

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION**

**FEBRUARY 8, 2016**

**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 Veterans Services Agency Director Michael Hennessy.

**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, Aaron McGraw, Timothy O'Grady, David Pullen, Debra Root, Absent: Norman Ungermann, Jr.

**APPROVAL OF MINUTES:**

The Committee of the Whole minutes of January 25, 2016, were approved on a motion made by Legislator Graves, seconded by Legislator Curran, and carried.

**PRIVILEGE OF THE FLOOR:**

Jones Memorial Hospital CEO Eva Benedict addressed the Board to inform them of recent developments regarding the hospital. The most exciting thing is Jones Memorial Hospital's official affiliation with the University of Rochester Medical Center. This became official on January 1, 2016. She thanked the Allegany County Clerk's office with helping her to file necessary paperwork for the HUD mortgage. A priority for JMH is expanding clinical coverage for communities. The use of telemedicine will help, but they also hope to get more specialists here as well. The affiliation with the U of R Medical Center will improve bargaining power with vendors and allow them better pricing on contracts. Additionally, they are working with regional partners Noyes Memorial Hospital in Dansville, St. James Mercy Hospital in Hornell, and Wyoming County Community Hospital in Warsaw. Ms. Benedict stated that additional cancer services will be available in Wellsville and Dansville. She also mentioned some of the many ways JMH is investing in wellness and prevention programs in our communities. Chairman Crandall thanked her for keeping the Board well informed.

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

1. 2014 Proceedings of the Board of Legislators of Allegany County New York.
2. Report of IntraFund Transfers Approved by the County Administrator in January 2016.

3. Report of Tax Bill Corrections Approved by the County Administrator in January 2016.
4. Cattaraugus-Allegany BOCES Career and Technical Education Center in Belmont 50<sup>th</sup> Year Celebration with Greater Allegany County Chamber of Commerce Business after Hours on February 11 from 5:00 to 7:00 p.m.
5. The Greater Allegany County Chamber of Commerce announces the Allegany County United Way and Cuba Cheese Shoppe Business after Hours Event at the Cuba Cheese Shoppe on February 17 from 5:30 p.m. to 7:00 p.m.
6. Notice of next InterCounty Association meeting to be hosted by Ontario County on February 19 at the Ontario County Safety Training Facility in Canandaigua.

### **INTRODUCTION OF LEGISLATION:**

Legislator Dwight Fanton introduced Local Law No. 1 of 2016, Print No. 1 – *A Local Law Amending Local Law No. 4 of 2004 Regarding Source Separation Implementation and to Remove the Requirement that All Solid Waste Generated in Allegany County Must be Disposed of at a County Facility.*

### **RESOLUTIONS:**

#### **RESOLUTION NO. 25-16**

#### **REAPPOINTMENT OF ONE LEGISLATIVE MEMBER AND APPOINTMENT OF ONE LEGISLATIVE 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 Karl Graves of Wellsville, New York, is reappointed to the Allegany County Soil and Water Conservation District Board as a Legislative Member, with a term of office commencing January 1, 2016, and expiring December 31, 2016.
2. That Judith D. Hopkins of Fillmore, New York, is appointed to the Allegany County Soil and Water Conservation District Board as a Legislative Member, with a term of office commencing January 1, 2016, and expiring December 31, 2016.

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

Adopted: Voice Vote

**RESOLUTION NO. 26-16**

**ACCEPTANCE AND APPROPRIATION OF NEW YORK STATE COMMUNITY DEVELOPMENT BLOCK GRANT; AUTHORIZING BOARD CHAIRMAN TO EXECUTE SAID AGREEMENT**

Offered by: Ways & Means Committee

**RESOLVED:**

1. That the New York State Community Development Block Grant (CDBG) Housing Award in the amount of \$850,000 in partnership with Cattaraugus Community Action Agency, is accepted.

2. That the sum of \$850,000, CDBG Housing Award funds shall be appropriated to the following accounts:

CB 8668.409	Fees - Admin	\$42,500
CB 8668.492	Contractual – Loans/Grants	727,650
CB 8668.493	Contractual – Program Delivery Costs	<u>79,850</u>
<b>Total:</b>		<b>\$850,000</b>

with a like sum of \$850,000 credited to Revenue Account No. CB 8668.3989.CDMH (State Aid – CDBG NYS Housing Project #20MH301-15).

3. That the Chairman of this Board is authorized to execute said contract.

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

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

**RESOLUTION NO. 27-16**

**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 \$235, representing the cost to replace a windshield on an Sheriff’s Office, 2008 Dodge Durango (#5025), has been offered by NYMIR in settlement for such damage, now, therefore, be it

**RESOLVED:**

1. That the amount of \$235 from NYMIR, representing the cost to replace a windshield on a 2008 Dodge Durango (#5025), is accepted.

2. That the sum of \$235 is placed in 2015 Accounts Receivable 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. Healy

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

### **RESOLUTION NO. 28-16**

#### **ACCEPTANCE AND APPROPRIATION OF ADDITIONAL FUNDS FROM THE NEW YORK STATE TOURISM MATCHING FUNDS GRANT FOR ALLEGANY COUNTY**

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

**WHEREAS**, the sum of \$60,000 from New York State Tourism Matching Funds Grant was previously appropriated in the 2016 Budget under Account No. A6989.476, and

**WHEREAS**, the County has been advised that the actual amount of funds from the New York State Tourism Matching Funds Grant comes to \$61,756, now, therefore, be it

#### **RESOLVED:**

1. That total funds in the amount of \$61,756 from the New York State Tourism Matching Funds Grant are hereby accepted.

2. That the sum of \$1,756 is transferred from Account No. A1990.429 (Contingency) to Account No. A6989.475 (Tourism and Culture - Contractual) to cover the County's share of matching funds for this additional amount.

3. That the sum of \$1,756, representing the additional grant funds received, is appropriated to Account No. A6989.476 (Tourism and Culture - Contractual) with a like amount credited to Revenue Account No. A6989.3715.00 (State Aid - Tourism Promotion).

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

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

### **RESOLUTION NO. 29-16**

#### **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 due to expire on December 31, 2015, but NYSERDA has approved an extension of the grant through December 31, 2016, and

**WHEREAS**, the sum of \$27,964 of the Allegany County Comprehensive Planning School grant funds remain unspent, and

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

**RESOLVED:**

1. That the sum of \$27,964 is re-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: Mrs. Root  
Seconded by: Mr. Graves

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

**RESOLUTION NO. 30-16**

**AUTHORIZATION OF PAYMENT TO THE INDUSTRIAL DEVELOPMENT AGENCY FOR REIMBURSEMENT OF FUNDS EXPENDED ON DEVELOPMENT EFFORTS FOR THE CROSSROADS PROJECT**

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

**RESOLVED:**

1. That payment of the sum of \$12,964.29 from Account No. H6997.200 (Crossroads Project) to the Industrial Development Agency for reimbursement of funds expended on development efforts at the Crossroads site is hereby approved.

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

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

**RESOLUTION NO. 31-16**

**APPROVAL OF AGREEMENT BETWEEN COUNTY OF ALLEGANY AND ALLEGANY COUNTY FEDERATION OF SNOWMOBILERS, INC.;**

**APPROPRIATION OF STATE GRANT-IN-AID**

Offered by: Resource Management Committee

**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 \$112,045 in State grant-in-aid was appropriated in the 2016 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. Fanton

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

Comments made regarding Resolution No. 31-16 included: Legislator Decker remarked on the comments made by Steve Robertson, representing the Allegany County Federation of Snowmobilers, at a recent committee meeting. With good snow conditions, snowmobilers can spend half a million dollars on food and gas in Allegany County. Chairman Crandall reminded the group that the monies received from the State come directly from snowmobile registration fees.

**RESOLUTION NO. 32-16**

**APPROVAL OF AMENDMENT OF SALE OF FOREST PRODUCTS  
AGREEMENT WITH AYERS EARTHMOVING & FORESTRY SERVICES, INC.,  
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 August of 2016, will not negatively impact the County, now therefore, be it

**RESOLVED:**

1. That this Board hereby approves amending the agreement dated February 3, 2015, between the County of Allegany and Ayers Earthmoving & Forestry Services, Inc., to extend the time for removal of forest products from February 3, 2016, to September 1, 2016.

2. That the Chairman of the Board is authorized to sign the amended agreement.

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

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

### **RESOLUTION NO. 33-16**

#### **APPROVAL OF AGREEMENT WITH SIMPLEXGRINNELL FOR A FIRE SUPPRESSION SYSTEM; TRANSFER OF FUNDS**

Offered by: Facilities & Communications and Ways & Means Committees

#### **RESOLVED:**

1. This Board approves the agreement with SimplexGrinnell for the purchase and installation of a new FM 200 Clean Agent Suppression System for the new 911 Equipment Room at a cost of \$53,888.

2. That the sum of \$53,888 is transferred from A1990.429 (Contingency) to Account No. H.3200.200 (Capital Project E-911 - Renovations).

3. That Lieutenant Shawn Grusendorf's prior signature to said agreement accepting the terms thereof is hereby ratified and approved.

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

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

Resolution Intro. No. 35-16 (**RESOLUTION SETTING DATE OF A PUBLIC HEARING ON A LOCAL LAW TO AMEND LOCAL LAW NO. 4 OF 2004 REGARDING SOURCE SEPARATION IMPLEMENTATION AND TO REMOVE THE REQUIREMENT THAT ALL SOLID WASTE GENERATED IN ALLEGANY COUNTY MUST BE DISPOSED OF AT A COUNTY FACILITY**) was not pre-filed and was considered from the floor on a motion made by Legislator Fanton, seconded by Legislator Healy, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

### **RESOLUTION NO. 34-16**

#### **RESOLUTION SETTING DATE OF A PUBLIC HEARING ON A LOCAL LAW TO AMEND LOCAL LAW NO. 4 OF 2004 REGARDING SOURCE SEPARATION IMPLEMENTATION**

**AND TO REMOVE THE REQUIREMENT THAT ALL SOLID WASTE GENERATED IN ALLEGANY COUNTY MUST BE DISPOSED OF AT A COUNTY FACILITY**

Offered by: Public Works Committee

**WHEREAS**, on this 8th day of February, 2016, a local law (Intro. No.1-2016, Print No. 1) was introduced to amend Local Law No. 4 of 2004 regarding source separation implementation and to remove the requirement that all solid waste generated in Allegany County must be disposed of at a county facility, 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 March 14, 2016, 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. 1-2016, 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. Fanton  
Seconded by: Mr. Graves

Adopted: Voice Vote

Resolution Intro. No. 36-16 (**APPOINTMENT OF ONE MEMBER TO THE ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY AND THE COMMERCIAL INCENTIVE BOARD**) 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. 35-16**

**APPOINTMENT OF ONE MEMBER TO THE ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY AND THE COMMERCIAL INCENTIVE BOARD**

Offered by: Planning & Economic Development Committee

Pursuant to Title 1 of Article 18-A  
and Section 906-a of the General Municipal Law

**RESOLVED:**

1. That Judith D. Hopkins of Fillmore, New York, is appointed as a member of the Allegany County Industrial Development Agency and the Commercial Incentive Board to fill the remainder of the late Theodore L. Hopkins' four-year term expiring December 31, 2017.
2. That the Clerk of this Board is directed to send a certified copy of this resolution to the Secretary of State for filing pursuant to Section 856(2) of the General Municipal Law.

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

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

Resolution Intro. No. 37-16 (**APPROVAL OF THE SALE OF REAL PROPERTY LOCATED IN THE TOWN OF AMITY TO CORNELL COOPERATIVE EXTENSION ASSOCIATION OF ALLEGANY COUNTY, STATE OF NEW YORK**) 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. 36-16**

**APPROVAL OF THE SALE OF REAL PROPERTY LOCATED IN THE TOWN OF AMITY TO CORNELL COOPERATIVE EXTENSION ASSOCIATION OF ALLEGANY COUNTY, STATE OF NEW YORK**

Offered by: Public Works Committee

**WHEREAS**, this Board had previously voted to sell County real property in the Town of Amity located at 5435A County Road 48, (tax map # 171.-1-80.22); and

**WHEREAS**, this property was advertised for sale in the County's official newspapers; and

**WHEREAS**, only one bid was received and it was in the amount of One Thousand Dollars (\$1,000) from the Cornell Cooperative Extension Association of Allegany County, State of New York, now therefore, be it

**RESOLVED:**

1. The bid from the Cornell Cooperative Extension Association of Allegany County, State of New York, in the amount of One Thousand Dollars (\$1,000), is hereby accepted.
2. The sale of the County's real property located in the Town of Amity at 5435A County Road 48, (tax map # 171.-1-80.22) to Cornell Cooperative Extension of Allegany County, State of New York, is hereby approved.

3. That the County Attorney is directed to prepare the necessary documents for purposes of conveying title to this real property to Cornell Cooperative Extension of Allegany County, State of New York.

4. That upon receipt of the full purchase price of One Thousand Dollars (\$1,000), the Chairman of this Board is authorized to execute all documents necessary to convey this property.

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

Adopted: Roll Call  
13 Ayes, 1 No, 1 Absent  
Voting No: Burt

#### **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 Fanton, and adopted on a roll call vote of 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$2,685,747.73, 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 \$1,159,116.*)

**ADJOURNMENT:** The meeting was adjourned at 2:39 p.m. on a motion made by Legislator Graves, seconded by Legislator Burt, and carried.