

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION**

OCTOBER 11, 2016

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:03 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Army Specialist Fourth Class Richard L. Blouvet, Jr.

INVOCATION: The Invocation was given by Legislator Pullen.

ROLL CALL: 13 Legislators Present: Scott Burt, Curtis Crandall, Philip Curran, David Decker, Dwight Fanton, Karl Graves, Dwight "Mike" Healy, Judith Hopkins, Charles Jessup, Kevin LaForge, David Pullen, Debra Root, Norman Ungermann, Jr.
Absent: Aaron McGraw, Timothy O'Grady

APPROVAL OF MINUTES:

The Board meeting minutes of September 26, 2016, were approved on a motion made by Legislator Graves, seconded by Legislator Burt, and carried.

The Committee of the Whole meeting minutes (p.m. meeting) of September 26, 2016, were approved on a motion made by Legislator Curran, seconded by Legislator Pullen, and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Richard L. Blouvet, Jr., former United States Army Specialist Fourth Class, in grateful appreciation of his service to our country. Mr. Blouvet's service dates were from January 28, 1974, to January 19, 1976. Following Basic Training at Fort Dix, NJ, assignments included: Fort Sill, OK; and Nuremburg, Germany. Commendations he received included: National Defense Service Medal, Expert M16 Rifle and Expert Hand Grenade. Mr. Blouvet led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. 2017 Tentative Budget.
2. Draft copy of our Resolution Making Appropriations for the Conduct of the County Government for Fiscal Year 2017 that will be considered for adoption later in the year.

3. Report of IntraFund Transfers Approved by the County Administrator in September.

4. Report of Tax Bill Corrections Approved by the County Administrator in September.

5. County Treasurer Terri Ross filed a copy of the County Financial Statements as of December 31, 2015, prepared by EFPR Group in the Clerk of the Board's Office on October 5, 2016.

6. Notice of next InterCounty meeting to be hosted by Genesee County at Mercy Grove in LeRoy, New York, on October 21, 2016.

7. Correspondence from Senator Catharine Young acknowledging receipt and support of our resolution calling on New York to restore funding parity between the capital plans of the Metropolitan Transportation Authority (MTA) and the New York State Department of Transportation (NYS DOT).

8. Correspondence from Senator Catharine Young acknowledging receipt and support of our resolution urging the Western Regional Emergency Medical Advisory Committee (WREMAC) to not eliminate the EMT-CC level of certification.

APPOINTMENTS:

Chairman Curtis Crandall appointed Ravo Root of Fillmore, New York, as a member of the **ALLEGANY COUNTY TELECOMMUNICATIONS DEVELOPMENT CORPORATION** for a two-year term effective October 1, 2016, and expiring September 30, 2018. This appointment is subject to confirmation by the Board of Legislators.

PROCLAMATION:

Chairman Crandall proclaimed October 22, 2016, as **MAKE A DIFFERENCE DAY** in Allegany County. October 22, marks the fifth annual "Celebrate Service/Celebrate Allegany" Day.

INTRODUCTION OF LEGISLATION:

Legislator Charles Jessup introduced Local Law Intro. No. 4-2016, Print No. 1 – A Local Law to Provide Increases in the Compensation of Certain County Officers.

RESOLUTIONS:

RESOLUTION NO. 222-16

RESOLUTION SETTING DATE OF PUBLIC HEARING ON

**A LOCAL LAW TO PROVIDE INCREASES IN THE
COMPENSATION OF CERTAIN COUNTY OFFICERS**

Offered by: Ways & Means Committee

WHEREAS, on this 11th day of October, 2016, a local law (Intro. No. 4-2016, Print No. 1) was introduced to provide increases in the compensation of certain county officers, and

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

RESOLVED:

1. That a public hearing shall be held on October 24, 2016, at 2:00 p.m. in the County Legislators' Chambers, Room 221, County Office Building, 7 Court Street, Belmont, New York, before the Allegany County Board of Legislators, in relation to proposed Local Law Intro. No. 4-2016, Print No. 1.

2. That the Clerk of the Board of Legislators is 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. Jessup
Seconded by: Mr. Healy

Adopted: Voice Vote

RESOLUTION NO. 223-16

REAPPOINTMENT OF RICHARD G. HOLLIS AS COMMISSIONER OF ELECTIONS

Offered by: Personnel Committee

Pursuant to Election Law §§ 3-202, 3-204

WHEREAS, the Chairman of the Allegany County Republican Committee has filed with the Clerk of this Board a certificate in accordance with Election Law § 3-204 that recommends the reappointment of Richard G. Hollis to the office of Commissioner of Elections, and

WHEREAS, the Personnel Committee has determined that Richard G. Hollis is qualified to hold such office, now, therefore, be it

RESOLVED:

1. That Richard G. Hollis is reappointed Commissioner of Elections with term of office commencing January 1, 2017, and expiring December 31, 2020.

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

Adopted: Voice Vote

RESOLUTION NO. 224-16

**APPOINTMENT OF ONE MEMBER TO THE ALLEGANY COUNTY INDUSTRIAL
DEVELOPMENT AGENCY AND COMMERCIAL INCENTIVE BOARD**

Offered by: Planning & Economic Development Committee

Pursuant to Title 1 of Article 18-A
and Section 906-a of the General Municipal Law

RESOLVED:

1. That Randy Shayler of Wellsville, New York, is appointed as a member of the Allegany County Industrial Development Agency and Industrial and Commercial Incentive Board with term of office commencing immediately and expiring December 31, 2017, to fill the remainder of Jack Wood's four-year term.

2. That the Clerk of this Board is directed to send a certified copy of this resolution to the Secretary of State for filing pursuant to Section 856(2) of the General Municipal Law.

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

Adopted: Voice Vote

RESOLUTION NO. 225-16

**APPROVAL OF SEVEN-YEAR AGREEMENT BETWEEN COUNTY OF ALLEGANY AND
THE PUBLIC EMPLOYEES FEDERATION, AFL-CIO; IMPLEMENTING 2016
COMPENSATION NOTWITHSTANDING PROVISIONS OF RESOLUTION NO. 246-15**

Offered by: Personnel and Ways & Means Committees

RESOLVED:

1. That the Agreement between the County of Allegany and the Public Employees Federation, AFL-CIO, covering the period January 1, 2013, to December 31, 2019, is approved.

2. That notwithstanding the provisions of section 4 of Resolution No. 246-15 to the contrary, retroactive to and from January 1, 2013, each employee occupying a position set forth in the Agreement between the County of Allegany and the Public Employees

Federation, AFL-CIO, approved by this resolution, shall receive the salary or rate of compensation for the Step of the Grade of the position occupied that is set forth in such Agreement, and which salary or rate of compensation such employee is entitled to receive commencing January 1, 2013, pursuant to such Agreement; the increment recommendations from the department heads for each employee under their jurisdiction receiving such recommendation being approved.

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

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

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

Comments made regarding Resolution No. 225-16 included: Legislator Pullen remarked on what a long process it was putting an agreement together. There are elements to the agreement that no one is particularly happy with, as is the case with most compromises. But it is a fair agreement. He strongly encouraged his fellow Legislators to approve the resolution. Following the vote on the resolution, Chairman Crandall thanked both sides involved in the process for such a long period of time. Coming to a mutually acceptable agreement is not perfect, but it gives us something we can work with. He said, "We look forward to working with PEF members as well as other units going forward."

RESOLUTION NO. 226-16

AMENDMENT OF PUBLIC EMPLOYEES FEDERATION, AFL-CIO, 35-HOUR PER WEEK SALARY PLAN TO INCLUDE ADDITIONAL SALARY GRADES 12, 13 AND 14

Offered by: Personnel and Ways & Means Committees

WHEREAS, due to a recent resignation, the position of County Engineer has become vacant,

WHEREAS, the position of County Engineer is a vital position required in maintaining the infrastructure of the Allegany County Public Works Department, and

WHEREAS, the County has been unsuccessful in recruiting qualified candidates for the position at the current salary range, and

WHEREAS, the position of County Engineer requires a candidate to be a Licensed Professional Engineer in New York State, and

WHEREAS, the current salary offered is not commensurate with the requirements necessary to fill the position of County Engineer, and

WHEREAS, the addition of Grades 12, 13, and 14 to the Public Employees Federation, AFL-CIO, 35-hour per week Salary Plan would allow the regrading of the County

Engineer position to a higher salary grade to successfully recruit a qualified candidate, now, therefore, be it

RESOLVED:

1. The Public Employees Federation, AFL-CIO, 35-hour per week Salary Plan shall be amended to add the salary grades of 12, 13, and 14.

2. The salary for grades 12, 13 and 14 shall be established according to the 2016 Allegany County Public Employees Federation, AFL-CIO, 35-hour per week Salary Plan upon approval of the agreement between the County of Allegany and the Public Employees Federation, AFL-CIO.

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

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

Comments made regarding Resolution No. 226-16 included: Legislator Pullen noted that the marketplace really sets the limits on what we have to do. The County was unsuccessful in finding a candidate. He urged support of the resolution. Legislator Burt asked the County Administrator if he would comment on the resolution. County Administrator Boyde stated that he was comfortable with the recommendation.

RESOLUTION NO. 227-16

AMENDMENT OF PUBLIC EMPLOYEES FEDERATION, AFL-CIO, SALARY PLAN

Offered by: Personnel and Ways & Means Committees

RESOLVED:

1. The title of County Engineer in the Public Employees Federation Salary Plan shall be changed from Grade 11 of the Salary Plan to Grade 14 of the Salary Plan, effective immediately.

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

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

RESOLUTION NO. 228-16

AUTHORIZING THE APPROPRIATION OF FUNDS IN THE GENERAL FUND RESERVE ACCOUNT FOR REPAIRS FOR REPLACEMENT OF BOILERS AND STORAGE TANKS AT THE COUNTY JAIL; TRANSFER OF FUNDS FROM THE GENERAL FUND RESERVE FOR REPAIRS TO CAPITAL ACCOUNTS

Offered by: Public Works and Ways & Means Committees

Pursuant to §6-d of the General Municipal Law

WHEREAS, this Board had heretofore established a Repair Reserve Fund for repairs of capital improvements or equipment at the new Public Safety Facility, and

WHEREAS, the three remaining original boilers and four original storage tanks servicing the Public Safety Facility need to be replaced, and

WHEREAS, the cost of replacing the boilers and storage tanks is estimated to cost from \$185,000 to \$210,000, and

WHEREAS, it is anticipated that there will be additional capital repair expenditures at the Public Safety Facility in an amount of approximately \$20,000, and

WHEREAS, there is approximately \$244,000 in the Repair Reserve Fund established for said Facility, and

WHEREAS, moneys in the Repair Reserve Fund may only be appropriated for repairs of capital improvements or equipment which are of a type not recurring annually or at shorter intervals, and

WHEREAS, absent an emergency, prior to the adoption of a resolution approving the appropriation of money from a Repair Reserve Fund, a public hearing must be held, and

WHEREAS, notice of a public hearing related to the expenditure of funds from the Repair Reserve Fund was timely published and the public hearing held, and

WHEREAS, it appears that the expenditure of a total of \$230,000 from the Repair Reserve Fund is warranted and consistent with legal requirements related to the use of those funds, now therefore, be it

RESOLVED:

1. That this Board hereby authorizes the appropriation of the sum of \$230,000 from the Repair Reserve Fund established for capital repairs at the Public Safety Facility to cover the cost of the repair and replacement of boilers and storage tanks together with related repairs of capital improvements or equipment at said Facility.

2. That the sum of \$230,000 is hereby appropriated from Reserve Account A882.000 and that amount transferred from Account No. A14.511.00 (Appropriate Reserve-General Fund Reserve for Repairs) with the sum of \$20,000 transferred to Account No. H1630.200 (Capital-Misc Building Repairs-Employment & Training) and the balance of \$210,000 transferred to Account No. H3201.200 (Capital-Public Safety Bldg Repairs-Jail-Boiler Replacement Project).

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

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

RESOLUTION NO. 229-16

CORRECTING WELLSVILLE CENTRAL SCHOOL TAX BILL FOR PROPERTY OWNED BY NIAGARA MOHAWK A NATIONAL GRID COMPANY, DIRECTING MAILING OF NOTICE OF APPROVAL OF APPLICATION FOR CORRECTED TAX ROLLS AND ORDERING THE TOWN TAX COLLECTOR TO CORRECT THE TAX ROLLS; PROVIDING FOR CHARGE BACKS OR CREDITS

Offered by: Ways & Means Committee

Pursuant to Real Property Tax Law § 554

WHEREAS, an application for the taxpayer hereafter described, has been made to the County's Director of Real Property Tax Service Agency, for the correction of a certain error affecting their real property on the various tax rolls, and

WHEREAS, the Director has transmitted to this Board the application, in duplicate, together with a written report of his investigation of the claimed error and his written recommendation for action thereon by this Board as to the application, and

WHEREAS, this Board has examined the application and report to determine whether the claimed error exists, now, therefore, be it

RESOLVED:

1. That with regard to the application for the named taxpayer pertaining to claimed errors regarding their real property on the tax roll of the Wellsville Central School, this Board of Legislators does determine that the claimed error as alleged in the application exists and does approve the application.

2. That the Chairman of this Board is authorized and directed to make a notation on the application and the duplicates thereof that it is approved, to enter thereon the respective correct extension of taxes as set forth by the Director in his report, to enter thereon the respective date of mailing of a notice of approval, to enter thereon the date of mailing of a certified copy of this resolution to the proper Tax Collector, and to sign thereon as Chairman.

3. That the Clerk of this Board is directed to mail to the below listed taxpayer a notice of approval stating, in substance, that their application made has been approved, to inform the Chairman of this Board of the date of the mailing thereof, and to inform the taxpayer of the applicable provisions of subdivision seven of Section 554 of the Real Property Tax.

4. That the Tax Assessor for the Town of Willing is ordered and directed to correct in the 2016-2017 Wellsville Central School Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

Niagara Mohawk, P.C.: Parcel 500.-1-997
Assessment: \$1,004,717

In that the assessment on this parcel was incorrect due to the parcel not being taxed at an appropriate equalized amount, thereby reducing the Total Taxable Value to \$864,057, and correcting the taxes as follows;

School	\$22,124.50
Library	\$1,126.19
Total	\$23,250.69

5. That the Clerk of this Board is directed to forthwith mail a certified copy of this resolution to the Tax Collector for the Wellsville Central School District together with the original copy of the application completed in accordance with section two of this resolution.

6. That the Clerk of this Board shall mail a copy of this resolution to the above named school and the amount to be charged to the school shall not be charged until 10 days after such mailing. Such amount shall be deducted by the County Treasurer from the money payable to the school as a result of school taxes returned after the date such amount is charged and which shall be paid to the school after May 1, 2017. The County Treasurer shall send a written notice to the school of the amount of such deduction prior to May 1, 2017.

Moved by: Mr. Jessup
Seconded by: Mr. Graves

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

RESOLUTION NO. 230-16

BUDGET TRANSFER WITHIN EMPLOYMENT AND TRAINING ACCOUNTS

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

RESOLVED:

1. That the sum of \$2,750 shall be transferred from Account No. CD16795.802 (TANF – Part. Retirement) to Account No. CD16794.408 (TANF – General Supplies) because of the overestimated number of participants in the Summer Youth Employment Program which enrolled in the retirement system.

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

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

RESOLUTION NO. 231-16

**APPROVAL OF LEASE BETWEEN DONALD BALDWIN AND
COUNTY OF ALLEGANY FOR PREMISES AT
3453B NYS ROUTE 417, WELLSVILLE, NEW YORK**

Offered by: Human Services and Ways & Means Committees

RESOLVED:

1. That the Lease between Donald Baldwin and the County of Allegany for the term October 1, 2016, through September 20, 2017, for premises located at 3453B NYS Route 417, with a monthly rental rate of \$2,100 for use by the Allegany County Department of Health WIC/Cancer Services, is approved.

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

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

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

Resolution Intro. No. 235-16 (**AUTHORIZATION FOR THE SUBMISSION OF GRANT APPLICATIONS FOR ACCELERATED TRANSIT CAPITAL PROGRAM FOR THE ALLEGANY COUNTY PUBLIC TRANSPORTATION SYSTEM FOR SFY 2015-16 AND SFY 2016-17 THROUGH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION**) was not pre-filed and was considered from the floor on a motion made by Legislator Jessup, seconded by Legislator Curran, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 232-16

**AUTHORIZATION FOR THE SUBMISSION OF GRANT APPLICATIONS FOR
ACCELERATED TRANSIT CAPITAL PROGRAM FOR THE ALLEGANY COUNTY PUBLIC
TRANSPORTATION SYSTEM FOR SFY 2015-16 AND SFY 2016-17 THROUGH THE NEW
YORK STATE DEPARTMENT OF TRANSPORTATION**

Offered by: Ways & Means Committee

WHEREAS, the County of Allegany is authorized to submit grant applications for funding to the New York State Department of Transportation (NYSDOT) for Accelerated Transit Capital (ATC) for the Allegany County public transportation system for SFY 2015-16 and SFY 2016-17, and

WHEREAS, the total amount being sought for both fiscal years is \$113,436, now, therefore, be it

RESOLVED:

1. That the Chairman of the Board is authorized to act on behalf of the County of Allegany to sign the grant applications for ATC funding from the NYSDOT.

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

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

Comments made regarding Resolution No. 232-16 included: Legislator Ungermann asked if it was known what the money was going to be used for. Larry Kaminski, Mobility Management Planner for Ardent Solutions gave a lengthy list of items it would be used to purchase including: bus stop signs, bus stop shelters, trash receptacles, etc. Chairman Crandall noted that this is 100 percent funded and no local match is required.

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 Root, seconded by Legislator Jessup, and adopted on a roll call vote of 13 Ayes, 0 Noes, 2 Absent, that the audit of claims, totaling \$2,645,847.40 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 \$8,113,812.*)

COMMENTS:

Chairman Crandall reminded the group that there would be a Committee of the Whole meeting following today's Board meeting.

Legislator Pullen commented on the Board's decision to use money from the Reserve Account to pay for the replacement of boilers and tanks at the Public Safety Facility. He said that if we aren't careful to keep our reserves strong, we won't have that money in the future. The money only gets in the "piggy bank" if we put it there. It's nice to have a reserve for repairs. There's no magic to coming up with the money to put in there. Legislator Ungermann agreed with what Legislator Pullen said about the reserve. While in some people's minds the Jail is an "old building," in his mind it's still pretty new. He'd like to see better quality things put in place initially so they aren't running into repair issues.

Legislator Burt reminded everyone that there is a great deal of discussion that goes on in committee meetings before things are voted on at Board meetings.

Legislator LaForge stated that there would be another meeting of the Allegany County Land Bank Corporation on October 24 at 10 a.m.

Chairman Crandall remarked on the Allegheny Artisans Studio Tour that will be taking place this weekend saying, "There are a number of talented people scattered around Allegheny County."

Legislator Root reminded everyone of the Ridge Walk that takes place in Wellsville this weekend.

ADJOURNMENT: The meeting was adjourned at 2:41 p.m. on a motion made by Legislator Graves, seconded by Legislator Fanton, and carried.