

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION**

MAY 23, 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 Petty Officer Third Class Boatswain's Mate Larry R. Adams.

INVOCATION: The Invocation was given by Legislator Pullen.

ROLL CALL: 13 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, Norman Ungermann, Jr.
Absent: Philip Curran, Debra Root

APPROVAL OF MINUTES:

The Board meeting minutes of May 9, 2016, were approved on a motion made by Legislator Graves, seconded by Legislator Decker, and carried.

The Committee of the Whole minutes of May 9, 2016, were approved on a motion made by Legislator Graves, seconded by Legislator Fanton, and carried.

The Committee of the Whole minutes of May 10, 2016, were approved on a motion made by Legislator Pullen, seconded by Legislator Decker, and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Larry R. Adams, former United States Navy Petty Officer Third Class Boatswain's Mate, in grateful appreciation of his service to our country. Mr. Adams' service dates were from September 10, 1990, to September 9, 1994. He was assigned to the USS Duluth LPD-6 located in San Diego, CA. While assigned to the USS Duluth, Mr. Adams spent time in Kenya, Guam, Hawaii, Singapore, Australia, British Columbia, Hong Kong, Somalia, Thailand and Kuwait. Commendations he received included: National Defense Service Medal, Southeast Asia Service Medal, Armed Forces Expeditionary Medal, Battle Efficiency Medal, Sea Service Deployment Ribbon (2 awards) and Good Conduct Award. Mr. Adams led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Public Health Director Lori Ballengee addressed the group to recognize the 10th anniversary of Allegany County Cancer Services and extend an invitation to a Decade of Colors event being held on June 11. Allegany County Cancer Services, Inc. was founded in May of 2006 to provide support and assistance to residents of Allegany County who have

been impacted by cancer. To date, the organization has served over 454 County residents, providing over \$190,000. The organization is run completely by volunteers. The need is huge and they are constantly receiving more applications for assistance. Ms. Ballengee indicated that the event isn't so much about fundraising, but about honoring the people we've lost and supporting people with cancer. This event will be replacing the 350 Club event this year. Chairman Crandall thanked Ms. Ballengee and presented her with a certificate honoring her for her dedication to Cancer Services.

Office for the Aging Director Madeleine Gasdik spoke about Older American's Month. She thanked those who supported the Senior Foundation at the Swingin' to the Oldies event held on May 21. She noted that the event raises a great deal of money for the County's Meals-on-Wheels Program. Meals-on-Wheels allows many seniors the opportunity to remain safely in their homes and communities. Chairman Crandall read a proclamation declaring May 2016 as Older American's Month.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. June 2016 Calendar
2. The Belmont American Legion Auxiliary Post 808 has poppies for sale to benefit disabled Veterans.
3. Invitation to attend Legislative Intern Model Session on June 6 at 10:30 a.m.
4. Invitation to attend Greater Allegany County Chamber Business after Hours at the Ball Park hosted by the Regional Ventures in Economic Revitalization Group on May 28.
5. Reminder of next Fire Advisory Board meeting on Thursday, May 26, at 8 p.m.
6. Reminder of Big Moose Golf Classic on June 11 that will help fund three scholarships in former Legislator Ted Hopkins' name.
7. Correspondence from Village of Belmont Mayor Terrance Schmelzer thanking the Board for accepting the Village's proposal to purchase a vacant lot on Schuyler Street.

PROCLAMATIONS:

Chairman Crandall declared May 15 as Peace Officers' Memorial Day and May 15 through May 21, 2016, as Police Week in Allegany County. This proclamation was read at a ceremony held at the Allegany County Public Safety Complex on May 20.

Chairman Crandall Proclaimed May 2016 as Older American's Month in Allegany County.

Chairman Crandall proclaimed May 2016 as Mental Health Month in Allegany County.

Chairman Crandall Proclaimed May 2016 as Foster Care Month in Allegany County.

RESOLUTIONS:

RESOLUTION NO. 123-16

AUTHORIZATION OF THE FILING OF AN APPLICATION FOR STATE ASSISTANCE FROM THE HOUSEHOLD HAZARDOUS WASTE (HHW) STATE ASSISTANCE PROGRAM AND AUTHORIZATION OF THE ASSOCIATED STATE CONTRACT UNDER THE APPROPRIATE LAWS OF NEW YORK STATE

Offered by: Public Works Committee

WHEREAS, the State of New York provides financial aid for household hazardous waste programs, and

WHEREAS, the County of Allegany, herein called the Municipality, has examined and duly considered the applicable laws of the State of New York and the Municipality deems it to be in the public interest and benefit to file an application under these laws, and

WHEREAS, it is necessary that a Contract by and between the People of the State of New York, herein called the State, and the Municipality be executed for such State aid, now, therefore, be it

RESOLVED:

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.

2. That the Chairman of the Board or his designee is directed and authorized as the official representative of the Municipality to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the State.

3. That the Municipality agrees that it will fund the entire cost of said household hazardous waste program and will be reimbursed by the State for the State share of such costs.

4. That five (5) Certified Copies of this Resolution be prepared and sent to the NYSDEC together with a complete application.

5. That this resolution shall take effect immediately.

Moved by: Mr. Fanton

Adopted: Roll Call

Seconded by: Mr. Graves

13 Ayes, 0 Noes, 2 Absent

RESOLUTION NO. 124-16

**APPROVAL OF APPORTIONMENT OF MORTGAGE TAX TO TAX DISTRICTS
AND AUTHORIZING WARRANT THEREFOR**

Offered by: Ways & Means Committee

Pursuant to Tax Law § 261 (3)

RESOLVED:

1. That the Semi-Annual Report for the period October 1, 2015, through March 31, 2016, relating to Mortgage Tax Receipts and Disbursements, and the proposed distribution of such mortgage tax receipts therein, is approved.
2. That the Clerk of this Board is authorized and directed to execute a warrant of this Board to the County Treasurer directing her to distribute to the several tax districts in the County their respective share of such mortgage tax.

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

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

RESOLUTION NO. 125-16

**AUTHORIZING PAYMENT TO TOWNS AND VILLAGES FROM ADDITIONAL MORTGAGE
TAX FEE RETAINAGE BY COUNTY CLERK;
APPROPRIATING FUNDS THEREFOR**

Offered by: Ways & Means Committee

WHEREAS, by Resolution No. 214-2004 the County Clerk was authorized pursuant to Section 262 of the Tax Law to request and receive reimbursement from the State of New York for all of his necessary expenses incurred in the administration of the Mortgage Tax Program on behalf of the State of New York, and

WHEREAS, it was the intent of this Board in adopting such resolution that the Towns and Villages of the County would not suffer any adverse financial consequences as a result of any increased retained expense reimbursement to the County Clerk, and

WHEREAS, the County Clerk has received reimbursement of his necessary expenses incurred in the administration of the Mortgage Tax Program, and

WHEREAS, this Board wishes to appropriate part of such reimbursement of necessary expenses received by the County Clerk for the administration of the Mortgage Tax Program to the Towns and Villages of the County, now, therefore, be it

RESOLVED:

1. The amount of \$25,262.04 is appropriated from Account No. A1410.432 (County Clerk – Contractual) and shall be distributed to the Towns and Villages of the County as follows:

TOWNS	AMOUNT RETAINED BY COUNTY CLERK'S OFFICE FOR MORTGAGE TAX FEE	REBATE AMT TO TOWN	REBATE AMT TO VILLAGE	VILLAGES
Alfred	836.49	672.75	163.74	Alfred
Allen	367.46	367.46		
Alma	430.64	430.64		
Almond	536.96	496.14	40.82	Almond
Amity	1,080.06	911.94	168.12	Belmont
Andover	1,191.11	992.72	198.39	Andover
Angelica	397.57	330.96	66.61	Angelica
Belfast	348.59	348.59		
Birdsall	214.53	214.53		
Bolivar	1,657.55	1,320.16	313.72	Bolivar
			23.67	Richburg
Burns	555.73	489.86	65.87	Canaseraga
Caneadea	1,096.17	1,096.17		
Centerville	553.47	553.47		
Clarksville	606.15	606.15		
Cuba	2,559.40	2,207.65	351.75	Cuba
Friendship	659.05	659.05		
Genesee	1,033.26	1,033.26		
Granger	223.84	223.84		
Grove	657.80	657.80		
Hume	1,197.42	1,197.42		
Independence	749.24	749.24		
New Hudson	277.66	277.66		
Rushford	1,775.84	1,775.84		

Scio	1,084.17	1,084.17		
Ward	21.42	21.42		
Wellsville	4,193.50	3,061.68	1,131.82	Wellsville
West Almond	41.53	41.53		
Willing	637.87	637.87		
Wirt	277.56	258.32	19.24	Richburg
TOTALS	25,262.04	22,718.29	2,543.75	

2. The Chairman of this Board, Allegany County Clerk, and Allegany County Treasurer are authorized to execute any and all vouchers, warrants, and other necessary documents of every nature and kind in order to affect the purpose of this resolution.

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

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

RESOLUTION NO. 126-16

ACCEPTANCE AND APPROPRIATION OF CHILDREN’S HEALTH INFORMATION TECHNOLOGY START-UP GRANT FOR COMMUNITY SERVICES

Offered by: Human Services and Ways & Means Committees

RESOLVED:

1. That the sum of \$49,850 from the Children’s Health Information Technology Start-up Grant for Community Services is accepted.

2. That the sum of \$49,850 shall be placed in Account No. A4310.210 (Mental Health Administration – Other Equipment) with a like sum credited to Revenue Account No. A4310.3490.CHIT (Mental Health Administration – State Aid).

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

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

RESOLUTION NO. 127-16

ACCEPTANCE AND APPROPRIATION OF COMPREHENSIVE ADOLESCENT PREGNANCY PREVENTION GRANT FROM ACCORD FOR THE FAMILY PLANNING PROGRAM IN THE HEALTH DEPARTMENT

Offered by: Human Services and Ways & Means Committees

RESOLVED:

1. That the sum of \$7,725 from the Comprehensive Adolescent Pregnancy Prevention (CAPP) Grant from ACCORD for the Family Planning Program in the Health Department is accepted.

2. That the sum of \$7,725 shall be placed in Account No. A4035.409 (Family Planning - Fees) with a like sum credited to Revenue Account No. A4035.2280.00 (Family Planning – Health Services for Other Governments).

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

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

RESOLUTION NO. 128-16

**ACCEPTANCE OF COLA FUNDS FOR THE WIC PROGRAM;
APPROPRIATION OF FUNDS**

Offered by: Human Services and Ways & Means Committees

RESOLVED:

1. The sum of \$26,974 in COLA funds for the County Health Department WIC Program is accepted.

2. The sum of \$26,974 shall be appropriated to the following accounts:

<u>Appropriation Accounts</u>	<u>Amount</u>
A4010.103 (Health Dept. – Premium Pay)	\$ 5,786
A4190.405 (WIC – Conference Expense)	\$ 688
A4190.427 (WIC – Electricity)	\$ 368
A4190.428 (WIC – Natural Gas)	\$ 132
A4190.802 (WIC – Retirement)	\$ 7,001
A4190.803 (WIC - FICA)	\$ 3,250
A4190.804 (WIC – Worker’s Comp)	\$ 620
A4190.805 (WIC – Disability)	\$ 98
A4190.806 (WIC – Hosp/med Ins)	<u>\$ 9,031</u>
	\$26,974

with a like sum credited to Revenue Account No. A4190.4452.00 (Federal Aid – WIC).

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

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

RESOLUTION NO. 129-16

ACCEPTANCE AND APPROPRIATION OF FUNDS FROM ACCORD CORPORATION FOR ACT II BATTERERS' PROGRAM

Offered by: Public Safety and Ways & Means Committees

RESOLVED:

1. That the sum of \$6,825 from ACCORD Corporation for the continuation of the ACT II Batters' Program is accepted.
2. That the sum of \$6,825 is placed in Account No. A3117.449 (ACT II Batters' Program – Contractual Expenses) with a like sum credited to Revenue Account No. A3117.2260.00 (ACT II Batters' Program – Public Safety Service for Other Govts.).

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

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

RESOLUTION NO. 130-16

ACCEPTANCE AND APPROPRIATION OF "LOCAL PAVE-NY" PROGRAM FUNDS FOR THE DEPARTMENT OF PUBLIC WORKS

Offered by: Public Works and Ways & Means Committees

RESOLVED:

1. That the sum of \$537,847 from the new "Local PAVE-NY" program for the State Fiscal Year 2016-17 is accepted.
2. That the sum of \$537,847 shall be placed in Account No. D5112.223 (Road Construction – County Road CHIPS Paving) with a like sum credited to Revenue Account No. D5110.3501.00 (State Aid – Consolidated Highway Aid).

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

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

RESOLUTION NO. 131-16

APPROVAL OF AGREEMENT BETWEEN THE COUNTY OF ALLEGANY AND LABELLA ASSOCIATES, D.P.C.

Offered by: Facilities & Communications Committee

RESOLVED:

1. This Board approves entering into an Agreement with LaBella Associates, D.P.C. for design phase services, bidding/negotiating, and construction administration services to include the provision of a "Clerk of the Works" for the third floor of the Allegany County Office Building, along the terms of the proposal of March 31, 2016, received from LaBella Associates, D.P.C. at a total cost of \$230,000.
2. That the Chairman of this Board is authorized to execute said Agreement.

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

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

Comments made regarding Resolution No. 131-16 included: Legislator Ungermann stated that in the 10 years and 5 months he's been a legislator, LaBella is the only company that has done any of the building projects for the County. He said he feels they have become complacent, which can be evidenced by the cost overruns on their projects. Legislator Ungermann suggested these services should be put out to bid.

RESOLUTION NO. 132-16

APPROVAL OF INTERMUNICIPAL AGREEMENT BETWEEN MONROE COUNTY AND ALLEGANY COUNTY FOR FORENSIC PATHOLOGY SERVICES THROUGH THE MONROE COUNTY MEDICAL EXAMINER'S OFFICE

Offered by: Human Services Committee

Pursuant to County Law § 675

RESOLVED:

1. That the Intermunicipal Agreement between Monroe County and Allegany County for forensic pathology services for the period of January 1, 2016, to December 31, 2016, is approved.
2. That the Chairman of this Board is authorized to execute said Agreement.

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

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

RESOLUTION NO. 133-16

**APPROVAL OF AGREEMENT BETWEEN ABSOLUT CARE OF HOUGHTON, LLC AND
THE COUNTY OF ALLEGANY FOR RESPITE CARE TO CAREGIVERS OF SENIORS
AFFLICTED WITH ALZHEIMER'S DISEASE**

Offered by: Human Services Committee

RESOLVED:

1. That the Agreement for respite services for caregivers of seniors afflicted with Alzheimer's disease between the County of Allegany and Absolut Care of Houghton, LLC, for the period of January 1, 2016, to December 31, 2016, is approved.

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

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

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

RESOLUTION NO. 134-16

**APPROVAL OF AGREEMENT BETWEEN TOTAL SENIOR CARE AND THE
COUNTY OF ALLEGANY FOR RESPITE CARE TO CAREGIVERS OF SENIORS
AFFLICTED WITH ALZHEIMER'S DISEASE**

Offered by: Human Services Committee

RESOLVED:

1. That the Agreement for respite services for caregivers of seniors afflicted with Alzheimer's disease between the County of Allegany and Total Senior Care, for the period of January 1, 2016, to December 31, 2016, is approved.

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

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

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

Comments made regarding Resolution No. 134-16 included: Legislator Decker commented on this resolution and the previous one by saying that Alzheimer's disease is draining on families and their finances. These programs are very beneficial to those providing care for people with Alzheimer's.

Resolution Intro. No. 138-16 (**APPOINTMENT OF TIMOTHY T. BOYDE AS COUNTY ADMINISTRATOR**) was not pre-filed and was considered from the floor on a motion made by Legislator Jessup, seconded by Legislator Healy, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 135-16

APPOINTMENT OF TIMOTHY T. BOYDE AS COUNTY ADMINISTRATOR

Offered by: Ways & Means Committee

Pursuant to Local Law No. 3 of 1992, as subsequently amended by Local Law No. 3 of 1995, Local Law No. 2 of 2010 and Local Law No. 2 of 2016

RESOLVED:

1. That effective June 6, 2016, Timothy T. Boyde is appointed County Administrator at an annual salary of \$95,000, with a term of office commencing June 6, 2016, and expiring December 31, 2018.

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

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

Chairman Crandall invited Mr. Boyde forward to address those in attendance. Mr. Boyde thanked the Board for their confidence in his abilities and stated he is, "...looking forward to working with the talented and dedicated staff here in Allegany County."

Resolution Intro. No. 139-16 (**AMENDMENT OF RESOLUTION NO. 246-15 TO REFLECT AN INCREASE IN THE SALARY OF THE COUNTY ADMINISTRATOR**) was not pre-filed and was considered from the floor on a motion made by Legislator Jessup, seconded by Legislator Fanton, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 136-16

**AMENDMENT OF RESOLUTION NO. 246-15 TO REFLECT AN INCREASE
IN THE SALARY OF THE COUNTY ADMINISTRATOR**

Offered by: Ways & Means Committee

RESOLVED:

1. That paragraph "7." of Resolution No. 246-15 is amended to indicate that effective June 6, 2016, the base salary of the Allegany County Administrator shall be \$95,000.

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

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

Resolution Intro. No. 140-16 (**APPROVAL OF LEASE FOR RUSHFORD LAKE SWIMMING AREA; DESIGNATING ALLEGANY COUNTY ADMINISTRATOR AS COUNTY OFFICIAL FOR OPERATION OF PUBLIC BEACH**) was not pre-filed and was considered from the floor on a motion made by Legislator Graves, seconded by Legislator Decker, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

**RESOLUTION NO. 137-16
APPROVAL OF LEASE FOR RUSHFORD LAKE SWIMMING AREA;
DESIGNATING ALLEGANY COUNTY ADMINISTRATOR AS
COUNTY OFFICIAL FOR OPERATION OF PUBLIC BEACH**

Offered by: Resource Management Committee

RESOLVED:

1. That the Lease between the Rushford Lake Recreation District, as Landlord, and the County of Allegany, as Tenant, for the leasing of premises at Rushford Lake for recreation purposes for the period January 1, 2016, to December 31, 2018, is approved.
2. That the Chairman of this Board is authorized to execute the Lease.
3. That pursuant to Paragraph 6. of the Lease, the Allegany County Administrator is designated the County official responsible for the administration of the operation of the public beach for swimming and directly related activities on the Lease premises and is authorized to establish rules and regulations for such operation.
4. That the Clerk of this Board is directed to send a certified copy of this resolution to the Rushford Lake Recreation District and to the Allegany County Administrator.

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

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

Resolution Intro. No. 141-16 (**AMENDMENT OF RESOLUTION NO. 246-15 TO ABOLISH THE SALARY OF THE BUDGET OFFICER**) was not pre-filed and was considered from the floor on a motion made by Legislator Jessup, seconded by Legislator Pullen, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

**RESOLUTION NO. 138-16
AMENDMENT OF RESOLUTION NO. 246-15 TO**

ABOLISH THE SALARY OF THE BUDGET OFFICER

Offered by: Ways & Means Committee

RESOLVED:

1. That paragraph "7." of Resolution No. 246-15 is amended, effective June 6, 2016, by abolishing the salary of \$2,500 set forth for the Budget Officer.

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

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

AUDITS:

A motion was made by Legislator Jessup, seconded by Legislator Fanton, 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 13 Ayes, 0 Noes, 2 Absent, that the audit of claims, totaling \$2,740,191.60, 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 \$4,056,906.*)

COMMENTS:

Legislator Ungermann remarked that 6 of the 12 pre-filed resolutions were service related.

Legislator Decker said that he had attended the memorial dedication at the Public Safety Complex on May 20 and noted what a nice ceremony it was and he acknowledged the importance of all of our law enforcement and emergency service personnel. Legislator Pullen also remarked on the ceremony saying that it was very moving. He added, in some areas of the country, law enforcement are considered the enemy. That is not the case here in Allegany County; we have confidence in our law enforcement. He commended Sheriff Whitney, the State Police, and Legislator O'Grady as well as their staff for their work in law enforcement.

Legislator Burt reported on some upcoming publicity for Allegany County, saying that he is in possession of the Bareknuckle Boxing World Championship belt and will be presenting the belt to the winner of a match being held on June 11. The event is being broadcast on Pay-per-View and he anticipates it providing a great deal of publicity for Belfast, New York (*home of the Bareknuckle Boxing Hall of Fame*).

ADJOURNMENT: The meeting was adjourned at 3:08 p.m. on a motion made by Legislator Graves, seconded by Legislator Decker, and carried.