

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION**

**MARCH 14, 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 Specialist Fourth Class Gregory M. Robinson.

**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, Judith 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 22, 2016, were approved on a motion made by Legislator Graves, seconded by Legislator Curran, and carried.

**COUNTY GOVERNMENT INTERN PROGRAM:**

County Government Intern Program Instructor Mr. John Padlo introduced students who are taking part in the County Government Intern Program through BOCES. Mr. Padlo remarked that the program has been in existence for over forty years.

**PUBLIC HEARING:**

Chairman Crandall closed the regular meeting to hold a public hearing on Local Law Intro. No. 2-2016, entitled "**AMENDMENT OF LOCAL LAW NO. 3 OF 1992, (AS AMENDED BY LOCAL LAW NO. 3 OF 1995 AND LOCAL LAW NO. 2 OF 2010), TO PRESCRIBE THE QUALIFICATIONS, TERM OF OFFICE, POWERS AND DUTIES, AND PROCESS FOR REMOVAL OF THE COUNTY ADMINISTRATOR.**"

There being no one desiring to speak, the public hearing was declared closed.

Chairman Crandall proceeded with opening a public hearing on Local Law Intro. No. 1-2016, entitled "**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.**" Comments from the public included the following:

Chairman Crandall thanked Legislator Fanton, the Public Works Committee, Public Works Director Guy James, and Deputy Director Dean Scholes for all of their efforts. Chairman Crandall read the following statement on behalf of the Board.

*"In response to questions and inaccurate rumors, I would like to clarify the position and intent of the Allegany County Board of Legislators regarding the operation of the County Landfill, Transfer Stations, and Recycling Program.*

*'Since the 1980s, Allegany County has operated a County-owned Landfill on County Road 48 in the Town of Angelica. The Landfill has nine cells, and each cell has taken approximately three and a half years to fill. Over the past ten years plus, the Allegany County Legislators have been aware of the fact that the County-owned facility would be filled to capacity and no longer be an option for the disposal of our trash. Engineering studies have been done to see if it was feasible to expand and create another cell or another separate Landfill on our property, but due to soil conditions and other factors, that cannot happen. So, as predicted, and stated many times for several years, the County-owned Landfill will be filled to capacity within a few months.*

*'As this time approached, the Legislators, Public Works Department, and contracted engineering consultants have been laying the groundwork for plans that would continue the service of taking care of the trash produced in Allegany County just as the people have been accustomed to for many years. On January 14, 2016, a Request for Proposal was sent out that would give the County firm figures for the disposal of the trash at an alternate site once our Landfill is filled. On February 12, 2016, the County received and opened bids for the RFP, one from the Steuben County Facility in Bath, one from Highland Landfill in Angelica, and one from Waste Management in Chaffee. A resolution awarding contracts to all of these agencies will be considered at the March 28 Board meeting. The intention of Allegany County is as follows:*

- 1. Continue operation of the Transfer Stations as they have been in the past. When the trash leaves the Transfer Station, it will be hauled to one of the three facilities mentioned above, and the public will see little or no difference in service.*
- 2. The current fee structure for the use of the Transfer Stations will remain in effect until March of 2017. As the County operates the system by hauling to other facilities, they will have more accurate figures for operational costs and adjust the fee structure as necessary in the future. These fees will be announced and posted in advance of any changes.*
- 3. We will continue to operate our recycling program, and Allegany County calls on businesses and residents to be good environmental stewards and recycle all that they can. This not only helps the environment but helps offset operational costs for the County, and most recyclable materials can be disposed of at no cost to the user.*
- 4. While operating the County-owned Landfill, the Legislature had in place a Flow Control Law which meant that all trash produced in Allegany County had to be disposed of at a County facility. By no longer having a Landfill of our own, the Local Law directing this will be amended to remove that wording. This allows anyone to take their trash where they wish within the County or elsewhere.*

5. *In order to change the Local Law pertaining to Flow Control, a public hearing will be held on March 14. A pre-filed resolution amending our current Local Law will be addressed upon completion of the environmental review process.*

*'The bottom line is this: Allegany County will be taking the trash from the Transfer Stations to a facility other than the County Landfill for disposal, and the people using the Transfer Stations will see little or no difference in the service.'*

Mr. Richard Hoshal, Village Clerk for the Village of Belmont asked the Board if there was a timeline in place for the Local Law. It was indicated that it would take a couple of weeks after it's adopted. Mr. Hoshal also asked what other municipalities in Allegany County provided trash pick-up. Guy James stated that municipalities offering trash pick-up are the Village of Wellsville, Village of Belmont, Village of Cuba, Town of Friendship, and Village of Canaseraga. Mr. Hoshal wanted to clarify where the packer trucks were currently unloading the garbage. Mr. James indicated that they currently unload packer trucks at the Landfill rather than transfer stations. Once the Landfill is closed, the packer trucks won't be able to unload there. Mr. Hoshal asked if municipalities would be required to take their garbage to the three facilities the County intends to contract with. County Attorney Tom Miner stated that while the municipalities are not required to use one of the three facilities, the prices will be locked in at those places.

Gudrun Scott from Andover expressed her concern that County residents aren't aware of the public hearings saying that she hadn't seen it in the newspapers. Chairman Crandall replied that the County is required to advertise the public hearings for these local laws and that they are placed in the legal ad portion of the newspaper. Ms. Scott expressed her concerns with the inability for people to use burn barrels. She feels the DEC could help manage the use of burn barrels so the burning of trash is done properly. She thanked the County for its recycling efforts. Chairman Crandall let Ms. Scott know that the burn barrels were an issue handled by State legislation and not by the County, but thanked her for sharing the information.

Anna Green from Cuba spoke about legislation sent by the Cuba Grange regarding the disposal of waste water from hydro fracking. She spoke about Marcellus Shale and the radioactive material in the waste water. She expressed her concerns about the leachate that is being taken to the Hyland Landfill and its radioactivity. She's concerned about it ending up in the Genesee River. She asked if the County could be held responsible for clean-up at the Hyland Landfill if garbage from the County is mixed with the radioactive waste. She also expressed her concern for the County employees working at the County Landfill once the Landfill is closed. She urged the Board to consider that when making their decision. Chairman Crandall noted that anything taken to the Hyland Landfill is regulated under the DEC. He stated that the County Attorney has looked into what our liabilities might be, and we are safe along the liability lines that you've mentioned. As far as positions at the County Landfill, we do have to work within the constraints of our union contracts. Chairman Crandall thanked her for addressing the Board.

**PRIVILEGE OF THE FLOOR:**

Chairman Crandall recognized Veteran Services Director Michael Henessey for receiving accreditation from the American Legion of New York State. Chairman Crandall noted that the accreditation is necessary for the County to be able to provide services to veterans.

Chairman Crandall presented a certificate to Gregory M. Robinson, former United States Army Specialist Fourth Class, in grateful appreciation of his service to our country. Mr. Robinson's service dates were from November 5, 2008, to November 30, 2015. Following Basic Training at Fort Leonard Wood, MO, assignments included: Fort Campbell, KY, Afghanistan and Korea. Commendations he received included: Afghanistan Campaign Medal with 2 Campaign Stars, Army Commendation Medal, Army Achievement Medal with 3 Oak Leaf Clusters, National Defense Service Medal, Global War on Terrorism Service Medal, Korea Defense Service Medal, NATO Medal, Noncommissioned Officer Professional Development Ribbon, Army Service Ribbon, Overseas Service Ribbon, Combat Action Badge, Air Assault Badge, Sharp Shooter for M-4 and M-9. Mr. Robinson led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Madelyn Thornton, RN and Program Coordinator for Cancer Services addressed the group to remind everyone that March is Colorectal Cancer Awareness Month. Upon reaching the age of fifty, or earlier if there is a family history of colon cancer, everyone should check with their doctor about having a colonoscopy. There are other options if a colonoscopy is not an option. Ms. Thornton stressed the importance of having the procedure done. She noted that colon cancer is one of the most common cancers in New York State. It is preventable, beatable, and treatable. It's best to catch problems early so that it doesn't turn into cancer. She urged everyone to spread the word and get their screenings done.

Representatives were present to answer questions regarding 2015 Annual Reports for the following: County Attorney, County Clerk, Probation, Public Works, and Cooperative Extension.

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

1. 2016 Allegany County Directory.
2. Report of IntraFund Transfers Approved by the County Administrator in February 2016.
3. Report of Tax Bill Corrections Approved by the County Administrator in February 2016.
4. 2015 Annual Reports for Review: Office for the Aging, Emergency Services, Board of Elections, Health Department, Community Services, Real Property Tax, Fire Service, and Human Resources.

5. Pursuant to Article 11 of the Real Property Tax Law, County Treasurer Terri Ross filed Certificates of Withdrawal of Delinquent Tax Liens for properties in the Towns of Almond, Andover, and Bolivar in the Clerk of the Board's Office on March 10 and 11, 2016.

6. Notice of next InterCounty meeting to be hosted by Steuben County at the Snug Harbor Restaurant in Hammondsport on March 18.

7. Announcement of 2016 Senior Forum on Thursday, March 24, 2016, at Genesee Valley Central School in Belmont.

8. Correspondence from the Greater Allegany County Chamber of Commerce announcing the 8<sup>th</sup> Annual Meeting & Dinner on Friday, April 1, 2016, at Moonwinks in Cuba. Thurman Thomas will be a special guest.

9. Correspondence from the family of former Legislator Bruce Reuning thanking the Board for their donation to the library in Wellsville in memory of Mr. Reuning.

#### **APPOINTMENTS:**

Chairman Curtis W. Crandall appointed Tyler Shaw, Environmental Health Director as a member of the **HAZARD MITIGATION TEAM**, effective immediately, to serve at his pleasure.

Chairman Curtis W. Crandall appointed Corinne Davis of Angelica, Deborah Hint of Cuba, Robert Starks of Wellsville, Kim Bolander of Wellsville, and Tammy Kokot of Almond, to the **ALLEGANY COUNTY YOUTH BOARD** for a three-year term commencing March 26, 2016, and expiring March 25, 2019, subject to confirmation by the Board of Legislators.

Chairman Curtis W. Crandall appointed Jerry Scott of Cuba, to the **CHAUTAUQUA, CATTARAUGUS, ALLEGANY AND STEUBEN SOUTHERN TIER EXTENSION RAILROAD AUTHORITY** to fill the remainder of Tim O'Grady's three-year term commencing immediately and expiring August 27, 2016, subject to confirmation by the Board of Legislators.

Chairman Curtis W. Crandall appointed Vicki Grant of Houghton, as a member of the **CITIZENS ADVISORY COUNCIL TO THE OFFICE FOR THE AGING** for a three-year term commencing immediately, and expiring December 31, 2018, subject to confirmation by the Board of Legislators.

Chairman Curtis W. Crandall appointed Robert McNeill of Rushford, as the Agri-Business member on the **ALLEGANY COUNTY AGRICULTURAL AND FARMLAND PROTECTION BOARD** for a four-year term commencing March 5, 2016, and expiring March 4, 2020.

Chairman Curtis W. Crandall reappointed Chris Reinbold of Whitesville, to serve on the **ALLEGANY COUNTY AGRICULTURAL AND FARMLAND PROTECTION BOARD** for a four-year term commencing March 4, 2016, and expiring March 4, 2020.

**PROCLAMATION:**

Chairman Crandall proclaimed March 2016 as Colorectal Cancer Awareness Month in Allegany County.

**RESOLUTIONS:**

**RESOLUTION NO. 62-16**

**RESOLUTION CALLING ON GOVERNOR ANDREW M. CUOMO AND THE STATE LEGISLATURE TO PLAN FOR NEXT GENERATION 9-1-1 IN NEW YORK STATE AND CREATE A NEW YORK STATE 9-1-1 DEPARTMENT THAT SUPPORTS COUNTY PUBLIC SAFETY ANSWERING POINTS AND ENHANCES LOCAL EMERGENCY DISPATCH SERVICES**

Offered by: Public Safety Committee

**WHEREAS**, counties provide 9-1-1 services in New York State by operating Public Safety Answering Points (PSAPs) that serve all residents in times of emergency by dispatching emergency medical, fire, and police assistance, and

**WHEREAS**, counties continue to incur substantial costs to upgrade and maintain communications systems, as well as keep up to date with technological changes, and

**WHEREAS**, these changes are a fundamental shift toward an IP based 9-1-1 system that is commonly referred to as Next Generation (NG) 9-1-1, and

**WHEREAS**, NG 9-1-1 requires greater planning and investment on the part of local governments in order to keep pace with rapidly evolving consumer technologies, and

**WHEREAS**, the majority of states across the country have aggressively begun preparing for NG 9-1-1 and in numerous instances deploying significant infrastructure and policies to build the foundation for a NG 9-1-1 system, and

**WHEREAS**, New York State has done comparatively little to prepare for NG 9-1-1 and is facing significant risk in becoming a straggler in the deployment of NG 9-1-1 technologies, and

**WHEREAS**, a lag in planning and investment in NG 9-1-1 places New York's citizens at risk as they rely on a legacy 9-1-1 system that is rapidly becoming obsolete, and

**WHEREAS**, the NYS Public Service Commission (PSC) conducted a telecommunications study on 9-1-1 that required the insight of public safety and 9-1-1 experts to relay relevant public safety information to the PSC as they make 9-1-1 related telecommunications decisions, and

**WHEREAS**, the NYS Public Service Commission (PSC) intends to work collaboratively with the Department of Homeland Security and Emergency Services (DHSES), the 9-1-1 Advisory Board and the Public Safety Broadband Working Group to further advance the implementation of NG 9-1-1 in New York State, while maintaining their oversight of 9-1-1 system affordability and reliability as it pertains to providers of 9-1-1 services, and

**WHEREAS**, a New York State effort to provide coordinated leadership in the area of 9-1-1 would be most appropriately empowered to both support the mission of the PSAPs in the State as well as transition the current State's 9-1-1 legacy system to a NG 9-1-1 system that will better serve its citizens for years to come, and

**WHEREAS**, leadership from New York State is crucial to ensure success and to prevent future tragedies related to the 9-1-1 network in NYS, and

**WHEREAS**, counties urge New York State to adopt the Automated Secure Alarm Protocol (ASAP) which automates all alarms coming from alarm companies and allows for an electronic link between the Central States Alarm Association, the NLETS system and the PSAPs via the NYS e-justice system, now therefore, be it

**RESOLVED:**

1. That the Allegany County Legislature calls upon Governor Andrew M. Cuomo, the State Legislature and the Division of Homeland Security and Emergency Services to create a New York State 9-1-1 Department that best serves the public interest and supports PSAPs in New York State while continuing to allow the City of New York and the 57 counties outside of NYC to receive emergency 9-1-1 calls and dispatch emergency services in a manner that is most appropriately determined by those municipalities.

2. That the Allegany County Legislature calls upon the State Legislature and the Governor to enable a State 9-1-1 Department that would:

- Provide funding;
- Issue RFPs and award contracts as necessary to support 9-1-1;
- Establish standards for 9-1-1;
- Apply for and distribute Federal Grant Funds;
- Coordinate and provide training for 9-1-1 directors, supervisors and call takers;
- Provide Public Education;
- Provide necessary networks to support 9-1-1 both in a legacy and NG 9-1-1 environment;

- Provide a Statewide ESInet to support interoperability within and outside of New York State;
- Create, maintain and distribute GIS databases;
- Create and maintain NG 9-1-1 and other appropriate databases to support 9-1-1 efforts;
- Provide and propose appropriate regulation / legislation / tariffs to support 9-1-1;
- Represent New York State in efforts to support and advance 9-1-1 at a national level including participating in events sponsored by NASNA, NENA, APCO and the FCC;
- Provide consultative services to PSAPs in NYS in regards to industry trends, products, techniques, and standards;
- Help manage Civil Service exams;
- Manage the TERT program;
- Provide legal expertise in 9-1-1 related matters;
- Serve as the liaison to 9-1-1 service providers (TELCOs, Wireless Carriers, TCCs, VoIP providers, CPE manufacturers, etc.);
- Provide coordination with the Public Service Commission and work closely with them on tariffs, legislation and other business as it pertains to the 911 field.
- Provide for connectivity via the e-justice system to allow for the Automated Secure Alarm Protocol (ASAP).

3. That the Allegany County Legislature supports the extension of 9-1-1 surcharges to any device capable of connecting to 9-1-1, including pre-paid devices as essential to preserving current resources for 9-1-1 services.

4. That the Clerk of this Board shall forward certified copies of this resolution to Governor Andrew Cuomo; Commissioner of the Division of Homeland Security and Emergency Services; 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. Curran  
Seconded by: Mr. Graves

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

Comments made regarding Resolution No. 62-16 included: Legislator O'Grady stated that he was not going to support the resolution. He said, although he would like to see the 9-1-1 system in place, he doesn't want to see New York State create another department. Legislator Burt requested a roll call vote.

### **RESOLUTION NO. 63-16**

**RESOLUTION CALLING ON GOVERNOR ANDREW M. CUOMO AND THE STATE  
LEGISLATURE TO MORE EQUITABLY AND EFFICIENTLY IMPOSE THE 9-1-1  
SURCHARGE ON ALL WIRELESS COMMUNICATIONS DEVICES AND USE REVENUES  
TO FINANCE COUNTY 9-1-1**

Offered by: Public Safety Committee

**WHEREAS**, the State of New York imposes a \$1.20 public safety surcharge on wireless “contract telephones,” which, when it was enabled in statute, was intended to fund 9-1-1 operations and help dispatchers, first responders, and law enforcement officers to communicate and respond to emergencies, and

**WHEREAS**, the “pre-paid” cellular phone market is currently not contributing resources to support 9-1-1 service, and

**WHEREAS**, it’s estimated at least 1/3 of all cell phones are “pre-paid” and do not pay the \$1.20 state surcharge or the \$.30 local surcharge, and

**WHEREAS**, more than 30 states have expanded their 9-1-1 surcharge to “pre-paid” phones, and

**WHEREAS**, the growth of smart phones into the “pre-paid” marketplace in recent years is accelerating and providers are moving away from annual contracts toward “pre-paid” monthly programs, and

**WHEREAS**, the State’s revenues from the \$1.20 surcharge totals nearly \$200 million annually but is declining, with the majority of which is used by the state for purposes other than 9-1-1, and

**WHEREAS**, current funding mechanisms do not provide enough funding to address the essential needs of all counties nor the implementation of NextGen 9-1-1, now therefore, be it

**RESOLVED:**

1. That the Allegany County Legislature calls upon Governor Andrew M. Cuomo and the State Legislature to determine a way to ensure adequate funds are available for emergency needs and authorize all counties the authority to impose a local surcharge up to a \$1.20 on ALL wireless devices that are capable of accessing 9-1-1 services.
2. That any expansion of the State surcharge to pre-paid plans should commensurately authorize local surcharges for the same purpose.
3. The State should provide optional authority for the local wireless \$.30 surcharge for the 8 counties that do not currently impose this surcharge.
4. That the Clerk of this Board shall forward certified copies of this resolution to Governor Andrew Cuomo; Commissioner of the Division of Homeland Security and Emergency Services; 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. Curran  
Seconded by: Mr. Healy

Adopted: Voice Vote

Comments made regarding Resolution No. 63-16 included: Legislator Ungermann wondered if this would include all of the "Obama Phones." Mr. Ungermann expressed his discontentment with people receiving phones they don't pay for. He feels cell phones are a luxury, not a necessity. Legislator Pullen stated that he is troubled by the fact that not all of the money raised through the surcharge is used for 9-1-1. He appreciates the 9-1-1 protection, but the State uses the funds as a source of general fund revenue. Legislator Graves and Legislator Healy also remarked on the way the State has handled this and the lack of urgency in dealing with the matter.

### RESOLUTION NO. 64-16

#### **RESOLUTION URGING NEW YORK STATE TO FULLY FUND ALL COSTS RELATED TO RAISING THE AGE OF CRIMINAL RESPONSIBILITY AND ENSURE THAT ANY STATUTORY OR ADMINISTRATIVE CHANGES FULLY RECOGNIZE THE RESPONSIBILITY OF LOCALLY ELECTED DISTRICT ATTORNEYS TO PROMOTE PUBLIC SAFETY, MAINTAIN VICTIMS' RIGHTS, AND ENSURE ACCOUNTABILITY IN THE JUSTICE SYSTEM**

Offered by: Public Safety Committee

**WHEREAS**, the Governor is prioritizing fundamental reform of the juvenile justice system in New York State, including a statutory change to the age of criminal responsibility, and

**WHEREAS**, structural changes to raising the age of criminal responsibility will require a significant investment in services based on a children and families social services model, and

**WHEREAS**, these services will produce the need for job-training skills, high school equivalency education, transportation, drug and alcohol treatment, family and individual counseling, coordinated mental health services, case management, and other interventions resulting in higher expenses, and

**WHEREAS**, many regions of the State currently do not have adequate capacity to provide such services in their local communities, and

**WHEREAS**, the State currently caps funding for foster care and youth detention, and also limits reimbursement for other child welfare and probation costs, resulting in a significant unfunded mandate on counties which will grow worse if the State changes the age of criminal responsibility while not also providing full funding to alleviate these new costs, and

**WHEREAS**, locally elected District Attorneys are responsible for protecting the public safety, maintaining victim's rights, and ensuring accountability for all in the criminal justice system, and

**WHEREAS**, the District Attorney's Association of the State of New York has provided recommendations to State legislative leaders on their proposals to reform the juvenile justice system including; 1) providing local prosecutorial consent for the removal of all violent felonies and some non-violent felonies from criminal court to family court, 2) not allowing adjustment for violent and serious non-violent felonies, 3) any new presumption for granting youthful offender status should be limited to certain classes of non-violent felony offenses, 4) reduced sentencing should not be offered for certain violent crimes and 5) ensuring that some level of secure detention options be maintained for certain cases, and

**WHEREAS**, these recommendations are intended to preserve the delicate balance between offender rehabilitation and accountability, and public safety, now, therefore, be it

**RESOLVED:**

1. The Allegany County Legislature calls on the State of New York to fully cover all new costs associated with changing the age of criminal responsibility to avoid the imposition of a new unfunded mandate on counties; and

2. Fiscal caps must be removed for foster care and youth detention as part of this age of criminal responsibility reform, and State funding must be provided to build capacity for infrastructure and services under child welfare and probation services, and to identify mental health and drug and alcohol issues and strategies to minimize absences without leave from the education system; and

3. The State must also reverse state budget reimbursement rate cuts it made to counties for local child welfare services, restoring the State reimbursement rate to 65% from the current 62% level to ensure counties have more resources to provide critical services to children and families in need of services; and

4. That recommendations from local District Attorneys should be provided due consideration and inclusion if the reform proposal moves forward; and

5. There will need to be flexibility in recognition of the differences between small and large counties and rural versus urban areas, such that, a staggered roll-out may be appropriate in some counties depending on local conditions and service capacity; and

6. That the Clerk of this Board shall forward certified copies of this resolution 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. Curran

Adopted: Voice Vote

Seconded by: Mr. Healy

Comments made regarding Resolution No. 64-16 included: Legislator Ungermann remarked that while he understands this resolution is simply asking the State to fund this, he feels the youthful offender status has created a problem. He believes we ought to teach responsibility at a younger age.

## **RESOLUTION NO. 65-16**

### **RESOLUTION IN SUPPORT OF EFFORTS TO IMPROVE PROBATION AND ALTERNATIVES TO INCARCERATION IN NEW YORK STATE IN ORDER TO PROTECT THE PUBLIC AND REDUCE RELIANCE ON PRISONS AND JAILS**

Offered by: Public Safety Committee

**WHEREAS**, County Probation Departments are an integral part of the Criminal Justice System and operate within the legal framework of the Criminal Procedure Law, the Penal Law, and the Family Court Act, and

**WHEREAS**, it is the mission of Probation to protect the community through intervention in the lives of those under supervision by facilitating compliance with court orders and serving as a catalyst for positive change, and

**WHEREAS**, state funding for Probation was drastically reduced between 1990 and 2015 from a 46.5% State share in 1990 to less than 12% in 2015, putting a huge strain on counties and cost to county property taxpayers, and

**WHEREAS**, at the same time there have been increases in the number of mandated programs and services County Probation Departments are required to provide, and

**WHEREAS**, the New York State Council of Probation Administrators, representing NYS Probation Directors, Administrators and Commissioners has diligently worked with NYSAC and State leaders to bring more awareness to the important work that Probation does to protect the public, now therefore, be it

#### **RESOLVED:**

1. That the New York State Association of Counties (NYSAC) supports proposals put forward by the Governor to immediately enact statutory and regulatory changes that improve Probation and Alternatives to Incarceration in the following ways:

- Eliminate the mandate that pre-sentence investigations must be conducted when a sentence of up to one year in jail has been negotiated.
- In response to Violation of Probation Petitions (VOP):

- Require counties to develop swift, certain graduated responses
- Require the courts to dispose of the VOPs within 90 days
- Enable Probation to administratively modify Conditions of Probation in the provision of graduated responses.
- Establish a dedicated funding stream for juvenile services provided directly to Probation through DCJS/OPCA.
- Eliminate the requirement for dual supervision of Ignition Interlock parolees by delegating direct supervision to NYS Parole only of defendants sentenced to DOCS.

2. That the Clerk of this Board shall forward certified copies of this resolution to Governor Andrew Cuomo; Deputy Secretary for Public Safety Terence O’Leary; 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. Curran  
Seconded by: Mr. Decker

Adopted: Voice Vote

**RESOLUTION NO. 66-16**

**APPOINTMENT OF ONE MEMBER 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 Vicki Grant of Houghton, New York, as an over 60 member to the Citizens Advisory Council to the Office for the Aging, with term of office commencing immediately and expiring December 31, 2018, is confirmed.

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

Adopted: Voice Vote

**RESOLUTION NO. 67-16**

**APPOINTMENT OF ONE MEMBER TO THE 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 Dustin Burch of Cuba, New York, is appointed to the County Traffic Safety Board, to complete Melinda Rounds' unexpired three-year term, commencing immediately and expiring December 31, 2016.

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

Adopted: Voice Vote

**RESOLUTION NO. 68-16**

**AMENDING PARAGRAPH #2 OF RESOLUTION 16-2016 TO CORRECT THE AMOUNT OF FUNDS TRANSFERRED FOR THE CAPITAL PROJECT FOR BRIDGE #15-06**

Offered by: Public Works Committee

**RESOLVED:**

1. That Paragraph #2 of Resolution No. 16-2016 is amended to read as follows:

2. That the following transfers are required for such Capital Project: \$392,000 is transferred from Account No. H5120.200 (Maintenance of Bridges) to Account No. H5947.200 (Cuba, BR#15-06, Keller Hill Road).

Moved by: Mr. McGraw  
Seconded by: Mr. Jessup

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

Comments made regarding Resolution No. 68-16 included: Legislator Decker stated that the resolution was a little confusing to him. In the future, he would like to see an explanation as to the reason for the changes.

**RESOLUTION NO. 69-16**

**TRANSFER OF FUNDS FROM CONTINGENCY TO OFFICE OF DEVELOPMENT ACCOUNTS**

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

**RESOLVED:**

1. That the transfer of \$83,400 from Contingency to Office of Development Accounts for additional budgetary funding to finance anticipated future expenses and promotional materials is approved as follows:

<b>From Account No.</b>	<b>To Account No.</b>	<b>Amount</b>
A1990.429 Contingency	A6430.402 Office of Dev. - Transportation	\$12,750
A1990.429 Contingency	A6430.405 Office of Dev. - Conference	32,900
A1990.429 Contingency	A6430.482 Office of Dev. - Contractual	<u>37,750</u>
	<b>Total</b>	<b>\$83,400</b>

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

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

### **RESOLUTION NO. 70-16**

#### **TRANSFER OF FUNDS WITHIN OFFICE FOR THE AGING ACCOUNTS**

Offered by: Human Services Committee

#### **RESOLVED:**

1. That the transfer of \$2,000 within the Medicare Improvements Patient/Providers Act (MIPPA) Grant account within Office for the Aging accounts to match the 2016 Federal MIPPA Grant, is approved as follows:

<u>From:</u>		
A6774.101 OFA Medicare Improv. – Reg. Pay		\$2,000
<u>To:</u>		
A6774.401 OFA Medicare Improv. – Postage	\$	300
A6774.402 OFA Medicare Improv. – Mileage		200
A6774.416 OFA Medicare Improv. – Phone		500
A6774.424 OFA Medicare Improv. – Ads		<u>1,000</u>
	Total:	\$2,000

Moved by: Mr. LaForge  
Seconded by: Mr. Decker

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

### **RESOLUTION NO. 71-16**

#### **APPROVAL OF GRANT APPLICATION FOR THE DIRECT CARE WORKER PROGRAM BY OFFICE FOR THE AGING**

Offered by: Human Services Committee

**WHEREAS**, the Office for the Aging is requesting approval to apply for the 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, 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 Direct Care Worker Program.

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

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

**RESOLUTION NO. 72-16**

**APPROVAL OF HAZARD MITIGATION PLAN CONTRACT WITH TETRA TECH**

Offered by: Public Safety Committee

**RESOLVED:**

1. That the contract in the amount of \$89,800 between Allegany County and Tetra Tech to prepare an updated Hazard Mitigation Plan, is approved.

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

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

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

Comments made regarding Resolution No. 72-16 included: Legislator Decker expressed his frustration regarding this plan. He was on the committee that was supposed to be working on this. He said they had one meeting and then nothing. He said no work was done on this for over a year and now we're going to spend nearly \$90,000. Legislator Graves indicated that there is a grant that should cover most of the cost. Emergency Services Director Jeff Luckey gave some explanation as to the timing of the grant and what it would cover. Legislator Ungermann remarked that although it's a grant, it's still taxpayer dollars. Legislator O'Grady stated that he believed prior plans were done in-house. He will support the resolution because the money comes from the "grant tree," even though he agrees it is taxpayer money. If it wasn't covered by a grant, he would vote against it. Chairman Crandall stated he believed the County contracted with someone for the original plan. Legislator Healy remarked that while he agrees that the grant money is taxpayer money, he feels this plan is

essential to the County, towns, villages, etc. He said, the better the plan, the better the chance for these municipalities to obtain grant money. Legislator Decker stated that his vote was still going to be “no.” He resents the fact that the committee did not meet and work on this. Legislator Graves disagreed with Legislator Decker saying, although he respects Mr. Decker and his opinion, work was done on this in case we didn’t get the grant. Mr. Graves feels the County is fortunate to have the expertise of this company, and they are highly recommended. Legislator Burt remarked that he agrees that grants are taxpayers’ money, but that’s the structure we’re locked into. No one else is going to leave the money there. Until everyone agrees to leave the grant money, we’re locked into the grant system.

**RESOLUTION NO. 73-16**

**RESOLUTION APPROVING EXTENSION OF INTER-MUNICIPAL AGREEMENT FOR THE SHARED USE OF A ROAD WIDENER WITH PARTICIPATING TOWNS**

Offered by: Public Works Committee

**RESOLVED:**

1. The extension of the Inter-Municipal Agreement for Shared Purchase and Use of Highway Equipment that pertains to a road widener for an additional five years, expiring on February 28, 2021, is approved.
2. That the Chairman of this Board is authorized to execute such Agreement.

Moved by: Mr. McGraw  
Seconded by: Mr. Curran

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

**RESOLUTION NO. 74-16**

**APPROVAL OF MOTOROLA SOLUTIONS CONTRACT FOR THE BUILD OUT OF SIX ADDITIONAL TOWER SITES AND IMPROVEMENTS TO THE NEWLY ACQUIRED WHITESVILLE SITE**

Offered by: Facilities & Communications Committee

**RESOLVED:**

1. That the contract between Allegany County and Motorola Solutions for the build out of six additional tower sites and improvements to the newly acquired Whitesville site in the amount of \$3,050,621, is approved.
2. That the Chairman of this Board is authorized to execute said contracts.

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

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

Comments made regarding Resolution No. 74-16 included: Legislator Ungermann expressed his concerns about the long list of responsibilities of the County in the agreement. He feels it could easily reach \$1 million. He asked if that would be covered by the grant money, or if it would come from the general fund. Chairman Crandall stated they were expecting to stay within the grant funding. Lieutenant Shawn Grusendorf attempted to address Mr. Ungermann's concerns and asked Mr. Ungermann what he thought was going to cost \$1 million. Legislator Ungermann feels there's a lot of man power involved. He also asked if there was going to be an accounting of the expenses. Chairman Crandall noted that anything beyond the current funding would be addressed by the Board. Mr. Ungermann reiterated that he just wants to know if things are going to be accounted for, so we know what the real cost of this is. Legislator Burt remarked that as with all projects, he would like to know the total cost up front.

**RESOLUTION INTRO. NO. 76-16 (APPROVAL OF AN INTER-MUNICIPAL MUTUAL AID AGREEMENT BETWEEN THE COUNTY OF ALLEGANY AND SCHUYLER COUNTY) was TABLED** following a motion made by Legislator O'Grady, seconded by Legislator Decker, and carried. Legislator O'Grady stated that due to recent concerns, he would like to see it tabled for future consideration.

Resolution Intro. No. 77-16 (**RESOLUTION APPROVING AGREEMENT BETWEEN THE COUNTY OF ALLEGANY AND ARDENT SOLUTIONS, INC. TO PROVIDE MOBILITY MANAGEMENT SERVICES IN ALLEGANY COUNTY**) 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. 75-16**

#### **RESOLUTION APPROVING AGREEMENT BETWEEN THE COUNTY OF ALLEGANY AND ARDENT SOLUTIONS, INC. TO PROVIDE MOBILITY MANAGEMENT SERVICES IN ALLEGANY COUNTY**

Offered by: Ways & Means Committees

#### **RESOLVED:**

1. That the Agreement with Ardent Solutions, Inc. to provide mobility management services in Allegany County for the period January 1, 2015, to December 31, 2017, is approved.
2. That the Chairman of this Board is authorized to execute such agreement.

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

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 Interim County Administrator John Margeson what his department's expenses totaling \$7,723.37 consisted of. Mr. Margeson indicated that it was mostly legal fees for contract negotiations. Mr. Ungermann replied, "It's getting to the point where a raise may have been better."

A motion was made by Legislator Jessup, seconded by Legislator Graves, and adopted on a roll call vote of 13 Ayes, 0 Noes, 2 Absent, that the audit of claims, totaling \$5,052,035.57, 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 3:39 p.m. on a motion made by Legislator Graves, seconded by Legislator Burt, and carried.