

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION**

APRIL 11, 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 former United States Marine Corps Sergeant Andrew P. Michalak.

INVOCATION: The Invocation was given by Legislator Pullen.

ROLL CALL: 14 Legislators Present: Scott Burt, Curtis Crandall, Philip Curran, 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. Absent: David Decker

APPROVAL OF MINUTES:

The Board meeting minutes of March 28, 2016, were approved on a motion made by Legislator Graves, seconded by Legislator Burt, and carried.

The Committee of the Whole minutes of March 28, 2016, were approved on a motion made by Legislator Root, seconded by Legislator Fanton, and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Andrew P. Michalak, former United States Marine Corps Sergeant, in grateful appreciation of his service to our country. Mr. Michalak's service dates were from March 25, 2003, to March 25, 2007. Following Basic Training at Parris Island, SC, assignments included: Camp Lejeune, SC, and Iraq. Commendations he received included: Marine Corps Good Conduct Medal, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, National Defense Service Medal, Sea Service Deployment Ribbon, Expert Rifle Badge and Sharpshooter Pistol Badge. Mr. Michalak led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Supervising Public Health Educator Theresa K. Moore presented information on the variety of services provided by the Allegany County Department of Health. The Department of Health provides services and programs in Adult Health, Family Planning, Environmental Health, Cancer Programs, Children's Programs and Emergency Preparedness & Response. This was to commemorate National Public Health Week. After Ms. Moore's presentation, Chairman Crandall invited Public Health Director Lori Ballengee forward to join him as he read a proclamation declaring the week of April 4-10, 2016, as Public Health Week in Allegany County.

Deputy Social Services Commissioner Julie Tomasi addressed the group regarding Child Abuse Prevention. She then played a video produced by staff member Angela Tinder, that detailed child related programs and services offered by the Allegany County Department of Social Services. Chairman Crandall invited Ms. Tomasi and Social Services Commissioner Vicki Grant to join him as he read a proclamation declaring April 2016 as Child Abuse Prevention Month in Allegany County.

STOP-DWI Coordinator Linda Edwards recognized local police officer PJ Sherman for being named by the MADD organization as Officer of the Year. Locally, Officer Sherman has been awarded the title of "Top Cop" for seven of the last nine years. She noted that Mr. Sherman will be recognized at a ceremony in Schenectady in May.

Representatives were present to answer questions regarding 2015 Annual Reports for the following: District Attorney, Employment & Training, Information Technology, Public Defender, STOP DWI, Veterans, Workers' Compensation, and Youth Bureau.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. County Administrator's Report of Tax Bill Corrections/Refunds for March 2016.
2. County Administrator's Report of Intrafund Transfers for March 2016.
3. 2015 Annual Reports for Review: Historian, Parks & Forests, Sheriff, Soil & Water Conservation, Weights & Measures.
4. Notice of next InterCounty meeting to be hosted by Wyoming County at the Wyoming County Ag. & Business Center in Warsaw.
5. The 6th Annual Swingin' to the Oldies will be held at the Alfred State College Activities Center in Wellsville on May 21.

PROCLAMATION:

Chairman Crandall proclaimed April 4-10, 2016, as **NATIONAL PUBLIC HEALTH WEEK** in Allegany County. The proclamation was read earlier in the meeting.

Chairman Crandall proclaimed April 2016 as **CHILD ABUSE PREVENTION MONTH** in Allegany County. The proclamation was read earlier in the meeting.

RESOLUTIONS:

RESOLUTION NO. 95-16

APPROVAL OF A TWENTY-FIVE YEAR LEASE FOR LAND IN THE TOWN OF ANGELICA ON WHICH AN E-911 RADIO TOWER WILL BE CONSTRUCTED

Offered by: Facilities & Communications and Ways & Means Committees

WHEREAS, the Sheriff's Department is in the process of upgrading its E-911 system as part of a major grant received for such purpose, and

WHEREAS, in order to assure proper radio coverage throughout the County a number of new radio towers will need to be constructed, and

WHEREAS, a site in the Town of Angelica has been located which is suitable for the construction of one of these radio towers, and

WHEREAS, the landowners have agreed to lease the property to the County, and

WHEREAS, the County intends to lease this property for an initial period of twenty-five years with the right to renew for an additional twenty-five years, now therefore, be it

RESOLVED:

1. A lease of land between David and Lisa Hooker and the County of Allegany for a 0.344 acre +/- parcel in the Town of Angelica at 5646 Bailor Hill Road for the sum of Eight Thousand Five Hundred Dollars (\$8,500) is hereby approved.
2. That the sum of \$8,500 is transferred from Account No. A1990.429 (Contingency) to Account No. A3020.414 (Public Safety Communication Towers – Rentals Real Property).
3. The Chairman of this Board is authorized to sign the lease agreement and any other documents necessary for recording the lease agreement in the County Clerk's Office.

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

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

RESOLUTION NO. 96-16

APPROVAL OF A TWENTY-FIVE YEAR LEASE FOR LAND IN THE TOWN OF RUSHFORD ON WHICH AN E-911 RADIO TOWER WILL BE CONSTRUCTED

Offered by: Facilities & Communications and Ways & Means Committees

WHEREAS, the Sheriff's Department is in the process of upgrading its E-911 system as part of a major grant received for such purpose, and

WHEREAS, in order to assure proper radio coverage throughout the County a number of new radio towers will need to be constructed, and

WHEREAS, a site in the Town of Rushford has been located which is suitable for the construction of one of these radio towers, and

WHEREAS, the landowners have agreed to lease the property to the County, and

WHEREAS, the County intends to lease this property for an initial period of twenty-five years with the right to renew for an additional twenty-five years, now therefore, be it

RESOLVED:

1. A lease of land between Peter and Sandra Dusel and the County of Allegany for a one acre +/- parcel in the Town of Rushford at 9875 State Route 243 for the sum of Eight Thousand Five Hundred Dollars (\$8,500) is hereby approved.

2. That the sum of \$8,500 is transferred from Account No. A1990.429 (Contingency) to Account No. A3020.414 (Public Safety Communication Towers – Rentals Real Property).

3. The Chairman of this Board is authorized to sign the lease agreement and any other documents necessary for recording the lease agreement in the County Clerk's Office.

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

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

RESOLUTION NO. 97-16

**ACCEPTANCE AND APPROPRIATION OF DISABILITY EMPLOYMENT INITIATIVE
FUNDING FOR EMPLOYMENT AND TRAINING**

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

RESOLVED:

1. That the sum of \$7,306 from the Disability Employment Initiative funding for the Allegany Employment and Training Center is accepted.

2. That the sum of \$7,306 is appropriated to Account No. CD1 6400.201 (WIA Title 1 Administration – Equipment) with a like sum credited to Revenue Account CD1 6400.4701.00 (WIA Title 1 Administration – Federal Aid).

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

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

RESOLUTION NO. 98-16

APPROVAL OF A NEW AGREEMENT WITH IOC SERVICES, LLC FOR ECONOMIC DEVELOPMENT CONSULTING SERVICES

Offered by: Planning & Economic Development Committee

WHEREAS, Jack Wood, doing business as IOC Services, LLC has been providing economic development services to Allegany County for the last year and one-half, and

WHEREAS, since entering into the agreement with IOC Services, LLC, the County has contracted with Alfred State College to oversee the County's economic development efforts, and

WHEREAS, this Board believes that it is in the County's best interest to continue to retain Jack Wood's services through a new agreement with IOC Services, LLC which will set out his compensation and better define his role in economic development, now therefore, be it

RESOLVED:

1. That the agreement with IOC Services, LLC, for the period April 1, 2016, to December 31, 2017, to provide economic development consulting services at a cost of Three Thousand Dollars (\$3,000) per month plus expenses, with total cost not to exceed Seventy One Thousand Seven Hundred and Fifty Dollars (\$71,750), is approved.

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

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

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

Resolution Intro. No. 102-16 (**A RESOLUTION SUPPORTING THE DISPLAY OF THE NATIONAL MOTTO "IN GOD WE TRUST" IN THE LEGISLATIVE CHAMBERS OF THE ALLEGANY COUNTY BOARD OF LEGISLATORS**) was not pre-filed and was considered from the floor on a motion made by Legislator Burt, seconded by Legislator Fanton, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 99-16

**A RESOLUTION SUPPORTING THE DISPLAY OF THE NATIONAL MOTTO
“IN GOD WE TRUST” IN THE LEGISLATIVE CHAMBERS OF THE
ALLEGANY COUNTY BOARD OF LEGISLATORS**

Offered by: Legislator Dwight (Mike) Healy and Ways & Means Committee

WHEREAS, “In God We Trust” became the United States national motto on July 30, 1956, shortly after our nation led the world through the trauma of World War II; and

WHEREAS, the words have been used on U.S. currency since 1864; and

WHEREAS, the same inspiring slogan is engraved above the entrance to the United States Senate Chamber as well as above the Speaker’s dais in the House of Representatives; and

WHEREAS, in both war and peace, these words have been a profound source of strength and guidance to many generations of Americans; and

WHEREAS, this Board desires to display this patriotic motto in the Legislative Chambers as a way to solemnize public occasions and express confidence in our society, now therefore, be it

RESOLVED:

1. That the Board of Legislators of Allegany County, New York, does hereby determine that the historic and patriotic words of our national motto, “In God We Trust,” shall be permanently and prominently displayed in the Allegany County Legislative Chambers.

Moved by: Mr. Healy
Seconded by: Mr. Graves

Adopted: Voice Vote

Comments made regarding Resolution No. 99-16 included: Legislator O’Grady stated that it didn’t matter to him one way or another, but if there is litigation over this, he would like to see it removed before any money is spent in litigation. Legislator Healy said that this was researched by the County Attorney as a National Motto and that it’s already been tested in the courts and found to be appropriate. Legislator Graves stated that he was very much in favor of this and feels it’s too bad we can’t do the same thing with our schools.

Resolution Intro. No. 103-16 (**APPROVAL OF AN AMENDED POWER PURCHASE AGREEMENT WITH SOLARCITY REFLECTING A CHANGE IN THE NYSERDA MONETARY INCENTIVE FROM BLOCK I TO BLOCK III; AUTHORIZING CHAIRMAN TO EXECUTE THE AGREEMENT**) was not pre-filed and was considered from the floor on a

motion made by Legislator Fanton, seconded by Legislator Pullen, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 100-16

**APPROVAL OF AN AMENDED POWER PURCHASE AGREEMENT WITH
SOLARCITY REFLECTING A CHANGE IN THE NYSERDA
MONETARY INCENTIVE FROM BLOCK I TO BLOCK III;
AUTHORIZING CHAIRMAN TO EXECUTE THE AGREEMENT**

Offered by: Ways and Means Committee

WHEREAS, this Board had previously approved entry into a Power Purchase Agreement with SolarCity by resolution No. 184-15, and

WHEREAS, that Power Purchase Agreement established a contract price over a twenty year period based upon an anticipated NYSERDA Monetary Block I incentive of \$0.34/W, and

WHEREAS, that agreement provided that if the actual rebate that NYSERDA approves is lower than that amount, the parties may renegotiate the contract price, and

WHEREAS, this Board has been informed that the monetary incentive has been reduced from Block I to Block III, and

WHEREAS, the projected savings to the County under an amended Power Purchase Agreement are approximately half of what was originally projected, and

WHEREAS, although the projected savings have been substantially reduced, those savings still amount to an average savings well in excess of \$40,000 per year, and

WHEREAS, this Board believes that the projected savings and environmental benefit from proceeding ahead with an amended Power Purchase Agreement are in the County's best interest, and

WHEREAS, in order to authorize SolarCity to move forward with the project and lock in the NYSERDA Block III monetary incentive, it is necessary to approve the entry into an amended Power Purchase Agreement reflecting a higher price due to a reduced rebate at the NYSERDA Monetary Block III incentive level, now therefore, be it

RESOLVED:

1. That subject to final review and approval of the terms thereof by the County Attorney, an amended Power Purchase Agreement with SolarCity for an initial term of twenty years, based upon a reduction in the NYSERDA monetary incentive from Block I to Block III, is hereby approved.

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

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

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

Resolution No. 101-16 (Intro. No. 76-16) (**APPROVAL OF AN INTER-MUNICIPAL MUTUAL AID AGREEMENT BETWEEN THE COUNTY OF ALLEGANY AND SCHUYLER COUNTY**) was removed from the table following a motion made by Legislator Curran, seconded by Legislator Healy, and carried. It was originally tabled on March 14, 2016.

RESOLUTION NO. 101-16

APPROVAL OF AN INTER-MUNICIPAL MUTUAL AID AGREEMENT BETWEEN THE COUNTY OF ALLEGANY AND SCHUYLER COUNTY

Offered by: Public Safety Committee

RESOLVED:

1. That the Inter-Municipal Mutual Aid Agreement between the County of Allegany and Schuyler County commencing July 1, 2016, for special detail deputies performing mutual aid police duties in Schuyler County is approved.

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

Adopted: Roll Call
12 Ayes, 2 Noes, 1 Absent
Voting No: O'Grady, Ungermann

Comments made regarding Resolution No. 101-16 included: Legislator Burt thanked the Sheriff for explaining this in committee. Now he fully understands and will support the resolution. Legislator Pullen remarked that the Sheriff has indicated that he supports this and it's in the best interest of the Sheriff's Department and the County. Legislator Pullen feels the Board should listen to the recommendations of department heads.

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 Fanton, seconded by Legislator Root, and adopted on a roll call vote of 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$2,687,796.26, 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 \$2,897,790.)*

ADJOURNMENT: The meeting was adjourned at 2:54 p.m. on a motion made by Legislator Graves, seconded by Legislator Fanton, and carried.