

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION**

OCTOBER 24, 2016

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:02 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Navy Boilermaker Petty Officer Third Class Charles C. Wallace.

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

The Committee of the Whole meeting minutes of September 26, 2016, (p.m. meeting) were amended on page 2 to change the pay rate for Election Coordinator – Primary from \$132.50/day to \$137.50/day and Election Coordinator – General from \$212/day to \$220/day, on a motion made by Legislator Decker, seconded by Legislator Curran, and were reapproved on a motion made by Legislator Graves, seconded by Legislator Pullen, and carried.

Approval of the Board meeting minutes of October 11, 2016, was tabled (Legislator Ungermann stated that the minutes were missing comments he and Legislator Pullen had made on Resolution No. 228-16.) on a motion made by Legislator Burt, seconded by Legislator Pullen, and carried.

The Committee of the Whole meeting minutes of October 11, 2016, were approved on a motion made by Legislator Hopkins, seconded by Legislator Graves, and carried.

PUBLIC HEARING:

Chairman Crandall closed the regular meeting to hold a public hearing on Local Law Intro. No. 4-2016, entitled "To Provide Increases in the Compensation of Certain County Officers." Comments from the public included the following:

Mindy Harmon from Wellsville, New York, accompanied by AFSCME President Elizabeth Gugino from Angelica, New York, read the following statement:

“Thank you for allowing us privilege of the floor. We are here on behalf of our union brothers and sisters of AFSCME Local 2574. We are here to express our concern of the non-negotiated blanket raises for the department heads. We are not stating they don’t deserve a raise; however, we are here to reiterate that there are also 209 union members that also deserve a raise. These employees directly face the under-served and the hard to serve. Our brothers and sisters go out there every day and build and erect signs to make sure you are traveling on the roads safely. They build and repair our bridges. They make sure that the services in this community are understandable and help those in need. We are the front line workers, and we feel that we should also be given the same treatment as the department heads, by receiving fair wages and increases, or at least enough to cover the cost of rising health care benefits. We feel we deserve the same fair labor rights of our fellow brothers and sisters in the Sheriff’s union. The County and their union were able to successfully ratify a contract. At this point, AFSCME Local 2574 and the County have not come to an agreement. We have not had a contract in nearly two years; therefore, we have had no increases to our wages. Our union is currently in the position to go to fact finding. The County has hired a law firm out of Buffalo to assist them with negotiations over these past years. This is costing the County a lot of money and this expense will continue to grow. It seems that the County would take more pride in paying their employees this money instead of sending it out of our County. While you are agreeing or disagreeing to these raises for department heads, we ask that you carefully consider the same treatment for all employees that serve our community and do it with pride and dignity even though our employer, the County does not feel our worth. Thank you for your time.”

As there were no further comments, the public hearing was declared closed, and the Board reconvened in regular session.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Charles C. Wallace, former United States Navy Boilermaker Petty Officer Third Class, in grateful appreciation of his service to our country. Mr. Wallace’s service dates were from May 21, 1951, to May 18, 1955. Following Basic Training at Newport, RI, assignments included: USS Turner, USS Knapp, US Naval Station Treasure Island, and San Francisco, CA. Commendations he received included: National Defense Service Medal and European Navy Occupation Service Medal. Mr. Wallace led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans’ Honorary Pledge of Allegiance Program.

Cancer Services Program Coordinator Madelyn Thornton addressed the audience in recognition of Breast Cancer Awareness Month. October is Breast Cancer Awareness Month. Allegany County has 39.8 residents diagnosed with breast cancer every year. There are approximately six deaths from breast cancer per year in the County. One of the biggest barriers to screening is that people aren’t able to take time off from work to get screened. We

are lucky here at the County. County employees are given time off to be screened each year. Ms. Thornton urged everyone to get their screenings.

Public Health Director Lori Ballengee spoke about the Cancer Services Program. She reminded those in attendance that the Cancer Services Program is a not-for-profit, community based, totally donation funded organization. She announced that the organization has hit a milestone. As of September 30, they have distributed \$200,000 to individuals in the County who are being treated for cancer in order to help with their expenses. The group's major fund raiser for the year will take place on December 3. They will be having a gun raffle and Chinese auction. Chairman Crandall thanked Ms. Ballengee for all of her work and presented her with a \$500 check for the Cancer Services Program. This money is raised by the Legislators through their Clambake. Legislator Decker commented that some area schools have been wearing pink jerseys during the month of October.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. November 2016 Calendar.

2. Correspondence from the NYS Department of Public Service indicating that the Public Service Commission will be sponsoring public statement hearings regarding proposed increases for National Fuel Gas Distribution Corporation's (NFG) gas delivery rates. In April 2016, the company filed for new gas delivery rates to be effective April 1, 2017.

APPOINTMENTS:

Chairman Curtis Crandall appointed Debra Root as a Legislative member of the **ALLEGANY COUNTY COMPREHENSIVE PLANNING BOARD**, to fill the remainder of Theodore Hopkins' unexpired two-year term effective immediately and expiring December 31, 2016.

PROCLAMATION:

Chairman Crandall proclaimed the month of October as **BREAST CANCER AWARENESS MONTH** in Allegany County.

RESOLUTIONS:

RESOLUTION NO. 233-16

ADOPTION OF LOCAL LAW INTRO. NO. 4-2016, PRINT NO.1, TO PROVIDE INCREASES IN THE COMPENSATION OF CERTAIN COUNTY OFFICERS

Offered by: Ways & Means Committee

RESOLVED:

1. That proposed Local Law, Intro. No. 4-2016, Print No. 1, is adopted without any change in language, to wit:

COUNTY OF ALLEGANY

Intro. No. 4-2016

Print No. 1

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

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

Section 1. Commencing January 1, 2017, the annual salary of the incumbents of the following County offices shall be as follows: County Attorney - \$106,626; County Clerk - \$72,345; Employment & Training Director - \$64,090; Personnel Officer - \$71,746; Public Defender - \$101,123; Public Health Director - \$79,374; Public Works Superintendent - \$88,304; Real Property Tax Director - \$70,533; Sheriff - \$73,954; Social Services Commissioner - \$81,768; Treasurer - \$83,400.

Section 2. This local law shall take effect on the date of its filing with the Secretary of State.

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

Adopted: Roll Call
10 Ayes, 4 Noes, 1 Absent
Voting No: Burt, Decker,
Graves, Ungermann

Comments made regarding Resolution No. 233-16 included: Legislator Ungermann remarked that he has been a Legislator for eleven years and consistently there's been a 2.0 to 3.0 percent raise annually for these individuals. He wonders when the taxpayer is going to be given a break. Legislator Graves remarked that the County does have employees who do great work. He stated that his concern is the senior citizens. They are getting less than a one percent increase and yet we expect them to pay their taxes. Employees in private industry won't get anywhere near this amount. We've increased next years' budget by some \$1.6 million. My hope is that my colleagues will see the light of day and send this back to committee.

RESOLUTION NO. 234-16

**SETTING DATE OF A PUBLIC HEARING ON 2017 COUNTY TENTATIVE BUDGET AND
PROVIDING CONTENTS OF SUCH NOTICE**

Offered by: Ways & Means Committee

WHEREAS, the 2017 County Tentative Budget has been presented to this Board together with a copy of the proposed appropriation resolution, and

WHEREAS, it is necessary to hold a public hearing on the Budget before any further action can be taken on the Budget and on the appropriation resolution, and

WHEREAS, it is necessary to provide notice to the public of such public hearing and to also include in such notice or in a separate notice published in the same manner and at the same time as such notice of public hearing, a statement of the maximum salary that may be fixed and payable during the year 2017 to the members of the County Board of Legislators and to its officers, now, therefore, be it

RESOLVED:

1. That a public hearing on the 2017 County Tentative Budget shall be held in the Legislators' Chambers, Room 221, at the County Office Building, 7 Court Street, Belmont, New York, at 7:00 p.m. on November 10, 2016.

2. That the notice of public hearing shall include a statement that the 2017 maximum salary for members of the Board of Legislators and the maximum salary that may be fixed and payable during said fiscal year 2017 to the Majority Leader, Minority Leader and Board Chairman, are as follows:

Members of the Board of Legislators	\$8,500. annual
Chairman of the Board of Legislators	\$8,500. annual
Majority Leader of Board	\$300. annual
Minority Leader of Board	\$300. annual

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

Adopted: Voice Vote

RESOLUTION NO. 235-16

**APPOINTMENT OF ONE MEMBER TO THE ALLEGANY COUNTY
TELECOMMUNICATIONS DEVELOPMENT CORP.**

Offered by: Facilities & Communications Committee

RESOLVED:

1. That the appointment by the Chairman of the Board of Ravo Root of Fillmore, New York, to the Allegany County Telecommunications Development Corp., for a two-year term effective October 1, 2016, and expiring September 30, 2018, is confirmed.

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

Adopted: Voice Vote

Comments made regarding Resolution No. 235-16 included: Legislator Burt asked Legislator Pullen to give him some background information on Dr. Root. Legislator Pullen explained that Dr. Root is the Superintendent of Fillmore Central School and is very interested in this area. He serves in a similar function on a committee of superintendents. He has knowledge and a passion for this. He's especially interested because there are many students who do not have internet access once they leave school for the day.

RESOLUTION NO. 236-16

ESTABLISHING SOLID WASTE RESIDENTIAL USER FEES FOR YEAR 2017

Offered by: Public Works and Ways & Means Committees

RESOLVED:

1. The following solid waste residential user fee shall be charged to users of the Allegany County Solid Waste System during the year 2017:

One-time Residential user fee:

\$200.00 per year with no need to purchase separate disposal tickets - no proration.

2. Solid Waste Identification Tags will be issued upon payment of the applicable user fee. A Residential Disposal Ticket shall be deemed to constitute a Solid Waste Identification Tag for purposes of disposing of solid waste at an Allegany County Solid Waste Management Facility. No user fee will be charged to individuals who will only be disposing of recyclable materials at County facilities. A Recyclables Only Identification Tag will be issued without charge to individuals who will only be disposing of recyclable materials upon the completion by such individuals of the appropriate application form. In the event a Residential Identification Tag is lost or stolen, a replacement Residential Identification Tag will be issued for a fee of \$100.

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

Adopted: Roll Call
12 Ayes, 1 No, 1 Absent
Abstain: LaForge
Voting No: O'Grady

Comments made regarding Resolution No. 236-16 included: Legislator Graves made a motion, which was seconded by Legislator Burt, and carried to allow Legislator LaForge to abstain from the vote. Legislator Fanton stated that they've looked at other options. They've discussed possibly closing some transfer stations or having bag rates. The input they've received from residents is that they would rather pay \$200 per year than by the bag. Legislator Fanton mentioned that solid waste is now being taken to a private landfill, and they are paying by the ton for its disposal. He feels that most people consider \$200 to be a bargain, and he's going to support the resolution. Legislator Decker stated that he agreed with Legislator Fanton. Speaking from his own personal experience, he was paying over \$30 per month to have his trash picked up. Legislator Fanton mentioned that a punch card will still be available for low-volume users. Legislator Burt thanked Legislator Fanton for the time he has spent on this. He also expressed his concern that people have shared tags in the past. He asked how tag users were identified. Public Works Superintendent Guy James indicated that the last name is written on the tag. Legislator Fanton added that another option they've discussed is including a disclosure that you agree you won't be hauling other people's garbage or letting other people use your tag.

RESOLUTION NO. 237-16

ESTABLISHING SOLID WASTE USER FEE FOR YEAR 2017

Offered by: Public Works and Ways & Means Committees

RESOLVED:

1. The following user fees shall be charged to users of the Allegany County Solid Waste System during the year 2017:

Landfill User Fee - \$50 per ton user fee paid at the Landfill at the time of disposal of solid waste or at such other time as shall be specified by the Superintendent of Public Works. The minimum scale fee shall be \$20 as previously set by Resolution No. 220-15.

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

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

Comments made regarding Resolution No. 237-16 included: Legislator Fanton made a motion to amend the resolution to say that the scale fee will be \$20. The motion was seconded by Legislator Decker, and carried. Legislator Ungermann asked how much it would cost if someone wanted to have an empty truck weighed. Public Works Superintendent Guy James indicated it would be \$5. Legislator Graves made a motion, which was seconded by Legislator Burt, and carried to allow Legislator LaForge to abstain from the vote.

RESOLUTION NO. 238-16

ESTABLISHING A CAPITAL PROJECT ACCOUNT FOR REPLACEMENT OF COUNTY ROAD 16 BRIDGE OVER BLACK CREEK IN THE TOWN OF BIRDSALL, (BIN 3047860), (PIN 6754.96); APPROPRIATING FEDERAL AND STATE AID FOR CAPITAL PROJECT

Offered by: Public Works and Ways & Means Committees

RESOLVED:

1. A Capital Project Account is established within the Capital Fund for the bridge replacement on County Road 16 in the Town of Birdsall.

2. That the sum of \$701,000 for funding for Bridge Replacement (BIN 3047860) County Road 16 over Black Creek in the Town of Birdsall, Allegany County, (P.I.N. 6754.96) is appropriated to Capital Project Account H5949.200 with \$560,800 credited to Revenue Account No. H5949.4097.00 (Federal Aid-County Road 16 Bridge) and \$140,200 credited to Revenue Account No. H5949.3097.00 (State Aid-County Road 16 Bridge).

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

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

RESOLUTION NO. 239-16

COUNTY ROAD 16 BRIDGE REPLACEMENT, BIN 3047860; AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE OF 100 PERCENT OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL-AID PROJECT; APPROPRIATING FUNDS THEREFOR

Offered by: Public Works and Ways & Means Committees

WHEREAS, a Project for the Bridge Replacement (BIN 3047860) County Road 16 over Black Creek in the Town of Birdsall, Allegany County, P.I.N. 6754.96 (the Project) is eligible for funding under Title 23 U. S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80 percent Federal funds and 20 percent non-federal funds, and

WHEREAS, the County of Allegany desires to advance the Project by making a commitment of 100 percent of the non-federal share of the costs of Bridge Replacement (BIN 3047860) on County Road 16 in the Town of Birdsall, Allegany County, PIN 6754.96, now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators hereby approves the above-subject project.
2. That this Board hereby authorizes the County of Allegany to pay in the first instance 100 percent of the federal and non-federal share of the cost of Design and Right-of-Way Incidentals work for the Project or portions thereof.
3. That the sum of \$701,000 is appropriated from Capital Project Account No. H5949.200 and made available to cover the cost of participation in the above phase of the Project.
4. That in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Allegany County Board of Legislators shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof.
5. That the Chairman of the Allegany County Board of Legislators be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Allegany with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible.
6. That a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project.
7. That this resolution shall take effect immediately.

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

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

RESOLUTION NO. 240-16

ESTABLISHING A CAPITAL PROJECT ACCOUNT FOR PINE STREET BRIDGE REPLACEMENT IN THE TOWN AND VILLAGE OF ALFRED, (BIN 2329770), (PIN 6754.94); APPROPRIATING FEDERAL AND STATE AID FOR CAPITAL PROJECT

Offered by: Public Works and Ways & Means Committees

RESOLVED:

1. A Capital Project Account is established within the Capital Fund for the bridge replacement on Pine Street in the Town and Village of Alfred.

2. That the sum of \$440,000 for funding the Bridge Replacement (BIN 2329770) Pine Street over Canacadea Creek in the Town and Village of Alfred, Allegany County, (P.I.N. 6754.94) is appropriated to Capital Project Account H5948.200 with \$352,000 credited to Revenue Account No. H5948.4097.00 (Federal Aid-Pine Street Bridge) and \$88,000 credited to Revenue Account No. H5948.3097.00 (State Aid-Pine Street Bridge).

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

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

Comments made regarding Resolution No. 240-16 included: Legislator Fanton noted that this bridge will be paid for entirely by Federal and New York State funds.

RESOLUTION NO. 241-16

PINE STREET BRIDGE REPLACEMENT, BIN 2329770; AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE OF 100 PERCENT OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL-AID PROJECT; APPROPRIATING FUNDS THEREFOR

Offered by: Public Works and Ways & Means Committees

WHEREAS, a Project for the Bridge Replacement (BIN 2329770) Pine Street over Canacadea Creek in the Town and Village of Alfred, Allegany County, P.I.N. 6754.94 (the Project) is eligible for funding under Title 23 U. S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80 percent Federal funds and 20 percent non-federal funds, and

WHEREAS, the County of Allegany desires to advance the Project by making a commitment of 100 percent of the non-federal share of the costs of Bridge Replacement (BIN 2329770) Pine Street over Canacadea Creek in the Town and Village of Alfred, Allegany County, P.I.N. 6754.94, now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators hereby approves the above-subject project.

2. That this Board hereby authorizes the County of Allegany to pay in the first instance 100 percent of the federal and non-federal share of the cost of Design and Right-of-Way Incidentals work for the Project or portions thereof.

3. That the sum of \$440,000 is appropriated from Capital Project Account No. H5948.200 and made available to cover the cost of participation in the above phase of the Project.

4. That in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Allegany County Board of Legislators shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof.

5. That the Chairman of the Allegany County Board of Legislators be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Allegany with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible.

6. That a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project.

7. That this resolution shall take effect immediately.

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

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

RESOLUTION NO. 242-16

ACCEPTANCE OF INSURANCE PAYMENT FROM NYMIR AND APPROPRIATION OF FUNDS TO RISK RETENTION ACCOUNTS

Offered by: Ways & Means Committee

WHEREAS, a check in the amount of \$3,521.50; representing the cost less a \$500 deductible, to repair an Office for the Aging 2013 Ram C/V Tradesman (#5770) that was damaged in an accident on August 31, 2016, has been offered by NYMIR (New York Municipal Insurance Reciprocal) in settlement for such damage, now, therefore, be it

RESOLVED:

1. That the sum of \$3,521.50 representing the settlement on an Office for the Aging 2013 Ram C/V Tradesman (#5770) that was damaged on August 31, 2016, is accepted.

2. That the sum of \$3,521.50 is placed in Account No. CS1931.429 (Risk Retention - Uninsured Property Loss) with a like sum credited to Revenue Account No. CS1930.2680.00 (Insurance Recovery).

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

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

RESOLUTION NO. 243-16

ACCEPTANCE AND APPROPRIATION OF ADDITIONAL MONIES FOR THE PUBLIC HEALTH EMERGENCY PREPAREDNESS, EBOLA PREPAREDNESS, AND RESPONSE ACTIVITIES GRANT FOR THE 2016 BUDGET YEAR

Offered by: Human Services and Ways & Means Committees

RESOLVED:

1. That the sum of \$10,494 in additional monies for the Public Health Emergency Preparedness, Ebola Preparedness, and Response Activities Grant for the 2016 Budget year is accepted.

2. The funds shall be appropriated as follows:

Appropriation Accounts:

A4188.201 (Health Department – Office Equipment)	\$ 406
A4188.206 (Health Department – Health Equipment)	1,108
A4188.407 (Health Department – Office Supplies)	7,405
A4188.409 (Health Department – Fees)	<u>1,575</u>
	\$10,494

Revenue Account:

A4188.4401.00 (Federal Aid – Ebola – HRI C#5024-01)	\$10,494
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Moved by: Mr. LaForge
Seconded by: Mr. Fanton

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

Comments made regarding Resolution No. 243-16 included: Legislator Ungermann asked how many Ebola cases there have been in Allegany County. He also asked how much time is spent administering this or dealing with this grant. Public Health Director Lori Ballengee responded that fortunately, there have been no cases in Allegany County. Some time was spent preparing. Mostly this was getting supplies ready. A couple of Surface Pros were purchased because we've been cited by the State for poor connectivity because of our poor equipment. Legislator Graves asked if this was mandated. Ms. Ballengee stated that they could have turned the money down. Some of it was turned down. They didn't take all that was available. Legislator Ungermann asked if there were any Ebola cases in nearby

counties. Ms. Ballengee indicated that there were no cases in neighboring counties. Legislator Healy pointed out that there are a large number of students from other areas because of our three colleges in the County. Some of these students are international students. He feels it's probably wise to be prepared rather than "...trying to close the barn door after the fact." Legislator Pullen added, "An ounce of prevention is worth a pound of cure." Legislator Graves agreed saying that Ms. Ballengee does recommend things that make good business sense.

RESOLUTION NO. 244-16

ACCEPTANCE AND APPROPRIATION OF COLA FUNDS FOR THE COUNTY HEALTH DEPARTMENT FAMILY PLANNING PROGRAM

Offered by: Human Services and Ways & Means Committees

RESOLVED:

1. The sum of \$10,127 in COLA funds for the County Health Department Family Planning Program is accepted.
2. That the sum of \$10,127 is placed in Account No. A4035.206 (Family Planning – Health Equipment) with a like sum credited to Revenue Account No. A4035.3450.00 (State Aid – Public Health Other).

Moved by: Mr. LaForge
Seconded by: Mr. Healy

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

RESOLUTION NO. 245-16

ACCEPTANCE OF GRANT FUNDS AND RENEWAL OF THE NEW YORK STATE PROBATION BLOCK GRANT

Offered by: Public Safety and Ways & Means Committees

RESOLVED:

1. That the renewal of the New York State Probation Block Grant from the New York State Department of Criminal Justice Services in the amount of \$151,101, is approved.
2. No budget adjustments are necessary as the funds are already included in the 2017 budget.

Moved by: Mr. Curran
Seconded by: Mr. Graves

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

RESOLUTION NO. 246-16

**BUDGET ADJUSTMENTS WITHIN THE
DEPARTMENT OF SOCIAL SERVICES ACCOUNTS**

Offered by: Human Services and Ways & Means Committees

RESOLVED:

1. The following 2016 budget adjustments within Department of Social Services accounts are requested:

Increase Appropriation Acct A6010.477 (DSS Admin – Contractual – Early Intervention)	\$95,000
Increase Revenue Acct A6010.3610.00 (State Aid – DSS Admin)	\$47,500
Increase Revenue Acct A6010.4610.00 (Fed Aid – DSS Admin)	\$47,500

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

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

RESOLUTION NO. 247-16

**BUDGET ADJUSTMENTS WITHIN COMMUNITY SERVICES ACCOUNTS DUE TO AN
INCREASE IN STATE FUNDING FROM THE NEW YORK STATE OFFICE OF
ALCOHOLISM AND SUBSTANCE ABUSE SERVICES**

Offered by: Human Services and Ways & Means Committees

RESOLVED:

1. The following 2016 budget adjustments within Community Services accounts for the Allegany Council on Alcoholism and Substance Abuse (ACASA) Program are as follows:

<u>Appropriation Accounts</u>	<u>Amount</u>
A4220.456 (ACASA – Substance Abuse)	\$10,494
A4220.457 (ACASA – Alcohol)	6,682
A4220.458 (ACASA – Community Residence)	19,055
A4220.460 (ACASA – Vocational Ed.)	911
	<u>\$37,142</u>

<u>Revenue Account</u>	<u>Amount</u>
A4220.3486.00 (ACASA – State Aid)	\$37,142
Moved by: Mr. LaForge Seconded by: Mr. Graves	Adopted: Roll Call 14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 248-16

BUDGET TRANSFER WITHIN PROBATION DEPARTMENT ACCOUNTS

Offered by: Public Safety and Ways & Means Committees

RESOLVED:

1. That the sum of \$500 shall be transferred from Account No. A3140.413 (Probation – Rentals) to Account No. A3140.201 (Probation – Equipment) to cover a 2015 invoice received in 2016 for computer monitors.

Moved by: Mr. Curran
Seconded by: Mr. Pullen
Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 249-16

**BUDGET TRANSFERS WITHIN DEPARTMENT OF PUBLIC WORKS
CAPITAL ACCOUNTS**

Offered by: Public Works and Ways & Means Committees

RESOLVED:

1. That the sum of \$1,370 shall be transferred from Account No. H5197.200 (Highway Equipment & Capital Outlays) to Account No. H5132.200 (DPW Main Shop Friendship).

2. That the sum of \$21,880.95 shall be transferred from Account No. H1621.200 (Asbestos Abatement/Building Improvements - Equipment) to Account No. H5132.200 (DPW Main Shop Friendship).

Moved by: Mr. Fanton
Seconded by: Mr. Graves
Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

Comments made regarding Resolution No. 249-16 included: Legislator Burt asked if this was the result of a project that we are no longer going to do. Mr. James stated that they funds leftover from capital projects.

RESOLUTION NO. 250-16

**APPROVAL OF LEASE BETWEEN E & L HOLDINGS, LLC AND
THE COUNTY OF ALLEGANY FOR PREMISES AT
112 PARK AVENUE, WELLSVILLE, NEW YORK**

Offered by: Human Services Committee

RESOLVED:

1. That the Lease between E & L Holdings, LLC and the County of Allegany for the term December 1, 2016, through September 30, 2020, for premises located at 112 Park Avenue, Wellsville, NY, with a monthly rental rate of \$2,250 for use by the Allegany County Department of Health WIC Program, is approved.

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

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

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

Comments made regarding Resolution No. 250-16 included: A motion was made by Legislator Graves, seconded by Legislator Healy, and carried to allow Legislator Ungermann to abstain from the vote.

RESOLUTION NO. 251-16

**APPROVAL OF THE 2017 ALLEGANY COUNTY PLAN UNDER COUNTY SPECIAL
TRAFFIC OPTIONS PROGRAM FOR DRIVING WHILE INTOXICATED;
AUTHORIZING STOP-DWI COORDINATOR TO ENTER INTO
AGREEMENTS FOR SERVICES**

Offered by: Public Safety and Ways & Means Committees

Pursuant to Vehicle and Traffic Law § 1197

RESOLVED:

1. That the Allegany County 2017 STOP-DWI Plan is approved.

2. That the Chairman of this Board is authorized to sign the Allegany County 2017 STOP-DWI Plan.

3. That the STOP-DWI Coordinator is authorized to enter into agreements with Towns and Villages who wish to participate in the STOP-DWI Program; all such agreements to be in accordance with the approved Plan.

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

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

RESOLUTION NO. 252-16

APPROVAL OF TOTAL SENIOR CARE CONTRACT FOR HOME DELIVERED MEALS AND CONGREGATE MEALS; AUTHORIZING DIRECTOR OF THE OFFICE FOR THE AGING TO EXECUTE AGREEMENT

Offered by: Human Services and Ways & Means Committees

RESOLVED:

1. That the Total Senior Care of Olean contract to supply home delivered meals and congregate meals to clients of the Office for the Aging effective January 1, 2017, through December 31, 2017, is approved.

2. That the Director of the Office for the Aging is authorized to execute said contract.

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

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

RESOLUTION NO. 253-16

APPROVAL OF AGREEMENT WITH LABELLA ASSOCIATES, D.P.C. TO CONDUCT THE ENVIRONMENTAL MONITORING PROGRAM AT THE COUNTY LANDFILL

Offered by: Public Works and Ways and Means Committees

RESOLVED:

1. That the agreement with LaBella Associates, D.P.C., to conduct the environmental monitoring program at the County Landfill for an annual fee of \$66,100, commencing January 1, 2017, through December 31, 2017, is approved.

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

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

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

Comments made regarding Resolution No. 253-16 included: Legislator Burt asked if the County had gotten a second bid on this. Legislator Fanton remarked that this saved the County about \$36,000. Mr. James indicated that the County had received multiple quotes on this.

RESOLUTION NO. 254-16

APPROVING SUPPLEMENTAL AGREEMENT #1 BETWEEN COUNTY OF ALLEGANY AND NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR RIGHT-OF-WAY ACQUISITION FUNDING OF THE BRIDGE REPLACEMENT (BIN 3329980) COUNTY ROAD 43 OVER ANGELICA CREEK, TOWN OF ANGELICA, COUNTY OF ALLEGANY

Offered by: Public Works and Ways & Means Committees

WHEREAS, a Project for the Bridge Replacement (BIN 3329980) County Road 43 over Angelica Creek in the Town of Angelica, Allegany County, P.I.N. 6754.70 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80 percent Federal funds and 20 percent non-federal funds; and

WHEREAS, the County of Allegany desires to advance the Project by making a commitment of 100 percent of the non-federal share of the costs of Right-of-Way phase work for the Project or portions thereof, with the federal share of such costs to be applied directly by the New York State Department of Transportation ("NYSDOT") pursuant to Agreement, now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators hereby approves the Project.
2. That this Board hereby authorizes the County of Allegany to pay in the first instance the full non-federal share of the cost of Right-of-Way Incidentals work for the Project or portions thereof.
3. That the sum of \$24,853 is hereby made available to cover the cost of participation in the above phase of the Project; and that the sum of \$3,970 covering the non-federal share will be deposited with the New York State Department of Transportation.
4. That in the event the non-federal share of the costs of the project exceed the amount appropriated above, this Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of

Transportation thereof.

5. That the Chairman be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Allegany with NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of the non-federal share of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible.

6. That a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project.

7. This resolution shall take effect immediately.

Moved by: Mr. Fanton
Seconded by: Mr. Hopkins

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

Comments made regarding Resolution No. 254-16 included: Legislator Decker asked if this was the final step in approving this bridge. Mr. James stated that yes it was the final step for the right-of-way. We still have to get the bridge construction agreement. We hope to go to bid as early as December, but it might possibly be as late as February.

Resolution Intro. No. 258-16 (**AUTHORIZING COUNTY ADMINISTRATOR TO APPLY FOR FUNDING FROM NEW YORK STATE UNDER THE POLICE PROTECTIVE EQUIPMENT PROGRAM**) 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. 255-16

AUTHORIZING COUNTY ADMINISTRATOR TO APPLY FOR FUNDING FROM NEW YORK STATE UNDER THE POLICE PROTECTIVE EQUIPMENT PROGRAM

Offered by: Public Safety and Ways & Means Committees

RESOLVED:

1. That the County Administrator, with the assistance of the Allegany County Sheriff, is authorized to apply for funding from New York State under the Police Protective Equipment Program which will provide up to a maximum of \$25,000 in funding for the Sheriff's Office and local police departments in Allegany County.

2. That the County Administrator is authorized to sign all documents necessary to apply for the grant.

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

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

Comments made regarding Resolution No. 255-16 included: Legislator Ungermann asked if there would be any additional training required to use the equipment. Sheriff Whitney stated that they already do annual training and this shouldn't require any extra.

AUDITS:

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

Legislator Ungermann asked what the Connect NY charges in the audit included. Legislator Curran stated that it includes salaries and expenses, such as travel expenses, for the Director of the Allegany County Telecommunications Corp.

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 \$3,959,598.60 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 \$8,306,998.*)

COMMENTS:

Legislator Fanton announced to the Board that Arvos, Inc. (formerly ALSTOM Air Preheater) had extended an invitation to the Board of Legislators to tour their facility on November 3 at 9 o'clock. Legislators should RSVP to the Clerk of the Board.

ADJOURNMENT: The meeting was adjourned at 3:12 p.m. on a motion made by Legislator Graves, seconded by Legislator Pullen, and carried.