

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
Organization Meeting**

**January 2, 2007**

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The organization meeting of the Board of Legislators was called to order at 2:00 p.m. by Clerk of the Board Brenda Rigby Riehle.

Pledge of allegiance to the flag.

The invocation was given by Legislator Pullen. A moment of silence was observed in remembrance and mourning for deceased former President Gerald R. Ford.

Roll Call: 15 Present; 0 Absent.

**RESOLUTIONS:**

**RESOLUTION NO. 1-07**

**REAPPOINTMENT OF LEGISLATOR CURTIS W. CRANDALL TO  
CHAIRMANSHIP OF BOARD OF LEGISLATORS;  
AUTHORITY TO DETERMINE NUMBER OF BOARD MEMBERS ON COMMITTEES**

Offered by: Legislator Theodore Hopkins

Pursuant to County Law § 450

**RESOLVED:**

1. That Legislator Curtis W. Crandall is reappointed Chairman of this Board of Legislators, with term of office commencing immediately and expiring December 31, 2007.
2. That said Chairman is authorized to determine the number of Board members to serve on each of the standing and special committees of this Board which have been or may be established by this Board.

Moved by: Mr. Hopkins  
Seconded by: Mr. Truax

Adopted: Roll Call  
14 Ayes, 1 No, 0 Absent  
Voting No: Kruger

**OATH OF OFFICE ADMINISTERED:**

Judge Thomas Brown administered the Oath of Office to Chairman Curtis W. Crandall, who was accompanied by his wife, Cathy, following the adoption of Resolution No. 1-07. Chairman Crandall assumed leadership of the meeting.

**RESOLUTION NO. 2-07**

**APPOINTMENT OF VICE CHAIRMAN**

Offered by: Legislator Dwight R. Fanton

Pursuant to Rule 70 of County Board Rules  
as enacted by Resolution No. 77-89

**RESOLVED:**

1. That Legislator William G. Dibble is appointed Vice Chairman of this Board of Legislators to act pursuant to, and during the designated time periods specified in, County Board Rules.

Moved by: Mr. Hall  
Seconded by: Mr. Reynolds

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

**OATH OF OFFICE ADMINISTERED:**

Judge Thomas Brown administered the Oath of Office to Vice Chairman William G. Dibble, who was accompanied by his daughter in-law Celeine Easdon-Smith, following the adoption of Resolution No. 2-07.

**RESOLUTION NO. 3-07**

**APPOINTMENT OF COMMISSIONER OF ELECTIONS**

Offered by: Personnel Committee

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

**WHEREAS**, the Chairman of the Allegany County Democratic Committee has filed with the Clerk of this Board, a certificate in accordance with Election Law § 3-204 that recommends the appointment of John Colligan to the office of Commissioner of Elections, and

**WHEREAS**, the Personnel Committee has determined that John Colligan is qualified to hold such office, now, therefore, be it

**RESOLVED:**

1. That John Colligan is appointed Commissioner of Elections with term of office commencing January 1, 2007, and expiring December 31, 2010.

Moved by: Mr. Fanton  
Seconded by: Mr. Russo

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

*(Memo: Subsequent to approval of Resolution No. 3-07, it was discovered that line 1 of the Resolution included the wording "Allegany County Republican Committee," which has been corrected to read "Allegany County Democratic Committee.")*

**OATHS OF OFFICE ADMINISTERED:**

Judge Thomas Brown administered the Oath of Office to Elections Commissioner John Colligan, who was accompanied by his son Timothy, following the adoption of Resolution No. 3-07.

The Oath of Office was administered by Judge Brown to newly elected Sheriff William R. Tompkins, who was accompanied by his wife, Carol.

The Oath of Office was administered by Judge Brown to newly appointed Undersheriff William F. Goetschius, who was accompanied by his father William K. Goetschius.

## **CHAIRMAN'S STATEMENT:**

Chairman Curtis W. Crandall presented his message to the Board:

*"There are certain benchmarks in history that stand out as crucial turning points, a time when looked back on, one can say that period of time, or that action, had a great impact on where we are today.*

*This Board of Legislators is now part of one of those benchmarks in Allegany County's history. 2006 marked some significant historical events and actions that will be looked back on in years to come, as turning points that bettered the future of Allegany County. Some of these events and actions we had no control over. We only happened to be in the right place at the right time, and we are the ones who have been charged with the responsibility to address those issues.*

*Our Bicentennial was one of those events. This Board just happened to be serving as this historical event took place. As we took part in the many festivities with our friends and neighbors across the County to celebrate our 200<sup>th</sup> anniversary, we were able to spend time with and visit with people we may not have if this was not our County's Bicentennial. This Board of Legislators was given an opportunity to see the true heart and spirit of Allegany County. We were privileged to be in the right place at the right time and be an active participant in our County's history.*

*In 2006, we cut the ribbon and opened our new Jail and Public Safety Facility – a project that was the center of many discussions for many years – a project that struck a political nerve that this County has not seen for some time – a project that contributed to the very make up of this Board and ironically put **us** in the position of facing and dealing with other politically sensitive and equally important building and facility issues. As the first Board of Legislators to have a part in the operation of this facility, it is our responsibility to do all we can to work with Sheriff Tompkins, Director of Emergency Services John Tucker, our dedicated employees, and other agencies from across the County to ensure this Public Safety Complex is a tool used to its full potential for the safety and security of our citizens.*

*We will look back to 2006 and say, "This is when it began," "it" being June 2006 when the Office of Court Administration addressed this Board of Legislators and gave us the order to comply with the New York State Court Facilities Act or suffer the consequences of having our state aid withheld. Once again, we are charged with a responsibility to deal with an issue that our predecessors were not forced to address. Our decisions concerning this matter will have a significant impact on Allegany County, whatever they may be. I am confident that this Board will proceed in the proper manner to give this order the attention and diligence it deserves, being sensitive to public opinion, historical significance, and the financial concerns of Allegany County's future.*

*2006 was the year of the cap on Medicaid. Just as we were about to buckle under this financial burden mandated to us by New York State, Allegany County's local share was capped at \$8.5 million – almost half our local tax dollars. There is much more work that needs to be done in the way of reform for the services provided under the Medicaid program in New York State. We must remember that this cap is only temporary relief and our County's share still increases at a rate of over \$200,000 annually. We must not let up joining with our counterparts across New York in demanding that a true reform and the monitoring of abuse in the Medicaid system take place.*

*2006 brought change in the administration of our County employee health insurance, a change that we anticipate will save in excess of a half million dollars in the ever-increasing cost of health care.*

*2006 was marked by a record number of special Legislative Committee of the Whole meetings. Meetings used to educate us, keep us updated, exchange ideas, and begin the ball rolling on positive changes, such as the health insurance just mentioned, grant writing needs that have been talked of in the past but not acted on, expansion in the way of planning for the future needs of Allegany County by setting the stage for the hiring of a much needed County Planner, and economic development was not only discussed, but recommendations were made and acted upon that brought us closer to getting water and sewer to the Crossroads area.*

*2006 brought announcements from some of our leading employers such as Dresser Rand, Alstom Air Preheater, and Tracewell. A roller coaster ride of emotions as our friends and neighbors, as well as the economy of Allegany County, were affected by reductions in wages, elimination of jobs, need for additional positions, a plant closing, and a plant expansion. When all is said and done, the good news far out-weighs the bad news, and we are facing a surge in employment opportunities.*

*2006 marks significant benchmarks in our County's finances. The Budget Committee that was implemented for 2006 started early and worked hard to help us adopt a budget for 2007 with a modest tax increase of 3.25 percent, a welcome relief from what we have been faced with in recent years. It also appears that the \$900,000 deficit that we began 2006 with could very well be wiped out with a budget surplus when the final figures are in and the financial books for 2006 are closed. Another first for our County in many years.*

*Our terms as Legislators will certainly add an interesting chapter to the history book of Allegany County. It will be a good, positive benchmark in the book. This Board of Legislators has been handed some major issues and events to deal with. I believe it was for a reason – because we can. We truly are in the right place at the right time.”*

## **APPOINTMENTS:**

The Clerk of the Board announced that Chairman Crandall has made the following assignments to the **STANDING COMMITTEES OF THE BOARD OF LEGISLATORS** (Chairmen and Vice Chairmen are listed first):

**COURT FACILITIES & COUNTY SPACE NEEDS:** Hall, Pullen, Benson, Hopkins, McCormick, O'Grady

**HUMAN SERVICES:** Truax, Dibble, Burdick, Kruger, Pullen, Russo

**PERSONNEL:** Russo, Burdick, Benson, Fanton, Pullen, Ungermann

**PUBLIC SAFETY:** Dibble, Benson, Burdick, Reynolds, Ungermann  
**PUBLIC WORKS:** Fanton, O'Grady, McCormick, Reynolds, Ungermann  
**WAYS & MEANS:** Reynolds, Russo, Dibble, Fanton, Hall, Hopkins, McCormick, Truax

**BUDGET** (*Sub-Committee of Ways & Means*): Hopkins, Fanton, Hall, Kruger, O'Grady

**COMPENSATION & BENEFIT AD HOC COMMITTEE:** **Chairman:** Pullen,  
**Committee Members:** Hopkins, Reynolds, Russo, **Department Head Representative:** (to be determined), **Non-Unit Representative:** (to be determined)

*(The Compensation & Benefit Ad Hoc Committee will report recommendations to the Personnel Committee in regard to the methodology of determining the salaries, wages, and benefits of Section IV and Non-Unit employees. The report of this committee will be due by the September meeting of the Personnel Committee, at which time this committee will be dissolved.)*

The Clerk of the Board announced that Chairman Crandall has made the following appointments:

**CORNELL UNIVERSITY COOPERATIVE EXTENSION OF ALLEGANY COUNTY, LEGISLATIVE REPRESENTATIVE MEMBER** (Recommendation by Chairman Crandall to the Board of Directors of Cornell University Cooperative Extension of Allegany County, for a one-year term):  
David T. Pullen, Fillmore

**CROSSROADS DEVELOPMENT ADVISORY COMMITTEE MEMBERS** (To serve at the pleasure of the Chairman):

Curtis W. Crandall, Chairman of the Board  
Brent L. Reynolds, Chairman of Ways and Means  
John E. Margeson, County Administrator  
Daniel J. Guiney, County Attorney  
Charles Jessup, Chairman of Industrial Development Agency

Ex-Officio Members:

John E. Foels, Development Director/IDA Director  
Frederick Sinclair, Soil and Water Conservation District Manager  
David Roeske, Superintendent of Public Works  
Daniel A. Spitzer, Attorney for the IDA

**EMERGENCY INTERIM SUCCESSOR** (To serve at the pleasure of the Chairman):  
William M. Hall, Alfred

**OFFICE OF EMERGENCY SERVICES, DIRECTOR** (To serve at the pleasure of the Chairman, in accordance with the provisions of applicable law):  
John C. Tucker, Belmont

**FRIENDSHIP EMPIRE ZONE OF ALLEGANY COUNTY ADMINISTRATIVE BOARD MEMBERS** (To serve at the pleasure of the Chairman, pursuant to Local Law No. 2-94):

Ronald Truax, Cuba – **Chairman**  
Deborah Clark, Wellsville

Jody Collins, Cuba  
Robert C. Ellis, Belmont  
Darwin Fanton, Wellsville  
Marcia Habberfield, Scio  
Nellie Hoopes, Friendship  
Kevin LaForge, Wellsville  
Larry Riehle, Friendship  
Jerry Scott, Cuba  
Ronald Stuck, Friendship

**INTER-COUNTY ASSOCIATION OF COUNTY LEGISLATIVE BODIES OF WESTERN NEW YORK, INC.** (To serve at the pleasure of the Chairman):

Voting Members:

Glenn R. Benson, Whitesville  
William G. Dibble, Little Genesee  
Brenda Rigby Riehle, Belmont

Alternate Voting Members:

Timothy J. O'Grady, Wellsville  
David T. Pullen, Fillmore

**REGION 9 OPEN SPACE ADVISORY COMMITTEE MEMBER** (To serve at the pleasure of the Chairman):

H. Kier Dirlam, Angelica

**RESOURCE, CONSERVATION AND DEVELOPMENT BOARD** (To serve at the pleasure of the Chairman):

County Representative Member:

Frederick Sinclair, Scio

County Alternate: Colleen Cavagna, Belmont

Legislative Member:

Norman G. Ungermann, Jr., Cuba

Member at Large:

Thomas Parmenter, Fillmore

**SOLID WASTE HEARING BOARD MEMBERS** (To serve at the pleasure of the Chairman, pursuant to Resolution No. 211-04 and Local Law No. 3-04):

Dwight R. Fanton, Chairman of Public Works Committee  
Daniel Russo, District IV Legislator  
William G. Dibble, District III Legislator

Alternates:

Michael J. McCormick, District IV Legislator  
Douglas D. Burdick, District V Legislator

**SPECIAL TRAFFIC OPTIONS PROGRAM FOR DRIVING WHILE INTOXICATED (STOP DWI), COORDINATOR** (To serve at the pleasure of the Chairman, pursuant to Section 1197 of the Vehicle and Traffic Law and Resolution No. 29-82 of the Board of Legislators):

Deborah Aumick, Rushford

**ALLEGANY COUNTY CITIZENS ADVISORY COMMITTEE ON TOURISM MEMBERS** (To serve at the pleasure of the Chairman):

Craig Braack, Almond  
Donald Cameron, Alfred Station  
Elaine Hardman, Wellsville  
Steve Havey, Wellsville  
Jon Gorton, Swain  
Douglas Roorbach, Houghton  
Craig Smith, Fillmore

The Clerk of the Board announced that Chairman Crandall has made the following appointments, all of which are subject to confirmation by the Board of Legislators:

**CITIZENS ADVISORY COUNCIL TO THE OFFICE FOR THE AGING MEMBERS** (Three-year term, expiring December 31, 2009):

Beverly Armstrong, Wellsville  
Keith Folts, Fillmore  
Mona Pettit, Cuba  
Reita Sobeck-Lynch, Wellsville

**ALLEGANY COUNTY DEVELOPMENT ADVISORY BOARD MEMBERS** (Pursuant to Local Law No. 2-85):

Education: Deborah Clark, Alfred  
Agriculture:  
Forests: John Corneby, Whitesville  
Recreation/Tourism:  
Industry: Raymond DeTine, Belmont  
Barbara Deming, Cuba  
Steve Havey, Wellsville  
Utilities: Frederic Marks, Hornell  
Small Business: William Hart, Wellsville  
Banking: Linda Clayson, Belmont  
Real Estate: William Shuler, Cuba  
At-Large: David Fleming, Angelica  
Zena Andrus, Friendship

**REGION 9 FISH AND WILDLIFE MANAGEMENT BOARD** (Two-year term, expiring December 31, 2008):

Landowner Representative Member:  
Robert Polanowski, Belfast  
Alternate Landowner Representative Member:  
Kevin Redman, Fillmore

**JAMESTOWN COMMUNITY COLLEGE EXTENSION SITE ADVISORY BOARD MEMBERS** (One-year term, expiring December 31, 2007):

Gary Bastian, Wellsville  
Linda Benedict, Belmont  
Michael Taylor, Belmont

**ALLEGANY COUNTY PLANNING BOARD** (Three-year term, expiring December 31, 2009):

District I Members:  
Kathleen Hollis, Dalton  
District II Members:  
Ronald Stuck, Friendship  
District IV Members:  
Clifford Ackley, Wellsville  
Lee Gridley, Wellsville  
Ex-Officio Members:  
David Roeske, Superintendent of Public Works  
Terri L. Ross, County Treasurer  
Brent L. Reynolds, Ways and Means Committee Chairman

**VETERANS' SERVICE AGENCY, DIRECTOR:**  
Harvey Scott Spillane, Wellsville

**ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:**



1. Correspondence was received from the Republican Party members of the Board of Legislators recommending that Brent L. Reynolds, District V Legislator, be designated by the Chairman of said Board of Legislators as Majority Leader of said Board for the year 2007.

2. Correspondence was received from the Democratic Party member of the Board of Legislators recommending that Michael J. McCormick, District IV Legislator, be designated by the Chairman of said Board of Legislators as Minority Leader of said Board for the year 2007.

3. Planning Board members have been invited to a Committee of the Whole meeting on January 8, 2007 immediately following the regular 2 o'clock Board meeting (approximately 3:00 p.m.) for the purpose of discussing a comprehensive plan and the future planning needs for Allegany County.

4. A reminder was given regarding the New York State Association of Counties (NYSAC) 2007 Legislative Conference to be held from January 29 through January 31 at the Desmond Hotel in Albany. Legislators should notify the Clerk of the Board as soon as possible if they plan to attend.

**ADJOURNMENT:**

The meeting was adjourned on a motion made by Legislator Truax, seconded by Legislator Kruger and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS**  
**Regular Session**

**January 8, 2007**

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The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

Pledge of allegiance to the flag.

The invocation was given by Legislator Reynolds.

Roll Call: 14 Present; 1 Absent (Pullen).

**APPROVAL OF MINUTES:**

The Committee of the Whole meeting minutes of December 11, 2006 were approved on a motion made by Legislator Dibble, seconded by Legislator Hopkins and carried.

The Board meeting minutes of December 26, 2006 were approved on a motion made by Legislator Fanton, seconded by Legislator Truax and carried.

The Committee of the Whole meeting minutes of December 26, 2006 were approved on a motion made by Legislator Truax, seconded by Legislator Dibble and carried.

**ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:**

1. Placed on each legislator's desk was a copy of the Legislators' Compensation Table for 2006.

2. Also placed on each legislator's desk was a copy of the Report of Tax Bill Corrections approved by the County Administrator for the month of December 2006.

3. Also distributed to each legislator was a copy of the Report of Intrafund Transfers approved by the County Administrator for the month of December 2006.

4. A media release was received from Southern Tier West Regional Planning and Development Board summarizing highlights of their December 21, 2006 board meeting.

5. Received in the Clerk of the Board's Office was Town of Alma Resolution No. 5-2006 entitled, "Opposing an Unfunded State Mandate Imposed by the Office of Court Administration Regarding the Allegany County Courthouse."

**RESOLUTIONS:**

**RESOLUTION NO. 4-07**

**AMENDMENT OF RESOLUTION NO. 258-85 ENTITLED  
"A RESOLUTION ESTABLISHING CERTAIN WORK RULES AND CERTAIN  
FRINGE BENEFITS FOR EMPLOYEES OCCUPYING FULL-TIME COUNTY NON-UNIT  
SALARY PLAN GRADED POSITIONS," TO COMPLY WITH THE  
PROVISIONS OF RESOLUTION NO. 259-2006**

Offered by: Ways and Means Committee

**WHEREAS**, by Resolution No. 258-85, as amended, this Board established Work Rules and Fringe Benefits for Employees occupying full-time County Non-Unit Salary Plan Graded Positions, and

**WHEREAS**, this Board by Resolution No. 259-2006 established new health insurance fees for all County employees not currently covered by a collective bargaining agreement, now, therefore, be it

**RESOLVED:**

1. That section 14. a. of Resolution No. 258-85, as amended, is amended to read as follows:

a. An employee shall be entitled to participate in the County's health insurance plan and obtain either "Single" or "Family" coverage, except as limited by subdivision c. of this section, at the following cost:

(1) Employees with family coverage - Flat fee of \$25 per month;

(2) Employees with single coverage - Flat fee of \$10 per month; and

(3) New employees hired after January 1, 2007 will contribute 15 percent of the premium equivalent to their health insurance costs.

2. That section 14. h. of Resolution No. 258-85, as amended, is amended by adding a new sub-paragraph (3) to read as follows:

(3) That all new employees hired after January 1, 2007 will receive a letter stating there is currently no commitment by the County of Allegany to continue health care benefits after their retirement.

3. This resolution will be effective as of January 1, 2007.

Moved by: Mr. Reynolds  
Seconded by: Mr. Dibble

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

**RESOLUTION NO. 5-07**

**APPROVAL OF BOARD CHAIRMAN'S APPOINTMENT OF HARVEY SCOTT SPILLANE  
AS DIRECTOR OF COUNTY VETERANS' SERVICE AGENCY**

Offered by: Personnel Committee

Pursuant to Executive Law § 357 and Resolution No. 58-45

**RESOLVED:**

1. That the appointment by the Chairman of this Board of Legislators of Harvey Scott Spillane as Director of the County Veterans' Service Agency for a term commencing January 1, 2007 and ending December 31, 2007 is approved.

Moved by: Mr. Russo

Adopted: Roll Call

Seconded by: Mr. O'Grady

14 Ayes, 0 Noes, 1 Absent

**RESOLUTION NO. 6-07**

**APPROVAL OF AIR MEDICAL SERVICES CONTRACT WITH MERCY FLIGHT, INC.  
FOR 2007**

Offered by: Human Services Committee

**RESOLVED:**

1. That Air Medical Services Contract between Mercy Flight, Inc. and the County of Allegany, in relation to providing air medical services in Allegany County in 2007, is approved.

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

Moved by: Mr. Truax

Adopted: Roll Call

Seconded by: Mr. Fanton

14 Ayes, 0 Noes, 1 Absent

*(Memo: The fee for 2007 air medical services, as approved in Resolution No. 6-07, is \$10,000.)*

**RESOLUTION NO. 7-07**

**APPROVAL OF AGREEMENT WITH ALLEGANY COUNTY ASSOCIATION FOR THE  
BLIND AND VISUALLY HANDICAPPED, INC., IN RELATION TO THE RENDERING  
OF SERVICE, TRAINING OR AID TO INDIGENT BLIND IN ALLEGANY COUNTY**

Offered by: Human Services Committee

Pursuant to County Law § 224 (6)

**RESOLVED:**

1. That the Agreement in the amount of \$7,500 between the County of Allegany and Allegany County Association for the Blind and Visually Handicapped, Inc., in relation to the rendering of service,

training or aid to indigent blind in Allegany County during 2007, is approved.

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

Moved by: Mr. Truax  
Seconded by: Mr. Dibble

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

#### **RESOLUTION NO. 8-07**

#### **APPROVAL OF AGREEMENT WITH VOLUNTEER FIREMEN'S ASSOCIATION OF ALLEGANY COUNTY, INC., FOR PAYMENT OF 2007 BUDGETARY APPROPRIATION**

Offered by: Public Safety Committee

Pursuant to County Law § 224

#### **RESOLVED:**

1. That the Chairman of this Board is hereby authorized to execute an agreement between the County of Allegany and the Volunteer Firemen's Association of Allegany County, Inc. that shall provide, in substance, (a) that the County of Allegany will disburse in advance to said Association the sum of \$2,000 to be used by said Association for the payment of expenses which it might incur during 2007 in providing fire training schools for training firefighters; (b) that said Association will render a verified account of such expenses on or before December 31, 2007, with verified or certified vouchers therefor attached; and (c) that any unused amount will be refunded to the County of Allegany.

2. That the County Treasurer shall not pay the aforesaid sum until a memorandum receipt signed by the President and Treasurer of said Association agreeing to comply with the terms of this resolution is delivered to her office.

3. That the Treasurer of said Association shall not be required to furnish a bond.

Moved by: Mr. Dibble  
Seconded by: Mr. Fanton

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

**RESOLUTION NO. 9-07**

**APPROVAL OF MEMORANDUM OF AGREEMENT WITH  
CORNELL COOPERATIVE EXTENSION ASSOCIATION OF ALLEGANY COUNTY  
AND AUTHORIZING CHAIRMAN TO EXECUTE MEMORANDUM OF AGREEMENT;  
AUTHORIZING COUNTY TREASURER TO MAKE APPROPRIATION PAYMENTS  
IN RELATION TO THE 2007 BUDGETARY APPROPRIATION FOR THE  
WORK OF SUCH ASSOCIATION**

Offered by: Public Works Committee

Pursuant to County Law § 224 (8)

**RESOLVED:**

1. That Memorandum of Agreement between the County of Allegany and the Cornell Cooperative Extension Association of Allegany County, dated January 1, 2007 in relation to the payment of appropriations to such Association by the County and the providing of services for such appropriations is approved and the Chairman of this Board is authorized to execute such Memorandum of Agreement.

2. That the County Treasurer is authorized and directed to pay one quarter of the sum provided in the 2007 County Final Budget for such Association in advance on the first day of each quarter beginning January 2007, to be used by such Association pursuant to the terms and conditions of such Agreement; such payments to be made to the duly bonded Treasurer of such Association, after receipt before the first of such payments of a Memorandum Receipt signed by such Association Treasurer agreeing to comply with the terms of this resolution.

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

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

*(Memo: Cornell Cooperative Extension's 2007 appropriation, referred to in Resolution No. 9-07, amounts to \$195,000.)*

**RESOLUTION NO. 10-07**

**APPROVAL OF AGREEMENT WITH ALLEGANY COUNTY AGRICULTURAL SOCIETY  
FOR PAYMENT OF 2007 BUDGETARY APPROPRIATION**

Offered by: Public Works Committee

**RESOLVED:**

1. That the Agreement between the County of Allegany and the Allegany County Agricultural Society is approved.

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

3. That the County Treasurer, upon receipt of a true copy of said Agreement, is authorized and directed to remit to said Society the sum of \$6,500 and charge Account No. A8752.4 therefor.

Moved by: Mr. Fanton  
Seconded by: Mr. Hall

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

**RESOLUTION NO. 11-07**

**APPOINTMENT OF MEMBERS TO THE ALLEGANY COUNTY PLANNING BOARD**

Offered by: Ways and Means Committee

**RESOLVED:**

1. That each of the following persons is appointed to the Allegany County Planning Board, with term of office for each commencing January 1, 2007 and expiring as set forth below:

Kathleen Hollis	Dalton, New York	December 31, 2009
Ronald Stuck	Friendship, New York	December 31, 2009
Clifford Ackley	Wellsville, New York	December 31, 2009
Lee Gridley	Wellsville, New York	December 31, 2009
James E. Ninos	Alfred, New York	December 31, 2008

2. That the Chairman of the Ways and Means Committee of this Board, David Roeske, Superintendent of Public Works, and Terri L. Ross, Allegany County Treasurer, are appointed ex-officio members of the Allegany County Planning Board with term of office to commence January 1, 2007, and expire December 31, 2007.

Moved by: Mr. Reynolds  
Seconded by: Mr. Kruger

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

**RESOLUTION NO. 12-07**

**APPOINTMENT OF MEMBERS OF ADVISORY BOARD TO  
JAMESTOWN COMMUNITY COLLEGE EXTENSION SITE**

Offered by: Ways and Means Committee

**RESOLVED:**

1. The following residents of Allegany County are appointed as the County's Representatives on the Jamestown Community College Extension Site Advisory Board for a one-year term commencing January 1, 2007 and expiring December 31, 2007: Gary Bastian, Linda Benedict and Michael Taylor.

Moved by: Mr. Reynolds  
Seconded by: Mr. Dibble  
Voting No: Benson, Burdick, McCormick, O'Grady, Ungermann

Adopted: Roll Call  
9 Ayes, 5 Noes, 1 Absent

**RESOLUTION NO. 13-07**

**APPROVAL OF BOARD CHAIRMAN'S APPOINTMENT OF REPRESENTATIVES TO ALLEGANY COUNTY DEVELOPMENT ADVISORY BOARD**

Offered by: Ways and Means Committee

Pursuant to Local Law No. 2 of 1985

**RESOLVED:**

1. That the appointment by the Chairman of this Board of the following individuals to serve as representatives to and members of the Allegany County Development Advisory Board is approved: Deborah Clark, Education representative; John Corneby, Forests representative; Raymond DeTine, Barbara Deming and Steve Havey, Industry representatives; Frederic Marks, Utilities representative; William Hart, Small Business representative; Linda Clayson, Banking representative; William Shuler, Real Estate representative; David Fleming and Zena Andrus, At Large representatives.

Moved by: Mr. Reynolds  
Seconded by: Mr. Fanton

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

**AUDITS:**

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

A motion was made by Legislator Truax, seconded by Legislator Kruger and adopted on a roll call vote of 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$2,390,809.66 including prepaids, 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 \$163,724.*)

**PRIVILEGE OF THE FLOOR:**

Chairman Crandall granted privilege of the floor to Sheriff William R. Tompkins, who officially introduced himself and Undersheriff William F. Goetschius and stated he was looking forward to working with the Board. Sheriff Tompkins noted that if anyone has issues or questions, they should feel free to contact him.

**COMMENTS:**

Legislator Ungermann noted that through his past one year experience on the Board and his lengthy business interaction with government agencies, he often feels impatient to get things done and is frustrated at the pace with which government accomplishes its goals. Mr. Ungermann suggested a committee be created to address issues that seem to be stalled. He displayed a carved wooden "Round 2 It" to illustrate the concept of nominating topics to be addressed at this proposed committee, which the Board should be getting a "round to it," i.e. contract for housing-in out-of-county jail inmates or comprehensive planning.



**ADJOURNMENT:**

The meeting was adjourned on a motion made by Legislator Reynolds, seconded by Legislator Truax and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS**  
**Regular Session**

**January 22, 2007**

The regular meeting of the Board of Legislators was called to order at 11:00 a.m. by Chairman Curtis W. Crandall. The time of the meeting was changed to accommodate the scheduling of a memorial service for Public Health Director Dr. Gary Ogden, who passed away on January 19, 2007.

Pledge of allegiance to the flag.

A moment of silence was observed in memory of Dr. Gary Ogden, followed by the invocation, given by Legislator Pullen.

Roll Call: 14 Present; 1 Absent (Truax).

Chairman Crandall acknowledged the 2007 class of BOCES student government interns and their instructor, Warner Page. They will be officially introduced at the next Board meeting.

**APPROVAL OF MINUTES:**

The Board Organization Meeting minutes of January 2, 2007 were approved on a motion made by Legislator Fanton, seconded by Legislator Kruger and carried.

The Board Meeting minutes of January 8, 2007 were approved on a motion made by Legislator Reynolds, seconded by Legislator Hall and carried.

The Committee of the Whole minutes of January 8, 2007 were approved on a motion made by Legislator Russo, seconded by Legislator Ungermann and carried.

**ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:**

1. Notification was received that the Personnel Committee has appointed Douglas A. Dillon as Executive Secretary of the Allegany County Mutual Self-Insurance Plan for calendar year 2007.

2. Certificates of Withdrawal of Delinquent Tax Liens were filed on January 16, 2007 by the County Treasurer in the Clerk of the Board's Office for properties in the Town of Ward, pursuant to Article 11 of the New York State Real Property Tax Law.

3. Also received in the Clerk of the Board's Office was a copy of the Southern Tier West Regional Planning and Development Board minutes from their December 21, 2006 meeting.

**APPOINTMENT:**

The Clerk of the Board announced that Chairman Crandall has appointed Hubert Wightman of Almond, NY, to serve on the Allegany County Agricultural and Farmland Protection Board coterminous with his designation as Chairman of Soil and Water Conservation District's Board of Directors, for a one-year term expiring December 31, 2007.

**RESOLUTIONS:**

Resolution Intro. No. 30-07 (Ratifying Action of Chairman in Changing Time of January 22, 2007 Board Meeting) was not pre-filed and was considered from the floor, and out of order as the first resolution of the session, on a motion made by Legislator Fanton, seconded by Legislator Dibble and carried.

**RESOLUTION NO. 14-07**

**RATIFYING ACTION OF CHAIRMAN IN CHANGING TIME OF  
JANUARY 22, 2007 BOARD MEETING**

Offered by: Curtis W. Crandall

**RESOLVED:**

1. That this action of the Chairman of this Board in changing the time of the January 22, 2007 Board Meeting from 2:00 PM to 11:00 AM is ratified.

Moved by: Mr. Reynolds  
Seconded by: Mr. Hopkins

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

**RESOLUTION NO. 15-07**

**APPROVAL OF BOARD CHAIRMAN'S APPOINTMENTS TO  
CITIZENS ADVISORY COUNCIL TO THE OFFICE FOR THE AGING**

Offered by: Human Services Committee

Pursuant to Resolution No. 221-74

**RESOLVED:**

1. That the appointments of Keith Folts of Fillmore, New York, Reita Sobeck-Lynch of Wellsville, New York, Beverly Armstrong of Wellsville, New York, and Mona Pettit of Cuba, New York to the Citizens Advisory Council to the Office for the Aging, with term of office for each commencing January 1, 2007 and expiring December 31, 2009, are confirmed.

Moved by: Mr. Dibble  
Seconded by: Mr. Kruger

Adopted: Voice Vote

**RESOLUTION NO. 16-07**

**APPOINTMENT OF TWO MEMBERS TO  
ALLEGANY COUNTY COMMUNITY SERVICES BOARD**

Offered by: Human Services Committee

**RESOLVED:**

1. That Shirley A. Lyon-Bentley of Wellsville, and Linda Edwards of Houghton, New York are appointed to the Allegany County Community Services Board, with term of office to commence January 1, 2007 and expire December 31, 2010.

Moved by: Mr. Kruger  
Seconded by: Mr. Pullen

Adopted: Voice Vote

**RESOLUTION NO. 17-07**

**REAPPOINTMENT OF THREE INCUMBENT MEMBERS AND  
APPOINTMENT OF ONE NEW MEMBER TO COUNTY TRAFFIC SAFETY BOARD**

Offered by: Public Safety Committee

Pursuant to Local Law No. 2 of 1972

**RESOLVED:**

1. That Kevin Demick, Guy James, and Steve Mattison are reappointed to the County Traffic Safety Board, with term of office for each to commence January 1, 2007 and expire December 31, 2009.

2. That Deborah Aumick is appointed to fill vacancy due to resignation of Kath Buffington, with term of office to commence December 5, 2006 and expire December 31, 2007.

Moved by: Mr. Dibble  
Seconded by: Mr. Reynolds

Adopted: Voice Vote

**RESOLUTION NO. 18-07**

**APPROVAL OF BOARD CHAIRMAN'S REAPPOINTMENT OF MEMBERS TO  
REGION NINE FISH AND WILDLIFE MANAGEMENT BOARD**

Offered by: Public Works Committee

Pursuant to Environmental Conservation Law § 11-0501

**RESOLVED:**

1. That the reappointment, by the Chairman of this Board, of Robert Polanowski of Belfast, New York, to the Region Nine Fish and Wildlife Management Board, as a Landowner Representative, with term of office commencing January 1, 2007, and expiring December 31, 2008, is approved.

2. That the reappointment, by the Chairman of this Board, of Kevin Redman of Fillmore, New York, to the Region Nine Fish and Wildlife Management Board, as an Alternate Landowner Representative, with term of office commencing January 1, 2007, and expiring December 31, 2008, is approved.

Moved by: Mr. Fanton  
Seconded by: Mr. Reynolds

Adopted: Voice Vote

**RESOLUTION NO. 19-07**

**ESTABLISHING 2007 CAPITAL PROJECTS AND PROVIDING FUNDS THEREFOR**

Offered by: Public Works and Ways and Means Committees

**RESOLVED:**

1. That the following 2007 Capital Projects for County and Town Bridges, Culverts and Road Construction in Allegany County are hereby established and funded in the amounts indicated:

Town Projects:

BR #12-20	Caneadea, East River Road	\$260,000
BR #06-09	Andover, Quigg Hollow	<u>\$260,000</u>
	Total Cost	\$520,000
	County Share 85%	\$442,000
	Town Share 15%	\$ 78,000

County Bridges:

BR #04-07	County Road 02, Almond	\$260,000
BR #40-35	County Road 40, Clarksville (Culvert)	\$112,500
BR #05-52	County Road 05, Genesee (Culvert)	<u>\$127,500</u>
	Total County Cost	\$500,000

State Aid/Federal Aid:

CR 20, Main Street, Friendship, BIN 3047780		
Preliminary Engineering/ROW		
	Federal Share 80%	\$136,400
	State Aid 15%	\$ 25,575
	County Shared 5%	<u>\$ 8,525</u>
	Total Cost	\$170,500

Total County Requirement \$950,525

2. That the County Treasurer is authorized to transfer to an account or accounts to be designated by her the sum of \$950,525 for said Capital Projects.

Moved by: Mr. Fanton

Adopted: Roll Call

Seconded by: Mr. Reynolds

14 Ayes, 0 Noes, 1 Absent

**RESOLUTION NO. 20-07**

**A RESOLUTION IN RELATION TO THE RECONSTRUCTION OF  
TOWN BRIDGE NO. 06-09 (B.I.N. 2214110) IN TOWN OF ANDOVER**

Offered by: Public Works and Ways and Means Committees

Pursuant to Highway Law § 238 and Resolution No. 65-95

**WHEREAS**, the County Public Works Department has submitted a report to this Board stating its reasons why Town Bridge No. 06-09 (B.I.N. 2214110) on Quigg Hollow in the Town of Andover should be reconstructed, and

**WHEREAS**, the County Public Works Department has submitted plans, maps and specifications for the reconstruction of such Bridge and estimated the project costs at \$260,000, and

**WHEREAS**, such Bridge qualifies under the Cost Sharing Plan set forth in Resolution No. 65-95, now, therefore, be it

**RESOLVED:**

1. That this Board of Legislators does determine that it considers Town Bridge No. 06-09 (B.I.N. 2214110) on Quigg Hollow in the Town of Andover to be of sufficient importance to be reconstructed.

2. That the plans, maps and specifications prepared by the County Public Works Department are approved and the County Public Works Department is directed to construct such Bridge in accordance with such plans, maps and specifications.

3. That the authorized cost for the construction of such Bridge shall not exceed \$260,000.

4. That in accordance with Resolution No. 65-95, the County's share of such cost is estimated to be \$221,000 and shall be transferred to a Capital Project Account to be designated by the County Treasurer.

5. That the Town's share of such cost, estimated to be \$39,000, shall be paid to the County pursuant to the provisions of section 1 g. of Resolution No. 65-95.

6. That such Bridge shall not be reconstructed until the Town of Andover files the appropriate Town Board resolution in accordance with Resolution No. 65-95.

Moved by: Mr. McCormick  
Seconded by: Mr. Russo

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

**RESOLUTION NO. 21-07**

**A RESOLUTION IN RELATION TO THE RECONSTRUCTION OF  
TOWN BRIDGE NO. 12-20 (B.I.N. 2254650) IN TOWN OF CANEADEA**

Offered by: Public Works and Ways and Means Committees

Pursuant to Highway Law § 238 and Resolution No. 65-95

**WHEREAS**, the County Public Works Department has submitted a report to this Board stating its reasons why Town Bridge No. 12-20 (B.I.N. 2254650) on East River Road in the Town of Caneadea should be reconstructed, and

**WHEREAS**, the County Public Works Department has submitted plans, maps and specifications for the reconstruction of such Bridge and estimated the project costs at \$260,000, and

**WHEREAS**, such Bridge qualifies under the Cost Sharing Plan set forth in Resolution No. 65-95, now, therefore, be it

**RESOLVED:**

1. That this Board of Legislators does determine that it considers Town Bridge No. 12-20 (B.I.N. 2254650) on East River Road in the Town of Caneadea to be of sufficient importance to be reconstructed.

2. That the plans, maps and specifications prepared by the County Public Works Department are approved and the County Public Works Department is directed to construct such Bridge in accordance with such plans, maps and specifications.

3. That the authorized cost for the construction of such Bridge shall not exceed \$260,000.

4. That in accordance with Resolution No. 65-95, the County's share of such cost is estimated to be \$221,000 and shall be transferred to a Capital Project Account to be designated by the County Treasurer.

5. That the Town's share of such cost, estimated to be \$39,000, shall be paid to the County pursuant to the provisions of section 1 g. of Resolution No. 65-95.

6. That such Bridge shall not be reconstructed until the Town of Caneadea files the appropriate Town Board resolution in accordance with Resolution No. 65-95.

Moved by: Mr. Pullen  
Seconded by: Mr. Hopkins

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

**RESOLUTION NO. 22-07**

**AUTHORIZING APPLICATION TO THE NEW YORK STATE OFFICE OF  
HOMELAND SECURITY FOR A HOMELAND SECURITY GRANT TO BE USED FOR  
EMERGENCY MEDICAL OPERATION EQUIPMENT AND FENCING;  
AUTHORIZING CHAIRMAN TO EXECUTE SUCH AGREEMENT**

Offered by: Public Safety and Ways and Means Committees

**RESOLVED:**

1. That this Board authorizes the preparation and submission of an application to the New York State Office of Homeland Security for a Homeland Security Grant to be used for emergency medical operation equipment and fencing. The Chairman of this Board is authorized to execute such grant application.

Moved by: Mr. Dibble  
Seconded by: Mr. Hall

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

*(Memo: Resolution No. 22-07 approves an application for a Homeland Security Grant in the amount of \$27,800 for the period of 07/01/06 to 06/30/08, with no local match required. The Office of Emergency Services will administer the grant process.)*

**RESOLUTION NO. 23-07**

**REAPPROPRIATION OF 2006 CALENDAR YEAR  
HOMELAND SECURITY GRANT FUNDS FROM THE STATE OF NEW YORK**

Offered by: Public Safety and Ways and Means Committees

**RESOLVED:**

1. That Homeland Security Program grant funds in the amount of \$4,764.17 not spent in calendar year 2006 are reappropriated to Account No. A3645.218 (Homeland Security - Equipment) with a like sum credited to Revenue Account No. A10.3306.EMG8 (Homeland Security State Aid - Emergency Services).

Moved by: Mr. Dibble  
Seconded by: Mr. Fanton

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



**RESOLUTION NO. 24-07**

**ACCEPTANCE OF NEW YORK STATE EMERGENCY MANAGEMENT AND  
DISASTER PREPAREDNESS GRANT FUNDS FROM FISCAL YEAR 2006-2007;  
APPROPRIATION OF FUNDS**

Offered by: Public Safety and Ways and Means Committees

**RESOLVED:**

1. That Emergency Management and Disaster Preparedness Grant funds in the amount of \$14,978.10 from fiscal year 2006-2007 are appropriated to Account No. A3640.207 (Emergency Services - Equipment) with a like sum credited to Revenue Account No. A10.3305.00 (State Grant - Emergency Services).

Moved by: Mr. Dibble

Adopted: Roll Call

Seconded by: Mr. McCormick

14 Ayes, 0 Noes, 1 Absent

**RESOLUTION NO. 25-07**

**ACCEPTANCE AND APPROPRIATION OF FUNDS AND DONATIONS FOR THE  
ALLEGANY COUNTY YOUTH COURT**

Offered by: Public Safety and Ways and Means Committees

**RESOLVED:**

1. That funds and donations in the amount of \$20,609 for the Allegany County Youth Court are accepted.

2. That the accepted sum of \$20,609 is appropriated as follows: \$20,000 to Account No. A7321.1, \$609 to Account No. A7321.4 with a like sum credited to Revenue Account No. A08.2705.3825.

Moved by: Mr. Dibble

Adopted: Roll Call

Seconded by: Mr. Hall

14 Ayes, 0 Noes, 1 Absent

*(Memo: Revenues accepted per Resolution No. 25-07 included \$20,000 in grant funds from the Rural Justice Institute [Alfred University], as well as donations and fundraising proceeds.)*

**RESOLUTION NO. 26-07**

**APPROVAL OF INTER-MUNICIPAL AGREEMENT WITH CATTARAUGUS COUNTY  
TO PROVIDE LEAD POISONING PREVENTION PROGRAM SERVICES**

Offered by: Human Services and Ways and Means Committees

**RESOLVED:**

1. That the Inter-Municipal Agreement between Allegany County and Cattaraugus County for the provision of Lead Poisoning Prevention Program and Comprehensive Elevated Blood Lead

Investigation Services for the period January 1, 2007 through December 31, 2007 is approved.

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

Moved by: Mr. Pullen  
Seconded by: Mr. Kruger

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

*(Memo: Services provided under the agreement approved by Resolution No. 26-07 will be on an as needed basis and will be fee based up to a maximum of \$3,000 per year. There are no added expenses for Allegany County as a result of entering into this agreement.)*

Resolution Intro. No. 27-07 (Approval of Extension of Agreement for Services Between County of Allegany and Summit Auction and Realty LLC; Authorizing County Treasurer to Execute Extension of Agreement) was considered following a motion made by Reynolds and seconded by McCormick. The Resolution was defeated on a roll call vote of 6 Ayes, 8 Noes, and 1 Absent. Voting No: Benson, Fanton, Hopkins, Kruger, O'Grady, Pullen, Russo, and Ungermann. Absent: Truax. The Resolution, if approved, would have extended the contract for professional services relating to the annual tax sale property auction for two additional years: 2007 and 2008. Discussion included that, although past experience with Summit has been exceptional, bids or requests for proposals should be sought from Allegany County businesses also.

#### **RESOLUTION NO. 27-07**

##### **APPROVAL OF SUPPLEMENTAL AGREEMENT WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION TO EXTEND COMPLETION DATE OF EAST HILL ROAD BRIDGE ON COUNTY ROAD 46 (PIN: 6753.39)**

Offered by: Public Works Committee

#### **RESOLVED:**

1. That Supplemental Agreement between the New York State Department of Transportation and the County of Allegany to extend the completion date of the East Hill Road Bridge Project on County Road 46 (PIN 6753.39), in the Town of Caneadea, is approved.

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

Moved by: Mr. Fanton  
Seconded by: Mr. Reynolds

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

**RESOLUTION NO. 28-07**

**APPROVING AMENDMENT TO ONE STOP SYSTEM OPERATOR AGREEMENT WITH  
THE NEW YORK STATE DEPARTMENT OF LABOR DIVISION OF  
EMPLOYMENT SERVICES AND THE CATTARAUGUS-ALLEGANY  
WORKFORCE INVESTMENT BOARD, INC.**

Offered by: Ways and Means Committee

**WHEREAS**, this Board by previous resolutions has authorized the County to enter into all necessary agreements regarding the implementation of the Workforce Investment Act of 1998, and

**WHEREAS**, the Allegany County Office of Employment and Training is the operator of the One Stop employment service office in Allegany County, and

**WHEREAS**, it is necessary to enter into an Amendment to the One Stop System Operator Contract for Program Year 2006 with the New York State Department of Labor Division of Employment Services and the Cattaraugus-Allegany Workforce Investment Board, Inc. for the purpose of extending such contract through June 30, 2007, now, therefore, be it

**RESOLVED:**

1. That the Amendment to the One Stop Operator Contract for Program Year 2006 with the New York State Department of Labor Division of Employment Services and the Cattaraugus-Allegany Workforce Investment Board, Inc. is approved and the Director of Employment and Training and the Commissioner of Social Services are authorized to execute such Amendment.

Moved by: Mr. Reynolds  
Seconded by: Mr. Pullen

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

**RESOLUTION NO. 29-07**

**APPROVAL OF FORM OF AGREEMENT FOR  
HOUSING OUT-OF-COUNTY PRISONERS IN ALLEGANY COUNTY JAIL**

Offered by: Public Safety Committee

**RESOLVED:**

1. That the form of agreement for the housing of out-of-county prisoners in the Allegany County Jail as approved by the Public Safety Committee of this Board on this date is approved.

2. That the Chairman of this Board and Allegany County Sheriff are authorized to enter into agreements with any other county and to execute a written agreement with such county in the form herein approved, with any necessary additions thereto, upon the review and approval of such written agreement by the County Attorney.

Moved by: Mr. Dibble  
Seconded by: Mr. Fanton

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

Legislator Kruger went on record to indicate how much he appreciates the immediate attention the new Sheriff gave to the issue of housing out-of-county inmates, which hadn't been taken care of by the outgoing Sheriff.

*(Memo: The form of agreement approved by Resolution No. 29-07 only covers inmates from other counties. When contracts with individual counties come up, they will not be returned to the full Board for approval, but will be signed by the Board Chairman and Sheriff.)*

**AUDITS:**

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

A motion was made by Legislator Reynolds, seconded by Legislator Kruger and adopted on a roll call vote of 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$1,624,367.71 including prepaids, 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 \$491,172.)*

**ADJOURNMENT:**

The meeting was adjourned on a motion made by Legislator Kruger, seconded by Legislator Fanton and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
Regular Session**

**February 12, 2007**

The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

Pledge of allegiance to the flag.

The invocation was given by Legislator Pullen.

Roll Call: 15 Present; 0 Absent.

**PRIVILEGE OF THE FLOOR:**

Chairman Crandall took the floor to recognize Legislator William Dibble as a member of the first graduating class of the Pelletier Institute, which is a structured educational partnership program of the New York State Association of Counties and Cornell University. The institute was established for elected and appointed New York State county officials and is designed to make county officials more knowledgeable of, and better prepared to address, the issues they face. Legislator Dibble has been working toward the required credits over the past several years and is one of only six award recipients statewide.

Chairman Crandall presented a certificate of recognition to the February 2007 Employee of the Month, Karen Williams, Supervising Public Health Nurse in the Health Department, in recognition of her hard work and dedication to the County.

Chairman Crandall granted privilege of the floor to Warner Page, Instructor for the BOCES Student Government Intern Program, who in turn introduced this year's thirteen participants: from Cuba-Rushford Central School - Chad Austin, Kelsey Boudin, Ryan Cook, Tom Flicker, Brian Johnson, Adam Prince, Curtis Reynolds, Courtney Sawaya, Matt Sirianni, and Josh Yanetsko; and from Wellsville High School - Briana Bledsoe, Kristin Egbert, and Catherine Gresham.

**APPROVAL OF MINUTES:**

The Board meeting minutes of January 22, 2007 were approved on a motion made by Legislator Dibble, seconded by Legislator Hopkins and carried.

**ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:**

1. Placed on each legislator's desk was a copy of the 2006 Annual Report of the County Treasurer of the monies received and disbursed by her in connection with the licensing of dogs and protection of domestic animals there from in accordance with Article 7 of the Agriculture and Markets Law. A motion was made by Legislator Reynolds, seconded by Legislator Hall and carried, that the report be accepted and the County Treasurer be directed to

refund the apportioned 75 percent of the surplus to the various towns.

2. The 2006 Annual Reports from the County Attorney, County Clerk, Probation, Public Works, Cornell University Cooperative Extension, Human Resources, and Sheriff were distributed for review.

3. Copies of the 2007 Allegany County Directory were previously distributed to each legislator.

4. Placed on each legislator's desk was a copy of the Report of Tax Bill Corrections approved by the County Administrator for the month of January 2007.

5. Also placed on each legislator's desk was a copy of the Report of Intrafund Transfers approved by the County Administrator for the month of January 2007.

6. Notice was received of the next Inter-County Association meeting to be hosted by Chemung County on February 16 in Horseheads.

7. Certificates of Withdrawal of Delinquent Tax Liens were filed on February 9, 2007 by the County Treasurer in the Clerk of the Board's Office for properties in the Town of Andover, pursuant to Article 11 of the New York State Real Property Tax Law.

8. Correspondence was received from the NYS Department of Transportation regarding our Resolution No. 272-06 requesting the installation of flashing signals for the intersection of State Route 244 and County Routes 10 and 11 in the Town of Alfred.

9. Notification was received that Legislator William G. Dibble was a member of the first graduating class of the Pelletier Institute, a structured educational partnership program of the New York State Association of Counties and Cornell University. Legislator Dibble was awarded his diploma at the annual NYSAC Conference in Albany on January 30, 2007.

#### **APPOINTMENTS:**

The Clerk of the Board announced that Chairman Crandall has appointed the following as members of the **ALLEGANY COUNTY YOUTH BOARD** for a three-year term commencing March 26, 2007 and expiring March 25, 2010, subject to confirmation by the Board of Legislators:

Stacy Edwards, Houghton	(District I)
Susan F. Myers, Friendship	(District II)
Patrick Barry, Wellsville	(District III)
Edna Kayes, Alfred	(District V)

Chairman Curtis W. Crandall, in a joint measure with Crystal Abers, Chairman of the Cattaraugus County Board of Legislators, has appointed the following individuals to serve on the **CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD YOUTH COUNCIL** for a two-year term commencing immediately and expiring December 31, 2008:

Jodi Fuller, Cattaraugus Community Action  
Jessica Paterniti, The Rehabilitation Center  
John Francisco, Owner, Francisco Farms

Chairman Curtis W. Crandall, in a joint measure with Crystal Abers, Chairman of the Cattaraugus County Board of Legislators, has appointed the following individual to replace Lisa Lee as a member of the **CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD YOUTH COUNCIL** for the remainder of a two-year term commencing immediately and expiring December 31, 2007:

Janet Gaczewski, Literacy Volunteers of Allegany County

**RESOLUTIONS:**

**RESOLUTION NO. 30-07**

**REQUESTING SPECIAL STATE LEGISLATION TO SELL THREE PARCELS OF REFORESTED LAND IN TOWNS OF AMITY AND ANGELICA AND TO ALLOW USE OF PROCEEDS FOR COUNTY REFORESTATION PURPOSES**

Offered by: Public Works and Ways and Means Committees

**WHEREAS**, the County of Allegany holds title to three parcels of real property located in the Towns of Angelica and Amity, purchased by the County and placed in the County's reforestation program, and

**WHEREAS**, the first such parcel commonly known as the "Coleman Lot" consists of approximately 84.40 acres located in the Town of Amity and was conveyed to the County by deed dated December 29, 1949 and recorded in the Allegany County Clerk's Office in Liber 445 of Deeds at Page 82, and

**WHEREAS**, the second such parcel commonly known as the "Phippen Lot" consists of approximately 39.30 acres located in the Town of Angelica and was conveyed to the County by deed dated May 20, 1932 and recorded in the Allegany County Clerk's Office in Liber 297 of Deeds at Page 483, and

**WHEREAS**, the third such parcel commonly known as the "Snyder Lot" consists of approximately 108.40 acres located in the Town of Angelica and was conveyed to the County by deed dated June 28, 1943 and recorded in the Allegany County Clerk's Office in Liber 361 of Deeds at Page 4, and

**WHEREAS**, two of the above described parcels are not contiguous to any other County owned reforested lands and none of such parcels have timber plantations of any value and the costs of managing such parcels exceeds their usefulness, and

**WHEREAS**, none of such parcels are necessary for County use and will not in the future be necessary for County use, and

**WHEREAS**, this board feels that the best interests of the County would be served if such parcels were sold and the proceeds of such sale be used for reforestation purposes, and

**WHEREAS**, Section 219 of the County Law prohibits conveyance of title to reforested lands except to the State of New York without charge, and

**WHEREAS**, in order for the County to sell such parcels the County must obtain special legislation from the State of New York authorizing the sale of such parcels, and

**WHEREAS**, the Director of the Division of Lands and Forests of the New York State Department of Environmental Conservation has indicated, through the Regional Forester having responsibility for the area in which the parcels in question are located, that he will not oppose the County's request to sell such parcels, now, therefore, be it

**RESOLVED:**

1. That Senator Catharine M. Young and Assemblymen Daniel J. Burling and Joseph M. Giglio are hereby requested to introduce and seek the adoption by the State Legislature of a special law to allow the County of Allegany to sell a portion of its reforested lands consisting of three parcels located in the Towns of Amity and Angelica and more particularly described in deed dated December 29, 1949 and recorded in the Allegany County Clerk's Office in Liber 445 of Deeds at Page 82, deed dated May 20, 1932 and recorded in the Allegany County Clerk's Office in Liber 297 of Deeds at Page 483, and deed dated June 28, 1943 and recorded in the Allegany County Clerk's Office in Liber 361 of Deeds at Page 4, and to allow any proceeds of such sale to be used for County reforestation purposes.

2. That the Clerk of this Board is directed to remit certified copies of this resolution to State Senator Catharine M. Young and Assemblymen Daniel J. Burling and Joseph M. Giglio.

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

Adopted: Roll Call  
13 Ayes, 2 Noes, 0 Absent  
Voting No: Burdick, Dibble



**RESOLUTION NO. 31-07**

**REQUESTING STATE LEGISLATIVE REPRESENTATIVES TO INTRODUCE AND  
SEEK PASSAGE OF LEGISLATION AUTHORIZING ALLEGANY COUNTY SHERIFF TO  
APPOINT ANDREW L. CHAMBERLAIN AS DEPUTY SHERIFF**

Offered by: Ways and Means Committee

**WHEREAS**, Andrew L. Chamberlain has been employed by the County of Allegany as a Correction Officer and Deputy Sheriff since January 6, 2001, and

**WHEREAS**, on November 24, 2004 Andrew L. Chamberlain was temporarily appointed as a Deputy Sheriff pending a civil service examination and establishment of an eligible list, and

**WHEREAS**, Andrew L. Chamberlain took the Deputy Sheriff civil service examination on December 6, 2003, passed the examination and was placed on the eligible list for appointment as a Deputy Sheriff, and

**WHEREAS**, Andrew L. Chamberlain was appointed as an Allegany County Deputy Sheriff on a permanent basis on July 21, 2005, and

**WHEREAS**, Andrew L. Chamberlain was born on July 19, 1968 and at the time he took the Deputy Sheriff civil service examination on December 6, 2003 he was 35 years, 6 months and 11 days of age, and

**WHEREAS**, Section 58(1)(a) of the Civil Service Law provides that an individual cannot be appointed as a police officer if, at the time he takes the written examination for such position, he is more than 35 years of age, and

**WHEREAS**, the fact that Andrew L. Chamberlain was over 35 years of age at the time he took the Deputy Sheriff's civil service examination was not discovered until October 2006, and

**WHEREAS**, Andrew L. Chamberlain has been an exemplary employee as both a Correction Officer and Deputy Sheriff, now, therefore, be it

**RESOLVED:**

1. That the Allegany County Board of Legislators requests our State Legislative Representatives to introduce and seek passage in the State Senate and Assembly of legislation waiving the age requirements of Section 58(1)(a) of the Civil Service Law with respect to Andrew L. Chamberlain and authorizing the Allegany County Sheriff to appoint Andrew L. Chamberlain as a Deputy Sheriff.

2. The Clerk of this Board is directed to send certified copies of this resolution to Senator Catharine M. Young and Assembly Members Joseph M. Giglio and Daniel J. Burling.

Moved by: Mr. Reynolds

Adopted: Roll Call

Seconded by: Mr. Dibble 12 Ayes, 3 Noes, 0 Absent  
Voting No: Burdick, Kruger, Ungermann

**RESOLUTION NO. 32-07**

**ACCEPTANCE OF THE INSURANCE PROPOSAL OF  
NYMIR SUBMITTED BY RICHARDSON & STOUT INSURANCE COMPANY;  
CONTINUED AUTHORITY OF BOARD CLERK AND PERSONNEL COMMITTEE  
TO SECURE OTHER INSURANCE**

Offered by: Personnel Committee

**RESOLVED:**

1. That the NYMIR insurance proposal and related services as submitted by Richardson & Stout Insurance Company of Wellsville, New York to the County of Allegany for the period February 1, 2007 to February 1, 2008 is approved.

2. That the premium not to exceed \$274,782.75 plus any additional premium amounts resulting from the addition or inclusion of vehicles, equipment and other property to the policies is charged to the several accounts of the 2007 County Final Budget in which the funds are proportionately provided to cover the whole of such premium.

3. That all other insurance not provided for in the foregoing proposal shall continue to be secured by the Clerk of the County Board of Legislators with approval of the Personnel Committee of such County Board, limited by the funds appropriated by such County Board therefor.

Moved by: Mr. Russo  
Seconded by: Mr. Fanton

Adopted: Roll Call  
13 Ayes, 2 Noes, 0 Absent  
Voting No: Kruger, Ungermann

**RESOLUTION NO. 33-07**

**ACCEPTANCE OF THE INSURANCE PROPOSAL OF  
MERCHANT'S MUTUAL INSURANCE COMPANY SUBMITTED BY  
HUMPHREY & VANDERVOORT / W.H. GREENE & ASSOCIATES, INC. FOR  
EXCESS LIABILITY UMBRELLA COVERAGE; CONTINUED AUTHORITY OF  
BOARD CLERK AND PERSONNEL COMMITTEE TO  
SECURE OTHER INSURANCE**

Offered by: Personnel Committee

**RESOLVED:**

1. That the Merchant's Mutual Insurance Company insurance proposal for excess liability umbrella coverage in the amount of \$4,000,000 as submitted by Humphrey & Vandervoort of East Amherst, New York, and W.H. Greene & Associates, Inc. of East Aurora, New York, to the County of Allegany for the period February 1, 2007 to February 1, 2008 is approved.

2. That the premium not to exceed \$58,500 is charged to the several accounts of the 2007 County Final Budget in which the funds are proportionately provided to cover the whole of such premium.

3. That all other insurance not provided for in the foregoing proposal shall continue to be secured by the Clerk of the County Board of Legislators with approval of the Personnel Committee of such County Board, limited by the funds appropriated by such County Board therefor.

Moved by: Mr. Russo  
Seconded by: Mr. Pullen

Adopted: Roll Call  
13 Ayes, 2 Noes, 0 Absent  
Voting No: Kruger, Ungermann

**RESOLUTION NO. 34-07**

**APPROVAL OF CLAIMS SERVICE CONTRACT BETWEEN  
ALTERNATIVE SERVICE CONCEPTS, LLC AND ALLEGANY COUNTY**

Offered by: Personnel Committee

**RESOLVED:**

1. That the Claims Service Contract between the County and Alternative Service Concepts, LLC, for the period February 1, 2007 to February 1, 2008, is approved.

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

Moved by: Mr. Russo  
Seconded by: Mr. Fanton

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

*(Memo: The claims administration services renewal contract approved by Resolution No. 34-07 is required under the terms of the County's self-insured retention package. The contract provides for servicing of claims arising out of coverage provided under insurance policies issued by NYMIR through Richardson & Stout Insurance Company. The cost for the contract period is \$8,500, which is \$3,855 less than last year's rate of \$12,355. Any claim remaining open after 24 months will be subject to an annual maintenance fee of \$500, up from \$400 last year. We currently have three open claims older than 24 months, one of which will be closing this month.)*

**RESOLUTION NO. 35-07**

**AUTHORIZING ACCORD, INC. TO UPDATE H.U.D. CONSOLIDATED PLAN;  
APPROPRIATING AND TRANSFERRING FUNDS**

Offered by: Ways and Means Committee

**WHEREAS**, by Resolution No. 229-99 this Board approved a H.U.D. Consolidated Plan for Allegany County, and

**WHEREAS**, an updated H.U.D. Consolidated Plan will provide a resource to the County when it is applying for grant funds, now, therefore be it

**RESOLVED:**

1. That this Board authorizes an update of the H.U.D. Consolidated Plan for Allegany County and further authorizes ACCORD, Inc. to update such Plan at a cost not to exceed \$10,000.

2. That the sum of \$10,000 is transferred from Account No. A1990.4 (Contingent) to Account No. A1011.409 (County Administrator - Fees) to finance the cost of updating such Plan.

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

Adopted: Roll Call  
14 Ayes, 1 No, 0 Absent  
Voting No: McCormick

**RESOLUTION NO. 36-07**

**APPROVAL OF AGREEMENT WITH LEAGUE OF HANDICAPPED, INC. OF  
SPRINGVILLE, NEW YORK FOR APPROVED PROVIDER OF PROGRAMS,  
SEIT AND/OR EVALUATIONS FOR PRESCHOOLERS WITH DISABILITIES**

Offered by: Human Services Committee

**RESOLVED:**

1. That the Agreement titled "County of Allegany Contract for Approved Providers of Programs, SEIT and/or Evaluations for Preschoolers with Disabilities" with League of Handicapped, Inc., for the period February 1, 2007 to August 31, 2007, is approved.

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

Moved by: Mr. Truax  
Seconded by: Mr. Dibble

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

*(Memo: The provider agreement approved by Resolution No. 36-07 is in addition to the three others approved for the 2006-07 period by Resolution No. 233-06 on November 13, 2006.)*

**AUDITS:**

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

A motion was made by Legislator Truax, seconded by Legislator Kruger and adopted on a roll call vote of 15 Ayes, 0 Noes, 0 Absent, that the audit of claims, totaling \$4,087,969.67 including prepaids, 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 \$982,344.*)

**COMMENTS:**

Legislator Norman Ungermann gave an update on Clark Patterson Associates' review of his proposal for use of the County Office Building Third Floor (former jail) and Courthouse Second Floor for the Court Facilities. Legislator Ungermann has met with two engineers and an architect from Clark Patterson relative to this alternate proposal and after a preliminary review of the plans, Clark Patterson Associates prepared a letter detailing their investigation to date. The letter was presented to Legislator Pullen, as Vice Chairman of the Court Facilities and County Space Needs Committee. Clark Patterson Associates would like to present their proposal at the February 26 Board meeting.

Discussion followed including whether the proposal should be presented to the full Board or to follow the committee structure process already in place and have the Court Facilities and County Space Needs Committee look at the information first. Then the committee could decide if Clark Patterson Associates' presentation would be heard at the committee level, or hold a special committee meeting after a Board meeting, or refer it to the full Board. Concern was also voiced regarding compliance with Office of Court Administration regulations. Chairman Crandall stated that the letter from Clark Patterson Associates will be addressed at the Court Facilities and County Space Needs Committee meeting on February 13 and the committee will make a decision to move forward from there. Legislator Ungermann will try to have representatives from Clark Patterson attend that meeting.

**ADJOURNMENT:**

The meeting was adjourned on a motion made by Legislator Reynolds, seconded by Legislator Fanton and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS**  
**Regular Session**

**February 26, 2007**

The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

Pledge of allegiance to the flag.

The invocation was given by Legislator Pullen.

Roll Call: 13 Present; 2 Absent (Benson, Fanton).

**APPROVAL OF MINUTES:**

The Board meeting minutes of February 12, 2007 were approved on a motion made by Legislator Dibble, seconded by Legislator Truax and carried.

**PRIVILEGE OF THE FLOOR:**

Chairman Crandall granted privilege of the floor to Legislator William G. Dibble regarding NYSAC Training Seminars. Mr. Dibble passed around the diploma he recently received for completing training through the Pelletier Institute. He noted the importance of NYSAC conferences and seminars as a way of disseminating valuable information to the Counties.

Privilege of the floor was also granted to Rebecca Decker from the Allegany County Arc. March has been designated as the month to promote developmental disabilities awareness. A generation ago, individuals with developmental disabilities were kept very isolated. Allegany Arc was created over 45 years ago, and due to their tireless efforts, people with special needs are living lives filled with opportunity, dignity, and hope. Today, Allegany Arc impacts the lives of over 1,000 County residents on a daily basis. Ms. Decker thanked the Board, asked for their continued support, and requested that the Chairman proclaim March 2007 as Developmental Disabilities Awareness Month.

Representatives were present from the offices of the County Attorney, County Clerk, Probation, Public Works, Cornell Cooperative Extension, Human Resources, and Sheriff, to answer any questions regarding their 2006 Annual Reports.

**ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:**

1. Placed on each legislator's desk were copies of the 2006 Annual Reports from Office for the Aging, Emergency Services, Board of Elections, Health Department, Coroners, Community Services, Real Property Tax Service Agency, and Fire Service, for review.

2. Copies of the 2007 Allegany County Official Travel and Outdoor Guide were distributed.

3. Certificates of Withdrawal of Delinquent Tax Liens were filed on February 16, 2007 by the County Treasurer in the Clerk of the Board's Office for properties in the Towns of Amity and Wellsville, pursuant to Article 11 of the New York State Real Property Tax Law.

4. A media release was received from Southern Tier West Regional Planning and Development Board summarizing their February 15 board meeting.

**APPOINTMENTS:**

The Clerk of the Board announced that Chairman Curtis W. Crandall has reappointed Jack Potter of Scio and appointed Tom Kent of Andover as Active Farmer Members on the **ALLEGANY COUNTY AGRICULTURAL AND FARMLAND PROTECTION BOARD**, each for a four-year term commencing March 5, 2007 and expiring March 4, 2011.

Chairman Curtis W. Crandall, in a joint measure with Crystal Abers, Chairman of the Cattaraugus County Board of Legislators, has appointed Christina John, Seneca Nation of Indians Employment & Training Program, to replace Debbie Cooper on the **CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD** for the remainder of a three-year term expiring December 31, 2007:

**PROCLAMATION:**

Chairman Crandall proclaimed March 2007 as Developmental Disabilities Awareness Month and urged County citizens to give full support to efforts toward enabling people with developmental disabilities to live productive lives and achieve their potential.

**RESOLUTIONS:**

Resolution Intro. No. 38-07 (Bond Resolution Dated February 26, 2007: A Resolution Authorizing the Issuance of \$1,468,525 Bonds of the County of Allegany, New York, to Pay Costs of Various Capital Improvements in and for Said County) was TABLED following a motion made by Legislator Hall, seconded by Legislator O'Grady and carried. The purpose of this Bond Resolution was for the purchase of heavy equipment at \$518,000 and construction of improvements to various bridges at \$950,525.

**RESOLUTION NO. 37-07**

**REAPPOINTMENT OF COUNTY FARM BUREAU APPOINTEE TO THE  
ALLEGANY COUNTY SOIL AND WATER CONSERVATION DISTRICT BOARD**

Offered by: Public Works Committee

Pursuant to Soil and Water Conservation District Law §§ 6 and 7

**RESOLVED:**

1. That Mark Bainbridge is reappointed to the Allegany County Soil and Water Conservation District Board, as County Farm Bureau Appointee, with term of office commencing January 1, 2007 and expiring December 31, 2009.

Moved by: Mr. Ungermann  
Seconded by: Mr. Hopkins

Adopted: Voice Vote

Resolution Intro. No. 40-07 (Creating One Position of Corrections Officer in Sheriff's Department and Abolishing One Position of Deputy Sheriff) was TABLED following a motion made by Legislator Reynolds, seconded by Legislator Burdick and carried. The Office of the Sheriff currently employs 72 full-time Officers; 31 of them hold Deputy or Deputy Sergeant status. The fiscal impact of this resolution was estimated at \$10,000.

**RESOLUTION NO. 38-07**

**INCREASING AUTHORIZED NUMBER OF PART-TIME CORRECTION OFFICERS**

Offered by: Public Safety Committee

**RESOLVED:**

1. That the authorized number of part-time Correction Officers in the Office of the Sheriff is increased from 18 to 24.

Moved by: Mr. Dibble  
Seconded by: Mr. Reynolds

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

*(Memo: Resolution No. 38-07 will increase the size of the pool of part-time Officers available for call-in, thereby saving the expense of filling shifts with full-time overtime.)*



**RESOLUTION NO. 39-07**

**ESTABLISHING A CAPITAL ACCOUNT IN THE AMOUNT OF \$20,000 FOR CONSTRUCTION OF A COURT ROOM AND RELATED OFFICES ON GROUND FLOOR OF COUNTY OFFICE BUILDING; PROVIDING FUNDING FOR SUCH ACCOUNT**

Offered by: Public Works and Ways and Means Committees

**RESOLVED:**

1. A Capital Account is established within the Capital Fund for the construction of a courtroom and related offices on the ground floor of the County Office Building.

2. Funding for such Capital Account will be from state aid, however, if the construction exceeds \$20,000, the remainder will be funded from the Contingency Fund.

3. Withdrawals from such account shall be made only upon resolution of the Board of Legislators and the recommendation of the Public Works and Ways and Means Committees of this Board.

Moved by: Mr. Reynolds  
Seconded by: Mr. Pullen

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

**RESOLUTION NO. 40-07**

**ESTABLISHING A CAPITAL ACCOUNT FOR PHASE II CLOSURE OF THE ALLEGANY COUNTY LANDFILL; PROVIDING FUNDING FOR SUCH ACCOUNT**

Offered by: Public Works and Ways and Means Committees

**RESOLVED:**

1. A Capital Account to be known as "Phase II Closure of County Landfill" is hereby established within the Capital Fund.

2. Funding for such Capital Account will be from a combination of the Solid Waste Reserve Fund, grants, and borrowing.

3. Withdrawals from such account shall be made only upon resolution of the Board of Legislators upon the recommendation of the Public Works and Ways and Means Committees of this Board.

Moved by: Mr. Reynolds  
Seconded by: Mr. Pullen

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

*(Memo: Regarding Resolution No. 40-07, the total estimated cost of Phase II Closure of the Landfill [Cells 4 and 5] is \$2,000,000. It is anticipated that \$850,000 will be funded by a NYS DEC Grant, and the remaining \$1,150,000 will be the County share, with funding from the Solid Waste Reserve Account or other sources, to be determined by the Ways and Means Committee.)*

**RESOLUTION NO. 41-07**

**AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO APPLY FOR GRANT FUNDS THROUGH THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR CLOSURE COSTS OF LANDFILL CELLS**

Offered by: Public Works and Ways and Means Committees

**WHEREAS**, the New York State Department of Environmental Conservation has directed the Department of Public Works to initiate the closure of Allegany County Landfill Cells 4 and 5 in year 2008, and

**WHEREAS**, the preliminary estimated cost of such closure is \$2 million dollars, and

**WHEREAS**, the Allegany County Department of Public Works intends to apply for grant funding for such closure costs, now, therefore, be it

**RESOLVED:**

1. That this Board authorizes the Department of Public Works to apply for grant funds through the New York State Department of Environmental Conservation and that the Superintendent of the Allegany County Public Works Department is authorized to execute and submit any and all documents necessary to obtain such funding.

Moved by: Mr. Hall

Seconded by: Mr. Reynolds

Adopted: Roll Call

13 Ayes, 0 Noes, 2 Absent

**RESOLUTION NO. 42-07**

**ACCEPTANCE OF MEMBER ITEM FUNDING FROM STATE SENATOR CATHARINE YOUNG  
FOR RESPITE HOME CARE SERVICES; APPROPRIATION OF FUNDING TO  
OFA - III-E FAMILY CAREGIVER ACCOUNT**

Offered by: Human Services and Ways and Means Committees

**WHEREAS**, the sum of \$9,700 has been offered by State Senator Catharine Young to the Allegany County Office for the Aging to be used for respite home care services for families caring for older family members, now, therefore, be it

**RESOLVED:**

1. That the sum of \$9,700 offered by State Senator Catharine Young to the Allegany County Office for the Aging to be used for respite home care services is accepted.

2. That the accepted sum of \$9,700 is appropriated to Account No. A6786.474 (OFA III-E Family Caregiver - Contractual) with a like sum credited to Revenue Account No. A10.3772.MISC (OFA State Aid - Misc.).

Moved by: Mr. Truax  
Seconded by: Mr. Pullen

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

**RESOLUTION NO. 43-07**

**TRANSFER OF FUNDS FROM CONTINGENT ACCOUNT TO A  
CAPITAL ACCOUNT TO BE DETERMINED BY COUNTY TREASURER  
FOR THE REMOVAL OF JAIL CELLS**

Offered by: Public Works and Ways and Means Committees

**RESOLVED:**

1. That the sum of \$35,000 is transferred from Account No. A1990.4 (Contingent) to an account to be determined by the County Treasurer, for the removal of the jail cells on the third floor of the County Office Building.

Moved by: Mr. Reynolds  
Seconded by: Mr. Dibble

Adopted: Roll Call  
9 Ayes, 4 Noes, 2 Absent  
Voting No: Burdick, Kruger, Truax, Ungermann

*(Memo: Attached to Resolution No. 43-07 is the Agreement for the Demolition and Removal of Steel Jail Cells between the County and Malcolm Sortore Excavating from Friendship, for which the bid was awarded at the February 7, 2007 Public Works Committee. The bid price accepted includes the contractor's retention of the scrap steel.*

*Comments made prior to approval of Resolution 43-07 included opinions voiced by Legislators Kruger and Ungermann that the County's Public Works Department has the capability and time to do the work in-house which would save \$35,000 to use elsewhere, such as for economic development, a grants writer, comprehensive study, or tourism.*

*Legislator Hall questioned the potential cost of not being able to complete expected work if Public Works employees were to work on the jail cells, and he also expressed concern about safety, qualifications, and ability to perform the work. Legislator Kruger answered that the Public Works employees do have the experience, training, and ability to do the work safely, and he doesn't feel time constraints are an issue. Bridge work can be rescheduled and maintenance crews aren't currently doing road repair.*

*Public Works Superintendent David Roeske stated that although his employees are qualified, he doesn't have the personnel available. The bridge crew is way behind [two bridges weren't finished in 2006] and district crews are on snow removal. Night crews were busy every night last month. Buildings and Grounds personnel will be involved*

*in the renovation of rooms on the County Office Building Ground Floor for use by the Courts.*

*Legislator Reynolds requested that Legislator Kruger abstain from voting, but the request failed to receive support.)*

**RESOLUTION NO. 44-07**

**APPROVAL OF EXTENSION OF AGREEMENT FOR SERVICES BETWEEN  
COUNTY OF ALLEGANY AND SUMMIT AUCTION AND REALTY LLC;  
AUTHORIZING COUNTY TREASURER TO EXECUTE EXTENSION OF AGREEMENT**

Offered by: Legislator Curtis W. Crandall

**RESOLVED:**

1. That Extension of Agreement for Services between the County of Allegany and Summit Auction and Realty LLC in relation to services for the annual tax sale to be held in May 2007 is approved.

2. That the County Treasurer is authorized to execute said Extension of Agreement.

Moved by: Mr. Dibble  
Seconded by: Mr. Reynolds

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

*(Memo: An extension of agreement with Summit Auction and Realty was previously considered for a two-year term by Resolution Intro. No. 27-07 on January 22, 2007 and was defeated. Resolution No. 44-07 approves a one-year extension.)*

**RESOLUTION NO. 45-07**

**APPROVAL OF AGREEMENT WITH J. TIMOTHY EMBSER, ESQ.  
TO PROVIDE ADMINISTRATOR SERVICES UNDER ASSIGNED COUNSEL PLAN**

Offered by: Public Safety Committee

**WHEREAS**, an "Assigned Counsel Plan for Indigent Persons" was approved by Resolution No. 68-65, and amended by Resolution No. 93-65, and

**WHEREAS**, J. Timothy Embser, Esq., has agreed to act as Administrator pursuant to such Plan for the calendar year 2007, now, therefore be it

**RESOLVED:**

1. That Agreement between the County of Allegany and J. Timothy Embser, Esq. in relation to the Assigned Counsel Plan for Indigent Persons, is approved.

2. That the amount of \$15,000 to be paid pursuant to said Agreement shall be charged to Account No. A1171.431, Assigned Counsel.

Moved by: Mr. Dibble  
Seconded by: Mr. Truax

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

**RESOLUTION NO. 46-07**

**APPROVAL OF ALTERNATIVES TO INCARCERATION SERVICE PLAN UPDATES  
FOR JANUARY 1, 2007 TO DECEMBER 31, 2007  
AS SUBMITTED BY COUNTY PROBATION DIRECTOR;  
AUTHORIZING PROBATION DIRECTOR TO EXECUTE DOCUMENTS AND  
AUTHORIZING CHAIRMAN TO CERTIFY APPROVAL**

Offered by: Public Safety Committee

Pursuant to Executive Law Article 13-A-Alternatives  
to Incarceration Service Plans

**RESOLVED:**

1. That the Alternatives to Incarceration Service Plan Updates for January 1, 2007 to December 31, 2007, in relation to the continuation of the County's Pretrial Release Program and Community Service Program, are approved.

2. The Director of Probation is authorized to execute and deliver all agreements necessary to complete the approval process of the Plan Updates.

3. That the Chairman of this Board is authorized to certify such approval on such Plan Updates.

Moved by: Mr. Dibble  
Seconded by: Mr. Truax

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

**AUDITS:**

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

A motion was made by Legislator Truax, seconded by Legislator Kruger and adopted on a roll call vote of 13 Ayes, 0 Noes, 2 Absent, that the audit of claims, totaling \$1,571,350.65 including prepaids, 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 \$1,309,792.*)

**COMMENTS:**

Legislator Dibble mentioned that he had a copy of Sullivan County's Comprehensive Plan if anyone would like to take a look at it.

**ADJOURNMENT:**

The meeting was adjourned on a motion made by Legislator Truax, seconded by Legislator Kruger and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS**  
**Regular Session**

**March 12, 2007**

The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

Pledge of allegiance to the flag.

The invocation was given by Legislator Pullen.

Roll Call: 15 Present; 0 Absent.

**APPROVAL OF MINUTES:**

The Board meeting minutes of February 26, 2007 were approved on a motion made by Legislator Ungermann, seconded by Legislator Truax and carried.

**PRIVILEGE OF THE FLOOR:**

Chairman Crandall granted privilege of the floor to:

Steve Robertson, County Snowmobile Trail Coordinator, gave a presentation on the history and economic impact of the Allegany County Federation of Snowmobilers. He introduced the other members present: John Brinkmann, NYSSA District Director; Gail Bartas, President; and Ed Zalar, Treasurer. Since the group was incorporated in 1987, they have grown to 660 members, have 411 miles of funded trails, and have brought in over \$850,000 of grant funding to the County for trail development. The average snowmobile travels 80 miles per day and spends \$110 (for gas, oil, food, lodging, and parts), and there are over 1,000 registered sleds in the County. All trails are being GPS verified for accurate location and mileage, and the organization has achieved Class A Trail status in two locations of the County.

Judy Hopkins, Business Education Community Coalition (BECC) Coordinator, addressed the Legislature regarding the upcoming 6<sup>th</sup> Annual Allegany County Career Awareness Day to be held March 21 at the Cuba-Rushford High School. The vision of J. Dennis Kirst, this event offers students the chance to explore career opportunities while developing a strong connection between education, business, community, and youth. Over 600 students from twelve schools are expected to participate this year. Students and the general public will be able to meet with representatives from more than 60 local area businesses and organizations, ask questions, and take a closer look at over 100 career opportunities. With so many of our young people leaving the area after high school, this is an effort to show students what's available in the area. Legislators are being invited to attend. Some of the businesses attending this year's Career Awareness Day will be Alstom, Jones Memorial Hospital, Allegany County Bar Association, Employment and Training Center, several County departments, Giant Food Mart, Continental School of

Beauty, Literacy Volunteers, Military, Steuben Bank, RG&E, Olean Times Herald, and live radio feeds.

Representatives were present from the Office for the Aging, Emergency Services, Board of Elections, Health Department, Coroners, Community Services, Real Property Tax Service Agency, and Fire Service, to answer any questions regarding their 2006 Annual Reports.

Mr. Dibble requested upcoming dates from Office for the Aging Director Kimberley Toot. The Senior Forum is scheduled for April 13, and the Legislative Luncheon will be April 20.

**ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:**

1. Placed on each legislator's desk were copies of the 2006 Annual Reports from the offices of the District Attorney, Public Defender, Youth Bureau, Employment and Training, Veterans' Service Agency, STOP DWI Program, and Workers' Compensation Self-Insurance Plan for review.

2. Also placed on each legislator's desk was a copy of the Report of Intrafund Transfers approved by the County Administrator for the month of February 2007.

3. Notice was received of the next Southern Tier West Regional Planning and Development Board meeting on March 15 in Salamanca. Also received were minutes from their February 15 meeting.

4. Notice was received of the next Inter-County Association meeting to be hosted by Schuyler County on March 16 in Watkins Glen.

5. The Allegany County Office of Development announced that they will be having meetings on March 17, 24, and 31 to develop a marketing strategy to attract people to the downtown business districts of Allegany County communities and encourage them to patronize local businesses.

6. Correspondence was received from Senator Catharine Young acknowledging receipt of our Resolution No. 30-07, and confirming that she will be submitting legislation to fulfill our request to sell three parcels of reforested land in Amity and Angelica.

7. Correspondence was received from the Allegany County Cancer Services thanking the Board for their donation in memory of Dr. Gary Ogden.

8. Correspondence was received from the family of former County Clerk Joseph Presutti thanking the Board for their donation in his memory.

9. Correspondence was received from the Allegany County Federation of Snowmobilers Cuba Driftbusters, Inc. inviting



legislators to attend their open house on Saturday, March 17, from 11 a.m. to 2 p.m. at the Cuba Firemen's Park.

10. Correspondence was received from Alan Carlin expressing concerns about County leadership and the lack of change brought about by the legislators over the past year.

11. A media release was received from the Business Education Community Coalition regarding Allegany County Career Awareness Day on March 21.

#### **APPOINTMENTS:**

The Clerk of the Board announced that Chairman Crandall has appointed Brent L. Reynolds, of Alfred Station, and Theodore L. Hopkins, of Fillmore, as legislative representatives on the **PLANNING BOARD'S AD HOC STEERING COMMITTEE** that will be charged with the task of identifying the scope and format of the County's comprehensive planning process. Legislators Reynolds and Hopkins will serve at the Chairman's pleasure.

#### **PROCLAMATION:**

Chairman Crandall proclaimed March 21, 2007 as J. Dennis Kirst Career Awareness Day in Allegany County in recognition of the importance of programs and services that will promote career opportunities for local youth, encouraging them to gain meaningful employment and reside in Allegany County.

#### **RESOLUTIONS:**

Resolution Intro. No. 38-07 (Bond Resolution Dated February 26, 2007: A Resolution Authorizing the Issuance of \$1,468,525 Bonds of the County of Allegany, New York, to Pay Costs of Various Capital Improvements in and for Said County) was TABLED at the February 26, 2007 Board meeting. At that meeting, a motion had been made by Legislator Reynolds and seconded by Legislator Pullen to consider the resolution prior to its being tabled.

A motion was made by Legislator Reynolds, seconded by Legislator Hall to remove Resolution Intro. No. 38-07 from the table.

A motion was made by Legislator Truax, seconded by Legislator Hopkins and carried to amend Resolution Intro. No. 38-07 to change the date from February 26, 2007 to March 12, 2007. (Opposed: Ungermann.)

Discussion held prior to voting on Resolution Intro. No. 38-07 included: Concern was voiced that there is only one resolution to bond, but two issues are involved. Several legislators would probably vote in favor of bonding for bridge construction but are against bonding for heavy equipment, and they would like to see the issues separated in the future. Other options were suggested for heavy equipment such as sharing with town highway departments to

save duplicating purchases of large pieces of equipment and running equipment longer. Borrowing or renting could be considered if experiencing a catastrophic event. It was also discussed that putting off the purchase of equipment now will put us in a bind later. The point was made that the Board may have to consider raising taxes to budget for equipment next year instead of bonding. The County is in the position that equipment has to be ready to go when needed for such things as road repair or plowing, as it is a public safety issue.

**RESOLUTION NO. 47-07**

**BOND RESOLUTION DATED MARCH 12, 2007**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF \$1,468,525 BONDS  
OF THE COUNTY OF ALLEGANY, NEW YORK, TO PAY COSTS OF  
VARIOUS CAPITAL IMPROVEMENTS IN AND FOR SAID COUNTY**

Offered by: Ways and Means Committee

**WHEREAS**, all conditions precedent to the financing of the capital projects hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed, and

**WHEREAS**, it is now desired to authorize the financing of such capital projects, now, therefore, be it

**RESOLVED:**

1. By the affirmative vote of not less than two-thirds of the total voting strength of the Board of Legislators of the County of Allegany, New York, as follows:

Section 1. The following are hereby authorized in and for the County of Allegany, New York:

a) The purchase of heavy equipment, in and for said County, including incidental expenses in connection therewith, at a maximum estimated cost of \$518,000. It is hereby determined that the plan for the financing of such class of objects or purposes is by the issuance of \$518,000 serial bonds of the \$1,468,525 serial bonds authorized to be issued therefor pursuant to this bond resolution. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law.

b) The construction of improvements to various bridges in and for said County, including incidental improvements and expenses in connection therewith, at a maximum estimated cost to the County of \$950,525. It is hereby determined that the plan for the financing of such class of objects or purposes is by the issuance of \$950,525 serial bonds of the \$1,468,525 serial bonds authorized to be issued therefor pursuant to this bond

resolution. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is twenty years, pursuant to subdivision 10 of paragraph 1 of Section 11.00 of the Local Finance Law.

Section 2. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the County Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said County Treasurer, consistent with the provisions of the Local Finance Law.

Section 3. The faith and credit of said County of Allegany, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property in said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 4. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the County Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as the County Treasurer shall deem best for the interests of the County.

Section 5. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the County Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the County Treasurer. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by



it in. We have done nothing about vacation time sellbacks, overtime, or time keeping (such as the installation of time clocks).

The Department of Social Services has about the same number of cases as in years past, with some programs up and some down, yet we've hired several more people. We've dragged our feet eliminating the CAP Program, which very few people used.

We have taken the high bidder's price for providing liability insurance to the County, not the low bidder (as we should).

The previous Sheriff Belmont said our jail would be overflowing with outside prisoners, which has not happened, in part because it took four months after the state gave us permission to house outside prisoners for the County Administration and County Attorney to draw up a contract for the legislature to vote on. That should have been in place before the jail opened.

All of the above could have potentially saved the County \$750,000 to \$1 million per year. I believe the taxpayers would be willing to invest in this County if they saw a concerted effort on the legislators' part to control costs and initiate savings.

Our sales tax is currently one-half percent higher than all four of our neighboring counties. With gasoline prices again approaching \$3 per gallon, that extra one-half percent amounts to one and one-half cents more per gallon than our neighbors charge. With the purchase of other 'high ticket' items, it all adds up. Without a doubt, sales tax is the fairest way of gaining revenue, as opposed to property tax; however, being one-half percent higher than our neighbors creates bookkeeping hassles and customer relations issues for our businesses required to collect the tax. I could support the extension at one percent, but not one and one-half percent. This would make an even eight percent across all of Western New York with the exception of Erie County (at eight and three-quarters percent)." - Legislator Norman Ungermann

Concern was voiced about Allegany County's higher sales tax rate making it difficult for businesses to compete with neighboring counties. A question was asked about how much revenues would decrease without the extra one-half percent. Based on sales tax revenue receipts of \$16,865,298 for 2006, the additional one and one-half percent sales tax resulted in \$5,621,766, and without the one-half percent, that figure would have been \$1.8 million less. It was also mentioned that if we don't get the one and one-half percent sales tax increase, the 2008 budget would be devastated. A lot of expenses would still have to go up, resulting in a huge property tax increase next year. If the sales tax rate increase was dropped one-half percent, a nine percent increase in the County budget would be necessary to make up the difference. No one wants to continue with the increase in sales tax, but a lot of necessary services would have to be cut without it and infrastructure would go downhill. On the flip side, it was pointed out that if the sales tax rate were decreased, total sales would increase. To make up the loss of revenue between four and one-half percent County sales tax and four percent, total sales would have to show an increase of 12 percent.

**RESOLUTION NO. 48-07**

**REQUESTING STATE LEGISLATIVE REPRESENTATIVES TO  
INTRODUCE AND SEEK PASSAGE OF LEGISLATION  
AUTHORIZING ALLEGANY COUNTY TO CONTINUE THE  
ADDITIONAL ONE AND ONE-HALF PERCENT COUNTY SALES TAX  
FOR THREE YEARS**

Offered by: Ways and Means Committee

**WHEREAS**, the only two substantial tax revenues available to Allegany County are real property and sales, and

**WHEREAS**, Allegany County is at its sales tax limit, and

**WHEREAS**, by Chapter 519 of the 2005 Laws of the State of New York, the County of Allegany was authorized to impose an additional one and one-half percent sales tax for the period December 1, 2005 to November 30, 2007, and

**WHEREAS**, by Resolution No. 184-05, such additional sales tax was imposed for such period, and

**WHEREAS**, Allegany County is presently at 93.25 percent of its constitutional taxing limit for real property taxes, and

**WHEREAS**, Allegany County will be at 100 percent of such constitutional taxing limit if such additional sales tax is not reauthorized, and

**WHEREAS**, Allegany County has had no substantial growth in real estate assessed valuation in the past five years, and

**WHEREAS**, in the current economic condition of Allegany County any substantial increase in real property taxes would put in financial jeopardy the County's large percentage of senior citizens with fixed incomes who would have no choice but to pay such taxes out of such fixed incomes, now, therefore, be it

**RESOLVED:**

1. That the Allegany County Board of Legislators requests our State legislative representatives to introduce and seek passage, in the State Senate and Assembly, legislation to authorize Allegany County to increase its County sales tax by one and one-half percent for at least the period December 1, 2007 to November 30, 2010.

2. That the Clerk of this Board is directed to send certified copies of this resolution to Senator Catharine M. Young and Assembly members Daniel J. Burling and Joseph M. Giglio.

Moved by: Mr. Hall

Seconded by: Mr. Pullen

Voting No: Kruger, McCormick, Russo, Truax, Ungermann

Adopted: Roll Call

10 Ayes, 5 Noes, 0 Absent

**RESOLUTION NO. 49-07**

**RESOLUTION REQUESTING STATE LEGISLATURE TO ENACT LEGISLATION  
RELIEVING COUNTIES OF THE BURDEN OF PAYING SHARE OF MEDICAID COSTS**

Offered by: Human Services Committee

**WHEREAS**, Medicaid is a vital component of New York's health care financing system, providing the resources to deliver health care to New York State's most vulnerable citizens, and

**WHEREAS**, since the enactment of the Medicaid program, counties in New York State have been required to contribute a 25 percent matching share of Medicaid costs, with the exception of certain long-term care and mental health services, and

**WHEREAS**, in most states, the state government assumes all of the responsibility for the non-federal share of the Medicaid program, so that the burden of paying for the medically needy is distributed over the widest possible tax base, and

**WHEREAS**, nationally, New York State counties fund a significant part of local Medicaid dollars paid by states to fund the Medicaid program, and

**WHEREAS**, even with the enactment of the Medicaid Cap the cost to counties of Medicaid continues to increase, and

**WHEREAS**, the growth of local Medicaid costs are siphoning away the limited resources available to fund county budgets without adding new pressures on property taxpayers, and

**WHEREAS**, Governor Spitzer has made Medicaid reform and cost containment, and a decrease in the burden shouldered by real property taxpayers cornerstones of his agenda for legislative change, and

**WHEREAS**, the 2007-2008 New York State budget provides a unique window of opportunity for the Governor and members of the Senate and Assembly to come together and enact legislation relieving the burden on counties to pay a share of Medicaid costs which will thereby lessen the burden on local real property taxpayers, now, therefore, be it

**RESOLVED:**

1. That the County of Allegany calls upon the Governor and the State Legislature to enact legislation relieving counties of the burden of paying any part of the costs of the Medicaid program in New York.

2. That the Clerk of this Board shall forward copies of this Resolution to Governor Eliot Spitzer, the Speaker of the Assembly, the Majority and Minority Leaders of the Senate and Assembly, State Senator Catharine M. Young, Members of the Assembly Daniel J.

Burling and Joseph M. Giglio, NYSAC, the Inter-County Association of Western New York, and all others deemed necessary and proper.

Moved by: Mr. Dibble  
Seconded by: Mr. Truax

Adopted: Voice Vote

**RESOLUTION NO. 50-07**

**CANCELLATION OF 2005 AND 2006 DELINQUENT TAX LIENS AND  
DETERMINATION OF NO PRACTICAL METHOD TO ENFORCE DELINQUENT  
TAX LIENS ARISING THEREAFTER AND DIRECTING COUNTY TREASURER TO  
ISSUE CERTIFICATE OF CANCELLATION AND PROSPECTIVE CANCELLATION,  
IN RELATION TO A CERTAIN TAX PARCEL**

Offered by: Ways and Means Committee

**WHEREAS**, the County Treasurer has withdrawn a certain parcel of real property from a foreclosure proceeding under Article 11 of the Real Property Tax Law for the reason that the tax on such parcel has been cancelled or is subject to cancellation pursuant to Section 558 of the Real Property Tax Law, and

**WHEREAS**, the Ways and Means Committee recommends that this Board determine that there is no practical method to enforce the collection of the 2005 and 2006 delinquent tax liens, and those liens arising thereafter and that supplementary proceedings to enforce the collection of such existing taxes would not be effective against such parcel, now, therefore, be it

**RESOLVED:**

1. That the Allegany County Board of Legislators does determine that there is no practical method to enforce the collection of the 2005 and 2006 delinquent tax liens, and that supplementary proceedings to enforce the collection of such taxes would not be effective, against the following parcels:



<u>Town</u>	<u>Owner</u>	<u>Tax Map Number</u>
Amity (Village)	Allegheny Area Economic Development Corp.	172.17-1-6.2
Wellsville	Daniel Eaton	239.45-1-9
Wellsville	Daniel Eaton	239.45-1-10

and that such delinquent tax liens are cancelled.

2. That the Allegheny County Board of Legislators does determine that there is no practical method to enforce the collection of delinquent tax liens arising thereafter against such parcel.

3. That the County Treasurer, as enforcing officer, is directed to issue a certificate of cancellation for such parcel and to file a copy of such certificate in the County Clerk's Office and a certificate of prospective cancellation for such parcel and to file a copy of such certificate with the assessor of the assessing unit in which such parcel is located and with the County Director of Real Property Tax Services.

4. That upon such respective filings the parcel shall thereby become exempt from taxation and shall remain exempt until the Allegheny County Board of Legislators determines that such parcel should be restored to the taxable portion of the assessment roll.

5. That the Clerk of this Board is directed to file a copy of this resolution with the Allegheny County Treasurer as enforcement officer.

Moved by: Mr. Reynolds  
 Seconded by: Mr. Truax

Adopted: Roll Call  
 15 Ayes, 0 Noes, 0 Absent

*(Memo: The indicated parcels have back taxes for 2005 and 2006. The parcel in Amity has a potential asbestos problem, and the structures on the Wellsville parcels are unsafe; therefore, it was determined that all three parcels should be removed from the tax sale proceedings. A Certificate of Withdrawal was filed in the County Clerk's Office on February 15, 2007 for each parcel.)*

**RESOLUTION NO. 51-07**

**A RESOLUTION DETERMINING THAT ERRORS EXIST ON THE 2006 AND 2007 COUNTY AND TOWN TAX ROLLS FOR THE TOWNS NAMED WITH REGARD TO REAL PROPERTY OF VARIOUS TAXPAYERS THEREIN; DIRECTING MAILING OF NOTICES OF APPROVAL OF APPLICATIONS FOR CORRECTED TAX ROLLS AND ORDERING THE VARIOUS TOWN TAX COLLECTORS TO CORRECT THE TAX ROLLS; PROVIDING FOR CHARGE BACKS OR CREDITS**

Offered by: Ways and Means Committee

Pursuant to Real Property Tax Law § 554

**WHEREAS**, applications, for the taxpayers hereafter described, have been made to the County's Director of Real Property Tax Service

Agency, for the correction of certain errors affecting their real property on various tax rolls, and

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

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

**RESOLVED:**

1. That with regard to the applications for the named taxpayers pertaining to claimed errors regarding their real property on the respective tax rolls of the named Towns, this Board of Legislators does determine that the claimed errors as alleged in those applications exist and does approve those applications.

2. That the Chairman of this Board is authorized and directed to make a notation on those applications and the duplicates thereof that they are 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 taxpayers 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 such respective taxpayers of the applicable provisions of subdivision seven of Section 554 of the Real Property Tax Law.

4. That the Tax Collector of the Town of Belfast is ordered and directed to correct in the 2007 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Sortore, Harry; Parcel 143.-1-14.4  
Assessment: Land \$5,840 Total \$5,840

this Parcel was deleted from the Tax Roll, and the County Treasurer is directed to make the following charges on her books:

Allegany County	\$ 94.77
Town of Belfast	\$ 75.46
Belfast Fire	\$ 6.55
School Relevy	\$129.65
Total	\$306.43

5. That the Tax Collector of the Town of Wirt is ordered and directed to correct in the 2006 and 2007 County and Town Tax Roll

the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Baker, Jeffrey & Vicki; Parcel 208.-1-17  
Assessment: Land \$296,100 Total \$296,100

by reducing the Total Assessment to \$235,090, by reducing the Total Taxable Value to \$235,090, and by correcting the taxes, as follows:

School	\$7,802.78
Library	\$ 114.24
Interest & Penalties	\$ 237.51
Total	\$8,154.53

and the County Treasurer is directed to make the following refund:

Friendship Central School	\$1,145.08
Library	\$ 15.07
Interest & Penalties	\$ 34.81
Total	\$1,194.96

- b. Baker, Jeffrey & Vicki; Parcel 208.-1-17  
Assessment: Land \$296,100 Total \$296,100

by reducing the Total Assessment to \$261,600, by reducing the Total Taxable Value to \$261,600, and by correcting the County and Town taxes, as follows:

Allegany County	\$4,758.88
Town	\$3,856.40
Fire	\$ 771.78
Total	\$9,387.06

and the County Treasurer is directed to make the following refund:

Allegany County	\$ 627.60
Town	\$ 508.59
Fire	\$ 0.00
Total	\$1,136.19

6. That the Clerk of this Board is directed to forthwith mail a certified copy of this resolution to the various Tax Collectors for the Towns stated above together with the original copies of those applications completed in accordance with section two of this resolution.

7. The Clerk of this Board shall mail a copy of this resolution to the above named School and the amount to be charged to each 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 each School as a result of school taxes returned after the date such amount is charged and which shall be paid to each School after May 1, 2007. The County Treasurer shall send a written notice to each School of the amount of such deduction prior to May 1, 2007.

Moved by: Mr. Reynolds  
Seconded by: Mr. Fanton

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 52-07**

**CREATING NEW ACCOUNT NO. A6989.101 IN TOURISM AND CULTURE;  
TRANSFER OF FUNDS**

Offered by: Ways and Means Committee

**WHEREAS**, it is necessary to establish a new account from which the salary of the new part-time Tourism Specialist can be paid, now, therefore, be it

**RESOLVED:**

1. That a new account designated "Account No. A6989.101 Tourism - Personnel Services" is created.

2. That the sum of \$10,000 is transferred from Account No. A6989.477 (Tourism - Contractual) to new Account No. A6989.101 (Tourism - Personnel Services) for the salary of new part-time Tourism Specialist.

3. This resolution shall take effect March 13, 2007.

Moved by: Mr. Reynolds  
Seconded by: Mr. Dibble

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 53-07**

**TRANSFER OF FUNDS WITHIN OFFICE OF DEVELOPMENT  
PLANNING CONTRACTUAL EXPENSES ACCOUNT**

Offered by: Ways and Means Committee

**RESOLVED:**

1. That the sum of \$510 is transferred from Account No. A8020.408 (Planning - General Supplies) to Account No. A8020.201 (Planning - Equipment) to finance the purchase of a fax machine.

2. This resolution shall take effect March 13, 2007.

Moved by: Mr. Reynolds  
Seconded by: Mr. Truax

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 54-07**

**TRANSFER OF FUNDS WITHIN MENTAL HEALTH ACCOUNTS**

Offered by: Human Services and Ways and Means Committees

**RESOLVED:**

1. That the sum of \$4,855 is transferred from Account No. A4315.464 (Mental Health Reinvestment - Contractual) to Account No. A4310.409 (Mental Health Administration - Fees).

2. That the sum of \$3,500 is transferred from Account No. A4315.464 (Mental Health Reinvestment - Contractual) to Account No. A4310.201 (Mental Health Administration - Equipment).

Moved by: Mr. Truax  
Seconded by: Mr. Fanton

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 55-07**

**ACCEPTANCE OF GRANT FUNDS FROM  
THE SUSAN G. KOMEN BREAST CANCER FOUNDATION AND  
NEW YORK STATE DEPARTMENT OF HEALTH;  
APPROPRIATION OF SAME TO PUBLIC HEALTH ACCOUNTS**

Offered by: Human Services and Ways and Means Committees

**WHEREAS**, the sum of \$10,900 has been offered to the Allegany County Department of Health by the Susan G. Komen Breast Cancer Foundation to be used to enhance current services under the County's cancer screening programs, and

**WHEREAS**, the sum of \$12,185 has been offered by the New York State Department of Health representing cost of living adjustments for various Health Department programs for the 2006-2007 grant year, now, therefore, be it

**RESOLVED:**

1. That the sum of \$10,900 offered by the Susan G. Komen Breast Cancer Foundation and the sum of \$12,185 offered by the New York State Department of Health are accepted.

2. That the following Public Health Accounts are increased by the designated amounts:

<u>Account No.</u>	<u>Appropriation Accounts</u>	<u>Amount</u>
A4071.4	Cancer Screening	\$11,905
A4052.4	IHAP General Supplies	256
A4190.4	WIC - General Supplies	7,661
A4037.4	Lead - Medical Supplies	560
A4035.2	Family Planning Clinic - Equipment	2,703
	TOTAL	23,085

<u>Account No.</u>	<u>Revenues</u>	<u>Amount</u>
A08.2705.4071	Gifts & Donations - Health, Komen	\$10,900
A10.3401.01	State Aid - Cancer Screening	1,005
A10.3401.02	State Aid - IHAP - Children w/Special Needs	256
A11.4452.00	Federal Aid - WIC Grant	7,661
A10.3437.00	State Aid - Lead Grant	560
A10.3450.00	State Aid - Family Planning Clinics	2,703

TOTAL 23,085

Moved by: Mr. Truax  
Seconded by: Mr. McCormick

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 56-07**

**ACCEPTANCE OF DONATIONS FROM VARIOUS ORGANIZATIONS AND  
APPROPRIATION OF SAME TO YOUTH COURT ACCOUNT**

Offered by: Public Safety and Ways and Means Committees

**RESOLVED:**

1. That the sum of \$475 in donations from various organizations for the Allegany County Youth Court is accepted.

2. That the accepted sum of \$475 is appropriated to Account No. A7321.1 (Youth Court - Personnel Services), with a like sum credited to Revenue Account No. A08.2705.3825 (Grants/Gifts and Donations - Youth Court).

Moved by: Mr. Dibble  
Seconded by: Mr. Pullen

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 57-07**

**DETERMINING THAT THE DISPOSAL IN ALLEGANY COUNTY OF  
OUT-OF-COUNTY SOLID WASTE, I.E., SLUDGE GENERATED BY  
THE CITY OF OLEAN, IS IN THE PUBLIC INTEREST OF ALLEGANY COUNTY;  
APPROVAL OF AGREEMENT WITH CITY OF OLEAN, IN RELATION TO  
DISPOSAL OF SLUDGE AT COUNTY LANDFILL AND  
DISPOSAL OF LEACHATE AT CITY'S WASTE WATER TREATMENT PLANT;  
AUTHORIZING BOARD CHAIRMAN TO EXECUTE AGREEMENT**

Offered by: Public Works Committee

Pursuant to Local Law No. 3 of 2004

**RESOLVED:**

1. That it is presently in the public interest of the County of Allegany to allow the disposal at the County Landfill in the Town of Angelica of non-Allegany County generated solid waste i.e., sludge from the City of Olean in Cattaraugus County.

2. That the Agreement between the County of Allegany and City of Olean, in relation to the City's disposal of sludge at the Allegany County Landfill and the County's disposal of leachate at the City's waste water treatment plant, is approved.

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

Moved by: Mr. Fanton

Adopted: Roll Call

Seconded by: Mr. Reynolds

15 Ayes, 0 Noes, 0 Absent

*(Memo: The Agreement approved by Resolution No. 57-07 is for the 2007 calendar year. The fee for disposal of City of Olean sludge has been increased from \$25 per ton in 2006 to \$30 per ton in 2007.)*

**AUDITS:**

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

A motion was made by Legislator Truax, seconded by Legislator Fanton and adopted on a roll call vote of 15 Ayes, 0 Noes, 0 Absent, that the audit of claims, totaling \$4,334,283.44 including prepaids, 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 \$1,637,240.)*

**ADJOURNMENT:**

The meeting was adjourned.

**ALLEGANY COUNTY BOARD OF LEGISLATORS**  
**Regular Session**

**March 26, 2007**

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 invocation was given by Legislator Hopkins.

Roll Call: 13 Present; 2 Absent (Pullen, Russo).

**APPROVAL OF MINUTES:**

The Board meeting minutes of March 12, 2007 were approved on a motion made by Legislator Dibble, seconded by Legislator Truax and carried.

**PRIVILEGE OF THE FLOOR:**

Chairman Crandall granted privilege of the floor to Wilbur Dawson, owner of the historic red barn on State Route 19 between Belmont and Scio. Mr. Dawson thanked Craig Braack for facilitating the articles in the Wellsville and Hornell papers. The barn, built in 1908, will be 100 years old next year. The original wooden stanchions inside the barn were built in Wellsville.

Representatives were present from the offices of Employment and Training, Veterans' Service Agency, Youth Bureau, STOP DWI Program, District Attorney, Public Defender, and Workers' Compensation Self-Insurance Plan, to answer any questions regarding their 2006 Annual Reports.

**ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:**

1. Placed on each legislator's desk were copies of the 2006 Annual Reports from Soil and Water Conservation, Parks and Forests, Traffic Safety Board, Weights and Measures, Information Technology, and Historian, for review.

2. A media release was received from Southern Tier West Regional Planning and Development Board highlighting their March 15 board meeting.

3. Notice was received of the 35<sup>th</sup> Annual Allegany-Steuben Maple Festival and Sportsmen's Show to be held in Andover on March 31 and April 1.

4. Correspondence was received from the National Multiple Sclerosis Society thanking the Board for their donation in memory of Marion Lucas.

5. Correspondence was received from former Legislator Preston (Roy) Lucas and family thanking the Board for their donation to the National Multiple Sclerosis Society in memory of his wife, Marion.

6. Certificates of Withdrawal of Delinquent Tax Liens were filed on March 26, 2007 by the County Treasurer in the Clerk of the Board's Office for properties in the towns of Belfast, Caneadea, and Cuba, pursuant to Article 11 of the New York State Real Property Tax Law.



7. An invitation was received to a Ribbon Cutting Ceremony for the Village of Canaseraga Wastewater Treatment Facility at 10 a.m. on April 25, 2007.

**RESOLUTIONS:**

**RESOLUTION NO. 58-07**

**REQUESTING NEW YORK STATE LEGISLATURE  
ENACT SENATE BILL S.3191 AND ASSEMBLY BILL A.6072  
AUTHORIZING ALLEGANY COUNTY TO REINSTATE CORRECTION OFFICER  
ANDREW CHAMBERLAIN TO THE PERMANENT POSITION OF DEPUTY SHERIFF**

Offered by: Ways and Means Committee

**WHEREAS**, Andrew L. Chamberlain has been employed by the County of Allegany as a Correction Officer and Deputy Sheriff since January 6, 2001, and

**WHEREAS**, on November 24, 2004 Andrew L. Chamberlain was temporarily appointed as a Deputy Sheriff pending a civil service examination and establishment of an eligible list, and

**WHEREAS**, Andrew L. Chamberlain took the Deputy Sheriff civil service examination on December 6, 2003, passed the examination, and was placed on the eligible list for appointment as a Deputy Sheriff, and

**WHEREAS**, Andrew L. Chamberlain was appointed as an Allegany County Deputy Sheriff on a permanent basis on July 21, 2005, and

**WHEREAS**, Andrew L. Chamberlain was born on July 19, 1968 and at the time he took the Deputy Sheriff civil service examination on December 6, 2003 he was 35 years, 6 months and 11 days of age, and

**WHEREAS**, Section 58(1)(a) of the Civil Service Law provides that an individual cannot be appointed as a police officer if, at the time he takes the written examination for such position, he is more than 35 years of age, and

**WHEREAS**, the fact that Andrew L. Chamberlain was over 35 years of age at the time he took the Deputy Sheriff's civil service examination was not discovered until October 2006, and

**WHEREAS**, Andrew L. Chamberlain has been an exemplary employee as both a Correction Officer and Deputy Sheriff, now, therefore, be it

**RESOLVED:**

1. That the Allegany County Board of Legislators approves of a State legislative bill bearing Senate No. 3191 and Assembly No. 6072, entitled

AN ACT to authorize the County of Allegany to reinstate Andrew Chamberlain to a permanent position as a deputy sheriff

2. That such Board does declare that a necessity exists for the passage of such bill and requests its passage by the State Legislature.

3. That the Clerk of this Board is authorized and directed to submit to the Senate and Assembly the foregoing request in such form and manner that conforms to rules promulgated by concurrent resolution of the Senate and Assembly pursuant to Article 3-A of the Legislative Law.

Moved by: Mr. Reynolds  
Seconded by: Mr. Dibble

Adopted: Roll Call  
11 Ayes, 2 Noes, 2 Absent  
Voting No: Burdick, Kruger

*(Memo: Resolution No. 58-07 is the second step in the Home Rule Legislation process begun by Resolution No. 31-07.)*

**RESOLUTION NO. 59-07**

**CONFIRMATION OF BOARD CHAIRMAN'S REAPPOINTMENTS AND APPOINTMENT TO COUNTY YOUTH BOARD**

Offered by: Public Safety Committee

Pursuant to Resolution No. 95-79

**RESOLVED:**

1. That the reappointments by the Chairman of this Board of Susan F. Myers, Patrick Barry, and Edna Kayes to the County Youth Board, with term of office for each commencing March 26, 2007 and expiring March 25, 2010, are confirmed.

2. That the appointment by the Chairman of this Board of Stacy Edwards with term of office commencing March 26, 2007 and expiring March 25, 2010, to the County Youth Board, is confirmed.

Moved by: Mr. Dibble  
Seconded by: Mr. Hopkins

Adopted: Voice Vote

**RESOLUTION NO. 60-07**

**ACCEPTANCE OF FUNDING FROM CATHARINE YOUNG AND VARIOUS ORGANIZATIONS; APPROPRIATION TO YOUTH COURT ACCOUNT**

Offered by: Public Safety and Ways and Means Committees

**RESOLVED:**

1. That the sum of \$6,260 in funds from Catharine Young and various organizations for the Allegany County Youth Court is accepted.

2. That the accepted sum of \$6,260 is appropriated as follows: \$1,260 to Account No. A7321.1 (Youth Court - Personnel Services), \$5,000 to Account No. A7321.4 (Youth Court - Contractual Expenses), with a like sum credited to Revenue Account No. A08.2705.3825 (Gifts and Donations - Youth Court).

Moved by: Mr. Dibble  
Seconded by: Mr. Fanton

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

**RESOLUTION NO. 61-07**

**APPROVING AND RATIFYING AGREEMENT BETWEEN COUNTY OF ALLEGANY AND ALLEGANY COUNTY COMMUNITY OPPORTUNITIES AND RURAL DEVELOPMENT, INC. (ACCORD) FOR A COUNTY MICRO-ENTERPRISE BUSINESS PROGRAM FOR YEARS 2006-2008**

Offered by: Ways and Means Committee

**WHEREAS**, the County of Allegany submitted an application to the Governor's Office of Small Cities (GOSC) requesting grant funds for a County Micro-Enterprise Business Program for years 2006-2008, and



1. That Agreement between the County of Allegany and H. Kier Dirlam to provide consultant and related services to the Allegany County Planning Board is approved.

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

Moved by: Mr. Reynolds  
Seconded by: Mr. Kruger

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

*(Memo: The contract renewal approved by Resolution No. 63-07 is for the 2007 calendar year. Compensation for services will be \$400 per month [no increase over prior year].)*

#### RESOLUTION NO. 64-07

#### APPROVING INTERGOVERNMENTAL AGREEMENT BETWEEN EIGHT COUNTIES OF WESTERN NEW YORK PUBLIC HEALTH ALLIANCE FOR PUBLIC HEALTH PREPAREDNESS RESPONSE TO BIOTERRORISM AND RATIFYING EXECUTION OF AGREEMENT

Offered by: Human Services and Ways and Means Committees

#### RESOLVED:

1. That the Intergovernmental Agreement between eight counties of Western New York Public Health Alliance for the Public Health Preparedness Response to Bioterrorism, acting by and through the Allegany County Health Department, for period August 31, 2006 to August 30, 2007, is approved.

2. The execution of the Intergovernmental Agreement by the Interim Public Health Director is ratified.

Moved by: Mr. Truax  
Seconded by: Mr. Dibble

Adopted: Roll Call  
12 Ayes, 1 No, 2 Absent  
Voting No: O'Grady

*(Memo: The eight counties referred to in Resolution No. 64-07 are Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans, and Wyoming. Erie County is designated as the county in charge of coordination.)*

*Prior to voting on Resolution No. 64-07, Legislator Dibble requested that Interim Public Health Director Tom Hull explain the Western New York Public Health Alliance. This is the fourth year of the program. Each county contributes a portion of their bioterrorism grant to support the alliance. Allegany County's share is \$4,500, or six percent of our state award. In return we receive 30 to 40 deliverables, 15 of which are regional. Equipment and supplies can be purchased in bulk, and training is also provided regionally. Allegany County received its emergency response trailer including \$30,000 in equipment through participation in this program.*

*Legislator O'Grady pointed out that the information provided by Mr. Hull should have been attached to the resolution. The resolution, as offered, did not indicate benefits or costs; and for that reason Mr. O'Grady would not support it. The point needs to be made that the legislators need this type of supporting documentation to make informed decisions.)*

Resolution Intro. No. 67-07 (Approving and Ratifying the Action of Director of Development in Scheduling and Providing Notice of Public Hearings on Application to Governor's Office of Small Cities

for Owner Occupied Housing Rehabilitation Grant; Approving and Authorizing County Sponsorship of and Submission of Application for such Grant) was not pre-filed and was considered from the floor on a motion made by Legislator Truax, seconded by Legislator Fanton and carried.

**RESOLUTION NO. 65-07**

**APPROVING AND RATIFYING THE ACTION OF DIRECTOR OF DEVELOPMENT IN SCHEDULING AND PROVIDING NOTICE OF PUBLIC HEARINGS ON APPLICATION TO GOVERNOR'S OFFICE OF SMALL CITIES FOR OWNER OCCUPIED HOUSING REHABILITATION GRANT; APPROVING AND AUTHORIZING COUNTY SPONSORSHIP OF AND SUBMISSION OF APPLICATION FOR SUCH GRANT**

Offered by: Ways and Means Committee

**WHEREAS**, ACCORD, Inc. in concert with and under the sponsorship of the County, intends to submit an application to the Governor's Office of Small Cities for an Owner Occupied Housing Rehabilitation Grant, and

**WHEREAS**, regulations require the holding of two public hearings under the auspices of a County Officer prior to the submission of such grant application, and

**WHEREAS**, the County Director of Development caused the preparation and publication of the notice of such hearings in anticipation of the submission of such application, and

**WHEREAS**, public hearings with respect to the submission of the Grant application were held on March 15, 2007 at 4:00 PM and on March 22, 2007 at 4:00 PM in the Board of Legislators Chambers, County Office Building, 7 Court Street, Belmont, New York 14813, and

**WHEREAS**, no opposition to the proposed Grant application was made by members of the public at such hearings,

**WHEREAS**, this Board believes it is in the best interests of the residents of Allegany County to sponsor the submission of such Grant application, now, therefore, be it

**RESOLVED:**

1. That the action of the County Director of Development in scheduling, preparing notification of, and publishing notification of public hearings on the submission of an application by ACCORD, Inc., under County sponsorship, to the Governor's Office of Small Cities for an Owner Occupied Housing Rehabilitation Grant held on March 15, 2007 at 4:00 PM and on March 22, 2007 at 4:00 PM in Room 220 of the County Office Building, 7 Court Street, Belmont, New York 14813, is ratified and approved.

2. That this Board approves and authorizes County sponsorship of the submission of an application for such Grant to the appropriate state and/or federal agencies with the understanding that if such application is accepted and approved that, if necessary, any Grant funds may pass through the County to ACCORD, Inc. and that the County shall incur no financial obligation of any kind with respect to the operation of the Grant program or to the disbursement or expenditure of Grant funds.

3. The execution of such Grant application or any other document required for the submission of such Grant by the necessary public officers, employees or agents of the County is authorized.

Moved by: Mr. Reynolds  
Seconded by: Mr. Truax

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

*(Memo: The Governor's Office for Small Cities Grant application approved by Resolution No. 65-07 is for \$400,000. The grant is designed to rehabilitate low to moderate-income housing. Occasionally small communities apply for these types of grants, and both Andover and Cuba, as well as a few others, have received grant funding in the past.)*

**AUDITS:**

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

A motion was made by Legislator Reynolds, seconded by Legislator Truax and carried, that the audit of claims, totaling \$1,859,158.06 including prepaids, 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 \$1,964,688.)*

**COMMENTS:**

Legislator Dibble made note of the March 23 Scio Central School Assembly during which it was officially announced by U.S. Secretary of the Navy Donald Winter that the Navy's newest guided missile destroyer DDG 109 is to be dedicated to and named for former Marine Corporal Jason L. Dunham. Corporal Dunham courageously gave his life for his country shortly after being mortally wounded on April 14, 2004 while serving in Iraq.

Legislator Ungermann circulated copies of "Rules of the Chief Judge, Part 34 Guidelines for New York State Court Facilities" for information purposes.

**ADJOURNMENT:**

The meeting was adjourned at 2:25 following a motion made by Legislator Dibble, seconded by Legislator Truax and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS**  
**Regular Session**

**April 9, 2007**

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The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

Pledge of allegiance to the flag.

The invocation was given by Legislator Pullen.

Roll Call: 15 Present; 0 Absent.

**APPROVAL OF MINUTES:**

The Board meeting minutes of March 26, 2007 were approved on a motion made by Legislator Truax, seconded by Legislator Pullen and carried.

The Committee of the Whole meeting minutes of March 26, 2007 were approved on a motion made by Legislator Truax, seconded by Legislator Ungermann and carried.

**PRIVILEGE OF THE FLOOR:**

Representatives were present from the offices of Soil and Water Conservation, Parks and Forests, Traffic Safety Board, Weights and Measures, Information Technology, and Historian, to answer any questions regarding their 2006 Annual Reports.

Chairman Crandall took the floor to present a certificate to the April 2007 Employee of the Month, Michael Gardner, of the Information Technology Department, in recognition of his hard work and dedication to the County.

Chairman Crandall granted privilege of the floor to Sheriff William R. Tompkins to make note of National Public Safety Telecommunications Week and recognize local personnel involved in emergency communications. The Sheriff's Office has restructured the 911 Center, with Russ Hall as its Supervisor; and they have been working hard toward accreditation for the 911 Center.

**ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:**

1. Placed on each legislator's desk were copies of the 2006 Annual Reports from Social Services, Planning Board, Tourism, and County Administrator, for review.

2. Placed on each legislator's desk was a copy of the Report of Intrafund Transfers approved by the County Administrator for the month of March 2007.

3. Also placed on each legislator's desk was a copy of the April 2007 Village Supplement to the Allegany County Directory.

4. Notice was received from the Office for the Aging that a Senior Forum will be held on Friday, April 13, at the Cuba Rushford High School from 8:30 a.m. to 2:30 p.m.

5. Correspondence was received from the Office for the Aging Director Kimberley Toot that the Annual Legislative Luncheon will be held on Friday, April 20, at the American Legion in Belmont at 11:00 a.m.

6. An invitation was received to attend the re-dedication of Caneadea's Historic Camelback Bridge on May 5, at 1:00 p.m. The bridge is located on Route 46 in the Town of Caneadea off Route 19.

7. A summary of the April 5 Planning Board Steering Committee meeting was received, which outlines a draft schedule for compiling Allegany County's Comprehensive Plan.

8. Correspondence was received from the NYS Department of Transportation regarding their decision to install a flashing signal at the intersection of State Route 244 with County Roads 10 and 11 in Alfred (requested by Resolution No. 272-06).

**APPOINTMENT:**

The Clerk of the Board announced that Chairman Crandall has appointed Lee A. James of Cuba, NY, to replace and fill the unexpired term of Craig R. Braack as a member of the **ALLEGANY COUNTY CITIZENS ADVISORY COMMITTEE ON TOURISM** to serve at his pleasure.

**PROCLAMATION:**

Chairman Crandall proclaimed April 8-14, 2007 as Public Safety Telecommunications Week in Allegany County, in honor of the men and women whose diligence and professionalism keep our County's citizens safe.

**RESOLUTIONS:**

**RESOLUTION NO. 66-07**

**AMENDMENT OF RESOLUTION NO. 310-90 ENTITLED  
"ESTABLISHING FORM AND PLACE OF FILING OF ANNUAL FINANCIAL DISCLOSURE  
STATEMENT BY CERTAIN COUNTY OFFICERS AND  
EMPLOYEES' NOTIFICATION TO COVERED OFFICERS, EMPLOYEES AND  
STATE COMPTROLLER"**

Offered by: Ways and Means Committee

Pursuant to General Municipal Law § 811

**RESOLVED:**

1. That Section 1, Paragraph (c) of Resolution No. 310-90, as amended by Resolution No. 162-2002, is amended to read as follows:

(c) "Covered officer or employee" shall mean a person who holds any of the following County positions:

Aging, Office for the, Director  
Board of Legislators, Members  
Clerk of the Board  
Community Services Agency, Director  
Community Services Agency Board, Members  
County Administrator  
County Attorney  
First Assistant County Attorney  
Second Assistant County Attorney  
Third Assistant County Attorney  
County Budget Officer  
County Clerk  
Deputy County Clerk  
Deputy County Clerk II  
Deputy County Clerk III



County Coroners  
County Historian  
County Treasurer  
Deputy County Treasurer  
Development Director  
District Attorney  
First Assistant District Attorney  
Second Assistant District Attorney  
Third Assistant District Attorney  
Fourth Assistant District Attorney  
Fifth Assistant District Attorney  
Election Commissioners  
Deputy Election Commissioners  
Emergency Services Director  
Employment and Training Director III  
Fire Coordinator  
Health, Board of, Members  
Information Technology Director  
Personnel Officer  
Planning Board, Members  
Planner  
Probation Director  
Public Defender  
First Assistant Public Defender  
Second Assistant Public Defender  
Third Assistant Public Defender  
Public Health Director  
Deputy Public Health Director  
Special Education Program Coordinator  
Public Works Superintendent  
Deputy Public Works Superintendent I  
Deputy Public Works Superintendent II  
Real Property Tax Agency Director  
Sheriff  
Undersheriff  
Social Services Commissioner  
Deputy Social Services Commissioner  
STOP DWI Program Coordinator  
Veterans' Service Agency Director  
Weights and Measures Director  
Workers' Compensation Executive Secretary  
Youth Bureau Director

Moved by: Mr. Reynolds  
Seconded by: Mr. Fanton

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

*(Memo: Resolution No. 66-07 was requested to include the positions of Third Assistant County Attorney and Fifth Assistant District Attorney to the list of officers required to file the annual financial disclosure statements. The other assistant positions within these two offices are already included, with the exception of the two newly created or newly filled positions noted above.)*

#### **RESOLUTION NO. 67-07**

#### **ACCEPTANCE OF THE INSURANCE PROPOSAL OF SAFETY NATIONAL CASUALTY CORPORATION SUBMITTED BY HUMPHREY & VANDERVOORT, INC. FOR EXCESS/STOP-LOSS INSURANCE COVERAGE FOR ALLEGANY COUNTY WORKERS' COMPENSATION SELF-INSURANCE PLAN**

Offered by: Personnel Committee

Pursuant to Local Law No. 3 of 2002

**RESOLVED:**

1. That the Safety National Casualty Corporation insurance proposal for excess/stop-loss insurance coverage, including employer's liability coverage, for the Allegany County Workers' Compensation Self-Insurance Plan as submitted by Humphrey & Vandervoort, Inc. to the County of Allegany for the period February 15, 2007 to February 15, 2008, is approved.

2. That the premium not to exceed \$51,819 is charged to the several accounts of the 2007 County Final Budget in which the funds are proportionately provided to cover the whole of such premium.

Moved by: Mr. Russo  
Seconded by: Mr. Pullen

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 68-07**

**CREATING POSITION OF COMMUNITY SERVICE WORKER-AGING IN  
THE OFFICE FOR THE AGING**

Offered by: Personnel Committee

**RESOLVED:**

1. That one position of Community Service Worker-Aging is created in the Office for the Aging.
2. This resolution shall take effect on April 10, 2007.

Moved by: Mr. Russo  
Seconded by: Mr. Pullen

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

*(Memo: The position created by Resolution No. 68-07 will be part of the new Single Point of Entry for Long Term Care and is included in the 2007 County Budget. The Single Point of Entry Program will cover the Health Department, Office for the Aging, and Department of Social Services. The position is 100 percent state funded, including benefits.)*

**RESOLUTION NO. 69-07**

**CREATING ONE POSITION OF TRANSFER STATION OPERATOR AND  
ABOLISHING ONE POSITION OF MOTOR EQUIPMENT OPERATOR IN  
THE DEPARTMENT OF PUBLIC WORKS**

Offered by: Public Works Committee

**RESOLVED:**

1. That one position of Transfer Station Operator is created and one position of Motor Equipment Operator is abolished in the Department of Public Works.
2. This resolution shall take effect on April 10, 2007.

Moved by: Mr. Fanton  
Seconded by: Mr. Reynolds

Adopted: Roll Call  
14 Ayes, 1 No, 0 Absent  
Voting No: Kruger

*(Memo: Resolution No. 69-07 was requested due to an open position in Solid Waste resulting from a transfer to the Highway Department following a resignation. This reclassification of the position will better suit the needs of the Solid Waste System.)*

RESOLUTION NO. 70-07

A RESOLUTION AUTHORIZING THE FILING OF  
AN APPLICATION FOR STATE ASSISTANCE FROM THE  
HOUSEHOLD HAZARDOUS WASTE (HHW) STATE ASSISTANCE PROGRAM AND  
AUTHORIZING SIGNING 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  
Seconded by: Mr. Hall

Adopted: Roll Call  
14 Ayes, 1 No, 0 Absent  
Voting No: Truax

*(Memo: The grant application approved by Resolution No. 70-07 will result in funding of \$6,000 if the application is successful.)*

RESOLUTION NO. 71-07

A RESOLUTION DETERMINING THAT ERRORS EXIST ON THE  
2005 to 2007 COUNTY AND TOWN TAX ROLLS FOR THE TOWNS NAMED  
WITH REGARD TO REAL PROPERTY OF VARIOUS TAXPAYERS THEREIN;  
DIRECTING MAILING OF NOTICES OF APPROVAL OF APPLICATIONS  
FOR CORRECTED TAX ROLLS AND ORDERING THE VARIOUS  
TOWN TAX COLLECTORS TO CORRECT THE TAX ROLLS;  
PROVIDING FOR CHARGE BACKS OR CREDITS

Offered by: Ways and Means Committee

Pursuant to Real Property Tax Law § 554

**WHEREAS**, applications, for the taxpayers hereafter described, have been made to the County's Director of Real Property Tax Service Agency, for the correction of certain errors affecting their real property on various tax rolls, and

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

**WHEREAS**, this Board has examined each application and report to determine whether the claimed errors exist, now, therefore, be it

**RESOLVED:**

1. That with regard to the applications for the named taxpayers pertaining to claimed errors regarding their real property on the respective tax rolls of the named Towns, this Board of Legislators does determine that the claimed errors as alleged in those applications exist and does approve those applications.

2. That the Chairman of this Board is authorized and directed to make a notation on those applications and the duplicates thereof that they are 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 taxpayers 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 such respective taxpayers of the applicable provisions of subdivision seven of Section 554 of the Real Property Tax Law.

4. That the Tax Collector of the Town of Amity is ordered and directed to correct in the 2007 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Putnam Company; Parcel 172.13-2-49  
Assessment: Land \$49,500 Total \$49,500

by reducing the Total Assessment to \$4,200, by reducing the Total Taxable Value to \$4,200, and by correcting the taxes, as follows:

Allegany County	\$ 78.63
Town of Amity	\$ 25.15
Total	\$ 103.78

and the County Treasurer is directed to make the following charges on her books:

Allegany County	\$ 848.12
Town of Amity	\$ 271.30
Total	\$1,119.42

5. That the Tax Collector of the Town of Wellsville is ordered and directed to correct in the 2005 to 2007 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Roger A. Klein, Sr.; Parcel 188.-1-90  
Assessment: Land \$10,275 Total \$10,275

this Parcel was a non-producing well from 2004 to 2006 and should have been deleted from the tax roll, the County Treasurer is directed to make the following charges on her books:

	2005	2006	2007
County of Allegany	\$144.70	\$150.86	\$152.43
Town of Wellsville	\$ 77.09	\$ 78.36	\$ 81.83
Wellsville Fire	\$ 9.08	\$ 10.43	\$ 10.68
School Relevy	\$240.23	\$252.96	\$257.53
Total	\$471.10	\$492.61	\$502.47

6. That the Clerk of this Board is directed to forthwith mail a certified copy of this resolution to the various Tax Collectors for the Towns stated above together with the original copies of those applications completed in accordance with section two of this resolution.

7. The Clerk of this Board shall mail a copy of this resolution to the above named School and the amount to be charged to each 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 each School as a result of school taxes returned after the date such amount is charged and which shall be paid to each School after May 1, 2007. The County Treasurer shall send a written notice to each School of the amount of such deduction prior to May 1, 2007.

Moved by: Mr. Hall  
Seconded by: Mr. Russo

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 72-07**

**AUTHORIZING CONVEYANCE OF COUNTY'S INTEREST IN  
REAL PROPERTY IN TOWN OF ALFRED TO RANDY WHITESSELL;  
AUTHORIZING CHAIRMAN TO EXECUTE DEED**

Offered by: Ways and Means Committee

**WHEREAS**, the County is the owner of certain real property located in the Town of Alfred, and

**WHEREAS**, such property was inadvertently included in the County's tax sale procedure and conveyed to the County, and

**WHEREAS**, the County's interest in such property must be transferred to the previous owner Randy Whitesell, now, therefore, be it

**RESOLVED:**

1. That this Board authorizes the conveyance to Randy Whitesell of the County's interest in the following described premises in the Town of Alfred, County of Allegany and State of New York and bounded and described as follows:

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the Town of Alfred, County of Allegany, State of New York and described as follows, viz: Assessed to Allegany County, Tax Map No. 190.-1-5.2.

**TOGETHER** with all the appurtenances and rights, title and interest of first party in and to said premises.

**TO HAVE AND TO HOLD** unto the party of the second part, his successors, and assigns forever.

2. That the Chairman of this Board is authorized to execute and deliver a quit claim deed for said premises.

Moved by: Mr. Reynolds  
Seconded by: Mr. McCormick

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 73-07**

**TRANSFER OF FUNDS WITHIN MENTAL HEALTH-YOUTH ICM ACCOUNT**

Offered by: Human Services Committee

**RESOLVED:**

1. That the sum of \$204 is transferred from Account No. A4312.407 (Supplies) to Account No. A4312.201 (Equipment) to cover cost of transcriber.

Moved by: Mr. Truax  
Seconded by: Mr. Pullen

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 74-07**

**TRANSFER OF FUNDS WITHIN COUNTY CLERK ACCOUNT**

Offered by: Personnel Committee

**RESOLVED:**

1. That the sum of \$500 is transferred from Account No. A1410.4 to Account No. A1410.2.

Moved by: Mr. Russo  
Seconded by: Mr. Fanton

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 75-07**

**TRANSFER OF FUNDS FROM CONTINGENT ACCOUNT TO  
EMERGENCY SERVICES CONTRACTUAL EXPENSES ACCOUNT**

Offered by: Ways and Means Committee

**RESOLVED:**

1. That the sum of \$5,400 is transferred from Account No. A1990.4 (Contingency) to Account No. A3640.414 (Emergency Services Contractual Expenses) to finance the cost of renting space at the Crossroads Center for EMT Training.

Moved by: Mr. Reynolds  
Seconded by: Mr. Fanton

Adopted: Roll Call  
14 Ayes, 1 No, 0 Absent  
Voting No: O'Grady

*(Memo: The transfer approved by Resolution No. 75-07 will cover the EMT Training space rental through June 2007.)*



**RESOLUTION NO. 76-07**

**ACCEPTANCE AND APPROPRIATION OF SUPPLEMENTAL STATE GRANT FUNDING  
FOR OFA-CSE, OFA-EISEP AND OFA-SNAP ACCOUNTS**

Offered by: Human Services and Ways and Means Committees

**RESOLVED:**

1. That the sum of \$15,192 in state grant funding for OFA accounts is accepted.

2. That the accepted sum of \$15,192 is appropriated as follows: \$2,964 to Account No. A6776.4, \$3,161 to Account No. A6778.4, and \$9,067 to Account No. A6779.4, with a like sum of \$2,964 credited to Revenue Account No. A10.3772.03, \$3,161 to Revenue Account No. A10.3772.00 and \$9,067 to Revenue Account No. A10.3772.01.

Moved by: Mr. Truax  
Seconded by: Mr. Pullen

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

*(Memo: The Office for the Aging Programs affected by the supplemental grant funding referred to in Resolution No. 76-07 are: Community Services for the Elderly (CSE) \$2,964; Expanded In-Home Services for the Elderly (EISEP) \$3,161; and Supplemental Nutrition Assistance Program (SNAP) \$9,067.*

**RESOLUTION NO. 77-07**

**APPROVAL OF GRANT AGREEMENT AND ACCEPTANCE OF GRANT FUNDING FROM  
THE NEW YORK STATE OFFICE OF REAL PROPERTY SERVICES' 2006-2007  
REAL PROPERTY TAX ADMINISTRATION TECHNOLOGY IMPROVEMENT PROGRAM;  
APPROPRIATION OF FUNDING TO REAL PROPERTY ASSESSMENT ACCOUNT;  
AUTHORIZING COUNTY TREASURER AND REAL PROPERTY TAX AGENCY DIRECTOR TO  
EXECUTE ANY AND ALL AGREEMENTS AND  
CHAIRMAN TO CERTIFY CONTRACT AND EXECUTE ANY AND ALL AGREEMENTS**

Offered by: Ways and Means Committee

**RESOLVED:**

1. That the grant agreement between the County and the New York State Office of Real Property Services is approved and a Real Property Tax Administration Technology Improvement Program Grant in the amount of \$39,940 from the New York State Office of Real Property Services to increase technology for Real Property Tax Services including public access to assessment records and tax maps via the County website, is accepted.

2. That the amount of such grant in the sum of \$39,940 shall be appropriated to Account No. A1355.429 (Assessment Contractual), with a like sum credited to Revenue Account No. A10.3040.1355 (State Aid, ORPS Grant).

3. The County Treasurer and Real Property Tax Agency Director of Allegany County are authorized to execute and deliver all necessary documents and agreements to secure such grant funds.

4. The Chairman of the Board of Legislators is authorized to certify the grant award and contract and to execute any and all other necessary documents and agreements to secure such grant funds.

Moved by: Mr. Reynolds  
Seconded by: Mr. Truax

Adopted: Roll Call  
14 Ayes, 1 No, 0 Absent

Voting No: Burdick

**RESOLUTION NO. 78-07**

**APPROVING CONTRACT WITH ALLEGANY/CATTARAUGUS LEGAL SERVICES, INC. FOR FAMILY COURT AND CRIMINAL COURT LEGAL REPRESENTATION OF INDIGENT PERSONS WHERE CONFLICT EXISTS WITHIN PUBLIC DEFENDER'S OFFICE; AUTHORIZING CHAIRMAN TO EXECUTE SUCH CONTRACT**

Offered by: Public Safety Committee

Pursuant to Sections 363, 366, 450, and 722 of the County Law

**WHEREAS**, the County has solicited proposals for the provision of legal representation in Family Court and Criminal Courts to those who are financially unable to obtain counsel pursuant to New York State County Law Section 722, where there exists a conflict within the Public Defender's Office, and

**WHEREAS**, Allegany/Cattaraugus Legal Services, Inc. having an office at 7980 County Route 15, Angelica, New York 14709, can provide the aforementioned legal services for an amount not to exceed \$198,000 per year, plus actual expenses for expert witnesses and other ordinary litigation expenses in an amount not to exceed \$5,000, now, therefore, be it

**RESOLVED:**

1. That the Contract with Allegany/Cattaraugus Legal Services, Inc., to provide such indigent representation is approved. The Chairman of this Board of Legislators is authorized to execute a contract on behalf of Allegany County with Allegany/Cattaraugus Legal Services, Inc. for the provision of the above-described services for a term commencing January 1, 2007 and terminating December 31, 2008.

2. Changes to the appropriation accounts and other budgetary changes necessary to effectuate the above agreement shall be made by the Budget Officer.

Moved by: Mr. Dibble

Seconded by: Mr. Pullen

Adopted: Roll Call

12 Ayes, 3 Noes, 0 Absent

Voting No: Fanton, O'Grady, Ungermann

**COMMENTS:**

Legislator Brent Reynolds announced that Legislator Douglas Burdick received a 50-year pin at Alfred Station Fire Department's award ceremony this past weekend.

**AUDITS:**

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

A motion was made by Legislator Truax, seconded by Legislator Kruger and adopted on a roll call vote of 15 Ayes, 0 Noes, 0 Absent, that the audit of claims, totaling \$4,428,352.40 including prepaids, 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 \$2,292,136.*)

**ADJOURNMENT:**

The meeting was adjourned on a motion made by Legislator Reynolds, seconded by Legislator Truax and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS**  
**Regular Session**

**April 23, 2007**

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The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

Pledge of allegiance to the flag.

The invocation was given by Legislator Pullen.

Roll Call: 13 Present; 2 Absent (Fanton, Hall).

**APPROVAL OF MINUTES:**

The Board meeting minutes of April 9, 2007 were approved on a motion made by Legislator Truax, seconded by Legislator Pullen and carried.

**PRIVILEGE OF THE FLOOR:**

Representatives were present from the offices of Social Services, Planning Board, Tourism, and County Administrator, to answer any questions regarding their 2006 Annual Reports.

Chairman Crandall granted privilege of the floor to Lee Gridley, who spoke on behalf of Martha Roberts, President, and the entire Allegany County Fair Board and extended an invitation to the Annual Fair Board Appreciation Dinner. The dinner will be held on May 8 at 6:30 pm in the 4-H Youth Building at the Fairgrounds. Those planning to attend should notify the Clerk of the Board.

Chairman Crandall took the floor to present a certificate to the May 2007 Employee of the Month, Richard Joki, of the Human Resources and Civil Service Department, in recognition of his hard work and dedication to the County.

Privilege of the floor was also granted to Robert P. Christian, Executive Director of the Allegany County Area Foundation. Mr. Christian expressed his appreciation for the Board's willingness to proclaim May as Allegany County Area Foundation Month. The second week in May is National Educator Appreciation Week, and in conjunction with that designation, the Foundation will be choosing the Allegany County Educator of the Year at the annual banquet where all nominees will be recognized. At this banquet, they will also be announcing the winners of over 100 annual Allegany County scholarships. Legislators were invited to attend.

Joe DeGeorge and Joe Howlett, from St. Pauly Textile, Rochester, were granted privilege of the floor in recognition of Earth Day, and spoke about their partnership with the County regarding used clothing collections at landfill transfer sites. St.

Pauly has worked with the County for eight years and collections here have steadily increased to last year's total of 140,000 garments. The company works with non-profit groups and sends garments all over the world. Funding comes from the agencies they collect for and is shared with the organizations they work with. Allegany County receives some, which creates a positive funding stream in addition to the advantage of reducing waste volume in the landfill. St. Pauly benefits as it is cheaper for them to collect this way, rather than door-to-door, and the organizations they ship for also benefit due to not having to buy new. Their goal is to expand into other areas such as churches, Boy Scout and Girl Scout groups, and civic organizations. They are presently shipping about 90,000 garments daily and are trying to double that number because the needs overseas are so great. Recycling Coordinator Gretchen Szucs initiated the agreement between the County and St. Pauly Textiles, and Mr. DeGeorge noted that the transfer station staff is doing a great job. Ms. Szucs and the staff are to be commended.

**ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:**

1. Placed on each legislator's desk were copies of the 2006 Annual Reports from the Office of Development and Industrial Development Agency (IDA) for review.

2. Legislators were reminded that the Village of Canaseraga's Wastewater Treatment Facility Ribbon Cutting Ceremony will be held April 25 at 10 a.m.

3. A reminder was also given for the re-dedication of Caneadea's Historic Camelback Bridge on May 5 at 1 p.m. The bridge is located on Route 46 in the Town of Caneadea off State Route 19.

4. An invitation was received for the Allegany County Legislative Tour of Behavioral Health Services on May 14 beginning at 10 a.m. and ending at 12:30 p.m. with lunch to be provided.

5. Notice was given that the Allegany County Planning Board and NYMIR (New York State Municipal Insurance Reciprocal) will be presenting a Land Use Training Program for Local Officials, free of charge, on May 16.

**APPOINTMENTS:**

The Clerk of the Board announced that Chairman Crandall has appointed Lee Gridley of Wellsville, New York, to replace and fill the unexpired term of Douglas Roorbach as a member of the **ALLEGANY COUNTY CITIZENS ADVISORY COMMITTEE ON TOURISM** to serve at his pleasure.

Chairman Crandall reappointed John E. Margeson of Scio, New York, Brent L. Reynolds of Alfred Station, New York, and Jerry Scott of Cuba, New York, as members of the **SOUTHERN TIER WEST REGIONAL PLANNING AND DEVELOPMENT BOARD** for a three-year term commencing June 1, 2007 and expiring May 31, 2010, subject to confirmation by the Board of Legislators. In addition, the following will serve as Ex-

officio members: David Roeske, Superintendent of Public Works, Curtis W. Crandall, Chairman of the Board, and Ronald Stuck, Chairman of the Planning Board.

**PROCLAMATIONS:**

Recycling Coordinator Gretchen T. Szucs read a proclamation for Earth Day as part of the annual Quest for Less Campaign. April 22 was the 37<sup>th</sup> anniversary of Earth Day, and the Allegany County Recycling Program centers their annual School Recycling Education Campaign around that observance. This year was the fifth annual Quest for Less recycling education program, which provides 1<sup>st</sup> through 8<sup>th</sup> grade teachers in the County with free recycling and waste reduction curriculums and lesson plans to inspire recycling awareness and an appreciation for the environment. Over 84 teachers and 1,493 students participated this year, and the winning schools, judged by having the greatest number of participants, were Andover Central School and Genesee Valley Central School.

Chairman Crandall proclaimed May 2007 as Allegany County Area Foundation Month in recognition of the importance of support for the educators and youth of our communities. Mr. Crandall encouraged public support for the Educator of the Year Program and banquet where the educators and scholarship winners will be announced.

Chairman Crandall proclaimed May 2007 as Older Americans Month in Allegany County and urged all citizens to honor older adults, and those who care for them, during May and throughout the year. He urged promotion and participation in activities that contribute to helping older Americans make choices for a healthy and rewarding future.

Chairman Crandall proclaimed May 2007 as Mental Health Month in Allegany County in recognition of the efforts of all mental health care providers in rendering services to the County's residents.

Chairman Crandall proclaimed the week of May 6-12, 2007 as Children's Mental Health Awareness Week in Allegany County to focus on the needs of our children and families with special mental, emotional, and behavioral needs, and to increase public awareness of this important issue.

**RESOLUTIONS:**

Resolution Intro. No. 81-07 (Approval of a State Legislative Bill which Authorizes Allegany County to Impose an Additional One and One-Half Percent of Sales and Compensating Use Taxes until November 30, 2009; Declaring Existence of Necessity and Requesting Passage of Bill by State Legislature) was TABLED following a motion made by Legislator Reynolds, seconded by Legislator Hopkins and carried (Voting No: McCormick). Legislator Reynolds asked that the proposed resolution be tabled at the request of Senator Catharine Young.

**RESOLUTION NO. 79-07**

**RESOLUTION ESTABLISHING SOLID WASTE USER FEES FOR YEAR 2008**

Offered by: Public Works and Ways and Means Committees

**RESOLVED:**

1. The following user fees shall be charged to users of the Allegany County Solid Waste System during the year 2008:

Landfill User Fee - \$35 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. There shall be charged a minimum scale fee of \$5. The user fee to be paid for the disposal of Contaminated Soil shall be \$18 per ton and the user fee for Waste Water Treatment Plant Sludge shall be \$30 per ton, paid at the Landfill at the time of disposal or at such other time as shall be specified by the Superintendent of Public Works.

Moved by: Mr. Dibble

Adopted: Roll Call

Seconded by: Mr. Pullen

8 Ayes, 5 Noes, 2 Absent

Voting No: Kruger, Reynolds, Russo, Truax, Ungermann

*(Memo: The increase in 2008 landfill tipping fees approved by Resolution No. 79-07 included an increase for solid waste from \$30 to \$35 per ton and for sludge from \$25 to \$30 per ton. It was noted that landfill tipping fees were discussed by the Public Works Committee late in 2006 when the decision was made to increase the tag fees but leave tipping fees as they were for 2007 and begin looking at fees for 2008 early in 2007 to provide towns and villages ample time to budget for any changes.)*

**RESOLUTION NO. 80-07**

**CREATING POSITION OF PLANNER IN OFFICE OF DEVELOPMENT AND  
PLACEMENT OF POSITION IN GRADE SEVEN OF THE NON-UNIT SALARY PLAN**

Offered by: Personnel and Ways and Means Committees

**RESOLVED:**

1. That one position of Planner is created in the Office of Development.

2. That the new position of Planner is placed in Grade 7 of the Non-Unit Salary Plan.

3. This resolution shall take effect April 24, 2007.

Moved by: Mr. Russo

Adopted: Roll Call

Seconded by: Mr. Reynolds

13 Ayes, 0 Noes, 2 Absent

**RESOLUTION NO. 81-07**

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

Offered by: Personnel and Ways and Means Committees

**WHEREAS**, a check in the amount of \$205, representing the cost to replace a broken windshield on a County Sheriff's vehicle has been offered by NYMIR in settlement for such property damage, now, therefore, be it

**RESOLVED:**

1. That an insurance payment in the amount of \$205 from NYMIR representing the cost of replacing a broken windshield on a County Sheriff's vehicle is accepted.

2. That the sum of \$205 is appropriated to Account No. CS1931.429 (Risk Retention - Uninsured Property Loss) with a like sum credited to Revenue Account No. CS07.2680 (Risk Retention - Insurance Recovery).

Moved by: Mr. Russo

Seconded by: Mr. McCormick

Adopted: Roll Call

13 Ayes, 0 Noes, 2 Absent

**RESOLUTION NO. 82-07**

**ACCEPTANCE OF FUNDS FROM SIENNA MARKEL AND WELLSVILLE EXCHANGE CLUB  
FOR ALLEGANY COUNTY YOUTH COURT;  
APPROPRIATION OF SAME TO YOUTH COURT ACCOUNT**

Offered by: Public Safety and Ways and Means Committees

**RESOLVED:**

1. That the sum of \$18 donated by Sienna Markel and the sum of \$300 donated by the Wellsville Exchange Club for the Allegany County Youth Court are accepted.

2. That the accepted sum of \$318 is appropriated to Account No. A7321.806 (Youth Court - Benefits), with a like sum credited to Revenue Account No. A08.2705.3825 (Grants/Gifts and Donations - Youth Court).



Moved by: Mr. Dibble  
Seconded by: Mr. Truax

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

**RESOLUTION NO. 83-07**

**APPROVAL OF GRANT AGREEMENTS AND  
ACCEPTANCE OF HOMELAND SECURITY GRANTS FROM THE STATE OF NEW YORK;  
APPROPRIATION OF SAME TO SHERIFF ACCOUNTS**

Offered by: Public Safety and Ways and Means Committees

**RESOLVED:**

1. That grant agreements for two Homeland Security Grants totaling \$7,500 from the State of New York for the Offender Watch Program (GMS) Project Numbers: LG06-1405-D00 and LG06-1406-D00, and one Homeland Security Grant in the amount of \$24,800 for Law Enforcement Terrorist Prevention Program (GMS) Project Number WM06-1100-E00 are approved and the grant funds are accepted.

2. That the total sum of \$32,300 is appropriated as follows: \$4,998 to Account No. A3645.1, \$19,100 to Account No. A3645.2 and \$8,202 to Account No. A3645.4, with a like sum credited to Revenue Account No. A10.3306.SHF7.

Moved by: Mr. Dibble  
Seconded by: Mr. Truax

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

*(Memo: The grant agreements approved by Resolution No. 83-07 are new grants; the first two for the Sex Offender Watch Program and the third to establish and enhance regional response teams.)*

**RESOLUTION NO. 84-07**

**AUTHORIZING DISTRICT ATTORNEY TO ENTER INTO AGREEMENT FOR  
MANAGEMENT OF CIVIL FORFEITURE PROGRAM**

Offered by: Public Safety Committee

**WHEREAS**, the Laws of the State of New York provide for the forfeiture of assets used in the commission of felony offenses, and

**WHEREAS**, due to staffing and time constraints the Allegany County District Attorney has not had the resources to implement an asset forfeiture program in the County, and

**WHEREAS**, the District Attorney has received a proposal from Finger Lakes Paralegal Services to manage an asset forfeiture program for the County, now, therefore, be it

**RESOLVED:**

1. That the Allegany County District Attorney is authorized to enter into an agreement with Finger Lakes Paralegal Services for the management of an asset forfeiture program in the County.

Moved by: Mr. Dibble  
Seconded by: Mr. Truax

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

*(Memo: Regarding the contract for management of an asset forfeiture program approved by Resolution No. 84-07, the costs would be paid as a percentage of assets forfeited, with minimal or no out-of-pocket costs to the County. The term of the contract is May 1, 2007 through April 30, 2008.)*

**AUDITS:**

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

A motion was made by Legislator Truax, seconded by Legislator Hopkins and adopted on a roll call vote of 13 Ayes, 0 Noes, 2 Absent, that the audit of claims, totaling \$1,660,402.75, including prepaid bills, 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 \$2,634,593.)*

**COMMENTS:**

Mr. Hopkins distributed copies of an article from the "Progressive Farmer" publication in which 300 rural community counties were ranked for most affordable place to live based on home price and income ratios. Allegany County is ranked third.

**ADJOURNMENT:**

The meeting was adjourned on a motion made by Legislator Reynolds, seconded by Legislator Pullen and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
Regular Session**

**May 14, 2007**

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The regular meeting of the Board of Legislators was called to order at 2:05 p.m. by Chairman Curtis W. Crandall.

Pledge of allegiance to the flag.

The invocation was given by Legislator Pullen.

Roll Call: 15 Present; 0 Absent.

**APPROVAL OF MINUTES:**

The Board meeting minutes of April 23, 2007 were approved on a motion made by Legislator Truax, seconded by Legislator Dibble and carried.

**PRIVILEGE OF THE FLOOR:**

The opportunity was offered for questions and comments on the 2006 Annual Reports from the Office of Development and Industrial Development Agency, which were distributed at the last meeting.

Chairman Crandall granted privilege of the floor to Wellsville Mayor Bradley Thompson to speak on the issue of Board support for the Village of Wellsville's efforts to attain city status. Circumstances leading to the Mayor's 2004 proposal to the County included: higher than average village tax rate, which is considerably higher than state or federal averages; higher than average tax exempt status rate of 35 percent; low property valuation; and sluggish economic growth. Options considered for solution were city status, dissolution of the village, or consolidation with the town. The 2006 referendum was defeated because the town wanted a viable option. For village residents, the viable option is city status.

Lower taxes will mean increased economic development. Mayor Thompson reported that a major chain (other than Walmart) is currently considering locating in Wellsville, but one of their concerns is the village tax rate.

The Mayor came to the County in 2004 to offer his proposal and request Board support for the village's city status efforts. At that time, the Board voted 9 to 6 approving support. The village then moved on to the process of writing up a city charter which included hiring an attorney. The city charter is completed, but has not yet been submitted to the state. Mayor Thompson pointed out that not all current legislators have even read the village's 2004 proposal.

Mayor Thompson pointed out that concerns raised in County Administrator Margeson's memo only address sales tax sharing. He agreed that 50 percent of sales tax is generated in Wellsville, and also that the initial expense of sales tax sharing is a concern to the County. The memo doesn't take into account the savings the County will experience. Maintenance and construction of bridges is an expense that will be saved (Wellsville has six bridges), and the County will benefit from new property tax revenue from economic development, which will happen. Many County residents live in Wellsville; city residents still pay taxes. Mayor Thompson stated that the impact of sales tax sharing will not be as detrimental as Mr. Margeson's memo implies.

Mayor Thompson also spoke with the Ways and Means Committee prior to the Board meeting and noted that the questions raised are good ones, and we don't have the answers. There is not yet a dollar figure to consider relative to the amount saved when the city takes on bridges and Community College expenses. The benchmark included in the 2004 proposal could be subject to negotiation. The question was asked if the agreement between the city and County would be forever. The Mayor responded that he couldn't answer that, but the proposal with the County exists in the city charter. When that is approved by the County and the Governor signs it, it becomes law. We still need to seek advice from someone like the state comptroller on that issue. There are still many questions left unanswered, and there needs to be more discussion and time for potential negotiation.

The Mayor requested that the resolution to rescind Resolution No. 187-2004 be tabled. If the Board rescinds support for city status today, it tells village residents that they may not have the opportunity to vote on whether it goes through. No one has offered a different plan. City status, in the long run, will benefit the entire County. The County needs to look at the big picture. We have to do things differently because what we're doing now isn't working. What is good for Wellsville is good for the County.

**ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:**

1. Placed on each legislator's desk was a copy of the Report of Tax Bill Corrections approved by the County Administrator for the month of April 2007.

2. Also placed on each legislator's desk was a copy of the Report of Intrafund Transfers approved by the County Administrator for the month of April 2007.

3. A media release was received from Southern Tier West Regional Planning and Development Board regarding their April 19, 2007 meeting, as well as a copy of the April 19 minutes and notice of the meeting scheduled for May 17.

**APPOINTMENTS:**

The Clerk of the Board announced that Chairman Curtis W. Crandall, in a joint measure with Crystal Abers, Chairman of the Cattaraugus County Board of Legislators, has appointed Steve Havey, Wellsville Area Chamber of Commerce, as a member of the **CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD** for a three-year term expiring December 31, 2009.

Chairman Curtis W. Crandall, in a joint measure with Crystal Abers, Chairman of the Cattaraugus County Board of Legislators, has appointed the following individuals to serve on the **CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD YOUTH COUNCIL** for a two-year term commencing immediately and expiring December 31, 2008:

Hillary Jahnke, Cattaraugus County Council on Alcohol and Substance Abuse  
Kim Whitney, Allegheny Highlands Council Boy Scouts of America  
Adam Dolce, Cassadaga Job Corps Academy

**PROCLAMATIONS:**

Chairman Crandall proclaimed the month of May 2007 as Tourism Month in Allegany County and called upon the residents of the County to observe this month by taking pride in their communities and by working together to enhance our quality of life, maintain our beautiful surroundings, and share our heritage.

Chairman Crandall proclaimed the week of May 20-26, 2007 as Emergency Medical Services Week in Allegany County to recognize the value and accomplishments of emergency medical services providers. This year's theme is "Extraordinary People, Extraordinary Services."

**RESOLUTIONS:**

**RESOLUTION NO. 85-07**

**APPROVAL OF A STATE LEGISLATIVE BILL WHICH AUTHORIZES ALLEGANY COUNTY TO IMPOSE AN ADDITIONAL ONE AND ONE-HALF PERCENT OF SALES AND COMPENSATING USE TAXES UNTIL NOVEMBER 30, 2009; DECLARING EXISTENCE OF NECESSITY AND REQUESTING PASSAGE OF BILL BY STATE LEGISLATURE**

Offered by: Ways and Means Committee

Pursuant to Municipal Home Rule Law § 40

**WHEREAS**, the only two substantial tax revenues available to Allegany County are real property and sales taxes, and

**WHEREAS**, Allegany County is at its sales tax limit, and

**WHEREAS**, by Chapter 519 of the 2005 Laws of the State of New York, the County of Allegany was authorized to impose an additional

one and one-half percent sales tax for the period December 1, 2005 to November 30, 2007, and

**WHEREAS**, by Resolution No. 184-2005, such additional sales tax was imposed for such period, and

**WHEREAS**, Allegany County is presently at 93.25 percent of its constitutional taxing limit for real estate taxes, and

**WHEREAS**, Allegany County will be at 100 percent of such constitutional taxing limit if such additional sales tax is not reauthorized, and

**WHEREAS**, Allegany County has had no substantial growth in real estate assessed valuation in the past five years, and

**WHEREAS**, in the current economic condition of Allegany County any substantial increase in real estate taxes would put in financial jeopardy the County's large percentage of senior citizens with fixed incomes who would have no choice but to pay such taxes out of such fixed incomes, now, therefore, be it

**RESOLVED:**

1. That the Allegany County Board of Legislators approves of a State legislative bill bearing Senate No. S.4860 and Assembly No. A.6952, entitled

AN ACT to amend the tax law, in relation to extending the expiration of the provisions authorizing the County of Allegany to impose an additional one and one-half percent sales and compensating use taxes

2. That such Board does declare that a necessity exists for the passage of such bill and requests its passage by the State Legislature.

3. That the Clerk of this Board is authorized and directed to submit to the Senate and Assembly the foregoing request in such form and manner that conforms to rules promulgated by concurrent resolution of the Senate and Assembly pursuant to Article 3-A of the Legislative Law.

Moved by: Mr. Reynolds  
Seconded by: Mr. Dibble

Adopted: Roll Call  
10 Ayes, 5 Noes, 0 Absent

Voting No: Kruger, McCormick, Russo, Truax, Ungermann

*(Memo: Resolution No. 85-07 is the second step in the Home Rule Legislation process in which the County is approving and requesting passage of the Senate and Assembly bills. The process was begun on March 12 with Resolution No. 48-07. Based on sales tax revenue receipts of \$16,865,298 for 2006, the additional one and one-half percent sales tax resulted in \$5,621,766 revenue.*

Mr. Kruger, Mr. Ungermann, and Mr. Russo commented in opposition to the resolution, citing reasons including support of local businessmen who would like to see a sales tax decrease, Allegany County is not competitive with the neighboring counties and Pennsylvania which all have lower sales tax rates, and there hasn't been enough of an effort to cut expenses and reduce the size of government. Mr. Dibble noted that this is not a new tax, but an extension of the current tax level. We need to push the state to cut unfunded mandates. Mr. McCormick proposed that Allegany County is only one-half percent over surrounding counties and the one-half is what we could resolve. Chairman Crandall pointed out that even the one percent would require this same type of resolution. The County Attorney stated this resolution approves a state bill that has already been introduced; if we change the percentage, the process would have to be started at the beginning and a new bill drafted. Mr. Hopkins and Mr. Pullen questioned where expenses could be cut enough or how property taxes could be increased enough to make up the \$5.6 million if this resolution was defeated.)

#### RESOLUTION NO. 86-07

**A RESOLUTION ESTABLISHING A SPECIAL  
COUNTY COMPREHENSIVE PLANNING COMMITTEE;  
PROVIDING FOR APPOINTMENT OF MEMBERS THEREOF AND  
AUTHORIZING THE EXPENDITURE OF FUNDS  
APPROPRIATED FOR THE PURPOSES OF SUCH COMMITTEE**

Offered by: Ways and Means Committee

**WHEREAS**, this Board believes that a County Comprehensive Plan is necessary for economic and development planning in the County, and

**WHEREAS**, this Board believes that the most effective and efficient way of developing and preparing a County Comprehensive Plan is through a special County Comprehensive Planning Committee established pursuant to Section 239-d (2) of the General Municipal Law, now, therefore, be it

**RESOLVED:**

1. That a special County Comprehensive Planning Committee (the "Committee") is established pursuant to Section 239-d (2) of the General Municipal Law.

2. The Committee shall prepare a proposed County Comprehensive Plan pursuant to Section 239-d of the General Municipal Law and shall recommend such proposed Plan to the Board of Legislators for adoption by the Board.

3. The Committee shall consist of seven members who shall be appointed by the Chairman of the Board of Legislators.

4. The Committee shall be empowered to expend County funds appropriated by this Board for the purposes of such Committee and to

enter into contracts for the performance of work associated with and necessary for the preparation of the County Comprehensive Plan.

5. The Committee shall issue reports of its progress in developing and preparing the County Comprehensive Plan to the County Planning Board and the Ways and Means Committee of this Board.

Moved by: Mr. Truax  
Seconded by: Mr. Pullen

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

**APPOINTMENT:**

Chairman Crandall appointed the following as members of the **COUNTY COMPREHENSIVE PLANNING COMMITTEE**, effective immediately, to serve at his pleasure:

Charles Jessup, Alfred Station, Chairman  
Theodore Hopkins, Fillmore  
Lee Gridley, Wellsville  
Ronald Stuck, Friendship  
Brent Reynolds, Alfred Station  
Frederick Sinclair, Scio  
Edward Eicher, Wellsville

**RESOLUTION NO. 87-07**

**APPROVAL OF BOARD CHAIRMAN'S REAPPOINTMENT OF THREE MEMBERS TO SOUTHERN TIER WEST REGIONAL PLANNING AND DEVELOPMENT BOARD**

Offered by: Ways and Means Committee

Pursuant to Resolution No. 35-68, as amended by Resolution No. 93-75

**RESOLVED:**

1. That the reappointment by the Chairman of this Board of John E. Margeson of Scio, New York, Brent L. Reynolds of Alfred Station, New York, and Jerry Scott of Cuba, New York as members of the Southern Tier West Regional Planning and Development Board, with term of office commencing June 1, 2007 and expiring May 31, 2010 is approved.

2. That Ronald Stuck, Chairman of the Planning Board, David Roeske, Superintendent of Public Works, and Curtis W. Crandall, Chairman of the Board of Legislators, are appointed ex-officio members of the Southern Tier West Regional Planning and Development Board with term of office commencing June 1, 2007 and expiring May 31, 2010.

Moved by: Mr. Hall  
Seconded by: Mr. McCormick

Adopted: Roll Call  
14 Ayes, 1 No, 0 Absent  
Voting No: Ungermann

**RESOLUTION NO. 88-07**



**A RESOLUTION DETERMINING THAT ERRORS EXIST ON THE  
2007 COUNTY AND TOWN TAX ROLLS FOR THE TOWNS NAMED  
WITH REGARD TO REAL PROPERTY OF VARIOUS TAXPAYERS THEREIN;  
DIRECTING MAILING OF NOTICES OF APPROVAL OF APPLICATIONS FOR  
CORRECTED TAX ROLLS AND ORDERING THE VARIOUS TOWN TAX COLLECTORS TO  
CORRECT THE TAX ROLLS; PROVIDING FOR CHARGE BACKS OR CREDITS**

Offered by: Ways and Means Committee

Pursuant to Real Property Tax Law § 554

**WHEREAS**, applications, for the taxpayers hereafter described, have been made to the County's Director of Real Property Tax Service Agency for the correction of certain errors affecting their real property on various tax rolls, and

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

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

**RESOLVED:**

1. That with regard to the applications for the named taxpayers pertaining to claimed errors regarding their real property on the respective tax rolls of the named Towns, this Board of Legislators does determine that the claimed errors as alleged in those applications exist and does approve those applications.

2. That the Chairman of this Board is authorized and directed to make a notation on each of those applications and the duplicates thereof that they are 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 each of the below listed taxpayers 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 such respective taxpayers of the applicable provisions of subdivision seven of Section 554 of the Real Property Tax Law.

4. That the Tax Collector of the Town of Alfred is ordered and directed to correct in the 2007 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Brown, Gary M. & Heidi; Parcel 164.7-1-25.1  
Assessment: Land \$5,000 Total \$5,000

this Parcel does not exist and should have been deleted from the Tax Roll, and the County Treasurer is directed to make the following charges on her books:

Allegany County	\$	81.34
Town of Alfred	\$	17.45
Village Relevy		\$1,103.49
School Relevy	\$	150.23
Total		\$1,352.51

5. That the Clerk of this Board is directed to forthwith mail a certified copy of this resolution to each of the various Tax Collectors for the Towns stated above together with the original copies of those applications completed in accordance with section two of this resolution.

6. The Clerk of this Board shall mail a copy of this resolution to each of the above named Schools and the amount to be charged to each 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 each School as a result of school taxes returned after the date such amount is charged and which shall be paid to each School after May 1, 2008. The County Treasurer shall send a written notice to each School of the amount of such deduction prior to May 1, 2008.

Moved by: Mr. Reynolds  
Seconded by: Mr. Fanton

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

#### **RESOLUTION NO. 89-07**

##### **TRANSFER OF FUNDS WITHIN COUNTY HEALTH DEPARTMENT ACCOUNT**

Offered by: Human Services Committee

##### **RESOLVED:**

1. That the sum of \$8,960 is transferred from Account No. A4010.101 (Personnel, Regular Pay) to Account No. A4010.461 (Medical Consultant), for the purpose of providing funds to compensate Dr. Joseph Felsen for services as Interim Medical Consultant for the Department of Health.

Moved by: Mr. Truax  
Seconded by: Mr. Kruger

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

#### **RESOLUTION NO. 90-07**

##### **TRANSFER OF FUNDS BETWEEN OFFICE FOR THE AGING PROGRAM ACCOUNTS**

Offered by: Human Services and Ways and Means Committees

##### **RESOLVED:**

1. That the sum of \$13,415 is transferred as follows: \$2,500 from Account No. A6773.2 to Account No. A6773.4, \$8,915 from Account No. A6787.1 to Account No. A6787.2, and \$2,000 from Account No. A6777.1 to Account No. A6773.4 to cover the costs of rent and utilities.

Moved by: Mr. Truax  
Seconded by: Mr. Pullen

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 91-07**

**ACCEPTANCE OF INCREASED STATE AID FUNDING TO MENTAL HEALTH  
APPROPRIATION AND REVENUE ACCOUNTS**

Offered by: Human Services and Ways and Means Committees

**RESOLVED:**

1. That the sum of \$249,966 in increased state aid funding to Mental Health Appropriation and Revenue Accounts is accepted.

2. That the accepted sum of \$249,966 is appropriated as follows:

<u>Appropriation Accounts</u>	<u>Amount</u>
A4220.459	\$71,671
A4310.101	1,692
A4310.204	16,000
A4310.409	4,473
A4311.457	499
A4312.457	1,758
A4312.204	16,000
A4313.456	3,336
A4313.457	1,363
A4313.458	9,432
A4313.459	3,581
A4313.460	74,033
A4313.461	612
A4313.464	45,000
A4314.457	14
A4316.457	502

<u>Revenue Accounts</u>	<u>Amount</u>
A02.1625.00	\$ 1,432
A10.3490.01	71,671
A10.3490.03	1,432
A10.3490.1014	9,310
A10.3490.1037	6,568
A10.3490.1078	1,109
A10.3490.1200	22,116
A10.3490.1400	536
A10.3490.101A	780
A10.3490.122L	35,000
A10.3490.122U	10,000
A10.3490.134B	222
A10.3490.134C	499
A10.3490.134E	499
A10.3490.139J	1,073
A10.3490.140F	2,227
A10.3490.140M	251
A10.3490.140Q	160
A10.3490.140R	735
A10.3490.140S	361
A10.3490.140T	251
A10.3490.140U	735
A10.3490.140Y	260
A10.3490.146L	1,363
A10.3490.146N	80,558
A10.3490.170A	65
A10.3490.170B	148
A10.3490.170K	464
A10.3490.170L	141

Moved by: Mr. Truax  
 Seconded by: Mr. Pullen

Adopted: Roll Call  
 15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 92-07**

**ACCEPTANCE OF FUNDS FROM AMERICAN LEGION POST 702 FOR  
 ALLEGANY COUNTY YOUTH COURT; APPROPRIATION OF SAME TO  
 YOUTH COURT ACCOUNT**

Offered by: Public Safety and Ways and Means Committees

**RESOLVED:**

1. That the sum of \$100 donated by American Legion Post 702 for the Allegany County Youth Court is accepted.

2. That the accepted sum of \$100 is appropriated to Account No. A7321.806 (Youth Court - Benefits), with a like sum credited to Revenue Account No. A08.2705.3825 (Grants/Gifts and Donations - Youth Court).

Moved by: Mr. Dibble  
Seconded by: Mr. Fanton

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 93-07**

**ACCEPTANCE OF ADDITIONAL STATE AID FROM THE  
NEW YORK STATE DIVISION OF PROBATION AND CORRECTIONAL ALTERNATIVES;  
APPROPRIATION OF SAME TO PROBATION CONTRACTUAL ACCOUNT**

Offered by: Public Safety and Ways and Means Committees

**RESOLVED:**

1. That the additional state aid in the amount of \$6,000 from the New York State Division of Probation and Correctional Alternatives is accepted.

2. That the accepted sum of \$6,000 is appropriated to Account No. A3140.4 with a like sum credited to Revenue Account No. A10.3310.05.

Moved by: Mr. Dibble  
Seconded by: Mr. Truax

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 94-07**

**APPROVAL OF LEASE OF LAND TO JOHN FRANCISCO TO BE USED FOR  
AGRICULTURAL PURPOSES ONLY**

Offered by: Ways and Means Committee

**WHEREAS**, the County desires to lease County land for agricultural purposes only, now, therefore, be it

**RESOLVED:**

1. That Lease between the County of Allegany and John Francisco is approved.

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

Moved by: Mr. Reynolds  
Seconded by: Mr. Fanton

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

*(Memo: The lease approved by Resolution No. 94-07 is for approximately 30 acres of County-owned agricultural land adjacent to the Allegany County Jail and Public Safety Facility. A Notice to Bidders was advertised and two sealed bids were received, the highest of which was \$3,150. The lease will expire on December 31, 2007.)*

RESOLUTION NO. 95-07

APPROVING AGREEMENT BETWEEN COUNTY OF ALLEGANY,  
ACTING BY AND THROUGH ITS DEPARTMENT OF HEALTH, AND  
MARK CHRISTENSEN AND AMBER CHRISTENSEN, D/B/A TOWNE MARKETING FOR  
PROVIDING CONSULTATION, PROMOTION, BROCHURES, AND OTHER MATERIALS  
FOR THE PROMOTION OF REPRODUCTIVE HEALTH SERVICES AND CLINICS;  
AUTHORIZING EXECUTION OF AGREEMENT

Offered by: Human Services and Ways and Means Committees

**RESOLVED:**

1. That Agreement between County of Allegany, acting by and through its Department of Health, and Mark Christensen and Amber Christensen, d/b/a Towne Marketing, commencing April 15, 2007, and ending December 31, 2007, is approved.

2. That the Acting Public Health Director is authorized to execute the Agreement.

Moved by: Mr. Truax  
Seconded by: Mr. Dibble

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

*(Memo: Regarding the agreement approved by Resolution No. 95-07, the charge for services is \$25 per hour, and will be covered through a one-time TANF Award from the NYS Department of Health.)*

Resolution Intro. No. 99-07 (Resolution Rescinding Resolution No. 187-2004) was TABLED following a motion made by Legislator Russo, seconded by Legislator O'Grady and carried unanimously. Resolution No. 187-2004 supports the actions of the Village of Wellsville in its attempts to achieve city status and supports the designation of the Village of Wellsville as a city.

RESOLUTION NO. 96-07

APPROVAL OF A STATE LEGISLATIVE BILL WHICH  
AUTHORIZES ALLEGANY COUNTY TO DISCONTINUE USE OF AND CONVEY  
CERTAIN REFORESTED LANDS; DECLARING EXISTENCE OF NECESSITY AND  
REQUESTING PASSAGE OF BILL BY STATE LEGISLATURE

Offered by: Ways and Means Committee

Pursuant to Municipal Home Rule Law § 40

**WHEREAS**, the County of Allegany is the owner of approximately 2,050 acres of reforested lands divided into ten management areas, and

**WHEREAS**, such lands generally have excellent potential for timber production and recreational use, and

**WHEREAS**, three of such parcels of reforested land, commonly known as the Phippen Lot, consisting of approximately 39.4 acres,

the Snider Lot, consisting of approximately 108.4 acres, both located in the Town of Angelica, and the Coleman Lot, consisting of approximately 84.4 acres, located in the Town of Amity, are not contiguous with other reforested parcels, do not contain timber plantations of any value, the cost of maintaining which exceeds their value, and none of such parcels being necessary for County use or will in the future be necessary for County use, and

**WHEREAS**, the County wishes to discontinue use of and to sell such parcels at their fair market value and to apply the proceeds of such sale, or an amount equal to or greater than the fair market value of such parcels, to the acquisition of additional reforested lands and/or improvement of existing reforested lands, and

**WHEREAS**, State legislation is necessary to authorize the County to discontinue use of and sell and convey such parcels, now, therefore, be it

**RESOLVED:**

1. That the Allegany County Board of Legislators approves of a State legislative bill bearing Senate No. S.4905 and Assembly No. A.7777, entitled

AN ACT to authorize the County of Allegany to discontinue use of and convey certain reforested lands

2. That such Board does declare that a necessity exists for the passage of such bill and requests its passage by the State Legislature.

3. That the Clerk of this Board is authorized and directed to submit to the Senate and Assembly the foregoing request in such form and manner that conforms to rules promulgated by concurrent resolution of the Senate and Assembly pursuant to Article 3-A of the Legislative Law.

Moved by: Mr. Reynolds  
Seconded by: Mr. Fanton

Adopted: Roll Call  
14 Ayes, 1 No, 0 Absent  
Voting No: Burdick

**AUDITS:**

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

A motion was made by Legislator Truax, seconded by Legislator Kruger and adopted on a roll call vote of 15 Ayes, 0 Noes, 0 Absent, that the audit of claims, totaling \$3,581,551.52 including prepaids, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$3,140,774. Mr. Dibble commented that we need to seriously look at sales tax intercept for Medicaid payments.*)

**COMMENTS :**

Mr. Pullen commented that at the Ways and Means Committee meeting, Mayor Thompson made several representations, and presently the actual application for charter hasn't been submitted to the state. The Mayor has requested that the Board table the rescinding resolution and Mr. Pullen asked for assurance that the Village of Wellsville will not move forward until additional information is made available. As there are still questions on both sides, hopefully information can be gathered and exchanged prior to this matter being moved forward. Chairman Crandall agreed that there are questions on both sides that need to be addressed. He requested that questions be given to him, and he'll decide on how to have the full Board consider them, such as a Committee of the Whole meeting. Mr. Kruger suggested a work session with the Wellsville Village Board, to which Mayor Thompson responded he had no problems with a joint meeting but it would have to be in the evening.

**ADJOURNMENT :**

The meeting was adjourned on a motion made by Legislator Pullen, seconded by Legislator Truax and carried.



**ALLEGANY COUNTY BOARD OF LEGISLATORS**  
**Regular Session**

**May 29, 2007**

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The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

Pledge of allegiance to the flag.

The invocation was given by Legislator Pullen.

Roll Call: 15 Present; 0 Absent.

**APPROVAL OF MINUTES:**

The Board meeting minutes of May 14, 2007 were approved on a motion made by Legislator Truax, seconded by Legislator Dibble and carried.

**PRIVILEGE OF THE FLOOR:**

Chairman Crandall granted privilege of the floor to Allegany County Dairy Princess Casey Arlig, who spoke on the promotion of dairy products, and noted that agriculture is the largest industry in New York State with dairy being its largest component. Milk punch was available following the meeting.

Privilege of the Floor was also granted to Shawnee Wright, Community Coordinator for Partners for Prevention in Allegany County (PPAC) to give an update on the progress of the coalition. Ms. Wright highlighted their public awareness campaign, "Parents Who Host Lose the Most - Don't be a Party to Teenage Drinking," and thanked the Board for the upcoming proclamation.

Deborah Johnson and Genesee Valley Central School students involved in "Students Against Destructive Decisions" (SADD) were given privilege of the floor. SADD members recently took part in a school-day reenactment of drunk-driving fatalities. The students presented information on the public awareness campaign, "Parents Who Host Lose the Most - Don't be a Party to Teenage Drinking."

Chairman Crandall granted privilege of the floor to Village of Wellsville Mayor Bradley Thompson. The Mayor noted that since he was informed Resolution Intro. No. 99-07, rescinding support for Wellsville's city status, will not be brought off the table at this meeting, he can't wait any longer and will be submitting the city charter to the state tomorrow. The State Legislature will be going out of session on June 27.

**ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:**

1. A news release was received for the May 17 Southern Tier West Regional Planning and Development Annual Board Meeting.

**PROCLAMATION:**

Chairman Crandall proclaimed Allegany County as a "Parents Who Host Lose the Most: Don't be a Party to Teenage Drinking" County. Allegany County not only discourages the use of alcohol by those below the legal age of consumption, but also exhorts all residents to refuse to provide alcoholic beverages to those underage youth, and will continue to take the necessary steps to discourage this illegal and unhealthy activity.

**RESOLUTIONS:**

**RESOLUTION NO. 97-07**

**RESOLUTION REQUESTING GOVERNOR SPITZER AND  
NEW YORK STATE LEGISLATURE TO ADVANCE AND EXPEDITE THE  
TIMETABLES FOR INFRASTRUCTURE PROJECTS**

Offered by: Public Works Committee

**WHEREAS,** the Governor has made the revitalization and improvement of the economy of Upstate New York a priority for his administration, and

**WHEREAS,** the fourteen counties along the Route 15 (I-99), I-86, and Route 17 (I-86) Corridor make up the three Local Development Districts in the thirteen state Appalachian Regional Commission, which has vastly improved the economy and quality of life in the region, and

**WHEREAS,** Route 15 (I-99), I-86, and Route 17 (I-86) are New York State's section of the thirteen state Appalachian Development Highway System and as such are eligible for Appalachian funding, and

**WHEREAS,** Interstates 86 and 99 have been designated New York Trade Corridors and as such will continue to receive appropriate support and additional funding as key elements of major trade and tourism corridors, and

**WHEREAS,** the 2.9 billion dollar Rebuild and Renew New York Transportation Bond Act included in the 35.9 billion dollar New York Capital Investment Program for statewide transportation facilities for the years 2005-2010 is the largest transportation program in the state's history, and

**WHEREAS,** the New York I-86 Economic Development Benefit Study, issued in January 2000, which was widely accepted and quoted at all levels of government, called for an aggressive eight-year construction period that would result in a 3.2 billion dollar direct economic benefit to communities along the I-86 Highway Corridor once the conversion has been completed, and

**WHEREAS,** the Governor and the New York State Department of Transportation committed to a ten-to-twelve year construction program to complete the Route 17 conversion to Interstate I-86

beginning with the first designation (177 miles Chemung County west to Pennsylvania) December 3, 1999, and

**WHEREAS**, the Pennsylvania Department of Transportation has projected a completion date for the conversion of Route 15 to Interstate standards to the New York State border by the end of 2010, and

**WHEREAS**, the designation of New York State Route 17 to I-86 and Route 15 to I-99 will provide a highway network with connection to every Interstate Highway located within New York State and Interstates leading into Pennsylvania, now, therefore, be it

**RESOLVED:**

1. That the Allegany County Board of Legislators does hereby express its support for those projects contained within the 2005 Transportation Bond Act and the Transportation Plan for the State of New York Department of Transportation.

2. That this Board does hereby urge the Governor and the New York State Legislature to advance funding necessary to commence those projects and to advance and expedite the timetables set forth for each project to meet the Governor's commitments and the Pennsylvania Department of Transportation's timetable.

3. That the Clerk of this Board is hereby authorized and directed to forward a certified copy of this resolution to Governor Eliot Spitzer, Senate Temporary President and Majority Leader Joseph L. Bruno, Speaker of the Assembly Sheldon Silver, Senator Catharine M. Young, Assembly Members Daniel J. Burling and Joseph M. Giglio, Transportation Commissioner Astrid Glynn, Senate Transportation Committee Chairman Thomas W. Libous, Assembly Standing Committee on Transportation Chairman David Gantt, Upstate Co-Chairman for the Economic Development Corporation Daniel Gundersen, the New York State Association of Counties, the fourteen counties bordering I-86, the Inter-County Association of Western New York, and the Rural Association of Mayors/Supervisors.

Moved by: Mr. Reynolds  
Seconded by: Mr. Fanton

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

RESOLUTION NO. 98-07

RESOLUTION GRANTING THE STATE OF NEW YORK  
AUTHORITY TO PERFORM THE ADJUSTMENT FOR THE OWNER AND AGREEING TO  
MAINTAIN FACILITIES ADJUSTED VIA STATE-LET CONTRACT

Offered by: Public Works and Ways and Means Committees

**WHEREAS**, the New York State Department of Transportation proposes the construction, reconstruction, or improvement of SR 19 Bridge Replacement over VanCampen Creek and WNY & PA Railroad, Town of Amity located in Allegany County, PIN 6014.40.121, and

**WHEREAS**, the State will include as part of the construction, reconstruction, or improvement of the above mentioned project the construction of a 12" sewer line on the structure, extending under and beyond the approach slabs, pursuant to Section 10, Subdivision 24, of the State Highway Law, as shown on the contract plans relating to the project and meeting the requirements of the owner, and

**WHEREAS**, the service life of the relocated and or replaced utilities has not been extended, and

**WHEREAS**, the State will provide for the reconstruction of the above-mentioned work, as shown on the contract plans relating to the above-mentioned project, now, therefore, be it

**RESOLVED:**

1. That the Allegany County Board of Legislators and the Allegany County Department of Public Works approve of the relocation of and adjustment to their sewer line and the above mentioned work performed on the project and shown on the contract plans relating to the project and that the County of Allegany and the Allegany County Department of Public Works will maintain or cause to be maintained the adjusted facilities performed as above stated and as shown on the contract plans.

2. That David Roeske, Superintendent of Public Works has the authority to sign, with the concurrence of the Allegany County Board of Legislators, any and all documentation that may become necessary as a result of this project as it relates to the Allegany County Department of Public Works.

3. That the Clerk of this Board is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

Moved by: Mr. Fanton  
Seconded by: Mr. Hall

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

*(Memo: The sewer line installation under the state's bridge replacement approved by Resolution No. 98-07 will provide possible*

future service for development at the Crossroads area north of Belmont. See also Resolution No. 107-07.)

**RESOLUTION NO. 99-07**

**RESOLUTION APPROVING OF WATER SYSTEM EXTENSION AND  
AUTHORIZING CHAIRMAN OF THE ALLEGANY COUNTY BOARD OF LEGISLATORS TO  
EXECUTE PETITION ON BEHALF OF COUNTY WITH RESPECT TO  
TOWN OF CANEADEA WATER EXTENSION PROJECT**

Offered by: Ways and Means Committee

**WHEREAS**, the Town of Caneadea is extending its water system along State Route 19 from south of Houghton to the Town of Belfast town line, and

**WHEREAS**, the Town of Caneadea is using a petition process pursuant to the General Municipal Law for the approval of the extension, and

**WHEREAS**, the petition process requires the approval of the owners of more than fifty percent of the assessed value of the real property within the extension area and of the residential property owners, and

**WHEREAS**, Allegany County Transfer Station No. 1 and the County owned real property surrounding it, having an assessed value of \$72,100, are included within the proposed extension area, now, therefore, be it

**RESOLVED:**

1. That this Board of Legislators approves of the Town of Caneadea water system extension and authorizes the Chairman of this Board to execute the petition on behalf of the County.

Moved by: Mr. Reynolds  
Seconded by: Mr. Pullen

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 100-07**

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

Offered by: Ways and Means Committee

Pursuant to Tax Law § 261 (3)

**RESOLVED:**

1. That the Semi-Annual Report for the period October 1, 2006 through March 31, 2007, 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. Reynolds  
Seconded by: Mr. Truax

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 101-07**

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

Offered by: Ways and 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 \$25,551.51 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	733.65	584.63	149.02	Alfred
Allen	434.85	434.85		
Alma	524.06	524.06		
Almond	874.23	800.63	73.60	Almond
Amity	1,460.76	1,210.83	249.93	Belmont
Andover	652.98	533.46	119.52	Andover
Angelica	762.03	624.09	137.94	Angelica
Belfast	1,245.82	1,245.82		
Birdsall	256.08	256.08		
Bolivar	1,228.60	968.93	240.68	Bolivar
			18.99	Richburg
Burns	384.77	332.33	52.44	Canaseraga
Caneadea	814.02	814.02		
Centerville	270.09	270.09		
Clarksville	432.87	432.87		
Cuba	1,512.28	1,265.30	246.98	Cuba
Friendship	590.80	590.80		
Genesee	728.62	728.62		
Granger	593.15	593.15		
Grove	304.87	304.87		
Hume	1,540.72	1,540.72		
Independence	332.10	332.10		
New Hudson	1,229.55	1,229.55		
Rushford	1,545.19	1,545.19		
Scio	910.81	910.81		
Ward	251.58	251.58		
Wellsville	4,410.57	3,197.82	1,212.75	Wellsville
West Almond	240.32	240.32		
Willing	682.24	682.24		
Wirt	603.90	558.74	45.16	Richburg
TOTALS	25,551.51	23,004.50	2,547.01	

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. Reynolds  
 Seconded by: Mr. Pullen

Adopted: Roll Call  
 15 Ayes, 0 Noes, 0 Absent

(Memo: The reimbursement to towns and villages for Mortgage Tax Fee Retainage approved by Resolution No. 101-07 is for the period 10/01/06 through 03/31/07.)

**RESOLUTION NO. 102-07**

**APPOINTMENT OF TWO MEMBERS TO COUNTY TRAFFIC SAFETY BOARD**

Offered by: Public Safety Committee

Pursuant to Local Law No. 2 of 1972

**RESOLVED:**

1. That Susan Belmont of Andover, New York and Ann Feuchter of Cuba, New York are appointed to the County Traffic Safety Board, with term of office commencing May 14, 2007 and expiring December 31, 2009.

Moved by: Mr. Dibble  
Seconded by: Mr. Fanton

Adopted: Voice Vote

**RESOLUTION NO. 103-07**

**ACCEPTANCE OF GRANT FUNDS FROM THE NEW YORK STATE  
DIVISION OF PROBATION AND CORRECTIONAL ALTERNATIVES;  
AUTHORIZING DIRECTOR OF PROBATION TO EXECUTE ANY AND ALL  
AGREEMENTS NECESSARY TO SECURE SUCH GRANT AND  
APPROPRIATION OF GRANT FUNDS TO  
PROBATION CONTRACTUAL EXPENSES ACCOUNT**

Offered by: Public Safety and Ways and Means Committees

**RESOLVED:**

1. That a grant in the amount of \$50,000 from the New York State Division of Probation and Correctional Alternatives is accepted. That the Director of Probation is authorized to execute any and all agreements and documents necessary to secure such grant.

2. That the accepted sum of \$50,000 is appropriated to Account No. A3140.449 with a like sum credited to Revenue Account No. A10.3310.06.

Moved by: Mr. Dibble  
Seconded by: Mr. Ungermann

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

*(Memo: The grant accepted per Resolution No. 103-07 is for the "Services for a Shared Population" Program that will allow the Probation Department to improve its delivery of services to those with mentally handicapping conditions involved with the criminal justice system. The award is for a two-year period, contingent upon availability of state funding. The Probation Department will contract with a forensic clinical coordinator for appropriate mental health and substance abuse evaluations. A comprehensive range of integrated services including counseling, case management, referral for medication evaluation, medication monitoring, social skills training, and family interventions will be provided.)*

**RESOLUTION NO. 104-07**

**ACCEPTANCE OF GRANT FROM THE NEW YORK STATE**



**OFFICE OF HOMELAND SECURITY AND APPROPRIATION OF GRANT FUNDS TO  
EMERGENCY SERVICES AND HOMELAND SECURITY ACCOUNTS**

Offered by: Public Safety and Ways and Means Committees

**RESOLVED:**

1. That a grant from the New York State Office of Homeland Security in the amount of \$27,800 is accepted. That such grant funds are appropriated as follows: \$3,000 to Account No. A3640.448 and \$24,800 to Account No. A3645.218; with the sum of \$27,800 credited to Revenue Account No. A10.3306.EMG8.

Moved by: Mr. Dibble  
Seconded by: Mr. Reynolds

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

*(Memo: The grant accepted per Resolution No. 104-07 is for the period 07/01/06 through 06/30/08 and will be used for emergency medical operation equipment and fencing. The application was approved by Resolution No. 22-07 on January 22.)*

**RESOLUTION NO. 105-07**

**INCREASING APPROPRIATION AND REVENUE ACCOUNTS IN THE  
DEPARTMENT OF PUBLIC WORKS**

Offered by: Public Works and Ways and Means Committees

**RESOLVED:**

1. That Department of Public Works Account No. D5112.223 (County Road CHIPS Paving) and Revenue Account No. D10.3501.00 (State Aid CHIPS) are increased by \$143,663.

Moved by: Mr. Fanton  
Seconded by: Mr. McCormick

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

*(Memo: The requested increase in accounts approved by Resolution No. 105-07 is due to an increase in the State Fiscal Year 2007-08 Consolidated Highway Improvement Program [CHIPS] funding.)*

**RESOLUTION NO. 106-07**

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

Offered by: Ways and Means Committee

**WHEREAS**, a check in the amount of \$205, representing the cost to replace a broken windshield on a County Health Department vehicle, has been offered by NYMIR in settlement for such property damage, now, therefore, be it

**RESOLVED:**

1. That an insurance payment in the amount of \$205 from NYMIR, representing the cost of replacing a broken windshield on a County Health Department vehicle, is accepted.

2. That the sum of \$205 is appropriated to Account No. CS1931.429 (Risk Retention - Uninsured Property Loss) with a like sum credited to Revenue Account No. CS07.2680 (Risk Retention - Insurance Recovery).

Moved by: Mr. Reynolds  
Seconded by: Mr. Hopkins

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 107-07**

**TRANSFER OF FUNDS FROM CONTINGENT ACCOUNT TO A  
CAPITAL ACCOUNT TO BE ESTABLISHED BY THE COUNTY TREASURER**

Offered by: Public Works and Ways and Means Committees

**RESOLVED:**

1. That the sum of \$41,412.40 is transferred from Account No. A1990.4 to an Account to be established by the County Treasurer to finance the cost of installing a 12" sanitary sewer line under bridge on State Route 19, Belvidere, VanCampen Creek, and WNY & PA RR (PIN 6014.40.121).

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

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

*(Memo: Comments on the transfer approved by Resolution No. 107-07 included (1) a reluctance to transfer money from Contingent when anticipated sales tax revenues to-date are down, (2) the decision can't be delayed if the sewer line is to be included in the design phase of the state's bridge replacement project, (3) the placement of the line under the bridge at a later date would cost many times more, and (4) the possibility of having future users or grants pay for the work if completed at a later date. It was noted that this possible sewer line from Belmont to the Crossroads development area in Belvidere would be a back-up plan to the Town of Friendship plan. See also Resolution No. 98-07.)*

**RESOLUTION NO. 108-07**

**TRANSFER OF FUNDS FROM CONTINGENT ACCOUNT TO  
OFFICE OF DEVELOPMENT CONTRACTUAL EXPENSES ACCOUNT**

Offered by: Ways and Means Committee

**RESOLVED:**

1. That the sum of \$35,000 is transferred from Account No. A1990.4 to Account No. A6430.4 to fund administrative expenses for the Allegany County Comprehensive Plan.

Moved by: Mr. Reynolds  
Seconded by: Mr. Hall

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

**AUDITS:**

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

A motion was made by Legislator Truax, seconded by Legislator Kruger and adopted on a roll call vote of 15 Ayes, 0 Noes, 0 Absent, that the audit of claims, totaling \$697,220.69 including prepaids, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$3,478,228.*)

**COMMENTS:**

Following discussion on introducing Resolution Intro. No. 99-07 (Resolution Rescinding Resolution No. 187-2004), which was tabled at the May 14 Board meeting, no motion was made to remove the resolution from the table. The 2004 resolution stands, and the tabled resolution will remain such until it is removed from the table or until December 31, 2007. Resolution No. 187-2004 supports the designation of the Village of Wellsville as a city.

Legislator Dibble noted two potential Genesee River stream bank erosion projects. The next major flood will jeopardize two spots on State Route 19: one is north of Scio; the other is in Belfast.

Legislator Truax introduced Lori Ballengee, the newly appointed Public Health Director.

**ADJOURNMENT:**

The meeting was adjourned at 3:40 p.m. following a motion made by Legislator Truax, seconded by Legislator Pullen and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS**  
**Regular Session**

**June 11, 2007**

---

The regular meeting of the Board of Legislators was called to order at 2:12 p.m. by Chairman Curtis W. Crandall.

Pledge of allegiance to the flag.

The invocation was given by Legislator Pullen.

Roll Call: 13 Present; 2 Absent (McCormick, O'Grady).

**APPROVAL OF MINUTES:**

The Board meeting minutes of May 29, 2007 were approved on a motion made by Legislator Truax, seconded by Legislator Pullen and carried.

**PRIVILEGE OF THE FLOOR:**

Chairman Crandall granted privilege of the floor to Ken Hasner, General Manager of Athletes in Action Bolivar A's baseball team. Players are recruited from all over the United States to play for this very competitive league, and the team will be playing now through August. Athletes in Action is a non-denominational, ministry-centered organization that has been active for 50 years.

Privilege of the floor was also granted to Martha Roberts, President of the Allegany County Agricultural Society, for presentation of the Allegany County Fair Book. The Fair Book was dedicated this year to Larry and Marge Vossler. Grounds work included a new 36 by 100 foot open building to house the overflow of animals, made possible with state funding. The NYS legislature gave county fairs a total of \$3 million: each county received \$30,000 plus another \$20,000 to \$30,000 based on attendance. Fencing is being repaired, and Senator Young granted \$30,000 to assist. A small addition was built on the museum, and new roofs and doors were installed. The "Fair with a Country Smile" runs July 16-21.

**ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:**

1. Placed on each legislator's desk was a copy of the Report of Intrafund Transfers approved by the County Administrator for the month of May 2007.

2. Also placed on each legislator's desk was a copy of the Report of Tax Bill Corrections approved by the County Administrator for the month of May 2007.

3. A Certificate of Withdrawal of Delinquent Tax Liens was filed on May 29, 2007 by the County Treasurer in the Clerk of the

Board's Office for properties in the Town of Wellsville, pursuant to Article 11 of the New York State Real Property Tax Law.

4. Correspondence was received from the Allegany/Western Steuben Rural Health Network, Inc. regarding a Transportation Stakeholders meeting scheduled for June 18 from 10:00 a.m. to 3:00 p.m. at the Crossroads Center.

5. Correspondence was received from Bette Stockman, Friendship Freedom Fair Parade Secretary, outlining the schedule of events for the Friendship Freedom Fair and inviting legislators to participate in the parade scheduled for July 28.

#### **RESOLUTIONS:**

A motion was made by Legislator Pullen, seconded by Legislator Hopkins and carried to remove from the table Resolution Intro. No. 99-07 (Resolution Rescinding Resolution No. 187-2004) which was tabled at the May 14 meeting. Resolution No. 187-2004 supported the designation of the Village of Wellsville as a city.

Summary of legislators' comments on the Wellsville city status issue included:

Mr. Pullen stated that the majority of the people he has talked with are not opposed to things that will benefit Wellsville, but the effects on the entire County have to be considered. He couldn't support the charter in its present form, but also felt it was important for the new legislators to have the opportunity to debate and vote on the issue. Mr. Pullen is not convinced the city charter is in the best interest for Wellsville, and in its present form, certainly not for the County.

Mr. Russo commented that both the Village and Town of Wellsville support city status, and the Board of Legislators approved the resolution supporting the issue. To go back now and rescind that support is not the right way to do business. Wellsville has a plan; what is the County's plan? It's time we took a step in the right direction and start to build on what we already have.

Mr. Ungermann and Mr. Kruger questioned the suggestion, made at the May 14 Board meeting, to have a joint meeting with the Village of Wellsville to exchange information and ask questions on the city status issue. An opportunity was given to submit questions, but the meeting was not held. Mr. Crandall responded that he and County Administrator John Margeson met with the Mayor and the procedure for receiving and answering questions was decided then.

Mr. Kruger stated that a work session would have generated more questions and answers to enable a more informed conclusion. To pull support from Wellsville at this point is wrong. Although there's not enough information to be sure of the direction it will take the County, Mr. Kruger felt we owe Wellsville the vote.



of the Chairman of the County Board of Legislators and until a successor is appointed.

2. That such committee shall serve in an advisory capacity to the Ways and Means Committee of the County Board of Legislators in relation to the development, planning and administration of the County's tourism program.

Moved by: Mr. Reynolds  
Seconded by: Mr. Dibble

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

*(Memo: Resolution No. 110-07 changes the number of members on the Citizens Advisory Committee on Tourism from seven to nine, and changes the standing committee they report to from the Planning and Development Committee to the Ways and Means Committee.)*

#### **RESOLUTION NO. 111-07**

##### **REAPPOINTMENT OF TWO MEMBERS TO COUNTY BOARD OF HEALTH**

Offered by: Human Services Committee

Pursuant to Public Health Law §§ 343 and 344

##### **RESOLVED:**

1. That Ronald B. Truax and Mohamad-Zahi Kassas are reappointed to the County Board of Health, with term of office commencing July 8, 2007, and expiring July 7, 2013.

Moved by: Mr. Truax  
Seconded by: Mr. Dibble

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

#### **RESOLUTION NO. 112-07**

##### **APPROVAL OF SALE OF 2007 TAX SALE PROPERTIES**

Offered by: Ways and Means Committee

Pursuant to New York Uniform Delinquent Tax Enforcement Act and Resolution No. 195-97, as amended by Resolution No. 95-98

##### **RESOLVED:**

1. That the sale of tax delinquent properties as shown below, to the owners and purchasers shown, for the consideration shown, subject to terms and conditions of sale for such properties, is approved.

2. That upon the securing by the County Attorney of a proper court order authorizing the conveyance to the County of such of the below mentioned properties which are subject to the 2005 and/or back to the year 1995 (TF95 up to and including TF05) tax foreclosure proceedings and the subsequent execution of a deed of all of the below mentioned properties to the County by the County Tax Enforcement Officer, the Chairman of this Board of Legislators is authorized and directed to execute on behalf of the County of Allegany and to cause to deliver to such owners and purchasers quit claim deeds of the County's interest in such properties and to affix to each such deed the official seal; all upon satisfaction of the terms and conditions of sale and the full payment to the County Treasurer of the monetary considerations.

<u>Purchaser &amp; Address</u> <u>Sale Price</u>	<u>County Title</u> <u>Formerly Assessed</u> <u>Description/Town</u>	<u>Recorded Date</u> <u>Liber, Page</u>
GOODSELL JOY E  74 W LAMOKA AVE SAVONA NY 14879	KOEGEL MARIA KOEGEL TIMOTHY JOHN  Town Code 022089 Town of Alfred Map # 164.-1-30.134 Assessment: 500  Acreage: .22 Tax Sale Date: 2/01/05 Tax Sale Amt: 25.10	Book: 901 Page: 00240
Consideration: 250.00 -----		
POWERS VALERIE S  8382 RT 19 BELFAST NY 14711	MOSHER GERALD MOSHER KATHLEEN  Town Code 022200 Town of Allen Map # 56.-1-13.24 Assessment: 10,900  Acreage: 1.30 Tax Sale Date: 2/01/05 Tax Sale Amt: 212.26	Bk: 1083 Pg: 59
Consideration: 4,800.00 -----		
CORNERSTONE HOMES INC  11801 HARRINGTON DRIVE CORNING NY 14830	KLEMM THOMAS & LYNDA  Town Code 022400 Town of Alma Map # 275.-1-26 Assessment: 40,600  Acreage: 1.60 Tax Sale Date: 2/01/05 Tax Sale Amt: 2,644.24	Bk: 1084 Pg: 78
Consideration: 4,000.00 -----		









<u>Purchaser &amp; Address</u> <u>Sale Price</u>	<u>Formerly Assessed</u> <u>Description/Town</u>	<u>County Title</u> <u>Recorded Date</u> <u>Liber, Page</u>
CANASERAGA PROPERTIES, LLC  2420 CO RD 15A PO BOX 431 CANASERAGA NY 14822	GARDINER DORIE J  Town Code 024001 Town of Burns Map # 34.20-1-11 Assessment: 15,000  Acreage: .28 Tax Sale Date: 2/01/02 Tax Sale Amt: 2,574.41	Bk: 1022 Pg: 00141
----- Consideration: 7,500.00 -----	-----	-----
JACKSON EUGENE L  10911 LEMON SPUR RD DANSVILLE NY 14437	COOMBS MARTIN  Town Code 024089 Town of Burns Map # 35.-1-6.5 Assessment: 16,000  Acreage: 6.60 Tax Sale Date: 2/01/05 Tax Sale Amt: 1,014.80	Bk: 1061 Pg: 295
----- Consideration: 5,500.00 -----	-----	-----
CORNERSTONE HOMES INC  11801 HARRINGTON DRIVE CORNING NY 14830	HORN NANCY  Town Code 024600 Town of Clarksville Map # 245.17-1-31 Assessment: 36,300  Acreage: .29 Tax Sale Date: 2/01/05 Tax Sale Amt: 1,382.49	Bk: 1162 Pg: 126
----- Consideration: 17,000.00 -----	-----	-----
BUNK JOSEPH F  4473 RT 305 CUBA NY 14727	BOULTON AUDREY J  Town Code 024889 Town of Cuba Map # 153.19-1-14 Assessment: 20,000  Acreage: .50 Tax Sale Date: 2/01/05 Tax Sale Amt: 1,044.60	Bk: 1023 Pg: 00337
----- Consideration: 8,000.00 -----	-----	-----







<u>Purchaser &amp; Address</u> <u>Sale Price</u>	<u>Formerly Assessed</u> <u>Description/Town</u>	<u>County Title</u> <u>Recorded Date</u> <u>Liber, Page</u>
SNYDER DANIEL A  10880 RT 19A FILLMORE NY 14735  Consideration: 10,000.00 -----	SPIDELL ROBERT SPIDELL DENISE  Town Code 026400 Town of Rushford Map # 63.-1-10 Assessment: 29,900  Acreage: .40 Tax Sale Date: 2/01/04 Tax Sale Amt: 537.55 -----	Bk: 1163 Pg: 115  -----
VANDORN STANFORD J  34 VERMONT ST NUNDA NY 14517  Consideration: 3,500.00 -----	REYNOLDS ONEIDA  Town Code 026400 Town of Rushford Map # 63.17-1-12 Assessment: 39,700  Acreage: .25 Tax Sale Date: 2/01/05 Tax Sale Amt: 1,641.94 -----	Bk: Pg:  -----
CORNERSTONE HOMES INC  11801 HARRINGTON DRIVE CORNING NY 14830  Consideration: 9,100.00 -----	SECRIST ROBERT SECRIST PAULA  Town Code 026400 Town of Rushford Map # 76.9-1-2 Assessment: 21,900  Acreage: .28 Tax Sale Date: 2/01/05 Tax Sale Amt: 557.27 -----	Bk: 966 Pg: 00202  -----
CORNERSTONE HOMES INC  11801 HARRINGTON DRIVE CORNING NY 14830  Consideration: 21,500.00 -----	GOULD FRANK E GOULD ANGELA S  Town Code 026600 Town of Scio Map # 200.-1-14.1 Assessment: 56,000  Acreage: 32.30 Tax Sale Date: 2/01/05 Tax Sale Amt: 1,623.04 -----	Bk: 1237 Pg: 04  -----





<u>Purchaser &amp; Address</u> <u>Sale Price</u>	<u>Formerly Assessed</u> <u>Description/Town</u>	<u>County Title</u> <u>Recorded Date</u> <u>Liber, Page</u>
GOODSELL JOY E  74 W LAMOKA AVE SAVONA NY 14879  Consideration: 600.00 -----	DEMING DIXIE  Town Code 027001 Town of Wellsville Map # 238.16-2-52 Assessment: 7,100  Acreage: .30 Tax Sale Date: 2/01/05 Tax Sale Amt: 396.63 -----	Bk: 1133 Pg: 304  -----
CORNERSTONE HOMES INC  11801 HARRINGTON DRIVE CORNING NY 14830  Consideration: 9,000.00 -----	CORNELIUS BRADLEY & LAURI  Town Code 027001 Town of Wellsville Map # 238.16-3-30 Assessment: 26,500  Acreage: .49 Tax Sale Date: 2/01/05 Tax Sale Amt: 1,815.79 -----	Bk: 915 Pg: 00290  -----
NRLL EAST, LLC A FLORIDA LIMITED LIAB COMPANY  NO STREET NAME OR NUMBER PO BOX 2209 NEWPORT BEACH CA 92659-1509  Consideration: 1,700.00 -----	COUNTY  Town Code 027001 Town of Wellsville Map # 239.10-2-48 Assessment: 8,000  Acreage: .95 Tax Sale Date: 2/01/04 Tax Sale Amt: 268.19 -----	Bk: 1525 Pg: 344  -----
GOODSELL JOY E  74 W LAMOKA AVE SAVONA NY 14879  Consideration: 800.00 -----	DEMARTE STEPHEN  Town Code 027001 Town of Wellsville Map # 239.38-1-19 Assessment: 4,500  Acreage: 0.00 Tax Sale Date: 2/01/05 Tax Sale Amt: 308.33 -----	Bk: 1308 Pg: 49  -----



<u>Purchaser &amp; Address</u> <u>Sale Price</u>	<u>Formerly Assessed</u> <u>Description/Town</u>	<u>County Title</u> <u>Recorded Date</u> <u>Liber, Page</u>
WERNER GARY D	GATES RANDY	
NO STREET NAME OR NUMBER PO BOX 288 RUSHFORD NY 14777	Town Code 027689 Town of Wirt Map # 208.-1-26.31 Assessment: 5,000	Bk: 1374 Pg: 181
Consideration: 2,000.00	Acreage: 2.90 Tax Sale Date: 2/01/05 Tax Sale Amt: 343.69	
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OSGOOD DOUGLAS J OSGOOD CAROLYN B	HOSMER LYLE	
2604 E NOTCH RD BOLIVAR NY 14715	Town Code 027689 Town of Wirt Map # 234.-1-13.1 Assessment: 24,400	Bk: 1124 Pg: 272
Consideration: 700.00	Acreage: .39 Tax Sale Date: 2/01/05 Tax Sale Amt: 1,179.91	
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OSGOOD DOUGLAS J OSGOOD CAROLYN B	HOSMER LYLE	
2604 E NOTCH RD BOLIVAR NY 14715	Town Code 027689 Town of Wirt Map # 234.-1-14 Assessment: 15,300	Bk: 1124 Pg: 272
Consideration: 3,200.00	Acreage: .50 Tax Sale Date: 2/01/05 Tax Sale Amt: 740.23	
-----	-----	-----
COOK FREDERICK E	GRAHAM COSTELLO J	
7073 GLEASON HILL RD BELFAST NY 14711	Town Code 027689 Town of Wirt Map # 246.-3-22.2 Assessment: 29,000	Bk: 1195 Pg: 224
Consideration: 2,000.00	Acreage: 2.40 Tax Sale Date: 2/01/05 Tax Sale Amt: 883.40	
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Moved by: Mr. Reynolds	Adopted: Roll Call	
Seconded by: Mr. Truax	13 Ayes, 0 Noes, 2 Absent	

(Memo: Resolution No. 112-07 approved tax sale auction bids and conveyance of titles to new owners for 51 of 53 parcels offered.)

RESOLUTION NO. 113-07

A RESOLUTION DETERMINING THAT ERRORS EXIST ON THE 2006 COUNTY AND TOWN TAX ROLLS FOR THE TOWNS NAMED WITH REGARD TO REAL PROPERTY OF VARIOUS TAXPAYERS THEREIN; DIRECTING MAILING OF NOTICES OF APPROVAL OF APPLICATIONS FOR CORRECTED TAX ROLLS AND ORDERING THE VARIOUS TOWN TAX COLLECTORS TO CORRECT THE TAX ROLLS; PROVIDING FOR CHARGE BACKS OR CREDITS

Offered by: Ways and Means Committee

Pursuant to Real Property Tax Law § 554

**WHEREAS**, applications, for the taxpayers hereafter described, have been made to the County's Director of Real Property Tax Service Agency, for the correction of certain errors affecting their real property on various tax rolls, and

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

**WHEREAS**, this Board has examined each application and report to determine whether the claimed errors exist, now, therefore, be it

**RESOLVED:**

1. That with regard to the applications for the named taxpayers pertaining to claimed errors regarding their real property on the respective tax rolls of the named Towns, this Board of Legislators does determine that the claimed errors as alleged in those applications exist and does approve those applications.

2. That the Chairman of this Board is authorized and directed to make a notation on those applications and the duplicates thereof that they are 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 taxpayers 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 such respective taxpayers of the applicable provisions of subdivision seven of Section 554 of the Real Property Tax Law.

4. That the Tax Collector of the Town of Clarksville is ordered and directed to correct in the 2006 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Stern, Kenda L; Parcel 218.23-2-12.3  
Assessment: Land \$10,200 Total \$10,200

this is a duplicate parcel and should have been deleted from the Tax Roll, and the County Treasurer is directed to make the following charges on her books:

Allegany County	\$179.52
Town of Clarksville	\$132.47
Clarksville Fire	\$ 16.66
School Relevy	\$270.91
Total	\$599.56

5. That the Clerk of this Board is directed to forthwith mail a certified copy of this resolution to the various Tax Collectors for the Towns stated above together with the original copies of those applications completed in accordance with section two of this resolution.

6. The Clerk of this Board shall mail a copy of this resolution to the above named School and the amount to be charged to each 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 each School as a result of school taxes returned after the date such amount is charged and which shall be paid to each School after May 1, 2008. The County Treasurer shall send a written notice to each School of the amount of such deduction prior to May 1, 2008.

Moved by: Mr. Reynolds  
Seconded by: Mr. Fanton

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

#### **RESOLUTION NO. 114-07**

#### **TRANSFER OF FUNDS WITHIN PUBLIC HEALTH ACCOUNTS**

Offered by: Human Services and Ways and Means Committees

#### **RESOLVED:**

1. That the sum of \$4,540 is transferred as follows: \$365 from Account No. A4071.4 to Account No. A4071.2, \$3,975 from Account No. A4010.4 to Account No. A4037.4 and \$200 from Account No. A4035.4 to Account No. A4035.2.

Moved by: Mr. Truax  
Seconded by: Mr. Pullen

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

*(Memo: The transfers approved by Resolution No. 114-07 were necessary to cover year-to-date expenditures and bring the referenced appropriation accounts back into good standing.)*

#### **RESOLUTION NO. 115-07**

**APPROVAL OF AGREEMENT BETWEEN COUNTY OF ALLEGANY  
ACTING BY AND THROUGH THE ALLEGANY COUNTY HEALTH DEPARTMENT AND  
MCBEE ASSOCIATES, INC. AND AUTHORIZING PUBLIC HEALTH DIRECTOR TO  
EXECUTE AGREEMENT**

Offered by: Human Services Committee

**RESOLVED:**

1. That the Agreement between the County of Allegany, acting by and through the Allegany County Health Department, and McBee Associates, Inc, in providing Medicare Recovery/Recoupment activities on behalf of the Health Department, is approved.

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

Moved by: Mr. Truax  
Seconded by: Mr. Pullen

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

*(Memo: Per Resolution No. 115-07, McBee Associates estimates recoveries of between two to eight percent of the Health Department's Medicare revenue. They will review the period of 08/01/05 through 12/31/07. There is no initial cost to the County. When actual payment is received from Medicare based on corrections, McBee will recoup 27.3 percent as a contingency rate (discounted rate given to all Western New York Health Departments). They will also provide training for nursing and billing staff to identify areas to prevent lost revenue and ensure maximum revenue is received.)*

Resolution Intro. No. 119-07 (Resolution in Support of Protection of New York State Route 19 from Erosion by the Genesee River and Requesting the State Emergency Management Office [SEMO], the Federal Emergency Management Agency [FEMA] and New York State to Fund the Cost of Erosion Prevention) was not pre-filed and was considered from the floor on a motion made by Legislator Dibble, seconded by Legislator Fanton and carried.

A motion was made by Legislator Truax, seconded by Legislator Hall and carried, to grant Legislator Ungermann permission to abstain from voting on Resolution Intro. No. 119-07 (Opposed: Reynolds).

RESOLUTION NO. 116-07

RESOLUTION IN SUPPORT OF PROTECTION OF  
NEW YORK STATE ROUTE 19 FROM EROSION BY THE GENESEE RIVER AND  
REQUESTING THE STATE EMERGENCY MANAGEMENT OFFICE (SEMO),  
THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND  
NEW YORK STATE TO FUND THE COST OF EROSION PREVENTION

Offered by: Public Safety Committee

**WHEREAS**, the Genesee River is significantly eroding its banks in two locations within the County of Allegany, one in the Town of Belfast and one in the Town of Amity, and

**WHEREAS**, in both locations the erosion is less than 100 feet from the pavement of New York State Route 19 and is threatening the integrity of the roadway, and

**WHEREAS**, a New York State Department of Transportation traffic count for New York State Route 19 in Allegany County disclosed that approximately 6,000 vehicles per day travel on this major artery, and

**WHEREAS**, in addition to threatening New York State Route 19, the river bank erosion, if allowed to continue, will endanger homes, businesses, natural gas wells and railroad lines, and

**WHEREAS**, any delay in effecting the remediation and repair of the eroded areas will greatly escalate the cost of the remediation and repair, and

**WHEREAS**, the repair of these erosion sites has been designated as a top priority and a critical need in the Allegany County Multi-Jurisdictional Hazard Mitigation Plan, and

**WHEREAS**, the estimated cost for the repair of both sites is 3.1 million dollars, and

**WHEREAS**, the Allegany County Office of Emergency Services and the Allegany County Soil and Water Conservation District are seeking FEMA Hazard Mitigation funding which would provide a 2.33 million dollar federal grant with a required 25 percent local share in the amount of \$770,000, and

**WHEREAS**, Allegany County is anticipating providing an in-kind local match in the amount of \$47,000, and

**WHEREAS**, New York State Senator Catharine M. Young has requested and applied for a \$730,000 local share grant in the capital section of the 2007 New York State Budget, and

**WHEREAS**, FEMA and New York State funding of these projects is currently under review, now, therefore, be it



**RESOLVED:**

1. That the Allegany County Board of Legislators hereby declares that the remediation and repair of the Genesee River erosion sites in the Towns of Amity and Belfast are of critical and immediate importance to the County of Allegany.

2. That this Board requests that SEMO give priority to and forward our application to FEMA and that the Governor and Legislature of the State of New York approve the requests for funding in order to protect the integrity of New York State Route 19 and thereby preserve the major north-south State highway in Allegany County.

3. The Clerk of this Board is directed to forward a certified copy of this resolution to Senator Charles E. Schumer, Senator Hillary Rodham Clinton, Congressman John R. Kuhl, the Federal Emergency Management Agency, Governor Eliot Spitzer, the Speaker of the Assembly, the Majority and Minority Leaders of the Assembly, the Majority and Minority Leaders of the New York State Senate, Senator Catharine M. Young, and members of the Assembly Daniel J. Burling and Joseph M. Giglio.

Moved by: Mr. Dibble  
Seconded by: Mr. Hopkins

Adopted: Roll Call  
12 Ayes, 0 Noes, 2 Absent  
Abstained: Ungermann

Resolution Intro. No. 120-07 (Requesting New York State Legislature Enact Senate Bill No. S.4887 and Assembly Bill No. A.8635 Incorporating the Village of Wellsville as the City of Wellsville and Enacting a Charter for Such City) was not pre-filed and required a two-thirds affirmative vote to consider from the floor. A motion for the two-thirds was made by Legislator Russo, seconded by Legislator Kruger and defeated following a roll call vote of 4 Ayes, 9 Noes, 2 Absent. (Voting No: Benson, Burdick, Crandall, Dibble, Fanton, Hall, Hopkins, Pullen, Reynolds; Absent: McCormick, O'Grady.)

**AUDITS:**

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

A motion was made by Legislator Truax, seconded by Legislator Kruger and adopted on a roll call vote of 13 Ayes, 0 Noes, 2 Absent, that the audit of claims, totaling \$4,009,736.86 including prepaids, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$3,815,682.*)

**ADJOURNMENT:**

The meeting was adjourned on a motion made by Legislator Truax, seconded by Legislator Pullen and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS**  
**Regular Session**

**JUNE 25, 2007**

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The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

Pledge of allegiance to the flag.

The invocation was given by Legislator Pullen.

Roll Call: 15 Present; 0 Absent.

**APPROVAL OF MINUTES:**

The Board meeting minutes of June 11, 2007 were approved on a motion made by Legislator Dibble, seconded by Legislator Truax and carried.

**PRIVILEGE OF THE FLOOR:**

Chairman Curtis W. Crandall granted privilege of the floor to the following individuals or groups:

County Administrator and Budget Officer John Margeson presented Final 2006 Budget information. The 2006 General Fund Appropriations showed \$80,000 more in actual expenditures than was budgeted, while General Fund Revenues ended the year at \$1.26 million over what was budgeted, for a net gain of \$1.18 million. Mr. Margeson listed some of the major areas where spending exceeded budgeted amounts and major areas showing budgetary savings or excess revenue. Also illustrated were percentages of the General Fund expenses and revenues attributed to each of the main account categories and how they compared to 2005 percentages. A comparison between expenses and revenues was shown for the past six years, as well as a history of the General Fund Ending Balance for the past eight years. Through the commitment and efforts of the legislature and staff, the General Fund deficit of the past three years has been completely eliminated and all reserves are fully funded.

Chairman Curtis W. Crandall presented a Certificate of Recognition to Mrs. Julie Ogden, who accepted it on behalf of her late husband, Dr. Gary Ogden. The certificate was awarded posthumously to Dr. Ogden, former Public Health Director, by the New York State Association of County Health Officials on May 15, in honor of his deep commitment to improving public health in his community, the Western New York region, and statewide.

Hannah Young, from the Rural Justice Institute at Alfred University, presented information on the Rural Data and Resource Development Initiative (RDRDI). She gave an overview of some of the resources and information contained on a CD developed through the

joint efforts of the Rural Justice Institute and the Institute for Human Services in Bath. This tool is intended to be used for program planning, assessment, development, and demonstrating local needs in grant proposals. It also includes website links with County demographics and other grant writing tools.

Sheriff William Tompkins addressed the Board regarding a E-911 Dispatch Center situation. Scheduling for the summer months has historically been a problem, but was anticipated to be even more so this year due to the loss of some part-time employees who usually cover weekends. A new schedule was developed, and it seems to be working well on a trial basis, but is incurring overtime costs. Also being discussed is the issue of upgrades for E-911 Dispatch staff. Sheriff Tompkins will begin moving his requests through the standing committee process, but wanted to ensure the full Board has the information they will need. County Administrator John Margeson noted the union contract would need to be amended to include working on weekends; the current contract expires in 2009.

**ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:**

1. A reminder was given for the Pandemic Influenza Planning and Preparedness Forum to take place on June 28, 2007, from 9:00 a.m. to 1:00 p.m., at the Moonwinks Restaurant in Cuba.

2. On June 21, Chairman Crandall attended a ceremony and presented a Certificate of Recognition to the Catherine Schuyler Chapter of the National Society of Daughters of the American Revolution in honor of the 110<sup>th</sup> Anniversary of their founding.

3. Correspondence was received from Casey Arlig, Allegany County Dairy Princess, thanking the Board for allowing her to have Privilege of the Floor at a recent Board meeting.

**APPOINTMENTS:**

The Clerk of the Board announced that Chairman Crandall has appointed Mary Vandewarker of Angelica, New York, and Larry Short of Belfast, New York, as members of the **Allegany County Citizens Advisory Committee on Tourism** to serve at his pleasure.

Chairman Crandall, in a joint measure with Crystal Abers, Chairman of the Cattaraugus County Board of Legislators, has appointed Joe Sabol of Olean, New York, to fill the remainder of Sally Walsh's three-year term expiring December 31, 2008 on the **Cattaraugus-Allegany Workforce Investment Board**.

Chairman Crandall, in a joint measure with Crystal Abers, Chairman of the Cattaraugus County Board of Legislators, has appointed Brenda Kelleher of Wellsville, New York, as a member of the **Cattaraugus-Allegany Workforce Investment Board** for a new three-year term ending December 31, 2009.

**RESOLUTIONS:**

Resolution Intro. No. 121-07 (Amendment of Employment of Relatives Policy) was WITHDRAWN and REFERRED TO THE PERSONNEL COMMITTEE following a motion made by Legislator O'Grady, seconded by Legislator Fanton and carried. Concern was expressed that the present policy, although not necessarily adhered to, would be better for the County. The goal of the policy is to ensure that people are hired on merits and not family relationships, that some people are not receiving preferential treatment, and to avoid even the appearance of impropriety. The amendment may just be diluting the policy already in place. Procedures to implement to ensure the policy is followed should be discussed.

Resolution Intro. No. 122-07 (Amendment of County Non-Unit Salary Plan to Change Annual Salary of Public Health Director) was amended on a motion made by Legislator Russo, seconded by Legislator Truax and carried, by changing the effective date from June 26, 2007 to May 22, 2007.

**RESOLUTION NO. 117-07**

**AMENDMENT OF COUNTY NON-UNIT SALARY PLAN TO  
CHANGE ANNUAL SALARY OF PUBLIC HEALTH DIRECTOR**

Offered by: Personnel Committee

**RESOLVED:**

1. That Section 4. of Resolution No. 297-75, as last amended by Resolution No. 130-2006, is amended by changing the annual salary of the Public Health Director to \$61,000.

2. This resolution shall be considered effective as of May 22, 2007.

Moved by: Mr. Russo

Adopted: Roll Call

Seconded by: Mr. Truax

15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 118-07**

**GRANTING SALARY INCREMENTS EFFECTIVE JULY 1, 2007 TO  
UNIT AND NON-UNIT EMPLOYEES**

Offered by: Personnel Committee

Pursuant to Resolution No. 1-69, as amended and  
Resolution No. 297-75, as amended

**WHEREAS,** certain County unit and non-unit employees are eligible to receive an annual salary increment effective July 1, 2007, and

**WHEREAS,** the proper County department heads have recommended that such employees receive their respective annual salary increment effective July 1, 2006, having been satisfied, after review, with each of such employees' service, with attention having been given to the efficiency with which each of such employees has performed his or her respective duties, as well as the attendance record of each and all other factors having an effect on the work record of each, and

**WHEREAS,** this Board concurs in such recommendation, now, therefore, be it

**RESOLVED:**

1. That the following listed employees are granted their respective annual increment effective July 1, 2007, to wit:

<u>Department</u>	<u>Name</u>	<u>Title</u>	<u>Increment</u>
Public Defender's Office	J. Webb	Secy. to Public Def.	\$.51
Human Resource/ Civil Service Dept.	R. Joki	HR Specialist	\$.61
Public Works Dept.	D. Moyer	Bldg. Maint. Mech	\$.57
Public Works Dept.	R. Bailey	Trans. Sta. Oper.	\$.41
Public Works Dept.	M. Osterhout	Janitor	\$.36
Sheriff's Department	D. Harrington	Jail RPN	\$.71
Sheriff's Department	J. Akins	Correction Ofcr.	\$.40
Sheriff's Department	C. Pike	Correction Ofcr.	\$.40
Sheriff's Department	S. Robbins	Correction Ofcr.	\$.40
Sheriff's Department	J. Young	Correction Ofcr.	\$.40
Sheriff's Department	M. Graves	Correction Ofcr.	\$.40
Sheriff's Department	D. Linnecke	Correction Ofcr.	\$.40
Sheriff's Department	J. Morse	Correction Ofcr.	\$.40
Sheriff's Department	J. Whitesell	Correction Ofcr.	\$.40
Health Department	K. Male	Acct. Clk. Typist	\$.33
Health Department	J. Fuller	Nurse Pract.	\$1.27
Social Services Dept.	R. Hendershot	Soc. Welf. Examiner	\$.44
Social Services Dept.	P. Kunz	Soc. Welf. Examiner	\$.44
Social Services Dept.	T. Robbins	Soc. Welf. Examiner	\$.44
Office for Aging	E. Blake	Aging Svcs. Techn.	\$.47
Office for Aging	L. Brulotte	Aging Svcs. Techn.	\$.47

Moved by: Mr. Fanton  
Seconded by: Mr. Reynolds

Adopted: Roll Call  
13 Ayes, 2 Noes, 0 Absent  
Voting No: McCormick, Ungermann

**RESOLUTION NO. 119-07**

**RESOLUTION ESTABLISHING  
SOLID WASTE RESIDENTIAL USER FEES FOR YEAR 2008**

Offered by: Public Works Committee

**RESOLVED:**

1. The following solid waste residential user fees are hereby established and shall be charged to users of the Allegany County Solid Waste System during the year 2008:

Residential User Fee - \$72 per year. The Residential User Fee will be prorated quarterly as follows:

January 1 through	March 31	- \$72
April 1 through	June 30	- \$54
July 1 through	September 30	- \$36
October 1 through	December 31	- \$18

2. Solid Waste Identification Tags will be issued without charge upon payment of the applicable user fee. 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 \$25.

Moved by: Mr. Fanton  
Seconded by: Mr. O'Grady  
Voting No: Crandall, Kruger, McCormick, Reynolds, Russo

Adopted: Roll Call  
10 Ayes, 5 Noes, 0 Absent

*(Memo: The residential user fees established for 2008 in Resolution No. 119-07 remain the same as for 2007.)*

**RESOLUTION NO. 120-07**

**ACCEPTANCE AND APPROPRIATION OF LEGISLATIVE GRANT FUNDS THROUGH  
THE NEW YORK STATE DEPARTMENT OF STATE FOR THE  
RESTORATION OF DEED BOOKS IN THE ALLEGANY COUNTY CLERK'S OFFICE;  
AUTHORIZING CHAIRMAN TO EXECUTE NECESSARY DOCUMENTS AND AGREEMENTS**

Offered by: Personnel and Ways and Means Committees

**WHEREAS**, Assembly Members Daniel J. Burling and Joseph M. Giglio have notified the Allegany County Clerk that the County has been awarded legislative grant funds through the New York State Department of State in the total amount of \$10,000 for the restoration of deed books in the Allegany County Clerk's Office, now, therefore, be it

**RESOLVED:**

1. That this Board accepts legislative grant funds in the amount of \$10,000 for the restoration of deed books in the Allegany County Clerk's Office.

2. That the accepted sum of \$10,000 is appropriated to Account No. A1410.4 with a like sum credited to Revenue Account No. A10.3089.1410.

3. That the Chairman of this Board is authorized to execute any and all necessary documents and agreements with the New York State Department of State or other appropriate state agency to secure the legislative grant funds.

Moved by: Mr. Russo  
Seconded by: Mr. Hall

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 121-07**

**ACCEPTANCE OF FUNDS FROM SOUTHWESTERN REGIONAL EMS COUNCIL AND  
APPROPRIATION OF FUNDS TO EMERGENCY SERVICES ACCOUNT**

Offered by: Public Safety and Ways and Means Committees

**RESOLVED:**

1. That a donation of \$887.64 from the Southwestern Regional EMS Council to the County to be used for the County's EMS Training Program is accepted.

2. That the accepted sum of \$887.64 is appropriated to Account No. A3640.4 with a like sum credited to Revenue Account No. A02.1589.02.

Moved by: Mr. Dibble  
Seconded by: Mr. Fanton

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 122-07**

**ACCEPTANCE AND APPROPRIATION OF LEGISLATIVE GRANT FUNDS THROUGH  
THE DIVISION OF CRIMINAL JUSTICE SERVICES (DCJS) FOR THE  
ALLEGANY COUNTY YOUTH COURT; AUTHORIZING CHAIRMAN TO EXECUTE  
NECESSARY DOCUMENTS AND AGREEMENTS**

Offered by: Public Safety and Ways and Means Committees

**WHEREAS**, Assembly Member Joseph M. Giglio has notified the Allegany County Youth Bureau Director that the County has been awarded legislative grant funds through the Division of Criminal Justice Services in the amount of \$5,000 for the Allegany County Youth Court, now, therefore, be it

**RESOLVED:**



1. That this Board accepts legislative grant funds through the Division of Criminal Justice Services (DCJS) in the amount of \$5,000 for the Allegany County Youth Court.

2. That the accepted sum of \$5,000 is appropriated to Account No. A7321.4 with a like sum credited to Revenue Account No. A08.2705.3825.

3. That the Chairman of this Board is authorized to execute any and all necessary documents and agreements with the Division of Criminal Justice Services or other appropriate state agency to secure the legislative grant funds.

Moved by: Mr. Dibble  
Seconded by: Mr. Pullen

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

#### **RESOLUTION NO. 123-07**

#### **TRANSFER OF FUNDS WITHIN PROBATION ACCOUNT**

Offered by: Public Safety Committee

#### **RESOLVED:**

1. That the sum of \$200 is transferred from Account No. A3140.4 to Account No. A3140.2 for purchase of a fax machine.

Moved by: Mr. Dibble  
Seconded by: Mr. Reynolds

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

#### **RESOLUTION NO. 124-07**

#### **TRANSFER OF FUNDS WITHIN SHARED SERVICES BUILDINGS ACCOUNT**

Offered by: Public Works Committee

#### **RESOLVED:**

1. That the sum of \$1,500 is transferred from Account No. A1620.4 to Account No. A1620.2 for purchase of a new mower.

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

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 125-07**

**APPROVAL OF AGREEMENT WITH STUART I. BROWN ASSOCIATES, INC.  
FOR IDENTIFICATION, EVALUATION, AND REPORT OF OPPORTUNITIES FOR  
FUNDING EXTENSION OF WATER AND SEWER SERVICES TO CROSSROADS AREA;  
AUTHORIZING BOARD CHAIRMAN TO EXECUTE AGREEMENT**

Offered by: Ways and Means Committee

**RESOLVED:**

1. That the Agreement between the County of Allegany and Stuart I. Brown Associates, Inc., for identification, evaluation, and report of opportunities for funding extension of water and sewer services to the Crossroads area, at a cost not to exceed \$1,500, is approved.

2. That the Chairman of this Board is authorized to execute such Agreement upon the review and approval of the agreement by the County Attorney.

Moved by: Mr. Reynolds  
Seconded by: Mr. Hopkins

Adopted: Roll Call  
14 Ayes, 1 No, 0 Absent  
Voting No: Russo

Resolution Intro. No. 131-07 (Approval of Agreement with United States Marshals Service for the Housing of Federal Prisoners in the Allegany County Jail; Authorizing Board Chairman to Execute Agreement) was not pre-filed and was considered from the floor on a motion made by Legislator Reynolds, seconded by Legislator Truax and carried.

**RESOLUTION NO. 126-07**

**APPROVAL OF AGREEMENT WITH UNITED STATES MARSHALS SERVICE FOR THE  
HOUSING OF FEDERAL PRISONERS IN THE ALLEGANY COUNTY JAIL;  
AUTHORIZING BOARD CHAIRMAN TO EXECUTE AGREEMENT**

Offered by: Ways and Means Committee

**RESOLVED:**

1. That the Agreement between the County and the United States Marshals Service for the housing of federal prisoners is approved.

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

Moved by: Mr. Reynolds  
Seconded by: Mr. Truax

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

*(Memo: The United States Marshals Service Agreement approved by Resolution No. 126-07 includes a per detainee per diem rate of \$90*

*and reimburses the County at a rate of \$29 per hour for the personnel costs associated with transporting these detainees plus mileage. The term of the agreement is for three years. Discussion included the need to monitor expenses and revenues very closely and the risks and liabilities relative to the contract.)*

**AUDITS:**

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

A motion was made by Legislator Truax, seconded by Legislator Reynolds and adopted on a roll call vote of 15 Ayes, 0 Noes, 0 Absent, that the audit of claims, totaling \$1,810,099.96 including prepaids, 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 \$4,153,136.*)

**ADJOURNMENT:**

The meeting was adjourned at 3:30 p.m.

**ALLEGANY COUNTY BOARD OF LEGISLATORS**  
**Regular Session**

**July 9, 2007**

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The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

Pledge of allegiance to the flag.

The invocation was given by Legislator Pullen.

Roll Call: 12 Present; 3 Absent (Benson, Hall, and Reynolds).

**APPROVAL OF MINUTES:**

The Board meeting minutes of June 25, 2007 were approved on a motion made by Legislator Dibble, seconded by Legislator Truax and carried.

**PRIVILEGE OF THE FLOOR:**

Chairman Crandall granted privilege of the floor to the following individuals:

John Margeson, County Administrator, and Michael Schaffron, LaBella Associates' Project Engineer, presented copies of the maps, plans, and reports for the establishment of water and sewer districts for the Crossroads area (copies on file in the Clerk of the Board of Legislators' Office). Mr. Schaffron gave an overview of the project. The feasibility of obtaining water and sewer services from the Town of Friendship was investigated, and it was realized that there is adequate reserve capacity; an inter-municipal agreement is being negotiated. Estimated total costs will be \$2.8 million for water and \$3.1 million for sewer; with financing to come from municipal bonds. LaBella is working on locating outside funding in the form of grants and low interest loans to make the project more affordable. No money will actually be spent until potential developers are found, and those people will be paying for the improvements over a period of time. Construction could begin in April 2008 at the earliest and completed by the end of the year. Regarding the SEQR process, the report for the archeological sensitivity study was recently received with a designation of no adverse effect on artifacts.

Colleen Cavagna, Environmental Planner with the Soil and Water Conservation District, spoke on Agricultural Environmental Management and thanked the Board for the proclamation for the week of July 9 which will be made later in the meeting. Agriculture plays an important part in the County, with 27 percent of its land resources in agriculture, according to 2003 figures. The AEM process increases farmers' understanding of their impact on the environment. Ms. Cavagna also noted the "Farmer of the Day" program on the local radio stations.

Maureen A. Negron, Cuba Memorial Hospital Development Director, gave an update on their proposed retirement community, which has been in the planning stage since 2004. The project has been revised to include separate buildings for assisted and independent living units. The assisted living facility has more stringent regulations, and construction can't begin until a certificate of need is approved and 10 percent of the cost is raised. The amount needed to begin is \$2.5 million, of which \$1.5 million has already been raised; they are confident they can reach their goal by year's end. The independent living facility is not subsidized, so construction can begin by the end of summer. Infrastructure issues have been resolved, and they are looking at financing through bonding. Seniors have been surveyed, and the independent living units have had more popularity; therefore, the plans are calling for building 64 units, and the assisted living facility will be cut back to 50.

**ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:**

1. Placed on each legislator's desk was a copy of the Report of Intrafund Transfers approved by the County Administrator in June.

2. Also placed on each legislator's desk was a copy of the 2008 budget for the Allegany County Mutual Self-Insurance Plan, together with the apportionment of costs of the budget to the County, Towns, and Villages of Allegany County.

3. The Allegany Senior Foundation is sponsoring the Barbeque Bandits famous Pulled Pork Dinner on July 25 from 5 to 7 p.m. at the Seventh Day Baptist Parish House in Alfred. Proceeds will benefit senior services in Allegany County.

4. The Office for the Aging Senior Picnic is being held on Thursday, July 26, at the Allegany County Fairgrounds in Angelica from 11 a.m. to 3 p.m.

5. Certificates of Withdrawal of Delinquent Tax Liens were filed on June 28, 2007 by the County Treasurer in the Clerk of the Board's Office for two properties in the Town of Clarksville, pursuant to Article 11 of the New York State Real Property Tax Law.

6. The Public Works Committee meeting scheduled for 1 p.m. and the Public Safety Committee meeting scheduled for 2 p.m. on Wednesday, July 11, will now be held at 9 and 10 a.m. respectively to accommodate the Firemen's Convention.

7. A media release was received from Southern Tier West Regional Planning and Development Board summarizing their June 28 meeting.

8. Friendship Empire Zone Administrative Board meeting minutes of June 7, 2007 were received.

9. Also received was an invitation to attend the 16<sup>th</sup> Annual Kids' Fishing Contest at the Andover Wetlands on Saturday, August 4 from 8 a.m. to 3 p.m.

10. A reminder was announced for the Legislators' Clambake on July 27.

**PROCLAMATION:**

Chairman Crandall proclaimed the week of July 9, 2007 as Agricultural Environmental Management Week in Allegany County and urged support of the conservation efforts of our local farms.

**RESOLUTIONS:**

Resolution Intro. No. 132-07 (Resolution Accepting Map, Plan and Report for the Establishment of a County Water District in the Town of Amity and Town of Angelica; Providing for Public Hearing) was amended on a motion made by Legislator Fanton, seconded by Legislator Dibble and carried, by changing the word Angelica to Friendship in the second "whereas" paragraph. That phrase should read "no part of the County Water District would be located in the Town of Friendship."

**RESOLUTION NO. 127-07**

**RESOLUTION ACCEPTING MAP, PLAN AND REPORT FOR THE ESTABLISHMENT OF A COUNTY WATER DISTRICT IN THE TOWN OF AMITY AND TOWN OF ANGELICA; PROVIDING FOR PUBLIC HEARING**

Offered by: Public Works Committee

Pursuant to County Law Article 5-a

**WHEREAS**, by Resolution No. 69-2006 this Board designated the County Administrator as the County Officer having the powers prescribed in Sections 252, 253 and 254 of the County Law with the respect to the establishment of a County Water District in the Town of Amity and Town of Friendship, and

**WHEREAS**, upon review of the location of the proposed district it was determined that the district would be located solely within the Town of Amity and Town of Angelica and no part of the County Water District would be located in the Town of Friendship, and

**WHEREAS**, Resolution No. 69-2006 directed the County Administrator to cause a map and plan to be prepared for the establishment of such Water District and upon the completion of the preparation of such map and plan to transmit same to the Board of Legislators together with a report or reports of proceedings and recommendations, and

**WHEREAS**, the County Administrator has caused the preparation of such map, plan and report for the proposed County Water District and filed same with the Clerk of this Board, now, therefore, be it

**RESOLVED:**

1. That the Allegany County Board of Legislators accepts the map, plan and report filed by the County Administrator for the proposed County Water District in the Town of Amity and Town of Angelica.

2. That a public hearing shall be held on July 23, 2007, at 2:00 PM in Room 221, Allegany County Office Building, 7 Court Street, Belmont, New York to receive comments on the establishment of the County Water District in the Town of Amity and Town of Angelica.

3. That the Clerk of this Board shall prepare, with the assistance of the County Attorney, Notices of the Public Hearing and cause such notices to be published in the official newspapers not less than ten and no more than 20 days before the date of the Public Hearing. Such notice shall contain all provisions required by Section 254 of the County Law.

Moved by: Mr. Fanton  
Seconded by: Mr. Truax

Adopted: Roll Call  
12 Ayes, 0 Noes, 3 Absent

**RESOLUTION NO. 128-07**

**RESOLUTION ACCEPTING MAP, PLAN AND REPORT FOR THE ESTABLISHMENT OF A COUNTY SEWER DISTRICT IN THE TOWN OF AMITY AND TOWN OF ANGELICA; PROVIDING FOR PUBLIC HEARING**

Offered by: Public Works Committee

Pursuant to County Law Article 5-a

**WHEREAS**, by Resolution No. 69-2006 this Board designated the County Administrator as the County Officer having the powers prescribed in Sections 252, 253 and 254 of the County Law with the respect to the establishment of a County Sewer District in the Town of Amity and Town of Friendship, and

**WHEREAS**, upon review of the location of the proposed district it was determined that the district would be located solely within the Town of Amity and Town of Angelica and no part of the County Sewer District would be located in the Town of Friendship, and

**WHEREAS**, Resolution No. 69-2006 directed the County Administrator to cause a map and plan to be prepared for the establishment of such Sewer District and upon the completion of the preparation of such map and plan to transmit same to the Board of Legislators together with a report or reports of proceedings and recommendations, and

**WHEREAS**, the County Administrator has caused the preparation of such map, plan and report for the proposed County Sewer District and filed same with the Clerk of this Board, now, therefore, be it

**RESOLVED:**

1. That the Allegany County Board of Legislators accepts the map, plan and report filed by the County Administrator for the proposed County Sewer District in the Town of Amity and Town of Angelica.

2. That a public hearing shall be held on July 23, 2007, at 2:00 PM in Room 221, Allegany County Office Building, 7 Court Street, Belmont, New York to receive comments on the establishment of the County Sewer District in the Town of Amity and Town of Angelica.

3. That the Clerk of this Board shall prepare, with the assistance of the County Attorney, a Notice of the Public Hearing and cause such notice to be published in the official newspapers not less than ten and no more than 20 days before the date of the Public Hearing. Such notice shall contain all provisions required by Section 254 of the County Law.

Moved by: Mr. Ungermann  
Seconded by: Mr. Hopkins

Adopted: Roll Call  
12 Ayes, 0 Noes, 3 Absent

*(Memo: Relative to Resolutions 127-07 and 128-07, it was noted that customers of either the proposed water or sewer district will have to be located in the Crossroads development area; there will be no customers on County Road 20. The districts will be designated County Water District No. 2 and County Sewer District No. 1.)*

**RESOLUTION NO. 129-07**

**REAPPOINTMENT OF JERRY GARMONG AS  
DIRECTOR OF EMPLOYMENT AND TRAINING**

Offered by: Ways and Means Committee

Pursuant to Local Law No. 4 of 1992

**RESOLVED:**

1. That Jerry Garmong is reappointed Director of Employment and Training for a term of three years commencing August 25, 2007, and expiring August 24, 2010.



Moved by: Mr. Russo  
Seconded by: Mr. Dibble

Adopted: Roll Call  
12 Ayes, 0 Noes, 3 Absent

**RESOLUTION NO. 130-07**

**CREATING TWO POSITIONS OF SENIOR CASEWORKER AND  
ABOLISHING ONE POSITION OF COMMUNITY SERVICE WORKER IN THE  
DEPARTMENT OF SOCIAL SERVICES;  
AUTHORIZATION TO FILL SENIOR CASEWORKER POSITIONS AND  
VACANCIES THAT OCCUR DUE TO PROMOTION**

Offered by: Human Services and Ways and Means Committees

**RESOLVED:**

1. That two positions of Senior Caseworker are created and one position of Community Service Worker is abolished in the Department of Social Services.
2. That these positions shall remain filled so long as the funding is available and when funding ends, these positions will then be reviewed.
3. That any positions that become vacant as the result of promotions to fill the new Senior Caseworker positions may also be filled.
4. This resolution shall take effect July 10, 2007.

Moved by: Mr. Truax  
Seconded by: Mr. Dibble

Adopted: Roll Call  
12 Ayes, 0 Noes, 3 Absent

*(Memo: The new positions approved by Resolution No. 130-07 are necessary due to the increase in caseloads for Child Protective workers. The positions are fully funded by grants.)*

**RESOLUTION NO. 131-07**

**DESIGNATING THE WELLSVILLE DAILY REPORTER AS SOLE OFFICIAL NEWSPAPER  
FOR THE WEEK OF AUGUST 5, 2007**

Offered by: Ways and Means Committee

**WHEREAS,** the Clerk of this Board was informed that the Cuba Patriot & Free Press, one of the official newspapers, will not be publishing during the week of August 5, 2007, now, therefore, be it

**RESOLVED:**

1. Notwithstanding the provisions of Section 1 of Resolution No. 241-2006, the newspaper The Wellsville Daily Reporter is designated as the sole official newspaper to publish local laws, notices and other matters required by law to be published during the week of August 5, 2007.

Moved by: Mr. Russo  
Seconded by: Mr. Fanton

Adopted: Roll Call  
12 Ayes, 0 Noes, 3 Absent

**RESOLUTION NO. 132-07**

**A RESOLUTION DETERMINING THAT ERRORS EXIST ON THE  
2006 COUNTY AND TOWN TAX ROLLS FOR THE TOWNS NAMED WITH REGARD TO  
REAL PROPERTY OF VARIOUS TAXPAYERS THEREIN; DIRECTING MAILING OF  
NOTICES OF APPROVAL OF APPLICATIONS FOR CORRECTED TAX ROLLS AND  
ORDERING THE VARIOUS TOWN TAX COLLECTORS TO CORRECT THE TAX ROLLS;  
PROVIDING FOR CHARGE BACKS OR CREDITS**

Offered by: Ways and Means Committee

Pursuant to Real Property Tax Law § 554

**WHEREAS**, applications, for the taxpayers hereafter described, have been made to the County's Director of Real Property Tax Service Agency, for the correction of certain errors affecting their real property on various tax rolls, and

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

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

**RESOLVED:**

1. That with regard to the applications for the named taxpayers pertaining to claimed errors regarding their real property on the respective tax rolls of the named Towns, this Board of Legislators does determine that the claimed errors as alleged in those applications exist and does approve those applications.

2. That the Chairman of this Board is authorized and directed to make a notation on those applications and the duplicates thereof that they are 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 taxpayers 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 such respective taxpayers of the applicable provisions of subdivision seven of Section 554 of the Real Property Tax Law.

4. That the Tax Collector of the Town of Angelica is ordered and directed to correct in the 2006 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Town of Angelica; Parcel 120.13-1-14.3  
Assessment: Land \$8,100 Total \$8,100

this Parcel was changed to the Town of Angelica and is wholly exempt, and the County Treasurer is directed to make the following charges on her books:

Allegany County	\$ 134.89
Town of Angelica	\$ 26.81
School Relevy	\$ 164.68
Interest & Penalties	\$ 18.32
Total	\$ 344.70

5. That the Clerk of this Board is directed to forthwith mail a certified copy of this resolution to the various Tax Collectors for the Towns stated above together with the original copies of those applications completed in accordance with section two of this resolution.

6. The Clerk of this Board shall mail a copy of this resolution to the above named Schools and the amount to be charged to each 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 each School as a result of school taxes returned after the date such amount is charged and which shall be paid to each School after May 1, 2008. The County Treasurer shall send a written notice to each School of the amount of such deduction prior to May 1, 2008.

Moved by: Mr. Russo  
Seconded by: Mr. Pullen

Adopted: Roll Call  
12 Ayes, 0 Noes, 3 Absent

#### RESOLUTION NO. 133-07

#### TRANSFER OF FUNDS FROM CONTINGENT ACCOUNT TO CENTRAL SERVICE COMPUTER CONTRACTUAL EXPENSES ACCOUNT

Offered by: Personnel and Ways and Means Committees

#### RESOLVED:

1. That the sum of \$7,000 is transferred from Account No. A1990.4 (Contingent) to Account No. A1680.430 (Information Technology - Contractual) to finance the purchase and installation of software for the operation of the time clock system at the County Jail and Public Safety Facility.

Moved by: Mr. Russo  
Seconded by: Mr. Truax

Adopted: Roll Call  
12 Ayes, 0 Noes, 3 Absent

(Memo: The Information Technology Director will be entering into agreement with New World Systems for an interface for the payroll system and time clock software at the County Jail and Public Safety Facility. The cost of software installation and interface should not exceed \$7,000. Implementation of the time clock system at the jail is being done as a pilot. If implemented for the entire County, the cost would be an additional \$8,000.)

**RESOLUTION NO. 134-07**

**TRANSFER OF FUNDS WITHIN WIA GRANT FUND ACCOUNTS**

Offered by: Ways and Means Committee

**RESOLVED:**

1. That the sum of \$5,840 is transferred as follows: \$4,000 from Account No. CD1.6404.101 to Account No. CD1.6412.101 and \$1,840 from Account No. CD1.6404.806 to Account No. CD1.6412.802 with a like sum of \$5,840 transferred from Revenue Account No. CD1.09.2801.6404 to Revenue Account No. CD1.11.4701.6412.

Moved by: Mr. Truax

Adopted: Roll Call

Seconded by: Mr. Fanton

12 Ayes, 0 Noes, 3 Absent

**RESOLUTION NO. 135-07**

**INCREASING APPROPRIATIONS AND REVENUES IN THE  
TANF SUMMER YOUTH EMPLOYMENT PROGRAM (TANF SYEP) ACCOUNTS**

Offered by: Ways and Means Committee

**WHEREAS**, the Allegany County Employment and Training Center has advised that certain appropriations and revenues should be increased in the TANF Summer Youth Employment Program, now, therefore, be it

**RESOLVED:**

1. That the following Employment and Training Center accounts are increased by the designated amounts:

<u>Account No.</u>	<u>Appropriation Accounts</u>	<u>Amount</u>
CD1.6794.101	TANF Regular Pay	7,363.00
CD1.6794.475	TANF Contracted Transportation	2,794.00
CD1.6794.802	TANF Retirement	685.00
CD1.6794.803	TANF FICA	553.00
CD1.6794.804	TANF Workers' Comp.	179.00
CD1.6794.806	TANF Hosp./Med. Insurance	1,215.00
CD1.6795.101	TANF Participant Regular Pay	6,541.00
CD1.6795.803	TANF Participant FICA	500.00
CD1.6795.804	TANF Workers' Comp.	435.00

TOTAL 20,265.00

<u>Account No.</u>	<u>Revenues</u>	<u>Amount</u>
CD1.11.4701.12	TANF SYEP	20,265.00

Moved by: Mr. Russo  
Seconded by: Mr. Truax

Adopted: Roll Call  
12 Ayes, 0 Noes, 3 Absent

**RESOLUTION NO. 136-07**

**ACCEPTANCE AND APPROPRIATION OF FUNDS FROM  
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE (OTDA) AND  
WORKFORCE INVESTMENT BOARD (WIA) TO EMPLOYMENT AND TRAINING ACCOUNTS**

Offered by: Ways and Means Committee

**RESOLVED:**

1. That the sum of \$29,000 in additional funds from the Office of Temporary and Disability Assistance (OTDA) and the Workforce Investment Board (WIA) for the Allegany County Employment and Training Center is accepted.

2. That the accepted sum of \$29,000 is appropriated as follows: \$4,000 to Account No. CD1.6400.414, \$25,000 to Account No. CD1.6402.474 with a sum of \$4,000 credited to Revenue Account No. CD1.10.3089.00 and \$25,000 credited to Revenue Account No. CD1.11.4701.6402.

Moved by: Mr. Russo  
Seconded by: Mr. Fanton

Adopted: Roll Call  
12 Ayes, 0 Noes, 3 Absent

**RESOLUTION NO. 137-07**

**ACCEPTANCE OF NEW YORK STATE GRANT FUNDING FOR  
OFA - COMMUNITY SERVICE FOR ELDERLY ACCOUNT**

Offered by: Human Services and Ways and Means Committees

**RESOLVED:**

1. That the sum of \$10,000 in state grant funding for OFA - Community Service for Elderly Account is accepted.

2. That the accepted sum of \$10,000 is appropriated to Account No. A6776.4 with a like sum credited to Revenue Account No. A10.3772.03.

Moved by: Mr. Truax  
Seconded by: Mr. Pullen

Adopted: Roll Call  
12 Ayes, 0 Noes, 3 Absent

**RESOLUTION NO. 138-07**

**REAPPROPRIATION OF 2006 FUNDING FROM THE STATE OF NEW YORK  
FOR LONG TERM CARE INSURANCE EDUCATION AND OUTREACH PROGRAM  
(LTCIEOP)**

Offered by: Human Services and Ways and Means Committees

**RESOLVED:**

1. That Long Term Care Insurance Education and Outreach Program (LTCIEOP) funds from the State of New York in the amount of \$8,000 from fiscal year 2006 - 2007 are reappropriated as follows: \$3,500 to Account No. A6780.1 (OFA LTCIEOP - Personnel Services) and \$4,500 to Account No. A6780.4 (OFA - LTCIEOP - Contractual Expenses) with a like sum credited to Revenue Account No. A10.3772.6780.

Moved by: Mr. Truax  
Seconded by: Mr. Pullen

Adopted: Roll Call  
12 Ayes, 0 Noes, 3 Absent

**RESOLUTION NO. 139-07**

**APPROVAL OF AMENDMENT OF COURT SECURITY AGREEMENT (C200357)  
BETWEEN THE NEW YORK STATE UNIFIED COURT SYSTEM AND  
THE ALLEGANY COUNTY SHERIFF'S DEPARTMENT**

Offered by: Public Safety and Ways and Means Committees

**RESOLVED:**

1. The amendment agreement for the period April 1, 2006, through March 31, 2007, between the New York State Unified Court System and the Allegany County Sheriff's Department for the provision of Court Security, is approved; the Allegany County Sheriff being authorized to execute such Amendment on behalf of the County.

2. That the resulting increase of \$1,092 is appropriated to Revenue Account No. A03.2260.00.

Moved by: Mr. Dibble  
Seconded by: Mr. McCormick

Adopted: Roll Call  
12 Ayes, 0 Noes, 3 Absent

RESOLUTION NO. 140-07

APPROVING AGREEMENT BETWEEN COUNTY OF ALLEGANY,  
COUNTY OF CATTARAUGUS, AND CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT  
BOARD, INC. FOR WORKFORCE INVESTMENT ACT SERVICES FOR  
PERIOD JULY 1, 2007 THROUGH JUNE 30, 2010;  
AUTHORIZING CHAIRMAN TO EXECUTE AGREEMENT

Offered by: Ways and Means Committee

Pursuant to Section 117 (d) (3) of the  
Workforce Investment Act of 1998, 29 USCS 2832 (d) (3)

**WHEREAS**, an agreement is necessary with Cattaraugus County and the Cattaraugus-Allegany Workforce Investment Board, Inc. to provide for Workforce Investment Act Services and to delineate funding mechanisms, functions, powers, duties, relationships and operating procedures of the parties with respect to the delivery of Workforce Investment Act services for the period July 1, 2007 through June 30, 2010, now, therefore, be it

**RESOLVED:**

1. That the Agreement between the County of Allegany, the County of Cattaraugus and the Cattaraugus-Allegany Workforce Investment Board, Inc. for the delivery of Workforce Investment Act services and the delineation of funding mechanisms, functions, powers, duties, relationships and operating procedures of the parties for the period July 1, 2007 through June 30, 2010 is approved.

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

Moved by: Mr. Russo  
Seconded by: Mr. Pullen

Adopted: Roll Call  
12 Ayes, 0 Noes, 3 Absent

**AUDITS:**

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

A motion was made by Legislator Truax, seconded by Legislator Hopkins and adopted on a roll call vote of 12 Ayes, 0 Noes, 3 Absent, that the audit of claims, totaling \$3,811,545.25 including prepaids, 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 \$4,490,590.*)

**ADJOURNMENT:** The meeting was adjourned at 3:05 p.m. following a motion made by Legislator Truax, seconded by Legislator Pullen and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS**  
**Regular Session**

**July 23, 2007**

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The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

Pledge of allegiance to the flag.

The invocation was given by Legislator Pullen.

Roll Call: 14 Present; 1 Absent (O'Grady).

**APPROVAL OF MINUTES:**

The Board meeting minutes of July 9, 2007 were approved on a motion made by Legislator Pullen, seconded by Legislator Fanton and carried.

**PUBLIC HEARING:**

Chairman Crandall closed the regular meeting to hold a public hearing on the Establishment of a County Water District and a County Sewer District in the Town of Amity and Town of Angelica to provide services to the Crossroads Development Area. There being no one desiring to speak, the public hearing was declared closed, and the Board reconvened in regular session.

**PRIVILEGE OF THE FLOOR:**

Chairman Crandall granted privilege of the floor to the following individuals:

Thomas Carpenter, Regional Representative, Governor's Office, Department of State Regional Affairs, updated the Board on recent state government issues. Over the past five months on the job, he has been responsible for setting up the regional office. Although the Board already has access to state government through the NYS Association of Counties and our representatives, Mr. Carpenter offered his assistance, if needed, in dealing with any state agencies. Some of the accomplishments of Governor Spitzer's office include: Workers' Compensation reform (the extreme cost of Workers' Compensation has been a major detriment to business; costs will decrease by over 20 percent); establishment of an Upstate Economic Development office in Buffalo and staffing across the state (staff with strong economic development backgrounds that will be assets to local communities and the private sector); commitment to I-86; agreement on campaign finance reform; legislation adding 400,000 more children to be eligible for health insurance through Family Health Plus; middle class STAR tax rebate program (handout distributed); and an initiative began by Governor Spitzer's wife - "I Live NY" (an impressive collaboration to direct state government on how to address the things ailing NY).



Penny Cavanaugh, member of the Allegany County Transportation Task Force, addressed the Board regarding the Allegany County Coordinated Public Transit - Human Services Transportation Plan, prepared by the Allegany/Western Steuben Rural Health Network. Ms. Cavanaugh gave an overview of how this effort was initiated. Several public service agencies had identified the lack of transportation as a barrier to those needing services. It was also discovered that federal legislation now requires a plan to be developed in order to remain eligible for three federal funding streams directed at the elderly, the disabled, and those seeking employment. Two agencies were immediately affected, meaning funding won't continue without a plan in place. Other benefits of having the plan will be a reduction in service duplication, cost effectiveness, and facilitating additional funding to fill gaps. This same effort is taking place in every county, and eventually there will be a state plan. This plan, due to the state by August 1, is imperative to keep funding in place. Ms. Cavanaugh noted that the plan will be continually updated.

Lori Ballengee, Public Health Director, spoke on the Allegany County Cancer Services Day. When she speaks to groups, Ms. Ballengee usually asks if anyone present has not been impacted in some way by cancer. She noted that wasn't necessary here, as the County offices have had their share this past year (Dr. Gary Ogden and Joyce Brewer both passed away, and several other employees have been diagnosed). The Allegany County Cancer Services (ACCS) organization was formed one year ago. Their new pin depicts the ACCS logo which is a looped ribbon in the shape of a circle (never ending) in colors of the rainbow representing all types of cancers. The organization recently incorporated as a not-for-profit, and has served six people, with eleven more applications out. Dozens of informational sessions have been held, illustrating the need is great in the County. The organization's annual event will be held August 4 at the County Fairgrounds, from 3 to 9 p.m., featuring music, games, raffles (original Tom O'Grady painting, afghan, quilt, hot air balloon ride), the survivors' lap, and a presentation at the end in memory of Gary Ogden. Ms. Ballengee thanked the Board for its support and stated the organization will continue to do everything they can for people in Allegany County affected by cancer issues.

#### **ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:**

1. Correspondence was received from the Cattaraugus-Allegany Workforce Investment Board informing us of the resignation of Janet Gaczewski from the WIB Youth Council.

2. The Allegany County Comprehensive Planning (ACCP) Committee has set dates for public forums around the County as follows, with all meetings beginning at 7 p.m.: July 24 - Almond Municipal Building, July 31 - Amity Rescue Squad Building, August 7 - Willing Town Hall, August 14 - Belfast Fire Hall, August 21 - American Legion Hall in Wellsville.

3. There will be a special Committee of the Whole meeting on July 24 at 11 a.m. Ken Crannell from NYSAC will be making a presentation regarding the Medicaid/Sales Tax Intercept Option.

4. The Office for the Aging Senior Picnic will be held this Thursday, July 26, at the Fairgrounds in Angelica.

5. The Legislative Clambake will take place Friday, July 27, at Island Park in Wellsville.

6. The Friendship Freedom Fair is scheduled for this weekend, July 28-29. There will be a parade at 11 a.m. on Saturday.

7. Correspondence was received from Bonnie Blair, of Empire City Farms, regarding the Alpaca Breeders Show and Fiber Festival.

**PROCLAMATION:**

Chairman Curtis W. Crandall proclaimed August 4, 2007 as Allegany County Cancer Services Day and urged all citizens to actively participate in scheduled events, to work toward improving awareness of early, life-saving cancer screenings and eradicating this dreaded disease, and easing current cancer patients' burdens.

**RESOLUTIONS:**

A motion was made by Legislator Pullen, seconded by Legislator Truax and carried to TABLE Resolutions Intro. Nos. 146-07 and 147-07 regarding approval of the County Water and Sewer Districts, to allow consideration of Resolutions Intro. Nos. 148-07 and 149-07 dealing with SEQR issues first, prior to approval of the districts.

**RESOLUTION NO. 141-07**

**DESIGNATION OF COUNTY OF ALLEGANY AS LEAD AGENCY AND  
DETERMINATION OF NO SIGNIFICANT ENVIRONMENTAL IMPACT WITH RESPECT TO  
ESTABLISHMENT OF COUNTY WATER DISTRICT IN THE  
TOWN OF AMITY AND TOWN OF ANGELICA**

Offered by: Ways and Means Committee

Pursuant to 6 NYCRR Part 617.6 and 617.7

**WHEREAS**, the County of Allegany is proposing to establish a County water district to be located in the Town of Amity and the Town of Angelica (proposed Allegany County Water District No. 2) for the provision of a water main and service to the so-called "Crossroads Area" at the intersection of New York State Route 19, Interstate 86 and County Road 20 in the Town of Amity and Town of Angelica and the residences and businesses within the bounds of such proposed district ("proposed action"), and

**WHEREAS**, the County of Allegany has authorized the proposed action; authorized a SEQR environmental review with a lead agency solicitation under a coordinated review procedure by Resolution No.

164-2006; prepared an Environmental Assessment Form; and mailed proper notification to other involved agencies, and

**WHEREAS**, the adequacy of the water supply from the Town of Friendship has been investigated by LaBella Associates, P.C., competent engineers duly licensed by the State of New York, and found suitable for the project, and

**WHEREAS**, the County has received no objection to being lead agency for this proposed action; to making a determination of no significant environmental impact; and to issuing a Negative Declaration for the establishment of the proposed County water district, now, therefore, be it

**RESOLVED:**

1. That the County of Allegany is the lead agency for the proposed establishment of the County water district in the Town of Amity and Town of Angelica (proposed Allegany County Water District No. 2) pursuant to 6 NYCRR Part 617.

2. That the lead agency determines that this Type I Action will not have a significant environmental impact because of the relatively small scale of the project and the fact that the sub-surface and surface of the land within the proposed district will be returned to the same elevation and condition as existed prior to the proposed action and any necessary structures placed upon the surface of the land within the proposed district will not have any significant or adverse environmental impact.

3. That as lead agency, the County of Allegany issues a Negative Declaration for this Type I Action, and that this Notice of Determination of Non-Significance will be sent to all towns and villages that are involved with the establishment of the proposed County water district, to other involved agencies, and to appropriate state agencies.

Moved by: Mr. Reynolds  
Seconded by: Mr. Fanton

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

**RESOLUTION NO. 142-07**

**DESIGNATION OF COUNTY OF ALLEGANY AS LEAD AGENCY AND  
DETERMINATION OF NO SIGNIFICANT ENVIRONMENTAL IMPACT WITH RESPECT TO  
ESTABLISHMENT OF COUNTY SEWER DISTRICT IN THE  
TOWN OF AMITY AND TOWN OF ANGELICA**

Offered by: Ways and Means Committee

Pursuant to 6 NYCRR Part 617.6 and 617.7

**WHEREAS**, the County of Allegany is proposing to establish a County sewer district to be located in the Town of Amity and the Town of Angelica (proposed Allegany County Sewer District No. 1) for the provision of waste water treatment service to the so-called "Crossroads Area" at the intersection of New York State Route 19,

Interstate 86 and County Road 20 in the Town of Amity and Town of Angelica and the residences and businesses within the bounds of such proposed district ("proposed action"), and

**WHEREAS**, the County of Allegany has authorized the proposed action; authorized a SEQR environmental review with a lead agency solicitation under a coordinated review procedure by Resolution No. 164-2006; prepared an Environmental Assessment Form; and mailed proper notification to other involved agencies, and

**WHEREAS**, the adequacy of the waste water treatment facilities and capacity from the Town of Friendship has been investigated by LaBella Associates, P.C., competent engineers duly licensed by the State of New York, and found suitable for the project, and

**WHEREAS**, the County has received no objection to being lead agency for this proposed action; to making a determination of no significant environmental impact; and to issuing a Negative Declaration for the establishment of the proposed County sewer district, now, therefore, be it

**RESOLVED:**

1. That the County of Allegany is the lead agency for the proposed establishment of the County sewer district in the Town of Amity and Town of Angelica (proposed Allegany County Sewer District No. 1) pursuant to 6 NYCRR Part 617.

2. That the lead agency determines that this Type I Action will not have a significant environmental impact because of the relatively small scale of the project and the fact that the sub-surface and surface of the land within the proposed district will be returned to the same elevation and condition as existed prior to the proposed action and any necessary structures placed upon the surface of the land within the proposed district will not have any significant or adverse environmental impact.

3. That as lead agency, the County of Allegany issues a Negative Declaration for this Type I Action, and that this Notice of Determination of Non-Significance will be sent to all towns and villages that are involved with the establishment of the proposed County sewer district, to other involved agencies, and to appropriate state agencies.

Moved by: Mr. Reynolds  
Seconded by: Mr. Truax

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

A motion was made by Legislator Truax, seconded by Legislator Pullen and carried to remove Resolutions Intro. Nos. 146-07 and 147-07, regarding approval of the County Water and Sewer Districts, from the table.

**RESOLUTION NO. 143-07**

**RESOLUTION APPROVING ALLEGANY COUNTY WATER DISTRICT NO. 2**

Offered by: Ways and Means Committee

**WHEREAS**, this Board by Resolution No. 127-2007 accepted a map, plan and report dated June 2007 for the establishment of Allegany County Water District No. 2 in the Town of Amity and Town of Angelica, and

**WHEREAS**, the costs for the establishment of Allegany County Water District No. 2 shall be paid for by the issuance of debt instruments, and

**WHEREAS**, a public hearing on the establishment of said District was held on July 23, 2007, and

**WHEREAS**, upon the evidence presented at the public hearing and after due consideration of the map, plan and report, recommendations and other data filed with such map, plan and report, now, therefore, be it

**RESOLVED:**

1. That the Allegany County Board of Legislators finds that the proposed Allegany County Water District No. 2 and the facilities therein are adequate and appropriate.

2. That this Board further finds and determines that all the property and property owners within the proposed district are benefited thereby, that all of the property and property owners benefited are included within the limits of the proposed district, that the map, plan and report is appropriate and sufficient and that it is in the public interest to establish the district.

3. That the Allegany County Board of Legislators approves the establishment of Allegany County Water District No. 2, which approval is subject to a permissive referendum.

Moved by: Mr. Fanton  
Seconded by: Mr. Ungermann

Adopted: Roll Call  
12 Ayes, 2 Noes, 1 Absent  
Voting No: McCormick, Russo

*(Memo: Regarding County Water District No. 2 approved by Resolution No. 143-07, Legislator McCormick noted his objections to the Crossroads project in that he's opposed to putting development on that farmland; the project is regional and impacts only four towns; the inappropriateness of IDA floating bonds for a project that is not industrial development; and the Board's non-support for the*

Wellsville city status plan that would have benefitted the entire County with the sharing of sales tax.

Legislator Pullen noted the difference between the impact of this project and that of the Wellsville proposal is that the latter would remove sales tax from County revenue and give it to one city, and the Crossroads Development Project will benefit the entire County and reduce the burden of every taxpayer. With this development will be improved job availability, and services will be more readily available in the County.

Legislator Ungermann stated that he hates to see the corn fields gone too, but since the Board can't seem to cut spending in the budget, there is a need to generate more revenue. The trade-offs have to be weighed.

Legislator Reynolds pointed out that the Board needs to continue to work for the County as a whole; it is very detrimental to become territorial about issues.

Legislator Russo questioned why the Board couldn't support both the Crossroads project and the Wellsville city proposal. There are a lot of new things going on in Wellsville, and the Board is concentrating all its development efforts in one area.

Legislator Kruger stated he supported the water and sewer project because it points to development in the County and also there is the potential for area residents to hook on to services at a later date.

Legislator Dibble noted that in a study completed many years ago when former Senator Moynihan was backing development of State Route 17 and later I-86, a need for development on that same property was identified. Without sewer and water, it will not happen.

Legislator Crandall noted that it will be the end user that will pay for the project. It is wide open for anyone who wants to be involved in the development.)

#### **RESOLUTION NO. 144-07**

#### **RESOLUTION APPROVING ALLEGANY COUNTY SEWER DISTRICT NO. 1**

Offered by: Ways and Means Committee

**WHEREAS**, this Board by Resolution No. 128-2007 accepted a map, plan and report dated June 2007 for the establishment of Allegany County Sewer District No. 1 in the Town of Amity and Town of Angelica, and

**WHEREAS**, the costs for the establishment of Allegany County Sewer District No. 1 shall be paid for by the issuance of debt instruments, and

**WHEREAS**, a public hearing on the establishment of said District was held on July 23, 2007, and

**WHEREAS**, upon the evidence presented at the public hearing and after due consideration of the map, plan and report, recommendations and other data filed with such map, plan and report, now, therefore, be it

**RESOLVED:**

1. That the Allegany County Board of Legislators finds that the proposed Allegany County Sewer District No. 1 and the facilities therein are adequate and appropriate.

2. That this Board further finds and determines that all the property and property owners within the proposed district are benefited thereby, that all of the property and property owners benefited are included within the limits of the proposed district, that the map, plan and report is appropriate and sufficient and that it is in the public interest to establish the district.

3. That the Allegany County Board of Legislators approves the establishment of Allegany County Sewer District No. 1, which approval is subject to a permissive referendum.

Moved by: Mr. Reynolds  
Seconded by: Mr. Truax

Adopted: Roll Call  
12 Ayes, 2 Noes, 1 Absent  
Voting No: McCormick, Russo

Resolution Intro. No. 150-07 (Amendment of Employment of Relatives Policy) was DEFEATED on a roll call vote of 6 Ayes, 8 Noes, and 1 Absent. Voting No: Legislators Benson, Dibble, Kruger, McCormick, Pullen, Reynolds, Truax, and Ungermann.

*(Memo: Comments made in opposition to the amendment of the employment of relatives policy included that the amendment "watered down" the policy, the policy as it stands provides a system of checks and balances, and the policy did not need to be changed. Those in favor of the amendment noted that the changes clarify the intent of the policy and, and if not passed the Board would be micromanaging employment matters best left to department heads and officers.)*

*Chairman Crandall asked Personnel Director Ellen Ruckle if the language in the amendment clarifies past practice and clears up questionable wording in the policy. Ms. Ruckle responded that it did. Past policy was being construed to mean that anyone related to anyone was supposed to be referred to the Personnel Committee, no matter what, but the referral to Personnel Committee was only intended to apply to immediate family.)*

**RESOLUTION NO. 145-07**

**AMENDMENT OF UNIT AND NON-UNIT SALARY PLANS**

Offered by: Personnel Committee

**RESOLVED:**

1. The title of Emergency Services Dispatcher in the Unit Salary Plan is moved from Grade 11 of the Unit Salary Plan to Grade 13 of the Unit Salary Plan effective January 1, 2008.

2. The title of Emergency Communications Coordinator is moved from Grade 13 of the Unit Salary Plan and placed in Grade 3 of the Non-Unit Salary Plan effective January 1, 2008.

3. The title of Head Emergency Services Dispatcher is reclassified to Emergency Services Dispatcher in the Unit Salary Plan.

Moved by: Mr. Russo  
Seconded by: Mr. Pullen

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

**RESOLUTION NO. 146-07**

**ABOLISHING AND CREATING POSITIONS IN THE  
DEPARTMENT OF SOCIAL SERVICES DUE TO HUMAN RESOURCES AND  
CIVIL SERVICE DEPARTMENT RECLASSIFICATION;  
REMOVAL, CREATION AND PLACEMENT OF TITLES IN  
UNIT AND NON-UNIT SALARY PLANS**

Offered by: Personnel Committee

**WHEREAS**, due to the termination of the CAP Program in the Department of Social Services in March 2007, the Human Resources and Civil Service Department has reclassified certain positions, now, therefore, be it

**RESOLVED:**

1. That the title of CAP Case Manager is removed from the Unit Salary Plan and the title of Senior Case Manager is created and placed in Grade 17 of the Unit Salary Plan.

2. That the title of CAP Specialist is removed from the Unit Salary Plan and the title of Case Manager is created and placed in Grade 15 of the Unit Salary Plan.

3. That the title of CAP Supervisor is removed from the Non-Unit Salary Plan.

4. That two positions of CAP Case Manager, two positions of CAP Specialist and one position of CAP Supervisor are abolished in the Department of Social Services.



5. That two positions of Senior Case Manager, two positions of Case Manager and one position of Principal Social Welfare Examiner are created in the Department of Social Services.

6. This resolution shall take effect on July 24, 2007.

Moved by: Mr. Ungermann

Adopted: Roll Call

Seconded by: Mr. Hall

9 Ayes, 5 Noes, 1 Absent

Voting No: Fanton, Kruger, McCormick, Russo, Ungermann

*(Memo: Comments made in opposition to the reclassification of former CAP positions, approved by Resolution No. 146-07, included that when a program or grant is gone, the positions should be gone.*

*Social Services Commissioner Patricia Schmelzer informed the Board that the CAP program started in 1989 as a pilot to attempt to get people off public assistance through case management. Following the 1996 welfare reform, it was found that the general DSS population benefitted through this same type of management, so the work performed by these staff members still continues. They have made great strides to reduce poverty in the County. The number of CAP families has gone from 2,000 down to 400. These positions are not new jobs; titles and grades were set by Human Resources.*

*It was noted that as programs end and different ones are developed, there are still people with the same needs that are just being met through different funding streams. Ms. Schmelzer explained that the positions will be funded by 50 percent federal, 25 percent state, and 25 percent local money, plus TANF funding, as the program is now serving all TANF families.*

*The large percentage of people living at poverty level indicated by the County's demographic profile was pointed out. It may be clear that the CAP program ran its course, but the need has not gone away. Whatever the program, the mandated services still need to be provided, and these positions are needed to administer them. The number of Social Services employees has experienced a reduction from 125 to 111. The CAP client population was reported to have decreased from 2,000 to 400, but that is just one program and other programs have gone up. It was also pointed out that overall, client numbers are down.)*

#### **RESOLUTION NO. 147-07**

#### **ABOLISHING ONE POSITION OF QUALITY ASSURANCE COORDINATOR IN THE HEALTH DEPARTMENT**

Offered by: Human Services Committee

#### **RESOLVED:**

1. That one position of Quality Assurance Coordinator is abolished in the Health Department.

2. This resolution shall take effect on July 24, 2007.

Moved by: Mr. Truax  
Seconded by: Mr. Pullen

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

*(Memo: Regarding Resolution No. 147-07, the request to abolish the Quality Assurance Coordinator was made because the Health Department has a contract with S2AY Rural Health Network for provision of these services. The County has been paying \$11,050 per year for this contract since 2002, and the rate is increasing to \$15,000 in 2007. After the position is abolished, program managers will attend the S2AY Network meetings, which will allow them direct communication and to be in on decisions and policies.)*

#### RESOLUTION NO. 148-07

#### RESOLUTION IN OPPOSITION TO PROPOSED LEGISLATION REQUIRING SELF-INSURED MUNICIPAL WORKERS' COMPENSATION PLANS PARTICIPATION IN THE AGGREGATE TRUST FUND

Offered by: Personnel Committee

**WHEREAS**, current law exempts self-insured municipal workers' compensation plans from depositing awards into the Aggregate Trust Fund, and

**WHEREAS**, there is currently proposed legislation (Bill No. S.6325) requiring self-insurance plans to deposit awards into the Aggregate Trust Fund, and

**WHEREAS**, the membership of NYSASIC is very concerned that the fiscal implications of said legislation would be a tremendous financial burden on the plans and the taxpayers in each municipality, now, therefore, be it

#### RESOLVED:

1. That the Allegany County Board of Legislators opposes any state legislation requiring the deposit of awards into the Aggregate Trust Fund by self-insured municipal workers' compensation pools.

2. That the Clerk of this Board is authorized and directed to forward copies of this resolution to the New York State Association of Counties, Governor Eliot Spitzer, U.S. Senators Charles Schumer and Hillary Clinton, Congressman John Kuhl, Jr., Senator Catharine Young, Assembly Members Daniel Burling and Joseph Giglio.

Moved by: Mr. Russo  
Seconded by: Mr. Fanton

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

*(Memo: Douglas Dillon, Workers' Compensation Self-Insurance Plan Executive Secretary, explained that the deposits by Self-Insured Workers' Compensation Plans into the Aggregate Trust Fund proposed under Bill No. S6325 represent the present value of all permanent partially disabled claims. Allegany County shows \$1.7 million in reserves on the books for payment of these claims, but has only*

*\$800,000 in cash. If proposed legislation is enacted, the state would take \$1.7 million in cash from the County, requiring the County to come up with another \$900,000 in cash. In addition, the Bill does not address any payment of interest on these funds to the Self-Insured during the holding period, nor refunds to the Self-Insured in the event of premature lower settlement or claimant demise. For the Bill sponsor to say the fiscal implications are minimal is erroneous.)*

**RESOLUTION NO. 149-07**

**RESOLUTION IN SUPPORT OF  
REALITY CHECK'S RETAIL TOBACCO AND SMOKE FREE MOVIES CAMPAIGNS**

Offered by: Ways and Means Committee

**WHEREAS**, tobacco use is the leading cause of preventable death and disability in the United States, and

**WHEREAS**, every day another 4,000 American children start to smoke and another 2,000 become regular daily smokers, and

**WHEREAS**, youth ages 12-20 are one-sixth of the U.S. population and buy one-quarter of all movie tickets, and

**WHEREAS**, the tobacco industry has had a long, documented history of promoting tobacco use by advertising in retail stores and by featuring smoking and tobacco use in movies while obscuring the detrimental effects of tobacco use, and

**WHEREAS**, children are more likely than adults to notice and remember tobacco advertising and nearly 90 percent of adult smokers started smoking before they were 18 years old, and

**WHEREAS**, the U.S. Centers for Disease Control and Prevention in 2002, 2003 and 2005 listed smoking in movies as a primary reason why the decline in teen smoking rates has stalled, and

**WHEREAS**, the World Health Organization, American Medical Association, National PTA, American Heart Association, American Lung Association, American Legacy Foundation, American Academy of Pediatrics, American Academy of Allergy, Asthma, and Immunology, Society for Adolescent Medicine, L.A. County Department of Health Services and others endorse getting smoking out of movies rated G, PG and PG-13, now, therefore, be it

**RESOLVED:**

1. That the Allegany County Board of Legislators supports Allegany County Reality Check in its campaign to raise awareness of the prevalence and impact of tobacco advertising both retail and in films and to promote its campaign with parents and local business owners.

2. That this Board supports reducing, rearranging or eliminating tobacco advertisements in the retail setting to protect the health and wellness of Allegany County youth.

3. That the Allegany County Board of Legislators endorses the four objectives of the Smoke Free Movies campaign:

(1) Rate new smoking movies "R," with the sole exceptions being when the tobacco presentation clearly and unambiguously reflects the dangers and consequences of tobacco use or is necessary to represent smoking of a real historical figure;

(2) Require producers to certify on screen that no one on the production received anything of value in consideration for using or displaying tobacco;

(3) Require strong anti-smoking ads before any movie with tobacco use, regardless of rating; and

(4) Stop identifying tobacco brands.

4. That the Clerk of this Board is directed to forward certified copies of this resolution to the New York State Department of Health, New York State Association of Counties, Inter-County Association of Western New York, Senator Catharine M. Young, and Members of the Assembly Daniel Burling and Joseph Giglio.

Moved by: Mr. Russo  
Seconded by: Mr. Reynolds

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

#### **RESOLUTION NO. 150-07**

##### **TRANSFER OF FUNDS WITHIN COUNTY CLERK ACCOUNT**

Offered by: Personnel Committee

##### **RESOLVED:**

1. That the sum of \$1,200 is transferred from A1410.4 to A1410.2 for the replacement of computer monitors.

Moved by: Mr. Russo  
Seconded by: Mr. Fanton

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

#### **RESOLUTION NO. 151-07**

##### **TRANSFER OF FUNDS WITHIN PUBLIC DEFENDER ACCOUNT**

Offered by: Public Safety Committee

##### **RESOLVED:**

1. That the sum of \$819 is transferred from Account No. A1170.4 to Account No. A1170.2.

Moved by: Mr. Reynolds  
Seconded by: Mr. Dibble

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

*(Memo: The transfer approved by Resolution No. 151-07 was requested to allow the purchase of office chairs and a dictation machine.)*

**RESOLUTION NO. 152-07**

**TRANSFER OF FUNDS WITHIN PUBLIC SAFETY COMPLEX - BUILDINGS & GROUNDS  
CONTRACTUAL EXPENSES ACCOUNT**

Offered by: Public Works Committee

**RESOLVED:**

1. That the sum of \$20,000 to be transferred from Account No. A3152.427 (Electric) to Account No. A3152.412 (Repairs Real Property) is approved.

Moved by: Mr. Fanton  
Seconded by: Mr. McCormick

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

**RESOLUTION NO. 153-07**

**APPROVING SUPPLEMENTAL AGREEMENT BETWEEN COUNTY OF ALLEGANY AND  
NEW YORK STATE DEPARTMENT OF TRANSPORTATION TO  
EXTEND COMPLETION DATE OF COUNTY ROUTE 16 OVER ANGELICA AND  
BAKER CREEKS PROJECT (PIN 6753.46) LOCATED IN THE TOWN OF ANGELICA**

Offered by: Public Works Committee

**WHEREAS**, the County Route 16 over Angelica and Baker Creeks Project (PIN 6753.46) located in the Town of Angelica was approved by Resolution No. 64-2004, and

**WHEREAS**, it is necessary to extend the completion date for the Project to December 31, 2009, now, therefore, be it

**RESOLVED:**

1. That the Supplemental Agreement between the County of Allegany and New York State Department of Transportation for the extension of the completion date of County Route 16 over Angelica and Baker Creeks Project is approved.

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

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

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

*(Memo: The supplemental agreement approved by Resolution No. 153-07 covers the addition of the construction phase monies, the addition of new 07/08 design phase Marchiselli monies, the increase of the ROW and construction Marchiselli amounts, and extends the project completion date to allow for a two-year project construction.)*

**RESOLUTION NO. 154-07**

**APPROVING SUPPLEMENTAL AGREEMENT BETWEEN COUNTY OF ALLEGANY AND  
NEW YORK STATE DEPARTMENT OF TRANSPORTATION TO**

**EXTEND COMPLETION DATE OF CR 7B OVER TRIBUTARY TO CANEADEA CREEK  
PROJECT (PIN 6753.27) LOCATED IN THE TOWN OF RUSHFORD**

Offered by: Public Works Committee

**WHEREAS**, the CR 7B over Tributary to Caneadea Creek Project (PIN 6753.27) located in the Town of Rushford was approved by Resolution No. 141-2006, and

**WHEREAS**, it is necessary to extend the completion date for the Project to December 31, 2008, now, therefore, be it

**RESOLVED:**

1. That the Supplemental Agreement between the County of Allegany and New York State Department of Transportation for the extension of the completion date of the CR 7B over Tributary to Caneadea Creek Project is approved.

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

Moved by: Mr. Reynolds  
Seconded by: Mr. Hopkins

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

*(Memo: The supplemental agreement approved by Resolution No. 154-07 covers the addition of new design Marchiselli monies, elimination of the ROW phase entirely, reduction in the amounts of the design and construction phases to better reflect actual costs, and extension of the project completion date to allow for the processing and payment of the Marchiselli monies and completion of the project closure process.)*

**RESOLUTION NO. 155-07**

**APPROVAL OF AGREEMENT WITH NEW YORK STATE  
OFFICE OF HOMELAND SECURITY FOR SPECIALIZED RESPONSE EQUIPMENT;  
AUTHORIZING BOARD CHAIRMAN TO EXECUTE AGREEMENT**

Offered by: Public Safety Committee

**RESOLVED:**

1. That the Agreement between the County of Allegany and the New York State Office of Homeland Security for the provision of specialized equipment to the County is approved.

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

Moved by: Mr. Dibble  
Seconded by: Mr. Truax

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

*(Memo: The agreement approved by Resolution No. 155-07 is a renewal of the agreement dated 04/29/02 relating to equipment provided under the Federal Domestic Preparedness Equipment Program. The original*

agreement enabled the distribution of special equipment for responding to acts of terrorism involving chemical, biological, radiological, nuclear, or explosive devices. That agreement expired 04/29/07, and the renewal includes provision for maintenance and calibration of equipment by OHS and the requirement for equipment inventories. This program is under the jurisdiction of the Office of Emergency Services, and equipment is assigned to the Hazardous Materials Team.)

**RESOLUTION NO. 156-07**

**RESOLUTION APPROVING SNOW REMOVAL AND ICE CONTROL CONTRACTS BETWEEN COUNTY OF ALLEGANY AND VARIOUS TOWNS IN ALLEGANY COUNTY**

Offered by: Public Works Committee

Pursuant to Highway Law § 135-a

**WHEREAS**, the Public Works Committee and the County Superintendent of Public Works have recommended to this Board that they approve of the proposed contracts between the County of Allegany and various Towns in Allegany County for the removal of snow from County Roads and for sanding or otherwise treating them for the purpose of removing the danger of snow and ice, now, therefore, be it

**RESOLVED:**

1. That Snow Removal and Ice Control Contracts between the County of Allegany and various Towns in Allegany County for a term covering three (3) seasons beginning with the 2007-2008 snow season and ending with the 2009-2010 snow season, are approved.

2. That an executed duplicate original of each such Contract shall be filed in the office of the Clerk of this Board along with a certified copy of each such Town Board's resolution approving such Contract.

3. That the Clerk of this Board is directed to send a certified copy of this resolution to each of the Town Clerks of such Towns for filing in his or her office.

Moved by: Mr. Fanton  
Seconded by: Mr. Hall

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

*(Memo: Regarding Resolution No. 156-07, it was noted that the contract includes an annual cost-of-living increase. As of the date of approval, there was still an unresolved issue between Centerville and Hume on the plowing of County Road 3 in Hume, and it was also hoped that some of the four towns that did not participate in the contract last year will take part for this new term.)*

Resolution Intro. No. 163-07 (Resolution Supporting Allegany County Coordinated Public Transit - Human Services Transportation Plan as Prepared by Allegany/Western Steuben Rural Health Network, Inc.) was not pre-filed and was considered from the floor on a

motion made by Legislator Reynolds, seconded by Legislator Hall and carried.

**RESOLUTION NO. 157-07**

**RESOLUTION SUPPORTING ALLEGANY COUNTY  
COORDINATED PUBLIC TRANSIT - HUMAN SERVICES TRANSPORTATION PLAN AS  
PREPARED BY ALLEGANY/WESTERN STEUBEN RURAL HEALTH NETWORK, INC.**

Offered by: Ways and Means Committee

**RESOLVED:**

1. That the Allegany County Board of Legislators supports the Public Transit - Human Services Transportation Plan prepared by Allegany/Western Steuben Rural Health Network, Inc., dated July 2007.

Moved by: Mr. Reynolds  
Seconded by: Mr. Hall

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

*(Memo: Regarding Resolution No. 157-07, Chairman Crandall explained the reason for submitting the resolution from the floor was time constraints. The deadline for submitting the plan to the state is August 1 to avoid funding cuts.)*

*Legislator Dibble noted that the Allegany County Transit map in the back of the plan document shows no routes for Canaseraga and Burns, but further on in the document the Dansville/Wayland bus service map shows provision of service to that area.)*

**AUDITS:**

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

A motion was made by Legislator Truax, seconded by Legislator Kruger and adopted on a roll call vote of 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$1,640,558.69 including prepaids, 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 \$4,828,044.)*

**COMMENTS:**

Legislator Ungermann read a communication from Bonnie Blair from Empire City Farms in Cuba regarding the Western New York Alpaca Breeders Show and Fiber Festival. Although the show is over now, he noted that there was no representation at that show from the Tourism Office, nor were there any County travel guides on display. At last year's Garlic Festival in Cuba, which attracted between 4,000 and 5,000 people, there was also a noticeable lack of Allegany County brochures. Mr. Ungermann pointed out that as part of our tourism program, we need to promote Allegany County and get that material out there.



**ADJOURNMENT:**

The meeting was adjourned at 3:40 p.m.

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
Regular Session**

**August 13, 2007**

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The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

Pledge of allegiance to the flag.

The invocation was given by Legislator Pullen.

Roll Call: 15 Present; 0 Absent.

**APPROVAL OF MINUTES:**

The Board meeting minutes of July 23, 2007 were approved on a motion made by Legislator Truax, seconded by Legislator Dibble and carried.

**PRIVILEGE OF THE FLOOR:**

Chairman Crandall granted privilege of the floor to Gretchen Hanchett, Business and Community Development Director for ACCORD Corporation, to speak about the Allegany Business Center and their Entrepreneurial Assistance Program. The Allegany Business Center, a division of ACCORD, is located at the Crossroads Center along with the Empire Zone Office, Office of Development, Industrial Development Agency, Visitors' Center, and Jamestown Community College-Allegany Center, creating a "one-stop shop" for business and economic development concerns. A few of the Allegany Business Center's services include Entrepreneurial Training, Individual Consulting in Marketing, Finance, and Management, Website Development, and the Micro-Enterprise Revolving Loan Fund. This year's Entrepreneurial Assistance Program graduated 34 participants on August 10. Some of the businesses these graduates are interested in starting up are retail shops, day care, real estate, handyman, organic farming, and hardware. Also this year, ACCORD has begun administering the County's revolving loan fund, and will bring in much needed capital for start-up and expansion for businesses committed to job creation. Ms. Hanchett presented a certificate of appreciation to the Board of Legislators for their support and partnership in developing small businesses in Allegany County.

**ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:**

1. Placed on each legislator's desk was a copy of the Report of Tax Bill Corrections approved by the County Administrator for the month of July 2007.

2. Also placed on each legislator's desk was a copy of the Report of Intrafund Transfers approved by the County Administrator for the month of July 2007.

3. Certificates of Withdrawal of Delinquent Tax Liens were filed by the County Treasurer in the Clerk of the Board's Office for properties in the Town of Scio on July 27 and for property in the Town of Angelica on August 6, pursuant to Article 11 of the New York State Real Property Tax Law.

4. Notice was received for the next Inter-County Association meeting to be hosted by Seneca County on August 17 in Geneva.

5. Correspondence was received from Daniel Spitzer, from Hodgson Russ Attorneys, notifying the County that the Village of Angelica passed the Negative Declaration regarding the Village of Angelica Electric System Upgrade and the Extension of its Transmission Lines/Hyland Landfill Gas-to-Energy Project.

6. Notification was made of a special Public Works Committee meeting on Monday, August 20, at 6 p.m. in the Legislative Chambers to discuss the future of the Solid Waste System.

7. The Chairman has scheduled a Committee of the Whole meeting to be held after the regular Board meeting on August 27 to begin discussing Section IV employees' salaries. The majority of the meeting will be held in executive session.

**PROCLAMATION:**

The Clerk of the Board announced that the Chairman proclaimed the week of August 1-7 as Breastfeeding Week in Allegany County at a ceremony and picnic sponsored by the WIC Program on August 1.

**RESOLUTIONS:**

**RESOLUTION NO. 158-07**

**REAPPOINTMENT OF STEVEN PRESUTTI AS  
DIRECTOR OF ALLEGANY COUNTY REAL PROPERTY TAX SERVICE AGENCY**

Offered by: Ways and Means Committee

Pursuant to Real Property Tax Law § 1530

**RESOLVED:**

1. That Steven Presutti is reappointed to the office of Director of the Allegany County Real Property Tax Service Agency for a term of six years to commence October 1, 2007, and expire September 30, 2013.

Moved by: Mr. Reynolds  
Seconded by: Mr. Truax

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

RESOLUTION NO. 159-07

A RESOLUTION DETERMINING THAT ERRORS EXIST ON THE  
2006 COUNTY AND TOWN TAX ROLLS FOR THE TOWNS NAMED WITH REGARD TO  
REAL PROPERTY OF VARIOUS TAXPAYERS THEREIN; DIRECTING MAILING OF  
NOTICES OF APPROVAL OF APPLICATIONS FOR CORRECTED TAX ROLLS AND  
ORDERING THE VARIOUS TOWN TAX COLLECTORS TO CORRECT THE TAX ROLLS;  
PROVIDING FOR CHARGE BACKS OR CREDITS

Offered by: Ways and Means Committee

Pursuant to Real Property Tax Law § 554

**WHEREAS**, applications, for the taxpayers hereafter described, have been made to the County's Director of Real Property Tax Service Agency, for the correction of certain errors affecting their real property on various tax rolls, and

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

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

**RESOLVED:**

1. That with regard to the applications for the named taxpayers pertaining to claimed errors regarding their real property on the respective tax rolls of the named Towns, this Board of Legislators does determine that the claimed errors as alleged in those applications exist and does approve those applications.

2. That the Chairman of this Board is authorized and directed to make a notation on those applications and the duplicates thereof that they are 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 taxpayers 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 such respective taxpayers of the applicable provisions of subdivision seven of Section 554 of the Real Property Tax Law.

4. That the Tax Collector of the Town of Clarksville is ordered and directed to correct in the 2006 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Reiss, Kenneth G.; Parcel 218.23-1-16.1  
Assessment: Land \$18,000 Total \$18,000

this is a duplicate parcel and should have been deleted from the Tax Roll, and the County Treasurer is directed to make the following charges on her books:

Allegany County	\$	316.80
Town of Clarksville	\$	233.77
Fire	\$	29.41
Village Relevy	\$	478.09
Total	\$	1,058.07

5. That the Clerk of this Board is directed to forthwith mail a certified copy of this resolution to the various Tax Collectors for the Towns stated above together with the original copies of those applications completed in accordance with section two of this resolution.

Moved by: Mr. Reynolds  
Seconded by: Mr. Hopkins

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 160-07**

**TRANSFER OF FUNDS WITHIN OFFICE OF DEVELOPMENT ACCOUNT**

Offered by: Ways and Means Committee

**RESOLVED:**

1. That the sum of \$2,900 is transferred from Account No. A6430.474 (Marketing) to Account No. A6430.201 (Equipment), for the purchase of a DLP power point projector and color laser printer.

Moved by: Mr. Reynolds  
Seconded by: Mr. Hall

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 161-07**

**TRANSFER OF FUNDS WITHIN OFFICE FOR AGING: OFA - SPOE ACCOUNTS**

Offered by: Human Services Committee

**RESOLVED:**

1. That the sum of \$8,000 is transferred as follows: \$7,000 from Account No. A6787.1 and \$1,000 from Account No. A6787.8 to Account No. A6787.2.

Moved by: Mr. Truax  
Seconded by: Mr. Pullen

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 162-07**

**INCREASING APPROPRIATIONS AND REVENUES IN OFFICE FOR AGING ACCOUNTS**

Offered by: Human Services and Ways and Means Committees

**WHEREAS**, the Office for the Aging has advised that due to a supplement and carryover in Title VII and increase in the HEAP contract with the Department of Social Services, certain appropriations and revenues should be increased, now, therefore, be it

**RESOLVED:**

1. That the following Office for the Aging Accounts are increased a total of \$11,401 as follows: \$1,500 to Account No. A6777.1, \$1,200 to Account No. A6777.2, \$6,300 to Account No. A6777.4 and \$2,401 to Account No. A6781.4, with a sum of \$9,000 to Revenue Account No. A09.2801.40 and \$2,401 to Revenue Account No. A11.4772.05.

Moved by: Mr. Truax  
Seconded by: Mr. Pullen

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 163-07**

**ACCEPTANCE OF GIFTS AND DONATIONS FROM VARIOUS ORGANIZATIONS  
AND APPROPRIATION OF SAME TO YOUTH COURT ACCOUNT**

Offered by: Public Safety and Ways and Means Committees

**RESOLVED:**

1. That the sum of \$915 in gifts and donations from various organizations for the Allegany County Youth Court is accepted.

2. That the accepted sum of \$915 is appropriated to Account No. A7321.8, with a like sum credited to Revenue Account No. A08.2705.3825.

Moved by: Mr. Dibble  
Seconded by: Mr. Fanton

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 164-07**

**ACCEPTANCE OF UNITED WAY PAYROLL DEDUCTION FROM RANDY HARMS  
AND APPROPRIATION OF SAME TO EMERGENCY SERVICES  
CONTRACTUAL EXPENSES ACCOUNT**

Offered by: Public Safety and Ways and Means Committees

**RESOLVED:**

1. That the sum of \$88.16 of United Way payroll deduction from Randy Harms is accepted.

2. That the accepted sum of \$88.16 is appropriated to Account No. A3640.4, with a like sum credited to Revenue Account No. A02.1589.02.

Moved by: Mr. Dibble  
Seconded by: Mr. Reynolds

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 165-07**

**ACCEPTANCE OF NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICE  
GRANT TOWARD IMPROVING THE RECRUITMENT AND RETENTION OF  
DISTRICT ATTORNEYS; APPROPRIATION OF SAME TO  
DISTRICT ATTORNEY ACCOUNTS**

Offered by: Public Safety and Ways and Means Committees

**RESOLVED:**

1. That the sum of \$4,498 from the New York State Division of Criminal Justice Service is accepted.

2. That such grant in the amount of \$4,498 from New York State Division of Criminal Justice Services is appropriated to new Account No. A1165.4 (District Attorney - Recruitment and Retention), with a like sum credited to a Revenue Account to be determined by the Allegany County Treasurer.

Moved by: Mr. Dibble  
Seconded by: Mr. Fanton

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 166-07**

**ACCEPTANCE OF FUNDS FROM NEW YORK MUNICIPAL INSURANCE RECIPROCAL  
(NYMIR) AND APPROPRIATION OF SAME TO RISK RETENTION ACCOUNTS**

Offered by: Ways and Means Committee

**WHEREAS**, a check in the amount of \$22,105.38, representing a reimbursement less a \$5,000 deductible, for expenses associated with the May 2, 2007 Real Property Tax Department water damage, has been offered by NYMIR in settlement for such property damage, now, therefore, be it

**RESOLVED:**

1. That the sum of \$22,105.38, representing reimbursement, to repair water damage to the Real Property Tax Department is accepted.

2. That the accepted sum of \$22,105.38 is appropriated to Account No. CS1931.429 (Risk Retention - Uninsured Property Loss), with a like sum credited to Revenue Account No. CS07.2680.00 (Risk Retention - Insurance Recovery).

Moved by: Mr. Reynolds  
Seconded by: Mr. Truax

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 167-07**

**APPROVAL OF CONTRACT BETWEEN COUNTY OF ALLEGANY AND  
NEW DIRECTIONS YOUTH & FAMILY SERVICES, INC. FOR  
NON-SECURE DETENTION SERVICES**

Offered by: Human Services Committee

**RESOLVED:**

1. That the contract between the County of Allegany and New Directions Youth & Family Services, Inc., for Non-Secure Detention Services for the period July 1, 2007 through June 30, 2008 is approved.

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

Moved by: Mr. Truax  
Seconded by: Mr. Dibble

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

*(Memo: The contract approved in Resolution No. 167-07 is for PINS [Persons in Need of Supervision] youth and JD [Juvenile Delinquent] youth in need of short-term, non-secure detention services. This contract reserves one bed for Allegany County at the cost of \$255 per bed. The funds are 50 percent state and 50 percent local share, budgeted through the Department of Social Services.)*

**RESOLUTION NO. 168-07**

**APPROVAL OF TRANSPORTATION OF PRESCHOOL CHILDREN WITH  
HANDICAPPING CONDITIONS AGREEMENTS WITH  
FIFTEEN CENTRAL SCHOOL DISTRICTS AND  
AUTHORIZING CHAIRMAN TO EXECUTE AGREEMENTS**

Offered by: Human Services Committee

**WHEREAS**, fifteen central school districts have agreed to provide transportation for County preschool children with handicapping conditions, now, therefore, be it

**RESOLVED:**

1. That each Agreement titled "Agreement Concerning the Transportation of Preschool Children with Handicapping Conditions" for the period July 1, 2007 to June 30, 2008, with the respective Central School Districts of Alfred-Almond, Andover, Arkport, Belfast, Bolivar-Richburg, Canaseraga, Cuba-Rushford, Fillmore, Friendship, Genesee Valley, Pioneer, Portville, Scio, Wellsville, and Whitesville is approved; the Chairman of this Board being authorized to execute all such Agreements.

Moved by: Mr. Truax  
Seconded by: Mr. Fanton

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent



Resolution Intro. No. 175-07 (Approval of Proposal and Agreement with LaBella Associates, P.C. for Engineering Services with Respect to Development of Water and Sewer Improvements at Crossroads Area) included a contractual agreement to complete the installation of sewer and water infrastructure at the Crossroads Development Area. The final steps have been separated into five phases of performance which are design and permit approvals, contract bidding, overseeing actual construction, representation of the County by LaBella during construction, and assistance in the initial operation of the two systems. LaBella has been associated with this project for the past fifteen months and has participated in the negotiation of an intermunicipal agreement with the Town of Friendship, preliminary design of the systems, and the State Environmental Quality Review (SEQR) process. The total fee for the contract services is \$296,000 to be acquired from the Crossroads Capital Development Reserve Fund (\$140,000) along with an appropriation to be made in the 2008 County Operating Budget. A motion was made by Mr. Reynolds and seconded by Mr. Hall to consider the proposed resolution, followed by discussion as summarized below:

Concern was expressed by Legislators Kruger, Ungermann, and O'Grady, regarding contract approval at this time, prior to having firm commitments for property options for developers, easements for the waterline, and property for the water tank installation. Mr. Ungermann suggested that we try to secure an option for at least 24 months to commit land to be available.

A motion was made by Legislator Ungermann and seconded by Legislator Kruger to amend the proposed resolution by adding: "Contract shall not take effect until such time as right-of-way and land purchase options for the property necessary to build a water tank and related pipelines are secured; and that an option and purchase price agreed to are secured between Mallard Dairy, LLC and their owners for the land, some 400 acres more or less, located east of Route 19 and south of I-86, formerly known as the Pfuntner Farm."

Legislator Reynolds noted that the Industrial Development Agency (IDA) is negotiating for land acquisition, and since it is in the public's interest, a fair market price will be paid. The project needs to be moved ahead. Mr. Reynolds voiced opposition to the amendment and preferred to see the resolution go through as is.

When questioned about the amendment's effect on the project, County Attorney Guiney remarked that it would delay the engineering work, but as far as delaying the project itself, he noted that nothing can be done anyway until land is acquired. Mr. Margeson added that once land is committed and the project moves forward, it will take between eight and nine months to install the waterlines.

Legislators Truax and O'Grady questioned how much of the funds would have to be committed prior to having the land options, and if we would be able to shift gears if the land commitment fell through. Mr. Margeson responded that the funds would not have to be paid out all at once. The contract proposal was broken down into five

phases, and he felt we could probably stop or control the timing of the project by phase if necessary. Mr. O'Grady noted that he would like to get to the point where if we see development ready to commit, we would be ready to get the infrastructure there quickly. Chairman Crandall reminded legislators that the end users will reimburse fees and costs.

Chairman Crandall questioned if the amendment obligates the County to seek this agreement rather than the IDA, to which Mr. Guiney responded that it only postpones the agreement until land commitment before proceeding.

Mr. Margeson and Legislator McCormick noted that it would be unfortunate if the Board did anything to weaken the IDA's ability to negotiate for land purchase or options. Mr. Ungermann stated it was not his intention to stop the process, but there are just some T's not crossed and I's not dotted. This amendment protects ourselves and the IDA.

Chairman Crandall requested Legislator Ungermann to consider withdrawing his motion for amendment so the matter could be tabled until the next Board meeting to allow time to understand the effects the amendment would have on the process. Mr. Ungermann withdrew his motion for amendment.

A motion was made by Legislator Truax, seconded by Legislator Fanton and carried to TABLE Resolution Intro. No. 175-07 (Approval of Proposal and Agreement with LaBella Associates, P.C. for Engineering Services with Respect to Development of Water and Sewer Improvements at Crossroads Area).

**AUDITS:**

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

A motion was made by Legislator Truax, seconded by Legislator Hopkins and adopted on a roll call vote of 15 Ayes, 0 Noes, 0 Absent, that the audit of claims, totaling \$4,321,832.06 including prepaids, 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 \$5,334,225.*)

**COMMENTS :**

Legislator Russo announced a special Personnel Committee meeting to be held on August 21 at 10:30 a.m.

Legislator Dibble mentioned the County's Comprehensive Planning process and gave a reminder of the public meeting August 14 in Belfast and the August 15 Planning Board Picnic at Crossroads.

Legislator Ungermann briefly noted his and Mr. Pullen's meeting with Office of Court Administration architects in New York City on July 27 for review of his revised Court Facilities proposal. Some of OCA's comments concerned the image of the County Office Building. Mr. Ungermann displayed an artist's rendition of what this building could look like with a new façade.

**ADJOURNMENT :**

The meeting was adjourned on a motion made by Legislator Truax, seconded by Legislator Dibble and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS**  
**Regular Session**

**August 27, 2007**

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The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

Pledge of allegiance to the flag.

The invocation was given by Legislator Pullen.

Roll Call: 13 Present; 2 Absent (Legislators Fanton and McCormick).

**APPROVAL OF MINUTES:**

The Board meeting minutes of August 13, 2007 were approved on a motion made by Legislator Truax, seconded by Legislator Dibble and carried.

**PRIVILEGE OF THE FLOOR:**

Chairman Crandall took the floor to present a certificate to the September 2007 Employee of the Month, Kristina M. Male, of the Health Department, in recognition of her hard work and dedication to the County.

Chairman Crandall granted privilege of the floor to the following individuals:

Ronald Rosati, Ph.D., Provost and Officer in Charge of the State University College of Technology at Alfred, addressed the Board regarding updates and recent changes at the College. Total enrollment this year is approximately 3,200, with a slight increase in Freshman enrollment. Alfred State College has had the highest on-time graduation rate in the State for the past three years, and has one of the largest engineering technology programs. They were ranked in the U.S. News and World Report as one of the best baccalaureate programs. Sports rank high nationally, with a 67 percent win rate. Their conventional dairy herd is the top college farm in the U.S. for cow conformation. Currently the College is searching for Presidential candidates, and a new President should be in place within a few months. Thirty million dollars worth of construction has taken place, or is in progress, including new townhouses, engineering technology building, student gathering building, dining halls, athletic fields, and other projects. This school year marks the College's centennial, and a kick-off dinner will be held on September 17. Mr. Rosati noted his interest in working with the County on workforce and economic development.

Senior Foundation Representatives Wallace Higgins, Alice Heineman, and Chuck Shultz presented the Board with a check for

\$850, representing the proceeds from a recent fundraiser, to be used for Lifeline Services for Seniors. The Senior Foundation was established in 2003 for the purpose of helping the Office for the Aging to meet the needs of the County's senior citizens. Chairman Crandall thanked the organization for the funds and for their efforts.

Veterans' Service Agency Director H. Scott Spillane spoke on behalf of area veterans and thanked Legislator Kruger for his assistance in solving the problem of updating the Vietnam Veterans Memorial on the front lawn of the Courthouse. Mr. Spillane has been unable to act to add names, and every name is important. (A resolution will be considered later in the meeting to address the issue.) They have begun planning a follow-up project for in front of the memorial: a walkway to honor all veterans in the County. We've been very good about taking care of our older veterans, and it's time to recognize the younger ones. They're planning it as an educational project to explain what the various branches of the military service do. Legislator Kruger encouraged the Board, the press, and the public to recognize and thank the Allegany County Vietnam Veterans Organization for their efforts and dedication to the cause of remembering their departed comrades and for granting the Allegany County Veterans' Service Officer the authority to continue this work. Allegany County may lead the nation in poverty, but also leads in patriotism. Mr. Kruger thanked Crandall Memorials for updating the monument at no charge, and County Attorney Daniel Guiney who also played a part in the process.

#### **ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:**

1. Notification was received that the Friendship House Community Resource Center won the NYS Association for Rural Health 2007 Outstanding Rural Health Program Award.

2. Correspondence was received from the Town of Friendship expressing the opinion that the County should finalize the option to purchase property before they proceed with any installation of water and sewer lines to the Crossroads Development Area.

#### **APPOINTMENTS:**

The Clerk of the Board announced that Chairman Crandall has reappointed Timothy O'Grady, of Wellsville, to the Chautauqua, Cattaraugus, Allegany, and Steuben Southern Tier Extension Railroad Authority for a three-year term commencing August 28, 2007 and expiring August 27, 2010, subject to confirmation by the Board of Legislators.

Chairman Crandall appointed Legislator William Dibble, of Little Genesee, and William Hall, of Alfred, to serve as representatives on the Allegany County Transportation Task Force, at his pleasure.

**RESOLUTIONS:**

Resolution Intro. No. 175-07 (Approval of Proposal and Agreement with LaBella Associates, P.C. for Engineering Services with Respect to Development of Water and Sewer Improvements at Crossroads Area) was removed from the table on a motion made by Legislator Reynolds, seconded by Legislator Hopkins and carried (Opposed: Kruger).

**RESOLUTION NO. 169-07**

**APPROVAL OF PROPOSAL AND AGREEMENT WITH LABELLA ASSOCIATES, P.C.  
FOR ENGINEERING SERVICES WITH RESPECT TO DEVELOPMENT OF  
WATER AND SEWER IMPROVEMENTS AT CROSSROADS AREA**

Offered by: Ways and Means Committee

**RESOLVED:**

1. That the proposal and agreement with LaBella Associates, P.C. dated June 6, 2007 for engineering services with respect to the development of water and sewer improvements at the Crossroads Area is approved and the Chairman of this Board is authorized to execute the agreement on behalf of the County.

Moved by: Mr. Reynolds  
Seconded by: Mr. Hopkins

Adopted: Roll Call  
12 Ayes, 1 No, 2 Absent  
(Voting No: Kruger)

*(Memo: Resolution No. 169-07 approves a contractual agreement with LaBella Associates to complete the installation of sewer and water infrastructure at the Crossroads Development Area. The final steps have been separated into five phases of performance which are design and permit approvals, contract bidding, overseeing actual construction, representation of the County by LaBella during construction, and assistance in the initial operation of the two systems. LaBella has been associated with this project for the past fifteen months and has participated in the negotiation of an intermunicipal agreement with the Town of Friendship, preliminary design of the systems, and the State Environmental Quality Review [SEQR] process. The total fee for the contract services is \$296,000 to be acquired from the Crossroads Capital Development Reserve Fund [\$140,000] along with an appropriation to be made in the 2008 County Operating Budget. The resolution was originally tabled at the August 13 Board meeting.)*

RESOLUTION NO. 170-07

AMENDING RESOLUTION NO. 118-67, AS AMENDED,  
TO INCREASE THE RATE OF ALLEGANY COUNTY SALES AND USE TAX TO  
FOUR AND ONE-HALF PERCENT FOR THE PERIOD BEGINNING DECEMBER 1, 2007  
AND ENDING NOVEMBER 30, 2009

Offered by: Ways and Means Committee

Pursuant to Article 29 of the Tax Law, and  
Chapter 121 of the Laws of 2007

**BE IT RESOLVED AND ENACTED** by the Board of Legislators of the County of Allegany that the following provisions of Resolution No. 118-67, as last amended, are hereby amended to read as follows:

Section 1. Section 4-A of Resolution No. 118-67, as amended, is hereby amended to read as follows:

Section 4-A. Imposition of additional rate of sales and compensating use taxes

Pursuant to the authority of section 1210 of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional one and one-half percent rate of such sales and compensating use taxes, for the period beginning December first, two thousand four, and ending November thirtieth, two thousand nine. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

Section 2. Paragraph (D) of Subdivision (1) of Section 11. of Resolution No. 118-67, as amended, is hereby amended to read as follows:

(1) (D) With respect to the additional tax of one and one-half percent imposed for the period beginning December first, two thousand four, and ending November thirtieth, two thousand nine, in respect to the use of property used by the purchaser in this county prior to December first, two thousand four.

Section 3. This resolution shall take effect December first, two thousand seven.

Moved by: Mr. Reynolds  
Seconded by: Mr. Hall

Adopted: Roll Call  
9 Ayes, 4 Noes, 2 Absent  
(Voting No: Kruger, Russo, Truax, Ungermann)

*(Memo: Resolution No. 170-07, approving the County sales tax increase, was preceded by two other resolutions: Resolution Nos. 48-07 and 85-07. Based on sales tax revenue receipts of \$16,865,298 for 2006, the additional one and one-half percent [1.5%] sales tax resulted in \$5,621,766 revenue.*

*Mr. Dibble stated he is not in favor of raising taxes, but this isn't an increase over the past several years. Raising sales tax is more equitable than raising property taxes; without the revenues from the additional one and one-half percent sales tax, we would have to raise property taxes by 25 percent. We need to get together with the other counties to encourage state take-over of Medicaid.*

*Mr. Russo and Mr. Ungermann pointed out that if County government services and programs were cut, we wouldn't have to raise taxes.*

*Mr. Kruger disagreed with the theory that raising sales tax is more equitable, because our higher taxes have driven businesses away. They can't compete with the lower sales taxes in surrounding counties.*

*Mr. O'Grady and Mr. Pullen noted that until the time comes when specific cuts are identified and actually made, it would be irresponsible to vote this resolution down. It would create a deficit that would have to be made up in property taxes.*

*Mr. Reynolds commented that voting this resolution down would be devastating, as it would remove \$5.6 million from the budget.)*

#### **RESOLUTION NO. 171-07**

#### **ENACTING THE DEFENSE AND INDEMNIFICATION PROVISIONS OF SECTION 18 OF THE PUBLIC OFFICERS LAW WITH RESPECT TO COUNTY OFFICERS AND EMPLOYEES ACTING WITHIN THE SCOPE OF THEIR DUTIES**

Offered by: Ways and Means Committee

Pursuant to Section 18 Public Officers Law

#### **RESOLVED:**

1. This Board hereby adopts and confers the benefits of the defense and indemnification provisions of Section 18 of the Public Officers Law upon all officers and employees of the County of Allegany acting within the scope of their employment as officers and employees of the County.



2. That the County of Allegany shall be liable for the costs incurred under the provisions of Section 18 of the Public Officers Law.

3. That the defense and indemnification provisions herein enacted are subject to the terms, conditions and restrictions set forth in Section 18 of the Public Officers Law.

Moved by: Mr. Reynolds  
Seconded by: Mr. Truax

Adopted: Roll Call  
10 Ayes, 3 Noes, 2 Absent  
(Voting No: Hall, Hopkins, Pullen)

*(Memo: Regarding Resolution No. 171-07, the County presently has no policy in place. Legislator Pullen asked Assistant County Attorney Thomas Miner for further detail on whether defense would be provided by the County Attorney's Office or retained privately. Mr. Miner responded that it would be handled on a case by case basis and if it could be done in-house, it would be.)*

#### **RESOLUTION NO. 172-07**

##### **APPROVAL OF BOARD CHAIRMAN'S REAPPOINTMENT OF ONE MEMBER TO THE CHAUTAUQUA, CATTARAUGUS, ALLEGANY, AND STEUBEN SOUTHERN TIER EXTENSION RAILROAD AUTHORITY**

Offered by: Ways and Means Committee

##### **RESOLVED:**

1. That Timothy O'Grady of Wellsville, New York, is reappointed to the Chautauqua, Cattaraugus, Allegany, and Steuben Southern Tier Extension Railroad Authority, with term of office to commence August 28, 2007, and expire August 27, 2010.

Moved by: Mr. Reynolds  
Seconded by: Mr. Dibble

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

#### **RESOLUTION NO. 173-07**

##### **ACCEPTANCE OF DELEGATION OF POWER AND AUTHORITY FROM ALLEGANY COUNTY VIETNAM VETERANS ORGANIZATION, INC. WITH RESPECT TO VIETNAM VETERANS MEMORIAL MONUMENT**

Offered by: Ways and Means Committee

**WHEREAS**, by resolution of the Board of Directors of the Allegany County Vietnam Veterans Organization, Inc. dated December 11, 1986 all right, title and interest in and to the Allegany County Vietnam Veterans Memorial Monument located on the front lawn of the Allegany County Courthouse in the Village of Belmont, New York were conveyed, granted and transferred to the County of Allegany, and

**WHEREAS**, the resolution of the Board of Directors of the Allegany County Vietnam Veterans Organization, Inc. transferring such right, title and interest in such Memorial Monument to the

County reserved to the Allegany County Vietnam Veterans Organization Inc. or its successors the sole power and authority to approve the placing of names, plaques, other attachments or inscriptions on said Monument, and

**WHEREAS**, by resolution of the Board of Directors of the Allegany County Vietnam Veterans Organization, Inc. adopted on the 5th day of August 2007, such Corporation seeks to delegate and transfer to the Allegany County Veterans' Service Officer the power and authority to authorize the placing of names, plaques, other attachments or inscriptions on said Monument, previously reserved to such Corporation, under certain terms and conditions, and

**WHEREAS**, this Board believes that the maintenance, upkeep and updating of the Allegany County Vietnam Veterans Memorial Monument is a priority of the County of Allegany, and

**WHEREAS**, this Board believes that the maintenance, upkeep and updating of such Monument should be at the sole cost of the County of Allegany, now, therefore, be it

**RESOLVED:**

1. That the Allegany County Board of Legislators accepts from the Allegany County Vietnam Veterans Organization, Inc. the delegation of the power and authority to authorize the placing of names, plaques, other attachments or other inscriptions on the Vietnam Veterans Memorial Monument under the terms and conditions contained in the above mentioned resolution of the Allegany County Vietnam Veterans Organization, Inc., and hereby delegates such power and authority to the Allegany County Veterans' Service Officer.

2. That the Allegany County Veterans' Service Officer shall in January of each year review the status of such Monument and all requests for the placement of names, plaques, other attachments or inscriptions on such Monument and shall determine, in consultation with the Allegany County Vietnam Veterans Organization, Inc. and all other Veterans' Organizations in the County, whether or not such names, plaques, attachments or inscriptions shall be added to or placed upon such Monument. The final decision as to whether or not a name, plaque, other attachment or inscription shall be added to or placed upon such Monument shall reside in the sole discretion of the Allegany County Veterans' Service Officer.

3. That when the Allegany County Veterans' Service Officer has determined that additional names, plaques, attachments or inscriptions shall be added to such Monument, and no later than January 31 of each year in which such an addition or additions shall be made, he shall notify the Allegany County Superintendent of Public Works who shall, on or before Memorial Day of each year, arrange for the additional name or names, plaques, other attachments or inscriptions to be placed on such Monument.

4. That the addition of all names, plaques, other attachments or inscriptions and all materials necessary therefor, shall be at

the sole cost and expense of the County of Allegany. The County agrees that in the event the main location of County government shall be relocated to a site other than the current Allegany County Courthouse and County Office Building, the County shall remove the Monument to such new location and place it in front of the new County facilities in a place accessible to the public and which will insure a prominent display of such Monument.

Moved by: Mr. Reynolds  
Seconded by: Mr. Kruger

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

**RESOLUTION NO. 174-07**

**APPROVING INTERGOVERNMENTAL SERVICE AGREEMENT WITH UNITED STATES DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE OF DETENTION AND REMOVAL AND ALLEGANY COUNTY; RATIFYING EXECUTION OF AGREEMENT BY THE SHERIFF AND CHAIRMAN OF THIS BOARD**

Offered by: Ways and Means Committees

**RESOLVED:**

1. That the Intergovernmental Service Agreement between the United States Department of Homeland Security, U.S. Immigration and Customs Enforcement Office of Detention and Removal and Allegany County, is approved.

2. The execution of the Intergovernmental Service Agreement by the Sheriff and Chairman of this Board on August 15, 2007 is ratified.

Moved by: Mr. Reynolds  
Seconded by: Mr. Dibble

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

*(Memo: The Agreement approved by Resolution No. 174-07 provides for the housing of Immigration and Customs Enforcement [ICE] detainees at the Allegany County Jail at the rate of \$95 per day.)*

**RESOLUTION NO. 175-07**

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

Offered by: Ways and Means Committee

**WHEREAS**, a check in the amount of \$199.07, representing the cost to replace a broken windshield on a County Health Department vehicle, has been offered by NYMIR in settlement for such property damage, now, therefore, be it

**RESOLVED:**

1. That an insurance payment in the amount of \$199.07 from NYMIR representing the cost of replacing a broken windshield on a County Health Department vehicle is accepted.

2. That the sum of \$199.07 is appropriated to Account No. CS1931.429 (Risk Retention - Uninsured Property Loss) with a like sum credited to Revenue Account No. CS07.2680 (Risk Retention - Insurance Recovery).

Moved by: Mr. Reynolds  
Seconded by: Mr. Russo

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

**RESOLUTION NO. 176-07**

**TRANSFER OF FUNDS WITHIN PUBLIC HEALTH ACCOUNTS**

Offered by: Human Services Committee

**RESOLVED:**

1. That the sum of \$10,000 is transferred from Account No. A4010.4 to Account No. A4010.2, to cover cost of a server.

Moved by: Mr. Truax  
Seconded by: Mr. Dibble

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

*(Memo: The transfer approved by Resolution No. 176-07 is necessary to cover the cost of a computer server to replace an outdated system that will no longer support all of the programs needed to complete day-to-day tasks within the Health Department.)*

**AUDITS:**

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

A motion was made by Legislator Truax, seconded by Legislator Reynolds and adopted on a roll call vote of 13 Ayes, 0 Noes, 2 Absent, that the audit of claims, totaling \$1,652,090.63 including prepaids, 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 \$5,671,679.*)

**ADJOURNMENT:**

The meeting was adjourned at 2:50 p.m. following a motion made by Legislator Truax, seconded by Legislator Pullen and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS**  
**Regular Session**

**September 10, 2007**

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The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

Pledge of allegiance to the flag.

The invocation was given by Legislator Pullen.

Roll Call: 14 Present; 1 Absent (Legislator Burdick arrived later in the meeting).

**APPROVAL OF MINUTES:**

The Board meeting minutes of August 27, 2007 were amended, following a motion made by Legislator Truax, seconded by Legislator Pullen and carried, to change page 2, paragraph 2, line 12 to read as follows: "*Legislator Kruger encouraged the Board, the press, and the public to recognize and thank the Allegany County Vietnam Veterans Organization for their efforts and dedication to the cause of remembering their departed comrades and for granting the Allegany County Veterans' Service Officer the authority to continue this work.*" The minutes were then approved on a motion made by Legislator Truax, seconded by Legislator Kruger and carried.

**ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:**

1. A media release was received from Southern Tier West Regional Planning and Development Board summarizing highlights of their July 19 board meeting and providing notice of their next meeting on September 20, 2007.

2. A notice was received regarding a fundraising event to benefit Joshua Shannon to be held September 23. Mr. Shannon is an Angelica resident and BOCES teacher who sustained severe spinal injuries in a June 24 motorcycle accident.

**APPOINTMENTS:**

The Clerk of the Board announced that Chairman Crandall has appointed David T. Pullen, Fillmore, NY, to serve as the legislative designee on the Law Library Board of Trustees for a two-year term commencing October 2, 2007 and expiring October 1, 2009.

Chairman Crandall has appointed Michael J. Doyle, Cuba, NY, to serve as a member of the Friendship Empire Zone of Allegany County Administrative Board, effective immediately, to serve at his pleasure.

**RESOLUTIONS:**

There were no resolutions to be considered by the Board.

**AUDITS:**

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

A motion was made by Legislator Truax, seconded by Legislator Hopkins and adopted on a roll call vote of 15 Ayes, 0 Noes, 0 Absent, that the audit of claims, totaling \$2,751,111.19 including prepaids, 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 \$6,009,133.*)

**COMMENTS:**

Mr. Dibble noted that the Governor spoke at the January NYSAC conference about state take-over of Medicaid. The counties need to keep pushing for the state to take it over. Chairman Crandall stated that even the cap adds three percent to our local share each year; even though better than before the cap, it is a rising cost.

Mr. Hopkins mentioned the Josh Shannon fundraiser to be held on September 23. Tickets are available for the event, which will include five bands, numerous raffles, a Chinese auction, and food.

Mr. Ungermann announced the Third Annual Cuba Garlic Festival to be held September 15 and 16 at the Block Barn on Route 305. Last year's event was attended by 6,000 people.

**ADJOURNMENT:**

The meeting was adjourned on a motion made by Legislator Truax, seconded by Legislator Dibble and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS**  
**Regular Session**

**SEPTEMBER 24, 2007**

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The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

Pledge of allegiance to the flag.

The invocation was given by Legislator Pullen.

Roll Call: 15 Present; 0 Absent.

**APPROVAL OF MINUTES:**

The Board meeting minutes of September 10, 2007 were approved on a motion made by Legislator Truax, seconded by Legislator Dibble and carried.

**PRIVILEGE OF THE FLOOR:**

Chairman Crandall took the floor to present a certificate to the October 2007 Employee of the Month, Jo Ann Kile, of the Health Department, in recognition of her hard work and dedication to the County.

Chairman Crandall recognized employees with thirty years of County employment experience with the presentation of framed certificates. Honored were: Brian Baker, Deputy Sheriff; Dennis George, Public Works; Daniel Green, Chief Deputy Sheriff; and Joseph Zajicek, Public Works.

NYS Trooper Kevin Prince was given privilege of the floor to present information on the opportunity for anyone in the area who may be eligible and interested to join the NYS Police. An exam will be given on February 2, 2008 at St. Bonaventure University campus, for which applications may be completed over the Internet. The NYS Troopers are the primary responding police force for the County. For eligible applicants, this is an opportunity to serve others in a fulfilling and worthwhile career.

**ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:**

1. Placed on each legislator's desk was a copy of the Report of Intrafund Transfers approved by the County Administrator for the month of August 2007.

2. Correspondence was received from Dana Guinnip of Riverwalk, Inc. expressing concern regarding the magnitude of the Courthouse project the Board is considering and encouraging further investigation of additional solutions.



3. Correspondence was received from Thomas Eastham, Plant Manager at Empire Cheese, Inc. expressing concern regarding the extra tax burden the construction of a new Courthouse would create and asking the Board to consider acceptable alternatives that may save tax dollars.

**RESOLUTIONS:**

**RESOLUTION NO. 177-07**

**TRANSFER OF FUNDS WITHIN EMPLOYMENT AND TRAINING  
APPROPRIATION ACCOUNTS**

Offered by: Ways and Means Committee

**RESOLVED:**

1. That the following appropriations are approved:

Appropriations

<u>From:</u>	<u>To:</u>	<u>Amount:</u>
CD1 6400.101	CD1 6400.201	\$1,500
CD1 6400.101	CD1 6402.474	4,000
CD1 6400.101	CD1 6403.101	2,500
CD1 6401.474	CD1 6414.474	5,000
CD1 6402.101	CD1 6402.474	9,000
CD1 6402.201	CD1 6411.474	1,000
CD1 6403.474	CD1 6403.101	12,500
CD1 6403.474	CD1 6403.806	6,000
CD1 6404.101	CD1 6414.474	3,000
CD1 6406.101	CD1 6406.474	4,000
CD1 6406.201	CD1 6406.475	1,500
CD1 6406.101	CD1 6402.474	4,000
CD1 6406.101	CD1 6414.101	3,000
CD1 6406.806	CD1 6413.474	1,000
CD1 6407.474	CD1 6406.474	4,000
CD1 6410.476	CD1 6400.408	1,500
CD1 6411.101	CD1 6402.475	2,000
CD1 6413.101	CD1 6403.101	2,000
CD1 6795.101	CD1 6794.101	2,000
CD1 6795.101	CD1 6794.806	800
CD1 6795.101	CD1 6794.406	1,200
CD1 6795.101	CD1 6794.201	2,000
	<b>TOTAL</b>	<b>73,500</b>

Moved by: Mr. Reynolds  
Seconded by: Mr. Dibble

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 178-07**

**APPROVAL OF AGREEMENT BETWEEN THE COUNTY OF ALLEGANY AND  
EMPLOYEE SERVICES, INC. TO PROVIDE EMPLOYEE ASSISTANCE PROGRAM  
SERVICES FOR ALL COUNTY EMPLOYEES AND FAMILY MEMBERS**

Offered by: Personnel Committee

**RESOLVED:**

1. That Agreement between the County of Allegany and Employee Services, Inc., covering the period September 1, 2007 and ending August 31, 2008 is approved.

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

3. That the cost of such Agreement is to be charged to Account No. A1430.433.

Moved by: Mr. Russo

Seconded by: Mr. Reynolds

Adopted: Roll Call

9 Ayes, 6 Noes, 0 Absent

Voting No: Benson, Burdick, Fanton,

McCormick, Pullen, Ungermann

*(Memo: The Renewal Agreement approved by Resolution No. 178-07 covers the period of September 1, 2007 through August 31, 2008 at an annual fee of \$19.51 per employee for 477 employees, for a sum of \$9,306.27. Comments offered included Mr. Ungermann's, in that only one union contract requires the service, which is offered to all employees, and that contract is coming up for negotiation. He and Mr. Kruger wondered if it is really necessary with the number of free support services and groups available. Mr. Kruger noted that the contract is for a set amount, and asked if enough employees are using the service to make the benefit worth the cost. Mr. Margeson responded that usage fluctuates between two and six percent of employees annually.)*

**RESOLUTION NO. 179-07**

**APPROVAL OF SERVICE AGREEMENT BETWEEN ALLEGANY COUNTY AND  
HARBIDGE CONSULTING GROUP, LLC**

Offered by: Personnel and Ways and Means Committees

**RESOLVED:**

1. That this Board approves the Service Agreement between Allegany County and Harbridge Consulting Group, LLC for actuarial services to determine actuarial equivalents to the prescription drug coverage provided under Medicare Part D for the plan year beginning January 1, 2008.

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

Moved by: Mr. Russo  
Seconded by: Mr. Fanton

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

*(Memo: The fees for the service included within the Agreement approved by Resolution No. 179-07 are \$4,000.)*

**RESOLUTION NO. 180-07**

**APPROVAL AND ADOPTION OF ALLEGANY COUNTY WORK RELEASE PROGRAM**

Offered by: Public Safety Committee

**RESOLVED:**

1. That the Allegany County Work Release Program as presented by the Allegany County Sheriff and approved at a meeting of the Public Safety Committee of this Board held on September 12, 2007 is approved and adopted as an official program of the County.

2. This resolution shall take effect immediately.

Moved by: Mr. Dibble  
Seconded by: Mr. Reynolds

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

*(Memo: The work release program approved by Resolution No. 180-07 will allow inmates who have been detained for less serious offenses to be released during the day to go to work. Participants will be required to arrange their own transportation.)*

**RESOLUTION NO. 181-07**

**APPROVAL OF AMENDMENT OF COURT SECURITY AGREEMENT (C200357)  
BETWEEN THE NEW YORK STATE UNIFIED COURT SYSTEM AND  
THE ALLEGANY COUNTY SHERIFF'S DEPARTMENT**

Offered by: Public Safety Committee

**RESOLVED:**

1. The amendment agreement for the period April 1, 2007, through March 31, 2008, between the New York State Unified Court System and the Allegany County Sheriff's Department for the provision of Court Security, is approved; the Allegany County Sheriff being authorized to execute such Amendment on behalf of the County.

2. That the allocated increase of \$2,564 is appropriated to Revenue Account No. A03.2260.00.

Moved by: Mr. Dibble  
Seconded by: Mr. Reynolds

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

*(Memo: Regarding Resolution No. 181-07, the maximum compensation for Court security for this one-year period will be \$274,200. It was noted that although this arrangement provides a source of revenue, the Unified Court System provides its own security officers for a lot of the Courts. If that was done in Allegany County, it would decrease revenue, but we also wouldn't have to provide five deputies for Court security. Chief Court Clerk Carolyn Miller informed the Board that performance of Court security duties by Office of Court Administration employees is being phased in one County at a time, and the state will be implementing it in this County within the next two years.)*

#### **RESOLUTION NO. 182-07**

#### **APPROVAL OF RENEWAL AGREEMENT BETWEEN THE NEW YORK STATE UNIFIED COURT SYSTEM AND COUNTY OF ALLEGANY FOR MAINTENANCE AND OPERATION OF COURT FACILITIES**

Offered by: Public Works Committee

#### **RESOLVED:**

1. That Renewal Agreement between the New York State Unified Court System and County of Allegany, in relation to cleaning services for the interior of the Allegany County Courthouse as well as minor and emergency repairs to that facility for the period April 1, 2007 to March 31, 2008, is approved.

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

Moved by: Mr. Fanton  
Seconded by: Mr. McCormick

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

*(Memo: Regarding Resolution No. 182-07, the maximum compensation for Court cleaning and minor repairs for this one-year period is \$128,083.)*

#### **AUDITS:**

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

A motion was made by Legislator Truax, seconded by Legislator Kruger and adopted on a roll call vote of 15 Ayes, 0 Noes, 0 Absent, that the audit of claims, totaling \$1,729,364.34 including prepaids, 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 \$6,346,587.)*

#### **ADJOURNMENT:**

The meeting was adjourned at 2:30 p.m. following a motion made by Legislator Reynolds, seconded by Legislator Truax and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
Regular Session**

**October 9, 2007**

---

The regular meeting of the Board of Legislators was called to order at 2:05 p.m. by Chairman Curtis W. Crandall.

Pledge of allegiance to the flag.

The invocation was given by Legislator Pullen.

Roll Call: 15 Present; 0 Absent.

**APPROVAL OF MINUTES:**

The Board meeting minutes of September 24, 2007 were approved on a motion made by Legislator Dibble, seconded by Legislator Truax and carried.

**PRIVILEGE OF THE FLOOR:**

Chairman Crandall granted privilege of the floor to ACCORD representatives Tamara Hamilton, Family Services Manager; Jodi Adams, Family Services Director; David Hyde, Victim Response Manager; and Joy Gillmore, Family Advocate, to present information on Domestic Violence Awareness activities. Last year ACCORD served 174 victims. Some of their efforts to promote prevention and awareness include distribution of church bulletin inserts, information packets, posters, brochures, law enforcement updates on victim response protocol revisions, and an information booth at the Ridgewalk & Run event. A typical case study was narrated to illustrate ACCORD's services and advocacy for abuse victims.

**PROCLAMATION:**

Chairman Curtis Crandall proclaimed October 2007 as Domestic Violence Awareness Month in Allegany County in recognition of the important work accomplished by domestic violence programs. Chairman Crandall urged all citizens to actively participate in the scheduled activities sponsored by the Allegany County Domestic Violence Consortium and to work toward improving victim safety and holding perpetrators of domestic abuse accountable for their actions.

**ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:**

1. Placed on each legislator's desk was a copy of the 2008 Allegany County Tentative Budget, along with the Budget Message prepared by County Administrator and Budget Officer John Margeson.

2. Also placed on each legislator's desk was a copy of the Report of Intrafund Transfers approved by the County Administrator for the month of September 2007.

3. Also placed on each legislator's desk was a copy of the Report of Tax Bill Corrections approved by the County Administrator for the month of September 2007.

4. Notice was received for the next Inter-County Association meeting to be hosted by Allegany County in Swain on October 19.

5. Received were the Southern Tier West Regional Planning and Development Board's minutes of September 20, as well as a notice of meeting for October 18.

6. An invitation was received from the Office for the Aging to attend an Afternoon Social honoring volunteers to be held on November 1 from 2 to 4 p.m.

7. A reminder was announced for a special Personnel Committee meeting scheduled for October 23 at 1:00 p.m. The entire meeting will be held in executive session.

**INTRODUCTION OF LEGISLATION:**

Legislator Reynolds introduced Local Law Intro. No. 1-2007, Print No. 1, entitled "A Local Law to Provide Increases in the Compensation of Certain County Officers," a copy of said proposed Local Law having been placed on each legislator's desk.

**RESOLUTIONS:**

**RESOLUTION NO. 183-07**

**RESOLUTION SETTING DATE OF PUBLIC HEARING ON  
A LOCAL LAW TO PROVIDE INCREASES IN THE COMPENSATION OF  
CERTAIN COUNTY OFFICERS**

Offered by: Ways and Means Committee

**WHEREAS**, on this 9th day of October 2007, a local law (Intro. No. 1-2007, 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 such proposed local law, now, therefore, be it

**RESOLVED:**

1. That a public hearing shall be held on October 22, 2007 at 2:00 P.M. in the County Legislators' Chambers, Room 221, County Office Building, Belmont, New York, before the Allegany County Board of Legislators, in relation to proposed Local Law Intro. No. 1-2007, 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. Reynolds  
Seconded by: Mr. Truax

Adopted: Roll Call  
14 Ayes, 1 No, 0 Absent  
Voting No: O'Grady

**RESOLUTION NO. 184-07**

**RESOLUTION SETTING DATE OF PUBLIC HEARING ON  
2008 COUNTY TENTATIVE BUDGET AND PROVIDING CONTENTS OF SUCH NOTICE**

Offered by: Ways and Means Committee

**WHEREAS**, the 2008 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 2008 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 2008 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 8, 2007.

2. That the notice of public hearing shall include a statement that the 2008 maximum salary for members of the Board of Legislators and the maximum salary that may be fixed and payable during fiscal year 2008 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. Reynolds  
Seconded by: Mr. Hall

Adopted: Voice Vote

**RESOLUTION NO. 185-07**



**RESOLUTION ADVOCATING INCREASED RECOGNITION OF TOURISM  
AS A MAJOR ECONOMIC ENGINE FOR OUR COUNTIES AND NEW YORK STATE**

Offered by: Ways and Means Committee

**WHEREAS**, travel and tourism are vital to the economies of New York State and our counties, and

**WHEREAS**, the tourism industry brings more than \$43.4 billion into the State each year, creates over 700,000 jobs, and generates \$2.47 billion in local tax revenue, and

**WHEREAS**, counties play a direct role in promoting tourism activities in our communities, and

**WHEREAS**, New York State provides counties with I Love NY matching grant funds through Tourism Promotion Agents (TPAs) for the purpose of promoting tourism at the local and regional levels, now, therefore, be it

**RESOLVED:**

1. That the County of Allegany calls on the Governor of the State of New York to take any and all necessary action to provide predictable, dedicated funding to counties for the purpose of promoting tourism.

2. That the Clerk of this Board shall forward copies of this Resolution to Governor Eliot Spitzer, the Speaker of the Assembly, the Majority and Minority Leaders of the Senate and Assembly, State Senator Catharine M. Young, Members of the Assembly Daniel J. Burling and Joseph M. Giglio, NYSAC, the Inter-County Association of Western New York, and all others deemed necessary and proper.

Moved by: Mr. Reynolds  
Seconded by: Mr. Fanton

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 186-07**

**A RESOLUTION DETERMINING THAT ERRORS EXIST ON THE  
2006 COUNTY AND TOWN TAX ROLLS FOR THE TOWNS NAMED WITH REGARD TO  
REAL PROPERTY OF VARIOUS TAXPAYERS THEREIN; DIRECTING MAILING OF  
NOTICES OF APPROVAL OF APPLICATIONS FOR CORRECTED TAX ROLLS AND  
ORDERING THE VARIOUS TOWN TAX COLLECTORS TO CORRECT THE TAX ROLLS;  
PROVIDING FOR CHARGE BACKS OR CREDITS**

Offered by: Ways and Means Committee

Pursuant to Real Property Tax Law § 554

**WHEREAS**, applications, for the taxpayers hereafter described, have been made to the County's Director of Real Property Tax Service Agency, for the correction of certain errors affecting their real property on various tax rolls, and

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

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

**RESOLVED:**

1. That with regard to the applications for the named taxpayers pertaining to claimed errors regarding their real property on the respective tax rolls of the named Towns, this Board of Legislators does determine that the claimed errors as alleged in those applications exist and does approve those applications.

2. That the Chairman of this Board is authorized and directed to make a notation on those applications and the duplicates thereof that they are 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 taxpayers 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 such respective taxpayers of the applicable provisions of subdivision seven of Section 554 of the Real Property Tax Law.

4. That the Tax Collector of the Town of Alma is ordered and directed to correct in the 2006 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Logue, Anthony & Corrie; Parcel 262.6-1-25  
Assessment: Land \$700 Total \$700

this Parcel was combined with another parcel and should have been deleted from the Tax Roll, and the County Treasurer is directed to make the following charges on her books:

Allegany County	\$10.27
Town of Alma	\$11.95
Alma Fire	\$1.12
School Relevy	\$21.06
Total	\$44.40

5. That the Clerk of this Board is directed to forthwith mail a certified copy of this resolution to the various Tax Collectors for the Towns stated above together with the original copies of those applications completed in accordance with section two of this resolution.

6. The Clerk of this Board shall mail a copy of this resolution to the above named School and the amount to be charged to each 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 each School as a result of school taxes returned after the date such amount is charged and which shall be paid to each School after May 1, 2008. The County Treasurer shall send a written notice to each School of the amount of such deduction prior to May 1, 2008.

Moved by: Mr. Reynolds  
Seconded by: Mr. Truax

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 187-07**

**ACCEPTANCE OF GIFTS AND DONATIONS FROM VARIOUS ORGANIZATIONS AND  
APPROPRIATION OF SAME TO YOUTH COURT ACCOUNT**

Offered by: Public Safety and Ways and Means Committees

**RESOLVED:**

1. That the sum of \$3,943.25 in gifts and donations from various organizations for the Allegany County Youth Court is accepted.

2. That the accepted sum of \$3,943.25 is appropriated to Account No. A7321.8 (Youth Court - Benefits), with a like sum credited to Revenue Account No. A08.2705.3825 (Grants/Gifts and Donations - Youth Court).

Moved by: Mr. Dibble  
Seconded by: Mr. Fanton

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 188-07**

**ACCEPTANCE OF FUNDS FROM NEW YORK MUNICIPAL INSURANCE RECIPROCAL  
(NYMIR) AND APPROPRIATION OF SAME TO RISK RETENTION ACCOUNTS**

Offered by: Ways and Means Committee

**WHEREAS**, a check in the amount of \$2,839.30, representing the cost less a \$500 deductible, to repair a County vehicle that was involved in a motor vehicle accident on September 6, 2007 has been offered by NYMIR in settlement for property damage caused by such accident, now, therefore, be it

**RESOLVED:**

1. That the sum of \$2,839.30, representing the cost, less deductible, to repair said County vehicle is accepted.

2. That the accepted sum of \$2,839.30 is appropriated to Account No. CS1931.429 (Risk Retention - Uninsured Property Loss),

with a like sum credited to Revenue Account No. CS07.2680.00 (Risk Retention - Insurance Recovery).

Moved by: Mr. Reynolds  
Seconded by: Mr. Hopkins

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

*(Memo: The vehicle referenced in Resolution No. 188-07 was an Office for the Aging 2007 Dodge Caliber.)*

**RESOLUTION NO. 189-07**

**TRANSFER OF FUNDS WITHIN EMERGENCY SERVICES ACCOUNTS**

Offered by: Public Safety Committee

**RESOLVED:**

1. That the sum of \$525 is transferred from Account No. A3640.2 to Account No. A3640.4, to pay rent expenses for EMS Training Classes in Crossroads Commerce and Conference Center.

Moved by: Mr. Dibble  
Seconded by: Mr. Pullen

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

*(Memo: The EMS Training Class rent expenses referenced in Resolution No. 189-07 were for May and June 2007.)*

**RESOLUTION NO. 190-07**

**TRANSFER OF FUNDS WITHIN COUNTY ATTORNEY ACCOUNTS**

Offered by: Ways and Means Committee

**RESOLVED:**

1. That the sum of \$6,500 is transferred from Account No. A1420.432 to Account No. A1420.407, to balance accounts to cover cost of legal books and publications.

Moved by: Mr. Reynolds  
Seconded by: Mr. Dibble

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 191-07**

**TRANSFER OF FUNDS WITHIN OFFICE OF DEVELOPMENT**

Offered by: Ways and Means Committee

**RESOLVED:**

1. That the sum of \$400 is transferred from Account No. A6430.4 (Development - Marketing) to Account No. A6430.2 (Development - Equipment), to purchase computer program upgrades.

Moved by: Mr. Reynolds  
Seconded by: Mr. Pullen

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

*(Memo: The computer program upgrades referenced in Resolution No. 191-07 will enable access and revisions on the new County Tourism website.)*

**AUDITS:**

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

A motion was made by Legislator Truax, seconded by Legislator Kruger and adopted on a roll call vote of 15 Ayes, 0 Noes, 0 Absent, that the audit of claims, totaling \$2,905,641.38 including prepaids, 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 \$6,684,041.)*

**ADJOURNMENT:**

The meeting was adjourned on a motion made by Legislator Fanton, seconded by Legislator Dibble and carried.

**2008 ALLEGANY COUNTY TENTATIVE BUDGET  
PUBLIC HEARING**

**NOVEMBER 8, 2007**

---

The public hearing on the 2008 Allegany County Tentative Budget was declared open at 7:00 p.m. by Chairman Curtis W. Crandall, who then led the Pledge of Allegiance to the Flag. There were 14 legislators present; 1 absent (Reynolds). Also present were four members of the public; seven County employees (D. Aumick, A. Finnemore, D. Horan, J. Margeson, B. Riehle, T. Ross, P. Schmelzer); and Media (R. Mangels, WJQZ Radio; B. Quinn, Wellsville Daily Reporter).

Chairman Crandall turned the meeting over to County Administrator and Budget Officer John Margeson.

Mr. Margeson requested that the Clerk of the Board read an abbreviated version of his 2008 Budget Message:

*"The 2008 Tentative Budget, which is the subject of tonight's public hearing, is a joint effort of the County budget staff and the Budget Committee of the Board of Legislators.*

*The Tentative Budget, when taking into account all nine major appropriation funds, totals \$104,561,931. Offsetting these appropriations are anticipated revenues totaling \$80,139,170, leaving a balance of \$24,422,761 to be raised in County property tax to balance the budget.*

*The amount to be raised in taxes, when calculated as a County tax rate, is 3.21 percent greater than the amount raised in 2007. The average homeowner will pay \$26 more in County property tax in 2008 than was paid in 2007, or an additional \$2.16 per month.*

*The Tentative Budget is technically still a work-in-progress. The Board of Legislators will collectively review the Tentative Budget on Tuesday, November 13 at 10:30 a.m. and is empowered to both increase or decrease appropriations and increase or decrease anticipated revenues.*

*It is expected that a Final County Budget will be adopted by the Board of Legislators at its regularly scheduled meeting on Monday, November 26 at 2:00 p.m."*

Mr. Margeson explained the procedure for the hearing by reading the following:

*"Good evening and welcome to tonight's public hearing on the 2008 Tentative County Operating Budget. The purpose of this hearing is to give the public the opportunity to become familiar with the Tentative Budget, ask questions as to its contents, and offer comment for the benefit of the members of the Board of Legislators.*

The format we will follow tonight in reviewing the Tentative Budget is identical to the format we have used for several years.

If you do not have a copy of the Tentative Budget and would like one, they are available on the table in the back of the room.

The Appropriations portion of the Budget, which is the only portion we review during the public hearing, is comprised of 18 major cost centers beginning with General Government Support and ending with Debt Service Fund.

The Clerk of the Board will read the total appropriated amount for each major cost center. We will then pause and ask if anyone has a question or comment with regard to that specific cost center or any departmental budget contained in that cost center. Once questions have been addressed, or if there are no questions or comments, we will proceed until we have worked through the entire budget.

On a final note, I would like to remind those in attendance that the sole purpose of this hearing is to address the Tentative Budget. This hearing is not intended as a forum to debate the value or necessity of particular County agencies or programs. Anyone who has a desire to express his or her opinion with regard to individual programs or services should do so with your elected legislative representatives at another time."

The Clerk of the Board read each major category of the budget appropriations, along with the corresponding total. A summary of comments and questions pertaining to each category is included below, with answers indicated in italics:

**Total General Government Support - \$7,029,281**

**Total Education - \$2,888,400**

**Total Public Safety - \$7,253,439**

Cynthia U. Gowiski, Birdsall: Are the increases over last year's figures due to general inflation issues or specific needs?  
Mr. Margeson: *The primary increase regarding this category is located in the cost of personnel services in the Jail and trends identified over the past couple of years. Appropriations made for personnel services have been underbudgeted. For 2008, the intent is to bring those items closer to reality. The other increases so far are essentially in line with cost of living inflation (3 percent).*

**Total Health - \$7,928,667**

**Total Bus Transportation - \$701,000**

**Total Economic Assistance & Opportunity - \$36,291,029**

**Total Culture and Recreation - \$469,944**

**Total Home & Community Services - \$1,899,530**

**Total Undistributed - \$18,539,190**

**Grand Total General Fund - \$83,000,480**

Ms. Gowiski noted this total was about \$6 million more than last year (2007). Mr. Margeson: *Correct; \$5,800,000.*

**Total WIA Grant Fund - \$1,195,615**

Mr. Margeson: *The WIA Grant Fund contains the appropriations for the Employment and Training Office for counseling and services, and is reimbursed 98 percent by state and federal funds.*

**Total Risk Retention Fund - \$333,500**

**Total Risk Retention Health Fund - \$5,270,000**

Ms. Gowiski: Is the County self-insured? Mr. Margeson - *yes.*  
Gowiski: How many employees? Margeson: *425 active full-time and 120 retirees.*  
Gowiski: That figures out to \$10,000 per person; is the County not able to buy a policy for less? Margeson: *The County solicited proposals for employee health insurance in 2006 and received six proposals. Four were based on quotes for the County to continue self-insurance; two suggested first dollar coverage through traditional policies. Both of those were higher than the self-insured proposals.*  
Gowiski: Do retirees participate in Medicare? Margeson: *All participate in Medicare Part A probably 90 percent in Part B.*

Rudolph Reinprecht, Wellsville: Questioned if there aren't a lot more than 425 employees, and referred to a recent newspaper article noting the large number of County employees due to retire in the next five years. Mr. Margeson: *There are 425 full-time employees; seasonal and part-time employees are not eligible for benefits.*  
Legislator Fanton: *The referenced article pertained to the entire County population employment figures for public and private companies. Retirees within the next five years are forecast to total nearly 2,500.*

Ms. Gowiski: For a single health care policy, the premium cost through the Cuba Chamber of Commerce is \$3,000 per year. Why is it



\$10,000 per year for County employees? Mr. Margeson: That figure includes other expenses, such as contractual expenses for the Third Party Administrator to handle claims, funds to pay employees who decline insurance, and stop-loss insurance. The \$10,000 per employee is not the true cost of providing insurance, because that figure also includes administrative expenses. Gowiski: Why doesn't the County contract for health coverage with an HMO for \$3,000 and get rid of the administrative expense? Margeson: The County solicits quotes every three years, and lately every two years. If Blue Cross and Blue Shield provides coverage for the Cuba Chamber, they can't compete as far as the County is concerned. Legislator O'Grady: The union contracts dictate what health coverage is provided, and that could drive up the cost. Gowiski: Are there any contributions by employees? O'Grady: That's dictated by the unions, and the highest is 15 percent.

**Total County Road Fund - \$7,927,665**

**Total Road Machinery Fund - \$1,077,356**

Mr. Reinprecht: Questioned inter-County transfer of equipment and the possibility of sharing equipment. Mr. Margeson: The County has done that with both Cattaraugus and Livingston Counties. It is normally done with paving and bridge projects that occur on either side of the County. For example, cooperative efforts were undertaken a couple of years ago with Cattaraugus County on the Rawson Road and three years ago with Livingston County on a bridge project in Grove. The County does look for these opportunities between counties and also with the towns in our County.

**Total Capital Projects Fund - \$1,667,000**

Ms. Gowiski: Questioned what this fund is for. Mr. Margeson: The Capital Projects Fund pays the costs for bridge projects. County Treasurer Terri Ross: In past years, the County has usually borrowed funds for that purpose, but those costs are being budgeted for this year.

**Total Self-Insurance Fund - \$832,380**

(Workers' Compensation for County employees, members of fire and ambulance squads, and members of town and village government)

**Total Debt Service Fund - \$3,257,935**

## General Comments:

Ms. Gowiski: Are revenues up more than last year's, other than the increase in real property assessment? Ms. Ross: If looking just at General Fund revenues, the 2007 figure was \$77 million. For 2008, the estimate is \$58.3 million, but that doesn't include the \$24.4 million in taxes, which if added to the revenues, equals \$82.7 million. So revenues will be up about \$5.7 million just for the General Fund. Gowiski: Why is the tax rate going up? Ross: Those figures include the tax rate increase. Also, you have to figure all the increases in revenues and expenses, and there's still a difference in the other funds. The summary in the front of the budget is a good place to compare funds from one year to the next. Last year's General Fund revenue without taxes was \$53 million; this year's is \$58 million. The difference is the \$1.6 million we'll be raising in taxes. Gowiski: Continually spending more than the revenue coming in is bad business. If the County has "x" amount of revenue, the budget shouldn't be increased any more than that. Mr. Margeson: That's assuming the revenue number is fixed and there are many departments, such as Social Services, Health, Probation, and Mental Health, who receive an amount of revenue in proportion to the amount of spending, or a percentage of expenditures. The bar moves proportionally. I understand what you're saying, but in the budgetary world, it doesn't work that way. Chairman Crandall: There are two items that have nothing to do with revenues coming in: Medicaid, for which the local share was capped by NYS, but still increases at a rate of three percent per year, and increases in contractual expenses. Gowiski: How many people are on Medicaid? Social Services Commissioner Patricia Schmelzer: Approximately twenty percent of the County's total population of 50,000 (10,000). Medicaid goes up three percent per year and is set by the state no matter how many people are on it.

Mr. Reinprecht: We should live within our means. Taxes are high and there must be some cost cutting initiative to take to reduce County expenditures. Programs should be cut to reduce expenses. The County should be managed like a business. Mr. Reinprecht questioned community colleges expenses. Mr. Margeson: We don't have a community college in the County. State law indicates that any time a person attends a community college, there are three sources of payment for tuition: NYS pays 1/3; the student pays 1/3; and the town of residence pays 1/3. Many years ago, the Legislature agreed that rather than towns paying their share, the County would pick it up. We pay 33 percent of the cost for every person in the County attending a community college. Ms. Gowiski: Does that show up on the tuition bill? Ms. Ross: The student has to bring in a certificate of residency (included in their financial aid packet) to the Treasurer's Office, which is then certified and the student returns it to the college. The charge would only appear on the tuition bill if a certificate of residency was not turned in.

The public hearing was closed at 7:40 p.m.

Respectfully submitted,  
Adele Finnemore, Journal Clerk

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
Regular Session**

**November 13, 2007**

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The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

Pledge of allegiance to the flag.

The invocation was given by Legislator Pullen.

Roll Call: 14 Present; 1 Absent (Truax).

**APPROVAL OF MINUTES:**

The Board meeting minutes of October 22, 2007 were approved on a motion made by Legislator Dibble, seconded by Legislator Fanton and carried.

**PUBLIC HEARING:**

Chairman Crandall closed the regular meeting to hold a public hearing on Local Law Intro. No. 1-2007, entitled "A Local Law to Provide Increases in the Compensation of Certain County Officers." There being no one desiring to speak, the public hearing was declared closed and the Board reconvened in regular session.

**PRIVILEGE OF THE FLOOR:**

Chairman Crandall took the floor to present a certificate to the November 2007 Employee of the Month, Jill Harmon, of the Department of Social Services, in recognition of her hard work and dedication to the County.

Chairman Crandall granted privilege of the floor to Eric Stearns, General Manager of Swain Ski and Snowboard Center. Since Mr. Stearns took over six months ago, they have been working on developing the resort as a center for tourism in the hospitality and entertainment market. In addition to its designation as a ski center, they are marketing it as a high value regional destination for the rest of the year for music and numerous events. The center has undergone a major renovation with many new additions and a corporate image overhaul, complete with a new website.

**ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:**

1. Placed on each legislator's desk was a copy of the Report of Intrafund Transfers approved by the County Administrator for the month of October 2007.

2. Correspondence was received from Assemblyman Burling acknowledging receipt and support of our Resolution No. 192-07

opposing the proposed administrative policy change which would allow illegal immigrants to obtain New York State Driver's Licenses.

3. Notification was received that the Town of Eagle scheduled a public hearing for November 8 regarding its proposal to adopt its first zoning regulations along with a summary of the Town of Eagle's proposed zoning regulations including maps and a copy of the completed Full Environmental Assessment Form for the proposed action of adopting the zoning regulations.

4. Notice was received of the next Inter-County Association meeting to be hosted by Ontario County on November 16 at the Finger Lakes Gaming and Racetrack Facility.

5. A news release was received regarding the Allegany County Strategic Tourism Marketing Plan. A public meeting was held at the Crossroads Conference Center on October 31, 2007.

**RESOLUTIONS:**

Resolution Intro No. 198-07 (Adoption of Local law Intro. No. 1-2007, Print No. 1, in Relation to a Local Law to Provide Increases in the Compensation of Certain County Officers) was removed from the TABLE following a motion made by Legislator Reynolds, seconded by Legislator Hall and carried.

A motion was made by Legislator Kruger and seconded by Legislator Ungermann to amend Resolution Intro. No. 198-07 to separate the elected County officials from the appointed ones and vote on them separately. The motion was defeated following a roll call vote of 5 Ayes, 9 Noes, 1 Absent (Voting Aye: Benson, Kruger, McCormick, Russo, Ungermann).

**RESOLUTION NO. 206-07**

**ADOPTION OF LOCAL LAW INTRO. NO. 1-2007, PRINT NO.1, IN RELATION TO  
A LOCAL LAW TO PROVIDE INCREASES IN THE COMPENSATION OF  
CERTAIN COUNTY OFFICERS**

Offered by: Ways and Means Committee

**RESOLVED:**

1. That proposed Local Law, Intro. No. 1-2007, Print No. 1, is adopted without any change in language, to wit:

**COUNTY OF ALLEGANY**

Intro. No. 1-2007, 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, 2008, the annual salary of the incumbents of the following County offices shall be as follows: Employment and Training Director - \$56,560; Personnel Officer - \$48,849; Public Health Director - \$62,952; Superintendent of Public Works - \$64,771; Real Property Tax Service Agency Director - \$49,531; Social Services Commissioner - \$67,221; County Treasurer - \$62,000; Sheriff - \$60,000.

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

Moved by: Mr. Reynolds

Adopted: Roll Call

Seconded by: Mr. Hall

9 Ayes, 5 Noes, 1 Absent

Voting No: Kruger, McCormick, O'Grady, Russo, Ungermann

Comments made by Legislators relevant to Resolution No. 206-07: Mr. O'Grady voted no, not because he thinks employees don't deserve a raise, but because of the system for determining raises. He also did not support dividing the elected officials from the appointed ones, stating that we shouldn't balance the budget on the backs of the employees.

Mr. Kruger pointed out that the elected officials ran for their positions only to discover later that the salaries had been cut drastically by the Board after the incumbents left office. Also, proposed raises for department heads are higher than the cost of living increase which is only 2.3 percent based on Social Security income. Mr. Kruger would not support raises without separating the two groups out, noting he was elected to look out for the taxpayers.

Mr. Fanton commented that the real cost of living has gone up five or six percent, and most department heads are receiving a three percent increase. Some adjustments were also made, but this issue has already been addressed. He, also, was dissatisfied with the salary increase process, but was assured it would be dealt with next year.

Mr. Russo felt that elected officials should have a fixed salary rate for their term. He noted that the salary increase system will be revamped next year, with personnel to be evaluated, rated, and endorsed. Mr. Russo did not support the proposed increases. Although we have a lot of good employees, how can we raise taxes three percent and still give raises when employees already get \$45,000 and a lot taxpayers make a lot less?

Mr. Ungermann commented that when giving raises, we should have some reasonable expectation for more productivity, cuts in operational costs and staff if necessary to bring expenses down, departments being fully staffed at opening and closing each day, and we should begin to see a realistic contribution to health insurance costs. Mr. Fanton responded that part of the decrease in the Tentative Budget, from the 18 percent increase when we first started working on it to the 3.2 percent at present, did come from the department heads' efforts.

Mr. Reynolds noted that the department heads accomplish a lot with the mandates placed on them, and they deserve raises. Some have a lot of longevity with the County and there is generally an increase in work each year. He didn't think it was realistic to expect them to go above and beyond every year, to find more and more places to cut, and whack employees just to be respected.

**RESOLUTION NO. 207-07**

**A RESOLUTION LEVYING THE AMOUNT OF UNPAID SEWER AND WATER RENTS  
IN VARIOUS TOWN SEWER AND WATER DISTRICTS  
AGAINST THE VARIOUS REAL PROPERTIES LIABLE THEREFOR**

Offered by: Ways and Means Committee

Pursuant to Article 14-F of the General Municipal Law and  
Town Law § 198

**WHEREAS**, the Towns of Belfast, Caneadea, Friendship, Hume, Independence, Scio and Wellsville have submitted to this Board of Legislators statements showing sewer and water rents unpaid by the persons or entities noted therein and the real property to be charged with such unpaid rents, and

**WHEREAS**, pursuant to law this Board is required to levy such sums against the real property liable therefor, now, therefore, be it

**RESOLVED:**

1. That the unpaid sewer and water rents by the persons or entities noted in statements filed with this Board of Legislators by the respective Supervisors of the Towns of Belfast, Caneadea, Friendship, Hume, Independence, Scio and Wellsville between September 10, 2007, and November 1, 2007, are levied against the real property noted in such statements and are to be placed on the tax rolls of such Towns in the manner provided by law.

Moved by: Mr. Reynolds  
Seconded by: Mr. Pullen

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

Comments relative to Resolution No. 207-07: Mr. O'Grady noted that it was unfortunate to have to handle delinquent water and sewer rents in this way, often passing the burden on to a landlord when it should be borne by the renter, but this is the only option available.

**RESOLUTION NO. 208-07**

**RELEVY OF RETURNED VILLAGE TAXES**

Offered by: Ways and Means Committee

Pursuant to Local Law No. 4 of 1978 and Real Property Tax Law § 1442

**RESOLVED:**

1. That the amount of the unpaid returned village taxes of each village of Allegany County which has complied with the provisions of Local Law No. 4 of 1978, together with seven per centum of the amount of principal and interest, is relieved upon the real property upon which the same were originally imposed by each such respective village.

2. This resolution shall take effect on November 14, 2007.

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

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

Comments relative to Resolution No. 208-07: Mr. McCormick questioned who receives the seven percent fee and if the County can adjust it. County Treasurer Terri Ross explained that on returned village taxes, the village collects the interest up through November 15. Once the taxes are relieved, the County receives the seven percent for administration of collection. County Attorney Daniel Guiney noted that the seven percent is statutory.

**RESOLUTION NO. 209-07**

**RELEVY OF RETURNED SCHOOL TAXES**

Offered by: Ways and Means Committee

Pursuant to Real Property Tax Law § 1330

**RESOLVED:**

1. That the amount of the unpaid returned school taxes of the several school districts of Allegany County with seven per centum of the amount of principal and interest in addition thereto, is relieved upon the real property upon which the same were imposed.

2. This resolution shall take effect on November 14, 2007.

Moved by: Mr. Reynolds  
Seconded by: Mr. Hopkins

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

RESOLUTION NO. 210-07

A RESOLUTION DETERMINING THAT ERRORS EXIST ON THE  
2007 COUNTY AND TOWN TAX ROLLS FOR THE TOWNS NAMED  
WITH REGARD TO REAL PROPERTY OF VARIOUS TAXPAYERS THEREIN;  
DIRECTING MAILING OF NOTICES OF APPROVAL OF APPLICATIONS FOR  
CORRECTED TAX ROLLS AND ORDERING THE VARIOUS TOWN TAX COLLECTORS  
TO CORRECT THE TAX ROLLS; PROVIDING FOR CHARGE BACKS OR CREDITS

Offered by: Ways and Means Committee

Pursuant to Real Property Tax Law § 554

**WHEREAS**, applications, for the taxpayers hereafter described, have been made to the County's Director of Real Property Tax Service Agency, for the correction of certain errors affecting their real property on various tax rolls, and

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

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

**RESOLVED:**

1. That with regard to the applications for the named taxpayers pertaining to claimed errors regarding their real property on the respective tax rolls of the named Towns, this Board of Legislators does determine that the claimed errors as alleged in those applications exist and does approve those applications.

2. That the Chairman of this Board is authorized and directed to make a notation on those applications and the duplicates thereof that they are 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 taxpayers 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 such respective taxpayers of the applicable provisions of subdivision seven of Section 554 of the Real Property Tax Law.

4. That the Tax Collector of the Town of Amity is ordered and directed to correct in the 2007 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:



- a. Tomasello, John S., Etal.; Parcel 173.-1-9.1  
Assessment: Land \$46,800 Total \$46,800

this Parcel is a duplicate parcel and should not have been billed. The County Treasurer is directed to make the following charges on her books:

County of Allegany	\$ 876.20
Town of Amity	\$ 466.42
Amity Fire	\$ 60.75
School Relevy	\$ 1,064.70
Total	\$ 2,468.07

5. That the Clerk of this Board is directed to forthwith mail a certified copy of this resolution to the various Tax Collectors for the Towns stated above together with the original copies of those applications completed in accordance with section two of this resolution.

6. The Clerk of this Board shall mail a copy of this resolution to the above named School and the amount to be charged to each 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 each School as a result of school taxes returned after the date such amount is charged and which shall be paid to each School after May 1, 2008. The County Treasurer shall send a written notice to each School of the amount of such deduction prior to May 1, 2008.

Moved by: Mr. Reynolds  
Seconded by: Mr. Russo

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

**RESOLUTION NO. 211-07**

**ACCEPTANCE OF FUNDS FROM NEW YORK MUNICIPAL INSURANCE RECIPROCAL (NYMIR) AND APPROPRIATION OF SAME TO RISK RETENTION ACCOUNTS**

Offered by: Ways and Means Committee

**WHEREAS**, a check in the amount of \$501.18, representing a supplement to the \$2,839.30 previously received from NYMIR to repair a County vehicle that was involved in a motor vehicle accident has been offered by NYMIR in settlement for property damage caused by such accident, now, therefore, be it

**RESOLVED:**

1. That the sum of \$501.18, to repair said County vehicle is accepted.

2. That the accepted sum of \$501.18 is appropriated to Account No. CS1931.429 (Risk Retention - Uninsured Property Loss), with a like sum credited to Revenue Account No. CS07.2680.00 (Risk Retention - Insurance Recovery).

Moved by: Mr. Reynolds  
Seconded by: Mr. Pullen

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

*(Memo: Per Resolution No. 211-07, the supplemental claim settlement was for damage to an Office for the Aging Meals on Wheels 2007 Dodge Caliber resulting from a September 6, 2007 motor vehicle accident.)*

#### **RESOLUTION NO. 212-07**

##### **TRANSFER OF FUNDS WITHIN FIRE PREVENTION AND CONTROL ACCOUNT**

Offered by: Public Safety Committee

##### **RESOLVED:**

1. That the sum of \$2,000 is transferred from Account No. A3410.4 to Account No. A3410.

Moved by: Mr. Dibble  
Seconded by: Mr. Reynolds

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

*(Memo: The transfer approved by Resolution No. 212-07 covers overages in the payroll account due to problems with bringing the new center on line and training new dispatchers.)*

A motion was made by Legislator Dibble, seconded by Fanton and carried to amend Resolution Intro. No. 220-07 (Transfer of Funds from Contingent Account to Sheriff Law Enforcement Equipment Account) by changing the title and the second line in the first paragraph to indicate the account being transferred to should be H5997.2, Capital Vehicle Replacement Account.

#### **RESOLUTION NO. 213-07**

##### **TRANSFER OF FUNDS FROM CONTINGENT ACCOUNT TO CAPITAL VEHICLE REPLACEMENT ACCOUNT**

Offered by: Public Safety and Ways and Means Committees

##### **RESOLVED:**

1. That the sum of \$90,921 is transferred from Account No. A1990.4 (Contingent) to Account No. H5997.2 (Capital Account - Motor Vehicles) to finance purchase of three motor vehicles.

Moved by: Mr. Dibble  
Seconded by: Mr. Pullen

Adopted: Roll Call  
12 Ayes, 2 Noes, 1 Absent  
(Voting No: McCormick, O'Grady)

*(Memo: The three motor vehicles approved in Resolution No. 213-07 were two multi-passenger vans at a cost of \$70,000 [including vehicles, inserts, radios, lights, decals, and installation] and one stock Impala sedan at a cost of \$20,920.33 [to replace the Undersheriff's new Ford Crown Victoria with police package which*

will be used for transports]. One of the vans will replace a vehicle with well over 100,000 miles.)

Comments relative to Resolution No. 213-07: Mr. O'Grady expressed concern about purchasing additional Sheriff vehicles. Although we periodically have to replace vehicles, he believes that in the past, we've bought replacement vehicles and never removed the ones being replaced from the fleet. Mr. O'Grady wanted assurance that a vehicle was being removed from the road. County Administrator John Margeson responded that there would not be for all three of the vehicles. One new vehicle is for the Undersheriff, and the one he is currently driving will be used for transports. Mr. Kruger pointed out that as the jail population grows, our fleet has to grow with it to accommodate the additional transports. Mr. McCormick did not support the additional vehicle for the Undersheriff to drive.

**RESOLUTION NO. 214-07**

**CONSENT THAT CENTERVILLE TOWN BOARD ACT AS LEAD AGENCY  
FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF  
WIND ENERGY CONVERSION SYSTEMS IN THE  
TOWNS OF CENTERVILLE AND RUSHFORD**

Offered by: Ways and Means Committee

Pursuant to 6 NYCRR Part 617.6 and 617.7

**WHEREAS**, the Centerville Town Board is proposing the construction, operation and maintenance of a 100.5 MW wind energy facility containing 67 1.5 MW wind turbines (55 in Centerville and 12 in Rushford), associated infrastructure including but not limited to access roads, collection and transmission lines, and substation(s), and

**WHEREAS**, the Centerville Town Board has determined that the Project is a Type I action requiring coordinated review and that the County of Allegany has been identified as a potentially involved/interested agency for this application, and

**WHEREAS**, the Centerville Town Board has received no objection to being lead agency for this proposed Project, and

**WHEREAS**, the Centerville Town Board requests the County's consent to act as lead agency for this proposed Project, now, therefore, be it

**RESOLVED:**

1. That the County of Allegany as an involved agency in this action, hereby consents to the designation of the Centerville Town Board as lead agency for the Project described above.

2. That the Chairman of this Board is authorized to execute any and all documents necessary to effect the purpose of this resolution.

Moved by: Mr. Reynolds  
Seconded by: Mr. Pullen

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

Comments relative to Resolution No. 214-07: Mr. Pullen noted that in his involvement with Centerville and Rushford where these windmills are going, the communities have shown overwhelming support. Engineers are working with the environmental issues.

**RESOLUTION NO. 215-07**

**APPROVAL OF AGREEMENT WITH MAXIMUS, INC. TO PREPARE  
COUNTY-WIDE COST ALLOCATION PLAN AND RELATED INDIRECT COST RATE  
PROPOSALS FOR 2006 AND 2007 FOR FEDERAL AID**

Offered by: Ways and Means Committee

**RESOLVED:**

1. That Agreement with the firm of MAXIMUS, Inc., which provides for the payment of \$15,200 to the firm to prepare a County-wide cost allocation plan and related indirect cost rate proposals for 2006 and 2007 for federal aid, is approved.

2. That the Agreement cost shall be charged to Account No. A1040.4.

3. That the Chairman of this Board is authorized to execute said Agreement, in duplicate, and thereafter to file one executed copy with the Clerk of this Board and send one executed copy to the firm.

Moved by: Mr. Reynolds  
Seconded by: Mr. Dibble

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

RESOLUTION NO. 216-07

APPROVAL OF LAND DONATION AGREEMENT BETWEEN COUNTY OF ALLEGANY  
AND STATE OF NEW YORK, ACTING BY AND THROUGH THE  
COMMISSIONER OF ENVIRONMENTAL CONSERVATION;  
AUTHORIZING CONVEYANCE OF 5.22+ ACRES LOCATED IN TOWN OF BELFAST;  
AUTHORIZING CHAIRMAN TO EXECUTE ALL NECESSARY DOCUMENTS FOR  
SUCH PURPOSE

Offered by: Public Works Committee

**WHEREAS**, the County is the owner of certain real property consisting of 5.22+ acres located in the Town of Belfast conveyed to the County by the State of New York, and

**WHEREAS**, such property is not being occupied or used by the County and there is no planned use of it by the County, and

**WHEREAS**, the Department of Environmental Conservation of the State of New York, has requested that the County donate and convey such property to them, now, therefore, be it

**RESOLVED:**

1. That this Board approves a Land Donation Agreement between the County of Allegany and the Department of Environmental Conservation of the State of New York in which the County agrees to donate and convey the following described premises in the Town of Belfast, County of Allegany and State of New York and described as follows:

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the Town of Belfast, County of Allegany and State of New York, being part of Lot 5, Township 4, Range 2 of the Holland Land Company's Survey and further described as follows:

Beginning at the intersection of the northwesterly bounds of the lands now or formerly of Erie-Lackawanna Railroad Company and the northerly bounds of land appropriated from the Estate of Turner Alsworth by deed recorded in Allegany County Clerk's Office in Liber "B" of Miscellaneous Records at page 378, said point being in the south bounds of Little John Road and 200.0 feet northwesterly measured radially from the centerline of the Right of Way of the Erie-Lackawanna Railroad Company; running thence along the lands appropriated for the Genesee Valley Canal the following ten (10) courses and distances:

- (1) S 79° 45' 00" W, 264.0 feet;
- (2) N 88° 54' 00", W 260.0 feet;
- (3) S 84° 47' 30" W, 154.3 feet;
- (4) S 71° 49' 00" W, 140.2 feet;
- (5) S 37° 20' 00" W, 151.0 feet;
- (6) S 11° 55' 30" W, 140.1 feet;
- (7) S 35° 31' 30" W, 106.3 feet;
- (8) S 31° 07' 00" W, 198.7 feet;

(9) S 29° 47' 00" W, 132.1 feet; and  
(10) S 31° 30' 00" W, 88.0 feet to a point in the said northwesterly bounds of the Erie-Lackawanna Railroad Company Right of Way, said point being 100.0 feet northwesterly measured at right angles from the centerline of said Right of Way; thence along said northwesterly bounds of the Erie-Lackawanna Railroad Company Right of Way the following three (3) courses and distances: (1) N 54° 52' 30" E, 245.0 feet, more or less; (2) N 33° 03' 00" E, 38.72 feet; (3) N 29° 54' 00" E, 82.9 feet to a point in the southeasterly bounds of lands appropriated for the Genesee Valley Canal; thence northeasterly along the southeasterly bounds of lands appropriated for the Genesee Valley Canal the following eight (8) courses and distances:

(1) N 31° 30' 00" E, 71.0 feet;  
(2) N 28° 54' 00" E, 96.3 feet;  
(3) N 47° 49' 30" E, 92.9 feet;  
(4) N 54° 19' 30" E, 89.2 feet;  
(5) N 70° 01' 30" E, 78.0 feet, more or less;  
(6) S 2° 31' 30" E, 80.0 feet, more or less;  
(7) N 47° 31' 30" E, 40.0 feet, more or less; and  
(8) N 80° 46' 30" E, 80.0 feet, more or less, to a point in said northwesterly bounds of the Erie-Lackawanna Railroad Company; thence along said northwesterly bounds of the Erie-Lackawanna Railroad Company the following seven (7) courses and distances:

(1) N 00° 48' 30" W, 46.00 feet, more or less;  
(2) N 78° 22' 00" E, 106.00 feet, more or less;  
(3) N 74° 45' 00" E, 6.00 feet;  
(4) N 60° 36' 30" E, 320.42 feet to a point;  
(5) Northeasterly along a curve to the right having a radius of 5879.65 feet, 129.0 feet;  
(6) N 26° 40' 30" W, 50.0 feet to a point; and  
(7) Northeasterly along a curve to the right having a radius of 5929.65 feet, 28 feet, more or less, to the point of beginning, containing 5.22 acres, more or less.

2. That the Chairman of this Board is authorized to execute such land donation agreement and any and all necessary deed, conveyances, and other documents required to effect the conveyance of such property to the State of New York.

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

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

*(Memo: The land being conveyed in Resolution No. 216-07 will become part of the Genesee Valley Greenway Trail.)*

**RESOLUTION NO. 217-07**

**APPROVAL OF AGREEMENT BETWEEN COUNTY OF ALLEGANY AND  
ALLEGANY COMMUNITY DEVELOPMENT SERVICES, INC. (ACDSI)**

Offered by: Ways and Means Committee

**RESOLVED:**

1. That the Agreement between the County of Allegany and Allegany Community Development Services, Inc. (ACDSI) for the financial administration and management services for the Allegany County Revolving Loan Fund is approved.

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

Moved by: Mr. Reynolds  
Seconded by: Mr. Hopkins

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

*(Memo: The agreement approved by Resolution No. 217-07 provides for services relative to the Revolving Loans in existence prior to the Small Cities Grant of 2006. ACDSI is a part of Allegany County Community Opportunity and Rural Development [ACCORD Corporation]. There is no fiscal impact for the County, as the services will be provided in conjunction with ACCORD's other lending administrative duties. The agreement commences November 13, 2007 and runs for a period of two years.)*

**AUDITS:**

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

A motion was made by Legislator Reynolds, seconded by Legislator Kruger and adopted on a roll call vote of 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$4,933,913.17 including prepaids, 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 \$7,527,676.)*

**ADJOURNMENT:**

The meeting was adjourned at 2:55 p.m. following a motion made by Legislator Dibble, seconded by Legislator Pullen and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS**  
**Regular Session**

**November 26, 2007**

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The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

Pledge of allegiance to the flag.

The invocation was given by Legislator Pullen.

Roll Call: 14 Present; 1 Absent (Legislator Hall).

**APPROVAL OF MINUTES:**

The Committee of the Whole minutes of November 13, 2007 were approved on a motion made by Legislator Dibble, seconded by Legislator Truax and carried.

**PRIVILEGE OF THE FLOOR:**

Chairman Crandall granted privilege of the floor to Village of Belmont Mayor Terrance Schmelzer to discuss the potential transfer of the former Belmont school property from the County to the Village of Belmont. If successful in gaining title, the Village would then turn the property over to the Belmont Betterment Association (BBA), which has been working diligently for two and one-half years to obtain funding for renovations and fill the space with businesses. Both the YMCA and Jamestown Community College have indicated an interest in the location. The BBA funded the \$17,000 YMCA feasibility study, initiated and paid for a study to assure the safety of the building, and applied for a \$40,000 matching funds grant for roofing the entire building. After watching the building remain idle for seven years with no action on the part of the County, their interest is bringing business into the community. Is the Board of Legislators willing to commit \$80,000 for a new roof? The Village has been told that without it, the older portion of the building will soon fall in. It will cost \$36,000 to fix the plumbing and heating in the newer portion of the building. Is the Board willing to commit that money, or even the \$500,000 estimated cost to tear the building down? The BBA will hopefully put the property back on the tax rolls at no cost to the County. Mayor Schmelzer expressed frustration that only one District II Legislator was willing to talk to him. In closing, he noted that this would not be a Village project, but a project administered by the Belmont Betterment Association, a not-for-profit organization.

**ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:**

1. Placed on each legislator's desk was a copy of the 2008 Allegany County Tentative Budget Public Hearing minutes of November 8, 2007 for review.



2. Also placed on each legislator's desk was a copy of the Board of Legislators minutes of November 13, 2007 for review.

3. The County Treasurer filed corrected audited financial statements for the year ended December 31, 2006, prepared by Eldredge, Fox & Porretti, LLP in the Clerk of the Board's Office on November 16, 2007.

**RESOLUTIONS:**

**RESOLUTION NO. 218-07**

**AMENDMENT OF 2008 COUNTY TENTATIVE BUDGET**

Offered by: Ways and Means Committee

**RESOLVED:**

1. That the 2008 County Tentative Budget dated October 3, 2007, is amended as follows:

Appropriations:

<u>Account No.</u>	<u>Account</u>	<u>Amendment</u>
A1010.4	Legislative Brd, Mileage	Change from \$26,200 to \$30,200
A1040.4	Clerk, Legis Brd, Cont Servs	Change from \$16,525 to \$16,675
A3110.1	Sheriff, Personnel Services	Change from \$756,006 to \$964,006

Revenues:

<u>Account No.</u>	<u>Account</u>	<u>Amendment</u>
A03.2260.00	Police Services, State	Change from \$350,000 to \$558,000

Moved by: Mr. Reynolds  
Seconded by: Mr. Dibble

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

**RESOLUTION NO. 219-07**

**ADOPTION OF 2008 COUNTY FINAL BUDGET**

Offered by: Ways and Means Committee

**RESOLVED:**

1. That the 2008 County Tentative Budget dated October 3, 2007, as amended and revised, is adopted as the 2008 County Final Budget.

Moved by: Mr. Hopkins  
Seconded by: Mr. Reynolds  
Voting No: Kruger, McCormick, O'Grady, Russo, Ungermann

Adopted: Roll Call  
9 Ayes, 5 Noes, 1 Absent

Comments regarding Resolution No. 219-07: Mr. Kruger felt there was still room for budget cuts.

Mr. Ungermann noted that in real dollars, the tax levy increase is 7.42 percent. That is the amount the budget will increase and the amount to be raised in local taxes. Also, most of the \$58 million in new assessed valuation is not from new construction, but from property reassessment which is already a burden on the taxpayers. The budget starts as a wish list; we submit what we would like, but then have to decide realistically what cuts we can make and still get by. Mr. Ungermann referred to Mr. Fanton's praise of department heads in reducing the budget increase from 18 percent to 3.2 percent, but 21 department heads asked for raises in excess of 4.99 percent. He noted several suggestions that have been made that would have resulted in significant cost savings, such as parking County cars, having private contractors haul the salt/sand mix, elimination of vacation and sick time sellbacks, having Public Works remove the old jail cells and selling the scrap, requiring retirees to sign up for Medicare when eligible, and health insurance premium contributions. He can't support the budget.

Mr. McCormick commented that although a lot of work was done on the budget, there is still a 7.4 percent increase in the tax levy, or a 3.2 percent increase in the tax rate, meaning an increase in taxes for the middle class or working class. He cannot support it.

**RESOLUTION NO. 220-07**

**RESOLUTION MAKING APPROPRIATIONS FOR THE CONDUCT OF THE  
COUNTY GOVERNMENT FOR THE FISCAL YEAR 2008**

Offered by: Ways and Means Committee

**WHEREAS**, this Board, by Resolution No. 219-07, has adopted a budget for the fiscal year 2008, now, therefore, be it

**RESOLVED:**

1. That the several amounts specified in the 2008 County Final Budget in the column entitled "Approved 2008" be and they are appropriated for the objects and purposes specified.

2. This resolution shall take effect on January 1, 2008.

Moved by: Mr. Reynolds  
Seconded by: Mr. Pullen

Adopted: Roll Call  
12 Ayes, 2 Noes, 1 Absent  
Voting No: Kruger, O'Grady

**RESOLUTION NO. 221-07**

**RESOLUTION LEVYING TOWNS 2008 SHARE OF ALLEGANY COUNTY  
MUTUAL SELF INSURANCE PLAN**

Offered by: Ways and Means Committee

Pursuant to § 67 (2) and § 71 of the Workers' Compensation Law  
and § 13 of Local Law No. 3 of 2002

**RESOLVED:**

1. That this Board levies the sum of \$295,651 upon the taxable property of the Towns participating in the Allegany County Mutual Self Insurance Plan, in the proportionate amount which each such Town is required to pay for such participation as determined by the provisions of Section 12 of Local Law No. 3 of 2002.

Moved by: Mr. Reynolds  
Seconded by: Mr. Pullen

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

**RESOLUTION NO. 222-07**

**AMENDING UNIT SALARY PLAN TO INCLUDE TITLE OF  
LICENSED PRACTICAL NURSE**

Offered by: Personnel Committee

**RESOLVED:**

1. That the County AFSCME Salary Plan is amended to include the title of Licensed Practical Nurse. That such title is placed in Grade 6 of such Salary Plan.

2. This resolution shall take effect on November 27, 2007.

Moved by: Mr. Russo  
Seconded by: Mr. McCormick

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

**RESOLUTION NO. 223-07**

**CREATING THREE POSITIONS OF CORRECTION OFFICER IN  
SHERIFF'S DEPARTMENT**

Offered by: Personnel Committee

**RESOLVED:**

1. That three positions of Correction Officer are created in the Sheriff's Department.

2. This resolution shall take effect on November 27, 2007.

Moved by: Mr. Russo  
Seconded by: Mr. Fanton

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

(Memo: The positions approved by Resolution No. 223-07 are backfill for appointments made to the Unified Court System, which are 100 percent reimbursed by the state.)

**RESOLUTION NO. 224-07**

**REAPPOINTMENT OF TWO LEGISLATIVE MEMBERS AND  
APPOINTMENT OF ONE AT LARGE MEMBER TO THE  
ALLEGANY COUNTY SOIL AND WATER CONSERVATION DISTRICT BOARD**

Offered by: Public Works Committee

Pursuant to Soil and Water Conservation District Law §§ 6 and 7

**RESOLVED:**

1. That Theodore L. Hopkins and Norman G. Ungermann, Jr. are reappointed to the Allegany County Soil and Water Conservation District Board, as Legislative Members, with term of office for each to commence January 1, 2008 and expire December 31, 2008.

2. That Rodney K. Bennett is appointed to the Allegany County Soil and Water Conservation District Board, as an at large member, with term of office to commence January 1, 2008 and expire December 31, 2010.

Moved by: Mr. Fanton  
Seconded by: Mr. Dibble

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

**RESOLUTION NO. 225-07**

**REAPPOINTMENT OF FOUR INCUMBENT MEMBERS AND ONE NEW MEMBER TO  
COUNTY TRAFFIC SAFETY BOARD**

Offered by: Public Safety Committee

Pursuant to Local Law No. 2 of 1972

**RESOLVED:**

1. That Dawn Santangelo, Ray M. Parlett, John Zlomek and Deborah Aumick are reappointed to the County Traffic Safety Board, with term of office for each to commence January 1, 2008 and expire December 31, 2010.

2. That Melinda Rounds is appointed to the County Traffic Safety Board, with term of office to commence January 1, 2008 and expire December 31, 2010.

Moved by: Mr. Dibble  
Seconded by: Mr. Truax

Adopted: Voice Vote

**RESOLUTION NO. 226-07**

**ACCEPTANCE OF FUNDS FROM NEW YORK MUNICIPAL INSURANCE RECIPROCAL  
(NYMIR) AND APPROPRIATION OF SAME TO ROAD MACHINERY ACCOUNT**

Offered by: Ways and Means Committee

**WHEREAS**, a check in the amount of \$8,138.72, representing the estimated cost less a \$500 deductible, to repair a County vehicle that was damaged on October 9, 2007 has been offered by NYMIR in settlement for such property damage, now, therefore, be it

**RESOLVED:**

1. That the sum of \$8,138.72, representing the estimated cost, less deductible, to repair said County vehicle is accepted.

2. That the accepted sum of \$8,138.72 is appropriated to Account No. DM5130.204 (Road Machinery - Equipment), with a like sum credited to Revenue Account No. DM07.2680.00 (Road Machinery - Insurance Recovery).

Moved by: Mr. Reynolds  
Seconded by: Mr. Fanton

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

*(Memo: The claim settlement referred to in Resolution No. 226-07 was for the repair of a Public Works 2003 Ford F-350 truck damaged when one of our dump trucks backed into it on October 9, 2007. The Public Works Superintendent believes that he can completely replace the box on the back of the damaged truck with a new box for slightly more than the estimate to repair the existing box, and he has requested that the insurance check be placed in the Road Machinery equipment account.)*

**RESOLUTION NO. 227-07**

**ACCEPTANCE AND APPROPRIATION OF FUNDS FROM THE  
FEDERAL OLDER AMERICANS ACT TITLE III-B GRANT AND THE  
ALLEGANY COUNTY SENIOR FOUNDATION TO OFFICE FOR AGING ACCOUNTS**

Offered by: Human Services and Ways and Means Committees

**RESOLVED:**

1. That the sum of \$2,013 from the Federal Older Americans Act Title III-B Grant is accepted, and appropriated to Account No. A6773.401 (OFA Supportive Services - Postage) with a like sum credited to Revenue Account No. A11.4772.01.

2. That the sum of \$4,700 from the Allegany County Senior Foundation is accepted, and appropriated to Account No. A6776.409 (OFA Community Service for Elderly - Fees) with a like sum credited to Revenue Account No. A02.1972.09.

Moved by: Mr. Truax  
Seconded by: Mr. Pullen

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

*(Memo: Regarding Resolution No. 227-07, paragraph 1 accepted and appropriated a grant supplement, and the funding in paragraph 2 will be used for Personal Emergency Response Systems [Lifelines].)*

**RESOLUTION NO. 228-07**

**INCREASING APPROPRIATIONS AND REVENUES IN VARIOUS  
DEPARTMENT OF SOCIAL SERVICES ACCOUNTS**

Offered by: Human Services and Ways and Means Committees

**WHEREAS**, the Allegany County Department of Social Services requests the following adjustments to bring accounts into good standing and to cover expenses for the remainder of fiscal year 2007, now, therefore, be it

**RESOLVED:**

1. That the following Department of Social Services accounts are increased by the designated amounts:

<u>Account No.</u>	<u>Appropriation Accounts</u>	<u>Amount</u>
A6101.477	Emergency Ambulance	\$ 40,000
A6101.478	Cost Effective Insurance	\$ 47,000
A6101.479	Miscellaneous Medicaid Payments	\$ 14,396
A6010.409	Fees	\$ 20,000

<u>Account No.</u>	<u>Revenues</u>	<u>Amount</u>
A10.3601.00	State Aid - DSS Medical Assistance	\$ 50,698
A10.3610.00	State Aid - DSS Administration	\$ 10,000
A11.4601.00	Federal Aid - Medical Assistance	\$ 50,698
A11.4610.00	Federal Aid - DSS Administration	\$ 10,000

2. That the sum of \$13,660 is transferred from Account No. A6010.406 to Account No. A6010.402.

Moved by: Mr. Truax  
Seconded by: Mr. Pullen

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

*(Memo: The accounts referred to in paragraph 1 of Resolution No. 228-07 generated more activity than anticipated, thereby creating more revenue.)*

**RESOLUTION NO. 229-07**

**TRANSFER OF FUNDS WITHIN OFFICE FOR THE AGING PROGRAM ACCOUNTS**

Offered by: Human Services and Ways and Means Committees

**RESOLVED:**

1. That the sum of \$8,000 is transferred from Account No. A6773.101 (OFA - Supportive Services - Personnel) to Account No. A6772.474 (Nutrition - Caterer).

Moved by: Mr. Truax  
Seconded by: Mr. Kruger

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

*(Memo: The transfer approved by Resolution No. 229-07 was necessary to fund home delivered meals through the end of the year.)*

**RESOLUTION NO. 230-07**

**TRANSFER OF FUNDS WITHIN SELF INSURANCE PLAN ACCOUNT**

Offered by: Personnel Committee

**RESOLVED:**

1. That the sum of \$268 is transferred from Account No. S1710.4 to Account No. S1710.2 for the replacement of a shredder.

Moved by: Mr. Russo  
Seconded by: Mr. Fanton

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

**RESOLUTION NO. 231-07**

**ACCEPTANCE AND APPROPRIATION OF ADDITIONAL FUNDS FROM THE NEW YORK STATE DEPARTMENT OF HEALTH FOR THE WIC PROGRAM**

Offered by: Human Services and Ways and Means Committees

**RESOLVED:**

1. That the sum of \$21,500 from the New York State Department of Health in additional funds for the WIC Program is accepted and appropriated as follows: \$2,000 to Account No. A4190.2 (WIC - Equipment), \$19,500 to Account No. A4190.4 (WIC - Contractual) with a like sum credited to Revenue Account No. A10.4452.00 (Federal Aid WIC Grant).

Moved by: Mr. Truax  
Seconded by: Mr. Pullen

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

**RESOLUTION NO. 232-07**

**TRANSFER OF FUNDS WITHIN EMERGENCY SERVICES ACCOUNT**

Offered by: Public Safety Committee

**RESOLVED:**

1. That the sum of \$2,925 is transferred from Account No. A3640.2 to Account No. A3640.4 for the rent for EMS training at the Crossroads Center.

Moved by: Mr. Dibble  
Seconded by: Mr. McCormick

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

**RESOLUTION NO. 233-07**

**TRANSFER OF FUNDS WITHIN SOLID WASTE ACCOUNT**

Offered by: Public Works Committee

**RESOLVED:**

1. That the sum of \$15,910 is transferred from Account No. A8160.1 as follows: \$910 to Account No. A8160.2 and \$15,000 to Account No. A8160.4.

Moved by: Mr. Fanton  
Seconded by: Mr. Reynolds

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

Comments regarding Resolution No. 233-07: Mr. McCormick expressed concern about the number of transfers that occur at the end of the year, and felt there must be accounts that are overstated to allow funds to be transferred from them. As we move forward, we should watch for overstated accounts. It would help at year end if the budget had some unexpended balances.

Chairman Crandall responded that the budget is an estimate of where finances will be at the end of the year, and it is good to have some over-estimated accounts because we end up adding to the fund balance that way.

Mr. Pullen noted that in this particular example, there are three accounts understated, in addition to the one that is overstated. The transfers just allow a refining of the four accounts so that expenses stay within budget. We have to have some flexibility to allow for unanticipated higher costs that have to be dealt with, i.e. fuel costs. Most programs have been ending up within one to two percent of estimates. We're looking at a very tight budget, and Mr. Pullen applauded the Budget Committee, Budget Officer, and Treasurer for coming that close.



**RESOLUTION NO. 234-07**

**TRANSFER OF FUNDS WITHIN ROAD MACHINERY ACCOUNT**

Offered by: Public Works Committee

**RESOLVED:**

1. That the sum of \$3,000 is transferred from Account No. DM5130.4 to Account No. DM5130.2 to cover purchase of new paint sprayer.

Moved by: Mr. Fanton  
Seconded by: Mr. Reynolds

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

**RESOLUTION NO. 235-07**

**TRANSFER OF FUNDS FROM SHARED SERVICES BUILDINGS ACCOUNT TO  
CAPITAL FUND PROJECTS**

Offered by: Public Works and Ways and Means Committee

**RESOLVED:**

1. That sum of \$27,600 is transferred from Account No. A1620.427 (Buildings & Grounds - Electric) to Account No. H5630.200 (Capital Projects BR #28-01).

2. That sum of \$25,000 is transferred from Account No. A1620.426 (Buildings & Grounds - Sewer/Water) to Account No. H5626.200 (Capital Projects BR #02-03).

Moved by: Mr. Fanton  
Seconded by: Mr. Reynolds

Adopted: Roll Call  
13 Ayes, 1 No, 1 Absent  
(Voting No: McCormick)

**RESOLUTION NO. 236-07**

**TRANSFER OF FUNDS FROM CLERK OF THE BOARD ACCOUNT TO  
LEGISLATIVE ACCOUNT**

Offered by: Ways and Means Committee

**RESOLVED:**

1. That the sum of \$2,800 is transferred from Account No. A1040.419 (Clerk of the Board - Printing) to Account No. A1010.402 (Legislative Board - Mileage) to cover anticipated expenses through the end of the year.

Moved by: Mr. Reynolds  
Seconded by: Mr. Hopkins  
(Voting No: Kruger, McCormick, O'Grady, Truax, Ungermann)

Adopted: Roll Call  
9 Ayes, 5 Noes, 1 Absent

Comments regarding Resolution No. 236-07: Mr. Kruger stated that although the Legislative mileage account is running over budget, he does not support transferring funds to increase that account. We should lead by example and find a way to work for the rest of year without claiming mileage. Mr. Pullen commented that the legislators were elected to do a job and claiming mileage is standard practice whether working for the County or private business.

**RESOLUTION NO. 237-07**

**TRANSFER OF FUNDS WITHIN OFFICE OF DEVELOPMENT ACCOUNT**

Offered by: Ways and Means Committee

**RESOLVED:**

1. That the sum of \$200 is transferred from Account No. A6430.416 (Development - Telephone) to Account No. A6430.201 (Development - Equipment) to finance the purchase of computer software.

Moved by: Mr. Reynolds  
Seconded by: Mr. Pullen

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

*(Memo: The transfer approved by Resolution No. 237-07 is for the purchase of computer software to access and revise the discoveralleganycounty.com website.)*

**RESOLUTION NO. 238-07**

**APPROVAL OF FINAL 2008 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 and Means Committees

Pursuant to Vehicle and Traffic Law § 1197

**RESOLVED:**

1. That the final Allegany County 2008 STOP DWI Plan is approved and shall replace on and after January 1, 2008, the Plan approved by Resolution No. 256-2007.

2. 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. Dibble  
Seconded by: Mr. Fanton

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

**RESOLUTION NO. 239-07**

**CONSENT THAT THE BOARD OF EDUCATION OF THE WELLSVILLE CENTRAL  
SCHOOL DISTRICT ACT AS LEAD AGENCY FOR THE  
RENOVATION OF DISTRICT FACILITIES AND THE ACQUISITION OF LAND**

Offered by: Public Works Committee

Pursuant to 6 NYCRR Part 617.6

**WHEREAS**, the Board of Education of the Wellsville Central School District (Board of Education) is proposing the renovation of certain School District facilities and the acquisition of approximately two acres of land for the reconstruction of the District's bus garage (Project), and

**WHEREAS**, the Board of Education has determined that the Project is a Type I action requiring coordinated review and that the County of Allegany has been identified as a potentially involved/interested agency for this application, and

**WHEREAS**, the Board of Education has received no objection to being lead agency for this proposed Project, and

**WHEREAS**, the Board of Education requests the County's consent to act as lead agency for this proposed Project, now, therefore, be it

**RESOLVED:**

1. That the County of Allegany as an involved agency in this action, hereby consents to the designation of the Board of Education of the Wellsville Central School District as lead agency for the Project described above.

2. That the Chairman of this Board is authorized to execute any and all documents necessary to achieve the purpose of this resolution.

Moved by: Mr. Fanton  
Seconded by: Mr. McCormick

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

*(Memo: The consent to lead agency designation approved by Resolution No. 239-07 was required due to the State Environmental Quality Review Act [SEQRA] Type I action coordinated review.)*

**RESOLUTION NO. 240-07**

**APPROVAL OF AGREEMENT BETWEEN PRIORITY DISPATCH CORPORATION  
AND ALLEGANY COUNTY**

Offered by: Public Safety and Ways and Means Committees

**RESOLVED:**

1. That the Agreement between the County of Allegany and Priority Dispatch Corporation, for providing Emergency Dispatch Software, training and support, is approved.

2. That the Sheriff is authorized to execute said Agreement.

Moved by: Mr. Reynolds  
Seconded by: Mr. Dibble

Adopted: Roll Call  
13 Ayes, 1 No, 1 Absent  
(Voting No: Burdick)

*(Memo: Terms of the Agreement approved by Resolution No. 240-07 include payment of 10 percent of the total contract [\$11,261] up front and the balance [\$101,348] by January 31, 2009, for a total of \$112,609.)*

Resolution Intro. No. 248-07 (Authorizing Sale and Conveyance of Real Property to Village of Belmont) was not pre-filed and was considered from the floor on a motion made by Legislator Reynolds, seconded by Legislator Fanton and carried.

**RESOLUTION NO. 241-07**

**AUTHORIZING SALE AND CONVEYANCE OF REAL PROPERTY  
TO VILLAGE OF BELMONT**

Offered by: Ways and Means Committee

**WHEREAS**, the County of Allegany has no use for a parcel of land located within the Village of Belmont and will have no use for such property in the future, and

**WHEREAS**, the Village of Belmont has offered the sum of \$1.00 for a deed of the County's interest in such property, and

**WHEREAS**, this Board believes that the sale and conveyance of the above described parcel will be advantageous to the County, now, therefore, be it

**RESOLVED:**

1. That the offer of \$1.00 by the Village of Belmont for the above described property is accepted and the Chairman of this Board is authorized and directed to execute on behalf of the County of

Allegany and to cause to be delivered to such purchasers a quit claim deed of the County's interest in the following described premises in the County of Allegany and Village of Belmont:

South Street, 3.90 acres, Tax Map No. 172.17-1-6.2

2. That such quit claim deed shall also contain the following provisions:

The County of Allegany and the Allegany County Treasurer shall in no event be or become liable for any defects in or encumbrances or liens on the title hereby conveyed for any cause whatsoever. No claim or demand of any nature that arises from this sale or any of the proceedings leading hereto shall ever be made against the County of Allegany or the Allegany County Treasurer.

It is understood and agreed that the County of Allegany is hereby conveying only such land as aforesaid and described above, and that said property shall be located and laid out at the expense of the party of the second part.

3. This resolution is conditioned on the passage of a resolution by the Village Board of the Village of Belmont waiving enforcement and relevy by the County of Allegany of any and all outstanding taxes of such Village.

Moved by: Mr. Reynolds	Adopted: Roll Call
Seconded by: Mr. Fanton	8 Ayes, 6 Noes, 1 Absent
	(Voting No: Burdick, Kruger, McCormick, Russo, Truax, Ungermann)

*(Memo: The property conveyed by Resolution No. 241-07 was the former Belmont School.)*

Comments regarding Resolution No. 241-07 included:

Mr. Kruger read a prepared statement:

"Mr. Chairman:

*I wholeheartedly oppose the resolution before us today concerning the sale and conveyance of the Belmont School and land to the Village of Belmont at this time. I do so because most of us have not had any communication from Mayor Schmelzer or his board as to the purpose for which this property is intended. When this resolution was discussed at Ways and Means there was no mention of its intended purpose. I did, however, point out the possibilities and benefits for the County which included solving our space needs and the cost savings benefit of remodeling compared to new construction.*

*I would be very happy to support this resolution if someone can demonstrate to me that the Village of Belmont's use for the property is, in fact, the best cost/benefit value to the taxpayers (example: intended use for private corporation that would put this property on*

the tax rolls at an appropriate assessed value of several hundred thousand dollars).

The resolution states "Offered by Ways and Means" and was presented at the committee meeting as such. How many members of the Ways and Means Committee knew anything about it prior to the meeting and vote? Who contacted Mr. Guiney and instructed him to prepare this resolution? Why didn't you step out of the shadows and put your name on this resolution and expose yourself to the public as others of us have? And yes, Mr. Heineman, for the record, the public can expect Mr. Ungermann and me to pre-file more cost saving resolutions that have languished in committee for nearly two years and are, in my opinion, long overdue to come to the floor for a public vote.

I am disappointed in Mayor Schmelzer and the Belmont Board for not keeping their District II representatives informed on this, especially when it seems to be so time sensitive. Open dialogue is key to building trust and squelching suspicion.

Is this sale a tactic to scuttle the Ungermann Court Facilities Plan? If it is, it would not be the first attempt to do so. Does anyone remember the attempt by Chairman Crandall, Vice Chairman Dibble and Majority Leader Reynolds to bypass home rule law by requesting that Senator Cathy Young and Assemblyman Joe Giglio submit bills to the senate and assembly that would allow the County to take away the right of the voter and move the Courthouse outside the Village of Belmont? To their credit, Senator Young and Assemblyman Giglio both refused to be party to this unsavory tactic. To this day, no individual or committee has been able to dispute Mr. Ungermann's Court Facility cost figures. This does not surprise me, as he has only been in this business for forty years. Another important fact to go along with Mr. Ungermann's figures is that his plan is the ONLY plan that has included and solved the rest of the County's space problems. All accomplished in phases that, admittedly, may not be perfect, but the plan does address all of our problems at the most affordable price tag.

Why do you legislators that are resisting Norm's plan wish to bankrupt the County by spending money (millions) over and above what we have to? What extra service or benefit will the taxpayers of this County receive compared to the many millions extra they will have to pay back? This Belmont School property is the most valuable piece of property this County may ever own. Before we decide to give it away, we had better have a plan in place to replace it or the taxpayers are going to be placed in a position to take another financial thrashing. Without thoroughly looking into and weighing out all costs vs. benefits to all involved, this transaction will clearly demonstrate to our bosses, the taxpayers, that as a whole this Board is very ineffective and has decided to ignore the purpose for which we were elected.

Karl D. Kruger"

Mr. O'Grady questioned if the County acquired the property through tax foreclosure, which was confirmed. He stated that although he dislikes the tax foreclosure process, he realizes it's a necessary evil, but also believes that any time property is taken over it

should be turned back to the private sector as soon as possible and placed back on the tax roll. Mr. O'Grady supported the resolution.

Chairman Crandall pointed out that it has been the County's practice to turn over any properties received by the County through tax foreclosure to the municipality they lie within, upon request by the municipality.

Mr. Ungermann commented that he appreciates what the Belmont Betterment Association has done. He questioned that if the property was turned into a YMCA, would they pay taxes? (Olean's doesn't.) How will the already established, tax-paying, gym-type facilities in the area be affected? Mayor Schmelzer mentioned the possibility of an art center. What would become of the established ones in Belmont and Wellsville? The night before this matter was introduced at the Ways & Means Committee meeting, there was a Committee of the Whole meeting during which all legislators could have discussed it and come to a conclusion.

Mr. Ungermann gave a short history of the school property issue, including an open letter written by Walter "Mickey" Martelle to the Legislature and taxpayers. In the letter, he recounted that School Board members had voiced concern during the school district consolidation process that a plan be in place for both vacated school buildings. At public hearings, during discussion on the Allegany Area Development Corporation (AADC) purchasing both schools, developing, and then selling or leasing the Belmont school to the County, the County Administrator indicated that the County may utilize it for office space. The County initiated a study which revealed an estimated cost to renovate the building in excess of \$5 million. The AADC offered it to the County for \$300,000. Mr. Ungermann noted that at the time, it would have cost \$62 per square foot to remodel (the cost would probably be \$100 by now); whereas LaBella's plans for creation of space is at \$255. The County should have a moral or legal responsibility for the building. The AADC went out of business, and the County got it back for taxes. County Attorney Daniel Guiney confirmed the property was part of a tax foreclosure process. Mr. Ungermann referred to one of his long-range plans of putting Social Services, Health, and Office for the Aging into the newer portion of the school which was built in 1990. He noted that the old Cuba School was renovated and turned back into a school facility at a cost of \$158.63 per square foot which was still cheaper than the \$255 LaBella was proposing for a new DSS building for displaced departments included in one of the Court Facility plans. Mr. Ungermann also noted that the school could be turned over to a developer, and he knows of a couple that are interested, who would renovate and then lease back to the County. He stated he didn't understand the time sensitivity of the resolution when we don't know what the other proposals are.

Chairman Crandall clarified that the current Court Facility plan recommended by the Court Facilities and County Space Needs Committee does not call for construction of a DSS building. If an addition is made to the Courthouse, departmental space needs would be met within

the current facilities and the only thing we'd lack would be the maintenance building. Mr. Ungermann responded that his reference was only to show that we can remodel old space for less than building new.

Mr. Kruger questioned Mr. O'Grady if he, in supporting the Courthouse Addition Option, had a plan in mind to provide the space desperately needed for displaced departments. Mr. O'Grady believes the Courthouse Addition is probably in the forefront for solving our space needs, but noted that several legislators don't agree with the estimates. There are things included that we would not agree to, and the Committee hasn't had the chance to look at the scale and cost and to refine the plan. The size of the addition and the inclusion of a new Public Works building inflate the costs. The third floor of the County Office Building will help solve our space needs. Mr. O'Grady felt the school belongs to the people of the school district, and if they want to take it and develop it, we shouldn't stand in their way.

Mr. Pullen referred to Mayor Schmelzer's comment that their research revealed something needs to happen very soon to save parts of the former school building. There are no County funds for a new roof. The building is not in good shape. The County just gained title to the property recently. The resolution before us is to convey the property to the Village of Belmont. It's a deteriorated facility, and there are no suggestions to increase the budget to take care of it. Unless we accept this resolution, we're looking at more of the same. Mr. Pullen does not support using the school for a Court Facility or any other County use, but favors conveying it to the Village. He applauded the BBA's efforts.

Mr. Reynolds stated that he was here at the time of Mr. Martelle's statement. Some legislators probably led him to believe the County had a firm interest in the school, but there was no consensus or resolution. Logically speaking, the third floor and the addition, even if the addition is smaller, gives us more space than we started with. He also is not in favor of taking over the school, but felt we should vote on this resolution and assist the BBA.

Mr. McCormick didn't feel that the County needs to own more property, but wondered if there would be an option for space at the school if we end up needing it later. Mayor Schmelzer responded that the Village would be giving the property to the BBA. They will proceed with renovations on a section of the new part, and have had some interest to fill it. Once that is filled, they will move on to the old part. He was sure there would be available space down the road, as there is a lot of square footage not called for.



**AUDITS:**

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

A motion was made by Legislator Reynolds, seconded by Legislator Truax and adopted on a roll call vote of 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$2,169,904.75 including prepaids, 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 \$7,865,130.*)

**ADJOURNMENT:**

The meeting was adjourned at 3:25 p.m. following a motion made by Legislator Pullen, seconded by Legislator Truax and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS**  
**Regular Session**

**December 10, 2007**

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The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

Pledge of allegiance to the flag.

The invocation was given by Legislator Pullen.

Roll Call: 14 Present; 1 Absent (Legislator O'Grady).

**APPROVAL OF MINUTES:**

The 2008 Allegany County Tentative Budget Public Hearing minutes of November 8, 2007 were approved on a motion made by Legislator Hopkins, seconded by Legislator Truax and carried.

The Board meeting minutes of November 13, 2007 were approved on a motion made by Legislator Pullen, seconded by Legislator Truax and carried.

A motion was made by Legislator Truax and seconded by Legislator Pullen to approve the Board meeting minutes of November 26, 2007. Legislator Kruger requested that the entire statement he made regarding Resolution No. 241-07 be included in the public record. *(These minutes will be amended and approved at the next meeting.)*

**PRIVILEGE OF THE FLOOR:**

Chairman Crandall granted privilege of the floor to the following individuals:

Maxine Warner, Allegany County Reproductive Health Educator, addressed the Board regarding World AIDS Day. Statistics she shared included that the total number of people living in New York State with HIV or AIDS is 112,308. Although Allegany County's numbers are very low in comparison, the statistics are not all that's relevant. For every ten people with AIDS, two don't know of their status, so they are at risk of spreading the disease unknowingly. HIV and AIDS affect young and old alike. The goal is to educate to promote awareness, compassion, and understanding, and to encourage action. A recent County-wide poster and essay contest was held for grades six through twelve in all school districts. Both winners were from Genesee Valley Central School, and were present to read the winning essay (Gabrielle Hand, High School student) and display the winning poster (Megan Phillips, Elementary student).

Deborah Aumick, STOP DWI Coordinator, announced the annual Safe and Sober Holiday Season Kick-Off in observance of National Drunk

and Drugged Driving Awareness Month. Old English Wassail and Christmas cookies were prepared by BOCES Culinary Arts students, and present during the afternoon to serve were Mickey Buchler, Brittany Ricketts, and Brittany Slocum. Jim Krull is their instructor. Ms. Aumick referenced the recent fatal tragedy in Alfred, and stated she hoped everyone remembers to be role models for the children in our communities and to lead by example.

James Ball, from "Endless Trails," accompanied by his associates Charles Hathaway and Stephen Hubertus, gave a presentation on work they've been doing in conjunction with the Allegany County Federation of Snowmobilers. Gail Bartas, President of the Federation, was also present. "Endless Trails" provides trail planning, layout, location, and mapping services. The new GIS map being developed for the 500 miles of snowmobile trails in the County will be available soon. The Allegany County Federation of Snowmobilers has over 600 members, and is responsible for bringing more than \$100,000 in grant funding into the County. The extensive trails and the availability of the new map will help increase tourism.

Kimberley Toot, Office for the Aging Director, spoke on the United Way campaign, and reminded everyone of this opportunity to make a significant impact, collectively, to support 19 agencies in the County with a contribution. Beginning or increasing payroll deduction was encouraged. Mrs. Toot referenced examples of agencies that benefit from United Way donations, such as libraries, hospice services, scouting, and the Allegany Senior Foundation which helps support Office for the Aging programs.

Chairman Crandall took the floor to present a certificate to the December 2007 Employee of the Month, Karen J. Strahan, of the Department of Social Services, in recognition of her hard work and dedication to the County.

**ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:**

1. Placed on each legislator's desk was a copy of the Report of Intrafund Transfers approved by the County Administrator for the month of November 2007.

2. Also placed on each legislator's desk was a copy of the Report of Tax Bill Corrections approved by the County Administrator for the month of November 2007.

3. Correspondence was received from the NYS Office of the State Comptroller regarding the County's constitutional tax limit.

4. Correspondence was received from the Cuba Circulating Library thanking the Board for their donation in memory of Dennis Dye.

5. Received in the Clerk of the Board's Office were the Southern Tier West Regional Planning and Development Board meeting

minutes of October 18, 2007 and their Notice of Meeting to be held December 20.

**RESOLUTIONS:**

A motion was made by Legislator Kruger and seconded by Legislator Ungermann to amend Resolution Intro. No. 249-07 (A Resolution in Relation to the Compensation of County Officers and Employees) to separate unit from non-unit raises. The first three paragraphs deal with units and the fourth deals with non-unit. The resulting resolutions could be re-numbered as "A" and "B". The motion was defeated on a roll call vote of 7 Ayes, 7 Noes, 1 Absent. Voting No: Burdick, Crandall, Dibble, Fanton, Hall, Hopkins, Pullen).

Legislator Kruger went on record to say he didn't believe it was appropriate to vote on Resolution Intro. No. 249-07 (referenced above) as it was written. If a legislator was to support contractual raises due to obligation under labor agreements, he would also be compelled to support department head raises. He felt unit and non-unit raises should be handled separately. After the defeat of the amendment motion, Mr. Kruger stated he was compelled to vote against the resolution, thereby violating his obligation under union labor agreements. He expressed regret to union members.

**RESOLUTION NO. 242-07**

**A RESOLUTION IN RELATION TO THE  
COMPENSATION OF COUNTY OFFICERS AND EMPLOYEES**

Offered by: Personnel Committee

**RESOLVED:**

1. That commencing January 1, 2008, each unit employee occupying a position set forth in the "County Unit Salary Plan" shall receive the salary or rate of compensation for the step of the Grade of the position occupied that is set forth in "Appendix A-5" or in "Appendix B-5" of Agreement approved by Resolution No. 149-2005, and which salary or rate of compensation such unit employee is entitled to receive commencing January 1, 2008, pursuant to said Agreement and pursuant to the "County Unit Salary Plan"; the increment recommendations from the department heads for each such unit employee under their jurisdiction receiving such recommendation being approved.

2. That commencing January 1, 2008, each unit employee occupying a position set forth in Agreement between the County of Allegany and the New York State Nurses Association, which Agreement was approved by Resolution No. 85-2004, shall receive the salary or rate of compensation for the step of the Grade of the position occupied that is set forth in "Schedule A" of said Agreement, and which salary or rate of compensation such unit employee is entitled to receive commencing January 1, 2008, pursuant to said Agreement and pursuant to the "County Unit Salary Plan"; the increment

recommendation from the Public Health Director for each such unit employee under her jurisdiction receiving such recommendation being approved.

3. That commencing January 1, 2008, each unit employee occupying a position set forth in Agreement between the County of Allegany and the Allegany County Deputy Sheriff's Association, which Agreement was approved by Resolution No. 302-2003, shall receive the salary or rate of compensation for the step of the Grade of the position occupied that is set forth in "Appendix A" of said Agreement, and which salary or rate of compensation such unit employee is entitled to receive commencing January 1, 2008, pursuant to said Agreement and pursuant to the "County Unit Salary Plan"; the increment recommendation from the Sheriff for each such unit employee under his jurisdiction receiving such recommendation being approved.

4. That commencing January 1, 2008, each non-unit employee occupying a position set forth in the "County Non-Unit Salary Plan" shall receive the salary for the step of the Grade of the position occupied that is set forth in section 6 of Resolution No. 297-75, as last amended by Resolution No. 261-2006, and which salary such non-unit employee is entitled to receive commencing January 1, 2008; the increment recommendations from the department heads for each such non-unit employee under their jurisdiction receiving such recommendation being approved.

5. That the Personnel Officer is directed to prepare and deliver a list of the names and pay of the employees affected by sections one, two, three and four of this resolution to the County officers who are responsible for preparing the payrolls of such employees.

6. That commencing January 1, 2008, the base salaries, none of which include any earned longevity increment, of the incumbents of the titled positions herein set forth shall be the amount set forth opposite such position, to wit:

Title	Base Salary
County Legislators (15)	8,500
Chairman of the Board	8,500
Majority Leader	300
Minority Leader	300
Budget Officer	2,000
Deputy Budget Officer	2,000
County Administrator	84,402
Clerk of the Board	49,163
District Attorney	119,800
Assistant District Attorney (1st)	32,786
Assistant District Attorney (2nd)	30,337
Assistant District Attorney (3rd)	30,337
Assistant District Attorney (4th)	30,337
Assistant District Attorney (5th) RTR	26,806
Assistant District Attorney (6th) Welfare	24,000

District Attorney Investigator (PT)	12,000
Crime Victims Coordinator	25,602
Public Defender	73,130
Assistant Public Defender (1st)	31,136
Assistant Public Defender (2nd)	28,868
Coroners	125 p/d
Coroners' Physician	50 p/d
Deputy County Auditor	1,100
County Treasurer	62,000
Real Property Tax Agency Director	49,531
County Clerk	55,000
County Attorney	99,768
Assistant County Attorney (1st)	63,870
Assistant County Attorney (2nd)	57,788
Assistant County Attorney (3rd)	46,395
Personnel Officer	48,849
Election Commissioners (2)	12,496
Public Works Superintendent	64,771
Seasonal Laborers (Public Works)	7.50/hr.
Information Technology Director	58,519
Sheriff	60,000
Probation Director II	60,548
STOP DWI Coordinator	14,000
Youth Director	28,611
Fire Coordinator	13,403
Emergency Services Director	40,176
Public Health Director	62,952
Tourism Specialist	10,310
Community Services Director	33,531
Social Services Commissioner	67,221
Development Director	71,794
Office for the Aging Director	51,282
Office for the Aging:	
Site Managers	7.15-9.15/hr.
Drivers, Aides	7.15-9.15/hr.
Rushford Lake:	
Youth Agencies Director	454.25/wk.
Lifeguards	8.94/hr.
Employment & Training Director III	56,560
JTPA Summer Counselors	11.50/hr.
Executive Secretary, Workers' Comp.	29,131

Moved by: Mr. Russo  
 Seconded by: Mr. Pullen

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

**RESOLUTION NO. 243-07**

**AMENDMENT OF RESOLUTION NO. 297-75 TO PROVIDE  
NEW SALARY GRADE SCHEDULE IN COUNTY NON-UNIT SALARY PLAN**

Offered by: Personnel Committee

**RESOLVED:**

1. That effective January 1, 2008, Section 6 of Resolution No. 297-75, as last amended by Resolution No. 261-2006, is amended to read as follows:

Section 6. The following salary grades are hereby established for use in determining the compensation for the positions graded in Section Three of this resolution:

Grade	Base	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Inc
1	24,360	25,091	25,844	26,618	27,417	28,240	29,087	29,959	30,858	31,783	32,736	33,718	851
2	25,844	26,618	27,417	28,240	29,087	29,959	30,858	31,783	32,736	33,718	34,731	35,773	903
3	27,417	28,240	29,087	29,959	30,858	31,783	32,736	33,718	34,731	35,773	36,846	37,950	958
4	29,087	28,959	30,858	31,783	32,736	33,718	34,731	35,773	36,846	37,950	39,090	40,264	1,016
5	30,858	31,783	32,736	33,718	34,731	35,773	36,846	37,950	39,090	40,264	41,471	42,715	1,078
6	32,736	33,718	34,731	35,773	36,846	37,950	39,090	40,264	41,471	42,715	43,996	45,317	1,144
7	34,731	35,773	36,846	37,950	39,090	40,264	41,471	42,715	43,996	45,317	46,677	48,077	1,213
8	36,846	37,950	39,090	40,264	41,471	42,715	43,996	45,317	46,677	48,077	49,518	51,005	1,287
9	39,090	40,264	41,471	42,715	43,996	45,317	46,677	48,077	49,518	51,005	52,535	54,110	1,365
10	41,471	42,715	43,996	45,317	46,677	48,077	49,518	51,005	52,535	54,110	55,733	57,405	1,449
11	43,996	45,317	46,677	48,077	49,518	51,005	52,535	54,110	55,733	57,405	59,127	60,902	1,537

Moved by: Mr. Russo  
Seconded by: Mr. Fanton

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

*(Memo: The Non-Unit Salary Plan table included with Resolution No. 243-07 is based on a 35 hour per week work schedule, and the salary figures represent a three percent increase over 2007 salaries.)*

**RESOLUTION NO. 244-07**

**CREATING ONE POSITION OF AGING SERVICES SPECIALIST IN  
OFFICE FOR THE AGING**

Offered by: Human Services Committee

**RESOLVED:**

1. That one position of Aging Services Specialist is created in the Office for the Aging.

2. This resolution shall take effect on December 11, 2007.

Moved by: Mr. Truax

Adopted: Roll Call

Seconded by: Mr. Pullen

14 Ayes, 0 Noes, 1 Absent

Resolution Intro. No. 252-07 (Resolution Amending Resolution 272-2005 Regarding Restrictions on the Use of County Owned Vehicles) was DEFEATED on a roll call vote of 4 Ayes, 10 Noes, 1 Absent. Voting No: Benson, Burdick, Crandall, Dibble, Fanton, Hall, Hopkins, Pullen, Reynolds, Truax. This proposed resolution, offered by Legislators Kruger, O'Grady, Russo, and Ungermann, would have removed the exceptions to the policy of not allowing employees to use County owned vehicles for transportation to and from their residences.

**RESOLUTION NO. 245-07**

**DESIGNATING THE WELLSVILLE DAILY REPORTER AS SOLE OFFICIAL NEWSPAPER FOR THE WEEK OF DECEMBER 24, 2007 AND THE WEEK OF DECEMBER 31, 2007**

Offered by: Ways and Means Committee

**WHEREAS**, the Clerk of this Board was informed that the Cuba Patriot, one of the official newspapers, will not be published during the weeks of December 24, 2007 and December 31, 2007, now, therefore, be it

**RESOLVED:**

1. Notwithstanding the provisions of Section 1 of Resolution No. 241-2006, the Wellsville Daily Reporter is designated as the sole official newspaper to publish local laws, notices and other matters required by law to be published during the week of December 24, 2007 and the week of December 31, 2007.

Moved by: Mr. Reynolds  
Seconded by: Mr. Russo

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

Resolution Intro. No. 254-07 (A Resolution Determining that Errors Exist on the 2004-2007 County and Town Tax Rolls for the Towns Named with Regard to Real Property of Various Taxpayers Therein...) was amended on a motion made by Legislator Hopkins, seconded by Legislator Pullen and carried, by adding the following phrase at the end of paragraph 4: "and the County Treasurer is directed to make a refund to the said taxpayer of the aggregate total of \$297.50."



RESOLUTION NO. 246-07

A RESOLUTION DETERMINING THAT ERRORS EXIST ON THE  
2004-2007 COUNTY AND TOWN TAX ROLLS FOR THE TOWNS NAMED  
WITH REGARD TO REAL PROPERTY OF VARIOUS TAXPAYERS THEREIN;  
DIRECTING MAILING OF NOTICES OF APPROVAL OF APPLICATIONS FOR  
CORRECTED TAX ROLLS AND ORDERING THE VARIOUS TOWN TAX COLLECTORS  
TO CORRECT THE TAX ROLLS; PROVIDING FOR CHARGE BACKS OR CREDITS

Offered by: Ways and Means Committee

Pursuant to Real Property Tax Law § 554

**WHEREAS**, applications, for the taxpayers hereafter described, have been made to the County's Director of Real Property Tax Service Agency, for the correction of certain errors affecting their real property on various tax rolls, and

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

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

**RESOLVED:**

1. That with regard to the applications for the named taxpayers pertaining to claimed errors regarding their real property on the respective tax rolls of the named Towns, this Board of Legislators does determine that the claimed errors as alleged in those applications exist and does approve those applications.

2. That the Chairman of this Board is authorized and directed to make a notation on those applications and the duplicates thereof that they are 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 taxpayers 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 such respective taxpayers of the applicable provisions of subdivision seven of Section 554 of the Real Property Tax Law.

4. That the Tax Collector of the Town of Amity is ordered and directed to correct in the 2004-2007 County, Town and School Tax Rolls the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Strittmather, Albert & Wife; Parcel 172.-1-14  
 Assessment: Land \$2,100; Total \$2,100

this Parcel was combined with another parcel and should have been deleted from the Tax Roll, and the County Treasurer is directed to make the following charges on her books:

	<u>School 2004-2005</u>	<u>Town &amp; County 2005</u>	<u>School 2005-2006</u>	<u>Town &amp; County 2006</u>	<u>School 2006-2007</u>	<u>Town &amp; County 2007</u>
Allegany County		34.64		36.57		39.32
Town of Amity		17.41		17.39		20.93
Amity Fire		2.76		2.74		2.73
School	38.31		39.81		42.56	
Library	.76		.78		.79	
Total	39.07	54.81	40.59	56.70	43.35	62.98

and the County Treasurer is directed to make a refund to the said taxpayer of the aggregate total of \$297.50.

5. That the Clerk of this Board is directed to forthwith mail a certified copy of this resolution to the various Tax Collectors for the Towns stated above together with the original copies of those applications completed in accordance with section two of this resolution.

6. The Clerk of this Board shall mail a copy of this resolution to the above named School and the amount to be charged to each 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 each School as a result of school taxes returned after the date such amount is charged and which shall be paid to each School after May 1, 2008. The County Treasurer shall send a written notice to each School of the amount of such deduction prior to May 1, 2008.

Moved by: Mr. Reynolds  
 Seconded by: Mr. Fanton

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

**RESOLUTION NO. 247-07**

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

Offered by: Ways and Means Committee

Pursuant to Tax Law § 261 (3)

**RESOLVED:**

1. That the Semi-Annual Report for the period April 1, 2007, through September 30, 2007, 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. Reynolds  
Seconded by: Mr. Truax

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

**RESOLUTION NO. 248-07**

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

Offered by: Ways and 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 \$25,509.18 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	1,228.01	978.57	249.44	Alfred
Allen	238.88	238.88		
Alma	207.94	207.94		
Almond	982.56	899.84	82.72	Almond
Amity	940.66	779.72	160.94	Belmont
Andover	675.99	552.26	123.73	Andover
Angelica	1,440.87	1,180.06	260.81	Angelica
Belfast	1,252.60	1,252.60		
Birdsall	544.36	544.36		
Bolivar	1,090.83	860.27	213.70	Bolivar
			16.86	Richburg
Burns	613.62	529.99	83.63	Canaseraga
Caneadea	1,602.25	1,602.25		
Centerville	204.78	204.78		
Clarksville	467.40	467.40		
Cuba	2,161.88	1,808.81	353.07	Cuba
Friendship	811.79	811.79		
Genesee	792.46	792.46		
Granger	45.29	45.29		
Grove	617.89	617.89		
Hume	952.03	952.03		
Independence	681.29	681.29		
New Hudson	270.45	270.45		
Rushford	1,404.46	1,404.46		
Scio	893.43	893.43		
Ward	230.89	230.89		
Wellsville	3,950.63	2,864.35	1,086.28	Wellsville
West Almond	179.22	179.22		
Willing	531.05	531.05		
Wirt	495.67	458.61	37.06	Richburg
TOTALS	25,509.18	22,840.94	2,668.24	

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 effect the purpose of this resolution.

Moved by: Mr. Reynolds  
 Seconded by: Mr. Russo

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



thereon.

3. That there be annexed to each such roll a tax warrant in the form prepared by the Clerk of this Board to contain the respective amounts heretofore authorized to be levied upon the taxable property in each such roll and to bear the seal of the County Board of Legislators.

4. That the Chairman and Clerk of this Board shall sign each such warrant.

5. That the Clerk of this Board shall cause the delivery of each assessment roll together with the applicable tax warrant, i.e. the tax roll, or a certified copy thereof, to the tax collecting officer entitled thereto not later than December 31, 2007.

Moved by: Mr. Reynolds  
Seconded by: Mr. Hopkins

Adopted: Roll Call  
12 Ayes, 2 Noes, 1 Absent  
Voting No: Kruger, Russo

**RESOLUTION NO. 251-07**

**LEVYING TAXES AND ASSESSMENTS REQUIRED FOR PURPOSES OF  
ANNUAL BUDGETS OF THE TOWNS OF ALLEGANY COUNTY**

Offered by: Ways and Means Committee

Pursuant to Town Law § 115

**WHEREAS**, there has been presented to the Board of Legislators a duly certified copy of the annual adopted budget of each of the several Towns in the County of Allegany for the fiscal year beginning January 1, 2008, now, therefore, be it

**RESOLVED:**

1. That there is levied, assessed and raised by tax and assessments upon the real property liable therefore situated in the following Towns outside of any incorporated villages wholly or partially located therein, the General Fund and Highway Fund amounts specified in the annual adopted budgets of such Towns and indicated opposite such Towns, as follows:

	General Fund	Highway Fund
Alfred	14,890.00	87,563.00
Almond	6,741.00	162,455.00
Amity	3,525.00	118,300.00
Andover	16,516.00	133,922.00
Angelica	775.00	41,000.00
Bolivar	18,498.00	194,990.00
Burns	0.00	46,533.00
Cuba	1,241.00	261,565.00
Wellsville	106,138.00	294,564.00
Wirt	337.95	123,850.75

2. That there is levied, assessed and raised by tax and assessments upon the real property liable therefore situated in the following Towns, the General Fund and Highway Fund amounts specified in the annual adopted budgets of such Towns and indicated opposite such Towns, as follows:

	General Fund	Highway Fund
Alfred	127,539.00	195,199.00
Allen	71,966.00	94,787.00
Alma	152,074.00	347,104.00
Almond	159,617.00	171,961.00
Amity	167,284.00	122,400.00
Andover	137,272.00	146,915.00
Angelica	87,500.00	87,000.00
Belfast	205,433.00	305,400.00
Birdsall	79,204.00	96,773.00
Bolivar	139,323.00	192,175.00
Burns	129,775.00	116,158.00
Caneadea	217,506.00	426,819.00
Centerville	114,056.00	196,018.00
Clarksville	132,890.00	278,450.00
Cuba	506,519.00	230,817.00
Friendship	347,537.00	179,901.00
Genesee	125,435.00	338,819.00
Granger	81,075.00	144,900.00
Grove	107,753.00	226,093.00
Hume	185,500.00	392,500.00
Independence	190,400.00	390,080.00
New Hudson	109,785.00	227,144.00
Rushford	284,518.00	397,025.00
Scio	193,878.00	316,222.00
Ward	95,443.00	164,075.00
Wellsville	555,248.00	280,109.00
West Almond	92,000.00	35,370.00
Willing	163,201.00	244,490.00
Wirt	154,055.55	248,228.25

3. That there is levied, assessed and raised by tax and assessments upon the real property liable therefore in the following fire, fire protection, improvement and other special districts in the following Towns, the amounts specified in the annual adopted budgets of such Towns for such districts and indicated opposite such Towns, as follows:

Alfred	Fire Protection	31,000.00
	Hydrant	352.00
Allen	Fire Protection	12,385.00
Alma	Fire Protection	47,000.00
	Light	2,000.00
Almond	Fire Protection	25,000.00
Amity	Fire District	45,000.00
Andover	Fire Protection	28,000.00
Angelica	Fire Protection	22,400.00
Belfast	Water	59,830.00
	Fire District	46,686.00
	Light	6,000.00
Birdsall	Fire Protection	20,356.00
Bolivar	Richburg-Wirt Fire District	3,873.00
	Bolivar Joint Fire District	97,800.00
Burns	Fire Protection	16,000.00
Caneadea	Houghton Water District	176,608.00
	Houghton Sewer District	68,908.00
	Caneadea Light District	3,228.00
	Houghton Light District	19,378.00
	Oramel Light District	737.00
	Rushford Lake District	16,000.00
	Caneadea Fire District	103,390.00
Centerville	Fire Protection	18,450.00
Clarksville	Fire Protection	58,000.00
Cuba	Fire Protection	47,525.00
	Sewer #1 (Echo Lanes)	0.00
	Sewer #3 (Acme)	1,119.00
	Water #3 (Acme)	679.00
	Water #4 (School)	1,318.00
	Lake District	46,845.00
Friendship	Friendship Fire	90,500.00
	Street Lighting District	17,700.00
	Sidewalks Fund	34,107.00
	Refuse & Garbage District	47,965.00
Genesee	Fire Protection 1 (Bolivar)	34,354.00
	Fire Protection 2 (Portville)	28,635.00
Granger	Fire Protection	16,500.00
Grove	Swain Lighting District	2,500.00
	Canaseraga Fire District 1	16,000.00
	Nunda Fire District 2	2,000.00



Hume	Fire Protection	72,950.00
	Light District 1 (Hume)	3,650.00
	Light District 2 (R & W)	4,050.00
	Light District 3	9,750.00
	Sidewalk	21,615.00
	Sewer District	0.00
	Consolidated Water Dist.	0.00
Independence	Fire Protection	43,000.00
	Street Light	9,000.00
	Water District	0.00
New Hudson	Light District 1	2,500.00
	Fire District 1	35,000.00
Rushford	Lighting District	6,000.00
	Rushford Lake Rec. Dist.	184,000.00
	Rushford Fire District	97,650.00
Scio	Water District 1	43,356.00
	Water District 3	0.00
	Light District 1	14,950.00
	Fire District 1	23,700.00
	Fire District 2	47,400.00
Ward	Fire Protection	7,800.00
Wellsville	Fire Protection	108,050.00
	Hillcrest Lighting District	285.00
	Sinclair Sewer District	2,325.00
	Bolivar Rd. Sewer District	1,212.00
	Airport Sewer District	0.00
	Sinclair Water District	960.00
	Riverside Water District	940.00
	Bolivar Rd. Water District	2,047.00
	George St. Water District	2,000.00
	West Wellsville Water Dist.	20,550.00
	Airway Sanitary Sewer Dist.	0.00
	Philips Creek Water Dist.	0.00
West Almond	Fire District	8,630.00
Willing	Fire Protection	65,430.00
Wirt	Fire Protection Townwide	78,500.00

4. That such taxes and assessments, when collected, shall be paid to the Supervisors of the several Towns in the amounts as shown in this resolution, for distribution by them in the manner provided by law.

Moved by: Mr. Reynolds  
 Seconded by: Mr. Pullen

Adopted: Roll Call  
 11 Ayes, 3 Noes, 1 Absent  
 Voting No: Kruger, Russo, Ungermann

RESOLUTION NO. 252-07

**FINANCING PURCHASE OF TWO FOUR-WHEEL DRIVE VEHICLES FOR  
SHERIFF'S DEPARTMENT; PROVIDING FUNDING FROM VEHICLE REPLACEMENT  
CAPITAL FUND ACCOUNT AND REIMBURSEMENT TO SUCH CAPITAL FUND ACCOUNT**

Offered by: Ways and Means Committee

**WHEREAS**, two Sheriff's vehicles were destroyed while providing mutual aid to the Village of Wellsville on November 19, 2007, and

**WHEREAS**, approximately \$53,000 minus the amount of recovery from insurance on the vehicles will be required to replace such vehicles, and

**WHEREAS**, the vehicles need to be replaced as soon as possible due to an existing vehicle shortage within the Sheriff's Department, now, therefore, be it

**RESOLVED:**

1. That the amount of \$53,000 for the purchase of two four-wheel drive vehicles for the Sheriff's Department shall be taken from Account No. H5997.2 (Vehicle Replacement Capital Fund).

2. That the insurance recovery funds from the two destroyed vehicles will be deposited in the Vehicle Replacement Capital Fund.

3. That any difference between the amount withdrawn from the Vehicle Replacement Capital Fund and the insurance proceeds received for the destroyed vehicles shall be withdrawn from Account No. A1990.4 (Contingent) and transferred to the Vehicle Replacement Capital Fund.

Moved by: Mr. Reynolds  
Seconded by: Mr. Dibble

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

Comments made regarding Resolution No. 252-07: Mr. Ungermann questioned the type of 4-wheel drive vehicles and if they'd already been purchased. Sheriff Tompkins responded that a Dodge Durango and a Chevy Tahoe have been purchased.

Mr. Reynolds noted that Mr. O'Grady had questioned why a Tahoe was purchased and not a less expensive vehicle. The Sheriff answered that he inherited the Jeep from the previous Sheriff, and it was a very tight fit due to his height, which may have contributed to some of his injuries sustained during the recent incident in Wellsville. The only thing available on state bid that was larger was the Tahoe. Mr. Reynolds relayed that Mr. O'Grady wanted it noted that Trailblazers cost \$10,000 less.

Mr. Russo pointed out that the settlement for the totaled vehicles was \$25,000, which can be deducted from the new vehicle purchase price of \$53,000. That money will go back into the vehicle replacement fund.

**RESOLUTION NO. 253-07**

**ACCEPTANCE AND APPROPRIATION OF FEDERAL AND STATE  
HAVA FUNDS FOR UPGRADING POLLING SITES**

Offered by: Personnel and Ways and Means Committees

**RESOLVED:**

1. That the sum of \$19,547 in federal and state grant funding for upgrading polling sites to meet ADA compliance standards is accepted.

2. That the accepted sum of \$19,547 is appropriated to Account No. A1450.4 with a like sum credited to Revenue Account No. A10.3089.1450.

Moved by: Mr. Russo  
Seconded by: Mr. Fanton

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

**RESOLUTION NO. 254-07**

**TRANSFER OF FUNDS FROM LAW ENFORCEMENT SHERIFF ACCOUNT TO  
LAW ENFORCEMENT E-911 DISPATCH ACCOUNT**

Offered by: Personnel and Ways and Means Committees

**RESOLVED:**

1. That the sum of \$12,000 is transferred from Account No. A3110.101 (Sheriff - Personnel) to Account No. A3112.203 (E-911 Dispatch - Communications).

Moved by: Mr. Russo  
Seconded by: Mr. Fanton

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

*(Memo: The transfer approved in Resolution No. 254-07 will finance the ten percent down payment required for the dispatch software, training, and support from Priority Dispatch Corporation as approved by Resolution No. 240-07. The balance of \$101,348 must be paid by January 31, 2009.)*

RESOLUTION NO. 255-07

TRANSFER OF FUNDS FROM CONTINGENT ACCOUNT TO  
HOMELAND SECURITY EQUIPMENT ACCOUNT

Offered by: Ways and Means Committee

**RESOLVED:**

1. That the sum of \$22,118 is transferred from Account No. A1990.4 (Contingent) to Account No. A3645.218 (Homeland Security Grant - Equipment) to finance the cost of replacing security fencing at County's Corbin Hill Tower site.

Moved by: Mr. Reynolds  
Seconded by: Mr. Dibble

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

*(Memo: Regarding Resolution No. 255-07, payment will be made to the fencing contractor, and then the state will be vouchered for 100 percent reimbursement.)*

A motion was made by Legislator Ungermann and seconded by Legislator Kruger to TABLE Resolution Intro. No. 264-07 (Acceptance and Approval of Proposal and Agreement with LaBella Associates, P.C. for Engineering Services with Respect to Design of Court Facilities). The motion was defeated on a roll call vote of 5 Ayes, 9 Noes, 1 Absent. Voting No: Benson, Burdick, Crandall, Dibble, Fanton, Hall, Hopkins, Pullen, Reynolds. Comments included below:

Mr. Ungermann stated, "There are two proposals for Court Facilities (LaBella Associates and Clark Patterson Lee). The Committee of the Whole should hear both since they are both very different. I request a roll call vote on the motion to table, so the public knows who is willing to look at all the options and who is not." Mr. Ungermann was concerned about making a snap decision and also about this decision being made by only six members of a committee, rather than by the entire group of legislators.

Mr. Dibble noted that the Court Facilities and County Space Needs Committee did look at both proposals.

Mr. Reynolds commented that all options have been looked at very thoroughly, and the time has come to take action.

Mr. Hopkins pointed out that the Court Facilities and County Space Needs Committee voted to accept LaBella's proposal, received in response to the Request for Proposals, partially due to the fee of \$70,000 as opposed to Clark Patterson Lee's fee of \$204,000.

Mr. Kruger responded that the proposals were very different, with one including much more detail. The RFP was vague. He cautioned about jumping in with too many unknowns, and felt it would be unwise not to sit down with both engineering firms to tie up loose ends.

Mr. Fanton commented that the RFP was specific, in that it included establishing a plan to take the process all the way through Office of Court Administration acceptance.

**RESOLUTION NO. 256-07**

**ACCEPTANCE AND APPROVAL OF PROPOSAL AND AGREEMENT WITH LABELLA ASSOCIATES, P.C. FOR ENGINEERING SERVICES WITH RESPECT TO DESIGN OF COURT FACILITIES**

Offered by: Court Facilities and County Space Needs Committee

**RESOLVED:**

1. That the proposal of LaBella Associates, P.C. dated November 21, 2007 in the amount of \$70,000 for engineering services with respect to the design of court facilities for the County is approved and the Chairman of this Board is authorized to execute an agreement on behalf of the County.

2. The funds to pay the cost of such engineering services shall be taken from such account or accounts designated by this Board.

Moved by: Mr. Hall

Adopted: Roll Call

Seconded by: Mr. Pullen

9 Ayes, 5 Noes, 1 Absent

Voting No: Kruger, McCormick, Russo, Truax, Ungermann

*(Memo: The agreement approved in Resolution No. 256-07 covers programming and preliminary design services for the development of a plan which will provide necessary accommodations for the County Court System and be acceptable to the New York State Office of Court Administration. LaBella Associates was selected after the solicitation of formal written proposals.)*

**RESOLUTION NO. 257-07**

**APPROVAL OF AGREEMENTS WITH APPROVED PROVIDERS OF PROGRAMS, SEIT AND/OR EVALUATIONS FOR PRESCHOOLERS WITH DISABILITIES; RATIFYING BOARD CHAIRMAN'S SIGNATURE**

Offered by: Human Services Committee

**RESOLVED:**

1. That each Agreement titled "County of Allegany Contract for Approved Providers of Programs, SEIT and/or Evaluations for Preschoolers with Disabilities" with Pathways, Inc., and Kid-Start, Livingston Wyoming ARC for the period September 1, 2007 to August 31, 2008, is approved.

2. The execution of the above agreements by the Chairman of the Allegany County Board of Legislators is ratified and approved.

Moved by: Mr. Truax

Adopted: Roll Call

Seconded by: Mr. Kruger

14 Ayes, 0 Noes, 1 Absent

Resolution Intro. No. 266-07 (A Resolution Supporting a Grant Application to Fund a Salt Storage Building in the Town of Angelica and Authorizing Funding in Support Thereof) was not pre-filed and was considered from the floor on a motion made by Legislator Fanton, seconded by Legislator Truax and carried.

**RESOLUTION NO. 258-07**

**A RESOLUTION SUPPORTING A GRANT APPLICATION TO FUND A SALT STORAGE BUILDING IN THE TOWN OF ANGELICA AND AUTHORIZING FUNDING IN SUPPORT THEREOF**

Offered by: Public Works Committee

**RESOLVED:**

1. That Allegany County hereby supports a \$200,000 shared services grant proposal being made by the Town of Angelica for a salt storage building, the use of which is to be shared between those municipalities contributing to its cost.

2. That Allegany County agrees to contribute a maximum of \$20,000 towards the cost of the salt storage building contingent upon grant approval.

Moved by: Mr. Fanton

Adopted: Roll Call

Seconded by: Mr. Truax

14 Ayes, 0 Noes, 1 Absent

Comments made regarding Resolution No. 258-07: Superintendent of Public Works David Roeske explained that the Town of Angelica and Village of Angelica are applying for a shared services grant. The County is involved because we will have our material there. The County share is possible through the grant, and the Town and Village passed resolutions relieving the County of that cost.

**AUDITS:**

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

A motion was made by Legislator Truax, seconded by Legislator Kruger and adopted on a roll call vote of 13 Ayes, 0 Noes, 2 Absent (Legislator O'Grady was absent; Legislator Hall left prior to vote), that the audit of claims, totaling \$3,557,021.61 including prepaids, 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 \$8,202,584.*)

**ADJOURNMENT:**

The meeting was adjourned on a motion made by Legislator Truax, seconded by Legislator Dibble and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS**  
**Regular Session**

**DECEMBER 24, 2007**

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The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

Pledge of allegiance to the flag.

The invocation was given by Legislator Reynolds.

Roll Call: 15 Present; 0 Absent.

**APPROVAL OF MINUTES:**

The amended Board meeting minutes of November 26, 2007 were approved on a motion made by Legislator Dibble, seconded by Legislator Truax and carried.

The Board meeting minutes of December 10, 2007 were approved on a motion made by Legislator Truax, seconded by Legislator Kruger and carried.

**PRIVILEGE OF THE FLOOR:**

Chairman Crandall granted privilege of the floor to Public Health Director Lori Ballengee to speak about the Allegany County Cancer Services Foundation. On behalf of the Foundation, Mrs. Ballengee expressed thanks for the Board's donation and their continued support, and gave a brief overview of the organization. Services are provided for County residents with cancer issues. Financial help is offered for expenses incurred during treatment, such as for travel, uncovered medical bills, prescriptions, co-pays, and food. Referrals are made to help patients navigate through the maze of insurance and billing concerns. There is also a breast cancer support group. So far, the organization has helped 25 people financially. They've been in operation for 18 months, although the first ten months were spent mainly in organizing.

**ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:**

1. Notification was received of the NYSAC 2008 Legislative Conference to be held January 28-30, 2008 at the Desmond Hotel & Conference Center in Albany.

2. Correspondence was received from Daniel J. Guiney regarding his retirement and resignation as Allegany County Attorney effective January 3, 2008.

3. Correspondence was received from the Allegany Senior Foundation thanking the Board for their contribution.



4. Correspondence was received from the Allegany County Area Foundation thanking the Board for their contribution.

5. Correspondence was received from the family of Dennis Dye thanking the Board for their donation to the Cuba Library in his memory. (Mr. Dye was the County's insurance representative for many years.)

6. Correspondence was received from Congressman John (Randy) Kuhl acknowledging receipt of our resolution opposing Governor Spitzer's decision to allow illegal immigrants to obtain New York State driver's licenses. Congressman Kuhl further stated that he is supporting H.R. 4176 and H.R. 800, legislation restricting access for illegal aliens to driver's licenses and other State-issued identification documents.

**APPOINTMENTS:**

The Clerk of the Board announced that Chairman Curtis W. Crandall, in a joint measure with Crystal Abers, Chairman of the Cattaraugus County Board of Legislators, has appointed the following to fill the remainder of three-year terms on the **CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD:**

<u>Appointee</u>	<u>Replacing</u>	<u>Term Expires</u>
Voni Walker, of Wellsville	Brenda Kelleher	12/31/09
Chris Napoleon, Olean	Bob Weber	12/31/08
Linda Kolodziejcki, Wellsville	Darwin Fanton	12/31/09
Jill Whitfield, Olean	Diane Chodan	12/31/08

**RESOLUTIONS:**

**RESOLUTION INTRO. NO. 267-07 (A RESOLUTION OF THE ALLEGANY COUNTY BOARD OF LEGISLATORS EXEMPTING RESIDENTIAL ENERGY SOURCES AND SERVICES FROM SALES AND COMPENSATING USE TAXES PURSUANT TO THE AUTHORITY OF ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK)** was offered by Legislators Kruger and Ungermann. Comments included:

Legislator Theodore Hopkins distributed copies of a letter he wrote to all legislators prior to the meeting:

*"As Chairman of the Finance Committee, I have reviewed the financial impact of the proposed Resolution Intro. No. 267-07 that would exempt residential energy costs from sales tax.*

*According to the NYS Taxation and Finance Department, Allegany County collected \$1,990,750 in revenue during the last four quarters from sales tax on residential energy sales. If we adopt this resolution, we would have a \$2 million deficiency in the 2008 Budget. I absolutely do not believe that there is any way we could overcome such a large revenue shortfall in the 2008 Budget. The County would end the year with a deficit. This shortfall in revenue could also create a serious cash flow problem and certainly would*

get the attention of the NYS Comptroller's Office. I also believe it would have a negative impact on any future bonding.

If we look ahead at the 2009 County Budget, we would have to raise taxes by almost nine percent (9%) in order to compensate for the lost sales tax revenue. On top of the nine percent (9%) increase, we would need to increase taxes by another four percent (4%) if the County ended 2008 with a conservative \$1 million deficit. The passage of this resolution would result in a thirteen percent (13%) increase in the County tax levy for the 2009 Budget even without any other increases in the budget. It is very conceivable that we would be looking at an increase of over fifteen percent (15%) in the 2009 County tax levy.

I certainly understand the desire to help the elderly and those on a limited income with their energy costs. The HEAP program is available to assist those who need help. But, I believe the cost of this proposed sales tax exemption to all taxpayers, including the elderly, residential, business, and farms, should prohibit us from passing this resolution."

Mr. Hopkins stated that the proposed exemption would result in a \$2 million hit on revenue, and the 2008 Budget is already passed. We also need to remember the letter from the State Comptroller's office regarding the County's tax limit and unappropriated fund balance. We're doing better, but not great. Something like this would devastate the progress we've made, and financially we'd be going the other way very quickly.

Mr. Kruger commented that he agrees with Mr. Hopkins and offered a prepared statement on some thoughts of ways to get to the point where we could offer this exemption for the taxpayers:

"This year, the Board passed raises for some department heads that are ten times the cost of living increase. Eliminating sell-backs of vacation and sick leave time would save \$375,000. A fifteen percent health insurance contribution could net \$750,000. Parking County cars could net \$50,000. We gave away a \$118,481 school for \$1 with collateral damage of \$7 million for a Social Services building, undetermined extra millions on a Court addition, \$4 million has been rumored for building a parking garage to replace the 80 lost parking spaces, and hundreds of thousands of dollars for new construction to replace the maintenance building that is certain to be lost. We are raising taxes at a rate of \$6 million per year. Permits and license fees have all been raised. There are positions that could have been eliminated through attrition, serving to streamline departments and saving hundreds of thousands of dollars, but this has not been followed through on when opportunities have arisen. We as a Board can't even stay within our own budget for mileage reimbursement.

I did discuss the fiscal impact of this resolution with County Attorney Dan Guiney, but did not hear back from him. I am glad that Mr. Hopkins did. I would like to thank Mr. Hopkins for bringing

these figures to the Board's attention. I have no doubt they are accurate.

This resolution was brought forth in an attempt to do something that would have a positive effect on not only every resident of the County, but businesses that deal in various home heating fuels as well. It would be especially beneficial to our senior citizens and our working poor to ease the financial burden of rising heating costs.

While discussing this resolution with Dan Guiney, I found out that we don't have to eliminate the entire four and one-half percent sales tax; we can reduce the tax in one-half percent increments. Anything we do, other than status-quo, will be beneficial to our residents, and if we can find a way to reduce this tax to three percent, it will put our business owners on an even playing field with Cattaraugus County.

I do not oppose tabling this resolution for further discussion and consideration at a later date."

**A MOTION WAS MADE BY LEGISLATOR KRUGER AND SECONDED BY LEGISLATOR UNGERMANN TO TABLE RESOLUTION INTRO. NO. 267-07. THE MOTION WAS DEFEATED** on a roll call vote of 5 Ayes, 10 Noes, 0 Absent. Voting Aye: Kruger, McCormick, Russo, Truax, Ungermann.

Mr. O'Grady commented that he could support the resolution if a plan was included to show how the money that would be lost in sales tax revenue could be made up.

Mr. Ungermann noted that too often, the Board tries to make decisions without having all the facts. Of the 59 counties in the state, only 16 tax residential energy sources and services, in addition to 13 cities. He suggested tabling the matter and taking time to think about what we'd like to do. The tax can be reduced in one-half percent increments. Rushing judgment would not be wise, as not only the taxpayers, but everyone benefits.

Mr. Reynolds questioned why all the needed information was not ready when the resolution was offered, instead of bringing it forward and then asking to table it.

Mr. Kruger pointed out that he had tried to get the information on various occasions since September, and when unsuccessful, he was going to request the matter be tabled. This was an effort to do something for the people paying the bill. Tax on home heating fuels is unjust, just as taxes for clothing and food would be.

Mr. Pullen noted that there is not a person here that likes taxes as high as they are, but the timing for this exemption is wrong. The County has two sources of revenue in the budget: sales and property. If any action is taken, even if only one-half percent, we eliminate a portion of revenue it takes to finance the budget with no way at

this point to make it up, whether through altering spending or raising real estate taxes. That would also hit hard on the working poor and elderly. We need to have a budget that looks at both sides.

Mr. Truax agreed that the timing is bad. If it's going to raise property taxes, the exemption is not a good thing. We need to table the issue and look at it, or bring forth another resolution to look at increments.

Mr. Fanton commented that there are a lot of unfair taxes, for instance that on acreage. The bottom line is that sales tax on heating fuel is not the only unfair tax there is.

Mr. Reynolds stated he was not opposed to the intent, but the resolution proposal should have gone through the committee system where it could be debated and worked out.

Mr. Russo responded that with the committee system, only six people make decisions, and there is no healthy dialogue. Sometimes important issues need to be looked at this way. Mr. Hopkins pointed out the cost of the exemption, but figures are also needed on how much comes back into the County from people getting the break. The figures presented were weighted on one side. There is a good side to this.

Mr. Hopkins pointed out that there are a lot of things to look at: GASB issues, the unappropriated fund balance has to grow, which would lower both the tax rate and the cost of bonding, and we also have to look at taxes on business.

**RESOLUTION INTRO. NO. 267-07 (A RESOLUTION OF THE ALLEGANY COUNTY BOARD OF LEGISLATORS EXEMPTING RESIDENTIAL ENERGY SOURCES AND SERVICES FROM SALES AND COMPENSATING USE TAXES PURSUANT TO THE AUTHORITY OF ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK) WAS DEFEATED** on a roll call vote of 1 Aye, 14 Noes, 0 Absent. Voting Aye: Russo.

**RESOLUTION INTRO. NO. 268-07 (CREATING ONE POSITION OF FULL-TIME REGISTERED NURSE AND ABOLISHING ONE POSITION OF FULL-TIME PUBLIC HEALTH NURSE IN THE HEALTH DEPARTMENT) WAS TABLED AND REFERRED BACK TO THE HUMAN SERVICES COMMITTEE** following a motion made by Legislator Truax, seconded by Legislator Reynolds and carried.

**RESOLUTION NO. 259-07**

**CREATING ONE POSITION OF REGISTERED PROFESSIONAL NURSE IN  
SHERIFF'S DEPARTMENT - JAIL; AUTHORIZATION TO FILL SUCH POSITION**

Offered by: Public Safety Committee

**RESOLVED:**

1. That one position of Registered Professional Nurse is created in the Sheriff's Department - Jail.
2. That the Public Safety Committee approves the filling of the position of Registered Professional Nurse.
3. This resolution shall take effect on December 25, 2007.

Moved by: Mr. Dibble  
Seconded by: Mr. Truax  
Voting No: Burdick, McCormick, O'Grady, Pullen

Adopted: Roll Call  
11 Ayes, 4 Noes, 0 Absent

*(Memo: The position approved by Resolution no. 259-07 was requested because with the addition of federal inmates, the jail is exceeding the number that the nursing staff is able to handle. Currently the nurses are averaging eighteen visits per pay in addition to their other duties.)*

**RESOLUTION NO. 260-07**

**APPOINTMENT OF MEMBERS TO ALLEGANY COUNTY FIRE ADVISORY BOARD**

Offered by: Public Safety Committee

Pursuant to County Law § 225-a.

**RESOLVED:**

1. That each of the following persons is appointed to the Allegany County Fire Advisory Board, with term of office for each to commence January 1, 2008, and expire December 31, 2008:

Richard Hoffman, Jr.	Alfred
Judson Stearns, Jr.	Alfred Station
Robert Prior	Allentown
Bryan Snyder	Almond
Ed Sackett	Andover
Richard Sortore	Angelica
David Jennings	Belfast
Brandon LaValley	Belmont
Terry Richardson	Bolivar
Scott Kenyon	Canaseraga
Robert Lester	Cuba
Joel Clark	Fillmore
Dale Lockwood	Friendship
David Vogel, Sr.	New Hudson

Daniel Barkley, Jr.  
Dan Metcalf  
Jeff Luckey  
David Sweet  
Larry Erdmann  
LeRoy Ives  
Alan Mills

Richburg  
Rushford  
Short Tract  
Wellsville  
Whitesville  
Willing  
Wischoy-Rossburg

Moved by: Mr. Dibble  
Seconded by: Mr. Truax

Adopted: Voice Vote

**RESOLUTION NO. 261-07**

**AUTHORIZING THE ACCEPTANCE OF MAINTENANCE JURISDICTION FROM NYSDOT  
WITH INTENT TO QUIT CLAIM COUNTY INTEREST TO ADJACENT LANDOWNER**

Offered by: Public Works Committee

**RESOLVED:**

1. That the County of Allegany agrees to accept the transfer of maintenance jurisdiction from the New York State Department of Transportation, NYSDOT, for property at and/or near the intersection of NYS Route 305 and North Shore Road (County Road 7) which property is more particularly described in a letter dated December 4, 2007 from James D. Dimassimo of NYSDOT to the County Attorney.

2. That the County of Allegany intends to quit claim its interest in this property to Stewart A. Freeman, an adjoining property owner, upon a determination pursuant to law that Allegany County has no further use for said property and upon payment to Allegany County of the fair market value of such interest with the cost of such transfer, including the preparation of any appraisals or surveys, to be fully borne by the said Stewart A. Freeman.

Moved by: Mr. Fanton  
Seconded by: Mr. McCormick

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 262-07**

**AUTHORIZING SALE AND CONVEYANCE OF COUNTY'S INTEREST IN  
REAL PROPERTY IN THE TOWN OF FRIENDSHIP TO JENNIFER LOMBARDO;  
AUTHORIZING CHAIRMAN TO EXECUTE DEED**

Offered by: Ways and Means Committee

**WHEREAS**, the County is the owner of certain real property located in the Town of Friendship which it acquired pursuant to tax foreclosure, and

**WHEREAS**, such property is not being occupied or used by the County and there is no planned use of it by the County, and

**WHEREAS**, Jennifer Lombardo, an adjacent owner, has offered to pay the sum of one hundred dollars (\$100.00) for said parcel,

together with all expenses necessary for preparation and recording of the deed to said parcel, with the County to retain the mineral rights in the parcel, and

**WHEREAS**, this Board believes it is in the best interest of the County to convey such property to Jennifer Lombardo according to the terms described above, now therefore, be it

**RESOLVED:**

1. That this Board authorizes the sale by quit claim deed to Jennifer Lombardo of Friendship, New York the following described premises in the Town of Friendship, County of Allegany and State of New York for the sum of \$100 plus attorney and recording fees:

**ALL THAT CERTAIN PIECE, PARCEL OR LOT OF LAND**, situate and lying in the Town of Friendship, County of Allegany and State of New York, being a portion of Lot 6, Town 3, Range 1 of the Holland Company Survey, being more particularly bounded and described as follows:

**BEGINNING** at a point in the Southeasterly bounds of County Road 20, said point being 1182.58' Southwesterly of the intersection of the Southeasterly bounds of said County Road 20 with the North bounds of said Lot 6, as measured along the Southeasterly bounds of said County Road 20;

**THENCE**, from the Point-of-Beginning, N 89° 40' 58" E, distance of 160.00' to a point;

**THENCE**, S 00° 19' 02" E, a distance of 110.00' to a point;

**THENCE**, S 89° 40' 58" W, a distance of 235.91' to a point in the Southeasterly bounds of said County Road 20;

**THENCE**, N 34° 17' 30" E along the Southeasterly bounds of said County Road 20, a distance of 133.65' to a point, the Point-of-Beginning.

**CONTAINING** 0.500+ acres.

**EXCEPTING** and **RESERVING** to grantor, its successors and assigns, all oil, gas and minerals in, under and upon the above described property.

**SUBJECT TO** all easements and rights of way of record or visible possession.

**TOGETHER** with all the appurtenances and all the estate and rights of the party of the first part in and to said premises.

**TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, its successors and assigns forever.

The County of Allegany shall in no event be or become liable for any defects in or encumbrances or liens on the title hereby conveyed for any cause whatsoever. No claim or demand of any nature that arises from this sale or any of the proceedings leading hereto shall ever be made against the County of Allegany.

It is understood and agreed that the County of Allegany is hereby conveying only such land as aforesaid and described above, and that said property shall be located and laid out by and at the expense of the party of the second part.

2. That the Chairman of this Board is authorized to execute and deliver a quit claim deed for said premises upon payment of the purchase price and fees.

Moved by: Mr. Reynolds  
Seconded by: Mr. Fanton

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

#### RESOLUTION NO. 263-07

**A RESOLUTION REFERRING A REQUEST FOR THE INCLUSION OF VIABLE AGRICULTURAL LAND LOCATED IN THE TOWN OF WILLING IN AGRICULTURAL DISTRICT NUMBER FOUR CREATED WITHIN THE TOWNS OF ALFRED, ANDOVER, INDEPENDENCE, WARD AND WILLING ON AUGUST 7, 1977 TO THE COUNTY AGRICULTURAL AND FARMLAND PROTECTION BOARD; SETTING DATE OF PUBLIC HEARING AND AUTHORIZING LEGAL NOTICE OF PROPOSED INCLUSION AND DIRECTING SUBMISSION OF REPORT FROM COUNTY AGRICULTURAL AND FARMLAND PROTECTION BOARD IN RELATION TO THE INCLUSION OF SUCH VIABLE AGRICULTURAL LAND IN AGRICULTURAL DISTRICT NUMBER FOUR**

Offered by: Public Works Committee

**WHEREAS**, Agricultural District Number Four within the Towns of Alfred, Andover, Independence, Ward and Willing was created on August 7, 1977, and was last modified and continued on January 24, 2005 by Resolution No. 10-2005 in accordance with law, and

**WHEREAS**, the description of such district was thereafter filed in the Allegany County Clerk's Office, and

**WHEREAS**, section 303-b of the Agriculture and Markets Law requires that a county legislative body refer any requests for inclusion of viable agricultural land within an existing agricultural district received within the designated annual thirty day period to the County Agricultural and Farmland Protection Board, which board shall within thirty days of such referral recommend to the County Legislative Body whether or not such viable agricultural land be included in the existing agricultural district, and that the local Legislative Body publish a notice of public hearing on such proposed inclusion as required by law, and

**WHEREAS**, Philip G. May, residing at 41 Fitzstevens Road, Wellsville, New York requested inclusion within such annual thirty-day period of approximately 94.4 acres of predominantly viable



agricultural land located in the Town of Willing into Agricultural District Number Four, now, therefore, be it

**RESOLVED:**

1. That the question of whether or not the above described acreage in the Town of Willing should be included in Agricultural District Number Four is hereby referred to the Allegany County Agricultural and Farmland Protection Board. Such Board shall within thirty days of the date of this resolution submit a report of its recommendations to this Board of Legislators including whether or not the inclusion of such land would serve the public interest by assisting in maintaining a viable agricultural industry within Agricultural District Number Four.

2. That a public hearing on the proposed inclusion of such viable agricultural land in Agricultural District Number Four shall be held by this Board at the County Legislators' Chambers, Room 221, County Office Building, Belmont, New York on February 25, 2008 at 2:00 PM.

3. That the District Manager of the Allegany County Soil and Water Conservation District Board is authorized and directed to cause the publication of a notice of a public hearing on the proposed inclusion of such land in Agricultural District Number Four and serve a copy of such notice of public hearing on the New York State Commissioner of Agriculture.

Moved by: Mr. Fanton  
Seconded by: Mr. Dibble

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 264-07**

**CHARGEBACK TO TOWNS OF COST OF VARIOUS TAX SUPPLIES  
PURCHASED OR PROVIDED FOR BY COUNTY**

Offered by: Ways and Means Committee

**WHEREAS**, assessment rolls, field books and various other tax supplies have been purchased or provided by the County for Towns within the County, and

**WHEREAS**, it is necessary to charge the cost of such items back to the Towns, now, therefore, be it

**RESOLVED:**

1. That the cost of assessment rolls, field books and various other tax supplies purchased or provided by the County to the Towns within Allegany County shall be charged back to the Towns on the 2008 tax rolls, as follows:

Alfred	1,510.80	Friendship	1,568.40
Allen	675.60	Genesee	1,441.20
Alma	1,244.40	Granger	698.40

Almond	1,378.80	Grove	810.00
Amity	1,712.40	Hume	1,441.20
Andover	1,614.00	Independence	1,009.20
Angelica	1,339.20	New Hudson	921.60
Belfast	1,406.40	Rushford	2,014.80
Birdsall	699.60	Scio	1,489.20
Bolivar	1,908.00	Ward	524.40
Burns	939.60	Wellsville	4,474.80
Caneadea	1,696.80	West Almond	634.80
Centerville	750.00	Willing	1,308.00
Clarksville	1,324.80	Wirt	1,178.40
Cuba	2,692.80		

Moved by: Mr. Reynolds  
 Seconded by: Mr. Fanton

Adopted: Roll Call  
 15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 265-07**

**RESOLUTION FIXING DATE OF 2008 ORGANIZATION MEETING**

Offered by: Ways and Means Committee

**RESOLVED:**

1. That the Board of Legislators shall meet on Wednesday, January 2, 2008, at 2:00 P.M. in the Legislators' Chambers in the County Office Building, Belmont, New York, for the purpose of organizing the Board, selecting a Chairman and such other officers or appointees as may be desired, and for the transaction of any other business which could properly come before any regular meeting of the Board.

Moved by: Mr. Reynolds  
 Seconded by: Mr. Truax

Adopted: Voice Vote

**RESOLUTION NO. 266-07**

**SUSPENDING CERTAIN COUNTY BOARD RULES AFFECTING PROPOSED RESOLUTIONS  
REQUESTED TO BE SUBMITTED AT ORGANIZATION MEETING ON JANUARY 2, 2008**

Offered by: Ways and Means Committee

**RESOLVED:**

1. That section D. of Rule 170 and sections C., D. and E. of Rule 180 of County Board Rules, are suspended for proposed resolutions which are requested to be submitted at the organization meeting of the County Board of Legislators to be held on January 2, 2008.

Moved by: Mr. Reynolds  
Seconded by: Mr. Hall

Adopted: Voice Vote

**RESOLUTION NO. 267-07**

**CHANGING REGULAR MEETING DATE FROM JANUARY 28, 2008  
TO JANUARY 25, 2008**

Offered by: Chairman Curtis W. Crandall

**RESOLVED:**

1. Notwithstanding Rule 110. A. of County Board Rules, the second regular meeting of this Board in the month of January of 2008 shall be held on January 25, 2008 at 2:00 PM and not on January 28, 2008 at 2:00 PM.

Moved by: Mr. Dibble  
Seconded by: Mr. Pullen

Adopted: Voice Vote

*(Memo: The Board meeting change approved in Resolution No. 267-07 will allow legislators to attend the annual NYSAC Conference being held from January 28 to 30, 2008.)*

**RESOLUTION NO. 268-07**

**RESOLUTION DESIGNATING OFFICIAL NEWSPAPERS FOR THE  
PUBLICATION OF LOCAL LAWS, NOTICES AND OTHER MATTERS  
REQUIRED BY LAW TO BE PUBLISHED IN 2008**

Offered by: Ways and Means Committee

**WHEREAS**, in accordance with subdivision 1 of Section 214 of the County Law the members of this Board of Legislators representing respectively each of the two principal political parties into which the people of this State are divided have designated in writing the newspapers set forth below to publish, in 2008, the concurrent resolutions of the State Legislature, election notices issued by the Secretary of State, and the official canvass:



**WHEREAS**, should the County Administrator as County Auditor deny the refund, the application would then be presented to the County Board of Legislators for its consideration, and

**WHEREAS**, the delegation must be given each calendar year, now, therefore, be it

**RESOLVED:**

1. This Board does delegate the authority to make real property tax refunds and to correct tax bills and tax rolls to the County Administrator as County Auditor pursuant to the above sections of the Real Property Tax Law subject to the limitations in paragraphs 2. and 3. of this resolution for calendar year 2008.

2. That for calendar year 2008, the County Administrator as County Auditor is authorized to perform the duties of the County Board of Legislators in providing real property tax refunds, where the recommended refund is \$1,000 or less, in accordance with Section 556 of the Real Property Tax Law.

3. That for calendar year 2008, the County Administrator as County Auditor is authorized to correct tax bills and tax rolls, where the recommended correction is \$1,000 or less, in accordance with Section 554 of the Real Property Tax Law.

Moved by: Mr. Reynolds  
Seconded by: Mr. Pullen

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 270-07**

**ACCEPTANCE OF FUNDS FROM NEW YORK MUNICIPAL INSURANCE RECIPROCAL (NYMIR) AND APPROPRIATION OF SAME TO RISK RETENTION, INSURANCE RECOVERY AND VEHICLE REPLACEMENT ACCOUNTS**

Offered by: Ways and Means Committee

**WHEREAS**, a check in the amount of \$3,122.39 plus a supplemental check in the amount of \$301.37, have been offered by NYMIR in settlement of the cost to repair a County vehicle that was damaged on November 19, 2007, and

**WHEREAS**, two checks totaling \$25,959 representing a settlement for two Jeep Grand Cherokees which were totally destroyed on November 19, 2007 have been offered by NYMIR in settlement for property damage caused by such incident, now, therefore, be it

**RESOLVED:**

1. That the sum of \$3,423.76, representing the cost, less deductible, to repair said County vehicle that was damaged on November 19, 2007 and the sum of \$25,959 in settlement for the destruction of two Jeep Grand Cherokees are accepted.

2. That the accepted sum of \$3,423.76 is appropriated to Account No. CS1931.429 (Risk Retention - Uninsured Property Loss), with a like sum credited to Revenue Account No. CS07.2680.00 (Risk Retention - Insurance Recovery).

3. That the accepted sum of \$25,959 is appropriated to Account No. H5997.200 (Vehicle Replacement) with a like sum credited to Revenue Account No. H07.2680.00 (Insurance Recovery).

Moved by: Mr. Reynolds  
Seconded by: Mr. Hopkins

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

*(Memo: The vehicles damaged or destroyed for which claim settlement was accepted in Resolution No. 270-07 were Sheriff vehicles involved in the November 19, 2007 Village of Wellsville mutual aid police pursuit. NYMIR will be forwarding subrogation proofs to the Village of Wellsville's insurance carrier under their mutual aid coverage, and the County should be able to recover deductibles. The totaled Jeep Grand Cherokees are being replaced with a 2008 Chevy Tahoe and 2008 Dodge Durango.)*

Comments regarding Resolution No. 270-07: Mr. O'Grady questioned whether the County would be able to recoup the \$23,000 not covered by insurance. Clerk of the Board Brenda Riehle responded that the value of the destroyed vehicles will be covered.

**RESOLUTION NO. 271-07**

**ACCEPTANCE AND APPROPRIATION OF FUNDING FROM THE  
NEW YORK STATE DEPARTMENT OF HEALTH TO  
VARIOUS HEALTH DEPARTMENT PROGRAMS**

Offered by: Human Services and Ways and Means Committees

**RESOLVED:**

1. That this Board of Legislators accepts funding from the New York State Department of Health for the following programs:

<u>Program</u>	<u>Amount</u>	<u>Account No.</u>	<u>Revenue No.</u>
Integrated Cancer Services	8,616	A4071.409	A10.3401.01
Children with Special Needs	942	A4052.409	A10.3401.02
Family Planning	9,657	A4035.408	A10.3450.00
Childhood Lead Poisoning Prevention	2,064	A4037.408	A10.3437.00
Immunization	1,647	A4056.408	A10.3473.00
Early Intervention			

Administration Grant 1,978 A4052.409 A10.3401.02

Moved by: Mr. Truax Adopted: Roll Call  
Seconded by: Mr. Dibble 15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 272-07**

**REAPPROPRIATION OF 2006 FUNDING FOR OFFICE FOR THE AGING  
HEAP AND POE GRANTS; ACCEPTANCE OF INCREASE IN FUNDING FOR THE  
NUTRITION SERVICES INITIATIVE PROGRAM (NSIP) FROM THE  
STATE OF NEW YORK**

Offered by: Human Services and Ways and Means Committees

**RESOLVED:**

1. That the 2006 funding for the HEAP and POE Grants in the amount of \$13,200 is reappropriated as follows: \$2,200 to Account No. A6777.101, \$4,000 to Account No. A6777.474, \$5,000 to Account No. A6787.101, \$2,000 to Account No. A6787.424 with a like sum of \$6,200 credited to Revenue Account No. A09.2801.40 and \$7,000 credited to Revenue Account No. A10.3772.6787.

2. That the sum of \$6,700 for the Nutrition Services Initiative Program (NSIP) is accepted and appropriated as follows: \$5,700 to Account No. A6772.4, \$1,000 to Account No. A6772.8 with a like sum credited to Revenue Account No. A11.4772.03.

Moved by: Mr. Truax Adopted: Roll Call  
Seconded by: Mr. Pullen 15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 273-07**

**TRANSFER OF FUNDS WITHIN OFA - HIICA AND  
OFA - III-E FAMILY CAREGIVER ACCOUNTS**

Offered by: Human Services Committee

**RESOLVED:**

1. That the sum of \$5,000 is transferred as follows: \$3,000 from Account No. A6782.4 to Account No. A6782.1 and \$2,000 from Account No. A6782.4 to Account No. A6782.8.

2. That the sum of \$1,890 is transferred from Account No. A6786.8 to Account No. A6786.4.

Moved by: Mr. Truax Adopted: Roll Call  
Seconded by: Mr. Dibble 15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 274-07**

**TRANSFER OF FUNDS WITHIN EMERGENCY SERVICES ACCOUNT**

Offered by: Public Safety Committee

**RESOLVED:**

1. That the sum of \$1,875 is transferred from Account No. A3640.2 to Account No. A3640.4, for EMS training rent expenses at the Crossroads.

Moved by: Mr. Dibble  
Seconded by: Mr. Pullen

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

*(Memo: The transfer approved by Resolution No. 274-07 will cover rent expenses for November and December 2007.)*

**RESOLUTION NO. 275-07**

**TRANSFER OF FUNDS WITHIN PROBATION ACCOUNT**

Offered by: Public Safety Committee

**RESOLVED:**

1. That the sum of \$500 is transferred from Account No. A3140.4 to Account No. A3140.2, for the purchase of a new safe.

Moved by: Mr. Dibble  
Seconded by: Mr. Fanton

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 276-07**

**TRANSFER OF FUNDS WITHIN HISTORIAN ACCOUNT**

Offered by: Ways and Means Committee

**RESOLVED:**

1. That the sum of \$170 is transferred from Account No. A7510.4 (Historian - Contractual) to Account No. A7510.201 (Historian - Equipment) for the purchase of a photo/negative scanner.

Moved by: Mr. Reynolds  
Seconded by: Mr. Hall

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent



**RESOLUTION NO. 277-07**

**APPROVAL OF AGREEMENT WITH BMA CONSULTING SERVICES, INC.  
FOR INSURANCE ADVICE AND SERVICES;  
AUTHORIZING CHAIRMAN TO EXECUTE AGREEMENT**

Offered by: Personnel Committee

**RESOLVED:**

1. That the agreement with BMA Consulting Services, Inc. for the period January 1, 2008 to December 31, 2008 to provide insurance advice and services is approved and the Chairman of this Board is authorized to execute such Agreement.

Moved by: Mr. Russo  
Seconded by: Mr. Fanton

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

*(Memo: Payment terms for the agreement approved by Resolution No. 277-07 are \$10,000 paid in 12 equal installments of \$833.33 or one installment within the first 30 days at a ten percent discount resulting in a \$1,000 savings. No increase over the previous year.)*

**RESOLUTION NO. 278-07**

**APPROVAL OF RENEWAL AGREEMENT WITH COUNTY OF ONEIDA  
TO PROVIDE SERVICES FOR ALLEGANY COUNTY PRISONERS HELD AT THE  
CENTRAL NEW YORK PSYCHIATRIC CENTER FORENSIC UNIT**

Offered by: Public Safety Committee

**RESOLVED:**

1. That Renewal Agreement between the County of Allegany and the County of Oneida, to provide in-patient psychiatric services for Allegany County prisoners held at the Central New York Psychiatric Center Forensic Unit, is approved.

2. That the Chairman of this Board and the Allegany County Sheriff are authorized to execute said Agreement.

Moved by: Mr. Dibble  
Seconded by: Mr. Truax

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

*(Memo: The period of the agreement approved by Resolution No. 278-07 is January 1, 2008 through December 31, 2009.)*

**RESOLUTION NO. 279-07**

**APPROVAL OF 2008 YOUTH DEVELOPMENT/DELINQUENCY PREVENTION (YDDP)  
PROGRAMS INCLUDING MUNICIPAL YOUTH PROJECTS FOR RECREATION PROGRAMS,  
SERVICE PROGRAMS, AND YOUTH INITIATIVE PROGRAMS**

Offered by: Public Safety and Ways and Means Committees

**WHEREAS,** the County Youth Bureau has recommended certain municipal youth projects for recreation programs, service programs, and youth initiative programs within the County for 2008, now, therefore, be it

**RESOLVED:**

1. That the 2008 Municipal Youth Projects for recreation are approved as follows:

<u>Municipality</u>	<u>2008 Award/Project</u>	<u>Municipality</u>	<u>2008 Award/Project</u>
Village of Alfred	2,400 R021	Town of Burns	250 R181
Town of Almond	325 R051	Village of Canaseraga	250 R191
Village of Almond	276 R061	Town of Cuba	992 R231
Town of Amity	777 R071	Village of Cuba	1,020 R241
Village of Belmont	580 R081	Town of Friendship	750 R251
Town of Andover	500 R091	Town of Hume	1,348 R301
Village of Andover	500 R010	Town of Independence	736 R321
Town of Angelica	321 R111	Town of Rushford	800 R341
Village of Angelica	520 R121	Town of Wellsville	4,237 R371
Town of Belfast	3,350 R131	Town of Wirt	338 R411
Town of Bolivar	599 R151	Rushford Lake Project	13,625 R001
Village of Bolivar	903 R161		

2. That the 2008 Municipal Youth Projects for services are approved as follows:

<u>Agency</u>	<u>Program Title</u>	<u>2008 Award</u>
Allegany Council	Week of Alternatives	\$4,000
BOCES	Government for Youth	2,650
Youth for Christ	Wellsville Skate Park	3,000
Houghton College	First STEP	3,000
Houghton College	STEP	4,500
Allegany Council	Natural Helpers	2,521
Youth for Christ	Teen Centers	3,500
Village of Cuba	A Sound Beginning	3,100
Town of Wellsville	Dance/Theatre Program	2,300
Heritage Aflame	D2D Skateboard Club	1,000
Youth for Christ	Rushford Skate Park	1,000
Allegany/Western Steuben Rural Health Network	Weekend Food Adventures	800

3. That the 2008 Municipal Youth Projects for Youth Initiatives are approved as follows:

<u>Agency</u>	<u>Program Title</u>	<u>2008 Award</u>
Allegany Arts Association	Summer Arts Festival	2,094
Literacy Volunteers	Peers Helping Peers	3,000
Southern Tier Traveling Teachers, Inc.	GED	3,600
Allegany Co. Chapter of Red Cross	When I'm In Charge	750
Alfred University	Children Learning Initiatives	2,300

Moved by: Mr. Dibble  
 Seconded by: Mr. Hall

Adopted: Roll Call  
 15 Ayes, 0 Noes, 0 Absent

*(Memo: Resolution No. 279-07 approves the 2008 Municipal Youth Projects for Recreation Programs totaling \$35,397, Service Programs totaling \$31,371, and Youth Initiatives Programs totaling \$11,744. This YDDP portion of the youth plan includes the aforementioned three funding categories, in addition to the Administrative category totaling \$16,601, with a 50 percent matching reimbursement. The total 2008 YDDP allocation is \$95,113.)*

**RESOLUTION NO. 280-07**

**APPROVAL OF SPECIAL DELINQUENCY PREVENTION PROGRAM (SDPP)  
 SUBCONTRACT AGREEMENTS FOR CALENDAR YEAR 2008;  
 PROVIDING PROGRAM FUNDS**

Offered by: Public Safety and Ways and Means Committees

**RESOLVED:**

1. That the following Special Delinquency Prevention Program (SDPP) Agreements for calendar year 2008, are approved and appropriated as follows:

<u>Agreement</u>	<u>Amount</u>	<u>Approp. Account</u>	<u>Revenue Account</u>
Allegany Area Council on Alcohol and Substance Abuse, Inc. (Prevention Education Referral)	\$4,000	A7313.486	A10.3821.04
Allegany County Mental Health Association, Inc. (Youth Compeer Program)	\$4,000	A7313.488	A10.3821.07
Allegany County Employment & Training (SYEP)	\$8,732	A7318.486	A10.3822.02

Houghton College (Special First STEP)	\$1,600	A7313.494	A10.3821.94
Houghton College (Special STEP)	\$1,600	A7313.493	A10.3821.93
Southern Tier Traveling Teacher (Special GED Program)	\$3,100	A7315.487	A10.3821.7315
Youth Court	\$6,000	A7321.1	A10.3825.7321

Moved by: Mr. Dibble  
 Seconded by: Mr. Fanton

Adopted: Roll Call  
 15 Ayes, 0 Noes, 0 Absent

*(Memo: Resolution No. 280-07 approves the 2008 Special Delinquency Prevention Programs totaling \$29,032. The SDPP portion of the youth plan funds programs that target youth with well-defined needs and is 100 percent reimbursed.)*

**RESOLUTION NO. 281-07**

**AUTHORIZING THE PUBLIC WORKS DEPARTMENT TO  
 PURSUE PARTICIPATION IN "OPERATION SAVE NEW YORK"**

Offered by: Public Works Committee

**RESOLVED:**

1. That the County of Allegany, acting through its Public Works Department, is authorized to pursue participation in "Operation Save New York," an energy demand response program managed by Energy Curtailment Specialists, Inc., with the goal of reducing energy consumption.

2. That final agreement as to the terms of such participation is subject to the approval of this Board.

Moved by: Mr. Fanton  
 Seconded by: Mr. Reynolds

Adopted: Voice Vote

*(Memo: The program referred to in Resolution No. 281-07 will include payment to the County for reducing energy consumption during crisis situations in New York State. Reimbursement will be made for Kilowatts taken off the grid and also for fuel used by the generators. Revenue projections range from \$2,415 to \$4,446 for the County to run its generator for two to six hours per year. Payment will be made even if the County is never called during the year. The program term is five years; however, the County can opt out at any time with a 25-day notice.)*

RESOLUTION NO. 282-07

APPROVAL OF AGREEMENTS WITH THE VILLAGES OF CUBA AND WELLSVILLE  
IN RELATION TO THE DISPOSAL OF COUNTY LANDFILL LEACHATE  
AT THE VILLAGE WASTE WATER TREATMENT PLANTS;  
AUTHORIZING BOARD CHAIRMAN TO EXECUTE AGREEMENTS

Offered by: Public Works Committee

**RESOLVED:**

1. That Agreements between the County of Allegany and the Villages of Cuba and Wellsville in relation to the County's disposal of leachate at the Villages' waste water treatment plants for the period January 1, 2008 to December 31, 2008, are approved.

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

Moved by: Mr. Fanton  
Seconded by: Mr. McCormick

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

*(Memo: The agreements approved by Resolution No. 282-07 include payment by the County to the referenced villages in the amount of two and one-half cents [\$.025] per gallon of leachate.)*

RESOLUTION NO. 283-07

APPROVAL OF SNOW REMOVAL AND ICE CONTROL AMENDMENT CONTRACTS  
AND APPROVING CONDITIONED EXECUTION OF AMENDMENT CONTRACTS  
BY BOARD CHAIRMAN

Offered by: Public Works Committee

**WHEREAS**, this Board by Resolution No. 156-07 approved Snow Removal and Ice Control Contracts between the County of Allegany and various Towns in the County for a term of three years beginning with the 2007-2008 snow season and ending May 15, 2010, and

**WHEREAS**, since the approval and execution of the agreements the cost of motor fuel has increased to an amount not contemplated by the County and the Towns at the time they entered into such contracts, and

**WHEREAS**, the County believes it will be in the best interests of the County and the Towns to amend such contracts to pay to the Towns a fuel adjustment in the amount of Fifty Dollars (\$50.00) per mile for the snow season 2007-2008, now, therefore, be it

**RESOLVED:**

1. That Snow Removal and Ice Control Amendment Contracts increasing the per mile payment to the Towns in the amount of Fifty Dollars (\$50.00) per mile as a fuel adjustment for snow season 2007-2008 are approved.

2. That the Chairman of this Board is authorized to execute such Amendment Contracts with all Towns which execute or have executed the Snow Removal and Ice Control Contract for the snow seasons beginning with 2007-2008 and ending May 15, 2010.

3. That an executed duplicate original of each such Amendment Contract shall be filed in the office of the Clerk of this Board along with a certified copy of each such Town Board's resolution approving such Amendment Contract.

4. That the Clerk of this Board is directed to send a certified copy of this resolution to each of the Town Clerks of such Towns for filing in his or her office.

Moved by: Mr. Fanton  
Seconded by: Mr. Reynolds

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

#### **RESOLUTION NO. 284-07**

#### **TRANSFERS BETWEEN APPROPRIATION ACCOUNTS**

Offered by: Ways and Means Committee

**WHEREAS**, the Committees of this Board have authorized expenditures and such expenditures may be in excess of appropriations, and

**WHEREAS**, unexpended, unencumbered balances may exist in accounts, now, therefore, be it

#### **RESOLVED:**

1. That the County Treasurer is authorized to make transfers between appropriation accounts upon her books and to expend the same therefrom as she deems necessary for the purpose of balancing the accounts for the end of the 2007 fiscal year.

2. That upon the completion of such transfers the County Treasurer shall file a certification listing such transfers with the Clerk of this Board. Such certification shall be incorporated in the 2007 proceedings of this Board following this resolution.

Moved by: Mr. Reynolds  
Seconded by: Mr. Fanton

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 Absent

#### **AUDITS:**

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

A motion was made by Legislator Truax, seconded by Legislator Hopkins and adopted on a roll call vote of 15 Ayes, 0 Noes, 0 Absent, that the audit of claims, totaling \$2,064,152.49 including

prepaids, 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 \$8,540,038.*) Mr. Hopkins commented that by the end of year, Medicaid costs will total almost \$9 million. That is nearly 40 percent of the County's tax load.

**ADJOURNMENT:**

The meeting was adjourned at 3:00 p.m.