Wellsville Central School  
Emily Olds – Andover Central School  
Morgan Grice – Andover Central School  
Andrew Chalker – Scio Central School  
Carolyn Haswell – Scio Central School

Legislator Pullen remarked that Instructor John Padlo is also a Cattaraugus County Legislator.

Representatives were present to answer questions regarding 2014 Annual Reports for the following: County Attorney, County Clerk, Probation, Public Works, and Cooperative Extension.

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

1. Report of Intrafund Transfers Approved by the County Administrator in February 2015.
2. Report of Tax Bill Corrections Approved by the County Administrator in February 2015.
3. 2014 Annual Reports for Review: Office for the Aging, Emergency Services, Board of Elections, Health Department, Community Services, Real Property Tax, Fire Service, Human Resources
4. Notice of next InterCounty Association meeting to be hosted by Yates County in Penn Yan on March 20.
5. Pursuant to Section 312, Title III of the Superfund Amendments and Reauthorization Act of 1986, Dresser-Rand filed a copy of their Tier II Emergency and Hazardous Chemicals Inventory Report for the Dresser-Rand Wellsville Operations providing specific information on hazardous chemicals present at the facility during 2014 in the Clerk of the Board's Office on March 4.
6. The following Committee of the Whole meetings have been added to the March 2015 calendar: March 9 & 23 immediately following the Board meetings, and March 31 at Crossroads at 6:30 p.m.

**APPOINTMENTS:**

Chairman Curtis Crandall made the following appointments to the Allegany County Affordable Government Group.

Kevin S. LaForge, District IV Legislator, Wellsville, NY  
Jodi Adams, Assistant to the County Administrator, Little Genesee, NY  
Mitchell M. Alger, County Administrator, Wellsville, NY  
H. Kier Dirlam, County Planner, West Almond, NY  
Darwin Fanton, Wellsville Town Supervisor, Wellsville, NY  
Charles O. Jessup, District V Legislator, Alfred Station, NY  
Ronald Oakerson, History & Political Science Professor, Houghton, NY  
Brenda Rigby Riehle, Clerk of the Board, Belmont, NY  
Terri L. Ross, County Treasurer, Angelica, NY

**RESOLUTIONS:**

**RESOLUTION NO. 65-15**

**REQUESTING STATE LEGISLATIVE REPRESENTATIVES TO INTRODUCE AND SEEK  
PASSAGE OF LEGISLATION AUTHORIZING ALLEGANY COUNTY TO  
CONTINUE THE ADDITIONAL ONE AND ONE-HALF PERCENT  
COUNTY SALES TAX FOR THREE YEARS**

Offered by: Ways & Means Committee

**WHEREAS**, the only two substantial tax revenues available to Allegany County are real property and sales, and

**WHEREAS**, Allegany County is at its sales tax limit, and

**WHEREAS**, by Chapter 329 of the 2013 Laws of the State of New York, the County of Allegany was authorized to impose an additional one and one-half percent sales tax for the period December 1, 2013, to November 30, 2015, and

**WHEREAS**, by Resolution No. 124-2013, such additional sales tax was imposed for such period, and

**WHEREAS**, Allegany County is presently at 89.21 percent of its constitutional taxing limit for real estate taxes, and

**WHEREAS**, Allegany County will be at 100 percent of such constitutional taxing limit if such additional sales tax is not reauthorized, and

**WHEREAS**, Allegany County has had no substantial growth in real estate assessed valuation in the past five years, and

**WHEREAS**, in the current economic condition of Allegany County, any substantial increase in real estate taxes would put in financial jeopardy the County's large percentage of senior citizens with fixed incomes who would have no choice but to pay such taxes out of such fixed incomes, now, therefore, be it

**RESOLVED:**

1. That the Allegany County Board of Legislators requests our State legislative representatives to introduce and seek passage, in the State Senate and Assembly, legislation to authorize Allegany County to continue the additional County sales tax of one and one-half percent for at least the period December 1, 2015, to November 30, 2018.

2. That the Clerk of this Board is directed to send copies of this resolution to Senator Catharine M. Young and Assembly member Joseph M. Giglio.

Moved by: Mr. Jessup  
Seconded by: Mr. Hopkins

Adopted: Roll Call  
11 Ayes, 2 Noes, 2 Absent  
Voting No: Burt, Ungermann

Comments made regarding Resolution No. 65-15 included: Legislator Burt remarked that he remembered when the rate was seven percent, saying it's been so long he almost forgot the date. He feels the Board has the opportunity to do something positive here. He proposed amending the resolution to lower the additional sales tax rate to 1.35 percent rather than 1.5 percent. Because the tax rate wouldn't be reduced until November, they could work on finding the extra funds. No one would second his motion to amend the resolution. Legislator O'Grady stated that he would rather see the Board work on reducing property taxes. He'd like to lower taxes, but he would rather lower property taxes. Everyone, including people visiting the County, pays sales tax. Legislator Ungermann stated that he has always been a proponent of a rate of eight percent so that we could be competitive. Valuations on properties have gone up. He'd like to see something done about the \$892 Million in properties that are exempt. He feels there are other ways to save money including bidding out bridge work and eliminating the sell-back of sick and vacation time. Legislator Burt stated that he agreed with Legislator Ungermann. He said, getting it down to eight percent would be nice, but he couldn't even get a second at 8.35 percent. He doesn't like the teeter-totter between sales and property taxes. Legislator Pullen wanted to point out that this resolution is necessary for them to continue at the current sales tax rate. He added that because of mandates, it's necessary to have the extra sales tax.

**RESOLUTION NO. 66-15**

**CHANGING LOCATION AND DATE OF JULY 13, 2015,  
REGULAR BOARD MEETING**

Offered by: Ways & Means Committee

**RESOLVED:**

1. Notwithstanding Rule 110. A. of County Board Rules, the first regular meeting of this Board in the month of July 2015 shall be held on July 16, 2015, at 2:00 p.m. and not on July 13, 2015, at 2:00 p.m.

2. Notwithstanding Rule 110.F. of County Board Rules, the first regular Board meeting for July 2015 shall be held at the Allegany County Fairgrounds, Angelica, New York, and not at the Board Chambers in Belmont, New York.

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

Adopted: Voice Vote

Comments made regarding Resolution No. 66-15 included: Legislator Ungermann remarked that this is one of the nicest things the Board does. The attendance grows each year.

**RESOLUTION NO. 67-15**

**CONFIRMATION OF BOARD CHAIRMAN'S RE-APPOINTMENTS AND APPOINTMENT TO COUNTY YOUTH BOARD**

Offered by: Resource Management Committee

Pursuant to Resolution No. 95-79

**RESOLVED:**

1. That the re-appointments by the Chairman of this Board of Jessica Jennings (District I), Houghton, New York, Jack Emrick (District III), Scio, New York, Michele Henry (District IV), Wellsville, New York, and Vicky Westacott (District V), Alfred, New York, to the Allegany County Youth Board, with term of office for each commencing immediately, and expiring March 25, 2018, are confirmed.

2. That the appointment by the Chairman of this Board of Kelly Goble (District II), Cuba, New York, to the Allegany County Youth Board, with term of office commencing immediately, and expiring March 25, 2018, is confirmed.

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

Adopted: Voice Vote

Legislator Decker moved that Resolution Intro. No. 70-15 through 80-15 be voted on as a group in order to save time. The motion was seconded by Legislator Hopkins and carried.

**RESOLUTION NO. 68-15**

**CREATION OF ONE POSITION OF A FULL-TIME REGISTERED NURSE  
WITHIN THE HEALTH DEPARTMENT**

Offered by: Human Services Committee

**RESOLVED:**

1. That one position of full-time Registered Nurse (NYSNA, Step 6) for Cancer Services is created.

2. This resolution shall take effect immediately.

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

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

Comments made regarding Resolution No. 68-15 included: Legislator Burt remarked that he was impressed with how Public Health Director Lori Ballengee handled this. There is zero local dollars needed for this. He asked that Legislator Pullen give further explanation. Legislator Ungermann stated that these are former Cooperative Extension positions. The jobs are already filled and it's just a matter of pulling them over. Chairman Crandall stated that this has nothing to do with the Cattaraugus-Allegany Cooperative Extension Agreement. Legislator Pullen, who sits on the board of the Cooperative Extension of Allegany County, stated that last December Cornell University decided that they no longer wanted to handle the programs associated with these positions (WIC, Emergency Preparedness, Cancer Services, Health Education). The County had previously contracted with Cornell for the positions. Legislator Pullen noted that the positions were not previously funded with local tax dollars and they won't be now either. Outside funding has been found. If that funding goes away in the future, the programs would probably be discontinued. These resolutions just bring those positions in-house. Legislator Healy remarked that these positions and services benefit our local businesses and communities. They provide a revenue stream to the County. Chairman Crandall noted that he believes it's around \$1 Million in revenue.

**RESOLUTION NO. 69-15**

**CREATION OF ONE POSITION OF A FULL-TIME MEDICAL RECORDS  
COMPUTER OPERATOR WITHIN THE HEALTH DEPARTMENT**

Offered by: Human Services Committee

**RESOLVED:**

1. That one position of full-time Medical Records Computer Operator (AFSCME, Grade 10, Step Base) is created.

2. This resolution shall take effect immediately.

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

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

**RESOLUTION NO. 70-15**

**CREATION OF ONE POSITION OF A FULL-TIME PUBLIC HEALTH EDUCATOR WITHIN THE HEALTH DEPARTMENT**

Offered by: Human Services Committee

**RESOLVED:**

1. That one position of full-time Public Health Educator (AFSCME, Grade 17, Step Base) is created.

2. This resolution shall take effect immediately.

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

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

**RESOLUTION NO. 71-15**

**CREATION OF TWO POSITIONS OF FULL-TIME CLERK WITHIN THE HEALTH DEPARTMENT**

Offered by: Human Services Committee

**RESOLVED:**

1. That two positions of full-time Clerk (AFSCME, Grade 4, Step 7) are created.

2. This resolution shall take effect immediately.

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

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

**RESOLUTION NO. 72-15**

**CREATION OF ONE POSITION OF A PART-TIME COMMUNITY OUTREACH SPECIALIST  
WITHIN THE HEALTH DEPARTMENT**

Offered by: Personnel and Human Services Committees

**RESOLVED:**

1. That one position of part-time Community Outreach Specialist (AFSCME, Grade 4, Step Base) is created.
2. The part-time position of Community Outreach Specialist will follow the AFSCME pay scale but will not be a Union position due to the part-time status.
3. This resolution shall take effect immediately.

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

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

**RESOLUTION NO. 73-15**

**CREATION OF ONE POSITION OF A FULL-TIME WIC PROGRAM COORDINATOR  
WITHIN THE HEALTH DEPARTMENT**

Offered by: Personnel and Human Services Committees

**RESOLVED:**

1. That one position of full-time WIC Program Coordinator (PEF, Grade 7, Step 7) is created.
2. This resolution shall take effect immediately.

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

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

**RESOLUTION NO. 74-15**

**CREATION OF ONE POSITION OF A FULL-TIME REGISTERED NURSE  
WITHIN THE HEALTH DEPARTMENT**

Offered by: Personnel and Human Services Committees

**RESOLVED:**

1. That one position of full-time Registered Nurse (NYSNA, Step 3) for WIC is created.
2. This resolution shall take effect immediately.

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

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

### **RESOLUTION NO. 75-15**

#### **CREATION OF ONE POSITION OF A FULL-TIME OUTREACH SPECIALIST WITHIN THE HEALTH DEPARTMENT**

Offered by: Personnel and Human Services Committees

#### **RESOLVED:**

1. That one position of full-time Outreach Specialist (AFSCME, Grade 11, Step 4) is created.
2. This resolution shall take effect immediately.

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

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

### **RESOLUTION NO. 76-15**

#### **CREATION OF ONE POSITION OF A FULL-TIME WIC NUTRITIONIST WITHIN THE HEALTH DEPARTMENT**

Offered by: Personnel and Human Services Committees

#### **RESOLVED:**

1. That one position of full-time WIC Nutritionist (AFSCME, Grade 15, Step Base) is created.
2. This resolution shall take effect immediately.

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

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

**RESOLUTION NO. 77-15**

**CREATION OF THREE PART-TIME POSITIONS OF WIC PEER COUNSELOR  
WITHIN THE HEALTH DEPARTMENT**

Offered by: Personnel and Human Services Committees

**RESOLVED:**

1. That three positions of part-time WIC Peer Counselor (AFSCME, Grade 4, Step Base) are created.
2. The part time positions of WIC Peer Counselor will follow the AFSCME pay scale but will not be Union positions due to the part-time status.
3. This resolution shall take effect immediately.

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

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

**RESOLUTION NO. 78-15**

**CREATION OF ONE POSITION OF A FULL-TIME EMERGENCY PREPAREDNESS  
SPECIALIST WITHIN THE HEALTH DEPARTMENT**

Offered by: Personnel and Human Services Committees

**RESOLVED:**

1. That one position of full-time Emergency Preparedness Specialist (AFSCME, Grade 13, Step 3) is created.
2. This resolution shall take effect immediately.

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

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

**RESOLUTION NO. 79-15**

**CANCELLATION OF 2013 TO 2015 DELINQUENT TAX LIENS AND DETERMINATION OF  
NO PRACTICAL METHOD TO ENFORCE DELINQUENT TAX LIENS ARISING**

**THEREAFTER AND DIRECTING COUNTY TREASURER TO ISSUE CERTIFICATES OF CANCELLATION AND PROSPECTIVE CANCELLATION, IN RELATION TO CERTAIN TAX PARCELS**

Offered by: Ways & Means Committee

**WHEREAS**, the County Treasurer has withdrawn certain parcels of real property from a foreclosure proceeding under Article 11 of the Real Property Tax Law for the reason that the tax on such parcels has been cancelled or is subject to cancellation pursuant to Section 558 of the Real Property Tax Law, and

**WHEREAS**, these parcels constitute fictitious numbers assigned by the assessor and do not represent active parcels and there is no practical method to enforce the collection of the 2013 to 2015 delinquent tax liens and those liens arising thereafter and that supplementary proceedings to enforce the collection of such existing taxes would not be effective against such parcels, now, therefore, be it

**RESOLVED:**

1. That the Allegany County Board of Legislators does determine that there is no practical method to enforce the collection of the 2013 to 2015 delinquent tax liens and that supplementary proceedings to enforce the collection of such taxes would not be effective, against the following parcels:

<u>Town</u>	<u>Owner(s)</u>	<u>Tax Map Number</u>
Belfast	Southern Tier Wireless (Wayne Hawley)	142.-1-36.3/1
Clarksville	Mye, John P. Mye, Johnna L.	233.-1-1.11/1

and that such delinquent tax liens are cancelled.

2. That the Allegany County Board of Legislators does determine that there is no practical method to enforce the collection of delinquent tax liens arising thereafter against such parcels.

3. That the County Treasurer, as enforcing officer, is directed to issue a certificate of cancellation for each such parcel and to file a copy of each such certificate in the County Clerk's Office and a certificate of prospective cancellation for each such parcel and to file a copy of each such certificate with the assessor of the assessing unit in which each parcel is located and with the County Director of Real Property Tax Services.

4. That upon such respective filings the parcels shall thereby become exempt from taxation and shall remain exempt until the Allegany County Board of Legislators determines that such parcels should be restored to the taxable portion of the assessment roll.

5. That the Clerk of this Board is directed to file a copy of this resolution with the Allegany County Treasurer as enforcement officer.

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

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

### RESOLUTION NO. 80-15

#### **CANCELLATION OF 2013 TO 2015 DELINQUENT TAX LIENS AND DETERMINATION OF NO PRACTICAL METHOD TO ENFORCE DELINQUENT TAX LIENS ARISING THEREAFTER AND DIRECTING COUNTY TREASURER TO ISSUE CERTIFICATES OF CANCELLATION AND PROSPECTIVE CANCELLATION, IN RELATION TO CERTAIN TAX PARCELS**

Offered by: Ways & Means Committee

**WHEREAS**, the County Treasurer has withdrawn a parcel of real property from a foreclosure proceeding under Article 11 of the Real Property Tax Law for the reason that the tax on such parcels has been cancelled or is subject to cancellation pursuant to Section 558 of the Real Property Tax Law, and

**WHEREAS**, this parcel constitutes a non-producing gas well and there would be potential liability to the County from environmental concerns if foreclosed upon by the County and thus there is no practical method to enforce the collection of the 2013 to 2015 delinquent tax liens and those liens arising thereafter and that supplementary proceedings to enforce the collection of such existing taxes would not be effective against such parcel, now, therefore, be it

#### **RESOLVED:**

1. That the Allegany County Board of Legislators does determine that there is no practical method to enforce the collection of the 2013 to 2015 delinquent tax liens and that supplementary proceedings to enforce the collection of such taxes would not be effective, against the following parcel:

<u>Town</u>	<u>Owner(s)</u>	<u>Tax Map Number</u>
Wirt	Austin, Kenneth	187.-1-999

and that such delinquent tax liens are cancelled.

2. That the Allegany County Board of Legislators does determine that there is no practical method to enforce the collection of delinquent tax liens arising thereafter against such parcels.

3. That the County Treasurer, as enforcing officer, is directed to issue a certificate of cancellation for this parcel and to file a copy of such certificate in the County Clerk's Office and a certificate of prospective cancellation for the parcel and to file a copy of such certificate with the assessor of the assessing unit in which the parcel is located and with the County Director of Real Property Tax Services.

4. That upon such filing the parcel shall thereby become exempt from taxation and shall remain exempt until the Allegany County Board of Legislators determines that such parcel should be restored to the taxable portion of the assessment roll.

5. That the Clerk of this Board is directed to file a copy of this resolution with the Allegany County Treasurer as enforcement officer.

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

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

#### **RESOLUTION NO. 81-15**

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

Offered by: Ways & Means Committee

**WHEREAS**, a 2008 Chevrolet Uplander Van (#0447) operated by the Office for the Aging was totaled as the result of a motor vehicle accident on January 12, 2015, and

**WHEREAS**, NYMIR (New York Municipal Insurance Reciprocal) has tendered a check in the amount of \$4,635, which represents the settlement less a \$500 deductible and \$600 for salvage on a 2008 Chevrolet Uplander (#0447), now, therefore, be it

#### **RESOLVED:**

1. That the amount of \$4,635 from NYMIR, representing the settlement for a 2008 Chevrolet Uplander (#0447), less a deductible of \$500 and \$600 for salvage, is accepted.

2. That the total sum of \$4,635 is appropriated to Account No. H5997.2 (Vehicle Purchase/Replacement) with a like sum credited to Revenue Account No. H07.2680.00 (Insurance Recoveries).

Moved by: Mr. Jessup

Adopted: Roll Call

Seconded by: Mr. Curran

13 Ayes, 0 Noes, 2 Absent

**RESOLUTION NO. 82-15**

**ACCEPTANCE OF GRANT FUNDING FROM THE NEW YORK STATE DEPARTMENT OF  
CRIMINAL JUSTICE SERVICES FOR CRIME VICTIM SERVICES**

Offered by: Public Safety Committee

**RESOLVED:**

1. That grant funds in the amount of \$21,370.68 annually from the New York State Department of Criminal Justice Services for Crime Victim Services for the period of 2015 through 2017, is accepted.
2. No budget adjustment is necessary for 2015, but the revenue received will be booked to Revenue Account No. A1165.3031.01 (State Aid – Impact Program).

Moved by: Mr. Curran  
Seconded by: Mr. Healy

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

**RESOLUTION NO. 83-15**

**ACCEPTANCE OF THE NEW YORK STATE TOURISM  
MATCHING FUNDS GRANT FOR ALLEGANY COUNTY**

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

**RESOLVED:**

1. That the sum of \$53,911 from the New York State Tourism Matching Funds Grant is accepted.
2. That the sum of \$53,911 has been appropriated in the 2015 Budget under Account No. A6989.476 (Tourism & Culture - Contractual) and to Revenue Account No. A6989.3715.00 (State Aid - Tourism Promotion).

Moved by: Mr. Hopkins  
Seconded by: Mr. Decker

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

**RESOLUTION NO. 84-15**

**TRANSFER OF FUNDS WITHIN ECONOMIC  
DEVELOPMENT CONSULTING ACCOUNT**

Offered by: Ways & Means Committee

**RESOLVED:**

1. That the sum of \$38,000 is transferred from Account No. A1990.429 (Contingency) to the following accounts:

A6432.474 (Economic Development – Consulting)	\$ 36,000
A6432.475 (Economic Development – Consulting Travel)	<u>2,000</u>
TOTAL:	\$ 38,000

2. This is the 2015 portion of the contract approved by Resolution #182-14 between the County and IOC Services, LLC.

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

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

Comments made regarding Resolution No. 84-15 included: Legislator Jessup explained the intent of the resolution and offered an amendment to correct errors in the dollar amounts. Legislator Jessup moved that the corrections be made, which was seconded by Legislator Decker, and carried.

Resolution Intro. No. 87-15 (**RESOLUTION OPPOSING PART W OF GOVERNOR'S PROPOSED 2015 BUDGET**) was not pre-filed and was considered from the floor on a motion made by Legislator Jessup, seconded by Legislator Curran, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

**RESOLUTION NO. 85-15**

**RESOLUTION OPPOSING PART W OF GOVERNOR'S PROPOSED 2015 BUDGET**

Offered by: Ways & Means Committee

**WHEREAS**, Governor Cuomo has submitted a budget for New York State for 2015 for the Legislature's consideration; and

**WHEREAS**, Part W of this budget severely restricts the ability of Industrial Development Agencies to respond to the needs of businesses by removing home rule decisions and placing certain incentive decisions with the Regional Economic Development Council and Empire State Development; and

**WHEREAS**, Part W of this budget also grants the Authorities Budget Office greater power over local Industrial Development Agencies, inhibits County's ability to build industry

clusters, and significantly slows Industrial Development Agencies ability to respond to economic development opportunities “at the speed of business;” now therefore be it

**RESOLVED:**

1. That the Allegany County Board of Legislators authorizes Chairman Crandall to send the attached letter in opposition to Part W of the proposed 2015 New York State Budget.

2. That the Clerk of this Board is directed to send the attached letter to Senator Catharine M. Young and Assembly member Joseph M. Giglio, with copies to: Senate Majority Leader Dean Skelos; Assembly Speaker Carl Heastie; Mr. Howard Zemsky, President & CEO, Empire State Development Corporation; Mr. Brian McMahon, Executive Director, NYS Economic Development Council; Mr. Jack W. Wood, Chairman, Allegany County Industrial Development Agency.

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

Adopted: Voice Vote

Comments made regarding Resolution No. 85-15 included: Legislator Ungermann questioned where this began. Legislator Decker remarked that he feels these little changes are the state and federal government’s way of sneaking in and taking control. They make it difficult for timely business development in the County. Legislator Pullen stated that it’s basically Albany wanting to control us. Albany feels they were wrong in letting us have an IDA. Legislator Pullen feels the IDA can respond more quickly than local government can. The business structure is there. Legislator LaForge remarked that he thinks it’s to keep IDAs within the state from competing with one another; unfortunately, it gives other states an advantage.

**COMMENTS:**

Legislator Decker remarked on Resolution No. 83-15 (ACCEPTANCE OF THE NEW YORK STATE TOURISM MATCHING FUNDS GRANT FOR ALLEGANY COUNTY). He strongly supports anything we can do with tourism. Outside people spending money here helps our overall budget in terms of sales tax collected.

**AUDITS:**

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

A motion was made by Legislator Hopkins, seconded by Legislator Curran, and adopted on a roll call vote of 13 Ayes, 0 Noes, 2 Absent, that the audit of claims, totaling \$4,466,541.20, 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 \$1,738,674.*)

**ADJOURNMENT:** The meeting was adjourned at 3:04 p.m. on a motion made by Legislator Graves, seconded by Legislator Decker, and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION  
March 23, 2015**

**\*\*APPROVED \*\***

**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 former United States Army Sergeant James "Brad" Blouvet.

**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, Theodore Hopkins, Charles Jessup, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Debra Root, Norman Ungermann, Jr.

**APPROVAL OF MINUTES:**

The Board meeting minutes of March 9, 2015, were approved on a motion made by Legislator Graves, seconded by Legislator Root, and carried.

The Committee of the Whole minutes of March 9, 2015, were approved on a motion made by Legislator Hopkins, seconded by Legislator Graves, and carried.

**PRIVILEGE OF THE FLOOR:**

Chairman Crandall presented a certificate to James "Brad" Blouvet, former United States Army Sergeant, in grateful appreciation of his service to our country. Mr. Blouvet's service dates were from November 1975 to November 1983. Following Basic Training at Fort Dix, NJ, assignments included: Aberdeen Proving Ground, MD, Panzer Kaserne, Germany, Fort Ord, CA. Commendations he received included: Army Accommodation Medal, Army Achievement Medal, Good Conduct Medal, Sharpshooter Medal (M-16), Army Service Ribbon. Mr. Blouvet 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 presented a plaque to County Historian Craig Braack. Mr. Braack is retiring after 30 years of service as the County Historian, but will continue to serve as County Historian on a part-time basis.

Madelyn Thorton, Cancer Services Program Coordinator, reminded those in attendance that March is Colorectal Cancer Awareness Month. She encouraged everyone to

get screened for colorectal cancer. She stated that one in twenty people will get colorectal cancer.

Representatives were present to answer questions regarding 2014 Annual Reports for the following: Office for the Aging, Emergency Services, Board of Elections, Health Department, Community Services, Real Property Tax, Fire Service, Human Resources.

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

1. April 2015 Calendar
2. 2014 Annual Reports for Review: Employment & Training, Veterans, Youth Bureau, STOP DWI Program, District Attorney, Public Defender, Workers' Compensation.
3. Correspondence from Senator Catharine M. Young acknowledging receipt and support of our resolution regarding expediting the completion of Route 17 to I-86

**APPOINTMENTS:**

Chairman Curtis W. Crandall appointed Bryan Gamache of Belmont, New York, to the **COMPREHENSIVE PLAN IMPLEMENTATION GROUP**, effective immediately, to serve at his pleasure.

**INTRODUCTION OF LEGISLATION:**

Legislator Curran introduced Local Law Intro. No. 1-2015, Print No. 1, entitled "A LOCAL LAW OF THE COUNTY OF ALLEGANY ALLOWING FOR COMMON, SAFE ITEMS TO BE EXCLUDED FROM THE DANGEROUS FIREWORKS DEFINITION AS PERMITTED BY NEW YORK STATE PENAL LAW SECTION 405(5)(b)," a copy of said proposed Local Law having been placed on each Legislator's desk.

**RESOLUTIONS:**

**RESOLUTION NO. 86-15**

**RESOLUTION SETTING DATE OF PUBLIC HEARING ON A LOCAL LAW ENTITLED A LOCAL LAW OF THE COUNTY OF ALLEGANY ALLOWING FOR COMMON, SAFE ITEMS TO BE EXCLUDED FROM THE DANGEROUS FIREWORKS DEFINITION AS PERMITTED BY NEW YORK STATE PENAL LAW SECTION 405 (5)(b)**

Offered by: Public Safety Committee

**WHEREAS**, on this 23rd day of March 2015, a local law (Intro. No. 1-2015, Print No. 1) was introduced to allow common, safe items to be excluded from the dangerous fireworks definition as permitted by New York State Penal Law Section 405 (5)(b), 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 April 13, 2015, at 2:00 o'clock p.m. in the County Legislators' Chambers, Room 221, County Office Building, Belmont, New York, before the Allegany County Board of Legislators, in relation to proposed local law Intro. No. 1-2015, 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. Curran  
Seconded by: Mr. Decker

Adopted: Voice Vote

Resolution No. 86-15 (RESOLUTION SETTING DATE OF PUBLIC HEARING ON A LOCAL LAW ENTITLED A LOCAL LAW OF THE COUNTY OF ALLEGANY ALLOWING FOR COMMON, SAFE ITEMS TO BE EXCLUDED FROM THE DANGEROUS FIREWORKS DEFINITION AS PERMITTED BY NEW YORK STATE PENAL LAW SECTION 405 (5)(b)) was amended on a motion made by Legislator Decker, seconded by Legislator Burt, and carried, by adding the word "Entitled" after the first "A Local Law" in the title of the resolution.

Comments made regarding Resolution No. 86-15 included: Legislator O'Grady questioned why the Board needed to pass a local law for this. County Attorney Tom Miner indicated that state law requires local authorities to have a say in the matter.

**RESOLUTION NO. 87-15**

**RESOLUTION OF THE ALLEGANY COUNTY BOARD OF LEGISLATORS PETITIONING GOVERNOR CUOMO AND THE STATE LEGISLATURE TO DELAY PROPOSED LEGISLATION WHICH WOULD MOVE THE STAR EXEMPTION FROM A REAL PROPERTY TAX EXEMPTION TO A PERSONAL INCOME TAX CREDIT**

Offered by: Ways & Means Committee

**WHEREAS**, included in the 2015/2016 New York State Budget is a proposal to convert the STAR real property tax exemption to a Personal Income Tax (PIT) credit, and

**WHEREAS**, this transition is supported by both the New York State Assessors Association and the New York State Association of County Directors of Real Property Tax Services as New York State is better equipped to ensure the accuracy of this exemption, and

**WHEREAS**, this transition to a PIT credit would start with any STAR exemption that was granted for property owners that were not eligible as of March 3, 2014, and

**WHEREAS**, this transition would result in much confusion to the local property owner who has been under the assumption that they would be eligible for the exemption since they applied with their local Assessor, and

**WHEREAS**, when additional confusion is added to an already complicated property tax system, taxpayers become frustrated with the whole tax system, and

**WHEREAS**, the transition will require the Assessors' offices in Allegany County to send out approximately 200 denial letters for this exemption which will increase the amount of phone calls, letters, and foot traffic to explain why the denial has to occur when an approval was already sent out, and

**WHEREAS**, this transition will result in either a shortage in their escrow account which would then have to be made up in double for the next escrow payment year or their anticipated tax bill will be approximately \$600 more with Basic STAR and \$1,200 more with Enhanced STAR than they budgeted on their own, and

**WHEREAS**, this additional tax amount might disqualify potential buyers of real property as it will put them over the 43 percent Debt to Income ratio established in the provisions of DODD FRANK that became effective January 2014, now, therefore, be it

**RESOLVED:**

1. That the Allegany County Board of Legislators on recommendation of the Ways and Means Committee petitions New York State to delay this transition to any STAR exemption that was granted after the 2015 Assessment Roll to more adequately inform the public of this important change in their taxes.

2. That the Clerk of this Board shall forward copies of this Resolution to Governor Andrew M. Cuomo, New York State Senator Catharine M. Young, New York State Assemblyman Joseph M. Giglio, New York State Association of Counties and all others deemed necessary and proper.

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

Adopted: Voice Vote

**RESOLUTION NO. 88-15**

**A RESOLUTION DETERMINING THAT ERRORS EXIST ON THE 2015 COUNTY AND TOWN TAX ROLLS FOR THE TOWNS NAMED WITH REGARD TO REAL PROPERTY OF VARIOUS TAXPAYERS THEREIN; DIRECTING MAILING OF NOTICES OF APPROVAL OF APPLICATIONS FOR CORRECTED TAX ROLLS AND ORDERING THE VARIOUS TOWN TAX COLLECTORS TO CORRECT THE TAX ROLLS; PROVIDING FOR CHARGE BACKS OR CREDITS**

Offered by: Ways & Means Committee

Pursuant to Real Property Tax Law § 554

**WHEREAS**, applications, for the taxpayers hereafter described, have been made to the County's Director of Real Property Tax Service Agency, for the correction of certain errors affecting their real property on various tax rolls, and

**WHEREAS**, the Director has transmitted to this Board the applications, in duplicate, together with a written report of his investigation of the claimed errors and his written recommendation for action thereon by this Board as to each application, and

**WHEREAS**, this Board has examined each application and report to determine whether the claimed error exists, now, therefore, be it

**RESOLVED:**

1. That with regard to the applications for the named taxpayers pertaining to claimed errors regarding their real property on the respective tax rolls of the named Towns, this Board of Legislators does determine that the claimed errors as alleged in those applications exist and does approve those applications.

2. That the Chairman of this Board is authorized and directed to make a notation on those applications and the duplicates thereof that they are approved, to enter thereon the respective correct extension of taxes as set forth by the Director in his report, to enter thereon the respective date of mailing of a notice of approval, to enter thereon the date of mailing of a certified copy of this resolution to the proper Tax Collector, and to sign thereon as Chairman.

3. That the Clerk of this Board is directed to mail to the below listed taxpayers a notice of approval stating, in substance, that their application made has been approved, to inform the Chairman of this Board of the date of the mailing thereof, and to inform such respective taxpayers of the applicable provisions of subdivision seven of Section 554 of the Real Property Tax Law.

4. That the Tax Collector of the Town of Alma is ordered and directed to correct in the 2015 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Alma Rod & Gun Club: Parcel 302.-1-59  
Assessment: Land \$13,600 Total \$67,000

by reducing the taxable value to \$0.00 and the County Treasurer is directed to make the following charge backs:

Allegany County	\$1,085.84
Town	899.26
School Relevy	<u>\$1,759.36</u>
Total	\$3,744.46

- b. Alma Rod & Gun Club: Parcel 288.-1-5.2  
Assessment: Land \$4,700 Total \$49,000

by reducing the taxable value to \$0.00 and the County Treasurer is directed to make the following charge backs:

Allegany County	\$794.12
Town	\$657.67
Fire	79.55
School Relevy	<u>\$1,286.71</u>
Total	\$2,818.05

5. That the Tax Collector of the Town of Bolivar is ordered and directed to correct in the 2015 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Bolivar Manor: Parcel 260.17-1-16  
Assessment: Land \$6,200 Total \$392,000

by reducing the taxable value to \$275,000 with the corrected tax as follows:

Allegany County	\$4,523.17
Town	\$1,734.47
Fire	<u>557.97</u>
Total corrected tax	\$6,815.61

and the County Treasurer is directed to make the following refund:

Allegany County	\$1,924.40
Town	737.94

Fire	<u>237.40</u>
Total refund	\$2,899.74

6. That the Clerk of this Board is directed to forthwith mail a certified copy of this resolution to the various Tax Collectors for the Towns stated above together with the original copies of those applications completed in accordance with section two of this resolution.

7. The Clerk of this Board shall mail a copy of this resolution to the above named School and the amount to be charged to the School shall not be charged until 10 days after such mailing. Such amount shall be deducted by the County Treasurer from the money payable to each School as a result of school taxes returned after the date such amount is charged and which shall be paid to each School after May 1, 2015. The County Treasurer shall send a written notice to the School of the amount of such deduction prior to May 1, 2015.

Moved by: Mr. Jessup  
Seconded by: Ms. Root

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

#### **RESOLUTION NO. 89-15**

#### **AUTHORIZATION OF A GRANT APPLICATION FOR THE HEALTH DEPARTMENT TO THE ALLEGANY COUNTY AREA FOUNDATION TO ASSIST WITH ELECTRONIC MEDICAL RECORDS COSTS**

Offered by: Human Services and Ways & Means Committees

**WHEREAS**, beginning March 27, 2015, health-related facilities will be required by the state to administer all prescriptions electronically, and

**WHEREAS**, the Health Department will face fines if it is not in compliance, and

**WHEREAS**, the Health Department is submitting a grant application to the Allegany County Area Foundation to assist in purchasing the equipment, training, and implementation of this new system, now, therefore, be it

#### **RESOLVED:**

1. That the Health Department is authorized to act on behalf of the County of Allegany to apply for grant funding from the Allegany County Area Foundation to secure funding to assist with the electronic medical records costs.

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

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

**RESOLUTION NO. 90-15**

**ACCEPTANCE OF GRANT FUNDS FROM THE DIVISION OF  
CRIMINAL JUSTICE SERVICES FOR COMMUNITY SERVICE AND PRE-TRIAL  
PROGRAMS; APPROPRIATION TO ALTERNATIVES TO INCARCERATION ACCOUNTS**

Offered by: Public Safety Committee

**RESOLVED:**

1. That the sum of \$5,998 in Article 13-A Classification Alternatives to Incarceration grant funding from the Division of Criminal Justice Services for use in the Community Service Program for period July 1, 2015, to June 30, 2016, is accepted.
2. That the sum of \$5,998 shall be placed in Account No. A.3142.101 (Alternatives to Incarceration – Personnel) with a like sum credited to Revenue Account No. A3142.3310.00 (Alternatives to Incarceration).

Moved by: Mr. Curran  
Seconded by: Mr. Healy

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

**RESOLUTION NO. 91-15**

**ACCEPTANCE OF COLA FUNDS FOR THE WIC PROGRAM;  
APPROPRIATION OF FUNDS**

Offered by: Human Services and Ways & Means Committees

**RESOLVED:**

1. The sum of \$23,147 in COLA funds for the County Health Department WIC Program is accepted.
2. The sum of \$23,147 shall be appropriated to the following accounts:

<u>Appropriation Accounts</u>	<u>Amount</u>
A4190.407 (WIC-Office Supplies)	\$ 200
A4190.408 (WIC-General supplies)	\$ 1,459
A4190.410 (WIC-Maint. In Lieu of Rent)	\$ 200
A4190.414 (WIC-Rentals: Real Property)	\$ 2,306
A4190.424 (WIC-Legal Advertising)	\$ 500
A4190.427 (WIC-Electricity)	\$ 400
A4190.428 (WIC-Natural Gas)	\$ 250
A4190.456 (WIC-Health Contracts)	<u>\$17,832</u>

\$23,147

with a like sum credited to Revenue Account No. A4190.4452.00 (Federal Aid – WIC 4482).

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

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

**RESOLUTION NO. 92-15**

**ACCEPTANCE AND APPROPRIATION OF USER FEES FOR THE  
ACT II BATTERERS PROGRAM**

Offered by: Public Safety and Ways & Means Committees

**RESOLVED:**

1. That the sum of \$607 received in user fees for the ACT II Batterers Program is accepted.
2. The sum of \$607 shall be placed in Account No. A3117.449 (ACT II Batterers Program – Contractual) with a like sum credited to Revenue Account No. A3317.2260.00 (ACT II Batterers Program - Public Safety Services for Other Governments).

Moved by: Mr. Curran  
Seconded by: Mr. Healy

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

**RESOLUTION NO. 93-15**

**TRANSFER OF FUNDS WITHIN HEALTH DEPARTMENT ACCOUNTS**

Offered by: Human Services and Ways & Means Committees

**WHEREAS**, the Allegany County Health Department requests that appropriations on the 2015 County budget be transferred to fund both wage and fringe benefit expenses associated with the Cornell contracted staff becoming County employees, now, therefore, be it

**RESOLVED:**

1. That the transfer of \$449,120 within Health Department accounts is approved as follows:

From:	To:	Amount:
A4010.456	Health Contracts	\$ 24,047
A4035.456	Health Contracts	\$ 29,299
A4056.456	Health Contracts	\$ 350
A4071.409	Fees	\$ 26,631
A4071.456	Health Contracts	\$ 66,359
A4072.456	Health Contracts	\$ 3,421
A4189.456	Health Contracts	\$ 30,458
A4190.456	Health Contracts	<u>\$ 268,555</u>
From Total		\$ 449,120

A4010.101	Regular Pay	\$ 296,498
A4035.802	Retirement	\$ 6,318
A4035.803	F I C A	\$ 2,603
A4035.804	Workers Comp	\$ 528
A4035.805	Disability	\$ 85
A4035.806	Hosp/Med Ins	\$ 7,408
A4056.802	Retirement	\$ 1,042
A4056.803	F I C A	\$ 429
A4056.804	Workers Comp	\$ 87
A4056.805	Disability	\$ 14
A4056.806	Hosp/Med Ins	\$ 1,222
A4071.802	Retirement	\$ 11,528
A4071.803	F I C A	\$ 4,749
A4071.804	Workers Comp	\$ 962
A4071.805	Disability	\$ 154
A4071.806	Hosp/Med Ins	\$ 13,515
A4072.802	Retirement	\$ 572
A4072.803	F I C A	\$ 236
A4072.804	Workers Comp	\$ 48
A4072.805	Disability	\$ 8
A4072.806	Hosp/Med Ins	\$ 671
A4189.802	Retirement	\$ 4,169
A4189.803	F I C A	\$ 1,717
A4189.804	Workers Comp	\$ 348
A4189.805	Disability	\$ 56
A4189.806	Hosp/Med Ins	\$ 4,887
A4190.802	Retirement	\$ 33,293
A4190.803	F I C A	\$ 13,715
A4190.804	Workers Comp	\$ 2,779
A4190.805	Disability	\$ 448
A4190.806	Hosp/Med Ins	<u>\$ 39,031</u>
To Total		\$ 449,120

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

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

**RESOLUTION NO. 94-15**

**APPROVAL OF THREE YEAR AGREEMENT WITH SENECA TRAIL RESOURCE  
CONSERVATION AND DEVELOPMENT COUNCIL; AUTHORIZING CHAIRMAN TO  
EXECUTE AGREEMENT; TRANSFER OF FUNDS**

Offered by: Resource Management and Ways & Means Committees

**WHEREAS**, Allegany County owns close to one thousand acres of reforested land;  
and

**WHEREAS**, Seneca Trail Resource Conservation and Development Council is  
working with Alfred State College to assist in developments related to “The New Forest  
Economy,” and

**WHEREAS**, a major research and development initiative related to “The New Forest  
Economy” will be centered at the Wellsville campus of Alfred State College, and

**WHEREAS**, “The New Forest Economy” is based upon technical and scientific  
advances that allow for the extraction of various chemicals, sugars, cellulose and other  
products from wood biomass, and

**WHEREAS**, “The New Forest Economy” has the potential to greatly expand the local  
economy through the creation of businesses and jobs related to the extraction of these  
various chemicals and wood products, and

**WHEREAS**, “The New Forest Economy” also holds the potential of substantially  
increasing the economic value of forest lands to the various owners of that land within our  
region, and

**WHEREAS**, Seneca Trail Resource Conservation and Development Council will assist  
Allegany County in maximizing the value of its forest lands while also assisting in the overall  
economic growth of the County through efforts related to the “The New Forest Economy,” and

**WHEREAS**, as further testament to its potential, Cattaraugus County has recognized  
the potential economic benefits from the development of “The New Forest Economy” and has  
separately entered into an agreement with Seneca Trail Resource Conservation and  
Development Council to assist their county along similar lines, now therefore, be it

**RESOLVED:**

1. This Board approves the agreement with Seneca Trail Resource Conservation  
and Development Council to provide consulting services to Allegany County for a period of  
three years at a total cost of \$75,000 to be paid yearly at a cost of \$25,000.

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

3. That the sum of \$25,000 is transferred from A1990.429 (Contingency) to A8710.499 (County Reforestation-Contractual).

Moved by: Mr. Graves  
Seconded by: Mr. Ungermann

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

Comments made regarding Resolution No. 94-15 included: Legislator Burt expressed his apprehension. However, he's concerned that if the Board says no, it will go to another county. Legislator Healy asked if someone would give the group an explanation of what the Seneca Trail Resource Conservation and Development Council does. Legislator Ungermann is a member of the Seneca Trail RC&D Council. He explained that some of the money will be used for grant writing. The project includes building a research and development facility at the Alfred State College campus in Wellsville. It would serve as a learning opportunity for students and would hopefully turn into some economic development for the County. Chairman Crandall explained that the Seneca Trail RC&D Council is one of many boards/councils that have members who are appointed and confirmed by the Board of Legislators. The purpose of this particular organization is to look out for our interest in natural resources. Legislator O'Grady stated that he was/is apprehensive about the project. One of his concerns is the tax exempt implications. He hopes that the \$75,000 investment will pay off and that we're not just funding the project for a neighboring county. Legislator Decker remarked that this process uses wood that is normally left for waste. Legislator Pullen stated that his goal for this project is economic development. Although it's not guaranteed, the project seems to be well grounded. There's a lot of good research behind it. Legislator Decker remarked that the company behind this holds the patents for the process. We could be on the forefront of something huge. Legislator Root added that the company is looking for a larger research facility than what they currently have.

## **RESOLUTION NO. 95-15**

### **APPROVAL OF CONTRACT WITH VNA HOME CARE FOR HOME-DELIVERED MEALS FOR LONG-TERM CARE CLIENTS**

Offered by: Human Services and Ways & Means Committees

#### **RESOLVED:**

1. That the contract between Allegany County Office for the Aging and VNA Homecare Options, to supply home-delivered meals to its long-term care clients, is approved.
2. That the Director of the Office for the Aging, Madeleine Gasdik, is authorized to execute the contract.

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

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

Resolution No. 96-15 (APPROVAL AND RATIFYING FIVE-YEAR AGREEMENT BETWEEN COUNTY OF ALLEGANY AND ALLEGANY COUNTY DEPUTY SHERIFF'S ASSOCIATION; IMPLEMENTING 2014 COMPENSATION NOTWITHSTANDING PROVISIONS OF RESOLUTION NO. 235-2014) was not pre-filed and was considered from the floor on a motion made by Legislator Root, seconded by Legislator Graves, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

**RESOLUTION NO. 96-15**

**APPROVAL AND RATIFYING FIVE-YEAR AGREEMENT BETWEEN COUNTY OF ALLEGANY AND ALLEGANY COUNTY DEPUTY SHERIFF'S ASSOCIATION; IMPLEMENTING 2014 COMPENSATION NOTWITHSTANDING PROVISIONS OF RESOLUTION NO. 235-2014**

Offered by: Personnel Committee

**RESOLVED:**

1. That the Agreement between the County of Allegany and the Allegany County Deputy Sheriff's Association, covering the period January 1, 2014, to December 31, 2018, is approved and ratified.
2. That notwithstanding the provisions of Resolution No. 235-2014 to the contrary, retroactive to and from January 1, 2014, each unit employee occupying a position set forth in Agreement between the County of Allegany and the Allegany County Deputy Sheriff's Association approved by this resolution, shall receive the salary or rate of compensation for the step of the Grade of the position occupied that is set forth in the salary schedules annexed to the Agreement for the period January 1, 2014, through December 31, 2018, and being the salary or rate of compensation such unit employee was entitled to receive commencing January 1, 2014, pursuant to such Agreement and pursuant to the County Unit Salary Plan; and further, the increment recommendation from the Sheriff for each such unit employee under his jurisdiction receiving such recommendation is approved.
3. That the Chairman of this Board is authorized to execute the Agreement upon its preparation and approval by the County Attorney's Office.

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

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

Comments made regarding Resolution No. 96-15 included: Legislator Burt remarked that he was dismayed when he first saw the resolution because there was no MOE attached and there were no bullet points on the resolution to outline the details of the agreement. County Administrator Mitch Alger was able to share a document containing this information with the Board. Legislator Ungermann asked Legislator Graves about his ideas regarding scheduling and overtime. Legislator Graves stated that although this doesn't include those ideas, he's still in favor of the proposal because it's fair. It's a good deal for the County. Legislator Healy stated that he feels it's a fair contract for all concerned, and he's glad it's settled. Legislator Pullen remarked that he'd been part of the negotiations. He stated that the agreement represents a compromise.

**AUDITS:**

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

A motion was made by Legislator Root, seconded by Legislator Graves, and adopted on a roll call vote of 15 Ayes, 0 Noes, 0 Absent, that the audit of claims, totaling \$2,708,185.78, 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 \$2,125,046.)*

**ADJOURNMENT:** The meeting was adjourned at 3:09 p.m. on a motion made by Legislator Fanton, seconded by Legislator Burt, and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION  
APRIL 13, 2015**

**\*\*APPROVED \*\***

**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 Chairman Crandall.

**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, Theodore Hopkins, Charles Jessup, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Debra Root, Norman Ungermann, Jr.

**APPROVAL OF MINUTES:**

The Board meeting minutes of March 23, 2015, were approved on a motion made by Legislator Decker, seconded by Legislator Curran, and carried.

The Committee of the Whole minutes of March 23, 2015, were approved on a motion made by Legislator Root, seconded by Legislator Fanton, and carried.

**PUBLIC HEARING:**

Chairman Crandall closed the regular meeting to hold a public hearing on Local Law Intro. No. 1-2015, entitled "**A LOCAL LAW OF THE COUNTY OF ALLEGANY ALLOWING FOR COMMON, SAFE ITEMS TO BE EXCLUDED FROM THE DANGEROUS FIREWORKS DEFINITION AS PERMITTED BY NEW YORK STATE PENAL LAW SECTION 405 (5)(b).**"

Comments from the public included the following:

Fred Kramer, representing Phantom Fireworks of Youngstown, Ohio, read a prepared statement in which he addressed some of the safety concerns there may be regarding fireworks.

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 noted that the Board did not have the privilege of acknowledging a veteran in person today. Instead Chairman Crandall gave a brief history on the Bataan Death March which began on April 9, 1942. Tens of thousands of American and Filipino soldiers were surrendered to Japanese forces. Thousands died. Chairman Crandall stated that we have the privilege here at our Board meetings of honoring veterans who have served; "Let's remember those veterans who weren't able to return."

Julie Tomasi, Deputy Director for the Department of Social Services, addressed the audience about what her office does to deal with and help prevent child abuse. She noted that anyone can make a report. The Department of Social Services exhausts all means necessary to keep families together. The last resort is to remove a child from their home. Angela Tinder, a supervisor working in Child Protective Services, stated, "To understand how we prevent child abuse in Allegany County, you first have to understand the people and families that live in this County." She remarked that just like teachers, law enforcement, and medical providers, they (CPS staff) work and live in the communities they serve. She stressed the importance of preventative measures and working with families to reduce the occurrence of child abuse. Marcia Moore, Foster Care Supervisor, spoke about foster care and the difficult work that her staff does on a daily basis. Ms. Tomasi concluded by saying, "The faces are many, the effort is endless, and the partnerships are crucial in making a difference in the lives of children and families. In Allegany County we are so fortunate to have so many positive working relationships that make a difference in decreasing risk for children and increasing their safety and keeping families together. Each and every person within our community is a crucial partner in ensuring children's safety." She said that New York State has identified "Pinwheels for Prevention" as a way to support the cause and make a difference. A pinwheel garden had been planted in front of the courthouse. She said, "You can purchase and plant a pinwheel, but more importantly, everyone has a chance to make a difference. Don't wait until it's too late. Each person can be a better family member, better neighbor, landlord, store owner, doctor, teacher, and professional. One person makes a difference; many people make a lasting impact."

Chairman Crandall read a proclamation naming April 2015 as Child Abuse Prevention Month.

Representatives present to answer questions regarding 2014 Annual Reports for the following: Employment & Training, Veterans, Youth Bureau, STOP DWI Program, District Attorney, Public Defender, Workers' Compensation

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

1. Report of Tax Bill Corrections Approved by the County Administrator in March.
2. Report of Intrafund Transfers Approved by the County Administrator in March.
3. 2014 Annual Reports for Review: Soil & Water Conservation, Parks & Forests, Weights & Measures, Information Technology, Historian, Sheriff

4. Correspondence from Senator Catharine M. Young and Assemblyman Joseph Giglio acknowledging receipt and support of our resolution requesting the continuation of the additional one and one-half percent County sales tax. Senator Young and Assemblyman Giglio have sponsored Legislation to extend this provision to November 30, 2017.

5. Notice of next InterCounty Association meeting to be hosted by Steuben County in Hammondsport on April 17.

6. Correspondence from Allegany County Fair Board President Karen Tripp extending an invitation to all Legislators to visit the different areas of the fairgrounds before or after our Board meeting at the Fair in July.

7. Correspondence from the Independence Emergency Squad thanking the Board for its donation in memory of former Legislator Donald Kramer.

8. Legislators have been invited to attend a meeting where Congressman Tom Reed will share his proposal to compensate landowners for government takings at Crossroads on Friday, April 17, at 11 a.m.

9. Invitation to attend the annual Legislative Lunch hosted by the Office for the Aging on May 8.

10. Notice announcing the Allegany Senior Foundation Swingin' to the Oldies Benefit on Saturday, May 30, 2015.

**APPOINTMENTS:**

Chairman Crandall's appointment in a joint measure with Cattaraugus County Board Chairman Marsh of Jeremy Donlon to the Cattaraugus-Allegany Workforce Investment Board.

**PROCLAMATION:**

Chairman Crandall's Proclamation Declaring April 2015 as Child Abuse Prevention Month in Allegany County was read earlier in the meeting.

Chairman Crandall Proclaimed April 12 through April 18, 2015, as Public Safety Telecommunications Week in Allegany County. This proclamation is to honor the men and women whose diligence and professionalism keep our County and citizens safe.

**RESOLUTIONS:**

**RESOLUTION INTRO. No. 99-15 (ADOPTION OF LOCAL LAW INTRO. NO. 1-2015, PRINT NO. 1, TO ALLOW FOR COMMON, SAFE ITEMS TO BE EXCLUDED FROM THE**

**DANEROUS FIREWORKS DEFINITION AS PERMITTED BY NEW YORK STATE) was TABLED** following a motion made by Legislator Healy, seconded by Legislator O'Grady, and carried.

Prior to tabling, comments made regarding Resolution Intro. No. 99-15 included: Legislator Healy asked if the associations that Sheriff Whitney or Emergency Services Director Jeff Luckey are associated with had an opinion on this law. The response appeared to be of mixed opinion. Legislator O'Grady expressed concern over the enforcement of the law. Legislator Ungermann agreed saying that the law isn't enforced now.

## **RESOLUTION NO. 97-15**

### **RESOLUTION SUPPORTING A REQUIREMENT THAT DRIVER'S LICENSE PHOTOS BE UPDATED OVER A REASONABLE PERIOD OF TIME**

Offered by: Personnel Committee

**WHEREAS**, New York State law and regulations currently require that all New York driver's licenses are renewed and updated at a minimum of every eight years, and

**WHEREAS**, this requirement for updated license information is for safety precautions and the required updates include listing changes in height, residential address and listing eye examination results, and

**WHEREAS**, under current state law and regulations there is the requirement to obtain an eye exam every eight years which can be achieved at county and state operated Departments of Motor Vehicles, and

**WHEREAS**, New York and Nevada are the only two states in the country that lack the requirement to update photos on driver's licenses, and

**WHEREAS**, due to this inconsistency with all other states, many New York driver's license photos are decades old, and

**WHEREAS**, the intent of requiring a picture on a driver's license is to help verify identity and prevent fraud or identity theft and to increase safety, and

**WHEREAS**, allowing license holders to have photos that are decades old may work against the goals identified above, and

**WHEREAS**, the requirement to get an updated photo on a driver's license would not have to include an additional cost to the state resident license holder, and

**WHEREAS**, the requirement to get an updated photo on a driver's license should not be an inconvenience for the license holder as they can get the updated photo in the same

Department of Motor Vehicles and at the same time as taking the state law required eye exam, and

**WHEREAS**, in New York and throughout the country a driver's license is the leading document provided to safety officials, government workers, and private businesses when picture identification is needed, and

**WHEREAS**, an updated photo is necessary to prevent fraud, provide accurate information to police officers in the field, and strengthen homeland security efforts, and

**WHEREAS**, the New York State Association of Counties (NYSAC) has passed a resolution calling on Governor Cuomo and members of the State Legislature to require an updated photo on all drivers' licenses in keeping with 48 other states in our nation, now therefore, be it

**RESOLVED:**

1. That this Board supports the requirement that driver's license photos be updated.

2. That the Clerk of this Board is directed to forward certified copies of this Resolution to Governor Andrew M. Cuomo, Senator Catharine M. Young, and Assemblyman Joseph M. Giglio.

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

Adopted: Voice Vote

Comments made regarding Resolution No. 97-15 included: Legislator Ungermann offered his support of the resolution. He remarked how difficult it is to see the picture on his own license after years of carrying it. Legislator Healy also offered his support of the resolution. He noted that for most people, a driver's license is their primary source of identification.

**RESOLUTION NO. 98-15**

**RESOLUTION SUPPORTING REQUEST THAT NEW YORK STATE INCREASE THE SHARE OF REVENUE COUNTIES RETAIN FOR PROVIDING STATE DEPARTMENT OF MOTOR VEHICLE SERVICES**

Offered by: Personnel Committee

**WHEREAS**, 51 of the 62 New York counties are mandated by the State to operate a local Department of Motor Vehicles (DMV) Office, and

**WHEREAS**, this local DMV operation is one of many examples of shared services that counties provide for the State, and

**WHEREAS**, under current law, the State of New York takes 87.3 percent of all fees collected from the work performed by the county operated DMV, and

**WHEREAS**, the remaining 12.7 percent county share has not been increased since 1999, yet the amount of work required by the local DMV offices has increased in that same time period, and

**WHEREAS**, the Governor and the State Legislature have repeatedly stated that lowering the property tax burden on local residents is a key priority, and

**WHEREAS**, increasing the county DMV revenue sharing rate with the state will not result in any increased costs or fees to local residents or taxpayers and will provide counties with needed revenue to continue to provide necessary local government services, and

**WHEREAS**, there is a clear inequity present when a county DMV provides all the services, including overhead and staffing needs to fulfill these DMV requirements for state residents, yet the State takes 87.3 percent of the revenue generated from providing said services, and

**WHEREAS**, the New York State Association of Counties (NYSAC) has passed a resolution calling on Governor Andrew M. Cuomo and members of the State Legislature to require a substantial increase of the county DMV revenue share with the State, now, therefore, be it

**RESOLVED:**

1. That the County of Allegany supports the NYSAC resolution requiring a substantial increase of the county DMV revenue share with New York State.
2. That the Clerk of this Board is directed to forward certified copies of this Resolution to Governor Andrew M. Cuomo, Senator Catharine M. Young, and Assemblyman Joseph M. Giglio.

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

Adopted: Voice Vote

**RESOLUTION NO. 99-15**

**CREATION OF ONE POSITION OF FULL-TIME COMMUNITY SERVICES WORKER  
IN THE OFFICE FOR THE AGING DEPARTMENT**

Offered by: Human Services Committee

**RESOLVED:**

1. That one position of full-time Community Services Worker (AFSCME, Grade 11, Step Base) is created in the Office for the Aging Department.
2. That this position will be filled for only as long as the New York State or Federal funding is available.
3. This resolution shall take effect April 15, 2015.

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

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

### **RESOLUTION NO. 100-15**

#### **CREATION OF ONE POSITION OF FULL-TIME AGING SERVICES TECHNICIAN IN THE OFFICE FOR THE AGING DEPARTMENT**

Offered by: Human Services Committee

#### **RESOLVED:**

1. That one position of full-time Aging Services Technician (AFSCME, Grade 13, Step Base) is created in the Office for the Aging Department.
2. That this position will be filled for only as long as New York State or Federal funding is available.
3. This resolution shall take effect April 15, 2015.

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

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

Comments made regarding Resolution No. 100-15 included: Legislator Ungermann stated, "As of late, we've really increased the size of government." Legislator Burt stated that he didn't disagree with Legislator Ungermann. Legislator Burt called attention to the MOE which stated that the position will only be filled as long as funding remains.

### **RESOLUTION NO. 101-15**

#### **REAPPOINTMENT OF ONE MEMBER TO COUNTY BOARD OF HEALTH**

Offered by: Human Services Committee

Pursuant to Public Health Law §§ 343 and 344

**RESOLVED:**

1. That Willard L. Simons is reappointed to the County Board of Health for a six-year term beginning July 8, 2015, and expiring July 7, 2021.

Moved by: Mr. LaForge  
Seconded by: Mr. Healy

Adopted: Voice Vote

**RESOLUTION NO. 102-15**

**APPROVAL FOR GRANT APPLICATION FROM THE FEDERAL CHILD ABUSE PREVENTION AND TREATMENT ACT FOR FUNDING FOR CO-LOCATION/COLLABORATION OF BEHAVIORAL HEALTH AND CHILD PROTECTIVE SERVICES**

Offered by: Human Services and Ways & Means Committees

**WHEREAS**, the Allegany County Department of Social Services is requesting approval to apply for grant money through the Federal Child Abuse Prevention and Treatment Act (CAPTA), and

**WHEREAS**, the funds would be used for hiring or contracting for or partnering with a local behavioral health provider to support the work of child protective services, and

**WHEREAS**, if approved the grant would provide \$75,000 per year, for a total of \$150,000 for two years, now, therefore, be it

**RESOLVED:**

1. That the Department of Social Services is authorized to act on behalf of the County of Allegany to apply for grant funds through the Federal Child Abuse Prevention and Treatment Act.

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

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

**RESOLUTION NO. 103-15**

**APPROVAL OF AGREEMENT BETWEEN THE COUNTY OF ALLEGANY AND THE NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES FOR THE TEMPORARY LOAN OF INTEROPERABLE COMMUNICATIONS RESOURCES**

Offered by: Public Safety Committee

**RESOLVED:**

1. That the Agreement between the County of Allegany and the New York State Division of Homeland Security and Emergency Services (DHSES) for the temporary loan of interoperable communications resources to allow communication between counties on a common platform for emergency management and public safety planning and response purposes, is approved.

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

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

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

Comments made regarding Resolution No. 103-15 included: Legislator Ungermann remarked that the agreement is long (in pages) for the simplicity of it. Legislator Burt commented that none of them fully understand this 100 percent, but said there is an opt-out after one year. He sees no reason not to give it a shot for a year. Legislator Pullen remarked that while it is a potential expense for us, it's also a possible backup for us. He stated that he's in favor of participating, but looking at it in a couple of years to see how it's working. Chairman Crandall noted that the Sheriff's Office was supportive of the resolution. Lieutenant Grusendorf stated that he doesn't want the cost of this to be a burden to the County. He would like to look at the arrangement in a couple of months to see if it's worthwhile. Legislator Decker remarked that we might not even use the equipment in the year, so we still may not know. Legislator Graves noted that they will receive training, so that should help them to judge the capability of the equipment.

**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 Root, and adopted on a roll call vote of 15 Ayes, 0 Noes, 0 Absent, that the audit of claims, totaling \$4,508,475.51, 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 \$2,704,604.*)

**COMMENTS:**

Legislator Decker remarked that he was sorry to see we didn't have a veteran to lead the pledge today. He noted that it's a pleasure to have veterans join us. He suggested the possibility of having retired Troopers or other law enforcement lead us in the pledge of allegiance if a veteran were unable to attend.

Legislator Healy praised our County employees and other professionals in our communities who deal with child abuse. He commented on the importance and demanding nature of their jobs, which isn't always recognized. He wanted to publically thank them for the work they do.

Legislator Burt wanted to remind the audience that the television show American Pickers would be coming to the County. Scouts for the show will be coming out next week. In speaking with a representative for the show, she noted that the response from people (interested in selling items) in our County has been very great.

**ATTORNEY/CLIENT SESSION:**

The Board entered attorney/client session at 3:10 p.m. on a motion by Legislator Hopkins, seconded by Legislator Graves, and carried. The Board exited attorney/client session at 3:37 p.m. on a motion by Legislator Root, seconded by Legislator Healy, and carried.

**ADJOURNMENT:** The meeting was adjourned at 3:38 p.m. on a motion made by Legislator Graves, seconded by Legislator Pullen, and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION  
APRIL 27, 2015**

**\*\* APPROVED \*\***

**CALL TO ORDER:** The regular meeting of the Board of Legislators was called to order at 2:01 p.m. by Chairman Curtis W. Crandall.

**PLEDGE OF ALLEGIANCE TO THE FLAG:** The Pledge of Allegiance was led by retired United States Marine Corps Corporal and Naval Reserve Boatswain's Mate First Class Thomas T. Taylor.

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

**ROLL CALL:** 14 Legislators Present: Scott Burt, Curtis Crandall, David Decker, Dwight Fanton, Karl Graves, Dwight "Mike" Healy, Theodore Hopkins, Charles Jessup, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Debra Root, Norman Ungermann, Jr. Absent: Philip Curran

**APPROVAL OF MINUTES:**

The Committee of the Whole minutes of March 31, 2015, were approved on a motion made by Legislator Graves, seconded by Legislator Fanton, and carried.

The Committee of the Whole minutes of April 7, 2015, were approved on a motion made by Legislator Graves, seconded by Legislator Root, and carried.

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

**PRIVILEGE OF THE FLOOR:**

Chairman Crandall presented a certificate to Thomas T. Taylor, retired United States Marine Corps Corporal and Naval Reserve Boatswain's First Class, in grateful appreciation of his service to our country. Mr. Taylor's Marine Corps service dates were from 1962 to 1965. He served in the Naval Reserve from 1980 to 1997. His Marine Corps assignments included: Camp LeJeune, North Carolina, Quantico, Virginia, as well as time off the shores of Cuba. His Naval Reserve assignments included: the USS Yellowstone and Earle, New Jersey. Commendations he received included: Naval Reserve Meritorious Service Medal (twice), Armed Forces Reserve Medal, National Defense Service Medal (twice), Armed Forces Expeditionary Medal, Good Conduct Medal, Meritorious Unit Commendation and Sharpshooter Rifle Badge. Mr. Taylor led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Lee Gridley addressed the Board, inviting them to attend the annual Fair Board Appreciation Dinner to be held on May 12, 2015.

Representatives present to answer questions regarding 2014 Annual Reports for the following: Soil & Water Conservation, Parks & Forests, Weights & Measures, Information Technology, Historian, Sheriff.

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

1. May 2015 Calendar.
2. 2014 Annual Reports for Review: Social Services, Development, Planner, Planning Board, Tourism, IDA, County Administrator.
3. Correspondence from the Allegany County Fair Board inviting Legislators to attend the annual appreciation dinner with milk punch at 6 p.m. and dinner at 6:30 p.m. on May 12.
4. Invitation to attend the next InterCounty Association meeting to be hosted by Allegany County at the Kerr-Pegula Facility in Houghton on May 8. Please RSVP to Brenda Rigby Riehle prior to May 1.
5. Invitation to attend the annual Legislative Luncheon hosted by the Office for the Aging on May 8. Wallace Higgins will be awarded a Congressional Gold Medal at a special ceremony during this event.
6. Correspondence from Assemblyman Joseph Giglio regarding Consolidated Highway Improvement Program (CHIPS) funding.
7. Correspondence from Assemblyman Joseph Giglio indicating that he has introduced Assembly Bill A5312, which, if passed by the State Legislature and approved by the Governor, will designate bridges over State Route 275 in both the eastbound and westbound lanes of Interstate 86 in Friendship as the "Susan Foster Myers Memorial Bridge."

**RESOLUTIONS:**

**RESOLUTION NO. 104-15**

**APPROVAL OF A STATE LEGISLATIVE BILL WHICH AUTHORIZES THE EXTENSION OF ALLEGANY COUNTY'S ADDITIONAL ONE AND ONE-HALF PERCENT SALES AND COMPENSATING USE TAXES UNTIL NOVEMBER 30, 2017; DECLARING EXISTENCE OF NECESSITY AND REQUESTING PASSAGE OF BILL BY STATE LEGISLATURE**

Offered by: Ways & Means Committee

Pursuant to Municipal Home Rule Law § 40

**WHEREAS**, the only two substantial tax revenues available to Allegany County are real property and sales, and

**WHEREAS**, Allegany County is at its sales tax limit, and

**WHEREAS**, by Chapter 329 of the 2013 Laws of the State of New York, the County of Allegany was authorized to impose an additional one and one-half percent sales tax for the period December 1, 2013, to November 30, 2015, and

**WHEREAS**, by Resolution No. 124-2013, such additional sales tax was imposed for such period, and

**WHEREAS**, Allegany County is presently at 89.21 percent of its constitutional taxing limit for real estate taxes, and

**WHEREAS**, Allegany County will be at 100 percent of such constitutional taxing limit if such additional sales tax is not reauthorized, and

**WHEREAS**, Allegany County has had no substantial growth in real estate assessed valuation in the past five years, and

**WHEREAS**, in the current economic condition of Allegany County any substantial increase in real estate taxes would put in financial jeopardy the County's large percentage of senior citizens with fixed incomes who would have no choice but to pay such taxes out of such fixed incomes, now, therefore, be it

**RESOLVED:**

1. That the Allegany County Board of Legislators approves of a State legislative bill bearing Senate No. S.4409 and Assembly No. A.6360, entitled

AN ACT to amend the tax law, in relation to extending the expiration of the provisions authorizing the County of Allegany to impose an additional one and one-half percent of sales and compensating use taxes

2. That such Board does declare that a necessity exists for the passage of such bill and requests its passage by the State Legislature.

3. That the Clerk of this Board is authorized and directed to submit to the Senate and Assembly the foregoing request in such form and manner that conforms to rules promulgated by concurrent resolution of the Senate and Assembly pursuant to Article 3-A of the Legislative Law.

Moved by: Mr. Jessup

Adopted: Roll Call

Seconded by: Mr. Hopkins

11 Ayes, 3 Noes, 1 Absent  
Voting No: Burt, Decker, Ungermann

Comments made regarding Resolution No. 104-15 included: Legislator Ungermann expressed his displeasure with keeping the additional sales tax rate. He distributed a paper summarizing County tax rates and assessment values that he had compiled.

## RESOLUTION NO. 105-15

### APPROVAL OF GRANT APPLICATION FOR THE OFFICE FOR THE AGING FOR A BALANCING INCENTIVE PROGRAM (BIP) CAREGIVER SUPPORT PROGRAM GRANT

Offered by: Human Services and Ways & Means Committees

**WHEREAS**, the Office for the Aging is requesting approval to apply for grant money through the Balancing Incentive Program (BIP) Caregiver Support Program Grant, and

**WHEREAS**, the funds would be used to provide additional caregiver support services to caregivers of care recipients who are dual eligible (receiving health insurance through Medicaid and Medicare) and are receiving one or more services and/or support through the Office for the Aging (or clients who are waiting for such services), and

**WHEREAS**, it additionally serves caregivers of individuals receiving Medicaid Managed Long Term Services and Supports and caregivers of individuals receiving Medicaid, and

**WHEREAS**, assisting caregivers of care recipients who are dual eligible, in the care of their loved ones, could reduce nursing home admissions, and

**WHEREAS**, if approved the grant would provide \$20,000, now, therefore, be it

#### RESOLVED:

1. That the Office for the Aging is authorized to act on behalf of the County of Allegany to apply for grant funds through the BIP Caregiver Support Program.

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

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

Legislator LaForge asked that he be allowed to abstain from voting on Resolution Intro. No. 109-15 (**APPROVAL OF MUNICIPAL BIDS FOR SALE OF TAX LANDS IN THE TOWN OF BOLIVAR, TAX MAP NO. 260.17-1-61 AND TOWN OF GRANGER, TAX MAP NO. 42.1-1-5**). A motion was made by Legislator Graves, seconded by Legislator Fanton, and carried to allow Legislator LaForge to abstain from the vote.

**RESOLUTION NO. 106-15**

**APPROVAL OF MUNICIPAL BIDS FOR SALE OF TAX LANDS IN THE  
TOWN OF BOLIVAR, TAX MAP NO. 260.17-1-61 AND TOWN OF GRANGER,  
TAX MAP NO. 42.1-1-5**

Offered by: Ways & Means Committee

**WHEREAS**, the Town of Bolivar, (Village of Bolivar), 252 Main Street, Bolivar, NY 14715, has agreed to Terms of Sale and offered the sum of \$100 plus current year taxes of \$2,469.78, and recording costs of \$183 for a deed of the County's interest in premises formerly assessed on the tax rolls to Brandon J. Lippert and described as follows:

**ALL THAT LOT, PIECE OR PARCEL OF LAND** situate in Town of Bolivar, County of Allegany and State of New York, described as follows, viz: 62 Boss Street, .06 acre, Class Code – 210 - One Family Res, Tax Map # 260.17-1-61, and

**WHEREAS**, the Town of Granger, 10275 County Road 15, Fillmore, New York 14735 has agreed to Terms of Sale and offered the sum of one dollar plus current year's tax of \$1,281.10 for a deed of the County's interest in premises formerly assessed on the tax rolls to Richard Erb and described as follows:

**ALL THAT LOT, PIECE OR PARCEL OF LAND** situate in Town of Granger, County of Allegany and State of New York, described as follows, viz: 10288 County Road 15, 4.00 acres, Class Code – 270 - Mobile Home, Tax Map # 42.1-1-5, and

**WHEREAS**, the Ways and Means Committee believes that the Terms of Sale and the above sums offered are fair and reasonable and the best that can be obtained under the circumstances and that the said sales will be advantageous to the County, now, therefore, be it

**RESOLVED:**

1. That such agreed to Terms of Sale and monetary offers are accepted and the Chairman of this Board is authorized and directed to execute on behalf of the County of Allegany and to cause to deliver to such purchasers a quit claim deed of the County's interest in such premises, and to attach to such deeds the official seal; all upon satisfaction of the Terms of Sale and full payment to the County Treasurer of the monetary offers.

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

Adopted: Roll Call  
13 Ayes, 0 Noes, 1 Absent  
Abstained: LaForge

**RESOLUTION NO. 107-15**

**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 \$245, representing the cost to replace a windshield on an Office for the Aging, 2009 Dodge Suburban (#5718), has been offered by NYMIR in settlement for such damage, now, therefore, be it

**RESOLVED:**

1. That the amount of \$245 from NYMIR, representing the cost to replace a windshield on a 2009 Dodge Suburban (#5718), is accepted.
2. That the sum of \$245 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: Ms. Root

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

**RESOLUTION NO. 108-15**

**ACCEPTANCE OF STATE COLA FUNDS FOR THE 2015 BUDGET  
YEAR FOR THE CHILDREN WITH SPECIAL HEALTH CARE  
NEEDS PROGRAM; APPROPRIATION OF FUNDS**

Offered by: Human Services

**RESOLVED:**

1. The sum of \$732 in COLA funds for the County Health Department Children with Special Health Care Needs Program is accepted and appropriated to the following accounts:

A4054.407 (Health – Children w/Special Health Care Needs – Office Supplies)	\$613
A4010.101 (Health – Regular Pay)	<u>119</u>
TOTAL	\$732

with a like sum credited to Revenue Account No. A4054.3401.01 (State Aid – Public Health CWSHCN).

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

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

**RESOLUTION NO. 109-15**

**TRANSFER OF FUNDS FROM THE COUNTY CLERK'S OFFICE TO THE  
DEPARTMENT OF REAL PROPERTY TAX SERVICES**

Offered by: Ways & Means Committee

**RESOLVED:**

1. That the sum of \$4,000 shall be transferred from Account No. A1410.201 (County Clerk - Equipment) to Account No. A1355.413 (Real Property - Rental).

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

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

**RESOLUTION NO. 110-15**

**APPROVAL OF AMENDMENT OF SALE OF FOREST PRODUCTS  
AGREEMENT WITH R.T. CHAMBERLAIN LOGGING & TRUCKING  
TO EXTEND DATE FOR REMOVAL OF TIMBER**

Offered by: Resource Management Committee

**WHEREAS**, due to unforeseen difficulties by the buyer in gaining access to the timber lot to complete the removal of timber from the lot, and

**WHEREAS**, the buyer has already tendered full payment for the timber and delaying removal of the timber until September of 2016 will not negatively impact the County, now therefore, be it

**RESOLVED:**

1. That this Board hereby approves amending the agreement dated July 24, 2014, between the County of Allegany and R.T. Chamberlain Logging & Trucking to extend the time for removal of forest products from July 24, 2015, to September 30, 2016.
2. That the Chairman of the Board is authorized to sign the amended agreement.

Moved by: Mr. Graves

Adopted: Roll Call

Seconded by: Mr. Pullen

14 Ayes, 0 Noes, 1 Absent

Comments made regarding Resolution No. 110-15 included: Legislator Graves stated that Mr. Chamberlain has had some difficulty because of the terrain and would like some additional time. Legislator Graves had spoken with the Allegany County Soil & Water Conservation District and it wasn't going to cause any problems to allow Mr. Chamberlain the extra time.

Resolution No. 111-15 (Intro. No. 114-15) (**APPROVAL OF LEASE OF LAND TO VALLEY VIEW DAIRY TO BE USED FOR AGRICULTURAL PURPOSES ONLY**) 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. 111-15**

**APPROVAL OF LEASE OF LAND TO VALLEY VIEW DAIRY  
TO BE USED FOR AGRICULTURAL PURPOSES ONLY**

Offered by: Ways & Means Committee

**WHEREAS**, the County desires to lease County land for agricultural purposes only, now, therefore, be it

**RESOLVED:**

1. That the Lease of County Land between the County of Allegany and Valley View Dairy for approximately 15 acres of land south of the Allegany County Jail and Public Safety Facility on State Route 19 commencing May 1, 2015 and expiring December 31, 2020, is approved.

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

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

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

Resolution Intro. No. 99-15 (**ADOPTION OF LOCAL LAW INTRO. NO. 1-2015, PRINT NO.1, TO ALLOW FOR COMMON, SAFE ITEMS TO BE EXCLUDED FROM THE DANGEROUS FIREWORKS DEFINITION AS PERMITTED BY NEW YORK STATE PENAL LAW SECTION 405 (5)(b)**) was removed from the table following a motion made by Legislator Burt, seconded by Legislator Fanton, and carried. It was originally tabled on April 13, 2015.

**RESOLUTION NO. 112-15**

**ADOPTION OF LOCAL LAW INTRO. NO. 1-2015, PRINT NO.1, TO ALLOW FOR  
COMMON, SAFE ITEMS TO BE EXCLUDED FROM THE DANGEROUS FIREWORKS  
DEFINITION AS PERMITTED BY NEW YORK STATE**

**PENAL LAW SECTION 405 (5)(b)**

Offered by: Ways & Means Committee

**RESOLVED:**

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

**COUNTY OF ALLEGANY**

Intro. No. 1-2015

Print No. 1

**A LOCAL LAW OF THE COUNTY OF ALLEGANY ALLOWING FOR COMMON, SAFE  
ITEMS TO BE EXCLUDED FROM THE DANGEROUS FIREWORKS DEFINITION AS  
PERMITTED BY NEW YORK STATE PENAL LAW  
SECTION 405 (5)(b)**

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

SECTION 1. Legislative Intent

- A. Whereas on November 21, 2014, Governor Cuomo signed into law Chapter 477 of the Laws of 2014 (S.7888/A10141).
- B. Whereas this State Law amended the State Penal Law, the Executive Law and the General Business Law placing further restrictions on dangerous fireworks while at the same time recognizing that certain fireworks should not be labeled dangerous when they pose little to no danger to the public and by labeling them dangerous only restricts business and personal enjoyment.
- C. Whereas the Governor signed this version of the bill into law in part due to its strong home rule authority, only allowing for certain fireworks to be sold and used in municipalities that affirmatively enact a local law authorizing such action.
- D. In keeping with Chapter 477 of the Laws of 2014 and Penal Law Section 405, this Board further finds and determines that "sparkler devices" may be sold and enjoyed, only in the manner described below, within Allegany County.

- E. This Board finds that allowing our residents the use of safe “sparkler devices” will benefit them and our local businesses.
- F. The National Fire Protection Association adopted a recommended safety code (NFPA 1124) for the manufacture, transportation, storage and retail sales of fireworks.
- G. Whereas this local law and State Chapter 477 of the Laws of 2014 are compliant with the safety standards established in NFPA 1124.
- H. This Board further finds that the sale and use of “sparkler devices” is permitted with the following restrictions:
  - 1) Sales will only be permitted on or between June 1 through July 5 and December 26 through January 2 of each calendar year.
  - 2) All distributors, manufacturers, and retailers must be licensed through the New York Department of State.
  - 3) Only those 18 years of age or older may purchase said products.

## SECTION 2. Definitions

A. “Sparkling Devices” are defined as ground-based or hand-held devices that produce a shower of white, gold, or colored sparks as their primary pyrotechnic effect. Additional effects may include a colored flame, an audible crackling effect, an audible whistle effect, and smoke. These devices do not rise into the air, do not fire inserts or projectiles into the air, and do not explode or produce a report (an audible crackling-type effect is not considered to be a report). Ground-based or hand-held devices that produce a cloud of smoke as their sole pyrotechnic effect are also included in this category. Types of devices in this category include:

(1) Cylindrical fountain: cylindrical tube containing not more than seventy-five grams of pyrotechnic composition that may be contained in a different shaped exterior such as a square, rectangle, cylinder or other shape but the interior tubes are cylindrical in shape. Upon ignition, a shower of colored sparks, and sometimes a whistling effect or smoke, is produced. This device may be provided with a spike for insertion into the ground (spike fountain), a wood or plastic base for placing on the ground (base fountain), or a wood or cardboard handle to be hand held (handle fountain). When more than one tube is mounted on a common base, total pyrotechnic composition may not exceed two hundred grams, and when tubes are securely attached to a base and the tubes are separated from each other on the base by a distance of at least half an inch (12.7 millimeters), a maximum total weight of five hundred grams of pyrotechnic composition shall be allowed.

(2) Cone fountain: cardboard or heavy paper cone containing not more than fifty grams of pyrotechnic composition. The effect is the same as that of a cylindrical fountain. When more than one cone is mounted on a common base, total pyrotechnic composition may not exceed two hundred grams, as is outlined in this subparagraph.

(3) Wooden sparkler/dipped stick: these devices consist of a wood dowel that has been coated with pyrotechnic composition. Upon ignition of the tip of the device, a shower of sparks is produced. Sparklers may contain up to one hundred grams of pyrotechnic composition per item.

(4) Novelties: which do not require approval from the United States Department of Transportation, and are not regulated as explosives, provided that they are manufactured and packaged as described below:

(A) Party popper: small devices with paper or plastic exteriors that are actuated by means of friction (a string or trigger is typically pulled to actuate the device). They frequently resemble champagne bottles or toy pistols in shape. Upon activation, the device expels flame-resistant paper streamers, confetti, or other novelties and produces a small report. Devices may contain not more than sixteen milligrams (0.25 grains) of explosive composition, which is limited to potassium chlorate and red phosphorus. These devices must be packaged in an inner packaging which contains a maximum of seventy-two devices.

(B) Snapper: small, paper-wrapped devices containing not more than one milligram of silver fulminate coated on small bits of sand or gravel. When dropped, the device explodes, producing a small report. Snappers must be in inner packages not to exceed fifty devices each, and the inner packages must contain sawdust or a similar, impact-absorbing material.

### SECTION 3. Separability

If any part of or provisions of this law, or the application thereof to any person or circumstance, shall be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part of or provision of, or application directly involved in the controversy in which such the remainder of this law, or the application thereof to other persons or circumstances.

### SECTION 4. Effective Date

This law shall take effect immediately upon filing with the Secretary of State.

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

Adopted: Roll Call  
11 Ayes, 3 Noes, 1 Absent  
Voting No: Healy, LaForge, O'Grady

### **AUDITS:**

A motion was made by Legislator Jessup, seconded by Legislator Graves, 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 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$2,814,514.02, 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 \$3,090,976.*)

**COMMENTS:**

Chairman Crandall indicated that there would be a special Planning & Economic Development Committee meeting after the Board meeting.

Legislator Decker wanted to clarify his vote on the sales tax resolution saying, although sales tax is in his opinion the most just way to collect revenue, he agrees with Mr. Ungermann that we need to be competitive with the counties around us.

Legislator Pullen reminded his fellow Legislators that on May 6, Southern Tier West would be hosting a training session at Houghton College. On May 8, InterCounty would be meeting at Houghton College and would tour the Kerr-Pegula Athletic Facility. Also on May 8, the Office for the Aging would be having a Legislative Luncheon and would be honoring Wallace Higgins with a Congressional Gold Medal for his volunteer work. He also mentioned that Office for the Aging would be hosting a "Swinging to the Oldies" fundraiser on May 30.

Chairman Crandall urged the Legislators to try to attend both events taking place on May 8.

Legislator Ungermann handed out information regarding a Biorefinery Project intended for the Wellsville Campus of Alfred State College.

**ADJOURNMENT:** The meeting was adjourned at 2:37 p.m. on a motion made by Legislator Graves, seconded by Legislator Fanton, and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION  
MAY 11, 2015**

**\*\*APPROVED \*\***

**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 United States Army Specialist Fifth Class David B. Fleming.

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

**ROLL CALL:** 14 Legislators Present: Scott Burt, Curtis Crandall, Philip Curran, David Decker, Dwight Fanton, Karl Graves, Dwight "Mike" Healy, Theodore Hopkins, Charles Jessup, Kevin LaForge, Aaron McGraw, David Pullen, Debra Root, Norman Ungermann, Jr. Absent: Timothy O'Grady

**APPROVAL OF MINUTES:**

The Board meeting minutes of April 27, 2015, were approved on a motion made by Legislator Graves, seconded by Legislator Healy, and carried.

**PRIVILEGE OF THE FLOOR:**

Chairman Crandall read a proclamation declaring May 3 through May 9, 2015, as Western New York Armed Forces Week. The Chairman mentioned a veteran named Bill Callahan who actively goes around to the counties to make sure that they recognize Western New York Armed Forces Week. This is the 55<sup>th</sup> anniversary of the proclamation.

Chairman Crandall also mentioned that poppies were being sold by the American Legion to raise money for our disabled and injured veterans.

Chairman Crandall presented a certificate to David B. Fleming, former United States Army Specialist Fifth Class, in grateful appreciation of his service to our country. Mr. Fleming's service dates were from April 6, 1966, to January 8, 1968. Following Basic Training at Fort Dix, NJ, assignments included: Fort Lee, VA, Fort Devens, MA, and (Fung Tao ) (in supply chain) Vietnam. Commendations he received included: National Defense Service Medal, Vietnam Campaign Medal with device, Vietnam Service Medal and Marksmanship Badge for the M-14 rifle. Mr. Fleming led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program. Mr. Fleming gave a brief family history of military service and thanked everyone for having him at the meeting.

Representatives were present to answer questions regarding 2014 Annual Reports for the Following: Social Services, Development, Planner, Planning Board, Tourism, IDA, and County Administrator.

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

1. Report of Intrafund Transfers Approved by the County Administrator in April 2015.
2. Report of Tax Bill Corrections Approved by the County Administrator in April 2015.
3. Reminder that the Allegany Senior Foundation will be hosting their annual Swingin' to the Oldies event to benefit the Meals-on-Wheels Program on Saturday, May 30, 2015, at the Alfred State College Wellsville Activities Center.
4. Correspondence from Wellspring Ministries inviting Legislators to attend an open house and luncheon on Sunday, May 17.
5. The Belmont American Legion Auxiliary Post 808 has poppies for sale to benefit disabled Veterans.
6. Reminder that the Fair Board Appreciation Dinner is at 6 p.m. tomorrow (Tuesday, May 12).

**APPOINTMENTS:**

Chairman Crandall appointed Jason Carmen and Ryan Paulsen to the **HAZARD MITIGATION TEAM** effective immediately to serve at his pleasure.

**PROCLAMATION:**

Chairman Curtis Crandall, in a joint measure with the Chairmen from Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans, and Wyoming Counties, declared May 3 through May 9, 2015, as Western New York Armed Forces Week.

Chairman Curtis W. Crandall declared May 8, 2015, as Wallace Higgins Day in Allegany County.

Chairman Curtis W. Crandall declared May 2015 as Foster Care Month in Allegany County.

**RESOLUTIONS:**

A motion was made by Legislator Graves and seconded by Legislator Root to table **Resolution Intro. No. 115-15 (IMPOSITION OF A 1.5 PERCENT MONTHLY INTEREST**

**CHARGE FOR ANY AMOUNT OWED TO ALLEGANY COUNTY MORE THAN FORTY-FIVE DAYS PAST DUE).** The motion to table was defeated following a roll call vote of 4 Ayes, 10 Noes, 1 Absent (opposed: Burt, Crandall, Curran, Decker, Fanton, Hopkins, Jessup, LaForge, Pullen, Ungermann).

A motion was made by Legislator Graves, seconded by Legislator Fanton, and carried to grant Legislator LaForge permission to abstain from voting on Resolution Intro. No. 115-15.

**RESOLUTION INTRO. NO. 115-15 (IMPOSITION OF A 1.5 PERCENT MONTHLY INTEREST CHARGE FOR ANY AMOUNT OWED TO ALLEGANY COUNTY MORE THAN FORTY-FIVE DAYS PAST DUE) was DEFEATED** on a roll call vote of 3 Ayes, 10 Noes, 1 Absent, and 1 Abstaining. Voting No: Crandall, Curran, Fanton, Graves, Healy, Hopkins, Jessup, McGraw, Pullen, Root). Comments made relative to the proposed resolution included:

Legislator Decker stated that he would be voting in favor of this. He assumed the County had a policy like this in place. All private businesses do. He was shocked that the County did not.

Legislator Burt stated that he appreciated the Treasurer's opinion during caucus. He will support because his constituents support this and he believes it is good business.

Legislator Graves explained that the County Treasurer had concerns with implementing a policy like this at this time. The Landfill will be closing and there are many different reasons for different organizations to owe the County money. Legislator Graves then made a motion to have the Resolution tabled, which was defeated.

Legislator Pullen stated that he was not going to support this. He feels, "It's a solution in search of a problem." He doesn't feel there is any significant amount of money to gain and that it will be subject to change with the Landfill being an issue. He agrees with the Treasurer's recommendation to fully review this before it's adopted. He remarked that it's not that he's not anxious to generate revenue, he's just concerned that it will cost more to do.

Legislator Healy stated that he agreed with the intent of the Resolution, but felt the timing was not good. He noted that they will be revisiting the overall policy in the next year or so and feels it's best to wait.

A motion was made by Legislator Graves, seconded by Legislator Curran, and carried to grant Legislator LaForge permission to abstain from voting on Resolution No. 113-15.

### **RESOLUTION NO. 113-15**

**DESIGNATION OF THE CROSSROADS WATERLINE PROJECT AND THE ALFRED CENTER FOR TECHNOLOGY TRANSFER (ACTT) PROJECT AS THIS YEAR'S TOP TWO**

**PROJECTS ON THE COUNTY'S U.S. ECONOMIC DEVELOPMENT ADMINISTRATION  
(EDA) PRIORITY DESIGNATION LIST**

Offered by: Planning & Economic Development Committee

**WHEREAS**, the County maintains an annual list of projects for which U.S. Economic Development Administration (EDA) funding is sought, and

**WHEREAS**, this list is prioritized according to which projects the County deems are most critical for addressing economic development needs within the County, and

**WHEREAS**, the Crossroads Waterline Project remains the number one priority project on that list, and

**WHEREAS**, the NYS Route 417 East Waterline Project had previously held the second place position on that list, but no longer needs to be on the list as the project has received EDA funding, and

**WHEREAS**, Alfred University and Alfred State College are involved in a joint initiative to establish the Alfred Center for Technology Transfer (ACTT), and

**WHEREAS**, the ACTT Project is intended to identify technology opportunities; develop and/or assist in the development of manufacturing products and processes; provide business plan development services; help find local production facilities; provide back-office services; assist in access to venture capital, facility development and workforce preparation, and

**WHEREAS**, the Alfred Center for Technology Transfer (ACTT) Project appears to be able to meet EDA requirements, and

**WHEREAS**, this Board believes the ACTT Project has the potential to greatly enhance economic development efforts in the County and should replace the NYS Route 417 East Waterline Project on the annual list of projects for which U.S. Economic Development Administration (EDA) funding is sought, now therefore, be it

**RESOLVED:**

1. That the Allegany County Board of Legislators hereby endorses the designation of the Crossroads Waterline Project as the number one priority and the Alfred Center for Technology Transfer (ACTT) Project as the number two priority on the annual list of projects for which U.S. Economic Development Administration (EDA) funding is sought.

Moved by: Mr. Hopkins  
Seconded by: Mr. Healy

Adopted: Voice Vote

**RESOLUTION NO. 114-15**

**RESOLUTION IN SUPPORT OF ESTABLISHING STATEWIDE BENCHMARKS  
FOR MEASURING THE EFFICIENCY OF STATE AND  
LOCAL GOVERNMENTAL FUNCTIONS**

Offered by: Ways & Means Committee

**WHEREAS**, New York has some of the highest taxes in the nation on real property, sales, income, gasoline, mortgages and cigarettes, and

**WHEREAS**, New York has some of the most onerous regulations in the nation governing the conduct of business, and

**WHEREAS**, New York cannot effectively compete with other states in attracting and retaining business due to its high taxes and onerous business regulations, and

**WHEREAS**, New York has municipal governments serving densely populated urban regions as well as municipal governments serving sparsely populated rural regions, and

**WHEREAS**, both the state of New York and local governments within New York need to be able to reduce costs by providing governmental services as efficiently as possible, and

**WHEREAS**, one of the widespread tools used by private industry to successfully control and reduce costs is benchmarking, and

**WHEREAS**, benchmarking the costs for various governmental services would provide a valuable tool for controlling and reducing costs while also allowing government officials to make better decisions on a cost/benefit basis, and

**WHEREAS**, there is currently no process in place in New York State for establishing statewide benchmarks for the cost of various governmental services, now therefore be it

**RESOLVED:**

1. That Allegany County hereby encourages enactment of state legislation directing that a study be made of the best means for the establishment and use of statewide benchmarks to assist state and local officials in providing governmental services in the most efficient and cost effective manner.

2. That the results of such study be utilized to draft and enact legislation requiring the implementation of statewide benchmarking of common governmental functions.

3. That the Clerk of this Board is directed to forward certified copies of this resolution to Governor Andrew M. Cuomo; Senator Catharine M. Young; Assemblyman Joseph M. Giglio; New York State Association of Counties; Inter-County Association of Western New York.

Moved by: Mr. Jessup  
Seconded by: Ms. Root

Adopted: Voice Vote

**RESOLUTION NO. 115-15**

**APPROVAL OF GRANT APPLICATION FOR WORKFORCE INNOVATION  
OPPORTUNITY ACT ADULT AND DISLOCATED WORKER PROGRAM GRANT**

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

**WHEREAS**, Employment and Training is requesting approval to apply for grant money through the Workforce Innovation and Opportunity Act Adult and Dislocated Worker Program grant, and

**WHEREAS**, the funds would be used to continue to provide employment and training services to adult and dislocated workers in Allegany County, and

**WHEREAS**, if approved the grant is estimated to provide \$340,000, now, therefore, be it

**RESOLVED:**

1. That the Employment and Training office is authorized to apply for a Workforce Innovation and Opportunity Act Adult and Dislocated Worker Program grant.

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

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

**RESOLUTION NO. 116-15**

**APPROVAL OF GRANT APPLICATION FOR WORKFORCE INNOVATION  
OPPORTUNITY ACT TITLE 1 YOUTH PROGRAM GRANT**

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

**WHEREAS**, Employment and Training is requesting approval to apply for grant money through the Workforce Innovation and Opportunity Act Title 1 Youth Program grant, and

**WHEREAS**, the funds would be used to continue to provide youth employment and training services in Allegany County, and

**WHEREAS**, if approved the grant is estimated to provide \$136,000, now, therefore, be it

**RESOLVED:**

1. That the Employment and Training office is authorized to apply for a Workforce Innovation and Opportunity Act Title 1 Youth Program grant.

Moved by: Mr. Hopkins  
Seconded by: Ms. Root

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

**RESOLUTION NO. 117-15**

**DESIGNATION OF CHAIRMAN AS THE CHIEF ELECTED OFFICIAL;  
APPROVAL OF MULTI-JURISDICTIONAL AGREEMENT;  
AUTHORIZING THE CHAIR TO EXECUTE THE AGREEMENT**

Offered by: Ways & Means Committee

Pursuant to Section 107 [c] [1] [B] of the Workforce Innovation and Opportunity Act of 2014

**WHEREAS**, enactment of the Workforce Innovation and Opportunity Act of 2014 superseded the Workforce Investment Act of 1998, and

**WHEREAS**, this Board wishes to continue the two-county Workforce Investment Board with Cattaraugus County in the form of a newly constituted Workforce Development Board as described under the Workforce Innovation and Opportunity Act of 2014, and

**WHEREAS**, under the Workforce Innovation and Opportunity Act of 2014, the chairs of the respective County legislatures of Allegany County and Cattaraugus County need to be designated as the Chief Elected Officials for purposes of entering into and implementing agreements in accordance with the Act, and

**WHEREAS**, the Chief Elected Officials must address issues surrounding the receipt of grants, the composition of and designation of a Workforce Development Board, the name of the Local Workforce Development Area and the designation of One Stop Services, now therefore, be it

**RESOLVED:**

1. That the Chairman of this Board is hereby designated as the Chief Elected Official for Allegany County under the Workforce Innovation and Opportunity Act of 2014.

2. That the Multi-Jurisdictional Chief Elected Officials Agreement between the respective Chairs of the Allegany and Cattaraugus County Legislatures is hereby approved.

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

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

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

**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 Hopkins, and adopted on a roll call vote of 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$2,649,854.27, 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 \$3,477,348.*)

**COMMENTS:**

Chairman Crandall announced there would be a Committee of the Whole meeting following the Board meeting.

Legislator Pullen announced that Cooperative Extension would be holding a special meeting on May 19 at 6 p.m. The meeting will be held at the Catholic Church in Cuba. Members of Cooperative Extension will be voting on the future direction of the organization. He urged everyone to attend. Every Allegany County resident is deemed a member and is eligible to vote. The more who participate, the better the outcome.

Chairman Crandall remarked on the extremely busy day it was for Legislators on May 8. Wally Higgins was honored with a Congressional Gold Medal award, which was presented to him at a ceremony held at the Belmont Legion. The event was so well attended, it was standing room only and unfortunately some people had to be turned away. Additionally, Allegany County hosted the InterCounty Association of Western New York at Houghton College that same day. It was a great day, but a busy day.

Legislator Decker noted that May 8 was also the 87<sup>th</sup> annual Wellsville Chamber of Commerce Awards Dinner.

Legislator Graves mentioned a solar workshop he was planning to attend in Buffalo.

**ADJOURNMENT:** The meeting was adjourned at 2:43 p.m. on a motion made by Legislator Graves, seconded by Legislator Root, and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION  
MAY 26, 2015**

**\*\*APPROVED \*\***

**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 Air Force Senior Airman Pamela A. Fanton.

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

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

**APPROVAL OF MINUTES:**

The Board meeting minutes of May 11, 2015, were amended following a motion made by Legislator Burt, seconded by Legislator Fanton, and carried to clarify Mr. Burt's comments on Resolution Intro. No. 115-15 regarding the imposition of a 1.5 percent monthly interest charge on amounts owed to Allegany County. Mr. Burt's statement should have said, "He appreciated the Treasurer's opinion during caucus. He will support because his constituents support this, and he believes it is good business." The minutes were then approved as amended following a motion made by Legislator Graves, seconded by Legislator Root, and carried.

The Committee of the Whole minutes of May 11, 2015, were approved on a motion made by Legislator Fanton, seconded by Legislator Curran, and carried.

**PRIVILEGE OF THE FLOOR:**

Chairman Crandall presented a certificate to Pamela A. Fanton, former United States Air Force Senior Airman (E4), in grateful appreciation of her service to our country. Ms. Fanton's service dates were from February 1997 to February 2001. Following Basic Training at Lackland Air Force Base, TX, assignments included: Wichita Falls Air Force Base, TX, and Edwards Air Force Base, California. Commendations she received included: Air Force Training Ribbon, Air Force Outstanding Unit Award, Air Force Good Conduct Medal, Air Force Longevity Service Award, and Maintenance Basic Occupational Badge. Ms. Fanton 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 mentioned that the Director of Veterans Service Agency annually shares a list of Allegany County veterans who have passed away. The total number listed is around 150.

Chairman Crandall recognized County Treasurer Terri Ross for being designated as Finance Officer of the Year by the NYS County Treasurers and Finance Officers' Association for 2015. Chairman Crandall expressed how proud he and his fellow legislators were of her for receiving the award. He noted that it's not coincidental that the County has improved its financial standing substantially during her time as Treasurer. He remarked that the Board relies on her financial expertise; and they weren't surprised she was selected for the honor. Ms. Ross thanked her predecessor (former County Treasurer James Mulholland) saying he was a great teacher and great leader. She also thanked her staff, both past and present, as well as all of the financial staff in our County departments.

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

1. June 2015 Calendar.
2. County Treasurer Terri Ross filed a copy of her Appendix (Annual Report of Financial Condition to the New York State Comptroller) for the Year Ended December 31, 2014, in the Clerk of the Board's Office on May 20, 2015.
3. Correspondence from Ardent Solutions regarding their new name and look.
4. Correspondence from Phantom Fireworks regarding the passage of our local law to permit the sale of the newly legalized sparkling devices and novelties in Allegany County.

#### **APPOINTMENTS:**

Chairman Curtis W. Crandall appointed Carol Onoda, of Almond, New York, and Mary Ann Trice, of Wellsville, New York, as members of the **CITIZENS ADVISORY COUNCIL TO THE OFFICE FOR THE AGING**, subject to confirmation by the Board of Legislators.

#### **INTRODUCTION OF LEGISLATION:**

Legislator Theodore Hopkins introduced Local Law Intro. No. 2-2015, Print No. 1, entitled, "**A LOCAL LAW ESTABLISHING THE OFFICE OF PLANNING**," a copy of said proposed Local Law having been placed on each Legislator's desk.

#### **RESOLUTIONS:**

#### **RESOLUTION NO. 118-15**

#### **CREATING ONE FULL-TIME POSITION OF SECRETARY TO THE**

**PUBLIC DEFENDER AND ABOLISHING ONE PART-TIME POSITION OF  
SECRETARY TO THE PUBLIC DEFENDER**

Offered by: Public Safety Committee

**RESOLVED:**

1. That one position of Full-Time Secretary to the Public Defender (Non-Unit, Grade 2, Step 2) is created in the Public Defender's Office.
2. That one position of Part-Time Secretary to the Public Defender in the Public Defender's Office is hereby abolished.
3. This resolution shall take effect immediately.

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

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

**RESOLUTION NO. 119-15**

**OPPOSITION TO NEW YORK STATE'S PLAN TO CLOSE  
SKILL DEVELOPMENT CENTERS AND WORK CENTERS**

Offered by: Human Services Committee

**WHEREAS**, this Legislature believes that people have the right to participate in their community to their full ability; that people have the right to a supportive network of friends and advocates and that people have the responsibility to care for themselves in a safe, holistic, healthy community, and

**WHEREAS**, people with intellectual and other developmental disabilities currently enrolled receive funding for employment in sheltered workshops also known as skill development centers; this means that a student transitioning out of high school with a disability will be unable to pursue employment and a paycheck in this vocational setting upon graduation as in the past, and

**WHEREAS**, Allegany Arc's latest sheltered workshop at 50 Farnum Street in Wellsville opened in 1997; Allegany Arc has been providing employment to hundreds of individuals leading with a mission to promote community inclusion through community based supported employment, and

**WHEREAS**, new vocational service recipients start in sheltered workshops, many opportunities were found through vocational evaluation that are appropriate for community based employment, and

**WHEREAS**, some individuals have chosen to stay in sheltered work, which is the right of every American to choose where they want to work, and they are provided support and information to choose other options on a regular basis through case reviews, and

**WHEREAS**, the State's plan to close vocational workshops like the one operated by Allegany Arc will force those employed now to either stay home, thus removing the dignity associated with employment and taking away a vital step to community based employment, and

**WHEREAS**, the United States Supreme Court's decision in *Olmstead v. L.C.* recognized the right of individuals with developmental disabilities who are currently in a sheltered workshop to remain in that setting if they wish to do so, now, therefore, be it

**RESOLVED:**

1. That the Allegany County Board of Legislators does hereby oppose New York State's plan to close sheltered workshops, thus removing this important step towards community based supported employment.

2. That the Allegany County Board of Legislators is requesting New York State's plan to close the sheltered workshops be rescinded and allow the funding of these work centers to continue allowing them to stay open and continue giving those working there the self-advocacy of choosing where they want to work.

3. That certified copies of this Resolution be forwarded to Governor Andrew Cuomo; Lieutenant Governor Kathy Hochul; Congressman Tom Reed; Senator Catharine Young; Assemblyman Joseph M. Giglio; New York State Association of Counties; Inter-County Association of Western New York; Allegany Arc; NYSARC; and OPWDD.

Moved by: Mr. LaForge  
Seconded by: Mr. Curran

Adopted: Voice Vote

Comments made regarding Resolution No. 119-15 included: Legislator LaForge remarked that the closings will be to specific areas. These are people who want the dignity of going to a job every day. Legislator Decker expressed his displeasure with those in Albany for making this decision. He doesn't understand why they would take this away. Chairman Crandall stated that he was asked to be at Arc's board meeting. Those at the meeting were happy to hear that the County Board would be putting forth a resolution in opposition to these closings. He learned that there would be approximately 45 people who would be affected by this. Those people are very happy with the positions they have and are happy to go to work.

**RESOLUTION NO. 120-15**

**AUTHORIZATION OF THE FILING OF AN APPLICATION FOR STATE ASSISTANCE  
FROM THE HOUSEHOLD HAZARDOUS WASTE (HHW) STATE ASSISTANCE**

**PROGRAM AND AUTHORIZATION OF THE ASSOCIATED STATE CONTRACT UNDER  
THE APPROPRIATE LAWS OF NEW YORK STATE**

Offered by: Public Works Committee

**WHEREAS**, the State of New York provides financial aid for household hazardous waste programs, and

**WHEREAS**, the County of Allegany, herein called the Municipality, has examined and duly considered the applicable laws of the State of New York and the Municipality deems it to be in the public interest and benefit to file an application under these laws, and

**WHEREAS**, it is necessary that a Contract by and between The People of the State of New York, herein called the State, and the Municipality be executed for such State aid, now, therefore, be it

**RESOLVED:**

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.

2. That the Chairman of the Board or his designee is directed and authorized as the official representative of the Municipality to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the State.

3. That the Municipality agrees that it will fund the entire cost of said household hazardous waste program and will be reimbursed by the State for the State share of such costs.

4. That five (5) Certified Copies of this Resolution be prepared and sent to the NYSDEC together with a complete application.

5. That this resolution shall take effect immediately.

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

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

**RESOLUTION NO. 121-15**

**APPROVAL OF APPORTIONMENT OF MORTGAGE TAX TO  
TAX DISTRICTS AND AUTHORIZING WARRANT THEREFOR**

Offered by: Ways & Means Committee

Pursuant to Tax Law § 261 (3)

**RESOLVED:**

1. That the Semi-Annual Report for the period October 1, 2014, through March 31, 2015, relating to Mortgage Tax Receipts and Disbursements, and the proposed distribution of such mortgage tax receipts therein, is approved.

2. That the Clerk of this Board is authorized and directed to execute a warrant of this Board to the County Treasurer directing her to distribute to the several tax districts in the County their respective share of such mortgage tax.

Moved by: Mr. Jessup  
Seconded by: Ms. Root

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

**RESOLUTION NO. 122-15**

**AUTHORIZING PAYMENT TO TOWNS AND VILLAGES FROM ADDITIONAL  
MORTGAGE TAX FEE RETAINAGE BY COUNTY CLERK;  
APPROPRIATING FUNDS THEREFOR**

Offered by: Ways & Means Committee

**WHEREAS**, by Resolution No. 214-2004 the County Clerk was authorized pursuant to Section 262 of the Tax Law to request and receive reimbursement from the State of New York for all of his necessary expenses incurred in the administration of the Mortgage Tax Program on behalf of the State of New York, and

**WHEREAS**, it was the intent of this Board in adopting such resolution that the Towns and Villages of the County would not suffer any adverse financial consequences as a result of any increased retained expense reimbursement to the County Clerk, and

**WHEREAS**, the County Clerk has received reimbursement of his necessary expenses incurred in the administration of the Mortgage Tax Program, and

**WHEREAS**, this Board wishes to appropriate part of such reimbursement of necessary expenses received by the County Clerk for the administration of the Mortgage Tax Program to the Towns and Villages of the County, now, therefore, be it

**RESOLVED:**

1. The amount of \$25,426.55 is appropriated from Account No. A1410.432 (County Clerk – Contractual) and shall be distributed to the Towns and Villages of the County as follows:

TOWNS	AMOUNT RETAINED BY COUNTY CLERK'S OFFICE FOR MORTGAGE TAX FEES	TOWN SHARE	VILLAGE SHARE		VILLAGES
Alfred	2,823.17	2,268.99	554.18		Alfred
Allen	191.43	191.43			
Alma	161.19	161.19			
Almond	1,107.05	1,022.56	84.49		Almond
Amity	1,057.77	890.42	167.35		Belmont
Andover	640.72	320.36	320.36		Andover
Angelica	375.05	311.45	63.60		Angelica
Belfast	539.71	539.71			
Birdsall	441.42	441.42			
Bolivar	723.97	574.25	149.72	139.30 10.42	Bolivar Richburg
Burns	736.81	647.15	89.66		Canaseraga
Caneadea	934.28	934.28			
Centerville	182.78	182.78			
Clarksville	402.37	402.37			
Cuba	2,424.06	2,088.21	335.85		Cuba
Friendship	1,286.18	1,286.18			
Genesee	973.47	973.47			
Granger	459.24	459.24			
Grove	247.37	247.37			
Hume	853.89	853.89			

Independence	396.37	396.37		
New Hudson	209.18	209.18		
Rushford	1,206.55	1,206.55		
Scio	301.36	301.36		
Ward	310.84	310.84		
Wellsville	4,988.11	3,642.63	1,345.48	Wellsville
West Almond	468.88	468.88		
Willing	509.68	509.68		
Wirt	473.65	440.28	33.37	Richburg
	25,426.55	22,282.49	3,144.06	

2. The Chairman of this Board, Allegany County Clerk, and Allegany County Treasurer are authorized to execute any and all vouchers, warrants, and other necessary documents of every nature and kind in order to effect the purpose of this resolution.

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

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

**RESOLUTION NO. 123-15**

**APPROVAL FOR GRANT APPLICATION FOR SHSP – FY 2015 (STATE HOMELAND SECURITY PROGRAM) BY THE OFFICE OF EMERGENCY MANAGEMENT AND FIRE SERVICES**

Offered by: Public Safety and Ways & Means Committees

**WHEREAS**, the Office of Emergency Management and Fire Services is requesting approval to apply for grant money through the SHSP – FY 2015, and

**WHEREAS**, if approved the grant would provide \$52,500, now, therefore, be it

**RESOLVED:**

1. That the Office of Emergency Management and Fire Services is authorized to act on behalf of the County of Allegany to apply for grant funds through the SHSP – FY 2015 grant.

Moved by: Mr. Curran

Adopted: Roll Call

Seconded by: Ms. Root

13 Ayes, 0 Noes, 2 Absent

**RESOLUTION NO. 124-15**

**APPROVAL FOR GRANT APPLICATION FOR SHSP – FY 2015  
(STATE HOMELAND SECURITY PROGRAM) BY THE SHERIFF’S OFFICE**

Offered by: Public Safety and Ways & Means Committees

**WHEREAS**, the Sheriff’s Office is requesting approval to apply for grant money through the SHSP – FY 2015, and

**WHEREAS**, if approved the grant would provide \$17,500, now, therefore, be it

**RESOLVED:**

1. That the Sheriff’s Office is authorized to act on behalf of the County of Allegany to apply for grant funds through the SHSP – FY 2015 grant.

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

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

**RESOLUTION NO. 125-15**

**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 \$225, representing the cost to replace a windshield on a Sheriff’s Office 2006 Ford Crown Victoria (#1391) has been offered by New York Municipal Insurance Reciprocal (NYMIR) in settlement for such damage, now, therefore, be it

**RESOLVED:**

1. That the amount of \$225 from NYMIR, representing the cost to replace a windshield on a 2006 Ford Crown Victoria (#1391), is accepted.

2. That the sum of \$225 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: Ms. Root

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

**RESOLUTION NO. 126-15**

**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 \$225, representing the cost to replace a windshield on a Sheriff's Office 2010 Ford Crown Victoria (#0630) has been offered by New York Municipal Insurance Reciprocal (NYMIR) in settlement for such damage, now, therefore, be it

**RESOLVED:**

1. That the amount of \$225 from NYMIR, representing the cost to replace a windshield on a 2010 Ford Crown Victoria (#0630), is accepted.
2. That the sum of \$225 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  
13 Ayes, 0 Noes, 2 Absent

**RESOLUTION NO. 127-15**

**ACCEPTANCE AND APPROPRIATION OF OFFICE OF INDIGENT  
LEGAL SERVICES GRANT DISTRIBUTION #5**

Offered by: Public Safety and Ways & Means Committee

**WHEREAS**, Allegany County was awarded \$70,434 (per year for three years) from the Indigent Legal Services (ILS) grant distribution #5, now, therefore, be it

**RESOLVED:**

1. That the sum of \$70,434 from the Office of Indigent Legal Services Grant Distribution #5 is accepted.

2. That the sum of \$70,434, ILS grant money, shall be appropriated to the following accounts:

A1170.101	ILS Grant – Regular Pay	\$54,522
	Half Salary/Benefits Full-Time Secretary \$8,831	
	Half Salary of Second Assistant \$35,000	
	Raise for Full-Time Secretary \$6,779	
	Additional Personnel Expenses \$3,912	
A1170.802	ILS Grant – Retirement	5,935
A1170.803	ILS Grant – FICA	2,445
A1170.804	ILS Grant – Worker's Comp	495
A1170.805	ILS Grant – Disability	80
A1170.806	ILS Grant – Health Ins	<u>6,957</u>
	<b>Total:</b>	<b>\$70,434</b>

with a like sum of \$70,434 credited to Revenue account A1170.3025.ILS5 (State Aid – Indigent Legal Services).

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

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

#### **RESOLUTION NO. 128-15**

#### **ACCEPTANCE AND APPROPRIATION OF CONSOLIDATED HIGHWAY IMPROVEMENT PROGRAM (CHIPS) FOR EXTREME WINTER RECOVERY FOR SFY 2015-16**

Offered by: Public Works and Ways & Means Committees

RESOLVED:

1. That the sum of \$245,999, representing an increase in the SFY 2015-16 Consolidated Highway Improvement Program (CHIPS) for extreme winter recovery, is accepted and appropriated to Account No. D5112.223 (County Road - CHIPS Paving) with a like sum credited to Revenue Account No. D5110.3501.00 (State Aid – CHIPS Revenue).

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

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

**RESOLUTION NO. 129-15**

**BUDGET TRANSFER WITHIN PROBATION DEPARTMENT ACCOUNTS**

Offered by: Public Safety Committee

**RESOLVED:**

1. That the sum of \$900 shall be transferred from Account No. A3140.413 (Probation-Rentals) to Account No. A3140.201 (Probation-Equipment).

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

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

Comments made regarding Resolution No. 129-15 included: Legislator Burt stated that he would be a "no" vote due to the cost of the laptop.

**RESOLUTION NO. 130-15**

**BUDGET TRANSFER WITHIN HEALTH DEPARTMENT ACCOUNTS**

Offered by: Human Services and Ways & Means Committee

**RESOLVED:**

1. That the sum of \$2,482 shall be transferred from Account No. A4035.409 (Family Planning - Fees) to the following accounts:

A4010.201 (Health Department – Office Equipment)	\$ 411
A4035.201 (Family Planning – Office Equipment)	<u>2,071</u>
	\$2,482

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

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

**RESOLUTION NO. 131-15**

**APPROVING AGREEMENT BETWEEN COUNTY OF ALLEGANY AND NEW YORK  
STATE DEPARTMENT OF TRANSPORTATION FOR THE RIGHT-OF-WAY INCIDENTALS  
PHASE FUNDING FOR BRIDGE REPLACEMENT (BIN 3329980) ON COUNTY ROUTE 43  
OVER ANGELICA CREEK, TOWN OF ANGELICA,  
COUNTY OF ALLEGANY**

Offered by: Public Works and Ways & Means Committees

**WHEREAS**, the bridge replacement (BIN 3329980) on County Route 43 over Angelica Creek located in the Town of Angelica was approved by Resolution No. 114-2014, and

**WHEREAS**, it is necessary to approve an agreement with New York State Department of Transportation covering the State Administered Right-of-Way Incidentals phase funding for said bridge project, now therefore be it

**RESOLVED:**

1. That the agreement between the County of Allegany and New York State Department of Transportation for the State Administered Right-of-Way Incidentals phase funding on the bridge replacement project, (BIN 3329980) is approved.
2. That 15 percent Marchiselli funding for the project is hereby accepted.
3. That the Chairman of this Board is authorized to execute the Agreement.

Moved by: Mr. Fanton  
Seconded by: Mr. Hopkins

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

**RESOLUTION NO. 132-15**

**APPROVING SUPPLEMENTAL AGREEMENT #1 BETWEEN COUNTY OF ALLEGANY AND NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR BRIDGE REPLACEMENT (BIN 3329980) ON COUNTY ROUTE 43 OVER ANGELICA CREEK, TOWN OF ANGELICA, COUNTY OF ALLEGANY**

Offered by: Public Works and Ways & Means Committees

**WHEREAS**, the bridge replacement (BIN 3329980) on County Route 43 over Angelica Creek located in the Town of Angelica was approved by Resolution No. 114-2014, and

**WHEREAS**, it is necessary to approve Supplemental Agreement #1 to delete the Right-of-Way Incidentals and include the SFY 2015/2016 Marchiselli funding for the Design Phase of the project, now, therefore, be it

**RESOLVED:**

1. That Supplemental Agreement #1 between the County of Allegany and New York State Department of Transportation is approved.
2. That 15 percent Marchiselli funding for the project is hereby accepted.

3. That the Chairman of this Board is authorized to execute the Supplemental Agreement.

Moved by: Mr. Fanton  
Seconded by: Mr. Hopkins

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

Resolution Intro. No. 136-15 (**RESOLUTION SETTING DATE OF PUBLIC HEARING ON A LOCAL LAW TO CREATE AN OFFICE OF PLANNING**) was not pre-filed and was considered from the floor on a motion made by Legislator Hopkins, seconded by Legislator Healy, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

### **RESOLUTION NO. 133-15**

#### **RESOLUTION SETTING DATE OF PUBLIC HEARING ON A LOCAL LAW TO CREATE AN OFFICE OF PLANNING**

Offered by: Planning & Economic Development Committee

**WHEREAS**, on this 26th day of May, 2015, a local law (Intro. No. 2-2015, Print No. 1) was introduced which seeks to create an Office of Planning within Allegany County government, 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 June 8, 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. 2-2015, 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. Hopkins  
Seconded by: Mr. Healy

Adopted: Voice Vote

**AUDITS:**

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

A motion was made by Legislator Root, seconded by Legislator Jessup, and adopted on a roll call vote of 13 Ayes, 0 Noes, 2 Absent, that the audit of claims, totaling \$2,822,685.50, 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 \$3,863,720.*)

**ADJOURNMENT:** The meeting was adjourned at 2:44 p.m. on a motion made by Legislator Graves, seconded by Legislator Curran, and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION  
JUNE 8, 2015**

**\*\*APPROVED \*\***

**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 former United States Army Specialist Fifth Class Leonard C. Gasiewicz.

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

**ROLL CALL:** 14 Legislators Present: Scott Burt, Curtis Crandall, David Decker, Dwight Fanton, Karl Graves, Dwight "Mike" Healy, Theodore Hopkins, Charles Jessup, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Debra Root, Norman Ungermann, Jr. Absent: Philip Curran

**APPROVAL OF MINUTES:**

The Board meeting minutes of May 26, 2015, were approved on a motion made by Legislator Decker, seconded by Legislator Graves, and carried.

**PUBLIC HEARING:**

Chairman Crandall closed the regular meeting to hold a public hearing on Local Law Intro. No. 2-2015, entitled "A Local Law Establishing the Office of Planning." Comments from the public included the following:

Lee Gridley from Wellsville, member of the Allegany County Planning Board, strongly encouraged the Legislative Board to support the establishment of the Office of Planning. She feels Planning is far different from Development, and should be separate.

Ed Eicher from Wellsville, Chairman of the Allegany County Comprehensive Plan Implementation Group, urged support for the establishment of the Planning Office. He believes the Comprehensive Plan has allowed the County to take a proactive approach to handling planning issues, and feel an Office of Planning would be beneficial.

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 Leonard C. Gasiewicz, former United States Army Specialist Fifth Class, in grateful appreciation of his service to our country. Mr.

Gasiewicz's service dates were from August 23, 1961, to August 23, 1964. Following Basic Training at Fort Dix, NJ, assignments included: Fort Gordon, GA, South Korea, and Fort Carson, CO. Commendations he received included: Good Conduct Medal, Overseas Ribbon, and Marksmanship Badge. Mr. Gasiewicz led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

United Way Executive Director Barbara Bates addressed the group regarding United Way Day. She noted that one in three Allegany County residents is touched by United Way support. Ms. Bates encouraged those in attendance to support the United Way. Give Allegany Day will be held on June 12, 2015. On that day, everyone is encouraged to donate five dollars to the United Way, and tell five friends to do the same. Donations can be made online at [www.ACUW.com](http://www.ACUW.com).

ACCORD Domestic Violence Program Manager Heather M. Frost spoke to the group regarding Elder Abuse Awareness Month. Ms. Frost stated that there are about thirty cases of elder abuse reviewed each year in Allegany County. Many cases are not reported. The most prominent form of abuse is self-neglect. Abuse from a significant other or child is also prominent. June 15, 2015, is World Elder Abuse Awareness Day. She encouraged everyone to wear purple that day to help raise awareness.

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

1. Report of Tax Bill Corrections Approved by the County Administrator in May.
2. Report of IntraFund Transfers Approved by the County Administrator in May.
3. Notice of next InterCounty Association meeting to be hosted by Ontario County in Naples on June 19.
4. Bare Knuckle Box Hall of Fame Induction Day – August 1, 2015, Program.

#### **PROCLAMATION:**

Chairman Curtis W. Crandall proclaimed June 12, 2015, as **UNITED WAY DAY** in Allegany County.

Chairman Curtis W. Crandall Proclaimed June 2015 as **ELDER ABUSE AWARENESS MONTH** in Allegany County.

#### **RESOLUTIONS:**

#### **RESOLUTION NO. 134-15**

**ADOPTION OF LOCAL LAW INTRO. NO. 2-2015, PRINT NO.1, A LOCAL LAW  
ESTABLISHING THE OFFICE OF PLANNING**

Offered by: Planning & Economic Development Committee

**RESOLVED:**

1. That proposed Local Law, Intro. No. 2-2015, Print No. 1, is adopted without any change in language, to wit:

**COUNTY OF ALLEGANY**

Intro. No. 2-2015

Print No. 1

**A LOCAL LAW ESTABLISHING THE OFFICE OF PLANNING**

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

Section 1. Office of Planning. There is hereby created within the County government an Office of Planning to conduct research and analysis on behalf of the Board of Legislators, County Departments and Offices, and oversee the preparation of plans and reports concerned with County planning and development programs.

Section 2. Head of Office of Planning. The head of such office shall be the Director of Planning who shall be appointed by the County Board of Legislators and serve during the pleasure of the Board and until a successor is appointed and has qualified.

Section 3. Qualifications. At the time of appointment, the Director of Planning shall have the following education, training and/or experience:

a. Graduation from a regionally accredited college or university or one accredited by the New York State Board of Regents to grant degrees with a Master's degree in planning, architecture, engineering, environmental studies, geosciences, or a closely related field and two (2) years of experience in planning or economic development; or

b. Graduation from a regionally accredited college or university or one accredited by the New York State Board of Regents to grant degrees with a Bachelor's degree in planning, architecture, engineering, environmental studies, geosciences, or a closely related field and three (3) years of experience in planning or economic development; or

c. Graduation from a regionally accredited college or university or one accredited by the New York State Board of Regents to grant degrees with an Associate's degree in

planning, architecture, engineering, environmental studies, geosciences, or a closely related field and four (4) years of experience in planning or economic development.

Section 4. Salary. The Director of Planning shall receive an annual salary to be fixed by the Board of Legislators.

Section 5. Powers and Duties. Without curtailing, diminishing or transferring the powers of any elected County official, the Director of Planning shall be responsible for the overall planning and development efforts of the Board of Legislators and County Departments and Offices and shall have all the powers and perform all the duties necessarily incidental thereto. Such powers and duties include the following:

- a. responsible for all phases of the planning and development programs including planning, organizing, directing and coordinating the work of personnel for efficient and effective operations;
- b. responsible for financial planning of the Office of Planning;
- c. liaison with local and regional public officials and professional organizations engaged in planning activities;
- d. oversee research and planning activities in matters pertaining to land use, natural environment, Geographic Information System (GIS) and other related areas and software;
- e. prepare and supervise the preparation of a variety of statistics, data, plans, designs, charts, records and reports to assist in the County's overall planning efforts;
- f. assist and guide the County Planning Board in its mandated local planning and zoning referral duties and operations and act as agent for the County Planning Board;
- g. coordinate County and regional land use and development policy and programs with local governments in the areas of housing, agriculture, community planning, infrastructure, and transportation;
- h. oversee the review of individual planning programs of smaller divisions of government and propose methods for coordinating such programs with unified programs on a regional basis;
- i. confer with officials of government and representatives of various professional and lay groups and other parties regarding planning and development;

- j. work with regional boards and agencies established by state or federal law;
- k. determine personnel requirements and appoint staff in compliance with state law and local civil service rules;
- l. oversee the provision of training certification for County Planning Board and local planning and zoning officials;
- m. assists, writes and administers grant applications in support of Comprehensive Plan projects and other intergovernmental programs;
- n. coordinate interdepartmental grants, projects, and Geographic Information System (GIS) services;
- o. work with the Economic Development Office to support and assist economic development efforts;
- p. to have such other related powers and perform such other related duties as may now or hereafter be confirmed or imposed by the Board of Legislators.

Section 6. Limitations. Nothing contained herein shall be deemed to alter or impair any powers, duties or responsibilities which are provided to the County Board of Legislators under law, nor shall anything herein be deemed to curtail, diminish or transfer the powers of any elected County official.

Section 7. Separability of Provisions. If any clause, sentence, paragraph, subdivision, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation of the clause, sentence, paragraph, subdivision, section, or part thereof directly involved in the controversy in which such judgment, decree or order shall have been rendered.

Section 8. Effective Date. This Local Law shall take effect immediately.

Moved by: Mr. Hopkins  
Seconded by: Mr. Jessup

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

**RESOLUTION NO. 135-15**

**CREATION OF ONE POSITION OF PLANNING AND DEVELOPMENT SPECIALIST  
WITHIN THE OFFICE OF PLANNING; ABOLISHMENT OF ONE POSITION OF CLERK  
WITHIN THE OFFICE OF DEVELOPMENT**

Offered by: Planning & Economic Development and Personnel Committees

**RESOLVED:**

1. That one position of full-time Planning and Development Specialist (AFSCME, Grade 13, Step Base) is created in the Office of Planning.
2. That one position of Clerk (AFSCME, Grade 4) in the Office of Development is abolished.
3. This resolution shall take effect immediately.

Moved by: Mr. Hopkins  
Seconded by: Ms. Root

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

**RESOLUTION NO. 136-15**

**ESTABLISHING A 2015 CAPITAL PROJECT ACCOUNT FOR JAIL TECHNOLOGY  
SYSTEM UPGRADE; PROVIDING FUNDING FOR SUCH CAPITAL ACCOUNT**

Offered by: Ways & Means Committee

**RESOLVED:**

1. A Capital Project Account, designated as Account H3199, Jail Technology System Upgrade, is hereby established.
2. That the sum of \$300,000 is transferred from Account No. A1990.429 (Contingency) to Account No. H3199.200 (Jail Technology System Upgrade), to purchase new computer hardware, servers, upgrades to the intercom, security and records management systems.

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

Adopted: Roll Call  
10 Ayes, 4 Noes, 1 Absent  
Voting No: Burt, Decker, O'Grady, Ungermann

Comments made regarding Resolution No. 136-15 included the following: Legislator Ungermann asked if the upgrade would help with overtime. Sheriff Whitney indicated that it had nothing to do with overtime; it is an upgrade to the security system. Legislator Burt expressed his concern for the cost of the project, especially when there are other expensive

projects that they need to decide on. He feels the Board should take a harder look at prioritizing these projects. Legislator Hopkins stated that they had looked at this during the 2015 budget process. At that time it was decided this should be a capital project rather than part of the budget. That's why this is being brought forward now. Legislator Pullen reminded everyone that this is a one-time capital expense, not an annual expense. He wants to be careful on what he supports, but noted that this had been in the planning stages for quite some time, and that it was time to implement this. Legislator Healy asked the Sheriff how old the current system is. The Sheriff indicated that the current system was installed when the jail was built, which would make the system seven years old. Legislator Healy questioned how long it would be before it needed to be replaced again. Sheriff Whitney replied that it would be hard to estimate. It would depend on the changes in technology.

### **RESOLUTION NO. 137-15**

#### **RESOLUTION REQUESTING THE NEW YORK STATE LEGISLATURE TO AMEND SECTION 4-117 OF THE ELECTION LAW TO ALLOW THE USE OF STANDARD MAIL**

Offered by: Personnel Committee

**WHEREAS**, recent changes to voting requirements at both the state and federal level have resulted in an enormous increase in the cost of holding elections; and

**WHEREAS**, a significant cost of holding elections in New York State is borne by counties through their Boards of Elections, and

**WHEREAS**, New York State has enacted legislation designed to force municipalities to cut costs and operate more efficiently, and

**WHEREAS**, New York State Election Law Section 4-117 currently requires that on an annual basis Boards of Elections send various notices by First-Class mail to all registered voters, and

**WHEREAS**, the federal government through the U.S. Postal Service has authorized the use of a class of mail referred to as "Standard Mail" for official communications related to voter registration and elections, and

**WHEREAS**, the Standard Mail rate is less than the cost of First-Class postage and authorizing its use would result in significant savings to Boards of Elections throughout the state, and

**WHEREAS**, if allowed to use Standard Mail, estimated annual savings to Allegany County alone would amount to between \$1,500 and \$2,000, now therefore, be it

**RESOLVED:**

1. That the Allegany County Board of Legislators does hereby urge the New York State Legislature to enact legislation amending Election Law Section 4-117 so as to allow the use of Standard Mail in place of First-Class mail for any required mailings to registered voters.

2. That certified copies of this resolution be sent to Senator Catharine M. Young; Assemblyman Joseph M. Giglio; the New York State Association of Counties and the InterCounty Association of Western New York.

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

Adopted: Voice Vote

Comments made regarding Resolution No. 137-15 included the following: Legislator Pullen remarked that he had spoken with one of the Election Commissioners about this. This postage requirement is purely a technicality. He feels this could save a lot of money and the notices will still get to the intended recipients. He urged support of the resolution. Legislator Ungermann stated that his only concern was that Standard Mail comes looking like a piece of junk mail. He hopes people will recognize it's not junk mail. He expressed his support for the resolution.

### **RESOLUTION NO. 138-15**

#### **APPROVAL OF GRANT APPLICATION FOR THE LONG TERM CARE OMBUDSMAN PROGRAM FOR REGION 14 (ALLEGANY AND STEUBEN COUNTY) ON BEHALF OF THE OFFICE FOR THE AGING**

Offered by: Human Services and Ways & Means Committees

**WHEREAS**, the Office for the Aging is requesting approval to apply for grant money to oversee and administer the Long Term Care Ombudsman Program (LTCOP) for Region 14 (Allegany and Steuben County), and

**WHEREAS**, LTCOP serves as an advocate and resource for individuals who live in nursing homes, adult homes, and other licensed residential care facilities, and

**WHEREAS**, Ombudsman volunteers help residents and their families understand and exercise their rights to quality of care and quality of life, and

**WHEREAS**, if approved the grant would provide \$113,000, now, therefore, be it

**RESOLVED:**

1. That the Office for the Aging is authorized to act on behalf of the County of Allegany to apply for grant funds for the Long Term Care Ombudsman Program for Region 14.

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

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

Comments made regarding Resolution No. 138-15 included the following: Legislator LaForge stated that Legislator Burt had raised a point in caucus. They were looking for some clarification on the MOE. Legislator LaForge indicated that he had been trying to reach Office for the Aging Director Madeleine Gasdik for clarification, but that she was at a conference. Legislator LaForge was confident that Ms. Gasdik wouldn't have asked to have it moved forward if she had any concerns. Because of the timeliness, Legislator LaForge felt it should be moved forward. He reminded his fellow Legislators that they will have another vote on its acceptance. Legislator Pullen stated that Ms. Gasdik had indicated they would receive more funding than they had in the past. He also noted that Steuben County is not going to move forward with this and the service would be gone if we don't support it. Legislator Decker expressed his support for the resolution and gave some examples of how the Ombudsman Program helps the elderly.

#### **RESOLUTION NO. 139-15**

#### **GRANTING SALARY INCREMENTS EFFECTIVE JULY 1, 2015, TO UNIT AND NON-UNIT EMPLOYEES**

Offered by: Personnel Committee

Pursuant to Resolution No. 1-69, as amended and Resolution No. 297-75, as amended

**WHEREAS**, seven County unit and non-unit employees are eligible to receive an annual salary increment effective July 1, 2015, and

**WHEREAS**, the proper County department heads have recommended that such employees receive their respective annual salary increment effective July 1, 2015, having been satisfied, after review, with each of such employees' service, with attention having been given to the efficiency with which each of such employees has performed his or her respective duties, as well as the attendance record of each and all other factors having an effect on the work record of each, and

**WHEREAS**, this Board concurs in such recommendation, now, therefore, be it

**RESOLVED:**

1. That the following listed employees are granted their respective annual increment effective July 1, 2015, to wit:

<u>Department</u>	<u>Name</u>	<u>Title</u>	<u>Avg. Increment</u>
Human Resources	Nancy M. Burdick	Human Resource Asst.	\$.5755
Dept. of Public Works	Brandy M. Brodman	Cleaner	\$.3491
Dept. of Public Works	Philip C. Washburn	Transfer Station Oper.	\$.4504
Office for the Aging	Karen Chamberlain	Aging Services Tech.	\$.5405
Dept. of Health	Joshua Schultz	Early Intervent Serv. Coord.	\$.6755
Social Services	Brigette A. Thompson	Caseworker	\$.6755
Social Services	Andrew S. Fancher	Caseworker	\$.6755

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

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

Comments made regarding Resolution No. 139-15 included the following: Legislator Burt asked if these increases were "per hour". Chairman Crandall indicated that yes, they are "per hour." Legislator Ungermann asked about whether or not they received benefits. Chairman Crandall and County Administrator Alger replied that they do receive benefits.

### **RESOLUTION NO. 140-15**

#### **TRANSFER OF FUNDS FROM UNAPPROPRIATED FUND BALANCE ACCOUNT TO FUND RENOVATIONS ON THE THIRD FLOOR OF THE COUNTY OFFICE BUILDING**

Offered by: Ways & Means Committee

#### **RESOLVED:**

1. That the sum of \$330,000 is transferred from Account No. A15.599.00 (Approp Fund Balance) to Account No. H5633.200 (County Building Jail Floor Renovations), to renovate the third floor of the County Office Building into useable office space.

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

Adopted: Roll Call  
9 Ayes, 5 Noes, 1 Absent  
Voting No: Burt, Decker, Healy,  
O'Grady, Ungermann

A motion was made by Legislator Healy and seconded by Legislator Ungermann to table Resolution No. 140-15 (Intro. No. 143-15) (**TRANSFER OF FUNDS FROM UNAPPROPRIATED FUND BALANCE ACCOUNT TO FUND RENOVATIONS ON THE THIRD FLOOR OF THE COUNTY OFFICE BUILDING**) to allow more opportunity for the Board to review the space needs. The motion to table was defeated following a roll call vote of 5 Ayes, 9 Noes, 1 Absent (opposed: Crandall, Fanton, Graves, Hopkins, Jessup, LaForge, McGraw, Pullen, and Root).

Comments made regarding Resolution No. 140-15 included the following: Legislator Burt expressed his concern about doing this in steps without a definite plan in place. Rather than spending money to clear out a space we're not sure what we're going to do with, he'd rather see the County use the money from the \$250,000 grant to renovate a smaller portion of the space that could be used for offices now. Legislator O'Grady's opinion is that it's easier to "chip away" at the project than to ask for the money all at once. It was taken out of the Courthouse building project because of the cost. Now we'll chip away at it until we get what was proposed. Legislator Fanton feels that this is the next stage in the process and that it's the right thing to do. He also remarked that plans will change. Legislator Ungermann stated that he feels the Board isn't looking far enough down the road. Legislator Root remarked that with the money from the state, this should be the next step. Legislator Pullen stated that people criticize that we have the space but aren't using it. He feels we need to do what we attempted to do when the courthouse was built. Democracy is not the fastest or most efficient, but it is the best form of government. He agrees that we will probably have other needs. The state and federal governments keep dumping mandates on us about what we do and how we do it. But right now, we have the ability to get the most space for the cheapest cost. We will probably need more money at a future point, but this will move us closer to our goal of using that space. Legislator Healy stated that he's not against utilizing space, but we've been presented with other options that might represent a different order in priority of how we use the space. He wants the Board to take a look at the other options as it might affect how the space upstairs is utilized. Legislator Decker stated that his only concern is that there should be a plan in place as to how to use the upstairs before we move forward. Legislator Graves remarked that he was working for the County when the building opened. The building was designed with areas for expansion. He indicated that within the first year, those areas were already being built in. Things changed so rapidly that the Department of Social Services had to use closets for office space. He stated that because we're dealing with Albany and Washington, we've got to plan on the fly. Chairman Crandall reminded the Board that there is a plan. Department of Social Services has been at the top of the list for lack of space. The plan gives specific square foot estimates.

### **RESOLUTION NO. 141-15**

#### **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 \$3,090.59; representing the cost less a \$500 deductible, to repair a 2013 Dodge Caravan (#5770) that was damaged when a Meals-on-Wheels driver was involved in a motor vehicle accident on or around April 28, 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 \$3,090.59 representing the settlement on a 2013 Dodge Caravan (#5770) that was damaged on or around April 28, 2015, is accepted.

2. That the sum of \$3,090.59 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. Hopkins

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

**RESOLUTION NO. 142-15**

**APPROVAL OF 2015 OFFICE OF CHILDREN AND FAMILY SERVICES SUBCONTRACT AGREEMENTS FOR YOUTH PROGRAMS; PROVIDING PROGRAM FUNDS; ACCEPTANCE AND APPROPRIATION OF 2015 MUNICIPAL YOUTH PROJECTS**

Offered by: Resource Management and Ways & Means Committees

**RESOLVED:**

1. That the following Office of Children and Family Services Subcontract Agreements for calendar year 2015, are approved and appropriated as follows. These funds are paid to the County and passed through to the agencies.

<u>Agreement</u>	<u>Amount</u>	<u>Appropriation Account</u>	<u>Revenue Account</u>
Allegany County Mental Health Association, Inc. (Youth Compeer Program)	\$3,300	A7313.488	A.7313.3821.07
Allegany County Employment & Training (SYEP)	\$4,868	A7318.486	A.7318.3822.02
Literacy West NY, Inc.	\$1,440	A7318.489	A.7318.3820.50

(Career Pathways)

Cattaraugus Co. Youth Bureau – Southern Tier AmeriCorps Resource Team	\$ 574	A7327.489	A.7327.3820.00
Allegany Co. Youth Court/ Council on Alcoholism	\$4,270	A7321.483	A.7321.3825.00
Allegany Council on Alcoholism and Substance Abuse, Inc. – Week of Alternatives	\$3,167	A7312.488	A.7312.3820.85
Southern Tier Traveling Teacher HSE	\$2,825	A7318.487	A.7318.3822.03

TOTAL pass through programs from OCFS: \$20,444

2. That the Office of Children and Family Services funding for the following County-sponsored programs is approved. No budget adjustments are necessary, as these funds are allocated in the County budget.

<u>Program</u>	<u>Amount</u>	<u>Appropriation Account</u>	<u>Revenue Account</u>
Rushford Lake Project	\$7,126	7180.100	A.7180.3820.01
Youth Bureau Administration	\$7,052	A7310.000	A.7310.3820.03
Gov. for Youth/BOCES	\$3,478	A7312.489	A.7312.3820.10

TOTAL OCFS Funding for County-sponsored programs: \$17,656

3. That the 2015 Municipal Youth Projects for recreation are approved and the Office of Children and Family Services funding in the amount of \$12,579 is accepted, appropriated and credited as follows:

<u>Municipality</u>	<u>Appropriation Account</u>	<u>Revenue Account</u>	<u>Amount</u>
Village of Alfred	A7310.485	A7310.3820.YTVP	\$ 3,017
Village of Angelica	A7310.485	A7310.3820.YTVP	\$ 435
Town of Belfast	A7310.485	A7310.3820.YTVP	\$ 1,828
Village of Bolivar	A7310.485	A7310.3820.YTVP	\$ 720
Village of Cuba	A7310.485	A7310.3820.YTVP	\$ 980
Village of Cuba/A Sound Beginning	A7310.485	A7310.3820.YTVP	\$ 1,387

Town of Hume	A7310.485	A7310.3820.YTVP	\$	801
Town of Independence	A7310.485	A7310.3820.YTVP	\$	429
Town of Wellsville	A7310.485	A7310.3820.YTVP	\$	1,374
Town of Wellsville/Dance Theater Program	A7310.485	A7310.3820.YTVP	\$	1,387
Town of Wirt	A7310.485	A7310.3820.YTVP	\$	221

TOTAL OCFS pass through to municipalities: \$12,579

TOTAL OCFS funding awarded to County in 2015: \$50,679

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

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

### **RESOLUTION NO. 143-15**

#### **APPROVAL OF ELECTION SERVICES AGREEMENT BETWEEN ALLEGANY COUNTY BOARD OF ELECTIONS AND WELLSVILLE CENTRAL SCHOOL DISTRICT BOARD OF EDUCATION**

Offered by: Personnel Committee

#### **RESOLVED:**

1. That the Agreement between the Allegany County Board of Elections and the Wellsville Central School District Board of Education to provide election services for the Wellsville Central School District vote and election on May 17, 2016, is approved.
2. That the Election Commissioners are authorized to execute such Agreement.

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

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

Comments made regarding Resolution No. 143-15 included the following: Legislator Ungermann remarked that it seemed we had quite a bit of a problem getting a polling place at the school. Elections Commissioner Rick Hollis stated that there was a problem initially, but not now. Legislator Burt indicated that he was concerned about other schools wanting to do the same, and the wear and tear on the machines, but after speaking with his fellow Legislators, he is comfortable with the arrangement.

### **RESOLUTION NO. 144-15**

#### **APPROVAL OF MEMORANDUM OF AGREEMENT WITH BELMONT AMERICAN LEGION POST 808 TO ALLOW THE CONTINUED USE OF THE LEGION PARKING LOT FOR COUNTY OVERFLOW PARKING**

Offered by: Ways & Means Committee

**WHEREAS**, Belmont American Legion Post 808 has allowed Allegany County to use their parking lot to accommodate overflow parking, and

**WHEREAS**, the parking lot is in need of resealing, and

**WHEREAS**, it is in the best interest of the County to be able to continue to use the parking lot for overflow parking, and

**WHEREAS**, Belmont American Legion Post 808 has agreed to allow the County to continue to use the parking lot in return for covering one-half the cost of resealing the parking lot, now therefore, be it

**RESOLVED:**

1. That payment of the sum of \$600 to cover one-half the cost of resealing the Belmont American Legion Post 808 parking lot is hereby approved.

2. That the Chairman of this Board is authorized to sign the Memorandum of Agreement setting forth the understanding between the County and the Belmont American Legion Post 808 for use of the parking lot.

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

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

Comments made regarding Resolution No. 144-15 included the following: Legislator Ungermann remarked that this is an example of not planning long-term.

**RESOLUTION NO. 145-15**

**APPROVAL OF AGREEMENT WITH VOLUNTEER FIREMEN'S  
ASSOCIATION OF ALLEGANY COUNTY, INC., FOR PAYMENT  
OF 2015 BUDGETARY APPROPRIATION**

Offered by: Public Safety Committee

Pursuant to County Law § 224

**RESOLVED:**

1. That the Chairman of this Board is hereby authorized to execute an agreement between the County of Allegany and the Volunteer Firemen's Association of Allegany County, Inc. that shall provide, in substance: (a) that the County of Allegany will disburse in advance to said Association the sum of \$2,000 to be used by said Association for the payment of

expenses which it might incur during 2015 in providing fire training schools for training firefighters; (b) that said Association will render a verified account of such expenses on or before December 31, 2015, with verified or certified vouchers therefor attached; and (c) that any unused amount will be refunded to the County of Allegany.

2. That the County Treasurer shall not pay the aforesaid sum until a memorandum receipt signed by the President and Treasurer of said Association agreeing to comply with the terms of this resolution is delivered to her office.

3. That the Treasurer of said Association shall not be required to furnish a bond.

Moved by: Mr. Healy  
Seconded by: Mr. Fanton

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

Resolution Intro. No. 149-15 (**AUTHORIZATION OF EXPENDITURE OF COUNTY FUNDS FOR RENOVATION OF THE 911 EQUIPMENT ROOM; TRANSFER OF FUNDS**) was not pre-filed and was considered from the floor on a motion made by Legislator Pullen, seconded by Legislator Graves, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

#### **RESOLUTION NO. 146-15**

#### **AUTHORIZATION OF EXPENDITURE OF COUNTY FUNDS FOR RENOVATION OF THE 911 EQUIPMENT ROOM; TRANSFER OF FUNDS**

Offered by: Facilities & Communications and Ways & Means Committees

**WHEREAS**, Allegany County is in the process of upgrading its E-911 system and developing a wireless broadband system that will provide an opportunity for all residents of Allegany County to receive broadband internet access, and

**WHEREAS**, both the E-911 system and the wireless broadband system share a common telecommunications infrastructure, and

**WHEREAS**, both the upgrade to the E-911 system and development of the wireless broadband system were made possible through the receipt of grants totaling in excess of ten million dollars, and

**WHEREAS**, in order to move forward with these projects and receive the grant funds, it is necessary to expand the size, enhance the security, and add new equipment to the 911 Equipment Room, and

**WHEREAS**, due to the critical public safety role served by the E-911 system and the highly sensitive nature of the equipment going into the 911 Equipment Room, any expansion and renovation of this room must be undertaken in a manner that shields the equipment from

electrical and radio interference while also insuring that the room is not susceptible to outside security threats, and

**WHEREAS**, it is estimated that the cost of upgrading the 911 Equipment Room will be approximately \$200,000, now therefore, be it

**RESOLVED:**

1. That the Sheriff's Office is authorized to expend up to \$200,000 to cover the cost of the 911 Equipment Room renovation project.

2. That the sum of \$200,000 is transferred from Account No. A1990.429 (Contingency) to Account No. H3200.200 (911 Equipment Room Project).

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

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

Comments made regarding Resolution No. 146-15 included the following: Legislator Healy asked for affirmation from the Sheriff that we need to move this ahead due to grant money that could be in jeopardy otherwise. Sheriff Whitney indicated that was correct. Legislator O'Grady asked if the work had already begun. Sheriff Whitney stated that the work hadn't begun; they had just been replacing work stations.

Resolution Intro. No. 150-15 (**AMENDING RESOLUTION NO. 118-2015 TO PLACE THE FULL-TIME POSITION OF SECRETARY TO THE PUBLIC DEFENDER IN PEF AND CHANGING EFFECTIVE DATE TO JUNE 1, 2015**) was not pre-filed and was considered from the floor on a motion made by Legislator Fanton, seconded by Legislator Graves, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

**RESOLUTION NO. 147-15**

**AMENDING RESOLUTION NO. 118-2015 TO PLACE THE FULL-TIME POSITION OF SECRETARY TO THE PUBLIC DEFENDER IN PEF AND CHANGING EFFECTIVE DATE TO JUNE 1, 2015**

Offered by: Legislator Curtis W. Crandall

**RESOLVED:**

1. That the first paragraph of Resolution No. 118-2015 is hereby amended to change the prior designation of the position from "Non-Unit, Grade 2, Step 2" to PEF, Grade 3, Step 2.

2. That the third paragraph of Resolution No. 118-2015 is hereby amended to change the effective date from "immediately" to June 1, 2015.

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

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

**AUDITS:**

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

A motion was made by Legislator Root, seconded by Legislator Fanton, and adopted on a roll call vote of 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$2,458,616.13, 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 \$4,250,092.*)

**COMMENTS:**

Legislator LaForge stated that he had been able to communicate with Ms. Gasdik and she was able to confirm that the state won't make us continue the Ombudsman Program if the grant isn't continued.

Legislator Pullen reminded everyone of the 71st anniversary of D-Day. He remarked that it's amazing how quickly we forget the importance of that day. He urged everyone to give recognition to any veterans they know who were involved in this conflict.

**ADJOURNMENT:** The meeting was adjourned at 3:30 p.m. on a motion made by Legislator Graves, seconded by Legislator Root, and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION  
JUNE 22, 2015**

**\*APPROVED \*\***

**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 former United States Navy Petty Officer Third Class S. Kathleen Timpano.

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

**ROLL CALL:** 14 Legislators Present: Scott Burt, Curtis Crandall, Philip Curran, David Decker, Dwight Fanton, Karl Graves, Dwight "Mike" Healy, Theodore Hopkins, Charles Jessup, Kevin LaForge, Timothy O'Grady, David Pullen, Debra Root, Norman Ungermann, Jr. Absent: Aaron McGraw

**APPROVAL OF MINUTES:**

The Board meeting minutes of June 8, 2015, were approved on a motion made by Legislator Decker, seconded by Legislator Curran, and carried.

The Committee of the Whole minutes of June 8, 2015, were approved on a motion made by Legislator Graves, seconded by Legislator Decker, and carried.

**PRIVILEGE OF THE FLOOR:**

Chairman Crandall presented a certificate to S. Kathleen Timpano, former United States Navy Petty Officer Third Class, in grateful appreciation of her service to our country. Ms. Timpano's service dates were from November 8, 1963, to August 10, 1966. Following Basic Training at United States Naval Training Center, Bainbridge, MD, assignments included: Wave School, Great Lakes, IL, and Duty Station, St. Alban's Naval Hospital, Long Island, NY. Commendations she received included: National Defense Service Medal. Ms. Timpano led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Allegheny County Dairy Princess Ashley Lyman, sophomore at Cuba-Rushford Central School, introduced herself to the Board and invited everyone to visit the Allegheny County Fair. Ms. Lyman was accompanied by Allegheny County Dairy Princess Alternate Elizabeth Burrows. Ms. Lyman served milk punch and cheese and crackers in the hallway foyer prior to the meeting.

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

1. July 2015 Calendar
2. Correspondence from Dr. Craig Clark, Executive Director and Dean of Alfred State College's School of Applied Technology submitting an additional 30-day notice to potential stakeholders regarding an amendment to its StartUp NY Plan.
3. Correspondence from Officers of the Allegany County Association for the Blind and Visually Impaired regarding its 2016 appropriation request and cost comparisons for the schools for services.
4. Data Reports from Pew Charitable Trusts highlighting why local property taxes in New York State are so high and an analysis of where states get their money.
5. Invitation to attend Almond Historical Society's Annual Strawberry Shortcake Event beginning at 5 p.m. on Monday, June 22.

**RESOLUTIONS:**

**RESOLUTION NO. 148-15**

**APPOINTMENT 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 appointment of Carole Onoda of Almond, New York, to the Citizens Advisory Council to the Office for the Aging, to fill the remainder of Wallace Higgins' three-year appointment expiring December 31, 2016, is confirmed.
2. That the appointment of Mary Ann Trice of Wellsville, New York, to the Citizens Advisory Council to the Office for the Aging, to fill the remainder of a vacant three-year term expiring December 31, 2016, is confirmed.

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

Adopted: Voice Vote

Resolution No. 149-15 (Intro. No. 152-12) (APPROVAL FOR GRANT APPLICATION FOR NON-CUSTODIAL PARENT EMPLOYMENT PROGRAM FUNDS) was amended on a motion made by Legislator LaForge, seconded by Legislator Healy and carried, to change the dollar amount under the third paragraph from \$40,000 to \$51,991.

**RESOLUTION NO. 149-15**

**APPROVAL FOR GRANT APPLICATION FOR NON-CUSTODIAL  
PARENT EMPLOYMENT PROGRAM FUNDS**

Offered by: Human Services and Ways & Means Committees

**WHEREAS**, the Allegany County Department of Social Services is requesting approval to apply for grant money for Non-Custodial Parent (NCP) Employment Program grant funds, and

**WHEREAS**, the funds would be used to support a court-based referral and compliance monitoring program designed to address underemployment and unemployment among non-custodial parents, promote timely and consistent payment of child support, and improve the financial stability of custodial parents to support better outcomes for their children, and

**WHEREAS**, if approved the grant would provide \$51,991 with a County share of 10 percent, for the fiscal year August 1, 2015, through July 31, 2016, with an option to extend an additional two years, now, therefore, be it

**RESOLVED:**

1. That the Department of Social Services is authorized to act on behalf of the County of Allegany to apply for grant funds through the Non-Custodial Parent Employment Program.

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

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

**RESOLUTION NO. 150-15**

**ACCEPT AND APPROPRIATE ADDITIONAL STATE AID FOR  
COMMUNITY SERVICES ACCOUNTS**

Offered by: Human Services and Ways & Means Committees

**RESOLVED:**

1. That the sum of \$35,118 in additional state aid is accepted and shall be appropriated as follows:

Allegany Council Clinic

Appropriations Account No. A4220.457 (Allegany Council Clinic)	\$12,860
Revenue Account No. A4220.3486.00 (Council on Alcoholism & Substance Abuse)	\$12,860

Allegany Council Community Residence

Appropriations Account No. A4220.458 (Allegany Council Community Residence)	\$22,258
Revenue Account No. A4220.3486.00 (Council on Alcoholism & Substance Abuse)	\$22,258

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

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

A motion was made Legislator Root, seconded by Legislator Fanton, and carried that Legislator LaForge be allowed to abstain from voting on Resolution No. 151-15 (Intro. No. 154-15) (APPROVAL OF SALE OF 2015 TAX SALE PROPERTIES).

**RESOLUTION NO. 151-15**

**APPROVAL OF SALE OF 2015 TAX SALE PROPERTIES**

Offered by: Ways & Means Committee

Pursuant to New York Uniform Delinquent Tax Enforcement Act and  
Resolution No. 195-97, as amended by Resolution No. 95-98

**RESOLVED:**

1. That the sale of tax delinquent properties as shown below, to the owners and purchasers shown, for the consideration shown, subject to terms and conditions of sale for such properties, is approved.

2. That upon the securing by the County Attorney of a proper court order authorizing the conveyance to the County of such of the below mentioned properties which are subject to the 2013 and/or back to the year 1995 (TF95 up to and including TF2013) tax foreclosure proceedings and the subsequent execution of a deed of all of the below mentioned properties to the County by the County Tax Enforcement Officer, the Chairman of this Board of Legislators is authorized and directed to execute on behalf of the County of Allegany and to cause to deliver to such owners and purchasers quit claim deeds of the County's interest in such properties and to affix to each such deed the official seal; all upon satisfaction of the terms and conditions of sale and the full payment to the County Treasurer of the monetary considerations.

New Owner Address <u>Sale Price</u>	<u>Parcel details</u>	County title Recorded date Liber <u>Page</u>
EBERT, JOSEPH 155 MADISON STREET WELLSVILLE, NY 14895 Tax sale amount: 10,500	Parcel ID: 022089; 164.-1-48 Property loc: Randolph Rd. Assessed value: 25,000 Acres: 1.2	County of Allegany Book: 1065 Page: 234
MOULTRUP, RICKIE PO BOX 93 ALLENTOWN, NY 14707 Tax sale amount: 3,000	Parcel ID: 022400; 262.-1-3.12 Property loc: 4965 St. Rt. 417 Assessed value: 31,000 Acres: 3.3	County of Allegany Book: Page:
SULLIVAN, JOSEPH P. SULLIVAN, JOSEPH P. II 12794 RIDGE ROAD W. ALBION, NY 14411 Tax sale amount: 3,000	Parcel ID: 022400; 277.-1-29 Property loc: 106 Rd. Assessed value: 24,000 Acres: 5.4	County of Allegany Book: 2009 Page: 36297
FISHER, WILLIAM T. JR. 455 TIMBER LAKE ROAD CLAYSVILLE, PA 15323 Tax sale amount: 2,000	Parcel ID: 022400; 301.2-1-5 Property loc: 5794 Co. Rd. 18 Assessed value: 43,000 Acres: 0.41	County of Allegany Book: 1716 Page: 270
DAVIS, CORY 12 COURT STREET BELMONT, NY 14813 Tax sale amount: 18,000	Parcel ID: 022801; 172.13-1-44 Property loc: 5 Willets Ave. Assessed value: 35,500 Acres: 0.15	County of Allegany Book: 1255 Page: 147
DAVIS, CORY 12 COURT STREET BELMONT, NY 14813 Tax sale amount: 9,000	Parcel ID: 022801; 172.13-1-45 Property loc: 7 Willets Ave. Assessed value: 39,100 Acres: 0.16	County of Allegany Book: 1022 Page: 111
BOWERS, ROBERT 87 BREWSTER RD. ANDOVER, NY 14806 Tax sale amount: 16,000	Parcel ID: 023001; 216.14-2-27 Property loc: 20 S. Greenwood St. Assessed value: 45,000 Acres: 0.2	County of Allegany Book: Page:

BURDICK, MARGARET A. 4252 CO. RD. 12, PO BOX 522 ANDOVER, NY 14806 Tax sale amount: 6,000	Parcel ID: 023001; 216.15-2-38 Property loc: 79 E. Greenwood St. Assessed value: 34,000 Acres: 0.58	County of Allegany Book: 984 Page: 00001
VILLAGE OF ANDOVER 4 SOUTH MAIN STREET ANDOVER, NY 14806 Tax sale amount: 1	Parcel ID: 023001; 216.15-2-74.1 Property loc: 23-25 N. Main St. Assessed value: 11,000 Acres: 0.05	County of Allegany Book: 1688 Page: 186
MOSHER, WAYNE E. 1929 JONES RD. ANDOVER, NY 14806 Tax sale amount: 5,400	Parcel ID: 023089; 215.-1-6.3 Property loc: 1929 Jones Rd. Assessed value: 16,100 Acres: 2.5	County of Allegany Book: 1187 Page: 338
HOUSE TO HOME PROPERTIES, LLC 5 DAVENPORT STREET HORNELL, NY 14843 Tax sale amount: 1,000	Parcel ID: 023089; 228.-1-15.3 Property loc: Baker Rd. Assessed value: 5,400 Acres: 5	County of Allegany Book: 1711 Page: 307
KLINE, JENNIFER L. 8439 ROUTE 19 BELFAST, NY 14711 Tax sale amount: 5,400	Parcel ID: 023400; 105.10-1-30.1 Property loc: 49 Main St. Assessed value: 92,700 Acres: 0.11	County of Allegany Book: Page:
McCABE, THOMAS W. 802 STARIN AVE. BUFFALO, NY 14223 Tax sale amount: 12,000	Parcel ID: 023400; 130.-1-9.251 Property loc: 6883 Shaller Rd. Assessed value: 41,500 Acres: 5.5	County of Allegany Book: 1392 Page: 99
NUNDA LUMBER & HARDWARE, INC. 11 S. STATE STREET NUNDA, NY 14517 Tax sale amount: 31,000	Parcel ID: 023600; 58.-1-11.22 Property loc: 9940 County Road 15B Assessed value: 61,500 Acres: 5	County of Allegany Book: 1209 Page: 75
THOMAS, MONICA 3748 EAST ROAD PIFFARD, NY 14533 Tax sale amount: 3,600	Parcel ID: 023600; 70.-1-54.2 Property loc: Worden Rd. Assessed value: 8,400 Acres: 1.9	County of Allegany Book: 1257 Page: 29

MIDDAUGH, JACOB B. 6148 CO. RD. 18 ALMA, NY 14708 Tax sale amount: 1,100	Parcel ID: 023801; 260.17-4-34 Property loc: 65 Olive St. Assessed value: 48,400 Acres: 0.07	County of Allegany Book: 1577 Page: 275
MIDDAUGH, JACOB B. 6148 CO. RD. 18 ALMA, NY 14708 Tax sale amount: 100	Parcel ID: 023801; 260.17-5-29 Property loc: 129 Olean St. Assessed value: 25,000 Acres: 0	County of Allegany Book: 1221 Page: 289
DUL, COLIN A. 48 N. MAIN STREET BOLIVAR, NY 14715 Tax sale amount: 1,300	Parcel ID: 023889; 260.19-1-17 Property loc: 7161 Kossuth Rd. Assessed value: 5,000 Acres: 0.48	County of Allegany Book: 1053 Page: 83
EATON, DANIEL 38 MAIN STREET SAVONA, NY 14879 Tax sale amount: 500	Parcel ID: 024600; 218.23-1-4 Property loc: 9644 LaFever Rd. Assessed value: 25,000 Acres: 1.8	County of Allegany Book: 1180 Page: 19
SIFORD, THOMAS 6720 ERRICK ROAD NORTH TONAWANDA, NY 14120 Tax sale amount: 3,500	Parcel ID: 024600; 218.23-1-17 Property loc: 9688 LaFever Rd. Assessed value: 37,300 Acres: 1.9	County of Allegany Book: 1209 Page: 67
KRATTS, LEWIS L. KRATTS, JOYCE D. 63 MAPLE STREET CUBA, NY 14727 Tax sale amount: 1,100	Parcel ID: 024801; 166.19-1-32 Property loc: 7 Hardy St. Assessed value: 4,500 Acres: 0.19	County of Allegany Book: Page:
KELLEY, JERRY A. 3828 HASKELL ROAD CUBA, NY 14727 Tax sale amount: 5,500	Parcel ID: 024801; 179.7-4-42 Property loc: 28 Stevens Ave. Assessed value: 50,500 Acres: 0.25	County of Allegany Book: 2010 Page: 42438
MARCOUX, JOHN H. 11 BISHOP STREET CUBA, NY 14727 Tax sale amount: 18,000	Parcel ID: 024801; 179.7-4-72 Property loc: 11 Bishop St. Assessed value: 50,000 Acres: 0.25	County of Allegany Book: Page:

SEARS, LORRAINE M. SEARS, GEORGE A. 3604 HASKELL RD., #6 CUBA, NY 14727 Tax sale amount: 17,000	Parcel ID: 024889; 168.-1-7.2 Property loc: 8012 N. Branch Rd. Assessed value: 37,000 Acres: 1.6	County of Allegany Book: 1119 Page: 53
HOUSE TO HOME PROPERTIES, LLC 5 DAVENPORT STREET HORNELL, NY 14843 Tax sale amount: 3,000	Parcel ID: 024889; 179.-1-36.62 Property loc: Keller HI Assessed value: 14,500 Acres: 2	County of Allegany Book: 906 Page: 00349
SHELDON, BRIAN A. 28 RANDY WAY CHEEKTOWAGA, NY 14227 Tax sale amount: 14,000	Parcel ID: 024889; 194.-1-1.13 Property loc: Farnsworth Rd. Assessed value: 25,900 Acres: 15	County of Allegany Book: 1149 Page: 216
HALE, MICHAEL T. 4338 STATE ROUTE 275 FRIENDSHIP, NY 14739 Tax sale amount: 2,200	Parcel ID: 025000; 182.7-1-48 Property loc: 16 Queen Ann St. Assessed value: 27,800 Acres: 0.41	County of Allegany Book: 1272 Page: 139
HALE, MICHAEL T. 4338 STATE ROUTE 275 FRIENDSHIP, NY 14739 Tax sale amount: 500	Parcel ID: 025000; 182.11-1-14 Property loc: Elmwood Ave. Assessed value: 10,500 Acres: 3.9	County of Allegany Book: 1272 Page: 139
GLOVER, BRETT A. 5258 MAPLE GROVE ROAD FRIENDSHIP, NY 14739 Tax sale amount: 4,200	Parcel ID: 025000; 182.12-1-13.1 Property loc: 30 E. Water St. Assessed value: 42,400 Acres: 0.67	County of Allegany Book: 1160 Page: 11
BUCKNER, WILLIAM J. 99 WEST MAIN STREET FRIENDSHIP, NY 14739 Tax sale amount: 6,000	Parcel ID: 025000; 196.-1-25.2 Property loc: 4163 Moss Brook Rd. Assessed value: 36,900 Acres: 5	County of Allegany Book: 1587 Page: 264
SORVILLO, PAUL J. SORVILLO, TABITHA R. 1105 OLEAN-PORTVILLE ROAD OLEAN, NY 14760 Tax sale amount: 5,400	Parcel ID: 025200; 257.-1-1.112 Property loc: 1982 Yubadam Rd. Assessed value: 10,960 Acres: 2.1	County of Allegany Book: 1099 Page: 17

HINTERBERGER, BRYAN A. HINTERBERGER, SARAH E. 387 LINCOLN PARKWAY BUFFALO, NY 14216 Tax sale amount: 3,000	Parcel ID: 025200; 283.-1-28.311 Property loc: Bells Brook Rd. Assessed value: 21,400 Acres: 6.8	County of Allegany Book: 1419 Page: 234
HOWARD, SCOTT D. 468 BELLS BROOK ROAD, PO BOX 86 CERES, NY 14721 Tax sale amount: 350	Parcel ID: 025200; 283.-1-36.3 Property loc: Sherry Holw Assessed value: 200 Acres: 0.32	County of Allegany Book: 1002 Page: 00129
ABBOTT, LARRY J. McCALL, DALE M. 3262 UNION VALLEY ROAD OLEAN, NY 14760 Tax sale amount: 3,900	Parcel ID: 025200; 283.-1-38.2 Property loc: 695 Sherry Hollow Rd. Assessed value: 6,900 Acres: 2.5	County of Allegany Book: 1001 Page: 00318
SCHOONOVER, DIANE E. & FAY E. SCHOONOVER, BRITTON J. & SHANNON M. 9391 SCHOOL STREET SHINGLEHOUSE, PA 16748 Tax sale amount: 81,000	Parcel ID: 025200; 284.-1-37.1 Property loc: Sanford Hollow Rd. Assessed value: 31,000 Acres: 77.81	County of Allegany Book: Page:
MCDONALD, ROBERT W. PO BOX 463 BOLIVAR, NY 14215 Tax sale amount: 100	Parcel ID: 025200; 285.-1-52.2 Property loc: Co. Rd. 5 Assessed value: 6,018 Acres: 1.03	County of Allegany Book: Page:
PAPALIA, DOMINIC 91 WITHERSPOON LANE ROCHESTER, NY 14625 Tax sale amount: 11,000	Parcel ID: 025400; 30.-1-20.3 Property loc: Old State Rd. Assessed value: 27,000 Acres: 3.82	County of Allegany Book: 1130 Page: 228
SAHEED, ZUHAYR T.R. 10512 OLD STATE ROAD DALTON, NY 14836 Tax sale amount: 26,000	Parcel ID: 025400; 30.-1-20.4 Property loc: Old State Rd. Assessed value: 15,200 Acres: 19.5	County of Allegany Book: 1516 Page: 28

LOPEZ, THOMAS P. 1889 RIVERVIEW DRIVE WELLSVILLE, NY 14895 Tax sale amount: 4,700	Parcel ID: 026000; 254.-3-11.2 Property loc: 1606 Fulmer Valley Rd. Assessed value: 14,700 Acres: 0.75	County of Allegany Book: Page:
BUTTON, RAYMOND 481 STATE ROUTE 417 WELLSVILLE, NY 14895 Tax sale amount: 8,400	Parcel ID: 026000; 254.-3-11.11 Property loc: Fulmer Valley Rd. Assessed value: 900 Acres: 0.9	County of Allegany Book: 1208 Page: 126
BARBER, JEREMIAH C. 6379 ROUTE 305 BLACK CREEK, NY 14714 Tax sale amount: 9,700	Parcel ID: 026200; 141.11-1-49 Property loc: 6381 State Rt. 305 Assessed value: 30,000 Acres: 0.7	County of Allegany Book: 1529 Page: 203
RAMSEY, JAMES A. 4819 CO. RD. 31 SCIO, NY 14880 Tax sale amount: 1,500	Parcel ID: 026600; 211.-1-13 Property loc: 4995 Gordon Brook Rd. Assessed value: 29,500 Acres: 1.6	County of Allegany Book: 1489 Page: 232
HAINEY, TIMOTHY J. HAINEY, GEORGETTE M. 76 SCOTT AVE. WELLSVILLE, NY 14895 Tax sale amount: 7,000	Parcel ID: 026600; 212.6-1-14.1 Property loc: 3942 Main St. Assessed value: 22,000 Acres: 0.5	County of Allegany Book: 1111 Page: 343
FULLER, ROBERT J. FULLER, BEUNA M. 92 EAST GENESEE STREET WELLSVILLE, NY 14895 Tax sale amount: 28,000	Parcel ID: 026600; 225.10-1-13.1 Property loc: 3332 Riverside Dr. Assessed value: 85,000 Acres: 0.8	County of Allegany Book: 1534 Page: 266
BARBER, LARRY L. 8 JOHN STREET BELMONT, NY 14813 Tax sale amount: 6,000	Parcel ID: 026800; 162.-1-23.5 Property loc: 5999 North Rd. Assessed value: 53,500 Acres: 0.7	County of Allegany Book: 1397 Page: 80
CLOUGHER, JUNE M. 6848 SCENIC VIEW DR. MACUNGIE, PA 18062 Tax sale amount: 4,600	Parcel ID: 026800; 162.-1-23.8 Property loc: 2886 St. Rte. 244 Assessed value: 15,000 Acres: 1.8	County of Allegany Book: Page:

PLANK, WILLIAM PLANK, ANGELA 35 LOMBARD AVE. WELLSVILLE, NY 14895 Tax sale amount: 2,800	Parcel ID: 027001; 238.8-2-48 Property loc: 35 Lombard Ave. Assessed value: 30,000 Acres: 0.12	County of Allegany Book: 1149 Page: 134
MIDDAUGH, JACOB B. 6148 COUNTY ROAD 18 ALMA, NY 14708 Tax sale amount: 2,200	Parcel ID: 027001; 238.8-3-10 Property loc: 62 Grover St. Assessed value: 26,000 Acres: 0.1	County of Allegany Book: 1160 Page: 30
ZLOMEK, JOHN 5313 OLD STATE ROAD BELMONT, NY 14813 Tax sale amount: 4,000	Parcel ID: 027001; 238.12-1-48 Property loc: 118 Stevens St. Assessed value: 55,000 Acres: 0.35	County of Allegany Book: 1327 Page: 216
POST, PATRICIA A. 23 CHAMBERLAIN STREET PO BOX 1126 WELLSVILLE, NY 14895 Tax sale amount: 4,200	Parcel ID: 027001; 238.12-3-25 Property loc: 29 N. Brooklyn Ave. Assessed value: 52,000 Acres: 0.1	County of Allegany Book: 806 Page: 00013
DUNN, MARCIA 2473 STATE ROUTE 49E. COUDERSPORT, PA 16915 Tax sale amount: 13,600	Parcel ID: 027001; 238.12-4-20 Property loc: 117 W. Pearl St. Assessed value: 60,000 Acres: 0.18	County of Allegany Book: 1742 Page: 24
LAFLEUR, ROY 102 WILLIAMS AVE. WELLSVILLE, NY 14895 Tax sale amount: 13,000	Parcel ID: 027001; 238.16-1-51 Property loc: 21 S Highland Ave. Assessed value: 50,000 Acres: 0.1	County of Allegany Book: 1144 Page: 39
ELM VALLEY ESTATES, LLC 5811 UNIONVILLE ROAD BATH, NY 14810 Tax sale amount: 1,100	Parcel ID: 027001; 238.16-2-7 Property loc: 44 1/2 S. Brooklyn Ave. Assessed value: 25,000 Acres: 0.07	County of Allegany Book: 1077 Page: 05
BURDICK, JESSICA 21 SOUTH STREET FRIENDSHIP, NY 14739 Tax sale amount: 7,000	Parcel ID: 027001; 238.16-2-9 Property loc: 50 S. Brooklyn Ave. Assessed value: 66,000 Acres: 0.56	County of Allegany Book: 937 Page: 00137

BROOKING, RAY F. 1954 LAKE VIEW DRIVE AVON, IN 46123 Tax sale amount: 8,500	Parcel ID: 027001; 238.16-2-18 Property loc: 10 Pine St. Assessed value: 66,000 Acres: 0.11	County of Allegany Book: 1552 Page: 147
PILIERO, CHARLES V. 63 1/2 E. STATE STREET WELLSVILLE, NY 14895 Tax sale amount: 3,200	Parcel ID: 027001; 239.5-2-22.2 Property loc: 146 Scott Ave. Assessed value: 39,000 Acres: 0.09	County of Allegany Book: 1205 Page: 134
WENSLOW, VIRGINIA V. 92 E. STATE STREET WELLSVILLE, NY 14895 Tax sale amount: 300	Parcel ID: 027001; 239.9-2-11 Property loc: 96 98 E. State St. Assessed value: 40,000 Acres: 0.17	County of Allegany Book: 2010 Page: 43175
SANTAS, SHAWNTELLE M. SANTAS, ANDREW J. 148 S. BROAD STREET WELLSVILLE, NY 14895 Tax sale amount: 4,100	Parcel ID: 027001; 239.10-1-46 Property loc: 148 S. Broad St. Assessed value: 22,000 Acres: 0.18	County of Allegany Book: 1327 Page: 214
LAFLEUR, ROY 102 WILLIAMS AVE. WELLSVILLE, NY 14895 Tax sale amount: 400	Parcel ID: 027001; 239.10-2-77 Property loc: Williams Ave. Assessed value: 200 Acres: 0.25	County of Allegany Book: 1088 Page: 229
FULLER JAMES D 2277 STATE ROUTE 417 ANDOVER, NY 14806 Tax sale amount: 2,600	Parcel ID: 027001; 239.14-3-50 Property loc: 184 Rauber St. Assessed value: 37,000 acres: 0.24	County of Allegany Book: 1752 Page: 79
LOUCKS, BRADLEY W. & PRESTON, JESSICA L. LOPEZ, THOMAS P. PO BOX 321 WELLSVILLE, NY 14895 Tax sale amount: 55,000	Parcel ID: 027089; 214.-1-12.1 Property loc: 3948 Hunter Rd. Assessed value: 80,000 Acres: 19.1	County of Allegany Book: 920 Page: 00199
YAZAK, CHARLES 18 SUNSET AVE. WELLSVILLE, NY 14895 Tax sale amount: 100	Parcel ID: 027089; 239.-1-49 Property loc: 3720 Co. Rd. 28 Assessed value: 2,900 Acres: 0.4	County of Allegany Book: 1752 Page: 91

HURLBURT, RONALD 11 BAKER STREET PO BOX 536 ANDOVER, NY 14806 Tax sale amount: 4,900	Parcel ID: 027089; 239.-2-23 Property loc: 2558 Hanover Hill Rd. Assessed value: 30,000 acres: 0.88	County of Allegany Book: 2009 Page: 39951
DUNN, MARCIA 2473 STATE ROUTE 49E. COUDERSPORT, PA 16915 Tax sale amount: 1,900	Parcel ID: 027089; 239.8-1-58 Property loc: 3282 Proctor Rd. Assessed value: 5,000 Acres: 0.12	County of Allegany Book: 1190 Page: 65
POST, PATRICIA A. 23 CHAMBERLAIN STREET PO BOX 1126 WELLSVILLE, NY 14895 Tax sale amount: 3,100	Parcel ID: 027089; 251.-1-17 Property loc: 2395 Meservey Hill Rd. Assessed value: 58,000 Acres: 1.9	County of Allegany Book: 977 Page: 00008
MASCITTI, GREGORY J. STEINWACHS, MICHAEL E. & ADAM C. 6585 COUNTY ROAD 2B ALMOND, NY 14804 Tax sale amount: 8,800	Parcel ID: 027200; 135.-1-28.2 Property loc: 6611 County Road 2B Assessed value: 25,100 Acres: 1.3	County of Allegany Book: 2009 Page: 37403
RAMSEY, JAMES A. 4819 CO. RD. 31 SCIO, NY 14880 Tax sale amount: 5	Parcel ID: 027400; 265.-1-53.122 Property loc: Murphy Rd. Assessed value:3,500 Acres: 0.3	County of Allegany Book: 1739 Page: 13
LATTERELL, THOMAS M. LATTERELL,CHRISTINE M. 2225 HALLSPORT ROAD WELLSVILLE, NY 14895 Tax sale amount: 2,000	Parcel ID: 027400; 267.1-1-17 Property loc: 2223 Hallsport Rd. Assessed value: 21,700 Acres: 0.27	County of Allegany Book: 858 Page: 00016
BUTTON, CHARLES L. 2004 COUNTY ROUTE 2 ANDOVER, NY 14806 Tax sale amount: 2,900	Parcel ID: 027400; 292.3-1-32.2 Property loc: 282 St. Rt. 19 Assessed value: 47,200 Acres: 0.33	County of Allegany Book: 689 Page: 00134

BOLIVAR-RICHBURG EDUCATIONAL FOUNDATION 100 SCHOOL STREET BOLIVAR, NY 14715 Tax sale amount: 2,900	Parcel ID: 027601; 247.18-1-36 Property loc: 133 Griffin St. Assessed value: 30,000 Acres: 0.22	County of Allegany Book: Page:
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RICKICKI, SCOTT D. RICKICKI, MICHELLE M. 3043 COUNTY RD. 34 FRIENDSHIP, NY 14739 Tax sale amount: 4,100	Parcel ID: 027689; 221.-1-22 Property loc: Co. Rd. 34 W. Notch Rd. Assessed value: 8,300 Acres: 7.3	County of Allegany Book: 987 Page: 00067
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FINIKI, THOMAS R. 6266 BEAR RIDGE ROAD LOCKPORT, NY 14094 Tax sale amount: 8,500	Parcel ID: 026800; 189.-1-7.12 Property loc: 704 CO. RD. 12 Assessed value: 16,800 Acres: 5.3	County of Allegany Book: Page:
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Moved by: Mr. Jessup  
Seconded by: Mr. Fanton

Adopted: Roll Call  
13 Ayes, 0 Noes, 1 Absent  
Abstain: LaForge

Resolution No. 152-15 (Intro. No. 155-15) (AMENDING RESOLUTION NO. 235-2014 TO INCLUDE SUMMER YOUTH EMPLOYMENT AND TRAINING COUNSELOR POSITION AND RATE OF PAY TO THE COMPENSATION OF COUNTY OFFICERS AND EMPLOYEES) was not pre-filed and was considered from the floor on a motion made by Legislator Healy, seconded by Legislator Hopkins, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

### **RESOLUTION NO. 152-15**

#### **AMENDING RESOLUTION NO. 235-2014 TO INCLUDE SUMMER YOUTH EMPLOYMENT AND TRAINING COUNSELOR POSITION AND RATE OF PAY TO THE COMPENSATION OF COUNTY OFFICERS AND EMPLOYEES**

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

#### **RESOLVED:**

1. That the seventh paragraph of Resolution No. 235-2014 is hereby amended to include the following position and rate of pay to the compensation of County officers and employees:

TITLE

BASE SALARY

Summer Youth Employment & Training Counselor \$12/hr.

Moved by: Mr. Hopkins  
Seconded by: Mr. Graves

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

Comments made regarding Resolution No. 152-15 included the following: Legislator Ungermann asked if there were any fringe benefits for this position. It was confirmed that there would be no fringe benefits for the position.

**AUDITS:**

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

A motion was made by Legislator Hopkins, seconded by Legislator Pullen, and adopted on a roll call vote of 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$2,444,269.20, 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 \$4,636,464.*)

**COMMENTS:**

Legislator Hopkins spoke about the Pew Charitable Trusts report that had been distributed to the Legislators. The report shows the percentage of local funds that make up revenues for each state. The average state receives about two percent of its revenue from local government. However, New York State received fifteen percent of its revenues from local funds, which is more than any other state.

Legislator Graves asked Sheriff Whitney if there was any update on the search for the escapees from the Clinton Correctional Facility. (*The Allegany County Sheriff's Office had been part of a search in the area around Friendship over the past weekend after a reported possible sighting of the escapees.*) Sheriff Whitney stated that the search had returned to an area closer to the Correctional Facility after DNA evidence was found in that area. He said, "We're pretty sure there is no way they could have been in the County." Legislator Burt asked if the overtime hours required for the search would be refunded by the state. Sheriff Whitney replied that he didn't expect they would.

Legislator Graves reminded those in attendance about the July 4<sup>th</sup> celebration in Andover.

Chairman Crandall stated that the next Board meeting would be held at the Allegany County Fair.

**ADJOURNMENT:** The meeting was adjourned at 2:38 p.m. on a motion made by Legislator Graves, seconded by Legislator Curran, and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION  
JULY 16, 2015**

**\*\* APPROVED \*\***

**CALL TO ORDER:** The regular meeting of the Board of Legislators was called to order at 2:08 p.m. by Chairman Curtis W. Crandall.

**PLEDGE OF ALLEGIANCE TO THE FLAG:** The Pledge of Allegiance was led by Angelica Boy Scout Troup 736 represented by Ethan Burke, Conner Cockle, Austin Ford, and Gunther Krohn; and retired United States Army Sergeant First Class Timothy D. Hennard.

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

**ROLL CALL:** 14 Legislators Present: Scott Burt, Curtis Crandall, Philip Curran, David Decker, Dwight Fanton, Karl Graves, Dwight "Mike" Healy, Theodore Hopkins, Charles Jessup, Kevin LaForge, Aaron McGraw, David Pullen, Debra Root, Norman Ungermann, Jr. Absent: Timothy O'Grady

**APPROVAL OF MINUTES:**

The Board meeting minutes of June 22, 2015, were approved on a motion made by Legislator Graves, seconded by Legislator Decker, and carried.

The Committee of the Whole minutes of June 22, 2015, were approved on a motion made by Legislator Root, seconded by Legislator Curran, and carried.

The Committee of the Whole minutes of July 1, 2015, were approved on a motion made by Legislator Fanton, seconded by Legislator Pullen, and carried.

**PRIVILEGE OF THE FLOOR:**

Chairman Crandall presented a certificate to Timothy D. Hennard, retired United States Army Sergeant First Class, in grateful appreciation of his service to our country. Mr. Hennard's service dates were from June 28, 1975, to June 27, 1979, and December 1, 1981, to September 30, 1998. Following Basic Training at Fort Polk, LA, assignments included: Fort Moyer, VA (Old Guard), Fort Jackson, SC, Italy, Ft. Benning, GA, Osan Air Force Base, Korea, Fort Campbell, KY, University of Pittsburgh, PA. Commendations he received included: Meritorious Service Medal (2 awards), Joint Service Commendation Medal, Army Commendation (4 awards), Army Achievement Medal (3 awards), Meritorious Unit Commendation, Army Good Conduct Medal (6 awards), National Defense Service Medal, Noncommissioned Officers Professional Development Ribbon (2 awards), Air Assault Badge with Driver, Mechanic Badge with Driver – W Bar, and Drill Sergeant Identification Badge.

Mr. Hennard 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 presented certificates to members of Angelica Boy Scout Troup 736. Representing Troup 736 were Ethan Burke, Conner Cockle, Austin Ford and Gunther Krohn. He commended them for their participation in scouting.

Chairman Crandall recognized Mary Joy Cady-Fagan for her many 4-H accomplishments. He listed some of the agricultural education competitions she had participated in. He also recognized Tricia Heary for her dedication to the Allegany County 4-H program for more than a decade.

Chairman Crandall acknowledged Francis Green for being honored with the 2015 Allegany County Fair dedication. Mr. Green has many years of loyalty, service, and support to the Fair. He is a long time participant of the Fair and has served as Barn Manager and Superintendent of the Horse Pull.

Chairman Crandall presented a certificate to Allegany County Agricultural Society President Karen Tripp in recognition of the 171<sup>st</sup> Allegany County Fair and its dedication to agriculture and tourism.

Allegany County Senior Foundation President Reita Sobeck-Lynch presented Allegany County Office for the Aging Director Madeleine Gasdik with a check for \$40,000 to be used to help support the many programs offered by Office for the Aging. It was noted that this money was raised through donations and fundraisers, thanks to the generosity of residents in Allegany County.

Senator Catharine Young thanked the Board of Legislators for, "bringing government to the people." She commended the Board for the great job they do. She congratulated the Allegany County Fair Board for another successful year of putting together the County Fair. She congratulated Sergeant Hennard for his service, and asked for a round of applause for veterans who were in attendance. She also acknowledged Boy Scout Troup 736 and the 4-H representatives who were present. Additionally, she thanked the Allegany County Senior Foundation for their efforts in raising funds to help residents of Allegany County. She said, "Something special about Allegany County is that neighbors reach out and help one another in need." She mentioned the flooding that had occurred Tuesday evening and stated that she would be traveling with Emergency Services Director Jeff Luckey to visit sites in the County that were hit with flooding. She mentioned that she had been in touch with the Governor's office. Unfortunately because the damage was very localized, it would not likely reach the threshold for federal aid. She was hoping the State would be able to offer help. Senator Young also mentioned some agriculture related legislation that had been passed. One bill was to help with the construction of farmers' markets, which would assist farmers in getting their products to market. She also mentioned the State budget included help for seniors in the form of a coupon book that would assist them in being able to afford to purchase fresh fruits and vegetables at farm markets.

Assemblyman Joseph Giglio remarked that it's always a pleasure to be at the Allegany County Fair. He said that it's nice to work for a district where actions speak louder than words. In regards to the flooding, he said, "When something like this (the flooding) happens, people spring into action."

Lee James, representing Congressman Tom Reed, addressed the audience. She noted that Congressman Reed was regrettably unable to attend the Fair due to his being in Washington, DC. She stated that he was being closely briefed on the flooding and expressed hope that they would be able to help.

Chairman Crandall recognized County Department Heads for their expertise and guidance.

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

1. Reports of Tax Bill Corrections and Transfers Approved by the County Administrator in June.
2. Allegany County Historical Roundtable Fall Museum Tour Brochure.
2. Interim Report from Comprehensive Plan Implementation Group Chairman Edward Eicher.
3. Correspondence from Senator Young acknowledging receipt and support of our resolution opposing the conversion of STAR to a PIT Credit.
4. Copy of a letter from Assemblyman Giglio urging the Governor to sign the sales tax extension.

### **APPOINTMENTS:**

Chairman Curtis W. Crandall appointed the following individuals to serve on the **CATTARAUGUS-ALLEGANY WORKFORCE DEVELOPMENT BOARD** for the following terms:

#### For terms to expire December 31, 2016:

Carrie Childs, Child's Blueberries  
Lesley Christman, ACCORD Corporation  
Karen Comstock, Dresser Rand  
Joe Hart, Lufkin – GE  
Keith Kranick, J.C.C. Olean Campus  
Brad Monroe, Dresser Rand  
Celeste Schoonover, Swain Ski Resort

#### For terms to expire December 31, 2017:

Steve Crowley, Holiday Valley  
Ed Giardini, Jr., Laborer's Local #621  
Gretchen Hanchett, Allegany County Chamber of Commerce  
Christine Luly, NYS Education Department  
Patricia Magara, Cattaraugus Community Action, Inc.  
David Wilkinson, IBEW Local #106  
Meme Yanetsko, Greater Olean Chamber of Commerce

For terms to expire December 31, 2018:

Cesar Cabrera, Western Region NYSDOL  
Matt Harrington, Harrington Buildings  
Michael Hendrix, Both, Branch & Hendrix  
Lisa Lee, Literacy West NY  
Christopher Napoleon, Napoleon Engineering Services  
Brenda Sobeck, Jones Memorial Hospital  
Richard Zink, Southern Tier West

For indefinite terms:

Mitchell Alger, Allegany County Administrator  
John R. Searles, Cattaraugus County Administrator

Chairman Curtis W. Crandall appointed Jack Potter of Scio, New York, and Tom Kent of Andover, New York, as Active Farmer members on the **ALLEGANY COUNTY AGRICULTURAL AND FARMLAND PROTECTION BOARD** for a four-year term commencing March 5, 2015, and expiring March 4, 2019.

Chairman Curtis W. Crandall appointed Dwight "Mike" Healy, of Belmont, New York, as the Legislative Representative on the **GREATER ALLEGANY COUNTY CHAMBER OF COMMERCE**, for a three-year term commencing May 1, 2015, and expiring May 1, 2018.

**PROCLAMATION:**

Chairman Crandall proclaimed July 12-18, 2015, as **PRETRIAL, PROBATION, AND PAROLE SUPERVISION WEEK** in Allegany County.

**INTRODUCTION OF LEGISLATION:**

Legislator Pullen introduced Local Law Intro. No. 3-2015, "A Local Law Authorizing the Establishment of a Local Development Corporation to Manage the Allegany County Wireless Broadband Internet Service."

**RESOLUTIONS:**

**RESOLUTION NO. 153-15**

**CREATING ONE FULL-TIME POSITION OF DIRECTOR OF PLANNING**

Offered by: Personnel and Planning & Economic Development Committees

**RESOLVED:**

1. That one position of Director of Planning (Section IV Salary Plan) is created in the Office of Planning.

2. This resolution shall take effect immediately.

Moved by: Ms. Root  
Seconded by: Mr. Hopkins

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

Comments made regarding Resolution No. 153-15 included: Legislator Ungermann remarked that the first two resolutions are for positions that are already filled. This is just a matter of restructuring. There are no new hires.

**RESOLUTION NO. 154-15**

**CREATING ONE FULL-TIME POSITION OF SECRETARY  
TO THE DIRECTOR OF PLANNING**

Offered by: Personnel and Planning & Economic Development Committees

**RESOLVED:**

1. That one position of Full-Time Secretary to the Director of Planning (Non-Unit, Grade 2) is created in the Office of Planning.

2. This resolution shall take effect immediately.

Moved by: Ms. Root  
Seconded by: Mr. Hopkins

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

**RESOLUTION NO. 155-15**

**RESOLUTION IN SUPPORT OF MERGING THE JUNE FEDERAL PRIMARY AND**

## SEPTEMBER STATE AND LOCAL PRIMARY TO THE FIRST TUESDAY IN AUGUST

Offered by: Personnel Committee

**WHEREAS**, merging the June Federal Primary and the September State and Local Primary to the first Tuesday in August will allow the Board of Elections to meet all requirements of the Federal M.O.V.E. Act allowing our Military and Overseas Voters an equal opportunity to have their voices heard in all Elections, and

**WHEREAS**, this will reduce the burden on County committees to only having to collect petition signatures one time for all candidates and allow that process to take place in late April and May when the weather upstate is more conducive to collecting signatures, and

**WHEREAS**, this will also reduce the confusion of voters by having only one primary election in non-Presidential years thus increasing voter turnout, and

**WHEREAS**, since school districts will not be allowed to use lever machines in the future, the conflict with using optical scan machines is removed since any budget revote is required to take place on the third Tuesday of June and the federal primary is currently scheduled for the fourth Tuesday in June, and

**WHEREAS**, this would enhance school safety as the primary election would take place when school is not in session, and

**WHEREAS**, this will allow approximately 30 days to resolve contested primaries, and

**WHEREAS**, this will spread out elections to give staff time to resume normal operations between elections, and

**WHEREAS**, according to the New York State Board of Elections it will save Counties and Towns approximately \$50,000,000 in unfunded mandate costs, now therefore, be it

### RESOLVED:

1. That the Allegany County Legislature hereby supports the merging of the June Federal Primary and September State and Local Primary to the first Tuesday in August.

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

Adopted: Voice Vote

Comments made regarding Resolution No. 155-15 included: Legislator Decker noted that this would save the County a great deal of money.

**RESOLUTION NO. 156-15**

**A RESOLUTION PROVIDING FOR A CHARGE BACK  
TO THE VILLAGE OF WELLSVILLE**

Offered by: Ways and Means Committee

Pursuant to Real Property Tax Law § 554

**WHEREAS**, an application from the WLSV Seneca Housing Co., LP has been made to the County's Director of Real Property Tax Service Agency, for the correction of certain errors affecting their real property on various tax rolls, and

**WHEREAS**, the County's Director of Real Property Tax Service Agency has determined that the Village of Wellsville tax roll failed to list the taxpayer's property as exempt, and

**WHEREAS**, the error resulted in the tax bill showing a tax due the Village of Wellsville in the amount of \$21,977, now, therefore, be it

**RESOLVED:**

1. That the County Treasurer is directed to make the following charge back on her books:

	<u>2015</u>
Village of Wellsville	\$21,977

2. That the Clerk of this Board shall mail a copy of this resolution to the above named Village and the amount to be charged back to the Village shall not be charged until 10 days after such mailing. Such amount shall be deducted by the County Treasurer from the money payable to the Village as a result of village taxes returned after the date the amount is charged and which shall be paid to each Village after October 31, 2015. The County Treasurer shall send a written notice to the Village of the amount of such deduction prior to October 31, 2015.

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

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

**RESOLUTION NO. 157-15**

**ACCEPTANCE OF PROBATION STATE AID BLOCK GRANT FROM THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES; AUTHORIZING CHAIRMAN TO EXECUTE ANY AND ALL DOCUMENTS**

Offered by: Public Safety Committee

**RESOLVED:**

1. That the Probation State Aid Block Grant in the amount of \$151,101 for the 2015-2016 State Fiscal Year from the New York State Division of Criminal Justice Services, is accepted.
2. That the accepted sum of \$151,101 has already been budgeted for 2015 under Account No. A3140.101 (Probation - Personnel) and Revenue Account No. A3140.3310.00 (Probation Block Grant).
3. The Chairman of the Board of Legislators is authorized to execute and deliver all necessary documents and agreements to secure such funds.

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

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

**RESOLUTION NO. 158-15**

**ACCEPTANCE AND APPROPRIATION OF FUNDS FOR THE PHEP EBOLA PREPAREDNESS AND RESPONSE ACTIVITIES GRANT FOR THE 2015 BUDGET YEAR**

Offered by: Human Services and Ways & Means Committees

**RESOLVED:**

1. That the sum of \$38,000 for the PHEP Ebola Preparedness and Response Activities Grant for the 2015 Budget year is accepted.
2. The funds shall be appropriated as follows:

Appropriation Accounts:

A4188.201 (Health Department – Office Equipment)	\$ 450
A4188.206 (Health Department – Health Equipment)	31,143
A4188.402 (Health Department – Mileage/Transportation)	250

A4188.405 (Health Department – Conference Expense)	1,500
A4188.407 (Health Department – Office Supplies)	233
A4188.408 (Health Department – General Supplies)	2,624
A4188.409 (Health Department – Fees)	<u>1,800</u>
	\$38,000

Revenue Account:

A4188.4401.00 (Federal Aid – Public Health)	\$38,000
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Moved by: Mr. LaForge  
Seconded by: Mr. Jessup

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

**RESOLUTION NO. 159-15**

**TRANSFER OF FUNDS WITHIN CLERK OF THE BOARD OFFICE ACCOUNTS  
FOR THE PURCHASE OF A FILING CABINET**

Offered by: Ways & Means Committee

**RESOLVED:**

1. That the sum of \$110 is transferred from Account No. A1040.419 (Clerk of the Board - Printing) to Account No. A1040.201 (Clerk of the Board - Equipment) to fund the purchase of a two-drawer filing cabinet.

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

Adopted: Roll Call  
9 Ayes, 5 Noes, 1 Absent  
Voting No: Burt, Curran, Decker,  
Healy, Ungermann

Comments made regarding Resolution No. 159-15 included: Legislator Burt stated that \$100 may not seem like a lot of money, but that it was a lot to him. He had asked the Department of Health about using their furniture that is stored on the third floor. He stated, "Voting yes to buy a new one when there is one on the third floor baffles me."

**RESOLUTION NO. 160-15**

**RATIFYING AGREEMENT WITH MAXIMUS, INC. TO PREPARE COUNTY-WIDE COST  
ALLOCATION PLANS AND RELATED INDIRECT COST RATE PROPOSALS FOR  
CALENDAR YEARS 2014, 2015 AND 2016**

Offered by: Ways & Means Committee

**RESOLVED:**

1. That a three-year Agreement with MAXIMUS, Inc., at a total cost of \$25,600, covering calendar years 2014, 2015 and 2016, to prepare the annual Federal (OMB A-87) cost allocation plan for Allegany County as a condition for receipt of Federal aid, is approved.

2. That the yearly cost for said Agreement is budgeted, with \$8,500 to be budgeted for 2016 and 2017 and \$8,600 for 2018, and will be charged to Account No. A1040.429.

3. That the signature of the County Treasurer on said Agreement is hereby ratified. An executed copy of the Agreement shall be filed with the Clerk of this Board and one sent to MAXIMUS, Inc.

Moved by: Mr. Jessup  
Seconded by: Ms. Root

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

### **RESOLUTION NO. 161-15**

#### **APPROVAL OF APPROPRIATION FOR DISTRICT OPERATIONS AND AGREEMENT WITH ALLEGANY COUNTY SOIL AND WATER CONSERVATION DISTRICT FOR THE MANAGEMENT OF COUNTY REFORESTATION AREAS, PARKS AND AGRICULTURAL DISTRICTS FOR A THREE-YEAR PERIOD; AUTHORIZING CHAIRMAN TO EXECUTE AGREEMENT**

Offered by: Resource Management and Ways & Means Committees

#### **RESOLVED:**

1. That the appropriation for District operations and agreement with the Allegany County Soil and Water Conservation District for the management of County Reforestation Areas, Parks and Agricultural Districts for year beginning January 1, 2016, to December 31, 2016, in the amount of \$136,000, January 1, 2017, to December 31, 2017, in the amount of \$138,000, and January 1, 2018, to December 31, 2018, in the amount of \$140,000, is approved.

2. The Chairman of this Board is authorized to execute the Agreement.

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

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

Comments made regarding Resolution No. 161-15 included: Legislator Burt remarked that the cost of the agreement included "healthy numbers." We are only talking about 2,100 acres. That doesn't seem like a good business situation. He asked to be educated on that agreement. Allegany County Soil & Water Executive Director Scott Torrey explained that the 2,100 acres mentioned in the agreement was just a small portion of what they cover. Without County funding they wouldn't be able to provide the services they do. He said that it isn't all outlined in the agreement. Many things are simply understood because of state law. The

items in the agreement are specific to the County. He noted that they don't have to outsource because they have a forester on staff. He indicated that this had gone before the Resource Management Committee for consideration. Legislator Burt asked Legislator Graves, Chairman of the Resource Management Committee, if he was happy with the agreement. Legislator Graves indicated that the Committee was happy with the arrangement. Legislator Graves made a motion to amend the resolution to show Resource Management as one of the committees that had offered the resolution in place of Planning & Development. The motion was seconded by Legislator Decker, and carried.

### **RESOLUTION NO. 162-15**

#### **APPROVAL OF AGREEMENT BETWEEN COUNTY OF ALLEGANY AND ALLEGANY COUNTY FEDERATION OF SNOWMOBILERS, INC.; APPROPRIATION OF STATE GRANT-IN-AID**

Offered by: Resource Management and Ways & Means Committees

#### **RESOLVED:**

1. That the Agreement between the County of Allegany and Allegany County Federation of Snowmobilers, Inc., is approved.
2. That the Chairman of this Board is authorized to execute said Agreement.
3. That the sum of \$95,865 in State grant-in-aid was appropriated in the 2015 Budget to Account No. A7185.483 (NYS OPRHP Funding Award), with a like sum credited to Revenue Account A7185.3089.00 (AC Snowmobile Association – State Aid). No budget adjustments are necessary at this time.

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

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

Comments made regarding Resolution No. 162-15 included: Legislator Ungermann noted that this appropriation is a pass through. The money comes from registration fees paid by snowmobilers.

### **RESOLUTION NO. 163-15**

#### **APPROVING THE 2015 RESOURCE ALLOCATION PLAN AGREEMENT WITH OFFICE OF CHILDREN AND FAMILY SERVICES; PROVIDING FOR APPROPRIATION OF FUNDS WHEN SUBCONTRACTS ARE APPROVED**

Offered by: Resource Management and Ways & Means Committees

**RESOLVED:**

1. That the 2015 Resource Allocation Plan Agreement with Office of Children and Family Services in relation to the State's allocation of funds to the County for providing youth services under its Comprehensive Youth Service Plan, is approved.
2. That the Chairman of this Board is authorized to execute such Plan Agreement.
3. That a portion of the funds to be received under such Plan Agreement shall be appropriated from time to time to cover the costs under sub-contractor service provider agreements as may be approved by this Board.

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

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

Resolution Intro. No. 167-15 (RESOLUTION SETTING DATE OF A PUBLIC HEARING ON A LOCAL LAW TO AUTHORIZE THE ESTABLISHMENT OF A LOCAL DEVELOPMENT CORPORATION TO MANAGE THE ALLEGANY COUNTY WIRELESS BROADBAND INTERNET SERVICE) was not pre-filed and was considered from the floor on a motion made by Legislator Pullen, seconded by Legislator Hopkins, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

**RESOLUTION NO. 164-15**

**RESOLUTION SETTING DATE OF A PUBLIC HEARING ON A LOCAL LAW TO AUTHORIZE THE ESTABLISHMENT OF A LOCAL DEVELOPMENT CORPORATION TO MANAGE THE ALLEGANY COUNTY WIRELESS BROADBAND INTERNET SERVICE**

Offered by: Facilities & Communications and Ways & Means Committees

**WHEREAS**, on this 16th day of July, 2015, a local law (Intro. No. 3-2015, Print No. 1) was introduced which seeks to authorize the establishment of a Local Development Corporation to manage the Allegany County Wireless Broadband Internet Service, and

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

**RESOLVED:**

1. That a public hearing shall be held on July 27, 2015 at 2:00 p.m. in the County Legislators' Chambers, Room 221, County Office Building, Belmont, New York, before the Allegany County Board of Legislators, in relation to proposed Local Law Intro. No. 3-2015, 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. Pullen  
Seconded by: Mr. Jessup

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

### **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 asked if the Facilities and Communications expenses included ConnectNY grant money. It was confirmed that the expenses did include ConnectNY related expenses.

A motion was made by Legislator Root, seconded by Legislator Jessup, and adopted on a roll call vote of 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$4,942,295.41, 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 \$5,409,208.*)

### **COMMENTS:**

Chairman Crandall reminded those in attendance of the Allegany County Senior Picnic on July 29 and the Allegany County Legislators' Clambake on July 24.

Legislator Burt mentioned the Bare Knuckle Boxing Hall of Fame inductions being held in Belfast on August 1. He also mentioned the Purple Heart Homes organization which helps veterans obtain affordable housing. He remarked that he would like to start a branch here in Allegany County.

**ADJOURNMENT:** The meeting was adjourned at 3:37 p.m. on a motion made by Legislator Graves, seconded by Legislator Decker, and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION  
JULY 27, 2015**

**\*\* APPROVED \*\***

**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 former United States Navy 3<sup>rd</sup> Class Petty Officer Charles A. Williams.

**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, Theodore Hopkins, Charles Jessup, Kevin LaForge, Timothy O'Grady, David Pullen, Norman Ungermann, Jr.  
Absent: Aaron McGraw, Debra Root

**APPROVAL OF MINUTES:**

The Committee of the Whole minutes of July 15, 2015, were approved on a motion made by Legislator Graves, seconded by Legislator Decker, and carried.

**PUBLIC HEARING:**

Chairman Crandall closed the regular meeting to hold a public hearing on Local Law Intro. No. 3-2015, entitled "A Local Law Authorizing the Establishment of a Local Development Corporation to Manage the Allegany County Wireless Broadband Internet Service."

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 Charles A. Williams, former United States Navy 3<sup>rd</sup> Class Petty Officer, in grateful appreciation of his service to our country. Mr. Williams' service dates were from January 2, 1969, to October 20, 1970. Following Basic Training at Gulf Port, MS, assignments included: Davisville, RI, Vietnam and Port Hueneme, CA. Commendations he received included: National Defense Service Medal, Vietnam Service Medal, Combat Insignia, Bronze Star, Vietnam Campaign Medal with device 60 and Expert Rifle Marksmanship Award. Mr. Williams led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

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

1. August 2015 Calendar.
2. Allegany County Mutual Self-Insurance Plan (Workers' Compensation) 2016 Budget together with the apportionment of costs of the budget to the County, Towns, and Villages of Allegany County approved by the Personnel Committee on June 17, 2015.
3. Correspondence from the Scio Memorial Library Board of Trustees thanking the Board for its donation in memory of Legislator Root's mother, Nancy Rouse.
4. Reminder that the Allegany County Senior Picnic is Wednesday, July 29, 2015.
5. Reminder that the 24<sup>th</sup> Annual Kids Fishing Contest at Andover Ponds is on Saturday, August 1, 2015.
6. NYMIR 2014 Annual Report.
7. The Fall NYSAC Seminar will be held at the Crowne Plaza Hotel in Lake Placid. If you plan to attend, please let Clerk of the Board Riehle know as soon as possible.
8. Standing Committee List.

**APPOINTMENTS:**

Chairman Crandall appointed Legislator Debra A. Root to the Budget Committee.

**PROCLAMATION:**

Chairman's proclamation declaring July 25, 2015, as Friendship Day in Allegany County in honor of the Town of Friendship's Bicentennial.

**RESOLUTIONS:**

**RESOLUTION NO. 165-15**

**ADOPTION OF LOCAL LAW INTRO. NO. 3-2015, PRINT NO. 1, A LOCAL LAW  
AUTHORIZING THE ESTABLISHMENT OF A LOCAL DEVELOPMENT  
CORPORATION TO MANAGE THE ALLEGANY COUNTY  
WIRELESS BROADBAND INTERNET SERVICE**

Offered by: Facilities & Communications and Ways & Means Committees

**RESOLVED:**

1. That proposed Local Law, Intro. No. 3-2015, Print No. 1, is adopted without any change in language, to wit:

**COUNTY OF ALLEGANY**

Intro. No. 3-2015

Print No. 1

**A LOCAL LAW AUTHORIZING THE ESTABLISHMENT OF A LOCAL DEVELOPMENT CORPORATION TO MANAGE THE ALLEGANY COUNTY WIRELESS BROADBAND INTERNET SERVICE**

**SECTION 1: Legislative Intent**

a. The Board of Legislators hereby finds that broadband access to the internet is critical to the continued economic vitality and growth of the County. That many of the residences and businesses within the County lack access to affordable and reliable broadband internet service. That in recognition of this need, Allegany County has secured grant funding that will allow it to develop and provide wireless broadband service to unserved and underserved regions in the County.

b. The Board of Legislators further finds that the operation and expansion of the wireless broadband service may be most effectively developed and operated by a local development corporation, caused to be incorporated by Allegany County, which will contract with Allegany County to manage the telecommunications infrastructure and undertake all legal and business arrangements necessary for delivering wireless broadband internet service.

c. The Board of Legislators intends by this local law to affirm the public purpose of the development of the wireless broadband internet service, to authorize the creation of a local development corporation to develop and operate such service, and to authorize the development of an agreement for services between the local development corporation and Allegany County.

**SECTION 2: Local Development Corporation**

The County Administrator or his designee(s) is hereby authorized to take all actions necessary to create a corporation pursuant to the New York Not-For-Profit Corporation Law § 1411 (hereinafter, the "Corporation"). The Corporation shall be granted all powers as may be deemed necessary by the County Administrator or his designee(s), which powers shall include, but not be limited to, those powers set forth in subsections (c) and (d) of § 1411 of the Not-For-Profit Corporation Law, as may be necessary and prudent to enable the Corporation to develop the aforesaid wireless broadband internet service in the public interest. It is the specific intention of the Board of Legislators that the purpose and scope of

the Corporation be limited to the transactions contemplated by this local law, namely the development and operation of wireless broadband internet service.

SECTION 3: Authorized Fee for Services

Upon the incorporation of the Corporation, the County is hereby authorized to enter into an agreement with the Corporation to operate and manage the wireless broadband service including the telecommunications infrastructure owned by the County; oversee legal compliance with governmental regulations and licenses; market such service to last mile providers and end users; enter into agreements with last mile providers; directly provide wireless broadband internet service to businesses and residences when deemed to be in the public interest; take all other action necessary and appropriate to assure the delivery of reliable wireless broadband internet service. That as part of the agreement with the Corporation, an amount not to exceed the sum of four hundred thousand dollars is hereby authorized to be paid the Corporation for services provided and necessary and appropriate expenses incurred over a period of four years. Such amounts to be paid as invoiced by the Corporation, subject to review by the County Administrator. It is the intent of this Board that once the wireless broadband service generates sufficient revenue to cover the operational costs of the Corporation, the underlying agreement between the County and the Corporation will be adjusted in a manner that will return to the County any sums of money previously paid the Corporation by the County. The Board hereby finds that the funds authorized to be paid to the Corporation are deemed to be in the public interest. The aforesaid agreement may contain such other terms and conditions as the Board of Legislators or its designee(s) require, and shall be subject to approval as to form by the County Attorney.

SECTION 4: Effective Date

This local law takes effect upon filing in the Office of the Secretary of State as provided by § 27 of the Municipal Home Rule Law.

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

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

Comments made regarding Resolution No. 165-15 included: Legislator Decker stated that he has been opposed to this since it was first presented. He is against using taxpayer money as well as creating another agency, and feels there are better ways to handle this. Legislator Healy asked what will happen if the funds run out? Legislator Pullen clarified that this resolution does not deal with funding. It's just the establishment of the organization. From previous discussions, the funding should be adequate. He feels this is a "home run" for the County. Allegany County is the only county to take advantage of the grant funds to put something like this together. Legislator Fanton stated that one reason he supports this is because the organization will be comprised of more than 50 percent of members coming from the private sector. Legislator Ungermann remarked that he doesn't understand how people who are struggling to pay their taxes are going to pay \$10 per month for this. He also noted the high expenses, including salaries, for the first year. Legislator Burt commended

Legislator Pullen for his work on this. Legislator Burt remarked that this project will take our County from approximately 40 percent internet coverage to approximately 95 percent. His only concern is the amount of money involved, and relying on one person's estimates. He would like to see numbers from another person. Legislator Fanton remarked that they weren't voting on the numbers, just the establishment of the corporation. Legislator O'Grady stated that, "If this is established, the \$400,000 is right behind it." The Board further discussed the business plan and who it was set up by. Chairman Crandall reminded the group that without this in place, it would have to be contracted out. We have equipment that needs to be utilized. Legislator Burt stated that section three of the local law does indeed mention dollars. County Attorney Miner replied that it simply tags the money in our budget. There would have to be a separate resolution to authorize the spending.

**RESOLUTION NO. 166-15**

**APPOINTMENT OF KEITH HOOKER AS  
DIRECTOR OF INFORMATION TECHNOLOGY**

Offered by: Facilities & Communications and Ways & Means Committees

Pursuant to Local Law No. 5 of 1993

**RESOLVED:**

1. That Keith Hooker is appointed Director of Information Technology to serve during the pleasure of this Board of Legislators and until a successor is appointed and has qualified.

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

Adopted: Voice Vote

**RESOLUTION NO. 167-15**

**AMENDING RESOLUTION NO. 235-2014 TO AMEND THE SALARY OF THE  
INFORMATION TECHNOLOGY DIRECTOR**

Offered by: Facilities & Communications and Ways & Means Committees

**WHEREAS**, the position of Information Technology Director became vacant due to the retirement of the individual holding that position; and

**WHEREAS**, the salary for that position needs to be adjusted to reflect the skills and additional responsibilities of the individual who will assume that position; now therefore, be it

**RESOLVED:**

1. Paragraph number "7" of resolution No. 235-2014 is hereby amended to show the annual base salary of the Information Technology Director as \$76,000.

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

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

Comments made regarding Resolution No. 167-15 included: Legislator Ungermann remarked that if the Board would listen to Mr. Hooker's ideas, he will more than save the extra salary. Legislator Burt asked County Administrator Alger for clarification of the salary. He asked if the total salary for the department would be less. Mr. Alger affirmed that would be true.

### **RESOLUTION NO. 168-15**

#### **APPOINTMENT OF H. KIER DIRLAM AS THE DIRECTOR OF PLANNING**

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

Pursuant to Local Law No. 2 of 2015

#### **RESOLVED:**

1. That H. Kier Dirlam is appointed Director of Planning to serve during the pleasure of this Board of Legislators and until a successor is appointed and has qualified.

Moved by: Mr. Hopkins  
Seconded by: Mr. Jessup

Adopted: Voice Vote

Comments made regarding Resolution No. 168-15 included: Legislator Burt asked for clarification on the wording, "...until a successor is appointed and has qualified." County Attorney Miner confirmed that it doesn't mean we're always looking for someone else. Legislator Decker remarked that he thinks Mr. Dirlam has done an excellent job. Legislator Pullen stated that this is one of those rare situations where it's a known commodity. He feels Mr. Dirlam is very capable and gifted.

### **RESOLUTION NO. 169-15**

#### **AMENDING RESOLUTION NO. 235-2014 TO ADD THE TITLE OF DIRECTOR OF PLANNING AND SET FORTH THE SALARY FOR THAT POSITION**

Offered by: Planning & Development and Ways & Means Committees

**WHEREAS**, a local law has been passed creating the Office of Planning with the head of that office being the Director of Planning, and

**WHEREAS**, it is necessary to amend resolution No. 235-2014 to set forth the title and salary for the position of Director of Planning, now therefore, be it

**RESOLVED:**

1. Paragraph number "7" of resolution No. 235-2014 is hereby amended to add the title of Director of Planning at an annual base salary of \$66,500.

Moved by: Mr. Hopkins  
Seconded by: Mr. Jessup

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

Comments made regarding Resolution No. 169-15 included: Legislator Burt asked for clarification that this was just a title change and not a salary change. County Administrator Alger stated that there is a slight increase in salary, but that Mr. Dirlam will no longer be eligible for overtime.

**RESOLUTION NO. 170-15**

**AMENDING RESOLUTION NO. 192-10 TO ALLOW CERTAIN POSITIONS IN THE OFFICE FOR THE AGING TO BE FILLED PRIOR TO COMMITTEE APPROVAL**

Offered by: Ways & Means Committee

**WHEREAS**, the current policy for filling a vacant position is set out in Resolution No. 192-10 and requires Committee approval prior to the position being filled, and

**WHEREAS**, within the Office for the Aging, it is critical that certain positions be filled as soon as a vacancy occurs so as to continue the provision of meals to the senior citizen recipients of such meals, and

**WHEREAS**, many recipients of these meals rely upon these meals as their main source of daily nutrition, and

**WHEREAS**, the health and wellbeing of these recipients could be negatively impacted if these meals are not delivered or served, and

**WHEREAS**, the part-time position of Luncheon Center Manager and Home Delivered Meals Driver need to be filled as soon as a vacancy occurs so as to avoid a disruption of service, now, therefore, be it

**RESOLVED:**

1. Resolution 192-10 is hereby amended to add new paragraphs "2" and "3" to read as follows:

2. Notwithstanding the foregoing, the County Administrator is hereby authorized to temporarily fill a vacancy occurring in the pre-existing part-time position of Luncheon Center Manager or Home Delivered Meals Driver when such position is unexpectedly vacated.

3. At the next Human Services Committee and Ways and Means Committee meetings, the Director of The Office For the Aging shall submit a request to fill such position temporarily filled by action of the County Administrator.

4. Paragraphs "2" and "3" of Resolution 192-10 shall be renumbered respectively as paragraphs "4" and "5".

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

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

Comments made regarding Resolution No. 170-15 included: Legislator Decker remarked that this is to allow Office for the Aging to fill positions that are vital to the Meals-on-Wheels Program. Legislator Pullen clarified that the original resolution was adopted to keep positions from automatically being filled without review. There will still be a review of the position, but this will allow them to continue the service without interruption. He urged approval of the resolution.

## **RESOLUTION NO. 171-15**

### **APPROVAL OF SALE OF 2015 TAX SALE PROPERTIES**

Offered by: Ways & Means Committee

Pursuant to New York Uniform Delinquent Tax Enforcement Act and  
Resolution No. 195-97, as amended by Resolution No. 95-98

#### **RESOLVED:**

1. That the sale of tax delinquent properties as shown below, to the owners and purchasers shown, for the consideration shown, subject to terms and conditions of sale for such properties, is approved.

2. That upon the securing by the County Attorney of a proper court order authorizing the conveyance to the County of such of the below mentioned properties which are subject to the 2013 and/or back to the year 1995 (TF95 up to and including TF2013) tax foreclosure proceedings and the subsequent execution of a deed of all of the below mentioned properties to the County by the County Tax Enforcement Officer, the Chairman of this Board of Legislators is authorized and directed to execute on behalf of the County of Allegany and to cause to deliver to such owners and purchasers quit claim deeds of the County's interest in such properties and to affix to each such deed the official seal; all upon satisfaction of the terms and conditions of sale and the full payment to the County Treasurer of the monetary considerations.

<u>New owner</u>	<u>Parcel details</u>	<u>County title</u>
<u>Address</u>		<u>Recorded date</u>
<u>Sale price</u>		<u>Liber</u>
		<u>Page</u>
CLARK RYAN D CARLIN ERICA S 48 MAIN STREET, PO BOX 13 ANDOVER, NY 14806 Tax sale amount: 1,649.28	Parcel ID: 023089;228.-1-22.22 Property loc: Greenan Rd Assessed value: 8,000 Acres: 5.77	County of Allegany  Book: Page:
JASKULA MATTHEW J 69 WHITFIELD AVE  BUFFALO, NY 14220  Tax sale amount: 473.03	Parcel ID: 023289;121.-1-20.2 Property loc: 4201 County Road 16 Assessed value: 7,900 Acres: 0.6	County of Allegany  Book: 1786 Page: 69
ELM VALLEY ESTATES LLC 5811 UNIONVILLE ROAD BATH, NY 14810  Tax sale amount: 1,120	Parcel ID: 023801;259.20-1-9 Property loc: 83 First St Assessed value: 38,600 Acres: 0.11	County of Allegany  Book: 2009 Page: 38412
LAFLEUR ROY 102 WILLIAMS AVE WELLSVILLE, NY 14895  Tax sale amount: 6,200	Parcel ID: 023801;259.20-1-25 Property loc: 127 First St Assessed value: 41,200 Acres: 0	County of Allegany  Book: 1046 Page: 274
DUNN MIKE DUNN MARCIA 2473 SR 43E COUDERSPORT, PA 16915 Tax sale amount: 2,300	Parcel ID: 024600;206.-1-25.1 Property loc: 8525 Co. Rd. 1 Assessed value: 46,200 Acres: 16.7	County of Allegany  Book: Page:
HAYWARD MICHAEL T HAYWARD MELISSA 3047 ROUTE 305 CUBA, NY 14727 Tax sale amount: 50	Parcel ID: 024600;219.-1-29.15 Property loc: Rte. 305 Assessed value: 100 Acres: 0.14	County of Allegany  Book: 2010 Page: 43585

ELM VALLEY ESTATES LLC      Parcel ID: 026000;295.5-2-36      County of Allegany  
5811 UNIONVILLE ROAD      Property loc: 451 Main St  
BATH, NY 14810      Assessed value: 39,000      Book: 903  
      Acres: 0.25      Page: 00198  
Tax sale amount: 1,120

LOPEZ THOMAS      Parcel ID: 027001;238.16-3-21      County of Allegany  
1889 RIVERVIEW DRIVE      Property loc: 20 Clark St  
WELLSVILLE, NY 14895      Assessed value: 27,000      Book: 1258  
      Acres: 0.25      Page: 200  
Tax Sale amount: 10,000

CROWNER JUSTIN      Parcel ID: 027089;226.-19-1-11      County of Allegany  
125 SOUTH BROAD ST      Property loc: 3013 Truax Road  
WELLSVILLE, NY 14895      Assessed value: 26,000      Book: 925  
      Acres: 0.41      Page: 00057  
Tax sale amount: 50

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

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

**RESOLUTION NO. 172-15**

**APPROVAL FOR GRANT APPLICATION FOR THE 2014-2015 DIRECT CARE WORKER PROGRAM BY OFFICE FOR THE AGING**

Offered by: Human Services and Ways & Means Committees

**WHEREAS**, the Office for the Aging is requesting approval to apply for the 2014-2015 Direct Care Worker Program, and

**WHEREAS**, the grant would provide up to two percent salary and related fringe benefit increases to Luncheon Center Managers and Home Delivered Meal Drivers, and

**WHEREAS**, the funding will be used solely to support salary and salary-related fringe benefit increases for direct care staff, and

**WHEREAS**, if approved, the grant would provide \$4,432, now, therefore, be it

**RESOLVED:**

1. That the Office for the Aging is authorized to act on behalf of the County of Allegany to apply for grant funds through the 2014-2015 Direct Care Worker Program.

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

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

### **RESOLUTION NO. 173-15**

#### **BUDGET TRANSFER WITHIN OFFICE FOR THE AGING ACCOUNTS**

Offered by: Human Services and Ways & Means Committees

#### **RESOLVED:**

1. That the sum of \$13,525 shall be transferred from Account No. A6790.101 (OFA - Regular Pay) to Account No. A6790.201 (OFA – Office Equipment) to fund the purchase of a new server, two laptop computers, two desks, two chairs, two small printers and a new postage meter for the Office for the Aging.

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

Adopted: Roll Call  
11 Ayes, 2 Noes, 2 Absent  
Voting No: Burt, Ungermann

Comments made regarding Resolution No. 173-15 included: Legislator Burt remarked that he will continue his theme regarding the furniture on the third floor. He stated, "There are desks and chairs up there."

### **RESOLUTION NO. 174-15**

#### **ACCEPTANCE AND APPROPRIATION OF DONATION FROM THE ALLEGANY SENIOR FOUNDATION**

Offered by: Human Services and Ways & Means Committees

#### **RESOLVED:**

1. That the sum of \$12,216 from the Allegany Senior Foundation is accepted.

2. That the accepted sum of \$12,216 is appropriated as follows: \$10,000 to Account No. A6779.474 (OFA – SNAP – Contractor) and \$2,216 to Account No. A6776.409 (PERS) with the sum of \$10,000 credited to Revenue Account No. A6779.2801.00 (OFA – SNAP – Local Revenue) and \$2,216 to Revenue Account No. A6776.1972.00 (Local Revenue).

Moved by: Mr. Hopkins  
Seconded by: Mr. Jessup

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

Comments made regarding Resolution No. 174-15 included: Legislator Pullen stated that he serves on the Senior Foundation Board and knows how hard members of the Senior Foundation and Office for the Aging staff work to generate contributions and obtain grants to supplement programs for the Office for the Aging. He applauds the work of the Foundation.

### **RESOLUTION NO. 175-15**

#### **ACCEPTANCE OF THE BALANCING INCENTIVE PROGRAM (BIP) NEW YORK CONNECTS EXPANSION AND ENHANCEMENT PROGRAM GRANT FOR THE OFFICE FOR THE AGING**

Offered by: Human Services and Ways & Means Committees

#### **RESOLVED:**

1. That the sum of \$223,711 from the Federal Balancing Incentive Program New York Connects Expansion and Enhancement Program grant is accepted.

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

Adopted: Roll Call  
11 Ayes, 2 Noes, 2 Absent  
Voting No: Decker, Ungermann

Comments made regarding Resolution No. 175-15 included: Legislator Ungermann asked if this was going to require extra staff. Office for the Aging Director Madeleine Gasdik indicated that it would require two more people, but that it would be fully covered by federal funds. Legislator Ungermann remarked, "But it's still tax dollars." Ms. Gasdik stated that the goal is to keep more seniors at home and out of the hospitals and nursing homes. Legislator Ungermann asked if fringe benefits were covered. Ms. Gasdik replied that the benefits would be covered. She stated that it was required for all counties to participate or the program can't exist in New York State. Legislator Ungermann remarked that the size of government is getting bigger and bigger all of the time. Legislator Pullen said that it may be tempting to "torpedo" the program just to "stick it in the eye of New York State Government." He's concerned the State may find a way to force participation, but without funding. Grudgingly, he's going to support it. Legislator Fanton remarked that he feels it will save money in the long-run. Legislator Ungermann stated that he feels somehow we'll end up paying for it. Legislator Decker said that he wasn't aware this was being forced on every county. In light of new information he has learned, he moved that the resolution be tabled and moved back to committee for further discussion. Ms. Gasdik noted that the program is in the Budget to begin this month, and that the grant has been submitted. *(The motion to table failed as there was no second.)*

**RESOLUTION NO. 176-15**

**APPROVAL OF LEASE BETWEEN TIMOTHY AND GEORGETTE HAINEY  
AND COUNTY OF ALLEGANY FOR PREMISES AT  
41-45 N. BROAD STREET, WELLSVILLE, NEW YORK**

Offered by: Human Services and Ways & Means Committees

**RESOLVED:**

1. That the Lease between Timothy and Georgette Hainey and the County of Allegany for the term January 1, 2015, through December 31, 2017, for premises located at 41-45 N. Broad Street, Wellsville, NY, with a monthly rental rate of \$2,700 for use by Community Services, is approved.

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

Moved by: Mr. LaForge  
Seconded by: Mr. Curran

Adopted: Roll Call  
9 Ayes, 3 Noes, 2 Absent, 1 Abstain  
Voting No: Burt, Decker,  
Ungermann

Comments made regarding Resolution No. 176-15 included: Legislator Decker stated that he was opposed to such a large increase in rent. This is an over 30 percent increase in monthly rent. Legislator Burt added, "Our backs are against the wall. We can find another place. I can't support it." Legislator LaForge requested permission to abstain from the vote. Permission was granted on a motion by Legislator Fanton, seconded by Legislator Graves, and carried.

Resolution Intro. No. 180-15 (DESIGNATING THE WELLSVILLE DAILY REPORTER AS SOLE OFFICIAL NEWSPAPER FOR THE WEEK OF AUGUST 3, 2015, TO AUGUST 7, 2015) was not pre-filed and was considered from the floor on a motion made by Legislator Jessup, seconded by Legislator Curran, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

**RESOLUTION NO. 177-15**

**DESIGNATING THE WELLSVILLE DAILY REPORTER AS SOLE OFFICIAL NEWSPAPER  
FOR THE WEEK OF AUGUST 3, 2015 TO AUGUST 7, 2015**

Offered by: Ways & Means Committee

**WHEREAS**, the Clerk of this Board was informed that the Cuba Patriot & Free Press, one of the official newspapers, will not be publishing during the period of August 3, 2015, to August 7, 2015, now, therefore, be it

**RESOLVED:**

1. Notwithstanding the provisions of Section 1. of Resolution No. 3-2015, the newspaper the Wellsville Daily Reporter is designated as the sole official newspaper to publish local laws, notices and other matters required by law to be published during the period of August 3, 2015, to August 7, 2015.

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

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

**AUDITS:**

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

Legislator Ungermann asked where the funds to repair the landslide behind the Courthouse would come from. Department of Public Works Superintendent Guy James indicated that the funds would most likely come out of the Buildings and Grounds budget.

A motion was made by Legislator Jessup, seconded by Legislator Fanton, and adopted on a roll call vote of 13 Ayes, 0 Noes, 2 Absent, that the audit of claims, totaling \$2,759,893.68, 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 \$5,602,394.*)

**COMMENTS:**

Legislator Burt reminded everyone of the Bareknuckle Boxing Hall of Fame induction weekend taking place this coming weekend. Representatives from Purple Heart Homes (an organization providing homes and home repairs to veterans) will be honored. These representatives will also be meeting on Sunday at the Mahogany Ridge in Scio to discuss the possibility of establishing a branch of Purple Heart Homes here in Allegany County

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

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION**

**AUGUST 10, 2015**

**CALL TO ORDER:** The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

**PLEDGE OF ALLEGIANCE TO THE FLAG:** The Pledge of Allegiance was led by United States Navy Petty Officer Second Class Michael T. Willson.

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

**ROLL CALL:** 14 Legislators Present: Scott Burt, Curtis Crandall, Philip Curran, David Decker, Dwight Fanton, Karl Graves, Dwight "Mike" Healy, Theodore Hopkins, Charles Jessup, Kevin LaForge, Aaron McGraw, David Pullen, Debra Root, Norman Ungermann, Jr. Absent: Timothy O'Grady

**APPROVAL OF MINUTES:**

The Board meeting minutes of July 16, 2015, were approved on a motion made by Legislator Graves, seconded by Legislator Root, and carried. *(Legislator Burt had requested an amendment to the minutes regarding a question he had asked about County-owned land, but withdrew his motion to amend the minutes when his question was answered.)*

The Committee of the Whole (a.m. meeting) minutes of July 27, 2015, were approved on a motion made by Legislator LaForge, seconded by Legislator Healy, and carried.

The Board meeting minutes of July 27, 2015, were approved on a motion made by Legislator Graves, seconded by Legislator Curran, and carried.

The Committee of the Whole (p.m. meeting) minutes of January 13, 2015, were approved on a motion made by Legislator Fanton, seconded by Legislator Graves, and carried.

**PRIVILEGE OF THE FLOOR:**

Chairman Crandall announced that he would like to work on coming up with a better schedule for the committee meetings held on the first Wednesday of the month. He would like to better align the meeting times.

Chairman Crandall presented a certificate to Michael T. Willson, United States Navy Petty Officer Second Class, in grateful appreciation of his service to our country. Mr. Willson enlisted on October 6, 2009, and recently reenlisted for four more years. Following Basic Training at Great Lakes, IL, assignments have included: Riverine Squadron One, Little Creek, VA, and is currently stationed on USS Frank Cable. Commendations he has received

include: Global War on Terrorism Medal, Expeditionary War on Terrorism Medal, Good Conduct Medal, Navy-Marine Corps Overseas Ribbon, Sea Service Ribbon, Battle E Ribbon, Enlisted Surface Warfare Specialist, and Expert Pistol and Rifle Qualification. Mr. Willson led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

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

1. Report of Tax Bill Corrections Approved by the County Administrator in July 2015.
2. Report of Intrafund Transfers Approved by the County Administrator in July 2015.
3. Notice of next InterCounty meeting to be hosted by Monroe County
4. Correspondence from the First Baptist Church of Rushford announcing their Bicentennial and related services.
5. Correspondence from the Whitesville Public Library Board of Trustees inviting the Board to its annual ice cream social on the Library Lawn on Wednesday, August 19, 2015, from 6 to 8 p.m.
6. If you plan to attend the NYSAC Fall Seminar from September 21-23, 2015, in Lake Placid, please let Clerk of the Board Riehle know as soon as possible.

**PROCLAMATION:**

Chairman Curtis Crandall proclaimed the week of August 1-7, 2015, as Breastfeeding Week in Allegany County.

**RESOLUTIONS:**

**RESOLUTION NO. 178-15**

**ACCEPTANCE AND APPROPRIATION OF  
DISABILITY EMPLOYMENT INITIATIVE (DEI) FUNDING**

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

**RESOLVED:**

1. That the sum of \$5,480 in Disability Employment Initiative (DEI) funding is accepted.

2. That the sum of \$5,480 is placed in Account No. CD1 6400.201 (WIA Admin. - Equipment) with a like sum credited to Revenue Account No. CD1 6400.4701.00 (WIA Admin. - Federal Aid).

Moved by: Mr. Hopkins  
Seconded by: Mr. Jessup

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

### **RESOLUTION NO. 179-15**

#### **ACCEPTANCE AND APPROPRIATION OF NEW YORK STATE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE FOR THE PROVISION OF SUPPORTIVE EMPLOYMENT SERVICES TO ELIGIBLE NONCUSTODIAL PARENTS**

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

#### **RESOLVED:**

1. That the sum of \$45,792 in New York State Office of Temporary Disability Assistance funding for the provision of supportive employment services to eligible noncustodial parents is accepted.

2. That the sum of \$45,792 is placed in Account No. A6010.476 (Social Services Admin. – Contractual Expense) with a like sum credited to Revenue Account No. A6010.4610.00 (Social Services Admin. - Federal Aid).

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

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

Comments made regarding Resolution No. 179-15 included: Legislator Ungermann asked if any additional staff would be needed to administer this. Social Services Commissioner Vicki Grant stated that no additional staff would be needed.

Resolution Intro. No. 183-15 (APPROVAL OF THE PUBLIC HEALTH MUTUAL AID INTER-MUNICIPAL AGREEMENT FOR COUNTIES OF ALLEGANY, CATTARAUGUS, CHAUTAUQUA, ERIE, GENESEE, NIAGARA, ORLEANS AND WYOMING; AUTHORIZING BOARD CHAIRMAN TO EXECUTE AGREEMENT) was not pre-filed and was considered from the floor on a motion made by Legislator LaForge, seconded by Legislator Root, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

**RESOLUTION NO. 180-15**

**APPROVAL OF THE PUBLIC HEALTH MUTUAL AID INTER-MUNICIPAL AGREEMENT  
FOR THE COUNTIES OF ALLEGANY, CATTARAUGUS, CHAUTAUQUA, ERIE,  
GENESEE, NIAGARA, ORLEANS AND WYOMING;  
AUTHORIZING BOARD CHAIRMAN TO EXECUTE AGREEMENT**

Offered by: Human Services and Ways & Means Committees

**RESOLVED:**

1. That the Public Health Mutual Aid Inter-Municipal Agreement between the counties of Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans and Wyoming for the period July 1, 2015, to June 30, 2020, is approved.

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

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

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

**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 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$3,301,355.22, 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 \$5,988,766.*)

**COMMENTS:**

Chairman Crandall spoke about the recent WIC Breastfeeding Picnic held in Wellsville, saying "it's not just the Health Department; there are many other agencies involved including the Sheriff's Department, ACCORD and Cancer Services." He noted that over \$1 million in grocery money comes into the County through WIC. \$16,000 is directed specifically to farmers' markets.

Legislator Decker remarked on the Town of Friendship Bicentennial and its significance. Now the Rushford Baptist Church will be celebrating its bicentennial. He encouraged everyone to attend these types of events. A lot of the founding of this County happened in the early 1800s.

Legislator Burt commented on the many tourist events recently held, including Heritage Days in Angelica, Tough Mudders in Andover, and the Boxing Hall of Fame inductions in Belfast. He thanked Tourism Director Gretchen Hanchett for her attendance at these events. He also thanked Legislator Ungermann and Legislator Decker for coming to the Boxing event. He remarked on the great turnout they had at the breakfast Sunday morning regarding Purple Heart Homes. Legislator Burt stated that there are currently 25-30 people who are interested in establishing a local branch.

**ADJOURNMENT:** The meeting was adjourned at 2:27 p.m. on a motion made by Legislator Graves, seconded by Legislator Root, and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION**

**AUGUST 24, 2015**

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

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

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

**ROLL CALL:** 14 Legislators Present: Scott Burt, Curtis Crandall, Philip Curran, David Decker, Dwight Fanton, Karl Graves, Dwight "Mike" Healy, Theodore Hopkins, Charles Jessup, Kevin LaForge, Timothy O'Grady, David Pullen, Debra Root, Norman Ungermann, Jr. Absent: Aaron McGraw

**APPROVAL OF MINUTES:**

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

**PRIVILEGE OF THE FLOOR:**

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

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

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

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

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

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

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

**PROCLAMATION:**

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

**RESOLUTIONS:**

**RESOLUTION NO. 181-15**

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

Offered by: Facilities & Communications and Ways & Means Committees

**RESOLVED:**

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

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

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

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

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

**RESOLUTION NO. 182-15**

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

Offered by: Human Services and Ways & Means Committees

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

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

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

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

**RESOLVED:**

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

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

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

**RESOLUTION NO. 183-15**

**BUDGET TRANSFER WITHIN PROBATION DEPARTMENT ACCOUNTS**

Offered by: Public Safety Committee

**RESOLVED:**

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

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

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

**RESOLUTION NO. 184-15**

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

Offered by: Ways and Means Committee

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

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

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

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

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

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

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

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

**RESOLVED:**

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

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

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

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

### **RESOLUTION NO. 185-15**

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

Offered by: Public Works Committee

#### **RESOLVED:**

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

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

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

### **RESOLUTION NO. 186-15**

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

Offered by: Human Services and Ways & Means Committees

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

**RESOLVED:**

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

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

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

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

**RESOLUTION NO. 187-15**

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

Offered by: Human Services and Ways & Means Committees

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

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

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

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

**RESOLVED:**

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

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

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

**RESOLUTION NO. 188-15**

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

Offered by: Human Services and Ways & Means Committees

**RESOLVED:**

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

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

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

**RESOLUTION NO. 189-15**

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

Offered by: Human Services and Ways & Means Committees

**RESOLVED:**

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

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

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

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

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

### **RESOLUTION NO. 190-15**

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

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

#### **RESOLVED:**

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

Appropriation Accounts:

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

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

Revenue Account:

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

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

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

**RESOLUTION NO. 191-15**

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

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

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

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

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

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

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

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

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

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

**RESOLVED:**

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

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

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

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

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

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

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

**RESOLUTION NO. 192-15**

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

Offered by: Ways & Means Committee

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

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

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

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

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

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

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

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

**RESOLVED:**

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

2. That the Clerk of the Board of Legislators is directed to prepare, with the assistance of the County Attorney, a notice of said public hearing, to cause the publication of a copy of said notice in each of the two newspapers which have been officially designated by this Board to publish "notices," and to affix a copy of said notice on the County bulletin board in the County Courthouse at Belmont, New York; both publication and posting to be made at least seven days before the public hearing.

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

Adopted: Voice Vote

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

**AUDITS:**

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

A motion was made by Legislator Jessup, seconded by Legislator Fanton, and adopted on a roll call vote of 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$3,544,715.98, including prepaid expenses, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$6,375,138.*)

**COMMENTS:**

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

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

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

**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 60<sup>th</sup> 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 31<sup>st</sup> 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.

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION**

**SEPTEMBER 28, 2015**

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

**PLEDGE OF ALLEGIANCE TO THE FLAG:** The Pledge of Allegiance was led by former United States Army Staff Sergeant Donald H. Newland.

**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, Theodore Hopkins, Charles Jessup, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Norman Ungermann, Jr.  
Absent: David Decker, Debra Root

**APPROVAL OF MINUTES:**

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

The Board meeting minutes of September 14, 2015, were amended following a motion made by Legislator Burt, seconded by Legislator Curran, and carried to clarify Legislator Burt's comments on Resolution No. 199-15 regarding the New York State Homes and Community Renewal Community Development Block Grant Program on page 10 of the minutes. Mr. Burt would like to have the words "doesn't mind" struck and replaced with "encourages." The minutes were then approved as amended following a motion made by Legislator Curran, seconded by Legislator Pullen, and carried.

The Committee of the Whole minutes of September 14, 2015, were approved on a motion made by Legislator Graves, seconded by Legislator Curran, and carried.

**PUBLIC HEARING:**

Chairman Crandall closed the regular meeting to hold a public hearing on Local Law Intro. No. 4-2015, entitled "A Local Law Authorizing the Use of Best Value in the Competitive Bidding Process." Comments from the public included the following:

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 Donald H. Newland, former United States Army Director Repairman, in grateful appreciation of his service to our country. Mr. Newland's service dates were from June 26, 1946, to May 24, 1949. Following Basic Training at Aberdeen Proving Grounds, MD, assignments included: Camp Kilmer, NJ, Panama and Fort Bliss, TX. While in Fort Bliss, Mr. Newland was assigned to Battery B, the first guided missile regiment at Fort Bliss. This regiment was the United States' initial entry into the space age. In collaboration with a group of German Scientists, as well as General Electric engineers and machinists for the military, Mr. Newland was involved in the enhancement of the V2 Rocket. In the fall of 1948, after the Army had ended its ban on promotions, Mr. Newland was promoted from Corporal, to Buck Sergeant, to Staff Sergeant in a span of two weeks. With this promotion came a unique assignment. He was given the temporary duty of escort for the World War II casualties. The assignment required Mr. Newland to escort the casket to the soldier's hometown, meet the family, coordinate the funeral with the local V.F.W. or other military organization, and participate in the funeral by presenting the flag to the next of kin. Mr. Newland has graciously shared his memories of his time in the service in a couple of books he has written. The first book, "As I Remember," includes stories from his life. The second book, "The Dark Silent Room," tells about his days as an honor escort. Mr. Newland led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Mr. William Heaney addressed the group regarding an Allegany County Museum Trail Event taking place this weekend, October 3-4. There are over twenty museums in Allegany County. A group of Allegany County historians that Mr. Heaney is part of, had planned the event for the first time last year, but unfortunately chose a weekend with seven other events already planned. They are hoping better planning and publication of the event will result in a better turnout this year. Mr. Heaney stated, "Allegany County may not have billions of dollars, but we have billions of history... We have a history here; a history we should be proud of."

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

1. October 2015 Calendar.
2. Correspondence from Senator Catharine Young acknowledging receipt and support of our resolution in support of establishing statewide benchmarks and our resolution opposing New York State's plan to close Skill Development and Work Centers.
3. Allegany County Area Foundation's Annual Report for 2014-2015.

## **APPOINTMENTS:**

Chairman Curtis W. Crandall appointed David T. Pullen, of Fillmore, to serve as the legislative designee on the **LAW LIBRARY BOARD OF TRUSTEES** for a two-year term commencing October 2, 2015, and expiring October 1, 2017.

**RESOLUTIONS:**

**RESOLUTION NO. 200-15**

**AMENDING RESOLUTION NO. 118-67, AS AMENDED, TO IMPOSE ALLEGANY COUNTY SALES AND USE TAX AT THE RATE OF FOUR AND ONE-HALF PERCENT FOR THE PERIOD BEGINNING DECEMBER 1, 2015, AND ENDING NOVEMBER 30, 2017, AND THEREAFTER SAID RATE OF SALES AND USE TAX TO REVERT TO THREE PERCENT**

Offered by: Ways & Means Committee

Pursuant to Article 29 of the Tax Law, and Chapter 174 of the Laws of 2015

**BE IT RESOLVED AND ENACTED** by the Board of Legislators of the County of Allegany as follows:

Section 1. Section 4-A of Resolution No. 118-67, as amended, is hereby amended to read as follows:

Section 4-A. Imposition of additional rate of sales and compensating use taxes

Pursuant to the authority of section 1210 of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional one and one-half percent rate of such sales and compensating use taxes, for the period beginning December 1, 2004, and ending November 30, 2017. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

Section 2. Paragraph (D) of Subdivision (1) of Section 11. of Resolution No. 118-67, as amended, is hereby amended to read as follows:

(1) (D) With respect to the additional tax of one and one-half percent imposed for the period beginning December 1, 2004, and ending November 30, 2017, in respect to the use of property used by the purchaser in this county prior to December 1, 2004.

Section 3. This resolution shall take effect December 1, 2015.

Moved by: Mr. Jessup  
Seconded by: Mr. Hopkins

Adopted: Roll Call  
11 Ayes, 2 Noes, 2 Absent  
Voting No: Burt, Ungermann

Comments made regarding Resolution No. 200-15 included: Legislator Burt moved the resolution be amended to change the additional rate from 1.5 percent to 1.35 percent. He noted the growth of the Fund Balance and feels it would encourage businesses to set up in Allegany County. Legislator Pullen seconded the motion to amend the resolution. Legislator Pullen stated that it's a touchy issue, but one that's important to constituents. He stated there would be consequences of reducing the rate, especially since the sales tax revenues are already down this year. Chairman Crandall cautioned the Board about the process in place. This falls under Home Rule Legislation. We asked our state representatives to address the sales tax issue for us. If the resolution were amended, it would have to go back through the State Legislature and the Governor for approval. At this point, that would mean having to wait until next year, and we'd be without the additional tax. County Attorney Tom Miner affirmed that this was true. The County could end up with no additional tax if the resolution were amended. Legislator O'Grady remarked that he feels the greater priority is reducing property taxes. Sales tax is contributed by everyone, including visitors to the County. He feels there are too many properties that are tax exempt. He doesn't think it's the sales tax that's keeping people from moving here, more likely it's the property taxes; although, he thinks that all of our taxes are too high. Legislator Fanton remarked on the reduction in property tax rates in the County over the last six years. Legislator Ungermann agreed that Chairman Crandall was correct about the process. He stated, "This is something that should have been discussed two votes ago." He feels that if Allegany County is going to be competitive, we need to do something about sales tax. Legislator Healy stated that he agrees with what's been said. All of our taxes are too high, but the money has to come from some place. He feels it's better to have it come from sales tax. Property taxes are a big issue with residents. Chairman Crandall reiterated the consequences of trying to amend our Home Rule Request, and Legislator Scott Burt requested a point of order asserting that the Chairman should temporarily vacate the office of Chairman while he presents his opinions. Chairman Crandall declared he was not voicing his opinions, but rather ensuring those present understand the consequences of any action. The motion failed to receive the necessary votes of the Board.

### **RESOLUTION NO. 201-15**

#### **ADOPTION OF LOCAL LAW INTRO. NO. 4-2015, PRINT NO.1, AUTHORIZING THE USE OF BEST VALUE IN THE COMPETITIVE BIDDING PROCESS**

Offered by: Ways & Means Committee

#### **RESOLVED:**

1. That proposed Local Law, Intro. No. 4-2015, Print No. 1, is adopted without any change in language, to wit:

**COUNTY OF ALLEGANY**

Intro. No. 4-2015

Print No. 1

**A LOCAL LAW AUTHORIZING THE USE OF BEST VALUE IN THE  
COMPETITIVE BIDDING PROCESS**

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

**Section 1. Name of local law.** This law shall be known as “Allegany County Best Value Competitive Bidding Law.”

**Section 2. Findings and Intent.** The State Legislature and Governor amended General Municipal Law §103 on January 27, 2012, to provide local governments greater flexibility in awarding contracts by authorizing the award of purchase contracts, including contracts for service work on the basis of best value. The State Legislation requires Political Subdivisions with a population of less than one million to pass a local law authorizing the use of the best value award process.

Enactment of this legislation provides additional procurement options to localities in ways that may expedite the procurement process and result in cost savings. The “best value” standard for selecting goods and services vendors, including janitorial and security contracts, is critical to efforts to use strategic sourcing principles to modernize the supply chain and ensure that taxpayers obtain the highest quality goods and services at the lowest potential cost, while also ensuring fairness to all competitors.

The federal government, approximately half the states, and many localities have added best value selection processes to their procurement options, in recognition of these advantages. With the increased complexity of the goods and services that municipalities must obtain in order to serve taxpayers, it is critical to consider selection and evaluation criteria that measure factors other than cost in the strictest sense.

Taxpayers are not well served when a public procurement results in low unit costs at the outset, but ultimately engenders cost escalations due to factors such as inferior quality, poor reliability, and difficulty of maintenance. Best value procurement links the procurement process directly to the municipality’s performance requirements, incorporating selection factors such as useful lifespan, quality and options and incentives for more timely performance, and/or additional services.

Even if the initial expenditure is higher, considering the total value over the life of the procurement may result in a better value and long-term investment of public funds. Best value procurement also encourages competition and, in turn, often results in better pricing, quality, and customer service. Fostering healthy competition ensures that bidders will continue to strive for excellence in identifying and meeting municipalities’ needs, including such important goals as the participation of small, minority and women-owned businesses, and the development of environmentally-preferable goods and service delivery methods. Best

value procurement will provide much-needed flexibility in obtaining important goods and services at favorable prices, and will reduce the time to procure such goods and services.

**Section 3. Definitions.** “Best value” means the basis for awarding contracts for services to the offerer which optimizes quality, cost and efficiency, among responsive and responsible offerors. Such basis shall reflect, wherever possible, objective and quantifiable analysis. Such basis may also identify a quantitative factor for offerors that are small businesses or certified minority- or women-owned business enterprises as defined in subdivisions one, seven, fifteen, and twenty of section three hundred ten of the executive law to be used in evaluation of offers for awarding of contracts for services.

**Section 4. Requirements.**

- A. Where the basis for award is the best value offer, the County Administrator shall document, in the procurement record and in advance of the initial receipt of offers, the determination of the evaluation criteria, which whenever possible, shall be quantifiable, and the process to be used in the determination of best value and the manner in which the evaluation process and selection shall be conducted.
- B. The County Administrator shall select a formal sealed competitive bidding procurement process in accordance with General Municipal Law and the Allegany County Procurement Policy and document their determination in the procurement record. The process shall include, but is not limited to, a clear statement of need; a description of the required specifications governing performance and related factors; a reasonable process for ensuring a competitive field; a fair and equal opportunity for offerors to submit responsive offers; and a balanced and fair method of award. Where the basis for the award is best value, documentation in the procurement record shall, where practicable, include a quantification of the application of the criteria to the rating of proposals and the evaluation results, or, where not practicable, such other justification which demonstrates that best value will be achieved.
- C. The solicitation shall prescribe the minimum specifications or requirements that must be met in order to be considered responsive and shall describe and disclose the general manner in which the evaluation and selection shall be conducted. Where appropriate, the solicitation shall identify the relative importance and/or weight of cost and the overall technical criterion to be considered by the County of Allegany in its determination of best value.
- D. The County Administrator shall develop procedures that will govern the award of contracts on the basis of best value. These procedures shall be included in the Allegany County Procurement Policy and reviewed annually by the Allegany County Board of Legislators in conjunction with its annual review and approval of the Allegany County Procurement Policy.

**Section 5. Severability.** If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to

be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 6. Effective Date.** This local law shall take effect immediately upon filing with the New York Secretary of State.

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

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

Comments made regarding Resolution No. 201-15 included: Legislator LaForge noted that this resolution allows the County to adopt New York State Legislation that was put into place 2 years ago.

## **RESOLUTION NO. 202-15**

### **ADOPTION OF POLICY PURSUANT TO §408-a(2) OF THE COUNTY LAW TO ALLOW OTHER POLITICAL SUBDIVISIONS TO PURCHASE GOODS AND SERVICES ON CONTRACTS AWARDED BY ALLEGANY COUNTY TO THE LOWEST RESPONSIBLE BIDDER**

Offered by: Ways & Means Committee

**WHEREAS**, under §408-a(2) of the County Law, prior to allowing other political subdivisions to purchase goods and services on contracts awarded by the County to the lowest responsible bidder, a County must adopt rules prescribing the conditions under which, and the manner in which, purchases may be made or services may be obtained by such political subdivisions, and

**WHEREAS**, Allegany County wishes to allow other political subdivisions the ability to piggyback off of certain contracts awarded by the County through competitive bidding, now therefore, be it

#### **RESOLVED:**

1. That the attached policy, entitled "Piggybacking off County Bids," constituting the rules and conditions under which, and manner in which, purchases may be made or services obtained by political subdivisions on contracts awarded by Allegany County to the lowest responsible bidder is hereby adopted.

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

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

Comments made regarding Resolution No. 202-15 included: Legislator LaForge noted that this is commonly referred to as “piggybacking.” This will allow other municipalities to “piggyback” off County bids.

**RESOLUTION NO. 203-15**

**ABOLISHING ONE POSITION OF SOCIAL WELFARE EXAMINER AND ONE POSITION OF ACCOUNTANT IN THE DEPARTMENT OF SOCIAL SERVICES**

Offered by: Human Services Committee

**RESOLVED:**

1. That one position of Social Welfare Examiner (AFSCME, Grade 11) and one position of Accountant (PEF, Grade 7) are abolished in the Department of Social Services.
2. This resolution shall take effect immediately.

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

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

**RESOLUTION NO. 204-15**

**BUDGET TRANSFERS WITHIN HEALTH DEPARTMENT ACCOUNTS**

Offered by: Human Services Committee

**RESOLVED:**

1. That the sum of \$971 shall be transferred from Account No. A4035.409 (Family Planning - Fees) to Account No. A4035.201 (Family Planning - Office Equipment).
2. That the sum of \$22,177 shall be transferred from Account No. A4010.101 (Health Dept – Personnel) to Account No. A4010.408 (Health Dept – General Supplies).

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

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

**RESOLUTION NO. 205-15**

**TRANSFER OF FUNDS WITHIN PUBLIC DEFENDER’S ACCOUNTS**

Offered by: Public Safety Committee

**RESOLVED:**

1. That the transfer of \$9,678 within the Public Defender accounts is approved as follows:

From:	To:	Amount:
A1172.201	Equipment	\$ 2,980
A1172.402	Mileage	\$ 477
A1172.405	Conference Expense	\$ 3,100
A1172.407	Office Supplies	\$ 489
A1172.409	Fees	<u>\$ 2,632</u>
Total		\$ 9,678

A1172.802	Retirement	\$ 6,379
A1172.803	FICA	\$ 2,671
A1172.804	Workers Comp	\$ 541
A1172.805	Disability	<u>\$ 87</u>
Total		\$ 9,678

Moved by: Mr. Curran  
Seconded by: Mr. Healy

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

**RESOLUTION NO. 206-15**

**APPROVAL OF DRIVEWAY AGREEMENT WITH THE  
ESTATE OF BARBARA J. DEJONGE**

Offered by: Ways & Means Committee

**WHEREAS**, Allegany County owns property located at 25 Court Street in the Village of Belmont; and

**WHEREAS**, the Estate of Barbara J. DeJonge owns property located at 27 Court Street in the Village of Belmont; and

**WHEREAS**, the driveway used to access the back portion of the property located at 27 Court Street is located on the property owned by Allegany County at 25 Court Street; and

**WHEREAS**, the Estate of Barbara J. DeJonge has approached the County with a request that the County enter into a Driveway Agreement with the estate to allow the estate, together with their successors and assigns, to use the driveway on the County's property to access the back of its property; and

**WHEREAS**, it is deemed to be in the County's best interest to enter into a Driveway Agreement with the Estate of Barbara J. DeJonge as the Agreement will not negatively impact the County's property, but will enhance the value of the estate's property; and

**WHEREAS**, the Driveway Agreement will require that the driveway be kept open and unobstructed and that each party will be responsible for any damage caused to the driveway by such party beyond normal wear and tear; and

**WHEREAS**, the sum of Five Hundred Dollars (\$500) has been determined to constitute fair and reasonable consideration to be paid the County for agreeing to enter into the Driveway Agreement, now therefore, be it

**RESOLVED:**

1. The Driveway Agreement between the County of Allegany and the Estate of Barbara J. DeJonge is hereby approved.

2. Upon receipt of the sum of Five Hundred Dollars (\$500) by the County of Allegany, the Chairman of this Board is authorized to execute the Driveway Agreement and any other documents necessary for recording said Agreement in the Allegany County Clerk's Office.

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

Adopted: Roll Call  
11 Ayes, 1 No, 2 Absent  
Voting No: Burt  
Abstaining: Pullen

Comments made regarding Resolution No. 206-15 included: Legislator Burt expressed his concern over the longevity of the easement. He is concerned about who might own the property in the future. Legislator Pullen requested permission to abstain from the vote as he has represented the estate. Legislator Graves moved that he be allowed to abstain. The motion was seconded by Legislator Fanton and carried by the Board.

Resolution Intro. No. 210-15 (**ACCEPTANCE AND APPROPRIATION OF UNALLOCATED FUNDS FOR THE WIC PROGRAM FOR THE 2015 BUDGET YEAR**) was not pre-filed and was considered from the floor on a motion made by Legislator LaForge, seconded by Legislator Graves, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

**RESOLUTION NO. 207-15**

**ACCEPTANCE AND APPROPRIATION OF UNALLOCATED FUNDS FOR THE WIC PROGRAM FOR THE 2015 BUDGET YEAR**

Offered by: Human Services and Ways & Means Committees

**RESOLVED:**

1. That the sum of \$27,604 in unallocated funds for the WIC Program for the 2015 budget year is accepted.
2. That the accepted sum of \$27,604 is placed in Account No. A4190.204 (WIC - Vehicle) with a like sum credited to Revenue Account No. A4190.4452.00 (Federal Aid - WIC).

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

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

**AUDITS:**

A motion was made by Legislator Jessup, seconded by Legislator Graves, 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 \$3,391,493.45, 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 \$7,341,068.*)

**COMMENTS:**

Legislator Ungermann remarked on the attendance at the annual Garlic Festival in Cuba, saying that there were 7,200 people in attendance not including volunteers or vendors.

Legislator Pullen thanked today's honored Veteran Mr. Newland. He expressed his gratitude for Mr. Newland joining us and for so eloquently writing his memories about these milestones in history. That is not an easy thing to do, yet he has done it so very well.

**ADJOURNMENT:** The meeting was adjourned at 3:13 p.m. on a motion made by Legislator Graves, seconded by Legislator Fanton, and carried.

**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.

**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
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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.

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION**

**NOVEMBER 9, 2015**

**CALL TO ORDER:** The regular meeting of the Board of Legislators was called to order at 2:09 p.m. by Chairman Curtis W. Crandall.

**PLEDGE OF ALLEGIANCE TO THE FLAG:** The Pledge of Allegiance was led by former United States Navy Seaman E-4 Brian M. Reed.

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

**ROLL CALL:** 13 Legislators Present: Curtis Crandall, Philip Curran, David Decker, Dwight Fanton, Karl Graves, Dwight "Mike" Healy, Charles Jessup, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen (*arrived at 2:20 p.m.*), Debra Root, Norman Ungermann, Jr. Absent: Scott Burt, Theodore Hopkins

**APPROVAL OF MINUTES:**

The Board meeting minutes of October 26, 2015, were approved on a motion made by Legislator Decker, seconded by Legislator Curran, and carried.

The Committee of the Whole minutes of October 26, 2015, were approved on a motion made by Legislator Decker, seconded by Legislator Root, and carried.

**PRIVILEGE OF THE FLOOR:**

Chairman Crandall noted that Veterans Day was to be commemorated this week and he gave a brief background on the history of Veterans Day, originally called Armistice Day. He stated he hoped we'll all take a couple of minutes to remember our veterans on Veterans Day.

Chairman Crandall presented a certificate to Brian M. Reed, former United States Navy Seaman E-4, in grateful appreciation of his service to our country. Mr. Reed's service dates were from February 6, 1973, to March 6, 1975. He served on the USS White Plains AFS4 stationed out of Sasebo, Japan. Mr. Reed received the National Defense Service Medal. Mr. Reed led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Allegany County History Preservation Roundtable Coordinator William Heaney thanked the Allegany County Planning and Implementation group for their help in promoting the 2<sup>nd</sup> Annual Allegany County Museum Tour. Mr. Heaney remarked that the inclement weather on Saturday, October 3 negatively impacted attendance, but overall attendance was much better than last year. He feels the attendance will continue to improve and that it's

worth planning another tour for next year. He hopes the schools will begin to take advantage of the museums and the local history they have to offer to students.

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

1. Report of Intrafund Transfers Approved by the County Administrator for October 2015.
2. Report of Tax Bill Corrections Approved by the County Administrator for October 2015.
3. County Treasurer Terri Ross filed Certificates of Withdrawal for Delinquent Tax Liens for properties in the Town of Amity in the Clerk of the Board's Office on November 4, 2015.
4. Notice of next InterCounty Association meeting to be hosted by Chautauqua County at the Rotunda Grapevine Railroad Farm in Fredonia on November 20, 2015.
5. Notice of the 2015 Tri-Chamber Holiday Business after Hours at Moonwinks on December 8, 2015.

**PROCLAMATION:**

Chairman Crandall proclaimed November 19, 2015, as **RURAL HEALTH DAY** in Allegany County.

**RESOLUTIONS:**

**RESOLUTION NO. 224-15**

**APPROVAL OF SALE OF 2015 TAX SALE PROPERTY**

Offered by: Ways & Means Committee

Pursuant to New York Uniform Delinquent Tax Enforcement Act and Resolution No. 195-97, as amended by Resolution No. 95-98.

**RESOLVED:**

1. That the sale of the tax delinquent property shown below, to the owner and purchaser shown, for the consideration shown, subject to terms and conditions of sale for such property, is approved.
2. That upon the securing by the County Attorney of a proper court order authorizing the conveyance to the County of the below mentioned property which is subject to

the 2013 and or/ back to the year 1995 (TF95 up to and including TF2013)tax foreclosure proceedings and the subsequent execution of a deed of all of the property to the County by the County Tax Enforcement Officer, the Chairman of this Board of Legislators is authorized and directed to execute on behalf of the County of Allegany and to cause to deliver to such owner and purchaser a quit claim deed of the County's interest in such property and to affix to such deed the official seal; all upon satisfaction of the terms and conditions of sale and the full payment to the County Treasurer of the monetary consideration.

New Owner Address Sale price	Parcel details	County title Recorded Date Liber, Page
Halladay Maxwell E. Sr. & Halladay Marguerite J. 1035 Stone Dam Road Wellsville, NY 14895	Parcel ID:027001;225.20-1-81 Property loc: 54 O'Connor Street Assessed Value: 21,000 Acres: 0.58	County of Allegany  Book: 1189 Page: 336
Tax sale amount: 500		

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

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

### RESOLUTION NO. 225-15

#### RELEVY OF RETURNED SCHOOL TAXES

Offered by: Ways & Means Committee

Pursuant to Real Property Tax Law § 1330

#### RESOLVED:

1. That the amount of the unpaid returned school taxes of the several school districts of Allegany County with seven per centum of the amount of principal and interest in addition thereto, is relevied upon the real property upon which the same were imposed.

2. This resolution shall take effect on November 2, 2015.

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

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

**RESOLUTION NO. 226-15**

**RELEVY OF RETURNED VILLAGE TAXES**

Offered by: Ways & Means Committee

Pursuant to Local Law No. 4 of 1978 and Real Property  
Tax Law § 1442

**RESOLVED:**

1. That the amount of the unpaid returned village taxes of each village of Allegany County which has complied with the provisions of Local Law No. 4 of 1978, together with seven per centum of the amount of principal and interest, is relevied upon the real property upon which the same were originally imposed by each such respective village.

2. This resolution shall take effect on November 16, 2015.

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

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

**RESOLUTION NO. 227-15**

**A RESOLUTION LEVYING THE AMOUNT OF UNPAID SEWER AND WATER RENTS IN  
VARIOUS TOWN SEWER AND WATER DISTRICTS AGAINST THE VARIOUS REAL  
PROPERTIES LIABLE THEREFOR**

Offered by: Ways & Means Committee

Pursuant to Article 14-F of the General Municipal Law and Town Law § 198

**WHEREAS**, the Towns of Belfast, Caneadea, Friendship, Hume, Independence, Scio and Wellsville have submitted to this Board of Legislators statements showing sewer and water rents unpaid by the persons or entities noted therein and the real property to be charged with such unpaid rents, and

**WHEREAS**, pursuant to law this Board is required to levy such sums against the real property liable therefor, now, therefore, be it

**RESOLVED:**

1. That the unpaid sewer and water rents by the persons or entities noted in statements filed with this Board of Legislators by the respective Supervisors of the Towns of Belfast, Caneadea, Friendship, Hume, Independence, Scio and Wellsville between September 20, 2015, and November 1, 2015, are levied against the real property noted in

such statements and are to be placed on the tax rolls of such Towns in the manner provided by law.

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

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

**RESOLUTION NO. 228-15**

**TRANSFER OF FUNDS WITHIN OFFICE FOR THE AGING ACCOUNTS**

Offered by: Human Services Committee

**RESOLVED:**

1. That the transfer of \$18,000 within Office for the Aging Expanded In-Home Services for the Elderly Program (EISEP) accounts is approved as follows:

<b>From Account No.</b>	<b>To Account No.</b>	<b>Amount</b>
A6778.474 Home Care	A6778.101 Regular Pay	\$12,000
A6778.474 Home Care	A6778.802 Retirement	2,100
A6778.474 Home Care	A6778.803 F.I.C.A	1,000
A6778.474 Home Care	A6778.804 Worker's Comp	300
A6778.474 Home Care	A6778.806 Medical Insurance	<u>2,600</u>
	<b>Total</b>	<b>\$18,000</b>

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

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

**RESOLUTION NO. 229-15**

**BUDGET TRANSFER WITHIN HEALTH DEPARTMENT ACCOUNTS**

Offered by: Human Services Committee

**RESOLVED:**

1. That the sum of \$200 shall be transferred from Account No. A4190.424 (WIC – Legal Advertising) to Account No. A4190.206 (WIC - Equipment).

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

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

**RESOLUTION NO. 230-15**

**ACCEPTANCE AND APPROPRIATION OF FEDERAL AND STATE COLA FUNDS TO  
VARIOUS DEPARTMENT OF HEALTH PROGRAMS**

Offered by: Human Services and Ways & Means Committees

**RESOLVED:**

1. The sum of \$1,043 in COLA funds to the County Health Department Rabies Program is accepted and appropriated to Account No. A4043.408 (General Supplies) with a like sum credited to Revenue Account No. A4043.3450.00 (State Aid – Public Health).
2. The sum of \$2,474 in COLA funds to the County Health Department Tobacco Enforcement Program is accepted and appropriated to Account No. A4051.462 (Health Contracts) with a like sum credited to Revenue Account No. A4051.3450.00 (State Aid – Public Health Other).
3. The sum of \$2,918 in COLA funds to the County Health Department Lead Poisoning Prevention Program is accepted and appropriated to Account No. A4037.408 (General Supplies) with a like sum credited to Revenue Account No. A4037.3437.00 (State Aid – Public Health - Lead).
4. The sum of \$1,463 in COLA funds to the County Health Department Children with Special Health Care Needs Program is accepted and appropriated to Account No. A4054.408 (General Supplies) with a like sum credited to Revenue Account No. A4054.3401.01(State Aid – Public Health).
5. The sum of \$2,406 in COLA funds to the County Health Department Immunization Program is accepted and appropriated to Account No. A4056.408 (General Supplies) with a like sum credited to Revenue Account No. A4056.3473.00 (State Aid – Immunizations)
6. The sum of \$13,634 in COLA funds to the County Health Department Cancer Services Program is accepted and appropriated as follows:

<u>Appropriation Accounts</u>	<u>Amount</u>
A4071.201 (Office Equipment)	\$ 3,596
A4071.405 (Conference Expense)	\$ 1,200
A4071.408 (General Supplies)	\$ 2,500
A4071.424 (Legal Advertising)	\$ 4,568
A4071.419 (Printing/Microfilming)	\$ 1,680
A4071.422 (Gasoline/Oil)	\$ 90
	<u>\$13,634</u>
<u>Revenue Account</u>	

A4071.3401.00 (State Aid)

\$13,634

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

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

**RESOLUTION NO. 231-15**

**ACCEPTANCE AND APPROPRIATION OF A WOMEN'S HEALTH INITIATIVE GRANT  
FOR THE CANCER SERVICES PROGRAM**

Offered by: Human Services and Ways & Means Committees

**RESOLVED:**

1. The sum of \$50,000 in a Women's Health Initiative Grant for the Cancer Services Program is accepted.

2. The sum of \$50,000 shall be appropriated to the following accounts:

A4010.101	County Health Department – Regular Pay	\$2,066
A4071.204	Cancer Screening – Motor Vehicles	19,700
A4071.206	Cancer Screening – Health Equipment	5,500
A4071.401	Cancer Screening – Postage	6,178
A4071.408	Cancer Screening – General Supplies	1,687
A4071.424	Cancer Screening – Legal Advertising	13,840
A4071.802	Cancer Screening – Retirement	384
A4071.803	Cancer Screening – FICA	158
A4071.804	Cancer Screening – Workers Comp	32
A4071.805	Cancer Screening – Disability	5
A4071.806	Cancer Screening – Hosp/Med Ins	<u>450</u>
	TOTAL	\$50,000

with the like sum of \$50,000 credited to Revenue Account No. A4071.3401.00 (State Aid – Cancer Screening).

Moved by: Mr. LaForge  
Seconded by: Mr. Root

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

**RESOLUTION NO. 232-15**

**ACCEPTANCE AND APPROPRIATION OF ADDITIONAL FUNDS RECEIVED FROM THE  
FEDERAL GRANTS FOR THE NUTRITION SERVICES INCENTIVE PROGRAM (NSIP);  
THE MEDICARE IMPROVEMENTS FOR PATIENTS AND PROVIDERS ACT (MIPPA);**

**AND THE HEALTH INSURANCE INFORMATION, COUNSELING, AND ASSISTANCE PROGRAM (HICAP) TO OFFICE FOR THE AGING ACCOUNTS**

Offered by: Human Services and Ways & Means Committees

**RESOLVED:**

1. The sum of \$4,772 in Nutrition Services Incentive Program (NSIP) funds is accepted and appropriated as follows:

<u>Appropriation Accounts</u>	<u>Amount</u>
A6772.201 (OFA Nutrition – Office Equipment)	\$ 1,100
A6772.474 (OFA Nutrition - Contractual)	<u>3,672</u>
	\$ 4,772
<u>Revenue Account</u>	
A6772.4772.03 (OFA - NSIP)	\$ 4,772

2. The sum of \$7,160 in NSIP funds is accepted and appropriated as follows:

<u>Appropriation Accounts</u>	<u>Amount</u>
A6779.201 (OFA SNAP – Office Equipment)	\$ 1,100
A6779.474 (OFA SNAP – Contractual)	<u>6,060</u>
	\$ 7,160
<u>Revenue Account</u>	<u>Amount</u>
A6779.4772.00 (OFA – NSIP)	\$ 7,160

3. The sum of \$709 in Medicare Improvements for Patients and Providers ACT (MIPPA) funds is accepted and appropriated as follows:

<u>Appropriation Accounts</u>	<u>Amount</u>
A6774.101 (OFA MIPPA – Regular Pay)	\$ 552
A6774.802 (OFA MIPPA – Retirement)	<u>157</u>
	\$ 709
<u>Revenue Account</u>	<u>Amount</u>
A6774.4772.00 (OFA - MIPPA)	\$ 709

4. The sum of \$4,068 in Health Insurance Information, Counseling and Assistance Program (HICAP) funds is accepted and appropriated as follows:

<u>Appropriation Accounts</u>	<u>Amount</u>
A6782.101 (OFA HICAP – Regular Pay)	\$ 2,568

A6782.405 (OFA HICAP – Conference Exp)	500
A6782.424 (OFA HICAP – Legal Advertising)	200
A6782.806 (OFA HICAP – Medical Insurance)	800
	\$ 4,068

<u>Revenue Account</u>	<u>Amount</u>
A6782.4772.00 (OFA - HICAP)	\$ 4,068

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

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

**RESOLUTION NO. 233-15**

**ACCEPTANCE AND APPROPRIATION OF ADDITIONAL FUNDS RECEIVED FROM THE  
NEW YORK STATE GRANTS FOR THE COMMUNITY SERVICES FOR THE ELDERLY  
(CSE), THE AAA TRANSPORTATION PROGRAM AND A LOCAL CONTRIBUTION FROM  
THE ALLEGANY SENIOR FOUNDATION TO  
OFFICE FOR THE AGING ACCOUNTS**

Offered by: Human Services and Ways & Means Committees

**RESOLVED:**

1. The sum of \$20,830 in additional state funding for the Community Services for the Elderly (CSE), the AAA Transportation Program and a \$1,000 local contribution from the Allegany Senior Foundation are accepted and appropriated as follows:

<u>Appropriation Accounts</u>	<u>Amount</u>
A6776.101 (CSE - Regular Pay)	\$ 4,500
A6776.201 (CSE - Office Equipment)	3,000
A6776.401 (CSE - Postage)	900
A6776.402 (CSE - Mileage)	1,600
A6776.408 (CSE – General Supplies)	500
A6776.409 (CSE – Fees PERS)	2,500
A6776.419 (CSE - Printing)	900
A6776.423 (CSE - Food)	6,000
A6776.802 (CSE - Retirement)	810
A6776.803 (CSE - FICA)	345
A6776.804 (CSE - Worker’s Comp)	90
A6776.806 (CSE – Medical Ins)	685
	\$21,830

<u>Revenue Accounts</u>	<u>Amount</u>
A6776.3772.00 (CSE - Transportation)	\$20,830
A6776.1972.00 (CSE – Local Contributions)	<u>1,000</u>
	\$21,830

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

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

**RESOLUTION NO. 234-15**

**ACCEPTANCE AND APPROPRIATION OF STATE COLA FUNDS FOR  
ALLEGANY COUNTY COMMUNITY SERVICES ACCOUNTS;  
BUDGET ADJUSTMENT WITHIN ACCOUNTS**

Offered by: Human Services and Ways & Means Committees

**RESOLVED:**

1. The sum of \$18,867 in state COLA funds for Allegany County Community Services is accepted and appropriated as follows:

<u>Appropriation Accounts</u>	<u>Amount</u>
A4313.461 (Health Contract - ARC)	\$ 749
A4313.457 (Health Contract - Fingerlakes)	12,901
A4313.464 (Health Contract – ARA)	3,155
A4313.464A (Health Contact - ACCORD)	<u>2,062</u>
	\$ 18,867

<u>Revenue Account</u>	<u>Amount</u>
A4313.3490.965 (State Aid - COLA)	\$ 18,867

2. The sum of \$6,192 in state COLA funds for Allegany County Community Services is accepted and appropriated to Account No. A4313.464 (Mental Health Contract – ARA SPOA) with a like sum credited to Revenue Account No. A4313.3490.046A (State Aid – SPOA).

3. The sum of \$9,500 in state COLA funds for Allegany County Community Services is accepted and appropriated to Account No. A4220.458 (Council on Alcoholism & Substance Abuse Contract – Comm Res) with a like sum credited to Revenue Account No. A4220.3486.00 (State Aid - OASAS).

4. The sum of \$9,054 in state COLA funds for Allegany County Community Services is accepted and appropriated to Account No. A4313.456 (Mental Health Contract – Adult Clinic) with a like sum credited to Revenue Account No. A4313.3490.1078 (State Aid – Housing Arbor).

5. The following budget adjustment shall be made. The sum of \$18,776 shall be deducted from Appropriation Account No. A4313.463 (Mental Health Contract – PROS) with a like sum deducted from Revenue Account No. A4313.3490.046A (State Aid – PROS).

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

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

### RESOLUTION NO. 235-15

#### ACCEPT AND APPROPRIATE AMENDMENT OF IMMIGRATION AND CUSTOM ENFORCEMENT (ICE) INMATE HOUSING CONTRACT

Offered by: Public Safety and Ways & Means Committees

**WHEREAS**, based upon an initiative from Immigration and Custom Enforcement (ICE), the Sheriff's Office is requesting approval of an amendment to the ICE inmate housing contract to allow for ICE to reimburse the County to purchase computer and recreational equipment to be used by ICE and other inmates housed at the Allegany County Jail, and

**WHEREAS**, the total amount of expenditures would be \$28,700, and ICE will reimburse the total amount upon invoice, now, therefore, be it

#### RESOLVED:

1. That the purchase of \$28,700 for computers and recreational equipment for ICE and other inmates is approved.

2. That the sum of \$28,700 shall be placed in the following accounts:

A3150.201 (Jail – Office Equipment)	\$ 3,141
A3150.210 (Jail – Equipment Other)	<u>\$25,559</u>
Total:	\$28,700

with a like sum credited to Revenue Account No. A3150.4389.00 (Federal Aid – Other).

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

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

**RESOLUTION NO. 236-15**

**ACCEPTANCE AND APPROPRIATION OF FUNDS FROM ACCORD CORPORATION  
FOR THE ACT II BATTERERS' PROGRAM**

Offered by: Public Safety and Ways & Means Committees

**RESOLVED:**

1. That the sum of \$15,925 from ACCORD Corporation for the continuation of the ACT II BATTERERS' Program is accepted.
2. That the sum of \$15,925 is placed in Account No. A3117.449 (ACT II BATTERERS' Program – Contractual Expenses) with a like sum credited to Revenue Account A3117.2260.00 (ACT II BATTERERS' Program – Public Safety Service for Other Govts.).

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

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

**RESOLUTION NO. 237-15**

**APPROVAL OF ENGAGEMENT LETTER WITH BONADIO & CO., LLC FOR  
ANALYSIS OF VARIOUS PROGRAMS ADMINISTERED BY THE  
DEPARTMENT OF SOCIAL SERVICES**

Offered by: Human Services Committee

**RESOLVED:**

1. That the terms of an engagement letter dated October 16, 2015, from Bonadio & Co., LLC to perform an analysis of operational efficiencies, workflow efficiencies, and benefit program capabilities of the Program Integrity, Foster Care, and Medicaid Chronic Care programs within the Allegany County Department of Social Services for a total cost not to exceed Twenty Four Thousand Dollars (\$24,000) is approved.
2. That services provided under the engagement letter shall begin on or about January 1, 2016.
3. That the Chairman of this Board is authorized to execute the engagement letter.

Moved by: Mr. LaForge  
Seconded by: Mr. Curran

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

**RESOLUTION NO. 238-15**

**APPROVAL OF AGREEMENT BETWEEN THE ALLEGANY COUNTY  
BOARD OF ELECTIONS AND NTS DATA SERVICES, LLC  
FOR MAINTENANCE, SUPPORT, AND POLL BOOK PRINTING;  
AUTHORIZING CHAIRMAN OF THIS BOARD TO EXECUTE SUCH AGREEMENT**

Offered by: Personnel Committee

**RESOLVED:**

1. That the Agreement between the Allegany County Board of Elections and NTS Data Services, LLC,, in relation to maintenance, support, and poll book printing for the period January 1, 2016, to December 31, 2019, is approved.
2. That the Chairman of this Board is authorized to execute such Agreement.

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

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

**RESOLUTION NO. 239-15**

**APPROVAL OF AGREEMENTS WITH APPROVED PROVIDERS OF PROGRAMS,  
SPECIAL EDUCATION ITINERANT TEACHERS (SEIT) AND/OR EVALUATIONS FOR  
PRESCHOOLERS WITH DISABILITIES**

Offered by: Human Services and Ways & Means Committees

**RESOLVED:**

1. That Agreements titled "County of Allegany Contract for Approved Providers of Programs, SEIT and/or Evaluations for Preschoolers with Disabilities" with Cattaraugus Rehabilitation Center, Inc. d/b/a Children's Learning Center, Portville Central School, BOCES of Cattaraugus County, Friendship Central School, Fillmore Central School, Southtowns, Kidstart, and Pathways, Inc. for the period September 1, 2015, to August 31, 2017, are approved.

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

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

Resolution Intro. No. 243-15 (**APPOINTMENT OF THREE MEMBERS TO THE ALLEGANY COUNTY TELECOMMUNICATIONS DEVELOPMENT CORP.**) was not pre-

filed and was considered from the floor on a motion made by Legislator Pullen, seconded by Legislator Graves, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

**RESOLUTION NO. 240-15**

**APPOINTMENT OF THREE MEMBERS TO THE ALLEGANY COUNTY  
TELECOMMUNICATIONS DEVELOPMENT CORP.**

Offered by: Facilities & Communications Committee

**RESOLVED:**

1. That the appointment by the Chairman of the Board of John E. Margeson of Scio, New York, Michael Johnsen of Dalton, New York, and Luis Rodriguez of Alfred, New York, to the Allegany County Telecommunications Development Corp., for a two-year term effective immediately, and expiring September 30, 2017, is confirmed.

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

Adopted: Voice Vote

**AUDITS:**

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

A motion was made by Legislator Root, seconded by Legislator Graves, and adopted on a roll call vote of 13 Ayes, 0 Noes, 2 Absent, that the audit of claims, totaling \$3,162,613.73, 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 \$8,500,184.*)

**ADJOURNMENT:** The meeting was adjourned at 2:49 p.m. on a motion made by Legislator Graves, seconded by Legislator Curran, and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION**

**NOVEMBER 23, 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 retired United States Army National Guard Brigadier General Arthur G. Austin, Jr.

**INVOCATION:** The Invocation was given by Legislator Fanton, followed by a moment of silence to honor Legislator Theodore Hopkins who passed away on November 21.

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

**APPROVAL OF MINUTES:**

The Committee of the Whole minutes of November 4, 2015, were approved on a motion made by Legislator Decker, seconded by Legislator Root, and carried.

The Committee of the Whole Budget Review minutes of November 9, 2015, were approved on a motion made by Legislator Graves, seconded by Legislator Curran, and carried.

The Board meeting minutes of November 9, 2015, were approved on a motion made by Legislator Fanton, seconded by Legislator Curran, and carried.

**PRIVILEGE OF THE FLOOR:**

Chairman Crandall presented a certificate to Arthur G. Austin, Jr., retired United States Army National Guard Brigadier General, in grateful appreciation of his service to our country. Mr. Austin's service dates were from January 8, 1977, to October 31, 2014. Following Basic Training at Fort Know, Kentucky, assignments included: Fort McClellan, Alabama, Michigan State University, and Lansing, Michigan. Commendations he received included: Federal Legion of Merit, Bronze Star Medal, Meritorious Service Medal (2), Joint Service Commendation Medal (3), Army Achievement Medal (3), Joint Meritorious Unit Award (2), Army Reserve Components Achievement Medal (6), National Defense Service Medal (2), Southwest Asia Service Medal (2 bronze stars), Global War on Terror Service Medal, Iraq Campaign Medal, Global War on Terror Expeditionary Medal, Armed Forces Reserve Medal (w/ silver hourglass & "M" device), Army Service Ribbon, Humanitarian Service Medal (w/ bronze star), Kuwait Liberation Medal (Saudi Arabia), Kuwait Liberation Medal (Kuwait), Michigan Overseas Service Ribbon, Louisiana Emergency Service Medal, and the Michigan

Service Ribbon (OLC). Mr. Austin led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

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

1. December 2015 Calendar
2. Pursuant to requirements of the HAVA Grant, Elections Commissioner Rick Hollis filed a report in the Clerk of the Board's Office indicating that they are applying for reimbursement of \$1,562.68 for memory cards and a card reader for the voting machines.
3. Correspondence from Legislator McGraw and family thanking Board members for their support while Legislator McGraw's son, Luke, was recovering from an injury.

**APPOINTMENTS:**

At the recommendation of the majority of the Conservative Party Members of the Allegany County Board of Legislators, Chairman Curtis W. Crandall designates Kevin S. LaForge, Legislator from District IV, as Minority Leader of the Allegany County Board of Legislators for the remainder of 2015 effective immediately.

**RESOLUTIONS:**

**RESOLUTION NO. 241-15**

**AMENDMENT OF 2016 COUNTY TENTATIVE BUDGET**

Offered by: Ways & Means Committee

**RESOLVED:**

1. That the 2016 County Tentative Budget dated September 29, 2015, is amended as follows:

Emergency Services – Homeland Security

Appropriations:

Account No.

Amendment

A3645.101

Change from \$11,736 to \$18,270

A3645.207

Change from \$0 to \$2,000

A3645.414

Change from \$0 to \$4,000

Revenues:

A3645.3306.EMPG5

Change from \$0 to \$12,534

2. That the 2016 County Tentative Budget dated September 29, 2015, is further amended as follows:

Appropriations:

Account No.

Amendment

A1990.4 (Contingent)

Change from \$750,000 to \$950,000

Revenues:

A15.599.00 (Appropriated Fund Balance) Change from \$750,000 to \$950,000

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

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

Comments made regarding Resolution No. 241-15 included: Legislator Burt asked Budget Officer Mitch Alger if he could elaborate on the increased amount being taken out of the Contingency Fund, and whether the money is earmarked for certain projects. He also wondered what happens to that money if it's not all used. Mr. Alger stated that the money is not earmarked. It will be up to the Board to decide, in 2016, how that money is spent. The movement of this money doesn't have anything to do with the tax rate. They are simply putting more money aside for expenses that may arise during the year. Chairman Crandall noted that any leftover monies would go back into the General Fund.

Resolution Intro. No. 255-15 (**AMENDMENT OF 2016 COUNTY TENTATIVE BUDGET**) was considered out of sequence, ahead of the remaining resolutions, following a motion made by Legislator Fanton, seconded by Legislator Root, and carried.

Resolution Intro. No. 255-15 (**AMENDMENT OF 2016 COUNTY TENTATIVE BUDGET**) was not pre-filed and was considered from the floor on a motion made by Legislator Fanton, seconded by Legislator Curran, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

## **RESOLUTION NO. 242-15**

### **AMENDMENT OF 2016 COUNTY TENTATIVE BUDGET**

Offered by: Ways & Means Committee

**RESOLVED:**

1. That the 2016 County Tentative Budget dated September 29, 2015, is amended as follows:

Appropriations:

<u>Account No.</u>	<u>Account Name</u>	<u>Amendment</u>		
A6430.414	Economic Development- Rentals Real Property	Change	from	\$33,271 to \$32,546
A8020.414	Planning- Rentals Real Property	Change	from	\$30,000 to \$8,080
A6989.414	Tourism- Rentals Real Property	Added	new	account: \$6,625
A3640.414	Emergency Services- Rental Real Property	Added	new	account: \$16,020

2. That the 2016 County Tentative Budget dated September 29, 2015, is further amended as follows:

Appropriations:

<u>Account No.</u>	<u>Account Name</u>	<u>Amendment</u>		
A8676.492	Broadband LDC- Home and Community Services Contracts	Added	new	account: \$80,000

Revenue:

<u>Account No.</u>	<u>Account Name</u>	<u>Amendment</u>
A15.599.00	Appropriated Fund Balance	Change from \$950,000 to \$1,030,000

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

Adopted: Roll Call  
11 Ayes, 2 Noes, 1 Absent  
Voting No: Decker, Ungermann

Comments made regarding Resolution No. 242-15 included: Legislator Ungermann expressed his concerns with the County Budget. He remarked that every year we are increasing the levy around half a million dollars. In the Cuba Patriot he noticed 493 notices for property foreclosures. He said, unfortunately our population that pays taxes continues to dwindle, the number of dependent people continues to rise. He also noted economic development projects that are receiving tax breaks. He stated that he's also bothered by the

vacation and sick time sell-backs that are permitted each year. Those sell-backs amount to around \$350,000 per year. Over the course of the ten years he has been here, those sell-backs have cost the County approximately \$3.5 million.

**RESOLUTION NO. 243-15**

**ADOPTION OF 2016 COUNTY FINAL BUDGET**

Offered by: Ways & Means Committee

**RESOLVED:**

1. That the 2016 County Tentative Budget, as amended and revised, dated September 29, 2015, is adopted as the 2016 County Final Budget.

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

Adopted: Roll Call  
10 Ayes, 3 Noes, 1 Absent  
Voting No: Burt, Decker, Ungermann

Comments made regarding Resolution No. 243-15 included: Legislator O'Grady commended the County Administrator and Treasurer on putting together a nice Budget. He remarked that now that the County has grown a healthy Fund Balance, we should consider looking into sharing sales tax with towns and villages. He feels the County should sit down with the towns and villages and see if they'd still rather receive services in lieu of sales tax. Legislator Ungermann stated that he was concerned about the Fund Balance also. He noted that there are bridge projects that aren't being done. He remarked that he wondered if the Fund Balance is being grown on the backs of these bridge projects that aren't being done. Legislator Fanton noted that if the Burns bridge project had been done, the County would have been over the State tax cap. Chairman Crandall took a moment to give thanks to Legislator Hopkins, Treasurer Terri Ross, and Administrator Mitch Alger for their help in putting the Budget together. He remarked on the fact that it's a year-round project for our County, and that Allegany County's finances are probably the best they've ever been. He noted that although it's a good budget, there's always room for improvement.

**RESOLUTION NO. 244-15**

**RESOLUTION MAKING APPROPRIATIONS FOR THE CONDUCT OF THE  
COUNTY GOVERNMENT FOR FISCAL YEAR 2016**

Offered by: Ways & Means Committee

**WHEREAS**, this Board, by Resolution No. 243-2015, has adopted a budget for the fiscal year 2016, now, therefore, be it

**RESOLVED:**

1. That the several amounts specified in the 2016 County Final Budget in the column entitled "Final Budget 2016" be and they hereby are appropriated for the objects and purposes specified.
2. This resolution shall take effect on January 1, 2016.

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

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

**RESOLUTION NO. 245-15**

**RESOLUTION LEVYING COUNTY TAXES**

Offered by: Ways & Means Committee

Pursuant to County Law § 360 and Real Property Tax Law § 900

**WHEREAS**, this Board, by Resolution No. 243-2015, has adopted a final budget for the fiscal year 2016, and

**WHEREAS**, this Board, by Resolution No. 244-2015, made appropriations for the conduct of the County Government for the fiscal year 2016, and

**WHEREAS**, in order to meet such appropriations it will be necessary to levy taxes, now, therefore, be it

**RESOLVED:**

1. That the Allegany County Board of Legislators levies County taxes in the amount of \$30,377,668 upon all the taxable real property in the County liable therefor.

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

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

Comments made regarding Resolution No. 245-15 included: Legislator Ungermann stated that Chairman Crandall mentioned a reduction in the tax rate for 2016. However, the total assessment continues to rise, and the amount we take from taxpayers also continues to rise. Legislator Decker stated that he'd like to see the total County Budget come down. People can't afford to pay their taxes. He feels the Board ought to look at a minimum of a five percent reduction in the total County Budget next year. We can't continue to go down this road. Legislator Graves concurred with Legislator Decker saying, we need to look at Albany. Mandates from Albany, and spending in Albany need to be controlled.

**RESOLUTION NO. 246-15**

**A RESOLUTION IN RELATION TO THE COMPENSATION OF  
COUNTY OFFICERS AND EMPLOYEES**

Offered by: Ways & Means Committee

**RESOLVED:**

1. That commencing January 1, 2016, each unit employee occupying a position set forth in the "County Unit Salary Plan" shall receive the salary or rate of compensation for the step of the Grade of the position occupied that is set forth in "Appendix A-3" or in "Appendix B-3" of Agreement approved by Resolution No. 36-2011, and which salary or rate of compensation such unit employee is entitled to receive commencing January 1, 2016, pursuant to said Agreement and pursuant to the "County Unit Salary Plan"; the increment recommendations from the department heads for each such unit employee under their jurisdiction receiving such recommendation being approved.

2. That commencing January 1, 2016, each unit employee occupying a position set forth in Agreement between the County of Allegany and the New York State Nurses Association, which Agreement was approved by Resolution No. 25-2012, shall receive the salary or rate of compensation for the step of the Grade of the position occupied that is set forth in "Schedule A" of said Agreement, and which salary or rate of compensation such unit employee is entitled to receive commencing January 1, 2016, pursuant to said Agreement and pursuant to the "County Unit Salary Plan"; the increment recommendation from the Public Health Director for each such unit employee under her jurisdiction receiving such recommendation being approved.

3. That commencing January 1, 2016, each unit employee occupying a position set forth in Agreement between the County of Allegany and the Allegany County Deputy Sheriff's Association, which Agreement was approved by Resolution No. 96-2015, shall receive the salary or rate of compensation for the step of the Grade of the position occupied that is set forth in "Appendix A" of said Agreement, and which salary or rate of compensation such unit employee is entitled to receive commencing January 1, 2016, pursuant to said Agreement and pursuant to the "County Unit Salary Plan"; the increment recommendation from the Sheriff for each such unit employee under his jurisdiction receiving such recommendation being approved.

4. That commencing January 1, 2016, each employee occupying a position set forth in Agreement between the County of Allegany and the New York State Public Employees Federation, which Agreement was approved by Resolution No. 174-2010, shall receive the salary or rate of compensation for the step of the Grade of the position occupied that is set forth in said Agreement, and which salary or rate of compensation such employee is entitled to receive commencing January 1, 2016, pursuant to said Agreement and pursuant to the "County Unit Salary Plan"; the increment

recommendations from the department heads for each such employee under their jurisdiction receiving such recommendation being approved.

5. That commencing January 1, 2016, each non-unit employee occupying a position set forth in the "County Non-Unit Salary Plan" shall receive the salary for the step of the Grade of the position occupied that is set forth in section 6 of Resolution No. 297-75, as last amended by Resolution No. 189-2012, and which salary such non-unit employee is entitled to receive commencing January 1, 2016; the increment recommendations from the department heads for each such non-unit employee under their jurisdiction receiving such recommendation being approved.

6. That the Personnel Officer is directed to prepare and deliver a list of the names and pay of the employees affected by sections one, two, three, four and five of this resolution to the County officers who are responsible for preparing the payrolls of such employees.

7. That commencing January 1, 2016, the base salaries, none of which include any earned longevity increment, of the incumbents of the titled positions herein set forth shall be the amount set forth opposite such position, to wit:

**SECTION IV (NON-GRADED) POSITIONS – 2016 SALARIES**

<b><u>TITLE</u></b>	<b><u>BASE SALARY</u></b>
County Legislators(15)	8,500
Chairman of the Board	8,500
Majority Leader	300
Minority Leader	300
Budget Officer	2,500
Deputy Budget Officer	2,500
County Administrator	93,050
Deputy County Administrator	10,000
Clerk of the Board	64,697
District Attorney	152,500
Assistant District Attorney (1st)	39,376
Assistant District Attorney (2 <sup>nd</sup> )	36,540
Assistant District Attorney (3 <sup>rd</sup> )	36,593
Assistant District Attorney (4 <sup>th</sup> )	36,593
Assistant District Attorney (5 <sup>th</sup> ) V&T	26,585
Assistant District Attorney (6 <sup>th</sup> ) Welfare	24,000
District Attorney Investigator (PT)	15,000
Crime Victims Coordinator	32,061
Assistant Public Defender (1 <sup>st</sup> )	83,011
Assistant Public Defender (2 <sup>nd</sup> )	75,015
Assistant Public Defender (3 <sup>rd</sup> )	73,185
Deputy County Auditor	1,200
County Clerk	70,579
Assistant County Attorney (1)	98,293

Assistant County Attorney (2)	75,762
Assistant County Attorney (3)	74,581
Director of Planning	66,500
Information Technology Director	76,000
Election Commissioners (2)	17,126
Election Technicians	
Election Machine Tech 1	17.23/hr.
Election Machine Tech 2	18.85/hr.
Election Inspectors – Primary	107.50/day
Election Inspectors – General	172/day
Election Inspectors – Training	37.50/day
Election Coordinator – Primary	132.50/day
Election Coordinator – General	212/day
Seasonal Laborers (Public Works)	9.25/hr.
Laborers (Gatekeepers) Part-time	12.45/hr.
Undersheriff	65,370
Probation Director	67,209
STOP-DWI Coordinator	16,997
Youth Director	34,651
Emergency Management and Fire Director	54,173
E911 Enumerator (Part-time)	10/hr.
Medical Director	20,000
Physical Therapist (EI Part-time)	10/hr.
Occupational Therapist (EI Part-time)	10/hr.
Speech-Language Pathologist (EI Part-time)	10/hr.
Special Education Teacher (EI Part-time)	10/hr.
Community Services Director	42,656
Office for the Aging Director	58,940
Office for the Aging:	
Site Managers	9-11/hr.
Drivers and Aides	9-11/hr.
Rushford Lake:	
Youth Agencies Director	550wk.
Lifeguards	10.75/hr.
SYEP Summer Counselors	5,040
Coroners:	
Local Transport	300 p/d
Autopsy Transport-Monroe Co.	600 p/d
Autopsy Transport-Olean General	450 p/d

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

Adopted: Roll Call  
10 Ayes, 3 Noes, 1 Absent  
Voting No: Burt, Decker, Ungermann

**RESOLUTION NO. 247-15**

**AMENDMENT OF RESOLUTION NO. 297-75 TO PROVIDE NEW SALARY GRADE  
SCHEDULE IN COUNTY NON-UNIT SALARY PLAN**

Offered by: Ways & Means Committee

**RESOLVED:**

1. That effective January 1, 2016, Section 6 of Resolution No. 297-75, as last amended by Resolution No. 236-2014, is amended to read as follows:

Section 6. The following salary grades are hereby established for use in determining the compensation for the positions graded in Section Three of this resolution:

Grade	Base	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Avg Inc
1	29,719	30,602	31,527	32,474	33,441	34,451	35,482	36,554	37,648	38,784	39,941	41,139	1,038
2	31,527	32,474	33,441	34,451	35,482	36,554	37,648	38,784	39,941	41,139	42,380	43,642	1,101
3	33,441	34,451	35,482	36,554	37,648	38,784	39,941	41,139	42,380	43,642	44,946	46,292	1,168
4	35,482	36,554	37,648	38,784	39,941	41,139	42,380	43,642	44,946	46,292	47,701	49,132	1,241.
5	37,648	38,784	39,941	41,139	42,380	43,642	44,946	46,292	47,701	49,132	50,604	52,118	1,315
6	39,941	41,139	42,380	43,642	44,946	46,292	47,701	49,132	50,604	52,118	53,675	55,294	1,396
7	42,380	43,642	44,946	46,292	47,701	49,132	50,604	52,118	53,675	55,294	56,955	58,659	1,480
8	44,946	46,292	47,701	49,132	50,604	52,118	53,675	55,294	56,955	58,659	60,405	62,235	1,572
9	47,701	49,132	50,604	52,118	53,675	55,294	56,955	58,659	60,405	62,235	64,085	66,021	1,665
10	50,604	52,118	53,675	55,294	56,955	58,659	60,405	62,235	64,085	66,021	67,998	70,038	1,767
11	53,675	55,294	56,955	58,659	60,405	62,235	64,085	66,021	67,998	70,038	72,141	74,307	1,876

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

Adopted: Roll Call  
10 Ayes, 3 Noes, 1 Absent  
Voting No: Burt, Decker, Ungermann

**RESOLUTION NO. 248-15**

**RESOLUTION LEVYING TOWNS' 2016 SHARE OF ALLEGANY COUNTY MUTUAL SELF-  
INSURANCE PLAN**

Offered by: Ways & Means Committee

Pursuant to § 67 (2) and § 71 of the Workers' Compensation Law  
and § 13 of Local Law No. 3 of 2002

**RESOLVED:**

1. That this Board levies the sum of \$343,615 upon the taxable property of the Towns participating in the Allegany County Mutual Self-Insurance Plan, in the proportionate amount which each such Town is required to pay for such participation as determined by the provisions of Section 12 of Local Law No. 3 of 2002.

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

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

**RESOLUTION NO. 249-15**

**CHARGEBACK TO TOWNS OF COST OF VARIOUS TAX SUPPLIES  
PURCHASED OR PROVIDED BY COUNTY**

Offered by: Ways & Means Committee

**WHEREAS**, assessment rolls, field books, and various other tax supplies have been purchased or provided by the County for Towns within the County, and

**WHEREAS**, it is necessary to charge the cost of such items back to the Towns, now, therefore, be it

**RESOLVED:**

1. That the cost of assessment rolls, field books and various other tax supplies purchased or provided by the County to the Towns within Allegany County shall be charged back to the Towns on the 2016 tax rolls, as follows:

Alfred	1,551.60	Friendship	1,584.00
Allen	732.00	Genesee	1,442.40
Alma	1,267.20	Granger	714.00
Almond	1,396.80	Grove	848.40
Amity	1,704.00	Hume	1,437.60
Andover	1,660.60	Independence	1,031.80
Angelica	1,443.60	New Hudson	912.00
Belfast	1,438.80	Rushford	2,079.40
Birdsall	724.80	Scio	1,484.40
Bolivar	1,892.40	Ward	548.40
Burns	945.60	Wellsville	4,436.20
Caneadea	1,792.80	West Almond	674.40
Centerville	772.80	Willing	1,268.40
Clarksville	1,369.20	Wirt	1,208.40
Cuba	2,715.60		

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

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

**RESOLUTION NO. 250-15**

**BUDGET TRANSFER WITHIN PUBLIC WORKS ACCOUNTS**

Offered by: Public Works Committee

**RESOLVED:**

1. That the sum of \$19,015 shall be transferred from Account No. A3152.427 (Public Safety Complex - Electric) to Account No. A3152.205 (Public Safety Complex – Furniture/Furnishing).

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

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

**RESOLUTION NO. 251-15**

**BUDGET TRANSFER WITHIN PROBATION DEPARTMENT ACCOUNTS**

Offered by: Public Safety Committee

**RESOLVED:**

1. That the sum of \$5,600 shall be transferred from Account No. A3140.413 (Probation - Rentals) to Account No. A3140.201 (Probation - Equipment).

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

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

**RESOLUTION NO. 252-15**

**AUTHORIZATION AND BUDGET TRANSFER WITHIN COMMUNITY SERVICES  
ACCOUNTS FOR THE PURCHASE OF A COPIER**

Offered by: Human Services Committee

**RESOLVED:**

1. That the purchase of a Kyocera digital copier for the sum of \$21,207 for Community Services is approved.

2. That the amount of \$3,500 shall be transferred from Account No. A4310.409 (Mental Health – Fees) to Account No. A4310.201 (Mental Health – Equipment).

Moved by: Mr. LaForge  
Seconded by: Mr. Curran

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

Resolution Intro. No. 256-15 (**RESOLUTION SETTING DATE FOR PUBLIC HEARING ON MODIFICATION AND CONTINUATION OF AGRICULTURAL DISTRICT NUMBER ONE WITHIN THE TOWNS OF ALLEN, BIRDSALL, CANEADEA, CENTERVILLE, GRANGER, HUME, NEW HUDSON AND RUSHFORD**) was not pre-filed and was considered from the floor on a motion made by Legislator Graves, seconded by Legislator Root, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

**RESOLUTION NO. 253-15**

**RESOLUTION SETTING DATE FOR PUBLIC HEARING ON MODIFICATION AND CONTINUATION OF AGRICULTURAL DISTRICT NUMBER ONE WITHIN THE TOWNS OF ALLEN, BIRDSALL, CANEADEA, CENTERVILLE, GRANGER, HUME, NEW HUDSON AND RUSHFORD**

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 subsequently modified and continued on November 24, 2008, by Resolution No. 204-2008, and

**WHEREAS**, the thirty-day notice of such eight year review has been given with proposed modifications to said District to be submitted by October 19, 2015, and

**WHEREAS**, there are presently 729 landowners enrolling 55,203.68 acres in the district, 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**, the report of the Agricultural and Farmland Protection Board has been received recommending the inclusion of approximately 57,695.73 acres of predominantly viable agricultural land located within Agricultural District Number One, in the Towns of Allen, Birdsall, Caneadea, Centerville, Granger, Hume, New Hudson, and Rushford, and

**WHEREAS**, the report of the Agricultural and Farmland Protection Board has also recommended the removal of approximately 33.56 acres of predominantly viable agricultural

land located within Agricultural District Number One, in the Towns of Allen, Birdsall, Caneadea, Centerville, Granger, Hume, New Hudson, and Rushford, now, therefore, be it

**RESOLVED:**

1. That a public hearing on the proposed modifications and continuation of Agricultural District Number One shall be held by this Board at the County Legislators' Chambers, Room 221, County Office Building, Belmont, New York on December 14, 2015 at 2:00 P. M.

2. That the Clerk of the Board of Legislators shall prepare, with the assistance of the County Attorney, a notice of the public hearing, and cause such notice to be published in the Wellsville Daily Reporter and mailed in accordance with Sections 303-a and 303-b of the Agriculture and Markets Law.

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

Adopted: Voice Vote

Resolution Intro. No. 257-15 (**AUTHORIZING AGREEMENT FOR CONSULTING SERVICES WITH BONADIO & CO., LLP TO ASSIST IN SEARCH FOR A NEW COUNTY ADMINISTRATOR**) was not pre-filed and was considered from the floor on a motion made by Legislator Jessup, seconded by Legislator Healy, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

**RESOLUTION NO. 254-15**

**AUTHORIZING AGREEMENT FOR CONSULTING SERVICES WITH BONADIO & CO.,  
LLP TO ASSIST IN SEARCH FOR A NEW COUNTY ADMINISTRATOR**

Offered by: Ways & Means Committee

**WHEREAS**, the present County Administrator will be leaving his position at the end of the year, and

**WHEREAS**, the County is interested in having consulting services available on an as needed basis to assist in the process of hiring a new County Administrator, and

**WHEREAS**, Bonadio & Co., LLP has expertise in assisting municipalities in finding candidates for key government positions and has indicated it is willing to provide consulting services on an as needed basis at a rate of \$175 per hour, now, therefore, be it

**RESOLVED:**

1. Consulting services on an as needed basis with Bonadio & Co. related to hiring a new County Administrator at the rate of \$175 per hour is hereby approved.

2. The County Attorney is directed to prepare an agreement with Bonadio & Co., for such services at such hourly rate.

3. The Chairman of this Board is authorized to execute that agreement.

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

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

Comments made regarding Resolution No. 254-15 included: Legislator Burt questioned if there was an upper limit on the amount that would be spent. Chairman Crandall stated that there was no limit set; it would be dependent on how much the Board decides to use Bonadio's services. Legislator Burt asked how the Board would know how many hours they were incurring. County Administrator Alger stated that the usage can be reported to the Board. Legislator Burt stated that as long it will be reported to the Board, he will agree to the services.

**AUDITS:**

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

A motion was made by Legislator Jessup, seconded by Legislator Graves, and adopted on a roll call vote of 13 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$3,499,766.76, 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 \$8,886,556.*)

Comments regarding the Audit: Legislator Ungermann asked County Administrator Alger if the \$3,000 under County Administrator's expenses were for Bond, Schoeneck, and King. Mr. Alger indicated that it was. Legislator Ungermann asked if Mr. Alger knew how much in total had been paid to them. Mr. Alger replied that he didn't know "off the top of his head."

**COMMENTS:** Legislator Ungermann remarked that tourism was alive and well in Allegany County. He noted that there were many out-of-state license plates on vehicles along roads in Cuba.

**ADJOURNMENT:** The meeting was adjourned at 2:55 p.m. on a motion made by Legislator Graves, seconded by Legislator Curran, and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION**

**DECEMBER 14, 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 former United States Army Specialist Fourth Class Clark W. Perry, Jr.

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

**ROLL CALL:** 14 Legislators Present: Scott Burt, Curtis Crandall, Philip Curran, David Decker, Dwight Fanton, Karl Graves, Dwight "Mike" Healy, Charles Jessup, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Debra Root, Norman Ungermann, Jr.

**APPROVAL OF MINUTES:**

The Committee of the Whole minutes of November 9, 2015 (p.m. meeting), were approved on a motion made by Legislator Graves, seconded by Legislator Curran, and carried.

The minutes of the Public Hearing on the Tentative 2016 Allegany County Budget held on November 12, 2015, were amended following a motion made by Legislator Burt, seconded by Legislator Curran, and carried to include Legislator Burt as having been in attendance at that Public Hearing. (*Mr. Burt had inadvertently been excluded from the list of those in attendance.*) The minutes were then approved following a motion made by Legislator Root, seconded by Legislator Fanton, and carried.

The Board meeting minutes of November 23, 2015, were amended following a motion made by Legislator Ungermann, seconded by Legislator O'Grady, and carried to include a comment made by Legislator Ungermann. Legislator Ungermann had made a comment about the cost of vacation and sick time sell-backs. On page 5 of those minutes he would like added that he stated "over the course of his ten years as County Legislator, those sell-backs have cost the County approximately \$3.5 million." The minutes were then approved on a motion made by Legislator Curran, seconded by Legislator Decker, and carried.

The Committee of the Whole minutes of November 23, 2015, were approved on a motion made by Legislator Graves, seconded by Legislator Decker, and carried.

The Committee of the Whole minutes of December 2, 2015, were approved on a motion made by Legislator Fanton, seconded by Legislator Pullen, and carried.

**PUBLIC HEARING:**

Chairman Crandall closed the regular meeting to hold a public hearing regarding the **MODIFICATION AND CONTINUATION OF AGRICULTURAL DISTRICT NUMBER ONE CREATED WITHIN THE TOWNS OF ALLEN, BIRDSALL, CANEADEA, CENTERVILLE, GRANGER, HUME, NEW HUDSON AND RUSHFORD IN THE COUNTY OF ALLEGANY ON AUGUST 13, 2001, AND SUBSEQUENTLY MODIFIED AND CONTINUED ON NOVEMBER 24, 2008, BY RESOLUTION NO. 204-2008.** 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 Clark W. Perry, former United States Army Specialist Fourth Class, in grateful appreciation of his service to our country. Mr. Perry's service dates were from August 10, 1972, to August 9, 1974. Following Basic Training at Fort Dix, NJ, assignments included: Fort Polk, LA. Commendations he received included: National Defense Service Medal, Expert M-16 and grenade qualifications. Mr. Perry 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 presented County Administrator Mitchell Alger with a plaque in recognition and appreciation of his years of service to Allegany County. Mr. Alger became Deputy County Administrator in December of 2009. He was subsequently appointed County Administrator in 2013. Chairman Crandall noted that Mr. Alger also serves as Budget Officer and Deputy Auditor, and praised Mr. Alger for his financial capabilities. Mr. Alger has accepted the position of Deputy County Manager for Steuben County. Mr. Alger briefly spoke saying, he's a not a man of many words, but he appreciates working for this Board and with these Department Heads. He added, "You've got a lot of good leadership here."

Allegany County Farm Bureau President Darleen Krishner-Meehan addressed the Board. The December issue of Farm Bureau of New York's "Grassroots" newspaper featured an article written by Ms. Krishner-Meehan regarding the impact a \$15 per hour minimum wage would have on the businesses she operates with her husband. She and her husband operate a small agricultural retail store along with an approximate 800-acre cash crop farm. These businesses are located along the Pennsylvania border. A minimum wage of \$15 is over twice the minimum wage in Pennsylvania. She and her husband have four full-time employees and would find it difficult to compete with nearby businesses in Pennsylvania. She invited the Board to Farm Bureau's holiday celebration to be held on January 6.

STOP-DWI Program Coordinator Linda Edwards read the following regarding Drunk and Drugged Driving Prevention Month.

"The National Drunk and Drugged Driving Prevention Month effort began in 1981 with a Presidential Proclamation to raise awareness about the consequences of driving while under the influence of alcohol and drugs.

'The holiday season is the time of the year when drunk and impaired driving accidents are most prevalent. Drug and alcohol use impair judgment, delay reaction times, and can result in deadly consequences when driving. According to the National Highway Traffic Safety Administration, drugs are involved in about 18 percent of motor vehicle driver deaths, while drunken driving crashes account for 31 percent of all motor vehicle accidents. Additionally, thousands of drivers and passengers lose their lives each year because of drunk and drugged driving.

'What can you do to support National Drunk and Drugged Driving Prevention Month? Familiarize yourself with the definition of a standard drink. Understand how alcohol changes the brain and why staying within low-risk drinking limits are so important. Understand how brain changes are caused by binge drinking or heavy social drinking, in addition to alcoholism. Learn how it is impossible for a person to drink and "choose" to drive. Finally, advocate for standard drink labels on alcoholic beverage containers and on restaurant and bar menus.

'There are a number of simple tips for celebrating and driving safely this holiday season, including designating a non-drinking driver ahead of time, allowing at least one hour between drinks, setting drink limits beforehand, alternating alcoholic drinks with non-alcoholic options, not mixing alcohol and drugs, and not riding with someone who is impaired. Recommit yourself to preventing the loss of life by reminding others to be sober and drug free, and use safe driving practices on the road. The current campaign of the New York State STOP-DWI Programs is "Have a Plan, Don't Drive, Get a Ride."

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

1. Report of Tax Bill Correction Approved by the County Administrator in November 2015. *(It was noted that there were no real property tax corrections reported during this period.)*
2. Report of IntraFund Transfers Approved by the County Administrator in November 2015.
3. Final 2016 Allegany County Budget Adopted by Resolution No. 243-15 on November 23, 2015.
4. Pursuant to Article 11 of the Real Property Tax Law, County Treasurer Terri Ross filed Certificates of Withdrawal of Delinquent Tax Liens (TF 14) for properties in the Town of Wellsville and Town of Rushford in the Clerk of the Board's Office on November 24, 2015.
5. County Treasurer Terri Ross filed the November 6, 2015, list of Delinquent Taxes (TF 15) in the Clerk of the Board's Office on December 3, 2015.
6. The Third Party Lease Agreement for the Kiosk at the Cuba Cultural Center was filed in the Clerk of the Board's Office on November 30, 2015.

7. Invitation to a Farewell Celebration for County Administrator Mitch Alger on December 21 from 2:00 to 4:00 p.m.

**APPOINTMENTS:**

Chairman Crandall appointed Mona Pettit of Cuba, and Reita Sobeck-Lynch of Wellsville, as members of the **CITIZENS ADVISORY COUNCIL TO THE OFFICE FOR THE AGING** for a term of three years commencing January 1, 2016, and expiring December 31, 2018. These appointments are subject to confirmation by the Board of Legislators.

Chairman Crandall appointed William Emrick of Scio, Bryan D. Fanton of Wellsville, and Lee Gridley of Wellsville, to new three-year terms as members of the **ALLEGANY COUNTY PLANNING BOARD** commencing January 1, 2016, and expiring December 31, 2018. These appointments are subject to confirmation by the Board of Legislators. Chairman Crandall also plans to make annual appointments of Guy James, Terri Ross and Charles Jessup as ex-officio members of the Planning Board.

**PROCLAMATION:**

Chairman Crandall proclaimed December 2015, as Drunk and Drugged Driving Prevention Month in Allegany County, urging the citizens of Allegany County to avoid driving under the influence of alcohol and drugs.

**RESOLUTIONS:**

**RESOLUTION NO. 255-15**

**ESTABLISHING STANDARD WORK DAYS FOR NEWLY APPOINTED OFFICIALS AND DIRECTING A REPORT OF DAYS WORKED TO THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM**

Offered by: Personnel Committee

**RESOLVED:**

1. Effective immediately, the Allegany County Board of Legislators hereby establishes the following as standard work days for newly appointed officials and will report the days worked of such officials to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of the Board.

<u>Title</u>	<u>Name</u>	<u>Standard Day (Hrs./Day)</u>	<u>Term</u>	<u>Employer Record of Time (Y/N)</u>	<u>Days Worked Per/Month</u>
<b>APPOINTED OFFICIALS:</b>					
Public Defender, Asst. 3 <sup>rd</sup>	DiCola, Paul S.	7	08/08/14-12/31/17	Y	NA
Planning Director	Dirlam, Kier	7	07/27/15-12/31/17	Y	NA
Information Technology Dir.	Hooker, Keith	7	07/27/15-12/31/17	Y	NA

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

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

### **RESOLUTION NO. 256-15**

#### **APPOINTMENT OF VICKI GRANT AS COMMISSIONER OF SOCIAL SERVICES**

Offered by: Human Services Committee

Pursuant to Social Services Law § § 65 and 116

#### **RESOLVED:**

1. That Vicki L. Grant of Houghton, New York is appointed Commissioner of Social Services for a term of five years commencing January 3, 2016 and expiring January 2, 2021.

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

Adopted: Voice Vote

### **RESOLUTION NO. 257-15**

#### **APPOINTMENT OF MEMBERS TO ALLEGANY COUNTY FIRE ADVISORY BOARD**

Offered by: Public Safety Committee

Pursuant to County Law § 225-a.

#### **RESOLVED:**

1. That each of the following persons is appointed to the Allegany County Fire Advisory Board, with term of office for each to commence January 1, 2016, and expire December 31, 2016:

Kevin Gagne	Alfred
Judson Stearns, Jr.	Alfred Station
Paul Edwards	Allentown
Emily Ormsby	Almond
Brian Ennis	Andover
Rick Abbott	Angelica
David Jennings	Belfast
Brandon LaValley	Belmont
Terry Richardson	Bolivar
Scott Kenyon	Canaseraga
John Wilson	Cuba
Gerald Gayford	Fillmore
Carl Greene	Friendship
Loren Luzier	New Hudson
Sherman Gage	Richburg
Dan Metcalf	Rushford
Tim Voss	Short Tract
David Sweet	Wellsville
Dennis Graves	Whitesville
LeRoy Ives	Willing
Alan Mills	Wiscoy-Rosburg

Moved by: Mr. Curran  
Seconded by: Mr. Healy

Adopted: Voice Vote

### **RESOLUTION NO. 258-15**

#### **REAPPOINTMENT OF FOUR INCUMBENT MEMBERS AND ONE NEW MEMBER TO COUNTY TRAFFIC SAFETY BOARD**

Offered by: Public Safety Committee

Pursuant to Local Law No. 2 of 1972

#### **RESOLVED:**

1. That Kevin Demick, Guy James, Brian Perkins, and Tim Walsh are reappointed to the County Traffic Safety Board, with term of office for each to commence January 1, 2016, and expire December 31, 2018.
2. That Jay Ballard is appointed to the County Traffic Safety Board, with term of office for each to commence January 1, 2016, and expire December 31, 2018.

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

Adopted: Voice Vote

**RESOLUTION NO. 259-15**

**APPROVAL OF THE PURCHASE OF A PORTION OF REAL PROPERTY LOCATED AT  
TURNPIKE ROAD, ALMOND, NEW YORK, FROM LLOYD M. COLLINS FOR THE SUM OF  
EIGHT THOUSAND FIVE HUNDRED DOLLARS**

Offered by: Facilities & Communications and Ways & Means Committees

**WHEREAS**, Lloyd M. Collins owns property located off the Turnpike Road in the Town of Almond, 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 Lloyd M. Collins to purchase a 1.00 Acre +/- parcel of land in the Town of Almond 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. Pullen

Adopted: Roll Call  
11 Ayes, 3 Noes, 0 Absent  
Voting No: Graves, O'Grady, Ungermann

**RESOLUTION NO. 260-15**

**APPROVAL OF SALE OF 2015 TAX SALE PROPERTY**

Offered by: Ways & Means Committee

Pursuant to New York Uniform Delinquent Tax Enforcement Act and Resolution No. 195-97,  
as amended by Resolution No. 95-98.

**RESOLVED:**

1. That the sale of the tax delinquent property shown below, to the owner and purchaser shown, for the consideration shown, subject to terms and conditions of sale for such property, is approved.

2. That upon the securing by the County Attorney of a proper court order authorizing the conveyance to the County of the below mentioned property which is subject to the 2013 and or/ back to the year 1995 (TF95 up to and including TF2013)tax foreclosure proceedings and the subsequent execution of a deed of all of the property to the County by the County Tax Enforcement Officer, the Chairman of this Board of Legislators is authorized and directed to execute on behalf of the County of Allegany and to cause to deliver to such owner and purchaser a quit claim deed of the County's interest in such property and to affix to such deed the official seal; all upon satisfaction of the terms and conditions of sale and the full payment to the County Treasurer of the monetary consideration.

New Owner Address Sale price	Parcel details	County title Recorded Date Liber, Page
Pioneer Oil Museum of New York, Inc. 88 Boss St., PO Box 332 Bolivar, NY 14715	Parcel ID:023801;259.20-1-51 Property loc: Boss Street Assessed Value: 2,100 Acres: 0.22	County of Allegany  Book: 698 Page: 84
Tax sale amount: 25		

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

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

Comments made regarding Resolution No. 260-15 included: Legislator Burt remarked that he was originally against the sale, but once he read the letters of support, he is going to support it.

**RESOLUTION NO. 261-15**

**APPROVAL OF THE SALE OF A PORTION OF THE FORMER  
BUFFALO AND SUSQUEHANNA RAILROAD RIGHT-OF-WAY  
TO MICHAEL A. DUNN**

Offered by: Ways & Means Committee

**WHEREAS**, a request has been made by Michael A. Dunn, to purchase a portion of the former Buffalo and Susquehanna Railroad right-of-way located on a parcel of property

owned and being purchased from the Lenora Dress estate in the Town of Centerville 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 Michael A. Dunn, for the sum of Two Hundred Fifty Dollars, (\$250), the County's interest, if any, in the former Buffalo and Susquehanna Railroad right-of-way that runs across the Lenora Dress Estate property located in the Town of Centerville on Fairview 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: Mrs. Root

Adopted: Roll Call  
13 Ayes, 0 Noes, 0 Absent  
Abstained: Pullen

Comments made regarding Resolution No. 261-15 included: Legislator Jessup made a motion to amend item number one under "resolved." The words "Blades Holding Company, Inc." should be replaced with "Michael A. Dunn." This amendment was seconded by Legislator Curran, and carried. Legislator Burt stated that County Planner Kier Dirlam had cautioned the Legislators about selling these right-of-ways, but that Legislator Jessup had indicated to him that this property goes right through the Dunn's front lawn. Legislator Pullen asked for permission to abstain from the vote. A motion was made by Legislator Graves, seconded by Legislator Decker, and carried to allow Legislator Pullen to abstain from the vote.

**RESOLUTION NO. 262-15**

**APPROVAL OF APPORTIONMENT OF MORTGAGE TAX TO TAX  
DISTRICTS AND AUTHORIZING WARRANT THEREFOR**

Offered by: Ways & Means Committee

Pursuant to Tax Law § 261 (3)

**RESOLVED:**

1. That the Semi-Annual Report for the period April 1, 2015, through September 30, 2015, relating to Mortgage Tax Receipts and Disbursements, and the proposed distribution of such mortgage tax receipts therein, is approved.

2. That the Clerk of this Board is authorized and directed to execute a warrant of this Board to the County Treasurer directing her to distribute to the several tax districts in the County their respective share of such mortgage tax.

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

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

**RESOLUTION NO. 263-15**

**AUTHORIZING PAYMENT TO TOWNS AND VILLAGES FROM ADDITIONAL MORTGAGE  
TAX FEE RETAINAGE BY COUNTY CLERK;  
APPROPRIATING FUNDS THEREFOR**

Offered by: Ways & Means Committee

**WHEREAS**, by Resolution No. 214-2004 the County Clerk was authorized pursuant to Section 262 of the Tax Law to request and receive reimbursement from the State of New York for all of his necessary expenses incurred in the administration of the Mortgage Tax Program on behalf of the State of New York, and

**WHEREAS**, it was the intent of this Board in adopting such resolution that the Towns and Villages of the County would not suffer any adverse financial consequences as a result of any increased retained expense reimbursement to the County Clerk, and

**WHEREAS**, the County Clerk has received reimbursement of his necessary expenses incurred in the administration of the Mortgage Tax Program, and

**WHEREAS**, this Board wishes to appropriate part of such reimbursement of necessary expenses received by the County Clerk for the administration of the Mortgage Tax Program to the Towns and Villages of the County, now, therefore, be it

**RESOLVED:**

1. The amount of \$25,710.66 is appropriated from Account No. A1410.432 (County Clerk – Contractual) and shall be distributed to the Towns and Villages of the County as follows:

TOWNS	AMOUNT RETAINED BY COUNTY CLERK'S OFFICE FOR MORTGAGE TAX FEE	REBATE AMT TO TOWN	REBATE AMT TO VILLAGE	VILLAGES
Alfred	1,294.49	1,040.38	254.11	Alfred
Allen	194.20	194.20		
Alma	355.95	355.95		
Almond	871.07	804.59	66.48	Almond
Amity	1,235.68	1,040.18	195.50	Belmont
Andover	907.24	453.62	453.62	Andover
Angelica	1,128.79	937.37	191.42	Angelica
Belfast	1,134.49	1,134.49		
Birdsall	108.27	108.27		
Bolivar	759.24	602.23	146.09	Bolivar
			10.92	Richburg
Burns	533.43	468.52	64.91	Canaseraga
Caneadea	798.83	798.83		
Centerville	499.40	499.40		
Clarksville	591.71	591.71		
Cuba	2,617.55	2,254.89	362.66	Cuba
Friendship	531.46	531.46		
Genesee	714.33	714.33		
Granger	321.23	321.23		
Grove	746.09	746.09		
Hume	1,738.96	1,738.96		
Independence	663.98	663.98		
New Hudson	323.89	323.89		
Rushford	983.60	983.60		
Scio	924.83	924.83		
Ward	450.26	450.26		
Wellsville	4,213.32	3,076.83	1,136.49	Wellsville
West Almond	236.65	236.65		
Willing	294.26	294.26		
Wirt	537.46	499.60	37.86	Richburg
TOTALS	25,710.66	22,790.60	2,920.06	

2. The Chairman of this Board, Allegany County Clerk, and Allegany County Treasurer are authorized to execute any and all vouchers, warrants, and other necessary documents of every nature and kind in order to affect the purpose of this resolution.

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

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

**RESOLUTION NO. 264-15**

**APPROVAL OF THE FINAL ASSESSMENT ROLLS WITH TAXES EXTENDED THEREON;  
AUTHORIZING AND DIRECTING THE PREPARATION AND EXECUTION OF TAX  
WARRANTS AND CAUSING DELIVERY OF TAX ROLLS TO COLLECTING OFFICERS**

Offered by: Ways & Means Committee

Pursuant to Real Property Tax Law §§ 900 and 904

**WHEREAS**, upon the final assessment rolls of the several Towns, the several taxes have been duly extended as provided by law, now, therefore, be it

**RESOLVED:**

1. That the final assessment rolls of the several Towns with the taxes so extended thereon are approved.
2. That the taxes so extended opposite the assessment of each parcel of real property in such rolls are determined to be the taxes thereon.
3. That there be annexed to each such roll a tax warrant in the form prepared by the Clerk of this Board to contain the respective amounts heretofore authorized to be levied upon the taxable property in each such roll and to bear the seal of the County Board of Legislators.
4. That the Chairman and Clerk of this Board shall sign each such warrant.

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

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

**RESOLUTION NO. 265-15**

**LEVYING TAXES AND ASSESSMENTS REQUIRED FOR PURPOSES OF  
ANNUAL BUDGETS OF THE TOWNS OF ALLEGANY COUNTY**

Offered by: Ways & Means Committee

Pursuant to Town Law § 115

**WHEREAS**, there has been presented to the Board of Legislators a duly certified copy of the annual adopted budget of each of the several Towns in the County of Allegany for the fiscal year beginning January 1, 2016, now, therefore, be it

**RESOLVED:**

1. That there is levied, assessed and raised by tax and assessments upon the real property liable therefore situated in the following Towns outside of any incorporated villages wholly or partially located therein, the General Fund and Highway Fund amounts specified in the annual adopted budgets of such Towns and indicated opposite such Towns, as follows:

General Fund	Highway Fund	
Alfred	34,948.00	111,609.00
Almond	12,886.00	114,200.00
Amity	250.00	297,924.00
Andover	20,464.00	155,841.00
Angelica	2,056.00	50,637.00
Bolivar	19,230.00	216,939.00
Burns	7,862.00	68,205.00
Cuba	0.00	306,098.00
Wellsville	113,405.41	336,685.43
Wirt	3,101.95	120,068.68

2. That there is levied, assessed and raised by tax and assessments upon the real property liable therefore situated in the following Towns, the General Fund and Highway Fund amounts specified in the annual adopted budgets of such Towns and indicated opposite such Towns, as follows:

General Fund	Highway Fund	
Alfred	174,611.00	193,580.00
Allen	115,229.00	155,485.00
Alma	162,475.00	431,624.00
Almond	194,600.00	255,805.00
Amity	205,874.00	Combined w/Village Outside
Andover	178,253.00	155,411.00
Angelica	145,603.00	79,786.00

Belfast	243,414.00	459,696.00
Birdsall	130,800.00	53,555.00
Bolivar	154,582.00	212,139.00
Burns	144,948.00	188,380.00
Caneadea	204,869.00	351,259.00
Centerville	121,264.00	269,291.00
Clarksville	164,546.00	332,600.00
Cuba	720,403.00	314,923.00
Friendship	349,465.00	357,308.00
Genesee	176,155.00	409,264.00
Granger	127,625.00	189,300.00
Grove	138,659.00	314,930.00
Hume	242,731.00	467,114.00
Independence	252,457.00	423,360.00
New Hudson	138,010.00	324,443.00
Rushford	226,185.00	445,897.00
Scio	222,692.00	488,568.00
Ward	118,093.00	169,297.00
Wellsville	667,580.46	339,841.23
West Almond	108,150.00	44,754.00
Willing	241,720.00	298,520.00
Wirt	184,235.27	220,459.68

3. That there is levied, assessed and raised by tax and assessments upon the real property liable therefore in the following fire, fire protection, improvement and other special districts in the following Towns, the amounts specified in the annual adopted budgets of such Towns for such districts and indicated opposite such Towns, as follows:

Alfred	Fire Protection	37,100.00
	Hydrant	352.00
Allen	Fire District	14,260.00
Alma	Fire Protection	60,960.00
	Light District	2,000.00
Almond	Fire Protection	25,000.00
Amity	Fire District	48,000.00
Andover	Fire Protection	34,000.00
Angelica	Fire Protection District	33,600.00
Belfast	Light District #1	8,500.00
	Fire Protection	65,740.00
	Water District	95,976.00
Birdsall	Fire	25,270.00
Bolivar	Richburg-Wirt Fire District	4,688.00

	Bolivar Joint Fire District	120,239.00
Burns	Canaseraga Fire Protection	17,850.00
Caneadea	Caneadea Water District	220,518.00
	Houghton Sewer District	116,006.00
	Caneadea Light	3,000.00
	Houghton Light	18,000.00
	Oramel Light	1,100.00
	Caneadea Fire	110,700.00
	Rushford Lake District	60,684.00
Centerville	Fire Districts	25,450.00
Clarksville	Fire District	78,693.00
Cuba	Lake District	40,458.00
	Water District	2,000.00
	Fire Protection District	261,428.00
	Sewer District	100,040.00
Friendship	Lighting District #1	25,916.00
	Fire District	102,000.00
	Sidewalks Fund	28,666.00
	Refuse & Garbage District	55,432.00
Genesee	Fire Protection 1 (Bolivar)	43,300.00
	Fire Protection 2 (Portville)	33,661.00
Granger	Fire Protection	20,500.00
Grove	Lighting District	2,500.00
	Canaseraga Fire District	17,850.00
	Nunda Fire District	2,000.00
Hume	Fire Protection	88,694.00
	Light District 1 (Hume)	3,700.00
	Light District 2 (R & W)	4,150.00
	Light District 3 (Hume)	10,500.00
	Sidewalk	8,000.00
	Sewer District	0.00
	Consolidated Water Dist.	0.00
Independence	Fire	56,532.00
	Street Light (Whitesville)	8,000.00
	Water District (Whitesville)	0.00
New Hudson	Light District 1	2,500.00
	Fire District 1	39,500.00
Rushford	Fire District	87,650.00
	Lighting District	8,500.00
	Rushford Lake District	228,941.00
Scio	Consolidated Water Dist.	33,383.00
	Light District 1	18,000.00

	Fire District 1	104,000.00
Ward	Fire Protection	9,128.00
Wellsville	Fire Protection District	121,000.00
	Hillcrest Lighting District	200.00
	E. State St. Sewer District	0.00
	Sinclair Sewer District	1,000.00
	Airport Sewer District	0.00
	Airway Sanitary Sewer Dist.	0.00
	Sinclair Water District	1,000.00
	Riverside Water District	500.00
	East State Water District	0.00
	W. Wellsville Water District	16,500.00
	Phillips Creek Water District	0.00
	Dyke Water District Project	10,500.00
West Almond	Fire District	10,135.00
Willing	Fire Department	67,430.00
Wirt	Fire Protection Townwide	92,983.74

4. That such taxes and assessments, when collected, shall be paid to the Supervisors' of the several Towns in the amounts as shown in this resolution, for distribution by them in the manner provided by law.

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

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

#### **RESOLUTION NO. 266-15**

#### **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 \$1,973, representing the settlement, less a \$500 deductible, on a Sheriff's Office 2013 Chevy Tahoe (VIN#1GNSK2E0XDR300919) that was damaged as a result of a motor vehicle/deer accident on or around October 15, 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 \$1,973 representing the settlement on a 2013 Chevy Tahoe (VIN#1GNSK2E0XDR300919 ) that was damaged on or around October 15, 2015, is accepted.

2. That the sum of \$1,973 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. Pullen

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

### **RESOLUTION NO. 267-15**

#### **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 \$1,673.15, representing the settlement, less a \$500 deductible, on an Office for the Aging 2010 Dodge Caravan (VIN#2D4RN4DE0AR412502) that was damaged as a result of a motor vehicle accident on or around October 28, 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 \$1,673.15 representing the settlement on a 2010 Dodge Caravan (VIN#2D4RN4DE0AR412502) that was damaged on or around October 28, 2015, is accepted.

2. That the sum of \$1,673.15 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: Mrs. Root

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

### **RESOLUTION NO. 268-15**

#### **ACCEPTANCE OF COLA FUNDS FOR THE COUNTY HEALTH DEPARTMENT FAMILY PLANNING PROGRAM; APPROPRIATION OF FUNDS**

Offered by: Human Services and Ways & Means Committees

#### **RESOLVED:**

1. The sum of \$13,143 in COLA funds for the County Health Department Family Planning Program is accepted.

2. The sum of \$13,143 shall be appropriated to the following accounts:

A4035.201	Family Planning – Office Equipment	\$2,900
A4035.414	Family Planning – Rentals: Real Property	2,743
A4035.460	Family Planning – Health Contracts	<u>7,500</u>
	TOTAL	\$13,143

with a like sum credited to Revenue Account No. A4035.3450.00 (State Aid – Public Health Other).

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

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

**RESOLUTION NO. 269-15**

**ACCEPTANCE AND APPROPRIATION OF DISABILITY EMPLOYMENT  
INITIATIVE FUNDS FOR EMPLOYMENT AND TRAINING**

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

**RESOLVED:**

1. The sum of \$5,480 in Disability Employment Initiative (DEI) funds for Employment and Training is accepted.

2. The sum of \$5,480 shall be appropriated to the following accounts:

CD16400.101	WIA – Admin Reg Pay	\$3,650
CD16400.802	WIA – Admin Retirement	675
CD16400.803	WIA – Admin FICA	275
CD16400.804	WIA – Admin W/C	50
CD16400.806	WIA – Admin Hosp/Med Ins	<u>830</u>
	TOTAL	\$5,480

with a like sum credited to Revenue Account No. CD16400.4701.00 (Admin Federal Aid).

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

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

**RESOLUTION NO. 270-15**

**ACCEPTANCE AND APPROPRIATION OF THE HOMELAND SECURITY CONTRACT  
#C969150 FROM THE OFFICE OF HOMELAND SECURITY**

Offered by: Public Safety and Ways & Means Committees

**RESOLVED:**

1. That funds in the amount of \$52,500 from the Office of Homeland Security Contract #C969150, (Project # SH15-1001-D00 SHSP), for initial Contract period September 4, 2015, to August 31, 2018, are accepted and appropriated as follows:

A3656.207	<b>Homeland Security – Emerg Serv Equipment</b> (Trailer mounted generator to assist with power outages in local gov. agencies)	\$25,500
A3656.207	<b>Homeland Security – Emerg Serv Equipment</b> (Personal Protect Gear for DCs, FIs, HMs)	10,000
A3656.207	<b>Homeland Security – Emerg Serv Equipment</b> (Assist with medical gear bags for the Sheriff’s Department)	1,500
A3656.207	<b>Homeland Security – Emerg Serv Equipment</b> (Aerial Photography Images)	14,500
A3656.416	<b>Homeland Security – Cent Serv Telephone</b> (Sustain Director’s cell phone)	<u>1,000</u>
	<b>Total</b>	<b>\$52,500</b>

with a like sum credited to Revenue Account No. A3656.3306.EM15 (State Aid – HS FY2015 SHSP Grant #C969150).

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

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

**RESOLUTION NO. 271-15**

**BUDGET TRANSFER FROM CONTINGENCY FUND FOR THE  
PURCHASE OF NEW CHAIRS FOR THE LEGISLATIVE BOARD CHAMBERS**

Offered by: Ways & Means Committee

**RESOLVED:**

1. That the sum of \$17,000 shall be transferred from Account No. A1990.429 (Contingency) to Account No. A1010.205 (Legislative Board – Furniture/Furnishings) for the purchase of 21 new chairs for the Legislative Board Chambers.

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

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

Comments made regarding Resolution No. 271-15 included: Legislator Burt stated that there is no question that these chairs need to be replaced. They don't meet OSHA standards with four legs on the bottom. If any other department came to us, we would replace them right away. Mr. Burt suggested that the chairs they are currently using, which were the Board of Supervisors chairs, should be put up for sale to the general public for \$200 each. He also remarked on the purchase of new chairs saying, If we go out and buy cheap chairs, we're going to get exactly that – cheap chairs and they'll be tossed away in a few years. Legislator Pullen remarked that the current chairs have lasted a long time, but they're not safe. We've had the chairs fall apart. There have been instances where people have fallen or almost fallen and the liability that we'd face if we continue to use them would greatly outweigh any alleged savings we might have if we don't do something. It's something we need to do, not just because we're worth it or we deserve it. We need to do it because it's the fiscally responsible thing to do.

### **RESOLUTION NO. 272-15**

#### **BUDGET TRANSFER FROM CONTINGENCY FUND FOR THE PURCHASE OF IPADS FOR LEGISLATORS**

Offered by: Ways & Means Committee

#### **RESOLVED:**

1. That the sum of \$9,172 shall be transferred from Account No. A1990.429 (Contingency) to Account No. A1010.201 (Legislative Board - Equipment) for the purchase of iPads for the Legislators.

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

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

Comments made regarding Resolution No. 272-15 included: Legislator Ungermann remarked on Steuben County's use of iPads saying that they are on their third set according to their Board Clerk. He feels that for those who are fairly computer illiterate, it will be difficult to adjust. He's not going to support. Legislator Burt used today's Board packet as an example saying, here's approximately 100 pages of copying, here's the envelope and postage. Mr. Burt stated that he believes it will save money in the long run. There will be training sessions. He noted that he was contacted by someone who suggested the Board look into refurbished iPads. Mr. Burt remarked that he would like to consider that if there is a considerable savings. Chairman Crandall stated that the Board isn't locked into anything (*new versus refurbished.*) Legislator Pullen remarked on something he had recently read regarding technology. It's been found that you may purchase technology with a certain idea of what you're going to use it for; ultimately you find even more ideas for using it than you expected. He believes there will be a savings, communication will be improved, and they will

be more available to constituents. Legislator Burt added that he is for the Legislators having County email, rather than having their personal email mixed with Legislative related matters.

**RESOLUTION NO. 273-15**

**BUDGET TRANSFER WITHIN REAL PROPERTY TAX ACCOUNTS**

Offered by: Ways & Means Committee

**RESOLVED:**

1. That the sum of \$1,000 shall be transferred from Account No. A1355.403 (Assessments – Maintenance Contracts) to Account No. A1355.201 (Assessments - Office Equipment) to replace a printer for tax bill printing.

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

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

**RESOLUTION NO. 274-15**

**TRANSFER OF FUNDS WITHIN EMPLOYMENT AND TRAINING ACCOUNTS**

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

**RESOLVED:**

1. That the transfer of \$8,006 within the Employment and Training accounts is approved as follows:

<u>From Account No.</u>	<u>To Account No.</u>	<u>Amount</u>
CD16400.802 WIOA Admin Retirement	CD16400.803 WIOA Hosp/Med Ins	3,000
CD16403.408 DSS General Supplies	CD16403.201 DSS Equipment	1,200
CD16400.101 WIOA Admin Regular Pay	CD16410.474 WIOA Youth Contract-STTT	1,500
CD16400.101 WIOA Admin Regular Pay	CD16410.476 WIOA Youth Contract-Lit West	1,500
CD16413.101 WIOA Youth Part. Regular Pay	CD16794.101 TANF Regular Pay	50
CD16795.101 TANF Part. Regular Pay	CD16794.101 TANF Regular Pay	129
CD16795.802 TANF Part. Retirement	CD16794.101 TANF Regular Pay	422
CD16795.803 TANF Part. FICA	CD16794.101 TANF Regular Pay	177
CD16795.804 TANF Part. Workers Comp	CD16794.101 TANF Regular Pay	28

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

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

**RESOLUTION NO. 275-15**

**BUDGET TRANSFER WITHIN EMPLOYMENT AND TRAINING ACCOUNTS**

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

**RESOLVED:**

1. That the sum of \$5,000 shall be transferred from Account No. CD16400.101(WIOA – Admin Reg. Pay) to Account No. CD16401.402(WIOA – Adult Supportive Services) to cover additional Adult Supportive Services based on client’s needs.

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

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

**RESOLUTION NO. 276-15**

**BUDGET TRANSFER FROM CONTINGENCY FUND TO COVER  
REPAIRS AT THE FRIENDSHIP SHOP**

Offered by: Public Works and Ways & Means Committees

**RESOLVED:**

1. That the sum of \$75,000 shall be transferred from Account No. A1990.429 (Contingency) to Account No. H5132.200 (DPW Main Shop Friendship) to repair the Friendship Shop roof.

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

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

**RESOLUTION NO. 277-15**

**BUDGET TRANSFER WITHIN DEPARTMENT OF PUBLIC WORKS ACCOUNTS**

Offered by: Public Works and Ways & Means Committees

**RESOLVED:**

1. That the sum of \$27,000 shall be transferred from Account No. D5110.408 (Maintenance Roads – General Supplies) to Account No. H5197.200 (Highway Equipment & Capital Outlay – Heavy Duty Truck Lift) for the replacement of a heavy duty truck lift at the Friendship Shop.

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

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

**RESOLUTION NO. 278-15**

**BUDGET TRANSFER WITHIN DEPARTMENT OF PUBLIC WORKS ACCOUNTS**

Offered by: Public Works and Ways & Means Committees

**RESOLVED:**

1. That the sum of \$20,000 shall be transferred from Account No. DM5130.210(Road Machinery – Equipment – Fuel Tank Upgrade) to Account No. H1641.200(Capital – Fuel Tank Upgrade) for a fuel tank upgrade.

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

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

**RESOLUTION NO. 279-15**

**APPROVAL OF AGREEMENT BETWEEN THE COUNTY OF ALLEGANY AND  
THE GREATER ALLEGANY COUNTY CHAMBER OF COMMERCE TO  
ADMINISTER COUNTY TOURISM; AUTHORIZING BOARD CHAIRMAN  
TO EXECUTE SAID AGREEMENT**

Offered by: Planning & Economic Development Committee

**RESOLVED:**

1. That an Agreement between the County of Allegany and the Greater Allegany County Chamber of Commerce to administer tourism as the County Tourism Promotion Agency for an annual fee of \$80,000, commencing January 1, 2016, and ending on December 31, 2016, is approved.
2. That the Chairman of this Board is authorized to execute such Agreement.

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

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

**RESOLUTION NO. 280-15**

**APPROVAL OF RENEWAL AGREEMENT WITH COUNTY OF MONROE TO PROVIDE  
SERVICES FOR ALLEGANY COUNTY PRISONERS HELD AT THE ROCHESTER  
PSYCHIATRIC CENTER FORENSIC UNIT**

Offered by: Public Safety Committee

**RESOLVED:**

1. That an Agreement between the County of Allegany and the County of Monroe for the period January 1, 2016 through December 31, 2020, to provide jail security services for Allegany County prisoners held at the Rochester Psychiatric Center Forensic Unit, is approved.

2. That the Chairman of this Board and the Allegany County Sheriff are authorized to execute said Agreement.

Moved by: Mr. Curran  
Seconded by: Mr. Decker

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

Comments made regarding Resolution No. 280-15 included: Legislator Ungermann stated that he noted the cost per day is \$140. He asked if it costs more to house these individuals. Sheriff Whitney responded that it is specialized treatment for them.

**RESOLUTION NO. 281-15**

**APPROVAL OF ENTRY INTO AN INTER-MUNICIPAL MUTUAL AID AGREEMENT  
BETWEEN THE COUNTY OF ALLEGANY AND THE ALLEGANY COUNTY  
TOWN HIGHWAY SUPERINTENDENTS ASSOCIATION**

Offered by: Public Works Committee

**RESOLVED:**

1. That entry into an Inter-Municipal Mutual Aid Agreement between the County of Allegany and the Allegany County Town Highway Superintendents Association for period January 1, 2016, to December 31, 2016, is approved.

2. That the Superintendent of the Department of Public Works is authorized to execute the agreement.

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

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

Comments made regarding Resolution No. 281-15 included: Legislator Ungermann remarked that when you're doing something like this he feels the rental rates should be listed in the agreement.

**RESOLUTION NO. 282-15**

**APPROVAL OF ENTRY INTO A SHARED SERVICES AGREEMENT  
BETWEEN THE COUNTY OF ALLEGANY AND THE  
NEW YORK STATE DEPARTMENT OF TRANSPORTATION**

Offered by: Public Works Committee

**RESOLVED:**

1. That entry into a Shared Services Agreement between the County of Allegany and the New York State Department of Transportation for period January 1, 2016, to December 31, 2016, is approved.
2. That the Superintendent of the Department of Public Works is authorized to execute the agreement.

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

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

**RESOLUTION NO. 283-15**

**APPROVAL OF ONE YEAR EXTENSION OF AGREEMENT WITH LABELLA  
ASSOCIATES, D.P.C. TO CONDUCT THE ENVIRONMENTAL MONITORING PROGRAM  
AT THE COUNTY LANDFILL**

Offered by: Public Works and Ways & Means Committees

**RESOLVED:**

1. That extension of an agreement with LaBella Associates, D.P.C., to conduct the environmental monitoring program at the County Landfill for an annual fee of \$66,100, commencing January 1, 2016, through December 31, 2016, is approved.
2. That the Chairman of this Board is authorized to execute the agreement.

Moved by: Mr. Fanton  
Seconded by: Mr. Pullen

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

**RESOLUTION NO. 284-15**

**APPROVAL OF AGREEMENT WITH KINLEY CORPORATION FOR THE GENERAL  
CONTRACTING FOR THE ALLEGANY COUNTY 911 EQUIPMENT ROOM**

Offered by: Facilities & Communications and Ways & Means Committees

**WHEREAS**, Kinley Corporation was the lowest bidder for general contracting services on a project to renovate the Allegany County 911 Equipment Room; and

**WHEREAS**, the bid price for the renovations from Kinley Corporation was \$167,850, now, therefore, be it

**RESOLVED:**

1. That the agreement in the amount of \$167,850 with Kinley Corporation for general contracting services for the renovation of the Allegany County 911 Equipment Room, is approved.

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

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

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

Comments made regarding Resolution No. 284-15 included: Legislator Ungermann asked for permission to abstain from voting on this resolution. A motion was made by Legislator Healy, seconded by Legislator Fanton, and carried to allow Legislator Ungermann to abstain. Legislator LaForge asked for permission to abstain from voting on this resolution. A motion was made by Legislator Graves, seconded by Legislator Curran, and carried to allow Legislator LaForge to abstain from voting on this resolution.

**AUDITS:**

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

A motion was made by Legislator Root, seconded by Legislator Jessup, and adopted on a roll call vote of 14 Ayes, 0 Noes, 0 Absent, that the audit of claims, totaling \$3,487,066.04, 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 \$9,466,114.*)

**COMMENTS:**

Legislator Pullen announced that there would be a special Facilities and Communications Committee meeting on Wednesday, December 16, after the Resource Management Committee meeting.

**ADJOURNMENT:** The meeting was adjourned at 3:18 p.m. on a motion made by Legislator Graves, seconded by Legislator Burt, and carried.

**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.