

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION**

January 11, 2016

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:11 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 Richard N. Bennett.

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, Judith Hopkins, Charles Jessup, Kevin LaForge, Timothy O'Grady, David Pullen (*joined the meeting at 2:16 p.m.*), Debra Root, Norman Ungermann, Jr. Absent: Aaron McGraw

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Richard N. Bennett, former United States Army Sergeant, in grateful appreciation of his service to our country. Mr. Bennett's service dates were from November 3, 1966, to November 1, 1968. Following Basic Training at Fort Dix, NJ, assignments included: Fort Belvoir, VA. Commendations he received include: Good Conduct Medal, National Defense Service Medal and Marksman M-14. Mr. Bennett led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

William J. Heaney, Community Liaison for Senator Catharine Young, addressed those in attendance regarding a recent accomplishment of Senator Catharine Young. Senator Young was recently selected as the Senate Majority Finance Chair. Mr. Heaney remarked that this is especially important because she's from Western New York. Senator Young is also the first woman to serve as Senate Majority Finance Chair. Her goal is to give more attention to our region. Mr. Heaney went on to read a press release regarding her appointment. He noted that it's a wonderful milestone for her career and for our Senate district.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. Report of Tax Bill Corrections Approved by the County Administrator in December.
2. Report of Intrafund Transfers Approved by the County Administrator in December.

3. District Attorney Keith Slep filed his Designation of Succession to the Office of District Attorney in the Clerk of the Board's Office on January 7, 2016. Michael B. Finn was designated as the First and Sixth Assistant District Attorney, Amanda B. Finn as the Second and Fifth Assistant District Attorney, and J. Thomas Fuoco as the Third and Fourth Assistant District Attorney.

APPOINTMENTS:

Curtis W. Crandall, Chairman of the Allegany County Board of Legislators, in a joint measure with Paula J. Stockman, Chairman of the Cattaraugus County Board of Legislators, has appointed John E. Margeson to serve on the **CATTARAUGUS-ALLEGANY WORKFORCE DEVELOPMENT BOARD** for an indefinite period of time coterminous with his appointment as County Administrator for Allegany County.

Curtis W. Crandall, Chairman of the Allegany County Board of Legislators, appoints Craig Clark of Alfred, New York, to fill the remainder of Mitchell Alger's unexpired three-year term ending May 31, 2016, as a member of the **SOUTHERN TIER WEST REGIONAL PLANNING & DEVELOPMENT BOARD**.

Curtis W. Crandall, Chairman of the Allegany County Board of Legislators, appoints Debra A. Root of Scio, New York, to fill the remainder of Theodore Hopkins' three-year term ending May 31, 2017, as a member of the **SOUTHERN TIER WEST REGIONAL PLANNING & DEVELOPMENT BOARD**.

RESOLUTIONS:

RESOLUTION NO. 3-16

**APPROVAL OF BOARD CHAIRMAN'S REAPPOINTMENTS 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 appointments by the Chairman of this Board of Dwight R. Fanton as Legislative Representative Member and Aaron M. McGraw as Alternate Legislative Member, to the Region Nine Fish and Wildlife Management Board, with term of office commencing January 1, 2016, and expiring December 31, 2017, are approved.

Moved by: Mr. Graves
Seconded by: Mr. Burt

Adopted: Voice Vote

RESOLUTION NO. 4-16

**APPROVAL OF AGREEMENT BETWEEN ALLEGANY COUNTY AND THE
ALLEGANY COUNTY TELECOMMUNICATIONS CORP.
PROVIDING FOR START-UP FUNDS**

Offered by: Legislators Philip B. Curran, Dwight R. Fanton and David T. Pullen

WHEREAS, this Board desires to obtain management and marketing services for Allegany County's E-911, and wireless broadband telecommunications infrastructure so as to maximize the value of such infrastructure to the County, businesses and residents of Allegany County, and

WHEREAS, the Allegany County Telecommunications Corp. was recently formed as a Local Development Corporation by the County with a key purpose being to undertake the management and marketing of the wireless broadband component of such telecommunications infrastructure, and

WHEREAS, the County will lease out its wireless broadband telecommunications infrastructure to the Allegany County Telecommunications Corp. so as to enable the Allegany County Telecommunications Corp. to sell wireless broadband service to last mile providers and/or direct consumers of such service, and

WHEREAS, by leasing out its wireless broadband telecommunications infrastructure to the Allegany County Telecommunications Corp., the County expects to eventually recover all costs incurred in building out its telecommunications infrastructure in addition to generating a revenue stream that will enable the County to continually maintain and update such infrastructure, and

WHEREAS, it is deemed to be in the best interest of the County to structure an agreement with the Allegany County Telecommunications Corp. that provides adequate funds for the Allegany County Telecommunications Corp. to meet its anticipated start-up costs, now therefore, be it

RESOLVED:

1. That the agreement between Allegany County and the Allegany County Telecommunications Corp. to provide start-up funding in the amount of one hundred thousand dollars is hereby 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
12 Ayes, 2 Noes, 1 Absent
Voting No: O'Grady, Ungermann

Comments made regarding Resolution No. 4-16 included: Legislator Burt expressed his concern over wording in the resolution under the fourth paragraph where it says, "...expect to

eventually recover.” He thanked Legislator Healy for holding a good caucus where he was able to have his questions answered. Legislator Burt stated that he was now a “cautious yes.”

Resolution Intro. No. 5-16 (**CREATION OF ONE TEMPORARY PART-TIME POSITION OF DIRECTOR OF TEMPORARY ASSISTANCE IN THE DEPARTMENT OF SOCIAL SERVICES**) 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. 5-16

CREATION OF ONE TEMPORARY PART-TIME POSITION OF DIRECTOR OF TEMPORARY ASSISTANCE IN THE DEPARTMENT OF SOCIAL SERVICES

Offered by: Human Services Committee

RESOLVED:

1. That one temporary part-time position of Director of Temporary Assistance (PEF, Grade 9) is created with such salary not to exceed \$30,000.
2. That this position shall be abolished no more than six months after its creation.
3. This resolution shall take effect immediately.

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

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

Resolution Intro. No. 6-16 (**CREATION OF ONE TEMPORARY PART-TIME POSITION OF CHILD SUPPORT COORDINATOR IN THE DEPARTMENT OF SOCIAL SERVICES**) was not pre-filed and was considered from the floor on a motion made by Legislator LaForge, seconded by Legislator Curran, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 6-16

CREATION OF ONE TEMPORARY PART-TIME POSITION OF CHILD SUPPORT COORDINATOR IN THE DEPARTMENT OF SOCIAL SERVICES

Offered by: Human Services Committee

RESOLVED:

1. That one temporary part-time position of Child Support Coordinator (PEF, Grade 7) is created with such salary not to exceed \$30,000.
2. That this position shall be abolished no more than six months after its creation.
3. This resolution shall take effect immediately.

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

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

Resolution Intro. No. 7-16 (**CREATION OF ONE TEMPORARY PART-TIME POSITION OF GRADE B SUPERVISOR IN THE DEPARTMENT OF SOCIAL SERVICES**) was not pre-filed and was considered from the floor on a motion made by Legislator LaForge, seconded by Legislator Fanton, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 7-16

CREATION OF ONE TEMPORARY PART-TIME POSITION OF GRADE B SUPERVISOR IN THE DEPARTMENT OF SOCIAL SERVICES

Offered by: Human Services Committee

RESOLVED:

1. That one temporary part-time position of Grade B Supervisor (PEF, Grade 7) is created with such salary not to exceed \$30,000.
2. That this position shall be abolished no more than six months after its creation.
3. This resolution shall take effect immediately.

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

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

Comments made regarding Resolution No. 7-16 included: Legislator Burt stated that he wanted to clarify that these salaries will not reach \$30,000. "Salaries not to exceed \$30,000" does not mean these are \$60,000 jobs. It was confirmed that they will be paid at the grade and step for the position. Legislator Pullen noted that the need for these temporary positions is due to some retirements and a resignation. The temporary positions will help with training and the transition process in order to keep things running smoothly. Legislator Pullen stated that he intends to support the resolution and urged his fellow legislators to support it as well. Legislator Healy asked if the positions were deemed necessary by the County Administrator. County Administrator Margeson stated that yes, they were deemed necessary.

Resolution Intro. No. 8-16 (**CREATION OF ONE TEMPORARY PART-TIME POSITION OF SENIOR TYPIST IN THE DEPARTMENT OF SOCIAL SERVICES**) was not pre-filed and was considered from the floor on a motion made by Legislator LaForge, seconded by Legislator Decker, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 8-16

CREATION OF ONE TEMPORARY PART-TIME POSITION OF SENIOR TYPIST IN THE DEPARTMENT OF SOCIAL SERVICES

Offered by: Human Services Committee

RESOLVED:

1. That one temporary part-time position of Senior Typist (AFSCME, Grade 7) is created with such salary not to exceed \$30,000.
2. That this position shall be abolished no more than six months after its creation.
3. This resolution shall take effect immediately.

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

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

Resolution Intro. No. 9-16 (**ESTABLISHING THE ALLEGANY COUNTY LAND BANK CORPORATION, A NEW YORK LAND BANK**) was not pre-filed and was withdrawn. The resolution will be pre-filed for the January 25 meeting.

Resolution Intro. No. 10-16 (**RESOLUTION IN SUPPORT OF AN EDUCATIONAL INITIATIVE REGARDING A VOTE TO CONVENE A CONSTITUTIONAL CONVENTION**) was not pre-filed and was considered from the floor on a motion made by Legislator Jessup, seconded by Legislator Decker, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 9-16

RESOLUTION IN SUPPORT OF AN EDUCATIONAL INITIATIVE REGARDING A VOTE TO CONVENE A CONSTITUTIONAL CONVENTION

Offered by: Ways & Means Committee

WHEREAS, the Board of Legislators of Allegany County believes basic structural change is necessary in New York State government, and

WHEREAS, according to Article 19, Section 2 of the New York State Constitution, a proposition will appear on the statewide ballot on November of 2017 for the convening of a Constitutional Convention for New York State, now, therefore, be it

RESOLVED:

1. The Allegany County Board of Legislators requests that the New York State Association of Counties, along with the Inter-County Association of Western New York, engage with other like-minded organizations in a program of voter education regarding the importance of a vote to convene a Constitutional Convention.

2. That certified copies of this resolution be sent to the New York State Association of Counties and the Inter-County Association of Western New York.

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

Adopted: Voice Vote

Comments made regarding Resolution No. 9-16 included: Legislator Jessup stated that when this went through Ways & Means the title and some of the body of the resolution were corrected. He asked County Attorney Tom Miner to give the correct title and note the other corrections made to the resolution. Chairman Crandall noted that a vote wasn't necessary to make the changes because the resolution hadn't been pre-filed. The changes were made before it was presented at the Board meeting, but there wasn't time to make changes to the paper copies of the resolution. Legislator Decker stated that this is a multi-year process. It is the only way changes can be made to the New York State Constitution. Legislator Pullen said that he had done some reading on this and had looked at some different opinions on whether or not it would be good to have a constitutional convention. He feels that the New York State Constitution is not perfect. If a constitutional convention was held with people's best interests in mind, it would be good. However, special interest groups and lobbyists' involvement is not always good. He stated he doesn't have an opinion on it yet, but wants to make sure people know what they are voting on.

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 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$2,735,742.45, 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 \$386,372.*)

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