

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
ORGANIZATION MEETING  
JANUARY 2, 2008**

**\*\* APPROVED \*\***

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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, who then led in the Pledge of Allegiance to the Flag. The invocation was given by Legislator Pullen.

**ROLL CALL:** 15 Present; 0 Absent.

**RESOLUTIONS:**

**RESOLUTION NO. 1-08**

**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, 2008.
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. Pullen

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

**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 adoption of Resolution No. 1-08. Chairman Crandall assumed leadership of the meeting.

**RESOLUTION NO. 2-08**

**REAPPOINTMENT 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 reappointed 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. Fanton  
Seconded by: Mr. Reynolds

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

**OATHS OF OFFICE ADMINISTERED:**

Judge Thomas Brown administered the Oath of Office to Vice Chairman William G. Dibble, who was accompanied by his wife, Shirley, following adoption of Resolution No. 2-08.

Judge Thomas Brown administered the Oath of Office to Allegany County Clerk Robert L. Christman, who was accompanied by Leonard Watson.

Judge Thomas Brown administered the Oath of Office to Allegany County Judge James E. Euken, who was accompanied by his secretary, Deborah Hunter.

**RESOLUTION NO. 3-08**

**APPOINTMENT OF INTERIM COUNTY ATTORNEY AND FIXING COMPENSATION**

Offered by: Legislator Curtis W. Crandall

**WHEREAS**, the Office of Allegany County Attorney is currently vacant due to the retirement of Daniel J. Guiney, and

**WHEREAS**, this Board wishes to appoint an Interim County Attorney to serve in such Office until the position is filled by appointment, now, therefore, be it

**RESOLVED:**

1. That the First Assistant County Attorney, Thomas A. Miner is appointed as Interim County Attorney with a yearly salary of \$85,000 to serve until this Board appoints a County Attorney.

2. This resolution shall be effective as of January 4, 2008.

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

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

#### **CHAIRMAN'S STATEMENT:**

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

*"Dear Friends and Colleagues: As we bring a close to the challenges, opportunities, adventures, and the many satisfying rewards that we received from serving the people of Allegany County as their Legislators in 2007, and as we look forward to greater challenges and greater opportunities coming up in 2008, I would like to pause and reflect on the time we've spent together.*

*First, let me say what a pleasure it is to serve and work with each and every member of this Board of Legislators and to see your dedication. To our County Administrator for the overall management of County operations, the Clerk of the Board, and the entire team of dedicated department heads, County employees, and fellow elected officials that work so hard to meet the constant demands of County government and the challenge and responsibility to balance the proper services, public safety, infrastructure, cultural, heritage, and historical preservation needs, not to mention addressing unfunded mandates from the State of New York, and to meet these demands while minimizing the tax burden for Allegany County residents – what a great job you do in your challenging positions.*

*I am honored once again to be selected as this Body's Chairman, and I promise that I will do all I can to help this Board of Legislators not just meet, but exceed the responsibilities each of us pledged when we took office.*

*Gentlemen, today marks the halfway point of our service together; today we begin year three of our four-year term. I have said in the past, and I continue to believe, that we are dealing with and facing not only more complex issues, but a greater quantity of more complex issues all at one time, than any one group of our predecessors was ever forced to deal with. I also continue to believe that this is for a reason.*

*Some of these issues we are **choosing** to deal with, such as the development of the Crossroads Area and County Road 20 between Friendship and Belvidere. We are choosing to take action on projects such as this, to take a pro-active approach rather than only talking about what should be done, for we can see that Allegany County needs to move forward now with development, that we can no longer just talk about it. I commend you for your efforts on the Crossroads Project so far, and I believe it is only a small part of the many positive improvements our County has in store for the near future. Let's keep the momentum going.*

*We are a Board that has taken action to implement a County-wide Comprehensive Plan, a plan that has been worked on for the better part of 2007 and should be ready for our review and adoption early this year. We will be the first Board in our County's history to adopt such a plan. This will be a culmination of planning and ground work that was done by some very dedicated volunteers over several years, yet a document was never adopted in the past. Let's not just adopt this Comprehensive Plan and stick it on a shelf; let's put it to work for Allegany County and set the proper tone for Boards that will follow us.*

*We are a Board that, as I said at last year's Organization Meeting, is in the right place at the right time. We are in the right place to make a difference, and now is the right time for Allegany County to move forward and take advantage of the opportunities as they come along. Several projects have already begun from ideas and conversations we had when we started two years ago. From talk of enhancing the exits on I-86 came grant monies, and the **Allegany County Tourism Strategic Marketing Plan** was developed. From that plan spun off the Allegany County Tourism web site **discoveralleganycounty.com**, which is now up and running. Another spin-off from these conversations and plan is the newly formed **Greater Allegany County Area Chamber of Commerce**, which is now a reality as well. These actions are only a few of the many positive projects that are coming along, projects that are being implemented and worked on by the dedicated members of our various citizens advisory committees and boards.*

*I have been excited to be a part of, and see, our larger employers and educational institutions sitting down together, rolling up their sleeves, and working to address the issues of employee recruitment and retention, a task that we must cope with, including this Legislature, as we face a potentially large turnover of employees due to retirement in the near future. An exciting exchange of ideas has begun by the business leaders of our County. This is certainly a challenge, but it's a great opportunity for our County also.*

*A recent news article was titled **Dresser-Rand Adds over 100 Jobs in 2007 and Still Going**. The article talks of the 96 hourly workers and 38 salaried employees, five that are management positions making over \$100,000 per year. The article also speaks of Alstom Air Preheater, L.C. Whitford, Otis Eastern, and Northern Lights Candles and the good things going on in industry and business in our County. Let's seize the opportunities coming, not just watch them go by.*

*We are facing our ongoing day-to-day County business challenges head on, never letting our guard down. Our Budget for 2008 is possibly the most honest and accurate budget adopted in many years. As a Board, we have worked to steady Allegany County's financial position, do away with the deficit we inherited, and replenish our fund balances, and with the hard work of the Budget Committee, Budget Officer, and County Treasurer, we are well on our way. The 2008 Budget contains bridge projects that will be paid for as we go, not bonded, thank you very much. Our senior population, and our Veterans' Services, Health Services, Social Services, Personnel,*

*and Public Works Departments are always challenging us with needs to be met, and we are meeting those needs. Our 2008 Budget contains revenue in the operation of our Jail for housing prisoners, another first for our County. We need to continue with sound financial planning, reduce our sales tax rate, and foster economic growth for Allegany County.*

*Other projects and issues we face are not ones that we have sought to work on, but our hand is forced to address them, and we are equal to the task. The Court Facilities issue will continue to be a major project in the coming year. We will be moving forward on a responsible plan that will bring us into compliance with the Court Facilities Capital Plan Act of 1988. We will also be addressing the Landfill situation and the fact that it will soon be filled and other alternatives will need to be implemented. Serious work lies ahead for us.*

*The people of Allegany County deserve a Board of Legislators that takes a positive, pro-active approach to meeting the needs and demands of County government, a Board that lives up to its pledge and responsibilities. We are that Board.*

*If my statement sounds optimistic, it's because I am. Allegany County is a great place to live, work, and visit, and I am glad to be a steward of our County's resources, along with you, at this time.*

*To the nay-sayers and dooms-dayers that are looking for company, I say step aside. This Board has work to do. Thank you. Respectfully, Curtis W. Crandall"*

## **APPOINTMENTS:**

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

**CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD** (Appointed jointly with Crystal Abers, Chairman of the Cattaraugus County Legislature, for a three-year term expiring December 31, 2010):

Donald Giardini	Susan Piper
Theresa Schueckler	Jodi Fuller
Linda Pierce	Christina John

**CORNELL UNIVERSITY COOPERATIVE EXTENSION OF ALLEGANY COUNTY, LEGISLATIVE REPRESENTATIVE MEMBER** (Recommendation by Chairman Crandall to their Board of Directors, for a one-year term):

David T. Pullen, Fillmore

**COUNTY COMPREHENSIVE PLANNING COMMITTEE** (To serve at the pleasure of the Chairman, pursuant to General Municipal Law Section 239-d [2]):

Charles Jessup, Alfred Station – Chairman  
Theodore L. Hopkins, Fillmore

Lee Gridley, Wellsville  
Ronald Stuck, Friendship  
Brent Reynolds, Alfred Station  
Frederick Sinclair, Scio  
Edward Eicher, Wellsville

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

Curtis W. Crandall, Chairman of the Board  
Brent L. Reynolds, Chairman of Ways and Means Committee  
John E. Margeson, County Administrator  
Thomas A. Miner, Interim County Attorney  
Charles Jessup, Chairman of IDA

Ex-Officio Members:

John E. Foels, Development Director/IDA Director  
Frederick Sinclair, Soil and Water Conservation Executive Director  
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**

(To serve at the pleasure of the Chairman, pursuant to Local Law No. 2-94):

Jody Collins, Cuba	Robert C. Ellis, Belmont
Darwin Fanton, Wellsville	Marcia Habberfield, Scio
Kevin LaForge, Wellsville	Jerry Scott, Cuba
Ronald Stuck, Friendship	Ronald Truax, Cuba
Deborah Clark, Wellsville	Michael J. Doyle, Cuba

**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 O'Grady, Wellsville  
David T. Pullen, Fillmore

**REGION 9 OPEN SPACE ADVISORY COMMITTEE** (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:

Joe Orosz, Belmont

County Alternate: Ronald A. Stuck, Friendship

Legislative Member:

Norman G. Ungermann, Jr., Cuba

Member at Large:

Thomas Parmenter, Fillmore

**SOLID WASTE HEARING BOARD** (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 Vehicle and Traffic Law Section 1197 and Resolution No. 29-82):

Deborah Aumick, Rushford

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

Elaine Hardman, Wellsville

Lee James, Cuba

Joel Kassirer, Angelica

Steve Havey, Wellsville

Larry Short, Belfast

Donald Cameron, Alfred Station

Lee Gridley, Wellsville

Craig Smith, Fillmore

Mary Vandewarker, Angelica

**ALLEGANY COUNTY TRANSPORTATION TASK FORCE** (To serve at the pleasure of the Chairman):

William G. Dibble, Little Genesee

William M. Hall, Alfred

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** (Three-year term expiring December 31, 2010):

Wallace Higgins, Alfred Station      Jean MacMurray, Wellsville  
Jean Switalski, Cuba                      Beverly Grantier, Wellsville

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

Education:                      Deborah Clark, Alfred  
Agriculture:                      Fred Sinclair, Belmont  
Forests:                              John Corneby, Whitesville  
Recreation/Tourism:              Craig Braack, Belmont  
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  
    Gretchen Hanchett, Belmont

**REGION 9 FISH AND WILDLIFE MANAGEMENT BOARD** (Two-year term expiring December 31, 2009):

Legislative Representative Member: Dwight R. Fanton, Wellsville  
Alternate Legislative Representative Member: Douglas D. Burdick,  
    Alfred Station  
Sportsmen's Representative Member: Derwood Say, Cuba  
Alternate Sportsmen's Representative Member: John Lewis, Wellsville

**REGION 9 FOREST PRACTICE BOARD** (Two-year term expiring December 31, 2009):

Legislative Member: Karl D. Kruger, Friendship

**ALLEGANY COUNTY PLANNING BOARD** (Three-year term expiring December 31, 2010):

District III:  
    Kathleen Barnes, Little Genesee  
District IV:  
    Aaron Dale Foster, Andover  
District V:  
    Charles Jessup, Alfred Station  
Ex-Officio Members (Annual Appointment):  
    David Roeske, Superintendent of Public Works, Wellsville  
    Terri L. Ross, County Treasurer, Angelica  
    Brent Reynolds, Ways & Means Committee Chairman, Alfred Station

**VETERANS' SERVICE AGENCY, DIRECTOR:**

Harvey Scott Spillane, Wellsville

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

1. Communication was received from the Republican Party members of the Allegany County Board of Legislators recommending that Brent L. Reynolds, District V Legislator, be designated by the Chairman of said Board as Majority Leader for 2008.

2. Communication was received from the Democratic Party member of the Allegany County Board of Legislators recommending that Michael J. McCormick, District IV Legislator, be designated by the Chairman of said Board as Minority Leader for 2008.

3. Legislators wishing to attend the NYSAC Conference in Albany from January 28 through January 30, 2008 were reminded to notify the Clerk of the Board today.

4. All legislators are invited to attend the Board of Health meeting on Monday, January 7, 2008, at 7:00 p.m. in the Legislative Board Chambers.

Chairman Crandall distributed copies of his assignments to the **STANDING COMMITTEES OF THE BOARD OF LEGISLATORS** following adjournment of the meeting. (Assignments are as follows; Chairmen and Vice Chairmen are listed first):

**COURT FACILITIES AND COUNTY SPACE NEEDS:**

Pullen, Hall, Benson, Fanton, Hopkins, O'Grady

**HUMAN SERVICES:**

Truax, Dibble, Burdick, Kruger, Reynolds, Russo

**PERSONNEL:**

Hall, Burdick, Benson, Fanton, Pullen, Russo, Ungermann

**NEGOTIATIONS AD HOC** (*Sub-Committee of Personnel; Liaison between the County's negotiating team and the Personnel Committee*):

*Pullen, O'Grady, Russo*

**PUBLIC SAFETY:**

Dibble, Benson, Burdick, Kruger, McCormick, Reynolds

**PUBLIC WORKS:**

Fanton, O'Grady, Hopkins, McCormick, Reynolds, Ungermann

**WAYS & MEANS:**

Reynolds, Hopkins, Dibble, Fanton, Hall, McCormick, Pullen, Truax

**BUDGET** (*Sub-Committee of Ways & Means*):

*Hopkins, Fanton, Dibble, Hall, O'Grady*

**ADJOURNMENT:**

The meeting was adjourned at 2:30 p.m. on a motion made by Legislator Reynolds, seconded by Legislator Fanton and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION  
JANUARY 14, 2008**

**\*\* APPROVED \*\***

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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, who then led in the 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 Board meeting minutes of December 24, 2007 were approved on a motion made by Legislator Truax, seconded by Legislator Dibble and carried.

The Board Organization meeting minutes of January 2, 2008 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 Warren G. Schmidt, BOCES County Government Intern Program Instructor, who thanked the legislators for their continued support and introduced the 2008 interns. Six participants were present, and they will be joined by a few others in the coming weeks.

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

1. Placed on each legislator's desk was a copy of the Legislators' Compensation Table for 2007.

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

3. Notification was received that the Personnel Committee has appointed Douglas A. Dillon as Executive Secretary of the Allegany County Mutual Self-Insurance Plan (Workers' Compensation) for calendar year 2008.

4. A reminder was announced for the two special Committee of the Whole meetings on January 15 and January 23 at 3:00 p.m. at the Crossroads Center. Both meetings will be held in executive session.

5. A news release was received from Southern Tier West Regional Planning and Development Board highlighting their December 20 meeting.

6. An invitation was received from Century 21 Unlimited Real Estate to attend an open house at their new office at 7 Schuyler Street in Belmont from 11:30 a.m. to 6:00 p.m. on January 17.

#### **APPOINTMENTS:**

The Clerk of the Board announced that Chairman Curtis W. Crandall has appointed Steven Presutti of Belmont to serve on the **ALLEGANY COUNTY AGRICULTURAL AND FARMLAND PROTECTION BOARD** coterminous with his tenure as Real Property Tax Service Director, expiring September 30, 2013.

#### **INTRODUCTION OF LEGISLATION:**

Legislator Reynolds introduced Local Law Intro. No. 1-2008, Print No. 1, entitled "A Local Law Amending Local Law No. 4 of 1987, as Amended, to Provide for a Partial Tax Exemption of Real Property Owned by Certain Persons with Limited Annual Income Who are Sixty-Five Years of Age or Over," a copy of said proposed Local Law having been placed on each legislator's desk.

#### **RESOLUTIONS:**

##### **RESOLUTION NO. 4-08**

##### **RESOLUTION SETTING DATE OF PUBLIC HEARING ON A LOCAL LAW AMENDING LOCAL LAW NO. 4 OF 1987, AS AMENDED, TO PROVIDE FOR A PARTIAL TAX EXEMPTION OF REAL PROPERTY OWNED BY CERTAIN PERSONS WITH LIMITED ANNUAL INCOME WHO ARE SIXTY-FIVE YEARS OF AGE OR OVER**

Offered by: Ways and Means Committee

**WHEREAS**, on this 14th day of January, 2008, a local law (Intro. No. 1-2008, Print No. 1) was introduced Amending Local Law No. 4 of 1987 to Provide for a Partial Tax Exemption of Real Property Owned by Certain Persons with Limited Annual Income Who are Sixty-Five Years of Age or Over, and

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

#### **RESOLVED:**

1. That a public hearing shall be held on February 11, 2008, 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. 1-2008, 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, 0 Noes, 1 Absent

Comments made regarding Resolution No. 4-08: Mr. Ungermann noted his concern with exemptions is that if someone is exempted, someone else has to pay the bill. The problem is the cost of government, and if we could do something about trimming that cost, we'd reduce the need for exemptions. Previously, when a reduction in sales tax on heating fuel was considered, we were looking at a cost of \$221,000 for a one-half percent reduction; the cost for this exemption will be over \$300,000. A large percentage of the County's population is older. Mr. Ungermann cautioned that if we give exemptions to the older population, not to be surprised when the younger people leave because they can't afford to stay. We need to consider the long-term effects. There's already a sizable exemption in place.

Mr. Russo commented that this exemption will help the older people stretch their incomes. If the exemption is approved, people will realize that the government is responsive. The younger people are not the only ones leaving; the older ones are leaving because they're losing their homes. If we go through something like this, it makes us realize we need to cut costs. This is a first step.

## **RESOLUTION NO. 5-08**

### **REINSTATEMENT OF TAX PARCEL TO TAXABLE PORTION OF ASSESSMENT ROLL**

Offered by: Ways and Means Committee

Pursuant to Real Property Tax Law Section 1138

**WHEREAS**, a Certificate of Withdrawal was filed in the Allegany County Clerk's Office on February 15, 2007 for a parcel of real property located in the Town of Amity, and

**WHEREAS**, such parcel of real property was withdrawn from the taxable portion of the assessment roll and determined to be exempt from taxation based upon the determination that there was no practical method to enforce the collection of delinquent taxes on such parcel, now, therefore, be it

**RESOLVED:**

1. That the Allegany County Board of Legislators does hereby determine and direct that the following parcel be restored to the taxable portion of the assessment roll:

<u>Town</u>	<u>Owner</u>	<u>Tax Map Number</u>	<u>Serial Number</u>
Town of Amity	Allegany Area Economic Development Corp.	172.17-1-6.2	192-05

2. That the County Treasurer, as enforcing officer, shall issue a certificate of reinstatement and any and all other documents necessary to restore the above described parcel to the taxable portion of the assessment roll.

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

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

Comments made regarding Resolution No. 5-08: Mr. Kruger noted that he has not supported the sale of the former Belmont School in any fashion so far, and he will not support this resolution.

Mr. Ungermann stated that the County gave away 56,383 square feet of usable space and numerous parking spaces for \$1. If for some reason the property doesn't end up being used for a tax-free situation, this resolution will provide for it to go back on the tax rolls; therefore, he supports it. County Treasurer Terri Ross affirmed that in order for the property to remain tax exempt, the new owner would have to meet certain requirements.

### **RESOLUTION NO. 6-08**

**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 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. Kendall, David A. c/o Wells Fargo; Parcel 190.-1-18.21  
Assessment: Land \$88,700 Total \$88,700

by removing the School Relevy and by correcting the taxes, as follows:

Allegany County	\$1,443.03
Town of Alfred	510.88
Alfred Fire	57.27
Total	\$2,011.18

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

School Relevy	\$2,271.74
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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. 7-08**

#### **APPROVING AND RATIFYING 2008 RESOURCE ALLOCATION PLAN AGREEMENT WITH OFFICE OF CHILDREN AND FAMILY SERVICES; PROVIDING FOR APPROPRIATION OF FUNDS WHEN SUBCONTRACTS FOR SPECIAL DELINQUENCY PREVENTION PROGRAM SERVICES ARE APPROVED**

Offered by: Public Safety and Ways and Means Committees

#### **RESOLVED:**

1. That the 2008 Resource Allocation Plan agreement with Office of Children and Family Services in relation to the State's allocation of funds to the County for providing youth services under its Comprehensive Youth Service Plan is approved and ratified.
2. That the Chairman of this Board is authorized to execute such Plan Agreement.
3. That a portion of the funds to be received under such Plan agreement shall be appropriated from time to time to cover the costs under sub-contractor service provider agreements as may be approved by this Board.

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

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

### **RESOLUTION NO. 8-08**

#### **RESOLUTION FOR ACCEPTABLE TRAINING FOR PLANNING BOARD MEMBERS**

Offered by: Ways and Means Committee

**WHEREAS**, General Municipal Law 239-C (d) provides that effective January 1, 2007, all planning board members in New York State, as well as alternate members of those boards, must complete a minimum of four hours of training each year, and

**WHEREAS**, the above sections of state law provide that a planning board member shall not be eligible for reappointment to such board if they have not completed the training required by law, and

**WHEREAS**, the above sections of state law provide that the legislative body of the County specifies which activities qualify as training to satisfy the state requirements, now, therefore, be it

**RESOLVED:**

1. That the following list of agencies, commissions, associations, universities, and other organizations are approved to provide training to meet the state requirements when the training they provide pertains to municipal planning, zoning, community design, environmental issues, economic development, and local government functions and practices:

a. The New York State Department of State, Department of Agriculture and Markets, Office of the State Comptroller, Department of Health, Department of Transportation, Department of Environmental Conservation, Office of Parks, Recreation and Historic Preservation, and

b. The New York State Association of Towns, the New York Conference of Mayors, the New York State Association of Counties, the New York Planning Federation, the American Planning Association, the Upstate New York Chapter of the American Planning Association and its sections, and the Metro New York Chapter of the American Planning Association and its sections, and

c. The Central New York Regional Planning and Development Board, Southern Tier Central Regional Planning and Development Board, Southern Tier East Regional Planning and Development Board, Southern Tier West Regional Planning and Development Board, Genesee-Finger Lakes Regional Planning Council, and

d. The Allegany County Planning Board, the Allegany County Development and Planning Department(s), and

e. The Albany Law School Governmental Law Center and Institute for Legal Studies, Pace Law School, Cornell University and its Cooperative Extension, Alfred University, State University of New York, Houghton College, Jamestown Community College, and

f. On-line planning and zoning training programs offered by the New York Municipal Insurance Reciprocal, Pace University and Land Use Law Center, and the Lincoln Institute of Land Use Policy.

2. That other training activities may be approved on a case-by-case basis by the Allegany County Board of Legislators upon the request of a planning board member.

3. That any new member appointed to fill the last six months of a term shall not be required to have attended training to be reappointed to a first full term, but must thereafter comply with the municipal training policy as provided elsewhere herein.

4. That training received by a planning board member in excess of four hours in any one year may be carried over by the member into succeeding years.

5. The training required by this paragraph may be waived or modified by the County when, in the judgment of the governing board, it is in the best interest of the County to do so.

6. That the Department of Development and Planning shall create and maintain a system of tracking the training individual members complete annually and such information shall be presented to the appointing authority prior to considering a member for reappointment.

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

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

#### **RESOLUTION NO. 9-08**

#### **REAPPOINTMENT OF TWO MEMBERS TO ALLEGANY COUNTY COMMUNITY SERVICES BOARD**

Offered by: Human Services Committee

#### **RESOLVED:**

1. That Edna Howard of Belfast, New York and Sandra P. Blake of Houghton, New York are reappointed to the Allegany County Community Services Board, with term of office to commence January 1, 2008 and expire December 31, 2011.

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

Adopted: Voice Vote

#### **RESOLUTION NO. 10-08**

#### **REAPPOINTMENT OF FOUR MEMBERS TO THE CITIZENS ADVISORY COUNCIL TO THE OFFICE FOR THE AGING**

Offered by: Human Services Committee

Pursuant to Resolution No. 221-74

#### **RESOLVED:**

1. That the reappointments of Wallace Higgins of Alfred Station, New York, Jean MacMurray of Wellsville, New York, Jean Switalski of Cuba, New York and Beverly Grantier of Wellsville, New York, to the Citizens Advisory Council to the Office for the Aging, with term of office for each commencing January 1, 2008 and expiring December 31, 2010, are confirmed.

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

Adopted: Voice Vote

#### **RESOLUTION NO. 11-08**

#### **APPROVAL OF BOARD CHAIRMAN'S APPOINTMENT AND REAPPOINTMENT 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 are approved: Deborah Clark, Education representative; Fred Sinclair, Agriculture representative; John Corneby, Forests representative; Craig Braack, Recreation/Tourism 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, Zena Andrus and Gretchen Hanchett, At Large representatives.

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

Adopted: Voice Vote

#### **RESOLUTION NO. 12-08**

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

Offered by: Ways and Means Committee

Pursuant to Environmental Conservation Law § 11-0501

#### **RESOLVED:**

1. That the reappointment by the Chairman of this Board of Dwight R. Fanton, to the Region Nine Fish and Wildlife Management Board, as a Legislative Representative Member, and Douglas D. Burdick as an Alternate Legislative Representative Member, with term of office commencing January 1, 2008 and expiring December 31, 2009, are approved.

2. That the reappointment by the Chairman of this Board of Derwood Say, to the Region Nine Fish and Wildlife Management Board, as a Sportsmen's Representative Member and John Lewis as an Alternate Sportsmen's Representative Member, with term of office commencing January 1, 2008 and expiring December 31, 2009, are approved.

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

Adopted: Voice Vote

### **RESOLUTION NO. 13-08**

#### **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 \$412.55, representing the cost to replace a broken window 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 \$412.55 from NYMIR representing the cost of replacing a broken window on a County Sheriff's vehicle is accepted.

2. That the sum of \$412.55 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  
14 Ayes, 0 Noes, 1 Absent

### **RESOLUTION NO. 14-08**

#### **APPROVAL OF AIR MEDICAL SERVICES CONTRACT WITH MERCY FLIGHT, INC. FOR 2008**

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 2008, is approved.

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

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

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

*(Memo: The Contract approved by Resolution No. 14-08 includes payment of \$10,000, payable quarterly at a rate of \$2,500, to offset Mercy Flight's costs to provide their invaluable air ambulance services to the citizens of Allegany County. Ambulance service is not reimbursable under state aid regulations; therefore, the total \$10,000 is the County's responsibility.)*

Comments made regarding Resolution No. 14-08: Mr. Pullen asked if this is a mandated expense, although it is a crucial service. Mr. Crandall responded that it is not.

## **RESOLUTION NO. 15-08**

### **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 2008, is approved.

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

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

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

Comments made regarding Resolution No. 15-08: Mr. Pullen asked if this is a mandated service. Mr. Truax responded that it is not, but it is very appropriate.

**RESOLUTION NO. 16-08**

**APPROVAL OF AGREEMENT WITH  
VOLUNTEER FIREMEN'S ASSOCIATION OF ALLEGANY COUNTY, INC.,  
FOR PAYMENT OF 2008 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 2008 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, 2008, 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. Truax

Adopted: Roll Call

14 Ayes, 0 Noes, 1 Absent

Comments made regarding Resolution No. 16-08: Mr. Dibble and Mr. Pullen commented that the Volunteer Firemen's Association is a very active group, and their efforts are appreciated. Mr. Pullen asked if it is a mandated service, to which Mr. Crandall and Mr. Margeson responded that it is not.

**RESOLUTION NO. 17-08**

**APPROVAL AND RATIFYING FIVE YEAR LEASE OF LAND OF  
DUANE AND TERRY GELSER FOR DEPARTMENT OF PUBLIC WORKS PURPOSES**

Offered by: Public Works and Ways and Means Committees

**WHEREAS**, the Department of Public Works desires to lease land for its purposes, including, but not limited to, stockpiling of materials, now, therefore, be it

**RESOLVED:**

1. That Lease dated November 15, 2007, between the County and Duane Gelser and Terry Gelser, for a term of five years beginning January 15, 2008, is approved and ratified.

2. That the Chairman of this Board is authorized to execute said Lease and to cause the recording of same in the Allegany County Clerk's Office.

Moved by: Mr. Fanton  
Seconded by: Mr. McCormick

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

*(Memo: The lease agreement approved by Resolution No. 17-08 is for a term of five years beginning on January 15, 2008, at an annual rent of \$200, and is an extension of an existing agreement. The property, a little over one acre in size, is located on County Road 15A in the Town of Birdsall, and will be used for stockpiling materials.)*

**RESOLUTION NO. 18-08**

**APPROVAL OF AGREEMENT WITH ALLEGANY COUNTY  
AGRICULTURAL SOCIETY FOR PAYMENT OF 2008 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 \$7,000 and charge Account No. A8752.4 therefor.

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

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

Comments made regarding Resolution No. 18-08: Mr. Dibble commented that the Agricultural Society supports a great County Fair.

Mr. Pullen noted that he certainly supports the Fair, and it is an appropriate expense, but asked if it is mandated. Chairman Crandall responded that it is not.

Mr. McCormick commented on the \$7,000 appropriation for the County Fair and the fact that the other festivals in the County don't receive any help. He listed a few of the others and questioned why they aren't funded. Chairman Crandall pointed out that the other festivals are still supported by the County with security services. Mr. McCormick noted that this resolution appropriates public money to an umbrella corporation that's privately funded, and questioned if there was a financial statement from the Society that shows they need the \$7,000. He suggested the matter be referred back to Committee. Mr. Reynolds commented that he was not in favor of sending it back to Committee. Chairman Crandall stated that the County does receive an annual statement from the Agricultural Society.

Mr. Pullen noted the reason for his questions on mandated services was that the state and federal governments mandate a lot of programs that we probably wouldn't fund if given the choice. That leaves us having to choose between which non-mandated programs to fund, and if they are not funded, they would have to be reduced or eliminated. The County Fair is very important to many people, partially for its 4-H participation and educational aspects. The difference between the Fair and the other festivals is that the Fair is County-wide and the other festivals don't have the same degree of participation from the rest of the County. Where do we draw the line?

Mr. Kruger commented that he supported the resolution, but Mr. McCormick raised legitimate questions on where the responsibility of the Legislature begins and ends, regardless of whether programs are mandated or not. It's tough to say "no" when you've said "yes" to someone else. Mr. Kruger felt it was appropriate to look at the Agricultural Society's statement and identify their need. The County certainly has a lot of places where money is needed, and this has piqued his curiosity on the necessity of funding in the future.

Mr. Truax commented that the Fair may not be mandated, but the expense is appropriate.

Mr. Hopkins reiterated that the County does receive an annual statement, and his recollection is that the Society does not have a large sum of money for operations from year to year.

## **RESOLUTION NO. 19-08**

### **APPROVAL OF AGREEMENTS WITH THE VILLAGE OF BOLIVAR AND TOWN OF CANEADEA IN RELATION TO THE DISPOSAL OF COUNTY LANDFILL LEACHATE AT THE VILLAGE AND TOWN 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 Village of Bolivar and Town of Caneadea in relation to the County's disposal of leachate at the respective Village

and Town 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. Dibble

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

*(Memo: The renewal agreements for leachate disposal approved by Resolution No. 19-08 include a tipping fee of \$.025 per gallon.)*

#### **AUDITS:**

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

A motion was made by Legislator Truax, seconded by Legislator Pullen and adopted on a roll call vote of 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$4,802,615.06 including prepaid expenses, be approved for payment as recommended by the County Administrator. *(Allegany County's Local Dollar Share of the NYS Medicaid Program paid for 2007 was \$8,708,765 following the 12/25/07 payment; year-to-date for 2008 is \$337,454.)*

#### **COMMENTS:**

Mr. Reynolds read a prepared statement including some figures quoted from a recent Gannett Newspaper article:

*"Cutting expenses and lowering taxes is a desire of everyone on this Board. If you cut expenses, you must do away with services. We all realize there are burdens placed on county governments by unfunded mandates. Here are some facts from the Public Policy Institute that help us understand why counties in New York State struggle:*

*State-local tax burden: \$5,260 average per person, highest in the country, and 53 percent of the national average.*

*Private sector employment growth, 1996-2006: Nine percent, 40<sup>th</sup> out of the 50 states. The national average is 14 percent.*

*Manufacturing jobs: Dropped almost 29 percent between 1996 and 2006, a bigger drop than all states except North Carolina and Rhode Island.*

*Cost of doing business (measures wages, taxes, electricity, and real estate): Second to Hawaii and 30.7 percent above the national average.*

*Average price of electricity in 2007: 14.54 cents per kilowatt-hour, fourth highest and 66 percent above the national average of 8.77 cents.*

*Cost of auto insurance in 2003: \$1,161 on average, second behind New Jersey (\$1,188) and 45 percent above the national average of \$821.*

*Spending by the state and local governments per person: \$11,375, second to Alaska and 47 percent above the national average of \$7,728.*

*Per-pupil spending on public schools in 2005: \$14,119, highest in the country and 62 percent above the national average.*

*Classroom teacher salaries in 2006: \$57,354 average, sixth behind Connecticut, California, New Jersey, Illinois, and Michigan, and 17 percent above the national average.*

*Number of state and local government workers per 1,000 people in 2003: 62, ninth highest in the country. Average wages of government workers in 2003: \$51,445, second to California. The national average is \$40,717.*

*State and local government debt per capita: \$11,377, third highest of any state and 71 percent above the national average of \$6,659.*

*Gasoline taxes: 43.9 cents per gallon, third highest and 55 percent above the national average of 28.4 cents.*

*Medicaid spending per capita: \$2,316, highest in the country and 128 percent above the national average, but the expense was flat this year.*

*Average cost of health insurance in 2004 (family): \$10,397 per year, tenth highest.*

*Portion of work force represented by labor unions in 2006: 24.4 percent, behind only Hawaii (24.7 percent).*

*We constantly search for ways to cut taxes, but we live in an environment that makes that very difficult. And that environment is called NEW YORK STATE.”*

Mr. Ungermann thanked Chairman Crandall for writing the letter to Clark Patterson Lee thanking them for their efforts relative to the County's Court Facilities and other space needs issues (a copy of the letter was given to each legislator).

Mr. Pullen noted that during the meeting, he asked several questions about mandated services. Much of the information Mr. Reynolds touched on in his article gives him the feeling, as a taxpayer and as an attorney for several school districts, that the state tells the schools 95 percent of what they have to do, but not how to continue providing services. We

have no choice about a lot of things, but there are a number of issues we do have a choice on that are valuable. Mr. Pullen suggested having information available to the committee of jurisdiction and then included in the memorandum of explanation for resolutions on whether a program is mandated or not. Chairman Crandall felt this was a good idea and could be taken care of at the committee level. Mr. Dibble noted that the memorandum of explanation could include a box to check and the percentage of mandated expense.

Mr. Dibble referred to the real property tax exemption resolution and the comments made regarding people leaving the state due to high taxes. We should work as a Board to get the state to reduce Medicaid. If we can get the state to take over the county share of Medicaid, it would relieve some of the burden.

**ADJOURNMENT:**

The meeting was adjourned at 2:40 p.m.

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION  
FEBRUARY 11, 2008**

**\*\* APPROVED \*\***

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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, who then led in the 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 January 25, 2008 were approved on a motion made by Legislator Dibble, seconded by Legislator Hopkins and carried.

**PUBLIC HEARING:**

Chairman Crandall closed the regular meeting to hold a public hearing on Local Law Intro. No. 1-2008, entitled "A Local Law Amending Local Law No. 4 of 1987, as Amended, to Provide for a Partial Tax Exemption of Real Property Owned by Certain Persons with Limited Annual Income Who are Sixty-Five Years of Age or Over." Comments included:

Kimberley Toot, Office for the Aging Director and resident of the Town of Wellsville, commented that she applauds Legislator Russo for his leadership on this issue and encourages passage of the resolution in order to provide some relief to seniors on their property tax bills. Most of our seniors are in retirement and on a fixed income, some relying solely on Social Security benefits. The consumer price index has increased 4.8 percent, housing costs have increased 2.8 percent, medical expenses have increased 5.4 percent, and energy costs have increased 18.2 percent. Social Security benefits have only increased 2.3 percent in 2008. The average benefit increase is \$24 per month to cover the increased costs of groceries, heating fuel, gas, and other necessary living expenses. This legislation will assist those who need it most.

Legislator Pullen questioned whether the exemption applies to all property owned by senior citizens, or only residences. Interim County Attorney Miner responded that Section 467 of the Real Property Tax Law limits the exemption to legal residences.

Following comments, the public hearing was declared closed and the Board reconvened in regular session.

**PRIVILEGE OF THE FLOOR:**

Chairman Curtis W. Crandall and Veterans' Service Agency Director H. Scott Spillane jointly took part in the presentation of a Bronze Star Medal to World War II Veteran Joseph A.

Marra from Friendship. Mr. Marra was accompanied by members of the Friendship American Legion. The Bronze Star Medal is awarded to soldiers who have distinguished themselves by heroic or meritorious achievement or service in the United States Army. Chairman Crandall stated it was a privilege to bring forward one of Allegany County's finest to receive long overdue recognition by the United States for his part in securing our freedoms in World War II. He read from a letter sent by Congressman John Randy Kuhl to Joseph Marra commending him for his heroic service. Chairman Crandall presented a Certificate of Appreciation on behalf of the citizens of Allegany County and the Allegany County Board of Legislators. Mr. Spillane took the podium and noted that this special presentation of the Bronze Star Medal was long overdue. His office has been working on it for the past ten years. The Bronze Star Medal is the ninth highest medal the government issues, and in this case is being presented for meritorious service. Mr. Spillane and Chairman Crandall presented the medal to Mr. Marra. In March, Mr. Marra will be 85 years old.

Chairman Crandall noted privilege of the floor will be granted to members of the Genesee Valley Central School Entrepreneurship Class of 2007-2008 for a presentation later in the meeting.

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

1. Placed on each legislator's desk were copies of the 2007 annual reports from the following departments and agencies for review: Cooperative Extension, County Attorney, County Clerk, Human Resources, Probation, and Public Works.

2. Also placed on each legislator's desk was a copy of the 2008 Allegany County Directory of County, Town, and Village Contacts.

3. Also distributed to each legislator were copies of the Report of Tax Bill Corrections Approved by the County Administrator in January.

4. An invitation was received to attend a Power Lunch with Houghton native Ben Sayers, CEO of VoIP Supply, at the Old Library Restaurant on February 27 from 11:30 a.m. to 1:30 p.m. (VoIP, or Voice over Internet Protocol, is a new advance in phone service using broadband Internet connections to transmit telephone calls. VoIP Supply, a Buffalo-based company launched in 2004 by Mr. Sayers, is one of the first online retailers to sell an array of VoIP related products all under one banner. The company projects sales of over \$100 million by 2009.)

5. Notice was received for the next Inter-County Association meeting to be hosted by Monroe County at the Rochester Museum and Science Center on February 15.

6. Also received were Southern Tier West Regional Planning and Development Board minutes of December 20, 2007 and a notice for their February 21 meeting.

7. Filed in the Clerk of the Board's Office was the joint report of the Planning Board and Agricultural and Farmland Protection Board regarding the addition of Mayline Farms into Agricultural District No. 4. A public hearing will be held on February 25.

8. The regular Public Safety Committee meeting has been moved from February 13 to Wednesday, February 20, at 1 p.m.

9. There will be a special Committee of the Whole meeting Friday, February 29, at 10 a.m. in the Legislative Board Chambers for the purpose of meeting with Marthe Ngwashi, Assistant Director of Intergovernmental Affairs with the NYS Attorney General's Office.

10. Correspondence was received from William Hart, President of the Greater Allegany County Chamber of Commerce, thanking the Board for their donation.

11. Correspondence was also received from William Hart, President of the Greater Allegany County Chamber of Commerce, confirming the Chamber's support of the Belmont Betterment Association's proposed project to repair, reconstruct, and rehabilitate the former Belmont Central School. Mr. Hart acknowledged the Board's previous support and noted that any further support offered would benefit not only the project itself, but also the business community of the County.

12. Legislator Truax announced that the Human Services Committee meeting scheduled for February 20 is being moved to February 25 following the Board meeting.

#### **APPOINTMENTS:**

The Clerk of the Board announced that Chairman Crandall has appointed Ronald Truax, as an officer of Allegany County government, to serve as **CHAIRMAN OF THE FRIENDSHIP EMPIRE ZONE OF ALLEGANY COUNTY ADMINISTRATIVE BOARD**, pursuant to Local Law No. 2-94.

Chairman Crandall has appointed William Zacher, representing the Friendship Town Board, and Susan F. Myers, resident of the Town of Friendship, as members of the **FRIENDSHIP EMPIRE ZONE OF ALLEGANY COUNTY ADMINISTRATIVE BOARD**, effective February 1, 2008, to serve at his pleasure.

Chairman Crandall has appointed the following individuals as members of the **ALLEGANY COUNTY YOUTH BOARD** for a three-year term commencing March 26, 2008, and expiring March 25, 2011, subject to confirmation by the Board of Legislators:

Janet Gaczewski, Caneadea	(District I)
James Cross, Cuba	(District II)
Sherry Weirich, Scio	(District III)
Ralph Eastlack, Wellsville	(District IV)
Gary Ostrower, Alfred	(District V)

**RESOLUTIONS:**

**RESOLUTION NO. 33-08**

**ADOPTION OF LOCAL LAW INTRO. NO. 1-2008 AMENDING LOCAL LAW NO. 4 OF 1987, AS AMENDED, TO PROVIDE FOR A PARTIAL TAX EXEMPTION OF REAL PROPERTY OWNED BY CERTAIN PERSONS WITH LIMITED ANNUAL INCOME WHO ARE SIXTY-FIVE YEARS OF AGE OR OVER**

Offered by: Ways and Means Committee

**RESOLVED:**

1. That proposed Local Law, Intro. No. 1-2008, Print No. 1, is adopted without any change in language, to wit:

**COUNTY OF ALLEGANY**

Intro. No. 1-2008

Print No. 1

**A LOCAL LAW AMENDING LOCAL LAW NO. 4 OF 1987, AS AMENDED, TO PROVIDE FOR A PARTIAL TAX EXEMPTION OF REAL PROPERTY OWNED BY CERTAIN PERSONS WITH LIMITED ANNUAL INCOME WHO ARE SIXTY-FIVE YEARS OF AGE OR OVER**

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

Section 1. The purpose of this local law is to amend Section 2. of Local Law No. 4 of 1987, as amended, to increase the annual income limits at which certain persons over sixty-five years of age can receive a partial exemption to the assessed valuation of real property owned by such persons.

Section 2. That Section 2. of Local Law No. 4 of 1987 is amended to read as follows:

<b>ANNUAL INCOME</b>	<b>PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION</b>
\$19,500 or less	50 per centum
\$19,500.01 or more but less than \$20,499.99	45 per centum
\$20,500 or more but less than \$21,499.99	40 per centum
\$21,500 or more but less than \$22,499.99	35 per centum

\$22,500 or more but less than \$23,399.99	30 per centum
\$23,400 or more but less than \$24,299.99	25 per centum
\$24,300 or more but less than \$25,199.99	20 per centum
\$25,200 or more but less than \$26,099.99	15 per centum
\$26,100 or more but less than \$26,999.99	10 per centum
\$27,000 or more but less than \$27,899.99	5 per centum

Section 3. This local law shall take effect immediately.

Moved by: Mr. Reynolds  
 Seconded by: Mr. Russo

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

*(Memo: Regarding Resolution No. 33-08, Local Law No. 4-87 was previously amended by Local Law No. 6-04.)*

Comments regarding Resolution No. 33-08: Mr. Ungermann pointed out the additional impact to the budget in the amount of \$90,000 as a result of this tax exemption. He's concerned about the seniors, but also about our young people. The problem with exemptions is that the costs get passed on to someone else. We need to think about how the young people and businesses are going to pay for it. There are 89 separate tax exemptions; maybe some of them should be reviewed to see if they're still necessary or fitting. We want to give the seniors a break, but they already get the STAR exemption. We also have three major colleges in the County that pay no taxes. How much longer can business and our youth stand to pay for these exemptions?

Mr. Kruger took the other side of the argument and noted that seniors have worked all their lives. This resolution is directed to seniors with low incomes. He supports it because we haven't done anything so far to reduce the cost of government and he'll grasp at any straw to help the residents with their tax burden.

Mr. Hall clarified a few points about the institutions of higher education mentioned earlier. They bring in a lot of people, so there are financial benefits in increased sales and sales tax revenue; and they also provide payments in lieu of taxes and support their local communities. Eighty percent of the Village of Alfred is tax exempt. The educational institutions there provide services and payments in lieu of taxes and other funding for the community in spite of the fact that they don't have to.

Mr. Hopkins noted that this is not a new exemption, but an adjustment for the increased cost of living. It hasn't been done in several years.

**RESOLUTION NO. 34-08**

**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 appointment of Douglas D. Burdick of Alfred Station, New York as legislative member to the Citizens Advisory Council to the Office for the Aging, effective immediately, to serve for as long as he is a member of the Human Services Committee of the Board of Legislators, and the appointment of David T. Pullen of Fillmore, New York as a member to the Citizens Advisory Council to the Office for the Aging, with term of office commencing January 1, 2008 and expiring December 31, 2010, are confirmed.

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

Adopted: Voice Vote

**RESOLUTION NO. 35-08**

**AUTHORIZING PUBLIC HEALTH DIRECTOR TO CONTRACT WITH  
THE NEW YORK STATE DEPARTMENT OF HEALTH FOR  
ADOLESCENT TOBACCO ENFORCEMENT AND PREVENTION (ATUPA) SERVICES;  
AUTHORIZING ACCEPTANCE OF GRANT FUNDS FROM  
NEW YORK STATE DEPARTMENT OF HEALTH TO ENFORCE CLEAN INDOOR AIR  
LAW; APPROPRIATION OF FUNDS TO HEALTH DEPARTMENT ACCOUNTS**

Offered by: Human Services and Ways and Means Committees

**RESOLVED:**

1. This Board authorizes the Public Health Director to contract with the New York State Department of Health for Adolescent Tobacco Enforcement and Prevention (ATUPA) services for the period October 1, 2007 to September 30, 2008.

2. That the sum of \$31,607 in grant funds from the New York State Department of Health for use to enforce the Clean Indoor Air Law, perform compliance checks where retail tobacco products are sold, and for education purposes, is accepted.

3. That the accepted sum of \$31,607 is appropriated as follows: \$28,000 to Account No. A4051.4 (Tobacco Awareness – Contractual), \$3,607 to Account No. A4010.101 (Health Department – Personnel) with a like sum credited to Revenue Account No. A10.3450.04 (State Aid – Tobacco Awareness).

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

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

#### **AUDITS:**

A motion was made by Legislator Truax, 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 Truax and adopted on a roll call vote of 15 Ayes, 0 Noes, 0 Absent, that the audit of claims, totaling \$3,229,111.32 including prepaid expenses, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$1,012,362.*)

*(MEETING RECESSED FROM 2:30 TO 3:00 PM.)*

#### **GENESEE VALLEY CENTRAL SCHOOL ENTREPRENEURSHIP CLASS:**

Matt Hopkins, Genesee Valley Central School Entrepreneurship Class Instructor and students Jake Grisewood and Tyler Neth gave a presentation to the Board. The class has been working on community presentations for promotion of a community blood drive to be hosted by the class and run by the Community Blood Bank. The presentations are part of a competition to develop the best marketing plan, and their goals are to decrease the blood shortage in the area, gain experience working as a team on marketing skills, and giving back to the community. The blood drive will be held on March 14 at the Genesee Valley Central School. An online survey is available on the school's home page to obtain a rough estimate of the number of donors to expect. The group has contacted the Buffalo Bills to try to get someone to come down and participate, Channel 2 News to cover the event, and plan to utilize community presentations, UTube commercials, posters, announcements, and news articles to promote the blood drive.

Legislator Truax pointed out that area hospitals in the Southern Tier of New York and several Northern Pennsylvania counties use the Community Blood Bank, saving half the cost, and only use the Red Cross as a back-up. Blood processed through the Community Blood Bank stays in this area.

#### **ADJOURNMENT:**

The meeting was adjourned at 3:20 p.m. on a motion made by Legislator Reynolds, seconded by Legislator Hall and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION  
FEBRUARY 25, 2008**

**\*\* APPROVED \*\***

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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, who then led in the Pledge of Allegiance to the Flag. The invocation was given by Legislator Pullen.

**ROLL CALL:** 14 Present; 1 Absent (Legislator Benson).

**APPROVAL OF MINUTES:**

The Board meeting minutes of February 11, 2008 were approved on a motion made by Legislator Dibble, seconded by Legislator Truax and carried.

**PUBLIC HEARING:**

Chairman Crandall closed the regular meeting to hold a public hearing regarding **“The Modification and Continuation of Agricultural District Number Four within the Towns of Alfred, Andover, Independence, Ward, and Willing.”** Modification is for the inclusion of approximately 94.4 acres of land owned by Phillip G. May and located in the Town of Willing. 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 March 2008 Employee of the Month, Laurie Hennessy, of the Health Department (Nursing Division), in recognition of her hard work and dedication to the County.

Chairman Crandall granted privilege of the floor to Sheriff William R. Tompkins for the presentation of an award to Robert Sobeck of Wellsville in recognition of his exemplary service to the community during the November 19, 2007 armed robbery in Wellsville. Mr. Sobeck, a retired Deputy Sheriff and former County Legislator, was present at the time of the incident, and the actions he took helped to keep it from escalating into a much worse scenario. Sheriff Tompkins remarked that it was his honor to award this first Outstanding Citizen Award to Mr. Sobeck.

Privilege of the Floor was granted to Tourism Specialist Craig Braack for presentation of the 2008 Allegany County Travel and Outdoor Guide.

Representatives were present from the offices of Cooperative Extension, County Attorney, County Clerk, Human Resources, Probation, and Public Works to answer questions regarding their 2007 Annual Reports.

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

1. Placed on each legislator's desk were copies of the 2007 Annual Reports from the Office for the Aging (*Annual Report for this department will be distributed at the luncheon on February 29*), Community Services, Coroners, Emergency Services, Fire Service, Health Department, Real Property Tax Service Agency, and Sheriff's Office for review.

2. A reminder was announced for the special Committee of the Whole meeting on February 29, at 10 a.m. in the Legislative Chambers for the purpose of hearing a presentation by Marthe Ngwashi, Assistant Director of Intergovernmental Affairs with the NYS Attorney General's Office.

3. Noble Environmental Power filed copies of the Notice of Completion and the Draft Environmental Impact Statement for the Noble Allegany Windpark in the Clerk of the Board's Office on February 21, 2008.

## **APPOINTMENTS:**

The Clerk of the Board announced that Chairman Crandall has re-appointed Kevin Redman of Fillmore as an Active Farmer member on the **ALLEGANY COUNTY AGRICULTURAL AND FARMLAND PROTECTION BOARD** for a four-year term commencing March 5, 2008 and expiring March 4, 2012.

## **PROCLAMATION:**

Chairman Crandall proclaimed March 1 through 7, 2008 as Weights and Measures – Balancing the Marketplace Week in Allegany County in conjunction with the national observance announced at the National Conference on Weights and Measures (NCWM). This annual celebration commemorates the anniversary of the signing of the first weights and measures law in the United States on March 2, 1799.

## **RESOLUTIONS:**

### **RESOLUTION NO. 36-08**

#### **RESOLUTION CONTINUING AGRICULTURAL DISTRICT NUMBER FOUR WITH MODIFICATIONS**

Offered by: Public Works Committee

Pursuant to Agriculture and Markets Law Sections 303-a and 303-b

**WHEREAS**, Agricultural District Number Four, being 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, and

**WHEREAS**, the annual thirty-day period established by this Board for requesting inclusion of predominantly viable agricultural land into this Agricultural District for calendar year 2007 ended on October 28, 2007, and

**WHEREAS**, Phillip G. May, residing at 41 Fitzstephens 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, and

**WHEREAS**, due notice of a public hearing on whether such predominantly viable agricultural land should be included in the District having been published as required by Agriculture and Markets Law Section 303-b, and such hearing having been held before this Board on February 25, 2008, and

**WHEREAS**, this Board has duly deliberated on whether the District should be modified, now, therefore, be it

**RESOLVED:**

1. That this Board of Legislators determines after review of the report of the County Agricultural and Farmland Protection Board and after a public hearing held on February 25, 2008, that Agricultural District Number Four be continued and modified to include the addition of approximately 94.4 acres of predominantly viable agricultural lands located in the Town of Willing, comprised of three parcels bearing Tax Map numbers 304-1-25.1 (8.8 acres), 304-1-15 (49.3 acres) and 304-1-16.1 (36.3 acres), owned by Phillip G. May who resides at 41 Fitzstephens Road, Wellsville, New York.

2. That the Clerk of this Board is directed to send a certified copy of this resolution to the New York State Commissioner of Agriculture.

3. That this Board requests that the New York State Commissioner of Agriculture certify that the proposed inclusion of the approximately 94.4 acres of predominantly viable agricultural land located in the Town of Willing, comprised of three parcels bearing Tax Map numbers 304-1-25.1, 304-1-15 and 304-1-16.1 is feasible and in the public interest.

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

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

**RESOLUTION NO. 37-08**

**APPOINTMENT OF COUNTY ATTORNEY**

Offered by: Ways and Means Committee

Pursuant to County Law § 500

**RESOLVED:**

1. That Thomas A. Miner, a resident attorney-at-law, is appointed Allegany County Attorney for a term commencing February 25, 2008 and expiring December 31, 2009.
2. That Section 6. of Resolution No. 242-2007 is amended to change the salary of County Attorney from \$99,768 to \$85,000.
3. This resolution shall take effect immediately.

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

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

**RESOLUTION NO. 38-08**

**AMENDMENT OF RESOLUTION NO. 242-2007 TO INCREASE SALARY OF  
FIRST ASSISTANT COUNTY ATTORNEY**

Offered by: Personnel and Ways and Means Committees

**RESOLVED:**

1. That Section 6. of Resolution No. 242-2007 is amended to change the salary of First Assistant County Attorney from \$63,870 to \$73,000.
2. This resolution shall take effect February 26, 2008.

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

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

**RESOLUTION NO. 39-08**

**APPROVING AND RATIFYING AGREEMENT WITH THE TOWN OF FRIENDSHIP  
IN RELATION TO THE DISPOSAL OF COUNTY LANDFILL LEACHATE AT THE  
TOWN WASTE WATER TREATMENT PLANT;  
AUTHORIZING BOARD CHAIRMAN TO EXECUTE AGREEMENT**

Offered by: Public Works Committee

**RESOLVED:**

1. That Agreement between the County of Allegany and the Town of Friendship in relation to the County's disposal of leachate at the respective Town waste water treatment plant for the period January 1, 2008 to December 31, 2008, is approved.

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

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

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

*(Memo: The agreement approved by Resolution No. 39-08 includes payment of \$.025 per gallon tipping fee to the Town for disposal of landfill leachate.)*

Resolution Intro. No. 40-08 (Resolution Setting Date of Public Hearings on Application for Small Cities Community Development Block Grant for Replenishment of Revolving Loan Fund) 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. 40-08**

#### **RESOLUTION SETTING DATE OF PUBLIC HEARINGS ON APPLICATION FOR SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT FOR REPLENISHMENT OF REVOLVING LOAN FUND**

Offered by: Ways and Means Committee

**WHEREAS**, the Allegany County Office of Development intends to submit an application for a Small Cities Community Development Block Grant in the amount of \$400,000 for replenishment of the County's Revolving Loan Fund, and

**WHEREAS**, there must be two public hearings held on such application prior to the submission of the application, now, therefore, be it

#### **RESOLVED:**

1. That public hearings on the submission of an application for a Small Cities Community Development Block Grant for replenishment of the County's Revolving Loan Fund shall be held on March 10, 2008 at 2:00 PM and on April 14, 2008 at 2:00 PM in the Board of Legislators Chambers, Room 221, County Office Building, 7 Court Street, Belmont, New York 14813.

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 hearings, 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 as required by law prior to the first public hearing to be held on March 10, 2008.

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

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

*(Memo: Regarding Resolution No. 40-08, Allegany County will act as the pass-through agency for ACCORD and ACDSI for this grant, which will be used for job creation loans, "Green Business" development, LMI loans and loan incentive program, administration, training, and technology.)*

**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 \$1,780,034.55 including prepaid expenses, be approved for payment as recommended by the County Administrator. *(Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$1,349,816.)*

**COMMENTS:**

Legislator Reynolds gave a reminder that it's time for ARC project applications. There is \$150,000 in grant funds available for area development programs through Southern Tier West for projects such as business development, job training, health, and infrastructure.

Legislators Kruger and McCormick expressed appreciation for Governor Spitzer visiting Allegany County last week and listening to some of our problems. Chairman Crandall's comments on unfunded state mandates were on target.

**ADJOURNMENT:**

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

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION  
MARCH 10, 2008**

**\*\* APPROVED \*\***

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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, who then led in the 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 25, 2008 were approved on a motion made by Legislator Dibble, seconded by Legislator Truax and carried.

**PUBLIC HEARING:**

Chairman Crandall closed the regular meeting to hold a public hearing on the submission of an application for a Small Cities Community Development Block Grant for replenishment of the County's Revolving Loan Fund. (This public hearing was the first of two; the second one is scheduled for April 14.) 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 Richard Witkowski, CEO, Allegany Arc, who addressed the Board regarding Developmental Disabilities Awareness Month. March is nationally recognized as a time to promote understanding of the abilities of intellectually and developmentally disabled people. For nearly sixty years, NYSARC and Allegany Arc have worked to provide opportunities for independence, enhanced personal growth, and a better quality of life through advocacy, support, and programs such as supported employment. Over 900 individuals are served by Arc programs every year. Mr. Witkowski stated that their organization appreciates the partnership with the County in supporting them for over half of a century.

Legislator David Pullen, Chairman of the Court Facilities and County Space Needs Committee, presented an informational brochure which summarizes frequently asked questions related to the Court Facilities Project. It is intended to be the first of an ongoing series, and it includes contact information for the public's questions and comments. Copies will be disseminated throughout the legislative districts at town and village offices, and the information will also be available on the County website. Future questions will be researched and included, along with the answers, in the next versions of the brochure.

Representatives were present from the following departments or agencies to answer questions regarding their 2007 Annual Reports: Office for the Aging, Community Services, Coroners, Emergency Services, Fire Service, Health Department, Real Property Tax Service Agency, and Sheriff's Office. Legislator Fanton questioned representatives from the Sheriff's Office about the separate break-down of time for transporting federal inmates which was requested by the Budget Committee.

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

1. Placed on each legislator's desk were copies of the 2007 Annual Reports from the following departments or agencies for review: District Attorney, Board of Elections, Employment & Training, Public Defender, STOP DWI, Veterans' Service Agency, Workers' Compensation, and Youth Bureau.

2. Notice was received of the next Inter-County Association meeting to be hosted by Schuyler County at Watkins Glen International on Friday, March 14.

3. An invitation was received to attend the 7<sup>th</sup> Annual Allegany County Career Awareness Day on March 26, from 12 to 3:30 p.m. at the Wellsville Middle School.

4. An invitation was received to attend a Budget Press Conference at the Erie County Legislative Office in Buffalo on March 13. (*This conference was later cancelled.*)

5. Received in the Clerk of the Board's Office on March 7, 2008, was a copy of correspondence sent to the New York State Department of Environmental Conservation from the Town of Wellsville as Notice of Lead Agency Declaration for purposes of implementing the SEQRA requirements with respect to the proposed development of a Walmart Supercenter in Wellsville.

6. Notice was given for a tour of the Wyoming County and Genesee County Court Facilities on March 26. All legislators and the media were invited to attend.

7. Notice was given for a special Committee of the Whole meeting immediately following the regular Board meeting on Monday, March 24. Marthe Ngwashi, Assistant Director of Intergovernmental Affairs with the NYS Attorney General's Office, plans to attend the meeting to talk about the Attorney General's Office and explain what they can do for us, and what we can do for them.

8. Received were a News Release and minutes of the February 21 meeting of the Southern Tier West Regional Planning and Development Board, as well as a Meeting Notice and Agenda for their March 20 meeting.

#### **APPOINTMENTS:**

The Clerk of the Board announced that Chairman Crandall appointed Marie Willard of Caneadea to replace Mary Vandewarker of Angelica as a member of the **ALLEGANY COUNTY CITIZENS ADVISORY COMMITTEE ON TOURISM**, to serve at his pleasure.

#### **PROCLAMATIONS:**

Chairman Curtis W. Crandall proclaimed March 2008 as Developmental Disabilities Awareness Month in Allegany County, celebrating the achievements and contributions of people with intellectual and other developmental disabilities.

Chairman Crandall, on behalf of the Allegany County Board of Legislators, congratulated the Town of Alfred on its Bicentennial, and called upon the residents of the County to celebrate with the Town of Alfred and wish them well in the future. The community will hold a celebration on March 11, 2008, the two-hundredth anniversary of its incorporation.

#### **RESOLUTIONS:**

**RESOLUTION INTRO NO. 41-08 (APPROVAL OF A STATE LEGISLATIVE BILL WHICH AUTHORIZES THE COUNTY OF ALLEGANY TO REINSTATE ANDREW CHAMBERLAIN TO A PERMANENT POSITION AS A DEPUTY SHERIFF) was DEFEATED** following a roll call vote of 4 Ayes, 11 Noes, 0 Absent (Voting No: Legislators Benson, Burdick, Fanton, Hopkins, Kruger, McCormick, O'Grady, Pullen, Russo, Truax, and Ungermann). This action involved Home Rule legislation that was started in February 2007 (see Resolution Nos. 31-07 and 58-07).

#### **RESOLUTION NO. 41-08**

#### **RESOLUTION URGING THE STATE LEGISLATURE TO OPPOSE THE PROPOSED SHIFT OF THE STATE'S HISTORIC SHARE OF PUBLIC ASSISTANCE TO COUNTIES AND THE PROPOSED SHIFT OF 100 PERCENT OF COST OF JUVENILE DETENTION FACILITIES TO COUNTIES**

Offered by: Human Services and Ways and Means Committees

**WHEREAS**, since 1938, counties and New York State have equally shared in the cost of public assistance at a 50 percent state, 50 percent local split for this program; and

**WHEREAS**, the 2008-09 Executive Budget proposes to break this historic state/local fiscal partnership by shifting an additional 2 percent of the cost of public assistance from the state to the counties; and

**WHEREAS**, according to the 2008-09 Executive Budget proposal, in addition to shifting an additional 2 percent share of public assistance cost to the counties, effective April 1, 2008, counties will assume the full cost of youth placed by the Family Court in secure and non-secure detention facilities; and

**WHEREAS**, currently, the State reimburses counties 50 percent for secure and non-secure detention costs, but by shifting the cost completely to counties, the State's estimated savings for this initiative is \$35.4 million; and

**WHEREAS**, at the time of this proposal, the State is currently in the process of closing many of their state owned and operated secure detention facilities, which will result in immediate state savings, and

**WHEREAS**, the policy rationale behind this cost-shift is the State's recommendation that counties find alternative diversion programs for these youth, such as community-based solutions, however, there is no possibility of diversion or other community-based alternatives for a youth who has been placed in a secure detention facility; and

**WHEREAS**, these proposals will not result in a reduction in the overall tax burden faced by New York taxpayers, but merely a shifting of the tax burden from the state to counties; and

**WHEREAS**, these budget proposals are examples of a break in the historic state/local partnership governing such expenditures, where local property taxpayers will be directly impacted; and

**WHEREAS**, the local property tax burden will only be increased by implementation of these proposals and therefore these budget proposals pose a significant threat to the short and long-term health of both our state and local economy; now therefore, be it

**RESOLVED:**

1. That the Allegany County Board of Legislators opposes any policies or fiscal initiatives, like the proposed increase in the local share for public assistance and the fiscal shift of 100 percent of the cost of juvenile detention facilities to counties, that change the fundamental promise Governor Spitzer made to the counties of New York State about ongoing, historic state and local partnerships.

2. That the Allegany County Board of Legislators urges the State Legislature to oppose these policies and to focus on strengthening, not severing, the local/state partnership while working to reduce the cost of government at all levels.

3. That certified copies of this resolution be mailed to New York State Governor Eliot Spitzer, Senator Catharine M. Young, and Assemblymen Daniel J. Burling and Joseph M. Giglio.

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

Adopted: Voice Vote

Comments made regarding Resolution No. 41-08: Mr. Pullen referred to the historic relationship between the state and counties that is unique in the nation, which the state is seeking to change by passing a larger share of the burden to the counties. The counties have no control over benefits or any other aspects of the programs, although they are becoming the majority partner in terms of funding. Mr. McCormick noted that the taxes which fund social programs should not be placed on property tax payers, but should be funded by income tax or other fees.

## **RESOLUTION NO. 42-08**

### **RESOLUTION CALLING ON THE GOVERNOR AND STATE LEGISLATURE TO END THE PRACTICE OF PASSING COSTS FOR STATE PROGRAMS TO COUNTY GOVERNMENT AND OUR PROPERTY TAXPAYERS**

Offered by: Ways and Means Committee

**WHEREAS**, unfunded state mandates shift the responsibility and the cost of implementing programs from the state to the local level and force localities to cut existing services or raise property and other local taxes to achieve the additional requirements, and

**WHEREAS**, state government leaders have acknowledged that high property taxes are a problem for residents and businesses in New York State, making the state less attractive and less competitive, and

**WHEREAS**, the Citizens Budget Commission states that local taxes in New York State are 79 percent higher than the national average, and that state laws result in high local tax burdens, and

**WHEREAS**, the Tax Foundation, based in Washington D.C., reports that nine of the top ten counties nationwide in median real estate taxes as a percentage of median home value are in New York State, and

**WHEREAS**, the Governor has formed a bipartisan commission to make recommendations on a package of reforms that gets at the root causes of what is driving taxes so high, including looking at unfunded mandates on both school districts and municipalities, proposals on how to make our tax relief system fairer to the middle class taxpayer, and a proposal for a fair and effective cap to hold the line on school district property taxes, with said commission due to report its findings in June of this year, and

**WHEREAS**, the New York State Association of Counties (NYSAC) has previously recommended that state policy makers should strive to forge a stronger state/local partnership by eliminating unnecessary state requirements, make the state more responsive by requiring state payment of mandates it deems essential, and to establish alternative methods for performance and implementation, and

**WHEREAS**, while awaiting the recommendations of the Governor's commission on ways to reduce the high property taxes in New York State, state policy makers should refrain from making the problem worse by shifting costs from the state's 2008-2009 budget to county budgets and our property taxpayers, now, therefore, be it

**RESOLVED:**

1. That the Allegany County Board of Legislators urges the Governor and State Legislature to end the practice of passing costs for state programs to county government and our property taxpayers.

2. That certified copies of this resolution be mailed to New York State Governor Eliot Spitzer, Senator Catharine M. Young, and Assemblymen Daniel J. Burling and Joseph M. Giglio.

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

Adopted: Voice Vote

**RESOLUTION NO. 43-08**

**RESOLUTION SETTING DATE OF PUBLIC HEARING ON  
THE USE OF \$50,000 FROM THE COUNTY ROAD REPAIR RESERVE  
TO HELP FINANCE THE COST OF RECONSTRUCTING BRIDGE NO. 15-16  
ON THE FARNSWORTH ROAD IN THE TOWN OF CUBA**

Offered by: Public Works and Ways and Means Committees

**WHEREAS**, it will be necessary to set a date for a public hearing for the purpose of considering the use of funds from the County Road Repair Reserve to partially finance the reconstruction of Bridge No. 15-16 on the Farnsworth Road in the Town of Cuba, now, therefore, be it

**RESOLVED:**

1. That a public hearing shall be held on March 24, 2008, at 2:00 P.M. in the County Legislators' Chambers, Room 221, 7 Court Street, County Office Building, Belmont, New York 14813, before the Allegany County Board of Legislators, to consider the use of \$50,000 from the County Road Repair Reserve to help finance the cost of the reconstruction of Bridge No. 15-16 in the Town of Cuba.

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. Fanton  
Seconded by: Mr. Hall

Adopted: Voice Vote

## RESOLUTION NO. 44-08

### A RESOLUTION IN RELATION TO THE RECONSTRUCTION OF TOWN BRIDGE NO. 15-16 (B.I.N. 2214570) IN TOWN OF CUBA

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. 15-16 (B.I.N. 2214570) on Farnsworth Road in the Town of Cuba 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 \$165,000, 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. 15-16 (B.I.N. 2214570) on Farnsworth Road in the Town of Cuba 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 \$165,000 and shall come from Capital Project Account No. H5802.

4. That in accordance with Resolution No. 65-95, the County's share of such cost is estimated to be \$140,250.

5. That the Town's share of such cost, estimated to be \$24,750, 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 Cuba files the appropriate Town Board resolution in accordance with Resolution No. 65-95.

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

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

Comments made regarding Resolution No. 44-08: Mr. Ungermann noted that the bridge has been red-flagged three years in row, and there are over 100 jobs on the far side of the bridge with no good alternate route.

**RESOLUTION NO. 45-08**

**CONFIRMATION OF BOARD CHAIRMAN'S REAPPOINTMENTS 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 Janet Gaczewski, James Cross, Sherry Weirich, Ralph Eastlack and Gary Ostrower to the County Youth Board, with term of office for each commencing March 26, 2008 and expiring March 25, 2011, are confirmed.

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

Adopted: Voice Vote

**RESOLUTION NO. 46-08**

**CREATING ONE NEW POSITION OF  
CORRECTION OFFICER IN THE SHERIFF'S DEPARTMENT**

Offered by: Public Safety Committee

**RESOLVED:**

1. That one new position of Correction Officer is created in the Sheriff's Department.

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

Adopted: Roll Call  
12 Ayes, 3 Noes, 0 Absent  
Voting No: Burdick, Kruger, Ungermann

**RESOLUTION NO. 47-08**

**TRANSFER OF FUNDS WITHIN EMERGENCY SERVICES ACCOUNT**

Offered by: Public Safety Committee

**RESOLVED:**

1. That the sum of \$3,000 is transferred from Account No. A3640.2 to Account No. A3640.4.

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

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

*(Memo: The transfer approved by Resolution No. 47-08 is for payment of rent expenses for January and February 2008 EMS Training Classes at the Crossroads Center. Of the \$3,000, \$100 is for renting the room for an audit meeting in September 2007. The funds are part of a state legislative grant to be spent as needed.)*

**RESOLUTION NO. 48-08**

**ACCEPTANCE OF FUNDS FROM SELECTIVE WAY INSURANCE COMPANY AND  
APPROPRIATION OF FUNDS TO INSURANCE RECOVERY AND  
VEHICLE REPLACEMENT ACCOUNTS**

Offered by: Ways and Means Committee

**RESOLVED:**

1. That the sum of \$6,227.94, representing partial settlement for equipment that was damaged and/or destroyed during the November 19, 2007 police pursuit in Wellsville, is accepted and is to be applied to 2007 accounts receivable to be used to partially offset the cost of the two replacement vehicles.

2. The accepted sum of \$6,227.94 is to be appropriated to Account No. H380.2007 (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. Pullen

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

*(Memo: Regarding Resolution No. 48-08, the estimates for damaged/destroyed equipment removed from the Sheriff's 2004 and 2006 Jeep Grand Cherokees totaled \$8,852.94. The \$6,227.94 represents a settlement on \$7,853.94 worth of the equipment, and the remaining \$999 is still under consideration. Most of the equipment was approximately three years old and was depreciated at about 21 percent.)*

**RESOLUTION NO. 49-08**

**APPROVAL OF ALTERNATIVES TO INCARCERATION SERVICE PLAN UPDATES  
FOR JANUARY 1, 2008 TO DECEMBER 31, 2008  
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, 2008 to December 31, 2008, 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. Reynolds

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

Comments made regarding Resolution No. 49-08: Probation Director David Sirianni explained that the Alternatives to Incarceration Programs were designed for implementation prior to trial to save on jail space for people not viewed as a threat. Of the approximately 200 participants on pre-trial release last year, the number of re-offenders was insignificant. (Mr. Sirianni will check on the exact number and report back.)

**RESOLUTION NO. 50-08**

**APPROVAL OF AGREEMENT WITH  
NEW YORK STATE OFFICE OF HOMELAND SECURITY AND  
ACCEPTANCE OF FY 2007-2010 GRANT FUNDS FOR  
THE ENHANCEMENT OF ALLEGANY COUNTY COMMUNICATION SYSTEM;  
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 enhancement of Allegany County's Communication System is approved.

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

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

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

*(Memo: The 2007-2010 New York State Homeland Security Grant funds accepted by Resolution No. 50-08 totaled \$63,000.)*

### **RESOLUTION NO. 51-08**

#### **RATIFYING AND APPROVING ADMINISTRATIVE SERVICES AGREEMENT WITH NOVA HEALTHCARE ADMINISTRATORS, INC. TO ADMINISTER COUNTY SELF-INSURANCE MEDICAL PLAN FOR COUNTY OFFICERS, EMPLOYEES AND RETIREES AND PHARMACY BENEFIT MANAGEMENT SERVICES AGREEMENT WITH INDEPENDENT HEALTH'S PHARMACY BENEFIT DIMENSIONS, LLC**

Offered by: Personnel Committee

#### **RESOLVED:**

1. That Administrative Services Agreement effective November 1, 2006, through December 31, 2007, and renewed on an annual basis thereafter on each January 1st beginning with January 1, 2008, with NOVA Healthcare Administrators, Inc., in relation to the administration of the County self-insurance medical plan is approved and ratified; the County Administrator being authorized to execute such Agreement.

2, That Pharmacy Benefit Management Services Agreement with Independent Health's Pharmacy Benefit Dimensions, LLC, effective November 1, 2006 through October 31, 2009, to provide pharmacy benefit plan is approved and ratified; the County Administrator being authorized to execute such Agreement.

Moved by: Mr. Hall  
Seconded by: Mr. Pullen

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

Comments made regarding Resolution No. 51-08: Mr. Kruger questioned if there was any discussion in Personnel Committee of shopping around for different insurance carriers or better prices. Mr. Margeson responded that the County contracted with North American Administrators/Meritain since 1992, until the change in 2006 to NOVA, which took place after shopping around. The Agreements approved in this resolution date back to 2006, but were not formally approved prior to this point due to working through contract language negotiations. Chairman Crandall noted that information is being gathered and shared with

other counties to consider a regional approach for medical insurance. Mr. Kruger and Mr. Ungermann both commented that when the time comes, the County should do some shopping around.

**RESOLUTION NO. 52-08**

**APPROVAL OF AGREEMENT WITH APPROVED PROVIDERS OF PROGRAMS,  
SEIT AND/OR EVALUATIONS FOR PRESCHOOLERS WITH DISABILITIES**

Offered by: Human Services Committee

**RESOLVED:**

1. That Agreement titled "County of Allegany Contract for Approved Providers of Programs, SEIT and/or Evaluations for Preschoolers with Disabilities" with Cattaraugus-Allegany Board of Cooperative Educational Services, for the period September 1, 2007 to August 31, 2008, is approved.

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

Moved by: Mr. Truax  
Seconded by: Mr. Kruger

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

*(Memo: The contract with Cattaraugus-Allegany BOCES approved in Resolution No. 52-08 is in addition to those approved for the same period by Resolution No. 257-07 on December 10, 2007.)*

**RESOLUTION NO. 53-08**

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

Offered by: Human Services Committee

**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, 2008, through December 31, 2008, is approved.

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

Moved by: Mr. Truax  
Seconded by: Mr. Kruger

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

*(Memo: The Agreement approved by Resolution No. 53-08 involved provision of services in an amount not to exceed \$3,000. Cattaraugus County will maintain insurance during the course of the agreement and will reimburse Allegany County as follows: hourly rate for Public Health Sanitarian at \$26, equipment usage per completed assessment at \$100, and mileage at \$.505 per mile. There will be no affect on revenue at this time, dependent upon completion of tests, based on actual services.)*

## **RESOLUTION NO. 54-08**

### **APPROVAL OF AGREEMENT BETWEEN COUNTY OF ALLEGANY AND ALLEGANY COUNTY FEDERATION OF SNOWMOBILERS, INC.; APPROPRIATION OF NON-BUDGETED STATE GRANT-IN-AID**

Offered by: Public Works and Ways and Means Committees

#### **RESOLVED:**

1. That Agreement between the County of Allegany and Allegany County Federation of Snowmobilers, Inc., is approved.
2. That the Chairman of this Board is authorized to execute said Agreement.
3. That the sum of \$80,745 in non-budgeted state grant-in-aid is appropriated to Account No. A7185.483, with a like sum credited to Revenue Account No. A10.3089.01.

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

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

*(Memo: The Contract approved by Resolution No. 54-08 includes the County's sponsorship for applications for snowmobile trail development and maintenance assistance grants through New York State Office of Parks, Recreation, and Historic Preservation. Our 2007-08 application was approved at \$80,475. The County will operate as a pass-through to the Federation of Snowmobilers for the funds.)*

#### **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 adopted on a roll call vote of 15 Ayes, 0 Noes, 0 Absent, that the audit of claims, totaling \$3,799,948.80, including prepaid expenses, be approved for payment as recommended by the County Administrator. *(Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$1,687,270. Legislator Hopkins, Chairman of the Budget Committee, noted that Medicaid expenses represent 43 percent of the local tax burden.)*

**ADJOURNMENT:**

The meeting was adjourned at 2:50 p.m. on a motion made by Legislator Reynolds, seconded by Legislator Truax and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION  
MARCH 24, 2008**

**\*\* APPROVED \*\***

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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, who then led in the Pledge of Allegiance to the Flag. The invocation was given by Legislator Reynolds.

**ROLL CALL:** 14 Present; 1 Absent (Legislator Pullen).

**APPROVAL OF MINUTES:**

The Board meeting minutes of March 10, 2008 were approved on a motion made by Legislator Dibble, seconded by Legislator Truax and carried.

**PUBLIC HEARING:**

Chairman Crandall closed the regular meeting to hold a public hearing to consider the use of \$50,000 from the County Road Repair Reserve to partially finance the cost of reconstructing Bridge No. 15-16 on the Farnsworth Road in the Town of Cuba. 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 April 2008 Employee of the Month, Deputy Sheriff Daniel Hanchett, of the Sheriff's Office, in recognition of his actions during the November 19, 2007 armed robbery in Wellsville.

Representatives from the following departments and agencies were present to answer questions regarding their 2007 Annual Reports: District Attorney, Board of Elections, Employment and Training, Public Defender, STOP DWI, Veterans' Service Agency, Workers' Compensation, and Youth Bureau.

Chairman Crandall granted privilege of the floor to Judith Hopkins, Business Education Community Coalition (BECC) Coordinator; Dr. Byron Chandler, Wellsville Central School Superintendent; and Dean Giopulos, Wellsville High School Principal for a presentation on the 7<sup>th</sup> Annual Career Awareness Day. BECC develops programs to bring the business and education communities together, with the main focus on careers, especially those available locally. This year's Career Awareness Day will be held in Wellsville on March 26. Approximately 63 businesses, agencies, colleges, and the military will be represented, and over 700 students from 12 schools throughout the County are expected to attend. The

purpose is to help participants gain a better understanding of the qualifications and aspects of available jobs.

## **PROCLAMATIONS:**

Chairman Crandall proclaimed March 26, 2008 as the 7<sup>th</sup> Annual Career Day in Allegany County, which promotes career opportunities to local youth and encourages them to gain meaningful employment and reside in Allegany County.

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

1. Placed on each legislator's desk for review were copies of the 2007 Annual Reports from the following departments or agencies: County Historian, Information Technology, Parks and Forests, Soil and Water Conservation District, and Weights and Measures.

2. The County Treasurer filed the *Allegany County Actuarial Valuation of Postretirement Health Care Benefits as of January 1, 2007 including Notes to Financial Statements as of December 31, 2007* in the Clerk of the Board's Office on March 19, 2008.

3. Received in the Clerk of the Board's Office was a copy of correspondence that Assemblyman Joseph Giglio sent to Governor Eliot Spitzer urging that \$730,000 be released to serve as matching funds for FEMA grant funding to be used for the Genesee River Hazard Mitigation Project.

4. Correspondence was received from Assemblyman Daniel Burling acknowledging receipt and indicating his support of our recent Resolution No. 41-08 and Resolution No. 42-08 opposing state mandates and cost shifting.

## **RESOLUTIONS:**

### **RESOLUTION NO. 55-08**

#### **CREATING AND ABOLISHING POSITIONS IN THE DEPARTMENT OF PUBLIC WORKS**

Offered by: Public Works Committee

#### **RESOLVED:**

1. That one position of Heavy Motor Equipment Operator 1 is created and one position of Motor Equipment Operator/Welder is abolished in the Department of Public Works.

2. That two positions of Motor Equipment Operator 1 are created and 2 positions of Motor Equipment Operator are abolished in the Department of Public Works.

3. This resolution shall take effect on March 25, 2008.

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

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

### **RESOLUTION NO. 56-08**

#### **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. Reynolds

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

**RESOLUTION NO. 57-08**

**APPROPRIATION OF FUNDS FOR THE RECONSTRUCTION OF BRIDGE NO. 15-16  
ON THE FARNSWORTH ROAD IN THE TOWN OF CUBA;  
TRANSFER OF FUNDS FROM COUNTY ROAD REPAIR RESERVE AND  
CONTINGENT ACCOUNT TO CAPITAL PROJECT ACCOUNT NO. H5802**

Offered by: Public Works and Ways and Means Committees

**RESOLVED:**

1. That the transfer of \$50,000 from County Road Repair Reserve Account No. D882.0000 to Capital Project Account No. H5802, is approved.

2. That the transfer of \$31,250 from Account No. A1990.429 (Contingent) to Capital Project Account No. H5802 (Bridge #15-16 BIN 2214570), Farnsworth Road, Town of Cuba, is approved.

3. That the following budget adjustments relating to the Capital Project for the reconstruction of Bridge #15-16, Farnsworth Road, Town of Cuba, are approved:

H5802.200	Farnsworth Bridge #15-16, Cuba	\$165,000
H03.2300.5802	Town Revenue	24,750
H12.5031.5802	County's Share (85%)	140,250
D09.2801.09	Revenue from Town Capital	28,000
D12.5031.03	Interfund from General	(28,000)
D9553.904	Interfund to Capital	13,000
D5110.408	County Road – Supplies	(13,000)
DM09.2801.09	Revenue from Town Capital	18,000
DM12.5031.03	Interfund from General	(18,000)
A9560.904	Interfund to Capital	46,000
A9522.901	Interfund to County Road	(28,000)
A9523.901	Interfund to Road Machinery	(18,000)

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

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

Comments made regarding Resolution No. 57-08: Mr. McCormick agreed with the bridge repair, but wanted to emphasize what had to be done to find the funds. The County's share of \$140,000 is split between the \$50,000 transfer from County Road Repair Reserve, the \$30,000 transfer from Contingent, and transfers from several accounts within the department. The last item could cause him to argue that some of these accounts were overstated, or that as the year progresses they will be underfunded. Necessary bridge repair can take us by surprise sometimes, as this one did, but we need a better system of dealing with it in the future. Mr. Reynolds pointed out that what happens is that during budget time, we start cutting and quite often look to Public Works as a place to cut. Cutting back on the bridge program could put us in a difficult situation.

## **RESOLUTION NO. 58-08**

### **TRANSFER OF FUNDS FROM CONTINGENT ACCOUNT**

Offered by: Public Works and Ways and Means Committees

#### **RESOLVED:**

1. That the sum of \$22,000 is transferred from Account No. A1990.4 (Contingent) to an Account to be determined by the County Treasurer, to finance the cost of recycling construction and demolition debris.

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

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

*(Memo: The transfer approved by Resolution No. 58-08 will fund the recycling of construction and demolition debris at a cost of \$30 per ton for a six-month trial basis with LaForge Disposal.)*

## **RESOLUTION NO. 59-08**

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

Offered by: Human Services Committee

Pursuant to County Law § 675

#### **RESOLVED:**

1. That Intermunicipal Agreement between Monroe County and Allegany County for forensic pathology services for the period of January 1, 2008, to December 31, 2010, is approved.

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

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

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

*(Memo: The agreement approved by Resolution No. 59-08 is for a three-year period and is a continuation of an existing agreement for the provision of forensic services. These services are primarily autopsy and post mortem toxicology, and are provided on an as-needed basis typically associated with unattended deaths. The proposed 2008 fee is \$26,355, a three percent increase over 2007, with annual three percent increases for 2009 and 2010. Funds have been budgeted to cover this mandatory service.)*

Comments made regarding Resolution No. 59-08: Mr. O'Grady questioned if any other Medical Examiner's office was considered. Mr. Truax noted that the County has contracted with Monroe County for quite a while, and they are large enough to handle our volume of cases. Chairman Crandall pointed out that there is not a large selection.

Mr. Ungermann asked about the number of times we have used the service. Chairman Crandall responded that all cases requiring autopsies are taken there, and Mr. Margeson noted there were 39 cases in 2007.

#### **AUDITS:**

A motion was made by Legislator Truax, seconded by Legislator Dibble 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 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$1,499,582.70 including prepaid expenses, be approved for payment as recommended by the County Administrator. *(Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$2,024,724.)*

#### **COMMENTS:**

Mr. Kruger expressed his displeasure on not being contacted for a recent joint meeting of the Budget and Human Services Committees regarding a Health Department study. Chairman Crandall responded that committee meetings were not held; the contractor requested a meeting with a few key people to determine what information should be gathered and presented.

Mr. Kruger referred to a recent letter sent to Fire Coordinator Paul Gallmann by Chairman Crandall regarding circumstances surrounding the tragic loss of Volunteer Firefighter Ron Thomas. The letter inferred Board members' support by the use of Legislative Board letterhead and the use of the word "we" throughout the letter, although Board members did not have the opportunity to review the letter or include their comments. Mr. Kruger agreed with much of the letter, but disagreed wholeheartedly on some aspects.

Chairman Crandall responded that his signature does represent the Board in many ways, and the letter was reviewed by the County Attorney and outside counsel prior to being sent. He would have a hard time constructing a letter with fifteen points of view included. The matter referred to in the letter is in litigation and out of our hands. Mr. Reynolds noted that Mr. Kruger's comments about dissension were curious considering his recent revisions to a brochure that he distributed reflecting his opinions but still containing other legislators' names. Mr. Kruger responded the brochure was his attempt at political satire, but the firefighters' situation is a much different type of matter, as there are hard feelings involved.

**ADJOURNMENT:** The meeting was adjourned at 2:35 p.m. on a motion made by Legislator Fanton, seconded by Legislator Truax and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS**  
**REGULAR SESSION**  
**APRIL 14, 2008**  
**\*\* APPROVED \*\***

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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, who then led in the Pledge of Allegiance to the Flag. The invocation was given by Legislator Pullen.

**ROLL CALL:** 14 Present; 1 Absent (Legislator Truax).

**APPROVAL OF MINUTES:**

The Board meeting minutes of March 24, 2008 were approved on a motion made by Legislator Dibble, seconded by Legislator Hopkins and carried.

The Committee of the Whole minutes of March 24, 2008 were approved on a motion made by Legislator Dibble, seconded by Legislator Hopkins and carried.

**PUBLIC HEARING:**

Chairman Crandall closed the regular meeting to hold a public hearing on the submission of an application for a Small Cities Community Development Block Grant for replenishment of the County's Revolving Loan Fund. (This public hearing was the second of two; the first one was held March 10.) There being no one desiring to speak, the public hearing was declared closed, and the Board reconvened in regular session.

**PRIVILEGE OF THE FLOOR:**

Representatives were present from the following departments or agencies to answer questions regarding their 2007 Annual Reports: County Historian, Information Technology, Parks and Forests, Soil and Water Conservation District, and Weights and Measures.

Chairman Crandall granted privilege of the floor to the following:

Crime Victims Coordinator Shannon Ozzella, Southern Tier Child Advocacy Center CEO Donna Kahm, and Joyce Louser from Senator Catharine Young's Office addressed the Board concerning Crime Victims Awareness Month.

Ms. Ozzella spoke on the need to seek justice for the victims of crime, numbering more than 23 million every year, the most vulnerable of which are the children. April is also National Child Abuse Prevention Month. Allegany County will hold its annual Crime Victims Ceremony on April 25 at Moonwinks in Cuba. Jean Fowler, author of the book "Peter's Lullaby," a story of abuse from a child's perspective, will be the guest speaker. Legislators were invited to attend.

Ms. Kahm presented information on the Child Advocacy Center located in Olean which serves Cattaraugus, Chautauqua, and Allegany Counties. The Center was developed through the coordinated efforts of several different service agencies and justice groups to allow children victimized by crime to be served in one location. Since October 1, 2007, the Center has dealt with 94 cases; 25 children were from Allegany County. They are currently waiting to hear if a second center can be established in Allegany County due to the much greater than anticipated need.

Ms. Louser read a proclamation by Senator Catharine M. Young commemorating National Crime Victims' Rights Week, April 13 to 19, 2008, which provides an opportunity for our State to recognize that all victims are afforded their legal rights and provided with assistance as they face the financial, physical, and psychological impacts of crime.

Comprehensive Plan Committee Chairman Charles Jessup presented copies of the Allegany County Comprehensive Plan and gave a short recap of the process to provide the Legislative Board with the first County Comprehensive Plan. The Committee, established in May 2007, along with professional consultants, reviewed many plans, studies, and reports written in the past ten to fifteen years, conducted surveys, and held informational meetings in all five legislative districts seeking input. The Comprehensive Plan will never be considered "finished," but is a work in progress with a process included for periodic review and updating. Mr. Jessup thanked all those involved with the process for their efforts and the hundreds of hours of their time. With this submission of the draft document, the process is entering the SEQRA approval step, with a resolution to be considered later in the meeting for lead agency status. Chairman Crandall applauded the Committee's efforts, and commented that he was not sure the historical impact is fully realized. This is a first for the County and a very important step. In the past, the County has missed out on grant funding due to not having a Comprehensive Plan.

John Foels, Development Director and IDA Executive Director; Dr. Shirley Mullen, Houghton College President and Houghton Foundation Chairman; Kimberley Toot, Office for the Aging Director; and Wallace Higgins, Allegany Senior Foundation Chairman, addressed the Board concerning proposed County leasing of space at the Crossroads Commerce and Conference Center.

John Foels spoke on the vision for Allegany County's development and gave a brief history of the Crossroads Commerce and Conference Center. After assessment of development delivery procedures in 2003 through 2004, it became apparent there was a need for a physical structure and a partnership with a team of related agencies. In 2004, the Industrial Development Agency approached the Legislature when the Houghton Academy South building became available, at which time the County entered into a lease agreement for location of the Offices of Development, Tourism, and Planning at the Crossroads Center. The IDA has responsibility for the property, but the Houghton Foundation still retains ownership. The building is now full, with the Offices of Development, Tourism, Planning, and IDA being joined by these other valuable partners: Empire State Development, Friendship Empire Zone, Jamestown Community College, ACCORD Business Center, County Chamber of Commerce, and the Allegany Area Foundation. The next phase will be to review the lease

contract entered in 2004. Mr. Foels thanked the Houghton Foundation, as an important partner in this project. The Center has allowed them the opportunity for confidentiality with potential development, and conferences held there number in the thousands.

Dr. Shirley Mullen presented the Crossroads Center situation from Houghton College's standpoint. Since coming to the college two years ago, her determined focus has been on the educational mission of the college. This included rethinking the issues of the Houghton Foundation and getting out of property management. Once they determined to move out of the ownership of the Crossroads property, they wanted to do it in the most responsible way. Since the Industrial Development Agency had been leasing it, it was important to give them first privilege for an offer. In late fall, an opportunity was presented to work with Office for the Aging and a project for the benefit of senior citizens, and they considered selling at a lower price. If they are able to sell the property in a way that will benefit the County, it will fulfill their goals.

Kimberley Toot gave information on services for seniors and the opportunities and challenges they face. In less than 20 years, the over-age-60 population will increase by 40 percent, and there will be fewer older people with family nearby to help. As boomers have defined the market place, they will also define how aging services look. Services will be based on strengths, health, and wellness. In order to meet the challenges, we must create partnerships with colleges, services, foundations, and faith-based centers, working together to help keep seniors in their communities. Services should be easily accessible, with the parking lot next to the front door, all on the ground floor, in one location, easy to find, enough room for group activities and space for confidential interviews, and on the bus route. At the direction of New York State, Office for the Aging has been working with Department of Social Services for a single point of entry for long term care. NY Connects kicked off in February and calls for the co-location of OFA, DSS, and Veterans' Services. This co-location had to be postponed until the right space could be found. The Crossroads Center is ideal: it's located mid-County, and it's accessible, with enough land for future development. The partnership can make it happen.

Wallace Higgins addressed the Board on the Allegany Senior Foundation, which was created four years ago to meet the unmet needs of our senior population. A change of venue is needed for the Office for the Aging due to increased personnel, lack of space, safety issues, and to address future growth and activities and future mandates. The senior population is growing at a rate that can't be overlooked, and we need a safe haven for Office for the Aging and our seniors. Crossroads fulfills that need. A senior center will allow our senior citizens to congregate, be productive, and enjoy activities. The Houghton Foundation has made a generous offer. They are ready to help this dream come true and make Allegany County a leader in senior services. Allegany Senior Foundation is planning to expand its Board from eleven members to fourteen, and to create a separate corporation to raise funds for the next phase and beyond. Mr. Higgins presented the IDA with a donation from the Senior Foundation to be used for research and design of space at the Crossroads Center for the Office for the Aging and senior services.

Legislation will be considered later in the meeting regarding the IDA leases. Although he doesn't normally voice his opinions on upcoming legislation, Chairman Crandall stated that he feels strongly on these issues and all the efforts that have gone into them. No one group could have put this together, and we wouldn't have been able to get to this point without Houghton College, Houghton Foundation, IDA, and the Senior Foundation and their interest and support of senior services. Chairman Crandall thanked those who gave presentations, and also recognized individuals attending in support from the Office for the Aging Citizens Advisory Board, the Senior Foundation, and others. (A handout entitled "Partners for a Dream" is attached to the original minutes.)

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

1. Placed on each legislator's desk was a copy of the 2007 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 Hall, seconded by Legislator Pullen and carried to accept the report and direct the County Treasurer to refund the apportioned 75 percent of the surplus to the various towns.

2. Placed on each legislator's desk for review were copies of the 2007 Annual Reports for the following departments and agencies: County Administrator, Development, Election Board (Addendum), Industrial Development Agency (IDA), Planning Board, Social Services, and Tourism.

3. Placed on each legislator's desk were copies of the Reports of Tax Bill Corrections approved by the County Administrator in February and March 2008.

4. Also placed on each legislator's desk were copies of the Reports of Intrafund Transfers approved by the County Administrator in February and March 2008.

5. The 2006 Journal of Proceedings books have been received and are available in the Clerk of the Board's Office.

6. Notice was received for the next Inter-County Association meeting to be hosted by Orleans County on Friday, April 18, in Albion.

7. Southern Tier West Regional Planning and Development Board forwarded a news release and minutes from their March 20 meeting, as well as a notice of meeting for April 17.

8. Correspondence was received from Senator Catharine Young confirming receipt of Resolution No. 25-08 (Urging New York State to Establish Policies that will Assist in the Development of Oil and Gas Resources in the State). Senator Young indicated that she plans to introduce legislation easing the boundary requirements on shallow oil well drilling in New York State.

9. Correspondence was received from Beverly Grantier supporting the County's proposed plan to lease space at Crossroads from the IDA and to have the IDA develop space for a senior services complex, including space for the Office for the Aging, NY Connects, Veterans' Services, and wellness activities.

10. Correspondence was received from United Way EITC Coordinator Joyce Weimer requesting Allegany County Employers to help spread the word and raise awareness of Earned Income Tax Credit and financial literacy.

11. A notice was received of the 2008 Office for the Aging Senior Forum to be held at the Genesee Valley Central School in Belmont on April 18 from 8:30 a.m. to 2:00 p.m.

12. Correspondence was received from Preston Lucas supporting the Board's consideration of moving the Office for the Aging to the Crossroads Center. Mr. Lucas suggested that the Board also consider moving the Motor Vehicles Division of the County Clerk's Office to a more accessible area.

## **RESOLUTIONS:**

### **RESOLUTION NO. 60-08**

#### **SALE OF TAX LANDS IN VILLAGE OF ANDOVER AND TOWN OF CLARKSVILLE**

Offered by: Ways and Means Committee

**WHEREAS**, the Village of Andover, 4 Main Street, Andover, New York 14806 has agreed to Terms of Sale and offered the sum of \$1.00 plus current years taxes for a deed of the County's interest in premises formerly assessed on the tax rolls to C & C International Serv and described as follows:

**ALL THAT LOT, PIECE OR PARCEL OF LAND** situate in Village of Andover, County of Allegany and State of New York, described as follows, viz: 71 East Greenwood St .25 Acre Tax Map No. 216.15-2-39, and

**WHEREAS**, the Clarksville Volunteer Fire Company, Inc., (No Street or Number), P. O. Box 24, West Clarksville, New York 14786 has agreed to Terms of Sale and offered the sum of \$1.00 for a deed of the County's interest in premises formerly assessed on the tax rolls to Doxey, Jack E and described as follows:

**ALL THAT LOT, PIECE OR PARCEL OF LAND** situate in Town of Clarksville, County of Allegany and State of New York, described as follows, viz: Rt 305 .59 Acre Tax Map No. 232.6-1-49.2, and

**WHEREAS**, the Ways and Means Committee believes that the Terms of Sale and the above sums offered are fair and reasonable and the best that can be obtained under the circumstances and that the sales will be advantageous to the County, now, therefore, be it

**RESOLVED:**

1. That such agreed to Terms of Sale and monetary offers are accepted and the Chairman of this Board is authorized and directed to execute on behalf of the County of Allegany and to cause to deliver to such purchasers a quit claim deed of the County's interest in such premises, and to attach to such deeds the official seal; all upon satisfaction of the Terms of Sale and full payment to the County Treasurer of the monetary offers.

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

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

Comments made regarding Resolution No. 60-08: Mr. Pullen noted that it has been past practice of the Board to make tax foreclosure properties available for municipalities to access if they are interested.

**RESOLUTION NO. 61-08**

**A RESOLUTION DETERMINING THAT ERRORS EXIST ON THE  
2008 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 Andover is ordered and directed to correct in the 2008 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Austin, William R; Parcel 228.-1-21.116  
Assessment: Land \$61,600 Total \$61,600

this parcel was given the wrong assessment and should have been charged a school relevy, and by reducing the Total Taxable Value to \$38,400, and by correcting the County and Town taxes, as follows:

Allegany County	\$ 613.66
Town of Andover	405.48
Fire	34.81
School Relevy	778.24
Total	\$ 1,832.19

and the County Treasurer is directed to make the following credit and charges:

Allegany County	\$ 370.75
Town of Andover	244.98
Fire	21.03
School Relevy	(778.24)
Total	\$ (141.48)

- b. Austin, Judith; Parcel 228.-1-21.111  
Assessment: Land \$61,600 Total \$61,600

this parcel was given the wrong assessment and a school relevy, and by reducing the Total Taxable Value to \$45,800, and by correcting the County and Town taxes, as follows:

Allegany County	\$ 731.91
Town of Andover	483.62
Fire	41.52
Total	\$ 1,257.05

and the County Treasurer is directed to make the following credit and charges:

Allegany County	\$ 252.50
Town of Andover	166.84
Fire	14.32
School Relevy	2,066.35
Total	\$ 2,500.01

5. That the Tax Collector of the Town of Wellsville is ordered and directed to correct in the 2008 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, Michael; Parcel 239.14-1-19  
Assessment: Land \$7,800 Total \$63,000

this parcel was charged for a village relevy which had already been paid, and by correcting the County and Town taxes, as follows:

Allegany County	\$ 950.46
Town of Wellsville	257.72
Total	\$ 1,208.18

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

Village Relevy	\$ 1,428.04
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- b. Jones, Darren; Parcel 239.37-1-56  
Assessment: Land \$5,800 Total \$110,000

a village relevy was added to this parcel by mistake, and by correcting the County and Town taxes, as follows:

Allegany County	\$ 1,659.54
Town of Wellsville	449.98
School Relevy	2,810.70
Total	\$ 4,920.22

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

Village Relevy	\$ 1,026.83
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6. That the Tax Collector of the Town of Wirt is ordered and directed to correct in the 2008 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Dust Bowl Oil Co.; Parcel 188.-1-996  
Assessment: Land \$1,241 Total \$1,241

this parcel should not have had an assessment because there was no oil production, and the County Treasurer is directed to make the following charges:

Allegany County	\$	25.28
Town of Wirt		22.91
Total	\$	48.19

7. 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.

8. 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. Hall

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

**RESOLUTION NO. 62-08**

**ACCEPTANCE OF GRANT FUNDS FROM THE  
NEW YORK STATE OFFICE OF REAL PROPERTY SERVICES FOR  
A 2007-2008 CENTRALIZED PROPERTY TAX ADMINISTRATION PROGRAM (CPTAP)  
STUDY OF A COUNTY-WIDE ASSESSING PROGRAM; APPROPRIATION OF GRANT  
FUNDS TO ASSESSMENTS CONTRACTUAL EXPENSES ACCOUNT**

Offered by: Ways and Means Committee

**RESOLVED:**

1. That a grant in the amount of \$25,000 from the New York State Office of Real Property Services is accepted.

2. That the accepted sum of \$25,000 is appropriated to Account No. A1355.432 (Assessments – Contractual) with a like sum credited to Revenue Account No. A10.3089.1355 (Tax Assessment Grant).

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

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

### **RESOLUTION NO. 63-08**

#### **ACCEPTANCE OF CHECKS FROM NEW YORK MUNICIPAL INSURANCE RECIPROCAL (NYMIR), STATE FARM FIRE AND CASUALTY COMPANY AND SELECTIVE WAY INSURANCE COMPANY FOR REIMBURSEMENT TO DAMAGED COUNTY VEHICLES; APPROPRIATION OF FUNDS**

Offered by: Ways and Means Committee

#### **RESOLVED:**

1. That the sum of \$1,500 from New York Municipal Insurance Reciprocal (NYMIR) representing a reimbursement of the deductible for damage to County vehicles on November 19, 2007, is accepted. The accepted sum is appropriated to the 2007 accounts receivable as follows: \$1,000 to Account No. H380.2007 (H5997.200 – Vehicle Replacement, H07.2680.00 – Insurance Recovery) and \$500 to Account No. CS380.2007 (CS1931.429 – Uninsured Property Loss, CS07.2680.00 – Insurance Recovery).

2. That the sum of \$933.97 from State Farm Fire and Casualty Company representing the costs to repair a County 2005 Ford Focus, is accepted. The accepted sum is appropriated to Account No. CS1931.429 (Risk Retention – Uninsured Property Loss) with a like sum credited to Revenue Account No. CS07.2680.00 (Insurance Recovery).

3. That the sum of \$1,412 from Selective Way Insurance Company representing a reimbursement of expenses in the amount of \$612 that the County paid to Brico Technologies for labor and travel fees associated with assessing and removing equipment from the two vehicles that were totaled during the November 19, 2007 police pursuit in Wellsville, and a settlement on the remaining \$999 worth of equipment that was damaged and/or destroyed during the November 19, 2007 police pursuit in Wellsville, is accepted. The accepted sum of \$1,412 is appropriated to the 2007 accounts receivable as follows: \$612 to Account No. CS380.2007 (CS1931.429 – Uninsured Property Loss, CS07.2680.00 – Insurance Recovery) and \$800 to Account No. H380.2007 (H5997.200 – Vehicle Replacement, H07.2680.00 – Insurance Recovery).

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

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

*(Memo: In Resolution No. 63-08, paragraphs 1 and 3 relate to two totaled vehicles and one repaired vehicle involved in the November 19, 2007 Wellsville police pursuit, and the*

*settlement in paragraph 2 was for repair to our Health Department vehicle that was damaged on March 6 when State Farm's insured backed into it.)*

**RESOLUTION NO. 64-08**

**TRANSFER OF FUNDS WITHIN OFFICE FOR THE AGING  
OFA-SPOE PROGRAM ACCOUNT**

Offered by: Human Services Committee

**RESOLVED:**

1. That the sum of \$4,000 is transferred from Account No. A6787.101 (Regular Pay) to Account No. A6787.424 (Advertising).

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

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

*(Memo: The transfer approved in Resolution No. 64-08 is for the Single Point of Entry NY Connects program.)*

**RESOLUTION NO. 65-08**

**APPROVAL OF LEASE AGREEMENT BETWEEN THE COUNTY OF ALLEGANY AND  
ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY FOR  
APPROXIMATELY 5,275 SQUARE FEET OF SPACE IN THE  
CROSSROADS COMMERCE CENTER LOCATED AT 6087 STATE ROUTE 19,  
BELMONT, NEW YORK**

Offered by: Ways and Means Committee

**RESOLVED:**

1. That Lease Agreement between the County of Allegany and Allegany County Industrial Development Agency for space at the Crossroads Commerce Center, covering a five-year period commencing April 15, 2008, at a monthly rental fee of \$4,833, is approved.

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

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

Adopted: Roll Call  
11 Ayes, 3 Noes, 1 Absent  
Voting No: McCormick, O'Grady, Ungermann

*(Memo: The lease approved by Resolution No. 65-08 is for space currently used for Office of Development, Planning, and Tourism, along with accommodations for conferencing and*

*storage/training facilities for the Office of Emergency Services provision of training classes for Emergency Medical Technicians.)*

Comments made regarding Resolution No. 65-08: Mr. O'Grady questioned the current Crossroads lease payments. County Administrator John Margeson responded that the County currently pays \$6,000 annually in lease payments for the Offices of Development, Planning, and Tourism. EMS training space lease payments bring the total close to \$15,000. Since John Foels holds both positions of Development Director and IDA Executive Director, part of the space is occupied jointly by IDA and the County. The new lease agreement is for five years, with a 60-day escape for both parties. The \$58,000 was not budgeted for, so it will come from the contingent account for 2008 and will be budgeted for under departmental budgets from then on. Mr. O'Grady expressed concern with the Courthouse addition and office space renovation projects and the resulting vacated spaces. There are a lot of unknowns, and he feels it's premature to go into a five-year lease with anyone until we look at all the spaces we currently have and fill them all as well as we can. This lease will be \$43,000 more annually than what is currently being paid.

Mr. Ungermann commented that the Crossroads building was appraised at \$750,000, assessed for \$640,000, but the IDA's purchase price was only \$400,000. (The discrepancy was answered by the presentations during privilege of the floor.) Mr. Ungermann also noted other problems with the property such as poor driveway access, large cracks in the basement walls, the large wood-frame structure was cheaply and hastily erected, the roof has leaked, lack of air conditioning, the water filtration system for removal of iron and arsenic has to be continually maintained, private septic system, concrete slabs in front of doors are heaved and broken, and the IDA has admittedly put \$125,000 into the building. These issues pertain to a building that is only nine years old.

Mr. Ungermann questioned the IDA's (Industrial Development Agency's) leasing to the County, and stated he didn't realize that County government was considered "industry." A recent meeting between several government entities regarding the Genesee River encroachment problem on State Route 19 was held at the Crossroads building, and they were charged for the meeting room. Is renting to government agencies how the IDA is surviving? Is a public hearing supposed to be held before the IDA buys property? Mr. Ungermann felt the purpose of the IDA was to promote the development of tax-paying business and employment in the private sector, and they have helped with expansion of existing businesses, but for how long? Tracewell didn't stay. There are four empty or partially empty buildings in Cuba and more space at the airport in Wellsville. Mr. Ungermann asked to see a listing of new businesses and jobs in the County.

Mr. Pullen noted his involvement with these leasing issues as a member of the Office for the Aging Citizens Advisory Council, especially the second phase for development of space for Office for the Aging. The purpose of the IDA is not to provide space to County government, but to facilitate development of other agencies by providing space for Development, Empire Development Zone, and the other functions that have been housed there that have been key to developing businesses and bringing businesses in. This is possible because of the initiative taken by the Houghton Foundation and the Office of Development. Resolution No.

65-08 simply maintains the space the County has been using for approximately \$300,000 over a five-year period. The County's leasing of the facility will allow those other agencies to remain there, and in addition there is the bonus of the possibility of expansion. The check from the Senior Foundation will help to investigate the expansion for senior services. They have identified that this would work for them; they looked at numerous other locations, and none were as suitable or as reasonable.

Mr. McCormick spoke on his interest in urban planning, and the Crossroads area doesn't fit. Development areas should be established where development exists. Belmont is the County seat; people come here for services. He spoke with Raymond DeTine from the Belmont Betterment Association about the former school building, which is close to the other County offices. It's nice property, maybe not adequate for core services for the County, but there would be all kinds of space for all the services talked about today. Mr. McCormick stated he's for free market and what the market can bear. Let the market decide what the Crossroads property is worth.

Mr. Hopkins commented that it is important to understand that the IDA has increased the number of jobs in the County, and gave the examples of the windfarm and Alstom. New York State is difficult. Right now, with all the agencies housed at the Crossroads Center, we have one-stop shopping for development. If we're going to be competitive, we have to be the best. We can't fragment those services. The future of the County is economic development, and we have to create jobs and increase the tax base. All this resolution is doing is keeping the current agencies right there and continuing to operate as we have been.

Mr. Reynolds commented that several years ago, the County considered the purchase of the former Belmont school, and this current Board rejected it also, so it's not pertinent to the discussion. Mr. Reynolds also noted that the IDA has been productive, and Houghton's efforts can't be discounted. We also can't discount what the Office for the Aging and the seniors have asked for.

## **RESOLUTION NO. 66-08**

### **APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF ALLEGANY AND THE ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY REGARDING A LEASE AGREEMENT FOR SPACE IN PROPERTY KNOWN AS THE CROSSROADS COMMERCE CENTER**

Offered by: Ways and Means Committee

#### **RESOLVED:**

1. That the Memorandum of Understanding between the County of Allegany and the Allegany County Industrial Development Agency regarding a lease agreement for space in property known as the Crossroads Commerce Center located at 6087 State Route 19N, Suite 100, Belmont, New York is approved.

2. That upon the approval of this resolution by the Allegany County Board of Legislators, the Memorandum of Understanding shall be forwarded to the Court Facilities and County Space Needs Committee.

3. That the Chairman of this Board is authorized to execute the Memorandum of Understanding.

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

Adopted: Roll Call  
9 Ayes, 5 Noes, 1 Absent  
Voting No: Kruger, McCormick, O'Grady, Russo, Ungermann

*(Memo: Resolution No. 66-08 addresses the potential lease of additional office space to be developed by the IDA for Office for the Aging, Veterans' Service Agency, and the New York Connects Single Point of Entry System.)*

Comments made regarding Resolution No. 66-08: Chairman Crandall clarified that the Memorandum of Understanding only commits the County to enter into an open agreement in which the IDA will come back with a proposal and a plan for Office for the Aging space needs on the Crossroads property. A subsequent resolution would be required for the actual lease. This only indicates our interest to explore.

Mr. Kruger questioned if the land proposed for expansion is suitable. He noticed that the present building is not insulated properly, dormers are cut in for circulation but are in the wrong place, the roof ridge is not ventilated and the shingles have curled, the foundation is cracked, and the front patio concrete has heaved. The building has hydrology problems, and a new building on the same property might have the same issues. We need to be careful and identify barriers such as septic system expansion costs, and not jump in just because we might miss this deal.

Mr. Fanton questioned if this resolution will allow the investigation of expansion without any responsibility on the part of the Legislature, and Chairman Crandall stated that was correct, and any possible issues would be clarified.

County Attorney Thomas Miner explained that the resolution puts the County in the position that if we like the proposal, development would be done to our specifications. The IDA will work on the expansion and lease it to the County for similar terms as the other lease. This resolution simply gives the County the right of first refusal and gets the IDA to work with us to develop the land, but doesn't actually commit the County.

Mr. Ungermann noted that the Office for the Aging, Veterans' Services, and a portion of the Health Department all serve the elderly, and services should be set up as one-stop shopping. Recently, he and Public Works staff went to West Valley to look at steel buildings that needed to be moved. Estimates of approximately \$175,000 prohibited moving them here. It was later discovered that for about the same price, plus foundation, a new steel building (60' x 150' or 9,000 sq. ft.) could be built. Three of those buildings as shell space would cost less than \$600,000 for the same square footage as the \$14 million Courthouse addition proposed

for behind the present Courthouse. Mr. O'Grady had suggested building a pre-engineered steel building near the new County Jail and Public Safety Facility early in the Courthouse project discussions. Mr. Ungermann suggested building a senior center out there, which would keep it away from the Interstate and the resulting traffic snarl if development comes in, as it will.

Mr. O'Grady sympathized with Office for the Aging conditions, but the Court Facilities and County Space Needs Committee hasn't completed investigating what will be done with vacated spaces in the County Office Building following the Courthouse addition and renovations. In the terms of the Memorandum of Understanding being approved by Resolution No. 66-08, the County lease is to cover the costs to finance the building space, or in other words, the County will be financing what will be owned by someone else. Mr. O'Grady stated he would rather refer the matter to committee for review.

Mr. Reynolds mentioned the other County offices still located off-site, and if they are brought back in, any open space resulting from the Court Facilities project will be used very quickly.

Chairman Crandall clarified that if the resolution is approved, it will be forwarded on to the Court Facilities and County Space Needs Committee. Existing space needs are being looked at, and we are very short on required square footage for existing departments without bringing other departments in as well.

Mr. Ungermann noted that pre-engineered steel buildings are very versatile and can be expanded, i.e. for records storage needs. He appreciates the concerns expressed in the letters from senior citizens promoting the senior center, but also remembers letters from large businesses paying taxes expressing concern about what their taxes will be.

## **RESOLUTION NO. 67-08**

### **AUTHORIZING AGREEMENT WITH THE ALLEGANY WESTERN STEUBEN RURAL HEALTH NETWORK FOR RETAINAGE OF A CONSULTANT TO PREPARE A HUMAN SERVICE TRANSPORTATION PLAN; ACCEPTANCE AND APPROPRIATION OF GRANT FUNDS FROM THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION**

Offered by: Ways and Means Committee

**WHEREAS**, the County of Allegany wishes to enter into an agreement with the Allegany Western Steuben Rural Health Network for the provision of services associated with the development of a Coordinated Human Service Transportation Plan, now, therefore, be it

#### **RESOLVED:**

1. That an agreement between the Allegany Western Steuben Rural Health Network and the County of Allegany for the purpose of retaining an independent consultant for the preparation of a Human Service Transportation Plan, is approved.

2. That grant funds in the amount of \$55,000 from the New York State Department of Transportation to assist in retaining an independent consultant are accepted and shall be appropriated to an Account designated by the County Treasurer.

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

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

*(Memo: Resolution No. 67-08 approves an agreement with the Allegany Western Steuben Rural Health Network who will retain a consultant by means of an RFP process. The consultant will evaluate the strengths and weaknesses of the current transportation services in the County, analyze current funding streams and ridership, and prepare recommendations for maximizing cost effective public and private transportation services.)*

Comments made regarding Resolution No. 67-08: Mr. O'Grady noted that the County has spent between \$300,000 to \$400,000 to maintain the bus system, and he questioned if we would be accepting the grant just to try to save an already sinking ship.

Mr. Hall commented that this is part of the process to re-engineer the system so we don't have to keep putting money into it. This Legislature will not continue to support this system, but needs to find a different way to provide the service.

Chairman Crandall noted that periodic progress reports will be given; the agreement will not be open ended. This is one step to correct a bad financial situation. We will probably have an answer prior to budget time. When the system began, the County was only a pass-through, but that's not the way it is today.

Mr. Fanton stated he is not in favor of the way the bus transportation system is running and will support the studies, but he wants follow up. Six years ago, at the time of conception, we were told no tax money would be involved, but \$320,000 has been spent in the last couple of years to keep it going. There is no incentive for the system to make money, and that has to change.

Mr. Ungermann asked for total ridership figures. The only way for the system to survive is increased ridership and fees. He supported the study, but felt it could be a waste of time.

Mr. Russo commented that a lot of the people who do use the transportation system are going to doctor visits and chemotherapy. We worked hard to get this program, and we have to work equally hard to keep it and track it.

Resolution Intro. No. 69-08 (A Resolution Proposing Allegany County as Lead Agency for Purposes of the SEQR Review of the Allegany County Comprehensive Plan; Directing the Chairman to Notify Involved Agencies of Such Proposed Status; and Directing Preparation of the Requisite Environmental Assessment Form) was not pre-filed and was considered from

the floor on a motion made by Legislator Fanton, seconded by Legislator Reynolds and carried.

**RESOLUTION NO. 68-08**

**A RESOLUTION PROPOSING ALLEGANY COUNTY AS LEAD AGENCY FOR PURPOSES OF THE SEQR REVIEW OF THE ALLEGANY COUNTY COMPREHENSIVE PLAN; DIRECTING THE CHAIRMAN TO NOTIFY INVOLVED AGENCIES OF SUCH PROPOSED STATUS; AND DIRECTING PREPARATION OF THE REQUISITE ENVIRONMENTAL ASSESSMENT FORM**

Offered by: Public Works Committee

**WHEREAS**, the draft of the proposed Allegany County Comprehensive Plan has been completed, and

**WHEREAS**, under the State Environmental Quality Review Act various actions which may have a significant impact on the environment require a process of governmental review, and

**WHEREAS**, pursuant to Part 617 of the regulations adopted under the State Environmental Quality Review Act, the adoption of a County Comprehensive Plan constitutes a Type I action requiring the preparation of a Full Environmental Assessment Form, and

**WHEREAS**, in order to conduct the appropriate environmental review a Lead Agency must be established to coordinate the review process, and

**WHEREAS**, as the project sponsor Allegany County appears best suited to undertake the role of Lead Agency, now, therefore, be it

**RESOLVED:**

1. That Allegany County undertakes to act as Lead Agency for purposes of the environmental review of its County Comprehensive Plan.

2. That the Chairman of the Board of Legislators is authorized and directed to prepare the requisite Environmental Assessment Form and advise all involved agencies of the County's desire to serve as Lead Agency for purposes of the environmental review process.

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

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

Resolution Intro. No. 70-08 (Resolution in Support of the Application of the Allegany County Department of Health for a Licensed Home Care Services Agency (LHCSA))

Operating Certificate) was not pre-filed and was considered from the floor on a motion made by Legislator Dibble, seconded by Legislator Reynolds and carried.

## **RESOLUTION NO. 69-08**

### **RESOLUTION IN SUPPORT OF THE APPLICATION OF THE ALLEGANY COUNTY DEPARTMENT OF HEALTH FOR A LICENSED HOME CARE SERVICES AGENCY (LHCSA) OPERATING CERTIFICATE**

Offered by: Human Services Committee

**WHEREAS**, the Allegany County Department of Health is in the process of closing its Certified and Long Term Home Health Care programs, and

**WHEREAS**, the Health Department needs to be able to continue home visits to perform various health related tasks such as Well Baby checkups, and

**WHEREAS**, the Health Department, in conjunction with the Cattaraugus County Health Department, has applied for a Welcome Baby grant through the New York State Department of Health, and

**WHEREAS**, a major component of the Welcome Baby program comprises prenatal and postpartum home visits, and

**WHEREAS**, providing in home visits to address the health and welfare of our expectant mothers and babies is critical to assuring the well-being of these children and their future success as members of our society, and

**WHEREAS**, the Health Department will be unable to undertake home visits and carry out this critical health care role without the appropriate legal authority authorizing the Department to provide such services, now therefore, be it

#### **RESOLVED:**

1. That the Allegany County Board of Legislators supports the application of the Allegany County Department of Health to receive a Licensed Home Care Services Agency (LHCSA) operating certificate.

2. That the Clerk of the Board is directed to provide a certified copy of this resolution to the Allegany County Department of Health and the New York State Department of Health.

Moved by: Mr. Dibble

Seconded by: Mr. Reynolds

Adopted: Roll Call

9 Ayes, 5 Noes, 1 Absent

Voting No: Burdick, Kruger, McCormick, O'Grady, Ungermann

Comments made regarding Resolution No. 69-08: Public Health Director Lori Ballengee explained that presently only one nurse does Well Baby visits on referrals for high-risk babies. A Welcome Baby grant that was applied for, which is due in July, requires working in conjunction with Cattaraugus County and saves two other nurse positions. That program will provide home visits for high-risk mothers prior to birth. Whereas now the nurse only sees high-risk babies, if the grant comes through, nurses will see mothers for education and services prior to birth. The grant would sustain the two additional positions. The Welcome Baby grant is for five years, and if we get it, we will probably keep it. The nurse positions will be eliminated if the grant ends. Mr. Ungermann questioned if anyone else could perform the visits. Ms. Ballengee responded that Willcare might do it, but she sees it as a public health function. Mr. O'Grady commented that if someone else can do the visits, he is inclined to consolidate all nursing services into one area. Mr. Fanton asked if the visits were made following doctor referrals, and Ms. Ballengee responded that was correct. Visits are made if the need is there and the money is there.

#### **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 Hopkins and adopted on a roll call vote of 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$4,278,794.65 including prepaid expenses, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$2,540,323.*)

#### **ADJOURNMENT:**

The meeting was adjourned at 4:00 p.m. on a motion made by Legislator Kruger, seconded by Legislator Pullen and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS**  
**REGULAR SESSION**  
**APRIL 28, 2008**  
**\*\* APPROVED \*\***

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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, who then led in the 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 present a certificate to the May 2008 Employee of the Month, Kimberly J. Francisco, from the Human Resources and Civil Service Department, in recognition of her hard work and dedication to the County.

Chairman Crandall granted privilege of the floor to Lee Gridley, Allegany County Fair Board Secretary, who extended an invitation to the Fair Board Appreciation Dinner to be held on May 13, 2008, at the Fair Grounds, beginning at 6:00 p.m. RSVPs are due May 9.

Representatives from the following agencies or departments were present to answer questions regarding their 2007 Annual Reports: County Administrator, Office of Development, Industrial Development Agency (IDA), Planning Board, Department of Social Services, and Tourism. Comments are summarized below:

Mr. Ungermann asked Social Services Commissioner Patricia Schmelzer if staffing levels could be decreased since the total number of cases for all programs was down by 206, with 563 less individuals overall. Ms. Schmelzer responded that the department is already operating with one less employee, since an Examiner position was not filled in October. Where previously they had 22 Examiners, they now have 21. Chairman Crandall asked if the reduction in caseload was a trend. Ms. Schmelzer noted that numbers are always higher in winter with unemployment, and the government is still pushing for increased Medicaid numbers. Over the past five years, numbers have stayed pretty constant. Caseloads are continually monitored.

Mr. Ungermann questioned Development Director John Foels on the total number of contacts by companies considering coming into the County. Mr. Foels responded that 141 individuals filed DBA paperwork to open new businesses, and there were four applications for IDA assistance (Noble Energy and others). On a daily basis, inquiries for assistance come in at a ratio of two from inside the County to one from outside the County. The office dealt with four or five outside entities interested in the Tracewell property. Mr. Ungermann asked if the Crossroads project maps and plans have been submitted yet. Mr. Foels reported that they have not. They are presently looking at the map, plan, and report from LaBella and looking at outside financing.

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

1. Placed on each legislator's desk was a copy of the Board meeting minutes of April 14, 2008 for review.
2. Also placed on each legislator's desk was a copy of a press release and information from the Soil and Water Conservation District regarding the Genesee River Hazard Mitigation Projects in Amity and Belfast, and the \$750,000 in New York State matching funds spearheaded in Albany by Senator Catharine Young.
3. Correspondence was received from the New York State Office of Homeland Security updating the Board on the status of the federally mandated National Incident Management System (NIMS), and recognizing the efforts of John Tucker, Allegany County NIMS Point of Contact, in making this achievement possible.
4. Correspondence was received from the Town Board of Genesee opposing the adoption of a County Assessing System.
5. Correspondence was received from the Town of Ward acknowledging and concurring with Allegany County serving as lead agency in the required environmental review under the proposed County Comprehensive Plan.
6. Correspondence was received from Cattaraugus County Board Chairman Crystal Abers voicing their agreement that Allegany County should serve as lead agency for the SEQR process relative to the Comprehensive Plan.
7. A news release was received from Southern Tier West Regional Planning and Development Board highlighting their April 17 meeting.
8. An agenda and information were received regarding the Going Green Festival to be hosted by Alfred State College and sponsored by the ACCORD Corporation and WNY Energy \$mart Communities on Friday and Saturday, May 2 through 3, from 9 a.m. to 3 p.m. at the Alfred State College School of Applied Technology Campus, 2530 South Brooklyn Avenue in Wellsville.
9. Announcement was made of public meetings scheduled to begin updates to Region 9's portion of the Open Space Plan to be held on April 30 and May 1, from 7 to 8:30 p.m. at the Crossroads Commerce and Conference Center.
10. There will be a special Committee of the Whole meeting at 7 p.m. on Thursday, May 8, in the Legislative Board Chambers.
11. The annual Fair Board Appreciation Dinner will be held on Tuesday, May 13, at the Fair Grounds beginning at 6:00 p.m. All legislators and their guests are invited to attend.

## **APPOINTMENTS:**

The Clerk of the Board announced that Chairman Curtis W. Crandall has appointed Valerie Perkins of Caneadea, New York, as a member of the **ALLEGANY COUNTY PLANNING BOARD**, to replace Richard Hollis for the remainder of his three-year term, effective immediately and expiring December 31, 2010. This appointment is subject to confirmation by the Board of Legislators.

Chairman Crandall has reappointed Susan F. Myers of Friendship, New York, and Theodore L. Hopkins of Fillmore, New York, as members of the **SOUTHERN TIER WEST REGIONAL PLANNING AND DEVELOPMENT BOARD** for a three-year term commencing June 1, 2008 and expiring May 31, 2011. This appointment is subject to confirmation by the Board of Legislators.

Chairman Crandall, in a joint measure with Crystal Abers, Chairman of the Cattaraugus County Board of Legislators, has appointed Brad Monroe to replace Jeff Grenzer for the remainder of his three-year term on the **CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD** which expires on December 31, 2009.

Chairman Crandall, in a joint measure with Crystal Abers, Chairman of the Cattaraugus County Board of Legislators, has appointed the following to serve on the **CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD YOUTH COUNCIL**:

Vicki Livermore of Cassadaga, New York, to replace Adam Dolce for the remainder of his two-year term, which expires December 31, 2008; and  
Amber Hollowell of Olean, New York, for a term expiring December 31, 2008; and  
Denise Beeles-Johnson of Jamestown, New York, to replace Heather Green for the remainder of her two-year term expiring December 31, 2009.

## **PROCLAMATION:**

Chairman Curtis W. Crandall proclaimed the week of April 27 through May 3, 2008 as Volunteer Week in Allegany County and called upon all citizens to recognize and celebrate the important work that volunteers perform every day throughout our County. He encouraged citizens to explore ways to help their neighbors in need and serve a cause greater than self.

## **RESOLUTIONS:**

### **RESOLUTION NO. 70-08**

#### **AMENDMENT OF RESOLUTION NO. 242-2007 TO DECREASE SALARY OF SECOND ASSISTANT COUNTY ATTORNEY**

Offered by: Personnel and Ways and Means Committees

**WHEREAS**, salaries set forth in the annual salary resolution fixing the salaries of various titled employees relate to incumbents holding those positions, and

**WHEREAS**, an incumbent's salary takes into consideration that individual's years of experience as both an employee of Allegany County as well as other work experience, and

**WHEREAS**, the County Attorney was previously authorized to offer a salary within a salary range to fill a vacant position in his office, and

**WHEREAS**, the County Attorney is now prepared to fill a vacancy in the position of Second Assistant County Attorney, now, therefore, be it

**RESOLVED:**

1. That Section 6. of Resolution No. 242-2007 is amended to change the salary of Second Assistant County Attorney from \$57,778 to \$54,000.

2. This resolution shall take effect April 28, 2008.

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

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

**RESOLUTION NO. 71-08**

**A RESOLUTION INCREASING THE PAY RANGE OF  
PART-TIME CORRECTION OFFICERS HOURLY RATE**

Offered by: Personnel and Ways and Means Committees

**RESOLVED:**

1. That the hourly rate of Part-Time Correction Officers is increased from \$9 to \$13 when hired, and upon completion of field training the hourly rate is increased to \$15.

2. This resolution shall become effective April 29, 2008.

Moved by: Mr. Hall  
Seconded by: Mr. McCormick

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

**RESOLUTION INTRO. NO. 73-08 (RESOLUTION ESTABLISHING SOLID WASTE USER FEES FOR YEAR 2009) WAS DEFEATED** on a roll call vote of 4 Ayes, 11 Noes, 0 Absent. (Voting No: Benson, Burdick, Crandall, Dibble, Fanton, Hall, Hopkins, O'Grady, Pullen, Reynolds, Russo.) The resolution addressed landfill tipping fees and included an increase in those tipping fees from \$35 to \$40 per ton. Comments included:

Mr. Ungermann noted that the increased fees will barely cover the increased cost of doing business.

Mr. Russo commented that every time the County needs to increase revenue, it falls on the shoulders of the taxpayers in the form of increased property taxes or fees. He would rather see a reduction in the size of government or cutting services.

Mr. Pullen pointed out that presently, user fees are not supporting the cost of the landfill, which he feels should be covered by user fees and not through the General Fund.

Mr. Reynolds stated that we've been considering other options for several years. It's time to look to the future and have the landfill be fully funded by its users.

## **RESOLUTION NO. 72-08**

### **RESOLUTION IN SUPPORT OF NEW YORK STATE PROPERTY TAXPAYERS PROTECTION ACT**

Offered by: Ways and Means Committee

**WHEREAS**, the tremendously high property tax burden on New York families and businesses is the number one issue facing our community today, and the sheer cost of living in New York has forced many residents and businesses to leave, thus slowing the economic engine of the state, and

**WHEREAS**, young people are finding it difficult to purchase homes, seniors are struggling to maintain their homes, and businesses are facing immense challenges to create and retain jobs, and

**WHEREAS**, New Yorkers face the highest property taxes in the nation, and when measured as a percentage of home value, nine of the top 10 property tax rates in the entire country belong to counties in New York; and the State must act now to thwart the detrimental effects that high property taxes are having on local governments, and

**WHEREAS**, Assembly Minority Conference Members have introduced the "New York State Property Taxpayers Protection Act" (Assembly Bill 8775-A), which puts forth new and innovative ideas for property tax reform that limit the amount school districts can raise annually through local tax levies to four percent or the rate of inflation, whichever is less; in addition the Act would relieve municipalities and school districts of unfunded mandates, reduce county Medicaid costs, strengthen financial accountability over school tax dollars, promote local government efficiency, and encourage local option insurance pooling, and

**WHEREAS**, the "New York State Property Taxpayers Protection Act" will help fix New York's broken property tax system, providing homeowners, businesses and municipalities significant and lasting relief from the crushing burden of skyrocketing property taxes, now, therefore, be it

**RESOLVED:**

1. That this Board of Legislators pause in its deliberations to acknowledge New York State's property tax crisis and urge the immediate passage and chaptering of the "New York State Property Taxpayers Protection Act," which will help local governments reinvigorate New York's economy by providing incentives for people and businesses to move and stay here.

2. That the Clerk of this Board is directed to send a copy of this resolution to the Governor of the State of New York, the Temporary President of the New York State Senate, the Speaker of the New York State Assembly, Senator Catharine M. Young, and Assembly Members Joseph M. Giglio and Daniel J. Burling.

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

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

**RESOLUTION NO. 73-08**

**RESOLUTION AUTHORIZING THE SUBMISSION OF  
AN APPLICATION TO THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION  
FOR A PUBLIC TRANSPORTATION OPERATING ASSISTANCE GRANT**

Offered by: Ways and Means Committee

**WHEREAS**, the County of Allegany is submitting a request for a grant of funds to the New York State Department of Transportation, pursuant to Section 5311, Title 49 United States Code, for a project to provide public mass transportation service for Allegany County, with service extending to Bath and Olean by First Transit, Inc. for the 2007 and 2008 fiscal years, and

**WHEREAS**, the County of Allegany and the State of New York have entered into a continuing agreement which authorizes the undertaking of the Project and payment of the Federal Share, now, therefore, be it

**RESOLVED:**

1. That the Chairman of the Allegany County Board of Legislators is authorized to act on behalf of the County of Allegany to sign the application and progress and complete the above named project.

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

Adopted: Roll Call  
12 Ayes, 3 Noes, 0 Absent  
Voting No: Burdick, Fanton, O'Grady

*(Memo: Regarding Resolution No. 73-08, Federal Section 5311 Funds being applied for total \$56,000 for 2007 and \$58,800 for 2008.)*

Comments made regarding Resolution No. 73-08 included: Mr. O'Grady commented that the bus system extends to Olean, which promotes shopping outside of Allegany County, so he does not support the resolution.

Mr. Russo stated that we need to do everything possible to keep the bus system running, although it needs to be improved. Many people rely on the buses to obtain necessary medical care.

Mr. Pullen noted that the County can't continue to underwrite the bus system at a cost of several hundred thousand dollars per year; it needs to be provided cost effectively.

### **RESOLUTION NO. 74-08**

#### **REAPPROPRIATION OF UNEXPENDED 2007 CALENDAR YEAR FUNDS RECEIVED FROM THE GOVERNOR'S TRAFFIC SAFETY PROGRAM STEPS IN SAFETY GRANT (YOUTH EDUCATION AND SAFETY PROGRAM)**

Offered by: Public Safety and Ways and Means Committees

#### **RESOLVED:**

1. That the Governor's Traffic Safety Program STEPS in Safety Grant funds in the amount of \$1,638 not expended in calendar year 2007 are reappropriated to Account No. A3114.4 (Traffic Program – Contractual) with a like sum credited to Revenue Account No. A10.3389.3114 (State Aid – STOP DWI – STEPS in Safety).

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

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

*(Memo: Regarding Resolution No. 74-08, the original grant was accepted by Resolution No. 222-06, and was for \$4,700.)*

### **RESOLUTION NO. 75-08**

#### **REAPPROPRIATION OF 2007 CALENDAR YEAR HOMELAND SECURITY PROGRAM GRANT FUNDS FROM THE STATE OF NEW YORK**

Offered by: Public Safety and Ways and Means Committees

#### **RESOLVED:**

1. That Homeland Security Grant funds in the amount of \$24,800 not expended in calendar year 2007 are appropriated to Account No. A3645.217 (Homeland Security – Equipment) with a like sum credited to Revenue Account No. A10.3306.SHF7 (Homeland Security – Sheriff).

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

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

*(Memo: Regarding Resolution No. 75-08, the original grant was accepted by Resolution No. 83-07, and was for \$24,800. Sheriff Tompkins noted that the funds would be used for communication system enhancement.)*

### **RESOLUTION NO. 76-08**

#### **TRANSFER OF FUNDS WITHIN EMERGENCY SERVICES ACCOUNTS**

Offered by: Public Safety Committee

#### **RESOLVED:**

1. That the sum of \$2,700 is transferred from Account No. A3640.207 (Emergency Services) to Account No. A3640.414 (Rent – Real Property), to pay rent expenses for EMS Training Classes in the Crossroads Commerce and Conference Center.

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

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

*(Memo: Regarding Resolution No. 76-08, funds being transferred are part of a one-time grant from the State Legislative Branch to be used as needed. The referenced EMS rent expenses are for March and April 2008.)*

### **RESOLUTION NO. 77-08**

#### **TRANSFER OF FUNDS FROM CONTINGENT ACCOUNT TO JAIL CONTRACTUAL EXPENSES ACCOUNT**

Offered by: Public Safety and Ways and Means Committees

#### **RESOLVED:**

1. That the sum of \$26,000 is transferred from Account No. A1990.4 (Contingent) to Account No. A3150.408 (Jail – Contractual Expenses).

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

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

*(Memo: The transfer approved by Resolution No. 77-08 was needed to cover the higher than anticipated cost of general supplies related to the increased jail population. Expenses for this account in 2005, 2006, and 2007 were \$6,960, \$14,670, and \$31,845 respectively. First quarter 2008 expenses totaled \$21,379.80 including approximately \$7,000 for inmate*

*clothing, and it is anticipated that the \$26,000 transferred from contingent will cover remaining 2008 expenses. Actions are being taken to lower costs, such as the purchase of sewing machines to allow working inmates to mend inmate clothing items, and the identification of new suppliers.)*

**RESOLUTION NO. 78-08**

**APPROVAL OF SOUTHERN TIER TASK FORCE  
DRUG ENFORCEMENT PROGRAM AGREEMENT WITH CHAUTAUQUA COUNTY;  
AUTHORIZING CHAIRMAN TO EXECUTE AGREEMENT;  
SHERIFF TO ADMINISTER AGREEMENT**

Offered by: Public Safety Committee

**RESOLVED:**

1. That Agreement entitled "Southern Tier Task Force Drug Enforcement Program," with the County of Chautauqua, New York, is approved.
2. That the Chairman of this Board is authorized to execute such Agreement.
3. That the Allegany County Sheriff shall be responsible for the administration of the Agreement as to Allegany County's interest.

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

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

Comments made regarding Resolution No. 78-08: Sheriff Tompkins noted that the benefits of participation in the drug enforcement programs are the combined efforts toward drug enforcement in the three county area. There have been forfeitures of cash and property, but that is only a by-product. The program reimburses a portion of personnel costs, and he believes it is beneficial for the County to participate.

Mr. Reynolds stated that he was not convinced the program is cost-effective, and asked that the County consider having its own task force. It might be more productive for Allegany County to work solely within our own County. Sheriff Tompkins responded that they are looking into that.

**RESOLUTION NO. 79-08**

**APPROVAL OF AGREEMENT BETWEEN COUNTY OF CHAUTAUQUA,  
COUNTY OF ALLEGANY, COUNTY OF CATTARAUGUS,  
CITY OF OLEAN AND CITY OF SALAMANCA FOR  
SOUTHERN TIER DRUG ENFORCEMENT PROGRAM;  
AUTHORIZING CHAIRMAN TO EXECUTE CONTRACT;  
SHERIFF TO ADMINISTER CONTRACT**

Offered by: Public Safety Committee

**RESOLVED:**

1. That "Contract between County of Chautauqua, County of Allegany, County of Cattaraugus, City of Olean, and City of Salamanca for Southern Tier Drug Enforcement Program," is approved.
2. That the Chairman of this Board is authorized to execute such Contract.
3. That the Allegany County Sheriff shall be responsible for the administration of the Contract as to Allegany County's interest.

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

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

**RESOLUTION NO. 80-08**

**APPROVAL OF AGREEMENT WITH NEW YORK STATE  
OFFICE OF HOMELAND SECURITY; ACCEPTANCE AND APPROPRIATION OF  
HOMELAND SECURITY GRANT FUNDING FOR (PROJECT NO. WM07838272);  
RATIFYING BOARD CHAIRMAN'S SIGNATURE**

Offered by: Public Safety and Ways and Means Committees

**RESOLVED:**

1. That agreement with the New York State Office of Homeland Security and funding in the amount of \$46,700 to establish and enhance regional response teams (Project No. WM07838272) is approved.
2. That the sum of \$46,700 is appropriated to Account No. A3645.217 (Homeland Security – Equipment) with a like sum credited to Revenue Account No. A10.3306.SHF7 (Homeland Security – Sheriff).
3. That the signature by the Chairman of this Board is ratified.

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

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

Comments made regarding Resolution No. 80-08: Sheriff Tompkins explained that the "enhance regional response teams" language has been used in some of the Homeland Security grant applications because it's one of the acceptable purposes. Once approved, we can use the grant according to approved spending criteria. A good portion of both grants being applied for will be utilized to address some of our communication system problems.

**RESOLUTION NO. 81-08**

**APPROVAL OF CONTRACT BETWEEN NEW YORK STATE  
DEPARTMENT OF CORRECTIONAL SERVICES' OFFICE OF NUTRITIONAL SERVICES  
AND ALLEGANY COUNTY**

Offered by: Public Safety Committee

**RESOLVED:**

1. That the Contract for the sale of food products between the New York State Department of Correctional Services' Office of Nutritional Services and the County for period commencing May 1, 2008 to April 30, 2011, is approved.

2. That the Allegany County Sheriff is authorized to execute said Contract.

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

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

Comments made regarding Resolution No. 81-08: Sheriff Tompkins noted that there should be a savings of at least 50 percent in food costs, although he hasn't seen the final numbers.

**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 adopted on a roll call vote of 15 Ayes, 0 Noes, 0 Absent, that the audit of claims, totaling \$1,554,759.73, including prepaid expenses, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$2,887,195.*)

**ADJOURNMENT:** The meeting was adjourned following a motion made by Legislator Truax, seconded by Legislator Reynolds and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION  
MAY 12, 2008**

**\*\* APPROVED \*\***

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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, who then led in the 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 14, 2008 were approved on a motion made by Legislator Dibble, seconded by Legislator Fanton and carried.

The Board meeting minutes of April 28, 2008 were approved on a motion made by Legislator Reynolds, seconded by Legislator Truax and carried.

**PRIVILEGE OF THE FLOOR:**

Chairman Crandall granted privilege of the floor to Kimberley Toot, Office for the Aging Director, regarding Older Americans Month. Older Americans constitute one of our largest resources, logging many hours of volunteer community and civic services. Volunteer income tax assistants helped to file over 700 tax returns, bringing more than \$212,000 back into Allegany County's economy, volunteer drivers provided 694 rides to doctor appointments and grocery shopping, and ombudsmen visited all four nursing facilities and the larger adult care homes. Today's older citizens are among the most active and engaged older adult populations in our Nation's history. We have the responsibility to ensure their well-being by modernizing systems of care and providing consumers with more control over their lives. Through working together for a strong, active, supportive community, we can help our older citizens obtain: programs to reduce risk of disease, disability, and injury; tools to make informed decisions about, and gain better access to, existing health and long-term care options; and more options to avoid placement in nursing homes and remain at home as long as possible. Find ways to enrich the lives of our older citizens by volunteering to deliver meals, visiting someone who is lonely, leading an exercise class, serving on a committee, and by working together to improve their health and well-being.

Chairman Crandall granted privilege of the floor to Sally Dougherty, Counseling Center Program Director, regarding Mental Health Month. National Mental Health Month was established over 50 years ago to raise awareness of the recognition and treatment of mental illness. Mental illness is a disease that causes changes in thinking, behavior, and feelings. It can strike anyone; fifty-four million Americans are affected. More than six million young people may suffer from mental health disorders that disrupt their functioning in the

community. Today most can function with treatment, and the vast majority are not violent. Seventy-five percent of doctor visits are for stress-related illnesses. Mental health and well-being are equally as important as physical health.

#### **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 2008.

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 2008.

3. Correspondence was received from the Town of Alma acknowledging and concurring with Allegany County serving as lead agency in the required environmental review under the proposed County Comprehensive Plan.

4. County Attorney Thomas A. Miner filed a Designation of Succession to Office of Allegany County Attorney in the Clerk of the Board's Office on April 29, 2008. Appointed were: Leslie J. Haggstrom, First Assistant County Attorney; Carissa M. Healy, Second Assistant County Attorney; and Nora Carnes, Third Assistant County Attorney.

5. The last Inter-County Association meeting was hosted by Erie County at the Buffalo Marriott Niagara in Amherst on May 9.

6. Correspondence was received from Dennis J. Norton responding on behalf of Governor David Paterson regarding a letter we recently sent summarizing some of the impact of the proposed 2008-09 State Budget actions on Allegany County.

7. Southern Tier West Regional Planning and Development Board forwarded copies of their April 17 minutes, as well as a meeting notice for their May 16 meeting.

8. Correspondence was received from Assemblyman Joseph Giglio acknowledging receipt of our Resolution No. 72-08 supporting passage of the New York State Property Taxpayers Protection Act.

9. Correspondence was received from Assemblyman Daniel Burling acknowledging receipt of our Resolution No. 72-08 supporting passage of the New York State Property Taxpayers Protection Act. Assemblyman Burling is a cosponsor of this legislation.

10. Chairman Crandall signed a letter and certificate congratulating Bertha Muench on her retirement and recognizing her 16 years of service as a Luncheon Center Manager for Allegany County.

11. The next Fire Advisory Board meeting will be held on Thursday, May 22, at 8 p.m. in Room 122 at the Allegany County Jail and Public Safety Facility.

12. An invitation was received for the Legislative Intern Session on Monday, May 19, from 11 a.m. to 12:00 p.m. in the Legislative Chambers.

**PROCLAMATIONS:**

Chairman Crandall proclaimed May 2008 as Older Americans Month in Allegany County and urged all citizens to work collaboratively to strengthen the services Allegany County provides to its older adults in ways that recognize the changing nature of their needs, and that provide older adults with more opportunities to make informed choices about their lives. Our efforts can improve the lives of our older citizens and help pave the way for future generations.

Chairman Crandall proclaimed May 2008 as Mental Health Month in Allegany County in recognition of the mental health care given by all mental health care providers in the County.

**RESOLUTIONS:**

**RESOLUTION INTRO. NO. 84-08 (MEMORIALIZING STATE LEGISLATURE TO CAUSE CORRIDOR STUDIES TO BE DONE OF THE EXTENSION SOUTHERLY OF STATE ROUTE 408 AND THE EXTENSION EASTERLY OF STATE ROUTE 243) was DEFEATED** on a roll call vote of 7 Ayes, 8 Noes, 0 Absent. Voting No: Burdick, Kruger, McCormick, O'Grady, Reynolds, Russo, Truax, Ungermann. Comments included:

Mr. McCormick, Mr. Reynolds, and Mr. Ungermann noted that these extensions have been discussed before, and they'd rather see the state study the corridor between Elm Valley and Alfred, County Road 12, the highest traveled road in the County with all the student, employee, trade, and service people traffic to the two colleges. They don't believe we should ask the state again to study these extensions.

**RESOLUTION NO. 82-08**

**APPOINTMENT OF ONE NEW MEMBER TO THE ALLEGANY COUNTY PLANNING BOARD**

Offered by: Ways and Means Committee

**RESOLVED:**

1. That Valerie Perkins of Caneadea, New York is appointed as a member of the Allegany County Planning Board to fill the remainder of Richard Hollis's three-year term commencing April 28, 2008 and expiring December 31, 2010.

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

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

A motion was made by Legislator Reynolds, seconded by Legislator Kruger and carried, to grant Legislator Hopkins permission to abstain from voting on Resolution Intro. No. 86-08 (Approval of Board Chairman's Reappointment of Two Members to Southern Tier West Regional Planning and Development Board).

**RESOLUTION NO. 83-08**

**APPROVAL OF BOARD CHAIRMAN'S REAPPOINTMENT OF TWO 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 reappointments by the Chairman of this Board of Susan F. Myers of Friendship, New York and Theodore L. Hopkins of Fillmore, New York as members of the Southern Tier West Regional Planning and Development Board, with term of office commencing June 1, 2008 and expiring May 31, 2011 are approved.

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

Adopted: Roll Call  
14 Ayes, 0 Noes, 0 Absent  
Abstaining: Hopkins

**RESOLUTION NO. 84-08**

**SALE OF TAX LAND IN VILLAGE OF ALFRED**

Offered by: Ways and Means Committee

**WHEREAS**, the Village of Alfred, has agreed to Term of Sale and offered the sum of \$1.00 plus current year taxes for a deed of the County's interest in premises formerly assessed on the tax rolls to J.L.H.C. Inc. and described as follows:

**ALL THAT LOT, PIECE OR PARCEL OF LAND** situate in Village of Alfred, County of Allegany and State of New York, described as follows, viz: 61 South Main Street 1.20 Acres Tax Map No. 164.11-1-53, and

**WHEREAS**, the Ways and Means Committee believes that the Term of Sale and the above sum offered is fair and reasonable and the best that can be obtained under the circumstances and that the said sale will be advantageous to the County, now, therefore, be it

**RESOLVED:**

1. That such agreed to Term of Sale and monetary offer 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 deliver to such purchaser a quit claim deed of the County's interest in such premise, and to attach to such deed the official seal; all upon satisfaction of the Terms of Sale and full payment to the County Treasurer of the monetary offer.

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

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

Comments made regarding Resolution No. 84-08: Mr. Hall noted that the property was an old fraternity house which was sold at one time, but the buyers lacked the resources to restore it. Because the 21<sup>st</sup> Century Group in Alfred has taken an interest and can raise funds, along with college resources and students to work on it, the Village can restore the property and eliminate an eyesore. The property has been offered at tax sale in the past.

**RESOLUTION NO. 85-08**

**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 \$212.60, representing the full cost to replace a cracked windshield on a County 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 \$212.60 from NYMIR representing the full cost of replacing a cracked windshield on a County vehicle is accepted.

2. That the sum of \$212.60 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

*(Memo: The insurance settlement accepted by Resolution No. 85-08 was for a windshield in a Community Services 2004 Chevy Venture damaged by unknown causes on April 2, 2008.)*

## RESOLUTION NO. 86-08

### ACCEPTANCE OF NON-BUDGETED NEW YORK STATE DEPARTMENT OF HEALTH GRANT FOR FAMILY PLANNING/REPRODUCTIVE HEALTH PROGRAM; APPROPRIATION OF SAME TO FAMILY PLANNING ACCOUNTS

Offered by: Human Services and Ways and Means Committees

#### RESOLVED:

1. That a non-budgeted New York State Department of Health Reproductive Health Services Grant-in-aid in the amount of \$56,865 is accepted.
2. That the sum of \$56,865 is appropriated to Account No. A4035.4 (Family Planning Clinic – Contractual) with a like sum credited to Revenue Account No. A10.3450.00 (Family Planning Grant Program).

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

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 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 15 Ayes, 0 Noes, 0 Absent, that the audit of claims, totaling \$3,128,556.51 including prepaid expenses, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$3,234,067.*)

#### COMMENTS:

Mr. Ungermann read aloud a letter received from CBRE, CB Richard Ellis, of Buffalo, who represents the owners of a parcel of land at the Crossroads Site to market the property for commercial development (copies distributed to each legislator and also attached to original minutes). The letter points to the desirability of the parcel for development, but also notes that the lack of sewer and water infrastructure is rendering the property unmarketable. Extension of sewer and water to the property would be an investment in the County's growth, resulting in job creation, increased real estate tax base, increased sales tax revenue, residential housing growth, etc. The writers note that a commitment from the County to extend the necessary infrastructure to the location within a reasonable period of time would greatly assist them in their efforts to attract quality users to the Crossroads. Signatories are Robert Roller, Partner CBRE-Buffalo, Joseph Strzelec, Principal, and Charles Bares, Principal. Mr. Ungermann commented that it is important to move things along, sooner rather than later, to avoid missing an opportunity to increase our tax base and sales tax revenue.

He also made note of the vacant County Planner position, which is one of the things mentioned in the Comprehensive Plan that the County should have.

Mr. Reynolds thanked the Veterans' Service Agency and everyone else involved in bringing the Vietnam Memorial moving wall to Allegany County.

Mr. Pullen made note of a report entitled "21<sup>st</sup> Century Local Government, Report of the New York State Commission on Local Government Efficiency and Competitiveness," available on-line or from Albany, which addresses issues like inefficiencies. There are excellent ideas included, which, if implemented at all levels, would be extremely helpful and could save money.

Mr. Pullen requested that the Board consider supporting NYSAC (New York State Association of Counties) in opposition to legislation that would establish a moratorium on retiree health insurance changes.

Mr. Pullen also noted a Department of Environmental Conservation proposed rule change to eliminate open burning. This change would impact people in rural areas who currently use burn barrels and burn brush piles. Although open burning is presently prohibited in cities, villages, or towns with populations of 20,000 or more, this change will ban open burning statewide. There are seven public hearings scheduled, with only one in Western New York (Batavia). A request should be made for a hearing in the Southern Tier region.

Mr. Ungermann thanked the representatives from the various firefighter groups that attended the Committee of the Whole meeting on May 8 to voice their concerns. It was a fruitful meeting.

**ADJOURNMENT:** The meeting was adjourned at 2:40 p.m. on a motion made by Legislator Truax, seconded by Legislator Dibble and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION  
MAY 27, 2008**

**\*APPROVED \*\***

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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, who then led in the 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 Committee of the Whole meeting minutes of May 8, 2008 were approved on a motion made by Legislator Dibble, seconded by Legislator Truax and carried.

The Board meeting minutes of May 12, 2008 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 Sheriff William R. Tompkins, accompanied by Jail Administrator Chris Ivers, Correction Officer Kevin Morseman, and Deputy Sheriff James Richardson, for a short presentation on the Working Inmate Program. Mr. Ivers narrated a slide show highlighting the traditional programs such as laundry, cleaning, and road clean-up, as well as the newly instituted programs including the vegetable garden, inmate clothing mending, and pheasant raising. These programs help to reduce costs in the facility, and positive outcomes for the inmates include reduced recidivism, encouragement for better decision-making, positive interaction, a sense of accomplishment, and increased chances for employment after release.

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

1. Correspondence was received from the Town of Wellsville acknowledging and concurring with Allegany County serving as lead agency in the required environmental review for the proposed County Comprehensive Plan.

2. Correspondence was received from Senator Catharine Young regarding the status of the WAG Trail. The NYS DEC has taken the steps necessary to formally request more time to review it in order that no grants will be lost.

3. Correspondence was received from Senator Catharine Young informing us that \$2 million has been restored to the budget for the BRIDGE Program at Jamestown Community College. This program serves Social Services recipients and unemployed or

underemployed residents, enabling them to gain the education and skills necessary to succeed.

4. A news release was received from Southern Tier West Regional Planning and Development Board highlighting their May 16 meeting.

**APPOINTMENT:**

The Clerk of the Board announced that Chairman Crandall has appointed Christine Johnson of Angelica, NY, as a member of the **MERCY FLIGHT CIVIC ADVISORY COMMITTEE**, effective immediately to serve at his pleasure.

**PROCLAMATION:**

Chairman Curtis W. Crandall proclaimed May 28, 2008 as National Senior Health and Fitness Day in Allegany County, and urged all citizens to support the efforts of local organizations that encourage older adults to enhance their lives through physical activity.

**RESOLUTIONS:**

**RESOLUTION NO. 87-08**

**RESOLUTION REQUESTING NEW YORK STATE TO ENACT LEGISLATION  
PROHIBITING TEXT MESSAGING WHILE DRIVING**

Offered by: Public Safety Committee

**WHEREAS**, Section 1225-c of the Vehicle and Traffic Law of the State of New York provides that no person shall operate a motor vehicle upon a public highway while using a mobile telephone to engage in a call while such vehicle is in motion, and

**WHEREAS**, the Allegany County Sheriff has reported that text messaging while operating a motor vehicle on a public highway may have been a causal factor of a motor vehicle accident occurring in June 2007, in the Town of East Bloomfield that resulted in the death of five teenagers, and

**WHEREAS**, there have been instances throughout the State of New York where operators of motor vehicles are text messaging while driving and cause an accident, and

**WHEREAS**, operating a motor vehicle on a public highway requires the full attention and focus of the driver and texting while driving distracts drivers from this obligation, and

**WHEREAS**, the Allegany County Board of Legislators feels that the State Legislature should adopt an amendment to the Vehicle and Traffic Law to prohibit operators of motor vehicles from text messaging while they are driving, and

**WHEREAS**, bills have been proposed in the State Assembly and Senate to prohibit operators of motor vehicles from using a mobile telephone for writing, sending, or reading a text message while such vehicle is in motion, and

**WHEREAS**, the Allegany County Board of Legislators feels that this proposed legislation is desirable to avoid any further accidents, now, therefore, be it

**RESOLVED:**

1. That the Allegany County Board of Legislators hereby requests the State Senate, Assembly, and Governor to enact legislation to prohibit text messaging while operating a motor vehicle.

2. That the Clerk of this Board is directed to send a copy of this resolution to Governor David A. Paterson, Senator Michael E. Nozzolio, Senator Catharine M. Young, Assemblymen Daniel J. Burling and Joseph M. Giglio, and the New York State Sheriffs' Association, and that a response be requested from each elected official.

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

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

**RESOLUTION NO. 88-08**

**AMENDMENT OF RESOLUTION NO. 242-2007 TO  
INCREASE SALARY OF THIRD ASSISTANT COUNTY ATTORNEY**

Offered by: Personnel and Ways and Means Committees

**RESOLVED:**

1. That Section 6. of Resolution No. 242-2007 is amended to change the salary of Third Assistant County Attorney from \$46,395 to \$53,000.

2. This resolution shall take effect May 28, 2008.

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

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

Comments made regarding Resolution No. 88-08: Mr. Kruger felt that requested salary increases should be dealt with one time per year during the budget process. Mr. Reynolds noted that this was a unique situation involving reworking the department, and it was handled in a way that saved dollars.

## RESOLUTION NO. 89-08

### A RESOLUTION DETERMINING THAT ERRORS EXIST ON THE 2005 THROUGH 2008 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 through 2008 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Paonessa, Louis J.; Parcel 288.-1-8.2  
Assessment: Land \$10,000 Total \$10,000

this parcel was deleted from the Tax Roll, and the County Treasurer is directed to make the following refund:

	<u>2005-06</u> <u>School</u>	<u>2006</u>	<u>2006-07</u> <u>School</u>	<u>2007</u>	<u>2007-08</u> <u>School</u>	<u>2008</u>
Allegany County		\$146.69		\$148.19		\$150.55
Town of Alma		170.71		181.72		176.39
Fire		15.93		16.04		16.03
School	\$220.23		\$224.31		\$228.79	
Library	3.15		3.10		3.05	
<b>Total</b>	<b>\$223.38</b>	<b>\$333.33</b>	<b>\$227.41</b>	<b>\$345.95</b>	<b>\$231.84</b>	<b>\$342.97</b>

5. That the Tax Collector of the Town of Wirt is ordered and directed to correct in the 2008 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Forestlands, Inc. Parcel 234.-1-8  
Assessment: Land \$18,300 Total \$18,300

this parcel was split 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	\$372.80
Town	337.85
Fire	46.57
School Relevy	431.75
<b>Total</b>	<b>\$1,188.97</b>

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, 2009. The County Treasurer shall send a written notice to each School of the amount of such deduction prior to May 1, 2009.

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

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

**RESOLUTION NO. 90-08**

**ACCEPTANCE OF MEMBER INITIATIVE FUNDING FROM  
STATE SENATOR CATHARINE YOUNG FOR  
PURCHASE OF 911 SOFTWARE EQUIPMENT FOR SHERIFF'S OFFICE;  
APPROPRIATION OF FUNDING TO COMMUNITY ENHANCEMENT  
ASSISTANCE PROGRAM ACCOUNT**

Offered by: Public Safety and Ways and Means Committees

**RESOLVED:**

1. That the sum of \$20,000 of member initiative funding from State Senator Catharine Young to the Allegany County Sheriff's Office for the purchase of 911 software equipment is accepted.

2. That the accepted sum of \$20,000 is appropriated to Account No. A3115.203 (Community Enhancement Assistance Program – Equipment) with a like sum credited to Revenue Account No. A10.3389.3115 (State Aid – Community Enhancement Asst.)

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

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

**RESOLUTION NO. 91-08**

**ACCEPTANCE AND APPROPRIATION OF FUNDING INCREASING THE SFY 08-09  
CONSOLIDATED HIGHWAY IMPROVEMENT PROGRAM (CHIPS)**

Offered by: Public Works and Ways and Means Committees

**RESOLVED:**

1. That the sum of \$248,950.84 increasing the SFY 08-09 Consolidated Highway Improvement Program (CHIPS) is accepted and appropriated to Account No. D5112.223 (County Road CHIPS Paving) with a like sum credited to Revenue Account No. D10.3501.00 (State Aid – CHIPS).

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

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

**RESOLUTION NO. 92-08**

**TRANSFER OF FUNDS WITHIN OFA – WEATHERIZATION ACCOUNT**

Offered by: Human Services Committee

**RESOLVED:**

1. That the sum of \$576 is transferred from Account No. A6784.402 (Mileage) to Account No. A6784.806 (Hosp/Med).

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

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

**RESOLUTION NO. 93-08**

**APPROVAL OF LEASE OF LANDS 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 the Lease of County Land between the County of Allegany and John Francisco for approximately 17 acres of land south of the Allegany County Jail and Public Safety Facility on State Route 19, and for approximately 34 acres of land in the Town of Friendship, is approved.

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

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

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

*(Memo: The term of the leases approved in Resolution No. 93-08 is May 27, 2008 through December 31, 2008.)*

**RESOLUTION NO. 94-08**

**APPROVAL OF AGREEMENT FOR HAULING AND RECYCLING OF CONSTRUCTION AND DEMOLITION DEBRIS BETWEEN COUNTY OF ALLEGANY AND LAFORGE DISPOSAL SERVICE, INC.**

Offered by: Public Works Committee

**RESOLVED:**

1. That Agreement for Hauling and Recycling of Construction and Demolition Debris between County of Allegany and LaForge Disposal Service, Inc. commencing May 27, 2008 and expiring November 27, 2008, is approved.
2. That the Chairman of this Board is authorized to execute such contract.

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

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

**RESOLUTION NO. 95-08**

**APPROVAL OF AGREEMENT WITH NEW YORK STATE DEPARTMENT OF  
TRANSPORTATION FOR CAPITAL FUNDS FOR PROJECT WITH THE  
COUNTY REGIONAL TRANSPORTATION SYSTEM AND  
PROVIDING FOR LOCAL SHARE OF PROJECT**

Offered by: Ways and Means Committee

**WHEREAS**, Allegany County has been approved for a grant of funds by the New York State Department of Transportation, pursuant to Section 5311, Title 49, United States Code, for a project described as purchase of one bus, two shelters and related equipment for support of its regional transit system, and

**WHEREAS**, Allegany County and the State of New York are entering into an Agreement which authorizes the undertaking of the Project and payment of the Federal and State Shares for the project, now, therefore, be it

**RESOLVED:**

1. That the Chairman of the Allegany County Board of Legislators is authorized to sign:
  - a. Any and all Agreements between Allegany County and the State of New York for the above named Project.
  - b. Any and all Agreements between Allegany County and any third party subcontractors necessary to complete the Project.
  - c. Any and all Agreements between Allegany County and any vendor for the purchase and/or installation of vehicles and/or equipment or facilities.

2. That Allegany County certifies through this resolution that the estimated local share of \$7,000 is committed to this Project from an account to be determined by the County Treasurer.

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

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

*(Memo: Resolution No. 95-08 approved an agreement between the County and the New York State Department of Transportation for receipt of a federal USDOT Section 5311 Capital Program Grant in the amount of \$70,000 to be utilized for the purchase of one public passenger bus and two shelters which will be erected at locations yet to be determined along the route of the Allegany County Transit system. The \$7,000 local share match will be provided by First Transit, Inc.)*

## **RESOLUTION NO. 96-08**

### **APPROVAL OF SNOW REMOVAL AND ICE CONTROL AMENDMENT CONTRACT WITH THE TOWN OF ALMA**

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 Snow Removal and Ice Control Contracts the County Roads to be serviced by the Town of Alma has been amended to reflect the accurate miles to be serviced by each Town, now, therefore, be it

#### **RESOLVED:**

1. That Snow Removal and Ice Control Amendment Contract for the Town of Alma reflecting the accurate miles to be serviced by each town for snow season beginning 2008-2009 is approved.

2. That the Chairman of this Board is authorized to execute such Amendment Contract with the Town of Alma which executed the Snow Removal and Ice Control Contract for the snow seasons beginning with 2008-2009 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  
14 Ayes, 0 Noes, 1 Absent

*(Memo: Resolution No. 96-08 revised the number of miles of County Roads included under the Town of Alma's Snow and Ice Contract. The Town of Bolivar will maintain the .54 mile portion of County Road 18 from County Road 33 to the Pennsylvania state line previously serviced by the Town of Alma.)*

## **RESOLUTION NO. 97-08**

### **RESOLUTION APPROVING SNOW REMOVAL AND ICE CONTROL CONTRACT BETWEEN COUNTY OF ALLEGANY AND THE TOWN OF BOLIVAR**

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 contract between the County of Allegany and the Town of Bolivar 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 Contract between the County of Allegany and the Town of Bolivar in Allegany County for a term covering two (2) seasons beginning with the 2008-2009 snow season and ending with the 2009-2010 snow season, is 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. Dibble

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

*(Memo: Resolution No. 97-08 approved the addition of the Town of Bolivar for the Snow and Ice Contract beginning with the 2008-09 snow season and ending May 15, 2010. Bolivar was one of four towns that did not sign the original contract approved by Resolution No. 156-07. The remaining three are Alfred, Birdsall, and Clarksville.)*

Resolution Intro. No. 101-08 (Approval and Ratification of Agreement between the County of Allegany and Western Region Health Corporation for Professional Services) was not pre-filed and was considered from the floor on a motion made by Legislator Truax, seconded by Legislator Dibble and carried.

**RESOLUTION NO. 98-08**

**APPROVAL AND RATIFICATION OF AGREEMENT BETWEEN THE  
COUNTY OF ALLEGANY AND WESTERN REGION HEALTH CORPORATION  
FOR PROFESSIONAL SERVICES**

Offered by: Human Services Committee

**RESOLVED:**

1. That the Agreement between the County of Allegany and Western Region Health Corporation for the provision of professional services is hereby ratified and approved.
2. That the Chairman's prior execution of said agreement is hereby ratified.

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

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

*(Memo: The agreement approved by Resolution No. 98-08 provides for services in connection with the operation of the County's Certified Home Health Care Agency.)*

Resolution Intro. No. 102-08 (Approval and Ratification of Agreement between the County of Allegany and Western Region Health Corporation for the Sale of Assets) was not pre-filed and was considered from the floor on a motion made by Legislator Truax, seconded by Legislator Dibble and carried.

**RESOLUTION NO. 99-08**

**APPROVAL AND RATIFICATION OF AGREEMENT BETWEEN THE  
COUNTY OF ALLEGANY AND WESTERN REGION HEALTH CORPORATION  
FOR THE SALE OF ASSETS**

Offered by: Human Services Committee

**RESOLVED:**

1. That the Agreement between the County of Allegany and Western Region Health Corporation for the sale of assets is hereby ratified and approved.

2. That the Chairman's prior execution of said agreement is hereby ratified.

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

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

*(Memo: The agreement approved by Resolution No. 99-08 provides for sale of assets in connection with the County's Certified Home Health Care Agency and Long Term Home Health Care Program.)*

#### **AUDITS:**

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

A motion was made by Legislator Truax, seconded by Legislator Pullen and adopted on a roll call vote of 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$1,763,908.14 including prepaid expenses, be approved for payment as recommended by the County Administrator. *(Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$3,580,939.)*

#### **COMMENTS:**

Legislator Russo announced that the Nitros Collegiate Baseball Team will be starting its tenth year with the opening game on June 7, in Scio at 7 p.m. The League is a non-profit organization financed by the National Baseball Association. College students on the team meet with local elementary schools and conduct baseball clinics. The program also helps to stimulate the area's economy.

#### **ADJOURNMENT:**

The meeting was adjourned at 2:43 p.m. following a motion made by Legislator Truax, seconded by Legislator Reynolds and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION  
JUNE 9, 2008**

**\*\* APPROVED \*\***

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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, who then led in the 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 27, 2008 were approved on a motion made by Legislator Dibble, seconded by Legislator Truax and carried.

The Committee of the Whole meeting minutes of May 27, 2008 were approved on a motion made by Legislator Truax, seconded by Legislator Hopkins and carried.

**PRIVILEGE OF THE FLOOR:**

Chairman Crandall took the floor for the presentation of a Certificate of Appreciation to County Treasurer Terri Ross in recognition of 25 years of service to Allegany County. Ms. Ross began her employment in the County Treasurer's Office in June 1983, was appointed Deputy County Treasurer in August 1983, and was first elected as County Treasurer in 2002.

Chairman Crandall granted privilege of the floor to the following:

Brooke Austin, Allegany County Dairy Princess for 2008-09, highlighted her family's dairy farm history and some of her own experiences in the 4-H program. Ms. Austin invited everyone to partake of the milk punch and goodies in the foyer in recognition of Dairy Month.

Tim Bigham, Field Advisor for New York Farm Bureau, addressed the Board regarding Dairy Month and some of the concerns facing farmers. Some issues he mentioned were:

- sky-rocketing fuel prices greatly increasing farm input costs;
- proposed legislation amending the state labor law for farm laborers that would be severely detrimental to farmers;
- the illegal immigrants issue and trying to find a workable solution to ensure farm workers are legal;
- increased unfunded state mandates and additional state regulations in areas such as open burning (which will add expense for farmers and homeowners and will also regulate outdoor wood boilers), and new dam regulations, including farm ponds;
- capping property taxes;
- educating farmers on opportunities for leasing of farm land;

- increased commodity prices and the cheaper U.S. dollar;
- increased use of grain products for ethanol;
- new farming ventures like alpacas which have increased the use and value of land;
- logging industry affected by weight restrictions and lack of maintenance on local roads.

Mr. Bigam recognized that there have been many things the Legislature has done to help agriculture and others they could do. Chairman Crandall noted that a public hearing regarding the DEC's rule change on open burning is scheduled in Allegany County on August 7. Mr. Ungermann commented on the posting of weight limits on roads. It's necessary during the spring thaw, but some municipalities are leaving signs up all year, and that's a problem. We can't limit commerce.

Chris Rainwater, General Manager of the Bolivar Athletes in Action (AIA) Collegiate Baseball team, spoke on this "baseball in ministry" program where participants gain quality baseball experience and are challenged spiritually. This year there are four AIA baseball teams; the other three are in Alaska, the Great Lakes, and Nicaragua.

Lee Gridley, representing the Allegany County Agricultural Society, presented the 2008 Allegany County Fair Books. The Allegany County Fair is a "pay one price" fair, except for Friday night's entertainment. This year's Fair dates are July 14-19, and Friday night's entertainment, for one show only, will be Kellie Pickler, Country Music singer and song writer.

#### **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 2008.

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 2008.

3. Noted received were Southern Tier West Regional Planning and Development Board's Meeting Minutes of May 16 and their Meeting Notice for June 26, 2008.

4. Notice was received of the next Inter-County Association meeting to be hosted by Livingston County in Mt. Morris on June 20, 2008.

5. The New York State Department of Environmental Conservation has agreed to honor Allegany County's request to hold a public hearing on their proposal to eliminate open burning. The public hearing is scheduled for Thursday, August 7, from 5 to 8 p.m. in the Legislative Board Chambers.

6. Correspondence was received from Assemblyman Daniel Burling acknowledging receipt and support of Resolution No. 87-08 requesting New York State to enact legislation prohibiting text messaging while driving.

## **PROCLAMATION:**

Chairman Curtis W. Crandall proclaimed June as Dairy Month in Allegany County in recognition of dairy farming as the predominate form of agriculture in our County which has provided employment, picturesque scenery for tourism, significant habitat for wildlife, promotion of a hard work ethic, and continuation of a solid citizenry.

## **RESOLUTIONS:**

### **RESOLUTION NO. 100-08**

#### **DETERMINATION OF NO SIGNIFICANT ENVIRONMENTAL IMPACT WITH RESPECT TO THE ADOPTION OF THE ALLEGANY COUNTY COMPREHENSIVE PLAN**

Offered by: Ways and Means Committee

**WHEREAS**, Allegany County previously declared its intent to act as Lead Agency for purposes of the SEQRA environmental review of its proposed County Comprehensive Plan and provided the required notice to involved agencies who might wish to be heard on the question of Lead Agency status or assume the role of Lead Agency, and

**WHEREAS**, more than thirty days have elapsed since providing such notice of Lead Agency status and no party having objected to Allegany County acting as Lead Agency, and

**WHEREAS**, the Allegany County Board of Legislators, acting as Lead Agency, met at a Committee of the Whole meeting on May 27, 2008 and undertook an environmental review of the County Comprehensive Plan, and

**WHEREAS**, following a review of a Full Environmental Assessment Form and discussion of the potential environmental significance of the County Comprehensive Plan, it was determined that the County Comprehensive Plan would not have a significant environmental impact, now, therefore, be it

#### **RESOLVED:**

1. That the Allegany County Board of Legislators hereby finds that the County Comprehensive Plan will not have a significant environmental impact and determines that a Negative Declaration shall be issued and authorizes the Chairman to prepare and sign the Negative Declaration.

2. That the Clerk of the Board of Legislators is directed to send a copy of the Negative Declaration to all towns and villages within Allegany County, all local and regional planning boards, all involved agencies, and appropriate state agencies.

3. That the Clerk of the Board of Legislators is directed to cause the Notice of the Negative Declaration to be published in the Environmental Notice Bulletin (ENB).

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

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

**RESOLUTION NO. 101-08**

**RESOLUTION SETTING DATE OF PUBLIC HEARING RELATIVE TO  
THE ALLEGANY COUNTY COMPREHENSIVE PLAN**

Offered by: Ways and Means Committee

**WHEREAS**, Allegany County has completed its environmental review of the Allegany County Comprehensive Plan, and

**WHEREAS**, the Allegany County Comprehensive Plan has been distributed to all County and regional planning boards, planning boards of each municipality, legislators, mayors, and supervisors for review, and

**WHEREAS**, it will be necessary to set a date for public hearing on said Allegany County Comprehensive Plan, now, therefore, be it

**RESOLVED:**

1. That a public hearing shall be held on June 23, 2008 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 the Allegany County Comprehensive Plan.

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. Hopkins

Adopted: Voice Vote

**RESOLUTION NO. 102-08**

**RESOLUTION IN SUPPORT OF THE NEW YORK STATE ASSOCIATION OF COUNTIES  
MEMORANDUM IN OPPOSITION TO PROPOSED LEGISLATION ESTABLISHING A  
TASKFORCE ON RETIREE HEALTH INSURANCE PROTECTION**

Offered by: Ways and Means Committee

**WHEREAS**, the Allegany County Board of Legislators has been made aware of proposed legislation before the New York State Legislature denominated Bill Number S.6457-A, A.9393-A, which deals with issues concerning health insurance for retired public employees, and

**WHEREAS**, the Allegany County Board of Legislators is also aware of the Memorandum in Opposition, heretofore sent to the full Senate and full Assembly, prepared by the New York State Association of Counties, NYSAC, setting forth the reasons why NYSAC opposes adoption of the proposed legislation, and

**WHEREAS**, the Allegany County Board of Legislators strongly supports the position taken by NYSAC in opposition to this legislation, now, therefore, be it

**RESOLVED:**

1. That the Allegany County Board of Legislators hereby urges the New York State Legislature not to pass the proposed legislation denominated as Bill Number S.6547-A, A.9393-A.

2. That Allegany County opposes any moratorium that would limit the County's existing authority to make changes to retiree health benefits.

3. That certified copies of this resolution shall be forwarded to Senator Catharine M. Young, members of the Assembly Daniel J. Burling and Joseph M. Giglio, Majority and Minority Leaders of the New York State Assembly and Senate, and the New York State Association of Counties.

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

Adopted: Roll Call  
12 Ayes, 3 Noes, 0 Absent  
Voting No: Kruger, McCormick, O'Grady

Comments made regarding Resolution 102-08: Mr. Kruger stated that he did not support the resolution, as he has no problem with retirees having some type of health insurance protection. The legislation that this resolution opposes does not restrict the County from saving money on health insurance costs, but the intent of this resolution is to allow changing the deal made for retirees before they left. Mr. Pullen responded that the state legislation would lock in whatever has been done in the past regarding health insurance, and the counties would not be able to investigate options that might save taxpayers money, even if those options are similar to what retirees currently receive.

**RESOLUTION NO. 103-08**

**RESOLUTION OPPOSING A PROPOSAL FROM DEC FOR  
A RULE CHANGE TO ELIMINATE OPEN BURNING**

Offered by: Ways and Means Committee

**WHEREAS**, the New York State Department of Environmental Conservation (DEC) is proposing a rule change to extend a ban on open burning by making it applicable statewide, and

**WHEREAS**, currently the rule on open burning of residential waste only applies in a city, village or town with a population of 20,000 or more, and

**WHEREAS**, the proposed rule change would apply to all Allegany County residents, and

**WHEREAS**, the Allegany County Board of Legislators believes that there are already adequate laws and regulations in place to protect the environment and health of the residents of Allegany County, and

**WHEREAS**, the rule change proposed by DEC would seriously impact the rights of Allegany County residents to manage their property in a safe and efficient manner with little or no added benefit to the general population, and

**WHEREAS**, DEC has failed to adequately consider the needs and concerns of the residents of Allegany County in proposing this rule change, now, therefore, be it

**RESOLVED:**

1. That the Allegany County Board of Legislators hereby opposes any rule change that would make the ban on open burning a statewide ban.

2. That the Allegany County Board of Legislators strongly urges DEC to schedule a public hearing within Allegany County to solicit local input on this proposed rule change prior to taking further action to implement the change.

3. That certified copies of this resolution shall be forwarded to Governor David A. Paterson, DEC Commissioner Pete Grannis, Senator Catharine M. Young, members of the Assembly Daniel J. Burling and Joseph M. Giglio, and to Robert Stanton at NYSDEC, Division of Air Resources.

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

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

**RESOLUTION NO. 104-08**

**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, 2007, through March 31, 2008, 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. Fanton

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

**RESOLUTION NO. 105-08**

**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 \$25,359.75 is appropriated from Account No. A1410.432 (County Clerk – Contractual) and shall be distributed to the Towns and Villages of the County as follows:

<b>TOWNS</b>	<b>AMOUNT RETAINED BY COUNTY CLERK'S OFFICE FOR MORTGAGE TAX FEE</b>	<b>REBATE AMT TO TOWN</b>	<b>REBATE AMT TO VILLAGE</b>	<b>VILLAGES</b>
Alfred	1,029.98	825.82	204.16	Alfred
Allen	321.47	321.47		
Alma	268.01	268.01		
Almond	1,069.14	982.77	86.37	Almond
Amity	922.16	771.09	151.07	Belmont
Andover	560.56	457.10	103.46	Andover
Angelica	439.16	360.15	79.01	Angelica
Belfast	877.27	877.27		
Birdsall	34.95	34.95		
Bolivar	1,337.81	1,052.07	265.68	Bolivar
			20.07	Richburg
Burns	343.46	297.06	46.40	Canaseraga
Caneadea	1,820.57	1,820.57		
Centerville	180.87	180.87		
Clarksville	684.43	684.43		
Cuba	2,409.65	2,015.83	393.82	Cuba
Friendship	378.17	378.17		
Genesee	864.35	864.35		
Granger	151.68	151.68		
Grove	418.72	418.72		
Hume	3,379.32	3,379.32		
Independence	497.75	497.75		
New Hudson	320.97	320.97		
Rushford	1,378.81	1,378.81		
Scio	464.39	464.39		
Ward	179.95	179.95		
Wellsville	3,380.68	2,455.24	925.44	Wellsville
West Almond	771.04	771.04		
Willing	503.63	503.63		
Wirt	370.80	344.08	26.72	Richburg
<b>TOTALS</b>	<b>25,359.75</b>	<b>23,057.55</b>	<b>2,302.20</b>	

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. Fanton

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

### **RESOLUTION NO. 106-08**

#### **A RESOLUTION DETERMINING THAT ERRORS EXIST ON THE 2005 THROUGH 2008 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 2008 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Incognito, David & Cynthia; Parcel 118.-1-8.2  
Assessment: Land \$161,600 Total \$161,600

by reducing the Taxable Value from \$161,600 to \$131,000, and by correcting the taxes, as follows:

Allegany County	\$2,622.58
Belfast Town Tax	1,735.91
Fire	150.83
Total	\$4,509.32

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

Allegany County	\$612.60
Belfast Town Tax	405.49
Fire	35.23
Total	\$1,053.32

5. That the Tax Collector of the Town of Independence is ordered and directed to correct in the 2005 through 2008 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Columbia Gas Trans Corp.; Parcel 660.000-9999-810.500/2001  
Assessment: Land \$156,400 Total \$156,400

this is a duplicate parcel and should have been removed from the Tax Roll, and the County Treasurer is directed to make the following refund:

	2005-06		2006-07		2007-08	
	<u>School</u>	<u>2006</u>	<u>School</u>	<u>2007</u>	<u>School</u>	<u>2008</u>
Allegany County		\$2,270.42		\$2,669.84		\$2,746.98
Town of Independence		1,821.78		2,044.14		2,067.93
Fire		177.04		174.84		171.56
Andover School	\$4,849.75		\$5,570.30		\$5,263.29	
Library	<u>10.40</u>		<u>23.09</u>		<u>21.82</u>	
Total	\$4,860.15	\$4,269.24	\$5,593.39	\$4,888.85	\$5,285.11	\$4,986.47

6. That the Tax Collector of the Town of Scio is ordered and directed to correct in the 2007 to 2008 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Richardson Brothers; Parcel 211.-1-60.2  
Assessment: Land \$14,100 Total \$14,100

this parcel was combined with another and should have been deleted from the Tax Roll, and the County Treasurer is directed to make the following charges on her books:

	<u>2007-08</u>	<u>2008</u>
	<u>School</u>	
Allegany County		\$279.64
Town of Scio		173.41
Fire		22.99
Scio School	\$447.09	
Library	<u>2.68</u>	
Total	<u>\$449.77</u>	<u>\$476.04</u>

7. 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.

8. 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, 2009. The County Treasurer shall send a written notice to each School of the amount of such deduction prior to May 1, 2009.

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

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

### **RESOLUTION NO. 107-08**

#### **TRANSFER OF FUNDS WITHIN OFFICE OF DEVELOPMENT AND PLANNING CONTRACTUAL EXPENSE ACCOUNTS**

Offered by: Ways and Means Committee

#### **RESOLVED:**

1. That the sum of \$697 is transferred from Account No. A6430.474 (Marketing) to Account No. A6430.201 (Equipment) for computer equipment and the sum of \$4,800 from

Account No. A8020.101 (Personnel Services) to Account No. A8020.493 (Home & Community) for Planning Board Liaison expenses.

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

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

**RESOLUTION NO. 108-08**

**TRANSFER OF FUNDS FROM CONTINGENT ACCOUNT TO  
COUNTY ADMINISTRATOR CONTRACTUAL EXPENSES ACCOUNT**

Offered by: Ways and Means Committee

**RESOLVED:**

1. That the sum of \$40,200 is transferred from Account No. A1990.4 (Contingent) to Account No. A1011.414 (County Administrator - Rental Real Property) to pay monthly lease of office and conference space at the Crossroads Center for remainder of 2008.

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

Adopted: Roll Call  
12 Ayes, 3 Noes, 0 Absent  
Voting No: McCormick, O'Grady, Russo

Resolution Intro. No. 112-08 (Approval of Agreement between County of Allegany and James McGuinness & Associates, Inc. for the Use of Computer Software) was amended on a motion made by Legislator Truax, seconded by Legislator Kruger and carried, by changing the end date of the term from December 31, 2008 to December 31, 2009.

**RESOLUTION NO. 109-08**

**APPROVAL OF AGREEMENT BETWEEN COUNTY OF ALLEGANY AND  
JAMES MCGUINNESS & ASSOCIATES, INC. FOR  
THE USE OF COMPUTER SOFTWARE;  
AUTHORIZING CHAIRMAN TO EXECUTE AGREEMENT**

Offered by: Human Services Committee

**RESOLVED:**

1. That the Agreement between the County of Allegany and James McGuinness & Associates, Inc. for the support and/or modification of computer software for the Allegany County Department of Health Preschool Program for the term January 1, 2008 through December 31, 2009 is approved.

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

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

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

*(Memo: The agreement approved by Resolution No. 109-08 includes maintenance at a minimum of \$550 per month and support at \$100 per hour based on actual usage. The software is necessary in order for the Health Department to interface with NY State Education Department and for the processing of Preschool State Aid claims.)*

#### **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 \$4,210,764.82 including prepaid expenses, be approved for payment as recommended by the County Administrator. *(Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$3,927,811.)*

#### **COMMENTS:**

Legislator Ungermann congratulated former Legislator Delores Cross who recently received the Woman of Distinction Award in Albany. Ms. Cross advocated for reducing the size of the County Legislature back when she was a member. Mr. Ungermann also reported there is a possibility that the truck stop in Belvidere will be closing and noted the effect this would have on the County's sales tax revenue. Mr. Ungermann expressed concern about a Town of Birdsall bridge being red-flagged on June 6. He questioned the County's policy for assisting towns with bridge repair and replacement.

#### **ADJOURNMENT:**

The meeting was adjourned at 2:53 p.m. on a motion made by Legislator Truax, seconded by Legislator Dibble and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION  
JUNE 23, 2008**

**\*\* APPROVED \*\***

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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, who then led in the Pledge of Allegiance to the Flag. The Invocation was given by Legislator Pullen.

**ROLL CALL:** 15 Present; 1 Absent.

**APPROVAL OF MINUTES:**

The Board meeting minutes of June 9, 2008 were approved on a motion made by Legislator Dibble, seconded by Legislator Pullen and carried.

**PUBLIC HEARING:**

Chairman Crandall suspended the meeting to hold a public hearing on the Allegany County Comprehensive Plan. Chairman Crandall noted that the public hearing is one more step in the process required by law for the adoption of the plan. The County has not had a Comprehensive Plan in the past, and work began on its development about one year ago. This is a very historical document, and once adopted, will play a major role in grant applications. The Comprehensive Plan is a working document that will be continually changing as the County moves forward.

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 Plaque of Appreciation to Daniel J. Guiney, in recognition of his thirty years of dedicated service to Allegany County. Mr. Guiney retired January 3, 2008 from his position as County Attorney. He began in 1978, first as an Assistant County Attorney, then Social Services Attorney, First Assistant County Attorney, and since 1998 as County Attorney. Many of the Legislators, as well as other County personnel, have relied on and appreciated Mr. Guiney's information, research, recommendations, and honest opinions. Daniel Guiney expressed his thanks and noted that his time spent with the Legislature was a pleasure. Sometimes they disagreed, but most often they agreed. People don't realize what a Legislator's job is like until they do it. He knows about all the time and effort they put in, and remarked that he hasn't known one Legislator that didn't have the best interest of the County in mind with whatever they did.

Chairman Crandall presented a Certificate of Appreciation to Frederick Sinclair in recognition of his thirty years of outstanding work and dedication to the Allegany County Soil

and Water Conservation District. Mr. Sinclair is retiring, with June 27 as his last official day in the office. Although not an actual County employee, he has worked for the Soil and Water Conservation District since 1978, first as a Conservation District Technician, then as a District Field Manager, and finally as Executive Director. Mr. Sinclair's accomplishments range from the work he performed in obtaining funds, to providing those in policy and administrative positions with the information necessary for making decisions. Most recently of note is his key role in putting together the Comprehensive Plan and work on the Genesee River encroachment project. Fred Sinclair spoke on the environment and natural resources that make Allegany County special, and the need to continue to conserve, protect, and enhance these resources. Through working on the Comprehensive Plan and looking toward the future, he realized and pointed out that "one does not get at the abundance by concentrating on the scarcity." In Allegany County we are surrounded by resources and can look forward to a bright future.

Privilege of the floor was granted to County Administrator/Budget Officer John Margeson and County Treasurer/Deputy Budget Officer Terri Ross for a fiscal presentation on the 2007 Budget year. General Fund expenditures of \$77.01 million exceeded budgeted appropriations of \$76.81 million by \$200,000, but revenues of \$79.43 million came in higher than the budgeted amount of \$76.81 million by \$2.62 million, resulting in a gain in the 2007 General Fund balance of \$2.42 million. Areas where spending exceeded the budget were highlighted: Employee Health Insurance, Jail Personnel, Public Transportation, Long-Term Home Health Care, Assigned Counsel, and Community College Expense. Areas of budgetary savings or excess revenue included: Housing of Out-of-County Inmates, Interest and Earnings, Interest and Penalties, Sales Tax, and County Clerk Fees. General Fund expenses and revenues were graphed out for the past seven years beginning with 2001 to illustrate year-end gains and losses over that time period. The years 2001, 2002, and 2003 showed losses of \$.3, \$6.8, and \$2.8 million respectively, with each of the subsequent years of 2004 through 2007 showing steady gains of \$.7, \$2.72, \$1.18, and \$2.42 million respectively. The Unreserved Fund Balance has shown a corresponding increase from its lowest point in 2003 of a negative \$3.8 million to a positive \$2.9 million at year-end 2007. In regards to what the Fund Balance should be, Mr. Margeson noted that some experts suggest ten percent of the operating budget, which would be \$10 million for us. He looks at it differently, or as a "savings account" for the legislators to use as a stabilizer and to stave off high property tax increases when working on the following year's budget. Mr. Margeson would like to see the balance at double the amount it is now. He believes it's prudent to have 25 percent of the amount the County has to raise in property taxes in the Fund Balance.

Sandy Sheldon, of Caneadea, questioned what major things were responsible for the fiscal improvement. Mr. Margeson responded that it was a combination of the Legislature dedicating itself to tighter budgeting and less spending, the creation of a Budget Committee which has kept a vigilant watch on the budget year-round, and increasing the County portion of Sales Tax from four to four and one-half percent which provides an additional \$2 million in revenue.

Chairman Crandall remarked that the 2007 financial report is worthy news. Property taxes have gone up unacceptably, and the sales tax rate had to be increased. During those

hard years, some difficult but necessary decisions had to be made to put things in order. The Budget Committee, implemented by former Chairman James Palmer, allows for budget work to be a year-round operation, rather than looking at it late in the year and trying to catch up. The process to further stabilize the finances of the County will be ongoing.

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

1. Correspondence was received from Senator Catharine Young acknowledging receipt and support of our Resolution No. 87-08 requesting New York State to prohibit text messaging while driving. Senator Young is a co-sponsor on several bills that would make the use of an electronic device for sending, writing, or reading of text messages while driving an illegal act.

2. Correspondence was received from NYS DEC Regional Director Abby Snyder confirming that the DEC plans to hold a public hearing in Allegany County during the week of August 4, 2008 regarding the DEC's proposal to eliminate opening burning.

#### **INTRODUCTION OF LEGISLATION:**

Legislator William Hall introduced Local Law Intro. No. 2-2008, 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. 110-08**

##### **RESOLUTION SETTING DATE OF PUBLIC HEARING ON A LOCAL LAW TO PROVIDE INCREASES IN THE COMPENSATION OF CERTAIN COUNTY OFFICERS**

Offered by: Personnel Committee

**WHEREAS**, on this 23rd day of June, 2008, a local law (Intro. No. 2-2008, Print No. 1) was introduced to provide increases in the compensation of certain County officers, and

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

#### **RESOLVED:**

1. That a public hearing shall be held on July 14, 2008, 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. 2-2008, 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. Hall

Adopted: Voice Vote

*(Memo: Proposed Local Law Intro. No. 2-08, as referenced in Resolution No. 110-08, addresses the salary of the Public Defender.)*

Comments made regarding Resolution No. 110-08: Mr. Ungermann commented that he'd like to see certain County officers take their raises in the form of a tax cut, so they and all County taxpayers would see the benefit.

## **RESOLUTION NO. 111-08**

### **GRANTING SALARY INCREMENTS EFFECTIVE JULY 1, 2008 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**, eight County unit and non-unit employees are eligible to receive an annual salary increment effective July 1, 2008, and

**WHEREAS**, the proper County department heads have recommended that such employees receive their respective annual salary increment effective July 1, 2008, 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, 2008, to wit:

<u>Department</u>	<u>Name</u>	<u>Title</u>	<u>Increment</u>
Public Works	David Dixon	Janitor	\$.37
Sheriff	C. Cornell	Corr. Officer	\$.40

Sheriff	D. Barkley	Corr. Officer	\$ .40
Sheriff	T. Guinnip	Corr. Officer	\$ .40
Sheriff	M. Serra	Emerg. Svcs. Disp.	\$ .42
Social Services	T. Power	Caseworker	\$ .62
Social Services	D. Bartlett	Caseworker	\$ .62
Office for Aging	C. Whitesell	Typist	\$ .26

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

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

Comments made regarding Resolution No. 111-08: Mr. Kruger felt that unit and non-unit employees should be dealt with separately. Raises for unit employees are contractual and there is no bearing on whether they are deserved or not.

**RESOLUTION NO. 112-08**

**APPROVAL OF SALE OF 2008 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 2006 and/or back to the year 1995 (TF95 up to and including TF06) 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>Parcel details</u>	<u>County Title Recorded Date Liber, Page</u>
DIESTLER ANDREW J IV DIESTLER ANDREW J V 202 PLEASANT VALLEY RD	Parcel ID: 022089/165.-1-4.2 Prop Loc: 234 Pleasant Valley Rd Assessed value: \$28,900	County of Allegany  Book: 1165

ALFRED STATION, NY 14803 Tax sale amount: \$19,000	Acreage: 2.25	Page: 197
ROWLEY KEVIN P ROWLEY PATRICIA A 7164 HUNTER CREEK RD HOLLAND, NY 14080 Tax sale amount: \$6,000	Parcel ID: 022089/190.-1-19.211 Prop Loc: McAndrews Rd Assessed value: \$17,300 Acreage: 9.80	County of Allegany Book: 1196 Page: 99
TRZEPKOWSKI WENDYLOU NOWICKI ANNE M 5448 KLEIN RD FILLMORE, NY 14735 Tax sale amount: \$8,000	Parcel ID: 022200/67.-1-9.2 Prop Loc: Vincent Assessed value: \$11,100 Acreage: 1.40	County of Allegany Book: 1022 Page: 256
RONOLDER CAROL A RONOLDER JOSEPH 9419 TRENKLE RD CUBA, NY 14727 Tax sale amount: \$2,500	Parcel ID: 022400/301.-1-45 Prop Loc: Pump Station Rd Assessed value: \$5,500 Acreage: 6.00	County of Allegany Book: 1047 Page: 125
KRAPF KENNETH JOSEPH 137 LANDING ROAD NORTH ROCHESTER, NY 14625 Tax sale amount: \$3,500	Parcel ID: 022689/124.-1-1.3 Prop Loc: Cnt Rt 2A Assessed value: \$2,400 Acreage: 3.20	County of Allegany Book: 600 Page: 00457
CORNERSTONE HOMES INC 11801 HARRINGTON DRIVE CORNING, NY 14830 Tax sale amount: \$5,500	Parcel ID: 022889/171.-1-21 Prop Loc: Route 19 Assessed value: \$27,400 Acreage: 0.63	County of Allegany Book: 1200 Page: 134
WISNIEWSKI JOHN J PO BOX 313 NO STREET NAME OR NUMBER HORNELL, NY 14843 Tax sale amount: \$1,500	Parcel ID: 023400/105.-1-54.1 Prop Loc: State Rte. 19 Assessed value: \$5,900 Acreage: 3.20	County of Allegany Book: Page:
MARVIN MICHAEL J BROOKS STEPHEN F 1005 VICTOR RD MACEDON, NY 14502 Tax sale amount: \$1; \$104,999	Parcel ID: 023600/83.-1-19.2 and Parcel ID: 023600/83.-1-20.1 Prop Loc: Co Rd 15B; St Rt 408 Assessed value: \$1,900; \$96,700 Acreage: 0.90; 111.60	County of Allegany Book: 1060; 1028 Page: 42; 253
VOGT MARK A PERRY JAMES C 5288 IDE RD NEWFANE, NY 14108 Tax sale amount: \$8,500	Parcel ID: 023600/83.-1-34.4 Prop Loc: No 1 Rd Assessed value: \$3,400 Acreage: 2.60	County of Allegany Book: 854 Page: 326
CARLIN DARIN B 8693 STATE RTE 408	Parcel ID: 023600/85.-1-12 Prop Loc: Hiltonville Rd	County of Allegany

NUNDA, NY 14517 Tax sale amount: \$4,500	Assessed value: \$4,400 Acreage: 2.50	Book: 1091 Page: 79
LEWIS JAMES A 131 SHANER ST BOLIVAR, NY 14715 Tax sale amount: \$5,000	Parcel ID: 023801/259.20-1-34 Prop Loc: 102 Second St Assessed value: \$22,200 Acreage: 0.00	County of Allegany Book: 861 Page: 00169
WELLS FARGO BANK, NA 1 HOME CAMPUS DES MOINES, IA 50328 Tax sale amount: \$3,500	Parcel ID: 023801/259.20-1-74 Prop Loc: Third St Assessed value: \$1,000 Acreage: 0.00	County of Allegany Book: 1218 Page: 260
DUNN MIKE E 2473 SR 49 E COUDERSPORT, PA 16915 Tax sale amount: \$2,500	Parcel ID: 023801/260.17-3-46 Prop Loc: Main St Assessed value: \$1,000 Acreage: 0.00	County of Allegany Book: 1307 Page: 56
CORNERSTONE HOMES INC 11801 HARRINGTON DRIVE CORNING, NY 14830 Tax sale amount: \$13,000	Parcel ID: 023801/260.17-3-73.1 Prop Loc: 126 Friendship St Assessed value: \$23,500 Acreage: 0.16	County of Allegany Book: 1052 Page: 60
CLARK JAMIE L 2707 INAVALE RD FRIENDSHIP, NY 14739 Tax sale amount: \$6,000	Parcel ID: 023889/260.-1-29.22 Prop Loc: 4025 St Rt 417 E Assessed value: \$17,900 Acreage: 3.50	County of Allegany Book: 1108 Page: 345
HACKETT KARL A II HACKETT ALISHA M 135 OLIVE ST BOLIVAR, NY 14715 Tax sale amount: \$4,000	Parcel ID: 023889/272.12-1-19 Prop Loc: 7811 St Rt 417 W Assessed value: \$29,500 Acreage: 0.00	County of Allegany Book: 1632 Page: 38
HALL DENNIS PO BOX 12 NO STREET NAME OR NUMBER FRIENDSHIP, NY 14739 Tax sale amount: \$16,000	Parcel ID: 023889/272.-3-35.121 Prop Loc: 7659 Forman Hollow Rd Assessed value: \$36,700 Acreage: 2.36	County of Allegany Book: 1246 Page: 216
CORNERSTONE HOMES INC 11801 HARRINGTON DRIVE CORNING, NY 14830 Tax sale amount: \$17,500	Parcel ID: 024001/34.20-1-15 Prop Loc: 12 River St Assessed value: \$23,100 Acreage: 0.29	County of Allegany Book: 1121 Page: 155
MELLIN JEREMY M 11544 CHURCH ST PORTAGEVILLE, NY 14536 Tax sale amount: \$3,400	Parcel ID: 024001/34.20-2-40 Prop Loc: 9 Potomac Assessed value: \$9,500 Acreage: 0.25	County of Allegany Book: 1054 Page: 316

BUNK JOSEPH F 4473 RT 305 CUBA, NY 14727 Tax sale amount: \$2,800	Parcel ID: 024600/218.23-2-14 Prop Loc: 3104 Wolf Creek Rd Assessed value: \$32,500 Acreage: 2.30	County of Allegany  Book: 906 Page: 00199
HALL DENNIS PO BOX 12 FRIENDSHIP, NY 14739 Tax sale amount: \$5,000	Parcel ID: 024600/244.-1-7.12 Prop Loc: 2237 Wolf Creek Rd Assessed value: \$30,400 Acreage: 2.10	County of Allegany  Book: 1153 Page: 150
CORNERSTONE HOMES INC 11801 HARRINGTON DRIVE CORNING, NY 14830 Tax sale amount: \$3,000	Parcel ID: 025000/182.12-2-25 Prop Loc: 45 E Main St Assessed value: \$32,200 Acreage: 0.38	County of Allegany  Book: 1156 Page: 140
MITCHELL CHARLES D 11405 CANASERAGA RD DANSVILLE, NY 14437 Tax sale amount: \$1,000	Parcel ID: 025000/182.-1-25.2 Prop Loc: 6832-6 County Rd 31 Assessed value: \$14,200 Acreage: 0.69	County of Allegany  Book: 749 Page: 00133
CORNERSTONE HOMES INC 11801 HARRINGTON DRIVE CORNING, NY 14830 Tax sale amount: \$13,000	Parcel ID: 025000/182.15-1-43 Prop Loc: 88 W Main St Assessed value: \$29,400 Acreage: 0.18	County of Allegany  Book: Page
CORNERSTONE HOMES INC 11801 HARRINGTON DRIVE CORNING, NY 14830 Tax sale amount: \$2,900	Parcel ID: 025000/196.-1-24.11 Prop Loc: Moss Brook Rd Assessed value: \$9,000 Acreage: 0.80	County of Allegany  Book: 1205 Page: 294
SWIECH KEITH G SWIECH DAVID T JR 300 ORCHARD PL LACKAWANNA, NY 14218 Tax sale amount: \$11,500	Parcel ID: 025200/271.-1-11.25 Prop Loc: Deer Creek Rd Assessed value: \$10,400 Acreage: 6.50	County of Allegany  Book: 1170 Page: 293
KENNEDY STEVEN R 849 SANFORD HLW LITTLE GENESEE, NY 14754 Tax sale amount: \$1,600	Parcel ID: 025200/284.-1-3.3 Prop Loc: Sanford Hollow Rd Assessed value: \$22,000 Acreage: 1.00	County of Allegany  Book: 1059 Page: 255
LOTTER LYNN D 9805 PROSSER RD PORTVILLE, NY 14770 Tax sale amount: \$1,700	Parcel ID: 025200/296.-1-41.2 Prop Loc: Rt. 417 Assessed value: \$5,400 Acreage: 2.50	County of Allegany  Book: 1157 Page: 221

ROWLEY KEVIN P ROWLEY PATRICIA A 7164 HUNTERS CREEK RD HOLLAND, NY 14080 Tax sale amount: \$400	Parcel ID: 025200/297.-1-48.2 Prop Loc: Rt. 417 Assessed value: \$4,200 Acreage: 0.50	County of Allegany  Book: Page:
CORNERSTONE HOMES INC 11801 HARRINGTON DRIVE CORNING, NY 14830 Tax sale amount: \$32,000	Parcel ID: 025600/21.20-1-1.6 Prop Loc: Co Rd 24 Assessed value: \$44,625 Acreage: 0.69	County of Allegany  Book: 885 Page: 00313
MUELLER GREGORY G MUELLER TERESA M 68 CHIMAYO RD ROCHESTER, NY 14617 Tax sale amount: \$6,500	Parcel ID: 025600/32.-1-20.2 Prop Loc: Co Rd 24 Assessed value: \$11,865 Acreage: 2.60	County of Allegany  Book: 1216 Page: 324
ROWLEY KEVIN P ROWLEY PATRICIA A 7164 HUNTERS CREEK RD HOLLAND, NY 14080 Tax sale amount: \$4,100	Parcel ID: 025600/32.-1-45.23 Prop Loc: Johnson Hill Rd Assessed value: \$6,750 Acreage: 4.90	County of Allegany  Book: 1446 Page: 122
HINZ TODD 1002 RTE 70 HUNT, NY 14846 Tax sale amount: \$9,400	Parcel ID: 025800/26.-1-32.112 Prop Loc: County Road 23 Assessed value: \$17,000 Acreage: 1.40	County of Allegany  Book: 799 Page: 00122
HINZ TODD 1002 RT 70 HUNT, NY 14846 Tax sale amount: \$550	Parcel ID: 025800/26.-1-32.2 Prop Loc: County Road 23 Assessed value: \$4,800 Acreage: 0.92	County of Allegany  Book: 1248 Page: 125
SHIPMAN MARTY P SHIPMAN DAWN M 3661 WILLETT RD PENN YAN, NY 14527 Tax sale amount: \$33,000	Parcel ID: 025800/26.15-1-1 Prop Loc: Claybed Rd-Hume Assessed value: \$69,900 Acreage: 0.86	County of Allegany  Book: 1531 Page: 15
BOWER EDWIN L PO BOX 89 NO STREET NAME OR NUMBER FILLMORE, NY 14735 Tax sale amount: \$650	Parcel ID: 025800/5.-1-32.1 Prop Loc: Elm St Assessed value: \$4,800 Acreage: 0.90	County of Allegany  Book: 1181 Page: 226
CORNERSTONE HOMES INC 11801 HARRINGTON DRIVE CORNING, NY 14830 Tax sale amount: \$9,000	Parcel ID: 026000/294.8-1-6.2 Prop Loc: Main St Assessed value: \$21,200 Acreage: 0.26	County of Allegany  Book: 1150 Page: 338
CORNERSTONE HOMES INC	Parcel ID: 026000/295.5-1-14	County of Allegany

11801 HARRINGTON DRIVE  
CORNING, NY 14830  
Tax sale amount: \$17,000

Prop Loc: Park Ave  
Assessed value: \$29,400  
Acreage: 0.25

Book: 994  
Page: 00237

PAUL RAMUNNO FAMILY TRUST  
PAUL RAMUNNO, TRUSTEE  
530 SENECA CREEK RD  
WEST SENECA, NY 14224  
Tax sale amount: \$23,000

Parcel ID: 026400/62.-1-2.6  
Prop Loc: 9845 Cream Ridge Rd  
Assessed value: \$23,400  
Acreage: 23.00

County of Allegany  
Book: 706  
Page: 00162

MESCALL DENNIS P  
MESCALL MICHAEL E  
74 IMPALA PKWY  
LANCASTER, NY 14043  
Tax sale amount: \$2,400

Parcel ID: 026400/77.18-1-34  
Prop Loc: Trail 5  
Assessed value: \$3,100  
Acreage: 0.10

County of Allegany  
Book:  
Page:

WISNIEWSKI JOHN J  
PO BOX 313  
NO STREET NAME OR NUMBER  
HORSELL, NY 14843  
Tax sale amount: \$3,999; \$1

Parcel ID: 026600/199.18-2-27.1 and  
026600/199.18-2-27.2  
Prop Loc: W Main St; Main St  
Assessed value: \$12,000; \$21,000  
Acreage: 0.18; 0.16

County of Allegany  
Book: 1241; 1241  
Page: 312; 312

POTTER CYNTHIA L  
POTTER JAMES C  
3983 ST RT 19  
PO BOX 31  
SCIO, NY 14880  
Tax sale amount: \$14,000

Parcel ID: 026600/199.18-2-32  
Prop Loc: Main St  
Assessed value: \$37,500  
Acreage: 0.35

County of Allegany  
Book: 1202  
Page: 167

BALDWIN ROBERT D  
2623 PETROLIA RD  
WELLSVILLE, NY 14895  
Tax sale amount: \$1,000

Parcel ID: 026600/250.-1-18.4  
Prop Loc: N Bill Allen Rd  
Assessed value: \$2,000  
Acreage: 2.00

County of Allegany  
Book: 1263  
Page: 14

CORNERSTONE HOMES INC  
11801 HARRINGTON DRIVE  
CORNING, NY 14830  
Tax sale amount: \$20,000

Parcel ID: 027001/238.12-3-56  
Prop Loc: 24 Earley St  
Assessed value: \$42,800  
Acreage: 0.21

County of Allegany  
Book:  
Page:

VANDORN STANFORD J  
34 VERMONT ST  
NUNDA, NY 14517  
Tax sale amount: \$11,000

Parcel ID: 027001/238.16-1-29  
Prop Loc: 76 Pleasant St  
Assessed value: \$31,000  
Acreage: 0.22

County of Allegany  
Book: 1236  
Page: 261

DAY JAYNI  
DAY GABE  
PO BOX 132  
NO STREET NAME OR NUMBER  
WELLSVILLE, NY 14895  
Tax sale amount: \$800

Parcel ID: 027001/238.16-3-36.1  
Prop Loc: Clark St  
Assessed value: \$2,800  
Acreage: 0.47

County of Allegany  
Book: 1626  
Page: 201

GUNZBURGER GREGORY L 29 MARTIN ST WELLSVILLE, NY 14895 Tax sale amount: \$1,100	Parcel ID: 027001/238.8-3-80 Prop Loc: 43 Martin St Assessed value: \$20,500 Acreage: 0.08	County of Allegany  Book: 1451 Page: 317
STONE MOUNTAIN MASONRY LLC 132 S BROOKLYN AVE WELLSVILLE, NY 14895 Tax sale amount: \$700	Parcel ID: 027001/239.14-2-18 Prop Loc: 146 Rauber St Assessed value: \$5,300 Acreage: 0.19	County of Allegany  Book: 1308 Page: 46
ROSS KATHRYN A 184 RAUBER ST WELLSVILLE, NY 14895 Tax sale amount: \$17,000	Parcel ID: 027001/239.14-3-50 Prop Loc: 184 Rauber St Assessed value: \$34,900 Acreage: 0.24	County of Allegany  Book: Page:
HALL DENNIS PO BOX 12 NO STREET NAME OR NUMBER FRIENDSHIP, NY 14739 Tax sale amount: \$100	Parcel ID: 027001/239.38-1-43 Prop Loc: 6 N Broad St Assessed value: \$20,000 Acreage: 0.00	County of Allegany  Book: Page:
LOGUE DAMON E 13 VANEVERY RD ONTARIO, CANADA ETOBICOKE, MV8 1Y5 Tax sale amount: \$1; \$4,999	Parcel ID: 027001/239.45-1-10 and 027001/239.45-1-9 Prop Loc: 23 N Main St; 25-33 N Main St Assessed value: \$43,100; \$215,900 Acreage: 0.00; 0.00	County of Allegany  Book: 1308; 1308 Page: 58; 55
AVELO MORTGAGE LLC 6011 CONNECTION DRIVE IRVING, TX 75039 Tax sale amount: \$59,000	Parcel ID: 027001/239.5-2-1 Prop Loc: Crescent Ave Assessed value: \$109,000 Acreage: 7.95	County of Allegany  Book: 1191 Page: 302
VANPELT ANN T VANPELT JAMES C 2311 RT 417 WELLSVILLE, NY 14895 Tax sale amount: \$2,100	Parcel ID: 027089/214.-1-33 Prop Loc: 2301 Andover Rd Assessed value: \$14,000 Acreage: 0.10	County of Allegany  Book: 1126 Page: 218
BALDWIN ROBERT D 2623 PETROLIA RD WELLSVILLE, NY 14895 Tax sale amount: \$1; \$2,999	Parcel ID: 027089/237.-1-11.22 and 027089/237.-1-11.3 Prop Loc: Brimmer Brook Rd; 2629 Brimmer Brook Rd Assessed value: \$500; \$12,000 Acreage: 1.12; 1.24	County of Allegany  Book:1360; 1360 Page: 49; 49
VANDORN STANFORD J 34 VERMONT ST NUNDA, NY 14517 Tax sale amount: \$18,000	Parcel ID: 027089/238.7-2-10 Prop Loc: 58 George St Assessed value: \$45,600 Acreage: 0.00	County of Allegany  Book: 972 Page: 00323

CEGLIA VERA B  
CEGLIA, PAUL D. AND CARMINE P.  
3041 TRUAX RD  
WELLSVILLE, NY 14895  
Tax sale amount: \$1,900

Parcel ID: 027089/239.-1-49  
Prop Loc: 3710 E State St  
Assessed value: \$12,500  
Acreage: 0.40

County of Allegany  
Book: 1092  
Page: 137

CLARK CLARENCE J  
CLARK JANICE E  
2701 PINE GROVE RD  
BOLIVAR, NY 14715  
Tax sale amount: \$2,600

Parcel ID: 027689/233.-3-25.5  
Prop Loc: 2663 Pine Grove Rd  
Assessed value: \$4,000  
Acreage: 1.10

County of Allegany  
Book: 1631  
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MITCHELL CHARLES D  
11405 CANASERAGA RD  
DANSVILLE, NY 14437  
Tax sale amount: \$2,600

Parcel ID: 027689/234.-1-8.3  
Prop Loc: St Rte 275 East Notch Rd  
Assessed value: \$6,150  
Acreage: 5.30

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MILITELLO CHARLES R JR  
MILITELLO JENNIFER L  
7013 PLEASANT VALLEY RD  
BOLIVAR, NY 14715  
Tax sale amount: \$1,600

Parcel ID: 027689/247.-1-53.1  
Prop Loc: Co Rd 8  
Assessed value: \$1,000  
Acreage: 1.00

County of Allegany  
Book:  
Page:

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

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

### **RESOLUTION NO. 113-08**

#### **APPOINTMENT OF ONE LEGISLATIVE 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 Michael J. McCormick is appointed to the Allegany County Soil and Water Conservation District Board, as a Legislative Member, to fill the vacancy due to the resignation of Norman G. Ungermann, Jr., commencing May 31, 2008 and expiring December 31, 2008.

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

Adopted: Voice Vote

**RESOLUTION NO. 114-08**

**CREATING POSITION OF FULL-TIME ASSISTANT PUBLIC DEFENDER AND  
ABOLISHING TWO POSITIONS OF PART-TIME ASSISTANT PUBLIC DEFENDER  
IN THE PUBLIC DEFENDER'S OFFICE; FIXING SALARY**

Offered by: Personnel Committee

**RESOLVED:**

1. That one position of full-time Assistant Public Defender is created in the Public Defender's Office and two positions of part-time Assistant Public Defender are abolished in the Public Defender's Office.
2. That the annual salary of such position of full-time Assistant Public Defender is set at \$70,000.
3. This resolution shall take effect on July 14, 2008.

Moved by: Mr. Hall  
Seconded by: Mr. Pullen

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

**RESOLUTION NO. 115-08**

**TRANSFER OF FUNDS FROM FIRE PREVENTION AND CONTROL  
CONTRACTUAL EXPENSES ACCOUNT  
TO OFFICE OF EMERGENCY SERVICES REVENUE ACCOUNT**

Offered by: Public Safety Committee

**RESOLVED:**

1. That the sum of \$68.32 is transferred from Account No. A3410.4 to Revenue Account No. A10.3306.EMG8, to cover a shortage in the OES Homeland Security Grant Account.

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

Adopted: Roll Call  
15 Ayes, 0 Noes, 0 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 15 Ayes, 0 Noes, 0 Absent, that the audit of claims, totaling

\$1,387,371.63 including prepaid expenses, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$4,274,683.*)

**COMMENTS:**

Mr. Reynolds referred to Mr. Ungermann's announcement at the last meeting of Delores Cross receiving the Woman of Distinction Award at Albany recently. Mr. Reynolds noted that there have been three other Allegany County women to receive this award in the past few years: Lee Gridley, Florence Fuller, and Gertrude Butera.

Mr. Pullen commented on the public hearing to be held on August 7 regarding the Department of Environmental Conservation's rule change proposal to eliminate open burning state-wide. He obtained extensive internet print outs on the issue and copies will be available in the Clerk of the Board's Office. Mr. Pullen encouraged attendance at the public hearing. Mr. Kruger added that he's not sure how well informed the public is, and he hopes the media publicizes the public hearing well.

Mr. McCormick made note of the Andover July 4<sup>th</sup> festivities. This year's theme is "Land of the Free, Courtesy of the Brave."

**ADJOURNMENT:**

The meeting was adjourned at 2:55 p.m. following a motion made by Legislator Truax, seconded by Legislator Dibble and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION  
JULY 14, 2008**

**\*\* APPROVED \*\***

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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, who then led in the 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 23, 2008 were approved on a motion made by Legislator Dibble, seconded by Legislator Truax and carried.

**PUBLIC HEARING:**

Chairman Crandall suspended the regular meeting to hold a public hearing on Local Law Intro. No. 2-2008, entitled "A Local Law to Provide Increases in the Compensation of Certain County Officers." The local law addressed the salary of the Public Defender. As there was 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 for the presentation of a Certificate of Recognition to honor Delores Cross, who was the 2008 recipient of the Woman of Distinction Award from the New York State Senate's Honorary Program. Ms. Cross served as a County Legislator from 1982 through 1993, and she was Chairman from 1990 through 1993. The focus of her time spent on the Legislature was tourism and economic development. During the award presentation at the NYS Capital, Senator Catharine Young stated that the recognition was deserved due to the work Delores Cross has done to improve the lives of her friends and neighbors, and Allegany County is a much better place because of her. Julie Sirianni, representing Senator Young at this meeting, thanked the Board for the opportunity to honor Delores.

Delores Cross spoke briefly, noting her appreciation for the Board of Legislators' thoughtfulness and also the work that they do. She enjoyed her tenure as a legislator and commented that there are a lot of women in the County with talent and energy looking to get into a position to make a real difference.

Past Allegany County recipients of the Woman of Distinction Award include: Under Senator Patricia McGee: Florence Fuller and Wendy Powers (Skinner) (there may have

been others under Senator McGee, but those records are not available); Under Senator Catharine Young: Lee Gridley, Aileen Ortlip Shea, and Gertrude Butera.

Chairman Crandall granted privilege of the floor to Public Health Director Lori Ballengee, who spoke about the Allegany County Cancer Services and Colors for Life. Ms. Ballengee presented some cancer statistics for Allegany County including:

- Five individuals are diagnosed with cancer and two individuals die from cancer each week.
- Lung cancer is the number one cause of cancer deaths; and all cancer sites collectively rate as the number two cause of death behind heart disease.
- The annual incidence rates have increased for the period 1990 to 2004 by 11.9 percent, whereas mortality rates have decreased by 7 percent for the same period, possibly due to screening and earlier treatment.

Allegany County Cancer Services has financially served 50 people within the County over the past 17 months (with two pending), and gave out over \$15,000. Dozens of others have been assisted with support services. The organization has only been in existence as a non-profit for three years, and has already made a lot of strides. They average one to two new applications per week. The annual Colors for Life fundraising event will be held August 2 at the Wellsville Elementary School.

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

1. Placed on each legislator's desk was a copy of the Allegany County Mutual Self-Insurance Plan (Workers' Compensation) 2009 Budget, together with the apportionment of costs of the budget to the County, Towns, and Villages of Allegany County.

2. Placed on each legislator's desk was a copy of the Report of Intrafund Transfers approved by the County Administrator in June 2008.

3. Also placed on each legislator's desk was a copy of the Report of Tax Bill Corrections approved by the County Administrator in June 2008.

4. Also distributed were copies of a Press Release from the NYS DEC adding Public Hearings on their Proposed Rule Change to Eliminate Open Burning Statewide. The Public Hearing in Allegany County will be held on August 7 in the Legislative Board Chambers from 5 to 8 p.m., with an informational session scheduled from 4 to 5 p.m.

5. The County Treasurer filed a Certificate of Withdrawal of Delinquent Tax Liens pursuant to Article 11 of the Real Property Tax Law of the State of New York in the Clerk of the Board's Office on July 8, 2008 for property in the Town of Genesee.

6. An invitation was received to attend and present trophies for the Annual Kids Fishing Contest at the Andover Wetlands on August 2 from 8 a.m. to 3 p.m.

7. An invitation was received to attend an Open House at the Almond 20<sup>th</sup> Century Club Library on July 18 at 1 p.m. to celebrate the completion of the handicap access lift. Senator Catharine Young, representatives from Assemblyman Daniel Burling's Office, as well as local town and village officials plan to attend.

8. An invitation was received from the ACCORD/Allegany Business Center to attend their Graduation Ceremony for the Entrepreneurial Assistance Program on July 30.

9. Correspondence was received from Senator Catharine Young acknowledging receipt and support of our Resolution No. 103-08, Resolution Opposing a Proposal from DEC for a Rule Change to Eliminate Open Burning. Senator Young will continue to advocate against the elimination of open burning.

10. Correspondence was received from Assemblyman Daniel Burling acknowledging receipt and support of our Resolution No. 103-08, Resolution Opposing a Proposal from DEC for a Rule Change to Eliminate Open Burning. Assemblyman Burling recently issued a press release regarding the action by DEC to circumvent the legislative process and ban open burning.

11. A News Release was received from Southern Tier West Regional Planning and Development Board highlighting their June 26 meeting.

12. Article VII Application for Centerville to Yorkshire 115 kV Transmission Line, June 2008 – Volume 1 with Exhibits 1, 2, 3, 4 and Volume 2 with Additional Exhibits were filed in the Clerk of the Board's Office on July 1, 2008.

13. An invitation was received to attend the 21<sup>st</sup> Friendship Freedom Fair Celebration to be held on Saturday, July 26.

14. Also received was the Allegany Business Center newsletter.

15. Notice was given for the next Fire Advisory Board meeting to be held on July 24, at 8 p.m. in the Public Safety Facility. The Fire Investigators and District Coordinators plan to meet at 7 p.m.

#### **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 unexpired three-year terms on the **CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD**:

Brad Walters, Executive Director, Southern Tier Builders Association; Term ending 12/31/10

Phil Ghent, General Manager, Olean Advanced Products; Term ending 12/31/08;

Replacing John Sayegh

Jason Huffman, HR Manager, Cooper Power Systems; Term ending 12/31/10

Karen Comstock, HR Manager, Friendship Dairies; Term ending 12/31/09;  
Replacing Steve Havey  
Cesar Cabrera, Regional Coordinator, Western Region NYS DOL; Term ending 12/31/08;  
Replacing Jill Whitfield  
Steve Crowley, Director of Mountain Operations, Holiday Valley; Term ending 12/31/10

**RESOLUTIONS:**

**RESOLUTION NO. 116-08**

**ADOPTION OF LOCAL LAW INTRO. NO. 2-2008, PRINT NO. 1, IN RELATION TO  
A LOCAL LAW TO PROVIDE INCREASES IN THE COMPENSATION OF  
CERTAIN COUNTY OFFICERS**

Offered by: Personnel Committee

**RESOLVED:**

1. That proposed Local Law, Intro. No. 2-2008, Print No. 1, is adopted without any change in language, to wit:

**COUNTY OF ALLEGANY**

Intro. No. 2-2008

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 August 28, 2008, the annual salary of the incumbent of the following County office shall be as follows: Public Defender - \$82,000.

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

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

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

Mr. Ungermann commented that the number of positions in the Public Defender's Office was being reduced from one full-time and two part-time positions down to two full-time positions, resulting in an overall savings.

## RESOLUTION NO. 117-08

### ESTABLISHING POLICY FOR REDEMPTION OR REACQUISITION OF TAX PARCELS IN ALLEGANY COUNTY

Offered by: Ways and Means Committee

#### RESOLVED:

1. That the policy for the redemption or reacquisition of tax parcels in Allegany County is approved.
2. This resolution shall take effect immediately.

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

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

Comments made regarding Resolution No. 117-08 included: Mr. Kruger originally supported revision of the tax sale property redemption policy as a way of helping residents with special circumstances to redeem their property up to the last possible minute. He did not support this resolution due to the \$500 minimum payment clause. If a resident already couldn't afford his taxes, this would aggravate the problem more.

Mr. Reynolds pointed out that when taxpayers get to this stage, the \$500 is actually a savings. It is meant to cover lawyer fees and other County costs. Mr. Reynolds noted that the policy revision is the best compromise they could make.

Mr. Pullen appreciated the efforts and creativity that went into this resolution, and even though it's not a perfect solution, hopefully it will show compassion and flexibility. Taxes are too high, and we aren't going to be able to solve all the problems. There will always be someone just inside or outside the rule, but this resolution definitely moves the line.

Mr. Ungermann commented that he appreciates the efforts, but this is just a band-aid approach. The real problem is taxes, and we need to start cutting the cost of government to the point where people can afford it. There were 82 parcels sold at this year's auction, which is a large number for a county of this size. Mr. Ungermann felt this policy will discourage potential tax sale property buyers, because after they invest the time in investigating a particular parcel, it may not be available at the time of the sale. Mr. Reynolds responded that because this policy only applied to primary residences, it won't have a negative effect on the tax sale.

**RESOLUTION NO. 118-08**

**DESIGNATING THE WELLSVILLE DAILY REPORTER AS  
SOLE OFFICIAL NEWSPAPER FOR THE PERIOD  
AUGUST 1, 2008 TO AUGUST 12, 2008**

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 period of August 1, 2008 to August 12, 2008, now, therefore, be it

**RESOLVED:**

1. Notwithstanding the provisions of Section 1 of Resolution No. 268-2007, 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 period of August 1, 2008 to August 12, 2008.

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

Adopted: Voice Vote

**RESOLUTION NO. 119-08**

**A RESOLUTION DETERMINING THAT ERRORS EXIST ON THE  
2008 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 Grove is ordered and directed to correct in the 2008 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Trathen Land Co., LLC: Parcel 9.-1-8.12  
Assessment: Land \$54,800 Total \$54,800

this parcel was split 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	\$ 816.69
Town	589.11
Fire	8.44
School Relevy	1,334.12
Total	\$2,748.36

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, 2009. The County Treasurer shall send a written notice to each School of the amount of such deduction prior to May 1, 2009.

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

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

**RESOLUTION NO. 120-08**

**ACCEPTANCE AND APPROPRIATION OF ADDITIONAL FUNDING FROM THE  
NEW YORK STATE DEPARTMENT OF HEALTH FOR THE COUNTY'S  
CANCER SCREENING SERVICES PROGRAM**

Offered by: Human Services and Ways and Means Committees

**WHEREAS**, additional funding in the amount of \$201,362.40 from the New York State Department of Health has been received to enhance current services under the County's cancer screening programs, now, therefore, be it

**RESOLVED:**

1. That the sum of \$201,362.40 is accepted and appropriated to Account No. A4071.4 (Cancer Screening – Contractual), with a like sum credited to Revenue Account No. A10.3401.01 (State Aid – Cancer Screening Services).

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

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

**RESOLUTION NO. 121-08**

**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 6406.101	Dislocated Worker Regular Pay	5,000.00
CD1 6406.474	Dislocated Worker CRT Contract	7,000.00
CD1 6406.475	Dislocated Worker OJT Contract	6,000.00
CD1 6406.806	Dislocated Worker Hosp/Med. Insurance	5,000.00

CD1 6415.101	Disability Program Navigator Regular Pay	7,000.00
CD1 6415.806	Disability Program Navigator Hosp/Med. Ins.	3,500.00
CD1 6794.101	TANF Regular Pay	12,000.00
CD1 6794.474	TANF Project Instructional Contracts	1,000.00
CD1 6794.475	TANF Participant Transportation	3,500.00
CD1 6794.806	TANF Hosp/Med. Insurance	<u>7,000.00</u>
TOTAL		57,000.00

<u>Account No.</u>	<u>Revenue Accounts</u>	<u>Amount</u>
CD1 10 3089.6416	Model Transition Program	24,000.00
CD1 11 4701.6406	Dislocated Worker	22,500.00
CD1 11 4701.6415	Disability Program Navigator	<u>10,500.00</u>
TOTAL		57,000.00

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

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

**RESOLUTION NO. 122-08**

**TRANSFER OF FUNDS WITHIN COUNTY ATTORNEY ACCOUNT**

Offered by: Ways and Means Committee

**RESOLVED:**

1. That the sum of \$43 is transferred from Account No. A1420.407 (Books and Supplies) to Account No. A1420.201 (Equipment) to cover the cost for the purchase of a new desk for the Secretary to the County Attorney.
2. This resolution shall take effect July 15, 2008.

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

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

**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 \$5,386,711.47 including prepaid expenses, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$4,794,991.*)

**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  
JULY 28, 2008**

**\*\* APPROVED \*\***

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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, who then led in the 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 Board meeting minutes of July 14, 2008 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 Public Health Director Lori Ballengee, who spoke about the Allegany County Cancer Services Colors for Life Cancer Awareness Night. Legislators were presented with t-shirts to commemorate this fundraising event, which will be held on Saturday, August 2, from 5 to 10 p.m., at the Wellsville Elementary School grounds. Some of the highlights include: cancer survivor victory lap, visionaries in honor and memory of loved ones, live music, gift basket auction, and food. Ms. Ballengee reminded everyone to get health screenings.

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

1. Chairman Crandall presented a Certificate of Recognition to the Town of Centerville in honor of their Bicentennial Celebration at a special ceremony on July 19.
2. A reminder was given for an invitation to attend and present trophies for the Annual Kids' Fishing Contest at the Andover Wetlands on August 2 from 8 a.m. to 3 p.m.
3. A reminder was announced for the ACCORD/Allegany Business Center Graduation Ceremony for the Entrepreneurial Assistance Program on July 30.
4. A reminder was given for the Department of Environmental Conservation's public hearing on their proposed rule to eliminate open burning. The public hearing will be held on Thursday, August 7 from 5 to 8 p.m. in the Legislative Board Chambers. An information session has also been scheduled from 4 to 5 p.m.

5. An invitation was received to attend the Summer Youth Employment Program (SYEP) Legislators' Luncheon and Open House on July 30 at 12:30 p.m. at the BOCES Career and Technical Center in Belmont.

**APPOINTMENT:**

Chairman Crandall, in a joint measure with Crystal Abers, Chairman of the Cattaraugus County Board of Legislators, has appointed the following to serve on the **CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD YOUTH COUNCIL:**

Vicky Vecchiarella of Olean, NY, for a term expiring December 31, 2009

Linda Edstrom of Olean, NY, for a term expiring December 31, 2009

Becky Brown of Belmont, NY, to replace Kim Whitney for the remainder of her two-year term expiring December 31, 2008

**PROCLAMATION:**

Chairman Crandall will be proclaiming the week of August 1-7, 2008 as Breastfeeding Week in the County of Allegany, with the proclamation to be read at the annual picnic next week. The Chairman is calling upon the people of the County to work together to encourage, support, and promote breastfeeding as a high priority for healthier families.

**RESOLUTIONS:**

**RESOLUTION NO. 123-08**

**RESOLUTION TO REQUEST GOVERNOR PATERSON AND NEW YORK STATE LEGISLATURE TO ADVANCE FUNDING AND EXPEDITE THE TIMETABLES TO COMPLETE THE APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM (CORRIDOR U-1 I-99 AND CORRIDOR T I-86)**

Offered by: Public Works Committee

**WHEREAS**, Governors have made commitments to the revitalization and improvement of the economy of "Upstate" New York, and

**WHEREAS**, Steuben County, along U.S. Route 15 (I-99), and thirteen other counties along U.S. Route 17 (I-86) corridor make up the three Local Development Districts in the thirteen state Appalachian Regional Commission, and

**WHEREAS**, U.S. Route 15 (I-99) Corridor U-1 and U.S. Route 17 (I-86) Corridor T are New York State's section of the thirteen state Appalachian Development Highway System (the "ADHS") and as such are eligible for Appalachian funding, and

**WHEREAS**, completing the I-99 U-1 Corridor fulfills the desires of both the Commonwealth of Pennsylvania and the State of New York to accelerate economic development opportunities in the area of Appalachia as well as respond to the increasing

traffic volumes (primarily commercial vehicles) in the Route 15 Corridor since the passage of the North American Free Trade Agreement, and

**WHEREAS**, U.S. Route 15 is the only north/south route in Central Pennsylvania that serves as a vital and direct link between western New York and Canada and the ports of Baltimore and Philadelphia and the mid-Atlantic states, and

**WHEREAS**, completing Corridor T, which terminates in Broome County at I-81, and the U-1 Corridor in Steuben County will complete the ADHS in New York State, 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**, Governor Pataki and the New York State Department of Transportation committed to a ten-to-twelve year construction program to complete the Route 17 conversion to I-86 beginning with the first designation (177 miles Chemung County west to Pennsylvania) on December 3, 1999, and

**WHEREAS**, the Pennsylvania Department of Transportation has projected a completion date for the conversion of Route 15 to Interstate standards (I-99) 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, and

**WHEREAS**, the Appalachian Regional Commission has recently released a study the "Economic Impact of Completing the Appalachian Development Highway System" stating that "Completion of the Appalachian Development Highway System (ADHS) would yield significant economic benefits for both the Appalachian Region and the nation ... By facilitating national freight flows, reducing travel times, improving safety, and enhancing access to markets, completion of the ADHS would create new jobs and greater value-added activity, returning \$3 in economic benefits to the nation for every \$1 spent to complete the system," 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 expedite the timetables set forth and complete

the ADHS in New York State and meet 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 David A. Paterson, Senate Temporary President and Majority Leader Joseph Bruno, Speaker of the Assembly Sheldon Silver, State Senator Catharine M. Young and Assemblymen 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, Empire State Development Corporation Chairman Robert G. Wilmers, 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 (Allegany County).

Moved by: Mr. Fanton  
Seconded by: Mr. McCormick

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

### **RESOLUTION NO. 124-08**

#### **RESOLUTION APPROVING THE ALLEGANY COUNTY COMPREHENSIVE PLAN**

Offered by: Ways and Means Committee

**WHEREAS**, the proposed Allegany County Comprehensive Plan has undergone the appropriate environmental review, and

**WHEREAS**, the proposed Allegany County Comprehensive Plan has been referred to the county and regional planning boards as well as to the legislative bodies and to the planning boards of each municipality within Allegany County for review and recommendation, and

**WHEREAS**, upon proper notice being given a public hearing was held on June 23, 2008 with regard to the proposed Allegany County Comprehensive Plan, and

**WHEREAS**, there has been no public comment or objections noted to the proposed Allegany County Comprehensive Plan, and

**WHEREAS**, it appears that all appropriate legal steps leading up to the adoption of the proposed Allegany County Comprehensive Plan have been taken and that adoption of the proposed Allegany County Comprehensive Plan is in the best interest of the County, now, therefore, be it

#### **RESOLVED:**

1. That Allegany County does hereby adopt the proposed Allegany County Comprehensive Plan as its county comprehensive plan.

2. That the Clerk of the Board of Legislators is authorized and directed to file the County Comprehensive Plan in the Office of the County Clerk and file a copy of the same in the Office of the County Planning Board, with the Secretary of State, and with the clerk of each town and village within Allegany County.

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

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

Comments made regarding Resolution No. 124-08 included: Several of the legislators expressed their appreciation to all those who worked diligently on the Comprehensive Plan project. Chairman Crandall recognized the Comprehensive Planning Committee members: Charles Jessup (Chair), Theodore Hopkins, Lee Gridley, Ronald Stuck, Brent Reynolds, Frederick Sinclair, and Edward Eicher. (Legislator Hopkins noted that Chairman Crandall was also an active participant and had input on the plan.) The adoption of the Comprehensive Plan has great historical significance, as it's the first time the County has had one, even though a lot of work had been done over the years, and the groundwork was in place. This plan will be a living document. One section deals with implementation and updating. In 2011, another group will take a look at the plan to upgrade and amend what needs to be done at that time. Having the Comprehensive Plan in place will make a difference when applying for grants, not just for County departments, but also for other agencies and not-for-profit organizations.

#### **RESOLUTION NO. 125-08**

#### **RESOLUTION DISSOLVING THE COUNTY COMPREHENSIVE PLAN COMMITTEE; CREATING THE COMPREHENSIVE PLAN IMPLEMENTATION GROUP**

Offered by: Ways and Means Committee

**WHEREAS**, the Comprehensive Plan Committee was charged with preparing the Allegany County Comprehensive Plan, and

**WHEREAS**, the work of that committee is now complete with the adoption of the County Comprehensive Plan, and

**WHEREAS**, the County Comprehensive Plan sets forth a number of goals for the future development of the County, and

**WHEREAS**, the proper implementation of the County Comprehensive Plan will require an ongoing concerted effort, therefore, be it

#### **RESOLVED:**

1. That the Comprehensive Plan Planning Committee is hereby dissolved.

2. That a new committee to be known as the Comprehensive Plan Implementation Group consisting of seven (7) members, all of whom are to be residents of Allegany County, is hereby created.

3. That the Comprehensive Plan Implementation Group shall be responsible for developing plans for educating municipalities and the public about the County Comprehensive Plan and developing strategies for its implementation.

4. That the Chair of the Board of Legislators shall be responsible for making appointments to the committee.

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

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

### **RESOLUTION NO. 126-08**

#### **AMENDMENT OF NON-UNIT SALARY PLAN**

Offered by: Personnel Committee

#### **RESOLVED:**

1. The title of Supervisor Public Health Education, Grade 6 in the Non-Unit Salary Plan is moved to the PEF Union Salary Plan and will remain in the same Grade 6 level.

2. This resolution shall take effect on July 29, 2008.

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

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

*(Memo: Regarding Resolution No. 126-08, the position of Supervisor Public Health Education was vacant at the time of the recognition of the PEF Union. It was agreed by the County and PEF that the title would go to the PEF Union when the position was filled, which it now is.)*

### **RESOLUTION NO. 127-08**

#### **UPGRADING ONE MOTOR VEHICLE CASHIER/EXAMINER AND ONE SENIOR MOTOR VEHICLE CASHIER EXAMINER IN COUNTY CLERK'S OFFICE DUE TO HUMAN RESOURCES AND CIVIL SERVICE DEPARTMENT REEVALUATION AND AMENDING UNIT SALARY PLAN**

Offered by: Personnel Committee

**WHEREAS**, the Human Resources and Civil Service Department has upgraded one position of Motor Vehicle Cashier/Examiner and one position of Senior Motor Vehicle Cashier Examiner in the County Clerk's Office, now, therefore, be it

**RESOLVED:**

1. That the position of Motor Vehicle Cashier/Examiner in the County Clerk's Office is upgraded from Grade 6 to Grade 8 and the position of Senior Motor Vehicle Cashier Examiner is upgraded from Grade 8 to Grade 10 in the AFSCME Salary Plan.
2. This resolution shall take effect on January 1, 2009.

Moved by: Mr. Hall  
Seconded by: Mr. Pullen

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

*(Memo: Regarding Resolution No. 127-08, the position upgrades followed Human Resources review and update of duties and job specifications based on New York State Department of Motor Vehicles expanded duty requirements. The new enhanced driver's licenses will result in higher reimbursement that will more than cover the upgrades.)*

**RESOLUTION NO. 128-08**

**ABOLISHING ONE POSITION OF SENIOR COUNSELOR AND  
FOUR POSITIONS OF EMPLOYMENT AND TRAINING COUNSELORS AND  
RECLASSIFICATION OF FOUR POSITIONS OF  
EMPLOYMENT AND TRAINING COUNSELORS (UNIT GRADE 15) TO  
SENIOR EMPLOYMENT COUNSELORS (UNIT GRADE 17)  
IN THE EMPLOYMENT AND TRAINING OFFICE**

Offered by: Personnel and Ways and Means Committees

**RESOLVED:**

1. That one position of Senior Counselor is abolished and four positions of Employment and Training Counselors are abolished in the Office of Employment and Training.
2. That four positions of Employment and Training Counselors (Unit Salary Plan, Grade 15) are reclassified to Senior Employment Counselors (Unit Salary Plan, Grade 17), effective June 30, 2008.

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

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

*(Memo: The request for Resolution No. 128-08 was in response to the resignation/retirement of a Senior Counselor effective June 27, 2008. The reclassification of positions was considered necessary as an option to distribute the workload among this group, given the ongoing decline in federal/state funding to support Employment and Training Center personnel. This action also provides the department with needed flexibility and a more*

*consistent level of decision making responsibility among the counseling staff. The fiscal impact is an estimated savings of \$39,800.)*

A motion was made by Legislator Ungermann and seconded by Legislator Kruger to TABLE Resolution Intro. No. 132-08 (Abolishing One Position of Deputy Sheriff and Creating One Position of Correction Officer and One Position of Corrections Sergeant in the Sheriff's Department) in order to allow more time for study of the issue by Legislators, the County Attorney, and the County's labor negotiator. The motion to table was DEFEATED following a roll call vote of 6 Ayes, 8 Noes, and 1 Absent (Voting No: Crandall, Dibble, Fanton, Hall, Hopkins, Pullen, Reynolds, Russo).

### **RESOLUTION NO. 129-08**

#### **ABOLISHING ONE POSITION OF DEPUTY SHERIFF AND CREATING ONE POSITION OF CORRECTION OFFICER AND ONE POSITION OF CORRECTIONS SERGEANT IN THE SHERIFF'S DEPARTMENT**

Offered by: Public Safety Committee

#### **RESOLVED:**

1. That one position of Deputy Sheriff is abolished in the Sheriff's Department.
2. That one position of Correction Officer and one position of Corrections Sergeant are created in the Sheriff's Department.
3. That the Public Safety Committee approves the filling of the positions of Correction Officer and Corrections Sergeant created herein and refers the matter of the filling of such positions to the Ways and Means Committee.

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

Adopted: Roll Call  
10 Ayes, 4 Noes, 1 Absent  
Voting No: Benson, Kruger, Truax, Ungermann

*(Memo: Regarding Resolution No. 129-08, there is presently a vacant Deputy Sheriff position resulting from a retirement. The Sheriff requested that the vacant position be abolished and a new position of Correction Officer be created in its place, which would save substantially in training costs. There is also a vacancy in the Civil Division for a Civil Deputy due to a recent transfer. The Civil responsibilities will be assigned to an existing C-line Sergeant, which creates an opening on that shift for a Sergeant. The Sheriff would like to fill that vacancy with a Corrections Sergeant, as that will be the primary responsibility of that supervisory post.)*

Comments made regarding Resolution No. 129-08 included: Legislator Kruger noted that there are two separate issues combined in one resolution, and although he supports the Corrections Sergeant position, he is now compelled to not support either. Legislator Reynolds pointed out that there was a difference in opinion about the requirements to backfill

or fill a position that doesn't exist, but he'd still like to move the issue ahead. At some point it could be taken to arbitration to sort it out. Legislator Truax noted that could be addressed during the collective bargaining negotiations currently taking place. Legislator Reynolds noted that the contract can be interpreted a couple of different ways. Some feel that when the Deputy position became vacant, we should backfill from within and advance our own personnel. The Sheriff has the authority to control his employees, and if someone retires, he should be able to eliminate a position he feels is no longer needed.

## **RESOLUTION NO. 130-08**

### **TRANSFER OF FUNDS FROM CONTINGENT ACCOUNT TO BOARD OF ELECTIONS CONTRACTUAL EXPENSES ACCOUNT**

Offered by: Personnel and Ways and Means Committees

#### **RESOLVED:**

1. That an amount not to exceed \$10,000 is transferred from Account No. A1990.4 (Contingent) to various accounts within Account No. A1450 (Elections) to become compliant with the new HAVA regulations.

Moved by: Mr. Hall  
Seconded by: Mr. Pullen

Adopted: Roll Call  
10 Ayes, 4 Noes, 1 Absent  
Voting No: Kruger, McCormick, Russo, Truax

*(Memo: The transfer referred to in Resolution No. 130-08 is necessary to cover mandated expenses for the implementation of HAVA Ballot Marking Devices for each polling place in the County. None of these expenses were budgeted for services and training in 2008, as they were unanticipated. Included are costs associated with machine programming, truck rental and delivery of machines, extra custodian pay, and tech training.)*

Comments made regarding Resolution No. 130-08 included: Legislator Ungermann clarified that this was one of the problems with having the new voting system. The extra expenses for transporting machines to the polling places was impossible to budget for, and we were given no choice in the matter. Legislator Pullen noted that back when this issue was coming down from the federal and state governments, the County was assured that no local funds would be involved. We need to remind our state and federal representatives of this broken promise. Legislator Reynolds commented that we're not only being mandated with the new machines, but now also have to transport them both ways to 34 different voting districts using an air-ride truck. The cost is prohibitive. Chairman Crandall will be writing a letter to our representatives listing the effects this issue will have on the County's budget.

**RESOLUTION NO. 131-08**

**APPROVAL OF TRANSPORTATION OF PRESCHOOL CHILDREN WITH HANDICAPPING CONDITIONS AGREEMENTS WITH FOURTEEN CENTRAL SCHOOL DISTRICTS AND AUTHORIZING CHAIRMAN TO EXECUTE AGREEMENTS**

Offered by: Human Services Committee

**WHEREAS**, fourteen 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, 2008 to June 30, 2009, with the respective Central School Districts of Alfred-Almond, Andover, Arkport, Belfast, Bolivar-Richburg, Canaseraga, Cuba-Rushford, Fillmore, 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. Dibble

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

Comments made regarding Resolution No. 131-08: It was noted that this option for handling the handicapped preschool children transportation was initially spearheaded by former Legislator Lee Frair about 17 years ago, and it has saved the County a significant amount of money.

Resolution Intro. No. 135-08 (Resolution Dated July 28, 2008; A Resolution Approving Applications to the State Comptroller's Office in Connection with the Proposed Sewer District No. 1 and Water District No. 2) was not pre-filed and was considered from the floor on a motion made by Legislator Hall, seconded by Legislator Reynolds and carried.

**RESOLUTION NO. 132-08**

**RESOLUTION DATED JULY 28, 2008  
A RESOLUTION APPROVING APPLICATIONS TO  
THE STATE COMPTROLLER'S OFFICE IN CONNECTION WITH  
THE PROPOSED SEWER DISTRICT NO. 1 AND WATER DISTRICT NO. 2**

Offered by: Ways and Means Committee

**WHEREAS**, after all proceedings were duly had and taken the County Board of Legislators has duly approved the establishment of Sewer District No. 1 and Water District No. 2 and the construction of the improvements therefor, subject to State Comptroller's approval as to the expenditures therefor, now, therefore, be it

**RESOLVED**, by the County Board of Legislators of the County of Allegany, New York, as follows:

Section 1. The applications to the State Comptroller's office attached hereto as Exhibit A and Exhibit B have been prepared at the direction of the Board of Legislators and the Board believes the contents of each application to be accurate.

Section 2. The Board of Legislators has determined that the improvements for each of the proposed Districts are in the public interest and will not constitute an undue burden on the property which will bear the cost thereof and that all real property to be so assessed will be benefited by the proposed improvements and no benefited property has been excluded from the boundaries of the Districts.

Section 3. This resolution shall take effect immediately.

Moved by: Mr. Hall

Seconded by: Mr. Reynolds

Adopted: Roll Call

14 Ayes, 0 Noes, 1 Absent

*(Memo: The sewer and water districts referred to in Resolution No. 132-08 are located in the Towns of Amity and Angelica, and will provide service to the Crossroads Development Area.)*

Resolution Intro. No. 136-08 (Resolution Approving Agreement between the County of Allegany and the Allegany County Soil and Water Conservation District Concerning the Genesee River Hazard Mitigation Project) 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. 133-08**

#### **RESOLUTION APPROVING AGREEMENT BETWEEN THE COUNTY OF ALLEGANY AND THE ALLEGANY COUNTY SOIL AND WATER CONSERVATION DISTRICT CONCERNING THE GENESEE RIVER HAZARD MITIGATION PROJECT**

Offered by: Ways and Means Committee

#### **RESOLVED:**

1. That the Agreement between the County of Allegany and the Allegany County Soil and Water Conservation District providing for the advancement of funds pending grant reimbursement 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

13 Ayes, 1 No, 1 Absent

Voting No: Burdick

*(Memo: The agreement referred to in Resolution No. 133-08 will allow for the advancement of sufficient funds to the Soil and Water Conservation District pending receipt of FEMA and New York State funding, in order to begin work on two major Genesee River Hazard Mitigation Projects in the Towns of Amity and Belfast. The projects will mitigate the impact of river erosion which poses an immediate threat to private property, as well as a major state highway and railroad.)*

Resolution Intro. No. 137-08 (Resolution Directing Notice of District Review of Agricultural District Number One Pursuant to Section 303-a of the Agriculture and Markets Law) was not pre-filed and was considered from the floor on a motion made by Legislator Fanton, seconded by Legislator Pullen and carried.

### **RESOLUTION NO. 134-08**

#### **RESOLUTION DIRECTING NOTICE OF DISTRICT REVIEW OF AGRICULTURAL DISTRICT NUMBER ONE PURSUANT TO SECTION 303-a OF THE AGRICULTURE AND MARKETS LAW**

Offered by: Public Works Committee

**WHEREAS**, Agricultural District Number One, being within the Towns of Allen, Birdsall, Centerville, Caneadea, Hume, Granger, Grove, New Hudson and Rushford, was created by Resolution No. 162-2000 on July 10, 2000, and

**WHEREAS**, pursuant to Agriculture and Markets Law § 303-a an eight year review of the District is required, now, therefore, be it

#### **RESOLVED:**

1. That the Clerk of the Board of Legislators is directed to provide proper notice of such district review, which shall include publication of such notice in a newspaper having general circulation within the district, as provided for in Section 303-a subdivision 2.a. of the Agriculture and Markets Law.

2. That the County Agricultural and Farmland Protection Board is directed to prepare and file with the Board of Legislators a report in accordance with Section 303-a subdivision 2.b. of the Agriculture and Markets Law.

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

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

Resolution Intro. No. 138-08 (Resolution Requesting that Governor Paterson Disapprove Assembly Bill A11743 and Senate Bill S8699 as Detrimental to Law Enforcement and Public Safety) was not pre-filed and was considered from the floor on a motion made by Legislator Reynolds, seconded by Legislator Dibble and carried.

**RESOLUTION NO. 135-08**

**RESOLUTION REQUESTING THAT GOVERNOR PATERSON  
DISAPPROVE ASSEMBLY BILL A11743 AND SENATE BILL S8699 AS  
DETRIMENTAL TO LAW ENFORCEMENT AND PUBLIC SAFETY**

Offered by: Ways and Means Committee

**WHEREAS**, both the New York State Assembly and the New York State Senate have passed legislation referred to as Assembly Bill A11743 and Senate Bill S8699, and

**WHEREAS**, the primary focus of this bill was to deal with abuses involving pension fraud uncovered in several school districts across the State, and

**WHEREAS**, the underlying problems involving pension fraud in school districts were not problems encountered in Allegany County, and

**WHEREAS**, it has come to the attention of this Board that part of this legislation seeks to amend the requirements and procedures for obtaining a waiver under Section 211 of the Retirement and Social Security Law, and

**WHEREAS**, in the area of law enforcement it is especially critical that the County has the ability to secure the services of highly trained and seasoned professionals, and

**WHEREAS**, in both the District Attorney's Office and the Sheriff's Office the County currently employs key individuals who qualify under existing Section 211 waiver requirements, and

**WHEREAS**, the proposed changes to the Section 211 waiver requirements will most likely result in the loss of these key individuals creating an immediate and serious detrimental impact on law enforcement and public safety in Allegany County, and

**WHEREAS**, in the area of law enforcement this Board does not feel acceptable candidates to fill potential vacancies from the loss of these key individuals are readily available, and

**WHEREAS**, this Board believes the underlying issues leading to the proposed legislation can be addressed in a manner that does not undermine law enforcement and public safety, now, therefore, be it

**RESOLVED:**

1. That the Allegany County Board of Legislators hereby urges Governor Paterson to disapprove the bill in its present form.

2. That certified copies of this resolution shall be forwarded to Governor David A. Paterson, Senator Catharine M. Young and members of the Assembly Daniel J. Burling and Joseph M. Giglio.

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

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

Comments made regarding Resolution No. 135-08 included: Assistant County Attorney Leslie Haggstrom summarized that the referenced bills address recent litigation involving attorneys under contract with school districts with memberships in the pension fund when they weren't eligible, or "double-dipping." These bills are an overreaching way to avoid the problem, and inadvertently include some people who are retired law enforcement personnel drawing their pension, but also working part-time, which is entirely legal. The County currently has individuals working in the Offices of the Sheriff and the District Attorney under this latter scenario. This legislation would preclude them from continuing to provide their services and experience to the County at a good cost.

Resolution Intro. No. 139-08 (Urging State of New York to Modify the Law and Regulations so as to Assist the Development of Oil and Gas Resources in the State) was not pre-filed and was considered from the floor on a motion made by Legislator Hall, seconded by Legislator McCormick and carried.

### **RESOLUTION NO. 136-08**

#### **URGING STATE OF NEW YORK TO MODIFY THE LAW AND REGULATIONS SO AS TO ASSIST THE DEVELOPMENT OF OIL AND GAS RESOURCES IN THE STATE**

Offered by: Ways and Means Committee

**WHEREAS**, several counties in the State of New York possess exploitable and valuable oil and gas resources, and

**WHEREAS**, seventy to eighty percent of oil reserves are still in place in Allegany County, and

**WHEREAS**, new technology has made the renewed production of oil and gas and a revitalization of the oil and gas industry in Allegany County and the State of New York possible, and

**WHEREAS**, the recent rise in the price of oil has made it profitable to pursue oil and gas development if state regulations and policies are industry friendly, and

**WHEREAS**, the Allegany County Board of Legislators had previously adopted Resolution No. 25-2008 urging the state to establish policies that will assist the development of oil and gas resources in the state, and

**WHEREAS**, the State of New York through its laws and regulations unnecessarily restricts oil and gas drilling and production within certain geological formations, and

**WHEREAS**, elimination of certain restrictions has the potential to provide significant economic benefits with little environmental impact, now, therefore, be it

**RESOLVED:**

1. That New York State through the State Legislature and Department of Environmental Conservation modify New York State Environmental Conservation Law and regulations to eliminate oil well spacing and the gas-oil production ratio in the Upper Devonian Period, Canadaway Group Formations, as described in the Stratigraphic Section of Southwestern New York State maintained by the State Department of Environmental Conservation.

2. That certified copies of this resolution be mailed to New York State Governor David A. Paterson, NYS DEC Commissioner Peter Grannis, the Senate and Assembly En-Con Committee, Senator Catharine M. Young, Assemblymen Daniel J. Burling and Joseph M. Giglio, NYSAC, and the InterCounty Association of Western New York.

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

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 Hopkins and adopted on a roll call vote of 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$1,580,482.95 including prepaid expenses, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$5,141,863.*)

**COMMENTS:**

Chairman Crandall recognized Legislator Daniel Russo, who is the 2008 recipient of the New York Collegiate Baseball League Eddie and Mini Daub Award for outstanding contributions to the league. Legislator Russo has spent the past ten years as owner, general manager, and president of the Allegany County Nitros, and he serves as the treasurer for the New York Collegiate Baseball League.

**ADJOURNMENT:** The meeting was adjourned at 2:47 p.m. on a motion made by Legislator Reynolds, seconded by Legislator Kruger and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION  
AUGUST 11, 2008**

**\*\* APPROVED \*\***

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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, who then led in the 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 28, 2008 were approved on a motion made by Legislator Truax, seconded by Legislator Pullen and carried.

**PRIVILEGE OF THE FLOOR:**

Chairman Crandall took the floor for the presentation of a Certificate of Appreciation to Dr. Robert Anderson, Director of the Community Services Agency, for his 25 years of service to Allegany County. Dr. Anderson began his employment in 1983 as Staff Psychologist, and became Director of Community Services in 1986. Community Services, through its contract with Allegany County Arc, has over 100 employees providing services and case management for those in need, and working toward the betterment of the County.

Chairman Crandall granted privilege of the floor to the following:

Social Services Commissioner Patricia Schmelzer recognized staff members of the Child Support Unit. Governor Paterson has proclaimed August as Child Support Month (Chairman Curtis W. Crandall will be issuing a similar proclamation later in this meeting). Child support professionals in Allegany County currently serve more than 4,153 child support cases. The Unit collected over \$6 million in child support during 2007, an increase of 4.89 percent over 2006. Commissioner Schmelzer presented certificates to: Barbara Benjamin, Deborah Biancuzzo, Diane Bunk, Andrea Fagan, Angela Freeman, Mary Ellen Fuller, Sheila Greene, Michael Hillman, Donald Horan, Nancy Houle, Danielle Keesler, Ruth Neely, Wendy Schoonover, Sharon Wallace, and Karen White.

Court Facilities and County Space Needs Committee Chairman David Pullen read a statement regarding the Court Facilities Capital Plan:

*"Later today we are going to vote upon Resolution Intro. No. 140-08. If adopted, this resolution will approve the proposed Allegany County Court Facilities Capital Plan. The "Plan" is in the form of a letter that will be sent to the Office of Court Administration. It is approximately four and one-half pages long. It does not deal with any proposed renovations to the County Office Building, and does not authorize any spending or borrowing. It does not*

award any contracts. It is simply the Plan developed by the Court Facilities and County Space Needs Committee to submit to OCA for review and approval; nothing more; nothing less.

It has taken Allegany County a long time to get to this point. I would like to give a short historical review of the events that brought us to the point where we can consider this resolution. In 1987, the State Legislature adopted a law known as the New York State Court Facilities Capital Plan Act. This law required every county and city to prepare and implement a "Court Facilities Capital Plan." Each community was given two (2) years to complete its study, adopt its plan, and forward that plan to the Office of Court Administration. It is now 2008, and we still do not have a plan. We are twenty years overdue on sending a plan to OCA for consideration and approval. We have been warned repeatedly that we could face sanctions if we do not come into compliance with this law. Over the past twenty years, every other county, and most cities, in the state have developed their own plans and submitted them to OCA. Most of the other counties and cities have built facilities that will bring them into compliance. We are the only county in the state that has not done so.

For the past two years, Allegany County has been working on its own "Court Facilities Capital Plan." A new committee was established to deal with this mandate, as well as other space needs facing Allegany County. I was appointed to chair that committee. We have considered other issues, but our primary focus has been on the Court facilities. After considering various options, our committee settled upon a plan that calls for renovation of the existing Courthouse and construction of a three-story addition behind the existing Courthouse. The details are contained in the plan that is attached to the resolution.

The Court Facilities and County Space Needs Committee unanimously adopted this Court Facilities Capital Plan. It represents the culmination of almost two years of work. Numerous designs and plans were considered, rejected, and reconsidered. The current design contained in the proposed Court Facilities Capital Plan incorporates numerous changes and compromises. I would like to emphasize some themes that our committee focused on as it developed this Capital Plan.

The first theme involves expense. Our committee sought to keep the cost of this Capital Plan as low as possible. I believe we succeeded. The total cost for the renovation of the Courthouse and construction of the addition is less than \$15 million. That number includes a contingency allowance of almost 25 percent. This projected cost is less than any other proposals given to us by our architects. The lower cost is the result of using the existing Courthouse and facilities wherever possible. The proposed Court facilities are significantly smaller than official OCA requirements. We sought and obtained several waivers and exemptions. The use of existing facilities should also reduce disruption and the expense involved in moving various offices and personnel during the construction phase.

A second theme involves flexibility. Other counties have designed and constructed facilities only to find that they were too small or unsuited for current requirements. To avoid that problem, we incorporated several thousand square feet of "shell space." This is enclosed but unassigned space within the new building. Every other county we spoke to

*strongly recommended such an approach. Shell space saves us money now compared to building finished space. It also saves money in the future when it can be finished for a fraction of the cost of building from scratch. This approach reduces current cost while giving maximum flexibility to meet future needs.*

*A third theme involves aesthetics, or appearances. The existing facilities are frequently complimented and appreciated. Many judges and attorneys, as well as others, urged us to preserve our beautiful "classic Courthouse." We have managed to do so, and to save money in the process. In that process, we have made the existing Courthouse fully handicapped accessible, and have increased its functionality.*

*I will close by referring to something else that we learned as we studied and worked on this Capital Plan. There is no question that capital projects are expensive. However, there is also no question that construction costs increase faster than most other costs in our economy. Some may point to facilities built by other counties for significantly less than the projected cost of our Capital Plan. However, when you factor in the increases due to inflation, the costs for our project are comparable or cheaper than most of those other projects. Whether right or wrong, our County chose not to approve a capital plan until now. By waiting we have incurred increased costs. The only guarantee that I can give is that the costs will continue to increase. It will never be cheaper to build a new Courthouse than now.*

*If Resolution Intro. No. 140-08 is approved, the Allegany County Court Facilities Capital Plan will be sent to OCA. That agency will review it. There is no guarantee that they will approve it as submitted, though I am optimistic that they will do so. Once this plan, or some variation of it, is approved, this Board will have to make decisions regarding financing, contracts, timetable, and numerous other issues. However, those decisions must wait for another day. Today the only issue is whether we approve this resolution and adopt a proposed Court Facilities Capital Plan.*

*None of us wanted to build new Court facilities at this time. That responsibility was pushed onto us by the actions (or inactions) of our predecessors, and by OCA. Now that we are faced with this reality, we need to act responsibly. I believe the most responsible action we can take is to approve the Court Facilities Capital Plan that is before us today. I strongly encourage each of you to vote yes on this resolution."*

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

1. Placed on each legislator's desk for review was a copy of the minutes of the July 28, 2008 meeting of the Committee of the Whole.
2. Also placed on each legislator's desk was a copy of the Report of Intrafund Transfers approved by the County Administrator for July 2008.
3. A notice was received for the next Inter-County Association meeting to be hosted by Wayne County on August 15, 2008.

4. A reminder was announced for the annual Allegany County Planning Board picnic to be held at the Crossroads Conference Center on August 20.

5. Correspondence and a resolution were received from the Allegany County Pomona Grange #45 opposing any ban by the Department of Environmental Conservation on open burning for the citizens of New York State.

6. Correspondence was received from the following expressing support for accepting the New York State Public Safety Interoperable Communications (PSIC) grant in the amount of \$1,700,475.96:

Jeff Luckey, Chairman of the Allegany County Fire Advisory Board  
William Zacher, Supervisor of the Town of Friendship  
Peter Hotchkiss, President of the Rushford Volunteer Fire Department  
Peter Liebig, Team Leader of the Allegany County Fire Investigation Team  
Tamara Burdick, Secretary for the Allegany County D-4 –  
Alfred, Alfred Station, Almond, Andover  
Tamara Burdick, EMS Assistant Chief for the A.E. Crandall Hook and Ladder

#### **APPOINTMENTS:**

Chairman Crandall reappointed Karl D. Kruger of Friendship, NY to the **CHAUTAQUA, CATTARAUGUS, ALLEGANY AND STEUBEN SOUTHERN TIER EXTENSION RAILROAD AUTHORITY** for a three-year term commencing August 28, 2008 and expiring August 27, 2011, subject to confirmation by the Board of Legislators.

Chairman Crandall appointed Gretchen T. Gary of Belfast, NY to fill the unexpired term of Joseph Orosz as the County Representative member to the **RESOURCE CONSERVATION AND DEVELOPMENT BOARD**, effective immediately, to serve at his pleasure.

Chairman Crandall appointed the following as members of the **COMPREHENSIVE PLAN IMPLEMENTATION GROUP**, effective immediately, to serve at his pleasure:

Charles Jessup, Alfred Station  
Frederick Sinclair, Scio  
Edward Eicher, Wellsville  
Lee Gridley, Wellsville  
Theodore L. Hopkins, Fillmore  
Ronald Stuck, Friendship

#### **PROCLAMATION:**

Chairman Crandall proclaimed August 2008 as Child Support Month in Allegany County in recognition of the child support professionals who are committed and passionate about ensuring that children receive all the support to which they are entitled, as this can have an immeasurable impact on all aspects of a child's being, with permanent and lifelong effects.

**RESOLUTIONS:**

**RESOLUTION NO. 137-08**

**RESOLUTION APPROVING THE  
ALLEGANY COUNTY COURT FACILITIES CAPITAL PLAN**

Offered by: Court Facilities and County Space Needs Committee

**RESOLVED:**

1. That the Allegany County Court Facilities Capital Plan is approved.

Moved by: Mr. Pullen

Adopted: Roll Call

Seconded by: Mr. Hall

9 Ayes, 6 Noes, 0 Absent

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

*(Memo: The Allegany County Court Facilities Capital Plan approved by Resolution No. 137-08 complies with the requirements set forth in the 1987 New York State Court Facilities Capital Plan Act. The Allegany County Plan calls for the construction of an addition to the back of the existing Courthouse and renovations on the first and second floor of the Courthouse. Fiscal impact for Court-related construction and renovation is approximately \$13.787 million. The entire project proposed by the Court Facilities and County Space Needs Committee also includes the complete renovation of the former County Jail on the third floor of the County Office Building, as well as other Office Building renovations, for an estimated additional \$4.897 million.)*

Comments made regarding Resolution No. 137-08:

Legislator Kruger recognized the substantial efforts of the Court Facilities and County Space Needs Committee on their work on the Court Facilities Capital Plan; however, he would not support the resolution. He read the following prepared statement:

*“This vote today is very premature. There are still too many questions left, not only unanswered, but not even seriously discussed. Some of these unanswered questions will increase the cost of this Court project dramatically, and I mean by many millions of dollars. To support this resolution now is an implied confirmation to the State and OCA that you will vote to fund this state project with local tax dollars at a later date. I have provided a copy of the tax rates for the towns in this County. I hope you all took time to review them and consider the burden that will be added to not only our elderly and working poor, but to our business-owners as well. I hope you have not forgotten the letters we received from some of our largest employers requesting that we not add the burden of a new Courthouse to their cost of doing business in Allegany County.*

*There are also political reasons for not supporting this resolution. Ten of our predecessors are not here today because they did not remember which master they serve. They folded in to the State’s whims and built a new jail that was neither mandated, nor*

*needed. Let the State mandate this project, then impose sanctions on us. This will put the political fire right where it belongs – on the feet of those state representatives that either impose this nonsense or sit idly by and allow it to happen.*

*Last Monday evening, I was watching C-Span. A man named Walter Williams, a syndicated columnist from Valley Forge, Pennsylvania, was giving a lecture to some college students about democracy. Some of his comments hit home with me. He claimed our founding fathers intended for us to have a republic. When we pledge allegiance to the flag we say, “and to the republic for which it stands.” He said our founding fathers were scared to death of democracy because majority rules no matter what. They knew that people could be pressured into voting for anything. He gave an example of why majority rule is not always best: a group of guys holds a vote to do a gang-rape, and it turns out the majority vote yes. It is still very wrong to do.*

*In my mind this vote calls for the answer to two questions from each one of us today: (1) Do you want to be on the affirmative side of a vote that symbolically commits gang-rape on the elderly, working poor, and business-owner taxpayers of Allegany County? (2) Which master do you serve – the ones that elected you to your seat, or the ones in Albany?”*

Legislator Ungermann made note of all the time and work that went into the Capital Plan, and also that he spent a lot of time investigating the issue. He read the following prepared statement:

*“First I would like to express my concerns about the accuracy of Ciminelli’s estimates and not having everything included. Ciminelli was the construction manager for the new jail. They came back to Allegany County and received over \$150,000 extra money because they underestimated their time on the project. At one of the very first meetings I attended as a County Legislator on the Public Works Committee, they were back again asking for \$60,000 more, which they did not get. There was also a question about insulation being left out. A good construction manager would have caught that before construction began and probably have thrown that bid out because it was not included. We very well could have not had the low bid for that portion of the project.*

*I also express my concerns that everything be included up front as much as possible. After all, we built a \$24 million jail with no water running to it. It was only when the jail was ready that we hurriedly contracted for that to be done.*

*When Mr. Pullen didn’t like the idea of the Court floors not lining up in the proposed addition, he asked that the ground floor be lowered 18 inches, creating a problem with the Sally port entrance and the walk through entrance being below grade. That results in most of the rear parking lot having to be removed and replaced. Only 1,400 square yards of blacktop repair is called for in the estimate. I think you’re about \$100,000 short to correct this problem.*

*I also noticed that only \$160 is allowed for a judge’s chair . . . the chairs we’re sitting in right now probably cost that much 32 years ago! If you’re satisfied with Ciminelli’s estimates, apply these figures to the old jail space for Court facilities and you come up with a \$1.7*

*million project; add a couple hundred thousand for a roof over the exercise area and the total cost would be \$2 million, with no parking loss.*

*On April 7, 2008, Ed Rodman said he could use the old jail space if told to do so when questioned by Judge Nanno. Who does this Legislature represent . . . the State of New York or the Allegany County taxpayers? New York State, according to NYSAC, is 79 percent above the national average for property taxes. Governor Paterson has called the State Legislature back into session to deal with a \$1 billion deficit since April. Allegany County is at 91 percent of its constitutional taxing limit, and we want to spend \$20 million or more on a Courthouse, with no money in reserves?*

*Dozens of our citizens came to the public hearing regarding a ban on open burning last Thursday night and said that they are regulated and taxed to death. They told the DEC that they were driving us out of the state, and again, we want to spend \$20 million on a Courthouse?*

*The average per capita income for Allegany County is less than \$15,000, with a family of four at \$32,000, and chances are, with no health insurance. Judge Pfau and Judge Townsend, as well as Andrew Isenberg, Bill Clark, Ron Younkens, and Ed Rodman's average salary with benefits is \$183,000 per year. Is it any wonder why Mr. Isenberg doesn't care what this project costs? Ten or fifteen thousand in property taxes is nothing to him. These people are asking us to ante up so they can bask in the glory of their jobs. Are we nothing more than lowly serfs to them?*

*The people I represent are the Vietnam vet in a wheel chair and one of my high school classmates who lost his home because he couldn't pay his taxes. I represent the dozens of hardworking people that came here last Thursday night to air their views.*

*Many of us won't be around for 25 more years to see this or the new jail paid for. I'll be 90 by that time. This is going to be your legacy. Do you want to further drive property values down and people from their homes and the state? How about your kids and grandkids – do you want them to leave, too?*

*We've been awarded \$1.7 million to update our emergency communication system with the local share being \$441,000. What is more important – something that will benefit everyone, or a Court system that will benefit only 15 to 20 percent of the population?"*

*Legislator Reynolds commented that none of the legislators want to have to spend that money. He also noted that one of Mr. Kruger's comments about the number of legislators left is not true because five of the previous legislators didn't even run again.*

*Legislator McCormick spoke with people in Andover and Wellsville, and he did not receive a positive feedback. If the legislature didn't pass this resolution, it would put the burden back on the OCA, our state representatives, and Governor Paterson. Mr. McCormick asked for a "no" vote on behalf of the taxpayers.*

Legislator Pullen stated that he had no doubts that the County will face sanctions from the state if the Capital Plan resolution is voted down. Other municipalities have been sanctioned in the past, so the state has proven they are willing and able to do it. The only thing accomplished by delaying this long was increased costs. This Board will be able to reduce other costs as much as possible and maintain a tax level that we can handle. If we face sanctions in the form of withheld state aid, the impact will be double-digit tax increases much greater than we've had in the past. Mediation prior to the sanction will be simply discussion between involved parties, not arbitration. Every time in the past when sanctions have been imposed, mediation did not result in waivers; they did not have authority to do that. Allegany County has already received written notification that we are on the verge of being sanctioned. Mr. Pullen was told the only thing the official sanction letter is lacking is a date.

Legislator Burdick noted his reason for non-support is that although he understands we have to address the Court facilities, he disagrees on spending \$5 million for County Office Building renovations on top of the Court-related expenses.

Legislator O'Grady commented that he would support this resolution, because he will feel more comfortable to vote down funding later if there is a plan in place when the state's sanction is imposed.

Legislator Reynolds stated that supporting the resolution was the responsible thing to do. Trying to rebuke the OCA might make those in non-support sound like heroes, but these actions will be detrimental to the taxpayers. Legislator Kruger responded that he hasn't forgotten the people who put him here to do a job, and if this resolution came before the taxpayers, it wouldn't pass. He's going to represent their wishes, in spite of sanctions. Legislator McCormick also commented that he was representing the taxpayers, and he has problems with the project. The financial hurdle is huge.

## **RESOLUTION NO. 138-08**

### **AMENDMENT OF RESOLUTION NO. 192-89 TO INCREASE AMOUNT OF COUNTY OFFICE FOR THE AGING'S PETTY CASH FUND FROM \$75 TO \$200**

Offered by: Human Services and Ways and Means Committee

#### **RESOLVED:**

1. That Section 1. of Resolution No. 192-89 is amended to read as follows:

1. There is hereby established a revolving petty cash fund for the County Office for the Aging at its office in Belmont, New York, in the amount of \$200, to be used for those purposes authorized by Section 371 of the County Law.

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

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

**RESOLUTION NO. 139-08**

**ACCEPTING AND APPROPRIATING ADDITIONAL FEDERAL AND STATE FUNDING  
TO OFFICE FOR THE AGING ACCOUNTS**

Offered by: Human Services and Ways and Means Committees

**RESOLVED:**

1. That the sum of \$62,456 of additional federal and state funding to Office for the Aging Appropriation and Revenue Accounts is accepted.
2. That the accepted sum of \$62,456 is appropriated as follows:

<u>Appropriation Accounts</u>	<u>Amount</u>
A6773.4	\$ 716
A6776.4	4,527
A6777.4	4,500
A6778.4	2,133
A6779.4	43,676
A6781.4	649
A6786.4	<u>6,255</u>
Total	\$62,456

<u>Revenue Accounts</u>	<u>Amount</u>
A09.2801.40	\$ 4,500
A10.3772.00	2,133
A10.3772.01	43,676
A10.3772.03	4,527
A11.4772.01	716
A11.4772.05	649
A11.4772.10	<u>6,255</u>
Total	\$62,456

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

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

**RESOLUTION INTRO. NO. 143-08 (ACCEPTANCE OF GRANT FUNDS FROM NEW YORK STATE UNDER THE FY07 PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS (PSIC) GRANT PROGRAM CONTINGENT ON IDENTIFYING A SOURCE OF LOCAL COUNTY SHARE)** was **TABLED** following a motion made by Legislator Dibble, seconded by Legislator Fanton and carried.

**RESOLUTION NO. 140-08**

**ACCEPTANCE OF UNITED WAY PAYROLL DEDUCTIONS FROM  
STEVE BROWN, TIM DUNHAM, AND RANDY HARMS;  
APPROPRIATION OF FUNDS TO EMERGENCY SERVICES  
CONTRACTUAL EXPENSES ACCOUNT**

Offered by: Public Safety and Ways and Means Committees

**RESOLVED:**

1. That the sum of \$208 of United Way payroll deductions from Steve Brown, Tim Dunham, and Randy Harms is accepted.
2. That the accepted sum of \$208 is appropriated to Account No. A3640.422 (Emergency Services - Gas & Oil), 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. 141-08**

**APPROVING AGREEMENTS BETWEEN COUNTY OF ALLEGANY, ACTING BY AND  
THROUGH ITS OFFICE FOR THE AGING, AND PRESTIGE SERVICES, INC.  
FOR HOME-DELIVERED MEAL PROGRAM FOR CALENDAR YEARS 2009 AND 2010;  
AUTHORIZING EXECUTION OF AGREEMENTS**

Offered by: Human Services and Ways and Means Committees

**RESOLVED:**

1. That Agreements for the preparation of home-delivered meals for calendar years 2009 and 2010, dated August 1, 2008, between the County of Allegany, acting by and through its Office for the Aging, and Prestige Services, Inc., are approved.
2. That the Director of the Office for the Aging is authorized to execute the Agreements.

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

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

*(Memo: The agreements approved by Resolution No. 141-08 include provision of meals for 2009 at \$3.58 per meal, and for 2010 at \$3.72 per meal. The fiscal impact for 2009 is an increase of \$24,070.)*

Resolution Intro. No. 146-08 (Approval of License Agreement with the New York State Office for Technology's Contractor, M/A-Com, Inc., a Florida Corporation, for Construction of a New Self-Supporting Radio Tower) was not pre-filed and was considered from the floor on a motion made by Legislator Dibble, seconded by Legislator Reynolds and carried.

## **RESOLUTION NO. 142-08**

### **APPROVAL OF LICENSE AGREEMENT WITH THE NEW YORK STATE OFFICE FOR TECHNOLOGY'S CONTRACTOR, M/A-COM, INC., A FLORIDA CORPORATION, FOR CONSTRUCTION OF A NEW SELF-SUPPORTING RADIO TOWER**

Offered by: Public Safety Committee

**WHEREAS**, the Corbin Hill Tower Site is owned by the County of Allegany, and

**WHEREAS**, the New York State Office for Technology's Contractor, M/A-COM, Inc. is requesting a license agreement for access and use of the County-owned Corbin Hill Tower Site, and

**WHEREAS**, this license agreement will allow construction of a new 300 foot self-supporting radio tower at no cost to the County, and will be part of the new State-wide Wireless Network communications system, now, therefore, be it

#### **RESOLVED:**

1. That the license agreement with the New York State Office for Technology's Contractor, M/A-COM, Inc. for the construction of a new 300 foot self-supporting radio tower, is approved.

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

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

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

Comments made regarding Resolution No. 142-08 included:

Office of Emergency Services Director John Tucker explained that the Statewide Wireless Network (SWN) involves installation of public safety radio communications towers at the state's expense, with no local cost. Chautauqua County has had theirs installed, and they are currently being tested. The installation in Allegany County will be constructed on the Corbin Hill site, and the County would have access to the new tower for our equipment. Allegany County will be a gateway link, using our own equipment, but communication would be greatly enhanced. Legislator O'Grady questioned that if they build the tower and we put our equipment on it, are we obligated to switch over to the 800 megahertz system? Mr.

Tucker responded that we signed on as a gateway to access the state system with our equipment. We will be incorporating our equipment. Chautauqua County originally was going to switch, but decided not to. They had three towers built. In Allegany County, the SWN is looking at the Corbin Hill site and another site in the Town of Grove. Legislator Ungermann questioned if any equipment would be placed on private towers. Mr. Tucker noted that the SWN was first looking at towers owned by the state, then at current towers, and third, to build new towers. This agreement only allows access to the site.

#### **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 Pullen and adopted on a roll call vote of 15 Ayes, 0 Noes, 0 Absent, that the audit of claims, totaling \$4,125,084.41, including prepaid expenses, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$5,488,735.*)

**ADJOURNMENT:** The meeting was adjourned at 3:00 p.m. on a motion made by Legislator Reynolds, seconded by Legislator Hall and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION  
AUGUST 25, 2008**

**\*\* APPROVED \*\***

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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. The American Legion Color Guard led in the Pledge of Allegiance to the Flag. The Invocation was given by Legislator Pullen.

**ROLL CALL:** 15 Present; 0 Absent.

**APPROVAL OF MINUTES:**

The Committee of the Whole meeting minutes of July 28, 2008 were approved on a motion made by Legislator Reynolds, seconded by Legislator Dibble and carried.

The Board meeting minutes of August 11, 2008 were approved on a motion made by Legislator Dibble, seconded by Legislator Reynolds and carried.

**PRIVILEGE OF THE FLOOR:**

Chairman Crandall took the floor to present a Certificate of Recognition to Cariad (Cary) Chester from Alfred, who was selected as one of the two 2008 New York State Boys State delegates to Boys Nation, a program sponsored by the American Legion. Walt Lindsley, American Legion's representative in Allegany County, and an American Legion Color Guard were present to honor Cary. Mr. Crandall stated that Mr. Chester's selection for Boys Nation is a big honor for him, as well as for Allegany County. Cary is a student at Alfred-Almond Central School, and was one of two delegates, or "Senators," chosen from the 990 New York State Boys State participants to attend Boys Nation, which included 98 representatives from throughout the United States. Selection was based on leadership skills, academic record, and activity at Boys State. The program introduces participants to the structure and function of the federal government, while combining lectures and forums with visitations to federal agencies, institutions, memorials, and historical spots in and around Washington, DC.

American Legion representative Walt Lindsley spoke briefly about the Boys State program, for which he has volunteered as a counselor every year since his retirement. Allegany County sends between 15 and 22 boys each year, and they are great young men who attend. He felt honored that Cary was selected for Boys Nation. The American Legion doesn't have a finer program than Boys State.

Cary Chester thanked the Board for the honor, and noted that the Legionnaires deserve credit for the Boys State program. He had a wonderful time, and was amazed when he found out he had been chosen for Boys Nation. Cary met President Bush and Senator

John Kerry, had the opportunity to speak with Senator Hillary Rodham Clinton, and met a lot of great kids. While at Boys Nation, participants worked on legislation. Everyone brought a bill with them, and they spent five to six hours a day debating them in mock session. Some bills were actually looked at by the President and Senators. Cary stated that he could speak for hours on his experiences with this great program.

Chairman Crandall granted privilege of the floor to Gretchen Gary, Soil and Water Conservation District Executive Director, to recognize three Allegany County farmers who will be receiving Agricultural Environmental Management (AEM) awards for outstanding stewardship and commitment to soil and water conservation. The farms include: Bainbridge Family Farm in West Almond, operated by Mark and Jackie Bainbridge; Hark Farm in Dalton, operated by Vance and Tammy Hark; and Hillcrest Homestead Farm in Rushford, operated by Aaron and Catherine Brooks. AEM is a voluntary, incentive-based program that helps farmers operate environmentally sound and economically viable businesses. There are presently 93 Allegany County farms participating. The three farms receiving awards in 2008 were selected for excellent environmental conservation practices, and will be given road signs to show their high level of commitment to protect our environment.

Chairman Crandall also granted privilege of the floor to Robert P. Christian, Executive Director for the Allegany County Area Foundation, who thanked the Board for their support. The Foundation is proudly celebrating its 25<sup>th</sup> anniversary this year. Assets of the Foundation have grown to nearly \$7 million, all coming from Allegany County people. In this current year, the number of scholarships awarded to young people will total 147, amounting to nearly \$250,000; and grants totaling nearly \$18,000 were given to local not-for-profit agencies. Although the organization is growing, alive, and well, they have had to turn down 80 student scholarship applications, and they are receiving more applications for grants than they will be able to meet this year. Mr. Christian requested continued support for Foundation activities, particularly their annual Recognition Banquet. He encouraged attendance, gifts of support, and sharing with constituents that the foundation is here to help the County to grow.

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

1. The County Treasurer filed a Certificate of Withdrawal of Delinquent Tax Lien in the Clerk of the Board's Office pursuant to Article 11 of the Real Property Tax Law of the State of New York for property in the Town of Scio on August 22, 2008.
2. Correspondence was received from the Whitesville Fire Department requesting that the Board of Legislators vote in favor of accepting the NYS Public Safety Interoperable Communications Grant in the amount of \$1,700,475.96.
3. Noted as received was the NYS Department of Environmental Conservation Fact Sheet dated August 2008 entitled, Cleanup to Begin at the Cuba Landfill Site.
4. A reminder was announced that there will be a Public Officials Conference tonight (August 25) at 5:30 p.m. at the Amity Rescue Squad, and a working buffet dinner will be provided.



## **APPOINTMENTS:**

The Clerk of the Board announced that Chairman Crandall has reappointed Thomas Parmenter of Fillmore, NY, and Rodney K. Bennett of Dalton, NY, as Landowner Representative Members of the **REGION 9 FOREST PRACTICE BOARD**, for a term of three years, commencing September 9, 2008, and expiring September 8, 2011, subject to confirmation by the Board of Legislators.

## **PROCLAMATIONS:**

Chairman Crandall proclaimed the week of August 24, 2008, as Agricultural Environmental Management Week in recognition of the important role of our farm community in Allegany County, and urged all citizens to support the conservation efforts of our local farmers.

Chairman Crandall proclaimed September 2008 as Allegany County Area Foundation Month to recognize the importance of support for educational, social, cultural, and civic projects in our communities, and encouraged the public to support the Foundation and its programs.

## **INTRODUCTION OF LEGISLATION:**

Legislator Brent Reynolds introduced Local Law Intro. No. 3-2008, Print No. 1, entitled "A Local Law to Allow Cold War Veterans a Limited County Tax Exemption Pursuant to Section 458-b of the Real Property Tax Law," a copy of said proposed Local Law having been placed on each legislator's desk.

## **RESOLUTIONS:**

A motion was made by Legislator Dibble, seconded by Legislator Reynolds and carried to remove from the table Resolution Intro. No. 143-08 (Acceptance of Grant Funds from New York State under the FY07 Public Safety Interoperable Communications [PSIC] Grant Program Contingent on Identifying a Source of Local County Share). This resolution was originally tabled on August 11, 2008.

### **RESOLUTION NO. 143-08**

#### **ACCEPTANCE OF GRANT FUNDS FROM NEW YORK STATE UNDER THE FY07 PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS (PSIC) GRANT PROGRAM CONTINGENT ON IDENTIFYING A SOURCE OF LOCAL COUNTY SHARE**

Offered by: Public Safety and Ways and Means Committees

**WHEREAS**, the County of Allegany was awarded grant funds in the amount of \$1,700,475.96 under the FY07 Public Safety Interoperable Communications (PSIC) Grant Program, and

**WHEREAS**, funding for this grant is provided by the National Telecommunications and Information Administration (NTIA), in consultation with the Department of Homeland Security (DHS), and will require a non-federal cash or in-kind match of \$423,118.99, now, therefore, be it

**RESOLVED:**

1. That a grant in the amount of \$1,700,475.96 from New York State under the FY07 Public Safety Interoperable Communications (PSIC) Grant Program is accepted contingent on identifying a source for the \$423,118.99 local County share match.

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

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

*(Memo: Regarding Resolution No. 143-08, the referenced grant includes a project total of \$2,123,594.80.)*

Comments made regarding Resolution No. 143-08: Legislator Ungermann questioned if this resolution and the Statewide Wireless Network (SWN) project resolution approved on August 11 were two completely separate issues, or if they would ever be combined. Sheriff Tompkins replied that the SWN project has nothing to do with the grant or what the County will do with the grant; they are not related. Also of note is that the SWN project is severely over budget, and the technology is not working as anticipated, so its continuance is questionable.

Legislators O'Grady and McCormick commented that they would feel more comfortable voting in favor of accepting the grant if a source for the local share was already identified without further burdening the taxpayers. Legislator McCormick suggested tabling the resolution again until at least 50 percent of the local match was identified.

Legislator Kruger stated that the taxpayers will get something for this expenditure. He supported the resolution to alleviate some of the long-standing emergency communications problems.

Legislator Pullen commented that this grant program will allow the purchase of \$2.1 million worth of equipment to be used for the safety of the County. If it's voted down due to the lack of the local share match, we lose \$1.7 million that will not be found anywhere else. All the equipment has been identified as being needed, and supporting correspondence has been received from agencies that will benefit.

Legislator O'Grady noted that the equipment would be purchased through state bid, but questioned if the resolution should identify the bid process for installation costs, or if that would be done anyway through standard County practice. County Attorney Thomas Miner

advised that the hardware could be purchased from state bid without going to bid, and installation would have to be bid out.

## **RESOLUTION NO. 144-08**

### **RESOLUTION SETTING DATE OF PUBLIC HEARING ON A LOCAL LAW AUTHORIZING A LIMITED COUNTY TAX EXEMPTION FOR COLD WAR VETERANS**

Offered by: Personnel and Ways and Means Committees

**WHEREAS**, on this 25<sup>th</sup> day of August, 2008, a local law (Intro. No. 3-2008, Print No. 1) was introduced authorizing a limited County tax exemption for Cold War Veterans pursuant to Section 458-b of the New York State Real Property Tax Law, and

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

#### **RESOLVED:**

1. That a public hearing shall be held on September 8, 2008 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. 3-2008, 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 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. Hall  
Seconded by: Mr. Russo

Adopted: Voice Vote

Comments made regarding Resolution No. 144-08: Legislator Ungermann stated that he had no problem with setting a date for a public hearing, but reminded everyone that this would be tax exemption number 83 for the County, and somebody else will have to pay for this exemption. The Cold War Veterans exemption will be for virtually everyone who served in the military. Legislator Reynolds responded that he appreciated the comment, but if it weren't for veterans, we wouldn't have to worry about resolutions at all; they gave us our freedoms.

**RESOLUTION NO. 145-08**

**RESOLUTION IN SUPPORT OF THE ADOPTION OF  
ASSEMBLY BILL A10037A AND SENATE BILL S3619-A  
PROVIDING EXPANDED COVERAGE FOR BENEFITS AVAILABLE TO  
VOLUNTEER FIREMEN AND VOLUNTEER AMBULANCE WORKERS**

Offered by: Public Safety and Ways and Means Committees

**WHEREAS**, there is currently pending before the New York State Assembly and the New York State Senate proposed legislation denominated Assembly Bill number A10037A and Senate Bill number S3619-A, and

**WHEREAS**, the purpose of this law is to expand the scope of coverage for benefits available to a volunteer firefighter and volunteer ambulance worker when rendering medical assistance while off duty or outside his or her jurisdiction or area of responsibility, and

**WHEREAS**, the legislation is designed to provide “good Samaritan” coverage to volunteer firefighters and ambulance workers when rendering medical assistance and thereby encourage the provision of emergency medical services by trained medical personnel, and

**WHEREAS**, it is deemed to be in the best interests of the residents of Allegany County to eliminate current disincentives to the provision of such medical assistance, and

**WHEREAS**, this Board is mindful of the selfless acts of its volunteer firefighters and EMS workers and supports legislation that recognizes such service while better defining the scope of coverage for benefits available under the Volunteer Firefighters’ Benefits Law and Volunteer Ambulance Workers’ Law, now, therefore, be it

**RESOLVED:**

1. That the Allegany County Board of Legislators hereby urges the New York State Assembly and New York State Senate to pass the legislation known as Assembly Bill A10037A and Senate Bill S3619-A.
2. That certified copies of this resolution shall be forwarded to Senator Catharine M. Young and members of the Assembly Daniel J. Burling and Joseph M. Giglio.

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

Adopted: Voice Vote

**RESOLUTION NO. 146-08**

**RESOLUTION IN SUPPORT OF THE ADOPTION OF  
ASSEMBLY BILL A00514 AND SENATE BILL S7647  
PROVIDING A SPECIAL UNIT WITHIN THE WORKERS' COMPENSATION BOARD  
TO ASSIST INJURED VOLUNTEER FIREFIGHTERS, SURVIVING SPOUSES,  
AND BENEFICIARIES**

Offered by: Public Safety and Ways and Means Committees

**WHEREAS**, there is currently pending before the New York State Assembly and the New York State Senate proposed legislation denominated Assembly Bill number A00514 and Senate Bill number S7647, and

**WHEREAS**, the purpose of this law is to create a special unit within the Workers' Compensation Board that will assist injured volunteer firefighters, surviving spouses, and other beneficiaries through the claims process, and

**WHEREAS**, this Board is mindful of the difficulties faced by volunteer firefighters, surviving spouses, and beneficiaries in processing claims in a timely manner for benefits due to them, and

**WHEREAS**, this Board believes that it is in the best interests of the residents of Allegany County to encourage such critical services by insuring that our volunteer firefighters and their families receive special assistance when seeking benefits under the Volunteer Firefighters' Benefits Law and the Workers' Compensation Law, now therefore, be it

**RESOLVED:**

1. That the Allegany County Board of Legislators hereby urges the New York State Assembly and New York State Senate to pass the legislation known as Assembly Bill A00514 and Senate Bill S7647.

2. That certified copies of this resolution shall be forwarded to Senator Catharine M. Young and members of the Assembly Daniel J. Burling and Joseph M. Giglio.

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

Adopted: Voice Vote

**RESOLUTION NO. 147-08**

**CREATING ONE NEW PART-TIME POSITION OF E-911 ENUMERATOR**

Offered by: Personnel Committee

**RESOLVED:**

1. That one new part-time position of E-911 Enumerator is created.
2. That the new part-time position of E-911 Enumerator is placed in Section 4 (Non-Graded Salary Plan) at an hourly rate of \$10.00 per hour.
3. This resolution shall take effect on August 25, 2008.

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

Adopted: Roll Call  
12 Ayes, 3 Noes, 0 Absent  
Voting No: Hopkins, O'Grady, Pullen

*(Memo: The E-911 Enumerator position created by Resolution No. 147-08 will be part-time at 17.5 hours per week to work with the Allegany County numbering system.)*

**RESOLUTION NO. 148-08**

**TRANSFER OF FUNDS  
FROM RISK RETENTION CLAIMS APPROVED BY SUPREME COURT ACCOUNT  
TO RISK RETENTION PROFESSIONAL SERVICES ACCOUNT**

Offered by: Ways and Means Committee

**RESOLVED:**

1. That the sum of \$20,000 is transferred from Account No. CS1933.431 (Risk Retention, Claims Approved by Supreme Court) to Account No. CS1937.435 (Risk Retention, Professional Services).

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

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

**RESOLUTION NO. 149-08**

**APPROVAL OF LOCAL ENHANCED WIRELESS 911 GRANT PROGRAM  
AGREEMENT WITH NEW YORK STATE DEPARTMENT OF STATE;  
APPROPRIATION OF FUNDS TO ACCOUNTS TO BE DESIGNATED BY  
COUNTY TREASURER; AUTHORIZING CHAIRMAN TO EXECUTE AGREEMENT**

Offered by: Public Safety and Ways and Means Committees

**RESOLVED:**

1. That the Local Enhanced Wireless 911 Grant Program letter agreement between the New York State Department of State and the County of Allegany in the total amount of \$28,501 is approved.

2. That the Fire Coordinator is authorized to file claims on behalf of the County and funds received pursuant to this agreement shall be appropriated to accounts to be designated by the County Treasurer.

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

Moved by: Mr. Dibble

Seconded by: Mr. Reynolds

Adopted: Roll Call

15 Ayes, 0 Noes, 0 Absent

*(Memo: The funds appropriated per Resolution No. 149-08 are for reimbursement from the 2007-08 State Budget of certain costs associated with the provision of Wireless 911 services in Allegany County.)*

**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 \$3,091,595.25 including prepaid expenses, be approved for payment as recommended by the County Administrator. *(Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$5,835,607.)*

**ADJOURNMENT:** The meeting was adjourned at 2:55 p.m. on a motion made by Legislator Truax, seconded by Legislator Pullen and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION  
SEPTEMBER 8, 2008**

**\*\* APPROVED \*\***

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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, who then led in the 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 August 25, 2008 were approved on a motion made by Legislator Truax, seconded by Legislator Hall and carried.

**PUBLIC HEARING:**

Chairman Crandall closed the regular meeting to hold a public hearing on Local Law Intro. No. 3-2008, entitled "A Local Law to Allow Cold War Veterans a Limited County Tax Exemption Pursuant to Section 458-b of the Real Property Tax Law." 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 Cynthia Dutton, Cuba Circulating Library Director and Allegany County Library Directors Association member, who spoke about Library Card Sign-Up Month. Ms. Dutton was accompanied by Lana Meissner, Director of the Box of Books Library in Alfred, and Brian Hildreth, Director of the David A. Howe Public Library in Wellsville. They presented statistics on the value of services provided by libraries, and noted that they help to improve our lives. Libraries, of which there are seventeen in Allegany County, are even more important now than in the past, given our current, uncertain economic situation. September is recognized nationally as Library Card Sign-Up Month.

Chairman Crandall also granted privilege of the floor to Shawn D. Hogan, Mayor for the City of Hornell, who was invited to relate his city's experiences with the Office of Court Administration for the provision of adequate Court facilities. Mayor Hogan expressed the opinion that the Court facilities issue is the ultimate in unfunded mandates, even though OCA will point to the savings municipalities have experienced since the Unified Court System took over administration of municipal courts (they pay salaries for the Judges and Clerks). Hornell held off on complying with the Court Facilities Act for as long as they could (eight years), until the state was ready to withhold state aid or intercept sales tax (a significant amount for them -

\$1.5 million in today's dollars) if they didn't implement improvements according to handicap accessibility, security, and space guidelines. That loss would have had a very detrimental impact on their budget. As they were studying options to meet their needs, the Steuben Trust Bank headquarters on Seneca and Main Street became available. They were able to purchase the building, which had been newly renovated, for \$1.1 million. Renovations for the Courts, including an elevator, holding cells, and security, added another \$750,000 to the project, and they also had the opportunity to upgrade their police and fire departments. Hornell's project was completed in 2003. We are not the only ones under this gun. Corning is facing it now as well for space and accessibility issues. Mayor Hogan sympathized with the County in that our situation far exceeds what Hornell had to do and is more onerous for the taxpayers, but it just has to be dealt with.

In response to questions about what the OCA expected Hornell to spend, square footage, and fragmentation of operations between the three floors of their facility, Mayor Hogan noted that OCA gave them a list of deficiencies that they had to address, but did not set a dollar figure. They ended up with more space than was needed at the time, which allowed them to lease some of the space out. The Courts utilize between 7,500 and 9,000 square feet with some common areas. Mayor Hogan commented that OCA always seems to want more space, and now they want more improvements.

When asked whether he felt that OCA is serious about sanctions, Mayor Hogan responded that a sanction, in the form of withholding state aid, is the only thing OCA has to get municipalities to comply. The state law upholds OCA. He complained that Hornell needed help, but there was no help forthcoming. The OCA only subsidizes the interest. Mayor Hogan stated that he wasn't in a position to call their bluff, and he feels that OCA will follow through with their threats.

Mayor Hogan was questioned on a comment about sales tax revenue driving Hornell's budget, and asked if he felt that changing the tax rate would change their retail situation. Their rate is currently lower than Allegany County's. Mayor Hogan noted that the economy is in the doldrums nationwide, and rural areas are at the tail end of cyclical situations. It's a double-edged sword to rely too heavily on sales tax revenue. There are three sources of revenue: sales tax, property taxes, and state aid. He realizes that state aid will be affected in the new state budget, but Hornell just broke ground for a new Lowes store, so they shouldn't see a dramatic drop in revenues.

Mayor Hogan commented that he doesn't have any opinions on how Allegany County addresses the Court facilities issue, but we will have to. No one likes unfunded mandates, but they are a fact of life in New York.

#### **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 in August 2008.

2. Also placed on each legislator's desk was a copy of the Report of Intrafund Transfers approved by the County Administrator in August 2008.

3. Noted as received was a letter from the InterCounty Association of Western New York to the Governor regarding proposed cuts to the New York State budget.

4. Correspondence was received regarding a supplement to the application of the Village of Arcade and Noble Allegany Windpark, LLC, for a Certificate of Environmental Compatibility and Public Need for the Construction and Operation of the Centerville Yorkshire 115kV Transmission Line Pursuant to Article VII of the Public Service Law.

5. A notice was received for the next meeting of the Allegany County Transportation Task Force on September 11, from 10 a.m. to 1 p.m., at the Crossroads Conference Center.

6. A notice was received for the Readers Theater to be held on September 13, at 7 p.m., at Houghton College to celebrate the history of Oramel, Caneadea, and Houghton.

#### **PROCLAMATION:**

Chairman Crandall proclaimed September 2008 as Library Card Sign-Up Month in Allegany County in recognition of the many valuable services that our libraries provide to help improve the lives of County citizens, and encouraged everyone to sign up for the "smartest" card.

#### **RESOLUTIONS:**

**RESOLUTION INTRO. NO. 153-08 (ADOPTION OF LOCAL LAW INTRO. NO. 3-2008, PRINT NO. 1, IN RELATION TO A LOCAL LAW TO ALLOW COLD WAR VETERANS A LIMITED COUNTY TAX EXEMPTION PURSUANT TO SECTION 458-B OF THE REAL PROPERTY TAX LAW)** was **TABLED** following a motion made by Legislator Ungermann, seconded by Legislator Kruger and carried on a roll call vote of 8 Ayes, 7 Noes, 0 Absent (Voting No: Burdick, Crandall, Dibble, Fanton, Hall, Reynolds, Russo).

Prior to tabling Resolution Intro. No. 153-08, Legislator Ungermann commented that his previous information about the proposed real property tax exemption being number 83 was incorrect. It would be number 91. A recent NYSAC Newsletter addressed a new Real Property Tax Law Section 495 to take effect for 2009 tentative budgets that requires all taxing jurisdictions to file an exemption report with their tentative budgets beginning this year. The report is required to show how much of the tax roll is exempt from taxation; every type of exemption and the cumulative impact of each on the tax roll; the cumulative amount expected to be received from recipients of each type of exemption as payments in lieu of taxes; and the cumulative impact of all exemptions granted. Mr. Ungermann had no objection to helping our veterans, but someone else has to pick up the difference. Mr. Ungermann suggested tabling the resolution until a review of the current exemptions takes place, and noted that the issue of exemptions may be a place to begin making budget cuts.



## RESOLUTION NO. 150-08

### RESOLUTION URGING THE GOVERNOR AND STATE LEGISLATURE TO REMOVE COUNTIES FROM THE FISCAL AND PROGRAMMATIC RESPONSIBILITY OF THE PRESCHOOL SPECIAL EDUCATION PROGRAM

Offered by: Human Services and Ways and Means Committees

**WHEREAS**, Chapter 23 of the Laws of 1989 established the Preschool Program for Children with Handicapping Conditions Educational Program as 4410 of the Education Law, and

**WHEREAS**, this law included a provision to reduce the county fiscal liability to 25 percent by the 1993-94 school year, and

**WHEREAS**, succeeding statutes, beginning with the Deficit Reduction Act of 1990, have reneged on state statutory assurances of increased state fiscal participation in the program and the state has consistently resorted to balancing the State Budget by decreasing the state's portion of the program costs, and

**WHEREAS**, this mandated program has grown exponentially in costs, from \$96 million in 1989 to over \$1 billion in 2006-07, of which the county share was \$450 million, and

**WHEREAS**, the federal and state law places responsibility for the program with the educational system and gives decision-making authority to school districts, and

**WHEREAS**, the financial burden for programmatic decisions falls on counties rather than on school districts, and

**WHEREAS**, the Governor and State Legislature last year recognized the need to reform the Preschool Special Education Program and established the Temporary Task Force on Preschool Special Education to make recommendations for the same, and

**WHEREAS**, the Temporary Task Force on Preschool Special Education, in its final report, recommended that county fiscal participation be capped and county programmatic and administrative involvement be eliminated by 2013, and

**WHEREAS**, the 2008-09 Executive Budget proposes to limit the growth of county expenditures for the preschool special education program at 4 percent the first year, 3.5 percent the second year and 3 percent the third year and every year thereafter, and

**WHEREAS**, this proposal imposes a new financial requirement on school districts by requiring them to take over the state responsibility to reimburse counties 59.5 percent of the costs of Committee on Preschool Special Education (CPSE) administration and evaluations, and

**WHEREAS**, the Governor's proposal excludes the City of New York from the benefits of the proposal, while asking it to assume the state's share of costs for administration and evaluation, and

**WHEREAS**, Allegany County applauds the Governor for proposing to "cap" county expenses but urges that the "cap" be carefully examined and structured to maximize savings and long-term benefits to counties, now, therefore, be it

**RESOLVED:**

1. That the Allegany County Board of Legislators believes that counties should, ultimately, be removed from the fiscal, contractual and programmatic responsibilities of the 4410 Preschool Special Education Program.

2. That this Board calls on the Governor and State Legislature to build off of the 2008-09 Executive Budget proposal to "cap" the growth of county Preschool Special Education expenses and ensure that counties statewide benefit from this proposal.

3. That this Board call on the Governor and State Legislature to begin, in 2008-09, the process for transitioning programmatic and administrative responsibility from counties in line with the recommendations of the Temporary Task Force on Preschool Education.

4. That certified copies of this resolution shall be forwarded to Governor David A. Paterson, Senator Catharine M. Young, and members of the Assembly Daniel J. Burling and Joseph M. Giglio.

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

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

Comments made regarding Resolution No. 150-08: Legislator Dibble requested that copies of the resolution also be sent to NYSAC, InterCounty Association of Western New York, and InterCounty Association of the Adirondacks in an effort to garner more support.

Legislator Pullen commented that the Preschool Special Education Program would be better aligned under the State Education Department under local school districts. The state aid formula for school districts is greater than what is given to counties, so the state would have to pay more if the program was under the schools. The present system is a dodge so the state doesn't have to contribute as much. The program should be funded as an education program, and should not be under county supervision.

**RESOLUTION NO. 151-08**

**RESOLUTION ESTABLISHING  
SOLID WASTE RESIDENTIAL USER FEES FOR YEAR 2009**

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 2009:

Residential User Fee - \$96 per year. The Residential User Fee will be prorated quarterly as follows:

January 1 through March 31 - \$96  
April 1 through June 30 - \$72  
July 1 through September 30 - \$48  
October 1 through December 31 - \$24

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. Pullen

Voting No: Burdick, Crandall, Dibble, O'Grady, Russo, Truax, Ungermann

Adopted: Roll Call

8 Ayes, 7 Noes, 0 Absent

Comments made regarding Resolution No. 151-08: Legislator Ungermann noted that the County Comprehensive Plan includes getting to the point where the landfill is self-sustaining. Although the resolution increases fees for tag holders, tipping fees should also go up.

Legislator McCormick commented that the resolution increases the tag fee from \$72 to \$96 in order to cover landfill expenses. The funds have to be raised, if not by increased tag fees, then by an increase on the County tax bill. Increasing fees is the correct way.

Legislator Kruger pointed out that \$96 is still only half what the user would pay to a contractor for pick up. We have to make the landfill operation closer to self-sustaining, which is difficult due to fuel costs alone. There isn't much choice, other than to raise fees.

Legislator Dibble noted that many of our tax parcels have non-resident owners. The Public Works Committee is in the process of revamping the solid waste system, and fees should be left as they are until that has been completed.

Legislator Pullen pointed out that this resolution is an attempt to shift the payment of landfill operation costs to user-based fees instead of property taxes. Although we should look at increasing tipping fees also, this is the appropriate way to go.

Vice Chairman Dibble took control of the meeting to allow Chairman Crandall to speak on the landfill tag fee increase issue. Chairman Crandall did not support it. He supported an increase in tag fees only once during his tenure on the Board for the same reasons as cited by Legislator Ungermann. The landfill and its operation needs to be supported by its users, and it should be a user fee. Previously we considered a punch card, and eventually we may end up there. Public Works Committee Chairman Fanton is leaning in that direction, but we should have done it five years ago. Chairman Crandall agreed that fees should be raised, but this resolution doesn't take it far enough, and not in the direction he'd like to see.

Legislator Fanton recommended that this increase in fees be considered an interim step. The County is going to be faced with different disposal problems at the landfill. Over the next year and a half, we need to arrive at a user fee that supports the landfill and its operation. We will probably end up with a punch card or bag fee, but in the meantime, we need to move forward with this proposal to take part of the burden off the taxpayers. The increase in fees should generate an additional \$10,000 to \$20,000. Legislator Fanton also noted that tipping fees were increased last year; they are alternating by year. The 2009 tipping fees were set earlier to allow the towns to establish their budgets. If we raised tipping fees now, it would impact town budgets.

### **RESOLUTION NO. 152-08**

#### **APPROVAL OF BOARD CHAIRMAN'S REAPPOINTMENT OF ONE MEMBER TO THE CHAUTAUQUA, CATTARAUGUS, ALLEGANY, AND STEUBEN SOUTHERN TIER EXTENSION RAILROAD AUTHORITY**

Offered by: Public Works Committee

#### **RESOLVED:**

1. That Karl D. Kruger of Friendship, New York, is reappointed to the Chautauqua, Cattaraugus, Allegany, and Steuben Southern Tier Extension Railroad Authority, with term of office to commence August 28, 2008, and expire August 27, 2011.

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

Adopted: Voice Vote

**RESOLUTION NO. 153-08**

**ACCEPTANCE OF INCREASED FEDERAL AID TO  
OFA-HIICAP APPROPRIATION AND REVENUE ACCOUNTS**

Offered by: Human Services and Ways and Means Committees

**RESOLVED:**

1. That the sum of \$13,142 in increased federal aid to OFA-HIICAP Appropriation and Revenue Accounts is accepted.
2. That the accepted sum of \$13,142 is appropriated to Account No. A6782.4, with a like sum credited to Revenue Account No. A11.4772.06 .

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

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

**RESOLUTION NO. 154-08**

**ACCEPTANCE OF DONATIONS FROM  
WELLSVILLE LIONS CLUB AND THE ALLEGANY SENIOR FOUNDATION;  
APPROPRIATION OF SAME TO OFA ACCOUNTS**

Offered by: Human Services and Ways and Means Committees

**RESOLVED:**

1. That the sum of \$510 from the Wellsville Lions Club and \$4,500 from the Allegany Senior Foundation for OFA Accounts is accepted.
2. That the accepted sum of \$5,010 is appropriated as follows: \$510 to Account No. A6779.4 (OFA-SNAP – Contractual), with a like sum credited to Revenue Account No. A09.2801.36 (Interfund Revenues – OFA-SNAP); and \$4,500 to Account No. A6776.4 (OFA-Community Service for Elderly – Fees), with a like sum credited to Revenue Account No. A02.1972.09 (Departmental Income-OFA-Community Service for Elderly).

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

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

*(Memo: Regarding Resolution No. 155-08, the donation from Wellsville Lions Club will be used for Meals on Wheels, and the donation from the Allegany Senior Foundation will be used for Personal Emergency Response Systems [Lifelines].)*

**RESOLUTION NO. 155-08**

**APPROVAL OF TRANSPORTATION OF  
PRESCHOOL CHILDREN WITH HANDICAPPING CONDITIONS  
AGREEMENT WITH FRIENDSHIP CENTRAL SCHOOL DISTRICT AND  
AUTHORIZING CHAIRMAN TO EXECUTE AGREEMENT**

Offered by: Human Services Committee

**WHEREAS**, the Friendship School District has agreed to provide transportation for County preschool children with handicapping conditions, now, therefore, be it

**RESOLVED:**

1. That the Agreement titled "Agreement Concerning the Transportation of Preschool Children with Handicapping Conditions" for the period July 1, 2008 to June 30, 2009, with the Friendship Central School District is approved; the Chairman of this Board being authorized to execute such Agreement.

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

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

*(Memo: The transportation agreement approved by Resolution No. 156-08 is in addition to agreements with fourteen other school districts approved by Resolution No. 131-08 on July 28, 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 15 Ayes, 0 Noes, 0 Absent, that the audit of claims, totaling \$3,105,384.66 including prepaid expenses, be approved for payment as recommended by the County Administrator. *(Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$6,182,479.)*

**ADJOURNMENT:** The meeting was adjourned at 3:00 p.m. following a motion made by Legislator Reynolds, seconded by Legislator Hall and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION  
SEPTEMBER 22, 2008**

**\*\* APPROVED \*\***

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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, who then led in the Pledge of Allegiance to the Flag. The Invocation was given by Legislator Pullen.

**ROLL CALL:** 14 Present; 1 Absent (Legislator Kruger).

**APPROVAL OF MINUTES:**

The Committee of the Whole meeting minutes of August 25, 2008 were approved on a motion made by Legislator Truax, seconded by Legislator Dibble and carried.

The Board meeting minutes of September 8, 2008 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 Tami Hamilton, from ACCORD Youth and Family Development Services, to present information on domestic violence services. Pamphlets were distributed, including a Five-Year Service Profile compiled by the Domestic Violence Consortium, illustrating the continued need for services and ongoing development of strategies. On average, 150 victims are served annually. This number is likely to increase with the passage of the new Family Access Law in 2008. Ms. Hamilton thanked the Board for its continued support and for the proclamation to be read later in the meeting.

Chairman Crandall also granted privilege of the floor to Scott Spillane, Veterans' Service Agency Director, to speak about the proposed Cold War Veterans real property tax exemption. Mr. Spillane's understanding of information received from the Real Property Tax Service Agency and state representatives is that there will not be a lot of people using this exemption. Other local municipalities within New York State that have passed legislation allowing the exemption include Cattaraugus County, City of Olean, Wyoming County, Steuben County, and City of Hornell. Mr. Spillane read a letter from a Marine veteran, who noted that Cold War Veterans are often forgotten.

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

1. Notice was given of the next Fire Advisory Board meeting on Thursday, September 25, at 8 p.m. in Room 122 of the Public Safety Facility. The Fire Investigators and District Coordinators plan to meet at 7 p.m.

2. A news release was received from the Southern Tier West Regional Planning and Development Board highlighting their September 18 meeting.

3. Correspondence was received from Dean Skelos, New York State Senate President Pro Tem and Majority Leader, regarding our correspondence in support of legislation that would implement a cap on local school property tax increases to help New Yorkers cope with the rising cost of living. The letter urges us to contact our Assembly Representatives encouraging them to pass Bills S8736 and S8737.

4. Correspondence was received from the Allegany/Western Steuben Rural Health Network notifying us of the Council of Agencies meeting on December 5.

5. Correspondence and a resolution were received from the Village of Andover requesting the Board to respond to their Resolution to Seek Relief from High Gas Prices.

6. A resolution was received from the Town of Birdsall relative to the Local Bridge #09-01 on the Joe McMahon Road.

#### **APPOINTMENT:**

Chairman Crandall, in a joint measure with Crystal Abers, Chairman of the Cattaraugus County Board of Legislators, appointed Linda Spaulding, Senior Employment Project Director for the Chautauqua County Office for the Aging, to fill the unexpired three-year term of Linda Pierce ending December 31, 2010 on the **CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD**.

#### **PROCLAMATION:**

Chairman Crandall proclaimed October 2008 as Domestic Violence Awareness Month in Allegany County in recognition of the important work accomplished by domestic violence programs. The Chairman urged all citizens to actively participate in the scheduled activities sponsored by the Allegany County Domestic Violence Consortium, to work toward improving victim safety, and holding perpetrators of domestic abuse accountable for their actions against victims and our society as a whole.

#### **RESOLUTIONS:**

Resolution Intro. No. 153-08 (Adoption of Local Law Intro. No. 3-2008, Print No. 1, in Relation to a Local Law to Allow Cold War Veterans a Limited County Tax Exemption Pursuant to Section 458-b of the Real Property Tax Law) was removed from the table following a motion made by Legislator Russo, seconded by Legislator Fanton and carried. (The resolution was originally tabled on September 8, 2008.)

**RESOLUTION NO. 156-08**

**ADOPTION OF LOCAL LAW INTRO. NO. 3-2008, PRINT NO. 1, IN RELATION TO A  
LOCAL LAW TO ALLOW COLD WAR VETERANS A LIMITED COUNTY TAX EXEMPTION  
PURSUANT TO SECTION 458-B OF THE REAL PROPERTY TAX LAW**

Offered by: Personnel and Ways and Means Committees

**RESOLVED:**

1. That proposed Local Law, Intro. No. 3-2008, Print No. 1, is adopted without any change in language, to wit:

**COUNTY OF ALLEGANY**

Intro. No. 3-2008

Print No. 1

**A LOCAL LAW TO ALLOW COLD WAR VETERANS  
A LIMITED COUNTY TAX EXEMPTION PURSUANT TO SECTION 458-B OF  
THE REAL PROPERTY TAX LAW**

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

**Section 1. Purpose.**

The purpose of this local law is to authorize a limited exemption from real property taxes for residential real property owned by veterans and their surviving spouses who rendered military service to the United States during the "Cold War" pursuant to Section 458-b of the Real Property Tax Law.

**Section 2. Cold War Exemption.**

(a) Pursuant to subsection 2(a) of § 458-b of the Real Property Tax Law of the State of New York, and subject to the definitions, limitations and requirements of said § 458-b, the County of Allegany hereby adopts the qualifying residential real property exemption under subsection 2(a)(i) of § 458-b of the Real Property Tax Law of the State of New York, that is, an exemption in the amount of ten percent of the assessed value of such property, provided however, that such exemption, as permitted by subsection 2(c)(iii), shall not exceed four thousand dollars or the product of four thousand dollars multiplied by the latest state equalization rate of such property's assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.

(b) Pursuant to subsection 2(b) of § 458-b of the Real Property Tax Law of the State of New York, and subject to the definitions, limitations and requirements of said § 458-b, the County of Allegany hereby adopts the qualifying residential real property exemption

under subsection 2(b) of § 458-b of the Real Property Tax Law of the State of New York, that is, an exemption in the amount equal to the extent of the product of the assessed value of such property, multiplied by fifty percent of the Cold War veteran disability rating; provided, however, that such exemption, as permitted by subsection 2(c)(iii), shall not exceed twenty thousand dollars or the product of twenty thousand dollars multiplied by the latest state equalization rate for the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.

### **Section 3. Effective Date.**

This Local Law shall take effect immediately upon its filing with the Secretary of State and shall be applicable to all assessment rolls prepared pursuant to the first taxable status date occurring on or after the effective date of this local law.

Moved by: Mr. Russo

Seconded by: Mr. Fanton

Adopted: Roll Call

10 Ayes, 4 Noes, 1 Absent

Voting No: Benson, McCormick, O'Grady, Ungermann

Comments made regarding Resolution No. 156-08: Legislator Ungermann stated that he had no objection to Cold War Veterans receiving an exemption, but something has to be done about reviewing and cutting some of the other 90 exemptions already in place.

Legislator Truax also noted that he had no problem with the Veterans' exemption, but instead of having five to ten for various dates of service, he would like to see them consolidated into one. County Attorney Thomas Miner responded that this is the way the state provides for veterans' exemptions, and if it was changed, the state would have to act on it.

Legislator Pullen pointed out that of the 90 plus tax exemptions provided for under the Real Property Tax Law and other places, we have no say over the vast majority. For example, some exemptions are under state law, such as state properties and the STAR program. There are basically only three that we have any say over. The exemptions for veterans and senior citizens may shift the costs to the rest of us, but they are appropriate. The other includes certain business exemptions, which is much less pervasive. There are a lot of exemptions, but as in so many other things, we have no control over them. This particular exemption is appropriate.

Legislator McCormick suggested that more research be done on this exemption to determine the fiscal impact and how many veterans will claim it. Chairman Crandall noted that his understanding is that the number would be nearly impossible to come up with.

Legislator Ungermann commented on the new requirement beginning with the filing of the 2009 tentative budget of listing all property tax exemptions and their value.

**RESOLUTION NO. 157-08**

**REAPPOINTMENT OF DAVID S. ROESKE AS  
COUNTY SUPERINTENDENT OF PUBLIC WORKS**

Offered by: Public Works Committee

**RESOLVED:**

1. That David S. Roeske of the Town of Willing is reappointed to the office of County Superintendent of Public Works for a term of four years to commence October 25, 2008 and expire October 24, 2012.

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

Adopted: Voice Vote

**RESOLUTION NO. 158-08**

**APPROVAL OF BOARD CHAIRMAN'S REAPPOINTMENT OF  
TWO LANDOWNER REPRESENTATIVE MEMBERS TO  
REGION NINE FOREST PRACTICE BOARD**

Offered by: Public Works Committee

Pursuant to Environmental Conservation Law § 9-0705

**RESOLVED:**

1. That the reappointment by the Chairman of this Board of Thomas Parmenter and Rodney K. Bennett as Landowner Representative Members of the Region Nine Forest Practice Board, with term of office commencing September 9, 2008 and expiring September 8, 2011, is approved.

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

Adopted: Voice Vote

Resolution Intro. No. 162-08 (Creating Position of Senior Recording Clerk in County Clerk's Office) was amended on a motion made by Legislator Hall, seconded by Legislator Fanton and carried, by adding the words "and abolishing position of Cashier" in the title and Resolved #1, and by changing the effective date in Resolved #2 from September 23, 2008 to January 1, 2009.

**RESOLUTION NO. 159-08**

**CREATING POSITION OF SENIOR RECORDING CLERK AND  
ABOLISHING ONE POSITION OF CASHIER IN COUNTY CLERK'S OFFICE**

Offered by: Personnel Committee

**RESOLVED:**

1. That one position of Senior Recording Clerk is created and one position of Cashier is abolished in the County Clerk's Office.
2. This resolution shall take effect on January 1, 2009.

Moved by: Mr. Hall  
Seconded by: Mr. Pullen

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

**RESOLUTION NO. 160-08**

**ESTABLISHING A 2009 CAPITAL PROJECT ACCOUNT FOR BRIDGE REPLACEMENT  
ON COUNTY ROAD 16 OVER THE GENESEE RIVER IN THE TOWN OF BELFAST;  
PROVIDING FUNDING FOR SUCH CAPITAL ACCOUNT**

Offered by: Public Works and Ways and Means Committees

**RESOLVED:**

1. A Capital Project Account is established within the Capital Fund for the bridge replacement on County Road 16 over the Genesee River in the Town of Belfast.
2. The funding for such Capital Project Account will come from the 2009 County budget and such account number to be designated by the County Treasurer.

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

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

**RESOLUTION NO. 161-08**

**GRANTING SALARY INCREMENTS RETROACTIVE TO JULY 1, 2008,  
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**, County unit and non-unit employees are eligible to receive an annual salary increment effective July 1, 2008, and

**WHEREAS**, these employees were inadvertently left off an earlier resolution approving an annual salary increment, and

**WHEREAS**, the proper County department heads have recommended that such employees receive their respective annual salary increment effective July 1, 2008, 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 retroactive to July 1, 2008, to wit:

<u>Department</u>	<u>Name</u>	<u>Title</u>	<u>Increment</u>
Sheriff	K. Brisbee	Corr. Officer	\$.40
Sheriff	T. Middaugh	Corr. Officer	\$.40
Sheriff	D. Brubaker	Corr. Officer	\$.40
Sheriff	B. Collins	Corr. Officer	\$.40
Sheriff	D. Witter	Corr. Officer	\$.40

Moved by: Mr. Hall  
Seconded by: Mr. Pullen

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

*(Memo: The increments granted by Resolution No. 161-08 were for eligible employees hired between 07/01/07 and 12/31/07. See also Resolution No. 111-08.)*

**RESOLUTION NO. 162-08**

**AUTHORIZING WAYS AND MEANS COMMITTEE OF COUNTY BOARD OF  
LEGISLATORS TO ACT AS TOURIST PROMOTION AGENCY AND  
TO APPLY FOR STATE FUNDS FOR TOURISM PROMOTION PURPOSES**

Offered by: Ways and Means Committee

Pursuant to Article 5-A of the Economic Development Law

**RESOLVED:**

1. That the Ways and Means Committee of this County Board of Legislators is authorized to act as a tourist promotion agency and to apply for state funds up to \$500,000 for tourism promotion purposes.

2. That if the application for the funding is approved, such Committee shall submit the grant agreement to this Board for approval and appropriation of such funds prior to commencing any work pursuant to the terms of the grant agreement or expending any of such funds.

3. That the Clerk of this Board is directed to send a certified copy of this resolution to the New York State Commissioner of Economic Development.

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

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

Comments made regarding Resolution No. 162-08: Legislator Reynolds pointed out that although every year we apply for \$500,000, we typically receive \$75,000, which the County has to match.

**RESOLUTION NO. 163-08**

**AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE  
100 PERCENT OF THE FEDERAL AID AND STATE "MARCHISELLI" PROGRAM AID  
ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL AID PROJECT,  
AND APPROPRIATING FUNDS THEREFOR**

Offered by: Public Works and Ways and Means Committees

**WHEREAS**, a Project for the Bridge Replacement (BIN 3060090) County Route 16 over Genesee River, Town of Belfast, County of Allegany, PIN 6754.08 (the Project) is eligible for funding under Title 23 U. S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80 percent federal funds and 20 percent non-federal funds, and

**WHEREAS**, the County of Allegany desires to advance the Project by making a commitment of 100 percent of the non-federal share of the costs of Bridge Replacement (BIN 3060090) County Route 16 over Genesee River, Town of Belfast, County of Allegany, now, therefore, be it

**RESOLVED:**

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

2. That the sum of \$456,000 shall be appropriated from an account to be designated by the County Treasurer in the 2009 County budget and made available to cover the cost of participation in the above phase of the Project.

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

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

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

6. This Resolution shall take effect immediately.

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

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

*(Memo: The break-down for the estimated cost for the Preliminary Engineering and Right of Way phases of the project referenced in Resolution No. 163-08 includes: Federal Share (80 Percent) \$364,800; State Share (15 Percent) \$67,650; County Share (15 Percent) \$23,550; Total \$456,000.)*

**RESOLUTION NO. 164-08**

**ACCEPTANCE OF INITIATIVE MEMBER FUNDING FROM  
STATE SENATOR CATHARINE YOUNG FOR ASSISTANCE IN  
PURCHASING PRIORITY DISPATCH SOFTWARE;  
APPROPRIATION OF FUNDING TO HOMELAND SECURITY ACCOUNT**

Offered by: Public Safety and Ways and Means Committees

**WHEREAS**, the sum of \$20,000 has been offered by State Senator Catharine Young to the Allegany County Sheriff's Office for assistance in purchasing priority dispatch software, now, therefore, be it

**RESOLVED:**

1. That the sum of \$20,000 offered by State Senator Catharine Young to the Allegany County Sheriff's Office for purchasing priority dispatch software is accepted.

2. That the accepted sum of \$20,000 is appropriated to Account No. A3645.4 (Homeland Security – Contractual) with a like sum credited to Revenue Account No. A10.3306.SHF7 (Homeland Security – Sheriff).

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

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

*(Memo: The total cost for the Priority Dispatch Software referred to in Resolution No. 164-08 was \$112,609. A down payment of \$11,261 was made January 25, 2008 from 2007 funds. After the member funding of \$20,000 is applied, the balance owed is \$81,348, which will be paid from 2009 funds.)*

Comments made regarding Resolution No. 164-08: Legislator Pullen suggested that a thank-you note be sent to Senator Young to show appreciation for the Member Initiative Funding, which was supported by consensus of the Board.

**RESOLUTION NO. 165-08**

**TRANSFER OF FUNDS WITHIN SOLID WASTE ACCOUNT**

Offered by: Public Works Committee

**RESOLVED:**

1. That the sum of \$75,000 is transferred from Account No. A8160.204 to Account No. A8160.422 to cover fuel purchases for remainder of this year.

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

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

**RESOLUTION INTRO. NO. 169-08 (APPROVAL OF AGREEMENT WITH DENTRUST DENTAL NEW YORK, P.C. TO PROVIDE DENTAL CARE FOR INMATES AND DETAINEES AT THE ALLEGANY COUNTY JAIL)** was TABLED following a motion made by Legislator Dibble, seconded by Legislator Truax and carried.

Resolution Intro. No. 170-08 (Resolution Calling on the New York Congressional Delegation to Support an Increase in the Federal Medical Assistance Percentage [FMAP] to Provide New York Counties with Property Tax Relief) was not pre-filed and was considered from the floor on a motion made by Legislator Truax, seconded by Legislator Dibble and carried.

### **RESOLUTION NO. 166-08**

#### **RESOLUTION CALLING ON THE NEW YORK CONGRESSIONAL DELEGATION TO SUPPORT AN INCREASE IN THE FEDERAL MEDICAL ASSISTANCE PERCENTAGE (FMAP) TO PROVIDE NEW YORK COUNTIES WITH PROPERTY TAX RELIEF**

Offered by: Ways and Means Committee

**WHEREAS**, under Federal Law, local governments are not responsible for any portion of Medicaid funding, however, Congress has given states the ability to require local governments to share in financing the non-federal share of Medicaid costs, and

**WHEREAS**, the United States Centers for Medicare and Medicaid Services data demonstrates that no other state in the country financially burdens its localities like New York State, and

**WHEREAS**, Medicaid represents the largest single program expense in every county budget and siphons away the limited resources needed to fund other critical budgetary needs at the county level, and

**WHEREAS**, the National Governor's Association (NGA), including Governor Paterson, has supported a proposal for a temporary increase in the federal medical assistance percentage (FMAP) as an economic stimulus option that would provide more federal funding for state Medicaid programs, and

**WHEREAS**, the NGA has indicated that it would both help to stimulate the nation's economy and shore up the safety net for low-income families, and

**WHEREAS**, this proposal would provide nearly \$1.6 billion in fiscal relief to New York State, including \$480 million in relief to county government, and

**WHEREAS**, this FMAP increase would reduce the local Medicaid burden and provide immediate property tax relief to the residents of New York State, now, therefore, be it

**RESOLVED:**

1. That the Allegany County Board of Legislators calls upon the New York Congressional Delegation to support an increase in the federal medical assistance percentage (FMAP) to provide New York's local taxpayers with relief from the crushing financial burden of the Medicaid program.

2. That the Clerk of this Board is directed to send a copy of this resolution to the New York State Congressional Delegation, Governor Paterson, Senator Catharine M. Young, Assembly Members Joseph M. Giglio and Daniel J. Burling, and all others deemed necessary and proper.

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

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

**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 Pullen and adopted on a roll call vote of 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$1,980,063.01 including prepaid expenses, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$6,529,351.*)

**ADJOURNMENT:** The meeting was adjourned at 2:45 p.m. on a motion made by Legislator Fanton, seconded by Legislator Truax and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION  
OCTOBER 14, 2008**

**\*\* APPROVED \*\***

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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, who then led in the 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 22, 2008 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 County Administrator John Margeson, LaBella Associates Project Engineer Mike Schaffron, and Municipal Solutions Financial Advisors David Allardice and Mary Chapel for an update on the Crossroads Area Water and Sewer Project.

Mr. Schaffron reported that the project has been submitted to the Comptrollers' Office for approval, and the design was completed in July. Submissions have been made to town, county, state, and federal organizations with jurisdiction. They have gone through the review and made responses at the town and local level, and are now working through permit issues with the DEC and Army Corps of Engineers. Four miles of water main will be installed from Friendship, with one additional mile of twelve-inch main to be run from the 350,000-gallon storage tank. The sanitary system will include five miles of six-inch forced main with three pump stations. The water and sewer lines will be installed on opposite sides of the road due to the requirement for a ten-foot separation. There are still some land acquisitions to obtain. Anticipated timeline includes bidding for the project in January, with bids due in February, contracts awarded in March, and groundbreaking in May. Construction should be completed in one season, with possibly a little surface restoration in the following year.

Mr. Margeson stated that LaBella Associates have established a cost estimate of \$6.5 million for both utilities. Chairman Crandall, IDA Director John Foels, and Mr. Margeson have been working with our financial advisors at Municipal Solutions to identify low-interest loan funding and grants. Ms. Chapel reported on their preliminary investigation of funding sources: Economic Development Administration – possibly up to 50 percent; Appalachian Regional Commission – \$500,000; Empire State Development; Rural Enterprise Business; Small Cities Block Grant; and Legislative Member Items (dependent on state budget). The balance of funding would be through conventional financing. Mr. Margeson noted that over the past three months they have met with representatives from Senator Schumer's and

Senator Clinton's Offices in Buffalo, and had a meeting with Congressman Kuhl and plan to touch base with him again in the future. They spoke with Senator Young and will also meet with our state Assembly representatives. The purpose of these meetings is to apprise our federal and state people of the importance of this project and to seek their assistance and support of our efforts in obtaining funding.

Chairman Crandall took the floor to present a check for \$500 to Allegany Senior Foundation President Wallace Higgins. The Senior Foundation is a non-profit organization established several years ago by Mr. Higgins and a few others to help seniors above and beyond what government is able to. They have accomplished a great deal in support of programs for seniors. Mr. Higgins expressed his appreciation for the check, which they will put to good use, and he acknowledged Office for the Aging Director Kim Toot and the Senior Foundation. The Foundation was formed almost four years ago and has been a successful endeavor. They help to fill the gaps in services for seniors. Mr. Higgins is pleased for the support the Foundation has had. The Allegany County United Way has helped, as well as the Alfred-Almond Community Chest, especially for Lifeline services. They are currently getting ready for the Aging Conference; the focus this year will be renewable communities, culture change, and nursing homes. The Foundation has also been working with the Wellsville Creative Arts Center and has been able to lower the cost for seniors to attend sessions such as the cooking classes. Other programs they are working on include installation of grab bars for tubs and emergency blinking lights. The Foundation is also active in advocating for handicap accessible buildings.

Chairman Crandall granted privilege of the floor to Deputy Elections Commissioner Elaine Herdman for a HAVA (Help America Vote Act) update. Programmers are currently helping to set up the new voting machines for use in the November election. Ms. Herdman explained how the new system will be used and noted that there is an operational machine in the office for people to examine. This year we will use our current lever machines and will be introducing the new optical scan machines for audio sessions for the disabled voters. Anyone may use the new machines, but will have to use them as they are set up for the disabled and go through the entire audio session. It will take an estimated average of 15 to 20 minutes per voter to vote on the new machine this year. If the machines are certified for next year, voters will be able to mark on preprinted ballots that will then be fed into the tabulator, the machine will show the vote cast, the voter will accept it, and the form will go directly into the ballot box, taking no more than two to three minutes. Three training sessions for inspectors have been conducted. The federal government mandated that the system was to be in place this year, and New York is the last state to comply. When questioned about machine storage, maintenance, and transportation costs, Ms. Herdman reported that they are still in the learning process and not all the figures are in place yet. A conference is scheduled for January to further discuss storage requirements. Schools and villages may have the option to use the new machines, but they would be responsible for all costs including transportation, possibly on a charge back system.

## **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 September 2008.

2. Also placed on each legislator's desk was a copy of the Allegany County 2009 Tentative Budget. There will be a Committee of the Whole meeting on October 15 at 10:00 a.m. to discuss the budget.

3. The County Treasurer filed the Audit Report prepared by Eldredge, Fox & Porretti for the year ending December 31, 2007 in the Clerk of the Board's Office on September 30, 2008.

4. The County Treasurer filed a Certificate of Withdrawal of Delinquent Tax Lien for property in the Town of Bolivar in the Clerk of the Board's Office on October 8, pursuant to Article 11 of the Real Property Tax Law.

5. The Southern Tier West Regional Planning and Development Board minutes of September 18, 2008 were received.

6. Notice was received for the next Inter-County Association meeting to be hosted by Wyoming County at the Byrnclyff Resort and Conference Center in Varysburg on October 17.

7. An invitation was received from the Farm Bureau to attend a tour for an inside look at Allegany County farms on Friday, October 24, 2008.

8. Correspondence was received from Congresswoman Kirsten Gillibrand and Senator Catharine Young acknowledging receipt and support of our Resolution No. 166-08 entitled, "Resolution Calling on the New York Congressional Delegation to Support an Increase in the Federal Medical Assistance Percentage (FMAP) to Provide New York Counties with Property Tax Relief."

9. Correspondence was received from Noble Environmental Power notifying us that the Town of Centerville accepted the Final Environmental Impact Statement (FEIS) for the Noble Allegany Windpark. Copies of the Notice of Completion and the FEIS have been filed in the Clerk of the Board's Office.

10. Copies of correspondence were received from Public Works Superintendent David S. Roeske appointing John Mancuso as Deputy Superintendent I and Guy R. James as Deputy Superintendent II.

11. Received from the Town of Andover was a copy of their Resolution Number 8 of 2008 entitled, "Urging State of New York to Establish Policies that will Assist the Development of Oil and Gas Resources in the State."

12. On October 11, Chairman Curtis Crandall presented a Certificate of Appreciation to Walter Lang in recognition of his tenure as a Trustee to the FASNY Firemen's Home in Hudson.

13. The Legislators' Annual Christmas Party will be held on Friday, December 19, at the Beef Haus in Wellsville.

#### **INTRODUCTION OF LEGISLATION:**

Legislator Brent Reynolds introduced Local Law Intro. No. 4-2008, 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. 167-08**

##### **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 the 14th day of October, 2008, a local law (Intro. No. 4-2008, 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 27, 2008 at 2:00 P.M. in the County Legislators' Chambers, Room 221, County Office Building, 7 Court Street, Belmont, New York 14813, before the Allegany County Board of Legislators, in relation to proposed Local Law Intro. No. 4-2008, 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. Fanton

Adopted: Voice Vote

**RESOLUTION NO. 168-08**

**RESOLUTION SETTING DATE OF PUBLIC HEARING ON  
2009 COUNTY TENTATIVE BUDGET AND PROVIDING CONTENTS OF SUCH NOTICE**

Offered by: Ways and Means Committee

**WHEREAS**, the 2009 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 2009 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 2009 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 6, 2008.

2. That the notice of public hearing shall include a statement that the 2009 maximum salary for members of the Board of Legislators and the maximum salary that may be fixed and payable during fiscal year 2009 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. 169-08**

**CREATION OF POSITION OF DEPUTY COUNTY ADMINISTRATOR**

Offered by: Personnel Committee

**RESOLVED:**

1. That one new position of Deputy County Administrator is created.
2. That the new position of Deputy County Administrator is placed in Section 4. of the Non-Unit Salary Plan with a salary to be determined at a later date.

Moved by: Mr. Hall

Adopted: Roll Call

Seconded by: Mr. Russo

9 Ayes, 6 Noes, 0 Absent

Voting No: Burdick, Kruger, McCormick, O'Grady, Truax, Ungermann

Comments made regarding Resolution No. 169-08: Concerns were voiced about whether both the positions of County Administrator and Deputy County Administrator would be maintained after the training period, and also if the Deputy would be the one to take over at the time of the County Administrator's retirement. Some legislators felt the matter should be delayed until the new position was better defined. It was also noted that a lot of consideration was given to the creation of the new position, and the County will need to have someone knowledgeable on hand in the event that the County Administrator retires in the near future. This position would act as an assistant to the County Administrator and also as a grants writer. Chairman Crandall noted that there will be further efforts to define the position in committee prior to filling it.

**RESOLUTION NO. 170-08**

**APPOINTMENT OF MEMBER TO ALLEGANY COUNTY BOARD OF ETHICS**

Offered by: Personnel Committee

**RESOLVED:**

1. That Thomas Hennessy of Wellsville, New York is appointed as a member of the Allegany County Board of Ethics to serve at the pleasure of the Board of Legislators.

Moved by: Mr. Hall

Adopted: Voice Vote

Seconded by: Mr. Pullen

**RESOLUTION NO. 171-08**

**MEMORIALIZING STATE LEGISLATURE TO CAUSE CORRIDOR STUDIES TO BE DONE  
OF THE EXTENSION SOUTHERLY OF STATE ROUTE 408 AND  
THE EXTENSION EASTERLY OF STATE ROUTE 243**

Offered by: Ways and Means Committee

**WHEREAS**, the County is desirous of promoting economic development and tourism in Allegany County and the surrounding Southern Tier of New York State, and

**WHEREAS**, the present New York State government is desirous of promoting economic growth in Western New York, and

**WHEREAS**, a review of the State Highway System shows that there is a lack of an East-West state route and a lack of a North-South state route through the northeast quadrant of Allegany County, and

**WHEREAS**, the northeast quadrant of Allegany County reflects the absence of adequate highway infrastructure necessary for the health, safety, and economic development and growth of Allegany County, and

**WHEREAS**, Allegany County is a very poor County and needs the help of the state to provide transportation routes as most of the public roads in the northeast 25 percent of the County are not paved, and

**WHEREAS**, the placement of an East-West route, by extending State Route 243, would encourage development in this area and would also provide access from Swain to Rushford and Cuba Lake as well as access to the Economic Development Zone in the Town of Friendship, and

**WHEREAS**, a review of the State Highway System shows that State Route 408 presently exists as a two-lane highway from its intersection with I-390 near Mt. Morris, New York, and thence southerly through Livingston County to Dalton, New York, and

**WHEREAS**, the placement of an extended State Route 408 would provide a North-South two-lane highway access to the Economic Development Zone in the Town of Friendship and the County "Crossroads" EDZ project, and

**WHEREAS**, the extension of State Route 408 as a two-lane highway southerly from Dalton, New York, through Allegany County to intersect with State Route 19 at Transit Bridge would encourage development along the proposed route and would provide access from the more urban areas north of Livingston County, such as the Interstate 390 Corridor, to Allegany County, and

**WHEREAS**, the extension of State Route 408, to run southerly and southwesterly along existing unimproved town roads and county roads through the hamlet of Aristotle to Transit Bridge, would provide easier access for tourists to visit Allegany County, and

**WHEREAS**, it is understood that such proposed extension of State Route 408 and such proposed extension of State Route 243 are included in the State Department of Transportation's Long Range Plan, now, therefore, be it

**RESOLVED:**

1. That the Allegany County Board of Legislators hereby memorializes the New York State Legislature to pass legislation which would require that two corridor studies be done: the first for the extension of State Route 243 from its existing terminus at its intersection with State Route 19, easterly to the Garwood/State Route 70 area; and the second for the extension of State Route 408 from its existing terminus in Dalton southerly and then southwesterly through Aristotle to the Transit Bridge/State Route 19/State Route 17 area.

2. That certified copies requesting support of this resolution be forwarded to County of Livingston, New York State Senator Dale M. Volker, Assemblyman Joseph A. Errigo, Village of Mount Morris, Town of Mount Morris, Town of Nunda, Town of Ossian, Village of Dansville, County of Steuben, New York State Senator George H. Winner, Jr., Assemblyman James G. Bacalles, and Town of Dansville.

3. That certified copies of this Resolution be forwarded to New York State Governor David Paterson, New York State Senator Catharine M. Young, Senate Majority Leader Dean G. Skelos, Assembly Speaker Sheldon Silver, Assemblyman Daniel Burling, Assemblyman Joseph M. Giglio, Commissioner of Transportation Astrid C. Glynn, NYSAC, and the Inter-County Association of Western New York.

Moved by: Mr. Reynolds

Seconded by: Mr. Dibble

Voting No: Kruger, McCormick, O'Grady, Russo, Truax, Ungermann

Adopted: Roll Call

9 Ayes, 6 Noes, 0 Absent

**RESOLUTION NO. 172-08**

**ACCEPTANCE OF MEMBER ITEM FUNDING FROM  
STATE SENATOR CATHARINE YOUNG  
FOR PURCHASE OF EQUIPMENT FOR THE PROBATION DEPARTMENT;  
APPROPRIATION OF FUNDING TO PROBATION EQUIPMENT ACCOUNT**

Offered by: Public Safety and Ways and Means Committees

**RESOLVED:**

1. That the sum of \$3,500 of member item funding from State Senator Catharine Young to the Probation Department of Allegany County to offset the cost associated with the purchase of 14 American Body Armor (Model 2-2) Bulletproof Vests, is accepted.

2. That the accepted sum of \$3,500 is appropriated to Account No. A3140.2 (Probation - Equipment) with a like sum credited to a Revenue Account to be determined by the County Treasurer.

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

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

*(Memo: The total cost of the bulletproof vests referred to in Resolution No. 172-08 is \$12,390. Federal funds will cover 50 percent, leaving a balance of \$6,195. After the member item funding of \$3,500 is applied, \$2,695 remains as the County share.)*

**RESOLUTION NO. 173-08**

**TRANSFER OF FUNDS WITHIN SPECIAL EDUCATION PHC  
CONTRACTUAL EXPENSES ACCOUNT**

Offered by: Human Services Committee

**RESOLVED:**

1. That the sum of \$450,000 is transferred from Account No. A2960.421 (Tuition/Center-Based) to Account No. A2960.442 (Related Services).

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

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

*(Memo: The Preschool Special Education Account transfer approved by Resolution No. 173-08 was necessary to cover services projected through December 31 based on current statistics. The reason the account was under budgeted is that more children are receiving services via Related Services, meaning in the home, daycare, etc. – what the state considers to be the least restrictive environment.)*

**RESOLUTION NO. 174-08**

**TRANSFER OF FUNDS WITHIN COUNTY CLERK ACCOUNTS**

Offered by: Personnel Committee

**RESOLVED:**

1. That the sum of \$250 is transferred from Account No. A1410.401 (County Clerk Postage) to Account No. A1410.201 (County Clerk Equipment).

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

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

**RESOLUTION NO. 175-08**

**TRANSFER OF FUNDS WITHIN EMPLOYMENT AND TRAINING  
APPROPRIATION ACCOUNTS**

Offered by: Ways and Means Committee

**RESOLVED:**

1. That the transfers of the following appropriations are approved:

<u>Appropriations</u>		
<u>From:</u>	<u>To:</u>	<u>Amount:</u>
CD1 6400.101	CD1 6403.806	\$10,000
CD1 6400.101	CD1 6412.475	2,300
CD1 6400.101	CD1 6403.101	2,000
CD1 6401.474	CD1 6410.806	4,500
CD1 6402.101	CD1 6402.806	4,000
CD1 6406.101	CD1 6412.806	3,500
CD1 6406.201	CD1 6403.474	1,000
CD1 6406.474	CD1 6412.101	7,000
CD1 6406.474	CD1 6412.474	3,000
CD1 6406.474	CD1 6413.474	2,500
CD1 6414.101	CD1 6415.101	1,000
CD1 6414.802	CD1 6415.803	600
CD1 6795.101	CD1 6794.101	7,500
CD1 6795.101	CD1 6794.802	<u>5,000</u>
Total	\$53,900	

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

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

**RESOLUTION NO. 176-08**

**TRANSFER OF FUNDS WITHIN SHERIFF ACCOUNTS;  
TRANSFER OF FUNDS FROM CONTINGENCY TO SHERIFF ACCOUNTS**

Offered by: Ways and Means and Public Safety Committees

**RESOLVED:**

1. That the sum of \$20,000 is transferred from Account No. A3110.101 (Sheriff-Administrative) to A3150.423 (Jail-Contractual).
2. That the sum of \$77,900 is transferred from A1990.4 (Contingent) to the following Sheriff contractual accounts: \$1,800 to A3110.401 (Postage); \$4,000 to A3110.407 (Office Supplies); \$25,000 to A3110.422 (Gas/Oil); \$500 to A3150.401 (Postage); \$1,600 to A3150.404 (Maintenance); \$45,000 to A3150.423 (Food Supply).

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

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

**RESOLUTION NO. 177-08**

**RESOLUTION AUTHORIZING COUNTY OF ALLEGANY TO ENTER INTO  
AN AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION  
(NYSDOT) ACTING AS THE DESIGNATED RECIPIENT (DR) FOR FTA GRANT FUNDS  
FOR IMPLEMENTATION OF THE ALLEGANY COUNTY MOBILITY MANAGEMENT PLAN**

Offered by: Public Safety and Ways and Means Committees

**RESOLVED:**

1. That this Board authorizes the County of Allegany to enter into an agreement with the New York State Department of Transportation (NYSDOT) acting as the designated recipient (DR) for the Federal Transit Administration (FTA) Grant funds.
2. The amount of funding to be received by the County of Allegany for the implementation of the County Mobility Management Plan is \$250,000 and will be appropriated to an account designated by the County Treasurer.
3. That the Chairman of this Board of Legislators is authorized to enter into such Agreement.

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

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

Comments made regarding Resolution No. 177-08: Legislator O'Grady questioned if the \$250,000 funding was for one or two years, and whether we would be committing to the full two years. Mr. Margeson responded that it was for two years, and although he has not seen the agreement yet, if the County wished to opt out after the first year, typically the balance of funds would be returned.

**Resolution Intro No. 182-08 (RESOLUTION AUTHORIZING COUNTY OF ALLEGANY TO ENTER INTO AN AGREEMENT WITH PUBLIC SECTOR HR CONSULTANTS, LLC AND EMPLOYEE SERVICES, INC.; TRANSFER OF FUNDS FROM CONTINGENT ACCOUNT TO FINANCE COST OF A WORKPLACE VIOLENCE PREVENTION PROGRAM) was DEFEATED** following a roll call vote of 7 Ayes, 8 Noes, 0 Absent. Voting No: Benson, Kruger, McCormick, O'Grady, Pullen, Russo, Truax, Ungermann. Discussion included: Some legislators felt that the development of a Workplace Violence Prevention policy could be done in-house, while others felt the issue was complicated and outside consultants would accomplish the task according to state requirements in a more timely manner.

### **RESOLUTION NO. 178-08**

#### **APPROVAL OF AGREEMENTS WITH THE TOWNS OF CANEADEA AND FRIENDSHIP, AND VILLAGES OF BOLIVAR, CUBA, AND WELLSVILLE, IN RELATION TO THE DISPOSAL OF COUNTY LANDFILL LEACHATE AT TOWN AND 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 Towns of Caneadea and Friendship, and Villages of Bolivar, Cuba, and Wellsville, in relation to the County's disposal of leachate at the Towns' and Villages' waste water treatment plants for the period January 1, 2009 to December 31, 2009, are approved.

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

Moved by: Mr. Fanton  
Seconded by: Mr. Ungermann

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

*(Memo: The terms of the agreements approved by Resolution No. 178-08 remain the same as for the past several years at \$.025 per gallon.)*

**RESOLUTION NO. 179-08**

**APPROVAL OF AGREEMENT WITH DENTRUST DENTAL NEW YORK, P.C.  
TO PROVIDE DENTAL CARE FOR INMATES AND DETAINEES  
AT THE ALLEGANY COUNTY JAIL**

Offered by: Public Safety Committee

**RESOLVED:**

1. That the Agreement between Allegany County and Dentrust Dental New York, P.C. for the provision of dental care for inmates and detainees at the Allegany County Jail is approved.

2. That the prior execution of such agreement by the Chairman of this Board is hereby approved and ratified.

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

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

*(Memo: Regarding Resolution No. 179-08, currently there are no Allegany County dentists to be used for inmates housed in the County Jail. Transportation of inmates needing dental attention requires two officers and the associated vehicle expenses. With this contract, dentists will come to our facility, saving on the cost per inmate for dental services, and it also provides a more secure situation. Sheriff Tompkins noted that potential savings are estimated at about 50 percent.)*

**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 \$5,458,163.69 including prepaid expenses, be approved for payment as recommended by the County Administrator. *(Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$7,049,659.)*

**ADJOURNMENT:** The meeting was adjourned following a motion made by Legislator Truax, seconded by Legislator Dibble and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION  
OCTOBER 27, 2008**

**\*\* APPROVED \*\***

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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, who then led in the 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 October 14, 2008 were approved on a motion made by Legislator Dibble, seconded by Legislator Pullen and carried. Legislator Ungermann commented that there was more discussion than what was reflected in the minutes on page 12 for Resolution Intro. No. 182-08 regarding an agreement with Public Sector HR Consultants, which was defeated.

**PUBLIC HEARING:**

Chairman Crandall closed the regular meeting to hold a public hearing on Local Law Intro. No. 4-2008, 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 granted privilege of the floor to Paul Plants, NYS Oil Producers Association, who spoke in support of the resolution urging a variance in oil and gas well drilling regulations. The Department of Environmental Conservation wants to limit any new field production to a ratio of one barrel of oil to 2,000 cubic feet of gas. The wells in New York State are so poor and the sands are so tight that if that regulation stands, we can't produce these wells when drilled. Testing has revealed that, depending on the wells, it takes upwards of 50,000 cubic feet before reaching the first amount of oil. Mr. Plants noted that this is not a law, but a regulation that DEC can use, or not use, depending on the discretion of the Director of DEC.

Chairman Crandall took the floor to present framed Certificates of Appreciation to employees being recognized for 30 years of service to Allegany County. Chairman Crandall noted that the group collectively has a lot of years of valuable experience. As we are seeing a more experienced workforce, we are realizing the need to pass this experience along in any way possible. Chairman Crandall thanked the honorees for their years of service thus far. Recognized were:

- John E. Margeson, County Administrator
- Louise Windus, Senior Tax Map Technician, Real Property Tax Service Agency
- Timothy G. Allen, Building Maintenance Assistant, Department of Public Works
- Jeffrey R. Hooker, Building Maintenance Assistant, Department of Public Works
- Kristine S. Young, Senior Case Manager, Department of Social Services
- Rodrick A. Francis, Road Maintenance Supervisor, Department of Public Works
- Dawn S. Santangelo, Engineering Technician, Department of Public Works.

Not in attendance, but also to receive certificates are:

- David J. Bentley, Deputy Sheriff
- Charles K. Butler, Deputy Sheriff
- Richard G. Fontaine, Deputy Sheriff
- Donna M. Emrick, Job Developer, Employment and Training
- Patricia M. Francis, Senior Account Clerk Typist, Employment and Training
- Frank K. Karnes, Heavy Motor Equipment Operator II, Department of Public Works

Chairman Crandall granted privilege of the floor to Assistant County Attorney Leslie Haggstrom who spoke on behalf of the Allegany County Area Foundation. The Foundation is in its 25<sup>th</sup> year. They are proud of the work they've accomplished so far and appreciate the Board's continued support. Annual Reports were distributed. Ms. Haggstrom introduced Robert Christian, Executive Director, to accept a donation on behalf of the Foundation. Chairman Crandall presented Mr. Christian with a check, drawn on the legislators' non-tax-funded flower fund, and noted that the Board appreciates the work accomplished by the Foundation. Over the past years, they have grown into a vitally important part of the County. Mr. Christian thanked the Board, as a group and individually, for their support to the Foundation. They are a community foundation belonging to the people of the County. Their work is made possible through donations, and gifts like this are vital to allow them to continue giving scholarships and grants, enabling some students to attend college who might not otherwise be able to. Mr. Christian requested that the Board share with the community about what the Foundation is doing and its importance.

Chairman Crandall granted privilege of the floor to Allegany County United Way Executive Director Julie Briggs Cunningham and Campaign Chairman Donna Sweet. Ms. Sweet noted that this is their 50<sup>th</sup> year, and since the organization began in 1958, they have raised a total of \$4,869,253. The Allegany County United Way has shifted its focus, changing to a community impact organization from a fundraising organization, effecting sustainable change and impacting the lives of Allegany County residents in areas such as health, education, and economic stability. Donations are investments in the future of our County. Ms. Sweet thanked all those who have already given donations. Ms. Cunningham highlighted the particulars of the campaign structure, which include interviews of agencies and many hours of time and effort in order to ensure that our gifts do what they say and create an impact. Examples of United Way's initiatives and partnerships are the Earned Income Tax Credit Free Tax Preparation Assistance Program, which last year resulted in a 71 percent increase in tax returns filed for free and a corresponding increase in money coming back into the County in the form of refunds, and the Caremark Discount Prescription Drug Program, saving up to 20 percent for medications not covered by a health plan.

Allegany County United Way is doing its best to create an impact. They reached their goal of \$275,000 last year, and the goal for this year is \$287,000.

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

1. Placed on each legislator's desk was a copy of the Committee of the Whole minutes of October 15, 2008 for review.

2. Correspondence was received from the Allegany Senior Foundation thanking the Board for its recent contribution.

3. A news release was received from the Southern Tier West Regional Planning and Development Board highlighting their October 16 meeting.

**PROCLAMATION:**

Chairman Crandall proclaimed October 26 through November 1, 2008 as Winter Weather Awareness Week in Allegany County and urged all citizens to prepare for the upcoming season by heeding the advice and information from the emergency management community so that they can enjoy winter with a greater sense of comfort and safety.

**RESOLUTIONS:**

**RESOLUTION NO. 180-08**

**ADOPTION OF LOCAL LAW INTRO. NO. 4-2008, 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. 4-2008, Print No. 1, is adopted without any change in language, to wit:

**COUNTY OF ALLEGANY**

Intro. No. 4-2008

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, 2009, the annual salary of the incumbents of the following County offices shall be as follows: County Treasurer - \$64,250; Real Property Tax Director - \$51,281; County Clerk - \$57,250; County Attorney - \$86,250; Personnel Officer - \$50,099; Public Works Superintendent - \$66,521; Public Health Director - \$64,202; Social Services Commissioner - \$68,471; Employment and Training Director - \$58,810; Coroners - \$150 p/d.

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

Moved by: Mr. Reynolds

Seconded by: Mr. Pullen

Adopted: Roll Call

12 Ayes, 3 Noes, 0 Absent

Voting No: Kruger, Russo, Ungermann

Comments made regarding Resolution No. 180-08: Concern was voiced by Legislators Kruger, Russo, and Ungermann about the state of the economy, the recent stock market situation, and the anticipated increase in the County's state retirement payment. Salary increases are also accompanied by the 51 percent benefit expense. Granting increases at this time wouldn't be setting a good example with constituents. Economic times should dictate where money is spent, and there are so many places where there is no choice, so something has to suffer, and this is one.

It was also noted that there have been some very productive meetings to establish a system of granting annual salary increases, and there has been progress, but a comment was made that once a plan is devised, it should be adhered to.

In support of the resolution, Legislator Pullen commented that although the County has to have a balanced budget and work through difficulties, the County's mission involves delivery of services, which is accomplished by department heads and the key positions such as those included in the resolution. The increases given were less than the cost of living and already reflect the realities of our economic situation.

## **RESOLUTION NO. 181-08**

### **RESOLUTION SETTING DATE FOR PUBLIC HEARING ON EIGHT-YEAR REVIEW OF AGRICULTURAL DISTRICT NUMBER ONE**

Offered by: Public Works Committee

**WHEREAS**, Agricultural District Number One, being within the Towns of Allen, Birdsall, Centerville, Caneadea, Hume, Granger, Grove, New Hudson, and Rushford, was created by Resolution No. 162-2000 on July 10, 2000, and

**WHEREAS**, pursuant to Agriculture and Markets Law § 303-a an eight-year review of the District is required, and

**WHEREAS**, a thirty-day notice of such review has been given, and

**WHEREAS**, the reports of the County Planning Board and the Agricultural and Farmland Protection Board have been prepared recommending a continuation of this District with modifications in acreage, and

**WHEREAS**, the law requires that a public hearing be held on such review, now, therefore, be it

**RESOLVED:**

1. That a public hearing on the review of Agricultural District Number One shall be held by this Board at the County Legislators' Chambers, Room 221, County Office Building, 7 Court Street, Belmont, New York on November 10, 2008, at 2:00 P. M.

2. That the Clerk of the Board of Legislators shall prepare, with the assistance of the County Attorney, a notice of the public hearing, and cause such notice to be published in the Olean Times Herald and mailed in accordance with Section 303-a of the Agriculture and Markets Law.

Moved by: Mr. Fanton  
Seconded by: Mr. McCormick

Adopted: Voice Vote

**RESOLUTION NO. 182-08**

**CREATING ONE POSITION OF CLINIC SECRETARY IN THE HEALTH DEPARTMENT**

Offered by: Human Services Committee

**RESOLVED:**

1. That one position of Clinic Secretary is created in the Health Department.

2. This resolution shall take effect on October 28, 2008.

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

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

*(Memo: The Clinic Secretary position created by Resolution No. 182-08 will be in addition to the existing Clinic Secretary who is no longer functioning as Clinic Secretary due to a Plan of Correction through the Article 28 Family Planning program, and duties have been reassigned to her. A Clinic Secretary is needed in the Family Planning and other Public Health clinics. Four clerical support positions will be abolished when the Home Care Program transfers in December, so this position will be filled with an existing staff member. Funding will be 72 percent state and 28 percent County.)*

Comments made regarding Resolution No. 182-08: Public Health Director Lori Ballengee explained that the department already lost one clerical person in Home Care due to a resignation, and the existing Clinic Secretary had to take over those duties. Chairman Crandall noted that the new position falls in line with the plan of adjustments in the Health Department.

**RESOLUTION INTRO NO. 188-08 (CREATING ONE POSITION OF CORRECTION OFFICER IN THE SHERIFF'S DEPARTMENT) was WITHDRAWN** following a motion made by Legislator Dibble, seconded by Legislator Reynolds and carried. Sheriff Tompkins explained that the Deputy Sergeant planning to retire withdrew his retirement papers, and he won't need this new position until the retirement occurs. The retirement will result in the promotion of a Deputy to Deputy Sergeant creating a staff vacancy.

### **RESOLUTION NO. 183-08**

#### **APPOINTMENT OF ONE MEMBER TO COUNTY BOARD OF HEALTH**

Offered by: Human Services Committee

Pursuant to Public Health Law §§ 343 and 344

#### **RESOLVED:**

1. That Rajan Gulati is appointed to fill a vacancy to the County Board of Health, with term of office commencing October 27, 2008, and expiring July 7, 2013.

Moved by: Mr. Truax  
Seconded by: Mr. Kruger

Adopted: Voice Vote

### **RESOLUTION NO. 184-08**

#### **WAIVER OF TRAINING FOR VETERAN PLANNING BOARD MEMBERS FOR CALENDAR YEAR 2008**

Offered by: Ways and Means Committee

**WHEREAS**, General Municipal Law 239-C provides that the training required by Planning Board Members may be waived or modified by the County when, in the judgment of the governing board, it is in the best interest of the County to do so, and

**WHEREAS**, Allegany County Board Resolution No. 8-08, Resolution for Acceptable Training for Planning Board Members, states "the training required by this paragraph may be waived or modified by the County when, in the judgment of the governing board, it is in the best interest of the County to do so," and

**WHEREAS**, the veteran Planning Board members have numerous years of experience, and have attended numerous training sessions and seminars before the 239-C training was required, now, therefore, be it

**RESOLVED:**

1. That the training requirements for the following list of veteran Planning Board members be waived for the calendar year 2008: Lee Gridley, Ronald Stuck, James Ninos, Charles Jessup, Clifford Ackley, Dale Foster, Robert Ellis, and Wendall Brown.

Moved by: Mr. Reynolds  
Seconded by: Mr. Russo

Adopted: Voice Vote

Resolution Intro. No. 191-08 (Urging the State of New York Department of Environmental Conservation to Implement a Variance in Existing Regulations Pertaining to Drilling in the Upper Devonian Oil Producing Formations above the Tully Limestone) was amended on a motion made by Legislator Dibble, seconded by Legislator Fanton and carried by adding wording related to an attachment at the end of the ninth "Whereas," and changing the wording in the tenth "Whereas." (County Attorney Thomas Miner distributed amended copies of the proposed resolution prior to the meeting.)

**RESOLUTION NO. 185-08**

**URGING THE STATE OF NEW YORK DEPARTMENT OF ENVIRONMENTAL  
CONSERVATION TO IMPLEMENT A VARIANCE IN EXISTING REGULATIONS  
PERTAINING TO DRILLING IN THE UPPER DEVONIAN OIL PRODUCING FORMATIONS  
ABOVE THE TULLY LIMESTONE**

Offered by: Ways and Means Committee

**WHEREAS**, several counties in the State of New York possess exploitable and valuable oil and gas resources, and

**WHEREAS**, seventy to eighty percent of oil reserves are still in place in Allegany County, and

**WHEREAS**, new technology has made the renewed production of oil and gas and a revitalization of the oil and gas industry in Allegany County and the State of New York possible, and

**WHEREAS**, the recent rise in the price of oil has made it profitable to pursue oil and gas development if state regulations and policies are industry friendly, and

**WHEREAS**, the State of New York through its laws and regulations unnecessarily restricts oil and gas drilling and production within certain geological formations, and

**WHEREAS**, elimination of certain restrictions has the potential to provide significant economic benefits with little environmental impact, and

**WHEREAS**, recent worldwide economic events pose serious new challenges to this state's economy and the economy of Allegany County, and

**WHEREAS**, it is critical to the well-being of all New Yorkers that the state, in looking for new sources of revenue and economic development, make every effort to promote the intelligent development and utilization of our natural resources, and

**WHEREAS**, the New York State Department of Environmental Conservation maintains a geologic chart described as the Stratigraphic Section of Southwestern New York State as attached hereto, and

**WHEREAS**, the Allegany County Board of Legislators had previously adopted Resolution 136-2008 urging the state legislature and Department of Environmental Conservation to modify New York State Environmental Conservation Law and regulations to eliminate oil well spacing and the gas-oil production ratio in the Upper Devonian Period, Canadaway Group Formations, as described in the Stratigraphic Section of Southwestern New York State maintained by the State Department of Environmental Conservation, and

**WHEREAS**, present restrictions on shallow Upper Devonian wells lead to premature abandonment of resources and does not protect the correlative rights of mineral owners and well operators, and

**WHEREAS**, specific steps can and must be taken to address these concerns, now, therefore, be it

**RESOLVED:**

1. That existing state regulations dealing with oil and gas drilling be modified to provide that any Upper Devonian Period well completed in horizons above the Middle Devonian Tully Unit and producing less than ten (10) BOPD shall be deemed a marginal well. All of the sand lenses comprising the Upper Devonian formations above the Tully Unit shall be considered one producing horizon and not subject to commingling rules. These wells shall be spaced in accordance with NYSDEC oil well spacing and not be required to differentiate oil and gas saturations from sand to sand or wellbore to wellbore. Furthermore, gas to oil production ratio requirements shall be eliminated for any oil well drilled in the Upper Devonian where well depth is above the Tully. For oil wells in old oil fields drilled in the Upper Devonian, all spacing requirements shall be eliminated with the exception of property line setbacks. If two adjacent properties in an old oil field have the same mineral rights owners and operators the setback requirements shall be eliminated.

2. That certified copies of this resolution be mailed to New York State Governor David A. Paterson, NYS DEC Commissioner Peter Grannis, the Senate and Assembly En-

Con Committees, Senator Catharine M. Young, Assemblymen Daniel J. Burling and Joseph M. Giglio, NYSAC, and the InterCounty Association of Western New York.

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

Adopted: Voice Vote

Comments made regarding Resolution No. 185-08: Legislator Dibble illustrated the importance of the resolution with the display of some oil field maps. The gas to oil ratio is presently prohibiting the production of wells. He also used as an example the following scenario: One oil and gas company is looking at the Town of Independence. If the variance is granted by the NYS DEC, it could result in the drilling of 1,000 new oil wells at an investment of \$150,000,000 over 20 years; \$48 million in royalty payments to the landowners; and \$380 million in production income that is subject to sales tax.

### **RESOLUTION NO. 186-08**

#### **A RESOLUTION DETERMINING THAT ERRORS EXIST ON THE 2006 TO 2008 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 2008 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Benson, Irvine S.; Parcel 120.18-1-96  
Assessment: Land \$500 Total \$500

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

Allegany County	\$7.52
Town of Angelica	\$2.34
School Relevy	\$8.52
Total	\$18.38

5. That the Tax Collector of the Town of Grove is ordered and directed to correct in the 2008 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Hotchkiss, Joan M. & Lovelace, Sharron R.; Parcel 9.-1-12.4  
Assessment: Land \$7,425 Total \$7,425

this Parcel is a duplicate 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	\$110.66
Town of Grove	\$79.82
Fire	\$1.14
Total	\$191.62

6. That the Tax Collector of the Town of Willing is ordered and directed to correct in the 2006 to 2008 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Taylor, Rick; Parcel 187.-1-983  
Assessment: Land \$9,522 Total \$9,522

this Parcel should not have been on the Tax Roll because it doesn't exist, and the County Treasurer is directed to make the following charges and refund on her books:

	<u>2006</u>	2006-2007 <u>School</u>	<u>2007</u>	<u>2008</u>
Allegany County	\$138.85		\$147.64	\$142.46
Town of Willing	\$51.48		\$52.50	\$51.91
Fire	\$8.70		\$8.74	\$7.98
School Relevy	\$234.43	\$224.83		\$243.31
School Library		\$3.11		
Total	\$433.46	\$227.94	\$208.88	\$445.66

7. 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.

8. 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, 2009. The County Treasurer shall send a written notice to each School of the amount of such deduction prior to May 1, 2009.

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

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

**RESOLUTION NO. 187-08**

**ACCEPTANCE OF INSURANCE PAYMENTS FROM  
ZURICH AMERICAN INSURANCE COMPANY AND NYMIR;  
APPROPRIATION OF FUNDS TO RISK RETENTION ACCOUNT**

Offered by: Ways and Means Committee

**WHEREAS**, a check in the amount of \$5,571, representing the actual cash value plus tax and title fee for a totaled 2001 Chevy Malibu County vehicle has been offered by Zurich American Insurance Company, and

**WHEREAS**, a check in the amount of \$220.96, representing the full cost to replace a broken windshield on a 1998 Chevy Lumina County vehicle has been offered by NYMIR, now, therefore, be it

**RESOLVED:**

1. That the insurance payments from Zurich American Insurance Company and NYMIR totaling \$5,791.96, are accepted.

2. That the sum of \$220.96 is appropriated to Account No. CS1931.429 (Risk Retention – Uninsured Property Loss) and the sum of \$5,791.96 is credited to Revenue Account No. CS07.2680 (Risk Retention – Insurance Recovery).

Moved by: Mr. Reynolds

Seconded by: Mr. Hall

Adopted: Roll Call

15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 188-08**

**REAPPROPRIATION OF 2007 CALENDAR YEAR FUNDING FOR  
HEAP AND POE FROM THE STATE OF NEW YORK**

Offered by: Human Services Committee

**RESOLVED:**

1. That HEAP and POE grant funds in the amount of \$15,500 not spent in calendar year 2007 are reappropriated as follows: \$4,000 to Account No. A6777.1; \$2,500 to Account No. A6777.8; \$6,000 to Account No. A6787.1; \$1,500 to Account No. A6787.4; and \$1,500 to Account No. A6787.8; with a sum of \$6,500 to Revenue Account No. A09.2801.40; and \$9,000 to Revenue Account No. A10.3772.6787.

Moved by: Mr. Truax

Seconded by: Mr. Pullen

Adopted: Roll Call

15 Ayes, 0 Noes, 0 Absent

**RESOLUTION NO. 189-08**

**INCREASING APPROPRIATIONS AND REVENUES IN OFFICE FOR AGING ACCOUNTS**

Offered by: Human Services Committee

**WHEREAS**, the Office for the Aging has advised that due to supplements in Federal Grants Titles III-B, III-E, and VII 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 \$3,959 as follows: \$403 to Account No. A6773.4; \$3,455 to Account No. A6781.4; and \$101 to

Account No. A6786.4; with a sum of \$403 to Revenue Account No. A11.4772.01; \$3,455 to Revenue Account No. A11.4772.05; and \$101 to Revenue Account No. A11.4772.10.

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

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

**RESOLUTION NO. 190-08**

**TRANSFER OF FUNDS WITHIN OFFICE FOR AGING ACCOUNTS**

Offered by: Human Services Committee

**RESOLVED:**

1. That the sum of \$20,310 is transferred within Office for Aging accounts, as follows:

<u>From</u>	<u>To</u>	<u>Amount</u>
A6722.1	A6772.4	\$1,500
A6772.1	A6772.8	\$2,000
A6773.1	A6773.4	\$4,000
A6773.1	A6773.8	\$1,400
A6776.1	A6776.4	\$4,700
A6776.1	A6776.8	\$1,100
A6778.1	A6778.8	\$1,200
A6779.1	A6779.8	\$ 300
A6780.1	A6780.8	\$1,500
A6782.1	A6782.8	\$1,100
A6784.1	A6784.8	<u>\$1,510</u>
	Total	\$20,310

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

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

Comments made regarding Resolution No. 190-08: Office for the Aging Director Kimberley Toot explained that there were extra funds that could be transferred from the personnel services accounts because of some personnel issues: their Coordinator of Services resigned and it took a few months to fill the position, and there were a couple of medical leaves.

**RESOLUTION NO. 191-08**

**TRANSFER OF FUNDS WITHIN SOLID WASTE CONTRACTUAL EXPENSES ACCOUNT**

Offered by: Public Works Committee

**RESOLVED:**

1. That the sum of \$41,000 is transferred from Account No. A8160.1 to Account No. A8160.4 to cover expenditures for the remainder of year.

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

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

**RESOLUTION NO. 192-08**

**TRANSFER OF FUNDS FROM CONTINGENT ACCOUNT TO  
LAW ENFORCEMENT SHERIFF CONTRACTUAL EXPENSES ACCOUNT**

Offered by: Public Safety and Ways and Means Committees

**RESOLVED:**

1. That the sum of \$31,250 is transferred from Account No. A1990.4 (Contingent) to Account No. A3110.4 (Sheriff – Contractual), to finance the purchase of scheduling software.

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

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

*(Memo: The scheduling software referred to in Resolution No. 192-08 will be utilized for controlling and documenting all work, including overtime, in the jail. The Telestaff software has an initial contract cost of \$33,250, of which \$5,000 is designated for a server. Initial conversations with the Information Technology Department suggest that the server can be purchased for between \$2,500 and \$3,000, resulting in an initial cost of approximately \$31,250. The annual maintenance cost for the first year would be \$4,470. The Sheriff anticipates recovering the initial cost within a five-year period through better monitoring of all shifts and control of overtime.)*

Comments made regarding Resolution No. 192-08: Sheriff William Tompkins explained that the software will pay for itself inside of five years. Currently they have to pay a person to call staff in for overtime; sometimes that person is dedicated for an entire shift making calls. The software would do that automatically and makes a complete digital record to back-up contractual obligations. It will give employees access to the scheduling process, and days off will have to be approved electronically. The system will keep track of the entire process, something that has never occurred before. With the large number of employees, it's

becoming impossible to keep up day to day. The software also interfaces with our AS400 accounting system. Another advantage will be accountability. Savings will be realized by not having to have personnel tied up making the overtime calls, and also by the eliminating the problem of having two people show up for overtime, both claiming to have been called in. Jail Administrator Christopher Ivers spoke with other counties using the software and they speak highly of it. Chairman Crandall noted that contracts and agreements should be reviewed by the County Attorney, and IT should be consulted about compatibility.

### **RESOLUTION NO. 193-08**

#### **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, 2008, through March 31, 2009, between the New York State Unified Court System and the Allegany County Sheriff's Department for the provision of Court Security, is approved.
2. That the Allegany County Sheriff being authorized to execute such Amendment on behalf of the County.

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

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

*(Memo: The Court Security Agreement Amendment approved by Resolution No. 193-08 includes reimbursement for services in the amount of \$288,957.)*

### **RESOLUTION NO. 194-08**

#### **APPROVAL OF AGREEMENTS WITH APPROVED PROVIDERS OF PROGRAMS, SEIT AND/OR EVALUATIONS FOR PRESCHOOLERS WITH DISABILITIES**

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, 2008 to August 31, 2009, is approved.
2. That the Chairman of this Board is authorized to execute such Agreements.

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

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

*(Memo: The contracts approved by Resolution No. 194-08 provide for special education services for preschoolers with disabilities, and are renewed annually. Services include: center-based programming, SEIT (Special Education Itinerant Teacher), and evaluation services. Reimbursement for services provided will be made at the rates approved by the New York State Education Department.)*

Resolution Intro. No. 201-08 (Resolution Urging the Governor and the State Legislature to Reduce State Spending without Shifting Costs for State Programs to County Government) 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. 195-08**

#### **RESOLUTION URGING THE GOVERNOR AND THE STATE LEGISLATURE TO REDUCE STATE SPENDING WITHOUT SHIFTING COSTS FOR STATE PROGRAMS TO COUNTY GOVERNMENT**

Offered by: Ways and Means Committee

**WHEREAS**, Counties in New York have long served as the principal partner in administering the State's most critical programs in areas such as health, human services, and public protection, and

**WHEREAS**, as part of administering these programs, the State mandates that counties fund a significant portion of these programs through the county budget, and

**WHEREAS**, these State mandates are the root cause of high property taxes at the county level, and

**WHEREAS**, the enacted budget for State Fiscal Year 2008-09, included an across the board 2 percent reduction that affected over 100 county programs, and

**WHEREAS**, the majority of the programs affected by this across the board reduction are State mandated, thus, significantly limiting a county's ability to mitigate the fiscal burden of this State action, and

**WHEREAS**, as State policy makers continue to address looming State budget deficits it is critical that they draw a clear distinction between "cuts" in State funding and simple cost shifting that requires counties to fund a larger share of State mandated services, and

**WHEREAS**, as experienced managers who must balance their own budgets, county officials understand and support the need for spending restraint, especially in difficult times, and

**WHEREAS**, counties believe that it is preferable to restructure and eliminate unnecessary and wasteful spending than to implement across the board reductions without examining the merits of each program and service, now, therefore, be it

**RESOLVED:**

1. That the Allegany County Board of Legislators calls on the Governor and State Legislature to reduce State spending without shifting the costs for State programs to county government.

2. That this Board believes that by working together, the State and its counties can fashion program efficiencies and changes that provide real, timely, and mutual fiscal benefit, while minimizing the impact on taxpayers.

3. That the Clerk of this Board is directed to send certified copies of this resolution to Governor David Paterson, the New York State Legislature, and all other members deemed necessary and proper.

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 Kruger and carried, that the audits be acted upon collectively and by totals.

A motion was made by Legislator Truax, seconded by Legislator Dibble and adopted on a roll call vote of 15 Ayes, 0 Noes, 0 Absent, that the audit of claims, totaling \$1,678,134.99 including prepaid expenses, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$7,396,531.*)

**COMMENTS:**

Legislator Reynolds made note of an article written by Legislator Hall that appeared in the NYSAC News entitled, "Innovation Solution Expands Wireless Network Capabilities."

Legislator Pullen commented on a recent article in "Business First" of Buffalo in which Niagara County is cited as facing a heavy tax burden, the heaviest tax burden in America. Residents there pay an average of 2.92 percent of their home's value in real property taxes. He felt there was something wrong with those numbers, because Allegany County is burdened with a significantly higher average, with some residents paying seven percent.

Further in the article it was noted that the report considered 788 United States counties with populations of 65,000 or more, so the smaller, more rural counties are not even included. Mr. Pullen also looked at a report from the U.S. Tax Commission. The top eight most heavily tax burdened counties are all from Upstate New York, and 20 of the top 100 are from Upstate New York. New York City doesn't even show up, as they are among the lowest burdened counties. By eliminating those counties with populations less than 65,000, the "Business First" article drops 23 counties from NY that are very heavily burdened. This reflects that the state taxing system policies and programs unfairly hit and burden rural Upstate New York counties. They have borne a high percentage of the costs of programs, and don't have the businesses they have in urban areas to help with the tax base, so it comes out of real property tax. The average tax burden across the country is .9 percent, and in our County some pay seven percent. We have lost population and seats in the legislature. Programs are proposed with a break based on income for equity, when the underlying realities show they have targeted rural counties that don't have the means to pay any other way than property taxes. Letters should be written to our federal and state officials encouraging them to look for ways to address this issue. We're paying a tax rate six times the national average, and even the statistics don't reflect it because we're so small.

**ADJOURNMENT:** The meeting was adjourned following a motion made by Legislator Truax, seconded by Legislator Dibble and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION  
NOVEMBER 10, 2008**

**\*\* APPROVED \*\***

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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, who then led in the Pledge of Allegiance to the Flag. The Invocation was given by Legislator Pullen.

**ROLL CALL:** 15 Present; 0 Absent.

**APPROVAL OF MINUTES:**

The Committee of the Whole meeting minutes of October 15, 2008 were approved on a motion made by Legislator Truax, seconded by Legislator Dibble and carried.

The Board meeting minutes of October 27, 2008 were approved on a motion made by Legislator Truax, seconded by Legislator Dibble and carried.

**PUBLIC HEARING:**

Chairman Crandall suspended the regular meeting to hold a public hearing on the continuance and modification of Agricultural District Number One within the Towns of Allen, Birdsall, Centerville, Caneadea, Hume, Granger, Grove, New Hudson, and Rushford. There being no one desiring to speak, the public hearing was declared closed and the Board reconvened in regular session.

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

1. Placed on each legislator's desk was a copy of the 2007 Journal of Proceedings.
2. Also placed on each legislator's desk was a copy of the Report of Intrafund Transfers approved by the County Administrator in October 2008.
3. Also placed on each legislator's desk was a copy of the Tax Bill Corrections approved by the County Administrator in October 2008.
4. Correspondence was received from the Allegany County Area Foundation thanking the Board for its recent contribution.
5. A notice was received for the next InterCounty Association meeting to be hosted by Genesee County on November 21 in Batavia.

6. An invitation was received to attend ACCORD Corporation's detailed overview relating to New York State and federal non-profit law.

7. Correspondence was received from Judy Hopkins, Community Outreach Coordinator for Literacy Volunteers, regarding the Creating Opportunities for Rural Education (CORE) strategic planning session to be held on December 4 from 10 a.m. to 2 p.m. at Moonwinks.

**PROCLAMATIONS:**

Chairman Crandall proclaimed November 11, 2008 as Veterans' Day in Allegany County in honor of the men and women who have served in our Nation's Armed Forces and to express our appreciation for their service in times of peace and war.

Chairman Crandall proclaimed November 2008 as Family Caregivers' Month in Allegany County in tribute to the many family members providing care to loved ones. They deserve our gratitude and respect for their efforts. While there are demands in caring for others, they remain selfless in sharing themselves and their time with those in their care.

**RESOLUTIONS:**

**RESOLUTION NO. 196-08**

**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, 2008, through September 30, 2008, 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. Pullen

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

**RESOLUTION NO. 197-08**

**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 \$25,569.91 is appropriated from Account No. A1410.432 (County Clerk – Contractual) and shall be distributed to the Towns and Villages of the County as follows:

<b>TOWNS</b>	<b>AMOUNT RETAINED BY COUNTY CLERK'S OFFICE FOR MORTGAGE TAX FEE</b>	<b>REBATE AMT TO TOWN</b>	<b>REBATE AMT TO VILLAGE</b>	<b>VILLAGES</b>
Alfred	890.08	713.65	176.43	Alfred
Allen	569.00	569.00		
Alma	548.32	548.32		
Almond	1,458.42	1,340.60	117.82	Almond
Amity	1,199.50	1,002.99	196.51	Belmont
Andover	955.97	779.53	176.44	Andover
Angelica	1,002.94	822.49	180.45	Angelica
Belfast	548.87	548.87		

Birdsall	379.82	379.82		
Bolivar	1,654.67	1,301.25	328.60	Bolivar
			24.82	Richburg
Burns	718.69	621.60	97.09	Canaseraga
Caneadea	853.39	853.39		
Centerville	402.27	402.27		
Clarksville	661.22	661.22		
Cuba	1,751.16	1,464.96	286.20	Cuba
Friendship	539.63	539.63		
Genesee	1,306.12	1,306.12		
Granger	267.43	267.43		
Grove	263.70	263.70		
Hume	651.12	651.12		
Independence	710.10	710.10		
New Hudson	298.19	298.19		
Rushford	1,251.29	1,251.29		
Scio	972.25	972.25		
Ward	285.06	285.06		
Wellsville	3,564.62	2,588.83	975.79	Wellsville
West Almond	402.55	402.55		
Willing	627.88	627.88		
Wirt	835.65	775.42	60.23	Richburg
TOTALS	25,569.91	22,949.53	2,620.38	

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. Pullen

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

**RESOLUTION NO. 198-08**

**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 22, 2008, and November 1, 2008, 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. Hall

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

Comments made regarding Resolution 198-08: Discussion included concern voiced by Legislators Russo, Kruger, and Ungermann about this unfair requirement that punishes landowners because of tenants defaulting on water and sewer bills. County Attorney Thomas Miner explained that pursuant to General Municipal Law, this is a ministerial function of local government, and we have an obligation to do it. When asked about the cost and if the County recovers any of that cost, County Treasurer Terri Ross noted that the County has to make the districts whole, and the charges are placed on the tax relevy. Legislator Pullen explained that each town or village is authorized to adopt a resolution to forward unpaid water and sewer bills to the County. If towns and villages send these up, the County is then required by NYS General Municipal Law to relevy on the January tax bill. There is no other way for municipalities to recover those charges. The County has no choice, but the process does require an act of this Board.

**RESOLUTION NO. 199-08**

**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 11, 2008.

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

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

**RESOLUTION NO. 200-08**

**RELIEF 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 11, 2008.

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

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

**RESOLUTION NO. 201-08**

**ADJUSTING 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 various appropriation and revenue accounts, 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>
A6010.402	Mileage	\$25,115
A6010.405	Conferences	2,000

A6010.409	Fees	5,000
A6010.416	Phone	6,500
A6010.476	Contracts	113,000
A6010.481	Special Allocations	50,000
A6070.474	Purchase of Services	200,000
A6101.475	Non-emergency ambulatory	35,000
A6101.476	Non-emergency ambulance	12,000
A6101.477	Emergency ambulance	36,000
A6101.478	Cost effective insurance	9,000
A6101.479	Misc. Medical expenditures	9,000

<u>Account No.</u>	<u>Revenues</u>	<u>Amount</u>
A11.4601.00	Federal revenue	\$ 88,000
A10.3601.00	State revenue	\$ 88,000

2. That the following Department of Social Services accounts are decreased by the designated amounts:

<u>Account No.</u>	<u>Appropriation Accounts</u>	<u>Amount</u>
A6010.474	Maintenance Contracts	(\$18,000)
A6010.406	Insurance	(3,915)
A6010.407	Office Supplies	(10,200)
A6010.477	Local Early Interventions	(6,500)
A6010.478	FFFS	(38,000)
A6010.482	WTW Contracts	(50,000)
A6109.474	TANF	(200,000)

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

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

### **RESOLUTION NO. 202-08**

#### **TRANSFER OF FUNDS FROM SHARED SERVICES CENTRAL SERVICE COPYING ACCOUNT TO CLERK, LEGISLATIVE BOARD ACCOUNT**

Offered by: Ways and Means Committee

#### **RESOLVED:**

1. That the sum of \$2,140 is transferred from Account No. A1670.415 to Account No. A1040.1 to cover expenses through end of the year.

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

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

## RESOLUTION NO. 203-08

### TRANSFER OF FUNDS WITHIN LEGISLATIVE BOARD ACCOUNTS

Offered by: Ways and Means Committee

#### RESOLVED:

1. That the sum of \$972 is transferred from Account No. A1010.405 (Legislative Conference Expense) to Account No. A1010.101 (Legislative Payroll), to cover expenses through end of the year.

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 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 \$3,685,374.87 including prepaid expenses, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$7,743,403.*)

#### COMMENTS:

Legislator Pullen referred to a recent letter from State Comptroller DiNapoli regarding the impact of the struggling economy on pension benefits. The Comptroller assured that retirement funds are secure, and noted the state's success in recovering money lost during the market downturn from 2000 through 2003. Mr. Pullen pointed out that the money lost was recovered, not through the prudent practices of the Comptroller, but because they just passed along deficiencies to localities and the taxpayers to pay. With the recent economic situation, we may again be experiencing this.

**ADJOURNMENT:** The meeting was adjourned at 2:30 p.m. following a motion made by Legislator Truax, seconded by Legislator Dibble and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION  
NOVEMBER 24, 2008**

**\*\* APPROVED \*\***

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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, who then led in the Pledge of Allegiance to the Flag. The Invocation was given by Legislator Pullen.

**ROLL CALL:** 14 Present; 1 Absent (Legislator Truax).

**APPROVAL OF MINUTES:**

The minutes of the Public Hearing for the 2009 Tentative Budget on November 6, 2008 were approved on a motion made by Legislator Reynolds, seconded by Legislator Hall and carried.

The Board meeting minutes of November 10, 2008 were approved on a motion made by Legislator Dibble, seconded by Legislator Fanton and carried.

The Committee of the Whole meeting minutes of November 10, 2008 were approved on a motion made by Legislator Pullen, seconded by Legislator Hopkins and carried.

**PRIVILEGE OF THE FLOOR:**

Chairman Crandall granted privilege of the floor to the following:

Wallace Higgins, Allegany Senior Foundation Chairman, spoke on the importance of Lifeline service for people who need it. Mr. Higgins presented a check to Office for the Aging Director Kimberley Toot. Mrs. Toot noted that Lifeline provides service to seniors who are home alone. There is presently a waiting list, and this check will assist ten people.

Curtis W. Crandall, Chairman of the Board, presented a donation of funds from the legislators' "flower fund" to the Allegany County Cancer Services Foundation. Chairman Crandall noted that this is the third such contribution over the past couple of months, and each of the recipient groups operates in the interest of Allegany County residents. All money donated stays in the County. The mission of ACCS is to increase awareness of early, life-saving screening and treatment and to assist Allegany County residents with financial needs related to cancer issues. Public Health Director Lori Ballengee accepted the check on behalf of ACCS.

Lori Ballengee, Public Health Director, addressed the Board regarding Allegany County Cancer Services and expressed her gratitude for the donation. The Foundation is 100 percent donation driven. They are also 100 percent volunteer driven, with no paid staff,

which illustrates the dedication of County residents to help with the cancer awareness issue. Since the spring of 2006, 62 applications have been received, and \$13,477 in financial assistance was provided to Allegany County residents. An information sheet was distributed.

Lisa Lee, Literacy Volunteers Executive Director, invited legislators to attend a strategic planning session for the CORE (Creating Opportunities for Rural Education) Initiative. The purpose of the CORE event is to bring educators, business owners, employment and training professionals, human service providers, and government officials together to address education and employment needs. This issue was included in the recently completed Allegany County Comprehensive Plan. Literacy information was distributed outlining data on children and literacy status of adults. Forty-seven percent of the County's adult population is operating at or below the fourth grade reading level, and on employment readiness tests given by the Employment and Training Center, fifty-five percent ranked below the sixth grade level in reading and math. When we will soon be looking at addressing Allegany County's labor force with 2,500 people retiring, it is important that we develop a plan to ensure that we have prepared workers.

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

1. Placed on each legislator's desk was a copy of the 2009 Allegany County Budget.

2. The Chairman has called a special Committee of the Whole meeting on December 3 at 7 p.m. to outline and discuss the County's financial options in addressing the Court facilities issue. Town supervisors, village mayors, and department heads were invited, and all legislators were asked to attend.

#### **APPOINTMENTS:**

Chairman Crandall appointed the following as members of the **COURT FACILITIES FINANCIAL IMPACT AD HOC COMMITTEE**, effective immediately, to serve at his pleasure:

Theodore L. Hopkins  
Timothy J. O'Grady  
Douglas D. Burdick  
David T. Pullen  
Curtis W. Crandall

#### **RESOLUTIONS:**

##### **RESOLUTION NO. 204-08**

##### **RESOLUTION CONTINUING AGRICULTURAL DISTRICT NUMBER ONE WITH MODIFICATIONS**

Offered by: Public Works Committee

Pursuant to Agriculture and Markets Law Sections 303-a and 303-b

**WHEREAS**, Agricultural District Number One, being within the Towns of Allen, Birdsall, Caneadea, Centerville, Hume, Granger, Grove, New Hudson, and Rushford, was created by Resolution No. 162-2000 on July 10, 2000, and

**WHEREAS**, the eight-year review of Agricultural District Number One for requesting inclusion of predominantly viable agricultural land into said District for calendar year 2008 has been completed, and

**WHEREAS**, twenty-seven landowners have requested the inclusion of approximately 2,910.18 acres of predominantly viable agricultural land within Agricultural District Number One, and

**WHEREAS**, twenty-eight landowners have requested to be removed from Agricultural District Number One totaling approximately 761.39 acres, and

**WHEREAS**, due notice of a public hearing on whether such predominantly viable agricultural land should be included and removed in the District having been published as required by Agriculture and Markets Law Section 303-b, and such hearing having been held before this Board on November 10, 2008, and

**WHEREAS**, this Board has duly deliberated on whether the District should be modified, now, therefore, be it

**RESOLVED:**

1. That this Board of Legislators determines, after review of the report of the Agricultural and Farmland Protection Board and after a public hearing held on November 10, 2008, that Agricultural District Number One be continued and modified to include the addition of approximately 2,910.18 acres of predominantly viable agricultural lands located in the Towns of Allen, Birdsall, Caneadea, Centerville, Granger, Hume, New Hudson, and Rushford and the removal of approximately 761.39 acres of predominantly viable agricultural land located in the Towns of Caneadea, Centerville, Hume, and Rushford.

2. That the Clerk of this Board is directed to send a certified copy of this resolution to the New York State Commissioner of Agriculture and Markets.

3. That this Board requests that the New York State Commissioner of Agriculture certify that the proposed inclusion of the approximately 2,910.18 acres of predominantly viable agricultural lands located in the Towns of Allen, Birdsall, Caneadea, Centerville, Granger, Hume, New Hudson, and Rushford and the removal of approximately 761.39 acres of predominantly viable agricultural land located in the Towns of Caneadea, Centerville, Hume, and Rushford, resulting in a net total of approximately 52,711.63 acres in Agricultural District Number One, is feasible and in the public interest.

Moved by: Mr. Fanton

Adopted: Roll Call

Seconded by: Mr. Reynolds

14 Ayes, 0 Noes, 1 Absent

Resolution Intro. No. 211-08 (A Resolution in Relation to the Compensation of County Officers and Employees) was amended on a motion made by Legislator Hall, seconded by Legislator Pullen and carried, to change the wording of Resolved Number 4.

### **RESOLUTION NO. 205-08**

#### **A RESOLUTION IN RELATION TO THE COMPENSATION OF COUNTY OFFICERS AND EMPLOYEES**

Offered by: Personnel Committee

#### **RESOLVED:**

1. That commencing January 1, 2009, 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, 2009, 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, 2009, 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, 2009, 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, 2009, 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, 2009, 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, 2009, each employee occupying a position in the "New York State Public Employees Federation" as recognized by this Board by Resolution

No. 193-2007, shall receive the salary or rate of compensation for the step of the Grade of the position occupied that is set forth in Resolution No. 261-06, and which salary such Public Employee Federation member is entitled to receive commencing January 1, 2009; the increment recommendations from the department heads for each employee under their jurisdiction receiving such recommendation being approved.

5. That commencing January 1, 2009, 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. 243-07, and which salary such non-unit employee is entitled to receive commencing January 1, 2009; the increment recommendations from the department heads for each such non-unit employee under their jurisdiction receiving such recommendation being approved.

6. 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, four, and five of this resolution to the County officers who are responsible for preparing the payrolls of such employees.

7. That commencing January 1, 2009, 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	2,500
Deputy Budget Officer	2,500
County Administrator	86,652
Clerk of the Board	50,913
District Attorney	119,800
Assistant District Attorney (1st)	34,036
Assistant District Attorney (2nd)	31,587
Assistant District Attorney (3rd)	31,587
Assistant District Attorney (4th)	31,587
Assistant District Attorney (5th) RTR	26,806
Assistant District Attorney (6th) Welfare	24,000
District Attorney Investigator (PT)	12,360
Crime Victims Coordinator	25,602
Public Defender	82,000
Assistant Public Defender (1st)	70,000
Coroners	150 p/d
Coroners' Physician	50 p/d

Deputy County Auditor	1,200
County Treasurer	64,250
Real Property Tax Agency Director	51,281
County Clerk	57,250
County Attorney	86,250
Assistant County Attorney (1st)	74,250
Assistant County Attorney (2nd)	55,250
Assistant County Attorney (3rd)	54,250
Personnel Officer	50,099
Election Commissioners (2)	12,871
Public Works Superintendent	66,521
Seasonal Laborers (Public Works)	8.00/hr.
Information Technology Director	60,269
Sheriff	60,000
Probation Director II	62,798
STOP DWI Coordinator	14,575
Youth Director	29,786
Fire Coordinator	13,805
Emergency Services Director	41,426
Public Health Director	64,202
Medical Director	20,000
Tourism Specialist	10,619
Community Services Director	35,281
Social Services Commissioner	68,471
Development Director	73,544
Office for the Aging Director	54,032
Office for the Aging:	
Site Managers	7.50-9.50/hr.
Drivers, Aides	7.50-9.50/hr.
Rushford Lake:	
Youth Agencies Director	470/wk.
Lifeguards	9.20/hr.
Employment & Training Director III	58,810
JTPA Summer Counselors	11.50/hr.
Executive Secretary, Workers Comp.	30,631

Moved by: Mr. Hall  
 Seconded by: Mr. Pullen

Adopted: Roll Call  
 10 Ayes, 4 Noes, 1 Absent  
 Voting No: Kruger, McCormick, Russo, Ungermann

Comments made regarding Resolution No. 205-08: Legislator Kruger did not support it because he felt non-unit and unit salaries should be considered separately. Legislators have no choice in approving unit raises which are set by contract, but they do have a choice on approving non-unit raises. Legislator Ungermann stated that some people may deserve

raises, but not all. He also disapproved of the raises in light of the poor economic situation. Legislator McCormick stated that in these economic times, some ground needs to be given up by all of us. As it stands today, the people that have to give up ground are the taxpayers. We need to consider the public sector. Legislator Pullen commented in favor of the raises in that the County offices provide many valuable, necessary services to the taxpayers, and we need qualified people to do that. Mr. Pullen wished that the legislature could do more for the employees and that it could be done without the tax impact, but he felt that a balance had been struck with this proposal.

**RESOLUTION NO. 206-08**

**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, 2009, Section 6 of Resolution No. 297-75, as last amended by Resolution No. 243-2007, 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	25,091	25,844	26,619	27,417	28,240	29,087	29,960	30,858	31,784	32,736	33,718	34,730	876
2	26,619	27,417	28,240	29,087	29,960	30,858	31,784	32,736	33,718	34,730	35,773	36,846	930
3	28,240	29,087	29,960	30,858	31,784	32,736	33,718	34,730	35,773	36,846	37,951	39,089	986
4	29,960	30,858	31,784	32,736	33,718	34,730	35,773	36,846	37,951	39,089	40,263	41,472	1,046
5	31,784	32,736	33,718	34,730	35,773	36,846	37,951	39,089	40,263	41,472	42,715	43,996	1,110
6	33,718	34,730	35,773	36,846	37,951	39,089	40,263	41,472	42,715	43,996	45,316	46,677	1,178
7	35,773	36,846	37,951	39,089	40,263	41,472	42,715	43,996	45,316	46,677	48,077	49,519	1,250
8	37,951	39,089	40,263	41,472	42,715	43,996	45,316	46,677	48,077	49,519	51,004	52,535	1,326
9	40,263	41,472	42,715	43,996	45,316	46,677	48,077	49,519	51,004	52,535	54,111	55,733	1,406
10	42,715	43,996	45,316	46,677	48,077	49,519	51,004	52,535	54,111	55,733	57,405	59,127	1,492
11	45,316	46,677	48,077	49,519	51,004	52,535	54,111	55,733	57,405	59,127	60,901	62,729	1,583

Moved by: Mr. Hall

Seconded by: Mr. Hopkins

Voting No: Fanton, Kruger, McCormick, O'Grady, Russo, Ungermann

Adopted: Roll Call

8 Ayes, 6 Noes, 1 Absent

Comments made regarding Resolution No. 206-08: Legislator O'Grady explained his non-support by stating that we have a system in place for department heads, but all non-unit personnel were given a three percent salary increase with no discussion and no evaluation by their department heads. Legislators Kruger and Russo concurred with Mr. O'Grady, with Mr. Russo commenting that he would continue to vote no until the system is fixed. Legislator

Dibble commented that we should begin looking at the procedure for determining non-unit raises in February so that a system will be in place in the fall.

**RESOLUTION NO. 207-08**

**APPOINTMENT OF COMMISSIONER OF ELECTIONS**

Offered by: Personnel Committee

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

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

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

**RESOLVED:**

1. That Elaine Herdman is appointed Commissioner of Elections with term of office commencing January 1, 2009, and expiring December 31, 2012.

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

Adopted: Voice Vote

**RESOLUTION NO. 208-08**

**AMENDMENT OF COUNTY NON-UNIT SALARY PLAN TO MOVE POSITION OF UNDERSHERIFF FROM GRADE 10 TO GRADE 11 (STEP 8)**

Offered by: Personnel Committee

**RESOLVED:**

1. The position of Undersheriff is moved from Grade 10 to Grade 11 (Step 8) of the Non-Unit Salary Plan on the condition that no overtime will be allotted.

2. This resolution will be effective November 25, 2008.

Moved by: Mr. Hall  
Seconded by: Mr. Pullen

Adopted: Roll Call  
10 Ayes, 4 Noes, 1 Absent  
Voting No: Burdick, Hopkins, McCormick, O'Grady

Comments made regarding Resolution No. 208-08: Legislator O'Grady stated that the original salary for this position may have been set too low, but with the increase associated with this resolution, it will mean \$15,000 in raises over the last two years, which is considerable. He couldn't support it at this time. Legislator Kruger commented that he didn't agree with the process used in many instances when setting lower salaries for new personnel in positions like the County Clerk, Treasurer, Sheriff, and Undersheriff. Now we're trying to catch up. Salaries should be set, regardless of experience.

## **RESOLUTION NO. 209-08**

### **ABOLISHING ONE POSITION OF DEPUTY SHERIFF AND CREATING ONE POSITION OF CORRECTION OFFICER IN THE SHERIFF'S DEPARTMENT**

Offered by: Public Safety Committee

#### **RESOLVED:**

1. That one position of Deputy Sheriff is abolished and one position of Correction Officer is created in the Sheriff's Department.
2. This resolution shall take effect November 25, 2008.

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

Adopted: Roll Call  
13 Ayes, 1 Noes, 1 Absent  
Voting No: Kruger

*(Memo: Regarding Resolution No. 209-08, the Deputy Sheriff position was vacated due to a resignation and will be replaced with the Correction Officer position at a savings of \$7,100 per year.)*

Comments made regarding Resolution No. 209-08: Legislator Kruger felt that the position changes should wait until problems are sorted out through arbitration. Legislator Ungermann questioned if this issue was under arbitration and also if the change should wait until after the Deputy Sheriff Union contract is settled. County Administrator John Margeson replied that a grievance is presently under arbitration. The County is in the process of finding a new arbitrator. Within a few weeks, we should have an arbitrator and can hold a hearing. Legislator Reynolds commented that the Sheriff is trying to get a handle on staffing, and he felt that the union should not be able to dictate staffing levels. Legislator O'Grady noted that staffing levels aren't changing; the Sheriff is just rearranging positions. Legislators Fanton and Pullen supported the change and getting the same job done at a savings of \$7,100, and noted that the arbitration can be dealt with when it comes up.

Resolution Intro. No. 216-08 (Amendment of 2009 County Tentative Budget) was amended on a motion made by Legislator Hall, seconded by Legislator Reynolds and carried,

by changing the final amounts for Account No. V9730.600 from 135,000 to 135,050 and Account No. V12.5031.00 from 2,515,500 to 2,515,550 (Voting No: Kruger).

## RESOLUTION NO. 210-08

### AMENDMENT OF 2009 COUNTY TENTATIVE BUDGET

Offered by: Ways and Means Committee

#### RESOLVED:

1. That the 2009 County Tentative Budget dated September 30, 2008, is amended as follows:

Appropriations:

<u>Account No.</u>	<u>Account Name</u>	<u>Amendment</u>
A9560.905	Interfund Transfer to Debt Service	Change from 2,380,550 to 2,515,550
V9730.600	BAN Principle	Change from 0 to 135,050

Revenues:

<u>Account No.</u>	<u>Account Name</u>	<u>Amendment</u>
A15.599.00	Appropriated Fund Balance	Change from 0 to 135,000
V12.5031.00	Interfund Transfers	Change from 2,380,500 to 2,515,550

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

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

## RESOLUTION NO. 211-08

### ADOPTION OF 2009 COUNTY FINAL BUDGET

Offered by: Ways and Means Committee

#### RESOLVED:

1. That the 2009 County Tentative Budget dated September 30, 2008, as amended and revised, is adopted as the 2009 County Final Budget.

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

Adopted: Roll Call  
10 Ayes, 4 Noes, 1 Absent  
Voting No: Kruger, McCormick, Russo, Ungermann

Comments made regarding Resolution No. 211-08:

Legislator Kruger stated that he would not support the budget. Even though the tax increase is minimal, when you compare the amount to be raised in taxes to the amount from three years ago at the beginning of this Board's term, it's over \$3 million more.

Legislator Russo read a prepared statement: "Although the proposed 1.3 percent property tax increase seems low, it's really not when added to the past five years. The total increase for that period is over 20 percent. This is absolutely the worst time to pile more tax on County residents who are already suffering under current tax burdens and trying to deal with economic recession and market melt-down that is sapping both their wallets and their retirement funds. Property taxes are a major impediment to economic activity and growth in Allegany County and across New York State. Property taxes are higher in our County than most other counties, and they put a burden on many homeowners and small businesses that are expected to pay taxes based on the appraised value of their properties, not on their current financial ability to pay. For these reasons, I will vote NO today on the 2009 Allegany County Budget."

Legislator O'Grady commented that he has voted no on the budget every year, because he felt we never investigated enough to find more ways to cut expenses. This year he will support it, because he believes that when the state passes their budget, we will see significant shifts in our budget, and we will need every penny to make up the difference.

Legislator Fanton pointed out that the two main reasons Allegany County experienced a 20 percent increase in property taxes over the past several years were that Medicaid expenses went from \$6.8 million in 2002 to \$10 million, and the County's expense for the NYS Retirement fund went from \$400,000 to \$2.4 million. Those expenses were unfunded mandates passed down to the County, and the Board had to deal with it by increasing taxes.

Legislator Ungermann commented that spending has gone up \$12 million in three years, and we're tacking on an additional \$1 million this year from the taxpayers alone. He could not vote to approve the budget. We've done nothing to make cuts, but continue to hire additional people, even when the union says we don't need to, for example, the second Clinic Receptionist and the Well Baby Nurse in the Health Department. Several ideas have been offered to help cut costs. Scott Spillane came in a couple of months ago and said we should follow Cattaraugus County's lead and approve a veterans' exemption. Maybe we should follow their lead again and require legislators to pay 50 percent of their health insurance premium. That would save \$60,000. Mr. Ungermann's daughter wrote an editorial in response to a newspaper headline stating that County residents were happy with the tax increase. If that was not the case, she asked that readers send letters to the Clerk of the Board. A total of 70 responses were received, so not everyone is happy.

Legislator McCormick commented that farming is the backbone of our County. Over the last four months, the price of milk slid ten percent. That's a 30 percent decrease in income over a twelve-month period. Now we're asking people owning farmland to accept an increase in their costs. They're giving up ground. We need to help the taxpayers. We're elected by them. Mr. McCormick felt there was room for more reductions in the budget.

Legislator Hopkins noted that the budget is fairly tight, and we don't know what will happen with the state. The County will undoubtedly share some of those costs. Legislator Fanton pointed out that state reductions are projected to be between six and fifteen percent. There may be a little room in the County budget to deal with increased costs passed down by the state, but it will be very tight.

Legislator Ungermann referred to a recent NYSAC newsletter that cautioned counties against raising sales tax projections, and he noted that we did by a little over \$1 million. County Administrator/Budget Officer John Margeson responded that the \$1.2 million is based on actual 2007 projections, not 2008. Actual figures for 2008 will probably be \$18.5 million, so planning on \$18.5 million for 2009 is no increase over 2008.

### **RESOLUTION NO. 212-08**

#### **RESOLUTION MAKING APPROPRIATIONS FOR THE CONDUCT OF THE COUNTY GOVERNMENT FOR THE FISCAL YEAR 2009**

Offered by: Ways and Means Committee

**WHEREAS**, this Board, by Resolution No. 211-08, has adopted a budget for the fiscal year 2009, now, therefore, be it

#### **RESOLVED:**

1. That the several amounts specified in the 2009 County Final Budget in the column entitled "Final Budget 2009" be and they are appropriated for the objects and purposes specified.

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

Adopted: Roll Call  
10 Ayes, 4 Noes, 1 Absent  
Voting No: Kruger, McCormick, Russo, Ungermann

### **RESOLUTION NO. 213-08**

#### **RESOLUTION LEVYING TOWNS 2009 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 \$287,356 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. Dibble

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

### **RESOLUTION NO. 214-08**

#### **TRANSFER OF FUNDS BETWEEN APPROPRIATIONS IN THE HEALTH DEPARTMENT**

Offered by: Human Services and Ways and Means Committees

#### **RESOLVED:**

1. That the sum of \$26,500 is transferred between appropriations to cover year to date expenditures and forecasted expenditures through the end of the fiscal year, as follows: the sum of \$4,000 is transferred from Account No. A4011.4 to Account No. A1185.4; \$10,000 from Account No. A4010.1 to Account No. A4035.4; and \$12,500 from Account No. A4011.4 to Account No. A4043.4.

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

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

### **RESOLUTION NO. 215-08**

#### **TRANSFER OF FUNDS WITHIN PUBLIC HEALTH ACCOUNTS**

Offered by: Human Services and Ways and Means Committees

#### **RESOLVED:**

1. That the sum of \$50,000 is transferred from Account No. A4011.101 (Health – Nurses – Personnel) to Account No. A4010.464 (Health Department – Contractual) to finance the cost of contracting with Altreya to provide financial and staff efficiency studies for the Department.

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

Adopted: Roll Call  
8 Ayes, 6 Noes, 1 Absent  
Voting No: Benson, Burdick, Kruger, McCormick, Russo, Ungermann

**RESOLUTION INTRO. NO. 222-08 (TRANSFER OF FUNDS FROM CONTINGENT ACCOUNT TO HUMAN RESOURCES CONTRACTUAL EXPENSES ACCOUNT) was DEFEATED** on a roll call vote of 5 Ayes, 9 Noes, 1 Absent. Voting No: Benson, Fanton, Hopkins, Kruger, McCormick, O'Grady, Pullen, Russo, Ungermann. The transfer of funds,

amounting to \$11,550, would have financed the cost of contracting with Public Sector HR Consultants and Employee Services to establish a Workplace Violence Prevention Program for the County. Comments made regarding this proposed resolution included:

Legislator Kruger felt that there was in-house staff being paid to do these things. The same proposal was voted down once before, and he would not support it.

Legislator Ungermann contacted several other counties and obtained some sample Workplace Violence Prevention policies. All four of the policies were completed in-house. One county borrowed from another county, and one used the state's sample. Some of the bigger counties have public safety officers, but usually someone from HR worked with someone from the Sheriff's Office to put the policy together. Policies ranged from two to twelve pages. This is not an impossible thing, and there's no reason we couldn't put something together. Education has to be done yearly. One county is putting the training and testing on employee computer workstations, others are doing it by hand. One county's safety officer indicated an interest in helping Allegany County with the training for a small fee. The proposal for consultants was voted down once before, and he would not support it. Legislator O'Grady agreed with Mr. Ungermann and also voiced his non-support, noting that in the Chief of Police organization he is involved with, they swap policies all the time.

#### **RESOLUTION NO. 216-08**

##### **TRANSFER OF FUNDS FROM CAPITAL PROJECTS FUND TO SNOW REMOVAL FUND CONTRACTUAL EXPENSES ACCOUNT**

Offered by: Public Works and Ways and Means Committees

##### **RESOLVED:**

1. That the sum of \$17,855 is transferred from Account No. H5802.00 (Bridge #15-16, Farnsworth Road, Cuba) to Account No. D5142.408 (Snow Removal – Contractual), to cover cost of purchasing sand and salt.

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

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

#### **RESOLUTION NO. 217-08**

##### **TRANSFER OF FUNDS FROM ENGINEERING PERSONAL SERVICES ACCOUNT TO ENGINEERING CONTRACTUAL EXPENSES ACCOUNT**

Offered by: Public Works Committee

##### **RESOLVED:**

1. That sum of \$2,000 is transferred from Account No. D5020.101 (Engineering – Personal Services) to Account No. D5020.465 (Engineering – Contractual) to cover expenditures for the Soil Borings on 2009 bridges.

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

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

A motion was made by Legislator Reynolds, seconded by Legislator Hall and carried, to grant Legislator O’Grady permission to abstain from voting on Resolution Intro. No. 225-08 (Approval of Final 2009 Allegany County Plan under County Special Traffic Options Program for Driving While Intoxicated; Authorizing STOP DWI Coordinator to Enter into Agreements for Services).

### **RESOLUTION NO. 218-08**

#### **APPROVAL OF FINAL 2009 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 2009 STOP DWI Plan is approved and shall replace on and after January 1, 2009, the Plan approved by Resolution No. 238-2007.

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. Reynolds

Adopted: Roll Call  
13 Ayes, 0 Noes, 1 Absent  
Abstaining: O’Grady

### **RESOLUTION NO. 219-08**

#### **APPROVAL OF AGREEMENT FOR PURCHASE OF TONNAGE CAPACITY AT ALLEGANY COUNTY LANDFILL BETWEEN COUNTY OF ALLEGANY AND LAFORGE DISPOSAL SERVICE, INC.**

Offered by: Public Works Committee

#### **RESOLVED:**

1. That Agreement for Purchase of Tonnage Capacity at Allegany County Landfill between County of Allegany and LaForge Disposal Service, Inc. for the period January 1, 2009 to December 31, 2009 is approved.

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

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

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

*(Memo: The agreement approved by Resolution No. 219-08 includes payment of \$35 per ton for disposal of out-of-County waste. The fiscal impact is \$30,000 in revenue.)*

### **RESOLUTION NO. 220-08**

#### **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, 2008 to March 31, 2013, is approved.

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

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

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

*(Memo: The fiscal impact of the agreement approved by Resolution No. 220-08 is approximately \$90,000 in revenue.)*

#### **AUDITS:**

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

A motion was made by Legislator Reynolds, seconded by Legislator Hopkins and adopted on a roll call vote of 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$1,368,496.41 including prepaid expenses, be approved for payment as recommended by

the County Administrator. *(Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$8,090,275.)*

**COMMENTS:**

Legislator Ungermann expressed concern about Office of Court Administration representatives not being invited to the Committee of the Whole meeting on December 3, and he questioned if time would be given for presentation of other Court Facilities alternatives. Chairman Crandall stated that OCA representatives will be attending another meeting to be scheduled after the first of the year. The meeting on December 3 is for the presentation of information on the financial impact of the Court Facilities Project on the County. Chairman Crandall also pointed out that the Board has already approved a Court Facilities Capital Plan; that is the County's official plan, and it's in the hands of the OCA. We are beyond other alternatives.

**ADJOURNMENT:** The meeting was adjourned following a motion made by Legislator Fanton, seconded by Legislator Pullen and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION  
DECEMBER 8, 2008**

**\*\* APPROVED \*\***

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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, who then led in the Pledge of Allegiance to the Flag. The Invocation was given by Legislator Dibble.

**ROLL CALL:** 12 Present; 3 Absent (Legislators Benson, Fanton, Pullen).

**APPROVAL OF MINUTES:**

The Board meeting minutes of November 24, 2008 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 STOP DWI Program Coordinator Deborah Aumick for announcement of today's kick-off celebration to recognize National Drunk and Drugged Driving Awareness Month. Old English Wassail and Christmas cookies, prepared by BOCES Culinary Arts students, were available outside of the Board Chambers.

**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 November 2008.
2. Correspondence was received from the Town of Nunda Clerk indicating that the Town of Nunda Board supports our Resolution No. 171-08 Memorializing State Legislature to Cause Corridor Studies to be Done of the Extension Southerly of State Route 408 and the Extension Easterly of State Route 243.
3. A memo was received from Personnel Officer Ellen Ruckle announcing that the IRS standard mileage rate will be 55 cents per mile effective January 1, 2009.

**RESOLUTIONS:**

**RESOLUTION NO. 221-08**

**AMENDMENT OF ALLEGANY COUNTY VEHICLE USAGE POLICY**

Offered by: Personnel and Ways and Means Committees

**RESOLVED:**

1. That the Allegany County Vehicle Usage Policy, as heretofore adopted by Resolution No. 110-06, is amended to add the following paragraph, to be denominated paragraph "6," at the end of the section entitled "Use of Personal Vehicle for County Purposes."

6. Allegany County shall reimburse a County employee for damage to the County employee's vehicle incurred while operating the vehicle on County business. The actual dollar amount to be reimbursed shall represent either the amount of the employee's applicable insurance deductible or the amount of damage actually incurred, whichever is less, up to a maximum of Five Hundred Dollars (\$500). Notwithstanding the foregoing, no payment shall be made unless an employee files the following with the Clerk of the Board:

- a. Accident report within five (5) days of incident.
- b. Satisfactory proof that the damage occurred while on County business.
- c. Terms of any applicable insurance coverage on the County employee's vehicle.
- d. Estimated cost of repairing the damage.

Prior to receiving reimbursement the employee must assign to Allegany County a right of subrogation to the extent of any monies paid the employee by Allegany County for such damage.

2. That the Clerk of this Board is directed to deliver a copy of the amended policy to all County departments and offices to which the policy applies for review by all covered employees.

3. This resolution shall take effect immediately.

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

Adopted: Roll Call  
11 Ayes, 1 No, 3 Absent  
Voting No: Kruger

## **RESOLUTION NO. 222-08**

### **RESOLUTION LEVYING COUNTY TAXES**

Offered by: Ways and Means Committee

Pursuant to County Law § 360 and Real Property Tax Law § 900

**WHEREAS**, this Board, by Resolution No. 211-2008, has adopted a final budget for the fiscal year 2009, and

**WHEREAS**, this Board, by Resolution No. 212-2008, made appropriations for the conduct of the County Government for the fiscal year 2009, and

**WHEREAS**, in order to meet such appropriations it will be necessary to levy taxes, now, therefore, be it

**RESOLVED:**

1. That the Allegany County Board of Legislators levies County taxes in the amount of \$25,381,144 upon all the taxable real property in the County liable therefor.

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

Adopted: Roll Call  
8 Ayes, 4 Noes, 3 Absent  
Voting No: Kruger, McCormick, Russo, Ungermann

**RESOLUTION NO. 223-08**

**RESOLUTION APPROVING THE FINAL ASSESSMENT ROLLS  
WITH TAXES EXTENDED THEREON; AUTHORIZING AND DIRECTING  
THE PREPARATION AND EXECUTION OF TAX WARRANTS AND CAUSING  
DELIVERY OF TAX ROLLS TO COLLECTING OFFICERS**

Offered by: Ways and Means Committee

Pursuant to Real Property Tax Law §§ 900 and 904

**WHEREAS**, upon the final assessment rolls of the several Towns the several taxes have been duly extended as provided by law, now, therefore, be it

**RESOLVED:**

1. That the final assessment rolls of the several Towns with the taxes so extended thereon are approved.

2. That the taxes so extended opposite the assessment of each parcel of real property in such rolls are determined to be the taxes 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, 2008.

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

Adopted: Roll Call  
11 Ayes, 1 No, 3 Absent  
Voting No: Kruger



**RESOLUTION NO. 224-08**

**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 2009 tax rolls, as follows:

Alfred	1,514.40	Friendship	1,572.00
Allen	681.60	Genesee	1,447.20
Alma	1,238.40	Granger	699.60
Almond	1,394.40	Grove	805.20
Amity	1,716.00	Hume	1,424.40
Andover	1,611.60	Independence	1,008.00
Angelica	1,375.20	New Hudson	921.60
Belfast	1,423.20	Rushford	2,005.20
Birdsall	704.40	Scio	1,489.20
Bolivar	1,904.40	Ward	529.20
Burns	940.80	Wellsville	4,464.00
Caneadea	1,695.60	West Almond	639.60
Centerville	754.80	Willing	1,308.00
Clarksville	1,340.40	Wirt	1,194.00
Cuba	2,697.60		

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

Adopted: Roll Call  
12 Ayes, 0 Noes, 3 Absent

Comments made regarding Resolution No. 224-08: County Attorney Thomas Miner noted that the resolution is necessary in order to have a legal bill for the towns to pay from. County Treasurer Terri Ross added that the resolution approves these charges becoming a part of the levy for the towns.

**RESOLUTION NO. 225-08**

**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, 2009, 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	7,237.00	109,335.00
Almond	6,241.00	169,287.00
Amity	(-1,200.00)	153,500.00
Andover	17,316.00	139,957.00
Angelica	1,272.00	38,861.00
Bolivar	18,283.00	202,792.00
Burns	6,550.00	42,060.00
Cuba	0.00	250,436.00
Wellsville	98,088.39	328,392.32
Wirt	337.95	112,376.50

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	135,287.00	187,396.00
Allen	98,706.00	109,345.00
Alma	161,614.00	357,484.00
Almond	146,456.00	204,864.00
Amity	147,480.00	155,750.00
Andover	141,037.00	168,686.00
Angelica	87,532.00	82,661.00
Belfast	236,234.00	342,850.00

Birdsall	78,059.00	79,680.00
Bolivar	152,344.00	202,792.00
Burns	129,125.00	116,150.00
Caneadea	207,749.00	466,780.00
Centerville	137,100.00	193,046.00
Clarksville	137,403.00	282,650.00
Cuba	596,372.00	181,977.00
Friendship	259,432.00	239,837.00
Genesee	120,436.00	362,735.00
Granger	82,100.00	156,000.00
Grove	117,642.00	248,893.00
Hume	185,500.00	398,500.00
Independence	197,514.00	412,796.00
New Hudson	105,593.00	260,384.00
Rushford	283,091.00	408,979.00
Scio	200,264.00	339,630.00
Ward	99,958.00	170,544.00
Wellsville	538,879.17	291,300.05
West Almond	105,200.00	27,860.00
Willing	182,391.00	233,288.00
Wirt	164,023.56	255,819.93

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 District	13,150.00
Alma	Fire Protection	49,000.00
	Light District	2,000.00
Almond	Fire Protection	25,000.00
Amity	Fire District	45,000.00
Andover	Fire Protection	28,750.00
Angelica	Fire Protection District	28,000.00
Belfast	Water	67,821.00
	Fire District	52,078.00
	Light	6,500.00
Birdsall	Fire	20,781.00
Bolivar	Richburg-Wirt Fire District	4,592.00
	Bolivar Joint Fire District	103,300.00
Burns	Canaseraga Fire Protection	16,000.00
Caneadea	Houghton Water District	158,015.00
	Houghton Sewer District	63,515.00
	Caneadea Light	2,600.00
	Houghton Light	15,000.00
	Oramel Light	650.00

	Rushford Lake District	37,800.00
	Caneadea Fire	103,390.00
Centerville	Fire Districts	18,950.00
Clarksville	Fire District	62,000.00
Cuba	Fire District	48,165.00
	Sewer #1 (Echo Lanes)	0.00
	Sewer #3 (Acme)	0.00
	Water #3 (Acme)	0.00
	Water #4 (School)	3,500.00
	Lake District	49,560.00
Friendship	Fire Protection District	91,250.00
	Street Lighting District	17,745.00
	Sidewalks Fund	41,184.00
	Refuse & Garbage District	61,951.00
Genesee	Fire Protection 1 (Bolivar)	37,200.00
	Fire Protection 2 (Portville)	29,494.00
Granger	Fire Protection	17,000.00
Grove	Swain Lighting District	2,500.00
	Canaseraga Fire District 1	16,000.00
	Nunda Fire District 2	2,000.00
Hume	Fire Protection	83,525.00
	Light District 1 (Hume)	3,750.00
	Light District 2 (R & W)	4,125.00
	Light District 3	9,750.00
	Sidewalk	21,615.00
	Sewer District	0.00
	Consolidated Water Dist.	0.00
Independence	Fire	46,900.00
	Street Light	10,000.00
	Water District	0.00
New Hudson	Light District 1	2,500.00
	Fire District 1	36,000.00
Rushford	Lighting District	6,000.00
	Rushford Lake Rec. Dist.	172,200.00
	Rushford Fire District	98,500.00
Scio	Consolidated Water Dist.	32,639.00
	Light District 1	14,950.00
	Fire District 1	23,675.00
	Fire District 2	46,775.00
Ward	Fire Protection	8,500.00
Wellsville	Fire Protection District	109,850.00
	Hillcrest Lighting District	285.00
	E. State St. Sewer District	460.00
	Sinclair Sewer District	1,900.00
	Bolivar Rd. Sewer District	1,012.00
	Airport Sewer District	0.00
	Sinclair Water District	980.00
	Riverside Water District	980.00

	East State Water District	970.00
	Bolivar Rd. Water District	1,032.00
	George St. Water District	1,833.00
	W. Wellsville Water District	19,715.00
	Airway Sanitary Sewer Dist.	0.00
	Phillips Creek Water District	0.00
West Almond	Fire District	9,060.00
Willing	Fire Department	65,430.00
Wirt	Fire Protection Townwide	91,080.00

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. Hall

Adopted: Roll Call  
 12 Ayes, 0 Noes, 3 Absent

**RESOLUTION NO. 226-08**

**DESIGNATING THE WELLSVILLE DAILY REPORTER AS  
 SOLE OFFICIAL NEWSPAPER FOR THE WEEK OF DECEMBER 28, 2008**

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 December 28, 2008, now, therefore, be it

**RESOLVED:**

1. Notwithstanding the provisions of Section 1 of Resolution No. 268-2007, 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 December 28, 2008.

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

Adopted: Voice Vote

**RESOLUTION NO. 227-08**

**A RESOLUTION DETERMINING THAT ERRORS EXIST ON THE  
 2008 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 Almond is ordered and directed to correct in the 2008 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Patton, Barbara J.; Parcel 139.-1-49.111  
Assessment: Land \$67,700 Total \$67,700

this Parcel had a school relevy that was calculated wrong, and the County Treasurer is directed to make the following corrections on her books:

Allegany County	\$1,108.33
Town of Almond	\$585.19
Fire	\$31.79
School Relevy	\$535.81
Total	\$2,261.12

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

School Relevy	\$1,216.98
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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, 2009. The County Treasurer shall send a written notice to each School of the amount of such deduction prior to May 1, 2009.

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

Adopted: Roll Call  
12 Ayes, 0 Noes, 3 Absent

**RESOLUTION NO. 228-08**

**TRANSFER OF FUNDS BETWEEN VARIOUS PUBLIC HEALTH DEPARTMENT  
ACCOUNTS**

Offered by: Human Services and Ways and Means Committees

**RESOLVED:**

1. That the sum of \$30,000 is transferred from Account No. A4011.401 to Account No. A4011.409.

2. That the sum of \$11,495 is transferred from Account No. A4040.4 as follows: \$8,495 to Account No. A1185.4 and \$3,000 to Account No. A4037.4.

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

Adopted: Roll Call  
12 Ayes, 0 Noes, 3 Absent

**RESOLUTION NO. 229-08**

**APPROVAL OF HESS PRINT SOLUTIONS AGREEMENT FOR  
PRINTING THE 2009 ALLEGANY COUNTY TRAVEL AND OUTDOOR GUIDE;  
AUTHORIZING THE ALLEGANY COUNTY OFFICE OF TOURISM AND CULTURE  
TO EXECUTE SAID AGREEMENT**

Offered by: Ways and Means Committee

**WHEREAS**, the Allegany County Office of Tourism and Culture solicited bids for printing the Allegany County 2009 Travel and Outdoor Guide, and

**WHEREAS**, Hess Print Solutions was selected from the bids submitted to print the Allegany County 2009 Travel and Outdoor Guide, now, therefore, be it

**RESOLVED:**

1. That the agreement between Hess Print Solutions and the Allegany County Office of Tourism and Culture for printing 125,000 copies of the Allegany County 2009 Travel and Outdoor Guide for the sum of \$26,170.70, is approved.

2. That the Allegany County Office of Tourism and Culture on behalf of the County of Allegany is authorized to execute said Agreement.

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

Adopted: Roll Call  
12 Ayes, 0 Noes, 3 Absent

**RESOLUTION INTRO. NO. 237-08 (AUTHORIZING RETENTION OF THE LAW FIRM OF HODGSON RUSS, LLP TO PROVIDE CONSULTATION AND ASSISTANCE WITH RESPECT TO COURTHOUSE EXPANSION** was **TABLED** following a motion made by Legislator Reynolds, seconded by Legislator Truax and carried (opposed: Ungermann).

Comments made regarding Resolution Intro. No. 237-08 prior to its being tabled: Legislator Kruger questioned which appropriation account would cover an expenditure like this. County Administrator/Budget Officer John Margeson responded that funds would be taken from the Contingent Account. Mr. Kruger voiced his non-support for the resolution and stated that we can't afford an \$18 million project that includes empty shell space and no parking.

Legislator Reynolds pointed out that the agreement with Hodgson Russ, and the associated Project Labor Agreement, will hopefully save us many hundreds of thousands of dollars, possibly a million, because it waives the Wicks Law requirements. It will save us money regardless of the plan we go with, and anything we save will be a benefit to the County. The savings are proven by history. Hodgson Russ has done this type of thing before. Chairman Crandall noted that estimates of savings are between ten and fifteen percent of the final project cost.

Legislator Ungermann commented on Project Labor Agreements. The only place to save is on the labor portion of the costs. Mr. Ungermann quoted LaBella's estimates for several separate project components, including the labor expense for each, and he stated that we won't even get close to ten percent in savings, or \$1.8 million. Project Labor Agreements eliminate any non-union competition, because they must sign union contracts to participate. There are big companies in the area that are non-union. A clerk of the works will cost three to six percent of the project cost, while construction managers will cost fifteen to eighteen percent. Mr. Ungermann felt the amount of savings would be negligible.

Chairman Crandall explained that the Project Labor Agreement will allow the County to take advantage of the new Wicks Law amendment. Special state legislation resulted in this amendment in 2008. No other county up until now has exercised that new change in law.

Legislator Ungermann noted that the Wicks Law requires the issuance of multiple construction contracts for most public works projects costing over \$50,000. Separate prime contracts must be awarded for the major components of the work: Electrical, Plumbing, HVAC, and General. The only thing eliminating Wicks will do is allow a general contractor to become solely responsible for the entire project. We wouldn't need a construction manager.

County Attorney Thomas Miner addressed the concern about whether or not the Project Labor Agreement would eliminate all non-union employers in the County. The bidding process would be open to them, but they would have to sign the Project Labor Agreement (PLA) along with the County. Mr. Miner explained that the new state legislation requires the PLA in order to avoid the Wicks Law. Also, Hodgson Russ's estimates of savings are for the entire project costs, not just the labor portion. They estimate savings of at least ten percent.

Legislator Kruger commented that a PLA doesn't change prevailing wage. A non-union contractor still has to pay prevailing wage, the same as the union contractor does. He questioned where the ten to fifteen percent savings would come from.

Legislator McCormick pointed out that there were too many uncertainties with the PLA, such as the possibility of locking out the non-union bidders. Mr. Miner reiterated a previous statement, that, no, they would not be locked out, but they would be required to enter into the PLA with us, and their employees would be part of a union on a short-term basis. Mr. Ungermann commented that the PLA was nothing but a union organizing tool.

Legislator Hopkins noted some areas where savings would be realized with the PLA. First, we would not need a construction manager; that would save a couple hundred thousand. Second, we wouldn't have to go through the bidding process for three or four separate project components. If that was all combined into one process under one firm, there would be a savings there.

#### **AUDITS:**

A motion was made by Legislator Truax, seconded by Legislator Dibble 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 12 Ayes, 0 Noes, 3 Absent, that the audit of claims, totaling \$3,788,948.82 including prepaid expenses, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$8,437,147.*)

**ADJOURNMENT:** The meeting was adjourned at 2:35 p.m. on a motion made by Legislator Reynolds, seconded by Legislator Truax and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION**

**DECEMBER 22, 2008**

**\*\* APPROVED \*\***

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The regular meeting of the Board of Legislators was called to order at 2:10 p.m. by Chairman Curtis W. Crandall, who then led in the Pledge of Allegiance to the Flag. The Invocation was given by Legislator Pullen.

**ROLL CALL:** 14 Present; 1 Absent (Legislator Truax).

**APPROVAL OF MINUTES:**

The Committee of the Whole meeting minutes of December 3, 2008 were approved on a motion made by Legislator Dibble, seconded by Legislator Pullen and carried.

The Board meeting minutes of December 8, 2008 were approved on a motion made by Legislator Dibble, seconded by Legislator Pullen and carried.

**PRIVILEGE OF THE FLOOR:**

1. Chairman Crandall granted privilege of the floor to Legislator David Pullen, Chairman of the Court Facilities and Space Needs Committee. His comments are included below:

“Later today this Board will vote upon a resolution that was referred to it by the Court Facilities and Space Needs Committee. This resolution is extremely important, and I wanted to have an opportunity to give some background and explain its significance.

In August, after this Board adopted the Allegany County Court Facilities Plan, I started researching ways to reduce the cost of actually building the mandated facilities. Regardless of what plans are ultimately approved, we will want to build them as inexpensively as possible. (I believe everyone can agree on that objective.) My research led me to the City of Niagara Falls that is currently constructing a new municipal building and Courthouse. Their experience was intriguing because they were able to significantly reduce the cost of their Courthouse from the original estimates. The question was how they were able to achieve those savings.

It turns out that Niagara Falls sought and obtained special legislation from Albany that granted waivers from three usual requirements for capital projects. First, the special legislation authorized them to utilize a design-build approach. Second, it waived compliance with the Wicks Law. Finally, it waived the usual competitive bidding requirements. My question was whether Allegany County could benefit from a similar approach, and whether we could obtain the necessary special legislation.

My investigation led me to contact Terry Gilbride, an attorney in Buffalo, who is a partner in the Hodgson Russ Law Firm. He had been involved in the Niagara Falls project

and had worked on the various contracts and on obtaining the special legislation. He graciously and generously spent numerous hours explaining what was done, and why it had been done the way it was. We discussed our unique circumstances and attempted to analyze the potential benefits of the available options. After numerous telephone conferences and several meetings, Terry Gilbride recommended a simpler and less expensive approach.

The ultimate recommendation, which is incorporated in the current resolution, was to attempt to negotiate a Project Labor Agreement. We believe this would give Allegany County most of the benefits achieved by the Niagara Falls project, but without the delay and expense of obtaining special legislation. There are several key reasons behind this conclusion. They include the following:

a. We are much further along in our design than Niagara Falls had been when it decided to seek special legislation. This means that the design-build approach is not really suitable.

b. The State Legislature amended the Wicks Law in May 2008, effective July 1, 2008, to provide for waivers if the municipality enters into a Project Labor Agreement. The special legislation had also required a Project Labor Agreement. Special legislation is no longer the only way to qualify for this waiver.

c. It is unclear how much savings can be achieved by waiving the competitive bidding requirement.

d. Niagara Falls justified its request for special legislation on economic development grounds. We concluded that justification was not available to Allegany County, which made it uncertain whether the State Legislature would approve the special legislation.

Why is a waiver of the Wicks Law so desirable? This statute requires all municipal capital projects to bid and award separate contracts for general construction, electrical, plumbing, and HVAC (heating/ventilation/air conditioning). This typically has the effect of increasing the total cost of a capital project. It also creates scheduling and coordination problems that frequently delay a project and can result in litigation. To avoid those problems a municipality frequently hires a construction manager. Many of these problems can be avoided if a municipality can award one contract to a single general contractor who then enters into sub-contracts for various aspects of the overall project. That single general contractor performs all of the work for one single price, and is responsible for all coordination and scheduling. This was done in Niagara Falls. It worked extremely well. Obtaining a waiver of the Wicks Law requirement could save the County a substantial sum of money. Unfortunately, there is no way of knowing exactly what our experience will be. However, the experience of Niagara Falls suggests that the savings could be significant.

Unfortunately, the State rarely gives something without taking something else away. Instead of simply repealing the Wicks Law, the State Legislature made the waiver available only if the municipality enters into a Project Labor Agreement, or PLA. This is an agreement with the construction trade unions in the region. Not all Project Labor Agreements are the same. They can vary significantly. They are complex documents that should be negotiated by skilled and experienced counsel. The resolution before you today authorizes the County to retain Terry Gilbride and his firm to perform that function for Allegany County.

As with most of life and politics, there are few guarantees. There is no guarantee that we will be able to negotiate a PLA that will be acceptable to this Board. There are no guarantees regarding who will bid on our project, or whether we will actually save money by

qualifying for a waiver of the Wicks Law. In recent days I have spoken with several local non-union contractors who are strongly opposed to the County entering into a Project Labor Agreement. They have referred to reports of problems and increased expenses. However, my own research has not turned up any empirical data showing any significant advantages or disadvantages of entering into a PLA. A lot of anecdotal information is circulating, but little of it has been confirmed or validated.

On a personal level, I am generally opposed to anything that will limit open competition. I oppose the Wicks Law since it prevents us from utilizing the bidding approach that is likely to generate the best bids. I am generally opposed to Project Labor Agreements because they give an inherent advantage to unionized workers and contractors, and tend to exclude non-union contractors and workers. I don't think I could support a PLA that does not provide a realistic opportunity for all contractors to bid on our project.

There are a few guarantees I can make. If we do not attempt to negotiate a Project Labor Agreement we will not know what was possible. We will definitely not qualify for a waiver from the Wicks Law. We will never know if there were savings available from such a waiver. All that we are deciding today is whether or not we will retain the Hodgson Russ Law Firm to negotiate a Project Labor Agreement for us. Once they negotiate the best PLA they can, this Board will have an opportunity to review that product and decide whether it is something it can support. I want to have that opportunity. I believe the potential savings compel us to explore this possibility.

There is one other aspect of this matter that I want to bring to your attention. One of the requirements of a Project Labor Agreement is that successful bidders participate in an apprenticeship program. This is frequently difficult for non-union contractors and is one of the reasons why they cannot qualify to bid under a PLA. Over this past weekend, I reviewed the recently released budget proposals of Governor Paterson. His budget proposals include several amendments to the Wicks Law. One amendment would eliminate the apprenticeship requirement from Project Labor Agreements for the next five years. That change would remove one of my primary objections to PLAs.

It is frequently said that every journey begins with a single step. Today we must consider whether we will start this journey to seek out options that could save a substantial sum on the construction of the court facilities. If we vote no, the journey is over before it is even started. If we vote yes, we will get to see what is down this road. I strongly urge that you support this resolution and that we take this journey together for the benefit of the entire County.”

2. Chairman Crandall forwarded a letter and plaque, via Health Director Lori Ballengee, to Catherine W. Richmond in recognition of her years of outstanding service and dedication to the Allegany County Board of Health.

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

1. The County Treasurer filed Certificates of Withdrawal for Delinquent Tax Liens pursuant to Article 11 of the Real Property Tax Law for properties in the Towns of Rushford and Granger in the Clerk of the Board's Office on December 12 and 19, 2008.

2. Correspondence was received from the Northeast Allegany County Coalition recommending that legislators vote yes on the upcoming bond resolution.

3. Correspondence was received from the NYS DEC regarding our request that they implement a variance in existing regulations pertaining to drilling in the Upper Devonian oil producing formations above the Tully.

4. Correspondence was received from Senator Catharine Young regarding Governor Paterson's proposed cuts to the Healthy Families New York Home Visiting Program and the Office of Children and Family Services.

5. Correspondence was received from Ronald Mead, Agricultural District Program Manager for the NYS Department of Agriculture and Markets regarding the review of Allegany County Agricultural District No. 1.

6. A copy of correspondence that G. William Gunner sent to the NYS DEC regarding gas well drilling in New York State was received in the Clerk of the Board's Office.

7. A news release was received from Southern Tier West Regional Planning and Development Board highlighting their December 11 meeting.

8. Correspondence was received from the Allegany County Cancer Services thanking the Board for its recent donation.

## **RESOLUTIONS:**

Resolution Intro. No. 237-08 (Authorizing Retention of the Law Firm of Hodgson Russ LLP to Provide Consultation and Assistance with Respect to Courthouse Expansion), originally tabled on December 8, was removed from the table on a motion made by Legislator Pullen, seconded by Legislator Hopkins and carried. (Opposed: Legislator Kruger.)

### **RESOLUTION NO. 230-08**

#### **AUTHORIZING RETENTION OF THE LAW FIRM OF HODGSON RUSS LLP TO PROVIDE CONSULTATION AND ASSISTANCE WITH RESPECT TO COURTHOUSE EXPANSION**

Offered by: Court Facilities and Space Needs Committee and  
Ways and Means Committee

**WHEREAS**, Allegany County is desirous of pursuing the state-mandated expansion of the existing Allegany County Courthouse in the manner which is most cost advantageous for the taxpayers of Allegany County, and

**WHEREAS**, the Allegany County Court Facilities and Space Needs Committee has identified several potential cost saving strategies for this purpose, and

**WHEREAS**, the Allegany County Court Facilities and Space Needs Committee has engaged in consultation with the law firm of Hodgson Russ LLP with regard to maximizing the cost savings strategies for the Courthouse Expansion, and

**WHEREAS**, Hodgson Russ LLP has recommended pursuing the Courthouse Expansion through the use of a Project Labor Agreement, now, therefore, be it

**RESOLVED:**

1. Allegany County retain the law firm of Hodgson Russ LLP, on terms and conditions acceptable to the Allegany County Attorney, for purpose of providing consultation and assistance with respect to the Courthouse Expansion.

Moved by: Mr. Pullen

Seconded by: Mr. Hopkins

Adopted: Roll Call

10 Ayes, 4 Noes, 1 Absent

Voting No: Kruger, McCormick, Russo, Ungermann

Comments made regarding Resolution No. 230-08: Legislator Kruger opposed the resolution because it authorizes spending money on a law firm with no guarantee of any savings. He questioned how a general contractor taking bids from subs would be much different from each phase being competitively bid. Mr. Kruger suggested we save the lawyer fees and put that money toward the project.

Legislator O'Grady questioned if the Board would have the opportunity to vote on the Project Labor Agreement. County Attorney Thomas Miner replied that it would require a Board vote. Mr. O'Grady asked about the attorney fee. Legislator Reynolds responded that it is estimated at \$20,000.

Legislator Ungermann also opposed the resolution because there are no guarantees of the savings. Mr. Ungermann noted that one of the County's largest open shop contractors participated in a recent teleconference. He brought several studies showing that PLAs don't save money, and Mr. Ungermann urged caution. The Niagara Falls and Brooklyn sites mentioned previously by Mr. Pullen are predominantly union locations. In Allegany County, a PLA would effectively lock out 30-40 percent of contractors from bidding.

Legislator Pullen explained that with a Wicks-compliant project, the municipality would sign four separate contracts and would be responsible to provide coordination and adjustment of scheduling concerns. Litigation is common, and that has been curtailed by the hiring of a construction manager who makes sure each contractor does their work where and how required. He also works with the architect and engineers for different facets of the contracts. This would be eliminated by using the other approach, where you would have one general contractor, who would then retain sub-contractors. In most cases, this eliminates the need for a construction manager. The County has done Requests for Proposals (RFP) for a construction manager, and quotes came in at \$700,000 to over \$1 million. Right there is a savings. In addition, on the projects that utilized a similar approach, and there have only

been two, the architect and engineers were able to cut out a lot from the original estimates. This may be an ideal time to move forward with a capital project. Without investigating the Project Labor Agreement, we may never be able to estimate how much we would have saved, but Mr. Pullen believes the savings would be significant.

Legislator Reynolds supported the resolution, but not necessarily the PLA. It depends on how it is written. Mr. Reynolds asked if savings could be determined once the PLA is negotiated. Mr. Pullen replied that savings wouldn't be known until we actually receive bids and can compare those with our estimates. Mr. Reynolds also noted that the resolution only authorizes hiring attorneys to look into a PLA. The Board will be voting on the PLA at a later date. Mr. Kruger responded that by that time, the money (attorney fees) is gone. One of his problems would be the absence of a construction manager, who should be able to find enough "fluff" in the estimates to pay his own wages. A general contractor whose sole purpose is his company's profit may not be as enthusiastic about finding savings.

Legislator Dibble noted that more information is needed, and he didn't like the idea of blocking out non-union bidders.

**RESOLUTION INTRO. NO. 238-08 (RESOLUTION REQUESTING THAT THE PROPOSED ALLEGANY COUNTY COURT FACILITIES CAPITAL PLAN BE RE-OPENED TO CONSIDER A LESS COSTLY ALTERNATIVE PLAN)** was considered following a motion made by Legislator Kruger and seconded by Legislator McCormick. **THE RESOLUTION WAS TABLED** following a motion made by Legislator Pullen, seconded by Legislator Reynolds and carried. (Opposed: Legislators Burdick, Kruger, McCormick, O'Grady, Russo, Ungermann.) Comments made prior to tabling the resolution included:

Chairman Crandall distributed a memo and copy of a letter dated December 18 from Ronald Younkens, Chief of Operations for the Office of Court Administration, written in response to Resolution Intro. No. 238-08. Mr. Younkens stated that OCA would not reverse their rejection of the proposal to provide additional court space by renovating the former County Jail and reconsider the Jail Proposal as the formal Allegany County Court Plan in light of the recent down-turn in the state, local, and national economy. "The Jail Proposal fails to meet the needs of the courts, and would cause numerous deficiencies and inefficiencies. Some of these design defects could be cured only by operational stopgaps, such as by assigning additional officers to address the security flaws inherent in the Jail Proposal, with the result that taxpayers would incur substantial and permanent increases in operating expenses to achieve only a short-term savings in construction costs." Mr. Younkens referred to Chief Administrative Judge Ann Pfau's November 18 letter in which she stated she is prepared to approve the plan submitted by the County subject to receipt of an updated project schedule and a bonding resolution. Judge Pfau further stated that "any further delay in completing this Plan and advancing it in accordance with its terms will result in the initiation of the process set forth in the Judiciary Law leading to the imposition of financial sanctions against the County." Mr. Younkens went on to say that no circumstances have changed that warrant reconsideration of OCA's decision. "The County has a long history of delay in providing decent court facilities. Having failed to meet this statutory obligation through various

economic cycles over a number of years, the County cannot rely on the latest economic conditions to justify yet another delay, or to make an unacceptable proposal worthy of approval.”

Chairman Crandall’s memo expressed concern that a resolution such as the one proposed that could have significant negative impact on the County by undermining work already done by the Court Facilities and Space Needs Committee and the relationship established by the committee with the Office of Court Administration should have gone through the committee. The action of sending a letter for the purpose intended in the proposed resolution would only require direction from the committee of jurisdiction if the committee felt it was needed, not a full board resolution. Also, wording included in the resolution stating “this Board will not support a bond resolution backing the current Court Facilities Capital Plan” is irresponsible given the past correspondence from Judge Pfau and statement that if we do not address the proper funding of our court plan the results would be the imposition of financial sanctions. Chairman Crandall indicated that “the resolution has been clearly answered and should be either withdrawn by those who filed it or tabled by a majority vote.”

Legislator Ungermann’s concern is plunging the County into a total of \$50 million in debt, maybe more. The project plans are incomplete, with various items not looked into. However, this alternative plan could be put in place if the bond issue fails, and we may have no recourse. Economic times are questionable. There are no guarantees with anything – the Project Labor Agreement or this alternative plan. Mr. Ungermann would like to see a comparison of the two projects.

Legislator Kruger commented that every month the legislature wrestles over smaller amounts of money, but now seems to want to charge forward to spend \$18.7 million. Mr. Kruger has been opposed to spending this money from the start, not because we don’t need the court space, but it’s a matter of how much we can afford. The Unified Court System’s rules say they cannot compel us to spend what we’re not able to afford. Cattaraugus County’s court functions are fragmented between two separate towns, but yet the state wouldn’t approve an Allegany County plan including court functions in different parts of the same building. The resolution only offers an alternative. Mr. Kruger stated that he represents the taxpayers, and he’s concerned that they can’t afford any more.

Legislator Pullen stated that the County’s Court Facilities Capital Plan was developed and recommended after extensive committee review and was adopted by this Board and sent to the Office of Court Administration. The actions proposed by Resolution Intro. No. 238-08 are inappropriate. Action was then taken to table the resolution (see above).

## **RESOLUTION NO. 231-08**

**A RESOLUTION AUTHORIZING LEGAL NOTICE OF REVIEW AND  
DIRECTING SUBMISSION OF REPORTS FROM COUNTY AGRICULTURAL AND  
FARMLAND PROTECTION BOARD IN RELATION TO  
THE REVIEW OF AGRICULTURAL DISTRICT NUMBER FOUR  
CREATED WITHIN THE TOWNS OF ALFRED, ANDOVER, INDEPENDENCE,**

## **WARD AND WILLING ON MAY 28, 2002**

Offered by: Public Works Committee

**WHEREAS**, Agricultural District Number Four within the Towns of Alfred, Andover, Independence, Ward and Willing, was originally created as Agricultural District Number Six on August 7, 1977, and renamed Agricultural District Number Four on May 28, 2002, and modified and continued on February 25, 2008 by Resolution No. 36-2008, and

**WHEREAS**, the description of such district was thereafter filed in the Allegany County Clerk's Office, and

**WHEREAS**, section 303-a of the Agriculture and Markets Law requires that a county legislative body review an agricultural district eight, twelve or twenty years after the date of its creation, consistent with the review period set forth in the plan creating such district, and every eight, twelve or twenty year period thereafter to determine whether such district should be continued, terminated or modified, subject to the modification and termination powers of the State Commissioner of Agriculture and Markets, and

**WHEREAS**, Section 303-a of the Agriculture and Markets Law requires that a 30-day legal notice of the periodic review of an agricultural district is required to be published and posted within the district, and

**WHEREAS**, such section requires that the county legislative body shall direct the County Agricultural and Farmland Protection Board to prepare reports and make recommendations to the county legislative body with respect to the continuation, modification or termination of the district, now, therefore, be it

### **RESOLVED:**

1. That the Clerk of the Board of Legislators is directed to provide proper notice of such district review, which shall include publication of such notice in a newspaper having general circulation within the district, as provided for in Section 303-a subdivision 2.a. of the Agriculture and Markets Law.

2. That the County Clerk and Clerk of the Board of Legislators shall turn over to the Executive Director of the Allegany County Soil and Water Conservation District any proposed modification of the district they receive during the thirty-day notice period.

3. That the Executive Director of the Allegany County Soil and Water Conservation District shall, after thirty days have elapsed from the date of such publication of such notice, deliver any proposed modification received pursuant to such notice to the County Agricultural and Farmland Protection Board for their review. In the event that no such proposed modification is received, the Executive Director shall notify the County Agricultural and Farmland Protection Board of such fact.

4. That the County Agricultural and Farmland Protection Board is directed to submit to this Board, within forty-five days of the receipt from the Executive Director of the Allegany County Soil and Water Conservation District of any such proposed modification or her written report stating no such proposed modification was received, a written report containing its recommendation to continue, terminate or modify such District, together with all other findings and information required by subdivision 2(b) of section 303-a of such Law.

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

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

### **RESOLUTION NO. 232-08**

#### **AMENDMENT OF COUNTY SALARY PLAN TO REMOVE TITLE OF CRIME VICTIMS COORDINATOR FROM SECTION FOUR AND PLACING SUCH TITLE IN THE PUBLIC EMPLOYEE FEDERATION SALARY PLAN**

Offered by: Personnel Committee

#### **RESOLVED:**

1. That Section 4. of Resolution No. 297-75, as last amended by Resolution No. 117-2007, is amended by removing the title of Crime Victims Coordinator from County Salary Plan.
2. That the title of Crime Victims Coordinator is placed in the Public Employee Federation Salary Plan created by Resolution No. 193-2007.
3. This resolution shall be effective December 23, 2008.

Moved by: Mr. Hall  
Seconded by: Mr. Pullen

Adopted: Roll Call  
10 Ayes, 4 Noes, 1 Absent  
Voting No: Burdick, Kruger, O'Grady, Ungermann

Comments made regarding Resolution No. 232-08: Legislator O'Grady expressed concern about the position being grant funded, and if placed in the union, he questioned whether or not the position would be eliminated if the grant no longer covered the salary. County Administrator John Margeson replied that it would be. Mr. O'Grady noted that there is no real choice about the position being in the union.

A motion was made by Legislator Kruger and seconded by Legislator Ungermann to table the resolution.

Majority Leader Brent Reynolds requested a caucus. Chairman Crandall suspended the Board meeting at 2:50 p.m. to allow for a republican caucus. Following the caucus, Chairman Crandall reconvened the meeting at 3:00 p.m.

Legislator Kruger withdrew his motion to table the resolution.

Legislator Reynolds noted that the Crime Victims Coordinator position was negotiated to be placed in the union, but it was never officially taken out of the Section 4 salary plan. The resolution was necessary to correct that issue; nothing else has changed.

### **RESOLUTION NO. 233-08**

### **RESOLUTION RESCINDING RESOLUTION NO. 208-2008**

Offered by: Public Safety Committee

#### **RESOLVED:**

1. That Resolution No. 208-2008 moving the position of Undersheriff from Grade 10 to Grade 11 (Step 8) of the Non-Unit Salary Plan, adopted by this Board on November 24, 2008, is hereby rescinded.

Moved by: Mr. Dibble

Seconded by: Mr. Fanton

Adopted: Roll Call

9 Ayes, 5 Noes, 1 Absent

Voting No: Benson, Hopkins, Kruger, O'Grady, Pullen

Comments made regarding Resolution No. 233-08: Legislator O'Grady noted that he had argued against the increase in wages associated with Resolution No. 208-08, but was unaware the resolution would also take away the opportunity for overtime. He felt that all administrative jobs should be salaried, and that's where it should stay. This new resolution would put the position back to hourly with overtime.

Legislator Reynolds commented that the original intent was to compensate the Undersheriff with a higher wage, but it was later discovered that the change eliminated overtime and resulting in less money. Mr. Reynolds suggested that maybe the answer would be a change in grades. Legislator Kruger stated that the issue was whether or not the position should be salaried; what that salary should be should be discussed at another time.

Resolution Intro. No. 242-08 (Changing Position of Corrections Sergeant to Sheriff Deputy Sergeant in the Sheriff's Department) was amended on a motion made by Legislator Dibble, seconded by Legislator O'Grady and carried, by changing the wording in Resolved No. 1 from "the position of Corrections Sergeant is changed to Sheriff Deputy Sergeant" to "the position of Corrections Sergeant as formerly created is abolished and the position of Sheriff Deputy Sergeant is created." (Opposed: Legislator Kruger.)

**RESOLUTION NO. 234-08**

**CHANGING POSITION OF CORRECTIONS SERGEANT TO  
SHERIFF DEPUTY SERGEANT IN THE SHERIFF'S DEPARTMENT**

Offered by: Public Safety Committee

**WHEREAS**, Resolution No. 129-2008 created one position of Corrections Sergeant in the Sheriff's Department, now, therefore, be it

**RESOLVED:**

1. That the position of Corrections Sergeant as formerly created is abolished and the position of Sheriff Deputy Sergeant is created.

2. This resolution shall take effect December 23, 2008.

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

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

**RESOLUTION NO. 235-08**

**RESOLUTION FIXING DATE OF 2009 ORGANIZATION MEETING**

Offered by: Ways and Means Committee

**RESOLVED:**

1. That the Board of Legislators shall meet on Monday, January 5, 2009, 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. Hall

Adopted: Voice Vote

**RESOLUTION NO. 236-08**

**SUSPENDING CERTAIN COUNTY BOARD RULES AFFECTING  
PROPOSED RESOLUTIONS REQUESTED TO BE SUBMITTED AT  
ORGANIZATION MEETING ON JANUARY 5, 2009**

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 5, 2009.

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

Adopted: Voice Vote

**RESOLUTION NO. 237-08**

**DELEGATING AUTHORITY FOR CERTAIN REAL PROPERTY TAX REFUNDS AND CORRECTION OF TAX BILLS AND TAX ROLLS**

Offered by: Ways and Means Committee

Pursuant to Sections 554 (9) (a) and 556 (8) (a) of the Real Property Tax Law

**WHEREAS**, Sections 554 and 556 of the Real Property Tax Law authorize the County Board of Legislators to delegate the authority to make real property tax refunds and correct tax bills and tax rolls where the recommended refund or correction is \$2,500 or less, and

**WHEREAS**, utilization of this option will save numerous resolutions per year, and

**WHEREAS**, it is proposed that the County Administrator, who is also the County Auditor, as the individual who audits bills for payments, would be the official to perform the delegated refund and correction duties, and

**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 2009.

2. That for calendar year 2009, 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 2009, 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. Fanton

Adopted: Voice Vote

**RESOLUTION NO. 238-08**

**ACCEPTANCE AND APPROPRIATION OF THE GOVERNOR'S  
TRAFFIC SAFETY PROGRAM (SAFETY ON WHEELS) GRANT FUNDING  
TO TRAFFIC SAFETY PROGRAM ACCOUNTS FOR STATE FISCAL YEAR  
OCTOBER 1, 2008 TO SEPTEMBER 30, 2009**

Offered by: Public Safety and Ways and Means Committees

**RESOLVED:**

1. That the appropriation of Governor's Traffic Safety Program (Safety on Wheels) grant funding in the amount of \$3,000 for fiscal year October 1, 2008 to September 30, 2009 is accepted and appropriated to Account No. A3114.4 (Traffic Program – Contractual) with a like sum credited to Revenue Account No. A10.3389.3114 (STOP DWI – Steps in Safety).

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

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

**RESOLUTION NO. 239-08**

**TRANSFER OF FUNDS WITHIN SELF-INSURANCE PLAN ACCOUNT**

Offered by: Personnel and Ways and Means Committees

**RESOLVED:**

1. That the sum of \$15,950 is transferred from Account No. S1720.406 as follows: \$650 to Account No. S1710.419 and \$15,300 to Account No. S1710.806.

Moved by: Mr. Hall  
Seconded by: Mr. Pullen

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

**RESOLUTION NO. 240-08**

**TRANSFER OF FUNDS WITHIN PROBATION ACCOUNTS**

Offered by: Public Safety Committee

**RESOLVED:**

1. That the sum of \$7,695 is transferred from Account No. A3140.4 to Account No, A3140.2.

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

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

*(Memo: The transfers approved in Resolution No. 240-08 were for the purchase of printers, laptops, a shredder, and bulletproof vests.)*

**RESOLUTION NO. 241-08**

**TRANSFER OF FUNDS WITHIN SHARED SERVICES BUILDINGS ACCOUNT**

Offered by: Public Works Committee

**RESOLVED:**

1. That the sum of \$10,000 is transferred from Account No. A1620.1 to Account No. A1620.4 to cover costs of parking lot repairs.

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

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

**RESOLUTION NO. 242-08**

**TRANSFER OF FUNDS FROM  
SHARED SERVICES BUILDINGS PERSONNEL SERVICES ACCOUNT TO  
SOLID WASTE CONTRACTUAL EXPENSES ACCOUNT**

Offered by: Public Works and Ways and Means Committees

**RESOLVED:**

1. That the sum of \$10,000 is transferred from Account No. A1620.1 (Personnel Services) to Account No. A8160.4 (Solid Waste – Contractual) to cover repair costs for Off Road Truck used at County Landfill.

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

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

**RESOLUTION NO. 243-08**

**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, 2009 to February 1, 2010 is approved.
2. That the premium not to exceed \$266,306.59 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 2009 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. Hall  
Seconded by: Mr. Russo

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

*(Memo: The insurance renewal quote referenced in Resolution No. 243-08 represents the Self-Insured Retention [SIR] option. The fiscal impact of \$266,306.59 is \$69,621.08 less than last year's premium and includes \$10 million in excess umbrella coverage at a premium of \$21,730. Last year, our umbrella coverage was with Merchants Mutual at a premium of \$58,406 for a total fiscal impact of \$335,927.67.)*

**RESOLUTION NO. 244-08**

**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, 2009 to December 31, 2009 to provide insurance advice and services is approved and the Chairman of this Board is authorized to execute such Agreement.

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

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

*(Memo: The insurance consulting services contract approved by Resolution No. 244-08 with BMA Consulting Services [Brian Baty, President] includes a fee of \$10,000, with a ten percent discount for total payment within the first 30 days. This fee has remained the same for the past several years.)*

**RESOLUTION NO. 245-08**

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

Offered by: Human Services Committee

**RESOLVED:**

1. That the Inter-Municipal Agreement between Allegany County and Cattaraugus County for the provision of a Lead Poisoning Prevention Program and Comprehensive Elevated Blood Lead Investigation Services for the period January 1, 2009 through December 31, 2009 is approved.

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

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

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

**RESOLUTION NO. 246-08**

**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 2008 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 2008 proceedings of this Board following this resolution.

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

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

**AUDITS:**

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

A motion was made by Legislator Reynolds, seconded by Legislator Fanton and adopted on a roll call vote of 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$1,846,346.03 including prepaid expenses, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$8,784,019.*) Legislator O'Grady requested updates on receipt of state and federal funds for the Genesee River mitigation project.

**COMMENTS:**

Legislator Kruger publicly thanked all of the fire companies that responded to the recent fire in Friendship. The effort made was extraordinary, with many districts represented. The firefighters didn't just save a building; they saved a town.

**ADJOURNMENT:**

The meeting was adjourned at 3:30 p.m. on a motion made by Legislator Pullen, seconded by Legislator Kruger and carried.