

**ALLEGANY COUNTY BOARD OF LEGISLATORS
ORGANIZATION MEETING**

JANUARY 3, 2011

**** APPROVED ****

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

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Navy Machinist Mate Craig R. Braack.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 13 Present; 2 Absent (Legislators McGraw and Russo).

RESOLUTIONS:

RESOLUTION NO. 1-11

**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 L. 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, 2011.
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. Fanton

Adopted: Voice Vote

OATH OF OFFICE ADMINISTERED:

Allegany County 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. 1-11. Chairman Crandall assumed leadership of the meeting.

RESOLUTION NO. 2-11

REAPPOINTMENT OF VICE CHAIRMAN

Offered by: Legislator Curtis W. Crandall

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

RESOLVED:

1. That Legislator Dwight R. Fanton 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. Crandall
Seconded by: Mr. Healy

Adopted: Voice Vote

OATH OF OFFICE ADMINISTERED:

Allegany County Judge Thomas Brown administered the Oath of Office to Vice Chairman Dwight R. Fanton, who was accompanied by his wife, Linda, following adoption of Resolution No. 2-11.

RESOLUTION NO. 3-11

**APPOINTMENT OF COMMISSIONER OF SOCIAL SERVICES AND
FIXING ANNUAL SALARY THEREFOR**

Offered by: Human Services Committee

Pursuant to Social Services Law § § 65 and 116

WHEREAS, Patricia Schmelzer retired from service as Allegany County Commissioner of Social Services effective December 28, 2010, and

WHEREAS, in anticipation of her retirement, the Human Services Committee advertised for interested candidates to fill this position, and

WHEREAS, the Human Services Committee interviewed several candidates and has made its recommendation to the full Board concerning the best candidate to fill this position, now, therefore, be it

RESOLVED:

1. That Vicki L. Grant of Houghton, New York, is appointed Commissioner of Social Services for a term of five years commencing January 3, 2011, and expiring January 2, 2016.

2. That the base annual salary for such Commissioner of Social Services is fixed at \$70,000 per annum notwithstanding the base annual salary established for such Commissioner of Social Services for the year 2011 established by Local Law No. 4 of 2010.

Moved by: Mr. Burdick
Seconded by: Mr. LaForge

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

Newly appointed Commissioner of Social Services Vicki Grant was introduced. She commented that she was excited about her position and was looking forward to implementing some new projects and working with the great staff that they have.

APPOINTMENTS:

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

AGRICULTURAL AND FARMLAND PROTECTION BOARD (Pursuant to Agriculture & Markets Law Section 302 and Resolution No. 42-93):

Rodney K. Bennett, Cotermious with his designation as Chairman of Soil and Water Conservation District's Board of Directors, for a one-year term expiring December 31, 2011

CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD (Reappointed jointly with Michael T. O'Brien, Chairman of the Cattaraugus County Legislature, for a three-year term expiring December 31, 2013):

Bob Halady
Theresa Schueckler
Christina John
Linda Spaulding
Don Giardini
Steve Crowley
Mark Levine (appointed to replace Jodi Fuller, for a three-year term)

COMPREHENSIVE PLAN IMPLEMENTATION GROUP (To serve at the pleasure of the Chairman, pursuant to Resolution No. 125-08, as amended by Resolution No. 18-10, for a one-year term):

Charles Jessup, Alfred Station	Linda Clayson, Belmont
Edward Eicher, Wellsville	William Shuler, Cuba
Lee Gridley, Wellsville	Gretchen Hanchett, Belmont
Sherry Grugel, Cuba	Elaine Hardman, Wellsville
Deborah Clark, Alfred	Donald Cameron, Alfred Station
Scott Torrey, Belmont	Lee James, Cuba

Raymond DeTine, Belmont
Steve Havey, Wellsville
Michael Johnsen, Dalton

Joel Kassirer, Angelica
Frederick Sinclair, Scio

CORNELL 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

EMERGENCY INTERIM SUCCESSOR (To serve at the pleasure of the Chairman, for a one-year term):

Theodore L. Hopkins, Fillmore

DIRECTOR OF EMERGENCY MANAGEMENT AND FIRE (To serve at the pleasure of the Chairman, in accordance with the provisions of applicable law, for a one-year term):

Jeffrey N. Luckey, Fillmore

INTERCOUNTY ASSOCIATION OF COUNTY LEGISLATIVE BODIES OF WESTERN NEW YORK (To serve at the pleasure of the Chairman, for a one-year term):

Voting Members:

Glenn R. Benson, Whitesville
Kevin S. LaForge, Wellsville
Brenda Rigby Riehle, Belmont

Alternate Voting Members:

Philip B. Curran, Alfred Station
Dwight "Mike" Healy, Belmont

REGION 9 OPEN SPACE ADVISORY COMMITTEE (To serve at the pleasure of the Chairman, for a one-year term):

H. Kier Dirlam, Angelica

RESOURCE CONSERVATION AND DEVELOPMENT BOARD (To serve at the pleasure of the Chairman, for a one-year term):

County Representative Member:

Scott Torrey, Belmont

County Alternate:

Philip B. Curran, Alfred Station

Legislative Member:

Norman G. Ungermann, 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 of 2004, for a one-year term):

Dwight R. Fanton, Chairman of Public Works

Daniel Russo, District IV Legislator

Donald L. Cady, District III Legislator

Alternates:

Glenn R. Benson, Whitesville

Douglas D. Burdick, Alfred Station

COORDINATOR OF THE SPECIAL TRAFFIC OPTIONS PROGRAM FOR DRIVING WHILE INTOXICATED (STOP DWI) (To serve at the pleasure of the Chairman, pursuant to Vehicle and Traffic Law Section 1197 and Resolution No. 29-82, for a one-year term):

Linda S. Edwards, Houghton

ALLEGANY COUNTY TRANSPORTATION TASK FORCE (To serve at the pleasure of the Chairman, for a one-year term):

Dwight R. Fanton, Wellsville

Dwight "Mike" Healy, Belmont

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 (For a three-year term, expiring December 31, 2013):

Wallace Higgins, Alfred Station

Jean Switalski, Cuba

David T. Pullen, Fillmore

Beverly Grantier, Wellsville

REGION 9 FISH & WILDLIFE MANAGEMENT BOARD (For a two-year term, expiring December 31, 2012):

Landowner Representative Member:

Phillip May, Wellsville

Alternate Landowner Member:

Richard (Butch) Lorow, Almond

ALLEGANY COUNTY PLANNING BOARD (For a three-year term, expiring December 31, 2013):

Valerie Perkins, Caneadea (District I)

Aaron Dale Foster, Andover (District IV)

Charles Jessup, Alfred Station (District V)

Ex-Officio Members: (Annual Appointment)

David Roeske, Superintendent of Public Works, Wellsville, NY

Terri L. Ross, County Treasurer, Angelica, NY

Theodore L. Hopkins, Ways & Means Committee Chairman, Fillmore, NY

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. Communication from the Republican Party members of the Allegany County Board of Legislators recommending that the Chairman designate Theodore L. Hopkins as Majority Leader of said Board for 2011.
2. Any Legislator wishing to attend the NYSAC Conference in Albany from February 7 through 9, 2011, should let Brenda Rigby Riehle know today or as soon as possible.

MESSAGE FROM THE CHAIRMAN:

"I would like to thank our elected officials, department heads, family, and distinguished guests for attending our organizational meeting today. A special thank you goes to our now Senior Judge, the Honorable Thomas P. Brown for administering the Oaths of Office today. I had the honor of attending the historical Swearing-In Ceremony held at the Judge James E. Euken Chambers in our County Courthouse on Saturday, a privilege shared with many other patriotic citizens of Allegany County, as it turned out to be a standing room only event. We witnessed our newly elected Judge the Honorable Terrence M. Parker, our new Sheriff Ricky L. Whitney, our new Undersheriff Kevin D. Monroe, and our new District Attorney Keith A. Slep, along with his Assistant District Attorneys, take their Oaths of Office. As we begin not only a new year, but also a new decade, I can't help but have a feeling of pride in the seamless changing of the guard of these very distinguished and very important positions that help make our County and our Country what it is; it's such a direct example of our freedom. Congratulations to each one of these elected officials; and on behalf of this Board of Legislators, we look forward to working with you.

As I begin this message, I would like to thank my colleagues for the honor and privilege you have given me by selecting me Chairman of the Allegany County Board of Legislators. I accept this position with utmost sincerity, and I pledge to serve with the best of my ability, with respect to the office of Chairman and respect to each of you. Together we have and we can continue to make a difference.

This is also a time to acknowledge those who work and carry out the policies and direction of our Board. I would like to thank our County Administrator John Margeson for the overall daily management of County operations. As Legislators, we know and recognize the great job you do in handling this demanding position. Thank you to the Clerk of the Board Brenda Riehle and her staff for attending to all the details we need as Legislators and helping us to serve our positions as efficiently and productively as possible. Thank you to our County Attorney Tom Miner and his staff for the consultations, research, and professionalism which assures us that we can move forward on solid legal ground time and again throughout the year. To all of the Department Heads and County Employees, thank you for your dedication and expertise in meeting the constant demands and challenges of County Government. The responsibility of balancing the proper human services, public safety, infrastructure, and cultural needs of our citizens, not to mention addressing the mandated demands that are

placed on us, and meeting these needs, while at the same time minimizing the tax burden for Allegany County residents, is no small task. Each of you handle this responsibility very well. Thank you. Hats off to those Department Heads and Employees who have recently retired. This Board will miss your experience and dedication. To our newly appointed Department Heads and Employees: Welcome; we look forward to working with you.

Appreciation is also due to our volunteer citizens who devote themselves on a regular basis to our advisory boards, committees, and councils, as well as our fire and rescue units. Nothing can be said to properly express our deep appreciation. Thank you for making our County a better place to live. When per-capita figures are quoted and we are compared to others in an attempt to somehow shed a negative light on our area, for some reason this doesn't factor into their equation. Other places claim a great history, heritage, and people, but I know that none can compare to Allegany County.

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 2010, and as we look forward to the challenges and opportunities coming up in 2011, I would like to pause and reflect on the time we spent together.

A year ago as we met here, some sitting at their desks officially as Legislators for the first time, having taken the oath of office just minutes before, I pointed out some differences between our Board of Legislators and our predecessors. Let's take a look at some of them.

- I said that we started with possibly the largest fund balance of any Board in our County's history, a balance of over \$9 million, and that only a few short years ago, we had a negative fund balance of close to \$4 million. What happened to this? Where are we now? As the books were closed on 2009, we learned that we once again ended with a budget surplus, and we now have a fund balance of over \$12 million. In 2010, we responsibly paid off a \$1.33 million Bond Anticipation Note, and both Standards & Poor and Moody's upgraded our Bond Rating, resulting in savings of over \$800,000 in interest payments on the Court Facilities alone. For our 2011 Budget, we used \$950,000 from the fund balance to help deliver an honest budget to the taxpayers of Allegany County at a zero percent property tax rate increase, and this includes paying the cost of our bridge maintenance program and equipment without further borrowing. We changed third party administrators for our County health insurance plan, which will result in savings of over \$2 million over the next three years. I would say our fiscal responsibility is sound.*
- A year ago, I said we were the first Board to begin our session with a project in hand and approved that properly addressed the Court Facilities Capital Plan Act passed by the State Legislature in 1987. As we sit here today, we are only weeks away from moving into the new addition of our Court Facilities, which completes the major phase of the project, on time, under budget, and in compliance. Another serious facility concern was addressed in 2010 by the project completion, ribbon cutting, and occupancy of our new Office for the Aging and Veterans' Services Facility at the Crossroads Center.*

- *I said we were the first Board to begin our session with a municipal agreement in place with the Town of Friendship, the engineering in place, and a defined project for development at the Crossroads Area at I-86 and State Route 19. In 2010, this Board took action and entered into an agreement with a grant-writing firm to help obtain funds for the infrastructure needed in this area, recognizing the fact that economic development is vital to reducing the tax burden on the citizens of Allegany County and committed to seeing the project through.*
- *I said we are the first Board to sit down on day one with a Comprehensive Plan complete and in working order, ready to be utilized. At the beginning of 2010, we appointed a committee to implement this plan and not just let it sit on a shelf. By the end of this month, we will begin a process to review, update, and amend the plan according to its Comprehensive Plan Review Cycle, with a goal of approving an updated plan by the end of 2012.*
- *A year ago, this Board began with a new standing committee, the Planning and Economic Development Committee. This committee, along with its sub-committees which are dealing with our County's communications and energy issues, is pursuing and exploring areas that are critical to the well being of Allegany County. This committee coupled with the new County Planner position will prove to have a positive and lasting influence on our future.*

We start 2011 with changes on the State level that will no doubt affect the way we deliver services here in Allegany County. New York State can no longer sustain nor afford the level of services it historically has provided, and as these necessary changes and adjustments are made, we will need to be prepared to make changes and adjustments ourselves as the administrator of so many mandated services. On January 1, a newly elected Governor took his oath of office, having won this position on a pledge to reform New York State Government and make the Empire State competitive and great once again. I anxiously wait to see the direction and form these changes will take. Governor Cuomo, I wish you and your administration well, for everyone throughout New York State has so much at stake. As property tax cap proposals take form and mandated programs administered on the County level enter into these debates, we will remain vigilant along with all counties across New York State. As the State of New York addresses its most challenging fiscal crisis in its history, we need to stay committed in working with the leaders in State Government in finding acceptable solutions. We will soon be discussing efficiencies in local government and exploring ways that services can be delivered in a more cost effective manner. This is not a situation where we can sit idly by and see what hand we are dealt; we need to be proactive in working with the State, as well as our local municipalities. Elected Officials on all levels of Government face major challenges in 2011; let's work together to meet these challenges.

Along with these unknowns, we will keep working on the known challenges we face in County Government which include.

- *Keeping our infrastructure in shape by managing our highway system, our aging inventory of bridges, as well as continued upgrading and maintenance of buildings and grounds. We will continue to address and plan for the foreseeable closure of our landfill due to it reaching capacity in just a few short years.*

- *The continuation and refinement of our space needs as they relate to the proper sizing and operation of our departments and dealing with the domino effect we create as each change is implemented still remains a challenge for the New Year.*
- *In 2011, can we come to agreement with the unions whose contracts are not yet negotiated or settled?*
- *We are challenged with the monitoring of and continued shift of personnel within our departments through attrition, and the delivery of required services in the most efficient manner.*
- *We are challenged by our involvement in countywide job recruitment, training, and job retention, which benefits all of Allegany County and our economic growth.*

Gentlemen, our challenges in 2011 and beyond won't be scarce or hard to find, yet I also believe that opportunities exist and can be found as well. We have proven that we aren't afraid to take proper action and think outside the box. A year ago, I stated that our term as Legislators will go fast, and that we should not waste it. This group has a good productive year under our belts, and we have met the challenge. Let's go forward with continued optimism, set realistic goals, and make 2011 count as well. Thank you."

STANDING AND SPECIAL COMMITTEE ASSIGNMENTS:

Chairman Crandall distributed copies of his assignments to the **STANDING AND SPECIAL COMMITTEES OF THE BOARD OF LEGISLATORS FOR 2011**. He read the following statement:

"The committee assignments for 2011 reflect no changes from those of 2010. My thought behind this is: We began 2010 with several new Legislators as well as a change in the Standing Committees themselves. A great deal of time and thought went into selecting the Chairmen of the committees as well as the membership of each committee. It appears to me that the proper balance within the committees was established, and the committees as they stand are working well. To make unnecessary changes at this time is unjustified. As we proceed, I will not hesitate to make adjustments to these assignments if it helps in the operation of our committee system, or can improve the overall effectiveness of our Board."

Assignments are as follows; Chairmen and Vice Chairmen are listed first:

COURT FACILITIES AND COUNTY SPACE NEEDS:

Pullen, Fanton, Benson, Cady, Curran, Russo

HUMAN SERVICES:

Burdick, Russo, Cady, LaForge, Sinclair

PERSONNEL:

O'Grady, Burdick, Benson, Cady, Fanton, Pullen, Ungermann

Special - Negotiations Ad Hoc Committee: (Sub-Committee of Personnel)

Pullen, O'Grady

PLANNING AND ECONOMIC DEVELOPMENT:

Sinclair, Pullen, Curran, Healy, Hopkins, LaForge, McGraw, O'Grady

Special - Communications & Technology Ad Hoc Committee:

(Sub-Committee of P&D)

Pullen, Healy, Mike Johnsen, Jerry Scott

Special - Energy & Resources Ad Hoc Committee: (Sub-Committee of P&D)

LaForge, Benson, Sinclair

PUBLIC SAFETY:

Healy, Benson, Burdick, Hopkins, McGraw, Russo

PUBLIC WORKS:

Fanton, O'Grady, Curran, Healy, Hopkins, McGraw, Ungermann

WAYS & MEANS:

Hopkins, Fanton, Burdick, Healy, LaForge, O'Grady, Pullen, Sinclair

Special - Budget Committee: (Sub-Committee of Ways & Means)

Hopkins, Fanton, Cady, Curran, LaForge, O'Grady

CHAIRMAN'S PRESENTATION OF CERTIFICATE:

Chairman Crandall presented a certificate to Craig R. Braack, former United States Navy Machinist Mate, in grateful appreciation of his service to our Country. Mr. Braack's service dates were from 1967 to 1971. Following Basic Training at Great Lakes, IL, his duty station was the USS Lexington, Carrier Vessel 16, Pensacola, FL. He received a Good Conduct Medal. Mr. Braack led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program. (Mr. Braack is the Allegany County Historian.) Chairman Crandall ended the presentation with a recording on the American Flag by Johnny Cash.

ADJOURNMENT: The meeting was adjourned at 2:45 p.m. on a motion made by Legislator Pullen, seconded by Legislator Sinclair and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
JANUARY 10, 2011**

**** APPROVED ****

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

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Navy Signalman Striker Leonard A. Lewis.

INVOCATION: The Invocation was given by Legislator David Pullen.

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

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Leonard A. Lewis, former United States Navy Signalman Striker, in grateful appreciation of his service to our Country. Mr. Lewis's service dates were from November 1942 to November 1945. Following Basic Training at Sampson Naval Training Center, he was assigned to the USS Albemarle AV5 which made rounds supplying naval installations in Newfoundland, Iceland, Wales, England, Africa, Bermuda, Trinidad, Cuba, Puerto Rico, Panama Canal Zone, Brazil, and Galapagos Islands. Commendations he received included: Victory Medal, American Campaign, European African Middle Eastern, Asiatic Pacific. Mr. Lewis led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator's desk:

1. Board Meeting minutes of December 27, 2010, for review.
2. Board Organization Meeting minutes of January 3, 2011, for review.
3. Report of Intrafund Transfers approved by the County Administrator in December.
4. Report of Tax Bill Corrections approved by the County Administrator in December.

The following communications were also acknowledged:

1. Copy of correspondence that the Concerned Citizens of Allegany County sent to Governor Cuomo regarding horizontal hydrofracturing.
2. Correspondence from Gene Abbey, Career Services at Belmont BOCES, inviting Legislators to attend their Open House/Community Night on February 16 from 3 to 7 p.m.
3. Correspondence from Legislator Daniel Russo. Chairman Crandall read Legislator Russo's letter, followed by his statement below:

"Dear Chairman Crandall,

It is with deep regret that I am writing this letter to notify you of my resignation from the Allegany County Board of Legislators effective January 10, 2011. As you are aware, I have not been well for some time, and due to the ongoing nature of my medical condition, I am unable to perform my duties and provide my District and Allegany County with the quality of service I have been able to provide in the past nine years. I no longer feel that I can perform my duties at the level I expect of myself, and that my colleagues expect of me. I would like to take this opportunity to mention that serving as a Legislator in Allegany County has been an honor and thoroughly gratifying and rewarding. I sincerely wish Allegany County and my fellow Legislators the best of luck in the future. I love Allegany County and the people I work with here. My family and I wish to express our heartfelt thanks to those of you who have been so supportive to me during the difficulties of these last months. Knowing you all has been a great gift, and losing the day-to-day contact which you have provided will be a great loss. I feel my decision to resign from the Legislature is in the best interest of Allegany County, and that ultimately will benefit my health. Thanks to all of you for the time we spent together.

Sincerely, Dan Russo"

Chairman Crandall's statement in response to the letter of resignation from Legislator Russo:

"This letter comes as no surprise; Mr. Russo has had some time off for medical reasons this past year and indicated to me in a recent conversation that he did not want to continue serving if he could not give it 100 percent. Towards the end of last year, I met with Dan at his home to deliver information and review issues that the Board was working on. At that time, Dan was hopeful, as was I, that he would be returning to our meetings on a regular basis by the end of the year. After some additional medical checkups, Dan decided that the best thing for himself and this Board would be for him to resign his position.

Dan will be missed; besides myself, he is the longest serving Legislator on the Board at this time. He took office in 2002 and has been an active and informed Legislator from day one. He has been Majority Leader, Chairman of Personnel Committee, Vice Chairman of Ways & Means, Vice Chairman of Human Services Committee, and an active and vital member of many other committees and advisory boards including Public Safety, Resource Management, Transportation, Facilities Planning and Management, Public Works, and Court

Facilities & County Space Needs. As Chairman of the Personnel Committee, Mr. Russo initiated and helped to refine an Employee Evaluation for the Department Heads that is being used today. His understanding of how County Government works and his military background coupled with his longevity on the Board of Legislators has made Dan Russo a respected leader in Allegany County.

I always knew where Dan stood on the issues, and we always maintained respect for each other. He ran his committees well, carried himself with confidence, has excellent leadership qualities and a dignified presence, all of which gained him admiration and respect from the Board of Legislators, Department Heads, and employees as well. Dan is a good man, and he has worked hard for the people he represented. I wish him and his family well. I will miss having Dan serve on the Board with me, but his personal health and well-being are what matters most at this time.

This Board will have a special recognition of Dan's service to Allegany County at a future Board Meeting.

Dan – Thank you for your service.”

APPOINTMENTS:

The Clerk of the Board announced that Chairman Crandall has appointed Tom Sampson, of Houghton, NY, as a member of the **MERCY FLIGHT CIVIC ADVISORY COMMITTEE**, effective immediately, to serve at his pleasure.

RESOLUTIONS:

RESOLUTION NO. 4-11

APPROVAL OF BOARD CHAIRMAN'S APPOINTMENTS OF TWO MEMBERS TO REGION NINE FISH AND WILDLIFE MANAGEMENT BOARD

Offered by: Public Works Committee

Pursuant to Environmental Conservation Law § 11-0501

RESOLVED:

1. That the reappointments by the Chairman of this Board of Phillip May as Landowner Representative Member and Richard (Butch) Lorow as Alternate Landowner Representative Member to the Region Nine Fish and Wildlife Management Board, with term of office commencing January 1, 2011, and expiring December 31, 2012, are approved.

Moved by: Mr. Fanton
Seconded by: Mr. Sinclair

Adopted: Voice Vote

RESOLUTION NO. 5-11

**APPROVAL OF AIR MEDICAL SERVICES CONTRACT WITH MERCY FLIGHT, INC.
FOR 2011**

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 2011, is approved.
2. That the Chairman of this Board is authorized to execute such contract.

Moved by: Mr. Burdick
Seconded by: Mr. Hopkins

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

(Memo: The contract with Mercy Flight approved in Resolution No. 5-11 includes payment for services in the amount of \$10,000.)

RESOLUTION NO. 6-11

**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 2011, is approved.
2. That the Chairman of this Board is authorized to execute said Agreement in triplicate.

Moved by: Mr. Burdick
Seconded by: Mr. Curran

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

Comments made regarding Resolution No. 6-11 included the following: Legislator Ungermann questioned if the program was mandated, and Chairman Crandall replied that it was not.

RESOLUTION NO. 7-11

**APPROVAL OF AGREEMENT WITH
VOLUNTEER FIREMEN'S ASSOCIATION OF ALLEGANY COUNTY, INC.,
FOR PAYMENT OF 2011 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 2011 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, 2011, 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. Healy
Seconded by: Mr. Burdick

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

RESOLUTION NO. 8-11

**APPROVAL OF MEMORANDUM OF AGREEMENT WITH
CORNELL COOPERATIVE EXTENSION ASSOCIATION OF ALLEGANY COUNTY AND
AUTHORIZING CHAIRMAN TO EXECUTE MEMORANDUM OF AGREEMENT;
AUTHORIZING COUNTY TREASURER TO MAKE APPROPRIATION PAYMENTS
IN RELATION TO THE 2011 BUDGETARY APPROPRIATION FOR THE WORK OF
SUCH ASSOCIATION**

Offered by: Public Works Committee

Pursuant to County Law § 224 (8)

RESOLVED:

1. That Memorandum of Agreement between the County of Allegany and the Cornell Cooperative Extension Association of Allegany County, dated January 1, 2011, in relation to the payment of appropriations to such Association by the County and the providing of services for such appropriations, is approved and the Chairman of this Board is authorized to execute such Memorandum of Agreement.

2. That the County Treasurer is authorized and directed to pay one-half of the sum provided in the 2011 County Final Budget for such Association in advance on the first day of each half of the year beginning January 2011, to be used by such Association pursuant to the terms and conditions of such Agreement; such payments to be made to the duly bonded Treasurer of such Association.

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

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

Comments made regarding Resolution No. 8-11 included the following:

Legislator Ungermann questioned if the program was mandated, and Chairman Crandall replied that it was not.

Legislator Pullen stated that although the Cooperative Extension Association Program is not mandated, it is valuable. We tend to think of it as being primarily related to agriculture, and that would probably justify it, but there are many other aspects, such as programs for homemakers, nutrition, 4-H youth. There are some types of programs whereby they provide staffing so that the state picks up the benefits. Without this arrangement, the County would have to pick it up, probably close to matching the annual appropriation. In order to pick up the federal and state portions, the County has to participate in a meaningful way, and our appropriation meets that requirement. The way the state operates is that they mandate what they know we would never approve otherwise, and they leave us the option of cutting out the good programs that most of us would be supportive of.

Legislator Fanton asked County Administrator John Margeson if this contract actually saves us a lot more than the \$211,000 appropriation in the form of services to the Health Department and Social Services. Mr. Margeson explained that we have an agreement with Cornell Cooperative Extension whereby we enter into contracts with them to provide staff that oversees and operates certain County functions, one of which is the Women, Infants, and Children (WIC) Program through the Health Department. The last time Cooperative Extension calculated the savings to the County in fringe benefit costs for those employees was two years ago, and it was approximately \$150,000 in cost avoidance that the County enjoyed as a result of the fact that we contract with them for that staff.

Legislator O'Grady asked for clarification that the WIC Program is not mandated, which Mr. Margeson affirmed.

Legislator Sinclair remarked that if we laid out the benefits of the Cooperative Extension Program, we would find that it's more than a non-mandated program, it's a good investment for our tax dollars. The return, although hard to quantify totally, far exceeds the amount of money that we put into it.

RESOLUTION NO. 9-11

**APPROVAL OF AGREEMENT WITH
ALLEGANY COUNTY AGRICULTURAL SOCIETY
FOR PAYMENT OF 2011 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 \$8,000 and charge Account No. A8752.4 therefor.

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

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

Comments made regarding Resolution No. 9-11 included the following: Legislator O'Grady noted that the Allegany County Fair is not a County function. It's a festival or fair sponsored by the Agricultural Society. Other organizations that have come to the County for support bring in tourism dollars as well. The Wellsville Balloon Rally has been here several times, and they were told they would not receive a donation. Mr. O'Grady stated that he's not against the Fair, but if \$8,000 is the hinge on whether the Fair makes it or not, it should be re-examined.

Resolution Intro. No. 10-11 (Authorizing the County Planner to Develop Specific Initiatives which will Formulate the Basis for a Funding Request to the New York State Department of State Local Government Efficiency Grant Program and Report Back to the Allegany County Board of Legislators) was not pre-filed and was considered from the floor on a motion made by Legislator LaForge, seconded by Legislator Sinclair and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 10-11

**AUTHORIZING THE COUNTY PLANNER TO DEVELOP SPECIFIC INITIATIVES
WHICH WILL FORMULATE THE BASIS FOR A FUNDING REQUEST TO
THE NEW YORK STATE DEPARTMENT OF STATE
LOCAL GOVERNMENT EFFICIENCY GRANT PROGRAM AND
REPORT BACK TO THE ALLEGANY COUNTY BOARD OF LEGISLATORS**

Offered by: Ways and Means Committee

WHEREAS, it is in the best interest of the County of Allegany and its towns and villages to promote and practice governmental efficiencies at all levels, and

WHEREAS, the realization of such efficiencies is best achieved through inter-municipal interaction, cooperation and study, and

WHEREAS, a funding opportunity exists through the New York State Department of State known as the Local Government Efficiency Grant Program which is designed to financially assist localities with these efforts, now, therefore, be it

RESOLVED:

1. That the Allegany County Planner is hereby authorized and directed to identify specific initiatives to form the basis of a funding request to the New York State Department of State and report his findings to the Allegany County Board of Legislators at a date and time determined by the Chairman of the Board of Legislators.

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

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

Comments made regarding Resolution No. 10-11 included the following:

Legislator LaForge noted that one message heard during the last election cycle is that the people want less government and less tax. The critical thing is how to get there. You have to have a good plan and move very carefully toward it. If we receive a grant from this program, it will be an excellent first step.

Legislator Pullen remarked that he has served as local counsel for many of the municipalities in the County, and there is significant expense. We have the same number of towns today that we had for probably the past 100 to 140 years. Back in the days of the horse and buggy, six miles, which is the approximate size of many of the towns in the County, was about how far you could go and get back in one day. Circumstances have changed, and we need to review what other changes should occur, not to lessen representation, but to reflect changing needs. There are hidden costs. We certainly don't want to reduce snow and ice handling for the safety of our communities, but we have justice courts, town clerks, town boards, and assessors in every community. All of those things require training, documentation, and a

myriad of other related expenses. We need to take a hard look at some of these things to see if maybe we can cut back and reduce the burden locally, although Mr. Pullen felt that the biggest part still goes back to what the state has mandated for us. We still need to push that.

Legislator Cady pointed out as an example that in Cuba, the proposal to merge the Town and Village was rejected, but he wonders if that has to preclude them from contracting more with each other, like on snow removal or maybe even courts. This is worth looking into.

AUDITS:

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

A motion was made by Legislator Hopkins, seconded by Legislator O'Grady and adopted on a roll call vote of 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$1,811,270.37 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 in 2010 was \$7,981,895 and 2011 year-to-date is \$155,061.*) Legislator Pullen noted that a question was raised in the Ways and Means meeting about the County's Medicaid payment total for 2010 coming in at just under \$8 million when he thought it would be much higher than that. The County Treasurer indicated that the real total for 2010 was likely to be \$9.7 million, and the difference of approximately \$1.6 million was FMAP money, federal money through the stimulus programs, but that money is not going to be there. One of the biggest challenges we're going to have to face is that the federal and state governments are broke, but they're not reducing the programs. We can't look at that Medicaid total at just under \$8 million and think it's going down. It's not; we just had a little help, but that was temporary. We're going to have to make up the \$1.6 million difference since the stimulus program will not be helping us out beyond what we've already seen.

GENERAL COMMENTS:

Legislator Ungermann noted that our federal politicians passed the Bush Tax Cut Extensions. When he entered the new 2011 withholding tables in the computer for his private business, he noticed that in 2010, you could earn up to \$6,050 before any tax was withheld; for 2011, it is now \$2,100, or much lower. Also, it seems we're short-changing Social Security. They're bragging about giving everyone an extra \$5 to \$10 per week in their paychecks, but where that's coming from is the employee contribution to Social Security. It used to be 6.2 percent, but it's now 4.2 percent, up to \$106,800. We're taxing the lower income people more and short-changing Social Security. He questioned the thinking in Washington.

Legislator Hopkins remarked that he was not happy to see Dan Russo resign, although he understood why and that it was a hard thing for him to do. The Board is made up of 15 different individuals, and he's sure whoever is appointed to replace Dan will be a great asset, but he's going to miss him. Legislator LaForge felt it would be good to acknowledge Dan's work with the Wellsville Nitros and the goodwill that brought to Allegany County.

Legislator Pullen remarked that it was a privilege to serve with Dan and expressed his appreciation for his years of dedicated service to the County. These are some big shoes for someone to fill and pick up where Dan left off. Mr. Pullen wished him well and for a full recovery.

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

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
JANUARY 24, 2011**

**** APPROVED ****

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

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Army Staff Sergeant Gary Rathbun.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 13 Legislators Present: Douglas Burdick, Donald Cady, Curtis Crandall, Philip Curran, Dwight Fanton, Dwight (Mike) Healy, Theodore Hopkins, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Frederick Sinclair, Norman Ungermann, Jr.; 1 Legislator Absent: Glenn Benson

APPROVAL OF MINUTES:

The Board meeting minutes of December 27, 2010, were approved on a motion made by Legislator Hopkins, seconded by Legislator Curran and carried.

The Board Organization meeting minutes of January 3, 2011, were approved on a motion made by Legislator Sinclair, seconded by Legislator Curran and carried.

The Board meeting minutes of January 10, 2011, were approved on a motion made by Legislator Fanton, seconded by Legislator Curran and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Gary Rathbun, former United States Army Staff Sergeant, in grateful appreciation of his service to our Country. Mr. Rathbun's service dates were from May 1951 to February 1954. Following Basic Training at Camp Carson, CO, assignments included Fitzsimmons Army Hospital, Denver, CO; 34th General Hospital, Landstuhl, Germany; and General Hospital, Orleans, France. Commendations he received included: Army Occupation Medal of Germany and National Defense Service Medal. Mr. Rathbun led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator's desk:

1. February 2011 Calendar of Board and Standing Committee meeting dates. An Open House for the Courthouse Addition on February 11, 2-5 p.m. was announced and added to the calendar. (A request was made later in the meeting that the ending time be extended to 6 p.m.) Members of the public are encouraged to attend.

2. NYSAC Survey regarding Mandate Relief Initiatives. If you would like to participate, please complete the survey and hand it in to Brenda Rigby Riehle at the Committee of the Whole meeting on Tuesday, January 25.

The following communications were also acknowledged:

1. Press Release regarding a donation to the Office for the Aging from the Thomas and Laura Moogan Family Foundation. (See Resolution Intro. No. 18-11 for acceptance of funds.)

2. Southern Tier West Regional Planning & Development Board Minutes from December 16, 2010, and Meeting Notice for January 20, 2011.

3. Correspondence from the Allegany County Association for the Blind thanking the Board for its support.

4. Notice of next Fire Advisory Board meeting on January 27 at 8 p.m. There will also be a joint meeting of District Deputies, Fire Investigators, and Haz Mat Coordinators with the Fire Coordinator at 6 p.m.

APPOINTMENTS:

The Clerk of the Board announced that Chairman Curtis Crandall has appointed Michael Hennessy of Wellsville, NY, to the position of **DIRECTOR OF THE COUNTY VETERANS' SERVICE AGENCY**, effective February 7, 2011, subject to the approval of the Allegany County Board of Legislators.

INTRODUCTION OF LEGISLATION:

Legislator Theodore Hopkins introduced Local Law Intro. No. 1-2011, Print No. 1, entitled "A Local Law to Require the Payment of an Administrative Fee by an Individual Required to Attend Meetings of the Allegany County STOP-DWI Victim Impact Panel," a copy of said proposed Local Law having been placed on each legislator's desk.

RESOLUTIONS:

Resolution Intro. No. 23-11 (Appointment of Karl Graves as County Legislator from District IV for Period January 24, 2011, to and including December 31, 2011) was considered out of sequence, ahead of the remaining resolutions, following a motion made by Legislator Healy, seconded by Legislator O'Grady and carried.

Resolution Intro. No. 23-11 (Appointment of Karl Graves as County Legislator from District IV for Period January 24, 2011, to and including December 31, 2011) was not pre-filed and was considered from the floor on a motion made by Legislator Healy, seconded by Legislator O'Grady and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

A motion was made by Legislator Ungermann to table Resolution Intro. No. 23-11 (Appointment of Karl Graves as County Legislator from District IV for Period January 24, 2011, to and including December 31, 2011) to allow more time to consider the issue. The motion failed, as it was not seconded.

RESOLUTION NO. 11-11

APPOINTMENT OF KARL GRAVES AS COUNTY LEGISLATOR FROM DISTRICT IV FOR PERIOD JANUARY 24, 2011, TO AND INCLUDING DECEMBER 31, 2011

Offered by: Ways and Means Committee

WHEREAS, a vacancy has occurred in the office of County Legislator from District IV due to the resignation of Daniel Russo effective January 10, 2011, and

WHEREAS, pursuant to Section 7 of Local Law No. 3 of 1993, it will be necessary for this Board to appoint a person to fill this vacancy until January 1, 2012, and

WHEREAS, Karl Graves of the Town of Wellsville has been recommended to this Board as the person who should be appointed to fill such vacancy, and

WHEREAS, the Ways and Means Committee of this Board believes that Karl Graves will meet the qualifications established for such office by Section 5 of said Local Law, now, therefore, be it

RESOLVED:

1. That Karl Graves of the Town of Wellsville is hereby appointed as a County Legislator from District IV with term of office commencing January 24, 2011, and ending December 31, 2011.

2. That said appointee shall take and file his official oath in the Allegany County Clerk's Office within thirty days after the commencement of said term of office and shall also, within such thirty-day period, file in said Clerk's Office an affidavit, subscribed and sworn to by said appointee, that he is presently a resident of the Town of Wellsville and was a continuous resident of said Town for at least one year immediately preceding the 24th day of January, 2011, and further, that he holds no other elective county office nor holds any elective town or village office. The foregoing affidavit shall be in such form as shall be approved by the County Attorney.

3. That within ten days of the respective filing date or dates of such official oath and affidavit, the County Clerk shall transmit in writing to this Board a notification that such official oath and affidavit have been filed and specifying the respective filing date or dates of such official oath and affidavit.

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

Adopted: Voice Vote

Allegany County Judge Terrence Parker administered the Oath of Office to Legislator Karl Graves, who was accompanied by his girlfriend, Patricia Newsome, and son, Matthew, following the adoption of Resolution No. 11-11. Legislator Graves participated in the remainder of the meeting.

RESOLUTION NO. 12-11

RESOLUTION SETTING DATE OF PUBLIC HEARING ON A LOCAL LAW TO REQUIRE THE PAYMENT OF AN ADMINISTRATIVE FEE BY AN INDIVIDUAL REQUIRED TO ATTEND MEETINGS OF THE ALLEGANY COUNTY STOP-DWI VICTIM IMPACT PANEL

Offered by: Public Safety and Ways and Means Committees

WHEREAS, on this 24th day of January, 2011, a local law (Intro. No. 1-2011, Print No. 1) was introduced to require the payment of an administrative fee by an individual required to attend meetings of the Allegany County STOP-DWI Victim Impact Panel, 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 14, 2011, 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. 1-2011, 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. Healy
Seconded by: Mr. Hopkins

Adopted: Voice Vote

RESOLUTION NO. 13-11

**A RESOLUTION IN RELATION TO THE CONSTRUCTION OF
TOWN BRIDGE NO. 05-03 (B.I.N. 2213960) IN TOWN OF AMITY**

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. 05-03 (B.I.N. 2213960) on Irish Settlement Road in the Town of Amity should be constructed, and

WHEREAS, the County Public Works Department has submitted plans, maps and specifications for the construction of such Bridge and estimated the project costs at \$224,000, 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. 05-03 (B.I.N. 2213960) on Irish Settlement Road in the Town of Amity to be of sufficient importance to be constructed.

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 \$224,000.

4. That in accordance with Resolution No. 65-95, the County's share of such cost is estimated to be \$190,400 and shall be transferred to a Capital Project Account to be designated by the County Treasurer.

5. That the Town's share of such cost, estimated to be \$33,600, 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 constructed until the Town of Amity files the appropriate Town Board resolution in accordance with Resolution No. 65-95.

Moved by: Mr. Fanton
Seconded by: Mr. Healy

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

RESOLUTION NO. 14-11

**A RESOLUTION IN RELATION TO THE CONSTRUCTION OF
TOWN BRIDGE NO. 06-08 (B.I.N. 2214120) IN TOWN OF ANDOVER**

Offered by: Public Works and Ways and Means Committees

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

WHEREAS, the County Public Works Department has submitted a report to this Board stating its reasons why Town Bridge No. 06-08 (B.I.N. 2214120) on Quigg Hollow Road in the Town of Andover should be constructed, and

WHEREAS, the County Public Works Department has submitted plans, maps and specifications for the construction of such Bridge and estimated the project costs at \$365,000, and

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

RESOLVED:

1. That this Board of Legislators does determine that it considers Town Bridge No. 06-08 (B.I.N. 2214120) on Quigg Hollow Road in the Town of Andover to be of sufficient importance to be constructed.

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 \$365,000.

4. That in accordance with Resolution No. 65-95, the County's share of such cost is estimated to be \$310,250 and shall be transferred to a Capital Project Account to be designated by the County Treasurer.

5. That the Town's share of such cost, estimated to be \$54,750, 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 constructed until the Town of Andover files the appropriate Town Board resolution in accordance with Resolution No. 65-95.

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

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

RESOLUTION NO. 15-11

**A RESOLUTION IN RELATION TO THE CONSTRUCTION OF
TOWN BRIDGE NO. 17-05 (B.I.N. 2214610) IN TOWN OF GENESEE**

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. 17-05 (B.I.N. 2214610) on Streeter Brook Road in the Town of Genesee should be constructed, and

WHEREAS, the County Public Works Department has submitted plans, maps and specifications for the construction of such Bridge and estimated the project costs at \$419,500, 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. 17-05 (B.I.N. 2214610) on Streeter Brook Road in the Town of Genesee to be of sufficient importance to be constructed.

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 \$419,500.

4. That in accordance with Resolution No. 65-95, the County's share of such cost is estimated to be \$356,575 and shall be transferred to a Capital Project Account to be designated by the County Treasurer.

5. That the Town's share of such cost, estimated to be \$62,925, 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 constructed until the Town of Genesee files the appropriate Town Board resolution in accordance with Resolution No. 65-95.

Moved by: Mr. Fanton
Seconded by: Mr. Cady

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

Comments made regarding Resolution Nos. 13-11 through 16-11 included the following: The County is paying 85 percent of the costs for these four town bridge repair projects, and the towns each pay 15 percent. This is our tax dollars at work. The expenses did not have to be bonded this year, but were budgeted for.

RESOLUTION NO. 16-11

**A RESOLUTION IN RELATION TO THE CONSTRUCTION OF
TOWN BRIDGE NO. 22-05 (B.I.N. 2214890) IN TOWN OF NEW HUDSON**

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. 22-05 (B.I.N. 2214890) on Haskins Road in the Town of New Hudson should be constructed, and

WHEREAS, the County Public Works Department has submitted plans, maps and specifications for the construction of such Bridge and estimated the project costs at \$409,500, 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. 22-05 (B.I.N. 2214890) on Haskins Road in the Town of New Hudson to be of sufficient importance to be constructed.
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 \$409,500.
4. That in accordance with Resolution No. 65-95, the County's share of such cost is estimated to be \$348,075 and shall be transferred to a Capital Project Account to be designated by the County Treasurer.
5. That the Town's share of such cost, estimated to be \$61,425, 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 constructed until the Town of New Hudson files the appropriate Town Board resolution in accordance with Resolution No. 65-95.

Moved by: Mr. Fanton
Seconded by: Mr. Healy

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

RESOLUTION NO. 17-11

**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, David T. Pullen of Fillmore, 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, 2011, and expiring December 31, 2013, are confirmed.

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

Adopted: Voice Vote

RESOLUTION NO. 18-11

**REAPPOINTMENT OF FIVE INCUMBENT MEMBERS TO
COUNTY TRAFFIC SAFETY BOARD**

Offered by: Public Safety Committee

Pursuant to Local Law No. 2 of 1972

RESOLVED:

1. That Dawn Santangelo, Ray M. Parlett, John Zlomek, Linda Edwards and Melinda Rounds are reappointed to the County Traffic Safety Board, with term of office for each to commence January 1, 2011, and expire December 31, 2013.

Moved by: Mr. Healy
Seconded by: Mr. McGraw

Adopted: Voice Vote

RESOLUTION NO. 19-11

**ACCEPTING THE REMAINDER OF A BEQUEST FROM
THE ESTATE OF EDNA E. MCANDREWS AND
A DONATION FROM THE MOOGAN FAMILY FOUNDATION AND
APPROPRIATING THESE FUNDS TO OFFICE FOR THE AGING ACCOUNTS**

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the remainder of a bequest in the amount of \$382.49 from the Estate of Edna E. McAndrews and a donation in the amount of \$750 from the Moogan Family Foundation to the Office for the Aging is accepted.

2. That the total accepted sum of \$1,132.49 is appropriated as follows: \$750 to Account No. A6773.408, with a like sum credited to Revenue Account No. A02.1972.01, and the sum of \$382.49 to Reserve Account No. A08.2755.R.

Moved by: Mr. Burdick
Seconded by: Mr. Curran

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

(Memo: Regarding Resolution No. 19-11, the McAndrews bequest will be placed in the OFA reserve account, and the Moogan donation will be used immediately to purchase grab bars for frail elderly in need of the support.)

Comments were made in appreciation for the donations accepted in Resolution No. 19-11, and it was suggested that acknowledgements be sent to both families.

RESOLUTION NO. 20-11

**ACCEPTING AND APPROPRIATING FUNDS RECEIVED FROM
THE GOVERNOR'S TRAFFIC SAFETY PROGRAM STEPS IN SAFETY GRANT
(SAFETY ON WHEELS) FOR STATE FISCAL YEAR OCTOBER 1, 2010,
THROUGH SEPTEMBER 30, 2011**

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 \$2,893.62 are accepted and appropriated 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. Healy
Seconded by: Mr. Hopkins

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

RESOLUTION NO. 21-11

**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, 2011, to February 1, 2012, is approved.
2. That the premium of \$233,951.13, plus any additional premium amounts resulting from the addition or inclusion of vehicles, equipment and other property to the policies, is charged to Account No. A1910.406 of the 2011 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. O'Grady
Seconded by: Mr. Fanton

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

Comments made regarding Resolution No. 21-11 included the following: Legislator O'Grady noted that the Personnel Committee looked at several options for this insurance, and by staying with NYMIR through Richardson and Stout, the County saved about \$28,000. Legislator Pullen pointed out that the County has seen significant reductions in the amount spent for insurance, but we have also increased coverage.

RESOLUTION NO. 22-11

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

Offered by: Public Safety Committee

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

WHEREAS, the County has solicited proposals for the provision of legal representation in Family Court and Criminal Courts to those who are financially unable to obtain counsel pursuant to New York State County Law Section 722, and

WHEREAS, Allegany-Cattaraugus Legal Services, Inc., having an office at (No Street or Number), P. O. Box 96, Belmont, New York 14813, can provide the aforementioned legal services for an amount not to exceed \$210,000, plus actual expenses for expert witnesses and other ordinary litigation expenses in an amount not to exceed \$5,000, now, therefore, be it

RESOLVED:

1. That the Contract with Allegany-Cattaraugus Legal Services, Inc., to provide such indigent representation for a term commencing January 1, 2011, and terminating December 31, 2011, is approved. The Chairman of this Board of Legislators is authorized to execute a contract on behalf of Allegany County.

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

Moved by: Mr. Healy
Seconded by: Mr. Fanton

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

RESOLUTION NO. 23-11

**CREATING POSITIONS OF EARLY INTERVENTION SERVICE COORDINATOR,
EARLY INTERVENTION PROGRAM DIRECTOR AND TWO TYPISTS IN
THE HEALTH DEPARTMENT**

Offered by: Personnel and Human Services Committees

RESOLVED:

1. That the positions of Early Intervention Service Coordinator, Early Intervention Program Director and two Typists are created in the Health Department.

2. That the position of Early Intervention Program Director is placed in Grade 5 of the PEF Salary Plan.

3. This resolution shall take effect January 25, 2011.

Moved by: Mr. Burdick
Seconded by: Mr. LaForge

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

(Memo: Regarding the positions created in Resolution No. 23-11, the Early Intervention Service Coordinator and the Early Intervention Program Director are necessary in order to comply with new NYS Department of Health regulations, will allow for maximum grant funding reimbursement, give some control over services provided, and will ensure that only children meeting the regulation guidelines receive services and those services are delivered in the most cost effective, efficient manner possible. Salaries will be covered by revenue generated through billable services, Early Intervention grant funds, and Article 6 Public Health funds. The two Typist positions are needed to answer phones, direct people through the Health Department, and provide clerical support for Public Health programs. Savings of over \$33,000 per year (salary/fringe/longevity) will be realized by replacing the Clinic Secretary and the Senior Account Clerk Typist with Typists. It was noted that the Health Department support staff has been cut to less than half in the past three years.)

Comments made regarding Resolution No. 23-11 included the following: Legislator Pullen noted that the resolution represents a state mandate, one in which the state is not only telling us what we have to do, but how we have to do it.

Resolution Intro. No. 24-11 (Approval of Board Chairman's Appointment of Michael D. Hennessy as Director of County Veterans' Service Agency) was not pre-filed and was considered from the floor on a motion made by Legislator Healy, seconded by Legislator Graves and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 24-11

APPROVAL OF BOARD CHAIRMAN'S APPOINTMENT OF MICHAEL D. HENNESSY AS DIRECTOR OF COUNTY VETERANS' SERVICE AGENCY

Offered by: Personnel Committee

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

RESOLVED:

1. That the appointment by the Chairman of this Board of Legislators of Michael D. Hennessy of Wellsville, New York, as Director of the County Veterans' Service Agency for a term commencing February 7, 2011, and ending December 31, 2011, is approved.

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

Adopted: Voice Vote

Comments made regarding Resolution No. 24-11 included the following: Chairman Crandall noted that the Veterans' Service Agency Director is a Chairman's appointment with confirmation by the Board. The selection process included involvement by a number of Veterans' groups. There was representation by the VFW, the American Legion, and a

County Legion group. Chairman Crandall also asked Legislator Timothy O'Grady, as Personnel Committee Chairman, and Legislator Mike Healy, as a Veteran, to sit in on the process, and former Director Scott Spillane offered his assistance. There were a number of qualified applicants whose applications were reviewed by that committee. Several were interviewed. It was the consensus of that committee that Mr. Hennessy would be the best choice for Director of the Allegany County Veterans' Service Agency. A fair amount of time and effort went into the selection process, and Chairman Crandall is confident that Mr. Hennessy is the right choice for the position.

Mr. Hennessy expressed thanks to Chairman Crandall and the Board for his appointment, and he was very appreciative of the Veterans on the selection committee. He noted that he will be very humbled and honored to represent the Veterans of Allegany County, and he looks forward to working with the Board of Legislators.

AUDITS:

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

A motion was made by Legislator Hopkins, seconded by Legislator Sinclair and adopted on a roll call vote of 13 Ayes, 1 No, 1 Absent, that the audit of claims, totaling \$4,439,481.88, including prepaid expenses, be approved for payment as recommended by the County Administrator (opposed: Ungermann). (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$470,129.*)

ADJOURNMENT:

The meeting was adjourned at 2:52 p.m. on a motion made by Legislator Hopkins, seconded by Legislator Pullen and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION**

FEBRUARY 14, 2011

**** APPROVED ****

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

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Marine Corps Corporal Lee Ann Richardson Mattison.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 13 Legislators Present: Glenn Benson, Douglas Burdick, Donald Cady, Curtis Crandall, Philip Curran, Karl Graves, Dwight (Mike) Healy, Theodore Hopkins, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Frederick Sinclair; 2 Legislators Absent: Dwight Fanton, Norman Ungermann, Jr.

APPROVAL OF MINUTES:

The Board meeting minutes of January 24, 2011, were approved on a motion made by Legislator Curran, seconded by Legislator Sinclair and carried.

The Committee of the Whole meeting minutes of January 25, 2011, were approved on a motion made by Legislator Curran, seconded by Legislator Graves and carried.

PUBLIC HEARING:

Chairman Crandall closed the regular meeting to hold a public hearing on Local Law Intro. No. 1-2011, entitled "A Local Law to Require the Payment of an Administrative Fee by an Individual Required to Attend Meetings of the Allegany County STOP-DWI Victim Impact Panel." 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 presented a certificate to Lee Ann Richardson Mattison, former United States Marine Corps Corporal, in grateful appreciation of her service to our Country. Ms. Mattison's service dates were from January 1974 to April 1976. Following Basic Training at Paris Island, assignments included Quantico, VA (Officers' Candidate School), and Boston, MA (I & I, Recruiting Station). Commendations she received included: Meritorious Promotion for Private First Class and Lance Corporal, and National Defense Service Medal. Ms. Mattison led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of

the Veterans' Honorary Pledge of Allegiance Program. (Ms. Mattison is currently employed as a Senior Caseworker in Social Services.)

Chairman Crandall granted privilege of the floor to County Government Intern Instructor Warren G. Schmidt, who introduced this year's Interns. The program is sponsored by BOCES. This year, there are 23 students from six schools participating: Andover – Adrienne Gill, Julie Goodliff, Caleb Shaw, Stephen Snoreck, Adam Starks; Belfast – Amanda Bond, Ian Harrington, Emily Hooker, Sean Scott; Bolivar-Richburg – Kelsea Shick, Joe Sortore; Cuba-Rushford – Shantel Bowman, Christian Cowher, Korby Evans, Chris Giermek, Skyler White; Scio – Jessica Ceglia; Wellsville – Alice Cady, Myranda Cook, Beth Golish, Nick Green, Laura Sweeney, Zane Vossler.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator's desk:

1. 2011 Allegany County Directory.
2. Legislators' Compensation Table for 2010.
3. Report of Intrafund Transfers approved by the County Administrator in January.
4. Report of Tax Bill Corrections approved by the County Administrator in January.

The following communications were also acknowledged:

1. Designation of Succession to the Office of the Allegany County District Attorney was filed by District Attorney Keith A. Slep in the Clerk of the Board's Office on February 7, 2011. Michael B. Finn was designated as the First and Sixth Assistant District Attorney, Amanda B. Finn as the Second and Fifth Assistant District Attorney, Andrew J. Cornell as the Third Assistant District Attorney, and Jeffrey P. Reisner as the Fourth Assistant District Attorney.
2. Correspondence from the NYS DEC regarding the Environmental Protection Agency's Draft Total Maximum Daily Load (TMDL) for the Chesapeake Bay.
3. Correspondence from Assemblyman Daniel Burling acknowledging receipt of our Resolution Opposing the Chesapeake Bay Total Maximum Daily Load Regulatory Proposal.
4. Correspondence from Assemblyman Daniel Burling regarding Governor Cuomo's Mandate Relief Redesign Team, the Medicaid Redesign Team, and the Spending and Government Efficiency Commission. Assemblyman Burling encouraged Legislators to offer ideas for reform.

5. Correspondence from the Allegany County Agricultural Society thanking the Board for their continued support.

6. Allegany County Historical Society's January 2011 issue of the *ACHS Recorder*. This is their first issue.

7. Correspondence from the Belmont Free Library Director Carrie Jefferds inviting Legislators to attend an open house at the Library on February 24 from 6 to 8 p.m. where they plan to introduce JOBLINK.

8. Reminder that there will be an Open House/Community Night at the Belmont BOCES from 3 to 7 p.m. on February 16.

APPOINTMENTS:

Chairman Crandall, in a joint measure with Michael T. O'Brien, Chairman of the Cattaraugus County Board of Legislators, has reappointed Karen Knight to serve as a member of the **CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD** for a three-year term expiring December 31, 2013.

Chairman Crandall, in a joint measure with Michael T. O'Brien, Chairman of the Cattaraugus County Board of Legislators, has reappointed Becky Scott, from Literacy West, and appointed Tricia Adams, Employment Specialist for Cattaraugus Community Action, to serve on the **CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD YOUTH COUNCIL** for a two-year term commencing immediately and expiring December 31, 2012.

Chairman Crandall has appointed Bryan D. Fanton, of Wellsville, NY, as a member of the **ALLEGANY COUNTY PLANNING BOARD**, to replace the unexpired three-year term of Clifford "Duke" Ackley, effective immediately and expiring December 31, 2012. This appointment is subject to confirmation by the Board of Legislators.

RESOLUTIONS:

RESOLUTION NO. 25-11

**ADOPTION OF LOCAL LAW INTRO. NO. 1-2011, PRINT NO.1,
A LOCAL LAW TO REQUIRE THE PAYMENT OF AN ADMINISTRATIVE FEE
BY AN INDIVIDUAL REQUIRED TO ATTEND MEETINGS OF THE
ALLEGANY COUNTY STOP-DWI VICTIM IMPACT PANEL**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That proposed Local Law, Intro. No. 1-2011, Print No. 1, is adopted without any change in language, to wit:

COUNTY OF ALLEGANY

Intro. No. 1-2011

Print No. 1

**A LOCAL LAW TO REQUIRE THE PAYMENT OF AN ADMINISTRATIVE FEE
BY AN INDIVIDUAL REQUIRED TO ATTEND MEETINGS OF THE
ALLEGANY COUNTY STOP-DWI VICTIM IMPACT PANEL**

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 require the payment of an administrative fee by individuals who are required to attend meetings of the Victim Impact Panel established under the authority of the Allegany County STOP-DWI Program.

Section 2. Administrative Fee.

Each individual who is required to attend meetings of the Allegany County STOP-DWI Victim Impact Panel shall pay to the Allegany County STOP-DWI Program an administrative fee of ten dollars.

Section 3. Effective Date.

This local law shall take effect immediately.

Moved by: Mr. Healy
Seconded by: Mr. Graves

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

RESOLUTION NO. 26-11

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

Offered by: Planning and Economic Development Committee

RESOLVED:

1. That each of the following persons is appointed to the Allegany County Planning Board, with term of office for each commencing January 1, 2011, and expiring as set forth below:

Valerie Perkins	Caneadea, New York	December 31, 2013
Aaron Dale Foster	Andover, New York	December 31, 2013
Charles Jessup	Alfred Station, New York	December 31, 2013

2. That Theodore L. Hopkins, Chairman of the Ways and Means Committee of this Board, David Roeske, Superintendent of Public Works, and Terri L. Ross, Allegany County Treasurer, are appointed ex-officio members of the Allegany County Planning Board with term of office to commence January 1, 2011, and expire December 31, 2011.

Moved by: Mr. Sinclair
Seconded by: Mr. LaForge

Adopted: Voice Vote

RESOLUTION NO. 27-11

**A RESOLUTION DETERMINING THAT ERRORS EXIST ON THE
2011 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 2011 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Allegany County; Parcel 126.7-2-41
Assessment: Land \$100,000 Total \$100,000

this parcel should not have been charged with school and village relevies, and by correcting the Town and County taxes, as follows:

Allegany County	\$1,779.66
Town	572.63
Total	2,352.29

and the County Treasurer is directed to make the following Charge Back:

Village Relevy	\$1,702.47
School Relevy	2,784.13
Total	4,486.60

5. That the Tax Collector of the Town of Amity is ordered and directed to correct in the 2011 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Francisco Farms Inc.; Parcel 184.-1-927
Assessment: Land \$55,400 Total \$55,400

this parcel does not exist and should be removed from the tax roll, and the County Treasurer is directed to make the following Charge Back:

Allegany County	\$1,242.62
Town	785.08
Fire	73.96
School Relevy	1,381.94
Total	3,483.60

6. That the Tax Collector of the Town of Angelica is ordered and directed to correct in the 2011 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. State of New York; Parcel 300.-1-1
Assessment: Land \$15,070 Total \$15,070

the assessment on this parcel was reduced but the change was dated after the 2010 Final Assessment Roll was published, and the County Treasurer is directed to make the following Charge Back:

Town	\$70.29
Fire	12.31
Total	82.60

7. That the Tax Collector of the Town of Clarksville is ordered and directed to correct in the 2011 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Nolder, William; Parcel 219.-1-13.22
Assessment: Land \$25,600 Total \$102,400

this parcel was deleted from the tax roll, and the County Treasurer is directed to make the following Charge Back:

Allegany County	\$1,608.70
Town	994.81
Fire	155.21
Total	2,758.72

8. That the Tax Collector of the Town of New Hudson is ordered and directed to correct in the 2011 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. State of New York; Parcel 300.-1-8
Assessment: Land \$443,340 Total \$443,340

the assessment on this parcel was reduced but the change was dated after the 2010 Final Assessment Roll was published, and by correcting the Taxable Value to \$42,400 and by correcting the taxes, as follows:

Town	\$575.12
Fire	39.44
Total	614.56

and the County Treasurer is directed to make the following Charge Back:

Town	\$5,438.37
Fire	373.00
Total	5,811.37

9. That the Tax Collector of the Town of Wellsville is ordered and directed to correct in the 2011 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Allegany Council; Parcel 225.-3-35.24
Assessment: Land \$80,000 Total \$80,000

this parcel should be wholly exempt, and the County Treasurer is directed to make the following Charge Back:

Allegany County	\$1,355.24
Town	714.96
Total	2,070.20

10. That the Tax Collector of the Town of Wirt is ordered and directed to correct in the 2011 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Frame, Edward & Frame, Patricia; Parcel 209.-1-17.1
Assessment: Land \$43,900 Total \$43,900

this parcel was sold and split off and should have been deleted from the roll, and the County Treasurer is directed to make the following Charge Back:

Allegany County	\$691.13
Town	570.99
Fire	87.23
Total	1,349.35

11. 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.

12. 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, 2011. The County Treasurer shall send a written notice to each School of the amount of such deduction prior to May 1, 2011.

Moved by: Mr. Hopkins
Seconded by: Mr. Healy

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

RESOLUTION NO. 28-11

**APPROVAL OF INTERGOVERNMENTAL AGREEMENT WITH
NEW YORK STATE OFFICE OF PARKS, RECREATION, AND HISTORIC
PRESERVATION IN RELATION TO THE USE OF A STATE OWNED MOTORIZED BOAT
FOR MARINE LAW ENFORCEMENT PURPOSES;
AUTHORIZING SHERIFF TO EXECUTE SAID AGREEMENT**

Offered by: Public Safety Committee

RESOLVED:

1. That Intergovernmental Agreement between the County of Allegany and New York State Office of Parks, Recreation, and Historic Preservation in relation to the use of a state owned motorized boat for marine law enforcement purposes is approved.

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

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

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

(Memo: The agreement approved by Resolution No. 29-11 allows the Sheriff's Office to use a patrol boat with trailer for marine law enforcement purposes at no cost to the County, providing the County maintains the equipment in good working order.)

Comments made regarding Resolution No. 29-11 included the following: Legislator O'Grady suggested that before doing anything with the current boats, they should be evaluated to make sure they're in disrepair and not worth saving. He also stated that state reimbursement for lake patrols has historically been 50 percent for time spent on the patrols. The County is still waiting for 2010 reimbursement, and the Governor is pushing to not reimburse for hours for the current year. The Sheriff and the Committee should work out a budget or maximum amount of County money to be spent for this purpose for the year.

RESOLUTION NO. 29-11

**APPROVAL OF RENEWAL AGREEMENT WITH
COUNTY OF ONEIDA TO PROVIDE SERVICES FOR ALLEGANY COUNTY PRISONERS
HELD AT THE CENTRAL NEW YORK PSYCHIATRIC CENTER FORENSIC UNIT**

Offered by: Public Safety Committee

RESOLVED:

1. That Renewal Agreement between the County of Allegany and the County of Oneida, to provide in-patient psychiatric services for Allegany County prisoners held at the Central New York Psychiatric Center Forensic Unit, is approved.

2. That the Chairman of this Board and the Allegany County Sheriff are authorized to execute said Agreement.

Moved by: Mr. Healy
Seconded by: Mr. Graves

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

(Memo: The renewal agreement approved by Resolution No. 29-11 is for the period 01/01/11-12/31/13.)

AUDITS:

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

A motion was made by Legislator Hopkins, seconded by Legislator Pullen and adopted on a roll call vote of 13 Ayes, 0 Noes, 2 Absent, that the audit of claims, totaling \$2,374,545.14, 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 \$950,150.)*

GENERAL COMMENTS:

Legislator Pullen noted that the Office for the Aging Legislative Luncheon is scheduled for Friday, February 18, and it offers an opportunity to meet with our state representatives.

ADJOURNMENT: The meeting was adjourned at 2:27 p.m. on a motion made by Legislator Graves, seconded by Legislator Hopkins and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
FEBRUARY 28, 2011**

**** APPROVED ****

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

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Army Specialist Bartley A. Hannon.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 13 Legislators Present: Glenn Benson, Douglas Burdick, Donald Cady, Curtis Crandall, Philip Curran, Dwight Fanton, Karl Graves, Dwight (Mike) Healy, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Frederick Sinclair;
2 Legislators Absent: Theodore Hopkins, Norman Ungermann, Jr.

APPROVAL OF MINUTES:

The Board meeting minutes of February 14, 2011, were approved on a motion made by Legislator Pullen, seconded by Legislator Curran and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Bartley A. Hannon, former United States Army Specialist, in grateful appreciation of his service to our Country. Mr. Hannon's service dates were from June 1989 to December 1991. Following Basic Training at Fort Sill, OK, he served at Wertheim, Germany, as a security detachment for military families remaining on the military post during Desert Storm. Commendations he received included: Army Achievement Medal and Army Commendation Medal. Mr. Hannon led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program. Chairman Crandall also made note of a news article on the passing of the last United States World War I Veteran, Frank Buckles, at the age of 110.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator's desk:

1. March 2011 Calendar of Board and Standing Committee meeting dates.

The following communications were also acknowledged:

1. A copy of correspondence sent by County Planner H. Kier Dirlam to Village Mayors and Town Supervisors regarding a meeting on March 2 at the Crossroads Center to discuss municipal water systems throughout the County.

APPOINTMENT:

Chairman Crandall has reappointed the following as members of the **ALLEGANY COUNTY YOUTH BOARD** for a three-year term commencing March 25, 2011, and expiring March 25, 2014, subject to confirmation by the Board of Legislators:

- District I – Deborah Aumick, Rushford
- District II – James Cross, Cuba
- District III – Sherry Weirich, Scio
- District IV – Ralph Eastlack, Wellsville
- District V – Gary Ostrower, Alfred

RESOLUTIONS:

RESOLUTION NO. 30-11

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

Offered by: Ways and Means Committee

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

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

WHEREAS, by Chapter 140 of the 2009 Laws of the State of New York, the County of Allegany was authorized to impose an additional one and one-half percent sales tax for the period December 1, 2009, to November 30, 2011, and

WHEREAS, by Resolution No. 140-2009, such additional sales tax was imposed for such period, and

WHEREAS, Allegany County is presently at 74.16 percent of its constitutional taxing limit for real property taxes, and

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

WHEREAS, in the current economic condition of Allegany County any substantial increase in real property taxes would put in financial jeopardy the County's large percentage

of senior citizens with fixed incomes who would have no choice but to pay such taxes out of such fixed incomes, now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators requests our State legislative representatives to introduce and seek passage, in the State Senate and Assembly, legislation to authorize Allegany County to continue the increase in its County sales tax by one and one-half percent for at least the period December 1, 2011, to November 30, 2014.

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

Moved by: Mr. Fanton
Seconded by: Mr. Healy

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

(Memo: Based on sales tax revenue of \$17,841,413 for 2010, the additional one and one-half percent sales tax resulted in \$5.9 million.)

Comments made regarding Resolution No. 30-11 included the following:

Legislator Sinclair pointed out that keeping the sales tax revenue up to help support the needs of the County is important because if the sales tax is reduced, the necessary tax levy would fall to property tax.

Legislator Pullen noted that a few times in the past when this issue has come up, it was reported in the press that we were raising the sales tax an additional one and one-half percent, but we are simply maintaining it at the present level. The authorizing legislation is only good for a two-year period.

RESOLUTION INTRO. NO. 31-11 (A RESOLUTION IMPLORING THE NEW YORK STATE LEGISLATURE TO ENACT SUBSTANTIVE REFORM OF THE REAL PROPERTY TAX LAW SECTION GOVERNING TAX EXEMPT CRITERIA) was TABLED following a motion made by Legislator Fanton, seconded by Legislator Healy and carried.

Comments made regarding Resolution Intro. No. 31-11 prior to its being tabled included the following:

Legislator Sinclair reported on a call from a concerned constituent who is a member of a small church. They estimated that the evaluation of their church at \$125,000 would represent a \$2,500 tax if they lost the tax exemption. They wouldn't be able to do it and would have to give up their church. Mr. Sinclair suggested that the Board needs to look at this issue. He supports taxing the properties that should be taxed, but not the small churches.

Legislator Pullen noted that there are approximately 100 different real property tax exemptions, most of which are blanket exemptions approved by the state that we have no real choice on. Exemptions eliminate 25 percent of the real property in the County from the tax roll. There is no cohesive plan with exemption approvals, and that needs to stop. It pushes the burden down on the remaining private homeowners and businesses. Mr. Pullen stated that he is not in favor of taxing churches, but we need to consider the circumstances. Those who get the benefit need to pay the cost for it. For example, not-for-profits in communities that have refuse collection don't pay for that, when everybody else has to. That's what needs to be addressed, along with numerous other situations. Mr. Pullen stated that he doesn't favor an across-the-board change making everything, including churches and hospitals, fully taxable, but he does favor looking at the issue to make it a fairer outcome than a blanket dispensation of exemptions with the private homeowners and businesses paying the full cost. We should continue to pursue this, but we may need to look at a revision.

Legislator O'Grady pointed out that governments don't make money, and any exemption that is given to someone requires that the money has to be taken from somebody else. There are a lot of properties in this County that are tax exempt. We're all paying for them. More and more properties are being taken off the tax rolls at an alarming rate, including storefronts on viable main streets that could be used for business, but instead are being used by churches and not-for-profits. The Board isn't asking the State of New York to start taxing small churches; we're asking them to look at tax exemption as a whole. Maybe there are other avenues that can be looked at within the tax exempt criteria, but it does need to be looked at quickly. Mr. O'Grady noted that 90 percent of the property in the Village of Alfred is tax exempt, and that's an issue.

Legislator Fanton suggested that the resolution be tabled for further consideration. Maybe some of the language could be changed to cover some of these concerns.

RESOLUTION NO. 31-11

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR SECTION 5311 CAPITAL/VEHICLE FUNDING THROUGH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYSDOT)

Offered by: Ways and Means Committee

WHEREAS, the County of Allegany is submitting a request for funding to the New York State Department of Transportation, pursuant to Section 5311, Title 49 United States Code, for Capital/Vehicle funding for Allegany County for period January 1, 2011, through December 31, 2012, and

WHEREAS, the total amount for the Section 5311 Capital/Vehicle funding is for the amount of \$632,050 with no financial obligation from the County, 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 for the Section 5311 Capital/Vehicle funding.

Moved by: Mr. Fanton
Seconded by: Mr. Healy

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

Comments made regarding Resolution No. 31-11 included the following: County Administrator John Margeson explained that this round of Section 5311 funding will be used for several small transport vans, lighting and paving for the parking lot at the Crossroads Center (a transportation system hub), and a couple of kiosk-type shelters. There is no County match or obligation.

RESOLUTION NO. 32-11

CHANGING LOCATION AND DATE OF JULY 25, 2011, REGULAR BOARD MEETING

Offered by: Ways and Means Committee

RESOLVED:

1. Notwithstanding Rule 110.A. of County Board Rules, the second regular meeting of this Board in the month of July 2011 shall be held on July 21, 2011, at 2:00 PM and not on July 25, 2011, at 2:00 PM.

2. Notwithstanding Rule 110.F. of County Board Rules, the second regular Board meeting for July 2011 shall be held at the Allegany County Fairgrounds, Angelica, New York, and not at the Board Chambers in Belmont, New York.

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

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

RESOLUTION INTRO. NO. 34-11 (RESOLUTION ESTABLISHING SOLID WASTE USER FEES FOR YEAR 2012) was TABLED following a motion made by Legislator Fanton, seconded by Legislator Graves and carried, to allow time for some new information to be researched.

RESOLUTION NO. 33-11

ACCEPTANCE AND APPROPRIATION OF DONATION FROM VONDA SCHULTZ, THEODORE SCHULTZ AND ANNA BURDICK TO HEALTH DEPARTMENT CANCER SERVICES ACCOUNTS

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the sum of \$45 from Vonda Schultz, Theodore Schultz and Anna Burdick is accepted.

2. That the accepted sum of \$45 is appropriated to Account No. A4071.409 (Cancer Services – Fees) with a like sum credited to Revenue Account No. A08.2705.01 (Gifts and Donations – Other).

Moved by: Mr. Burdick
Seconded by: Mr. Curran

Adopted: Voice Vote

Chairman Crandall expressed the Board's gratitude to Vonda Schultz, Theodore Schultz, and Anna Burdick, for their donation to the Health Department Cancer Services.

RESOLUTION NO. 34-11

TRANSFER OF FUNDS FROM CONTINGENT ACCOUNT TO PUBLIC SAFETY COMPLEX – BUILDINGS & GROUNDS ACCOUNT

Offered by: Public Works and Ways and Means Committees

RESOLVED:

1. That the sum of \$65,000 is transferred from Account No. A1990.4 (Contingent) to Account No. A3152.412 (Public Safety Complex – Buildings & Grounds – Contractual), to finance cost of an Ansul Fire Suppression System.

Moved by: Mr. Fanton
Seconded by: Mr. Healy

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

Comments made regarding Resolution No. 34-11 included the following: Legislator Sinclair questioned if we could be sure the Ansul fire suppression system won't damage the electronics as much as the current water-based system. Sheriff Rick Whitney replied that the Ansul System is a dry chemical system that can be cleaned up. Water would damage the equipment, but this system won't. It is a federal requirement to continue housing federal prisoners. Public Works Superintendent David Roeske added that it's required by state building code also. Legislator Burdick asked why it wasn't included in the original specs when the Jail was built, and County Administrator John Margeson noted that when the building was designed in 2003 and 2004, the water-based system was the conventional fire suppression system in all buildings. This is just an improvement in technology.

RESOLUTION NO. 35-11

**A RESOLUTION REAPPROPRIATING UNEXPENDED FUNDING FROM
NEW YORK STATE FOR THE ACT II BATTERERS PROGRAM,
THE SLETPP HOMELAND SECURITY GRANT AND THE PSIC GRANT**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That unspent funding for the ACT II Batterers Program in the amount of \$4,959 is reappropriated to Account No. A3117.449 (ACT II Batterers Program – Contractual) with a like sum credited to Revenue Account No. A03.2260.3117.

2. That unspent funding for the SLETPP Homeland Security Grant in the amount of \$40,688 and \$1,665,091 for the PSIC Grant is reappropriated as follows: \$1,705,779 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. Healy
Seconded by: Mr. Curran

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

(Memo: The funds reappropriated in Resolution No. 35-11 were originally appropriated as follows: ACT II Batterers Program, \$4,959 of the original \$10,000, Resolution No. 57-09; 2008 SLETPP Homeland Security Grant, DCJS Project No. LE08-1057-E00, \$5,938 of the original \$23,750, Resolution No. 40-09; 2009 SLETPP Homeland Security Grant, DCJS Project No. LE09-1076-E00, \$34,750 original amount, Resolution No. 152-10; and PSIC Grant for Public Safety Interoperable Communication Equipment, Project No. WM07-8382-75, Resolution Nos. 143-08, 158-09, and 53-10. The original PSIC Grant was for \$1,700,475.96 with matching funds of \$423,118.99, for a total appropriation of \$2,123,594.95, of which \$458,503.91 has been disbursed.)

RESOLUTION NO. 36-11

**APPROVAL OF FIVE-YEAR AGREEMENT BETWEEN COUNTY OF ALLEGANY AND
NEW YORK COUNCIL 66, LOCAL 2574, AMERICAN FEDERATION OF
STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO**

Offered by: Personnel Committee

RESOLVED:

1. That Agreement between County of Allegany and New York Council 66, Local 2574, American Federation of State, County and Municipal Employees, AFL-CIO for the years 2010, 2011, 2012, 2013 and 2014, expiring December 31, 2014, as ratified by New York Council 66, Local 2574, is approved.

2. That the salary schedules and adjustments set forth in such Agreement, retroactive to and from January 1, 2010, for each Unit employee occupying a position set forth in the Unit Salary Plan are approved notwithstanding the provisions of section 1 of Resolution No. 235-2010 and shall be paid to such employees at the rates specified in such Agreement.

3. That the Chairman of this Board is authorized to execute said Agreement provided the employee organization representing the unit benefited by the said Agreement executes said Agreement prior to or simultaneous with the Chairman's execution.

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

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

Comments made regarding Resolution No. 36-11 including the following: Legislator Pullen thanked the County officials and staff that participated, and also the AFSCME Union President Monica Cole and members of her negotiating team, for their willingness to put in the hard work to come to an agreement. Mr. Pullen felt that a reasonable balance had been reached, and long-term this represents a fair and equitable settlement for the members of the union, as well as the taxpayers of the community. Some long-standing concerns regarding health care have been addressed, in that just about everyone will be contributing for their health care costs going forward. There are also changes regarding retiree health benefits and a number of other matters. It was not an easy agreement, and Mr. Pullen knew how deeply the feelings ran on both sides. The union membership has supported this, and he encouraged the Board to approve it.

RESOLUTION NO. 37-11

**A RESOLUTION APPROVING AN INTER-MUNICIPAL AGREEMENT FOR
THE SHARED PURCHASE AND USE OF A ROAD WIDENER
WITH PARTICIPATING TOWNS;
AUTHORIZING THE FUNDING FOR A 2011 BLAW KNOX RW100B ROAD WIDENER;
APPROPRIATION OF FUNDS FROM THE GENERAL FUND BALANCE (A.599.0000);
ESTABLISHMENT OF CAPITAL ACCOUNTS**

Offered by: Public Works and Ways and Means Committees

WHEREAS, pursuant to the authority granted them under Article 5-G of the General Municipal Law, the County of Allegany and several Towns in Allegany County wish to share the cost of purchasing and using a piece of heavy equipment known as a road widener to assist in the repair and maintenance of their respective roads; and

WHEREAS, by sharing the cost and use of a road widener, it is believed that each participating municipality will be able to improve their roads while reducing the overall cost of performing shoulder maintenance on their respective roads; and

WHEREAS, each participating municipality will share a percentage of the total cost of the purchase and use of the road widener based upon a ratio of the total miles within their respective road system to the total highway miles of all participating municipalities, and

WHEREAS, in cooperation with various Town Superintendents of Highways, the Allegany County Department of Public Works developed bid specifications for a shoulder widener and put the matter out for competitive bid, and

WHEREAS, subject to full Board approval, the Public Works Committee had previously awarded a bid in the amount of \$248,804, which sum includes a five-year warranty, for a 2011 Blaw Knox RW100B Road Widener to Vantage Equipment, and

WHEREAS, the County intends to initially upfront all funds needed for purchasing the road widener by using funds from the General Fund Balance and collect, over a period of five years, the sum of \$147,500, representing the proportionate amount due from the participating Towns of the total purchase price, and

WHEREAS, the Board of Legislators by this resolution seeks to approve the inter-municipal agreement with the Towns, approve the purchase of the road widener, authorize the payment for the road widener from the General Fund, and establish a capital account and revenue account to properly account for the purchase of the road widener and receipt of revenue from the Towns, now therefore, it is

RESOLVED:

1. The Allegany County Board of Legislators hereby approves Allegany County entering into an agreement entitled "Inter-Municipal Agreement for Shared Purchase and Use of Highway Equipment" which pertains to the purchase of a road widener, also referred to as a "shoulder widener," according to the terms thereof.

2. The Allegany County Board of Legislators hereby approves the award of the bid from Vantage Equipment and authorizes the purchase of a 2011 Blaw Knox RW100B Road Widener for the sum of \$248,804 from Vantage Equipment.

3. The Allegany County Board of Legislators directs the creation of Capital Accounts for purposes of accounting for the purchase of the road widener and receipt of revenue over the next five years from Towns participating in this purchase as follows:

H.5130.200	Capital Equipment DPW (Shared Purchase)	\$249,000
H.03.2300.5130	Town Revenue	\$147,500

4. That the sum of \$248,804 is appropriated from Account No. A.599.0000 (General Fund Balance) to Account No. H.5130.200 (Capital Equipment DPW Shared Purchase) to cover the cost of purchasing the road widener.

5. That the Chairman of this Board is authorized to execute the inter-municipal agreement and purchase agreement together with any other documents necessary to effectuate this Resolution.

Moved by: Mr. Fanton
Seconded by: Mr. Healy

Adopted: Roll Call
12 Ayes, 1 No, 2 Absent
Voting No: Cady

Resolution Intro. No. 40-11 (Appointment of Reita Sobeck-Lynch as Director of Employment and Training and Fixing Annual Salary Therefor) was not pre-filed and was considered from the floor on a motion made by Legislator Sinclair, seconded by Legislator LaForge and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 38-11

APPOINTMENT OF REITA SOBECK-LYNCH AS DIRECTOR OF EMPLOYMENT AND TRAINING AND FIXING ANNUAL SALARY THEREFOR

Offered by: Planning and Economic Development Committee

Pursuant to Local Law No. 4 of 1992

WHEREAS, Jerry Garmong has retired as Director of Employment and Training effective December 29, 2010, now, therefore, be it

RESOLVED:

1. That Reita Sobeck-Lynch of Wellsville, New York, is appointed as Director of Employment and Training for a three-year term commencing March 1, 2011, and expiring February 28, 2014.
2. That the base annual salary for such Director is fixed at \$55,000.

Moved by: Mr. Sinclair
Seconded by: Mr. LaForge

Adopted: Voice Vote

Chairman Crandall introduced Reita Sobeck-Lynch, who will begin as Director of Employment and Training tomorrow, March 1. Ms. Sobeck-Lynch expressed her thanks for the Board's support and noted that she is anxious to get started.

AUDITS:

A motion was made by Legislator O'Grady, seconded by Legislator Fanton and carried, that the audits be acted upon collectively and by totals.

A motion was made by Legislator Pullen, seconded by Legislator Sinclair and adopted on a roll call vote of 13 Ayes, 0 Noes, 2 Absent, that the audit of claims, totaling \$3,488,515.59, 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 \$1,270,164.*)

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

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION**

MARCH 14, 2011

**** APPROVED ****

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

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Air Force Sergeant Fordyce Cook.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 13 Legislators Present: Glenn Benson, Douglas Burdick, Donald Cady, Curtis Crandall, Dwight Fanton, Karl Graves, Dwight (Mike) Healy, Theodore Hopkins, Kevin LaForge, Timothy O'Grady, David Pullen, Frederick Sinclair, Norman Ungermann, Jr.; 2 Legislators Absent: Philip Curran, Aaron McGraw

APPROVAL OF MINUTES:

The Board meeting minutes of February 28, 2011, were approved on a motion made by Legislator Hopkins, seconded by Legislator Fanton and carried. Legislator Ungermann questioned the comment following Resolution No. 31-11 for the Section 5311 NYS DOT Capital/Vehicle Grant application stating that there was no County match or obligation, yet the Public Transportation application includes wording that "local funds must be used for the remaining ten percent share." County Administrator John Margeson explained that there is a ten percent local funds requirement, but in the case of this application, First Transit has agreed to pick up the ten percent local share match. Mr. Ungermann commented on the invitation to look at the new buses purchased from federal stimulus funds. A recent ridership report indicated there are .8 people for each ten miles driven. Mr. Ungermann questioned if that was considered a good bang for the taxpayer's buck. Mr. Margeson replied that some of the buses being replaced have over 200,000 miles on them, so he felt it was a pretty good bang for those federal tax dollars.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Fordyce (Pete) Cook, former United States Air Force Sergeant, in grateful appreciation of his service to our Country. Mr. Cook's service dates were from December 1964 to October 1968. Following Basic Training at Lackland Air Force Base, TX, assignments included: Chanute AFB, IL; Clark Air Base, Philippines; Pleiku, Vietnam; and Fort Campbell, KY. He received the Air Force Commendation Medal. Mr. Cook led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Crandall granted privilege of the floor to the following:

County Administrator John Margeson reported on the impact of the Early Retirement Incentive on Allegany County, from both staffing and financial perspectives (copy of report inserted below).

Analysis and Impact of Early Retirement Incentive

On August 23, 2010, the Board of Legislators approved a Resolution offering a state-sponsored Early Retirement Incentive to qualified County employees who were members of the New York State and Local Employees' Retirement System.

In brief, the Incentive provided qualified employees with an additional one (1) month of retirement service credit for every year of membership in the system up to a maximum of 36 months. In order to qualify for full retirement benefits, the employee must have reached 55 years of age by December 29, 2010, and accumulated 10 years of service in the retirement system. Eligible employees had a 90-day calendar period, from October 1 through December 29, 2010, to avail themselves of the Incentive.

The following information provides factual and financial data with respect to the impact the Incentive Program has had on County governmental staffing and operational expenses:

- Between October 1, 2010, and December 29, 2010, 36 full-time employees and 1 part-time employee took advantage of the Early Retirement Incentive.*
- Of that group, 26 were members of AFSCME Local 2574, 2 were members of the Deputy Sheriff's Unit, 3 were members of the Public Employees Federation, 2 were non-unit, salaried employees, and 3.5 held department head status.*
- The following identifies the County agencies from which employees retired and the number of employees per agency:*

<i>Department of Public Works</i>	<i>13</i>
<i>Department of Social Services</i>	<i>10</i>
<i>Department of Public Health</i>	<i>4</i>
<i>Sheriff's Office</i>	<i>2</i>
<i>Office of Employment and Training</i>	<i>2</i>
<i>Office of Emergency Services</i>	<i>1</i>
<i>Office of County Clerk</i>	<i>1</i>
<i>Office of County Treasurer</i>	<i>1</i>
<i>Workers' Compensation</i>	<i>1</i>
<i>Veterans' Service Agency</i>	<i>1</i>
<i>Fire Coordination</i>	<i>.5</i>
<i>Total</i>	<i>36.5</i>

- *The following identifies the County agencies in which positions were abolished and the number of positions per agency:*

<i>Department of Public Health</i>	<i>3</i>
<i>Department of Social Services</i>	<i>2</i>
<i>Department of Public Works</i>	<i>1</i>
<i>Office of Employment and Training</i>	<i>1</i>
<i>Fire Coordination</i>	<i>.5</i>
<i>Total</i>	<i>7.5</i>

- *The remaining 29 positions were filled either through internal promotion, by new hires, by contract, or are currently vacant as follows:*

<i>Filled through internal promotion</i>	<i>15</i>
<i>New hire</i>	<i>11</i>
<i>Currently vacant</i>	<i>2</i>
<i>Filled by contract</i>	<i>1</i>

- *The estimate of savings in salary costs as a result of abolishing positions, promoting internally, hiring new employees, and contracting is \$554,886.*
- *The estimate of savings in fringe benefit costs using a multiplier of 43.5 percent of salary is \$251,816.*
- *The estimate of state/federal salary and fringe benefit reimbursement lost as a result of job abolishment and reduced payroll expenditure is \$289,154.*
- *The net savings (salary savings + fringe benefit savings – loss in state/federal aid) for the County in 2011 is estimated to be \$517,548.*

Public Health Director Lori Ballengee addressed the Board concerning Colorectal Cancer Awareness Month, and stressed the importance of getting regular cancer screenings. With regular checkups and colonoscopies, colorectal cancer truly is 100 percent preventable. Mrs. Ballengee urged that when a person reaches the age of about 40, he or she needs to start talking to the doctor about when to have screenings. Don't wait for the doctor to bring it up; you are your best advocate for your health. If you have high risk or a family history, you may need a colonoscopy before age 50. The Cancer Services Program of Allegany and Cattaraugus Counties can help with screening and treatment costs for individuals who are uninsured or underinsured. Mrs. Ballengee made note of the Go Blue campaign being promoted by Wellsville merchants to raise colon cancer awareness.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator's desk:

1. Report of Intrafund Transfers approved by the County Administrator in February 2011.
2. Report of Tax Bill Corrections approved by the County Administrator in February 2011.

The following communications were also acknowledged:

1. Notice of next InterCounty Association meeting hosted by Allegany County at the Swain Ski Resort on March 18.
2. The County Treasurer filed a Certificate of Withdrawal of Delinquent Tax Liens for properties in the towns of Clarksville, Genesee and West Almond in the Clerk of the Board's Office on March 3, 2011.
3. Correspondence from County Administrator John Margeson and Allegany/Western Steuben Rural Health Network Executive Director Carrie Whitwood regarding the new Public Transit Buses. A Celebratory Reception will be held from 3:00 to 4:30 p.m. at the Crossroads Center on March 15.
4. Southern Tier West Regional Planning & Development Board meeting minutes of January 20, 2011, and Notice of Meeting on March 17, 2011.
5. Notice of Greater Allegany County Chamber of Commerce Third Annual Dinner Meeting on March 25, 2011. Reservation should be made by March 18.
6. Notice of next Fire Advisory Board meeting on March 24, 2011, at 8 p.m. in the Public Safety Building.
7. Correspondence from Senator Catharine Young regarding unfunded mandates and unrestrained Medicaid spending.

PROCLAMATION:

Chairman Crandall proclaimed March 2011 as Colorectal Cancer Awareness Month in Allegany County and urged residents to be screened for early detection of colon cancer.

RESOLUTIONS:

RESOLUTION NO. 39-11

ABOLISHING POSITIONS IN VARIOUS COUNTY DEPARTMENTS

Offered by: Personnel Committee

RESOLVED:

1. That the following positions in various County Departments are abolished:

<u>Department</u>	<u>Position</u>
County Clerk	Sr. Index Clerk
County Clerk	Index Clerk
Employment and Training	Program Coordinator
Health	Office Manager
Health	Sr. Account Clerk Typist
Health	Clinic Secretary
Health	Medical Records Computer Operator
Health	Receptionist
Public Works	Motor Equipment Operator
Social Services	Sr. Caseworker
Social Services	Sr. Social Welfare Examiner
Fire Service	Fire Coordinator

2. This resolution shall take effect on March 15, 2011.

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

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

RESOLUTION NO. 40-11

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 Deborah Aumick (District I), Scio, New York, James Cross (District II), Cuba, New York, Sherry Weirich (District III), Scio, New York, Ralph Eastlack (District IV), Wellsville, New York, and Gary Ostrower (District V), Alfred, New York, to the County Youth Board, with term of office for each commencing March 25, 2011, and expiring March 25, 2014, are confirmed.

Moved by: Mr. Healy

Adopted: Voice Vote

Seconded by: Mr. O'Grady

RESOLUTION NO. 41-11

APPOINTMENT OF ONE MEMBER TO THE ALLEGANY COUNTY PLANNING BOARD

Offered by: Planning and Economic Development Committee

RESOLVED:

1. That Bryan D. Fanton of Wellsville, New York, is appointed to fill the remainder of Clifford "Duke" Ackley's three-year term in District IV to the Allegany County Planning Board, with term of office commencing February 14, 2011, and expiring December 31, 2012.

Moved by: Mr. Pullen

Adopted: Voice Vote

Seconded by: Mr. Sinclair

RESOLUTION NO. 42-11

**APPROVAL OF AGREEMENT BETWEEN COUNTY OF ALLEGANY AND
SCOTT TELLER FOR CONSULTANT SERVICES**

Offered by: Planning and Economic Development Committee

WHEREAS, the County is in the process of updating its E911 system, and

WHEREAS, the Allegany County Communications Committee is in the process of looking at the communications infrastructure serving Allegany County, and

WHEREAS, such Committee will be preparing an independent assessment report that examines the existing 911 emergency and fire service systems; inter-county building communication/connections; Town and County highway communications; existing private broadband, wireless and fiber optic connections, and

WHEREAS, the County believes that the services of an independent consultant who is knowledgeable about such matters will greatly aid in this process, and

WHEREAS, Scott Teller is willing and able to assist the County in this process and will act as the principal investigator and technical analyst for the County in developing the assessment report, now, therefore, be it

RESOLVED:

1. That the Agreement between the County of Allegany and Scott Teller in relation to providing consultant services to the Allegany County Communications Committee for such assessment report is approved.

2. That the County shall pay Scott Teller for his services the sum of \$10,000 according to the schedule contained in the Agreement.

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

Moved by: Mr. Sinclair
Seconded by: Mr. Healy

Adopted: Roll Call
10 Ayes, 3 Noes, 2 Absent
Voting No: Burdick, Cady, O'Grady

Comments made regarding Resolution No. 42-11 included the following:

Legislator Ungermann questioned if the assessment could be done in-house by Russ Hall and Jeff Luckey. Legislator Sinclair explained that the level of experience of the consultant and the installer being hired to provide these services is far above what we have in-house.

Legislator Burdick asked about the schedule of payments and whether the possibility of a discount for lump-sum payment had been discussed. Legislator Sinclair noted that on the recommendation of the County Attorney, the agreement includes segmented, incremental payments of: \$2,500 upon entering into the agreement, \$2,500 after all meetings and interviews have been completed, \$2,500 upon submission of initial draft report, and \$2,500 upon acceptance of final report. There was no discussion of a discount for a lump-sum payment. We're already getting a discounted rate for this type of work.

Legislator Pullen noted that the County has applied for, and there is indication of favorable action on, some assistance on the cost of this assessment from the Southern Tier West Foundation, because it may benefit the entire Southern Tier Area. Legislator Sinclair confirmed the application and stated that it will be forthcoming at the next Foundation meeting slated for late April.

AUDITS:

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

A motion was made by Legislator Hopkins, seconded by Legislator Fanton and adopted on a roll call vote of 12 Ayes, 1 No, 2 Absent, that the audit of claims, totaling \$2,636,444.63 including prepaid expenses, be approved for payment as recommended by the County Administrator (opposed: Ungermann). (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$1,590,178.*)

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

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
MARCH 28, 2011**

**** APPROVED ****

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

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Air Force Chief Enlisted Manager Robert S. Toney.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 14 Legislators Present: Glenn Benson, Douglas Burdick, Donald Cady, Curtis Crandall, Philip Curran, Karl Graves, Dwight (Mike) Healy, Theodore Hopkins, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Frederick Sinclair, Norman Ungermann, Jr.; 1 Legislator Absent: Dwight Fanton

APPROVAL OF MINUTES:

The Board meeting minutes of March 14, 2011, were approved on a motion made by Legislator Graves, seconded by Legislator Sinclair and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall made special mention of two area Veterans who recently made the news: World War II Veterans Robert Sweet and Lawrence Hannigan received recognition from a representative of the French embassy in a ceremony held in Wellsville.

Chairman Crandall presented a certificate to Robert S. Toney, former United States Air Force Chief Enlisted Manager, in grateful appreciation of his service to our Country. Mr. Toney's service dates were from May 1984 to October 2010. Following Basic Training at Lackland Air Force Base, TX, assignments included: Sheppard AFB, TX; Pease AFB, NH; Griffiss AFB, NY; Holloman AFB, NM; Seymour Johnson AFB, NC; and Mountain Home AFB, ID. Commendations he received included: Meritorious Service Medal, Air Force Commendation Medal with 1 Oak Leaf Cluster, Air Force Achievement Medal with 2 Oak Leaf Clusters, Air Force Outstanding Unit Award with 2 Oak Leaf Clusters, National Defense Service Medal with 1 Bronze Star, Armed Forces Expeditionary Medal, Global War on Terrorism Service Medal, Air Force Expeditionary Service Ribbon, Armed Forces Reserve Medal with 1 "M" Device, and Small Arms Expert Marksmanship Ribbon with 1 Bronze Star. Mr. Toney led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Representatives from the following departments and agencies were present to answer questions regarding their 2010 Annual Reports: Cornell Cooperative Extension, County Attorney, County Clerk, Probation, and Public Works.

Legislator Ungermann commented on the Public Works report, noting that the department is still mowing lawn at the Cuba Lake public beach and Rushford Lake bath house. He has talked with the Cuba Lake District, and they're willing to take over the mowing. Both of the Districts can probably afford it. The mowing may not be a huge expense, but Mr. Ungermann felt it should be turned over to the Lake Districts.

Legislator Sinclair questioned the County Clerk on how their revenue compares to their expenses. County Clerk Robert Christman responded that Motor Vehicles did well last year, and the Clerk's Office almost broke even. This office is one of the lowest in the state for additional expense to the taxpayer. Instead of increasing fees, Mr. Christman's department is holding its own and covering their own expenses.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator's desk:

1. April 2011 Calendar of Board and Standing Committee meeting dates.
2. The 2010 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 therefrom in accordance with Article 7 of the Agriculture and Markets Law was received. A motion was made by Legislator Ungermann, seconded by Legislator Hopkins and carried to accept the report and direct the County Treasurer to refund to the various towns the apportioned 75 percent of the surplus, amounting to \$3,715.87.
3. Annual Reports for 2010 from the following departments and agencies were distributed for review: Office for the Aging, Community Services, Board of Elections, Emergency Services, Fire Service, Health Department, Human Resources, Public Defender, and Real Property Tax Service Agency. Representatives will be present at the next meeting to answer questions regarding those reports.

The following communications were also acknowledged:

1. Invitation from the Allegany County Chamber of Commerce to meet with representatives from the Office of Senator Gillibrand on March 29, 2011, at 9 a.m. at the Crossroads Center.
2. Copy of a Letter to the Editor regarding Crossroads from Alan Carlin of Wellsville.
3. Invitation to attend the Tri-County Tobacco Free Programs Appreciation Luncheon on May 2, 2011, from 11:45 a.m. to 1 p.m. at The Knight Club at Alfred University.

4. Correspondence from Senator Catharine Young and Assemblyman Daniel Burling confirming receipt of Allegany County's resolution requesting them to introduce legislation authorizing the continuation of the additional one and one-half percent sales tax, noting that the Home Rule forms will be forwarded for local approval once the bill has been drafted.

APPOINTMENTS:

Chairman Crandall appointed Larry Kaminski of Wellsville, NY, as a member of the **ALLEGANY COUNTY PLANNING BOARD**, to fill a vacant unexpired three-year term, effective immediately and expiring December 31, 2013, subject to confirmation by the Board of Legislators.

Chairman Crandall appointed the following as members of the **ALLEGANY COUNTY COMPREHENSIVE PLANNING BOARD**, effective immediately, to serve at his pleasure:

Legislative Members:

- Theodore L. Hopkins, District I
- Kevin S. LaForge, District IV
- Frederick Sinclair, District II

Planning Board Members:

- Aaron Dale Foster, Andover
- Lee Gridley, Wellsville
- Charles Jessup, Alfred Station

At-Large Members:

- Edward Eicher, Wellsville
- Richard Ewell, Wellsville
- Michael Johnsen, Dalton

Chairman Crandall reappointed Jack Potter of Scio, NY, and Tom Kent of Andover, NY, as Active Farmer Members of the **ALLEGANY COUNTY AGRICULTURAL AND FARMLAND PROTECTION BOARD** for a four-year term commencing March 5, 2011, and expiring March 4, 2015.

RESOLUTIONS:

RESOLUTION NO. 43-11

RESOLUTION SETTING DATE FOR PUBLIC HEARING ON EIGHT YEAR REVIEW OF AGRICULTURAL DISTRICT NUMBER THREE

Offered by: Planning and Economic Development Committee

Pursuant to Agriculture and Markets Law § 303-a

WHEREAS, Agricultural District Number Three, being within the Towns of Almond, Birdsall, Burns and Grove, was created by Resolution No. 158-2002 on May 28, 2002, and

WHEREAS, an eight year review of the District is required, and

WHEREAS, the thirty day notice of such eight year review has been given, and

WHEREAS, the report of the Agricultural and Farmland Protection Board has been received, and

WHEREAS, the law requires that a public hearing be held on such eight year review, now, therefore, be it

RESOLVED:

1. That a public hearing on the eight year review of Agricultural District Number Three shall be held by this Board at the County Legislators' Chambers, Room 221, 7 Court Street, County Office Building, Belmont, New York, on May 23, 2011, at 2:00 P.M.

2. That the Soil and Water Conservation District Executive Director shall prepare, with the assistance of the County Attorney, a notice of the public hearing, and cause such notice to be published in the Wellsville Daily Reporter and mailed in accordance with Section 303-a of the Agriculture and Markets Law.

Moved by: Mr. Sinclair
Seconded by: Mr. Pullen

Adopted: Voice Vote

RESOLUTION NO. 44-11

**A RESOLUTION DETERMINING THAT ERRORS EXIST ON THE
2010 AND 2011 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 Ward is ordered and directed to correct in the 2011 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. State of New York; Parcel 300.-1-1
Assessment: Land \$240,220 Total \$240,220

this parcel should not have received a County tax, and by correcting the taxes as follows:

Allegany County	\$0.00
Town	\$2,788.21
Fire	\$85.42
Total	\$2,873.63

and the County Treasurer is directed to make the following charge back:

Allegany County	\$3,760.17
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5. That the Tax Collector of the Town of Belfast is ordered and directed to correct in the 2010 and 2011 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Faulkner, Richard; Parcel 117.-1-57.1
Assessment: Land \$27,600 Total \$27,600

this parcel is a duplicate parcel and should have been removed from the tax roll, and the County Treasurer is directed to make the following refund and charge back the same on her books:

	<u>2010-2011</u>
School	\$512.92
Library	\$12.58
Total	\$525.50

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, 2011. The County Treasurer shall send a written notice to each School of the amount of such deduction prior to May 1, 2011.

Moved by: Mr. Hopkins
Seconded by: Mr. Healy

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

RESOLUTION NO. 45-11

**REAPPROPRIATION OF HOMELAND SECURITY GRANT FUNDS FOR
CALENDAR YEAR 2010 FROM NEW YORK STATE OFFICE OF HOMELAND SECURITY
(CONTRACT #C838290) TO HOMELAND SECURITY ACCOUNTS**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That Homeland Security Program grant funds in the amount of \$76,472, appropriated in calendar year 2010, are reappropriated as follows:

Appropriation Account No. A3645.218 (Homeland Security-Equipment)	\$57,354
Appropriation Account No. A3645.448 (Homeland Security-Contractual)	\$19,118

2. That the sum of \$76,472 is credited to Revenue Account No. A10.3306.EMG8.

Moved by: Mr. Healy
Seconded by: Mr. Hopkins

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

(Memo: Resolution No. 45-11 reappropriates grant funds for overlapping calendar years that were not spent in 2010. This grant was originally accepted by Resolution No. 149-10 on July 22, 2010.)

RESOLUTION NO. 46-11

REAPPROPRIATION OF UNEXPENDED HOMELAND SECURITY GRANT FUNDS FROM NEW YORK STATE OFFICE OF HOMELAND SECURITY FOR CALENDAR YEAR 2009 (CONTRACT #C838280) AND REAPPROPRIATED IN CALENDAR YEAR 2010 ARE REAPPROPRIATED TO HOMELAND SECURITY ACCOUNTS

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That Homeland Security Program grant funds in the amount of \$15,570.20, which form a part of an original grant of \$71,250 (Contract #C838280) accepted by Resolution No. 41-09 which were not spent in calendar year 2009 and reappropriated in 2010 and not spent, are reappropriated to Account No. A3645.218 (Homeland Security – Equipment) with a like sum credited to Revenue Account No. A10.3306.EMG8.

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

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

(Memo: Resolution No. 46-11 reappropriates grant funds for overlapping calendar years that were not spent in 2010. This grant was originally accepted by Resolution No. 41-09 on February 23, 2009, and reappropriated by Resolution No. 31-10 on January 25, 2010.)

RESOLUTION NO. 47-11

APPROVAL OF AGREEMENT WITH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES, OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES, PROVIDING FOR THE PAYMENT OF A FEE TO ALLEGANY COUNTY FOR EACH INDIVIDUAL RECEIVING A SENTENCE REQUIRING AN IGNITION INTERLOCK DEVICE ON THEIR VEHICLE

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That the agreement between the New York State Division of Criminal Justice Services, Office of Probation and Correctional Alternatives, described as Contract #T523389 (GTSC Ignition Interlock Device Monitoring Program), providing for the payment of a fee to Allegany County of \$117 for each Probation Department client with a discharge sentence that includes an Ignition Interlock condition, up to a maximum amount of \$10,319, is approved.

2. That funds received under the agreement shall be appropriated to account A3140.101 (Probation-Personnel) with a like amount credited to Revenue Account No. A10.3310.07.

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

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

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

(Memo: The agreement approved by Resolution No. 47-11 is for the period 10/01/10-09/30/11. The funds will offset some of the costs to the Probation Department for monitoring these sentences.)

Comments made regarding Resolution No. 47-11 included the following: Legislator Pullen noted that the Ignition Interlock Device Program is a purely political matter. It's a nice concept, but it isn't going to stop anyone from driving. Mr. Pullen stated that he's generally opposed to something that's just window dressing, but he will support this so the County won't have to pay the higher cost.

AUDITS:

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

A motion was made by Legislator Hopkins, seconded by Legislator Healy and adopted on a roll call vote of 13 Ayes, 1 No, 1 Absent, that the audit of claims, totaling \$3,212,200.57, including prepaid expenses, be approved for payment as recommended by the County Administrator (opposed: Ungermann). *(Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$1,910,192.)*

Legislator Graves commented that he would like to see the bills for each audit in order to have a better feel for what the expenses are for and who the County does business with. Chairman Crandall responded that as each new group of Legislators begin their terms, orientation or schooling sessions are held. The process of following the bills from how they come in, how they're compiled, and how they end up here is something that each Legislator should know and understand. Since Mr. Graves was just recently appointed, that was a discussion he missed out on. That would be a good exercise to go through.

GENERAL COMMENTS:

Legislator LaForge commented on Allegheny County's good attendance at the InterCounty Association meeting held at Swain on March 18. It was the best host County turn-out he has seen. Mr. LaForge commended Clerk of the Board Brenda Riehle for the fine job she did in organizing the event. Chairman Crandall noted that InterCounty is a good organization of 19 Western New York counties and a good partner in issues that come up. Legislator Ungermann agreed with Legislator LaForge.

Legislator Ungermann referred to an article in Saturday's Olean Times Herald on census information, indicating a population decrease in the area. The Chairman of the Cattaraugus County Legislature was quoted as recommending cutting the size of the Legislature. That topic has been discussed here in the past. It should be brought up again, and we should let the voters decide.

Legislator Pullen commented on the March 29 meeting at Crossroads where Senator Gillibrand's representatives will be present. We don't often see national government level representatives here, and there are items that can be brought to their attention. He was hopeful that the media will be there and urged others to attend.

Mr. Pullen also spoke on the issue of the availability of generic medications. This has a huge impact on County outlay. Also, there was discussion at a recent NYSAC session on the tremendous savings, for the user and the County, that can be realized by encouraging the use of mail order for drugs. Mr. Pullen urged Human Resources and the Personnel Committee to investigate the use of mail order medications.

ADJOURNMENT: The meeting was adjourned at 2:40 p.m. on a motion made by Legislator Graves, seconded by Legislator O'Grady and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION**

APRIL 11, 2011

**** APPROVED ****

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

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by retired United States Air Force Lieutenant Colonel Arthur M. VanTyne.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 13 Legislators Present: Glenn Benson, Douglas Burdick, Curtis Crandall, Philip Curran, Dwight Fanton, Karl Graves, Dwight (Mike) Healy, Theodore Hopkins, Kevin LaForge, Aaron McGraw, David Pullen, Frederick Sinclair, Norman Ungermann, Jr.; 2 Legislators Absent: Donald Cady, Timothy O'Grady

APPROVAL OF MINUTES:

The Board meeting minutes of March 28, 2011, were approved on a motion made by Legislator Graves, seconded by Legislator Hopkins and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Arthur M. VanTyne, retired United States Air Force Lieutenant Colonel, in grateful appreciation of his service to our Country. Mr. VanTyne's service dates were from September 1943 to February 1976. Following Basic Training at the Army Air Corp Basic Training Center, FL, assignments included: Strother Field, Winfield, KS; San Antonio, TX; San Marcos Army Air Field, TX; Lincoln AAF, NE; Pope Field, Fort Bragg, NC; Blytheville AAR, AR; Sedalia AAF, Knob Noster, MO; and overseas duty at Nogoya, Japan; and Seoul, South Korea. He flew missions over Okinawa, Eastern China, Japan, South Korea, Hiroshima, and Nagasaki. Commendations he received included: Japanese Occupation Ribbon, 7 Achievement and Commendation Medals, and he logged 1,200 flying hours. Mr. VanTyne led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Crandall granted privilege of the floor to Crime Victims Coordinator Shannon Ozzella, who spoke about Crime Victims Awareness Week, which will be recognized nationally April 11-16. This year's theme is "Reshaping the Future; Honoring the Past." Ms. Ozzella shared some of the changes that have occurred over the past 30 years in gaining rights for crime victims: the right to dignity, notification of the offender's release, attendance at trials, the right to be heard, restitution, and to have an advocate at proceedings. Ms. Ozzella also spoke about the Child Advocacy Center. Since it started in 2000, they have

assisted with and coordinated services for over 1,700 cases. A short video was shown, illustrating the impact of Crime Victims Services on people's lives.

County Historian Craig Braack addressed the Board on a PBS affiliate station WMHT TV documentary of the 1911 "New York Capitol Fire" (aired on March 30) in which the state library burned, representing the largest loss of archives in modern times. Crews set up in Friendship in February to film "Miss Daisy," one of only two working 1881 era Silsby steam-powered pumpers in existence, in action, to be digitally incorporated in the documentary. Tom Cannon, crew chief for Miss Daisy, was present with Mr. Braack, and he extended an invitation to Allegany County's premier of the nationally advertised film event on Friday, April 15, at 7 p.m. in the Friendship Central School Auditorium.

Representatives from the following departments and agencies were present to answer questions regarding their 2010 Annual Reports: Office for the Aging, Community Services, Board of Elections, Emergency Services, Fire Service, Health Department, Human Resources, Public Defender, Real Property Tax Service.

Legislator Ungermann commented on the Real Property Tax Service Agency report. It shows that in 1995, the County collected \$12.5 million from the taxpayers; in 2010, the County collected \$27.1 million. That's a huge increase. Mr. Ungermann questioned how often the property valuation and inventory information is updated on the County website. Director Steven Presutti responded that for assessment purposes, the website is updated annually. Other information can be obtained through the office staff, but all the work they do is based on the current assessment file, which can't be changed until the next July. The tax maps were recently taken off the website, because they were outdated. He's working on a process to update those quarterly. Mr. Ungermann questioned staffing levels. Mr. Presutti explained that in the mapping area, he has two mappers to maintain over 600 tax maps, and two people working with transfers for all 29 towns; in the assessment area, he has two people working directly with the assessors on exemptions, assessment roll information, and reports to Albany, and one clerical person who does all the billing and payroll.

Mr. Ungermann questioned Office for the Aging Director Kim Toot on the high percentages of administrative and contractual costs for some of their programs. Ms. Toot replied that it's difficult to compare administration to actual service. Some grants are mostly for administration costs for programs. For example, transportation is implemented through the use of volunteers. The administrative process includes calling the volunteer, arranging the ride, and verifying mileage reimbursement. The services figure would be the actual mileage reimbursement; the administration part is the volunteer coordinator. OFA's role in the Home Energy Assistance Program (HEAP) is mostly all administrative. They review the applications, certify them for eligibility, and then pass them on to the Department of Social Services where the money for the assistance comes from. Ms. Toot explained that funding for the Health Insurance Information, Counseling, and Assistance Program (HIICAP) pays for people to be trained in insurance and for providing counseling to people needing support and advice on insurance. The benefit comes from the reduced premium the senior is paying or additional benefits. A lot of what the Office for the Aging does is administrative. When asked if the programs were mandated, Ms. Toot replied that they were not.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator's desk:

1. Report of Intrafund Transfers approved by the County Administrator for March.
2. Report of Tax Bill Corrections approved by the County Administrator for March.
3. Annual Reports for 2010 from the following departments and agencies were distributed for review: Coroners, District Attorney, Employment and Training, STOP-DWI Program, Veterans' Services, Workers' Compensation, Youth Bureau. Representatives will be present at the next meeting to answer questions regarding those reports.

The following communications were also acknowledged:

1. Notice of next InterCounty Association meeting to be hosted by Niagara County in Lockport on April 15, 2011.
2. Notice that the Office for the Aging Senior Forum will be held at the Genesee Valley Central School on April 14 from 8:30 a.m. to 2 p.m.
3. Southern Tier West Regional Planning & Development Board meeting minutes for March 17 and Notice of Meeting for April 21.

APPOINTMENTS:

Chairman Crandall reappointed Susan F. Myers of Friendship and Theodore L. Hopkins of Fillmore as members of the **SOUTHERN TIER WEST REGIONAL PLANNING & DEVELOPMENT BOARD** for a three-year term commencing June 1, 2011, and expiring May 31, 2014, subject to confirmation by the Board of Legislators. Chairman Crandall also reappointed the current ex-officio members as follows: Public Works Superintendent David Roeske, Chairman of the Board of Legislators Curtis W. Crandall, and Chairman of the Planning Board Charles Jessup.

Chairman Crandall, in a joint measure with Michael T. O'Brien, Chairman of the Cattaraugus County Board of Legislators, appointed Nick Lyons of Olean, Rocky Mehta of Olean, and Arnold McHone of Salamanca to fill unexpired three-year terms ending December 31, 2012, on the **CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD**.

Chairman Crandall, in a joint measure with Michael T. O'Brien, Chairman of the Cattaraugus County Board of Legislators, appointed the following individuals to the **CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD YOUTH COUNCIL** for two-year terms to expire December 31, 2012: Dana Oakes of Little Valley, Chris Romanchock of Alfred, Michael Pietrkiewicz of Cassadaga, Gordon Diffenderfer of Olean, Shawnee Bigelow of Wellsville, and Jeff Robbins of Belmont.

PROCLAMATION:

Chairman Crandall proclaimed the week of April 10 through 16, 2011, as Crime Victims' Rights Week in Allegany County, providing an opportunity for us to reshape the future for victims by honoring the past and reflecting on hard-won victories, and to recommit to working together to insist on better treatment for crime victims.

RESOLUTIONS:

RESOLUTION NO. 48-11

APPOINTMENT OF ONE MEMBER TO THE ALLEGANY COUNTY PLANNING BOARD

Offered by: Planning and Economic Development Committee

RESOLVED:

1. That Larry Kaminski of Wellsville, New York, is appointed to fill a vacant three-year term in District III to the Allegany County Planning Board, with term of office commencing April 11, 2011, and expiring December 31, 2013.

Moved by: Mr. Sinclair
Seconded by: Mr. Healy

Adopted: Voice Vote

RESOLUTION NO. 49-11

**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 for the 2011 and 2012 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 take such further action necessary to complete the above named project.

Moved by: Mr. Hopkins
Seconded by: Mr. Healy

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

(Memo: Resolution No. 49-11 authorized submission of a grant application for U.S. DOT Section 5311 funding [through NYS] which provides financial assistance to municipal governments for operational expenses for providing rural public transportation services. This application requires no local financial contribution. The \$559,600 in grant funds will be received over two years: \$274,300 for 2011 and \$285,300 for 2012.)

Comments made regarding Resolution No. 49-11 included the following:

Legislator Burdick explained his non-support. The 2011 County Budget shows that it costs \$810,000 to run the transportation system. Budgeted revenue from the system is \$80,000. Allegany County's cost is \$110,000, state aid is \$540,000, and federal aid is \$80,000. A total of \$730,000 is subsidized. That doesn't include the \$420,000 for the six new buses purchased with stimulus money. The idea was to provide public transportation, but he's been here six years, and the system has been subsidized at about the same amount every year. Part of the justification for the system is provision of Medicaid transportation, but there has to be a better way. The state and federal money isn't free money; it's still taxpayers' money.

Legislator Ungermann referred to the statement that there is no local match, and pointed out that by law, there is a 10 percent match required. No one has explained where that 10 percent is coming from. Mr. Ungermann agreed with Mr. Burdick: there must be a better way. He's heard that Medicaid forces us to pay for medical appointment transportation, but no one has ever shown him where it says that. Mr. Ungermann thought the public transportation was a good idea at first, but we keep putting more money into it, and it's utilized by only .8 people for every 10 miles.

Legislator Sinclair commented that living in rural Western New York is a challenge for a huge portion of the population. There are people who can't afford their own transportation, people without licenses, and the elderly who can no longer drive. Mr. Sinclair supports public transportation and this additional grant money, because he feels it's a good investment, putting \$110,000 of our local tax dollars into a million dollar operation and bringing that additional grant money into the County on behalf of those less fortunate. The outside dollars, whether taxpayer dollars or not, help to stimulate our economy, and the system provides jobs and supports vendors. You need to weigh all the positives with the apparent negatives.

Chairman Crandall clarified the purpose of the resolution. It authorizes an application for this grant on which there is no local share of County funds. At one time, the transportation system was costing the County about \$400,000, which was unacceptable to this Board. The County is now contributing nearly \$120,000 for the operation of this system, and we're looking at further reduction to hopefully below \$100,000. That's a long way from \$400,000. Chairman Crandall noted that Medicaid transportation was also mentioned. His research has shown that we are required to provide transportation for Medicaid appointments, and there

are people riding the bus system for that purpose. If that was done in other ways, it would more than double our local costs. Carrie Whitwood, from Allegany/Western Steuben Rural Health Network, supported Chairman Crandall's statement. She noted that it was the charge of this Legislature to lower the transportation system cost, which they have done through coordination, leveraging resources, having Arc go public, and obtaining grants from NYS Department of Health and Department of Social Services. They are getting more of the mandated rides, that were brokered out at \$40 per hour, on public transportation for just \$1 per ride. Chairman Crandall pointed out that this Board charged Carrie Whitwood and Larry Kaminski and the Transportation Task Force to reduce the local cost down from that \$400,000. Part of getting that cost down is these applications to utilize federal, state, or other outside money. That's what has reduced our local cost and helped with the efficiency.

Legislator Fanton supported the resolution. He's seen the local cost come down from the \$400,000, and he's one of the Legislators that brought the high cost to the Board's attention in 2006. The system is also a benefit to us for the Medicaid rides. They've done a good job.

Legislator Pullen noted that we've discussed the local share reduction and the savings, but there's another aspect of this. If you're going to make a decision based upon how many people use something, then most of Allegany County would be dark tonight, because before the rural electrification program came in, the electric company said it wasn't cost effective to serve the rural areas. The same was true of telephones. Instead, our state and federal government said that certain types of services will be made available to all citizens. A lot of people can't afford their own vehicles and need public transportation. If we're going to do it based upon the number of riders per mile, we're not going to see that, because we don't have the population. It would be a travesty to say that if we can't show a higher volume, we have to end the service. This team was told to get the cost down; they have succeeded. Now we're saying that we don't want state and federal dollars, even though it reflects state and federal policy to provide that service, in some cases, specifically to rural areas. We do need to provide this service, and we're doing it now for a fraction of what it used to be.

Carrie Whitwood noted that this wasn't really a grant; it was an allocation. NYS DOT said they weren't going to invest in communities that weren't working. So for us to get a 283 percent increase is tremendous. What they're saying is that we're doing something right.

RESOLUTION NO. 50-11

TRANSFER OF FUNDS WITHIN BIO-TERRORISM PREPAREDNESS ACCOUNT

Offered by: Human Services Committee

RESOLVED:

1. That the sum of \$294 is transferred from Account No. A4189.4 to Account No. A4189.2.

Moved by: Mr. Burdick

Adopted: Roll Call

Seconded by: Mr. Fanton

13 Ayes, 0 Noes, 2 Absent

RESOLUTION NO. 51-11

TRANSFER OF FUNDS WITHIN BUILDINGS ACCOUNT

Offered by: Public Works Committee

RESOLVED:

1. That the sum of \$7,872 is transferred from Account No. A1620.1 to Account No. A1620.4 to cover the cost of Dennis Dunham's contract as Buildings & Grounds Supervisor.

Moved by: Mr. Fanton
Seconded by: Mr. Healy
Voting No: Ungermann

Adopted: Roll Call
12 Ayes, 1 No, 2 Absent

RESOLUTION NO. 52-11

TRANSFER OF FUNDS WITHIN ROAD MACHINERY ACCOUNT

Offered by: Public Works Committee

RESOLVED:

1. That the sum of \$4,025 is transferred from Account No. DM5130.4 to Account No. DM5130.2 to cover overages on major purchases.

Moved by: Mr. Fanton
Seconded by: Mr. Healy

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

RESOLUTION NO. 53-11

**APPROVAL OF AGREEMENT WITH THE CITY OF OLEAN IN RELATION TO
THE DISPOSAL OF COUNTY LANDFILL LEACHATE AT
THE CITY 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 City of Olean in relation to the County's disposal of leachate at the city waste water treatment plant at the rate of \$.025 per gallon for period January 1, 2011, to December 31, 2012, is approved.

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

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

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

Comments made regarding Resolution No. 53-11 included the following: Legislator Ungermann pointed out that Olean will just be a backup for landfill leachate disposal, in case there are significant storms and the local waste water treatment plants we routinely use within the County can't take the volume. He has requested that Hornell be considered as well.

RESOLUTION NO. 54-11

**APPROVAL OF LEASE OF LAND TO VALLEY VIEW DAIRY
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 Valley View Dairy for approximately 15 acres of land south of the Allegany County Jail and Public Safety Facility on State Route 19 commencing April 11, 2011, and expiring December 31, 2014, is approved.

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

Moved by: Mr. Hopkins
Seconded by: Mr. Healy

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

(Memo: The lease approved by Resolution No. 54-11 was for the amount of \$12,600 over the period of four years.)

AUDITS:

A motion was made by Legislator Hopkins, seconded by Legislator Pullen and carried, that the audits be acted upon collectively and by totals. A motion was made by Legislator Hopkins, seconded by Legislator Fanton and adopted on a roll call vote of 12 Ayes, 1 No, 2 Absent, that the audit of claims, totaling \$1,934,301.45, including prepaid expenses, be approved for payment as recommended by the County Administrator (opposed: Ungermann). *(Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$2,230,206.)*

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

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION**

APRIL 25, 2011

**** APPROVED ****

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:10 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by retired United States Air Force Master Sergeant Brian J. Smith.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 15 Legislators Present: Glenn Benson, Douglas Burdick, Donald Cady, Curtis Crandall, Philip Curran, Dwight Fanton, Karl Graves, Dwight (Mike) Healy, Theodore Hopkins, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Frederick Sinclair, Norman Ungermann, Jr.

APPROVAL OF MINUTES:

The Board meeting minutes of April 11, 2011, were approved on a motion made by Legislator Sinclair, seconded by Legislator Hopkins and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall acknowledged Assemblyman Joe Giglio, who gave a brief update on state government. They finished the budget, but there's a lot more to do. The next few months will bring more clarity to what's going on in Albany. Assemblyman Giglio is on the Medicaid Redesign Team, and he welcomed suggestions. They are beginning the second phase of the process. The first phase was cutting the budget (by about \$2 billion), and the second phase will be the structural changes. Chairman Crandall asked Assemblyman Giglio if reducing the County's Medicaid payment was suggested yet. Mr. Giglio reported that NYSAC has suggested it. The problem is where to find the money to do that. By just modernizing the system, hopefully they can find more efficiencies. They've discussed the formula and relieving counties of some of that burden and also allowing counties to choose the optional programs they participate in. The problem with that idea is that current federal law dictates Medicaid has to be administered evenly throughout New York State. They are exploring waivers to give counties more autonomy. Legislator O'Grady questioned if they've looked at co-pays to lessen the burden. Mr. Giglio replied that co-pays were in the budget, but were taken out. They will be discussing that again. Legislator Sinclair asked if there was an estimate of the cost of Medicaid for illegal aliens. Mr. Giglio was unsure if that type of breakdown was available.

Chairman Crandall presented a certificate to Brian J. Smith, retired United States Air Force Master Sergeant, in grateful appreciation of his service to our Country. Mr. Smith's service dates were: U.S. Army – July 1984 to August 1992, and U.S. Air Force – August 1995 to November 2010. Following Basic Training at Fort Jackson, SC, assignments included: Fort Campbell, KY; Frankfurt, Germany; Niagara Falls, NY; Ali Al Salem Air Base, Kuwait; and Al Udeid Air Base, Qatar. Commendations he received included: Army Achievement Medal, Army Commendation Medal, Good Conduct Medal, Air Force Commendation Medal, Air Reserve Forces Meritorious Service Medal, National Defense Service Medal, Southwest Asia Service Medal, Global War on Terrorism Expeditionary Medal, Kuwait Liberation Medal, Kingdom of Saudi Arabia Air and Space Campaign Medal, Army Service Ribbon, Army Overseas Service Ribbon, Army Noncommissioned Officers Professional Development Ribbon, Air Force Expeditionary Service Ribbon with Gold Border. Mr. Smith led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Crandall granted privilege of the floor to Business & Community Development Director Gretchen Hanchett to speak about the "Buy Local" Initiative. Ms. Hanchett displayed the new website, logo, and a mock-up of "Bounty of our County" boxes, which will contain unique specialty food items from local producers, as well as items from area artisans. The boxes will promote area products and will help encourage tourism, small business development, and entrepreneurship. Information on local events can be included also. They are "selling" Allegany County.

Representatives from the following departments and agencies were present to answer questions regarding their 2010 Annual Reports: Coroners, District Attorney, Employment and Training, STOP-DWI Program, Veterans' Services, Workers' Compensation, Youth Bureau.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator's desk:

1. May 2011 Calendar of Board and Standing Committee meeting dates.
2. Annual Reports for 2010 from the following departments and agencies were distributed for review: County Historian, Information Technology, Parks and Reforestation, Sheriff, Soil & Water Conservation District, Weights & Measures. Representatives will be present at the next meeting to answer questions regarding those reports.

The following communications were also acknowledged:

1. Notice of the 4th Annual Networking Night and Table Top Expo on April 27 from 6 to 8 p.m. at the Crossroads Center.
2. Notice of the Annual Fair Board Appreciation Dinner to be held on May 10.

3. Notice that the Veterans' Service Agency and the Office for the Aging will be hosting an open house on May 13 from 10 a.m. to 2 p.m.

PROCLAMATION:

Chairman Crandall proclaimed May 6-12, 2011, as Nurses Week in Allegany County in commemoration of Florence Nightingale's birthday, and he urged residents to celebrate the efforts of registered nurses to improve our health system and to show our appreciation for nurses at every opportunity throughout the year.

RESOLUTIONS:

RESOLUTION NO. 55-11

APPROVAL OF A STATE LEGISLATIVE BILL WHICH AUTHORIZES ALLEGANY COUNTY TO CONTINUE TO IMPOSE AN ADDITIONAL ONE AND ONE-HALF PERCENT OF SALES AND COMPENSATING USE TAXES UNTIL NOVEMBER 30, 2013; DECLARING EXISTENCE OF NECESSITY AND REQUESTING PASSAGE OF BILL BY STATE LEGISLATURE

Offered by: Ways and Means Committee

Pursuant to Municipal Home Rule Law § 40

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

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

WHEREAS, by Chapter 140 of the 2009 Laws of the State of New York, the County of Allegany was authorized to impose an additional one and one-half percent sales tax for the period December 1, 2009, to November 30, 2011, and

WHEREAS, by Resolution No. 140-2009, such additional sales tax was imposed for such period, and

WHEREAS, Allegany County is presently at 74.16 percent of its constitutional taxing limit for real property taxes, and

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

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

RESOLVED:

1. That the Allegany County Board of Legislators approves of a State legislative bill bearing Senate No. S.4021 and Assembly No. A.6378, entitled

AN ACT to amend the tax law, in relation to extending the expiration of the provisions authorizing the County of Allegany to impose an additional one and one-half percent sales and compensating use taxes

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

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

Moved by: Mr. Hopkins
Seconded by: Mr. Fanton
Voting No: Ungermann

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

(Memo: On February 28, 2011, the Board approved Resolution No. 30-11, Requesting State Legislative Representatives to Introduce and Seek Passage of Legislation Authorizing Allegany County to Continue the Additional One and One-Half Percent County Sales Tax for Three Years. We received notification from Senator Young's Office that bills were drafted [S.4021 and A.6378] authorizing an extension for two years through November 30, 2013. Resolution No. 55-11 represents the second step in the Home Rule Legislation process requiring Allegany County to pass a resolution approving and requesting passage of the Senate and Assembly bills, pursuant to Municipal Home Rule Law §40. Based on sales tax revenue receipts of \$17,841,413 for 2010, the additional one and one-half percent sales tax resulted in \$5.9 million in revenue.)

Comments made regarding Resolution No. 55-11 included the following:

Legislator Ungermann stated that he has never supported the extra half percent County sales tax; it makes us non-competitive with surrounding counties. He illustrated that point with several examples. Mr. Ungermann has business operations in two counties: Allegany County with 8.5 percent sales tax and Cattaraugus County with 8 percent. He spends \$300,000 annually in fuel, oil, and grease to run his operation. That extra half percent translates into \$1,500. That \$1,500 represents 10 to 15 weeks' worth of gasoline for his pickup. With that savings, he had to make the decision to have his fuel delivered to Cattaraugus County and disburse it from there (sales tax is charged at the point of delivery). It does make a difference. We lost our truck stop in Belvidere. Six million gallons of fuel per year went through there; that's \$1 million in sales tax revenue lost. There are two truck stops in Kanona. Mr. Ungermann wondered if the economic development people in Steuben County offered some pilot corporation tax incentives to build there, because there's not another truck stop to the west on a major highway until you reach Erie, PA. The extra half percent sales tax on a \$30,000 car adds another \$150; on a \$1,000 television, it comes to \$5,

which might not seem like much, but when someone goes to Cattaraugus County to buy the television, they buy other things while they're there. It keeps multiplying.

Mr. Ungermann noted problems he had with some paragraphs in the resolution. "Allegany County is presently at 74.16 percent of its constitutional taxing limit for real property taxes." In 2006, we were at 94 percent of our taxable limit. How we got that down to the 74 percent is by raising the assessments. We haven't built much of anything new or brought in any new business. In another paragraph, "Allegany County has had no substantial growth in real estate assessed valuation in the past five years," Mr. Ungermann wondered what we're getting for the \$300,000 per year we put into economic development. "In the current economic condition of Allegany County, any substantial increase in real property taxes would put in financial jeopardy the County's large percentage of senior citizens with fixed incomes who would have no choice but to pay such taxes." Mr. Ungermann commented that it's not only the senior citizens, it's the businesses. Could it be one of the reasons the truck stop was no longer competitive? The extra half percent when you're buying \$300,000 in fuel per year really starts to add up. In 1996, Allegany County collected \$12 million from the local taxpayers; we now have 1,000 less people and collect \$27 million. It seems we've already had the "substantial increase."

Mr. Ungermann commented that municipalities keep taking properties off the tax roll. That situation has happened here recently. We took 35 acres south of Belmont off the tax rolls for the new County Jail Facility, and we've taken two houses on Court Street off the tax roll. We're shooting ourselves in the foot, especially when we have 16,400 square feet of space on the third floor of the County Office Building, and we gave away a 90,000 square foot school facility for one dollar to people who promised to put businesses in it and put it back on the tax rolls. That hasn't happened. He couldn't support the additional sales tax when he sees what it adds up to and what it does to businesses.

Legislator O'Grady stated that all Legislators would probably like to cut the sales tax. It's easy to say that we should do it, but there's been no plan offered on how to replace that revenue if we cut it. It's also easy to say we have to reduce spending, but you have to say how. Mr. O'Grady noted that he prefers to keep the sales tax going and concentrate more on the property tax side of things. Referring to discussion about people going to adjoining counties to buy goods, he pointed out that's largely because this County doesn't offer a lot of the retail opportunities other counties around us offer. It's hard for any business to compete with the selection of retail businesses in the Town of Allegany, Hornell, Rochester, Buffalo, and Corning. Mr. O'Grady supported the resolution.

Legislator Hopkins remarked that if we reduce the additional County sales tax by the half percent, that's \$2 million that we'd have to raise our property tax by unless we find another way of doing it. That represents a 10 percent raise in property tax. The state may hold us to a two percent cap. We don't know what effect the state budget will have on our budget yet, but we're pretty sure it will be a negative effect. We have to find other ways to cover things that will cost even more. Mr. Hopkins noted an interesting sideline to this whole thing. Traveling on Route 15 to Rochester this past week, he noticed the large number of gas stations and thought maybe he could get gas cheaper, but you can't. It's the same as it

is in Fillmore, and their sales tax is less than ours. They have bigger stations, bigger volume buying, but they're charging whatever the market will bear. That's what happens. If you lower the sales tax, the market will pick that up.

Legislator Pullen referred to an article that came from the state noting that sales tax revenue statewide has held constant and actually increased slightly. For the vast majority of counties, most revenue comes from sales tax, not real property tax. That's not the situation here. Our sales tax revenue is about \$17 million, and real property tax revenue is about \$27 million. Mr. Pullen commented on state mandates and the County's lack of choice on a lot of issues. He pointed out that if we're going to eliminate a \$6 million revenue source, there is no way to make up that loss, even if we eliminated every discretionary program the County has. We'd have a very hard time even making up that \$2 million loss for the half percent that Mr. Ungermann was talking about, so it looks to him like real property taxes would go up, which he couldn't support.

Legislator Graves commented that he didn't like having to continue the additional sales tax, but as others have stated, we can't replace that \$6 million just by raising property tax. Property tax is high enough as it is. He can't support having to increase the property tax because of not extending the additional sales tax. We have to ask for this.

Legislator Sinclair referred to discussion about seniors with fixed incomes and noted that actually our County is on a fixed income. Assuming that we want to have, and we have to provide, a certain level of government, maintenance of infrastructure, and provision of services, the ways in which we can finance that are somewhat limited. The sales tax is a more equitable tax, because people have choices on whether or not to purchase things, where they purchase them, and they can also tighten their belts. You can regulate that better than you can the ultimate place that those expenses will end up, and that is property taxes. You have to pay property taxes. Mr. Sinclair supported the resolution, because the sales tax is a more equitable means of supporting the level of government that must be provided.

Chairman Crandall pointed out that state reps in the senate and assembly in Albany collectively have not passed requests from other counties to increase their local sales tax percentage, but they are maintaining the status quo by passing requests for these extensions. There are a number of counties trying to do what we did in the past by increasing the sales tax to alleviate the burden from the property tax, and it's getting turned down in Albany. That's a concern that he has. The state is looking to cap property taxes and not giving us relief on Medicaid and other mandated programs. We are on a fixed income.

RESOLUTION NO. 56-11

ACCEPTANCE AND APPROPRIATION OF DONATION FROM NATIONAL FUEL TO OFA – SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) ACCOUNTS

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the sum of \$1,275 from National Fuel for the Meals-on-Wheels program is accepted.

2. That the accepted sum of \$1,275 is appropriated to Account No. A6779.474 (OFA – SNAP – Contractual) with a like sum credited to Revenue Account No. A09.2801.36 (SNAP Contributions).

Moved by: Mr. Burdick
Seconded by: Mr. Pullen

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

A motion was made by Legislator Burdick, seconded by Legislator Graves and carried, to grant Legislator O’Grady permission to abstain from voting on Resolution Intro. No. 59-11 (Acceptance and Appropriation of Funds from the Byrne/JAG Fund as Administered through the New York State Division of Criminal Justice Services [NYS DCJS]).

RESOLUTION NO. 57-11

**ACCEPTANCE AND APPROPRIATION OF FUNDS FROM THE BYRNE/JAG FUND
AS ADMINISTERED THROUGH THE NEW YORK STATE
DIVISION OF CRIMINAL JUSTICE SERVICES (NYS DCJS)**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That the sum of \$19,519 from the Byrne/JAG Fund, as administered through the New York State Division of Criminal Justice Services (NYS DCJS), for the purchase of equipment for Video Recording of Statements (VRS), is accepted.

2. That the accepted sum of \$19,519 is appropriated to Account No. A1165.437 (District Attorney – Contractual) with a like sum credited to Revenue Account No. A10.3031.05

Moved by: Mr. Healy
Seconded by: Mr. Fanton

Adopted: Roll Call
14 Ayes, 0 Noes, 0 Absent
Abstaining: O’Grady

Comments made regarding Resolution No. 57-11 included: In response to a question, County Administrator John Margeson stated that the grant did not require matching funds.

RESOLUTION NO. 58-11

TRANSFER OF FUNDS WITHIN SPECIAL EDUCATION PHC ACCOUNT

Offered by: Human Services Committee

RESOLVED:

1. That the sum of \$25,000 is transferred from Account No. A2960.421 (Education/School) to Account No. A2960.440 (Education Contracts).

Moved by: Mr. Burdick
Seconded by: Mr. Pullen

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

RESOLUTION NO. 59-11

**TRANSFER OF FUNDS FROM CONTINGENT ACCOUNT
TO HOMELAND SECURITY ACCOUNT**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That the sum of \$17,892 is transferred from Account No. A1990.4 (Contingent) to Account No. A3645.217 (Homeland Security – Equipment), to finance the purchase of 15kw Genset generators at four tower sites.

Moved by: Mr. Healy
Seconded by: Mr. Graves

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

(Memo: Resolution No. 59-11 approved the Sheriff's request for additional funds for the Public Safety Interoperable Communications [PSIC] grant project [grant accepted by Resolution No. 143-08]. The original plan included installation of radios and antennas at seven sites. A review by the contractor [SAIA] has found we could reduce the number of tower sites to six. The reduction in the number of sites allowed for reallocation of funds to include equipment shelters with HVAC, which will significantly extend the useful life of the radio equipment at the tower sites. Four of the tower sites would require a backup power upgrade including a 15 kw Genset generator, as well as a concrete pad and 100 amp electrical service. Site work will be performed by Public Works or contracted.)

RESOLUTION NO. 60-11

**TRANSFER OF FUNDS FROM FIRE E-911 CONTRACTUAL EXPENSES ACCOUNT
TO E-911 DISPATCH CONTRACTUAL EXPENSES ACCOUNT**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That the sum of \$100,000 is transferred from Account No. A3510.416 (Fire E-911 – Central Service Telephone) to Account No. A3112.416 (E-911 Dispatch – Central Service Telephone), as the E-911 Dispatch Center is now managed by the Sheriff's Office.

Moved by: Mr. Healy
Seconded by: Mr. Hopkins

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

RESOLUTION NO. 61-11

TRANSFER OF FUNDS WITHIN COUNTY ROAD FUND ENGINEERING ACCOUNTS

Offered by: Public Works Committee

RESOLVED:

1. That the sum of \$5,000 is transferred from Account No. D5020.465 (Engineering Contracts) to Account No. D5020.201 (Office Equipment) for the purchase of an additional Civil 3D Auto Cad license.

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

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

RESOLUTION NO. 62-11

**TRANSFER OF FUNDS FROM THE COUNTY ROAD SNOW REMOVAL AND
MAINTENANCE ROADS AND BRIDGES EQUIPMENT ACCOUNT AND
THE TRAFFIC CONTROL EQUIPMENT ACCOUNT
TO ENGINEERING EQUIPMENT ACCOUNT**

Offered by: Public Works and Ways and Means Committees

RESOLVED:

1. That the sum of \$1,400 is transferred to Account No. D5020.201 as follows: \$400 from Account No. D5110.211 and \$1,000 from Account No. D3310.202 to finance the cost of a new computer for the engineering staff.

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

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

RESOLUTION NO. 63-11

**TRANSFER OF FUNDS FROM SHARED SERVICES BUILDINGS
CONTRACTUAL EXPENSES ACCOUNT
TO ROAD MACHINERY CONTRACTUAL EXPENSES ACCOUNT**

Offered by: Public Works and Ways and Means Committees

RESOLVED:

1. That the sum of \$16,500 is transferred from Account No. A1620.4 to Account No. DM5130.4 to cover Environmental Assessments at the Friendship shop, Landfill shop and District shops.

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

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

Comments made regarding Resolution No. 63-11 included the following:

Legislator Ungermann stated that the resolution was for a consultant to tell us where we might do an environmental assessment at the various highway barns, and he believes it is something that could be done in-house. The rules are pretty explicit, i.e. you can't have open floor drains unless they're hooked to a sanitary sewer, and you need secondary containment around any fuel tanks. We want to hire a consultant to tell us what we already know we have to do. It's just a matter of going through and cleaning house.

Chairman Crandall noted that he understood the contractor will actually be filling out the necessary paperwork. Legislator Fanton affirmed that and stated that they also have to deal with the EPA, something we're not qualified to do. When you try to self-certify, the EPA doesn't look at it in the same way as if you have a qualified contractor do it. This group can evaluate things, and there's a process that allows us time to fix issues without being penalized. Mr. Fanton noted that he's heard of counties that didn't have this done, and some have been written up for violations and penalized with fines of up to \$100,000 to \$200,000. This takes care of the proper forms and reporting, the correspondence with EPA, and the certification.

Legislator Sinclair commented that this type of assessment would also include things like air quality, storage of hazardous materials, OSHA regulations, and dangers from those standpoints. When you're in a job and you're doing things a certain way, you tend to want to keep it that way, and you can miss things. Having this outside set of eyes looking at these critical parameters for safety is worth it, because one mistake or accident and you could be into huge expense. It's a good investment.

Legislator Graves noted that the issues brought up by Mr. Ungermann were thoroughly vetted during the Public Works Committee meeting. This will eliminate the possibility of any liability coming back on the County later on. It's a lot of money, but these are complex issues, and we'll be miles ahead doing it the right way.

RESOLUTION NO. 64-11

A RESOLUTION APPROVING STATE LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM CONTRACT NUMBER T838202 BETWEEN THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES (DHSES) AND ALLEGANY COUNTY; APPROPRIATION OF FUNDS

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That State Law Enforcement Terrorism Prevention Program Contract (SLETPP) in the amount of \$22,328 from the Division of Homeland Security and Emergency Services for period August 1, 2010, to July 31, 2013, is approved.

2. That the sum of \$22,328 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’s Office).

Moved by: Mr. Healy
Seconded by: Mr. Hopkins

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

RESOLUTION NO. 65-11

RESOLUTION APPROVING THE INTER-MUNICIPAL MUTUAL AID AGREEMENT BETWEEN THE COUNTY OF ALLEGANY AND SCHUYLER COUNTY

Offered by: Public Safety Committee

RESOLVED:

1. That the Inter-Municipal Mutual Aid Agreement between the County of Allegany and Schuyler County commencing July 1, 2011, for special detail deputies performing mutual aid police duties in Schuyler County is approved.

Moved by: Mr. Healy
Seconded by: Mr. Fanton

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

(Memo: The agreement approved by Resolution No. 65-11 allows sworn employees of the Sheriff’s Office to act as special emergency deputies during events held at Watkins Glen International Raceway. All associated costs, including insurance coverage, are the responsibility of Schuyler County.)

Comments made regarding Resolution No. 65-11 included the following:

Legislator Ungermann noted that during discussion, they had no objections to the Sheriff Deputies going to Watkins Glen, but there were objections to the vehicles being taken. Mr. Ungermann made a motion to table the resolution so that the contract could be reworded to cover that. The motion failed, as it was not seconded.

Legislator O'Grady addressed Mr. Ungermann's concerns, stating that the Sheriff has indicated that if it's the Board's wish, vehicles would not be sent to Watkins Glen. Mr. O'Grady felt comfortable with passing the resolution as is. Sheriff Rick Whitney addressed the Board and stated that they wouldn't send any vehicles.

Legislator Healy noted that this issue was well vetted at the last Public Safety Committee meeting. Prior to that, he had several concerns regarding the contract. One was that he hates to see us become a rent-a-cop agency. Where it's not much different than Erie County requesting assistance for Buffalo Bills home games, he realizes this is a unique situation with long-standing tradition. There's also the overtime issue. If our men are at Watkins Glen, they'd have to take a vacation day. There was some discussion of sick time, but Mr. Healy stated that he hoped no one took sick time to work somewhere else. That would be a violation and should be investigated and followed up on. On the question of overtime, the Sheriff assured us that's not an issue. Mr. Healy's other concern was the liability, but the County Attorney stated that we had no liability per the contract. Given those things, he would support it and the Sheriff.

RESOLUTION NO. 66-11

**APPROVING SUPPLEMENTAL AGREEMENT #2 BETWEEN COUNTY OF ALLEGANY
AND NEW YORK STATE DEPARTMENT OF TRANSPORTATION
FOR THE CONSTRUCTION PHASE OF THE BRIDGE REPLACEMENT (BIN 3060090)
ON COUNTY ROUTE 16 OVER GENESEE RIVER,
TOWN OF BELFAST, COUNTY OF ALLEGANY**

Offered by: Public Works and Ways and Means Committees

WHEREAS, the bridge replacement (BIN 3060090) on County Route 16 over Genesee River located in the Town of Belfast was approved by Resolution No. 163-2008, and

WHEREAS, it is necessary to approve Supplemental Agreement #2 to include the SFY 2010/2011 additional approved Marchiselli funds for the Construction Phase of the project, now, therefore, be it

RESOLVED:

1. That Supplemental Agreement #2 between the County of Allegany and New York State Department of Transportation for the Construction Phase of the bridge replacement is approved.

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

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

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

RESOLUTION NO. 67-11

**RESOLUTION APPROVING AN AGREEMENT WITH AK ASSOCIATES
TO PROVIDE ALLEGANY COUNTY E-911 DATABASE/PHONE LINE SERVICE
TO THE E-911 DISPATCH CENTER;
AUTHORIZING SHERIFF TO EXECUTE AGREEMENT**

Offered by: Public Safety Committee

RESOLVED:

1. That an agreement between the County of Allegany and AK Associates to provide Allegany County E-911 database/phone line service to the E-911 Dispatch Center commencing May 1, 2011, through April 30, 2012, at an annual amount of \$44,000 is approved.

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

Moved by: Mr. Healy
Seconded by: Mr. McGraw

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

(Memo: The contract approved by Resolution No. 67-11 will replace an expiring contract with Verizon which costs \$5,500 per month, or \$66,000 annually.)

RESOLUTION NO. 68-11

**DETERMINATION OF NO SIGNIFICANT ENVIRONMENTAL IMPACT
WITH RESPECT TO THE CONSTRUCTION OF A 260 FOOT RADIO TOWER
OFF OF PINGREY HILL ROAD IN THE TOWN OF ANDOVER**

Offered by: Public Safety Committee

WHEREAS, pursuant to the State Environmental Quality Review Act, the Public Safety Committee met to undertake an environmental review of a proposed project to construct a 260 foot radio tower off of Pingrey Hill Road in the Town of Andover, and

WHEREAS, the Public Safety Committee determined that Allegany County was the project sponsor and lead agency with regard to the environmental review of the project, and

WHEREAS, it was determined that this was a Type I action due to the height of the tower being in excess of 100 feet, and

WHEREAS, it was determined that there were no other involved agencies, and

WHEREAS, the Public Safety Committee reviewed a long form Environmental Assessment Form (EAF) which was prepared regarding the proposed project and discussed the potential environmental impact of such project, and

WHEREAS, the Public Safety Committee determined that the proposed project would not have a significant adverse environmental impact and recommended the filing of a Negative Declaration, and

WHEREAS, this Board has been provided with a copy of the EAF and the recommendation of the Public Safety Committee, now therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators hereby finds that the proposed project to construct a 260 foot radio tower off of Pingrey Hill Road in the Town of Andover will not have a significant adverse environmental impact and determines that a Negative Declaration shall be issued and authorizes the Chairman to prepare and sign a Negative Declaration.

2. 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. Healy
Seconded by: Mr. Graves

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

Comments made regarding Resolution No. 68-11 included the following:

Legislator Ungermann noted that he read through the Environmental Assessment Form, and he asked Legislator Sinclair if the lot really contained gravel soil. Mr. Sinclair responded that the Kent Farm has traditionally been a potato farm, and there are perhaps deposits there, the soils of which could be called gravel in a broad sense. For the most part, it's probably bedrock. Mr. Ungermann also commented that he found it interesting that for this tower, with a cost of \$234,000, the Environmental Assessment Form is 21 pages, but the EAF for the \$14 million Courthouse Addition is only one page. It makes one wonder if we did a proper environmental assessment for the Courthouse Project. Chairman Crandall replied that yes, we did.

Legislator Sinclair pointed out that it's not just for the tower. It includes the purchase of the land, the support cabinet to house the equipment, and the generator set to support the entire operation. So it covers the installation and associated equipment. Legislator Pullen explained that this resolution only addresses the negative declaration for SEQRA.

Legislator Cady asked for clarification for members of the public who may be wondering about the eventual purchase. Who will be paying for it and owning it? County Administrator John Margeson replied that the County will be.

AUDITS:

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

A motion was made by Legislator Hopkins, seconded by Legislator Healy and adopted on a roll call vote of 14 Ayes, 1 No, 0 Absent, that the audit of claims, totaling \$4,241,671.16, including prepaid expenses, be approved for payment as recommended by the County Administrator (opposed: Ungermann). (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$2,557,748.*) In response to a question by Legislator Ungermann, County Administrator John Margeson gave clarification on expenses reported for his department.

GENERAL COMMENTS:

Legislator Pullen commented on an article related to Governor Cuomo negotiating a wage freeze in his first labor contract. Sometimes you have to read behind the lines to know all of what happened. The article does note that this basically catches up the state over the contract that had lapsed after 2005. It notes that \$48 million was paid to Council 82 to settle arbitration over an impasse that was basically back wages. So, though it says they got a freeze for the current year and the next couple of years, it ignores the fact that it gave an average of over \$41,000 to those employees in Council 82 for the prior years for which they had never received an increase. If you average it out, they did get a pay raise. As with many things that appear in the press, you need to know the rest of the story. Legislator Ungermann stated that he noticed that, too, but he also saw that they're looking at a 38 percent contribution for family health insurance. Legislator O'Grady pointed out that the contract had not been ratified by the union yet.

ADJOURNMENT: The meeting was adjourned at 3:25 p.m. on a motion made by Legislator Pullen, seconded by Legislator Graves and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
MAY 9, 2011**

**** APPROVED ****

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

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Marine Corps Corporal Gerald F. Babchak.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 15 Legislators Present: Glenn Benson, Douglas Burdick, Donald Cady, Curtis Crandall, Philip Curran, Dwight Fanton, Karl Graves, Dwight (Mike) Healy, Theodore Hopkins, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Frederick Sinclair, Norman Ungermann, Jr.

APPROVAL OF MINUTES:

The Board meeting minutes of April 25, 2011, were approved on a motion made by Legislator Pullen, seconded by Legislator Curran and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Gerald F. Babchak, former United States Marine Corps Corporal, in grateful appreciation of his service to our Country. Mr. Babchak's service dates were from June 1966 to June 1969. Following Basic Training at Paris Island, NC, assignments included: Okinawa, Japan (Security File Management); Republic of Vietnam (Fire Fighter); and Headquarters Battalion, Philadelphia, PA (Operation Control). Commendations he received included: National Defense Service Medal, Vietnam Service Medal, Vietnam Campaign Medal, Good Conduct Medal, Vietnamese Cross of Gallantry with Crossed Palms, Navy Unit Citation, and Combat Action Ribbon. Mr. Babchak is a charter member and current Commander of the Allegany County Vietnam Veterans Association, Marine Corps representative at Bath VA Medical Center, member of the Veterans of Foreign Wars, and member of the 1st Marine Corps Association. He has volunteered for the past 25 years at the Bath VA Medical Center on Christmas Day, and has been instrumental in converting the Vietnam Veterans Association camp to a wounded warriors' retreat for all Veterans. Chairman Crandall highlighted the mission and accomplishments of the Allegany County Vietnam Veterans Association. Mr. Babchak led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Crandall recognized the nurses that were present at the meeting. A proclamation for Nurses' Week (May 6-12) was presented at the April 25 Board meeting.

Chairman Crandall granted privilege of the floor to Office for the Aging Director Kimberley Toot to speak about Older Americans' Month. Mrs. Toot highlighted some upcoming activities. All County Luncheon Centers will be having Older Americans' Month parties, and they would love to have representation by their local Legislators. On Friday, May 13, from 10 a.m. to 2 p.m., there will be an open house at the Office for the Aging/Veterans' Services Complex at Crossroads. They will be highlighting Veterans' Services to acquaint Veterans with the facility. The outreach van from the Bath VA Medical Center will be there to assist with benefits issues, and Veterans' Services Director Mike Hennessy and his staff will be available. The Senior Foundation's annual fundraiser will take place on May 21 at the Activities Center of the Alfred State Campus in Wellsville. This year's event, "Swingin' with the Oldies," will include dinner, music, and a basket auction. Money raised will be for Meals on Wheels.

Representatives from the following departments and agencies were present to answer questions regarding their 2010 Annual Reports: County Historian, Information Technology, Parks & Forests, Sheriff, Soil & Water Conservation District, and Weights & Measures. Legislator Ungermann complimented the Sheriff's Office on their report. It gives a very good synopsis of what goes on.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator's desk:

1. Annual Reports for 2010 from the following departments or agencies were distributed for review: County Administrator, Development, Industrial Development Agency, Planning Board, Social Services, and Tourism.

2. Revised 2011 Standing Committee Listing (Chairman Crandall moved the Energy & Resources Ad Hoc Committee to fall under the jurisdiction of the Ways & Means Committee, and he expanded the membership of the ad hoc committee to include Legislator Mike Healy, Public Works Superintendent I Guy James, and Landowner Representative Marvin Covert).

The following communications were also acknowledged:

1. Notice of next InterCounty Association meeting to be hosted by Cattaraugus County in Machias on May 13.

2. Correspondence from Congressman Tom Reed regarding the Fracturing Responsibility and Awareness of Chemicals Act (FRAC Act) of 2011.

3. Southern Tier West Regional Planning & Development Board meeting minutes of April 21, 2011, and Notice of Meeting for May 19.

4. Reminder that the Allegany Senior Foundation is sponsoring Swingin' with the Oldies on May 21 from 4 to 9 p.m. at the Activities Center of Alfred State Wellsville Campus.

5. Invitation to attend the Legislative Intern Model Session on Monday, May 16, 2011, at 11 a.m.

APPOINTMENT:

Chairman Crandall, in a joint measure with Michael T. O'Brien, Chairman of the Cattaraugus County Board of Legislators, has appointed Matt Keller of Olean to replace and serve the remainder of Sherry Grugel's three-year term as a member of the **CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD**, such term to expire December 31, 2012.

PROCLAMATIONS:

Chairman Crandall proclaimed May 2011 to be Older Americans' Month, and he urged citizens to take the time to honor our older adults and the professionals, family members, and volunteers who care for them. Our recognition of older Americans and their involvement in our lives can help us achieve stronger and more meaningful connections with each other and enrich our community's quality of life.

Chairman Crandall proclaimed the week of May 15-21, 2011, as Emergency Medical Services Week to recognize the value and accomplishments of emergency medical services teams who are ready to provide quality lifesaving care 24 hours a day, seven days a week, dramatically improving the survival and recovery rate of those who experience sudden illness or injury.

RESOLUTIONS:

RESOLUTION NO. 69-11

**RESOLUTION IN SUPPORT OF SENATE BILL 864 DESIGNATING STATE HIGHWAY 19
IN THE TOWN OF HUME AS THE ALMOND E. FISHER MEMORIAL HIGHWAY**

Offered by: Ways and Means Committee

WHEREAS, that Senator Catharine M. Young has introduced Senate Bill 864 designating State Highway 19, Town of Hume, County of Allegany, as the "Almond E. Fisher Memorial Highway," and

WHEREAS, Almond E. Fisher received a Medal of Honor and Purple Heart for his heroic acts and inspirational leadership in France during World War II, despite being shot in both feet, and

WHEREAS, subsequent to his service in the military, he continued to work for Veterans throughout New York, now, therefore be it

RESOLVED:

1. That the Allegany County Board of Legislators supports Senate Bill 864 that designates State Highway 19, Town of Hume, County of Allegany, as the "Almond E. Fisher Memorial Highway."

2. That the Clerk of this Board is hereby directed to forward a certified copy of this resolution to the office of Senator Catharine M. Young.

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

Adopted: Voice Vote

RESOLUTION NO. 70-11

**RESOLUTION INCREASING ESTABLISHED RATES FOR
ELECTION INSPECTORS' COMPENSATION FOR TRAINING**

Offered by: Personnel Committee

WHEREAS, by Resolution No. 115-2006, this Board fixed the rate for Election Inspectors' compensation for training at \$25, and

WHEREAS, the Board of Election Commissioners requested an increase in the Election Inspectors' compensation from \$25 to \$35, and

WHEREAS, this request is due to an increase in Inspector Training Classes of at least 4 1/2 hours of training on the new election machines, now, therefore, be it

RESOLVED:

1. That this Board approves the increase of Election Inspectors' compensation for training from \$25 to \$35.

2. That this resolution shall become effective immediately.

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

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

RESOLUTION NO. 71-11

**APPROVAL OF BOARD CHAIRMAN'S REAPPOINTMENT OF TWO MEMBERS TO
SOUTHERN TIER WEST REGIONAL PLANNING AND DEVELOPMENT BOARD**

Offered by: Planning and Economic Development Committee

Pursuant to Resolution No. 35-68, as amended by Resolution No. 93-75

RESOLVED:

1. That the reappointment by the Chairman of this Board of 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, 2011, and expiring May 31, 2014, is approved.

Moved by: Mr. Sinclair
Seconded by: Mr. Healy

Adopted: Voice Vote

RESOLUTION NO. 72-11

**ACCEPTANCE AND APPROPRIATION OF GRANT FUNDS
FROM THE SOUTHERN TIER WEST DEVELOPMENT FOUNDATION
TO ECONOMIC DEVELOPMENT COMPREHENSIVE PLAN ACCOUNT**

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

RESOLVED:

1. That the sum of \$5,000 from the Southern Tier West Development Foundation is accepted and appropriated to Account No. A6431.474 (Ec. Dev. Comprehensive Plan – Contractual) with a like sum credited to Revenue Account No. A08.2770.6431 (Misc. Rev. – Ec. Dev. Comprehensive Plan).

Moved by: Mr. Sinclair
Seconded by: Mr. Pullen

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

(Memo: The grant funds accepted in Resolution No. 72-11 are for the Allegany County Communications Study.)

RESOLUTION NO. 73-11

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

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That Agreement titled "County of Allegany Contract for Approved Providers of Programs, SEIT and/or Evaluations for Preschoolers with Disabilities" with Kid Start

Livingston-Wyoming ARC, for the period September 1, 2010, to August 31, 2011, is approved.

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

Moved by: Mr. Burdick
Seconded by: Mr. Fanton

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

(Memo: The contract approved by Resolution No. 73-11 is for provision of special education services to preschoolers with disabilities. It is an annual renewal of an existing contract. Reimbursement for services provided will be made at the rates approved by NYS Education Department. Costs are borne by the state at 59.5 percent and the County at 40.5 percent. See also Resolution Nos. 215-10 and 268-10 for other providers for the same period.)

Comments made regarding Resolution No. 73-11 included the following:

Legislator Ungermann questioned if the County used this provider last year, and at what cost. Public Health Director Loreen Ballengee responded that it's a renewal, and she'd have to get back to Mr. Ungermann on the cost. We reimburse the contract agencies for services they provide, so it's not a direct cost.

Legislator Burdick asked about the number of children affected. Other schools do the same thing in their districts. Mrs. Ballengee will get the number from the program coordinator.

RESOLUTION NO. 74-11

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS AND APPROVAL OF CONTRACT WITH SAIA COMMUNICATIONS, INC. FOR THE CONSTRUCTION AND PURCHASE OF A 260' SELF-SUPPORTING COMMUNICATIONS TOWER LOCATED ON PINGREY HILL ROAD IN THE TOWN OF ANDOVER; AUTHORIZING CHAIRMAN TO EXECUTE SAID CONTRACT AND TRANSFER OF FUNDS FROM CONTINGENT ACCOUNT

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That the Contract for the construction and purchase of a 260' self-supporting three-legged tower on Pingrey Hill Road, Town of Andover, between the County of Allegany and Saia Communications, Inc. is approved.

2. That the sum of \$234,401.25 is transferred from Account No. A1990.4 (Contingent), and the cost for purchasing the tower will be appropriated to Account No.

A3640.201, and the cost for the purchase of the land will be appropriated to Account No. A8710.210.

3. That the Chairman of this Board is authorized to sign any and all documents relating to said Contract.

Moved by: Mr. Healy
Seconded by: Mr. Hopkins

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

(Memo: The communications tower referred to in Resolution No. 74-11 will be integrated into the County's existing 911 emergency communications system. Saia will be constructing the tower on land currently owned by them. The County will not take ownership of the tower or begin using it until construction is completed. The parcel of land will be transferred to Allegany County once construction of the tower is complete.)

RESOLUTION NO. 75-11

ENDORISING THE ESTABLISHMENT OF PROACT DISCOUNT PRESCRIPTION DRUG CARD PROGRAM AND PROACT DISCOUNT VISION, LASIK AND HEARING DISCOUNT PROGRAM FOR RESIDENTS OF ALLEGANY COUNTY AND AUTHORIZING THE COUNTY OF ALLEGANY TO EXECUTE AN AGREEMENT WITH PROACT, INC., FOR SAID PROGRAMS

Offered by: Ways and Means Committee

WHEREAS, the New York State Association of Counties (NYSAC) has endorsed a County Discount Prescription Drug Card Program administered by ProAct, Inc., a subsidiary of Kinney Drugs, Inc., and

WHEREAS, ProAct, Inc., is a full service pharmacy benefit management company with a reputation for exceptional service, and a focus on the education of its members to manage healthcare costs, and

WHEREAS, the mission of ProAct, Inc., is to provide the highest quality pharmacy benefit management services at a fair and competitive price to the clients they serve; to satisfy the needs of their clients and to be responsive to the needs and goals of their employees; to manage the resources of their company to insure a fair and equitable return on investment to their stock holders; and to plan and provide for continued growth, and

WHEREAS, by participating in ProAct Discount Program(s) Allegany County can provide reduced medicine costs for residents of the County who struggle on a daily basis to afford necessary medicine, and

WHEREAS, this is a voluntary program and is FREE to County residents; the Discount Card Program is not insurance, but offers residents a cash discount for individuals and

families who pay high out-of-pocket prices for medicine because they do not have prescription drug coverage or if a prescription is not covered by your current insurance program, and

WHEREAS, there is no charge of any sort to Allegany County, and

WHEREAS, the discount card can be used at any participating pharmacy in the area and nationwide, and

WHEREAS, the discount program covers all prescription medications, brand name or generic; and prescriptions for pets are also covered, and

WHEREAS, ProAct, Inc., also offers a discount vision, Lasik and hearing discount program whereby members and their families will receive significant savings on eye exams, frames, lenses and contacts; laser vision correction procedures; and hearing products and services, and

WHEREAS, a service agreement is necessary to make prescription drug discount cards available to all Allegany County residents without regard to age, income, or employment status, and at no expense to the card holder, and

WHEREAS, the Ways and Means Committee has met and reviewed said request with a majority of the members voting approval, now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators hereby endorses the establishment of a prescription drug discount card program and a discount vision, Lasik and hearing discount program with ProAct, Inc., 633 Route 298, East Syracuse, New York, for the purpose of administering a prescription drug discount card program and a discount vision, Lasik and hearing discount program at no expense to Allegany County for the period May 9, 2011, through April 30, 2012.

2. That the County of Allegany shall, at its option, have the ability to renew said agreement for two additional one (1) year terms.

3. That the Chairman of this Board or his duly authorized representative may execute any and such agreement, documents, or papers, in the form to be filed with the Clerk of the Board of Legislators, and as approved or modified by the County Attorney, as may be necessary to implement the intent and purpose of this Resolution.

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

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

Comments made regarding Resolution No. 75-11 included the following:

Legislator O'Grady stated that he would not support the resolution. During discussion in committee, he asked if tax dollars would be involved in the program, even though it's free to residents, and he didn't receive a clear response. The County already offers one discount program, and there are other state-funded programs for people who can't afford prescriptions.

AUDITS:

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

A motion was made by Legislator Hopkins, seconded by Legislator O'Grady and adopted on a roll call vote of 14 Ayes, 1 No, 0 Absent, that the audit of claims, totaling \$1,923,499.89, including prepaid expenses, be approved for payment as recommended by the County Administrator (opposed: Ungermann). (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$2,892,818.*) In response to a question by Legislator Ungermann, County Administrator John Margeson explained the expenses for his department.

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

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION**

MAY 23, 2011

**** APPROVED ****

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

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Air Force Sergeant Kevin D. Monroe.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 14 Legislators Present: Glenn Benson, Douglas Burdick, Donald Cady, Curtis Crandall, Philip Curran, Dwight Fanton, Karl Graves, Dwight (Mike) Healy, Theodore Hopkins, Kevin LaForge, Aaron McGraw, David Pullen, Frederick Sinclair, Norman Ungermann, Jr.; 1 Legislator Absent: Timothy O'Grady

APPROVAL OF MINUTES:

The Board meeting minutes of May 9, 2011, were approved on a motion made by Legislator Hopkins, seconded by Legislator Curran and carried. Legislator Ungermann offered additional comment on Resolution No. 73-11, *Approval of Agreement with Approved Provider of Programs, SEIT and/or Evaluations for Preschoolers with Disabilities*. He received cost information from Public Health Director Loreen Ballengee. The value of the contract (total of contracts with all providers) is \$1,952,900, of which the County's portion is \$781,000. That's between five and six percent of the County Budget. Mr. Ungermann suggested having the service providers come in for a Committee of the Whole meeting to discuss and justify this expense. Mr. Ungermann stated that we're not in the education business. This program is the State Education Department's problem, not ours.

PUBLIC HEARING:

Chairman Crandall closed the regular meeting to hold a public hearing regarding the **Modification and Continuation of Agricultural District Number Three which was created within the Towns of Almond, Birdsall, Burns, and Grove by Resolution No. 158-02 on May 28, 2002**. Comments included the following:

Legislator Ungermann asked Soil and Water Conservation District Executive Director Scott Torrey if all of the land in the Agricultural District is actively farmed. Mr. Torrey explained that more than 50 percent of the acreage is farmed, and he referred to the page in the report on the district showing the acreages. There is a total of 15,565 acres in the district;

6,251 acres were added and 43 acres were deleted since the last review. Of those 15,565 acres, 11,137 acres are in farms, an increase of 4,185 since the last review.

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

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Kevin D. Monroe, former United States Air Force Sergeant, in grateful appreciation of his service to our Country. Mr. Monroe's service dates were from October 1984 to April 1988. Following Basic Training at Lackland Air Force Base, assignments included: Warren Air Force Base, Cheyenne, WY; Osan Air Base, Republic of Korea; and Loring Air Force Base, Limestone, ME. Commendations he received included: Airman of the Quarter at Osan Air Base, Korea; Humanitarian Service Medal; Air Force Good Conduct Medal; Air Force Basic Training Ribbon; Air Force Overseas Short Tour Medal; and Small Arms Expert Marksmanship Ribbon. He is currently Allegany County's Undersheriff. Mr. Monroe led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program. Mr. Monroe was accompanied by two members of the Honor Guard from the American Legion Morrison Hayes Post #702 in Wellsville, Scott Spillane and Skip Merrick, in commemoration of Memorial Day.

Chairman Crandall thanked those involved with distributing the American Legion poppies in memoriam of our Veterans. They were distributed by Charity Cline, representing the American Legion Auxiliary Post 808 in Belmont, and a donation to the Auxiliary for the poppies was made by Legislator Mike Healy. The Legislature has discussed bringing attention to Memorial Day on a County level, with possibly something on the front lawn. Memorial Day is celebrated locally in almost every community around Allegany County.

Chairman Crandall granted privilege of the floor to County Historian Craig Braack, who spoke about Memorial Day:

"May 13, 1864, is a day that means absolutely nothing to us. It rings no bells of familiarity even in the minds of our most ardent Civil War buffs, EXCEPT in the minds of the Tomb Guards at the Tomb of the Unknown Soldier in Arlington National Cemetery. The men and women of our Armed Services selected to guard and walk the 21 steps in front of the most hallowed tomb of the free world know that date very well. To be selected to be a Tomb Guard, you must be among the cream of the crop of the finest soldiers, sailors and marines of our Armed Services. To be a Tomb Guard, these military personnel must learn almost everything of the history of the 620 acres, 275,000 burials, and literally hundreds of monuments comprising Arlington National Cemetery nestled in the rolling Virginia hillsides just across the Potomac River from Washington, D.C.

For May 13 marks the anniversary date of the first burial of a Civil War soldier near the rose garden, lovingly cared for by the former inhabitants of Arlington House: Mary Ann Randolph Custis and her husband, Robert E. Lee. Private William Henry

Christman of the 67th Pennsylvania Infantry was this soldier. Thousands more soon followed, and Arlington National Cemetery was created.

A week from today at 11:00 a.m., the President or Vice-President will present a wreath on behalf of all Americans at the Tomb of the Unknown Soldier. Some of our cable TV networks will be carrying the event live.

What will you be doing a week from today? Will you attend one of the numerous Memorial Day parades in our County? Better yet, will you be participating in one of these parades? What will you think as the Flag of our Country passes in review? What will you be feeling? Like most Americans, you probably won't have any big plans. Maybe you'll be having a picnic, grilling on the back porch, just laying low or eating leftovers and enjoying a day off. This 'day off' however, came at a great price. Whatever you do on Monday, let us be thankful for those who made it possible to do so in peace."

Representatives were present from the following departments and agencies to answer questions regarding their 2010 Annual Reports: County Administrator, Development, Industrial Development Agency, Planning Board, Social Services, and Tourism.

Legislator Ungermann questioned the County Administrator on the amount invested in Bond, Schoeneck and King for services related to negotiating contracts with the County's four collective bargaining units since the process began. County Administrator John Margeson will get that information to Mr. Ungermann.

Legislator Ungermann commented on the goals of the Industrial Development Agency to improve economic conditions by attempting to attract, retain, and expand businesses through provision of financial incentives to private entities, and asked IDA Director John Foels if having Houghton College, Office for the Aging, and the Veterans' Service Agency there at Crossroads generated any sales tax revenue or real property tax. Mr. Foels stated that it did not; it was a refinancing of an existing bond done five years ago. Due to favorable interest rates, Houghton decided to refinance for the second time. The original bond was done prior to Mr. Foels' tenure.

Mr. Ungermann asked if there were any projects worked on last year that expanded real property taxes or sales tax revenue. Mr. Foels responded that there were not, but explained the reason. Over the course of the last six years, as we expanded the footprint of the Empire Zone Program into places like Wellsville, Alfred, and Swain, the basis of that program trumped the benefits of the IDA, which also benefits the County. Companies that located in the Empire Zone paid their full property taxes and were not abated, but were provided tax credits by New York State. Now that the Empire Zone Program has ended, there are still 80 companies in Allegany County that are grandfathered in the program. Last year they invested \$13 million; they had 2,800 employees in the zone; and the average wage is \$45,000 per employee. We only use the IDA when nothing else can be used. The benefit to the County of using the Empire Zone Program did not cost the County anything in property tax. As we move forward, since that program's gone, there may be companies that take advantage of the IDA incentives, but they will be used very carefully. In the meantime, the

lack of activity doesn't mean a lack of activity. A lack of inducements on the IDA was not reflective of the economy and growth. There was over \$150 million invested in Allegany County by companies in the Empire Zone over the tenure of the program. That's very significant. It made a world of difference to Swain. When Scott Carts spoke at the InterCounty meeting held there recently, he said that the Development Office, the IDA, and the Town of Grove were instrumental in keeping that facility open with the 200 seasonal workers they have. They plan now on building 25 homes at a total value of about \$5 million, providing the County with an extra \$100,000 in property tax. There was a lack of activity reflected in the Annual Report, but not a lack of activity within our economy.

Mr. Ungermann asked how much is invested by businesses that are not involved with the Empire Zone or IDA. Mr. Foels replied that it was probably much more. There are hundreds of companies in Allegany County; he reported on only 80, just a snapshot. The reason we have that data is that the companies in the Empire Zone have to prepare an annual report for submission to the Comptroller's Office, to Taxation and Finance. For them to get their tax credits, they have to prove that they invested that money and they have that number of employees. Other companies in the County are probably not so willing to divulge that information, and in any case, they are not required to report to his agency. Mr. Ungermann asked if the County receives sales tax revenue from those companies. Mr. Foels stated that in many cases, they're manufacturing firms that don't pay retail-based sales taxes; they're not selling items that apply to sales tax; but the property taxes would be a very measurable number. The Empire Zone also retains jobs here, and made expansion possible. The Alstom project a few years ago would never have happened without the Empire Zone. We were in competition with Nocardia, Kansas, and outsourcing, but because of the package we prepared here with the Empire Zone and Empire State Development, we won that \$18 million project. That's worth something to the County, the town, and the school district. Maybe not in sales tax, but in real property tax, the number is enormous.

Chairman Crandall reminded Legislators to contact Department Heads for more detailed information relating to their Annual Reports.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator's desk:

1. June 2011 Calendar of Board and Standing Committee meeting dates.
2. Report of Intrafund Transfers approved by the County Administrator for April.
3. Report of Tax Bill Corrections approved by the County Administrator for April.

The following communications were also acknowledged:

1. The County Treasurer filed Certificates of Withdrawal of Delinquent Tax Liens in the Clerk of the Board's Office for properties in the Town of Wirt on May 17; for properties in

the Towns of Belfast, Friendship, Genesee, Hume, Ward, and Wirt on May 20; and for properties in the Towns of Caneadea and Genesee on May 23, 2011.

2. Notice of the next Fire Advisory Board meeting to be held on Thursday, May 26, at 8 p.m. in Room 122 at the Public Safety Facility.

3. Invitation from Allegany Business Center to attend the Entrepreneurial Assistance Program Graduation on June 3 from 6 to 8 p.m. at the Crossroads Commerce and Conference Center.

APPOINTMENTS:

Chairman Crandall has appointed Joy B. Woodruff of Bolivar, NY, to serve as a member of the **ALLEGANY COUNTY PLANNING BOARD**, to fill a vacant unexpired three-year term, effective immediately and expiring December 31, 2012, subject to confirmation by the Board of Legislators.

RESOLUTIONS:

RESOLUTION NO. 76-11

**RESOLUTION SETTING DATE OF PUBLIC HEARING FOR THE PURPOSE OF
CONSIDERING THE APPROPRIATION OF \$2,500,000 FROM
THE SOLID WASTE REPAIR RESERVE FUND FOR EXPENSES RELATED TO
PHASE II AND PHASE III OF THE ALLEGANY COUNTY LANDFILL CLOSURE**

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 an appropriation of \$2,500,000 from the Solid Waste Repair Reserve Fund for closure expenses related to the Allegany County Landfill, with \$1,600,000 of such total amount proposed to be appropriated to an account designated Landfill Closure Phase II and \$900,000 of such total amount proposed to be appropriated to an account designated Landfill Closure Phase III, now, therefore, be it

RESOLVED:

1. That a public hearing shall be held on June 13, 2011, 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, for the purpose of considering the appropriation of \$2,500,000 from the Solid Waste Repair Reserve Fund to accounts established for Phase II and Phase III of the Allegany County Landfill closure process.

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. Pullen

Adopted: Voice Vote

RESOLUTION NO. 77-11

**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 \$225, representing the cost to replace a cracked windshield discovered on April 12, 2011, on a County vehicle, has been offered by NYMIR in settlement for such property damage, and

WHEREAS, a check in the amount of \$459.80, representing the cost to repair a 2009 Dodge Caravan which sustained damages when the car struck a dog, less a \$200 deductible, has been offered by NYMIR in settlement of such damage, now, therefore, be it

RESOLVED:

1. That the amount of \$225 from NYMIR representing the cost to replace a cracked windshield on a County vehicle and the amount of \$459.80 representing the cost to repair damages to a 2009 Dodge Caravan, less a \$200 deductible, are accepted.

2. That the total sum of \$684.80 is appropriated to Account No. CS1931.429 (Risk Retention – Uninsured Property Loss) with a like sum credited to Revenue Account No. CS07.2680.00 (Risk Retention – Insurance Recovery).

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

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

(Memo: Regarding Resolution No. 77-11, the vehicle with the windshield damage is a 2007 Ford Focus assigned to the Health Department, and the 2009 Dodge Caravan involved in the April 8, 2011, dog accident is assigned to the Office for the Aging for Meals-on-Wheels.)

RESOLUTION NO. 78-11

REAPPOINTMENT OF ONE MEMBER TO COUNTY BOARD OF HEALTH

Offered by: Human Services Committee

Pursuant to Public Health Law §§ 343 and 344

RESOLVED:

1. That Timothy LaFever is reappointed to the County Board of Health for a six-year term beginning July 8, 2011, and expiring July 7, 2017.

Moved by: Mr. Burdick
Seconded by: Mr. Sinclair

Adopted: Voice Vote

RESOLUTION NO. 79-11

APPROVING SUPPLEMENTAL AGREEMENT #5 BETWEEN COUNTY OF ALLEGANY AND NEW YORK STATE DEPARTMENT OF TRANSPORTATION (PIN 6753.98) ON COUNTY ROUTE 20 FOR THE NORTH BRANCH VAN CAMPEN CREEK PROJECT (BIN 3047780) LOCATED IN THE TOWN OF FRIENDSHIP, COUNTY OF ALLEGANY; MOVING FUNDING FROM CONSTRUCTION PHASE TO DESIGN PHASE AND RIGHT-OF-WAY ACQUISITION FOR THE PROJECT

Offered by: Public Works and Ways and Means Committees

WHEREAS, by Resolution No. 73-2006 this Board approved funding for the replacement of BIN 3047780, County Route 20 over North Branch Van Campen Creek, Town of Friendship, Allegany County, PIN 6753.98 (the Project), and

WHEREAS, it is necessary to approve Supplemental Agreement #5 to move funding from the Construction Phase to increase the amount of the Design Phase and Right-of-Way Acquisition funding for the Project, now, therefore, be it

RESOLVED:

1. That Supplemental Agreement #5 between the County of Allegany and New York State Department of Transportation to move funding from the Construction to the Design and Right-of-Way Phase of the Project is approved.

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

Moved by: Mr. Fanton
Seconded by: Mr. Healy

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

Comments made regarding Resolution No. 79-11 included the following: Legislator Ungermann questioned why funds were being moved from the Construction Phase to the Design and Right-of-Way Phase when the Design and Right-of-Way Phase would have occurred first. Legislator Fanton explained that after the project was underway, they discovered they needed more property, and there were funds in construction that they could transfer. This action doesn't change the cost of the project.

AUDITS:

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

A motion was made by Legislator Hopkins, seconded by Legislator Healy and adopted on a roll call vote of 13 Ayes, 1 No, 1 Absent, that the audit of claims, totaling \$3,573,612.96, including prepaid expenses, be approved for payment as recommended by the County Administrator (opposed: Ungermann). (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$3,227,888.*)

GENERAL COMMENTS:

Legislator Ungermann commented on a newspaper article regarding a proposal to broaden the powers of the Clean Water Act. This will further erode personal rights to protect property and municipalities' rights to protect infrastructure. Mr. Ungermann suggested passing resolutions in opposition, as we did on the Chesapeake Bay issue. They are exercising more and more control, and now they want to control every ditch that leads to a tributary. You can't do any maintenance without permits, and that just takes too much time, especially in light of the recent flooding events we've had. Legislator Pullen noted that this issue has come up to the Supreme Court several times, and the EPA and the Army Corps haven't done well in those conflicts. The courts have consistently said that their interpretation is not correct, but they won't give up. This is an instance where the elected legislators in Congress need to get a rein on the bureaucrats at the EPA and the Army Corps and take control. Mr. Pullen remarked that he once read a report where the Supreme Court said that what the EPA was trying to do wasn't what the law says; the law refers to "navigable waters," not as the article refers to "a tributary of a tributary" and "a man-made, or man-altered ditch." Those are not navigable waters, and that is what the Supreme Court has said, but these agencies refuse to accept that. They're going to try again.

Mr. Pullen commented on the "Swingin' with the Oldies" fundraiser sponsored by the Allegany Senior Foundation on Saturday evening. There were over 250 people in attendance. It was a good time, but the real goal was to raise revenue to help sponsor Office for the Aging programs. He thanked all those who participated.

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

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION**

JUNE 13, 2011

**** APPROVED ****

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

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by United States Air Force Airman Jerome J. Hart, II.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 15 Legislators Present: Glenn Benson, Douglas Burdick, Donald Cady, Curtis Crandall, Philip Curran, Dwight Fanton, Karl Graves, Dwight (Mike) Healy, Theodore Hopkins, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Frederick Sinclair, Norman Ungermann, Jr.

APPROVAL OF MINUTES:

The Board meeting minutes of May 23, 2011, were approved on a motion made by Legislator Hopkins, seconded by Legislator Curran and carried.

PUBLIC HEARING:

Chairman Crandall closed the regular meeting to hold a public hearing regarding the appropriation of \$2.5 million from the Solid Waste Repair Reserve Fund to be used for Phase II and Phase III Closure of the Allegany County Landfill. 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 presented a certificate to Jerome J. Hart, II, United States Air Force Airman, in grateful appreciation of his service to our Country. Mr. Hart's date of enlistment was November 2, 2010, and he is currently still serving. Following Basic Training at Lackland Air Force Base, TX, he participated in Water/Fuel System Maintenance Training at Sheppard Air Force Base, TX, is currently assisting the Air Force Recruiting Command in Hornell, and will soon be assigned to Lakenheath, England. Mr. Hart led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Crandall granted privilege of the floor to the following:

Agricultural Society President Martha Roberts spoke regarding the Allegany County Fair, which will be held July 18-23. She distributed Fair Books to the Legislators, presented an official copy to Chairman Crandall, and thanked the Board for their continued support. Mrs. Roberts gave highlights of the Fair Week schedule, noting that this year's Fair and Fair Book were dedicated to Harry and Alice Hurd of Cuba. New this year, on a trial basis to encourage attendance, is a senior citizen ticket on Monday from 8 a.m. to 3 p.m. Mrs. Roberts also announced the Board of Legislators' meeting at the Fairgrounds on Thursday at 2 p.m. in the Mini-Theater.

Allegany County Dairy Princess Sarah Bentley addressed the Board (milk punch and dairy information were available in the foyer prior to the meeting). Ms. Bentley is the daughter of William and Stacy Bentley of Belmont, and is being sponsored by the Willow Creek Farm of Belmont. Since her appointment in April, she has appeared at several events, speaking on milk and dairy products. Ms. Bentley spoke about dairy health, quality control, and dairy products, and she thanked our County's farmers for helping to create one of nature's most delicious foods.

NYS Farm Bureau Field Advisor Timothy Bigham recognized the Legislators who are also Farm Bureau members, as well as several members in attendance as guests. He presented a short history on the Farm Bureau, which turns 100 years old this year. The organization was started in Broome County in the early 1900s to help farmers and farm businesses at a time when farming was in decline. Their mission statement today still states, "to serve and strengthen agriculture." Farm Bureau and Cooperative Extension were closely tied until they split in 1955, and Farm Bureau became the legislative advocate they are today, and Cooperative Extension continued on in an educational capacity.

Sandy Falcone, Farm Bureau Promotional and Educational Chair for Allegany County and member of the state membership committee, spoke on the future for Farm Bureau. As the voice of agriculture, Farm Bureau has to recognize and support the trends in agriculture. One of the things they're addressing is the recent emphasis on locally grown food, and they're trying to educate the public as well. They are also dealing with what to do about the Marcellus Shale drilling issue. Farm Bureau gets involved in issues addressing the needs and problems for farmers and rural New Yorkers. Ms. Falcone explained the lengthy Farm Bureau resolution process and lobbying policies.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator's desk:

1. Report of Intrafund Transfers approved by the County Administrator for May.
2. Press Release from Court Facilities and County Space Needs Committee Chairman David Pullen regarding the Courthouse Project Budget.

The following communications were also acknowledged:

1. Notice of next InterCounty Association meeting to be hosted by Monroe County on June 17 in Rochester.
2. Greater Allegany County Chamber of Commerce Executive Director Christina Hedstrom announced the next Business After Hours event to be hosted by the Whitesville House on June 16.
3. Copy of the *Report and Recommendations of the Allegany County Agricultural & Farmland Protection Board for Allegany County Agricultural District No. 3*, along with NYS Department of Agriculture and Markets State Environmental Quality Review (SEQR) Short Environmental Assessment for Unlisted Actions Only. Please note that the SEQR Form will be reviewed and completed at the special Committee of the Whole meeting immediately following the Board meeting.
4. Copy of the second issue of the *ACHS Recorder (Allegany County Historical Society)* dated April 2011.
5. Invitation to participate in the 24th Friendship Freedom Fair Celebration on July 30. Parade line-up begins at 10:30 a.m.
6. The annual Legislative Clambake will be held on July 29. Tickets are available in the Clerk of the Board's Office.

APPOINTMENTS:

Chairman Crandall has appointed James Galatio of Cuba as a member of the **ALLEGANY COUNTY YOUTH BOARD** to fill the unexpired three-year term of James Cross, effective immediately and expiring March 25, 2014, subject to confirmation by the Board of Legislators.

RESOLUTIONS:

RESOLUTION NO. 80-11

**RESOLUTION SETTING DATE FOR PUBLIC HEARING ON
MODIFICATION AND CONTINUATION OF AGRICULTURAL DISTRICT NUMBER THREE
WITHIN THE TOWNS OF ALMOND, BIRDSALL, BURNS AND GROVE AND
THE VILLAGES OF ALMOND AND CANASERAGA**

Offered by: Planning and Development Committee

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

WHEREAS, Agricultural District Number Three, being within the Towns of Almond, Birdsall, Burns and Grove and the Villages of Almond and Canaseraga, was created through

consolidation of Agricultural Districts Number Seven and Thirteen by Resolution 158-02 on May 28, 2002, and

WHEREAS, notice of the required eight-year review has been given with proposed modifications to said District to be submitted by February 14, 2011, and

WHEREAS, there are presently 146 landowners enrolling 15,565 acres in the district, and

WHEREAS, 110 landowners have requested the inclusion of approximately 6,250.68 acres of predominantly viable agricultural land within Agricultural District Number Three, and

WHEREAS, 9 landowners have requested to be removed from Agricultural District Number Three totaling approximately 42.81 acres, and

WHEREAS, the report of the Agricultural and Farmland Protection Board has been received recommending the inclusion of approximately 6,250.68 acres of predominantly viable agricultural land located within Agricultural District Number Three, in the Towns of Almond, Birdsall, Burns and Grove and the Villages of Almond and Canaseraga, and

WHEREAS, the report of the Agricultural and Farmland Protection Board has also recommended the removal of approximately 42.81 acres of predominantly viable agricultural land located within Agricultural District Number Three, in the Towns of Almond, Birdsall, Burns and Grove and the Villages of Almond and Canaseraga, and

WHEREAS, the previous legal notice for a public hearing held on May 23, 2011, to consider such proposed modification and consolidation was deemed to be legally insufficient, and

WHEREAS, this Board wants to provide a legally sufficient notice of a public hearing to be held on such proposed modification and continuation, now, therefore, be it

RESOLVED:

1. That a public hearing on the proposed modifications and continuation of Agricultural District Number Three shall be held by this Board at the County Legislators' Chambers, Room 221, County Office Building, Belmont, New York, on June 27, 2011, 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 Wellsville Daily Reporter and mailed in accordance with Sections 303-a and 303-b of the Agriculture and Markets Law.

Moved by: Mr. Sinclair
Seconded by: Mr. Curran

Adopted: Voice Vote

Resolution Intro. No. 83-11 (A RESOLUTION REQUESTING REAL MANDATE RELIEF) was amended on a motion made by Legislator Hopkins, seconded by Legislator Pullen and carried, to change the name of the Senate Minority Leader listed in Resolved No. 4 from Malcolm Smith to John Sampson.

RESOLUTION NO. 81-11

A RESOLUTION REQUESTING REAL MANDATE RELIEF

Offered by: Ways and Means Committee

WHEREAS, the task force Governor Andrew Cuomo established to evaluate and recommend mandate relief in New York State provided no relief through the recently passed budget, and

WHEREAS, the New York State Association of Counties (NYSAC) embraces the Governor's call to reduce State mandates that dominate virtually every aspect of county government, and

WHEREAS, NYSAC has presented the Governor with a list of 211 mandate reforms that would provide significant mandate relief and, in turn, a property tax reduction, and

WHEREAS, on a statewide, aggregate basis 9 State mandates consume 90 percent of counties' property tax levies and will increase the weight of the property tax burden significantly, and

WHEREAS, the following identifies the net cost of mandates in the 2011 Allegany County Adopted Budget and the percentage of the property tax levy each consumes:

Medicaid -	\$ 9.79 million	or	35.57%
Safety Net -	\$ 730,000	or	2.65%
Child Welfare -	\$ 592,376	or	2.15%
Special Ed / Pre-K -	\$ 1.11 million	or	4.02%
Indigent Defense -	\$ 508,106	or	1.85%
Probation -	\$ 625,112	or	2.27%
Early Intervention -	\$ 39,300	or	0.14%
Retirement -	\$ 3.58 million	or	12.99%
Youth Detention -	\$ 75,000	or	0.27%, and

WHEREAS, as we are the administrative arm of the State Government, counties are in a position to partner with the Governor to transform the public service delivery process in New York State, and

WHEREAS, if New York State relieved counties of the aforementioned mandates, property taxes could be reduced significantly rather than merely capped, now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators requests Governor Andrew Cuomo, the NYS Senate, and the NYS Assembly to take immediate action on the suggested Mandate Relief items and work with NYSAC to reform them to bring the relief necessary.
2. That the Allegany County Board of Legislators requests that the New York State Government implement mandate relief to local governments.
3. That Governor Andrew Cuomo, the NYS Senate, and the NYS Assembly take immediate action on the suggested Mandate Relief items in order to reduce property taxes rather than merely capping them.
4. That copies of this Resolution be sent to Governor Andrew Cuomo, Senator Catharine Young, Assemblyman Joseph Giglio, Assemblyman Daniel Burling, Senate Majority Leader Dean Skelos, Senate Minority Leader John Sampson, NYS Assembly Speaker Sheldon Silver, and Assembly Minority Leader Brian Kolb.

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

Adopted: Voice Vote

Comments made regarding Resolution No. 81-11 included the following:

Legislator Ungermann voiced his support, stating that we've needed mandate relief for a long time. The property tax cap proposal is bringing this to light further. Mr. Ungermann distributed information from the Empire Center for New York State Policy regarding the tax cap. He noted his concern that the County could get around the cap with a two-thirds vote, so the whole process is really political posturing. Hopefully it will work. School districts will have the hardest time, because they have to have 60 percent of the public vote to override it. The public doesn't vote on the County budgets.

Legislator Hopkins agreed that it's political posturing, but it's on the part of the state. This resolution calls for mandate relief. Until the state gives us mandate relief, we'll have a really serious problem with funding roads and bridges and the things we have control over. Towns will have a harder time, because they're smaller. Mr. Hopkins wondered how much the Governor has spent on advertising to promote the property tax cap.

Legislator Pullen remarked that he's read comments in articles promoting the property tax cap, and it's nice that it's worked in some other states, but no other state in the Union requires state programs to be funded by local tax dollars. Ninety percent of our property tax levy goes to pay for state mandated programs. Maybe we would approve some of those programs, but he doubts most of them would be supported by this Board if we had a choice on it. New York State wants to control the programs, but their share of some of the Welfare programs and Medicaid is now less than ours because of their adjustments. Mr. Pullen

stated that he's in favor of the cap, but only if the state stops making us pay their bills. He's in favor of some real mandate relief.

Chairman Crandall commented that we're actually part of a collective voice in Albany along with counties and other municipalities all across New York.

RESOLUTION NO. 82-11

**DESIGNATION OF DEPOSITORY AND ESTABLISHING
MAXIMUM DEPOSIT AMOUNTS;
REPEALING RESOLUTION NO. 113-2009**

Offered by: Ways and Means Committee

Pursuant to County Law § 212 and General Municipal Law § 10

RESOLVED:

1. That the following named entities within Allegany County are designated depositories for the deposit of public funds, the disposition of which is not otherwise provided for by law, received by the County Treasurer, up to the maximum amount for deposit in each at any time as set forth opposite, to wit:

Community Bank of New York	\$24,000,000
Five Star Bank and Trust	\$24,000,000
JP Morgan Chase	\$24,000,000
Steuben Trust Company	\$24,000,000

2. That Resolution No. 113-2009 is repealed.

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

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

(Memo: Resolution No. 82-11 does not institute any new depository agreements, but it does increase the deposit limits from \$18 million to \$24 million in order to meet the County's financial needs. History of Resolutions: 113-09, 227-03, 254-96, 184-89, 121-87, 54-80.)

RESOLUTION NO. 83-11

**GRANTING SALARY INCREMENTS EFFECTIVE JULY 1, 2011,
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, twelve County unit and non-unit employees are eligible to receive an annual salary increment effective July 1, 2011, and

WHEREAS, the proper County department heads have recommended that such employees receive their respective annual salary increment effective July 1, 2011, 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, 2011, to wit:

<u>Department</u>	<u>Name</u>	<u>Title</u>	<u>Increment</u>
Public Works	Thomas Kenyon	Cleaner	\$.2666/hour
Public Works	Stephen Thorpe	Building Maint. Mech.	\$.5476/hour
Public Works	Mark Libertone	Janitor	\$.3346/hour
Sheriff	Matthew Tronetti	Correction Officer	\$.40/hour
Sheriff	Chantel Gordon	E. S. Dispatcher	\$.3855/hour
Sheriff	Dennis Kupiec	E. S. Dispatcher	\$.3855/hour
Social Services	Vickie Ketchner	Social Welfare Examiner	\$.4234/hour
Social Services	Patricia Roe	Typist	\$.2444/hour
Public Health	Tyler Shaw	Public Health Technician	\$.4535/hour
Aging	Cara Hebblethwaite	Typist	\$.2444/hour
County Treasurer	Deryle Baker	County Payroll Clerk	\$.3868/hour
Public Defender	Sharon Goldsmith	Secy. to Public Defender	\$.5629/hour

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

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

RESOLUTION NO. 84-11

RESOLUTION RESCINDING RESOLUTION NO. 60-2011

Offered by: Ways and Means Committee

RESOLVED:

1. That Resolution No. 60-2011 adopted by this Board on April 25, 2011, transferring funds from Fire E-911 Contractual Expenses Account to E-911 Dispatch Contractual Expenses Account is hereby rescinded.

Moved by: Mr. Hopkins
Seconded by: Mr. Healy

Adopted: Voice Vote

Comments made regarding Resolution No. 84-11 included: Legislator Ungermann questioned the reason for the resolution. Chairman Crandall replied that funds were found in other areas, so the transfer was not needed.

RESOLUTION NO. 85-11

APPOINTMENT OF ONE MEMBER TO THE ALLEGANY COUNTY PLANNING BOARD

Offered by: Planning and Economic Development Committee

RESOLVED:

1. That Joy B. Woodruff of Bolivar, New York, is appointed to fill the remainder of a vacant three-year term in District III to the Allegany County Planning Board, with term of office commencing immediately and expiring December 31, 2012.

Moved by: Mr. Sinclair
Seconded by: Mr. Curran

Adopted: Voice Vote

RESOLUTION NO. 86-11

**A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR
STATE ASSISTANCE FOR LANDFILL CLOSURE
PURSUANT TO TITLE 5 OF ARTICLE 54 AND TITLE 4 OF ARTICLE 56 OF
THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW**

Offered by: Public Works Committee

WHEREAS, the County of Allegany, herein called the "Municipality," has hereby determined that certain work, as described in the State assistance application and any amendments thereof, herein called the "Project," is desirable and in the public interest, and

WHEREAS, Title 5 of Article 54 and Title 4 of Article 56 of the Environmental Conservation Law authorized State assistance payments to municipalities for closure of municipal landfills by means of a written agreement, and the Municipality deems it to be in the public interest and benefit under this law to approve and execute such contract, now, therefore, be it

RESOLVED:

1. That the application for State Assistance for Landfill Closure pursuant to Title 5 of Article 54 and Title 4 of Article 56 of the New York State Environmental Conservation Law is approved.

2. That the Superintendent of Public Works of the County of Allegany is directed and authorized as the official representative to act in connection with the application between the Municipality and the State, and to provide such additional information as may be required.

3. That one (1) certified copy of this Resolution shall be sent to the Resource Management Section, Bureau of Program Management, Division of Solid & Hazardous Materials, New York State Department of Environmental Conservation, 625 Broadway – 9th Floor, Albany, New York 12233-7250, together with the application.

4. That the Superintendent of Public Works or his designee is authorized to execute any and all paperwork for such application.

5. That this Resolution shall take effect immediately.

Moved by: Mr. Fanton
Seconded by: Mr. Healy

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

RESOLUTION NO. 87-11

**APPROPRIATION OF FUNDS FOR CLOSURE PHASE II AND III OF
THE ALLEGANY COUNTY LANDFILL;
TRANSFER OF FUNDS FROM SOLID WASTE REPAIR RESERVE FUND
TO CAPITAL PROJECT FUNDS**

Offered by: Public Works and Ways and Means Committees

RESOLVED:

1. That the transfer of \$2,500,000 from County Solid Waste Repair Reserve Fund Account No. A883.0000 to Capital Project Account Nos. H8172.200 and H8173.200 for Closure Phase II and III of the Allegany County Landfill is approved.

2. That the sum of \$2,500,000 from Account No. A883.0000 is transferred as follows: \$1,600,000 to Account No. H8172.200 and \$900,000 to Account No. H8173.200.

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

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

RESOLUTION NO. 88-11

**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, 2010, through March 31, 2011, 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. Hopkins
Seconded by: Mr. Pullen

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

RESOLUTION NO. 89-11

**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 \$25,871.64 is appropriated from Account No. A1410.432 (County Clerk – Contractual) and shall be distributed to the Towns and Villages of the County as follows:

TOWNS	AMOUNT RETAINED BY COUNTY CLERK'S OFFICE FOR MORTGAGE TAX FEE	REBATE AMT TO TOWN	REBATE AMT TO VILLAGE	VILLAGES
Alfred	1,236.56	993.04	243.52	Alfred
Allen	414.27	414.27		
Alma	213.52	213.52		
Almond	1,385.81	1,277.67	108.14	Almond
Amity	1,027.85	861.32	166.53	Belmont
Andover	681.20	561.50	119.70	Andover
Angelica	670.24	557.54	112.70	Angelica
Belfast	1,676.43	1,676.43		
Birdsall	47.53	47.53		
Bolivar	1,402.95	1,108.21	273.32	Bolivar
			21.42	Richburg
Burns	642.49	562.97	79.52	Canaseraga
Caneadea	766.72	766.72		
Centerville	458.09	458.09		
Clarksville	514.70	514.70		
Cuba	2,646.92	2,257.99	388.93	Cuba
Friendship	584.15	584.15		
Genesee	1,026.93	1,026.93		
Granger	268.08	268.08		
Grove	406.97	406.97		
Hume	1,076.10	1,076.10		
Independence	289.76	289.76		
New Hudson	255.57	255.57		
Rushford	2,408.53	2,408.53		
Scio	1,133.36	1,133.36		
Ward	409.10	409.10		
Wellsville	2,845.96	2,084.40	761.56	Wellsville
West Almond	93.31	93.31		
Willing	725.63	725.63		
Wirt	<u>562.91</u>	<u>523.64</u>	<u>39.27</u>	Richburg
TOTALS	25,871.64	23,557.03	2,314.61	

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. Hopkins
Seconded by: Mr. Healy

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

RESOLUTION NO. 90-11

**A RESOLUTION DETERMINING THAT ERRORS EXIST ON THE
2009, 2010 AND 2011 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**

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 Rushford is ordered and directed to correct in the 2010 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Witt, Barbara D.; Parcel 62.-1-97.32
Assessment: Land \$3,400 Total \$3,400

this Parcel should have been deleted from the tax roll, and the County Treasurer is directed to make the following Charge Back:

Allegany County	\$56.01
Town	\$26.56
Fire	\$3.10
School Relevy	\$61.65
Total	\$147.32

5. That the Tax Collector of the Town of Ward is ordered and directed to correct in the 2010 and 2011 County and Town Tax Rolls the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Ransom, Georgia; Parcel 187.-1-48.122
Assessment: Land \$4,500 Total \$4,500 for 2010
Assessment: Land \$6,000 Total \$6,000 for 2011

this Parcel was combined with another parcel and should have been deleted from the tax roll, and the County Treasurer is directed to make the following Charge Back:

	<u>2010</u>	<u>2011</u>
Allegany County	\$70.71	\$93.92
Town	\$54.92	\$69.64
Fire	\$1.59	\$2.13
School Relevy	\$116.30	\$154.74
Total	\$243.52	\$320.43

- b. Ransom, Georgia & Bryon Kio; Parcel 187.-1-48.121
Assessment: Land \$7,300 Total \$7,300 in 2010
Assessment: Land \$8,800 Total \$8,800 in 2011

this Parcel was combined with another parcel and should have been deleted from the tax roll, and the County Treasurer is directed to make the following Charge Back:

	<u>2010</u>	<u>2011</u>
Allegany County	\$114.70	\$137.75
Town	\$89.10	\$102.14
Fire	\$2.58	\$3.13
School Relevy	\$188.66	\$226.96
Total	\$395.04	\$469.98

6. That the Tax Collector of the Town of Wirt is ordered and directed to correct in the 2009, 2010 and 2011 County and Town Tax Rolls the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Janus, Darlene; Parcel 187.-1-985
Assessment: Land \$3,300 Total \$3,300

this Parcel is not a producing well and should have been deleted from the tax roll, and the County Treasurer is directed to make the following Charge Back:

	<u>2009</u>	<u>2010</u>	<u>2011</u>
Allegany County	\$50.52	\$52.10	\$51.95
Town	\$42.97	\$43.18	\$42.92
Fire	\$6.79	\$6.55	\$6.56
School Relevy	\$61.48	\$62.12	\$64.15
Total	\$161.76	\$163.95	\$165.58

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, 2012. The County Treasurer shall send a written notice to each School of the amount of such deduction prior to May 1, 2012.

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

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

RESOLUTION NO. 91-11

ACCEPTING FEDERAL GRANT FOR THE MEDICARE IMPROVEMENT FOR PATIENTS AND PROVIDERS ACT – AGING AND DISABILITY RESOURCE CENTER (MIPPA-ADRC); APPROPRIATION OF GRANT FUNDS TO OFA-MIPPA-ADRC ACCOUNTS

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the sum of \$13,500 in federal funding for the Medicare Improvement for Patients and Providers Act – Aging and Disability Resource Center (MIPPA-ADRC) is accepted.

2. That the accepted sum of \$13,500 is appropriated as follows: \$7,194 to Account No. A6774.1, \$3,381 to Account No. A6774.4, \$2,925 to Account No. A6774.8, with a like sum credited to Revenue Account No. A11.4772.02.

Moved by: Mr. Burdick
Seconded by: Mr. Hopkins

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

(Memo: Resolution No. 91-11 accepts funding from a federal grant that is a renewal, but also expands upon the previous grant, which was just MIPPA. The grant fiscal year is 09/30/10-09/29/11. Funds will be used to provide health insurance information to Medicare recipients.)

RESOLUTION NO. 92-11

**TRANSFER OF FUNDS FROM CONTINGENT ACCOUNT TO
CAPITAL FUND ACCOUNT H1620.200 TO FINANCE THE COST OF
REPLACING THE COOLING TOWER**

Offered by: Public Works and Ways and Means Committees

RESOLVED:

1. That the sum of \$150,000 is transferred from Account No. A1990.4 (Contingency) to Account No. H1620.200.

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

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

(Memo: The cooling tower being replaced with the funds transferred in Resolution No. 92-11 is a component in the air conditioning system located in the County Office Building.)

Comments made regarding Resolution No. 92-11 included: Legislator Cady asked if the cost was an estimate, and if it was based on a cost analysis done by a company. Public Works Superintendent David Roeske responded that they've already checked with the company, and that figure is the cost.

RESOLUTION NO. 93-11

APPROVAL OF LEASE FOR RUSHFORD LAKE SWIMMING AREA;

**DESIGNATING ALLEGANY COUNTY ADMINISTRATOR AS COUNTY OFFICIAL
FOR OPERATION OF PUBLIC BEACH**

Offered by: Planning and Economic Development Committee

RESOLVED:

1. That Lease between the Rushford Lake Recreation District, as Landlord, and the County of Allegany, as Tenant, for the leasing of premises at Rushford Lake for recreation purposes for the period January 1, 2011, to December 31, 2014, is approved.
2. That the Chairman of this Board is authorized to execute the Lease.
3. That pursuant to Paragraph 6. of the Lease the Allegany County Administrator is designated the County official responsible for the administration of the operation of the public beach for swimming and directly related activities on the Lease premises and authorized to establish rules and regulations for such operation.
4. That the Clerk of this Board is directed to send a certified copy of this resolution to the Rushford Lake Recreation District and to the Allegany County Administrator.

Moved by: Mr. Sinclair
Seconded by: Mr. Healy

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

Comments made regarding Resolution No. 93-11 included the following:

Legislator Ungermann remarked that Legislator O'Grady had mentioned that the total annual operating budget for the Rushford Beach is about \$40,000. He asked about the insurance policy. County Administrator John Margeson noted that the County is self-insured, but we provide the same level of coverage to the Beach. Mr. Ungermann added that \$7,900 in funding comes from the state, so we're looking at \$32,000 being funded by County taxpayers. Mr. Margeson stated that the budget for the Beach is actually about \$34,000, and after subtracting the \$8,000 in state reimbursement, the net cost to the County is \$26,000. Mr. Ungermann felt the program was a nice thing for the kids, but if we want recreation, we should pay for it individually. He doesn't feel that it's the taxpayer's responsibility.

Legislator Hopkins noted that the funds are already in the budget for this year. If we decided not to lease the Beach, we'd have to give a 90-day notice. That takes us into September, during which time we're responsible for that area. If we don't continue to provide lifeguards, people are still going to swim there, and last year we had a close call.

Resolution Intro. No. 96-11 (RESOLUTION IN SUPPORT OF SENATE BILL 5610 AND ASSEMBLY BILL 8219, AN ACT TO AMEND THE HIGHWAY LAW, IN RELATION TO DESIGNATING PORTIONS OF THE STATE HIGHWAY SYSTEM AS THE "CORPORAL JASON DUNHAM MEMORIAL BRIDGE" AND THE "CORPORAL JASON DUNHAM

MEMORIAL HIGHWAY”) was not pre-filed and was considered from the floor on a motion made by Legislator Healy, seconded by Legislator Curran and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 94-11

**RESOLUTION IN SUPPORT OF SENATE BILL 5610 AND ASSEMBLY BILL 8219,
AN ACT TO AMEND THE HIGHWAY LAW, IN RELATION TO
DESIGNATING PORTIONS OF THE STATE HIGHWAY SYSTEM AS
THE “CORPORAL JASON DUNHAM MEMORIAL BRIDGE” AND
THE “CORPORAL JASON DUNHAM MEMORIAL HIGHWAY”**

Offered by: Chairman Curtis W. Crandall

WHEREAS, legislation was introduced in the State Senate (S.5610) and the State Assembly (A.8219) for the purpose of designating a portion of the state highway system as the “Corporal Jason Dunham Memorial Bridge” and the “Corporal Jason Dunham Memorial Highway,” and

WHEREAS, said legislation proposes to designate a portion of the state highway system constituting bridge number 1061660, located on state route nineteen, also known as Transit Hill Road, which crosses over interstate route eighty-six, at exit thirty, in the Town of Amity, County of Allegany, as the “Corporal Jason Dunham Memorial Bridge,” and

WHEREAS, said legislation also proposes to designate the portion of the state highway system constituting state route nineteen, also known as Transit Hill Road, within the Town of Amity, County of Allegany, as the “Corporal Jason Dunham Memorial Highway,” and

WHEREAS, said legislation intends to honor the memory of Jason Dunham, a veteran of the United States Marine Corps and resident of Allegany County, for his unwavering devotion to the protection of human life, even at the cost of his own, and

WHEREAS, Jason Dunham was a resident of Scio, New York, and graduated from Scio Central School in 2000, and

WHEREAS, Jason Dunham enlisted in the United States Marine Corps in 2000, and came to serve as Rifle Squad Leader, 4th Platoon, Kilo Company, Third Battalion, in Iraq, and

WHEREAS, on April 14, 2004, Corporal Jason Dunham saved the lives of two fellow marines in Karbala, Iraq, when he used his Kevlar helmet and body to shield his fellow marines from a live grenade, and

WHEREAS, Corporal Jason Dunham passed away on April 22, 2004, at 22 years of age, from the devastating injuries he sustained while performing his heroic and selfless act, and

WHEREAS, for his selfless actions Corporal Jason Dunham was awarded, posthumously, the congressional Medal of Honor, the nation's highest honor for military valor, and

WHEREAS, Jason Dunham's service to our Country exemplifies great bravery, self-sacrifice, patriotism and honor, actions deserving of our remembrance and emulation, now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators does hereby support the legislation known as (S.5610, A.8219) for the purpose of designating a portion of the state highway system as the "Corporal Jason Dunham Memorial Bridge" and the "Corporal Jason Dunham Memorial Highway" and urges the New York State Legislature to pass such law and the Governor to sign same.

2. That the Clerk of this Board is hereby authorized and directed to forward a certified copy of this resolution to Governor Andrew M. Cuomo, New York State Senator Catharine M. Young, Senate Majority Leader Dean G. Skelos, Assembly Speaker Sheldon Silver, Assemblymen Daniel J. Burling and Joseph M. Giglio, and Commissioner of Transportation Joan McDonald.

Moved by: Mr. Crandall
Seconded by: Mr. Healy

Adopted: Voice Vote

Comments regarding Resolution No. 94-11 included: Chairman Crandall explained that the resolution was considered from the floor due to receiving notice from Senator Catharine Young last week about supporting this, and the end of this legislative session is near. This is not a direct decision by this Board, but the resolution shows local support. The Senator is seeking support from other municipalities as well. Chairman Crandall referred to a similar resolution at a recent Board meeting supporting state legislation for a highway designation in the Town of Hume.

AUDITS:

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

A motion was made by Legislator Hopkins, seconded by Legislator Sinclair and adopted on a roll call vote of 14 Ayes, 1 No, 0 Absent, that the audit of claims, totaling \$4,043,290.50 including prepaid expenses, be approved for payment as recommended by the County Administrator (opposed: Ungermann). *(Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$3,730,493.)*

ADJOURNMENT: The meeting was adjourned at 2:55 p.m. on a motion made by Legislator Fanton, seconded by Legislator Graves and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
JUNE 27, 2011**

**** APPROVED ****

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

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Air Force Sergeant Trina LaFleur.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 13 Legislators Present: Glenn Benson, Douglas Burdick, Curtis Crandall, Dwight Fanton, Karl Graves, Dwight (Mike) Healy, Theodore Hopkins, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Frederick Sinclair, Norman Ungermann, Jr.; 2 Legislators Absent: Donald Cady, Philip Curran

APPROVAL OF MINUTES:

The Board meeting minutes of June 13, 2011, were approved on a motion made by Legislator Hopkins, seconded by Legislator Graves and carried.

The Committee of the Whole meeting minutes of June 13, 2011, were approved on a motion made by Legislator Hopkins, seconded by Legislator Sinclair and carried.

PUBLIC HEARING:

Chairman Crandall closed the regular meeting to hold a public hearing regarding the **Modification and Continuation of Agricultural District Number Three within the Towns of Almond, Birdsall, Burns and Grove and the Villages of Almond and Canaseraga, which was created through consolidation of Agricultural Districts Number Seven and Thirteen by Resolution 158-02 on May 28, 2002.** 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 presented a certificate to Trina LaFleur, former United States Air Force Sergeant, in grateful appreciation of her service to our Country. Ms. LaFleur's service dates were from June 1992 to June 1996. Following Basic Training at Lackland Air Force Base, TX, assignments included: Spangdahlem Air Force Base, Germany; Aviano Air Force Base, Italy; and Travis Air Force Base, CA. Commendations she received included: Air Force Achievement Medal, National Defense Service Medal, Air Force Training Ribbon, Air Force Overseas Ribbon, Air Force Recognition Ribbon, and Air Force Expeditionary Service

Ribbon. Ms. LaFleur led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator's desk:

1. July 2011 Calendar of Board and Standing Committee meeting dates. Legislator LaForge noted that there would not be a formal Energy Ad Hoc Committee meeting in July, but that the committee will meet informally for a work session with Town Supervisors at the Legislators' Clambake on July 29. The Clerk of the Board noted that the second Board meeting in July will be held Thursday, July 21, at the Allegany County Fairgrounds.

The following communications were also acknowledged:

1. Correspondence from Assemblyman Daniel Burling acknowledging receipt and support of our Resolution No. 81-11 regarding real Mandate Relief and Resolution No. 94-11 designating portions of NYS Route 19 as the "Corporal Jason Dunham Memorial Bridge" and the "Corporal Jason Dunham Memorial Highway."

2. Correspondence from Senator Catharine Young regarding Route 19 and the Interstate 86 slope failure and detour. Senator Young has been working with NYS DOT Region 6 Director Brian Kelly and NYS DOT Commissioner Joan McDonald regarding these issues.

3. Correspondence and Notice of Public Hearing from IDA Chief Executive Officer John Foels regarding the proposed Swain Recreation Center, LLC Project.

RESOLUTIONS:

RESOLUTION NO. 95-11

**APPROVAL OF A FINDING OF NO SIGNIFICANT ENVIRONMENTAL IMPACT
FOR ALLEGANY COUNTY AGRICULTURAL DISTRICT NO. 3
MODIFICATION AND CONTINUATION**

Offered by: Committee of the Whole

WHEREAS, the County of Allegany, as lead agency acting through its Committee of the Whole, conducted an environmental review by examining a State Environmental Quality Review (SEQR) Short Environmental Assessment Form (EAF) pertaining to the Eight-Year Review of Allegany County Agricultural District No. 3 Modification and Continuation, and

WHEREAS, the Committee of the Whole determined that the action constituted an "Unlisted Action" for purposes of SEQR, and

WHEREAS, after taking a hard look at the various areas covered by the EAF, it was determined that the proposed modification and continuation of Allegany County Agricultural District No. 3 does not create any significant environmental impact because the action entails no physical change to the land or environment nor anticipated changes, now therefore, be it

RESOLVED:

1. That this Board confirms the action of the Committee of the Whole and declares that the County of Allegany is the lead agency in the proposed action.

2. That the lead agency determines that this Unlisted Action will not have a significant impact because the proposed modification and continuation does not change the current or projected use of the land.

3. That as lead agency, the County of Allegany issues a Negative Declaration for this Unlisted Action, and directs the Chairman to sign both the EAF and Negative Declaration and further directs that this Notice of Non-Significance will be sent to the Towns of Almond, Birdsall, Burns and Grove and the Villages of Almond and Canaseraga, and to the New York State Agricultural Commissioner.

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

Adopted: Roll Call
12 Ayes, 0 Noes, 3 Absent
(Mr. O'Grady was out of the Chambers during this vote)

RESOLUTION NO. 96-11

**RESOLUTION CONTINUING AGRICULTURAL DISTRICT NUMBER THREE
WITH MODIFICATIONS**

Offered by: Planning and Development Committee

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

WHEREAS, Agricultural District Number Three was created within the Towns of Almond, Birdsall, Burns and Grove and the Villages of Almond and Canaseraga by Resolution No. 158-2002 on May 28, 2002, and

WHEREAS, the eight-year review of Agricultural District Number Three for requesting inclusion of predominantly viable agricultural land into said District has been completed, and

WHEREAS, the thirty-day notice of the eight-year review of the District was given and reports of the Agricultural and Farmland Protection Board have been received, and

WHEREAS, one hundred ten landowners have requested the inclusion of approximately 6,250.68 acres of predominantly viable agricultural land within Agricultural District Number Three, and

WHEREAS, nine landowners have requested to be removed from Agricultural District Number Three totaling approximately 42.81 acres, and

WHEREAS, due notice of a public hearing on whether such predominantly viable agricultural land should be included or 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 June 27, 2011, and

WHEREAS, this Board has duly deliberated on whether the District should be continued or 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 June 27, 2011, that Agricultural District Number Three be continued and modified to include the addition of approximately 6,250.68 acres of predominantly viable agricultural lands and removal of 42.81 acres as described in the Reports and Recommendations of the Allegany County Agricultural and Farmland Protection Board.

2. That the Clerk of this Board is directed to send a certified copy of the Reports and Recommendations of the Allegany County Agricultural and Farmland Protection Board, encompassing the district review plan, together with 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 6,250.68 acres of predominantly viable agricultural land and removal of 42.81 acres as described in the district review plan is feasible and in the public interest.

Moved by: Mr. Sinclair
Seconded by: Mr. Fanton

Adopted: Roll Call
12 Ayes, 0 Noes, 3 Absent
(Mr. O'Grady was out of the Chambers during this vote)

RESOLUTION NO. 97-11

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

Offered by: Public Safety Committee

Pursuant to Resolution No. 95-79

RESOLVED:

1. That the appointment by the Chairman of this Board of James Galatio (District II) of Cuba, New York, to fill a vacancy to the County Youth Board due to the resignation of James Cross, with term of office commencing June 13, 2011, and expiring March 25, 2014, is confirmed.

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

Adopted: Voice Vote

RESOLUTION NO. 98-11

**A RESOLUTION DETERMINING THAT ERRORS EXIST ON
THE 2007, 2008, 2009, 2010 AND 2011 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**

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 Genesee is ordered and directed to correct in the 2007, 2008, 2009, 2010 and 2011 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Altimus, Dean M.; Parcel 188.-1-889
Assessment: Land \$320 Total \$320

this Parcel has no production and should have been deleted from the tax roll and the County Treasurer is directed to make the following Charge Back:

	<u>2007</u>	<u>2008</u>	<u>2009</u>
Allegany County	4.73	4.81	4.89
Town	2.58	2.66	2.75
Fire	.37	.40	.43
School Relevy	<u>0</u>	<u>5.59</u>	<u>5.96</u>
Total	7.68	13.46	14.03

- b. County of Allegany; Parcel 188.-1-889
Assessment: Land \$320 Total \$320

this Parcel has no production and should have been deleted from the tax roll and the County Treasurer is directed to make the following Charge Back:

	<u>2010</u>	<u>2011</u>
Allegany County	5.04	5.02
Town	2.84	2.93
Fire	.44	.44
School Relevy	<u>6.01</u>	<u>6.22</u>
Total	14.33	14.61

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, 2012. The County Treasurer shall send a written notice to each School of the amount of such deduction prior to May 1, 2012.

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

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

RESOLUTION NO. 99-11

**RESOLUTION ACCEPTING FEDERAL AND STATE COLA FUNDS
TO VARIOUS DEPARTMENT OF HEALTH PROGRAMS;
APPROPRIATION OF FUNDS**

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. The sum of \$12,467 in COLA funds to the County Health Department Cancer Services Program is accepted and appropriated as follows: \$8,330 to Account No. A4071.2, \$4,137 to Account No. A4071.4, with a like sum credited to Revenue Account No. A10.3401.01.
2. The sum of \$23,714 in COLA funds to the County Health Department WIC Grant Program is accepted and appropriated as follows: \$5,000 to Account No. A4190.2, \$18,714 to Account No. A4190.4, with a like sum credited to Revenue Account No. A11.4452.00.
3. The sum of \$2,408 in COLA funds to the County Health Department Tobacco Program is accepted and appropriated to Account No. A4051.2 with a like sum credited to Revenue Account No. A10.3450.04.
4. The sum of \$1,435 in COLA funds to the County Health Department Children with Special Needs Grant Program is accepted and appropriated to Account No. A4054.2 with a like sum credited to Revenue Account No. A10.3401.4054.

Moved by: Mr. Burdick
Seconded by: Mr. Pullen

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

RESOLUTION NO. 100-11

**ACCEPTANCE AND APPROPRIATION OF DONATIONS FROM FUNDRAISERS
TO HEALTH DEPARTMENT CANCER SERVICES ACCOUNTS**

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the sum of \$3,768.55 from fundraisers is accepted.

2. That the accepted sum of \$3,768.55 is appropriated to Account No. A4072.4 (Komen Kares Grant - Contractual) with a like sum credited to Revenue Account No. A02.1610.14.

Moved by: Mr. Burdick
Seconded by: Mr. Fanton

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

RESOLUTION NO. 101-11

**REAPPROPRIATION OF 2010 CALENDAR YEAR EARLY INTERVENTION PROGRAM
GRANT FUNDS FROM NEW YORK STATE
TO HEALTH DEPARTMENT EARLY INTERVENTION ADMIN ACCOUNTS**

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That Early Intervention Program grant funding of \$1,500 not spent in calendar year 2010 is reappropriated to Account No. A4052.201 (Health Dept.-Early Intervention Admin – Equipment) with a like sum credited to Revenue Account No. A10.3401.02 (State Aid-Health-Early Intervention Admin).

Moved by: Mr. Burdick
Seconded by: Mr. Graves

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

RESOLUTION NO. 102-11

**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 \$4,300.79, representing the cost less a \$200 deductible, to repair a 2010 Chevrolet Suburban Van that was damaged during a May 25, 2011, storm, has been offered by NYMIR in settlement for such damage, and

WHEREAS, a check in the amount of \$2,379.76, representing the cost less a \$500 deductible, to repair a 2006 Chevy Silverado Truck that was damaged during a May 25, 2011, storm, has been offered by NYMIR in settlement for such damage, and

WHEREAS, a check in the amount of \$150, representing the cost to replace a window on a 2003 Chevy Express Van that was hit by airborne debris during the May 25, 2011, storm, has been offered by NYMIR in settlement for such damage, and

WHEREAS, a check in the amount of \$1,254.30, representing the cost less a \$250 deductible, to repair a microwave antenna that was torn loose from the roof of the Allegany County Jail and Public Safety Facility during the May 25, 2011, storm, has been offered by NYMIR in settlement for such damage, now therefore, be it

RESOLVED:

1. That the amount of \$8,084.85 from NYMIR representing the cost of repairing damage to County vehicles and repair the microwave antenna, less the deductibles, associated with the May 25, 2011, storm is accepted.

2. That the total sum of \$8,084.85 is appropriated to Account No. CS1931.429 (Risk Retention – Uninsured Property Loss) with a like sum credited to Revenue Account No. CS07.2680.00 (Risk Retention – Insurance Recovery).

Moved by: Mr. Hopkins
Seconded by: Mr. Healy

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

(Memo: The County vehicles referred to in Resolution No. 102-11 were damaged, while parked in the Jail parking lot, by a Health Department pick-up truck toneau cover that blew off in the storm.)

Resolution Intro. No. 105-11 (TRANSFER OF THE UNAPPROPRIATED BALANCE OF FIRE SERVICES ACCOUNT NO. A3410.427 TO A NEW ACCOUNT NUMBER FOR FUNDING OF UTILITY EXPENSES FOR THE E-911 RADIO TOWERS) was amended on a motion made by Legislator Healy, seconded by Legislator Sinclair and carried, to change the new account number referred to in Resolved No. 1 to A3020.427.

RESOLUTION NO. 103-11

**TRANSFER OF THE UNAPPROPRIATED BALANCE OF
FIRE SERVICES ACCOUNT NO. A3410.427
TO A NEW ACCOUNT NUMBER
FOR FUNDING OF UTILITY EXPENSES FOR THE E-911 RADIO TOWERS**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That the unappropriated sum of \$1,407.54 from Account No. A3410.427 is transferred to new Account No. A3020.427 for the funding of utility expenses for the County's E-911 radio towers.

Moved by: Mr. Healy
Seconded by: Mr. Hopkins

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

RESOLUTION NO. 104-11

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

Offered by: Public Safety and Ways and Means Committees

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 July 1, 2011, to June 30, 2016, is approved.
2. That the Allegany County Sheriff is authorized to execute said Contract.

Moved by: Mr. Healy
Seconded by: Mr. Fanton

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

RESOLUTION NO. 105-11

**APPROVING THE 2011 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 2011 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.
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. Healy
Seconded by: Mr. Pullen

Adopted: Roll Call
12 Ayes, 1 No, 2 Absent

Voting No: Ungermann

Comments made regarding Resolution No. 105-11 included the following:

Legislator Ungermann noted the 50 percent matching funds for reimbursement under the Youth Development/Delinquency Prevention Programs. He also questioned the expense of \$6,500 for new or expanding service programs and \$18,958 for recreation programs. Some of the other programs were listed as 100 percent state funded, but he couldn't see how they added up.

Chairman Crandall noted that the program funding explanations came from the state, and he wasn't sure we have any say in how the funds are distributed.

Youth Bureau Director Linda Edwards explained that the breakdown for SDPP and YDDP monies is determined by the state, based on County youth populations. They tell us what we will receive in each category. It is then up to the County to determine how that money is allocated out into the community. All of the money coming in is state money. The 50 percent matching funds are paid by the agencies providing the services. They have to spend 100 percent of the expense before getting half of that amount reimbursed. Legislator Sinclair asked what the \$25,000 County contribution represented in overall youth programming. Mrs. Edwards explained that this is all state money. The County is not spending anything. It's the agency that has to spend a given amount in order to get the reimbursement. The four programming areas and the breakdowns listed under YDDP are determined by the state; we have no control over that. We're simply told the amount coming in, and we allocate that to the agencies in the County. None of the \$66,576 in funding is being paid by the County. The County is a pass-through.

RESOLUTION NO. 106-11

APPROVAL OF 2011 YOUTH DEVELOPMENT/DELINQUENCY PREVENTION (YDDP) PROGRAMS INCLUDING MUNICIPAL YOUTH PROJECTS FOR RECREATION PROGRAMS, SERVICE PROGRAMS, AND YOUTH INITIATIVE PROGRAMS

Offered by: Public Safety and Ways and Means Committees

WHEREAS, the County Youth Bureau has recommended certain municipal youth projects for recreation programs, service programs, and youth initiative programs within the County for 2011, now, therefore, be it

RESOLVED:

1. That the 2011 Municipal Youth Projects for recreation are approved as follows:

Municipality	2011 Project Award	Municipality	2011 Project Award
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Village of Alfred	1,627	R021	Town of Cuba	339	R231
Town of Andover	335	R091	Village of Cuba	585	R241
Village of Andover	360	R010	Town of Friendship	508	R251
Town of Angelica	169	R111	Town of Hume	724	R301
Village of Angelica	314	R121	Town of Independence	394	R321
Town of Belfast	2,006	R131	Town of Rushford	439	R341
Town of Bolivar	322	R151	Town of Wellsville	2,257	R371
Village of Bolivar	484	R161	Town of Wirt	181	R411
			Rushford Lake Project	7,914	R001

2. That the 2011 Municipal Youth Projects for services are approved as follows:

Agency	Program Title	2011 Award
Allegany Council	Week of Alternatives	\$2,220
BOCES	Government for Youth	\$2,650
Youth for Christ	Wellsville Skate Park	\$1,255
Houghton College	First STEP	\$1,625
Houghton College	STEP	\$2,590
Allegany Council	Natural Helpers	\$1,254
Youth for Christ	Teen Centers	\$2,222
Village of Cuba	A Sound Beginning	\$1,850
Town of Wellsville	Dance/Theatre Program	\$1,280

3. That the 2011 Municipal Youth Projects for Youth Initiatives are approved as follows:

Agency	Program Title	Award
Literacy West NY, Inc.	Peers Helping Peers	\$2,065
Southern Tier Traveling Teacher	GED	\$2,490
Allegany Co. Chapter of Red Cross	When I'm In Charge	\$ 573
Alfred University	Children Learning Initiatives	\$1,415

Moved by: Mr. Healy
Seconded by: Mr. Hopkins

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

RESOLUTION NO. 107-11

**APPROVAL OF SPECIAL DELINQUENCY PREVENTION PROGRAM (SDPP)
SUBCONTRACT AGREEMENTS FOR CALENDAR YEAR 2011;
PROVIDING PROGRAM FUNDS**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That the following Special Delinquency Prevention Program (SDPP) Agreements for calendar year 2011 are approved and appropriated as follows:

Agreement	Amount	Approp. Account	Revenue Account
Allegany Council on Alcoholism and Substance Abuse, Inc. (Prevention Education Referral)	\$2,430	A7313.486	A10.3821.04
Allegany County Mental Health Association, Inc. (Youth Compeer Program)	\$2,550	A7313.488	A10.3821.07
Allegany County Employment & Training (SYEP)	\$3,930	A7318.486	A10.3822.02
Southern Tier Traveling Teacher (Special GED Program)	\$1,529	A7315.487	A10.3821.7315
Youth Court Literacy West NY, Inc. (Success Tracks)	\$3,405 \$608	A7321.483 A7318.489	A10.3825.7321 A10.3820.50
Houghton College (Special First STEP)	\$345	A7312.494	A10.3821.94
Houghton College (Special STEP)	\$345	A7312.493	A10.3821.93

2. That the Chairman of the Board is authorized to execute the agreements.

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

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

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

A motion was made by Legislator Hopkins, seconded by Legislator Pullen and adopted on a roll call vote of 13 Ayes, 0 Noes, 2 Absent, that the audit of claims, totaling \$1,812,085.84 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 \$4,065,563.*)

ADJOURNMENT: The meeting was adjourned at 2:37 p.m. on a motion made by Legislator Hopkins, seconded by Legislator LaForge and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
JULY 11, 2011**

**** APPROVED ****

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

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Army Corporal Terry L. Palmer.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 15 Legislators Present: Glenn Benson, Douglas Burdick, Donald Cady, Curtis Crandall, Philip Curran, Dwight Fanton, Karl Graves, Dwight (Mike) Healy, Theodore Hopkins, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Frederick Sinclair, Norman Ungermann, Jr.

APPROVAL OF MINUTES: The Board meeting minutes of June 27, 2011, were approved on a motion made by Legislator Hopkins, seconded by Legislator Ungermann and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Terry L. Palmer, former United States Army Corporal, in grateful appreciation of his service to our Country. Mr. Palmer's service dates were from January 1976 to January 1979. Following Basic Training at Fort Dix, NJ, assignments included: Fort Bragg, NC, and Vicenza, Italy. Commendations he received included: Army Commendation Medal, United States Army Jump Wings, German Jump Wings, Expert Rifle Badge, and Overseas Service Ribbon. Mr. Palmer led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program. Mr. Palmer is currently an Allegany County Sheriff Deputy.

Chairman Crandall presented a certificate to Jones Memorial Hospital CEO Eva Benedict to commemorate their anniversary. The hospital has served Allegany County residents for the past 90 years. Ms. Benedict thanked the Board for their recognition. She gave a summary of the hospital's history, beginning in 1921 when they opened their doors for the first patient in the building donated by William and Gertrude Jones, and ending with mention of some of the major renovations. Ms. Benedict noted that the hospital wouldn't be where it is today, strong and viable, without the support of the community through generous monetary donations and continued patronage and faith in them. *"The bricks and mortar and equipment are one thing, but what really make the hospital great are those people inside that live up to their tradition of quality, commitment, and caring."*

Chairman Crandall granted privilege of the floor to Probation Director Robert Starks who addressed the Board regarding Probation, Parole, and Community Supervision Week. He presented some statistics and information on community corrections. In 2009, there were more than 122,000 people statewide under probation supervision, as compared to 60,000 on parole, and 43,000 in jails and prisons. In Allegany County, there are currently 550 adults and 74 juveniles under probation supervision or being monitored by the department. Last year, they handled 525 intake cases for Family Court and prepared 432 investigations for County Court, Family Court, and local Justice Courts. In 2010, Probation's Alternatives to Incarceration and Electronic Home Monitoring Programs potentially saved the County more than \$1 million in jail and detention costs. They also collected more than \$169,000 in fees, fines, and restitution. Mr. Starks recognized his dedicated staff. The Probation Officer's role fluctuates between quasi law enforcement and quasi social worker providing compliance, guidance, and structure to the individuals under supervision while balancing the rehabilitation needs of the offender with the safety of the community.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator's desk:

1. Report of Intrafund Transfers approved by the County Administrator in June.
2. Report of Tax Bill Corrections approved by the County Administrator in June.

The following communications were also acknowledged:

1. Correspondence, Mission Statement, and 2011 Projected Budget from the Allegany County Association for the Blind and Visually Handicapped.
2. Press Release from Chairman Crandall announcing the launch of the County's participation in the ProAct Prescription Drug Discount Program.
3. Correspondence from Assemblyman Joseph Giglio stating that Assembly Bill A6378 and Senate Bill S4021 extending the expiration of the County's authority to impose an additional one and one-half percent sales and compensating use tax until November 30, 2013, have been approved and forwarded to the Governor for his signature. Assemblyman Giglio included a copy of the letter he sent to Governor Cuomo regarding this matter. Allegany County will be required to pass a final resolution once the Governor has signed the legislation.
4. Copy of "*The Bounty from our County*" brochure from Business & Community Development and ACDSI Director Gretchen Hanchett.

PROCLAMATION:

Chairman Crandall proclaimed the week of July 17 through July 23, 2011, as Probation, Parole, and Community Supervision Week in Allegany County, and encouraged all residents to recognize the achievements of our community corrections professionals.

RESOLUTIONS:

RESOLUTION NO. 108-11

SALE OF TAX LAND IN THE TOWN OF GENESEE, TAX MAP NO. 284.-1-16

Offered by: Ways and Means Committee

WHEREAS, the Town of Genesee, (No Street or Number), P.O. Box 40, Genesee, New York 14754, has agreed to Terms of Sale and offered the sum of \$838.83 for a deed of the County's interest in premises formerly assessed on the tax rolls to Susan W. Cartwright and described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Genesee, County of Allegany, State of New York, and described as follows, viz: 605 Streeter Brook Road, Class Code 210 Family Residence, 1.40 Acres, Tax Map No. 284.-1-16, and

WHEREAS, the Ways and Means Committee believes that the Terms 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 Terms 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 premises, and to attach to such deed the official seal; all upon satisfaction of the Term of Sale and full payment to the County Treasurer of the monetary offer.

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

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

AUDITS:

A motion was made by Legislator Hopkins, seconded by Legislator O'Grady and carried, that the audits be acted upon collectively and by totals.

A motion was made by Legislator Hopkins, seconded by Legislator LaForge and adopted on a roll call vote of 14 Ayes, 1 No, 0 Absent, that the audit of claims, totaling \$3,616,443.05, including prepaid expenses, be approved for payment as recommended by

the County Administrator (opposed: Ungermann). (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$4,400,633.*)

GENERAL COMMENTS:

Legislator O'Grady noted that last Saturday, July 9, kicked off Balloon Rally week in Wellsville with a parade.

Legislator Pullen gave a reminder that the next Board meeting will be held at the Fairgrounds on Thursday, July 21.

Legislator Ungermann commented on the Alpaca Show held at the Block Barns in Cuba, which was quite successful. He also referred to the Public Works Maintenance Building, noting that in 2010, the Board approved placing \$75,000 into a capital account for it, and he questioned why the Board won't be voting on the actual construction. Chairman Crandall explained that no resolution is needed for that action, because the funding was approved during the budget process, and the design was approved in committee. Mr. Ungermann remarked that including this project and the costs associated with the access driveway, we're spending \$2 million over and above the Courthouse Facility. The public was told we'd be spending \$13.87 million, and the parking problem hasn't even been addressed yet. Chairman Crandall reminded Mr. Ungermann that he serves on one of the committees where those discussions took place. Mr. Ungermann stated that the committee structure is fine, but he doesn't get a vote on some of those committees, which is another justification that the size of the Legislature should be reduced to five instead of 15.

Legislator Burdick asked if the cost for the Maintenance Building was going to be within the budgeted amount. Chairman Crandall stated that was correct.

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

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
JULY 21, 2011**

**** APPROVED ****

CALL TO ORDER: The regular meeting of the Board of Legislators, which was held at the Allegany County Fairgrounds, was called to order at 2:05 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Flag was presented by Angelica Boy Scout Troop 736 represented by Curtis Warner, Jarred Ward, and Conner Cockle. The Pledge of Allegiance was led by former United States Army Private First Class Donald G. Christ. Banjo player Jim Haner, from Williamsport, PA, accompanied the group in singing, "God Bless America."

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 14 Legislators Present: Glenn Benson, Douglas Burdick, Donald Cady, Curtis Crandall, Philip Curran, Dwight Fanton, Karl Graves, Dwight (Mike) Healy, Theodore Hopkins, Kevin LaForge, Aaron McGraw, David Pullen, Frederick Sinclair, Norman Ungermann, Jr.; 1 Legislator Absent: Timothy O'Grady

APPROVAL OF MINUTES: The Board meeting minutes of July 11, 2011, were approved on a motion made by Legislator Hopkins, seconded by Legislator Pullen and carried.

PRIVILEGE OF THE FLOOR:

Chairman Curtis W. Crandall recognized Dan and Deb Dunham, parents of Marine Corporal Jason L. Dunham who was awarded the Congressional Medal of Honor posthumously for his heroic acts in Iraq. Chairman Crandall remarked on the numerous activities that Dan and Deb have taken part in to honor not only Jason, but all veterans, for what they do and sacrifice for our freedom. Chairman Crandall read a proclamation designating August 1 as Jason Dunham Day in Allegany County. Dan Dunham stated that it has been their mission in their travels to make mention that Jason gave them the tool to bring recognition and honor to all veterans, whether they are visiting graves, listening to stories, or assisting returning veterans. These veterans are our responsibility. Whatever we can do is important and it means a lot to them.

Chairman Curtis W. Crandall took the floor to present the following Special Awards and Recognitions:

A certificate was presented to Donald G. Christ, former United States Army Private First Class, in grateful appreciation of his service to our Country. Dr. Christ's service dates were from April 1959 to May 1965. Following Basic Training at Fort Dix, NY, assignments

included: Fort Gordon, GA, 504 Military Police; Fort Benning, GA, Dog Handler; and St. Louis, MO, Air Force Command. Dr. Christ led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Certificates were awarded to Angelica Boy Scout Troop 736 Members Curtis Warner, Jarred Ward, and Conner Cockle for participating in the color guard for today's meeting. Curtis is a Life Scout, working on Eagle rank, and is a 16-year-old senior at Genesee Valley School. Jarred is a Tenderfoot, the second level in the ranks of Boy Scouts, and is a 12-year-old seventh grader at Genesee Valley School. Conner is a Scout, having recently earned his Arrow of Light and crossed over from Cub Scout to Boy Scout, and is an 11-year-old sixth grader at Genesee Valley School. Chairman Crandall noted that all three boys are very active in scouting and community projects.

A certificate of appreciation was presented to the Allegany County Agricultural Society, accepted by President Martha Roberts, in recognition of all their work, efforts, and dedication to agriculture and tourism all year long to make ours one of the nicest fairs in the state. Martha Roberts thanked the Board for the recognition that she was accepting on behalf of many people, those on the Fair Board and all the volunteers. They couldn't do it without them.

A certificate was presented to Alice and Harry Hurd, of Cuba, in recognition of their contributions to the Allegany County Fair (accepted by Harry). This year's Fair and the Fairbook were dedicated to them. Harry has been involved in agriculture and supported the Allegany County Fair throughout his entire life. He has supported 4-H and has been an active civic leader as well. His children and grandchildren compete at the Fair Horse Shows. Harry has served as the Fair Board Director in charge of horse events for the last six years, and he and Alice have been active in numerous fair grounds projects. Chairman Crandall remarked that Harry and Alice are examples of what it takes to keep the Fair going. Harry thanked the Board for their support of the Fair.

A certificate was awarded to 4-H Member Hannah Lewis in recognition of her many accomplishments related to 4-H and her involvement with the Fair. Hannah has experienced nearly all project opportunities offered through the 4-H program. She is currently in her last 4-H year at the Allegany County Fair, having successfully completed ten years. Hannah has gained a vast array of personal development skills and knowledge that she shares with younger 4-H members. She exemplifies the positive effects of the 4-H program.

The following elected representatives addressed the Board:

Senator Catharine Young commented on what has been accomplished in Albany this year. The economy is one of their main focus points. We now have a Governor who gets it, there is balance between upstate and downstate in the State Legislature, and we're starting to see the results. They are focused on creating a better business climate, becoming more competitive, being able to reduce the tax burden, and reducing regulations. Things are pointed in the right direction, but we have a lot farther to go. Senator Young acknowledged the great partners she has on the local level, like the members of the County Legislature, and

she is looking forward to working together on the economic issues, especially promoting agriculture, which is what the Fair is all about, small business, and industry. Senator Young gave special accolades to Martha Roberts for her leadership at the Fair and extended a special thanks to the veterans. She expressed her appreciation to Dan and Deb Dunham who have taken up the call to help other veterans. Senator Young recently had the opportunity to pass a bill, partnered with Assemblymen Burling and Giglio, for the naming of a portion of State Route 19 from Amity to Scio and the bridge over Interstate 86 in honor of Corporal Jason Dunham. There will be a special ceremony soon to officially christen them.

Assemblyman Joseph Giglio, representative for the southern half of the County, the 149th Assembly District, acknowledged the families of the veterans. He and Senator Young recently attended the funeral for Army Veteran Sergeant James Hackemer. About three months earlier, they were welcoming him home. The celebrations were similar in many ways, and every time he sees the Dunhams, he gets the same feeling. There's a feeling of love that the veterans' families have for each other, and everyone was positive. The Dunhams are positive. They have made the supreme sacrifice, but they still have that courage and love that's so admirable. Assemblyman Giglio thanked them and the veterans; we're standing here because of the sacrifices made by their family members and our family members as well.

Assemblyman Daniel Burling, representative for the northern half of the County, the 147th Assembly District, was represented by Kate Hollis. Ms. Hollis read a letter from Assemblyman Burling in which he expressed pride in the Legislature's accomplishments this year, particularly the legislation naming a portion of State Route 19 from Amity to Scio and the bridge over Interstate 86 in honor of Corporal Jason Dunham. As a fellow U.S. Marine, Assemblyman Burling took special interest in Medal of Honor recipient Corporal Dunham and his service and ultimate sacrifice for our great nation. His name will long be remembered by the citizens of Allegany County, the State of New York, and the United States.

United States Congressman Tom Reed was represented by Joe Sempolinski, who noted that Tom was in Washington working on the problems with the national deficit and debt limit. Mr. Sempolinski expressed thanks to the Board of Legislators for the opportunity to speak and also for the nice tradition of holding this meeting at the Fair each year. Mr. Sempolinski stated that, "Governing is a team sport." As Tom's District Director, he has the opportunity to interact with all the different levels of government. "The local Legislators, Senator Young, Assemblymen Burling and Giglio, along with Congressman Reed make a really great team. Everyone is rowing in the same direction trying to make this a better place to live. We have a lot of problems: we have 9.2 percent unemployment nationwide, and we're \$14 trillion in debt. Those are unacceptable statistics, and we're trying to make things better on those fronts." Tom's first official duty as Congressman was to attend the commissioning of the Destroyer named for Corporal Jason Dunham. On behalf of the Congressman, Mr. Sempolinski acknowledged what an honor that was for him, and expressed gratitude for the sacrifices made by all veterans and their families.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator's desk:

1. August 2011 Calendar of Board and Standing Committee meeting dates.

The following communications were also acknowledged:

1. Reminder of the Legislators' Clambake on July 29. Money and any remaining tickets should be turned in to the Clerk of the Board's Office as soon as possible.
2. Southern Tier West Regional Planning & Development Board meeting minutes from June 30, 2011, and Meeting Notice for July 21.
3. The annual Senior Picnic will be held on the County Fairgrounds in Angelica on July 28, 2011, from 11 a.m. to 3 p.m.
4. Correspondence from the Andover Wetlands Restoration Project announcing their Annual Kids' Fishing Contest to be held August 6 from 8 a.m. to 3 p.m.
5. The Fire Advisory Board meeting scheduled for Thursday, July 28, 2011, has been cancelled.
6. Correspondence from Comprehensive Plan Implementation Group Chairman Edward Eicher regarding an Interim Report.
7. Correspondence from Assemblyman Daniel Burling regarding the recent property tax cap legislation that passed and his rationale for voting against the bill.
8. Workshop notice titled, "Landowner's Update - What's Happening with Natural Gas Development in New York?" from the Cornell Cooperative Extension. The workshop will be held on August 17 at 7 p.m. at the Amity Rescue Squad Center in Belmont.
9. Correspondence from Senator Catharine Young indicating that the bill extending the expiration of the County's authority to impose an additional one and one-half percent sales and compensating use tax until November 30, 2013, successfully passed both the Senate and Assembly and was signed by Governor Cuomo on July 12, 2011.

APPOINTMENTS:

The Clerk of the Board announced that Chairman Crandall has appointed Christina Hedstrom, of Angelica, to fill the remainder of a vacant one-year term as a member of the **COMPREHENSIVE PLAN IMPLEMENTATION GROUP**, effective immediately, to serve at his pleasure.

PROCLAMATION:

Chairman Crandall proclaimed August 1, 2011, as Jason Dunham Day in Allegany County in honor of the memory of Marine Corps Medal of Honor recipient Jason Dunham and for his brave service and unselfish heroism.

RESOLUTIONS:

RESOLUTION NO. 109-11

**ESTABLISHING STANDARD WORK DAYS FOR ELECTED AND APPOINTED OFFICIALS
AND DIRECTING A REPORT OF DAYS WORKED TO THE
NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM**

Offered by: Personnel Committee

RESOLVED:

1. Effective immediately, the Allegany County Board of Legislators hereby establishes the following as standard work days for elected and appointed officials and will report the days worked of such officials to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of the Board.

<u>Title</u>	<u>Name</u>	<u>Standard Day (Hrs./Day)</u>	<u>Term</u>	<u>Employer Record of Time (Y/N)</u>	<u>Days Worked Per Month</u>
ELECTED OFFICIALS:					
District Attorney	Slep, Keith	7	01/01/11-12/31/11	N	23.24
Sheriff	Whitney, Ricky L.	8	01/01/11-12/31/14	N	25.02
APPOINTED OFFICIALS:					
County Clerk Deputy III	Middaugh, Wanda F.	7	02/16/11-12/31/11	Y	NA
District Attny-4th Assist.	Reisner, Jeffrey P.	6	01/01/11-12/31/11	N	23.15
District Attny-Secretary	Hallett, Lauri	7	01/03/11-12/31/11	Y	NA
Elections Comm.-Deputy	Crawford, Marcie	7	08/02/10-12/31/12	Y	NA
Emergency Man. & Fire Dir.	Luckey, Jeffrey N.	7	01/01/11-12/31/11	Y	NA
Employment & Train. Dir.	Lynch, Reita M. Sobeck	7	03/01/11-02/28/14	Y	NA
Secretary to Public Defender	Goldsmith, Jennifer	7	11/09/10-12/31/13	Y	NA
Social Services Comm.	Grant, Vicki	7	01/03/11-01/02/16	Y	NA
Deputy DSS Comm.	Tomasi, Julie	7	04/01/11-01/02/16	Y	NA
Veterans Service Director	Hennessy, Michael D.	7	02/07/11-12/31/11	Y	NA

Moved by: Mr. Burdick
Seconded by: Mr. Fanton

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

RESOLUTION NO. 110-11

**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. Healy

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

(Memo: The contract referred to in Resolution No. 110-11 involves state reimbursement of \$6,000 annually.)

RESOLUTION NO. 111-11

**DESIGNATING THE WELLSVILLE DAILY REPORTER AS
SOLE OFFICIAL NEWSPAPER FOR THE PERIOD
AUGUST 7, 2011, TO AUGUST 13, 2011**

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 7, 2011, to August 13, 2011, now, therefore, be it

RESOLVED:

1. Notwithstanding the provisions of Section 1 of Resolution No. 256-2010, 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 7, 2011, to August 13, 2011.

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

Adopted: Voice Vote

RESOLUTION NO. 112-11

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

Offered by: Ways and Means Committee

WHEREAS, a check from NYMIR in the amount of \$5,637.31 has been received, which amount represents the total cost of equipment and labor to repair and/or replace IT equipment that was damaged and/or destroyed as the result of a May 30, 2011, lightning strike, now, therefore, be it

RESOLVED:

1. That the amount of \$5,637.31 from NYMIR, representing the total cost of equipment and labor to repair and/or replace IT equipment that was damaged and/or destroyed as the result of a May 30, 2011, lightning strike, is accepted.

2. That the sum of \$5,637.31 is appropriated to Account No. A1680.201 (Central Services Computer – Equipment) with a like sum credited to Revenue Account No. A07.2680.00 (Insurance Recoveries).

Moved by: Mr. Hopkins
Seconded by: Mr. Healy

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

RESOLUTION NO. 113-11

TRANSFER OF FUNDS WITHIN PROBATION ACCOUNT

Offered by: Public Safety Committee

RESOLVED:

1. That the sum of \$5,000 is transferred from Account No. A3140.413 (Rentals) to Account No. A3140.101 (Personnel) to cover the overtime costs related to Electronic Home Monitoring and home visits.

Moved by: Mr. Healy
Seconded by: Mr. Fanton

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

RESOLUTION NO. 114-11

APPROVAL OF INTER-MUNICIPAL AGREEMENT WITH CATTARAUGUS COUNTY TO PROVIDE LEAD POISONING PREVENTION PROGRAM SERVICES; DESIGNATION OF NEW REVENUE ACCOUNT BY COUNTY TREASURER

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the Inter-Municipal Agreement between Allegany County and Cattaraugus County for the provision of a Lead Poisoning Prevention Program and Comprehensive Elevated Blood Lead Investigation Services for the period January 1, 2011, through December 31, 2011, is approved.

2. That the County Treasurer is authorized to designate a new revenue account (A03.2280.4037) to better define the revenue received for the Lead Poisoning Prevention Program.

Moved by: Mr. Burdick
Seconded by: Mr. LaForge

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

Resolution Intro. No. 117-11 (RESOLUTION SETTING DATE FOR PUBLIC HEARING ON APPROVAL OF THE 2011 ALLEGANY COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN) was not pre-filed and was considered from the floor on a motion made by Legislator Sinclair, seconded by Legislator Pullen and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 115-11

**RESOLUTION SETTING DATE FOR PUBLIC HEARING ON APPROVAL OF THE
2011 ALLEGANY COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN**

Offered by: Planning and Development Committee

WHEREAS, prior to adoption of the 2011 Allegany County Multi-Jurisdictional Hazard Mitigation Plan, which is an update of the 2005 Plan, a Public Hearing should be held to afford a final opportunity for the public to comment on the plan, now therefore, be it

RESOLVED:

1. That a public hearing on the approval of the 2011 Allegany County Multi-Jurisdictional Hazard Mitigation Plan shall be held by this Board at the County Legislators' Chambers, Room 221, County Office Building, Belmont, New York, on August 8, 2011, 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 official newspapers.

Moved by: Mr. Sinclair
Seconded by: Mr. Pullen

Adopted: Voice Vote

AUDITS:

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

A motion was made by Legislator Hopkins, seconded by Legislator Fanton and adopted on a roll call vote of 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$1,182,617.47, 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 \$4,755,730.*)

In response to a question, County Treasurer Terri Ross explained that the \$20,000 expense under Accounting and Auditing was for the first phase of the County audit.

Legislator Pullen addressed his comment to the state representatives who were present. The audit summary shows that the County's contribution for Medicaid to-date is over \$4 million. The state recently enacted the real property tax cap. The County experiences an annual increase of three and one-half percent just for our Medicaid contribution, and there are other mandates. Mr. Pullen pointed out that we approve these audits because we're responsible, but we need relief. Assemblyman Giglio is on the

mandate relief commission, and Mr. Pullen told him that he couldn't get his job done and help to us soon enough. Ninety-nine percent of the \$27.6 million that we raised in property taxes this past year went to pay for state programs. We'll do our part, but anything that the state representatives can do would be appreciated.

GENERAL COMMENTS:

Chairman Crandall thanked everyone for attending and welcomed everyone to attend any of the Board meetings or Committee meetings. Some of these resolutions we just dealt with have been through a great deal of discussion and consideration of background information in one or several committee meetings prior to this point. Chairman Crandall also noted that there are a lot of great things going on in Allegany County, such as the Balloon Rally in Wellsville last weekend, the Fair all this week, and the Boxing Hall of Fame and Irish Festival in Belfast this coming weekend.

ADJOURNMENT: The meeting was adjourned at 3:10 p.m. on a motion made by Legislator Sinclair, seconded by Legislator Hopkins and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION**

AUGUST 8, 2011

**** APPROVED ****

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

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Navy Petty Officer 2nd Class Michael Schryver.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 14 Legislators Present: Douglas Burdick, Donald Cady, Curtis Crandall, Philip Curran, Dwight Fanton, Karl Graves, Dwight (Mike) Healy, Theodore Hopkins, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Frederick Sinclair, Norman Ungermann, Jr.; 1 Legislator Absent: Glenn Benson

APPROVAL OF MINUTES:

The Board meeting minutes of July 21, 2011, were approved on a motion made by Legislator Graves, seconded by Legislator Curran and carried.

PUBLIC HEARING:

Chairman Crandall closed the regular meeting to hold a public hearing on the approval of the 2011-2015 Allegany County Multi-Jurisdictional Hazard Mitigation Plan. 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 presented a certificate to Michael Schryver, former United States Navy Petty Officer 2nd Class, in grateful appreciation of his service to our Country. Mr. Schryver's service dates were from September 1999 to April 2003. Following Basic Training at the Naval Station in Great Lakes, IL, assignments included: USS Wasp (LHD 1) and Naval Special Warfare Operation. Mr. Schryver primarily worked in the Navy nuclear power program and transferred to naval special warfare. He also spent six years as a government contractor in Afghanistan and Iraq. Commendations he received included: National Service Medal, Meritorious Unit Commendation Medal, Navy and Marine Corps Achievement Medal, and Navy "E" Ribbon. Mr. Schryver led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Crandall presented a certificate to Clara Robinson in recognition of her actions exemplifying a Good Samaritan. Her actions on June 19 in alerting the proper officials about a natural gas leak in the Genesee Town Hall saved not only the Town Hall, but possibly lives as well.

Chairman Crandall granted privilege of the floor to the following:

Senior Foundation President Wallace Higgins, who was accompanied by four Foundation members, spoke about their recent annual fundraising gala held at Alfred Tech Activities Building in Wellsville. The event was very successful, and he thanked everyone whose efforts made it possible. Mr. Higgins presented Chairman Crandall with a check for \$10,000 from the fundraiser to be used for Meals-on-Wheels and an additional \$7,200 from the Alfred Station Community Chest United Way to be used for Lifeline. Office for the Aging Director Kim Toot reported that they provide 350 to 400 meals each day for those who find it difficult to cook for themselves, which increases their chances of staying at home. She thanked everyone who participated in the gala, especially the leadership of the Senior Foundation. The \$10,000 raised for Meals-on-Wheels will allow them to provide meals to everyone who needs it, at least for this year, in spite of state budget cuts. The \$7,200 mentioned earlier for Lifeline services will also enable people to stay in their homes where they want to be. Office for the Aging couldn't do that without the support of the Senior Foundation. Mrs. Toot expressed her gratitude. Chairman Crandall noted that the Senior Foundation was formed to benefit seniors and to take up the slack to cover the gaps in state funding. This is an excellent example of what that Foundation was designed for. The Senior Foundation is able to accept funds that the Board isn't able to. Their success is very much appreciated, as is the funding to keep these programs going.

Allegany Trails President William Dibble provided an update on the progress being made on the Upper Genesee Trail network. He distributed a short history of the trail beginning with the Board's resolution in 1990 approving the intent to convey the County's interest in the trail to NYS DEC up to the actual deed transfer in 2009. The ribbon was cut marking the opening of the first section last month. Mr. Dibble recognized Chairman Crandall for his part in signing the deed. Chairman Crandall related that the process to turn the trail over to NYS DEC began in 1990, and by the time he was elected to the Board, it seemed to be old news. The County had originally acquired the property as a tax auction issue. If not for the persistence of those in the early 1990s and by Bill Dibble to get the DEC to take ownership of this trail and move forward, it would have gone by the wayside. Chairman Crandall congratulated and thanked Mr. Dibble for his efforts and the success related to the trail. Mr. Dibble presented County Historian Craig Braack with a section of the ribbon from the trail opening for the historical records. He also reported on plans to extend the Genesee Trail from south of the Village of Wellsville to Belfast.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator's desk:

1. Allegany County Mutual Self-Insurance Plan (Workers' Compensation) 2012 Budget together with the apportionment of costs of the budget to the County, Towns, and Villages of Allegany County approved by the Personnel Committee on August 3.
2. Report of Intrafund Transfers approved by the County Administrator in July.
3. Report of Tax Bill Corrections approved by the County Administrator in July.

The following communications were also acknowledged:

1. Correspondence from Assemblyman Daniel Burling regarding the Corporal Jason Dunham Memorial Highway and Bridge.
2. Reminder of Cornell Cooperative Extension Workshops titled, "Landowner's Update - What's Happening with Natural Gas Development in New York?" The workshops will be held on August 17 at 7 p.m. at the Amity Rescue Squad Center in Belmont, and on August 24 at 7 p.m. at the Willing Town Hall.
3. Correspondence from Chemung County Executive Thomas Santulli regarding the Chesapeake Bay Restoration Initiative.
4. Invitation from the Greater Allegany County Chamber of Commerce to attend the 2011 Legislative Breakfast at Houghton College on September 2, 2011, beginning at 8:30 a.m.
5. Notice of NYSAC 2011 Fall Seminar at the Crowne Plaza Hotel in Lake Placid from September 21-23, 2011. If you plan to attend, please let Brenda Rigby Riehle know by August 10.
6. Notice of next InterCounty Association meeting to be hosted by Chemung County at the National Soaring Museum in Elmira on August 19.

PROCLAMATION:

Chairman Crandall read a Proclamation declaring the week of July 31 through August 6, 2011, as Breastfeeding Week in Allegany County at the annual WIC Picnic on August 3.

RESOLUTIONS:

RESOLUTION NO. 116-11

**RESOLUTION APPROVING THE 2011-2015 ALLEGANY COUNTY
MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN**

Offered by: Planning and Development Committee

WHEREAS, the Hazard Mitigation Planning Group has met with the County's towns, villages, colleges, special districts and groups to update the 2005 Allegany County Multi-Jurisdictional Hazard Mitigation Plan, and

WHEREAS, FEMA has reviewed the final version of the 2011-2015 Allegany County Multi-Jurisdictional Hazard Mitigation Plan, comprising an update to the 2005 Plan, and has indicated that the plan is now approvable pending adoption, and

WHEREAS, copies of the proposed 2011-2015 Allegany County Multi-Jurisdictional Hazard Mitigation Plan have been available for review on the County website and available at the Clerk of the Board's Office, and

WHEREAS, Allegany County is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan, and

WHEREAS, the Allegany County Board of Legislators believes that adoption of the updated Plan is in the best interests of the County of Allegany and the towns and villages within Allegany County, now therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators hereby approves and adopts the 2011-2015 Allegany County Multi-Jurisdictional Hazard Mitigation Plan.

Moved by: Mr. Sinclair
Seconded by: Mr. LaForge

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

RESOLUTION NO. 117-11

**AMENDMENT OF PUBLIC EMPLOYEE FEDERATION SALARY PLAN
TO CHANGE SALARY OF CRIME VICTIMS COORDINATOR**

Offered by: Public Safety and Personnel Committees

RESOLVED:

1. The Crime Victims Coordinator salary is changed from \$29,143 to \$30,194.
2. This resolution shall take effect October 1, 2011.

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

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

(Memo: The salary change approved in Resolution No. 117-11 is effective from October 1, 2011, through September 30, 2012. The Crime Victims Program has been a part of the District Attorney's Office since October 1, 2000, and is funded through a grant from the NYS Office of Victim Services, previously the NYS Crime Victims Board. The grant was renewed in 2009 for a three-year period through September 2012. The grant sets the salary for the Crime Victims Coordinator as part of the grant funds. District Attorney Slep has indicated that a portion of the fringe benefits are covered by the grant funds, but not the entire amount. There will be no additional cost to the County.)

Comments made regarding Resolution No. 117-11 included the following: Legislator Ungermann related his experiences as a crime victim a couple of years ago. In the course of events, he wrote all the appropriate letters and did all the appropriate things, but it seemed to fall on deaf ears. The Public Defender, Probation Officer, and Judge all seemed to be unaware of his correspondence. Mr. Ungermann feels that this is a "feel good" program that isn't very successful, and he wouldn't support the program.

RESOLUTION NO. 118-11

ACCEPTING AND APPROPRIATING UNANTICIPATED FEDERAL AID IN THE FORM OF FEDERAL SALARY SHARING FUNDS FOR THE COMMUNITY SERVICES AGENCY

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the sum of \$8,108 of unanticipated federal aid in the form of federal salary sharing funds is accepted.
2. That the accepted sum of \$8,108 is appropriated to Account No. A4317.409 with a like sum credited to Revenue Account No. A11.4490.00.

Moved by: Mr. Burdick
Seconded by: Mr. Fanton

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

RESOLUTION NO. 119-11

APPROVING SUPPLEMENTAL AGREEMENT #1 BETWEEN COUNTY OF ALLEGANY AND NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR THE DESIGN AND RIGHT-OF-WAY INCIDENTALS PHASE ON THE BRIDGE REPLACEMENT (BIN 3330770) ON COUNTY ROUTE 4 OVER RUSH CREEK, TOWN OF HUME, COUNTY OF ALLEGANY

Offered by: Public Works and Ways and Means Committees

WHEREAS, the bridge replacement (BIN 3330770) on County Route 4 over Rush Creek located in the Town of Hume was approved by Resolution No. 113-2010, and

WHEREAS, it is necessary to approve Supplemental Agreement #1 to include the SFY 2011/2012 additional approved Marchiselli funds for the Design and Right-of-Way Incidentals Phase of the project, now, therefore, be it

RESOLVED:

1. That Supplemental Agreement #1 between the County of Allegany and New York State Department of Transportation for the Design and Right-of-Way Incidentals Phase of the bridge replacement is approved.

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

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

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

AUDITS:

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

A motion was made by Legislator Hopkins, seconded by Legislator Pullen and adopted on a roll call vote of 13 Ayes, 1 No, 1 Absent, that the audit of claims, totaling \$3,935,540.48, including prepaid expenses, be approved for payment as recommended by the County Administrator (opposed: Ungermann). (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$5,130,854.*) Legislator Ungermann questioned the County Administrator about some of his expenses.

GENERAL COMMENTS:

Chairman Crandall noted that usually at this time in the meeting, Legislators have shared news on different events, such as Heritage Days in Angelica this past weekend, and they have also distributed and commented on news articles. He handed out copies of an article and noted that, "Mr. Ungermann is the one who usually shares the news articles with the Board, and it typically doesn't shed a favorable light on anything. This article was in the Cuba Patriot; Mr. Ungermann sent it in. The reason I want to discuss it for a minute is because I don't think it sheds good light on Allegany County or this Board of Legislators. I haven't been one to say anything to anyone who disagrees amongst us or disagrees with me. That's what we're here for – to debate; but there were a couple of things that are wrong with this article. Number one, the title of it, 'Politics and the Board of Elections,' should read, 'Politics and Norm Ungermann.' Mr. Ungermann starts out quoting some legal sections of Municipal Law and gives an authoritative position. But by the time you get into the second paragraph, he states that the Democrat Election Commissioner and the Republican Election

Commissioner are appointed by Legislative Board Chairman Crandall. That's not a Board Chair appointment. Those appointments come from their respective parties: Cass Lorow's name was submitted by the Democrat Party, and Elaine Herdman's name was submitted by the Republican Party. After submission, those recommendations go to the Personnel Committee, of which Mr. Ungermann is a member, and then they sponsor a resolution to come before this full Board. Further in the article, Mr. Ungermann mentions that in his opinion, our Election Commissioners should be commended, but instead, the Chairman of the County Legislature has told our Election Commissioners that they will not be reappointed if they continue with the consolidation efforts that this article talks about. As I pointed out, I have no control over the appointments any more than anyone else on the Board. My vote counts as one, the same as everybody else's in this particular instance. There are appointments made by the Board Chairman, and there are appointments made by the Board Chairman that need approval by this full Board. This isn't one of them. There's other mention in the article of the consolidation of election districts, and the charge or allowance for the Commissioners to make those decisions, but it notes that one reason Caneadea and Alfred have balked at having two polling places reduced to one is the fear that college students won't vote. I sat in on a discussion in an attorney/client session that went way beyond the fear that college students won't vote. And that was a concern that this Board had that was shared in attorney/client session. The reason I wanted to point this out is that as we feel compelled to take a position – and again, a position on the other side of the fence is what makes the world go around, and we can debate that – but if you're going to take a position and write a letter to the editor or news article like this, do Allegany County and this Board a favor: do your homework and get your facts straight.”

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

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION**

AUGUST 22, 2011

**** APPROVED ****

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

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Marine Corps Corporal Mason Pettibone.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 15 Legislators Present: Glenn Benson, Douglas Burdick, Donald Cady, Curtis Crandall, Philip Curran, Dwight Fanton, Karl Graves, Dwight (Mike) Healy, Theodore Hopkins, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Frederick Sinclair, Norman Ungermann, Jr.

APPROVAL OF MINUTES: The Board meeting minutes of August 8, 2011, were approved on a motion made by Legislator Curran, seconded by Legislator Graves and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Mason Pettibone, former United States Marine Corps Corporal, in grateful appreciation of his service to our Country. Mr. Pettibone's service dates were from February 1968 to March 1970. Following Basic Training at Parris Island, SC, assignments included: Glynco, GA, Cherry Point, NC, and Camp Lejeune, NC. Commendations he received included: Good Conduct Medal and National Defense Service Medal. Mr. Pettibone led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Crandall granted privilege of the floor to the following:

ACCORD Executive Director Charles Kalthoff addressed the Board regarding the Community Services Block Grant (*a resolution in support for ACCORD and the CSBG was considered later in the meeting*). Mr. Kalthoff distributed copies of a draft report highlighting ACCORD Corporation's 25 years of community service. In 1986, the Board designated ACCORD as the Community Action Agency in Allegany County. Since that time, they have served an estimated 43,000 community members through 26 locations in Allegany and Cattaraugus Counties, offering a range of services and programs including Head Start, after school programs, at-risk youth programs, housing, child care, business services, and the Empire Zone program. In 1986, ACCORD received \$386,919 from federal, state, and local agencies to administer seven programs and services. In 2010, they received \$8,976,761 and offered 27 programs and services to the community. ACCORD's total payroll including fringe

benefits in 1986 was \$208,883. For the fiscal year ending February 28, 2011, they employed more than 170 local residents for a total payroll of \$5,025,365, so they put a lot of money back in the local economy. With the addition of all the new services, the number of clients served increased from 400 in 1986 to 4,648 in 2010. Mr. Kalthoff summarized a timeline illustrating when programs were brought into the County and explained them. CSBG funding is funneled from federal to state to the local level, and those funds are administered based on a formula. ACCORD receives \$224,316 and is considered a minimum grantee, whereby the rural areas that don't meet population requirements for the formula are granted a minimum funding amount. Services are delivered through six service divisions: Housing and Facilities Management, Business and Community Development Services, Community Operations, Infant and Child Services, Child Care Services, and Youth Services. Mr. Kalthoff noted that ACCORD has brought a lot of resources and jobs to the County, and he asked for the Board's support for the continuation of funding for the Community Services Block Grant.

Legislator Ungermann questioned if a lot of ACCORD's clients are welfare recipients. Mr. Kalthoff replied that about one-third are, but most are working, low-income families. Mr. Ungermann asked how some of the figures were established for the Entrepreneurial Assistance Program (EAP). Mr. Kalthoff explained that ACCORD doesn't develop those numbers. Empire State Development generates the data from interviews with ACCORD's clients. Mr. Ungermann also asked about the types of jobs that have been created. Mr. Kalthoff responded that they are all private sector, though some may service the public sector, i.e. contractors that come back to bid on ACCORD jobs.

Veterans' Service Agency Director Michael Hennessy presented some information and statistics on his department. Since January of this year, the County has lost 107 veterans (48 WWII, 38 Korean Conflict, 14 Vietnam, 2 Persian Gulf, and 5 Peacetime). The Veterans' Service Agency has made contact with over 2,100 veterans to assist them with services including VA healthcare, veteran's disability compensation, veteran's disability pension, education and training, home loans, life insurance, burial and memorials, appeals to the VA system, military records, military medals, proper recording of military discharges, and veteran's property exemptions. Monthly meetings have been established with the Wellsville Community Veteran's Outreach Program working with veterans' social workers to keep apprised of problems being encountered. Home visits are made to assist veterans with submitting paperwork to the VA. They've been able to identify 11 veterans who were authorized services that they never received. Their office is willing to set alternate hours in order to accommodate veterans' needs. They are working with a joint Cattaraugus and Allegany County Veterans' Council to address the problem of transporting veterans to medical appointments by trying to get the van to come to the Crossroads hub, rather than going only as far as Cuba. They have also been in contact with Allegany County Transit bus personnel who are researching grants to assist with transporting veterans from the northern part of the County to Crossroads. The office is working with the Bath VA on a Homecoming Service to be held in September involving a health fair and employment service people, so veterans can learn what's available to them. Mr. Hennessy has been assisting the Vietnam Veterans' Organization on converting their camp to a Wounded Warrior's Retreat. There is now an acceptable road into the camp, ability to hook up electric and gas, and by the end of September, a handicapped accessible deck around the cabin. The Bath VA will be

inspecting the facility on August 31 to see if it's acceptable to them to bring their wounded veterans down for day-long retreats. Mr. Hennessy expressed his appreciation for the new joint Veterans' Service and Office for the Aging facilities, which have been very convenient and a great asset. He looks forward to continuing outreach and assisting the veterans, and he is willing to speak to organizations regarding their services.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator's desk:

1. September 2011 Calendar of Board and Standing Committee meeting dates. A special Budget Committee meeting was added for September 12 at 10 a.m.

The following communications were also acknowledged:

1. The County Treasurer filed a Certificate of Withdrawal of Delinquent Tax Liens pursuant to Article 11 of the Real Property Tax Law for properties in the Town of Wirt in the Clerk of the Board's Office on August 19, 2011.

2. Southern Tier West Regional Planning & Development Board meeting minutes from July 21, and a Notice of Meeting for September 15, 2011.

3. Correspondence from Berni Griswold of Centerville regarding entitlement programs.

4. A ceremony to dedicate the Corporal Jason Dunham Memorial Bridge and Highway on State Route 19 will take place on Thursday, August 25, 2011, at 4 p.m. at the Crossroads Conference Center in Belmont.

RESOLUTIONS:

RESOLUTION NO. 120-11

**AMENDING RESOLUTION NO. 118-67, AS AMENDED,
TO IMPOSE ALLEGANY COUNTY SALES AND USE TAX AT
THE RATE OF FOUR AND ONE-HALF PERCENT FOR THE PERIOD
BEGINNING DECEMBER 1, 2011, AND ENDING NOVEMBER 30, 2013,
AND THEREAFTER SAID RATE OF SALES AND USE TAX
TO REVERT TO THREE PERCENT**

Offered by: Ways and Means Committee

Pursuant to Article 29 of the Tax Law, and Chapter 118 of the Laws of 2011

BE IT RESOLVED AND ENACTED by the Board of Legislators of the County of Allegany as follows:

Section 1. Section 4-A of Resolution No. 118-67, as amended, is hereby amended to read as follows:

Section 4-A. Imposition of additional rate of sales and compensating use taxes

Pursuant to the authority of section 1210 of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional one and one-half percent rate of such sales and compensating use taxes, for the period beginning December first, two thousand four, and ending November thirtieth, two thousand thirteen. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

Section 2. Paragraph (D) of Subdivision (1) of Section 11. of Resolution No. 118-67, as amended, is hereby amended to read as follows:

(1) (D) With respect to the additional tax of one and one-half percent imposed for the period beginning December first, two thousand four, and ending November thirtieth, two thousand thirteen, in respect to the use of property used by the purchaser in this County prior to December first, two thousand four.

Section 3. This resolution shall take effect December first, two thousand eleven.

Moved by: Mr. Hopkins
Seconded by: Mr. Curran

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

(Memo: Regarding Resolution No. 120-11, the additional one and one-half percent sales tax rate resulted in \$5.9 million in revenue for 2010, based on sales tax revenue receipts of \$17,841,413.)

Comments made regarding Resolution No. 120-11 included the following:

Legislator Ungermann stated that when the annual reports for the IDA and Economic Development came out, he asked if the County created any new businesses that would generate sales tax revenue. The answer was, "No." He also asked how much sales tax we lose from businesses that are in Economic Development Zones. There was no answer. Mr. Ungermann noted that the \$6 million in revenue the additional one and one-half percent sales tax generates is 22.7 percent of the \$27 million raised in property taxes, and he asked if we

were going to have a 20-25 percent reduction in property taxes. County Administrator John Margeson replied, "No." Mr. Ungermann remarked that the issue isn't where to get more revenue, but to stop spending. He felt that the money was probably already earmarked for something like a parking garage. We're biting the hands of the businesses in this County that employ people. It's no wonder they're leaving. We're creating more expense, because this will get passed on to the consumer.

Legislator Hopkins pointed out that this resolution is just keeping the sales tax rate the same as it has been for the past seven years. We're not increasing the sales tax, just maintaining it at the same rate.

Legislator Ungermann commented that he was sure in 2013, we'll be voting on extending it again, because we've done it for years.

Legislator Pullen remarked that over 90 percent of our real property tax revenue is absorbed by state mandated programs. If New York State would finance its own programs, things would be different. It's nice to say we need to cut spending, but neither New York nor Washington will accept that as an answer and allow us to reduce those costs. Mr. Pullen stated that there are things he'd like to cut, and he referred to a letter from Berni Griswold and an article written by a Hornell alderman submitted by Mr. Ungermann regarding entitlements. New York State has said that people in New York, including singles, have the constitutional right under our State Constitution to have welfare. When the federal government engaged in reform, the state wouldn't. We all agree that there's a problem, and people are leaving, but the question is, "What is there that we can do right now?" Since we can't cut these mandated programs, do we cover the costs by increasing real property taxes? New York says we can't do that (recently established property tax cap). We have to get state approval for extending the additional sales tax rate, and counties that submitted new requests have been denied. We have a horrible problem, and the counties have no local control. The counties are creatures of the state, and the state has the right to tell us what we can do and how we can do it. Their two percent property tax cap is illogical and unconstitutional. Mr. Pullen stated that he would support the resolution because it is simply maintaining the status quo, and the alternative of increasing property taxes is even worse. Mr. Pullen referred to the presentation by Mr. Hennessy on the Veterans' Services and the collaboration with Office for the Aging. The Office for the Aging is a wonderful program that saves the County money and improves the quality of life for many of our seniors, but it's not a mandated program, and it may become a casualty. That's why some of the Legislators work with the Senior Foundation and other programs to try to reverse that. New York has a fiction called municipal home rule. It'd be nice if they abided by that principal and allowed us to make our own decisions.

RESOLUTION NO. 121-11

URGING THE CONTINUATION OF FUNDING FOR COMMUNITY SERVICES BLOCK GRANT

Offered by: Ways and Means Committee

Pursuant to Section 153 of the County Law

WHEREAS, Allegany County continues to have a high incidence of poverty and unemployment, and these conditions severely affect the quality of life for many of our neighbors, and

WHEREAS, the Community Development Program has utilized the Community Services Block Grant and other funding leveraged from that source to successfully and efficiently provide services and opportunities to low-income and unemployed residents, and

WHEREAS, the Community Services Block Grant provides not only funding but assures local control through a mandated board structure and flexibility to address changing local needs, and

WHEREAS, funding for the Community Services Block Grant is targeted for drastic reductions in multiple federal budget proposals, putting the entire range of services and opportunities provided by the Community Development Program at risk, now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators is supportive of the Community Development Program and urges that adequate funding for the Community Services Block Grant be adopted in the Congressional appropriations process to assure the continuation of so many vital services to the citizens of Allegany County.

2. That the Clerk of this Board is hereby directed to forward a certified copy of this resolution to Governor Andrew Cuomo, Senator Catharine Young, U.S. Representative Tom Reed, Assembly Members Giglio and Burling, InterCounty Association, the National Association of Counties (NACO), and the New York State Association of Counties (NYSAC).

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

Adopted: Voice Vote

(Memo: The Community Development Program referred to in Resolution No. 121-11 is administered by the ACCORD Corporation, Allegany County's Community Action Agency.)

RESOLUTION NO. 122-11

**RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR
A STATE GRANT-IN-AID FOR A MUNICIPAL WASTE REDUCTION AND/OR
RECYCLING PROJECT AND SIGNING OF THE ASSOCIATED STATE CONTRACT,
UNDER THE APPROPRIATE LAWS OF NEW YORK STATE, FOR 2009-2012**

Offered by: Public Works Committee

WHEREAS, the State of New York provides financial aid for municipal waste reduction and municipal recycling projects, 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 BY THE COUNTY OF ALLEGANY:

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 Allegany County Board of Legislators 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 its portion of the cost of said Municipal Waste Reduction and/or Recycling Project.

4. That five (5) certified copies of this resolution be prepared and sent to the New York State Department of Environmental Conservation, Albany, New York 12233-7253, together with one complete application.

5. That this resolution shall take effect immediately.

Moved by: Mr. Fanton
Seconded by: Mr. Healy

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

(Memo: Regarding Resolution Nos. 122-11 and 123-11, this program from the NYS DEC provides 50 percent reimbursement of eligible costs for planning, education, and promotional activities to increase public awareness of and participation in recycling and waste reduction, along with salary and fringe benefits for a dedicated Recycling Coordinator. Resolution No. 122-11 is for the period 2009 through 2012, and Resolution No. 123-11 is for 2012 through 2015. Resolution Nos. 124-11 and 125-11 apply to grants under which the County could receive up to 50 percent reimbursement for capital purchases used for the Recycling Program for the same two time periods mentioned previously.)

Comments made regarding Resolution No. 122-11 included the following:

Legislator Ungermann noted that the green movement has been around for about 25 years, and everyone knows enough to recycle. In his opinion, recycling needs to be done at the transfer stations and landfills because some garbage haulers often throw everything together. This resolution is one of those things that we need to ask, "Do we want it, or do we need it?" We really need to recycle, although the recycling market doesn't pay very well, so it's hardly worth it.

Legislator Fanton remarked that recycling does contribute a lot. This year, we'll recover in excess of \$100,000. Everyone needs to recycle, and education is part of it. There are a lot of things we can do with schools and businesses to encourage their cooperation, and this grant will help.

RESOLUTION NO. 123-11

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR A STATE GRANT-IN-AID FOR A MUNICIPAL WASTE REDUCTION AND/OR RECYCLING PROJECT AND SIGNING OF THE ASSOCIATED STATE CONTRACT, UNDER THE APPROPRIATE LAWS OF NEW YORK STATE, FOR 2012-2015

Offered by: Public Works Committee

WHEREAS, the State of New York provides financial aid for municipal waste reduction and municipal recycling projects, 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 BY THE COUNTY OF ALLEGANY:

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 Allegany County Board of Legislators 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 its portion of the cost of said Municipal Waste Reduction and/or Recycling Project.

4. That five (5) certified copies of this resolution be prepared and sent to the New York State Department of Environmental Conservation, Albany, New York 12233-7253, together with one complete application.

5. That this resolution shall take effect immediately.

Moved by: Mr. Fanton
Seconded by: Mr. Sinclair

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

Comments made regarding Resolution No. 123-11 included the following:

Legislator Cady questioned the local share of the cost of the program. Legislator Fanton replied that there isn't an anticipated amount, because we don't know what's available for grants yet. It will probably be similar to what we're already doing. Mr. Cady asked if there would be an opportunity to decide whether or not to accept the grant if the local cost is out of line. Mr. Fanton replied that there would be.

RESOLUTION NO. 124-11

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR A STATE GRANT-IN-AID FOR A MUNICIPAL WASTE REDUCTION AND/OR RECYCLING PROJECT AND SIGNING OF THE ASSOCIATED STATE CONTRACT, UNDER THE APPROPRIATE LAWS OF NEW YORK STATE, FOR 2009-2012 (CAPITAL PURCHASES)

Offered by: Public Works Committee

WHEREAS, the State of New York provides financial aid for municipal waste reduction and municipal recycling projects, 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 BY THE COUNTY OF ALLEGANY:

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 Allegany County Board of Legislators 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 its portion of the cost of said Municipal Waste Reduction and/or Recycling Project.

4. That the MUNICIPALITY or MUNICIPALITIES set forth their respective responsibilities by attached joint resolution relative to a joint Municipal Waste Reduction and/or Recycling Project.

5. That this resolution shall take effect immediately.

Moved by: Mr. Fanton
Seconded by: Mr. Healy

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

Comments made regarding Resolution No. 124-11 included the following:

Legislator Fanton explained that the grants covering capital purchases would reimburse for things like dumpsters and open-top containers that we'd have to buy anyway. Legislator O'Grady asked if the grants would cover things already purchased as long as it was within the covered time period. Mr. Fanton responded that he was unsure, but hopefully they would.

Legislator Ungermann noted that none of the four resolutions included anything under fiscal impact to indicate the County's cost. Mr. Fanton reiterated that we don't know that yet, but we don't have to accept the grants. This is just to apply. Mr. O'Grady pointed out that two of the applications go back to 2009, so we may be able to recoup some money that's already been spent.

RESOLUTION NO. 125-11

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR A STATE GRANT-IN-AID FOR A MUNICIPAL WASTE REDUCTION AND/OR RECYCLING PROJECT AND SIGNING OF THE ASSOCIATED STATE CONTRACT, UNDER THE APPROPRIATE LAWS OF NEW YORK STATE, FOR 2012-2015 (CAPITAL PURCHASES)

Offered by: Public Works Committee

WHEREAS, the State of New York provides financial aid for municipal waste reduction and municipal recycling projects, 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 BY THE COUNTY OF ALLEGANY:

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 Allegany County Board of Legislators 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 its portion of the cost of said Municipal Waste Reduction and/or Recycling Project.

4. That the MUNICIPALITY or MUNICIPALITIES set forth their respective responsibilities by attached joint resolution relative to a joint Municipal Waste Reduction and/or Recycling Project.

5. That this resolution shall take effect immediately.

Moved by: Mr. Fanton
Seconded by: Mr. Healy

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

RESOLUTION NO. 126-11

REAPPOINTMENT OF COUNTY PERSONNEL OFFICER

Offered by: Personnel Committee

Pursuant to Civil Service Law § 15

RESOLVED:

1. That Ellen A. Ruckle is reappointed as County Personnel Officer with term of office commencing September 28, 2011, and expiring September 27, 2017.

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

Adopted: Voice Vote

Comments made regarding Resolution No. 126-11 included the following:

Legislator Ungermann referred to a resolution to be considered later in the meeting, Resolution Intro. No. 134-11, contracting for services related to the Workplace Violence Prevention Program. Mr. Ungermann noted that two department heads have said they don't have the time to work on it, but he believes it's something that should be done. If Ms. Ruckle would be willing to take on the training to become a Safety Officer so this could be completed in-house, he could support this reappointment. We shouldn't keep contracting these things out.

RESOLUTION NO. 127-11

APPOINTMENT OF TWO MEMBERS TO COUNTY BOARD OF HEALTH

Offered by: Human Services Committee

Pursuant to Public Health Law §§ 343 and 344

RESOLVED:

1. That Susan Dougherty is appointed to fill the unexpired six-year term of Sherry Herdman to the County Board of Health, with term of office commencing October 3, 2011, and expiring July 7, 2012.
2. That Dr. Joseph Felsen is appointed to the County Board of Health, with term of office commencing October 3, 2011, and expiring July 7, 2017.

Moved by: Mr. Burdick
Seconded by: Mr. LaForge

Adopted: Voice Vote

RESOLUTION NO. 128-11

TRANSFER OF FUNDS WITHIN CANCER SCREENING AND BIO-TERRORISM PREPAREDNESS ACCOUNTS

Offered by: Human Services Committee

RESOLVED:

1. That the sum of \$300 is transferred from Account No. A4071.4 to Account No. A4071.2, and \$110 from Account No. A4189.4 to Account No. A4189.2.

Moved by: Mr. Burdick
Seconded by: Mr. Fanton

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

RESOLUTION NO. 129-11

TRANSFER OF FUNDS WITHIN SHARED SERVICES BUILDINGS ACCOUNT

Offered by: Public Works Committee

RESOLVED:

1. That the sum of \$5,000 is transferred from Account No. A1620.1 to Account No. A1620.2 to cover miscellaneous tools which are necessary due to the extra workload and construction projects.

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

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

RESOLUTION NO. 130-11

**APPROVAL AND RATIFYING SIX-YEAR AGREEMENT
BETWEEN COUNTY OF ALLEGANY AND
ALLEGANY COUNTY DEPUTY SHERIFF'S ASSOCIATION;
IMPLEMENTING 2008 COMPENSATION NOTWITHSTANDING
PROVISIONS OF RESOLUTION NO. 235-2010**

Offered by: Personnel Committee

RESOLVED:

1. That the Agreement between the County of Allegany and the Allegany County Deputy Sheriff's Association, covering the period January 1, 2008, to December 31, 2013, is approved and ratified.

2. That notwithstanding the provisions of Resolution No. 235-2010 to the contrary, retroactive to and from January 1, 2008, each unit employee occupying a position set forth in Agreement between the County of Allegany and the Allegany County Deputy Sheriff's Association approved by this resolution, shall receive the salary or rate of compensation for the step of the grade of the position occupied that is set forth in the salary schedules annexed to the Agreement for the period January 1, 2008, through December 31, 2013, and being the salary or rate of compensation such unit employee was entitled to receive commencing January 1, 2008, pursuant to such Agreement and pursuant to the County Unit Salary Plan; and further, the increment recommendation from the Sheriff for each such unit employee under his jurisdiction receiving such recommendation is approved.

3. That the Chairman of this Board is authorized to execute the Agreement upon its preparation and approval by the County Attorney's Office.

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

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

Comments made regarding Resolution No. 130-11 included the following:

Legislator Pullen, who acted as liaison between the negotiating team and the Personnel Committee, noted that the contract negotiation was a long process beginning in 2007. The contract is not perfect, and as with most compromises, no one will be completely happy, but Mr. Pullen felt it was a fair contract. It involves savings for the County and addresses some of the Board's major concerns, such as employee and retiree health care benefits. The union members have adopted the contract, and the Personnel Committee has approved it and referred it to the full Board. Mr. Pullen encouraged support, as it's a step in the right direction and sets a good starting point for future negotiations.

Chairman Crandall thanked the Sheriff for his role and all parties involved, including the Deputies, the County negotiating team, and Legislator Pullen, for their efforts. The contract isn't perfect, but we've come to a mutual conclusion.

RESOLUTION NO. 131-11

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH NYSDOT

Offered by: Ways and Means Committee

WHEREAS, the U.S. Department of Transportation is authorized to make grants to states through the Federal Transit Administration to support eligible projects under Section 5317 New Freedom, and 5316 Job Access and Reverse Commute (JARC), and

WHEREAS, this resolution is intended to supplement Resolution No. 226-2010 by recognizing and authorizing the State of New York's consolidation of separate agreements heretofore entered into for those respective grants into a single agreement, and

WHEREAS, NYSDOT has been designated by the Governor of the State of New York to administer Section 5317-NF Federal formula funds for projects designed for new public transportation services and public transportation alternatives beyond those required by the Americans with Disabilities Act of 1990 (ADA); and 5316-JARC Federal formula reimbursement funds for projects designed to increase access for welfare recipients and low income persons to employment, as identified through a coordinated planning process, and

WHEREAS, Allegany County will enter into contract with NYSDOT for the Allegany County Mobility Management System for FTA Section 5317 and FTA Section 5316 Federal funds to implement an eligible New Freedom and JARC service in Allegany County for an

awarded Federal Share amount of \$250,000 and including the provision by it of the Local Share of \$62,500 of project costs or 20 percent in-kind, and

WHEREAS, Allegany County has fulfilled the FTA coordinated plan requirements that the project “must be derived from the project area Coordinated Plan,” now, therefore, be it

RESOLVED:

1. That the County Administrator is hereby authorized to file and execute applications on behalf of Allegany County with NYSDOT to aid in the financing of a mobility management project pursuant to FTA Sections 5317 New Freedom, and 5316 JARC as amended.

2. That the Chairman of this Board is hereby authorized to execute and file all Annual FTA Certification and Assurances, contract/agreements, or any other document required by NYSDOT.

3. That the County Administrator is authorized to submit and approve payment requests for reimbursement of Section 5316/17 Federal funds from the NYSDOT for eligible activities within the FTA Section 5316/17 project/s.

4. That the County Attorney is authorized to provide any certifications required evidencing the legal authority of the County of Allegany to enter into the underlying agreement.

5. That the sum of \$250,000 is appropriated to Accounts as designated by the County Treasurer, as heretofore provided by Resolution No. 226-2010.

Moved by: Mr. Hopkins
Seconded by: Mr. Healy

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

Comments made regarding Resolution No. 131-11 included the following:

Legislator O’Grady questioned the term of the contract, and County Administrator John Margeson stated that it was 2011 through 2012. When asked if the grant involved a reimbursement type situation, Mr. Margeson replied that it does. If we decide not to spend the money, it doesn’t matter.

RESOLUTION NO. 132-11

**APPROVING AGREEMENT BETWEEN THE COUNTY OF ALLEGANY AND
PUBLIC SECTOR HR CONSULTANTS LLC FOR SERVICES ASSOCIATED WITH
THE COUNTY WORKPLACE VIOLENCE PREVENTION PROGRAM;
AUTHORIZING CHAIRMAN TO EXECUTE SAID AGREEMENT**

Offered by: Ways and Means Committee

RESOLVED:

1. That agreement between the County of Allegany and Public Sector HR Consultants LLC for services associated with the County Workplace Violence Prevention Program in the amount of \$16,500 plus additional expenses up to \$2,000, is approved.

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

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

Adopted: Roll Call
12 Ayes, 3 No, 0 Absent
Voting No: Cady, O'Grady, Ungermann

Comments made regarding Resolution No. 132-11 included the following:

Legislator O'Grady felt that the work should have been done in-house.

Legislator Pullen pointed out that there are two separate issues involved. This resolution deals with the actual evaluation of the physical plant and some of the other working conditions and circumstances. It requires special training and expertise, and no one on payroll has that background. If we sent someone to get training, it would probably require a new job title and pay raise. This is a one-time evaluation, and he supports the contract as the most effective and efficient means of completing the work. The other issue would hopefully involve having the annual reviews and implementation going forward completed in-house by a Workplace Safety Officer. But right now, we have to get into compliance, because there may be some exposure and potential liability if there are any problems. This is a good way to reduce that exposure.

Legislator Ungermann felt that there must be some training out there for a person designated to be a Safety Officer so this could be done. One of the reasons we should have someone designated as a Safety Officer is that it would pertain not only to workplace violence, but also workplace safety and sexual harassment. It would probably also lower our Workers' Comp and Disability expenses. Mr. Ungermann stated that he also felt there should be drug and alcohol testing for all County employees. That can be done in-house. Someone could get the training and do this.

Legislator Fanton explained that we were served notice on this issue, and there is a date when it has to be remediated. He's concerned that if we try to do it in-house, it will be looked at as "having the fox in charge of the chicken coop." As a one-time deal, we really need to take care of this.

Chairman Crandall remarked that his understanding was that we were here once before with a resolution that would have taken care of this, and we chose to handle it in-house at that time. We weren't able to produce what was necessary in-house, and now we're back here

with this contract. There are concerns from the County Attorney's point of view if we don't get into compliance with what our requirements are.

Legislator Ungermann stated that the previous issue was the Workplace Violence Policy that we had to have. We completed the Workplace Violence Policy, but we never implemented it. That's why we're getting served notice.

AUDITS:

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

A motion was made by Legislator Hopkins, seconded by Legislator Graves and adopted on a roll call vote of 14 Ayes, 1 No, 0 Absent, that the audit of claims, totaling \$2,733,885.72, including prepaid expenses, be approved for payment as recommended by the County Administrator (opposed: Ungermann). (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$5,505,978.*) Legislator Ungermann asked for and received an explanation of the County Administrator's expenses.

GENERAL COMMENTS:

Chairman Crandall noted that there will be a Public Participation meeting at Alfred University on September 8 at 6 p.m. sponsored by the Western New York Economic Development Council. Each of the five counties in the Western New York Region will have a chance for public input on development within their own county. Citizens will be encouraged to attend. There will be more information coming.

ADJOURNMENT: The meeting was adjourned at 3:15 p.m. following a motion made by Legislator Curran, seconded by Legislator Pullen and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION**

SEPTEMBER 12, 2011

**** APPROVED ****

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

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Navy Aviation Radioman Third Class Richard (Dick) Brunell.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 14 Legislators Present: Glenn Benson, Douglas Burdick, Donald Cady, Curtis Crandall, Philip Curran, Dwight Fanton, Karl Graves, Dwight (Mike) Healy, Theodore Hopkins, Kevin LaForge, Timothy O'Grady, David Pullen, Frederick Sinclair, Norman Ungermann, Jr.; 1 Legislator Absent: Aaron McGraw

APPROVAL OF MINUTES:

The Board meeting minutes of August 22, 2011, were approved on a motion made by Legislator Curran, seconded by Legislator Fanton and carried.

The Committee of the Whole meeting minutes of August 22, 2011, were approved on a motion made by Legislator Curran, seconded by Legislator Sinclair and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Richard (Dick) Brunell, former United States Navy Aviation Radioman Third Class, in grateful appreciation of his service to our Country. Mr. Brunell's service dates were from February 1943 to February 1946. Following Basic Training at the Naval Training Station, Sampson, NY, assignments included: USS Saratoga and USS Bismarck Sea. Commendations he received included: Asiatic-Pacific Medal (2 Stars), American Area Medal, Victory Medal, and Good Conduct Medal. Chairman Crandall read from an article in the January 2004 edition of the *Saratoga Log* recounting Mr. Brunell's experience near Iwo Jima during World War II. Mr. Brunell led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Crandall granted privilege of the floor to the following:

Catherine Schuyler Chapter National Society Daughters of the American Revolution Regent Meredith Chilson, accompanied by members Joan Sinclair, Arlene Hughes, and Margaret Strittmather, addressed the Board regarding the national celebration of Constitution

Week, which begins September 17. Ms. Chilson read from a press release from the National Headquarters of the DAR, giving a short history of Constitution Week and outlining the aims of the celebration, which are to “emphasize citizens’ responsibilities for protecting and defending the Constitution, preserving it for posterity, to inform the people that the Constitution is the basis for America’s great heritage and the foundation for our way of life, and to encourage the study of the historical event which led to the framing of the Constitution in September 1787.”

Kimberley Toot from the Office for the Aging, Theresa Moore from the Department of Health, Melissa Williams from the Allegany/Western Steuben Rural Health Network, and Brenda Szabo from Jones Memorial Hospital gave a presentation entitled, “Step Up to Stop Falls.” In addition to the four agencies listed above, the Allegany County Fall Prevention Collaborative Steering Committee also includes the Department of Social Services and NY Connects. Grant funds were obtained for fall prevention education. Information was presented on falls statistics and the Collaborative’s vision and goals in empowering our older adults to achieve their optimal independence and improve their quality of life by having fewer falls and fall-related injuries. An invitation was extended to attend a celebration of National Fall Prevention Awareness Day on September 22 at the Wellsville Farmers’ Market at Jones Memorial Hospital from 2 to 6 p.m., and also the Step Up to Stop Falls Council of Agencies meeting on September 23 from 8:30 to 11:30 a.m.

Allegany County Sheriff Rick Whitney addressed the Board on New York State’s 23rd annual celebration of Sheriff’s Week, October 2 through 8, in honor of the significant traditional and contemporary contributions made by the Office of Sheriff in county government and in the statewide criminal justice system. Sheriff Whitney spoke of the rich history of the Office of Sheriff and noted that it is an essential part of the law enforcement community. The Sheriff not only provides the community with traditional police services, but is also responsible to patrol the lakes and waterways, provide security in the Courts, maintain the County Jail, execute and serve civil processes, and coordinate the dispatching of all emergency services in the County. The Sheriff is the only law enforcement officer in this state to be directly elected by those he serves, and Sheriff Whitney stated that he considers it a privilege to be Sheriff of Allegany County.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

The following communications were acknowledged:

1. Industrial Development Agency Executive Director John Foels issued a Notice of Public Hearing for September 27, 2011, at 10 a.m. at the Cuba Memorial Hospital to be conducted by the Allegany County Capital Resource Corporation for the Cuba Memorial Hospital Project.

2. The New York State Department of Environmental Conservation issued a Notice of Completion of an Environmental Impact Statement on the Oil, Gas and Solution Mining Regulatory Program on September 7, 2011.

PROCLAMATIONS:

Chairman Crandall proclaimed September 17 through 23, 2011, as Constitution Week in Allegany County and urged our citizens to reflect on the privilege of being an American with all the rights and responsibilities which that privilege entails.

Chairman Crandall proclaimed September 23, 2011, as Fall Prevention Awareness Day in Allegany County. He urged health and human service organizations to continue developing and evaluating strategies to prevent falls among older adults and also encouraged all Allegany County residents to be aware of their risks for falls and participate in available programs and services to increase independence, maintain quality of life, and secure their own personal health and well-being.

Chairman Crandall proclaimed October 2 through 8, 2011, as Sheriff's Week in Allegany County to recognize the historical contributions of the Office of Sheriff and the significant role the Sheriff plays in our modern criminal justice system.

RESOLUTIONS:

RESOLUTION NO. 133-11

**AMENDING RESOLUTION NO. 106-2011 BY ADDING A PARAGRAPH
PROVIDING FOR AN APPROPRIATION OF YOUTH PROGRAM FUNDS**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That Resolution No. 106-2011 is amended to add paragraph "4." to read as follows:

4. Funding for the agreements approved above is appropriated as follows:

<u>Agreement</u>	<u>Amount</u>	<u>Approp. Account</u>	<u>Revenue Account</u>
Allegany Council on Alcoholism and Substance Abuse, Inc. (Week of Alternatives)	\$2,220	A7312.488	A10.3820.85
Youth for Christ (Wellsville Skate Park)	\$1,255	A7182.483	A10.3820.7182
Houghton College (First STEP)	\$1,625	A7317.489	A10.3820.89
Houghton College (STEP)	\$2,590	A7312.486	A10.3820.15
Allegany Council on Alcoholism and			

Substance Abuse, Inc. (Natural Helpers)	\$1,254	A7312.487	A10.3820.42
Youth for Christ (Teen Center)	\$2,222	A7317.488	A10.3820.07
Literacy West NY, Inc. (Peers Helping Peers)	\$2,065	A7318.483	A10.3820.47
Southern Tier Traveling Teacher, Inc. (GED)	\$2,490	A7318.487	A10.3822.03
Allegany Co. Chapter of Red Cross (When I'm In Charge)	\$573	A7319.483	A10.3820.7319
Alfred University (Children Learning Initiatives)	\$1,415	A7325.483	A10.3820.7325

Moved by: Mr. Healy
Seconded by: Mr. Hopkins

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

(Memo: The Youth Programs included in Resolution No. 133-11 were already approved by Resolution No. 106-11, but the appropriation of funds was never done.)

Comments made regarding Resolution No. 133-11 included the following: Legislator Ungermann questioned if we have contracts with all these organizations explaining what they provide. Youth Bureau Director Linda Edwards responded that we do. Mr. Ungermann noted that there are four of the programs, two for Youth for Christ and two for Houghton College, that come into question for him, as he felt they seemed to have religious overtones. He requested copies of their contracts.

RESOLUTION NO. 134-11

ACCEPTANCE OF SHARED SERVICES GRANT FUNDS FROM THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES; AUTHORIZING THE CHAIRMAN OF THE ALLEGANY COUNTY BOARD OF LEGISLATORS TO EXECUTE ANY AND ALL AGREEMENTS NECESSARY TO SECURE SUCH GRANT

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That a shared services grant in the amount of \$22,338 from the New York State Division of Criminal Justice Services is accepted. That the Chairman of this Board is authorized to execute any and all agreements and documents necessary to secure such grant.

2. That no budget adjustment is necessary for this calendar year and the accepted sum of \$22,338 for such grant will be included in the 2012 budget under Appropriation Account No. A3140.449 and Revenue Account No. A10.3310.06.

Moved by: Mr. Healy
Seconded by: Mr. Fanton

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

(Memo: In 2007, the Division of Criminal Justice Services awarded a two-year grant for \$50,000 each year to the Allegany County Probation Department for a Shared Services Program. This grant allowed for individuals on probation or pre-trial release supervision to receive mental health assessments and treatment services. Since that time, the grant funding was extended for two more years. DCJS recently informed the Probation Director that they are funding this program again for the period 07/01/11-06/30/12, in the amount of \$22,338. This money will go toward the salary and benefits of the Forensic Case Coordinator employed by the Allegany County Jail. See also Res. Nos. 103-07, 90-09, 148-09, 55-10, and Public Safety Committee minutes of 12/01/10.)

RESOLUTION NO. 135-11

**TRANSFER OF FUNDS FROM CONTINGENT ACCOUNT
TO HOMELAND SECURITY EQUIPMENT ACCOUNT**

Offered by: Ways and Means Committee

RESOLVED:

1. That the sum of \$3,590 is transferred from Account No. A1990.4 (Contingency) to Account No. A3645.2 (Homeland Security – Equipment) for a backup power generator set at the Pingrey Hill tower.

Moved by: Mr. Hopkins
Seconded by: Mr. Healy

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

(Memo: The transfer of funds approved by Resolution No. 135-11 was necessary because the original request for funds for backup power generator sets for the E-911 radio towers did not include one for Pingrey Hill, due to a miscommunication with Saia Communications. See also Res. No. 59-11.)

RESOLUTION NO. 136-11

**ABOLISHING ONE POSITION OF EMERGENCY COMMUNICATIONS COORDINATOR
AND CREATING ONE POSITION OF EMERGENCY SERVICES DISPATCHER
IN THE SHERIFF'S DEPARTMENT**

Offered by: Public Safety Committee

RESOLVED:

1. That one position of Emergency Communications Coordinator is abolished and the position of Emergency Services Dispatcher is created in the Sheriff's Department.
2. That this resolution shall take effect September 13, 2011.

Moved by: Mr. Healy
Seconded by: Mr. Burdick

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

Comments made regarding Resolution No. 136-11 included the following: Legislator Ungermann asked if the action would result in any additional costs or savings. Sheriff Whitney replied that it should save money, because they are eliminating a supervisory-type position and replacing it with a Dispatcher.)

AUDITS:

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

A motion was made by Legislator Hopkins, seconded by Legislator Pullen and adopted on a roll call vote of 13 Ayes, 1 No, 1 Absent, that the audit of claims, totaling \$5,599,613.19, including prepaid expenses, be approved for payment as recommended by the County Administrator (opposed: Ungermann). (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$6,068,664.*)

GENERAL COMMENTS:

An announcement was made for a special Budget Committee meeting to be held on September 19 at 3 p.m.

Chairman Crandall noted that he attended a program in Cuba at the Liberty Pole in recognition of September 11. There were also several other programs around the County.

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

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION**

**SEPTEMBER 26, 2011
** APPROVED ****

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

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Army Technician 3rd Class Leland C. Mosher.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 14 Legislators Present: Glenn Benson, Douglas Burdick, Donald Cady, Curtis Crandall, Dwight Fanton, Karl Graves, Dwight (Mike) Healy, Theodore Hopkins, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Frederick Sinclair, Norman Ungermann, Jr.; 1 Legislator Absent: Philip Curran

APPROVAL OF MINUTES:

The Board meeting minutes of September 12, 2011, were approved on a motion made by Legislator Graves, seconded by Legislator Fanton and carried.

The Committee of the Whole meeting minutes of September 12, 2011, were approved on a motion made by Legislator Pullen, seconded by Legislator Graves and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Leland C. Mosher, former United States Army Technician 3rd Class, in grateful appreciation of his service to our Country. Mr. Mosher's service dates were from November 1942 to September 1945. Following Basic Training at Camp Lee, VA (now known as Fort Lee), assignments included: Camp Edwards, MA; Camp Gordon Johnston, FL; Ascot Camp, Australia; and New Guinea. Commendations he received included: Asiatic Pacific Service Medal, Good Conduct Medal, and Rifle Marksman. Mr. Mosher led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Crandall presented a check to Public Health Director Lori Ballengee for Allegany County Cancer Services. The Board of Legislators periodically makes these donations from their Flower Fund (non-tax dollars) to organizations that provide services they feel are very important to Allegany County, and Allegany County Cancer Services is one of them. The funds they raise are distributed entirely within the County. Mrs. Ballengee provided an update on Allegany County Cancer Services, which began in 2006. All money raised goes to County residents with cancer diagnoses, helping with expenses directly related to cancer. Each applicant receives up to \$500, most often by way of gas cards for

travel to doctor visits. ACCS is having their annual major fundraiser, the Colors for Life 300 Club Dinner, at the Wellsville American Legion on October 15, and an invitation was extended. Mrs. Ballengee distributed information on County cancer statistics and monetary awards made to-date by ACCS. The number of residents they have helped is up to 176, and over \$60,000 has been distributed over the last four years.

ACCORD Community Operations Associate Director Belinda M. Knight was granted privilege of the floor and spoke about their Domestic Violence Services. ACCORD assists more than 200 victims annually with free and confidential supportive services, such as emergency shelter, 24-hour domestic violence hotline, intake and assessment, advocacy, family offense petition preparation, risk assessment and safety planning, linkage to professional counseling services, and case management and goal planning. Staff members serve on inter-agency committees, and partners include Child Protective Services, Office for the Aging, Alfred University, Allegany County Sheriff, Allegany County Court, and local police agencies. In the past year, their program has served an increasing number of victims. They experienced a temporary loss of local funding for Chances, but they were just awarded a three-year grant from the U.S. Department of Justice Office on Violence Against Women. The grant will allow them to reinstate Chances, which provides very important education to women and children of domestic violence situations. Ms. Knight invited all present to attend their Domestic Violence Awareness Ceremony on October 6 at 12:30 p.m. on the Courthouse lawn. She noted that all of our efforts combined to bring about awareness of the critical issues will make a difference for those whose lives depend on our concern and our action.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator's desk:

1. October 2011 Calendar of Board and Standing Committee meeting dates.
2. Report of Tax Bill Corrections approved by the County Administrator in August.
3. Report of Intrafund Transfers approved by the County Administrator in August.

The following communications were also acknowledged:

1. Invitation from the Greater Allegany County Chamber of Commerce to attend the Business after Hours Event hosted by Alfred State College on October 6 from 5:30 to 8:00 p.m.
2. Southern Tier West Regional Planning and Development Board 2010-2011 Annual Report.
3. Notice from the New York State Conservation Police that there will be Region 8 and 9 Youth Waterfowl Hunting events on October 1 and 8.

4. Public Notice from the NYS DEC that Belmont BOCES Site No. 902016, Tax Map No. 159-1-32, located on River Road, Amity, NY, no longer presents a threat to public health or the environment, and the NYS DEC is proposing to delist the site from the Registry. Public comments are being received through October 21, 2011.

PROCLAMATION:

Chairman Crandall proclaimed October 2011 as Domestic Violence Awareness Month and urged all citizens to actively participate in the scheduled activities and programs sponsored by the Allegany County Domestic Violence Consortium and to work toward improving victim safety and holding perpetrators of domestic abuse accountable for their actions.

RESOLUTIONS:

RESOLUTION NO. 137-11

**ACCEPTANCE OF INSURANCE PAYMENT FROM NYMIR AND
APPROPRIATION OF FUNDS TO CAPITAL VEHICLE PURCHASE/REPLACEMENT
AND INSURANCE RECOVERY ACCOUNTS**

Offered by: Ways and Means Committee

WHEREAS, a check in the amount of \$5,133, representing the settlement less a \$500 deductible on a 2002 Chevy Astro Van that was totaled as the result of a motor vehicle accident on August 23, 2011, has been offered by NYMIR in settlement of such damage, now, therefore, be it

RESOLVED:

1. That the amount of \$5,133 from NYMIR, representing the settlement less a \$500 deductible on a County vehicle that was totaled as a result of a motor vehicle accident on August 23, 2011, is accepted.

2. That the total sum of \$5,133 is appropriated to Account No. H5997.2 (Vehicle Purchase/Replacement), with a like sum credited to Revenue Account No. H07.2680.00 (Insurance Recoveries).

Moved by: Mr. Hopkins
Seconded by: Mr. LaForge

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

(Memo: The vehicle referenced in Resolution No. 137-11 was operated by the Department of Public Works.)

RESOLUTION NO. 138-11

**TRANSFER OF FUNDS FROM CONTINGENT ACCOUNT
TO GRAND JURY CONTRACTUAL EXPENSES ACCOUNT**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That the sum of \$3,000 is transferred from Account No. A1990.4 (Contingent) to Account No. A1190.429 (Grand Jury – Stenographer/Transcripts) to cover the shortfall in that account.

Moved by: Mr. Healy
Seconded by: Mr. Fanton

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

RESOLUTION NO. 139-11

**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, 2011, to March 31, 2012, is approved.

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

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

Comments regarding Resolution No. 139-11 included the following: Legislator Sinclair questioned if the renewal agreement covers the 2012 increase in salary for staff performing these services. County Administrator John Margeson noted that it is covered. The State is often behind but is reliable in making the County whole for salary and benefit expenses incurred for provision of this service.

AUDITS:

A motion was made by Legislator Hopkins, seconded by Legislator O'Grady and carried, that the audits be acted upon collectively and by totals.

A motion was made by Legislator Hopkins, seconded by Legislator Fanton and adopted on a roll call vote of 13 Ayes, 1 No, 1 Absent, that the audit of claims, totaling \$2,308,104.81, including prepaid expenses, be approved for payment as recommended by

the County Administrator (opposed: Ungermann). (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$6,443,788.*) Legislator Ungermann questioned if the expense appearing under Bus Transportation was a pass-through amount or if County funds were involved. County Administrator John Margeson explained that it was 100 percent federal aid. Mr. Margeson also responded to Mr. Ungermann's question on County Administrator expenses.

GENERAL COMMENTS:

Legislator Ungermann remarked on the Garlic Festival held in Cuba September 17 and 18, which was very successful. Paid attendance totaled 4,700 on Saturday alone, and when you start adding in vendors, the number was probably close to 9,000 overall for the weekend. He also mentioned the Civil War Re-enactment held in Angelica September 24 and 25. These events help the County's economy.

Legislator O'Grady commented on the ATV Event held at Kent Farms in Andover, with 600 riders over two days. Legislator Hopkins noted that the event would be appearing on TV.

Legislator Fanton gave a reminder that the Allegany County Republican Women are sponsoring a "Meet the Candidate Night" on Thursday, September 29, at 7:00. Tickets are available from the Clerk of the Board or at the door.

Legislator LaForge referred to a past request by the Allegany County Vietnam Veterans for assistance from the Veterans' Service Agency for their Wounded Warriors' Camp Project. He had the opportunity to visit the site and was very impressed. Mr. LaForge wanted to recognize Veterans' Service Agency Director Mike Hennessy for his involvement.

ADJOURNMENT: The meeting was adjourned at 2:37 p.m. on a motion made by Legislator Graves, seconded by Legislator Pullen and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION**

**** OCTOBER 11, 2011 ****

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

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Navy Petty Officer Mark A. Brulotte.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 14 Legislators Present: Glenn Benson, Douglas Burdick, Donald Cady, Curtis Crandall, Philip Curran, Dwight Fanton, Karl Graves, Dwight (Mike) Healy, Theodore Hopkins, Kevin LaForge, Timothy O'Grady, David Pullen, Frederick Sinclair, Norman Ungermann, Jr.; 1 Legislator Absent: Aaron McGraw

APPROVAL OF MINUTES:

The Board meeting minutes of September 26, 2011, were approved on a motion made by Legislator Fanton, seconded by Legislator Pullen and carried.

The Committee of the Whole meeting minutes of September 26, 2011, were approved on a motion made by Legislator Graves, seconded by Legislator Sinclair and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Mark A. Brulotte, former United States Navy Petty Officer Second Class, in grateful appreciation of his service to our Country. Mr. Brulotte's service dates were from June 1982 to March 1990. Following Basic Training at Naval Station Great Lakes, IL, assignments included: Naval Air Station Oceana, VA; Naval Air Station Pensacola, FL; USS John F. Kennedy; USS Nimitz; USS Dwight D. Eisenhower; USS America; and USS Saratoga. Commendations he received included: Sea Service Deployment Ribbons (2), Navy Expeditionary Medal, and Good Conduct Medal. Mr. Brulotte led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Crandall granted privilege of the floor to the following:

Allegany County Area Foundation Executive Director Douglas Roorbach accepted a check on behalf of the Foundation. Chairman Crandall noted that the Board has some discretionary funds (non-taxpayer dollars) that are used in this way to recognize a couple of organizations providing County-wide services, as a token of the Board's appreciation. Mr. Roorbach thanked the Board for their support. He reported that the Foundation is doing very well. They were able to give over \$200,000 in scholarships to 42 Allegany County students

this year, as well as granting thousands more to organizations as diverse as Allegany Arc and the Genesee River Wilds Project. They have endowment funds for the SPCA, the Cuba Hospital, and several libraries in the County. The Foundation recently received a major gift of \$100,000 from Francis and Betty Bartoo's estate as an endowment for the Richburg-Wirt Historical Society. That's quite a legacy to leave, and hopefully others in the County will consider how they can leave a legacy for their favorite organizations as well. Mr. Roorbach noted that prior Executive Director Bob Christian has retired, but during his eight-year tenure, he became well known throughout the County. To honor his efforts on behalf of the students and citizens of Allegany County, a fund will be established in his name. The Legislators and other interested parties were invited to attend the Foundation's annual meeting to be held October 24, at 7 p.m., at the Crossroads Center. All organizations that received grants in the past year will be available.

Allegany Arc and PWI Executive Director Michael Damiano addressed the Board to recognize Allegany Arc's 50th Anniversary. Arc is inviting the citizens of Allegany County to join them in commemorating this anniversary by renewing our community's dedication to providing the highest quality opportunities to people with intellectual and other developmental disabilities and their families. Mr. Damiano provided some history on the establishment of Allegany Arc in 1961 by a small group of parents determined to give their children with disabilities a better life, at a time when many families were encouraged to give up their children with disabilities to a large institutional system. What exists in New York today, the most comprehensive and highest quality system of services in the world for people with developmental disabilities, was built through the cooperation of state, county, and federal governments, but this system wouldn't have been possible without the contributions of private not-for-profits like Allegany Arc. The founders of Allegany Arc probably never imagined that their small community-based initiative would become one of the largest employers in Allegany County, employing nearly 400 people. Allegany Arc touches the lives of countless people. Many of Allegany Arc's employees participate in industry, producing high-quality products, including parts for railroad and wind energy, novelty drink cups, DNA kits used in hospitals and law enforcement, furniture care kits, and school medical kits. Today Allegany Arc is committed to integrated competitive employment in businesses in our community. The organization provides comprehensive care coordination, nursing and other medical services at their eight residences and in countless private residences. Mr. Damiano also recognized their direct support professionals, without whom the organization's achievements would not be possible. Allegany Arc looks forward to their continued collaboration with the business sector, as well as their partners in the human services system. Mr. Damiano expressed gratitude for the Legislature's support of their mission.

Cancer Services Program RN Madelyn Thornton spoke on Breast Cancer Awareness Month, which is the month of October. The Cancer Services Program is available to any citizen in New York State, although they concentrate mostly on Allegany and Cattaraugus Counties. The program pays for screenings for women over the age of 40 and men over the age of 50. Early detection of cancers leads to a better outcome, and the earlier the detection, the better the survival rate. The Cancer Services Program is for the uninsured and those with high deductibles. This year, so far, they have screened 223 people, and 100 of those were Allegany County residents, an eight percent increase from last year. Eleven cancers were

detected, and the program was able to pay for treatments such as colonoscopies and diagnostic services. Once diagnosed, they refer the patients to the Medicaid Cancer Treatment Program, which will pay for all of their treatment costs. Ms. Thornton also commented on the Komen grant, which is available for breast cancer patients to assist with copays and gas cards, and they have a breast cancer support group.

County Treasurer Terri Ross spoke on behalf of the Allegany County Artisans. Their 24th Annual Studio Tour will take place this weekend, October 15 and 16. Ms. Ross has been a member of the Allegany Artisans for the past four years. This year, there will be 45 working artisans taking part in the tour in 37 studios. In 1987, the event started with eight artists.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator's desk:

1. Tentative Budget for 2012.
2. Report of Tax Bill Corrections approved by the County Administrator in September 2011.

The following communications were also acknowledged:

1. The County Treasurer filed Certificates of Withdrawal of Delinquent Tax Liens for properties in the towns of Angelica and Wellsville in the Clerk of the Board's Office on September 28, 2011, pursuant to Article 11 of the Real Property Tax Law.
2. The County Treasurer filed the December 31, 2010, financial statements prepared by EFP Rotenberg in the Clerk of the Board's Office on September 29, 2011.
3. Notice of next InterCounty meeting to be hosted by Seneca County in Romulus on October 21, 2011.
4. Copies of Correspondence that Assemblyman Joseph Giglio sent to Governor Andrew Cuomo and NYS DMV Commissioner Barbara Fiala objecting to the decision to eliminate the requirement that licensees receive a vision test every eight years when renewing their licenses.

APPOINTMENT:

Chairman Crandall reappointed David T. Pullen of Fillmore, New York, to serve as the legislative designee on the **LAW LIBRARY BOARD OF TRUSTEES** for a two-year term commencing October 2, 2011, and expiring October 1, 2013.

PROCLAMATIONS:

Chairman Crandall issued a proclamation commemorating Allegany Arc's 50th Anniversary in recognition of the important work they undertake in assisting people with special needs, and he offered the Legislature's highest commendation and appreciation.

Chairman Crandall proclaimed the month of October as Breast Cancer Awareness Month in Allegany County in order to increase the awareness of the importance of early breast cancer detection.

INTRODUCTION OF LEGISLATION:

Legislator Theodore Hopkins introduced Local Law Intro. No. 2-2011, Print No. 1, entitled, "A Local Law Limiting Protest Activities Before, During, and After Funeral Services in the County of Allegany," a copy of said proposed Local Law having been placed on each legislator's desk.

Legislator Theodore Hopkins introduced Local Law Intro. No. 3-2011, 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 Intro. No. 142-11 (Resolution Setting Date of Public Hearing on a Local Law to Provide Increases in the Compensation of Certain County Officers) was amended on a motion made by Legislator Hopkins, seconded by Legislator Sinclair and carried, by changing "Intro. No. 3-2010" to "Intro. No. 3-2011" in the first line of the first Whereas and the third line of Resolved No. 1.

RESOLUTION NO. 140-11

RESOLUTION SETTING DATE OF PUBLIC HEARING ON A LOCAL LAW TO PROVIDE INCREASES IN THE COMPENSATION OF CERTAIN COUNTY OFFICERS

Offered by: Ways and Means Committee

WHEREAS, on this 11th day of October, 2011, a local law (Intro. No. 3-2011, Print No. 1) was introduced to provide increases in the compensation of certain County officers, and

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

RESOLVED:

1. That a public hearing shall be held on October 24, 2011, 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. 3-2011, 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. Hopkins
Seconded by: Mr. Curran

Adopted: Voice Vote

RESOLUTION INTRO. NO. 143-11 (RESOLUTION SETTING DATE OF PUBLIC HEARING ON A LOCAL LAW LIMITING PROTEST ACTIVITIES BEFORE, DURING, AND AFTER FUNERAL SERVICES IN THE COUNTY OF ALLEGANY) was REFERRED BACK TO THE WAYS & MEANS COMMITTEE following a motion made by Legislator Pullen, seconded by Legislator Graves and carried. Prior to this action, discussion included the following:

Legislator Cady commented that it seemed like the local law would be issuing a challenge to outside protestors to come in. He was also concerned about how enforcement would be handled. Mr. Cady felt the local law wasn't necessary.

Legislator Pullen noted that the County Attorney has advised that the State Legislature has enacted two different laws that would impact our local law. He felt it would be appropriate to consider the matters Mr. Cady referred to and also to hear from the County Attorney on how the State enactments will affect our local law.

Resolution Intro. No. 144-11 (Resolution Setting Date of Public Hearing on 2012 County Tentative Budget and Providing Contents of Such Notice) was amended on a motion made by Legislator Hopkins, seconded by Legislator Sinclair and carried, by changing the date in the third line of Resolved No. 1 from "November 10, 2012," to "November 10, 2011."

RESOLUTION NO. 141-11

RESOLUTION SETTING DATE OF PUBLIC HEARING ON 2012 COUNTY TENTATIVE BUDGET AND PROVIDING CONTENTS OF SUCH NOTICE

Offered by: Ways and Means Committee

WHEREAS, the 2012 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 2012 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 2012 County Tentative Budget shall be held in the Legislators' Chambers, Room 221, at the County Office Building, 7 Court Street, Belmont, New York, at 7:00 p.m. on November 10, 2011.

2. That the notice of public hearing shall include a statement that the 2012 maximum salary for members of the Board of Legislators and the maximum salaries that may be fixed and payable during said fiscal year 2012 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. Hopkins
Seconded by: Mr. Fanton

Adopted: Voice Vote

Resolution Intro. No. 145-11 (Amendment of Resolution No. 235-2010 to Increase the Per Diem Rate of Election Inspectors) was amended on a motion made by Legislator Hopkins, seconded by Legislator O'Grady and carried, by changing "Section 6" to "Section 7" in the first line of Resolved No. 1.

Resolution Intro. No. 145-11 was further amended on a motion made by Legislator O'Grady, seconded by Legislator Graves and carried, by changing "\$146.25/day" to "\$148/day" in the fourth line of Resolved No. 1.

RESOLUTION NO. 142-11

**AMENDMENT OF RESOLUTION NO. 235-2010
TO INCREASE THE PER DIEM RATE OF ELECTION INSPECTORS**

Offered by: Personnel Committee

RESOLVED:

1. That Section 7. of Resolution No. 235-2010 is amended to change the per diem rate of Election Inspectors as follows:

\$85/day primary to \$92.50/day
\$135/day general to \$148/day

2. This change shall be effective retroactive to July 6, 2011.

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

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

Resolution Intro. No. 146-11 (A Resolution Determining that Errors Exist on the 2010 and 2011 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) was amended on a motion made by Legislator Hopkins, seconded by Legislator Healy and carried, by changing the title to read, "A Resolution Determining that Errors Exist on the 2010 and 2011 County, Town, and Village Tax Rolls for the Towns and Villages 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 and Village Tax Collectors to Correct the Tax Rolls; Providing for Charge Backs or Credits"; adding "and Village of Belmont" and changing "is" to "are" after "Town of Amity" in the first line of Resolved No. 4; adding a comma and omitting "and" after "the 2011 County" and adding "and Village" after "Town" in the second line of Resolved No. 4; and changing "2010 Amity Town" to "2011 Amity Town" in the column heading under Resolved No. 4.a.

RESOLUTION NO. 143-11

**A RESOLUTION DETERMINING THAT ERRORS EXIST ON
THE 2010 AND 2011 COUNTY, TOWN, AND VILLAGE TAX ROLLS FOR
THE TOWNS AND VILLAGES 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 AND VILLAGE 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 Collectors of the Town of Amity and Village of Belmont are ordered and directed to correct in the 2011 County, Town, and Village Tax Rolls, the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Town of Scio; Parcel 199.-1-7.12
Assessment: Land \$6,000 Total \$6,000

this parcel is wholly exempt, and the County Treasurer is directed to make the following Charge Back:

2011	2011	
	<u>Amity Town</u>	<u>Belmont Village</u>
Allegany County	134.58	
Town	21.14	
Fire	8.01	
School Relevy	221.07	
Village		102.06
Total	\$384.80	\$102.06

5. That the Tax Collector of the Town of Caneadea is ordered and directed to correct in the 2010 and 2011 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Rushford Trails Public Access Corporation; Parcel 77.19-1-99.42
Assessment: Land \$50 Total \$50

this parcel is wholly exempt, and the County Treasurer is directed to make the following Charge Back:

<u>2010</u>	<u>2011</u>	
Allegany County	.80	.78
Town	.46	.46
Fire	.07	.07
School Relevy	.89	.84
Lake District	.16	.18
Total	\$2.38	\$2.33

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, 2012. The County Treasurer shall send a written notice to each School of the amount of such deduction prior to May 1, 2012.

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

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

Resolution Intro. No. 147-11 (Approval of Sale of 2010 Tax Sale Properties) was amended on a motion made by Legislator Hopkins, seconded by Legislator Healy and carried, by changing the year in the title from "2010" to "2011" and deleting the entire entry for Steven J. DeMarte on page 6 of the original Resolution.

RESOLUTION NO. 144-11

APPROVAL OF SALE OF 2011 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 2009 and/or back to the year 1995 (TF95 up to and including TF09) 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>New Owner Address</u> <u>Sale Price</u>	<u>Parcel details</u>	<u>County title</u> <u>Recorded Date</u> <u>Liber, Page</u>
GOLISH, WILLIAM J. 551 Woodcock Rd Wellsville, NY 14895 Tax sale amount: \$100	Parcel ID: 022089/164.-1-64 Prop Loc: S Main Assessed value: \$1,500 Acres: 0.69	County of Allegany Book: 2010 Page: 43585
GROVER, THERESA S. GROVER, BENJAMIN J. 3944 County Rd 10 Scio, NY 14880 Tax sale amount: \$300	Parcel ID: 022400/262.6-1-19 Prop Loc: 5827 St Rt 417 Assessed value: \$26,000 Acres: 0.1	County of Allegany Book: 1477 Page: 23
SACEANU, DAN 466 Furton St, P.O. Box 251 Waverly, NY 14892 Tax sale amount: \$3,100	Parcel ID: 022400/262.6-1-43 Property Loc: 5831 St Rt 417 Assessed value: \$7,100 Acres: 0.05	County of Allegany Book: 1668 Page: 319
ROWLEY, KEVIN & PATRICIA 7164 Hunters Creek Holland, NY 14080 Tax sale amount: \$1,700	Parcel ID: 022400/301.-1-44.61 Property Loc: Alma Hill Rd Assessed value: \$4,000 Acres: 2.9	County of Allegany Book: 1167 Page: 21
GOODSELL, JOY E. 38 Main St Savona, NY 14879 Tax sale amount: \$800	Parcel ID: 022689/126.-1-22.11 Property Loc: Sherwood Ln Assessed value: \$15,600 Acres: 4.9	County of Allegany Book: 1797 Page: 237

SCHMIDT, BRYAN T. 44 Norton St. Belmont, NY 14813 Tax sale amount: \$1,000	Parcel ID: 022801/171.16-1-42.3 Property Loc: 48 Norton St Assessed value: \$2,400 Acres: 0.5	County of Allegany Book: 731 Page: 00250
RETIREMENT INVESTMENT GROUP LAND TRUST 1468 Best Rd East Greenbush, NY 12061 Tax sale amount: \$400	Parcel ID: 022801/172.9-1-44.1 Property Loc: 9 Howard St Assessed value: \$1,800 Acres: 0.21	County of Allegany Book: 1732 Page: 252
DEWEY, SCOTT B. 78 Greenwich St Belmont, NY 14813 Tax sale amount: \$200	Parcel ID: 022801/172.18-1-22.2 Property Loc: 82 1/2 Greenwich St Assessed value: \$2,400 Acres: 0.03	County of Allegany Book: 1659 Page: 269
PHILLIPS, WILLIAM A. 1260 Ocean Ave Sea Bright, NJ 07760 Tax sale amount: \$8,000	Parcel ID: 022889/160.-1-19 Property Loc: 4491 Phillips Crk Rd Assessed value: \$20,000 Acres: 1	County of Allegany Book: 1181 Page: 136
AMES, STEPHEN E. 4325 Back River Rd P.O. Box 28 Belmont, NY 14813 Tax sale amount: \$9,185.87	Parcel ID: 022889/198.-1-28 Property Loc: 4325 Back River Rd Assessed value: \$61,100 Acres: 1.67	County of Allegany Book: 1591 Page: 229
HARRIS, SHIRLEY A. 10 Second St, P.O. Box 227 Andover, NY 14806 Tax sale amount: \$200	Parcel ID: 023001/216.14-2-9 Property Loc: 12 Second St Assessed value: \$20,400 Acres: 0.22	County of Allegany Book: Page:
ANDOVER FIRE DEPARTMENT ASSOC, INC. 60 South Main St Andover, NY 14806 Tax sale amount: \$3,000	Parcel ID: 023001/216.18-1-20 Property Loc: 12 Chestnut St Assessed value: \$39,900 Acres: 0.22	County of Allegany Book: 1474 Page: 72
GOODSELL, JOY E. 38 Main St Savona, NY 14879 Tax sale amount: \$400	Parcel ID: 023089/241.-1-25.228 Property Loc: Trappingbrook Rd Assessed value: \$9,000 Acres: 2.41	County of Allegany Book: 1538 Page: 286

TREUSDELL, JOHN G. 62 Allegany Ave Angelica, NY 14709 Tax sale amount: \$3,703.63	Parcel ID: 023201/133.6-1-14 Property Loc: 62 Allegany Ave Assessed value: \$25,400 Acres: 0.19	County of Allegany Book: 1559 Page: 71
STEPHENS, KENNETH 4182 Co Rd 16, P.O. Box 68 Angelica, NY 14709 Tax sale amount: \$4,336.64	Parcel ID: 023289/121.-1-20.1 Property Loc: County Road 16 Assessed value: \$54,700 Acres: 13.3	County of Allegany Book: 1786 Page: 66
TEMPLE, JONATHAN & HEIDI 8186 County Rt 16 Angelica, NY 14709 Tax sale amount: \$2,900	Parcel ID: 023400/105.-1-1-4 Property Loc: 7 River Rd Assessed value: \$20,000 Acres: 0.75	County of Allegany Book: 2009 Page: 38859
VERO, PETER 295 Zoerb Ave Cheektowaga, NY 14225 Tax sale amount: \$1,100	Parcel ID: 023400/130.-1-1.9 Property Loc: Unknown Assessed value: \$5,500 Acres: 1.9	County of Allegany Book: Page:
BARTH, DETLEF & CANDICE 80 Wellsville St Bolivar, NY 14715 Tax sale amount: \$4,756.94	Parcel ID: 023801/260.17-3-5 Property Loc: 80 Wellsville St Assessed value: \$44,700 Acres: 0.31	County of Allegany Book: 741 Page: 00242
INGALLS, TERESA M. 91 Olive St Bolivar, NY 14715 Tax sale amount: \$400	Parcel ID: 023801/260.17-4-28 Property Loc: 91 Olive St Assessed value: \$1,600 Acres: 0.17	County of Allegany Book: 2010 Page: 43585
WHITFORD, LANFORD BRADLEY 334 N Shore Rd Cuba, NY 14727 Tax sale amount: \$12,100	Parcel ID: 023801/273.5-1-39 Property Loc: 528 S Main St Assessed value: \$40,600 Acres: 0.17	County of Allegany Book: 1767 Page: 128
BALDWIN, DANIELLE & NICHOLAS 103 Ackerman Street Bolivar, NY 14715 Tax sale amount: \$1,800	Parcel ID: 023889/261.-1-42.11 Property Loc: St Rt 417 E Assessed value: \$8,300 Acres: 6	County of Allegany Book: 2009 Page: 39383

GRAHAM, LARRY & BRIDGET 2803 Bell Run Rd Shinglehouse, PA 16748 Tax sale amount: \$100	Parcel ID: 023889/285.-3-6.2 Property Loc: Horse Run Rd Assessed value: \$3,400 Acres: 0.36	County of Allegany Book: 1097 Page: 240
ENDERS, CHRISTOPHER J. 7123 Crawford Creek Rd Caneadea, NY 14717 Tax sale amount: \$4,000	Parcel ID: 023889/286.-1-30.22 Property Loc: Horse Run Rd Assessed value: \$8,400 Acres: 6.2	County of Allegany Book: 1239 Page: 100
MOLISANI, JOYCE E 60 Friendship St Bolivar, NY 14715 Tax sale amount: \$3,300	Parcel ID: 023889/287.-1-27 Property Loc: 634 Co Rd 33 Assessed value: \$33,400 Acres: 1	County of Allegany Book: 1200 Page: 179
MOLISANI, LOUIS C. JR. 6750 Pleasant Valley Rd Friendship, NY 14739 Tax sale amount: \$100	Parcel ID: 023889/287.-1-28.3 Property Loc: Co Rd 33 Assessed value: \$4,700 Acres: 0.84	County of Allegany Book: 764 Page: 00149
SWAIN, STEVEN R 7 Jackson St Canaseraga, NY 14822 Tax sale amount: \$500	Parcel ID: 024001/34.16-1-53 Property Loc: 7 Jackson St Assessed value: \$10,000 Acres: 0.25	County of Allegany Book: 1201 Page: 314
LIVINGSTON, DAVID S 5950 West Lake Rd Conesus, NY 14435 Tax sale amount: \$5,100	Parcel ID: 024200/66.-1-12.111 Property Loc: Shongo Valley Rd Assessed value: \$7,600 Acres: 4.42	County of Allegany Book: 1665 Page: 276
ANDERSON, DAVID L 5530 Morgan Hill Rd Scio, NY 14880 Tax sale amount: \$4,500	Parcel ID: 024200/77.19-1-72.1 Property Loc: County Road 49 Assessed value: \$27,900 Acres: 4.41	County of Allegany Book: 1628 Page: 211
GOODSELL, JOY E 38 Main St Savona, NY 14879 Tax sale amount: \$500	Parcel ID: 024200/78.13-1-53 Property Loc: County Road 49 Assessed value: \$4,600 Acres: 0.8	County of Allegany Book: Page:
LYDAY, JOHN F 11181 Scotch Rd Freedom, NY 14065 Tax sale amount: \$2,300	Parcel ID: 024400/1.-1-35.2 Property Loc: 11877 Cadwell Rd Assessed value: \$30,900 Acres: 1.12	County of Allegany Book: 1307 Page: 339

SIEDLECKI, DAVID P 311 West Ave Buffalo, NY 14201 Tax sale amount: \$5,000	Parcel ID: 024400/24.-1-28.2 Property Loc: 10670 Rushford Rd Assessed value: \$17,800 Acres: 0.7	County of Allegany Book: 1232 Page: 341
WOODING, CHARLES D 74 Sherwood Ave, P.O. Box 71 Webster, NY 14580 Tax sale amount: \$7,000	Parcel ID: 024600/218.23-1-4 Property Loc: 9644 LaFever Rd Assessed value: \$34,500 Acres: 1.8	County of Allegany Book: 1180 Page: 19
BORES, ALLEN J 857 French Rd Cheektowaga, NY 14227 Tax sale amount: \$140	Parcel ID: 024600/219.-1-29.15 Property Loc: Rte 305 Assessed value: \$100 Acres: 0.14	County of Allegany Book: 2010 Page: 43585
SISSON, MATTHEW R 8697 Stewart, P.O. Box 58 W. Clarksville, NY 14786 Tax sale amount: \$3,500	Parcel ID: 024600/232.-1-9.5 Property Loc: 8721 Co Rd 40 Assessed value: \$6,900 Acres: 3	County of Allegany Book: 1246 Page: 8
SWEET, LLOYD & YVONNE 9192 Health Camp Rd Cuba, NY 14727 Tax sale amount: \$1,600	Parcel ID: 024801/166.19-1-8 Property Loc: 58 Maple St Assessed value: \$21,000 Acres: 0.32	County of Allegany Book: 2010 Page: 43585
FANTON, WILLIAM 5453 Rt 305 Cuba, NY 14727 Tax sale amount: \$4,144.41	Property ID: 024889/166.-1-7 Property Loc: 5453 Rt 305 Assessed value: \$28,500 Acres: 1.5	County of Allegany Book: 1536 Page: 121
COOK, FRED & DONNA 7073 Gleason Hill Rd Belfast, NY 14711 Tax sale amount: \$10,500	Parcel ID: 025000/182.11-2-49 Property Loc: 5 Howard St Assessed value: \$22,000 Acres: 0.13	County of Allegany Book: 1075 Page: 184
SARDINA, PAUL 19 Hoag Ave Akron, NY 14001 Tax sale amount: \$1,000	Parcel ID: 025000/182.12-1-22 Property Loc: 10 E Water St Assessed value: \$22,000 Acres: 0.28	County of Allegany Book: 1425 Page: 126
BINGAMAN, BRIAN D 1517 Hill Rd #7A Reading, PA 19602 Tax sale amount: \$100	Parcel ID: 025000/182.12-2-7 Property Loc: 14-16 W Main St Assessed value: \$32,000 Acres: 0.1	County of Allegany Book: 1169 Page: 276

BALDWIN, DANIELLE & NICHOLAS 103 Ackerman Street Bolivar, NY 14715 Tax sale amount: \$2,500	Parcel ID: 025200/285.-1-27.2 Property Loc: Main St Assessed value: \$7,000 Acres: 12.9	County of Allegany Book: 1215 Page: 14
COBADO, KENT & BARBARA 4544 Five Mile Rd Allegany, NY 14706 Tax sale amount: \$19,000	Parcel ID: 025200/296.-1-63.12 Property Loc: 9505 Rte 417 Ceres Assessed value: \$75,700 Acres: 2.3	County of Allegany Book: 1376 Page: 21
LIVINGSTON, DAVID S 5950 West Lake Rd Conesus, NY 14435 Tax sale amount: \$2,100	Parcel ID: 025400/8.-1.25.121 Property Loc: Kemp-Shaw Rd Assessed value: \$7,200 Acres: 5.26	County of Allegany Book: 1719 Page: 260
TOWNER LIVING TRUST 6/88 So Goodhue Lake Rd P.O. Box 10 Addison, NY 14801 Tax sale amount: \$53,000	Parcel ID: 025400/41.-3-15 Property Loc: Holiday Rd Assessed value: \$38,600 Acres: 70	County of Allegany Book: Page:
WILLMART, ALBERT G. SR 3356 McMahan Rd Angelica, NY 14709 Tax sale amount: \$6,100	Parcel ID: 025800/16.2-1-27 Property Loc: 11523 Church St, Wischoy Assessed value: \$43,400 Acres: 0.75	County of Allegany Book: 918 Page: 00199
BAILEY, JUDITH & DOUGLAS BUTLER 111 W Main St Fillmore, NY 14735 Tax sale amount: \$2,100	Parcel ID: 025800/16.2-1-33 Property Loc: Mills Mills Rd, Wischoy Assessed value: \$17,600 Acres: 4.6	County of Allegany Book: 1692 Page: 206
GOODSELL, JOY E 38 Main St Savona, NY 14879 Tax sale amount: \$1,100	Parcel ID: 025800/40.-1-64.2 Property Loc: 10180 Schuknecht Rd Assessed value: \$5,700 Acres: 1.8	County of Allegany Book: 1199 Page: 208
O'DELL, CARL E 1452 Hessleton Gully Rd Whitesville, NY 14897 Tax sale amount: \$1,060.31	Parcel ID: 026000/269.-1-11.2 Property Loc: 1452 Heselton Gully Assessed value: \$9,600 Acres: 0.6	County of Allegany Book: 1239 Page: 307

PALMITER, ANGININE M 162 S Broad St Wellsville, NY 14895 Tax sale amount: \$1,500	Parcel ID: 026000/293.-3-6.24 Property Loc: 1717 St Rt 248A Assessed value: \$33,500 Acres: 0.3	County of Allegany Book: 1255 Page: 177
GAMBACORTA, THOMAS A 660 Snow Rd Whitesville, NY 14897 Tax sale amount: \$1,400	Parcel ID: 026000/295.-1-24.21 Property Loc: Snow Rd Assessed value: \$4,000 Acres: 2.7	County of Allegany Book: 1444 Page: 230
GOODSELL, JOY E 38 Main St Savona, NY 14879 Tax sale amount: \$1,100	Parcel ID: 026000/295.5-2-36 Property Loc: 451 Main St Assessed value: \$21,800 Acres: 0.25	County of Allegany Book: 903 Page: 00198
SHAFER, RICHARD A 7837 Rawson Rd Cuba, NY 14727 Tax sale amount: \$899.05	Parcel ID: 026200/101.-1-1.5 Property Loc: County Road 7A Assessed value: \$9,100 Acres: 6.18	County of Allegany Book: 991 Page: 00196
HARRIS, WILLIAM BROOKE M No Street Name or Number P.O. Box 500 Alfred, NY 14802 Tax sale amount: \$1,100	Parcel ID: 026600/199.-3-7.212 Property Loc: 4021 Main St Assessed value: \$6,000 Acres: 0.9	County of Allegany Book: 1469 Page: 287
WHITE, TONYA M 5253 Farr Rd Belmont, NY 14813 Tax sale amount: \$400	Parcel ID: 026600/211.-1-13 Property Loc: 4995 Gordon Brk Rd Assessed value: \$29,500 Acres: 1.6	County of Allegany Book: 1489 Page: 232
MILLS, SUE 3986 Main St, P.O. Box 56 Scio, NY 14880 Tax sale amount: \$5,298.30	Parcel ID: 026600/212.6-1-10 Property Loc: 3986 Main St Assessed value: \$50,300 Acres: 0.6	County of Allegany Book: 1433 Page: 283
DUNN, MIKE & MARCIA 2473 SR 49E Coudersport, PA 16915 Tax sale amount: \$4,700	Parcel ID: 027001/238.11-1-6 Property Loc: 119 Seneca St Assessed value: \$22,000 Acres: 0.2	County of Allegany Book: 1241 Page: 222

SZOT, MICHAEL 11583 Minard Rd Portageville, NY 14536 Tax sale amount: \$800	Parcel ID: 027001/238.11-1-54 Property Loc: 135 Howard St Assessed value: \$14,600 Acres: 0.57	County of Allegany Book: 1499 Page: 178
GOLISH, WILLIAM J 551 Woodcock Rd Wellsville, NY 14895 Tax sale amount: \$100	Parcel ID: 027001/239.5-1-5.2 Property Loc: Madison St (Off) Assessed value: \$600 Acres: 0.14	County of Allegany Book: 2010 Page: 43585
LYDAY, JOHN F 11181 Scotch Rd Freedom, NY 14065 Tax sale amount: \$3,100	Parcel ID: 027001/239.5-1-30 Property Loc: 227 Madison St Assessed value: \$14,000 Acres: 0.21	County of Allegany Book: 1596 Page: 279
PITTS, BRIAN S 101 Brooks Drive Middletown, DE 19709 Tax sale amount: \$2,900	Parcel ID: 027001/239.9-1-60 Property Loc: 50 Cummings Pl Assessed value: \$47,000 Acres: 0.13	County of Allegany Book: 1148 Page: 115
PILIERO, CHARLES 63 1/2 East State Wellsville, NY 14895 Tax sale amount: \$3,600	Parcel ID: 027001/239.9-2-17 Property Loc: 128 E State St Assessed value: \$25,600 Acres: 0.41	County of Allegany Book: 1421 Page: 100
ROSS, KATHRYN 184 Rauber St Wellsville, NY 14895 Tax sale amount: \$6,300.23	Parcel ID: 027001/239.14-3-50 Property Loc: 184 Rauber St Assessed value: \$34,900 Acres: 0.24	County of Allegany Book: 1752 Page: 79
SAMPSON, DEBRA A 1658 River Rd Wellsville, NY 14895 Tax sale amount: \$5,900	Parcel ID: 027089/226.15-1-25 Property Loc: 3124 Wightman Rd Assessed value: \$24,000 Acres: 0.69	County of Allegany Book: 1060 Page: 153
GOLISH, WILLIAM J 551 Woodcock Rd Wellsville, NY 14895 Tax sale amount: \$200	Parcel ID: 027089/239.-1-13 Property Loc: E State St Assessed value: \$1,600 Acres: 1.1	County of Allegany Book: 2009 Page: 37333
STEBBINS, RANDALL E 3099 Hallsport Rd Wellsville, NY 14895 Tax sale amount: \$1,439	Parcel ID: 027400/265.2-1-17 Property Loc: 3099 Hallsport Rd Assessed value: \$21,100 Acres: 0	County of Allegany Book: 1392 Page: 161

MCCONNEL, CORY & SHAUNA 2856 Hallsport Rd Wellsville, NY 14895 Tax sale amount: \$14,200	Parcel ID: 027400/266.1-1-12 Property Loc: 2810 Hallsport Rd Assessed value: \$31,300 Acres: 1.85	County of Allegany Book: 924 Page: 00148
PISKOROWSKI, MICHAEL B 3371 B Hallsport Rd Wellsville, NY 14895 Tax sale amount: \$1,100	Parcel ID: 027400/306.-1-24.22 Property Loc: 2160C Cryder Creek Rd Assessed value: \$69,700 Acres: 1.3	County of Allegany Book: 1156 Page: 205
GAGE, SHERMAN GAGE, GLORIA 1325 Richardson Ave P.O. Box 165 Richburg, NY 14774 Tax sale amount: \$2,791.57	Parcel ID: 027601/247.18-1-49 Property Loc: 135 Richardson Ave Assessed value: \$37,600 Acres: 1.01	County of Allegany Book: 957 Page: 00218
THOMPSON, LARRY D 2827 Roundrock McKiney, TX 75070 Tax sale amount: \$4,200	Parcel ID: 027689/208.-1-32 Property Loc: 7168 Watson Rd Assessed value: \$6,500 Acres: 1	County of Allegany Book: 1197 Page: 81
BALDWIN, THOMAS S 3318 Clair Carrier Rd Friendship, NY 14739 Tax sale amount: \$4,476.41	Parcel ID: 027689/220.-3-12.2 Property Loc: 3318 Clair Carrier Rd Assessed value: \$64,500 Acres: 0.5	County of Allegany Book: 1386 Page: 243
GAINES, JEFFREY & JESSICA 2643 Harland Ames Rd Bolivar, NY 14715 Tax sale amount: \$21,000	Parcel ID: 027689/233.-1-10.1 Property Loc: 2739 Harland Ames Rd Assessed value: \$54,600 Acres: 37.6	County of Allegany Book: 1376 Page: 21
COPENHAVER, REGINA & JOHN 7704 Co Rd 5B Messer Hill Rd Bolivar, NY 14715 Tax sale amount: \$9,425.46	Parcel ID: 027689/246.-3-15.3 Property Loc: 7704 Co Rd 5B Messer Hill Rd Assessed value: \$85,300 Acres: 19.4	County of Allegany Book: 1805 Page: 197
BALDWIN, DANIELLE C 103 Ackerman Street Bolivar, NY 14715 Tax sale amount: \$1,700	Parcel ID: 027689/247.-1-43.2 Property Loc: Richburg Hill Rd Assessed value: \$6,200 Acres: 3.9	County of Allegany Book: 1632 Page: 121

Moved by: Mr. Hopkins

Adopted: Roll Call

Seconded by: Mr. Healy

14 Ayes, 0 Noes, 1 Absent

Comments made regarding Resolution No. 144-11 included the following:

Legislator Ungermann pointed out that the 74 parcels in the tax sale had an assessed value of \$1,221,231, and we sold them for \$249,240, which is less than 20 percent of their value. He questioned the huge increase of \$43 million of assessed valuation within the County. He noted that it's a nice number, because it makes us look good to the public when we don't have to raise the tax rate. However, is the property really worth that kind of money?

Chairman Crandall noted that the Board has no control over the assessed values of properties in the County; that's up to the individual municipalities and the assessors.

RESOLUTION NO. 145-11

**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 \$185, representing the cost to replace a windshield on a 2003 Windstar van that became broken/cracked due to an unknown cause on or around August 11, 2011, has been offered by NYMIR in settlement of such claim, and

WHEREAS, a check in the amount of \$4,868.90, representing the cost to replace or repair items damaged/destroyed as a result of the June 5, 2011, water damage incident in the Department of Social Services, less a \$4,517.50 deductible (calculated by using a \$5,000 deductible and applying a deductible reduction provision of 111 percent), has been offered by NYMIR in settlement for such property damage, now therefore, be it

RESOLVED:

1. That the amount of \$185 from NYMIR representing the cost of replacing a broken/cracked windshield on a County vehicle and the amount of \$4,868.90 representing the reimbursable expenses, less a \$4,517.50 deductible, associated with the June 5, 2011, water damage claim are accepted.

2. That the total sum of \$5,053.90 is appropriated to Account No. CS1931.429 (Risk Retention – Uninsured Property Loss), with a like sum credited to Revenue Account No. CS07.2680.00 (Risk Retention – Insurance Recovery).

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

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

RESOLUTION NO. 146-11

**TRANSFER OF FUNDS WITHIN HOMELAND SECURITY AND
BIO-TERRORISM PREPAREDNESS ACCOUNTS**

Offered by: Human Services Committee

RESOLVED:

1. That the sum of \$1,552.35 is transferred from Account No. A3645.2 to Account No. A3645.4 in order to comply with and expend Homeland Security grant funds.
2. That the sum of \$15 is transferred from Account No. A4189.4 to A4189.2 in order to comply with and expend Bio-Terrorism grant funds.

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

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

Resolution Intro. No. 150-11 (Resolution Urging Multi-Year State Takeover of Local Share of Medicaid) was not pre-filed and was considered from the floor on a motion made by Legislator Hopkins, seconded by Legislator Healy and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 147-11

**RESOLUTION URGING MULTI-YEAR STATE TAKEOVER OF
LOCAL SHARE OF MEDICAID**

Offered by: Ways and Means Committee

WHEREAS, county officials across the State are presently introducing their 2012 budgets; and

WHEREAS, these budget decisions are being made under the constraints of the State's new property tax cap; and

WHEREAS, when State lawmakers enacted a property tax cap, they pledged to provide mandate relief that would enable and empower local leaders to implement that tax cap locally; and

WHEREAS that mandate relief has not materialized; and

WHEREAS, by far, at a local statewide cost of \$7.3 billion, Medicaid is the number one mandate facing counties; and

WHEREAS, for 2012, the local share for Medicaid expenditures in Allegany County is tentatively budgeted at \$10,086,000, which comprises approximately 35.7 percent of the County's tentative tax levy; and

WHEREAS, State Legislation (S.5889-B) will require State policymakers to take full fiscal responsibility for New York's largest in the nation Medicaid program, by implementing an eight (8) year gradual State takeover of county Medicaid costs; and

WHEREAS, removing county taxpayers from the financing of Medicaid is the single most important thing the State Legislature can do to lower property taxes for New Yorkers; and

WHEREAS, the State takeover of county Medicaid costs will lead to lower property taxes and enhance New York's economic competitiveness and improve economic opportunities for all New Yorkers; and

WHEREAS, State lawmakers can fund the takeover with a combination of Medicaid program reforms, state-derived savings and other spending controls, including applying MRT (Medicaid Redesign Team) reform savings to mandate relief, pursuing a federal Medicaid waiver to leverage State cost containment initiatives that can be applied to property tax relief, applying future revenues to lowering property taxes, and by allowing federal health care reforms to cover New Yorkers; now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators calls on State lawmakers to keep their promise, and sign on to legislation (S.5889-B) designed to provide mandate relief for counties, in the form of an eight-year State takeover of county Medicaid costs.

2. That the Clerk of this Board is hereby directed to forward a certified copy of this resolution to Governor Andrew Cuomo, the New York State Legislature, Senator Catharine M. Young, Assembly Members Daniel J. Burling and Joseph M. Giglio, the New York State Association of Counties, and all others deemed necessary and proper.

Moved by: Mr. Hopkins
Seconded by: Mr. Healy

Adopted: Voice Vote

Comments made regarding Resolution No. 147-11 included the following:

Legislator Hopkins stated that we really need this to help counties balance their budgets. He's heard talk that the Governor is against the legislation, yet he preaches mandate relief and Medicaid reform. He should put his pen where his mouth is.

Legislator Pullen remarked that he read an article regarding the Governor's comments where the Governor stated that this is no more realistic as a law than the State asking the federal government to pick up all the cost of Medicaid. Mr. Pullen noted that there are a couple of

things that are different in that analogy. One is that the federal government makes a lot of the Medicaid programming discretionary with the State, and the State has implemented the richest and most generous Medicaid arrangements and provision of benefits of any other state in the country. Unlike the State in dealing with the federal government, the counties have no choice. We're left to simply pay a substantial portion of what the State has decided we will have as our benefit package. That's a radical difference. The other thing is that the State has many options on how to fund its share of this. The County really doesn't. There's just sales tax and real property tax, and now both of those are subject to limitations that the State imposes upon us. We have to have their approval every two to three years to continue the sales tax rate, and now we also have the two percent property tax cap, that when it was enacted, we were told there would be mandate relief. That hasn't happened. So, we now have the tax cap; we're struggling with that, and it's going to mean either elimination of good and necessary programs, or they're going to have to provide us with some mandate relief. We desperately need that relief.

Chairman Crandall stated that we need to pass this. We were against the tax cap being implemented prematurely, as all the counties were. The State needed to address the mandated costs that the counties carry before they put the tax cap into place. They didn't do that. Chairman Crandall commented that he applauds those who brought this legislation on the State level forward, including our own Senator Young, and shame on the Legislature in Albany and the Governor if they don't implement this, at least to some degree, to help alleviate the local share of Medicaid on Allegany County. It takes \$10 million of our local tax dollars to support this program. We were told collectively as counties across the State by the Lieutenant Governor to get our financial house in order. Allegany County's financial house is in order, but it won't remain in order if we continue to be capped at the two percent while mandated issues and costs such as Medicaid grow beyond that two percent. This is an opportunity for the State, as Legislator Hopkins said, to put their pen where their mouth is. Allegany County can't push this alone. Our association with NYSAC and relationship with other counties collectively will hopefully get this legislation passed.

Resolution Intro. No. 151-11 (Resolution Calling on New York State to Implement Taxation Policies Related to Natural Gas Extraction that Maintain and Improve Revenues to Counties and Local Municipalities) was not pre-filed and was considered from the floor on a motion made by Legislator LaForge, seconded by Legislator Fanton and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 148-11

RESOLUTION CALLING ON NEW YORK STATE TO IMPLEMENT TAXATION POLICIES RELATED TO NATURAL GAS EXTRACTION THAT MAINTAIN AND IMPROVE REVENUES TO COUNTIES AND LOCAL MUNICIPALITIES

Offered by: Ways and Means Committee

WHEREAS, the New York State Department of Environmental Conservation is preparing environmental regulations related to exploration for and extraction of current and potential new natural gas resources, and the Executive and Legislative branches of New York State are also considering policies, procedures, and administration of natural gas resources, and

WHEREAS, oil and gas producing properties (inclusive of wells, pipes, and oil and gas under the land which has not yet been extracted) have long been treated as real property for taxation purposes in New York State (General Construction Law, Section 39; Real Property Tax Law, Section 102(12)(a), (e)), and

WHEREAS, Title 5 of Article 5 of the Real Property Tax Law (RPTL) provides for a uniform, statewide method of valuing oil and gas producing properties for real property tax purposes, and

WHEREAS, RPTL (Section 594(1)) mandates further that oil and gas producing properties in production be assessed separately from all other interests in the property, and

WHEREAS, local governments including, but not limited to, counties will be impacted by the development of oil and gas resources within their jurisdiction, now, therefore, be it

RESOLVED:

1. That in any consideration of the taxation of natural gas development or extraction by any method, the Allegany County Board of Legislators strongly urges New York State to maintain and improve the ability of local governments to tax the production of natural gas at least at the current level.

2. That New York State must ensure that any incremental cost burden to local taxpayers resulting from natural gas production in every municipal taxing jurisdiction be, at a minimum, fully covered through new revenues associated with said production.

3. That the Clerk of this Board is hereby directed to forward a certified copy of this resolution to Governor Andrew Cuomo, the New York State Legislature, Senator Catharine M. Young, Assembly Members Daniel J. Burling and Joseph M. Giglio, the New York State Association of Counties, and all others deemed necessary and proper.

Moved by: Mr. LaForge
Seconded by: Mr. Hopkins

Adopted: Voice Vote

Comments made regarding Resolution No. 148-11 included the following:

Legislator LaForge pointed out that this is not a new tax. Many people aren't aware that there's already a production-based real estate tax here in New York State. This resolution is meant to send a statement that we support the memorialization of the current system. There is talk that New York State may at some point put in a severance tax, and then this tax would

be taken away from the County and localities. This tax is worth a little under \$0.5 million per year for our County, townships, and school districts. We also want to send up a red flag to other counties that even if they don't have Marcellus Shale, they can't just let this pass by. If they have other related resources, they may be setting a precedent and letting all this tax go through as a severance tax to the State. Mr. LaForge stated that he'd like to take this to the InterCounty meeting on October 21.

Legislator Ungermann asked for and received confirmation that this applies only to production. He expressed concern that someone doesn't get the idea to tax potential production.

Legislator Healy reaffirmed that this resolution just leaves things as they are, which is what we want. The State wants to take the tax revenue.

Resolution Intro. No. 152-11 (A Resolution Approving the Issuance of Certain Bonds by Allegany County Capital Resource Corporation to Finance a Certain Project for Cuba Memorial Hospital, Inc.) was not pre-filed and was considered from the floor on a motion made by Legislator Sinclair, seconded by Legislator LaForge and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 149-11

A RESOLUTION APPROVING THE ISSUANCE OF CERTAIN BONDS BY ALLEGANY COUNTY CAPITAL RESOURCE CORPORATION TO FINANCE A CERTAIN PROJECT FOR CUBA MEMORIAL HOSPITAL, INC.

Offered by: Ways and Means Committee

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

WHEREAS, the Allegany County Capital Resource Corporation (the "Issuer") was created pursuant to Section 1411 of the Not-For-Profit Corporation Law of the State of New York, as amended (the "Enabling Act"), and pursuant to the provisions of the Enabling Act, Revenue Ruling 57-187, and Private Letter Ruling 200936012, and the Board of Legislators of Allegany County, New York, (the "County") adopted a resolution (the "Sponsor Resolution") (A) authorizing the incorporation of the Issuer under the Enabling Act and (B) appointing the initial members of the board of directors of the Issuer. In August, 2009, a certificate of incorporation was filed with the New York Secretary of State's Office (the "Certificate of Incorporation") creating the Issuer as a public instrumentality of the County; and

WHEREAS, the Issuer is authorized and empowered by the provisions of the Enabling Act to relieve and reduce unemployment, promote and provide for additional and maximum employment, better and maintain job opportunities, and lessen the burdens of government and act in the public interest, and in carrying out the aforesaid purposes and in exercising the powers conferred in the Enabling Act, the Enabling Act declares that the Issuer will be performing essential governmental functions; and

WHEREAS, to accomplish its stated purposes, the Issuer is authorized and empowered under the Enabling Act to acquire real and personal property; to borrow money and issue negotiable bonds, notes and other obligations therefor; to lease, sell, mortgage or otherwise dispose of or encumber any of its real or personal property upon such terms as it may determine; and otherwise to carry out its corporate purposes in the territory in which the operations of the Issuer are principally to be conducted; and

WHEREAS, Cuba Memorial Hospital, Inc., a New York not-for-profit corporation (the "Institution"), has submitted an application (the "Application") to the Issuer, a copy of which Application is on file at the office of the Issuer, which Application requested that the Issuer consider undertaking a project (the "Initial Project") for the benefit of the Institution consisting of the following: (A) (1) the refinancing and/or refunding of existing indebtedness, including the Allegany County Industrial Development Agency's (the "Prior Issuer") Civic Facility Revenue Bonds (Cuba Memorial Hospital, Inc. Refunding Project), Series 2004A in the aggregate principal amount of \$3,000,000 (the "Prior Bonds"), which Prior Bonds were used to (i) refinance the Allegany County Industrial Development Agency's Civic Facility Revenue Bonds, Series 1999 (Cuba Memorial Hospital, Inc. Civic Facility), and (ii) acquire and improve various buildings (collectively, the "Facility") located on a parcel of land situate at 140 West Main Street in the Village of Cuba, Town of Cuba, Allegany County, New York, (the "Land"), including the acquisition of certain machinery and equipment related thereto (the "Equipment") (the Land, the Facility and the Equipment being collectively referred to as the "Project Facility"), all of the foregoing being used as a rural health care center operated by the Institution; and (2) the financing of cumulative cash flow deficit (the "Deficit Financing") to allow the Institution to meet its current budgetary requirements; (B) the financing of all or a portion of the costs of the foregoing by the issuance of tax-exempt and/or taxable revenue bonds of the Issuer in one or more issues or series in an aggregate principal amount sufficient to pay the cost of undertaking the Project, together with necessary incidental costs in connection therewith, presently estimated to be approximately \$4,650,000 and in any event not to exceed \$5,000,000 (the "Obligations"); (C) the paying of all or a portion of the costs incidental to the issuance of the Obligations, including issuance costs of the Obligations and any reserve funds as may be necessary to secure the Obligations; (D) the granting of potential exemptions from mortgage recording taxes; and (E) the loan of the proceeds of the Obligations by the Issuer to the Institution pursuant to the terms of a loan agreement; and

WHEREAS, the Institution has requested that interest on the Obligations be treated by the federal government as excludable from gross income for federal income tax purposes pursuant to Section 103 and Section 145(a) of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, the Board of Legislators has been advised by the Issuer that the Issuer proposes to issue, subsequent to the adoption of this resolution, the Obligations from time to time in a principal amount sufficient to fund all or a portion of the costs of the Project; and

WHEREAS, interest on the Obligations will not be excludable from gross income for federal income tax purposes unless, among other things, pursuant to Section 147(f) of the

Code, the issuance of the Obligations is approved by the “applicable elected representative” of Allegany County, New York, after the Issuer has held a public hearing on the nature and location of the Project Facility and the issuance of the Obligations; and

WHEREAS, pursuant to the authorization contained in a resolution adopted by the members of the board of directors of the Issuer on September 8, 2011 (the “Public Hearing Resolution”), the Chief Executive Officer of the Issuer (A) caused notice of a public hearing of the Issuer (the “Public Hearing”) pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”) and, as provided in the Certificate of Incorporation, pursuant to the applicable provisions of Section 859-a and Section 859-b of the General Municipal Law of the State of New York (the “GML”), to hear all persons interested in the Initial Project and the financial assistance being contemplated by the Issuer with respect to the Initial Project, to be published in a newspaper of general circulation available to the residents of the Town of Cuba, Allegany County, New York; (B) caused notice of the Public Hearing to be posted on a bulletin board located in Allegany County, New York; (C) caused notice of the Public Hearing to be mailed to the chief executive officers of the County and of each city, town, village and school district in which the Project Facility is located; (D) conducted the Public Hearing on September 27, 2011, at 10:00 a.m, local time at Cuba Memorial Hospital, in the Hospital Board Room, located at 140 West Main Street, Cuba, New York; and (E) prepared a report of the Public Hearing (the “Public Hearing Report”) which fairly summarized the views presented at such Public Hearing and caused copies of said Public Hearing Report to be made available to the members of the Board of Directors of the Issuer and to the Board of Legislators of Allegany County, New York, (the “County Board”); and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the “SEQR Act”) and the regulations (the “Regulations”) adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively with the SEQR Act, “SEQRA”), by resolution adopted by the members of the Issuer on September 29, 2011 (the “SEQR Resolution”), the Issuer determined that the Project constitutes a “Type II Action” and, therefore, that no environmental impact statement or any other determination or procedure is required under SEQRA with respect to the Project; and

WHEREAS, pursuant to Section 147(f) of the Code, the Board of Legislators desires to allow the interest on the Obligations to be exempt from federal income taxation; and

WHEREAS, the Issuer’s Certificate of Incorporation specifically provides that neither the Obligations nor any other obligation of the Issuer shall be a debt of Allegany County, New York, nor shall Allegany County, New York be liable thereon, now, therefore, be it

RESOLVED:

1. That for the sole purpose of qualifying the interest payable on the Obligations for exclusion from federal income taxation pursuant to the provisions of the Code, the Board of Legislators, as the elected legislative body of Allegany County, New York, hereby approves the issuance by the Issuer of the Obligations, provided that the Obligations, and the

premium (if any) and interest thereon, shall be special obligations of the Issuer and shall never be a debt of the State of New York, Allegany County, New York, or any political subdivision thereof (other than the Issuer), and neither the State of New York, Allegany County, New York, nor any political subdivision thereof (other than the Issuer) shall be liable thereon.

2. That this Resolution shall take effect immediately.

Moved by: Mr. Sinclair
Seconded by: Mr. Hopkins

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

AUDITS:

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

A motion was made by Legislator Hopkins, seconded by Legislator LaForge and adopted on a roll call vote of 13 Ayes, 1 No, 1 Absent, that the audit of claims, totaling \$3,659,813.25, including prepaid expenses, be approved for payment as recommended by the County Administrator (opposed: Ungermann). (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$6,818,912.*) Chairman Crandall noted that if the legislation urging New York State to take over Medicaid costs passes, and if we could turn the clock ahead to six years from now, we would have that \$6.8 million to use for the budget and reduce the real property tax.

ADJOURNMENT: The meeting was adjourned at 3:05 p.m. on a motion made by Legislator Pullen, seconded by Legislator Graves and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
OCTOBER 24, 2011**

**** APPROVED ****

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:05 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Coast Guard Seaman First Class Thomas V. Burnard.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 13 Legislators Present: Glenn Benson, Douglas Burdick, Donald Cady, Curtis Crandall, Philip Curran, Dwight Fanton, Karl Graves, Dwight (Mike) Healy, Theodore Hopkins, Aaron McGraw, David Pullen, Frederick Sinclair, Norman Ungermann, Jr.; 2 Legislators Absent: Kevin LaForge, Timothy O'Grady

APPROVAL OF MINUTES:

The Board meeting minutes of October 11, 2011, were approved on a motion made by Legislator Fanton, seconded by Legislator Curran and carried.

The Committee of the Whole meeting minutes of October 11, 2011, were approved on a motion made by Legislator Curran, seconded by Legislator Graves and carried.

PUBLIC HEARING:

Chairman Crandall closed the regular meeting to hold a public hearing on Local Law Intro. No. 3-2011 entitled, "A Local Law to Provide Increases in the Compensation of Certain County Officers." Comments from the public included the following:

Arlene Hughes, Clarksville: *"In these poor economic times, in my opinion, department heads should only be given salary increases if they have shown cost-saving programs and improved performance in their departments. That's how the private sector works. I want each Legislator to think about these valid points before voting on the increases."*

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

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Thomas V. Burnard, former United States Coast Guard Seaman First Class, in grateful appreciation of his service to our Country. Mr. Burnard's service dates were from July 1959 to July 1963. Following Basic Training at Cape

May, NJ, assignments included: U.S. Coast Guard Cutter Mackinaw and Sault Sainte Marie, MI. Commendations he received included: U.S. Coast Guard Good Conduct Medal. Mr. Burnard led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Crandall presented a certificate to Debra Quinn to recognize her efforts to raise awareness of Amyotrophic Lateral Sclerosis (ALS). New York State Senator Catharine Young recently presented Ms. Quinn with the New York State Senate Liberty Medal, one of the highest civilian honors that a New Yorker can receive. Chairman Crandall related some information on ALS, otherwise known as Lou Gehrig's Disease, and noted that a number of people in the County are affected. Ms. Quinn spoke on specifics of the disease, noting that Western New York has been hit really hard. She has traced her family's history with ALS since the 1600s. Ms. Quinn does a lot of public speaking and advocacy in Washington, DC.

Chairman Crandall, accompanied by Personnel Officer Ellen Ruckle, presented certificates to employees with 30 years of service with the County. Recognized at the meeting were, from the Sheriff's Office: Kevin J. Ross, Deputy Sheriff; from Social Services: Monica D. Cole, Caseworker; Patricia L. Morrill, Social Welfare Examiner; Steven B. Rennie, Case Supervisor; and Kimberly S. Scutt, Principal Social Welfare Examiner. Other employees being honored, but not present at the meeting were, from the County Clerk's Office: Wanda F. Middaugh, Deputy County Clerk III; from Public Works: James I. Gordon, Heavy Motor Equipment Operator I; and Douglas R. Morse, Heavy Motor Equipment Operator II. Chairman Crandall thanked the employees as a vital part of our workforce.

Chairman Crandall acknowledged receipt of an Allegany County Cancer Services plaque from the ACCS Board to thank the Board of Legislators for their continued dedication and support of the people of Allegany County.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator's desk:

1. November 2011 Calendar of Board and Standing Committee meeting dates.
2. Report of Intrafund Transfers approved by the County Administrator in September 2011.

The following communications were also acknowledged:

1. The County Treasurer filed a Certificate of Withdrawal of Delinquent Tax Lien for property in the Town of Willing in the Clerk of the Board's Office on October 18, 2011, pursuant to Article 11 of the Real Property Tax Law.
2. Correspondence from the NYS Department of Agriculture and Markets regarding Allegany County Agricultural District No. 3 certifying that: A) the District is eligible for redistricting, B) the District consists predominantly of viable agricultural land, C) the

continuation of the District is feasible, and D) the District will serve the public interest by assisting in maintaining a viable agricultural industry within the area and the State. (Response to our Resolution No. 96-11).

3. The WNY Regional Council will be hosting a public review of the Strategic Plan Draft at 6 p.m. on October 25 on the Alfred University Campus.

4. Correspondence from Allegany County Area Foundation Executive Director Douglas Roorbach thanking the Board for its recent donation.

5. Invitation to attend the Allegany County Area Foundation's annual meeting at 7 p.m. on Monday, October 24, 2011.

6. Correspondence to be sent to Governor Cuomo as part of an effort by counties across New York State asking that the local share of our Medicaid program be taken over by New York. This letter is a follow-up to our Resolution No. 147-11.

7. Notice from Legislative Board Majority Leader Theodore Hopkins for a Republican Caucus following the regular Board meeting on November 28, 2011, for the selection of officers and any other business that may come before the meeting on that date.

RESOLUTIONS:

RESOLUTION NO. 150-11

**ADOPTION OF LOCAL LAW INTRO. NO. 3-2011, 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. 3-2011, Print No. 1, is adopted without any change in language, to wit:

COUNTY OF ALLEGANY

Intro. No. 3-2011

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, 2012, the annual salary of the incumbents of the following County offices shall be as follows: Public Defender - \$88,518; County Treasurer - \$69,874; Real Property Tax Director - \$55,765; County Attorney - \$93,334; Personnel Officer - \$53,688; Public Works Superintendent - \$72,339; Sheriff - \$59,305; Public Health Director - \$69,479; Social Services Commissioner - \$71,575; Employment and Training Director - \$56,100.

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

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

Adopted: Roll Call
10 Ayes, 3 Noes, 2 Absent
Voting No: Cady, Fanton, Ungermann

(Memo: Upon adoption, Local Law Intro. No. 3-11 became Local Law No. 2-11.)

Comments made regarding Resolution No. 150-11 included the following: Legislator Ungermann remarked that there are some department heads that do deserve a raise, but some of the same inefficiencies that were going on seven years ago when he joined the Board are still going on. People need to step up to the plate, and we all need to do more with less. Mr. Ungermann cited as an example the Workplace Violence Program. We initiated the program, but never implemented it, so now we're in trouble with the Department of Labor. He pointed out that Cattaraugus County froze non-unit salaries this year.

RESOLUTION NO. 151-11

UPGRADING WORKERS' COMPENSATION OFFICE MANAGER DUE TO HUMAN RESOURCES REEVALUATION AFTER DESK AUDIT; AMENDING PEF SALARY PLAN

Offered by: Personnel Committee

WHEREAS, the Human Resources office has upgraded the Workers' Compensation Office Manager position after a desk audit, now, therefore, be it

RESOLVED:

1. That the position of Office Manager in Workers' Compensation is upgraded from Grade 2 to Grade 6 in the PEF Salary Plan.
2. This upgrade shall take effect retroactive to October 1, 2011.

Moved by: Mr. Burdick
Seconded by: Mr. Pullen

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

RESOLUTION NO. 152-11

**CREATING FOUR PART-TIME POSITIONS IN THE HEALTH DEPARTMENT
FOR THE EARLY INTERVENTION QUALITY ASSURANCE**

Offered by: Personnel Committee

RESOLVED:

1. That the part-time positions of Physical Therapist, Occupational Therapist, Speech-Language Pathologist, and Special Education Teacher are created in the Health Department.
2. That these four part-time positions are placed in the Section 4 Salary Plan at an hourly rate of \$10.00 with a maximum of twelve hours per year per position and no benefits.
3. This resolution shall take effect on October 25, 2011.

Moved by: Mr. Burdick
Seconded by: Mr. Fanton

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

Comments made regarding Resolution No. 152-11 included: Legislator Pullen pointed out that the State has told us what we have to do and how, and leaves nothing, other than the funding of it, up to us. We had a program in place that was working properly. Now we have to make changes, not because they are needed, but because they were simply mandated.

RESOLUTION NO. 153-11

**RESOLUTION PLACING PUBLIC WORKS PART-TIME LABORERS (GATEKEEPERS)
IN THE SECTION 4 SALARY PLAN**

Offered by: Personnel Committee

RESOLVED:

1. That Public Works part-time Laborers (Gatekeepers) are placed in the Section 4 Salary Plan at an hourly rate of \$12.45 and no benefits.
2. This resolution shall take effect on October 25, 2011.

Moved by: Mr. Fanton
Seconded by: Mr. Healy

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

(Memo: The Gatekeepers referred to in Resolution No. 153-11 are for the Solid Waste Program and will allow the department to control some of its costs.)

RESOLUTION NO. 154-11

**ACCEPTANCE OF INSURANCE PAYMENT FROM NYMIR AND
APPROPRIATION OF FUNDS TO ROAD MACHINERY
INSURANCE RECOVERY ACCOUNT**

Offered by: Ways and Means Committee

WHEREAS, a check from NYMIR in the amount of \$12,500 has been received, which amount represents the actual cash value settlement less a \$500 deductible on a 1992 International Dump Truck (#6605) that was totaled as the result of an accident on September 13, 2011, now, therefore, be it

RESOLVED:

1. That the amount of \$12,500 from NYMIR, representing the actual cash value settlement less a \$500 deductible for the totaled 1992 International Dump Truck (#6605), is accepted.

2. That the sum of \$12,500 is appropriated to Revenue Account No. DM07.2680.00 (Insurance Recoveries).

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

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

Comments made regarding Resolution No. 154-11 included: Legislator Ungermann questioned what happened to the truck and if it was being operated at the time. Legislator Fanton explained that it was being operated, but there were no injuries. The truck tipped over backwards due to a soft spot when dumping a load. It's an old truck and won't be replaced. Legislator Ungermann asked if drug and alcohol testing took place after the accident, and Legislator Fanton stated he was sure proper protocol was followed.

RESOLUTION NO. 155-11

**AUTHORIZING THE PURCHASE OF PROPERTY FROM
PRESUTTI FAMILY MEMBERS LOCATED IN THE VILLAGE OF BELMONT,
TOWN OF AMITY, NEW YORK, TAX MAP NO. 172.13-1-62**

Offered by: Public Works Committee

WHEREAS, the County of Allegany desires to purchase property located in the Village of Belmont, Town of Amity, New York, from the Presutti family members, now, therefore, be it

RESOLVED:

1. That the Board of Legislators does authorize the purchase of property by the County of Allegany from the Presutti family members consisting of approximately .25 acres (Tax Map No. 172.13-1-62) located in the Village of Belmont, Town of Amity, New York, for the sum of \$1,500.

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

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

(Memo: The property authorized for purchase in Resolution No. 155-11 is a small lot adjacent to the back NW corner of the parking lot behind the County Office Building.)

Comments made regarding Resolution No. 155-11 included the following:

Legislator Ungermann stated that he asked in committee what we were going to use the property for, and the answer was that it was a piece of property we wanted for a long time. He would have thought it would have come with the house that was purchased. Mr. Ungermann read the following prepared statement:

“During the lawsuit battle against building the Courthouse addition, the Courts were provided with a statement by outside counsel, Dan Spitzer, who summarized affirmations by both Dave Pullen and Tom Miner, stating that it was, quote: ‘the active imagination’ on our Citizens’ part to link the purchase of properties on Court Street to a remedy for parking ... Furthermore stating that, quote: ‘there is certainly no evidence that (the County) intends to tear them down for parking ... despite (our Citizens’) fanciful assertion otherwise.’

Judge NeMoyer determined in his January 2010 decision against our Citizens that, quote: ‘it is apparent to the Court that ... the County abandoned any such thought and has no intention of constructing a parking lot ... in the area of the residences in question.’ Also stating that the County, quote: ‘has contented itself instead with the purchase of only two’ (of the Court Street properties that were the subject of the June 2009 environmental reviews), and that, quote: ‘Under the circumstances, the Court must accept the County’s denial that it acquired the parcels with the present intent to demolish the houses thereon and construct a new Courthouse parking lot. The County apparently feels that the project-unaffected on-site parking, especially that to the rear of the Courthouse, will meet the needs of Court employees and County workers even during the construction phase ...’

Last Saturday, we took down one of those residences we said we had no intent of tearing down for parking purposes ... and two years ago we said we were content with only purchasing two properties ... so why are we now seeking to buy another? What is the intended use of this property if we do purchase it? Instances like these are what drives the public’s distrust of politicians.”

Legislator Ungermann also submitted for the record an excerpt from the Judge’s decision from the Court documents:

“Petitioner alleges that there was unlawful segmentation of environmental review in this case because the June 2009 property acquisitions were part and parcel of the Courthouse renovation/expansion project whose environmental impacts were reviewed five months earlier. Petitioner theorizes that the property purchases constituted the County’s solution to a parking shortage to be caused by the project, both permanently on account of the erection of the new wing within the existing parking lot behind the Courthouse, but to an even greater extent during the course of construction itself, as a result of grading operations and the need to stage materials and deploy equipment adjacent to the construction site. There are certainly indications in the record that, at a preliminary stage of project planning, the County considered the acquisition of five residences along Court Street, adjacent to and to the west of the Courthouse, as the site of a newly constructed parking lot. However, it is apparent to the Court that, as planning for the project went on, the County abandoned any such thought and currently has no intention of constructing a parking lot near the front of the Courthouse property, i.e., in the area of the residences in question. Moreover, it is clear that the County abandoned the idea of acquiring all of the residences in that area and has contented itself instead with the purchase of only two of the houses, the ones that were the subject of the June 2009 environmental reviews.

The County’s asserted purpose in acquiring the parcels is to use the existing structures thereon for storage or for relocation of certain County workers/departments. That is as recited in the June 2009 negative declarations themselves, which likewise refer only to a possible future ‘option’ to use the lots for additional County parking. Under the circumstances, the Court must accept the County’s denial that it acquired the parcels with the present intent to demolish the houses thereon and construct a new Courthouse parking lot. The County apparently feels that the project-unaffected on-site parking, especially that to the rear of the Courthouse, will meet the needs of Court employees and County workers even during the construction phase, past employee parking problems having been mitigated by the recent relocation of various County agencies offsite. Moreover, the Court is aware of the existence of a large lot serving the general public and located less than one block south of the Courthouse. In any event the main reason why the Court can give no credence to petitioner’s theory that the house acquisitions are the County’s solution to a Courthouse parking problem is simply because those acquisitions would in no way represent a credible solution. The acquired lots are quite small. Moreover, they are interspersed among residences that the County has not acquired, meaning that the County has not assembled (and has no plans to assemble) the lands necessary for construction of a parking lot. Moreover, the parking crunch, if any, will come during the construction phase, and yet the County has to date not demolished the two houses that it has acquired, nor has it included any proposed parking lot construction in the job specifications that it has already put out for bid.

Here, because the house acquisitions have not been shown to have anything to do with the Courthouse project, it was proper for the County to differentiate between the two actions. Indeed, the record establishes that the house acquisitions were part of a discrete plan that was not part of any long-range plan of action with regard to modernization or improvement of the Courthouse.”

Resolution Intro. No. 159-11 (Authorizing Allegany County to Act as Lead Municipality for a Grant Application with the New York State Energy Research and Development Authority [NYSERDA] Under the Cleaner, Greener Communities Regional Sustainability Planning Program) was not pre-filed and was considered from the floor on a motion made by Legislator Hopkins, seconded by Legislator Sinclair and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 156-11

AUTHORIZING ALLEGANY COUNTY TO ACT AS LEAD MUNICIPALITY FOR A GRANT APPLICATION WITH THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY (NYSERDA) UNDER THE CLEANER, GREENER COMMUNITIES REGIONAL SUSTAINABILITY PLANNING PROGRAM

Offered by: Planning and Economic Development Committee

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA) has announced a funding opportunity for \$9.6 million under the Cleaner, Greener Communities Regional Sustainability Planning Program, and

WHEREAS, up to \$1 million per region will be awarded to develop “regional sustainability plans” based on the Regional Economic Development Council boundaries, and

WHEREAS, the Western NY Regional Sustainability Plan, which encompasses Allegany County, will be achieved through the engagement of regional key stakeholders and municipal representatives and the integration of data and analysis that leads to thoughtful decision making and prioritization of goals, and

WHEREAS, the primary focus of the grant will be to improve energy efficiency throughout the community by promoting renewable energy which will result in reduced emissions of carbon, and

WHEREAS, other focus areas of the grant aim to aid in infrastructure investment decision making and inform municipal land use policies, and

WHEREAS, the project will provide each region with a sustainability plan that will enable them to strategically identify and prioritize projects to be funded in the upcoming implementation phase of this program, and

WHEREAS, regions with completed plans will be eligible for future funding of over \$90 million statewide for implementation, and

WHEREAS, the development of a Regional Sustainability Plan and the opportunity to seek future funding to assist in implementation of the plan provides a clear benefit by expanding the potential for a prosperous future that improves the quality of life for all in Allegany County and our region, now therefore, be it

RESOLVED:

1. Allegany County shall act as the lead municipality for the application being submitted to NYSERDA through the consolidated funding application for the Cleaner, Greener Communities Regional Sustainability Planning Program.
2. That the Chairman of this Board is authorized to execute any and all documents to effect the purpose of this resolution.

Moved by: Mr. Sinclair
Seconded by: Mr. Curran

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

Resolution Intro. No. 160-11 (Authorizing Allegany County to Apply for Grant Funds through the New York State Office of Community Renewal's Economic Development Program and/or Other New York State Offices as Designated by the State of New York, with Funds to be Used for Crossroads Waterline Infrastructure) was not pre-filed and was considered from the floor on a motion made by Legislator Sinclair, seconded by Legislator Fanton and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 157-11

AUTHORIZING ALLEGANY COUNTY TO APPLY FOR GRANT FUNDS THROUGH THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL'S ECONOMIC DEVELOPMENT PROGRAM AND/OR OTHER NEW YORK STATE OFFICES AS DESIGNATED BY THE STATE OF NEW YORK, WITH FUNDS TO BE USED FOR CROSSROADS WATERLINE INFRASTRUCTURE

Offered by: Planning and Economic Development Committee

WHEREAS, the development of the Crossroads Site near Interstate 86 and the intersection of State Route 19 and County Route 20 has been given high priority, and

WHEREAS, Allegany County is seeking grant funding through the New York State Office of Community Renewal's Economic Development Program and/or other New York State offices as designated by the State of New York to assist with the development of the Crossroads Site, and

WHEREAS, the grant funds would be used for project activities involving the construction and installation of approximately seven miles of waterline infrastructure between the Town of Friendship and the Crossroads Site, and

WHEREAS, New York State has issued a Consolidated Funding Application for 2011, which allows for funds to be designated from multiple sources in the New York State system, and

WHEREAS, the exact amount of any grant funds to be awarded and the source of those funds will be determined by New York State through the Consolidated Funding Application, and

WHEREAS, any funds received will be used to offset the costs associated with the waterline infrastructure project, now therefore, be it

RESOLVED:

1. The County of Allegany is hereby authorized to apply for grant funds through the New York State Office of Community Renewal's Economic Development Program and/or other New York State offices as designated by the State of New York to assist with waterline infrastructure development related to the Crossroads Site.

2. That the Chairman of this Board is authorized to execute any and all documents to effect the purpose of this resolution.

Moved by: Mr. Healy
Seconded by: Mr. Sinclair

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

AUDITS:

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

A motion was made by Legislator Hopkins, seconded by Legislator Graves and adopted on a roll call vote of 12 Ayes, 1 No, 2 Absent, that the audit of claims, totaling \$4,455,569.91, including prepaid expenses, be approved for payment as recommended by the County Administrator (opposed: Ungermann). (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$7,194,036.*)

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

**2012 ALLEGANY COUNTY TENTATIVE BUDGET
PUBLIC HEARING**

NOVEMBER 10, 2011

**** APPROVED ****

CALL TO ORDER: The Public Hearing on the 2012 Allegany County Tentative Budget was declared open at 7:00 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by Chairman Crandall.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 11 Legislators Present: Douglas Burdick, Donald Cady, Curtis Crandall, Philip Curran, Dwight Fanton, Karl Graves, Dwight (Mike) Healy, Kevin LaForge, Aaron McGraw, David Pullen, Norman Ungermann, Jr.; 4 Legislators Absent: Glenn Benson, Theodore Hopkins, Timothy O'Grady, Frederick Sinclair.

ALSO PRESENT: M. Alger, Cathy Crandall, L. Edwards, A. Finnemore, V. Grant, D. Horan, J. Luckey, J. Margeson, T. Miner, Patricia Newsome, Nancy Jo Pullen, B. Riehle, T. Ross; **Media:** R. Mangels, WJQZ Radio; B. Quinn, Wellsville Daily Reporter; and approximately 6 members of the public.

A PowerPoint presentation was given regarding the impact of the Property Tax Cap on the 2012 County Budget. Information from the presentation is included below:

**Allegany County 2012 Budget
and the
Property Tax Cap**

What is the Property Tax Cap?

- The property tax levy can only increase by 2 percent in a given year.
- However, certain items have been excluded from the 2 percent calculation such as Employee Retirement System Payments greater than 2 percent and Payments in Lieu of Taxes from projects funded with IDA bonds.
- This means the 'actual' cap allows the levy to be increased around \$725,000 or 2.6 percent under the property tax cap.
- The 2012 Tentative Budget calls for a levy increase of \$692,774 or 2.52 percent, meeting the tax cap legislation.
- The County-wide average property tax rate is decreasing by 2 cents per \$1,000 of assessed value from \$16.90 in 2011 to \$16.88 in 2012.

2012 Tentative Budget

Property Tax Levy = \$28,219,857
This is the amount to be raised by property taxes.

What is the impact of having a Property Tax Cap without Mandate Relief?

The 5 Costliest Mandated Programs

PROGRAM	2011 Net Cost	2012 Net Cost*	Increase from '11 to '12	Percent Increase
Medicaid	9,111,992	10,025,900	913,908	10.03%
Safety Net	730,000	1,067,400	337,400	46.22%
Child Welfare	592,376	632,843	40,467	6.83%
Indigent Defense	508,106	558,988	50,882	10.01%
Probation	625,112	721,708	96,596	15.45%
TOTALS	11,567,586	13,006,839	1,439,253	12.44%

* As close as calculations allow at this time.

The Bottom Line

2012 Property Tax Levy \$ 28,219,857
2011 Property Tax Levy \$ 27,527,083

Difference **\$ 692,774**

Just 5 of the largest mandated costs identified in the previous slide are increasing by **\$1,439,253.**

This represents the structural imbalance of a 2 percent Property Tax Cap without Mandate Relief.

Other Required Programs the County Funds

- Court Facility Projects
- Retirement

- Community Colleges
- Elections
- DSS Administration
- Sheriff
- District Attorney

More local dollars for Federal / State projects means Less for local projects

What This Means

- It only takes small increases in Mandated Programs to exceed the Property Tax Cap.
- Allegany County is administering Mandated Programs that we have no control over.
- Local Programs suffer in order to pay for Mandated Programs:
 - Roads/Bridges, Economic Development, Maintenance & Repairs, Aging, Employment & Training, E-911, Veterans' Services
- New York State and the Federal Government need to address and reduce the burden of Mandated Programs on our County taxpayers.

County Administrator/Budget Officer John Margeson requested that the Clerk of the Board read an abbreviated version of his budget message:

"The 2012 Tentative Budget, which is the subject of tonight's Public Hearing, is a joint effort of the County budget staff, the Budget Committee of the Board of Legislators, and our Department Heads.

The Tentative Budget, when taking into account all nine major appropriation funds, totals \$113,265,688. Offsetting these appropriations are anticipated revenues totaling \$85,045,831, leaving a balance of \$28,219,857 to be raised in County property tax to balance the budget.

While the property tax levy necessary to balance the 2012 Tentative Budget is \$692,774 more than the property tax levy contained in the Final 2011 County Budget, the Average County Property Tax Rate for 2012 has actually decreased by 2 cents per \$1,000 of assessed value as compared to the 2011 Average County Property Tax Rate due to the fact that we experienced an increase in the total assessed value of property by more than \$43 million. The 2011 rate was \$16.90 per \$1,000 of assessed value. The 2012 rate is \$16.88 per \$1,000.

It is expected that a Final County Budget will be adopted by the Board of Legislators at its regularly scheduled meeting on Monday, November 28, at 2:00 p.m."

Mr. Margeson read a prepared statement:

“Good evening and welcome to tonight’s Public Hearing on the 2012 Tentative County Operating Budget. The purpose of this hearing is to give the public the opportunity to become familiar with the Tentative Budget, ask questions as to its contents, and offer comment for the benefit of the members of the Board of Legislators.

The format we will follow tonight in reviewing the Tentative Budget is identical to the format we have used for several years. If you do not have a copy of the Tentative Budget and would like one, they are available on a table just outside the back of the room.

The Appropriations portion of the Budget, which is the only portion we review during the Public Hearing, is comprised of 18 major cost centers beginning with General Government Support and ending with Debt Service Fund. The Clerk of the Board will read the total appropriated amount for each major cost center. We will then pause and ask if anyone has a question or comment with regard to that specific cost center or any departmental budget contained in that cost center. Once questions have been addressed, or if there are no questions or comments, we will proceed until we have worked through the entire budget.

On a final note, I would like to remind those in attendance that the sole purpose of this hearing is to address the Tentative Budget. This hearing is not intended as a forum to debate the value or necessity of particular County agencies or programs. Anyone who has a desire to express his or her opinion with regard to individual programs or services should do so with your elected legislative representatives at another time. If, during this Public Hearing, you wish to address the Board of Legislators, please state your name and identify the town in which you live.”

The Clerk of the Board read each major category of the 2012 Tentative Budget Appropriations, along with the corresponding total. A summary of comments and questions pertaining to each category is included below, with answers indicated in italics (*no comments or questions were presented*):

Total General Government Support - \$8,031,364

Total Education - \$2,490,900

Total Public Safety - \$9,129,736

Total Health - \$5,294,204

Total Bus Transportation - \$820,000

Total Economic Assistance & Opportunity - \$35,663,923

Total Culture and Recreation - \$484,593

Total Home & Community Services - \$2,455,837

Total Undistributed - \$21,534,504

Grand Total General Fund - \$85,905,061

Total WIA Grant Fund - \$1,052,704

Total Risk Retention Fund - \$247,000

Total Risk Retention - Health Fund - \$5,585,000

Grand Total County Road Fund - \$9,889,188

Grand Total Road Machinery Fund - \$1,242,927

Grand Total Capital Projects Fund - \$4,397,700

Total Self-Insurance Fund - \$851,108

Total Debt Service Fund - \$4,095,000

Chairman Crandall recognized and thanked County Administrator/Budget Officer John Margeson, County Treasurer/Deputy Budget Officer Terri Ross, Budget Committee Chairman Theodore Hopkins, and Department Heads. Chairman Crandall noted that the County was able to meet the requirements of the property tax cap, but this is certainly not a long-term solution.

Adjournment: The Public Hearing was closed at 7:30 p.m. following a motion made by Legislator LaForge, seconded by Legislator Graves and carried.

Respectfully submitted,
Adele Finnemore, Journal Clerk

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION**

NOVEMBER 14, 2011

**** APPROVED ****

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

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by United States Marine Corps Lance Corporal Zachary A. Roberts.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 15 Legislators Present: Glenn Benson, Douglas Burdick, Donald Cady, Curtis Crandall, Philip Curran, Dwight Fanton, Karl Graves, Dwight (Mike) Healy, Theodore Hopkins, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Frederick Sinclair, Norman Ungermann, Jr.

APPROVAL OF MINUTES:

The Board meeting minutes of October 24, 2011, were approved on a motion made by Legislator Graves, seconded by Legislator Fanton and carried.

The Committee of the Whole meeting minutes of October 24, 2011, were approved on a motion made by Legislator Curran, seconded by Legislator Graves and carried.

PRIVILEGE OF THE FLOOR:

Chairman Curtis W. Crandall presented a certificate to Zachary A. Roberts, United States Marine Corps Lance Corporal, in grateful appreciation of his service to our Country. Mr. Roberts' service dates are from August 2010 to the present. Following Basic Training at Paris Island, SC, assignments include: Camp Geiger, NC; Fort Lee, VA; Cherry Point, NC; New River, NC; and currently preparing for deployment overseas in March. Commendations he has received to date include: Distinguished Achievement – Marine of the Quarter for 2011 at Cherry Point and National Defense Ribbon / Global War on Terrorism. Mr. Roberts led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Crandall presented a check in donation to Allegany Senior Foundation Board Chairman Wally Higgins and Member Robert Christman. The Foundation was established several years ago to offset and cover some of the expenses of seniors that weren't being met. Mr. Higgins has been at the helm of the Senior Foundation for a number of years and is very active in fundraising efforts. Chairman Crandall noted that there are a couple of organizations that the Board of Legislators contributes to as a way of showing

support. These funds are non-tax dollars raised through the Legislative Clambake. Mr. Higgins thanked the Board, noting that donations are the fuel that keeps these efforts going. The Foundation has distributed \$17,700 so far this year to support senior services such as Lifeline, Meals on Wheels, and Blizzard Boxes.

Chairman Crandall granted privilege of the floor to the following:

Literacy West NY CEO Lisa Lee and Allegany County Jail Administrator Chris Ivers spoke about the STAR Program. The Successful Transition and Re-entry (STAR) Program is a comprehensive support, education, and workforce skills program to help better transition those involved in the criminal justice system into vocational training, college, or employment. The program is supported by \$100,000 in grant funds from the Open Society Foundation and is implemented by the following partners: Allegany County Jail, Allegany County Office of Probation, Alfred State College, Allegany County Employment and Training Center, Cattaraugus/Allegany Workforce Investment Board, Adult Education Opportunity Center, and Literacy West NY. Their goal is to reduce recidivism. Studies have shown that people with more education who are able to participate in society are less likely to have negative contact with the criminal justice system. The current annual cost per Jail inmate is about \$46,000, so if this program helps to prevent even ten people from coming back to be re-incarcerated, there's a savings of \$460,000, plus you have more productive members of society. In addition to the initial grant funding, the program was given the opportunity to raise an additional \$100,000, and the Open Society Foundation will match dollar for dollar with funds raised. We were one of only eight organizations awarded this money nationally.

Emergency Management and Fire Director Jeff Luckey presented a slide show illustrating the Impact of Hurricane Irene on County Governments, focusing on hard-hit areas in Greene and Schoharie Counties in the Catskills where he and several Allegany County Volunteer Firemen assisted in September.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator's desk:

1. Report of Intrafund Transfers approved by the County Administrator in October.
2. Report of Tax Bill Corrections approved by the County Administrator in October.

The following communications were also acknowledged:

1. The County Treasurer filed Certificates of Withdrawal of Delinquent Tax Liens for properties in the Town of Cuba and Town of Caneadea in the Clerk of the Board's Office on October 26 and 27, 2011, pursuant to Article 11 of the Real Property Tax Law.
2. Notice of the next InterCounty Association meeting to be hosted by Ontario County in Canandaigua on November 18.

3. Notice of the next Fire Advisory Board meeting to be held Thursday, November 17, at 8 p.m. at the Jail and Public Safety Facility.

4. Correspondence from Senator Catharine Young acknowledging receipt and support of our Resolution No. 147-11 supporting a State takeover of the local share of Medicaid costs, and Resolution No. 148-11 in support of the ability of local governments to tax the production of natural gas at current levels or higher.

5. Correspondence from Assemblymen Joseph Giglio and Daniel Burling acknowledging receipt of our letter and resolution supporting a State takeover of the local share of Medicaid costs, and confirming that they are co-sponsors of Assembly Bill A.8644 regarding this issue.

6. Correspondence from the Allegany County Cancer Services thanking the Board for its recent donation.

7. Correspondence from ACCORD Corporation regarding the Action Angels Holiday Assistance Program.

8. Fourth Quarter 2011 Allegany County Historical Society's "ACHS Recorder."

RESOLUTIONS:

RESOLUTION NO. 158-11

CREATING ONE POSITION OF FULL-TIME SECOND ASSISTANT PUBLIC DEFENDER IN PUBLIC DEFENDER'S OFFICE; AMENDING SECTION 4 OF RESOLUTION NO. 297-75

Offered by: Personnel Committee

RESOLVED:

1. That one position of full-time Second Assistant Public Defender is created in the Public Defender's Office.

2. That Section 4 of Resolution No. 297-75, as amended, is hereby amended by adding the title of Second Assistant Public Defender.

3. This resolution shall take effect on January 1, 2012.

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

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

RESOLUTION NO. 159-11

**AUTHORIZING THE PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE
OF THE ALLEGANY COUNTY BOARD OF LEGISLATORS
TO ACT AS TOURISM PROMOTION AGENCY AND
TO APPLY FOR STATE FUNDS FOR TOURISM PROMOTION PURPOSES**

Offered by: Planning and Development and Ways and Means Committees

Pursuant to Article 5-A of the Economic Development Law

RESOLVED:

1. That the Planning and Economic Development Committee of this County Board of Legislators is authorized to act as a tourism promotion agency and to apply for state funds up to \$175,000 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. Sinclair
Seconded by: Mr. LaForge

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

RESOLUTION NO. 160-11

**RESOLUTION CALLING FOR THE ALLOCATION OF REVENUES FROM
THE NEW YORK STATE PUBLIC SAFETY SURCHARGE TO COUNTIES
TO SUPPORT 911 AND PUBLIC SAFETY COMMUNICATIONS**

Offered by: Ways and Means Committee

WHEREAS, the State of New York imposes a \$1.20 surcharge on all wireless telephones, which in 2010 raised over \$200 million, and for which these funds were intended to be spent on 911 operations to help first responders to communicate and respond to emergencies, and

WHEREAS, the \$1.20 surcharge should be imposed on any communications device capable of connecting to 911, and

WHEREAS, the State of New York has historically allocated only 6 percent of these funds to counties who are responsible for the operations of 911 centers, and

WHEREAS, the 2010-2011 New York State Budget designated an additional \$20 million in grants from the cellular surcharge to fund county regional communication projects, and \$45 million in the 2011-12 Budget; however, this amount is still a meager percentage of the total amount collected in this fund, and

WHEREAS, counties, especially Allegany County, are in dire need of this funding, and urge the Office of Interoperable and Emergency Communications to award these funds as soon as possible, and

WHEREAS, counties and other municipalities are the actual providers of 911 services to the people of New York State and incur substantial costs to upgrade and maintain communications systems, as well as keep up to date with technological changes such as Next Generation 911 (NG 911), which is estimated to take 10 years to implement at a cost of approximately \$22 billion in New York State, and

WHEREAS, counties have demonstrated their ability to work together to form regional partnerships and collaborate in the development and expansion of their public safety systems, and

WHEREAS, New York State's practice of raiding these funds makes counties ineligible for federal funding, including \$42 million in wireless Next Generation 911 funding, and \$58 million from the Department of Transportation, and

WHEREAS, the collection of the cell phone surcharges, past, present, and future, are solely intended for maintenance and operations of the 60 plus county 911 centers in New York State; now, therefore, be it

RESOLVED:

1. That Allegany County urges the State of New York to allocate the fullest amount of these funds permissible under law to counties so that 911 centers and emergency service personnel can make the necessary investments in their systems to support the emergency communications needs in their communities.

2. That Allegany County commends the Office of Interoperable and Emergency Communications for their attentiveness to the new grant program, and further urges the swift and thoughtful dispersal of funds allocated to the counties.

3. That Allegany County requests that New York State Attorney General Eric Schneiderman investigate this improper distribution of monies intended for 911 centers.

4. That the Clerk of this Board is hereby authorized and directed to forward a certified copy of this resolution to Governor Andrew M. Cuomo, Senators Charles E. Schumer

and Kirsten E. Gillibrand, New York State Association of Counties, Senate President Pro Tempore Dean G. Skelos, Assembly Speaker Sheldon Silver, Attorney General Eric Schneiderman, and all others deemed necessary and proper.

Moved by: Mr. Hopkins
Seconded by: Mr. Healy

Adopted: Voice Vote

Comments made regarding Resolution No. 160-11 included: Legislator Pullen commented that the public needs to know what's going on. We're billed on our phone and cell phone bills a surcharge for support of 911. The State collects that money from the phone companies, but is not sending it back to use for the very purpose it was claimed to be raised for. We need that money to operate our 911 communications at the local level, and it would relieve us from having to support it with local tax dollars. Only a small percentage of the surcharge funds are forwarded through. Also, New York's practice of raiding those funds makes the counties ineligible for federal funding. All we're asking is that the State does what they promised.

RESOLUTION NO. 161-11

RELEVY OF RETURNED SCHOOL TAXES

Offered by: Ways and Means Committee

Pursuant to Real Property Tax Law § 1330

RESOLVED:

1. That the amount of the unpaid returned school taxes of the several school districts of Allegany County with seven per centum of the amount of principal and interest in addition thereto, is relieved upon the real property upon which the same were imposed.

2. This resolution shall take effect on November 15, 2011.

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

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

RESOLUTION NO. 162-11

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 15, 2011.

Moved by: Mr. Hopkins
Seconded by: Mr. LaForge

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

RESOLUTION NO. 163-11

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 20, 2011, and November 1, 2011, 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. Hopkins
Seconded by: Mr. Pullen

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

Comments made regarding Resolution No. 164-11 included: Legislator Pullen noted that this is the third of three resolutions whose purpose is to hold harmless the school districts, the villages, and the water and sewer districts throughout the County. If the bill for whatever they levy is not paid, it gets sent to the County, and when the money gets collected for whatever purpose, they get 100 percent. They never run short on their budget, but the County may get

left holding the bag. Local communities are protected by the County. This is a function that the County doesn't get a lot of recognition for.

RESOLUTION NO. 164-11

**ACCEPTANCE AND APPROPRIATION OF DONATIONS FOR
HEALTH DEPARTMENT CANCER SERVICES PROGRAM**

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the sum of \$1,633 in donations for the Health Department Cancer Services Program is accepted.

2. That the accepted sum of \$1,633 is appropriated to Account No. A4072.4 (Komen Kares Grant - Contractual) with a like sum credited to Revenue Account No. A08.2705.4071 (Gifts and Donations – Komen Kares).

Moved by: Mr. Burdick
Seconded by: Mr. Fanton

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

Resolution Intro. No. 168-11 (Resolution Accepting and Appropriating Federal Grant Funding to Probation Department Accounts from the U.S. Department of Justice's Office of Violence Against Women (OVW); Authorizing Board Chairman to Sign Off on Said Contract when Completed) was amended on a motion made by Legislator Hopkins, seconded by Legislator Sinclair and carried, by adding, "*That the 2012 tentative budget is changed to reflect*" at the beginning of Resolved No. 2.

RESOLUTION NO. 165-11

**RESOLUTION ACCEPTING AND APPROPRIATING FEDERAL GRANT FUNDING
TO PROBATION DEPARTMENT ACCOUNTS
FROM THE U.S. DEPARTMENT OF JUSTICE'S
OFFICE OF VIOLENCE AGAINST WOMEN (OVW);
AUTHORIZING BOARD CHAIRMAN TO SIGN OFF ON SAID CONTRACT
WHEN COMPLETED**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That the sum of \$19,800 of federal grant funding for period October 1, 2011, to September 30, 2014, to be used with the Probation Department Sex Offender Treatment Program and supervision of sex offenders, is accepted.

2. That the 2012 tentative budget is changed to reflect that the accepted sum of \$19,800 is appropriated as follows: \$9,000 to Account No. A3140.1 (Probation – Personnel), \$10,800 to Account No. A3140.4 (Probation – Contractual), with a like sum credited to Revenue Account No. A10.3310.05 (Probation – SORA).

3. That the Chairman of this Board is authorized to sign off on said contract when completed.

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

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

(Memo: The grant accepted in Resolution No. 165-11 was applied for on behalf of Probation by the ACCORD Corporation. The proposal for use of the funds included polygraphs of sex offenders and overtime costs for officers conducting after-hour home visits. The grant is for three years, so the department may only receive \$6,600 per year.)

RESOLUTION NO. 166-11

ACCEPTANCE OF HOMELAND SECURITY FUNDS FROM THE NEW YORK STATE OFFICE OF HOMELAND SECURITY AND APPROPRIATION OF SUCH FUNDS TO HOMELAND SECURITY ACCOUNTS

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That Homeland Security funds from the New York State Office of Homeland Security in the amount of \$57,672 for the purchase of an Incident Command Accountability ID System and portable generator with lights for use during public health emergencies and a CBRNE Mobile Command Vehicle, are accepted.

2. That the sum of \$57,672 is appropriated as follows: \$43,422 to Account No. A3645.218 (Homeland Security – Equipment) with a like sum credited to Revenue Account No. A10.3306.EMG8 (Homeland Security – OES), and \$14,250 to Account No. A3645.219 (Homeland Security – Equipment) with a like sum credited to Revenue Account No. A10.3306.HTH9 (Homeland Security – Health).

Moved by: Mr. Healy
Seconded by: Mr. Fanton

Adopted: Roll Call
13 Ayes, 2 Noes, 0 Absent
Voting No: Cady, O'Grady

Comments made regarding Resolution No. 166-11 included: Legislator O'Grady noted that his "No" vote was not a vote against accepting the grant, but he felt there should be a better use for the grant money than buying a \$43,000 command vehicle that would be driven home.

Resolution Intro. No. 170-11 (Resolution Accepting and Appropriating Funds to Probation Department Accounts from Literacy West; Authorizing Board Chairman to Sign Off on Said Contract or Memorandum of Understanding when Completed) was amended on a motion made by Legislator Hopkins, seconded by Legislator Sinclair and carried, by adding, "That the 2012 tentative budget is changed to reflect" at the beginning of Resolved No. 2.

RESOLUTION NO. 167-11

RESOLUTION ACCEPTING AND APPROPRIATING FUNDS TO PROBATION DEPARTMENT ACCOUNTS FROM LITERACY WEST; AUTHORIZING BOARD CHAIRMAN TO SIGN OFF ON SAID CONTRACT OR MEMORANDUM OF UNDERSTANDING WHEN COMPLETED

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That the sum of \$5,584 for period January 2012 through June 2012 to cover any overtime costs associated with facilitating a Second Thinking for a Change Group relative to the Successful Transition and Re-entry (STAR) Program, is accepted.
2. That the 2012 tentative budget is changed to reflect that the accepted sum of \$5,584 is appropriated to Account No. A3140.101 (Probation – Personnel) with a like sum credited to Revenue Account No. A02.1580.MISC (Probation – Misc.).
3. That the Chairman of this Board is authorized to sign off on said contract or Memorandum of Understanding when completed.

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

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

(Memo: Regarding Resolution No. 167-11, Literacy West was selected in August as a demonstration site for the "Points of Entry: Guiding Adults to Education and Career Success" Project. Funding is provided by the Open Society Foundation. Literacy West has developed the Successful Transition and Re-entry [STAR] Program and will use funds to provide assessment, education, career exploration and planning, job training, and case management for individuals who are on pre-trial or probation supervision and for individuals who are re-entering the community from the Jail. The STAR Program will provide the Probation Department funds to cover any overtime costs associated with facilitating a second Thinking for a Change group for this population.)

RESOLUTION NO. 168-11

TRANSFER OF FUNDS WITHIN ELECTIONS CONTRACTUAL EXPENSES ACCOUNT

Offered by: Personnel Committee

RESOLVED:

1. That the sum of \$5,100 is transferred as follows: \$3,100 from Account No. A1450.403 (Maintenance Contract) and \$2,000 from Account No. A1450.421 (Education/School) to Account No. A1450.201 (Office Machines).

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

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

(Memo: The transfer approved in Resolution No. 168-11 is for the purchase of an electronic time recorder, EMS System backup battery, and standup privacy booths.)

RESOLUTION NO. 169-11

TRANSFER OF FUNDS FROM PUBLIC HEALTH CONTRACTUAL EXPENSES ACCOUNT TO MEDICAL EXAMINERS AND CORONERS CONTRACTUAL EXPENSES ACCOUNT

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the sum of \$8,000 is transferred from Account No. A4010.4 (Health Department – Contractual) to Account No. A1185.4 (Medical Examiners and Coroners – Contractual) to cover cost of Coroners' activities.

Moved by: Mr. Burdick
Seconded by: Mr. LaForge

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

RESOLUTION NO. 170-11

TRANSFER OF FUNDS WITHIN EMPLOYMENT AND TRAINING APPROPRIATION ACCOUNTS

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

RESOLVED:

1. That the transfer of the following appropriations is approved:

Appropriations

<u>From:</u>	<u>To:</u>	<u>Amount:</u>
CD16400.101	CD16402.101	12,000.00
CD16411.474	CD16402.474	4,000.00

CD16794.474	CD16402.474	12,000.00
CD16400.101	CD16406.101	9,000.00
CD16794.475	CD16406.474	10,000.00
CD16400.101	CD16412.101	2,500.00
CD16400.806	CD16412.802	500.00
Total	\$50,000.00	

Moved by: Mr. Sinclair
 Seconded by: Mr. Hopkins

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

RESOLUTION NO. 171-11

TRANSFER OF FUNDS WITHIN WEIGHTS AND MEASURES CONSUMER AFFAIRS ACCOUNT

Offered by: Public Safety Committee

RESOLVED:

1. That the sum of \$400 is transferred from Account No. A6610.2 to Account No. A6610.4 to cover cost of inspection stickers that are applied to equipment after successful calibration check.

Moved by: Mr. Healy
 Seconded by: Mr. Fanton

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

RESOLUTION NO. 172-11

TRANSFER OF FUNDS FROM CONTINGENT ACCOUNT TO DISTRICT ATTORNEY CONTRACTUAL EXPENSE ACCOUNT

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That the sum of \$3,000 is transferred from Account No. A1990.4 (Contingent) to Account No. A1165.433 (District Attorney – Contractual) to cover a shortfall for the Special Prosecutor line item.

Moved by: Mr. Healy
 Seconded by: Mr. Hopkins

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

RESOLUTION NO. 173-11

**TRANSFER OF FUNDS FROM CAPITAL PROJECT FUND ACCOUNT
TO SOLID WASTE CONTRACTUAL EXPENSES ACCOUNT AND
SNOW REMOVAL AND MAINTENANCE ROADS AND BRIDGES
CONTRACTUAL EXPENSES ACCOUNT
TO SUPPLEMENT FUNDING IN SOLID WASTE AND COUNTY ROAD FUND**

Offered by: Public Works and Ways and Means Committee

RESOLVED:

1. That the sum of \$210,000 is transferred from Account No. H1640.200 as follows: \$55,000 to Account No. A8160.492 (Solid Waste – Contractual [Leachate]), \$75,000 to Account No. A8160.422 (Solid Waste – Contractual [Fuel]) and \$80,000 to Account No. D5110.422 (County Road – Contractual [Fuel]).

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

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

(Memo: The purpose of the transfers approved by Resolution No. 173-11 was to cover a shortage in the Solid Waste account for leachate treatment, due to excessive spring rains, and shortages in the Solid Waste and County Road accounts for fuel, due to the sharp increase in fuel prices.)

Comments made regarding Resolution No. 173-11 included: In answer to a question by Legislator Ungermann, County Administrator John Margeson confirmed that none of the funds being transferred were for the access road beside the Courthouse or the parking area at the Presutti property. Legislator O’Grady noted that the money being transferred was originally budgeted for the Maintenance Building, but we were able to include that building in the bonding instead.

RESOLUTION NO. 174-11

**TRANSFER OF FUNDS FROM BUILDINGS AND GROUNDS –
REPAIRS REAL PROPERTY ACCOUNT
TO A NEWLY CREATED CAPITAL PROJECT ACCOUNT
FOR THE ASBESTOS ABATEMENT TO SUPPORT BUILDING**

Offered by: Public Works and Ways and Means Committee

RESOLVED:

1. That the sum of \$70,000 is transferred from Account No. A1620.412 (Buildings and Grounds – Repairs Real Property) to Account No. H1621.200 (Capital Project – Support Building Asbestos Abatement).

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

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

RESOLUTION NO. 175-11

**TRANSFER OF FUNDS FROM PUBLIC SAFETY COMPLEX BUILDINGS AND GROUNDS
– REPAIRS REAL PROPERTY ACCOUNT
TO A NEWLY CREATED CAPITAL PROJECT ACCOUNT
FOR NEW REHEAT COILS IN 1 POD OF COUNTY JAIL**

Offered by: Public Works and Ways and Means Committee

RESOLVED:

1. That the sum of \$53,000 is transferred from Account No. A3152.412 (Public Safety Complex Buildings and Grounds – Repairs Real Property) to Account No. H3198.200 (Capital Project – POD Work – Jail).

Moved by: Mr. Fanton
Seconded by: Mr. Healy

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

RESOLUTION NO. 176-11

**APPROVAL OF TRANSPORTATION OF PRESCHOOL CHILDREN
WITH HANDICAPPING CONDITIONS AGREEMENTS WITH
FIFTEEN CENTRAL SCHOOL DISTRICTS AND
AUTHORIZING CHAIRMAN TO EXECUTE AGREEMENTS**

Offered by: Human Services and Ways and Means Committees

WHEREAS, fifteen central school districts have agreed to provide transportation for County preschool children with handicapping conditions, now, therefore, be it

RESOLVED:

1. That each Agreement titled “Agreement Concerning the Transportation of Preschool Children with Handicapping Conditions” for the period July 1, 2011, to June 30, 2012, with the respective Central School Districts of Alfred-Almond, Andover, Arkport, Belfast, Bolivar-Richburg, Canaseraga, Cuba-Rushford, Fillmore, Friendship, Genesee Valley, Portville, Scio, Wellsville, Whitesville and Yorkshire Pioneer is approved.

2. The Chairman of this Board is authorized to execute all such Agreements.

Moved by: Mr. Burdick
Seconded by: Mr. Fanton

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

Comments made regarding Resolution No. 176-11 included the following:

Legislator Pullen remarked that the graph attached to the resolution shows the average mileage costs from 2004 through 2010 for various counties, and we are consistently lower than the others. Some are obviously larger counties, but others are smaller in both population and geographically. What we have worked out is cost effective for the County and for those school districts involved. There is an advantage to using school bus fleets and current equipment rather than running separate contracts. Mr. Pullen extended his compliments to the department for having arranged this, and for the savings it represents to the County taxpayers.

Chairman Crandall noted that when he first came on the Board, he served with Legislator Lee Frair, who was applauded by those who served with him at the time for initiating this transportation plan and putting Allegany County in a favorable position for dealing with this issue.

RESOLUTION NO. 177-11

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 and Ways and Means Committees

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, 2011, to December 31, 2013, is approved.
2. That the Chairman of this Board is authorized to execute said Agreement.

Moved by: Mr. Burdick
Seconded by: Mr. Healy

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

(Memo: Contract costs related to the agreement approved by Resolution No. 177-11 include \$28,381 in 2011 for 60 cases, \$29,091 in 2012 for 60 cases, and \$29,818 in 2013 for 60 cases. Any additional cases beyond 60 will cost \$1,500 per case.)

RESOLUTION NO. 178-11

APPROVAL OF LEASE AGREEMENT BETWEEN THE COUNTY OF ALLEGANY AND LOCAL ABSTRACTORS FOR THE PURPOSE OF ALLOCATING SPACE TO CONDUCT BUSINESS WITH CLIENTS AND TO LOOK UP ABSTRACTS AS NEEDED; AUTHORIZING CHAIRMAN TO EXECUTE SUCH LEASE AGREEMENT

Offered by: Personnel and Ways and Means Committees

WHEREAS, the County desires to allocate space to local abstractors to provide for a more private area to conduct business with clients and to look up abstracts as needed, and

WHEREAS, such lease agreement would run from month to month at an amount of \$100 per month, and

WHEREAS, such lease may be terminated upon written notice by either party, now, therefore, be it

RESOLVED:

1. That Lease Agreement to allocate space to local abstractors is approved.
2. That the Chairman of this Board is authorized to execute said Lease Agreement.

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

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

Comments made regarding Resolution No. 178-11 included: Legislator Ungermann noted that this deals with local people renting space, but he questioned if the people not renting space would still have a place to work. County Clerk Robert Christman replied that they would. There are five public work stations that won't be restricted, because these individuals will have their own. This agreement won't be taking away anything from the general public or other professionals utilizing the office. It was requested by the abstractors, and the amount is based on input from other counties. It's an average amount, or actually a little less than average.

RESOLUTION NO. 179-11

APPROVAL OF FINAL 2012 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 2012 STOP-DWI Plan is approved and shall replace on and after January 1, 2012, the Plan approved by Resolution No. 213-2010.
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. Healy
Seconded by: Mr. Curran

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

(Memo: The 2012 STOP-DWI Plan was approved by Resolution No. 179-11 in the amount of \$138,132. The program is funded by DWI fines.)

RESOLUTION NO. 180-11

**ABOLISHING THREE DEPUTY SHERIFF POSITIONS AND
CREATING AND FILLING THREE CORRECTION OFFICER POSITIONS
IN THE SHERIFF'S DEPARTMENT**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That three Deputy Sheriff positions are abolished and three Correction Officer positions are created in the Sheriff's Department.
2. That these three positions are hereby authorized to be filled.
3. That this resolution shall take effect November 15, 2011.

Moved by: Mr. Healy
Seconded by: Mr. Fanton

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

(Memo: Regarding Resolution No. 180-11, the Correction Officer positions being created are needed to fill vacancies in the Jail created by moving three Deputy Sheriffs from the Jail to Court Security as required by the Office of Court Administration.)

Comments made regarding Resolution No. 180-11 included: Legislator Hopkins asked Sheriff Rick Whitney to explain why this action represents a savings to the County. Sheriff Whitney explained that when the County built the new Courthouse Addition, the State told us we had to have three additional Deputies working the Court. They are moving three Deputies from the Jail to the new Courthouse for security and then creating three Correction Officers to

fill the vacancies. The County saves money because the positions in the Courthouse are reimbursed by the State at 100 percent. So you're taking three senior Deputies at a higher rate of pay and placing them in the Court System where they'll be reimbursed by the State and bringing in three Correction Officers at a minimum Correction Officer's pay.

AUDITS:

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

A motion was made by Legislator Hopkins, seconded by Legislator Pullen and adopted on a roll call vote of 14 Ayes, 1 No, 0 Absent, that the audit of claims, totaling \$3,787,414.71, including prepaid expenses, be approved for payment as recommended by the County Administrator (opposed: Ungermann). (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$7,756,722.*)

ADJOURNMENT: The meeting was adjourned at 3:30 p.m. on a motion made by Legislator LaForge, seconded by Legislator Graves and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
NOVEMBER 28, 2011**

**** APPROVED ****

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

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Marine Corps Corporal Scott B. Dewey.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 15 Legislators Present: Glenn Benson, Douglas Burdick, Donald Cady, Curtis Crandall, Philip Curran, Dwight Fanton, Karl Graves, Dwight (Mike) Healy, Theodore Hopkins, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Frederick Sinclair, Norman Ungermann, Jr.

APPROVAL OF MINUTES:

The minutes of the Public Hearing for the 2012 Allegany County Tentative Budget on November 10, 2011, were approved on a motion made by Legislator Fanton, seconded by Legislator Curran and carried.

The Board meeting minutes of November 14, 2011, were approved on a motion made by Legislator Curran, seconded by Legislator Graves and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Scott B. Dewey, former United States Marine Corps Corporal, in grateful appreciation of his service to our Country. Mr. Dewey's service dates were from July 1980 to July 1984. Following Basic Training at Parris Island, SC, assignments included: Lebanon, Norway, England, Spain, Denmark, and Germany. Commendations he received included: Expert Rifle Sharp Shooter Badge, Good Conduct Medal, and several letters of commendation. Mr. Dewey led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator's desk:

1. December 2011 Calendar of Board and Standing Committee meeting dates.
2. Allegany County 2012 Budget.

The following communications were also acknowledged:

1. Invitation to attend the Three Chamber (Cuba, Wellsville, and Allegany County Chambers of Commerce) Christmas Party and Business After Hours Event on December 14 at 5:30 p.m. at the Fountain Bistro in Belmont.
2. Correspondence from NYSDOT Regional Construction Engineer Christopher Giles indicating that the bridge replacement on Route 244 over Phillips Creek in the Town of Amity was accepted by the NYSDOT on November 3, 2011, and the maintenance and repair of the bridge has been turned over to Allegany County.

RESOLUTIONS:

RESOLUTION NO. 181-11

ADOPTION OF 2012 COUNTY FINAL BUDGET

Offered by: Ways and Means Committee

RESOLVED:

1. That the 2012 County Tentative Budget dated September 26, 2011, as amended and revised, is adopted as the 2012 County Final Budget.

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

Adopted: Roll Call
11 Ayes, 4 Noes, 0 Absent
Voting No: Burdick, Cady, O'Grady, Ungermann

Comments made regarding Resolution No. 181-11 included the following:

Legislator Ungermann pointed out that this budget represents a 2.52 percent increase, so the local taxpayers have to shell out another \$700,000. He stated that it doesn't look like we're making much of an effort to reduce spending.

Chairman Crandall thanked those who worked hard on this budget and on staying within the 2 percent tax cap: the Budget Committee, Budget Officer, Treasurer, and others. The increase ended up being about 2.5 percent due to the tax cap formula the State put together. Expenses have gone up, and, as was shared at the Public Hearing with the PowerPoint presentation, it's not just the expenses associated with conducting County business that have gone up, but the mandated programs that actually exceeded that 2.5 percent increase by better than double. Chairman Crandall also noted that funds were taken from the Fund Balance to take up the slack, and that's not good long-term financial planning.

RESOLUTION NO. 182-11

**RESOLUTION MAKING APPROPRIATIONS FOR THE CONDUCT OF
THE COUNTY GOVERNMENT FOR THE FISCAL YEAR 2012**

Offered by: Ways and Means Committee

WHEREAS, this Board, by Resolution No. 181-11, has adopted a budget for the fiscal year 2012, now, therefore, be it

RESOLVED:

1. That the several amounts specified in the 2012 County Final Budget in the column entitled "Final Budget 2012" be and they are appropriated for the objects and purposes specified.

2. This resolution shall take effect on January 1, 2012.

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

Adopted: Roll Call
13 Ayes, 2 Noes, 0 Absent
Voting No: O'Grady, Ungermann

RESOLUTION NO. 183-11

**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, 2011, through September 30, 2011, 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. Hopkins
Seconded by: Mr. Sinclair

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

RESOLUTION NO. 184-11

**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 \$26,509.16 is appropriated from Account No. A1410.432 (County Clerk – Contractual) and shall be distributed to the Towns and Villages of the County as follows:

TOWNS	AMOUNT RETAINED BY COUNTY CLERK'S OFFICE FOR MORTGAGE TAX FEE	REBATE AMT TO TOWN	REBATE AMT TO VILLAGE	VILLAGES
Alfred	1,718.89	1,380.38	338.51	Alfred
Allen	346.14	346.14		
Alma	649.87	649.87		
Almond	960.55	885.59	74.96	Almond
Amity	738.10	618.51	119.59	Belmont
Andover	678.60	559.36	119.24	Andover
Angelica	483.84	402.48	81.36	Angelica
Belfast	877.58	877.58		
Birdsall	77.63	77.63		

Bolivar	637.00	503.18	124.09	Bolivar
			9.73	Richburg
Burns	504.08	441.69	62.39	Canaseraga
Caneadea	6,906.32	6,906.32		
Centerville	280.25	280.25		
Clarksville	488.29	488.29		
Cuba	1,679.87	1,433.03	246.84	Cuba
Friendship	356.42	356.42		
Genesee	477.44	477.44		
Granger	282.60	282.60		
Grove	338.69	338.69		
Hume	1,389.83	1,389.83		
Independence	323.72	323.72		
New Hudson	293.77	293.77		
Rushford	1,422.70	1,422.70		
Scio	510.18	510.18		
Ward	18.71	18.71		
Wellsville	2,850.92	2,088.03	762.89	Wellsville
West Almond	91.64	91.64		
Willing	839.94	839.94		
Wirt	<u>285.59</u>	<u>265.67</u>	<u>19.92</u>	Richburg
TOTALS	26,509.16	24,549.64	1,959.52	

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. Hopkins
Seconded by: Mr. Sinclair

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

RESOLUTION NO. 185-11

**RESOLUTION LEVYING TOWNS' 2012 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 \$335,569 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. Hopkins
Seconded by: Mr. LaForge

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

Comments made regarding Resolution No. 185-11 included: Legislator Ungermann remarked that he hopes we continue to work on this, because he's never been convinced that being self-insured is the way to go.

RESOLUTION NO. 186-11

**DESIGNATING THE ALFRED SUN AS SUBSTITUTE OFFICIAL NEWSPAPER
FOR THE WEEK OF JANUARY 1, 2012, TO JANUARY 7, 2012**

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 January 1, 2012, to January 7, 2012, now, therefore, be it

RESOLVED:

1. Notwithstanding the provisions of Section 1 of Resolution No. 256-2010, the newspaper the Alfred Sun is designated as the substitute official newspaper to publish local laws, notices, and other matters required by law to be published during the period of January 1, 2012, to January 7, 2012.

Moved by: Mr. Hopkins
Seconded by: Mr. Curran

Adopted: Voice Vote

RESOLUTION NO. 187-11

**TRANSFER OF FUNDS FROM SHARED SERVICES BUILDINGS
PERSONNEL SERVICES ACCOUNT TO LAW ENFORCEMENT
PUBLIC SAFETY COMPLEX – BUILDINGS AND GROUNDS ACCOUNT**

Offered by: Public Works and Ways and Means Committees

RESOLVED:

1. That the sum of \$8,500 is transferred from Account No. A1620.1 to Account No. A3152.2, to purchase an Autoscrub Floor Machine.

Moved by: Mr. Fanton
Seconded by: Mr. Healy

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

RESOLUTION NO. 188-11

**TRANSFER OF FUNDS FROM CONTINGENT AND
FIRE PREVENTION AND CONTROL FIRE E-911 ACCOUNTS TO
LAW ENFORCEMENT E-911 DISPATCH EQUIPMENT ACCOUNT**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That the sum of \$20,000 is transferred from Account No. A1990.4 (Contingent) and \$26,000 from Account No. A3510.4 (Sheriff E-911 – Contractual) to Account No. A3112.2 (E-911 Dispatch – Equipment), to finance the remaining cost on the E-911 Recording System.

Moved by: Mr. Healy
Seconded by: Mr. Burdick

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

(Memo: Regarding Resolution No. 188-11, the proposed E-911 Recording System includes a recorder for the primary E-911 Center and one for the Backup E-911 Center. The cost of the complete system is \$52,127.40. The Sheriff's Office can fund the majority of the purchase by transferring funds within existing accounts; however, they will be short by \$20,000, necessitating the transfer from Contingent.)

RESOLUTION NO. 189-11

**TRANSFER OF FUNDS FROM CONTINGENT ACCOUNT TO
LAW ENFORCEMENT PROBATION EQUIPMENT ACCOUNT**

Offered by: Ways and Means Committee

RESOLVED:

1. That the sum of \$25,000 is transferred from Account No. A1990.4 (Contingent) to Account No. A3140.201 (Probation - Equipment), for the purpose of purchasing a high density filing system for Probation Department.

Moved by: Mr. Hopkins
Seconded by: Mr. Healy

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

(Memo: The transfer approved by Resolution No. 189-11 allows for the purchase of a high density filing system as part of a plan to reconfigure and improve the efficiency of available office space within the Probation Department. The Probation Director requested these funds as part of his 2012 budget. They were removed by the Budget Officer with the recommendation that the system be purchased in 2011 utilizing funds from Contingent.)

RESOLUTION NO. 190-11

**A RESOLUTION INCREASING THE FUNDING IN
CERTAIN APPROPRIATION AND REVENUE ACCOUNTS IN
THE OFFICE FOR THE AGING PROGRAMS**

Offered by: Human Services and Ways and Means Committees

WHEREAS, it is necessary to increase certain appropriation and revenue accounts in Office for the Aging Programs, and

WHEREAS, this is due to unbudgeted increases in client contributions, the number of clients receiving Long-Term Home Health Care funds in the mobile meals programs, and funding from Allegany/Western Steuben Rural Health Network for OT for OFA employees involved in the respite program, now, therefore, be it

RESOLVED:

1. That the increased sum of \$25,115 for Office for the Aging Programs is appropriated as follows: \$4,600 to Account No. A6772.4, \$18,800 to Account No. A6779.4, \$1,500 to Account No. A6786.1, \$215 to Account No. A6786.8, with a sum of \$1,715 credited to Revenue Account No. A08.2705.05, \$11,000 to Revenue Account No. A09.2801.36, \$4,600 to Revenue Account No. A02.1972.03, and \$7,800 to Revenue Account No. A02.1972.07.

Moved by: Mr. Burdick
Seconded by: Mr. Pullen

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

RESOLUTION NO. 191-11

**RESOLUTION APPROPRIATING FUNDS FROM CALENDAR YEAR 2010
FOR THE CANCER SERVICES PROGRAM**

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the sum of \$5,960 from calendar year 2010 is appropriated from Fund Balance A15.599.00 (Appropriated Fund Balance) to Account No. A4071.409 (Cancer Screening – Contractual).

Moved by: Mr. Burdick
Seconded by: Mr. Fanton

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

RESOLUTION NO. 192-11

**ACCEPTING AND APPROPRIATING FUNDS RECEIVED FROM
THE GOVERNOR'S TRAFFIC SAFETY PROGRAM STEPS IN SAFETY GRANT
(SAFETY ON WHEELS) FOR PERIOD OCTOBER 1, 2011,
THROUGH SEPTEMBER 30, 2012**

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 \$2,400 is accepted and appropriated 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. Healy
Seconded by: Mr. Pullen

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

RESOLUTION NO. 193-11

**ACCEPTANCE OF ADDITIONAL FUNDING FROM
THE FEDERAL OLDER AMERICANS ACT GRANT;
APPROPRIATION TO OFFICE FOR AGING ACCOUNTS**

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the accepted additional sum of \$3,483 from the Federal Older Americans Act Grant is appropriated to Account No. A6772.4, with a like sum credited to Revenue Account No. A11.4772.00.

Moved by: Mr. Burdick
Seconded by: Mr. Pullen

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

RESOLUTION NO. 194-11

**APPROVAL OF RENEWAL COURT SECURITY AGREEMENT (C200433) BETWEEN
THE NEW YORK STATE UNIFIED COURT SYSTEM AND
THE ALLEGANY COUNTY SHERIFF'S DEPARTMENT;
AUTHORIZING SHERIFF TO EXECUTE SAID AGREEMENT**

Offered by: Public Safety and Ways and Means Committees

WHEREAS, by Resolution No. 50-2010, a new five-year agreement was approved and divided into annual one-year renewal periods commencing April 1, 2009, and terminating March 31, 2014, for the provision of Court Security, and

WHEREAS, the total amount of reimbursement for this renewal Court Security Agreement shall not exceed \$405,200, now, therefore, be it

RESOLVED:

1. That Court Security Renewal Agreement commencing April 1, 2011, to March 31, 2012, 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 Court Security Renewal Agreement on behalf of the County.

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

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

Comments made regarding Resolution No. 194-11 included: Legislator Pullen noted that there's talk coming out of Albany about across-the-board cuts. He asked if funding for this contract could be cut, or does the fact that it's a contract lock it in at this level? If the State requires this level of service, could they really reduce the amount of reimbursement? County Attorney Thomas Miner noted that most state contracts include wording that they're contingent on funding, so they have an out. Legislator Healy asked if we would be obligated to fulfill our end of the agreement to supply security if the State pulled funding. Mr. Miner replied that if we didn't receive payment, the agreement would be null and void.

RESOLUTION NO. 195-11

**RESOLUTION APPROVING LAND DONATION OF 13.5 ACRES
(TAX MAP NO. 105.1-1-83) LOCATED ALONG COUNTY ROAD 26 IN
THE TOWN OF BELFAST FROM BLADES REAL ESTATE L.L.C.**

Offered by: Public Works Committee

WHEREAS, Blades Real Estate L.L.C. wishes to donate to the County of Allegany 13.5 acres of land, Tax Map No. 105.1-1-83, located along County Road 26 in the Town of Belfast, and

WHEREAS, such parcel of land will be donated by Blades Real Estate L.L.C. to the County of Allegany with the following conditions:

- (1) A clear title/abstract will be provided to the County by Blades Real Estate.
- (2) No survey map will be provided.

- (3) No proration of current real estate taxes paid by Blades Real Estate will be required from the County.
- (4) The transaction must be completed and closed before year end (December 31, 2011), now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators accepts the 13.5 acres of land to be donated by Blades Real Estate L.L.C. located along County Road 26 in the Town of Belfast.

Moved by: Mr. Fanton
Seconded by: Mr. Healy

Adopted: Roll Call
13 Ayes, 2 Noes, 0 Absent
Voting No: O'Grady, Ungermann

Comments made regarding Resolution No. 195-11 included: Legislator Cady asked if the property is something the County has a use for. He also noted that we will be taking a little off the tax roll, but we will have to pay taxes to Belfast. Mr. Cady also questioned our liability for injuries on the property and whether it is a strip along the road. Chairman Crandall responded that the property is land around a bridge and is not very valuable but would provide access to the bridge area in the future. Public Works Superintendent David Roeske added that the property has been used in the past for stockpiling and would facilitate work on the river and the bridge. Taxes would amount to about \$200.

RESOLUTION NO. 196-11

**CREATING ONE NEW PART-TIME POSITION OF E-911 ENUMERATOR
IN SHERIFF'S OFFICE**

Offered by: Public Safety Committee

RESOLVED:

- 1. That one new part-time position of E-911 Enumerator is created in the Sheriff's Department.
- 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 with no benefits.
- 3. This resolution shall take effect on November 29, 2011.

Moved by: Mr. Healy
Seconded by: Mr. Fanton

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

Comments made regarding Resolution No. 196-11 included: Legislator Ungermann questioned why we need this position and also if we are fully in charge of 911 within the County. Sheriff Rick Whitney replied that the County is in charge of 911, and he explained that there is currently one Enumerator who also fills in as a Dispatcher. There are times when the services of the Enumerator are needed when he's not available. This part-time position would fill in during those times. There are no benefits and only minimal hours.

Resolution Intro. No. 200-11 (Creating One Full-Time Position of Correction Officer in the Sheriff's Office) was not pre-filed and was considered from the floor on a motion made by Legislator Healy, seconded by Legislator Sinclair and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 197-11

**CREATING ONE FULL-TIME POSITION OF CORRECTION OFFICER
IN THE SHERIFF'S OFFICE**

Offered by: Public Safety Committee

RESOLVED:

1. That one full-time position of Correction Officer is created in the Sheriff's Office.
2. This resolution shall take effect November 29, 2011.

Moved by: Mr. Healy
Seconded by: Mr. Hopkins

Adopted: Roll Call
10 Ayes, 5 Noes, 0 Absent
Voting No: Burdick, Cady, Curran, O'Grady, Ungermann

Comments made regarding Resolution No. 197-11 included: Legislator O'Grady felt there was a cheaper way to do this and have just as much success as by adding two more positions. We talked about the tax increase and Chairman Crandall talked about the \$1.6 million we had to put in the budget to make ends meet. The three positions created amount to almost a 1 percent tax increase.

AUDITS:

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

A motion was made by Legislator Hopkins, seconded by Legislator Graves and adopted on a roll call vote of 14 Ayes, 1 No, 0 Absent, that the audit of claims, totaling \$1,358,041.56, including prepaid expenses, be approved for payment as recommended by the County Administrator (opposed: Ungermann). (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$8,131,846.*)

Legislator Ungermann questioned the County Administrator expenses, which Mr. Margeson explained. Mr. Ungermann also asked about the Capital Driveway Project expenses. Mr. Margeson replied that the expenses were for the parking lot and drive area in back and to the side of the Courthouse. Mr. Ungermann commented on the additional \$70,000 cost for the total Courthouse Project, and Mr. Margeson noted that the original bid for the Courthouse Project included paving of the parking lot and drive area, which was removed. That's what the \$70,000 expense is for – paving. Mr. Ungermann requested a break-down of the driveway expenses.

COMMENTS:

Legislator Ungermann referred to a legal notice regarding a Work Plan, Food Stamp Benefits, and Social Services Benefits. He asked Social Services Commissioner Vicki Grant if that Plan could be reviewed by this Board. Ms. Grant replied that it could, and copies would be made available.

Legislator Pullen commented that our County's Cornell Cooperative Extension has been run jointly for a number of years with Cattaraugus County. Cattaraugus County has deleted funding for Extension. There will be an emergency meeting of the joint Board of Directors tomorrow at the Cuba Memorial Hospital at 6:00. The reduced funding will impact on what happens in this County also, and state funding is contingent on county funding, so there is likely to be a consequential loss of state funding. Mr. Pullen will provide updates. Legislator Sinclair noted that he would be attending that meeting also.

ADJOURNMENT: The meeting was adjourned at 2:42 p.m. on a motion made by Legislator Pullen, seconded by Legislator LaForge and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
DECEMBER 12, 2011**

**** APPROVED ****

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

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Marine Corps Corporal Anthony Sallazzo.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 15 Legislators Present: Glenn Benson, Douglas Burdick, Donald Cady, Curtis Crandall, Philip Curran, Dwight Fanton, Karl Graves, Dwight (Mike) Healy, Theodore Hopkins, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Frederick Sinclair, Norman Ungermann, Jr.

Chairman Crandall recognized STOP-DWI Coordinator Linda Edwards, who introduced the BOCES Culinary Arts students and their instructor. Cookies and wassail were served in the hallway prior to the Board meeting to celebrate the beginning of the Drunk and Drugged Driving Prevention Awareness holiday campaign.

APPROVAL OF MINUTES:

The Board meeting minutes of November 28, 2011, were approved on a motion made by Legislator Pullen, seconded by Legislator Curran and carried.

The Committee of the Whole meeting minutes of November 28, 2011, were approved on a motion made by Legislator Curran, seconded by Legislator Fanton and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Anthony Sallazzo, former United States Marine Corps Corporal, in grateful appreciation of his service to our Country. Mr. Sallazzo's service dates were from December 8, 1941, (day after Pearl Harbor) to December 29, 1945. Following Basic Training at Parris Island, SC, assignments and battles he participated in included: Roi-Namur, Saipan, Tinian, and Iwo Jima. Commendations he received included: Asiatic-Pacific Theater, Navy Unit Commendation, Presidential Unit Citation, Good Conduct Medal, Combat Infantry Badge, NYS Conspicuous Service Award (recently presented by Senator Catharine Young), Iwo Jima Award, Medal of Merit, World War II Victory Medal, American Campaign Medal, Rifle Expert Badge, and Pistol Sharpshooter Badge. Mr. Sallazzo led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Crandall granted privilege of the floor to STOP-DWI Coordinator Linda Edwards to speak about Drunk and Drugged Driving Prevention Month. The Allegany County STOP-DWI Office provides the annual Cookies and Wassail Day in December in recognition of National Drunk and Drugged Driving Prevention Month. This effort began in 1981 with a presidential proclamation, and has continued annually since then, to raise awareness of the consequences of driving under the influence of alcohol and drugs. Ms. Edwards noted that in an average year, 30 million Americans drive drunk, and 10 million Americans drive drugged. One death occurs about every 49 minutes nationally due to driving while under the influence, with alcohol-related crashes costing about \$51 billion annually. To ensure everyone's safety this holiday season, the STOP-DWI Office is recommending: designate a sober driver before celebrations begin, never serve alcohol to those under the age of 21, plan safe parties including providing non-alcoholic drink options to guests, not serving alcohol during the last hour of a gathering, and be prepared to get everyone home safely. The STOP-DWI Office will continue working with our local agencies for enforcement, prosecution, supervision, and education in an effort to address this issue.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator's desk:

1. Report of Intrafund Transfers approved by the County Administrator in November 2011.
2. Report of Tax Bill Corrections approved by the County Administrator in November 2011.

The following communications were also acknowledged:

1. Correspondence from the Allegany Senior Foundation thanking the Board for its recent donation.
2. Correspondence from Assemblyman Daniel Burling acknowledging receipt and support of Allegany County's Resolution No. 160-11 calling for the allocation of revenues from the NYS Public Safety Surcharge to counties to support 911 and public safety communications.
3. Southern Tier West Regional Planning and Development Board minutes from September 15 and October 20, 2011.

APPOINTMENTS:

Chairman Curtis W. Crandall, in a joint measure with Michael T. O'Brien, Chairman of the Cattaraugus County Board of Legislators, has reappointed the following individuals to serve as members of the **CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD** for a three-year term commencing January 1, 2012, and expiring December 31, 2014:

Cesar Cabrera
Phil Ghent
Mike Hendrix

Chris Napoleon
Kathleen Premo
John Stevens

In addition, Chairman Curtis W. Crandall, in a joint measure with Michael T. O'Brien, Chairman of the Cattaraugus County Board of Legislators, has appointed Christina Hedstrom as a member of the **CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD** to replace Linda Kolodziejki for an unexpired three-year term expiring December 31, 2012.

Chairman Curtis W. Crandall has appointed John E. Foels of Belmont, NY, to serve on the **CHAUTAUQUA, CATTARAUGUS, ALLEGANY AND STEUBEN SOUTHERN TIER EXTENSION RAILROAD AUTHORITY** for a three-year term commencing immediately and expiring August 27, 2014, subject to confirmation by the Board of Legislators.

PROCLAMATION:

Chairman Crandall proclaimed December 2011 as Drunk and Drugged Driving Prevention Month in Allegany County, and urged citizens to avoid driving under the influence of alcohol.

RESOLUTIONS:

RESOLUTION NO. 198-11

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. 181-2011, has adopted a final budget for the fiscal year 2012, and

WHEREAS, this Board, by Resolution No. 182-2011, made appropriations for the conduct of the County Government for the fiscal year 2012, 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 \$28,219,857 upon all the taxable real property in the County liable therefor.

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

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

RESOLUTION NO. 199-11

**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.

Moved by: Mr. Hopkins
Seconded by: Mr. Sinclair

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

RESOLUTION NO. 200-11

**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 \$3,301.90, representing the cost to repair a 2008 Dodge Durango, less a \$200 deductible, that was damaged during a motor vehicle/deer accident on November 5, 2011, has been offered by NYMIR in settlement for such damage, and

WHEREAS, a check in the amount of \$3,410.56, representing the cost to repair a 2010 Chevy Tahoe, less a \$500 deductible, that was damaged during a motor vehicle/deer accident on November 14, 2011, has been offered by NYMIR in settlement for such damage, now, therefore, be it

RESOLVED:

1. That the amounts of \$3,301.90 and \$3,410.56 from NYMIR representing the costs to repair a 2008 Dodge Durango and 2010 Chevy Tahoe, that were damaged during motor vehicle/deer accidents, less the deductible for each vehicle, are accepted.

2. That the total sum of \$6,712.46 is appropriated to Account No. CS1931.429 (Risk Retention – Uninsured Property Loss) with a like sum credited to Revenue Account No. CS07.2680.00 (Risk Retention – Insurance Recovery).

Moved by: Mr. Hopkins
Seconded by: Mr. LaForge

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

(Memo: The vehicles involved in the claim settlements accepted by Resolution No. 200-11 were both Sheriff vehicles.)

RESOLUTION NO. 201-11

**AMENDING TRANSPORTATION MANAGEMENT AGREEMENT
DATED OCTOBER 12, 2009, BETWEEN ALLEGANY COUNTY AND
ALLEGANY ARC TO MODIFY THE ANNUAL COMPENSATION RATES AND
CHANGE THE EXPIRATION DATE**

Offered by: Ways and Means Committee

WHEREAS, by Resolution No. 44-2009 the County entered into a Transportation Management Agreement with Allegany ARC for period March 2, 2009, to March 2, 2012, and

WHEREAS, that agreement was subsequently amended to add the Wellsville Express Shuttle Service by agreement dated October 12, 2009, and

WHEREAS, it is necessary to amend such Transportation Management Agreement to modify the annual compensation rates and extend the expiration date from March 2, 2012, until December 31, 2012, now, therefore, be it

RESOLVED:

1. That the Transportation Management Agreement entered into between Allegany County and Allegany ARC, dated October 12, 2009, is hereby amended to increase the compensation for 2011 to \$70,000 and adjust the compensation for 2012 to \$55,000 and extend the expiration date to December 31, 2012.

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

Moved by: Mr. Hopkins
Seconded by: Mr. Healy

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

Comments made regarding Resolution No. 201-11 included the following:

Legislator Ungermann remarked that according to the budget, the entire transportation program costs \$820,000. County Administrator/Budget Officer John Margeson confirmed that was the amount budgeted for 2012. Mr. Ungermann then pointed out revenue sources for the program of \$570,000 state aid and \$90,000 federal aid, for a total of \$660,000 of taxpayer money. The federal government is \$16 trillion in debt, the State of New York is \$7 billion in debt, and we have a contribution of about \$160,000. Mr. Ungermann felt that we are making people more dependent on the government. He asked what the average bus fare is. Allegany/Western Steuben Rural Health Network Executive Director Carrie Whitwood responded that it's \$1, or 50 cents for the handicapped and senior citizens. Mr. Ungermann stated that the real cost of the ticket is \$15 to \$20. We're just making everybody more dependent on government and spending money no one has.

Legislator Hopkins noted that during discussion on the transportation program, there were comments about why the federal government supports it. It's their obligation to transport people on Medicaid with no transportation to health facilities for appointments. Through private providers, it could cost \$40 dollars per trip; this way, they're paying \$1 per trip. It's a big savings for the federal and state government to operate this bus system, and it saves the County, too. That's why there's support from the federal and state governments. Without it, we'd have to pay someone else much more to do the same job.

Legislator Pullen added that the issue is a lot bigger than whether this program is a wise use of funds. If we didn't have this program, we'd have to spend more money, certainly more local dollars, than we spend on this, because of other requirements. Although he's in favor of having people be self-supportive, if we vote this down, we'll have to look at alternatives that almost certainly are going to raise our monetary contribution and probably not serve as efficiently. This program's local cost, and overall cost, has gone down over the last several years. It's not a perfect program, but a step in the right direction.

Legislator Sinclair stated that there are many other facets to the transportation issue. In a rural area, having people able to get around – the people who can't drive, the elderly, the handicapped, the youth, the students, a huge segment of the population having an option of being able to get from one place to another – has a significant stimulating effect on commerce and on our local society. You have to add those factors in also when evaluating the ultimate cost/benefit of a program like the public transportation program.

Legislator Graves noted that he also looked into the program. Although no one here likes the condition of the state and federal government finances, Medicaid transportation is mandatory.

His understanding of the funding for this is that if we reject this program, it's not going to reduce the federal budget or the debt of the State of New York. That money will go down-state to New York City. It won't decrease our commitment at all; it will increase our commitment. We'll go back to having to hire people to drive these people around at a higher cost. Although the cost of the transportation program is high, this does decrease the local share.

Chairman Crandall commented that when this program began, it was meant to be just a pass through of about \$400,000 in funding and wouldn't affect us locally. That hasn't been the case, but by implementing the Transportation Task Force to address the pieces of the program that are mandated and our local transportation issues, the portion that the County has to contribute is at a lesser rate than if we didn't have this program. It's not ideal, but we've improved and enhanced the program since the Transportation Task Force.

Legislator Cady pointed out another factor to consider is the issue of insurance and liability involved if the County went back to having private individuals transport the Medicaid recipients to appointments.

AUDITS:

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

A motion was made by Legislator Hopkins, seconded by Legislator Fanton and adopted on a roll call vote of 14 Ayes, 1 No, 0 Absent, that the audit of claims, totaling \$3,723,013.72, including prepaid expenses, be approved for payment as recommended by the County Administrator (opposed: Ungermann). (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$8,506,970.*)

COMMENTS:

Legislator Pullen issued a reminder of the Open House for the Courthouse Facilities, including County Offices located in the new addition, scheduled for January 6 at 12:30 p.m., beginning at the top of the stairway in the Courthouse.

ADJOURNMENT: The meeting was adjourned at 2:37 p.m. following a motion made by Legislator LaForge, seconded by Legislator Graves and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION**

**DECEMBER 27, 2011
** APPROVED ****

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

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Army Specialist Fifth Class Louis E. Hurd.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 13 Legislators Present: Glenn Benson, Douglas Burdick, Donald Cady, Curtis Crandall, Philip Curran, Dwight Fanton, Dwight (Mike) Healy, Theodore Hopkins, Kevin LaForge, Timothy O'Grady, David Pullen, Frederick Sinclair, Norman Ungermann, Jr.; 2 Legislators Absent: Karl Graves, Aaron McGraw

APPROVAL OF MINUTES:

The Board meeting minutes of December 12, 2011, were approved on a motion made by Legislator Curran, seconded by Legislator Fanton and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Louis E. Hurd, former United States Army Specialist Fifth Class, in grateful appreciation of his service to our Country. Mr. Hurd's service dates were from March 1967 to March 1970. Following Basic Training at Fort Benning, GA, assignments included: Fort Dix, NJ; Republic of Vietnam; and Fort Carson, CO. Commendations he received included: Expert Badge for M-14 and M-16, Overseas Service Bar, Vietnam Campaign Ribbon, National Defense Service Medal, and Vietnam Service Medal. Mr. Hurd led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator's desk:

1. January 2012 Calendar of Board and Standing Committee meeting dates.

The following communications were also acknowledged:

1. The County Treasurer filed Certificates of Withdrawal of Delinquent Tax Liens, pursuant to Article 11 of the Real Property Tax Law for properties in the Towns of Friendship, Cuba, and Hume in the Clerk of the Board's Office on December 14, 2011.

2. Correspondence from Senator Catharine Young acknowledging receipt and support of Allegany County Resolution No. 160-11 calling for the allocation of revenues from the New York State Public Safety Surcharge to Counties to Support 911 and Public Safety Communications. Senator Young was a co-sponsor of Bill S5509-A regarding this matter.

3. Press Release from the Allegany County Office of Development and Planning setting the 2012 schedule for the monthly Allegany County Planning Board meetings for the third Wednesday of the month.

4. Contingent on the adoption of Resolution Intro. No. 212-11, the Organization Meeting of the Board of Legislators will be held on Tuesday, January 3, 2012, at 2 p.m. in the Legislative Chambers, County Office Building, Belmont, New York.

5. Correspondence from the Town Board of Ward regarding concerns with shale gas extraction and the process known as high volume hydraulic fracturing (HVHF) in New York State.

6. There will be an Open House and Ribbon Cutting Ceremony on Friday, January 6, 2012, at 12:30 p.m. at the Main Courtroom on the second floor of the Allegany County Courthouse in Belmont. If you plan to attend, please let the Clerk of the Board know by Friday, December 30.

RESOLUTIONS:

RESOLUTION NO. 202-11

**A RESOLUTION IN RELATION TO THE COMPENSATION OF
COUNTY OFFICERS AND EMPLOYEES**

Offered by: Personnel Committee

RESOLVED:

1. That commencing January 1, 2012, 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-3" or in "Appendix B-3" of Agreement approved by Resolution No. 36-2011, and which salary or rate of compensation such unit employee is entitled to receive commencing January 1, 2012, 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, 2012, 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, 2012, 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, 2012, 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. 130-2011, 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, 2012, 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, 2012, each employee occupying a position set forth in Agreement between the County of Allegany and the New York State Public Employees Federation, which Agreement was approved by Resolution No. 174-2010, shall receive the salary or rate of compensation for the step of the Grade of the position occupied that is set forth in said Agreement, and which salary or rate of compensation such employee is entitled to receive commencing January 1, 2012, pursuant to said Agreement and pursuant to the "County Unit Salary Plan"; the increment recommendations from the department heads for each such employee under their jurisdiction receiving such recommendation being approved.

5. That commencing January 1, 2012, 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. 236-2010, and which salary such non-unit employee is entitled to receive commencing January 1, 2012; 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, 2012, 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:

<u>TITLE</u>	<u>BASE SALARY</u>
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	94,685
Deputy County Administrator	63,191
Clerk of the Board	55,632
District Attorney	119,800
Assistant District Attorney (1st)	36,565
Assistant District Attorney (2nd)	33,932
Assistant District Attorney (3rd)	33,932
Assistant District Attorney (4th)	33,932
Assistant District Attorney (5th) RTR	26,585
Assistant District Attorney (6th) Welfare	24,000
District Attorney Investigator (PT)	12,954
Assistant Public Defender (1st)	75,205
Assistant Public Defender (2nd)	70,000
Coroners	150 p/d
Coroners' Physician	50 p/d
Deputy County Auditor	1,200
County Clerk	62,107
Assistant County Attorney (1st)	79,765
Assistant County Attorney (2nd)	59,351
Assistant County Attorney (3rd)	58,283
Election Commissioners (2)	13,728
Election Technicians	\$17/hr.
Election Inspectors	\$100/day primary
Election Inspectors	\$160/day general
Seasonal Laborers (Public Works)	8.00/hr.
Laborers (Gatekeepers) Part-time	\$12.45/hr.
Information Technology Director	65,539
Probation Director II	60,301
STOP-DWI Coordinator	15,250
Youth Director	31,090
Emergency Management and Fire Director	49,080
E911 Enumerator	\$10/hr.
Medical Director	20,000
Physical Therapist (EI Part-time)	\$10/hr.
Occupational Therapist (EI Part-time)	\$10/hr.
Speech-Language Pathologist (EI Part-time)	\$10/hr.
Special Education Teacher (EI Part-time)	\$10/hr.
Community Services Director	38,272
Development Director	80,164
Office for the Aging Director	58,758
Office for the Aging:	

Site Managers	7.50-9.50/hr.
Drivers, Aides	7.50-9.50/hr.
Rushford Lake:	
Youth Agencies Director	500/wk.
Lifeguards	9.75/hr.
JTPA Summer Counselors/Teachers	12/hr.

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

Adopted: Roll Call
11 Ayes, 2 Noes, 2 Absent
Voting No: Cady, Ungermann

(Memo: County Officers' salaries approved by Local Law No. 2-11, adopted by Resolution No. 150-11, are not included in the above Resolution No. 202-11.)

RESOLUTION NO. 203-11

**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, 2012, Section 6 of Resolution No. 297-75, as last amended by Resolution No. 236-2010, 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	26,953	27,754	28,593	29,451	30,329	31,244	32,179	33,152	34,144	35,174	36,223	37,310	898
2	28,593	29,451	30,329	31,244	32,179	33,152	34,144	35,174	36,223	37,310	38,436	39,580	953
3	30,329	31,244	32,179	33,152	34,144	35,174	36,223	37,310	38,436	39,580	40,763	41,984	1,011
4	32,179	33,152	34,144	35,174	36,223	37,310	38,436	39,580	40,763	41,984	43,262	44,559	1,073
5	34,144	35,174	36,223	37,310	38,436	39,580	40,763	41,984	43,262	44,559	45,894	47,267	1,138
6	36,223	37,310	38,436	39,580	40,763	41,984	43,262	44,559	45,894	47,267	48,679	50,148	1,208
7	38,436	39,580	40,763	41,984	43,262	44,559	45,894	47,267	48,679	50,148	51,654	53,200	1,281
8	40,763	41,984	43,262	44,559	45,894	47,267	48,679	50,148	51,654	53,200	54,783	56,442	1,359
9	43,262	44,559	45,894	47,267	48,679	50,148	51,654	53,200	54,783	56,442	58,121	59,876	1,442
10	45,894	47,267	48,679	50,148	51,654	53,200	54,783	56,442	58,121	59,876	61,669	63,519	1,530
11	48,679	50,148	51,654	53,200	54,783	56,442	58,121	59,876	61,669	63,519	65,426	67,391	1,623

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

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

RESOLUTION NO. 204-11

**REAPPOINTMENT OF TWO LEGISLATIVE MEMBERS AND
ONE COUNTY GRANGE APPOINTEE TO
THE ALLEGANY COUNTY SOIL AND WATER CONSERVATION DISTRICT BOARD**

Offered by: Planning and Economic Development Committee

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

RESOLVED:

1. That Theodore L. Hopkins and Douglas D. Burdick are reappointed to the Allegany County Soil and Water Conservation District Board as Legislative Members, with term of office commencing January 1, 2012, and expiring December 31, 2012.

2. That Curtis Rung is reappointed to the Allegany County Soil and Water Conservation District Board as a Grange Appointee, with term of office commencing January 1, 2012, and expiring December 31, 2014.

Moved by: Mr. Sinclair
Seconded by: Mr. Pullen

Adopted: Voice Vote

RESOLUTION NO. 205-11

**APPROVAL OF BOARD CHAIRMAN'S APPOINTMENT OF ONE MEMBER TO
THE CHAUTAUQUA, CATTARAUGUS, ALLEGANY, AND STEUBEN
SOUTHERN TIER EXTENSION RAILROAD AUTHORITY**

Offered by: Planning and Economic Development Committee

RESOLVED:

1. That John E. Foels of Angelica, New York, is appointed to the Chautauqua, Cattaraugus, Allegany, and Steuben Southern Tier Extension Railroad Authority, with term of office to commence December 27, 2011, and expire August 27, 2014.

Moved by: Mr. Sinclair
Seconded by: Mr. LaForge

Adopted: Voice Vote

RESOLUTION NO. 206-11

**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 2012.

2. That for calendar year 2012, 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 \$2,500 or less, in accordance with Section 556 of the Real Property Tax Law.

3. That for calendar year 2012, the County Administrator as County Auditor is authorized to correct tax bills and tax rolls, where the recommended correction is \$2,500 or less, in accordance with Section 554 of the Real Property Tax Law.

Moved by: Mr. Hopkins
Seconded by: Mr. Curran

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

RESOLUTION NO. 207-11

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, 2012, 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	29,160.00	116,081.00
Almond	27,036.00	139,669.00
Amity	800.00	327,900.00
Andover	16,930.00	149,724.00
Angelica	2,476.00	47,233.00
Bolivar	17,623.00	206,816.00
Burns	5,910.00	45,060.00
Cuba	0.00	279,237.00
Wellsville	131,805.00	326,551.00
Wirt	785.00	117,711.00

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	131,440.00	196,519.00
Allen	101,159.00	125,216.00
Alma	249,296.00	504,261.00
Almond	183,175.00	204,244.00
Amity	181,461.00	0.00
Andover	155,677.00	167,044.00
Angelica	102,358.00	92,896.00
Belfast	255,709.00	378,206.00
Birdsall	99,500.00	72,160.00
Bolivar	152,037.00	206,382.00
Burns	111,250.00	163,000.00
Caneadea	199,526.00	480,795.00
Centerville	114,389.00	247,973.00
Clarksville	153,897.00	308,040.00

Cuba	580,965.00	310,604.00
Friendship	389,688.00	242,037.00
Genesee	131,300.00	409,184.00
Granger	99,850.00	170,800.00
Grove	139,766.00	269,600.00
Hume	195,000.00	414,120.00
Independence	218,920.00	429,350.00
New Hudson	128,550.00	299,181.00
Rushford	265,778.00	428,987.00
Scio	195,610.00	362,168.00
Ward	108,826.00	174,996.00
Wellsville	603,647.00	307,387.00
West Almond	95,809.00	45,329.00
Willing	202,723.00	271,807.00
Wirt	188,003.00	224,870.00

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	35,000.00
Hydrant	352.00	
Allen	Fire District	14,280.00
Alma	Fire Protection	54,060.00
Light District	1,900.00	
Almond	Fire Protection	25,000.00
Amity	Fire District	47,500.00
Andover	Fire Protection	31,000.00
Angelica	Fire Protection District	33,600.00
Belfast	Water	95,976.00
Fire Protection	61,278.00	
Light	10,300.00	
Birdsall	Fire	22,550.00
Bolivar	Richburg-Wirt Fire District	4,448.00
Bolivar Joint Fire District		110,160.00
Burns	Canaseraga Fire Protection	17,500.00
Caneadea	Houghton Water District	0.00
Caneadea Water District		184,130.00
Houghton Sewer District		63,681.00
Caneadea Light	2,600.00	
Houghton Light	15,000.00	
Oramel Light	650.00	
Rushford Lake District		45,360.00
Caneadea Fire	109,000.00	
Centerville	Fire Districts	25,450.00

Clarksville	Fire District	73,786.00
Cuba	Fire District	56,012.00
Sewer #1 (Echo Lanes)		0.00
Sewer #3 (Acme)	0.00	
Sewer #5 (Capital note)		82,665.00
Sewer #5 (O & M)	36,219.00	
Water #3 (Acme)	0.00	
Water #4 (School)	0.00	
Lake District	38,176.00	
Friendship	Fire Protection District	92,000.00
Street Lighting District		15,815.00
Sidewalks Fund	28,666.00	
Refuse & Garbage District		55,432.00
Genesee	Fire Protection 1 (Bolivar)	39,800.00
Fire Protection 2 (Portville)		32,000.00
Granger	Fire Protection	18,500.00
Grove	Swain Lighting District	2,500.00
Canaseraga Fire District 1		17,500.00
Nunda Fire District 2		2,000.00
Hume	Fire Protection	88,225.00
Light District 1 (Hume)		3,765.00
Light District 2 (R & W)		2,000.00
Light District 3 (Hume)		6,500.00
Sidewalk	24,200.00	
Sewer District	0.00	
Consolidated Water Dist.		0.00
Independence	Fire	52,020.00
Street Light (Whitesville)		10,000.00
Water District (Whitesville)		0.00
New Hudson	Light District 1	2,500.00
Fire District 1	30,000.00	
Rushford	Lighting District	6,000.00
Rushford Lake Rec. Dist.		206,640.00
Rushford Fire District		87,650.00
Scio	Consolidated Water Dist.	35,587.00
Light District 1	15,600.00	
Fire District 1	111,000.00	
Ward	Fire Protection	9,000.00
Wellsville	Fire Protection District	118,500.00
Hillcrest Lighting District		300.00
E. State St. Sewer District		0.00
Sinclair Sewer District		0.00
Bolivar Rd. Sewer District		0.00
Airport Sewer District		0.00
Sinclair Water District		0.00
Riverside Water District		0.00

East State Water District		0.00
Bolivar Rd. Water District		0.00
George St. Water District		0.00
W. Wellsville Water District		18,288.00
Airway Sanitary Sewer Dist.		0.00
Phillips Creek Water District		0.00
West Almond	Fire District	7,650.00
Willing	Fire Department	65,430.00
Wirt	Fire Protection Townwide	89,028.00

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. Hopkins
Seconded by: Mr. Curran

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

RESOLUTION NO. 208-11

**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 2012 tax rolls, as follows:

Alfred	1,515.60	Friendship	1,612.60
Allen	725.80	Genesee	1,454.40
Alma	1,242.00	Granger	712.80
Almond	1,424.20	Grove	822.00
Amity	1,699.20	Hume	1,432.80
Andover	1,651.00	Independence	1,056.80
Angelica	1,383.60	New Hudson	913.20
Belfast	1,426.80	Rushford	2,069.60
Birdsall	716.40	Scio	1,492.80
Bolivar	1,900.80	Ward	538.80

Burns	963.40	Wellsville	4,448.20
Caneadea	1,760.20	West Almond	667.20
Centerville	770.40	Willing	1,306.60
Clarksville	1,358.40	Wirt	1,203.60
Cuba	2,721.40		

Moved by: Mr. Hopkins
Seconded by: Mr. Healy

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

RESOLUTION NO. 209-11

RESOLUTION FIXING DATE OF 2012 ORGANIZATION MEETING

Offered by: Ways and Means Committee

RESOLVED:

1. That the Board of Legislators shall meet on Tuesday, January 3, 2012, 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. Hopkins
Seconded by: Mr. Fanton

Adopted: Voice Vote

RESOLUTION NO. 210-11

SUSPENDING CERTAIN COUNTY BOARD RULES AFFECTING PROPOSED RESOLUTIONS REQUESTED TO BE SUBMITTED AT ORGANIZATION MEETING ON JANUARY 3, 2012

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 3, 2012.

Moved by: Mr. Hopkins
Seconded by: Mr. Curran

Adopted: Voice Vote

RESOLUTION NO. 211-11

**RESOLUTION ACCEPTING AND APPROPRIATING
NEW YORK STATE COLA FUNDS FOR THE 2011 TOBACCO PROGRAM**

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the sum of \$2,367 of state funding to County Health Department Appropriation and Revenue Accounts is accepted.
2. That the accepted sum of \$2,367 is appropriated to the 2011 Budget as follows: \$100 to Account No. A4051.2 (Tobacco Awareness – Equipment) and \$2,267 to Account No. A4051.4 (Tobacco Awareness – Contractual) with a like sum credited to Revenue Account No. A10.3450.04 (State Aid-Health – Tobacco Awareness).

Moved by: Mr. Burdick
Seconded by: Mr. LaForge

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

RESOLUTION NO. 212-11

TRANSFER OF FUNDS WITHIN CLERK OF THE LEGISLATIVE BOARD ACCOUNT

Offered by: Ways and Means Committee

RESOLVED:

1. That the sum of \$1,500 is transferred from Account No. A1040.4 to Account No. A1040.2 to finance the cost of purchasing a new computer system.

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

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

RESOLUTION NO. 213-11

TRANSFER OF FUNDS WITHIN COUNTY HISTORIAN ACCOUNT

Offered by: Planning and Economic Development Committee

RESOLVED:

1. That the sum of \$460 is transferred from Account No. A7510.4 to Account No. A7510.2 to allow for the purchase of a digital slide projector.

Moved by: Mr. Sinclair
Seconded by: Mr. Healy

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

RESOLUTION NO. 214-11

TRANSFER OF FUNDS WITHIN COUNTY HEALTH DEPARTMENT ACCOUNT

Offered by: Human Services Committee

RESOLVED:

1. That the sum of \$7,500 is transferred from Account No. A4010.464 (Mercy Flight) to Account No. A4010.409 (Fees) to be used to pay for post exposure injection series for individuals who have been potentially exposed to rabies.

Moved by: Mr. Burdick
Seconded by: Mr. LaForge

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

RESOLUTION NO. 215-11

**RATIFYING CHAIRMAN'S SIGNATURE AND APPROVING EXTENSION OF
HOMELAND SECURITY GRANT CONTRACT #T838294
BETWEEN NEW YORK STATE HOMELAND SECURITY OFFICE AND
THE COUNTY OF ALLEGANY**

Offered by: Human Services Committee

WHEREAS, New York State Homeland Security Office is requesting that Allegany County fully expend the \$27,778 funding under contract #T838294 that has already been included in the County budget, and

WHEREAS, it is necessary to extend such grant period ending August 11, 2011, to December 31, 2011, now, therefore, be it

RESOLVED:

1. That the extension of Homeland Security Office Grant Contract #T838294 extending period to December 31, 2011, is approved.

2. That the signature of the Chairman of the Allegany County Board of Legislators is ratified.

Moved by: Mr. Burdick
Seconded by: Mr. LaForge

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

Comments made regarding Resolution No. 215-11 included the following:

Legislator Ungermann asked why we haven't expended the funds. Deputy Health Director Tom Hull explained that it's sometimes difficult to spend down these grant funds, but the Department of Homeland Security decided they wanted the County to spend it all before the end of the year. Mr. Ungermann felt that we're low risk for Homeland Security. Mr. Hull noted that the Health Department uses the funds for equipment and materials that hopefully we won't need to use.

RESOLUTION NO. 216-11

**APPROVING SUN LIFE AS THE ALLEGANY COUNTY
EMPLOYEE DISABILITY INSURANCE CARRIER**

Offered by: Personnel Committee

RESOLVED:

1. That the disability insurance agreement with Sun Life, with home office at 60 East 42nd Street, Suite 1115, New York, New York 10165, to provide disability benefits to eligible employees, is approved.
2. That the agreement provides disability benefits at a rate of 50 percent of wages up to a maximum of \$400 per week at a monthly cost to Allegany County of \$7.40 per employee, with such amount guaranteed for two years.
3. That the term of such disability insurance through Sun Life for employees of Allegany County shall commence January 1, 2012, and expire on December 31, 2014.

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

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

RESOLUTION NO. 217-11

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

Offered by: Public Safety Committee

Pursuant to Corrections Law § 504

RESOLVED:

1. That Agreement between the County of Allegany and the County of Genesee in relation to the confinement of Genesee County male and female prisoners in Allegany County Jail for period January 1, 2012, to December 31, 2012, is approved.

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

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

Comments made regarding Resolution No. 217-11 included the following:

Undersheriff Kevin Monroe responded to Legislator Cady's questions by stating that the \$85 per day included in the agreement is adequate to cover our expense, and Genesee County provides the transportation for their prisoners.

Legislator Pullen remarked that when he first came on Board prior to the opening of the current facility, the situation was reversed. We were paying other counties for housing a lot of our inmates at a significant expense. Mr. Pullen recently heard someone use this facility as an example of County mismanagement, but he couldn't disagree more. He explained to that person that we used to have annual appropriation bills coming before the Legislature toward the end of the year to cover insufficiencies, but we're not doing that anymore, and that's due to the new facility and the good management practices of the Sheriff's Office. There are some things that have been done that worked well to keep costs down, and hopefully we can find more ways to do that, but we should acknowledge them as they arise.

RESOLUTION NO. 218-11

APPROVAL OF SALE OF 2011 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 2010 and/or back to the year 1995 (TF95 up to and including TF10) 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>New Owner</u> <u>Address</u> <u>Sale Price</u>	<u>Parcel Details</u>	<u>County Title</u> <u>Recorded Date</u> <u>Liber. Page</u>
FOUR SEASONS HOLDING, LLC 1468 Best Rd East Greenbush, NY 12061 Tax sale amount: \$100	Parcel ID: 022801;172.17-1-18 Prop Loc: 36 South St Assessed value: \$33,400 Acres: 0.5	County of Allegany Book: 1099 Page: 40
COOK, FREDERICK E. 7073 Gleason Hill Rd Belfast, NY 14711 Tax sale amount: \$1,511	Parcel ID: 025000/182.11-1-9 Prop Loc: 9 Linwood Ave Assessed value: \$25,600 Acres: 0.2	County of Allegany Book: 1230 Page: 197
LEWIS, JAIME 531 Main St Whitesville, NY 14897 Tax sale amount: \$2,651	Parcel ID: 026000/295.-1-24.13 Prop Loc: Snow Rd Assessed value: \$5,000 Acres: 4.9	County of Allegany Book: 1391 Page: 152
EATON, DANIEL 38 Main St Savona, NY 14879 Tax sale amount: \$550	Parcel ID: 026600/249.3-1-1.2 Property Loc: Drumm Rd Assessed value: \$33,000 Acres: 0.61	County of Allegany Book: 1077 Page: 191
DUNN, MARCIA 2473 SR 49E Coudersport, PA 16915 Tax sale amount: \$4,000	Parcel ID: 027400/265.7-1-58 Property Loc: 1948 East Dr Assessed value: \$75,800 Acres: 0	County of Allegany Book: 1186 Page: 287
COOK, FREDERICK E 7073 Gleason Hill Rd Belfast, NY 14711 Tax sale amount: \$311	Parcel ID: 027689/207.-3-11 Property Loc: Hicks Hill Rd Assessed value: \$4,200 Acres: 0.86	County of Allegany Book: 1036 Page: 31
FONTANA, RICHARD 8015 Messer Hill Rd Bolivar, NY 14715 Tax sale amount: \$3,400	Parcel ID: 027689/235.-1-20.1 Property Loc: 2689 Co Rd 8 Assessed value: \$50,400 Acres: 2.5	County of Allegany Book: 711 Page 00210

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

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

Comments made regarding Resolution No. 218-11 included the following:

Legislator Ungermann pointed out that there are some pretty high assessed valuations included in these tax sale properties, and we're selling them for very low amounts. We're not recovering much money. Something's wrong here. Maybe the assessments are too high to start with, and residents are being taxed out of their properties. The amount we get out of the properties should be closer to the assessed valuation.

RESOLUTION NO. 219-11

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 2011 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 2011 proceedings of this Board following this resolution.

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

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

Resolution Intro. No. 223-11 (ACCEPTANCE OF INSURANCE PAYMENT FROM NYMIR AND APPROPRIATION OF FUNDS TO RISK RETENTION ACCOUNTS) was not pre-filed and was considered from the floor on a motion made by Legislator Hopkins, seconded by Legislator Healy and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 220-11

**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 \$8,084.39, representing the cost to repair items that were damaged at the Landfill as a result of an electrical storm on June 22, 2011, less a \$250 deductible, has been offered by NYMIR in settlement of such damage, now, therefore, be it

RESOLVED:

1. That the amount of \$8,084.39 from NYMIR representing the cost to repair items that were damaged at the Landfill as a result of an electrical storm on June 22, 2011, less a \$250 deductible, is accepted.

2. That the total sum of \$8,084.39 is appropriated to Account No. CS1931.429 (Risk Retention – Uninsured Property Loss) with a like sum credited to Revenue Account No. CS07.2680.00 (Risk Retention – Insurance Recovery).

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

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

(Memo: The insurance recovery accepted in Resolution No. 220-11 was a budget adjustment to the 2011 Budget. Invoices for repairs totaled \$9,442.62. NYMIR deducted the Austin Security invoice for \$1,108.23 so that the settlement could be based on permanent fixtures and communications equipment under an enhanced municipal coverage form with only a \$250 deductible, as opposed to including the Austin Security invoice and taking the \$5,000 property deductible.)

Resolution Intro. No. 224-11 (ACCEPTANCE OF COLA FUNDS FOR THE 2011 IMMUNIZATION PROGRAM; APPROPRIATION TO IMMUNIZATION ACCOUNTS) was not pre-filed and was considered from the floor on a motion made by Legislator Burdick, seconded by Legislator Curran and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 221-11

ACCEPTANCE OF COLA FUNDS FOR THE 2011 IMMUNIZATION PROGRAM; APPROPRIATION TO IMMUNIZATION ACCOUNTS

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That COLA funds for the 2011 Immunization Program in the amount of \$2,406 are accepted and the sum of \$1,128 is appropriated to Account No. A4056.201 (Immunization Under 24 mos.-Equipment) and \$1,278 is appropriated to Account No. A4056.408 (Immunization Under 24 mos.-Supplies) with a total of \$2,406 credited to Revenue Account No. A10.3473.00 (State Aid-Immunization).

Moved by: Mr. Burdick
Seconded by: Mr. LaForge

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

Resolution Intro. No. 225-11 (ACCEPTANCE OF COLA FUNDS FOR THE 2011 LEAD POISONING PREVENTION PROGRAM; APPROPRIATION TO PUBLIC HEALTH ACCOUNTS) was not pre-filed and was considered from the floor on a motion made by

Legislator Burdick, seconded by Legislator Curran and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 222-11

**ACCEPTANCE OF COLA FUNDS FOR
THE 2011 LEAD POISONING PREVENTION PROGRAM;
APPROPRIATION TO PUBLIC HEALTH ACCOUNTS**

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That COLA funds for the 2011 Lead Poisoning Prevention Program in the amount of \$3,045 are accepted and the sum of \$2,256 is appropriated to Account No. A4037.201 (Public Health-Lead-Equipment) and \$789 is appropriated to Account No. A4037.408 (Public Health-Lead-Supplies) with a total of \$3,045 credited to Revenue Account No. A10.3437.00 (State Aid-Lead).

Moved by: Mr. Burdick
Seconded by: Mr. LaForge

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

Comments made regarding Resolution No. 222-11 included the following:

Legislator Ungermann questioned if the lead program addresses lead paint and things like that. Deputy Health Director Tom Hull responded that it does, and most of these funds will go for supplies on the nursing side of the issue where children have already been identified with lead exposure problems. Mr. Ungermann felt that problems with lead should be getting more rare.

Resolution Intro. No. 226-11 (ACCEPTANCE OF COLA FUNDS FOR THE 2011 FAMILY PLANNING PROGRAM) was not pre-filed and was considered from the floor on a motion made by Legislator Burdick, seconded by Legislator Curran and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 223-11

ACCEPTANCE OF COLA FUNDS FOR THE 2011 FAMILY PLANNING PROGRAM

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That COLA funds for the 2011 Family Planning Program in the amount of \$16,367 are accepted.

Moved by: Mr. Burdick
Seconded by: Mr. LaForge

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

(Memo: The funds accepted in Resolution No. 223-11 were already included in the 2011 Budget.)

Resolution Intro. No. 227-11 (ACCEPTANCE OF T-CONTRACT FUNDS FOR THE 2011 BUDGET YEAR; APPROPRIATION TO HEALTH DEPARTMENT ACCOUNTS) was not pre-filed and was considered from the floor on a motion made by Legislator Burdick, seconded by Legislator O'Grady and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 224-11

**ACCEPTANCE OF T-CONTRACT FUNDS FOR THE 2011 BUDGET YEAR;
APPROPRIATION TO HEALTH DEPARTMENT ACCOUNTS**

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That T-Contract Funds for the 2011 budget year in the amount of \$4,238.46 are accepted and appropriated to Account No. A4010.201 (Health Department –Equipment) with a like sum credited to Revenue Account No. A10.3401.00 (State Aid –Public Health Work).

Moved by: Mr. Burdick
Seconded by: Mr. LaForge

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

(Memo: The "T-Contract" funds accepted and appropriated in Resolution No. 224-11 were provided by the New York State Department of Health for the purchase of laptop computers, medical card scanners, and associated software for use in immunization and other clinics to allow for effective collection and use of third-party billing information for reimbursement.)

AUDITS:

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

A motion was made by Legislator Hopkins, seconded by Legislator Curran and adopted on a roll call vote of 12 Ayes, 1 No, 2 Absent, that the audit of claims, totaling \$2,073,787.60, including prepaid expenses, be approved for payment as recommended by the County Administrator (opposed: Ungermann). *(Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$8,882,094.)*

GENERAL COMMENTS:

Legislator Sinclair reported that Town of Ward Supervisor James Lucey and the Town Board recently held two public hearings to gather public opinion on the position the Town should take on the extraction of natural gas from the Marcellus Shale. They received over 100 responses from those present and written comments. After compiling the results, they found that the community was split, with about half for it, half against it, and a few in between. It was a good sampling of the community, and they were able to find some common ground. The Town Board submitted a copy of their resolution (attached to correspondence filed with original minutes), and Mr. Sinclair summarized the main points. The issues identified, on which there was general agreement among those submitting oral and written comments, included the following: (1) disagreement with current gas industry exemptions from laws put in place to protect the environment which the rest of us are subject to, (2) disagreement with New York State's failure to charge a severance tax on oil and gas extraction, and (3) disagreement with the compulsory integration of lands without the consent of the landowner. Legislator Fanton questioned if the people in attendance at the public hearings were all taxpayers in the Town of Ward. Legislator Sinclair noted that they were all residents of the Town of Ward or recreational land owners, for the most part.

ADJOURNMENT: The meeting was adjourned at 2:45 p.m. on a motion made by Legislator Hopkins, seconded by Legislator Sinclair and carried.