

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION**

APRIL 25, 2016

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:07 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Navy E-5 Heavy Equipment Operator Roger L. Moyer.

INVOCATION: The Invocation was given by Legislator Pullen.

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

APPROVAL OF MINUTES:

The Board meeting minutes of April 11, 2016, were approved on a motion made by Legislator Graves, seconded by Legislator Decker, and carried.

The Committee of the Whole minutes of April 11, 2016, were approved on a motion made by Legislator Root, seconded by Legislator Fanton, and carried.

The Committee of the Whole minutes of April 12, 2016, were approved on a motion made by Legislator Decker, seconded by Legislator Pullen, and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Roger L. Moyer, former United States Navy E-5 Heavy Equipment Operator, in grateful appreciation of his service to our country. Mr. Moyer's service dates were from April 14, 1966, to October 2, 1969. Following Basic Training at Great Lakes, IL, assignments included: Parris Island, SC, and Vietnam. Commendations he received included: Vietnam Service Medal, Vietnam Campaign Medal, and National Defense Service Medal. Mr. Moyer led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Allegheny County Industrial Development Agency CEO & Chairman Jack Wood addressed the group with news regarding economic development in Allegheny County. He introduced a document containing new vision and mission statements for development in the County, as well as strategies and objectives. A special committee including members from business, industry, education, and government spent most of the past year putting together this plan for economic development. Members of the committee include, Allegheny County

Employees Bob Budinger, Joe Budinger, and Kier Dirlam; Allegany County Economic Development Team Members Gretchen Hanchett, Ed Eicher, Brian Gamache, Lauren Hunsberger, Leslie Gooch-Christman, Reita Lynch, Jack Wood, and Richard Zink; Legislators Norm Ungermann, Dave Pullen, Dwight Fanton, Mike Healy, Judy Hopkins, Debra Root; Houghton College President Dr. Shirley Mullen and her spouse Dr. Paul Mills; Alfred State College President Dr. Skip Sullivan and Alfred State College Vice President for Economic Development Craig Clark; Alfred State University President Dr. Charles Edmondson; Steve Power – Saputo Dairy Foods USA; Dale Smith and Karen Comstock – Dresser Industries; Greg Muscato – Arvos, Inc.; John Mulryan – Lufkin-RMT; and Randy Shayler – Otis Eastern. Mr. Wood remarked on the partnership-based approach to economic development and growth. There is now a blueprint for moving forward with economic development and adding revenue to the County, which will result in a lower tax rate and tax dollars for taxpayers. Mr. Wood explained that the new plan would be voted on by the Board later in the meeting. He then asked Chairman Crandall to invite Dr. Craig Clark and members of the committee forward to formally hand off the new plan for economic development. Dr. Clark thanked Mr. Wood for the work he's done. He is confident they can make this work. We've had many people working on smaller individual projects. We are now working together as one voice. The collaboration between government, business, industry, and education will make a huge difference. This has very specific benchmarks and will help us to provide the highest level of economic development. Dr. Clark expressed his excitement and remarked that Dr. Skip Sullivan is fully committed as well. He said Allegany County is a great place to live and do business; we just need to let people know that. New York State isn't the only state that has rules and regulations.

Legislator Kevin LaForge addressed the group regarding a new Ad Hoc Committee for Heroin & Opioid Abuse. He announced that the new committee would be chaired by Legislator Judy Hopkins and would consist of leaders from government, law enforcement, health, treatment, industry, and the faith community. He noted that the committee was added to enhance, not compete with any existing community-based efforts. He stated, "The severity of this problem merits a response from our County government, both reactive and proactive." He then introduced Legislator Judy Hopkins as Chair of the Allegany County Heroin and Opioid Abuse Ad Hoc Committee. Legislator Hopkins addressed the group saying, "I am honored to be a part of this effort to develop answers to this crisis that affects us all. As a county and as a legislature, we cannot ignore this problem that has reached into Allegany County. Our citizens are being significantly impacted by heroin and opioid abuse." She mentioned several areas that the committee will focus on. Though they are still waiting on final commitments from a few individuals, she announced the following people have agreed to serve on the Ad Hoc Committee:

Legislative Member Representatives

Judith D. Hopkins, Allegany County District I Legislator – Chair
Kevin S. LaForge, Allegany County Human Service Committee Chairman

Health Field Representative

Lori Ballengee, Allegany County Public Health Director

Education Field Representative

Rovo Root, Fillmore Central School Superintendent

Law Enforcement Representatives

Timothy O'Grady, Wellsville Police Chief – Vice Chair
Kevin Monroe, Allegany County Undersheriff

PPAC (Partners for Prevention in Allegany County) Representative

Jon Chaffee, PPAC Chair

Industry Representative

Greg Muscato, Arvos

Mental Health Representative

Michael Damiano, Allegany Arc & PWI Executive Director

Legislative Liaison

Brenda Rigby Riehle, Allegany County Clerk of the Board

Faith Based Representative

Marc Chamberlain, Genesis Bible Church Pastor

Chairman Crandall mentioned that there are a lot of different groups working to combat this problem. At the Senior Forum, the main topic people brought forward was what was being done about the drug epidemic here in Allegany County. He remarked that maybe we can help move things along.

Representatives were present to answer questions regarding 2015 Annual Reports for the following: Historian, Parks & Forests, Sheriff, Soil & Water Conservation, and Weights & Measures.

Legislator Burt asked the County Historian if things were covered now that the Historian was working part-time. Mr. Braack stated that he's had no problems.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. May 2016 Calendar
2. 2015 Annual Reports for Review: County Administrator, Development, IDA, Planner, Planning Board, Tourism
3. Pursuant to Article 11 of the Real Property Tax Law, County Treasurer Terri Ross filed a Certificate of Withdrawal of Delinquent Tax Liens for Property in the Town of Bolivar in the Clerk of the Board's Office on April 21, 2016.

4. Notice of next InterCounty meeting to be hosted by Ontario County at the Canandaigua Yacht Club on May 13, 2016.

5. Notice of Big Moose Golf Classic on June 11 that will help fund three scholarships in former Legislator Ted Hopkins' name.

APPOINTMENTS:

Human Services Committee Chairman LaForge's appointment of members to the **ALLEGANY COUNTY HEROIN AND OPIOID ABUSE AD HOC COMMITTEE** was read during privilege of the floor by the Allegany County Heroin and Opioid Abuse Ad Hoc Committee Chairman Judith Hopkins.

Chairman Curt Crandall has appointed John Roederer, of Houghton, New York, as a member of the **ALLEGANY COUNTY PLANNING BOARD** for a three-year term. This appointment is subject to confirmation by the Board of Legislators.

RESOLUTIONS:

A motion was made by Legislator Root, seconded by Legislator Healy, and carried, to address the resolutions out of order. The motion was to consider Resolution Intro. No. 122-16 (**ADOPTION OF 2016 ALLEGANY COUNTY DEVELOPMENT VISION STATEMENT AND 2016 ALLEGANY COUNTY DEVELOPMENT MISSION STATEMENT WITH RELATED STRATEGIES AND OBJECTIVES**) first.

Resolution Intro. No. 122-16 (**ADOPTION OF 2016 ALLEGANY COUNTY DEVELOPMENT VISION STATEMENT AND 2016 ALLEGANY COUNTY DEVELOPMENT MISSION STATEMENT WITH RELATED STRATEGIES AND OBJECTIVES**) was not pre-filed and was considered from the floor on a motion made by Legislator Root, seconded by Legislator Fanton, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 102-16

ADOPTION OF 2016 ALLEGANY COUNTY DEVELOPMENT VISION STATEMENT AND 2016 ALLEGANY COUNTY DEVELOPMENT MISSION STATEMENT WITH RELATED STRATEGIES AND OBJECTIVES

Offered by: Planning & Economic Development Committee

WHEREAS, under the auspices of the Planning and Economic Development Committee, a special ad hoc committee was set up consisting of highly respected leaders in Allegany County from business, education and government, and

WHEREAS, this committee, informally referred to as the Allegany County Business, Education and Government Economic Development Committee, "Special Committee," was

set up with the goal of using the committee members knowledge and expertise together with the support they bring from these three key economic sectors to advance the economic development initiatives of Allegany County, and

WHEREAS, the “Special Committee” met on multiple occasions to help formulate a Development Vision Statement together with guiding principles as well as a Development Mission Statement together with strategies and objectives, and

WHEREAS, initial drafts of the Vision and Mission Statements were subsequently circulated amongst legislators and development team members for their input, and

WHEREAS, following such input, edits were made and resubmitted to the Special Committee at a meeting held on April 12, 2016, at which time final revisions were unanimously approved with a recommendation that these statements be submitted to the Planning and Economic Development Committee prior to submission to this Board for approval, and

WHEREAS, the Planning and Economic Development Committee has reviewed and approved the proposed Vision Statement and guiding principles and the proposed Mission Statement with strategies and objectives, and

WHEREAS, this Board greatly appreciates and wishes to thank the members of the Special Committee for their time and effort in helping formulate a Development Vision Statement and a Development Mission Statement for Allegany County, and

WHEREAS, this Board believes that adoption of the proposed Allegany County Development Vision Statement, with guiding principles, and proposed Allegany County Development Mission Statement, with strategies and objectives, will greatly assist Allegany County, its businesses and residents in assuring thoughtful and sound economic development efforts, now therefore, be it

RESOLVED:

1. That this Board does hereby acknowledge and thank those individuals who gave of their time and expertise to serve on the special ad hoc committee created to assist the County in formulating a new Development Vision Statement and Development Mission Statement.

2. That the following Vision Statement is hereby approved and adopted as the 2016 Allegany County Development Vision Statement, to wit: *“To be a sound economic competitor that consistently attracts, retains and expands local businesses and industries through ongoing local, state, national and foreign direct investment in Allegany County,”* together with guiding principles, all as set forth and attached hereto as Exhibit 1.

3. That the following Mission Statement is hereby approved and adopted as the 2016 Allegany County Development Mission Statement, to wit: *“To provide the highest level of economic development services to retain, expand and attract investment in business, industries and supportive infrastructure,”* together with strategies and objectives related thereto, all as set forth and attached hereto as Exhibit 2.

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

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

RESOLUTION NO. 103-16

ADOPTION OF LOCAL LAW INTRO. NO. 1-2016, PRINT NO.1, A LOCAL LAW AMENDING LOCAL LAW NO. 4 OF 2004 REGARDING SOURCE SEPARATION IMPLEMENTATION AND TO REMOVE THE REQUIREMENT THAT ALL SOLID WASTE GENERATED IN ALLEGANY COUNTY MUST BE DISPOSED OF AT A COUNTY FACILITY

Offered by: Public Works Committee

RESOLVED:

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

COUNTY OF ALLEGANY

Intro. No. 1-2016

Print No. 1

A LOCAL LAW AMENDING LOCAL LAW NO. 4 OF 2004 REGARDING SOURCE SEPARATION IMPLEMENTATION AND TO REMOVE THE REQUIREMENT THAT ALL SOLID WASTE GENERATED IN ALLEGANY COUNTY MUST BE DISPOSED OF AT A COUNTY FACILITY

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

Section 1. Section 5, paragraph 1, of Local Law No. 4 of 2004 is amended to read as follows:

SECTION 5. SOURCE SEPARATION IMPLEMENTATION

1. Prior to taking any Solid Waste or Recyclable Material to a Solid Waste Management Facility, each Commercial Waste Collector proposing to collect Solid Waste and Recyclable Material generated in Allegany County, shall submit a plan, which shall include, but not be limited to, the description of the type of waste to be collected and frequency of collection and provision for collecting and marketing Recyclable Material.

Section 2. Section 7, paragraph 1, of Local Law No. 4 of 2004 is amended to eliminate the first sentence requiring all Solid Waste generated within Allegany County to be delivered to a County Facility and shall henceforth read as follows:

SECTION 7. DISPOSAL OF SOLID WASTE

1. No Waste Collector or other Person shall dispose of Solid Waste at the County Landfill or any County Facility without a duly issued and valid permit.

Section 3. Section 8, paragraph 1 of Local Law No. 4 of 2004 is amended to read as follows:

SECTION 8. DISPOSAL OF RECYCLABLE MATERIAL

1. All Waste Collectors and Persons, excepting Commercial Waste Collectors operating according to an approved plan, shall deliver all Recyclable Material generated within the County to a County Facility. No Waste Collector or other Person shall dispose of Recyclable Material at a County Facility without a duly issued and valid permit.

Section 4. In all other respect Local Law No. 4 of 2004 shall remain in full force and effect.

Section 5. This local law shall become effective upon its filing in the office of the New York State Secretary of State.

Moved by: Mr. Fanton
Seconded by: Mr. Graves

Adopted: Roll Call
13 Ayes, 0 Noes, 1 Absent
Abstain: LaForge

Legislator LaForge asked for permission to abstain from the vote. A motion was made by Legislator Fanton, seconded by Legislator Burt, and carried to allow Legislator LaForge to abstain from voting.

Comments made regarding Resolution No. 103-16 included: Legislator Ungermann asked if the resolution would take effect when the Landfill is full. County Attorney Tom Miner indicated that the resolution would take effect as soon as it's filed with the Secretary of State.

RESOLUTION NO. 104-16

RESOLUTION SETTING DATE OF PUBLIC HEARING ON A LOCAL LAW TO AMEND LOCAL LAW NUMBER ONE OF TWO THOUSAND ELEVEN, AS SUBSEQUENTLY AMENDED BY LOCAL LAW NUMBER TWO OF TWO THOUSAND TWELVE, TO INCREASE THE ADMINISTRATIVE FEE FROM TWENTY-FIVE DOLLARS TO FORTY DOLLARS FOR THOSE INDIVIDUALS REQUIRED TO ATTEND MEETINGS OF THE ALLEGANY COUNTY STOP-DWI VICTIM IMPACT PANEL BY AN OUT OF COUNTY COURT REFERRAL

Offered by: Public Safety Committee

WHEREAS, on this 25th day of April, 2016, a local law (Intro. No. 3, Print No. 1) was introduced to, "Amend Local Law Number One of Two Thousand Eleven, as subsequently amended by Local Law Number Two of Two Thousand Twelve, to increase the administrative fee from twenty-five dollars to forty dollars for those individuals required to attend meetings of the Allegany STOP-DWI Victim Impact Panel by an out of county court referral," and

WHEREAS, it will be necessary to set a date for a public hearing on said proposed local law, now, therefore, be it

RESOLVED:

1. That a public hearing shall be held on May 9, 2016, at 2:00 p.m. in the County Legislators' Chambers, Room 221, County Office Building, Belmont, New York, before the Allegany County Board of Legislators, in relation to proposed Local Law Intro. No. 3-2016, Print No. 1.

2. That the Clerk of the Board of Legislators is hereby directed to prepare, with the assistance of the County Attorney, a notice of said public hearing, to cause the publication of a copy of said notice in each of the two newspapers which have been officially designated by this Board to publish "notices," and to affix a copy of said notice on the county bulletin board in the County Courthouse at Belmont, New York; both publication and posting to be made at least five days before the public hearing.

Moved by: Mr. Healy
Seconded by: Mr. Decker

Adopted: Voice Vote

RESOLUTION NO. 105-16

RESOLUTION SUPPORTING AN END TO EXECUTIVE ADMINISTRATIVE CUTS, AN INCREASE IN THE BASE GRANT, PER CAPITA RATE, AND STATE AID FORMULA THAT CONSTITUTE ARTICLE 6 STATE AID REIMBURSEMENT FOR MANDATED GENERAL PUBLIC HEALTH WORK UNDERTAKEN BY LOCAL HEALTH DEPARTMENTS AS POPULATION HEALTH PARTNERS OF NEW YORK STATE

Offered by: Human Services Committee

WHEREAS, the prevention and population health activities of local health departments in NYC and 57 other counties in New York State are essential to the overall health of the State's residents and communities, and crucial to the success of the State's Medicaid Redesign Team efforts, and

WHEREAS, unhealthy community environments lead to incidents such as the recent outbreak of Legionnaire's Disease in the Bronx that resulted in the deaths of 12 individuals

whose general health was compromised by underlying medical conditions that are aggravated by poor air quality and other characteristics of an unhealthy environment, and

WHEREAS, New Yorkers can be, and have been, exposed to deadly communicable diseases such as Ebola that may arrive from other nations via global travelers at any time, and

WHEREAS, stable and timely funding to support core public health services delivered by local health departments under Article 6 of the Public Health Law is necessary for the protection of all communities within New York State, and

WHEREAS, Article 6 of the Public Health Law currently provides a base grant of either a set amount or a per capita rate of local health department (LHD) expenditures on core public health services, and then State reimbursement for 36 percent of LHD costs beyond the base grant, and

WHEREAS, the State has reduced its annual appropriations for Article 6 Public Health spending by 40 percent over the last several years, and

WHEREAS, New York State does not allow local governments to recover any of its necessary expenditures on fringe benefits for local health department personnel who provide core public health services mandated under Article 6, and

WHEREAS, in state fiscal year 2011-12, the State eliminated the allowance of State Aid for so-called "optional services" by local health departments, such as early intervention (mandated services), medical examiners, dental health services, some environmental health activities, certified home health agencies, and more, and

WHEREAS, administrative actions by the New York State Department of Health (NYSDOH) such as the reduction since 2012, and eventual elimination, of revenue offset; the refusal to cover costs associated with the contribution that other local governmental offices make to the work of their local health department Maintenance in Lieu of Rent (i.e. "MILOR"); and a recent refusal to cover technical assistance in rural counties for well water and septic tank problems that can compromise the sanitation and health of communities throughout rural areas of the state, and

WHEREAS, the reduction and eventual elimination of the revenue offset and other administrative actions leads to a reduction in the generation of fee and penalty revenue that, in turn increases the need for local budget cuts, including staff reductions that compromise the capacity of local governments to ensure the provision of the core services necessary to protect the public's health, and

WHEREAS, NYSDOH has frequently applied changing and inconsistent standards in what it allows as State Aid claims without advance notice, from quarter to quarter, region to region, or county to county, and

WHEREAS, inflation-adjusted payments by New York State for Article 6 state aid to local health departments have declined since 2011, and as a result, local expenditures for public health services and subsequent claims for such state aid have declined dramatically, with New York City claims alone dropping by \$85 million and State Aid payments to New York City declining by \$120 million, and

WHEREAS, executive administrative reductions to Article 6 State Aid reimbursement have a negative impact on the ability of local health departments to protect the public including:

- enforcing regulations intended to reduce the incidence and risk of Legionnaire's Disease;
- eliminating the HIV/AIDS epidemic;
- preventing and controlling the spread of communicable diseases;
- responding to the current heroin and opioid epidemic;
- ensuring the safety of the food we eat, the water we drink and the air we breathe;
- ensuring the safety of New Yorkers in camps, beaches and other recreational venues;
- preventing major causes of death and chronic disease such as heart disease, diabetes, asthma and cancer;
- monitoring and control of insect-borne diseases such as Lyme Disease, West Nile Virus, EEE;
- monitoring the public health impact of an influx of unaccompanied minors into the United States and specifically New York State;
- monitoring and responding to international health threats and emergencies, among other public health needs, and

WHEREAS, local health departments deserve respect for their dedication to public health and their expertise in population health, and

WHEREAS, local health departments require adequate state funding as key partners of the New York State Department of Health in population health efforts to achieve statewide goals set in the New York State Prevention Agenda, and

WHEREAS, the current limits on base grants and State Aid combined with increasing administrative cuts and disallowances are creating a cascading negative financial impact on local health departments and eroding their local public health infrastructure, and

WHEREAS, New York State has imposed a cap on property taxes that further restricts the ability of local government to fund core public health services, now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators calls on the Governor to compensate, within the 2016-17 Executive Budget and subsequent budget years, for significant state funding cuts to local health departments since 2010 by taking the following steps in the Article 6 State Aid for General Public Health Work base grants and reimbursement rates:

- A. Instruct the Division of Budget and NYSDOH to end administrative actions that will result in further erosion of State Aid to local health departments;
- B. Increase the base grant with 100 percent reimbursement of local expenditures on core public health services for partial service counties from \$500,000 to \$550,000; for full service counties from \$650,000 to 750,000; and the per capita rate of the base grant from 65 cents per capita to \$1.30 per capita;
- C. Increase the State Aid reimbursement rate for local health department expenditures beyond the base grant from 36 percent to 38 percent;
- D. Reimbursement for new state mandated activities required of Local Health Departments at 100 percent.

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 Department of Health; the New York State Association of Counties and the Inter-County Association of Western New York.

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

Adopted: Voice Vote

Comments made regarding Resolution No. 105-16 included: Legislator O'Grady said that he didn't support this in committee. He feels the reimbursement is decent. He's not going to support because it's still taxpayer dollars.

RESOLUTION NO. 106-16

CREATION OF ONE POSITION OF FULL-TIME ACCOUNT CLERK TYPIST WITHIN THE HEALTH DEPARTMENT

Offered by: Human Services Committee

RESOLVED:

- 1. That one position of full-time Account Clerk Typist (AFSCME, Grade 7) is created.
- 2. This resolution shall take effect immediately.

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

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

RESOLUTION NO. 107-16

REAPPOINTMENT OF ONE MEMBER TO COUNTY BOARD OF HEALTH

Offered by: Human Services Committee

Pursuant to Public Health Law §§ 343 and 344

RESOLVED:

1. That Dr. Leo Cusumano is reappointed to the County Board of Health for a six-year term beginning July 8, 2016, and expiring July 7, 2022.

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

Adopted: Voice Vote

RESOLUTION NO. 108-16

RESOLUTION SUPPORTING RABIES PREVENTION ACROSS THE STATE AND PROVIDING APPROPRIATE FUNDING NECESSARY TO ACHIEVE THIS GOAL

Offered by: Human Services Committee

WHEREAS, rabies is a deadly disease caused by a virus that attacks the central nervous system, and is almost always fatal once symptoms appear, and

WHEREAS, rabies is most often seen among wild animals such as raccoons, bats, skunks, and foxes; and infected mammals can transmit the rabies virus to humans and other mammals including cattle, cats and dogs, and

WHEREAS, the first signs of a rabies infection is usually change in an animal's behavior, an animal may become aggressive or tame, it may lose its fear of humans, or froth at the mouth, and

WHEREAS, without vaccination dairy farms are at great risk when sending their cattle out to pasture where they could come in contact with rabid animals, and

WHEREAS, rabies vaccination shots are expensive and can cost farms thousands of dollars annually, and

WHEREAS, losing a single animal can be a significant financial burden for a farmer, and

WHEREAS, luckily, humans are typically only exposed to rabies when an infected animal bites them, or when saliva from an infected animal enters an open cut or mucous

membrane such as one's eyes, nose or mouth, but those who work on farms are at a greater risk of contracting rabies if working with unvaccinated livestock, now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators calls on the Governor to increase funding available to counties for rabies awareness and vaccination in the 2016-17 state budget.

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 Department of Health; the New York State Association of Counties and the Inter-County Association of Western New York.

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

Adopted: Voice Vote

RESOLUTION NO. 109-16

**APPROVAL FOR GRANT APPLICATION BY THE HEALTH DEPARTMENT FOR A
COMPREHENSIVE ADOLESCENT PREGNANCY PREVENTION (CAPP) GRANT**

Offered by: Human Services and Ways & Means Committees

WHEREAS, the Allegany County Department of Health is requesting approval to apply for grant money through the Comprehensive Adolescent Pregnancy Prevention (CAPP) Grant, and

WHEREAS, the grant fosters the prevention of adolescent pregnancy, sexually transmitted diseases, HIV, and aligns with New York State's Department of Health Title V Maternal and Child Health priorities for adolescent health, and

WHEREAS, the funds would be used to provide compensation for a portion of rent and utilities at the Wellsville clinic site and a portion of salaries for the Nurse Practitioner, RN , and Public Health Educator, now, therefore, be it

RESOLVED:

1. That the Department of Health is authorized to act on behalf of the County of Allegany to apply for grant funds through the CAPP grant.

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

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

RESOLUTION NO. 110-16

APPROVAL OF GRANT APPLICATION FOR HOMELAND SECURITY AND EMERGENCY SERVICES LEMPG FY 2016 GRANT BY THE OFFICE OF EMERGENCY MANAGEMENT AND FIRE SERVICES

Offered by: Public Safety and Ways & Means Committees

WHEREAS, the Office of Emergency Management and Fire Services is requesting approval to apply for grant money through the Homeland Security and Emergency Services LEMPG FY 2016 grant, and

WHEREAS, the grant funds would supplement the wages and expenses for the Office of Emergency Services, cover training costs, and enhance the County's ability to deal with a natural disaster, and

WHEREAS, if approved the grant would provide \$23,335, now, therefore, be it

RESOLVED:

1. That the Office of Emergency Management and Fire Services is authorized to act on behalf of the County of Allegany to apply for grant funds through the Homeland Security and Emergency Services LEMPG FY 2016 grant.

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

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

Comments made regarding Resolution No. 110-16 included: Legislator Ungermann asked what the acronym LEMPG stood for. Assistant Emergency Management Director Mike Barney indicated that it stands for Local Emergency Planning Grant.

RESOLUTION NO. 111-16

APPROVAL OF GRANT APPLICATION FOR HOMELAND SECURITY AND EMERGENCY SERVICES SHSP FY 2016 GRANT BY THE OFFICE OF EMERGENCY MANAGEMENT AND FIRE SERVICES

Offered by: Public Safety and Ways & Means Committees

WHEREAS, the Office of Emergency Management and Fire Services is requesting approval to apply for grant money through the Homeland Security and Emergency Services SHSP FY 2016 grant, and

WHEREAS, the grant funds would be used to support regional preparedness for the county by increasing communication within and out of the county and to enhance communication between multiple law enforcement, fire, and EMS, and

WHEREAS, if approved the grant would provide \$52,500, now, therefore, be it

RESOLVED:

1. That the Office of Emergency Management and Fire Services is authorized to act on behalf of the County of Allegany to apply for grant funds through the Homeland Security and Emergency Services SHSP FY 2016 grant.

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

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

RESOLUTION NO. 112-16

**ACCEPTANCE AND APPROPRIATION OF PRIVATE FUNDING FROM THE
SUSAN G. KOMEN FOUNDATION FOR THE HEALTH DEPARTMENT**

Offered by: Human Services and Ways & Means Committees

RESOLVED:

1. The sum of \$17,610 in private funding from the Susan G. Komen Foundation for the County Health Department is accepted.

2. The sum of \$17,610 shall be appropriated to the following accounts:

A4010.101	Health Department – Personnel	\$4,323
A4072.402	Komen Kares Grant – Mileage/Transportation	400
A4072.405	Komen Kares Grant – Conference Expenses	30
A4072.408	Komen Kares Grant – General Supplies	2,640
A4072.409	Komen Kares Grant – Fees	8,040
A4072.425	Komen Kares Grant – Clothing	24
A4072.802	Komen Kares Grant – Retirement	803
A4072.803	Komen Kares Grant – FICA	331
A4072.804	Komen Kares Grant – Workers Comp.	67
A4072.805	Komen Kares Grant – Disability	11
A4072.806	Komen Kares Grant – Hosp/Med Ins.	941
	TOTAL	<u>\$17,610</u>

with a like sum credited to Revenue Account No. A4072.2705.00 (Komen Kares – Gifts & Donations).

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

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

RESOLUTION NO. 113-16

**ACCEPTANCE AND APPROPRIATION OF FEDERAL FUNDS
FOR COMMUNITY SERVICES**

Offered by: Human Services and Ways & Means Committees

RESOLVED:

1. That the sum of \$48,047 in federal funding for Community Services is accepted.
2. That the sum of \$48,047 is placed in Account No. A4310.409 (Mental Health Administration – Fees) with a like sum credited to Revenue Account A4310.4490.00 (Federal Aid – Federal Salary Sharing).

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

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

RESOLUTION NO. 114-16

**ACCEPTANCE OF GRANT FUNDS FROM THE DIVISION OF CRIMINAL JUSTICE
SERVICES FOR COMMUNITY SERVICE AND PRE-TRIAL PROGRAMS**

Offered by: Public Safety Committee

RESOLVED:

1. That the sum of \$5,998 in Article 13-A Classification Alternatives to Incarceration grant funding from the Division of Criminal Justice Services for use in the Community Service Program for period July 1, 2016, to June 30, 2017, is accepted.

Moved by: Mr. Healy
Seconded by: Mr. Decker

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

RESOLUTION NO. 115-16

BUDGET TRANSFER WITHIN SHERIFF'S OFFICE ACCOUNTS

Offered by: Facilities & Communications and Ways & Means Committees

RESOLVED:

1. That the sum of \$90,000 shall be transferred from Account No. A14.511.3510 (Appropriated Reserves E-911) to Capital Account No. H3200.2 (Capital Project – E-911 Equipment Room Project) to offset costs for change orders and additional engineering related to the new E-911 Equipment Room.

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

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

RESOLUTION NO. 116-16

APPROVAL OF A TWENTY-FIVE YEAR LEASE FOR LAND IN THE TOWN OF BOLIVAR 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 Bolivar 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 Norman Durnell and the County of Allegany for a one acre +/- parcel in the Town of Bolivar at 7101 Anderson Hollow Road, Lot #9, 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

Comments made regarding Resolution No. 116-16 included: Legislator Ungermann asked if this was the last tower to be constructed. Sheriff Whitney stated that they are in negotiations for one more. Legislator Ungermann asked for confirmation that that would be the last of thirteen. Lieutenant Grusendorf indicated that was correct.

RESOLUTION NO. 117-16

**APPROVAL OF CONTRACT BETWEEN NEW YORK STATE DEPARTMENT OF
CORRECTIONAL SERVICES' OFFICE OF NUTRITIONAL SERVICES
AND ALLEGANY COUNTY**

Offered by: Public Safety Committee

RESOLVED:

1. That the Contract for the sale of food products between the New York State Department of Correctional Services' Office of Nutritional Services and the County for period commencing July 1, 2016, to June 30, 2021, is approved.

2. That the Allegany County Sheriff is authorized to execute said Contract.

Moved by: Mr. Healy
Seconded by: Mr. Decker

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

RESOLUTION NO. 118-16

**RESOLUTION APPROVING AN AGREEMENT WITH AK ASSOCIATES TO PROVIDE
ALLEGANY COUNTY E-911 DATABASE/PHONE LINE SERVICE TO THE E-911
DISPATCH CENTER; AUTHORIZING SHERIFF TO EXECUTE AGREEMENT**

Offered by: Public Safety Committee

RESOLVED:

1. That an agreement between the County of Allegany and AK Associates to provide Allegany County E-911 database/phone line service to the E-911 Dispatch Center commencing May 1, 2016, through April 30, 2021, is approved.

2. That the Allegany County Sheriff is authorized to execute said agreement.

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

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

Comments made regarding Resolution No. 118-16 included: Legislator Ungermann commented on the company being located in St. Augustine, Florida, and asked if there is someone local to do service calls. Lieutenant Grusendorf stated that they are scheduled to come every Tuesday. Legislator Ungermann asked, "What if you have something other than on a Tuesday?" Lieutenant Grusendorf said they are on call and will come that same day.

RESOLUTION NO. 119-16

APPROVAL OF LEASE BETWEEN SANZO GT, LLC AND ALLEGANY COUNTY DEPARTMENT OF HEALTH CANCER SERVICES PROGRAM FOR PREMISES AT 20-24 WATER STREET, CUBA, NEW YORK

Offered by: Human Services Committee

RESOLVED:

1. That the Lease between Sanzo GT, LLC and the Allegany County Department of Health Cancer Services Program for the term May 1, 2016, through April 30, 2017, for premises located at 20-24 Water Street, Cuba, New York, with a monthly rental rate of \$541.50 for use by the Allegany County Department of Health Cancer Services Program, is approved.

2. That the Public Health Director is authorized to execute said Lease.

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

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

Comments made regarding Resolution No. 119-16 included: Legislator Decker remarked that this is a wonderful thing for Cancer Services. They serve Cattaraugus and Allegany County, so the location is much better than in Wellsville. Legislator Burt stated that initially the space for rent had been on the second floor, but now the landlords have made space available on the first floor of the building.

Resolution Intro. No. 121-16 (**A RESOLUTION CALLING ON THE STATE OF NEW YORK TO FULLY REIMBURSE COUNTIES FOR DISTRICT ATTORNEY SALARY INCREASES SET BY THE STATE**) was not pre-filed and was considered from the floor on a motion made by Legislator Jessup, seconded by Legislator Root, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 120-16

A RESOLUTION CALLING ON THE STATE OF NEW YORK TO FULLY REIMBURSE COUNTIES FOR DISTRICT ATTORNEY SALARY INCREASES SET BY THE STATE

Offered by: Ways & Means Committee

WHEREAS, on December 24, 2015, New York State Commission on Legislative, Judicial, and Executive Compensation voted to recommend increasing all state judge salaries in 2016 and 2018, and

WHEREAS, this salary increase recommendation occurred well after all counties set their 2016 budgets in law, and

WHEREAS, the recommended increase placed Supreme Court Judges' salaries at \$193,000 in 2016 and \$203,000 in 2018 and placed County Court Judges at 95 percent of a Supreme Court Justice's salary, and

WHEREAS, on April 1, the State approved the Commission's recommendation, and

WHEREAS, State Judicial Law 183-a links judicial salaries with County District Attorneys' salaries to be equal or higher than either the County Court Judge or Supreme Court Judge in a county, depending on full time or part time status, and

WHEREAS, for over 50 years, the State has funded all salary increases that they imposed on the counties, and

WHEREAS, District Attorneys are entitled to the compensation they are owed pursuant to state law for fulfilling the state constitutional and statutory duties related to the enforcement of the state penal law, and

WHEREAS, on April 1, 2016, the State Legislature enacted a \$150 billion State Budget, but did not include the funding for the \$1.6 million in reimbursement costs for the increase in District Attorney salaries, and

WHEREAS, the state has been careful over the past few years to avoid shifting costs to the local tax base, mindful of the impact locally with the state imposed property tax cap, and

WHEREAS, for many counties this salary increase represents approximately one third of their total allowable property tax growth for all government operation in 2016, now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators calls on the State of New York to immediately pass legislation and pay for this increase retroactive to April 1, 2016, and not pass this unfunded mandate on to local taxpayers.

2. That the Allegany County Board of Legislators further calls on the State of New York to enact legislation that makes all future increases in a District Attorney's salary attributable to Judicial Law 183-a an obligation to be paid for by the State of New York.

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. Jessup
Seconded by: Mr. Graves

Adopted: Voice Vote

Comments made regarding Resolution No. 120-16 included: Legislator Graves stated that he was extremely happy to see this resolution. He hopes in the next year or two, they can get the counties together to oppose the State mandated salary increase.

AUDITS:

A motion was made by Legislator Jessup, seconded by Legislator Root, and carried, that the audits be acted upon collectively and by totals.

A motion was made by Legislator Jessup, seconded by Legislator Fanton, and adopted on a roll call vote of 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$3,061,923.65, 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 \$3,284,162.*)

ADJOURNMENT: The meeting was adjourned at 3:19 p.m. on a motion made by Legislator Graves, seconded by Legislator Decker, and carried.