

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION**

MARCH 28, 2016

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 Specialist 4th Class Lynda Jones.

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, 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 14, 2016, were approved on a motion made by Legislator Graves, seconded by Legislator Burt, and carried.

The Committee of the Whole minutes of March 14, 2016, were approved on a motion made by Legislator Curran, seconded by Legislator Decker, and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall remarked on a ceremony held on the lawn of the Courthouse in front of the Vietnam Veterans' Memorial. The Daughters of the American Revolution Catherine Schuyler Chapter placed wreaths at the memorial and paid tribute to the men and women who served during the time of the Vietnam War. During that ceremony, Chairman Crandall proclaimed March 29, 2016, as Vietnam Veterans' Day in Allegany County.

Chairman Crandall presented a certificate to Lynda Jones, former United States Army Specialist 4th Class, in grateful appreciation of her service to our country. Ms. Jones' service dates were from September 10, 1974, to September 9, 1977, and from October 17, 1978, to February 29, 1980. Following Basic Training at Fort Jackson, SC, she was assigned to Fort Knox, KY, Fort Lee, VA and Fort Stewart, GA. Commendations she received included: Good Conduct Medal and Sharpshooter. Ms. Jones led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Representatives were present to answer questions regarding 2015 Annual Reports for the following: Office for the Aging, Emergency Services, Board of Elections, Health Department, Community Services, Real Property Tax, Fire Service, and Human Resources.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. April 2016 Calendar
2. 2015 Annual Reports for Review: District Attorney, Employment and Training, Information Technology, Public Defender, STOP DWI, Veterans, Workers' Compensation, and Youth Bureau.
3. 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 Burns and Wellsville in the Clerk of the Board's Office on March 15 and 24, 2016, respectively.
4. Correspondence from the NYS Department of Public Service announcing public statement hearings regarding the closing of three walk-in offices in Belmont, Geneseo, and Mechanicville.

PROCLAMATION:

Chairman Curtis W. Crandall proclaimed March 29, 2016, as Vietnam Veterans' Day in Allegany County and encouraged all citizens to thank a Vietnam Veteran for their sacrifice on our behalf. *(This proclamation was read at a wreath laying ceremony earlier in the day.)*

RESOLUTIONS:

RESOLUTION NO. 76-16

ADOPTION OF LOCAL LAW INTRO. NO. 2-2016, PRINT NO.1, 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

Offered by: Ways & Means Committee

RESOLVED:

1. That proposed Local Law, Intro. No. 2-2016, Print No. 1, is adopted without any change in language, to wit:

COUNTY OF ALLEGANY

Intro. No. 2-2016

Print No. 1

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

BE IT ENACTED, by the Board of Legislators of the County of Allegany, State of New York, as follows:

Section 1. Office of County Administrator. The Allegany County Board of Legislators established the position of County Administrator by Local Law No. 3 of 1992, which was subsequently amended by Local Law No. 3 of 1995 and Local Law No. 2 of 2010, and set forth the powers and duties of said position. The Board of Legislators of the County of Allegany now desires to revise the powers and duties set forth in said local law by further amendment and by this local law set forth the powers, duties, mode of selection and removal, and term of office of the County Administrator.

Section 2. Amending Section 2 of Local Law No. 3 of 1992. Section 2 of Local Law No. 3 of 1992, as amended, is amended to read as follows:

Section 2. County Administrator: Appointment and Term of Office. There shall be a County Administrator who shall be directly responsible to the Board of Legislators and on behalf of the Board of Legislators shall perform the functions of a chief administrative officer. The position of County Administrator shall be unclassified for Civil Service purposes. The Board of Legislators shall have the power to appoint and remove the County Administrator and shall set the County Administrator's salary and allowable expenses and benefits. The Board of Legislators shall have the authority to enter into an agreement with the County Administrator setting forth the County Administrator's salary, allowable expenses and benefits, and such other terms and conditions of employment as the Board of Legislators deem appropriate. The term of office of the first County Administrator appointed pursuant to this local law shall commence on the date of his or her appointment and shall expire on December 31, 2018. The term of office of each subsequent County Administrator shall be for four years. The Allegany County Board of Legislators may remove the County Administrator, prior to the expiration of the County Administrator's term of office upon cause, cause being insubordination; neglect of duty; or inability, by reason of sickness or disability, to discharge the duties and responsibilities of office beyond the period of any leave authorized by the New York State Civil Service Law, subject to the following conditions:

- a. The Board of Legislators shall adopt a resolution stating their intention to remove the County Administrator and the reasons therefore.
- b. A copy of the resolution shall be served upon the County Administrator. The County Administrator may, within thirty (30) days, demand a hearing.
- c. If the County Administrator demands a hearing, the Board of Legislators shall appoint a committee to hold a hearing, in executive session, not less than ten (10) days or more than twenty (20) days from the date of the demand. After the hearing, the committee shall recommend dismissal or retention of the County

Administrator. The Board of Legislators may accept or reject the recommendation of the committee. The decision of the Board of Legislators shall be final and binding, subject to the right of appeal in accordance with law.

- d. If the County Administrator does not demand a hearing, the Board of Legislators may dismiss the County Administrator thirty (30) days after service of a copy of the resolution upon the County Administrator.

Section 3. Amending Section 3 of Local Law No. 3 of 1992. Section 3 of Local Law No. 3 of 1992, as amended, is amended to add a subparagraph "d" to read as follows:

Section 3. Qualifications.

- d. The appointee need not be a resident of Allegany County at the time of appointment but shall become so within 180 days of appointment and remain so during his or her term of office. Failure to become such a resident or to remain such a resident shall be cause for dismissal by the Allegany County Board of Legislators.

Section 4. Amending Section 4 of Local Law No. 3 of 1992. Section 4 of Local Law No. 3 of 1992, as amended, is amended to add an additional sentence and shall henceforth read as follows:

Section 4. Salary. The County Administrator shall receive an annual salary to be fixed by the Board of Legislators. The County Administrator shall, on an annual basis, undergo an evaluation of his/her job performance as conducted by the Board of Legislators in a manner to be determined by the Board of Legislators.

Section 5. Amending Section 5 of Local Law No. 3 of 1992. Section 5 of Local Law No. 3 of 1992, as amended, is amended to read as follows:

Section 5. Powers and Duties. Without curtailing, diminishing or transferring the powers of any elected County official, the County Administrator shall be the Budget Officer and shall be responsible for the overall administration of County government. The County Administrator shall perform all the duties now and hereafter conferred or imposed upon the office by law and directed by the Board of Legislators and shall have all the powers and perform all the duties necessarily implied or incidental thereto. Such powers and duties include the following:

- a. To appoint a Deputy County Administrator, in the exempt class for purposes of the Civil Service Law, who shall, in the absence or inability of the County Administrator to act, or during a vacancy in the County Administrator's Office, have all the powers of the County Administrator provided herein, and the County Administrator shall also have the authority to appoint such additional staff within the Office of the County Administrator as may be authorized by the Board of Legislators.

- b. To assist the Chairman in assuring that statutes, local laws, and resolutions of the Board of Legislators are faithfully executed and to report to the Board of Legislators any neglect of duty.
- c. To develop policy and procedural recommendations for consideration by the Board of Legislators.
- d. To work in conjunction with and coordinate the activities of County department heads and the administration of all units of County government in order to most efficiently implement the directives of the Board of Legislators.
- e. To have general supervision of all County Departments and agencies except as otherwise required by law. All department and agency heads shall be responsible to and report to the County Administrator.
- f. To aid the Board of Legislators in evaluating proposals presented to it and make recommendations concerning such proposals.
- g. To undertake administrative and management studies and submit to the Board of Legislators reports and recommendations regarding governmental operations.
- h. In conjunction with the Board of Legislators, to maintain liaisons and represent the Board of Legislators with political subdivisions, State and Federal officials and agencies.
- i. Shall make recommendations for appointments by the Board of Legislators for all heads of units of County government, not administered by an Elected Official.
- j. Shall undertake annual performance evaluations for all heads of units of County government and make annual salary recommendations to the Board of Legislators.
- k. Shall determine what officer shall perform a particular power or duty not clearly defined by law.
- l. Prepare the annual tentative budget for review and adoption by the Board of Legislators to ensure appropriate budgetary controls, and to promote the effective, efficient, and economical management of appropriated funds.
- m. Recommend for approval all bills, vouchers, invoices, and other evidence of claims, demands, or charges paid from County funds or by any County agency, or payment for which the County, its officers or agents are responsible.

- n. With the approval of the County Treasurer, prescribe the form of financial reports, receipts, vouchers, bills, or claims to be filed by all administrative agencies, departments, offices, or officials of the County.
- o. Authorize individual departmental transfers of funds within any equipment or contractual expense appropriation account in amounts of less than \$5,000 per transaction and report same to the Board of Legislators on a monthly basis.
- p. Authorize all attendance at conferences, conventions, and schools.
- q. Direct all labor relations activities, including the responsibility for collective bargaining, contract administration, grievance processing, the modification and administration of County work rules and secure legal services related to such matters as approved by the County Attorney.
- r. 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. Amending second reference to Section 5 of Local Law No. 3 of 1992. Whereas Local Law No. 3 of 1992, as amended, erroneously had two "Section 5." headings, said local law is hereby amended to change the second Section 5 heading addressing "Limitations" to read Section 6.

Section 7. Amending Section 6 of Local Law No. 3 of 1992. Local Law No. 3 of 1992, as amended, is hereby amended to change the Section 6 heading addressing "Separability of Provisions" to read Section 7.

Section 8. Amending Section 7 of Local Law No. 3 of 1992. Local Law No. 3 of 1992, as amended, is hereby amended to change the Section 7 heading addressing "Effective Date" to read Section 8 and change the language thereof to read as follows:

Section 8. Effective Date. This local law shall become effective upon its filing in the office of the New York State Secretary of State.

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

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

RESOLUTION NO. 77-16

AMENDMENT OF RESOLUTION NO. 246-15 TO REFLECT AN INCREASE IN THE SALARY OF THE DISTRICT ATTORNEY

Offered by: Ways & Means Committee

Pursuant to Judiciary Law 183-a and Chapter 567 of the 2010 Laws of New York

WHEREAS, Section 183-a of the Judiciary Law states that a district attorney is to have the same salary as a county judge serving in the same county, and

WHEREAS, Section 221-d of the Judiciary Law is the state statute establishing the annual salary of a county judge, and

WHEREAS, pursuant to Chapter 567 of the 2010 Laws of New York, the State Legislature created a Special Commission on Judicial Compensation to make recommendations as to appropriate and fair salaries for the judges of this state, and

WHEREAS, based upon the Commission's recommendations the twelve month salary paid a county judge in Allegany County is to be increased to \$183,350 for the period April 1, 2016, through March 31, 2017, and

WHEREAS, as the salary of an Allegany County judge will be raised to \$183,350 on April 1, 2016, the salary of the Allegany County District Attorney must also increase to \$183,350 as of that date, and

WHEREAS, this Board needs to amend its salary plan governing the District Attorney to reflect the new salary as of April 1, 2016, now, therefore, be it

RESOLVED:

1. That paragraph "7." of Resolution No. 246-15 is amended to indicate that for a twelve month period, commencing April 1, 2016, and ending March 31, 2017, the base salary of the Allegany County District Attorney shall be \$183,350.

2. This resolution shall take effect retroactive to April 1, 2016.

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

Adopted: Roll Call
10 Ayes, 5 Noes, 0 Absent
Voting No: Burt, Decker, Graves,
Pullen, Ungermann

Comments made regarding Resolution No. 77-16 included: Legislator Pullen explained his opposition to the resolution indicating that it wasn't personal. He knows Keith Slep; he's a friend and a fellow attorney. He stated that it wasn't about Mr. Slep's performance either; He feels he does an excellent job as District Attorney. He is opposed to the State telling the County what the County has to pay one of its officers. There are provisions in various State enactments that say only this Board can set the salary for a County officer. He feels the State is choosing to disregard what's been established. If the State wants to raise the District Attorney's salary, then the State should do so. They shouldn't be asking us to enact legislation to do so. He explained how DA's salaries are a percentage of the judges' salaries. He noted that the State said they would include money in the State budget to cover the extra cost, but it's not there. Allegany County taxpayers will have to come up with over \$30,000.

He also feels the tax cap law is violated by this as the salary increase is over 10 percent. He reiterated that it's nothing personal against Mr. Slep. Legislator Pullen stated that he will be voting "no" on the resolution. Legislator Decker thanked Legislator Pullen for his comments and stated that he too would be a "no" vote. Legislator Decker said it was no reflection on Mr. Slep; Mr. Slep does an excellent job as District Attorney. His concern is that the State is taking away this Board's ability to set a salary. Legislator Ungermann remarked that in light of the recent Comptroller's report, Allegany County has the highest tax rate versus assessed value in New York State. He added, "Local taxpayers simply can't afford this." Legislator Fanton stated that he'd love to vote this resolution down but feels the County will be sued. He feels a lawsuit would cost more than the raise. Legislator O'Grady stated his opposition to the resolution. He remarked that this falls right in line with Medicaid, the Courthouse, preschool, etc. The States hands down to us what we have to do and we have no choice. His only reason for supporting the resolution is that he doesn't want Mr. Slep to have to sue us to get the money. Legislator Burt remarked that his decision has nothing to do with Mr. Slep; It's simply about the procedure. We swore to uphold the law, but Allegany County residents don't want things shoved down their throats. He stated that he would be voting "no," but only for the taxpayers. He can see both sides. Legislator Healy commented on his years in public service in the military, as a State Trooper, and as a Legislator. In all of those positions he had to take an oath. Sometimes there was discretion, and sometimes not. He feels that if the Board votes down the resolution, they are putting themselves in an unfortunate position. He stated that he needed to fulfill his oath of office and support the resolution.

RESOLUTION NO. 78-16

CHANGING LOCATION AND DATE OF JULY 25, 2016, REGULAR BOARD MEETING

Offered by: Ways & Means Committee

RESOLVED:

1. Notwithstanding Rule 110. A. of County Board Rules, the second regular meeting of this Board in the month of July 2016 shall be held on July 21, 2016, at 2:00 p.m. and not on July 25, 2016, at 2:00 p.m.
2. Notwithstanding Rule 110.F. of County Board Rules, the second regular Board meeting for July 2016 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: Mrs. Root

Adopted: Voice Vote

Comments made regarding Resolution No. 78-16 included: Legislator Ungermann remarked that this is one of the nicest things they do.

RESOLUTION NO. 79-16

RESOLUTION AMENDING RESOLUTION NO. 58-16 TO CORRECT REFERENCE TO THE AMOUNT OF SPACE BEING LEASED FROM THE ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY AT THE CROSSROADS COMMERCE CENTER TO STATE APPROXIMATELY 5,275 SQUARE FEET

Offered by: Planning & Economic Development Committee

WHEREAS, this Board previously approved a lease agreement for space at the Crossroads Commerce Center with the Allegany County Industrial Development Agency by Resolution No. 58-16, and

WHEREAS, although the terms of that lease agreement are correct, that resolution incorrectly noted the space being leased as 12,500 square feet, and

WHEREAS, the actual space being leased is approximately 5,275 square feet as correctly set forth in the lease, and

WHEREAS, that space is the same amount of space at the Crossroads Commerce Center that the County was leasing prior to the new lease, and

WHEREAS, this Board wishes to amend resolution No. 58-16 to correctly set forth the amount of space being leased as approximately 5,275 square feet, now therefore, be it

RESOLVED:

1. Resolution No. 58-16 is hereby amended to correct reference in the title and in the first "Resolved" paragraph to the amount of space being leased from approximately 12,500 square feet to approximately 5,275 square feet.

2. The Clerk of this Board is directed to make a note in the official proceedings of this Board that Resolution No. 58-16 was subsequently amended by this resolution.

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

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

Comments made regarding Resolution No. 79-16 included: Legislator Burt remarked that he was curious how this got missed. Chairman Crandall stated that it was simply a clerical error.

RESOLUTION INTRO. NO. 82-16 (GRANTING EXEMPTION TO THE SHERIFF'S OFFICE OPERATIONS LIEUTENANT AND NARCOTICS INVESTIGATORS FROM THE RESTRICTION ON THE USE OF COUNTY VEHICLES FOR TRANSPORTATION TO AND FROM THEIR RESIDENCE COVERED IN THE ALLEGANY COUNTY VEHICLE USAGE POLICY) was WITHDRAWN due to the fact that the Ways and Means Committee had already granted this exemption. A motion to withdraw the resolution was made by Legislator seconded by Legislator Healy, and carried.

RESOLUTION NO. 80-16

RESOLUTION CALLING FOR AN INCREASE IN THE SHARE OF REVENUE COUNTIES RETAIN FOR PROVIDING STATE DMV SERVICES

Offered by: Personnel Committee

WHEREAS, 52 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's, 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 will provide counties with needed revenue to continue to provide necessary local government services and reduce pressure on property taxes without increasing costs or fees to local residents, 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 services needed for state residents, yet the State takes 87.3 percent of the revenue generated from providing these services, and

WHEREAS, the State Senate recognized this inequity placed on counties and attempted to reduce the burden of local property taxpayers by overwhelmingly passing Senator Patty Richie's Bill S.4964, which would raise the 12.7 percent county share up to a 25 percent share, and

WHEREAS, counties recognize the important function of the State DMV in providing both support to counties and resident services; accordingly, any loss in the State DMV operational budget that occurs from an increased county revenue should be made whole through the State General Fund, now, therefore, be it

RESOLVED:

1. Allegany County calls 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.

2. 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. Fanton
Seconded by: Mrs. Root

Adopted: Voice Vote

RESOLUTION NO. 81-16

**CONFIRMATION OF BOARD CHAIRMAN'S REAPPOINTMENTS
TO COUNTY YOUTH BOARD**

Offered by: Resource Management Committee

Pursuant to Resolution No. 95-79

RESOLVED:

1. That the reappointments by the Chairman of this Board of Corinne Davis (District I), Angelica, New York, Deborah Hint (District II), Cuba, New York, Robert Starks (District III), Wellsville, New York, Kim Bolander (District IV), Wellsville, New York, and Tammy Kokot (District V), Almond, New York to the Allegany County Youth Board, for a three-year term commencing March 26, 2016, and expiring March 25, 2019, are confirmed.

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

Adopted: Voice Vote

RESOLUTION NO. 82-16

**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 Jerry Scott of Cuba, New York, is appointed to the Chautauqua, Cattaraugus, Allegany, and Steuben Southern Tier Extension Railroad Authority, to fill the remainder of Timothy O'Grady's three-year term, commencing immediately and expiring August 27, 2016.

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

Adopted: Voice Vote

RESOLUTION NO. 83-16

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

Offered by: Ways & Means Committee

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

WHEREAS, the Sheriff's Office seeks to purchase an 11-passenger van not to exceed \$36,750, and

WHEREAS, the Sheriff's Office seeks to purchase a pick-up truck not to exceed \$32,000, and

WHEREAS, the Health Department seeks to purchase a sedan not to exceed \$17,000, and

WHEREAS, the Health Department seeks to purchase a full-size van not to exceed \$26,250, and

WHEREAS, the Office for the Aging seeks to purchase two Caravans not to exceed \$22,000 each, now, therefore, be it

RESOLVED:

1. That purchase of six vehicles, all as described above, is approved.
2. That the amount of \$156,000 for the purchase of six motor vehicles from the Vehicle Replacement Capital Fund No. H5997.2 is approved.

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

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

Comments made regarding Resolution No. 83-16 included: Legislator O'Grady asked for clarification on spending out of this account. He asked if money reserved for the purchase of vehicles had to be used for that purpose alone. Mr. Margeson stated that if the funds aren't spent, they will become available for another use. Legislator Graves asked if it would be better to postpone the purchases until later in the year when there was a better idea of how things were going with the budget. Mr. Margeson replied that if things do get dire later in the year, they do have other sources of funding. If these purchases are delayed, it would be a real inconvenience for the Office for the Aging. Their vehicles are on their last legs. Legislator Healy remarked that the policy is that the County Administrator must approve the list of vehicles to be replaced and/or purchased before it goes to committee for approval. Mr. Margeson agreed that the previous County Administrator had done that. Legislator Burt expressed his concerns about our sales tax revenue being low and feels that it would be prudent to postpone the purchases until later in the year. He moved that the resolution be tabled. Legislator Decker seconded the motion. The motion to table the resolution failed due to lack of support from the Board. Legislator O'Grady remarked on his own experience with having to stretch out the use of work vehicles. Sometimes you spend thousands of dollars trying to keep them going. Vehicles are tools, things break and things need to be replaced. Legislator Pullen expressed his faith in the County Administrator's judgement on deciding what needs to be purchased. Legislator Decker suggested purchasing the vehicles for the Office for the Aging and then letting the others slide for now. Legislator Fanton reminded the group that the cars being purchased for the Health Department were paid for by a grant. Legislator Burt stated that he's fine with purchasing the vehicles, but feels they should wait a few months.

RESOLUTION NO. 84-16

RESOLUTION TO REPEAL RESOLUTION NO. 17-16

Offered by: Ways & Means Committee

WHEREAS, by Resolution No. 17-16, unspent funds from the FY 2014 Technical Rescue and Urban Search and Rescue Grant funds were re-appropriated, and

WHEREAS, the funds were already in the 2016 budget and did not require re-appropriation, now, therefore, be it

RESOLVED:

1. Resolution No. 17-16 is hereby repealed.

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

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

RESOLUTION NO. 85-16

RESOLUTION TO REPEAL RESOLUTION NO. 52-16

Offered by: Ways & Means Committee

WHEREAS, by Resolution No. 52-16, unspent funds from the Office of Homeland Security Contract #C969140 (Project #SH14-1002-D00 SHSP) Grant funds were re-appropriated, and

WHEREAS, the funds were already in the 2016 budget and did not require re-appropriation, now, therefore, be it

RESOLVED:

1. Resolution No. 52-16 is hereby repealed.

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

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

RESOLUTION NO. 86-16

RESOLUTION TO SUPPORT FUNDING FOR FARMLAND PRESERVATION AND AGRICULTURAL LOCAL ASSISTANCE PROGRAMS

Offered by: Resource Management Committee

WHEREAS, the enacted 2015/16 state budget included \$50 million from the Special Infrastructure Account for farmland preservation and other strategic initiatives to protect farms and related businesses in the Southern Tier and Hudson Valley, and

WHEREAS, when combined with the \$15 million allocation for farmland protection from the Environmental Protection Fund, the enacted budget represented the largest investment in farmland protection in New York State history, and

WHEREAS, New York State's funding for agricultural local assistance programs has not seen an increase in many years, and

WHEREAS, annually, the executive-proposed state budget does not include funding for many core programs, leaving it to the Legislature to restore funding before the budget is enacted, and

WHEREAS, the enacted 2015/16 state budget allocated \$30,231,000 in funding for agricultural local assistance programs, a significant increase over the \$16,183,000 included in the Governor's initial proposal, and

WHEREAS, the Governor's 2016/17 proposed budget, released on January 13, 2016, allocated \$20 million to farmland preservation, and \$19,863,000 to agricultural local assistance programs, and

WHEREAS, the agriculture industry remains a top contributor to the New York State economy, providing critical jobs, revenues, and food for our state and beyond, and

WHEREAS, New York's farmland protection and agricultural assistance programs help sustain this vital industry, and are deserving of a higher level of funding that can be continued in future years, now, therefore, be it

RESOLVED:

1. Allegany County supports the historic commitment New York State made in 2015 toward farmland preservation, and urges state lawmakers to sustain this commitment.

2. That Allegany County calls upon the Governor and State Legislature to continue New York's commitment to local farms and the agricultural sector and provide a robust level of funding both for farmland preservation and local assistance programs.

3. 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. Graves
Seconded by: Mr. Healy

Adopted: Voice Vote

RESOLUTION NO. 87-16

**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 \$3,090.40; representing the cost less a \$500 deductible, to repair a DPW 2010 Ford F150 (#0957) that was damaged in a motor vehicle/deer accident on March 1, 2016; 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 \$3,090.40 representing the settlement on a DPW 2010 Ford F150 (#0957) that was damaged on March 1, 2016, is accepted.

2. That the sum of \$3,090.40 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. Root

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

Comments made regarding Resolution No. 87-16 included: Legislator O'Grady thanked the Department of Public Works for the information they provided.

RESOLUTION NO. 88-16

ACCEPTANCE AND APPROPRIATION OF RESTITUTION FUNDS COLLECTED FROM THE VILLAGE OF ALFRED COURT FOR PAYMENT OF A SHERIFF'S OFFICE SPEED TRAILER THAT WAS DESTROYED

Offered by: Ways & Means Committee

RESOLVED:

1. That restitution funds collected from the Village of Alfred Court from defendants whom destroyed the Allegany County Sheriff's Office speed trailer, in the amount of \$11,105, are accepted.

2. The restitution funds of \$11,105 shall be placed in Account No. A3110.208 (Sheriff – Equipment/Police) with a like sum credited to Revenue Account No. A3110.2610.00 (Sheriff – Fines & Forfeited Bail).

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

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

Comments made regarding Resolution No. 88-16 included: Legislator Ungermann asked what was done to destroy the speed trailer. Undersheriff Monroe stated that it was turned upside down. Legislator Graves asked about insurance coverage on the speed trailer in the event the County doesn't receive restitution. It was stated that the trailer is covered by insurance.

RESOLUTION NO. 89-16

**RE-APPROPRIATION OF UNSPENT FUNDS FROM THE FEDERAL BALANCING
INCENTIVE PROGRAM NEW YORK CONNECTS EXPANSION AND ENHANCEMENT
PROGRAM GRANT**

Offered by: Human Services and Ways & Means Committees

WHEREAS, by Resolution No. 175-15, the Federal Balancing Incentive Program New York Connects Expansion and Enhancement Program (Federal BIP) grant funds in the amount of \$223,711 were accepted and appropriated, and

WHEREAS, Federal BIP grant funds in the amount of \$97,624 were spent through December 31, 2015, and

WHEREAS, Federal BIP grant funds in the amount of \$113,000 were placed in the 2016 budget, and

WHEREAS, the sum of \$13,087 of the BIP grant funds needs to be re-appropriated for the 2016 Budget year, now, therefore, be it

RESOLVED:

1. That the sum of \$13,087 in unexpended Federal Balancing Incentive Program New York Connects Expansion and Enhancement Program grant funds shall be re-appropriated to the following accounts:

A6790.101	OFA Balancing Incentive Prog. – Regular Pay	\$7,000
A6790.201	OFA Balancing Incentive Prog. – Office Equipment	3,600
A6790.401	OFA Balancing Incentive Prog. – Postage	550
A6790.802	OFA Balancing Incentive Prog. – Retirement	1,120
A6790.803	OFA Balancing Incentive Prog. – FICA	535
A6790.804	OFA Balancing Incentive Prog. – Workers' Compensation	140
A6790.805	OFA Balancing Incentive Prog. – Disability	<u>142</u>
	TOTAL	\$13,087

with the like sum of \$13,087 credited to Revenue Account No. A6790.4772.6790 (Federal Aid – OFA Balancing Incentive Program).

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

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

RESOLUTION NO. 90-16

**RE-APPROPRIATION OF UNSPENT FUNDS FROM THE WOMEN'S HEALTH INITIATIVE
GRANT FOR THE CANCER SERVICES PROGRAM**

Offered by: Human Services and Ways & Means Committees

WHEREAS, by Resolution No. 231-15, the Women's Health Initiative grant for the Cancer Services Program in the amount of \$50,000 was accepted and appropriated, and

WHEREAS, the sum of \$20,095 of the Women's Health Initiative grant for the Cancer Services Program remains unspent, and it is necessary to re-appropriate the remaining funds for the 2016 Budget year, now, therefore, be it

RESOLVED:

1. That the sum of \$20,095 in unexpended Women's Health Initiative grant funds for the Cancer Services Program shall be re-appropriated to the following accounts:

A4071.206	Cancer Screening – Health Equipment	\$5,500
A4071.401	Cancer Screening – Postage	6,178
A4071.408	Cancer Screening – General Supplies	2,127
A4071.424	Cancer Screening – Legal Advertising	6,000
A4071.406	Cancer Screening – Insurance	<u>290</u>
	TOTAL	\$20,095

with the like sum of \$20,095 credited to Revenue Account No. A4071.3401.00 (State Aid – Cancer Screening).

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

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

Comments made regarding Resolution No. 90-16 included: Chairman Crandall asked if these monies were those presented by Senator Young. Public Health Director Lori Ballengee indicated that it was.

RESOLUTION NO. 91-16

BUDGET TRANSFER WITHIN SHERIFF'S OFFICE ACCOUNTS

Offered by: Public Safety and Ways & Means Committees

RESOLVED:

1. That the sum of \$1,000 shall be transferred from Account No. A3112.403 (E-911 Dispatch – Maint. Cont. Office Machine) to Account No. A3020.428 (Public Safety

Communication – Natural Gas/Propane) for the cost of additional propane use from the installation of larger tanks at two tower sites.

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

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

RESOLUTION NO. 92-16

**ACCEPT AND APPROPRIATE FUNDS TO BE RECEIVED FROM IMMIGRATION AND
CUSTOM ENFORCEMENT (ICE) FOR INMATE COMPUTER AND RECREATIONAL
EQUIPMENT**

Offered by: Public Safety and Ways & Means Committees

WHEREAS, this Board, by Resolution No. 235-15, had previously approved an amendment to the Immigration and Custom Enforcement (ICE) inmate housing contract to allow ICE to reimburse the County for the purchase of computer and recreational equipment totaling \$28,700 for use of inmates housed at the Allegany County Jail, and

WHEREAS, while adjustments were made for the 2015 Budget showing appropriations and revenue related to the amended agreement, no funds were expended or received for such equipment in 2015 and these monies were not encumbered for 2016, and

WHEREAS, it is necessary to make budget adjustments to the 2016 Budget related to that contract, now therefore, be it

RESOLVED:

1. That the sum of \$28,700 shall be appropriated and placed in the following accounts:

A3150.201 (Jail-Office Equipment-Computers)	\$3,140.60
A3150.210 (Jail-Equipment Other-Recreational equipment)	<u>25,559.40</u>
Total:	\$28,700.00

with a like amount credited to Revenue Account No. A3150.4389.00 (Federal Aid-Other).

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

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

RESOLUTION NO. 93-16

**APPROVAL OF AMENDMENT NUMBER ONE TO THE PROFESSIONAL CONSULTING
SERVICES AGREEMENT WITH MAXIMUS CONSULTING SERVICES, INC.;;
AUTHORIZING CHAIRMAN TO EXECUTE AGREEMENT**

Offered by: Ways & Means Committee

RESOLVED:

1. That Amendment Number One to the Professional Consulting Services Agreement with Maximus Consulting Services, Inc., is approved.
2. That the Chairman of this Board is authorized to execute the agreement.

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

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

Comments made regarding Resolution No. 93-16 included: Legislator Burt asked for clarification on what this is for. Chairman Crandall asked County Treasurer Terri Ross to explain. She stated that this organization is hired to do a cost allocation plan. It helps the County to be eligible for state and federal aid. It is being amended because the Department of Social Services is now requiring different reporting for some of its federal awards. The County cannot do the cost allocation plan. An outside firm is required.

RESOLUTION NO. 94-16

ACCEPTANCE OF BIDS FROM CASELLA WASTE DISPOSAL, STEUBEN COUNTY DEPARTMENT OF PUBLIC WORKS, AND WASTE MANAGEMENT; AWARD OF CONTRACTS FOR THE DISPOSAL OF SOLID WASTE; AUTHORIZING CHAIRMAN TO EXECUTE AGREEMENTS

Offered by: Public Works and Ways & Means Committees

WHEREAS, Allegany County solicited sealed bids for the cost of disposing of County solid waste in outside landfills, and

WHEREAS, Casella Waste Disposal, Steuben County Department of Public Works, and Waste Management, each submitted bids for such disposal, and

WHEREAS, by awarding a contract to each bidder, the County will have the ability to select the best option for disposal of its solid waste, now, therefore, be it

RESOLVED:

1. That the bids of Casella Waste Disposal, Steuben County Department of Public Works, and Waste Management, for the disposal of solid waste at their respective landfills, are each accepted.
2. That Casella Waste Disposal, Steuben County Department of Public Works and Waste Management shall each be awarded a contract for the disposal of Allegany County solid waste at their landfills.
3. That the Chairman of this Board is authorized to execute an Agreement with each.

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

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

Abstain: LaForge

Comments made regarding Resolution No. 94-16 included: Legislator LaForge asked for permission to abstain from voting. A motion was made by Legislator Graves, seconded by Legislator Decker, and carried to allow Legislator LaForge to abstain from the 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.

Legislator Ungermann asked about a \$229,000 expense under Public Works. Deputy Public Works Superintendent Dean Scholes didn't have the information in front of him, but stated he would get the information for Legislator Ungermann following the meeting.

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 \$4,033,926.25, 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 \$2,511,418.*)

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