

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION**

AUGUST 22, 2016

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:08 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Army Private Second Class Corey K. Glass.

INVOCATION: The Invocation was given by Legislator Pullen.

ROLL CALL: 14 Legislators Present: Scott Burt, Curtis Crandall, Philip Curran, David Decker, Dwight Fanton, Karl Graves, Dwight "Mike" Healy, Judith Hopkins, Charles Jessup, Kevin LaForge, Timothy O'Grady, David Pullen, Debra Root, Norman Ungermann, Jr. Absent: Aaron McGraw

APPROVAL OF MINUTES:

The Board meeting minutes of August 8, 2016, were approved on a motion made by Legislator Graves, seconded by Legislator Burt, and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Corey K. Glass, former United States Army Private Second Class, in grateful appreciation of his service to our country. Mr. Glass' service dates were from April 4, 2012, to August 20, 2015. Following Basic Training at Fort Leonard Wood, MO, assignments included: Camp Stanley, South Korea, and Fort Hood, TX. Commendations he received included: National Defense Service Medal, Korea Defense Service Medal, and Army Service Ribbon. Mr. Glass led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

ACCORD Executive Director Lesley Christman addressed those in attendance regarding Hunger Action Month. Foodlink is a regional foodbank that serves a ten county area in the Genesee Valley and Finger Lakes region of New York. They redistribute about nineteen million pounds of food annually. They work with ACCORD, the Cuba Cultural Center, and the Salvation Army by delivering food that can be purchased at a very low cost or received for free. She noted that many Allegany County residents don't have regular access to healthy food sources. ACCORD is able to provide emergency food if needed. They also work with Cornell Cooperative Extension to help educate residents about buying and preparing healthy food. She explained that vacations from school often put a burden on families because kids aren't receiving free lunch at school.

Senior Foundation President Reita Sobeck-Lynch presented Office for the Aging Director Madeleine Gasdik with a check for \$36,428 to help support Office for the Aging programs. A number of years ago the Senior Foundation decided to help provide funding to the Office for the Aging. Alfred-Almond Community Chest and the United Way of Allegany County have also contributed.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. September 2016 Calendar.
2. Invitation to attend a reception at the David A. Howe Library large exhibition room at 7:00 p.m. on Tuesday, September 20, in honor of Local History Awareness Week. The Hamilton-Burr replica dueling pistols will be unveiled at this event.
3. County Treasurer Ross filed a Certificate of Delinquent Tax Liens for property in the Town of Clarksville in the Clerk of the Board's office on August 9.
4. Notice that the last InterCounty meeting was hosted by Livingston County on August 20.
5. Notice that the 9th Annual Fundraiser to help support our local Cancer Services will be held from 2-5 p.m. on August 27 at the Bolivar Golf Club.

PROCLAMATION:

Chairman Curtis Crandall declared September 2016 as **HUNGER ACTION MONTH** in Allegany County.

RESOLUTIONS:

RESOLUTION NO. 179-16

**REAPPOINTMENT OF GUY R. JAMES AS
COUNTY SUPERINTENDENT OF PUBLIC WORKS**

Offered by: Public Works Committee

RESOLVED:

1. That Guy R. James of the Town of Scio is reappointed to the office of County Superintendent of Public Works for a term of four years to commence October 30, 2016, and expire October 30, 2020.

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

Adopted: Voice Vote

RESOLUTION NO. 180-16

RESOLUTION AMENDING RESOLUTION NO. 290-2015 TO EXTEND THE TEMPORARY POSITION OF FOURTH ASSISTANT COUNTY ATTORNEY; AMENDING RESOLUTION NO. 246-2015 TO REDUCE THE ANNUAL SALARIES OF THE ASSISTANT COUNTY ATTORNEY POSITIONS

Offered by: Personnel and Ways & Means Committees

WHEREAS, the person holding the First Assistant County Attorney position plans to retire as of September 17, 2016; and

WHEREAS, the position of Fourth Assistant County Attorney was created in anticipation of the retirement of the First Assistant County Attorney in order to allow that attorney to become proficient in handling various legal matters; and

WHEREAS, September 17, 2016, is eleven days later than originally anticipated when creating the temporary position of Fourth Assistant County Attorney; and

WHEREAS, upon the retirement of the First Assistant County Attorney, the County Attorney plans to move each remaining Assistant County Attorney up to the next position; and

WHEREAS, the salary established by resolution number 246-2015 for the various Assistant County Attorney positions was based upon the responsibility of the position and years of service as a practicing attorney in both private practice and in the County Attorney's Office; and

WHEREAS, the salary established for the First Assistant County Attorney took into account her forty years of practice as an attorney with almost twenty years of service in the County Attorney's Office; and

WHEREAS, a \$5,000 differential between the various Assistant County Attorney positions appears reasonable given the responsibility of each position and the respective years of practice of the remaining attorneys in the office; and

WHEREAS, a reduction in the salaries established for each of the Assistant County Attorney positions will not reduce the salary of any of the Assistant County Attorneys, but will result in a substantial savings to the County while providing a fair and reasonable salary for those newly appointed to those positions, now therefore, be it

RESOLVED:

1. That paragraph "3." of resolution no. 290-2015 is hereby amended to state that the position of Fourth Assistant County Attorney shall be abolished no later than September 17, 2016.

2. That resolution no. 246-2015 is hereby amended to change, effective September 17, 2016, the salary of the First Assistant County Attorney from \$98,293 to

\$80,000; the salary of the Second Assistant County Attorney from \$75,762 to \$75,000 and the salary of the Third Assistant County Attorney from \$74,581 to \$70,000.

Moved by: Mr. O'Grady
Seconded by: Mr. Decker

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

RESOLUTION NO. 181-16

APPROVAL FOR ALLEGANY COUNTY BAR ASSOCIATION TO DISPLAY JUDICIAL PORTRAITS IN ROOM 352 OF THE ALLEGANY COUNTY COURTHOUSE

Offered by: Facilities & Communications Committee

WHEREAS, Hamilton Ward IV, Esq., has generously offered to donate to the Allegany County Bar Association portraits of Hamilton Ward, former Justice of the Supreme Court, and Hamilton Ward Jr., former New York State Attorney General, and

WHEREAS, the Allegany County Bar Association (Nicholas Jonas, Esq., President) is requesting approval to display these portraits, as well as other portraits of former judges and state officials from Allegany County, in Room 352 of the Allegany County Courthouse, now, therefore, be it

RESOLVED:

1. That the Allegany County Bar Association is authorized to display its portraits of former Allegany County Judges and State Officials from Allegany County in Room 352 of the Allegany County Courthouse.

Moved by: Mr. Pullen
Seconded by: Mr. Healy

Adopted: Voice Vote

Comments made regarding Resolution No. 181-16 included: Legislator Pullen remarked on the illustrious history of high ranking practitioners who have gone on to State office and were citizens of Allegany County at one time. The Ward family recently donated to the Allegany County Bar Association portraits of their family members who served in the court system. Legislator Pullen feels the new courtroom is an appropriate place for those portraits to be displayed.

RESOLUTION NO. 182-16

TRANSFER OF FUNDS WITHIN EMPLOYMENT AND TRAINING ACCOUNTS

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

RESOLVED:

1. That the transfer of \$23,500 within Employment and Training Center accounts is approved as follows:

<u>From Account No.</u>	<u>To Account No.</u>	<u>Amount</u>
CD16406.474 Dislocated Worker Vocational Training	CD16401.402 Adult Part. Supportive Services	\$ 3,000
CD16406.474 Dislocated Worker Vocational Training	CD16402.806 Adult Hosp/Med Ins	5,000
CD16406.474 Dislocated Worker Vocational Training	CD16410.806 Youth Hosp/Med Ins	2,000
CD16406.474 Dislocated Worker Vocational Training	CD16411.802 Youth Part. Retirement	1,500
CD16406.802 Dislocated Worker Retirement	CD16402.802 Adult Retirement	4,500
CD16406.803 Dislocated Worker FICA	CD16402.803 Adult FICA	2,000
CD16406.804 Dislocated Worker Workers Comp	CD16402.804 Adult Workers Comp	500
CD16406.806 Dislocated Worker Hosp/Med Ins	CD16402.806 Adult Hosp/Med Ins	5,000
		\$23,500

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

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

RESOLUTION NO. 183-16

ACCEPTANCE OF FUNDS FROM THE FY2016 LOCAL EMERGENCY MANAGEMENT PERFORMANCE GRANT (LEMPG), CONTRACT #T838265

Offered by: Public Safety Committee

RESOLVED:

1. That the sum of \$23,335 from the FY2016 local Emergency Management Performance Grant (LEMPG), Contract #T838265, for the Office of Emergency Management, is accepted.

2. No budget adjustment is necessary as this grant is already budgeted for 2016.

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

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

RESOLUTION NO. 184-16

ACCEPTANCE OF DONATION FROM THE ALLEGANY SENIOR FOUNDATION

Offered by: Human Services Committee

RESOLVED:

1. That the donated sum of \$36,428 from the Allegany Senior Foundation for the Office of the Aging, is accepted.

2. The funds are already included in the 2016 budget.

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

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

RESOLUTION NO. 185-16

ACCEPTANCE AND APPROPRIATION OF NYS OFFICE OF TEMPORARY DISABILITY ASSISTANCE GRANT FOR THE PROVISION OF SUPPORTIVE EMPLOYMENT SERVICES TO ELIGIBLE NONCUSTODIAL PARENTS FOR THE DEPARTMENT OF SOCIAL SERVICES

Offered by: Human Services and Ways & Means Committees

RESOLVED:

1. The sum of \$46,792 in NYS Office of Temporary Disability grant funds is accepted.

2. The sum of \$46,792 shall be appropriated to the following accounts:

A6010.101	Social Services Admin. – Personnel	\$9,551
A6010.402	Social Services Admin. – Mileage	648
A6010.407	Social Services Admin. – Office Supplies	450
A6010.476	Social Services Admin. – Contractual	29,914
A6010.482	Social Services Admin. – Contractual	<u>6,229</u>
	TOTAL	\$46,792

with the like sum of \$46,792 credited to Revenue Account No. A6010.4610.00 (Social Services Admin. – Federal Aid).

Moved by: Mr. LaForge
Seconded by: Mr. Jessup

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

RESOLUTION NO. 186-16

ACCEPTANCE AND APPROPRIATION OF COMPREHENSIVE ADOLESCENT PREGNANCY PREVENTION GRANT FROM ACCORD FOR 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 appropriated as follows:

A4035.201	Family Planning – Office Equipment	\$6,125
A4035.206	Family Planning – Health Equipment	<u>1,600</u>
	Total	\$7,725

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. Curran

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

RESOLUTION NO. 187-16

ACCEPTANCE AND APPROPRIATION OF FUNDS FROM ACCORD CORPORATION FOR THE ACT II BATTERERS PROGRAM AND FUNDS IN USER FEES FOR SUCH PROGRAM

Offered by: Public Safety and Ways & Means Committees

RESOLVED:

1. That the sum of \$4,550 from ACCORD Corporation for the Act II Batterers Program, and the sum of \$1,853 in user fees for such program is accepted.

2. That the accepted sum of \$4,550 for the Act II Batterers Program and \$1,853 in user fees for such program is placed in Account No. A3117.449 (ACT II Batterers Program – Contractual) with a like sum credited to Revenue Account No. A3117.2260.00 (ACT II Batterers Program – Public Safety Services for Other Govt.).

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

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

Comments made regarding Resolution No. 187-16 included: Legislator Pullen noted that Legislator Decker had raised a question during the caucus earlier about whether these resolutions for transferring funds could be combined together into one resolution. After consulting the County Attorney, it was agreed that amending the Budget is one of the most important things the Board does and each change needs to be documented separately.

RESOLUTION NO. 188-16

**ACCEPTANCE AND APPROPRIATION OF THE FY 2016 HOMELAND SECURITY
CONTRACT #C969160 FROM THE OFFICE OF HOMELAND SECURITY**

Offered by: Public Safety and Ways & Means Committees

RESOLVED:

1. That funds in the amount of \$52,500 from the Office of Homeland Security Contract #C969160, for initial Contract period September 1, 2016, to August 31, 2019, are accepted and appropriated as follows:

A3659.207	Equipment: Portable Radio Repeaters and PPE	\$51,500
A3659.416	Emergency Manager's PDA Connectivity	<u>1,000</u>
	Total	\$52,500

with a like sum credited to Revenue Account No. A3659.3306.EM16 (State Aid – HS FY2016 SHSP Grant #C969160).

Moved by: Mr. Curran
Seconded by: Mr. Root

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

RESOLUTION NO. 189-16

**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: Public Safety 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 Dean R. & Kirsten L. Salyer and the County of Allegany for a .961 acre +/- parcel in the Town of Angelica at 5627 Bailor Hill Road for the sum of Eight Thousand Five Hundred Dollars (\$8,500) is hereby approved.

2. 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.

3. That entry into this lease is in lieu of the lease of a parcel of land from Lisa & David Hooker for the same amount, heretofore approved by resolution number 95 – 16.

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

Adopted: Roll Call
13 Ayes, 1 No, 1 Absent
Voting No: Ungermann

RESOLUTION NO. 190-16

ACCEPTANCE OF MOTOROLA SOLUTIONS PROPOSAL FOR THE RADIO DISPATCH CONSOLE SYSTEM; AUTHORIZING THE CHAIRMAN OF THE BOARD TO EXECUTE THE COMMUNICATIONS SYSTEM AGREEMENT

Offered by: Public Safety and Ways & Means Committees

RESOLVED:

1. The County hereby accepts the Motorola Solutions proposal set forth in their proposal of July 22, 2016, for an installed Radio Dispatch Console System at a total cost of \$819,995.04

2. That the Chairman of this Board is authorized to execute the Communications System Agreement relating to that proposal.

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

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

Comments made regarding Resolution No. 190-16 included: Legislator Pullen stated that the funds for the purchase of this important component of the E-911 system is coming from a grant. That grant was secured through the efforts of the Sheriff's Office. Legislator Ungermann remarked that it may be grant money, but it's still tax dollars. It was funded through a NYS Inoperable Communications Grant. He said, "I'm not sure we're totally inoperable over there." Legislator Graves stated that it's much better that the money comes from all New Yorkers rather than just Allegany County residents. Legislator Graves gave his support of the resolution.

RESOLUTION NO. 191-16

**APPROVAL OF AGREEMENT BETWEEN THE COUNTY OF ALLEGANY AND THE
COUNTY OF WYOMING FOR HOUSING WYOMING COUNTY MALE AND FEMALE
PRISONERS IN THE ALLEGANY COUNTY JAIL**

Offered by: Public Safety Committee

Pursuant to Corrections Law § 504

RESOLVED:

1. That the Agreement between the County of Allegany and the County of Wyoming in relation to the housing in of Wyoming County male and female prisoners in the Allegany County Jail for period January 1, 2016, to December 31, 2016, is approved.

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

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

Comments made regarding Resolution No. 191-16 included: Legislator Decker remarked that he was completely in favor of this agreement, but asked why it was just now being approved. Sheriff Whitney stated that we just recently received the contract from Wyoming County.

Resolution Intro. No. 195-16 (**URGING GOVERNOR CUOMO TO SIGN INTO LAW PUBLIC DEFENSE MANDATE RELIEF ACT (S.8114/A.10706)**) was not pre-filed and was considered from the floor on a motion made by Legislator Curran, seconded by Legislator Decker, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 192-16

**URGING GOVERNOR CUOMO TO SIGN INTO LAW
PUBLIC DEFENSE MANDATE RELIEF ACT (S.8114/A.10706)**

Offered by: Public Safety Committee

WHEREAS, it is a fundamental right of all persons in the United States to be represented by counsel in all criminal prosecutions; and in the case of *Gideon vs. Wainwright*, 372 U.S. 335, the United States Supreme Court ruled that persons who were unable to afford counsel had a constitutional right to be defended by an appointed attorney paid by the State, and

WHEREAS, the New York State Senate and Assembly have passed historic legislation entitled Public Defense Mandate Relief Act (S.8114/A.10706) which will require New York State to reimburse counties for expenditures made fulfilling the State's obligation to provide representation for those financially unable to afford counsel commencing in 2017 and incrementally reaching 100% in 2023 and thereafter, and

WHEREAS, the Public Defense Mandate Relief Act (S.8114/A.10706) will give the Indigent Legal Service Office the authority "to adopt, promulgate, amend or rescind rules and regulations to carry out the provisions of [Executive Law 832], and

WHEREAS, the Public Defense Mandate Relief Act (S.8114/A.10706) also requires that the various counties and New York City receive an amount equal to the amount paid from the Indigent Legal Services Fund to the counties and NYC in March 2010, and

WHEREAS, New York State has previously entered into an agreement to settle the *Hurrell-Harring vs. State of New York* class action lawsuit and has begun to expend substantial amounts of State funds to create a more equitable and Constitutional system of representation in only the five settlement counties and creating an unequal system of justice in the remaining counties of the State, and

WHEREAS, by entering into such agreement and funding additional services in only the five settlement counties, the State acknowledges that it is constitutionally required to fund public defense services for mandated representation, and

WHEREAS, requiring counties subject to a State-imposed tax cap to finance the State's obligation to provide public defense services imposes a significant, uncontrollable financial burden on counties dependent on real property taxes to fund needed services; both problems would be remedied under the Public Defense Mandate Relief Act (S.8114/A.10706) as passed by the New York State Senate and Assembly, now therefore, be it

RESOLVED:

1. That the Allegany County Legislature hereby strongly urges Governor Cuomo to sign the Public Defense Mandate Relief Act (S.8114/A.10706) when it is delivered to him, fulfilling the State's obligation under *Gideon vs. Wainwright*, 372 U.S. 335, relieving the taxpayers of Allegany County and the other counties of the State and New York City to fund this State mandate.

2. That the Clerk of the Board is hereby authorized and directed to forward a certified copy of this resolution to Governor Andrew Cuomo, Senate Majority Leader Flanagan, Assembly Speaker Carl Heastie, Senator Catharine Young, Assemblyman Joseph Giglio, the New York State Office of Indigent Legal Services (ILS), the New York State Defenders Association (NYSDA), the Chief Defenders Association of New York (CDANY), and the New York State Association of Counties (NYSAC).

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

Adopted: Voice Vote

Comments made regarding Resolution No. 192-16 included: Legislator Pullen remarked on the settlement for the five counties that were part of the lawsuit against the State. The State dictates the amount of representation that has to be provided, but the cost of the representation is born by the counties not the State. In the settlement, the State conceded to provide full funding for their public defense programs. Unfortunately, the solution is only for those five counties. The rest of the counties have to put forward a large portion of their budget. Allegany County has to spend \$682,000 to fund ours. We're just not a big enough county for the State to take us seriously. This also impacts every other county in New York State except for those five that were part of the lawsuit. Hopefully the Governor will address this. Legislator Pullen offered his support of the resolution. Legislator Decker added that this resolution goes directly to the Governor's office. If other counties do the same, hopefully he will be inundated with resolutions. Legislator Decker offered his support of the resolution. Legislator Healy agreed with Legislator Pullen and Legislator Decker and added, "There should be no State mandates without State funding." Legislator Burt thanked Legislator Pullen for explaining this to the group during their caucus. He said that if the Governor chooses to ignore the resolution, Allegany County should group with other small counties to create clout. After the vote on the resolution, Chairman Crandall reminded everyone of the big eight mandated programs. The cost to take care of this program is \$682,000. Chairman Crandall went on to say that the big eight consume 57 percent of our local tax dollars. The public defense program comprises two percent of that. He added, "Shame on Governor Cuomo if he doesn't sign this into law." Legislator Pullen stated, "When the tax cap was put in place, it was coupled with mandate relief; they got what they wanted but there's been no mandate relief."

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 Jessup, seconded by Legislator Root, and adopted on a roll call vote of 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$3,157,597.19 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 \$6,568,324.*)

COMMENTS:

Chairman Crandall announced that a Committee of the Whole meeting would follow the Board meeting.

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