

**ALLEGANY COUNTY BOARD OF LEGISLATORS
ORGANIZATION MEETING
JANUARY 3, 2012**

**** APPROVED ****

CALL TO ORDER: The organization meeting of the Board of Legislators was called to order at 2:05 p.m. by Clerk of the Board Brenda Rigby Riehle.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by Clerk of the Board Brenda Rigby Riehle.

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

RESOLUTIONS:

RESOLUTION NO. 1-12

**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, 2012.

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. Healy

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. 1-12. Chairman Crandall assumed leadership of the meeting.

RESOLUTION NO. 2-12

REAPPOINTMENT OF LEGISLATOR DWIGHT R. FANTON AS VICE CHAIRMAN

Offered by: Legislator Karl Graves

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. Graves
Seconded by: Mr. Sinclair

Adopted: Voice Vote

OATHS 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. 2-12.

Allegany County Judge Thomas Brown administered the Oath of Office to District IV Legislator Karl Graves.

APPOINTMENTS:

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

CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD YOUTH COUNCIL (Reappointed jointly with Norman L. Marsh, Chairman of the Cattaraugus County Legislature, for a two-year term expiring December 31, 2013):

- Jeff Capitani, Directions in Independent Living
- Linda Edstrom, Olean
- Betty Hicks, Cattaraugus County Employment Specialist
- Judith Nannen, NYSED-VESID
- Heather Simon, Southern Tier Traveling Teacher, Inc.
- Sherry Weirich, Allegany County Employment & Training

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
Elaine Hardman, Wellsville	Deborah Clark, Alfred

Donald Cameron, Alfred Station	Scott Torrey, Belmont
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Lee James, Cuba	Raymond DeTine, Belmont
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Joel Kassirer, Angelica	Steve Havey, Wellsville
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Dalton	Frederick Sinclair, Scio	Michael Johnsen,
Christina Hedstrom, Angelica		

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

EMERGENCY MANAGEMENT AND FIRE DIRECTOR (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

MERCY FLIGHT CIVIC ADVISORY COMMITTEE (To serve at the pleasure of the Chairman, for a one-year term):

Tom Sampson, Houghton

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, Jr., Cuba

Member at Large:

Thomas Parmenter, Fillmore

SOLID WASTE HEARING BOARD (To serve at the pleasure of the Chairman, pursuant to Resolution No. 211-04 and Local Law No. 3 of 2004, for a one-year term):

Dwight R. Fanton, Chairman of Public Works Committee

Karl Graves, District IV Legislator

Donald L. Cady, District III Legislator

Alternates:

Glenn R. Benson, District III Legislator

Douglas D. Burdick, District V Legislator

SPECIAL TRAFFIC OPTIONS PROGRAM FOR DRIVING WHILE INTOXICATED (STOP DWI) COORDINATOR (To serve at the pleasure of the Chairman, pursuant to Vehicle and Traffic Law Section 1197 and Resolution No. 29-82, 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, 2014):

William Emrick, Scio

Robert Riber, Alfred Station

Nancy Rouse, Scio

REGION 9 FISH & WILDLIFE MANAGEMENT BOARD (For a two-year term, expiring December 31, 2013):

Legislative Representative Member:
Dwight R. Fanton, Wellsville
Alternate Legislative Representative Member:
Douglas D. Burdick, Alfred Station
Sportsmen's Representative Member:
Gilbert Childs, Richburg

Alternate Sportsmen's Representative Member:
John Lewis, Wellsville

ALLEGANY COUNTY PLANNING BOARD (For a three-year term, expiring December 31, 2014):

District II Member:
Robert Ellis, Belmont
District III Member:
Wendall Brown, Scio
District V Member:
James E. Ninos, Alfred
Ex-Officio Members: (Annual Appointment)
David Roeske, Superintendent of Public Works, Wellsville
Terri L. Ross, County Treasurer, Angelica
Theodore L. Hopkins, Ways & Means Committee Chairman, Fillmore

VETERANS' SERVICE AGENCY DIRECTOR (For a one-year term):

Michael D. Hennessy, Wellsville

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 2012.
2. Any Legislator wishing to attend the NYSAC Conference in Albany from January 30 through February 1, 2012, should let Brenda Rigby Riehle know today or as soon as possible.
3. Reminder for Court Facilities Open House and Ribbon Cutting on Friday, January 6. Legislators planning to attend should let Brenda Rigby Riehle know as soon as possible.

MESSAGE FROM THE CHAIRMAN:

"I would like to welcome our elected officials, department heads, family, friends, and media to today's meeting, and thank you for being here. One of the main attractions and interest to

our Organization meeting has been the distribution of committee assignments. I hate to disappoint anyone that attended today's meeting for the sole purpose of seeing if there would be any changes to these assignments, but at this time, the list will remain the same. I will say, however, that I plan to bring a suggested change in the Board Rules to the Ways and Means Committee later this month, which will require changes in assignments at that time.

As I begin this message, the first order of business is to address my colleagues and again humbly say "thank you" for the honor and privilege you have given me by selecting me as Chairman of the Allegany County Board of Legislators. I accept this position with the utmost sincerity, and my continued promise is that I will treat this position with the dignity it deserves, and do all I can to help this Board not only meet, but exceed the responsibilities each of us is charged with as County Legislators. Let me say what a pleasure it is to serve and work with each and every member of this Board of Legislators and to see your dedication.

I would like to acknowledge and thank our County Administrator John Margeson for the overall day-to-day management of County operations. As this Board meets, sets policy, and gives direction, it is no small task to have those directions clearly and professionally carried out. Thank you, John, for your dedication and professionalism.

I would also like to acknowledge and thank our Clerk of the Board Brenda Riehle for the work that she and her staff carry out on behalf of the Board of Legislators. This office is run proficiently under Brenda's supervision and is truly the hub that keeps our Board in motion. Thank you, Brenda, for all you do and for going beyond the call of duty on a regular basis on our behalf.

Thank you, also, to the entire team of dedicated department heads, County employees, and fellow elected officials that work so hard to meet the constant demands and challenges of County government. The personal responsibility you take in meeting these demands and challenges does not go unnoticed, and we appreciate your continued efforts.

Acknowledgment and appreciation is also due to all of the citizens who travel, meet, volunteer, and lend their expertise and assistance on a regular basis to our advisory boards, committees, and councils. Hundreds of Allegany County's finest people devote themselves to causes that help make our community a better place to live. I sincerely thank all our volunteers. This appreciation and thank you would also extend to the men and women in our Volunteer Fire and Rescue units; nothing could be said to properly express the sincere appreciation for your service. On other occasions, I have expressed gratitude for the volunteerism and community effort of people helping people in Allegany County. We are truly fortunate to have a heritage such as this.

Gentlemen, today marks the halfway point of our service together. Today we begin year three of our four-year term.

When this Board convened as a group with its current members two years ago, I pointed out some differences that we started with that no other Allegany County Board of Legislators had:

- *We started with possibly the largest fund balance of any Board in our County's history. We have responsibly maintained our financial position and grown our fund balance.*
- *We began our session with a project in hand that properly addresses the Court Facilities Capital Plan Act passed by the State Legislature in 1987. We are only days away from putting that project in the history books, and for the record, doing it under budget, and exceeding the original plan by addressing more space needs than anticipated.*
- *We began 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. Before we end our terms, I predict that the hard work and dedication of numerous individuals that have been busy moving this project forward will begin to pay off.*
- *We started on day one with a Comprehensive Plan complete and in working order, ready to be utilized. Not only has the plan been utilized, it is getting reworked and updated as we speak to keep it fresh, and the updated plan will be ready for adoption by the end of our term.*
- *This Board began with a new standing committee, the Planning and Economic Development Committee, with defined goals and direction. A committee that has taken action to bring back a County Planner, that has expanded our vision on communication possibilities and has brought Allegany County to the forefront of regional development in communication planning.*

Over the past couple of years:

- *Our Health Insurance costs have been contained.*
- *Contracts with collective bargaining units have been signed.*
- *The proper vetting and selecting of key personnel has been addressed in a professional manner in response to the retirement of some long-serving department heads.*
- *Our infrastructure has been maintained and properly managed, and work has continued on addressing our landfill capacity issues.*
- *Our County Jail has continued to take in revenue from outside sources as planned to reduce the burden of financing the facility by the taxpayers.*
- *Work has continued on the refinement of departmental space needs and requirements.*

If some of this seems repetitive, it's because it is, and in my opinion, worth repeating. A great deal has been accomplished; some actions that have been taken will result in millions of dollars of savings over time. Your work as a Board is commendable, and reminders of your accomplishments should be repeated. The first two years of our current terms as Legislators have been busy and productive.

We begin 2012 with new state legislation; the "Tax Cap" legislation is now officially in effect.

At a past State of the State presentation on January 13, 2011, in Jamestown, which I attended, Governor Cuomo outlined an aggressive plan to, and I quote, "transform New York

State into an economic leader once again,” end quote. A plan, which we all applauded and agreed, was desperately needed. I was glad to hear the Governor recognize that business built New York and declare that New York is open for business once again. Not an easy task, but the Governor’s optimism in attacking the problems and turning the crisis into opportunity was motivating.

Following the presentation, I wrote to the Governor agreeing that our taxes in New York are too high and that something needs to be done, as he aptly pointed out. In my letter, I stated, and I quote, “The proposal to cap property tax is fine, in actuality it doesn’t go far enough. We need to roll back property taxes in New York to be competitive, but this cannot be done without addressing the cause of these high taxes - the mandated programs. These must be addressed first; it’s only common sense,” end quote. Common sense, in my opinion, did not prevail.

The Medicaid Redesign Team and the Mandate Relief Redesign Team final reports and recommendations have recently been released and delivered to the Governor. One of the most important recommendations from the counties’ perspective is found on page 9 of the Medicaid Redesign Team Final Report, titled Medicaid Financing. It points out that in most of the 50 states, Medicaid is financed almost exclusively with state and federal tax dollars. In New York State, approximately 30 percent of the non-federal cost of Medicaid is paid through local taxes. The report goes on to say that the existing fiscal structure is unsustainable for several reasons:

- 1. Reliance on local property taxes to fund Medicaid has contributed to making New York’s local tax burden the highest in the nation.*
- 2. The new property tax cap imposes annual growth limits on revenue that is far below the expected growth rate in Medicaid costs.*
- 3. The State should develop and implement a plan for more sustainable Medicaid financing that phases out reliance on local taxes.*

At the 2012 Allegany County Budget Hearing, it was pointed out that while keeping our property tax increase under the Tax Cap at \$692,000, the mandated programs of Medicaid, Safety Net, Child Welfare, Special Ed/Pre-K, Indigent Defense, and Probation alone increased by over \$1.6 million.

Let us, on the County level, hope that Governor Cuomo will compel the State Legislature to address Mandate Relief and Medicaid Reform in 2012 as well as he did on enacting the Tax Cap Legislation in 2011.

In 2011, a regional approach to Economic Development was initiated in New York with millions of dollars in funding being directed into Allegany County for 2012 and over \$100 million awarded to the Western New York Economic Development Region as a whole.

In 2012, we will continue to discuss efficiencies in local government and explore more ways that services can be delivered in a more cost-effective manner. We will continue to be

proactive in working with the State, as well as our local municipalities, for the betterment of Allegany County and our friends and neighbors.

Allegany County remains strong in many ways, and it is our duty to be good stewards of the resources entrusted to us. I look forward to working with you in 2012.

Thank you.”

Curtis W. Crandall, Chairman

STANDING AND SPECIAL COMMITTEE ASSIGNMENTS:

Chairman Crandall distributed copies of his assignments to the **STANDING AND SPECIAL COMMITTEES OF THE BOARD OF LEGISLATORS FOR 2012**. Assignments are as follows; Chairmen and Vice Chairmen are listed first:

COURT FACILITIES AND COUNTY SPACE NEEDS:

Pullen, Fanton, Benson, Cady, Curran, Graves

HUMAN SERVICES:

Burdick, LaForge, Cady, Graves, 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, Graves, Healy, Hopkins, LaForge, McGraw

Special - Communications & Technology Ad Hoc Committee:

(Sub-Committee of P&D)

Pullen, Healy, Mike Johnsen, Jerry Scott, Randy Swarhout

PUBLIC SAFETY:

Healy, Benson, Burdick, Hopkins, McGraw

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

Special - Energy & Resources Ad Hoc Committee:

(Sub-Committee of Ways & Means)

LaForge, Benson, Healy, Sinclair, Marvin Covert, Guy James

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

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
JANUARY 9, 2012**

**** 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 Erin Harvey.

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 December 27, 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 Erin Harvey, former United States Air Force Sergeant, in grateful appreciation of her service to our Country. Ms. Harvey's service dates were from June 1996 to June 1998. Following Basic Training at Lackland AFB, TX, she was assigned to Minot AFB, ND, working in a regional Veterans' Hospital for Quality Assurance. Commendations she received included: Good Conduct Medal, Air Force Achievement Medal, and M-16 Qualification. Ms. Harvey 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.:

The following communications were acknowledged:

1. The County Treasurer filed a Certificate of Withdrawal of Delinquent Tax Lien, pursuant to Article 11 of the Real Property Tax Law, for property in the Town of Friendship, in the Clerk of the Board's Office on January 5, 2012.

2. Correspondence from Secretary to the Governor and Mandate Relief Redesign Team Chair Lawrence S. Schwartz regarding mandate relief.

3. Correspondence from Comprehensive Plan Implementation Group Chairman Edward W. Eicher updating the Board on the work of the Group.

4. The Budget Committee meeting originally scheduled for Wednesday, January 18, has been cancelled, and the Ways & Means Committee will now meet at 1 p.m.

5. All of the meetings that would normally be held the first Wednesday of the month on February 1 will be moved to Thursday, February 2.

6. Correspondence from New York State Chief Administrative Judge A. Gail Prudenti congratulating the Board on the completion of the renovations and construction of the new addition to the Courthouse.

7. NYSAC Report on State Programs funded by County Property Taxes.

8. CD prepared by County Historian Craig Braack containing pictures from Friday's Courthouse Open House and Ribbon Cutting Ceremony.

RESOLUTIONS:

RESOLUTION NO. 3-12

**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 January 1, 2012, and ending December 31, 2012, is approved.

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

Adopted: Voice Vote

RESOLUTION NO. 4-12

**REAPPOINTMENT OF THREE 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 William Emrick of Scio, New York, Nancy Rouse of Scio, New York, and Robert Riber of Alfred Station, New York, to the Citizens Advisory Council to the Office for the Aging, with term of office for each commencing January 1, 2012, and expiring December 31, 2014, are confirmed.

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

Adopted: Voice Vote

RESOLUTION NO. 5-12

**REAPPOINTMENT OF THREE MEMBERS TO
ALLEGANY COUNTY COMMUNITY SERVICES BOARD**

Offered by: Human Services Committee

RESOLVED:

1. That Kathy Bentley of Andover, New York, Raymond Loh of Wellsville, New York, and Calvin L. Schierer, DO of Houghton, New York, are reappointed to the Allegany County Community Services Board, with term of office to commence January 1, 2012, and expire December 31, 2016.

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

Adopted: Voice Vote

RESOLUTION NO. 6-12

**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 Charles Stout, Gary Fries, David Roeske, Jimmy Joyce, and Shawn Whitney are reappointed to the County Traffic Safety Board, with term of office for each to commence January 1, 2012, and expire December 31, 2014.

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

Adopted: Voice Vote

RESOLUTION NO. 7-12

APPOINTMENT OF MEMBERS TO ALLEGANY COUNTY FIRE ADVISORY BOARD

Offered by: Public Safety Committee

Pursuant to County Law § 225-a

RESOLVED:

1. That each of the following persons is appointed to the Allegany County Fire Advisory Board, with term of office for each to commence January 1, 2012, and expire December 31, 2012:

Richard Hoffman, Jr.	Alfred
Judson Stearns, Jr.	Alfred Station
Robert Prior	Allentown
Bryan Snyder	Almond
Brian Ennis	Andover
Richard Sortore	Angelica
David Jennings	Belfast
Brandon LaValley	Belmont
Terry Richardson	Bolivar
Donald Van Skiver	Canaseraga
Robert Lester	Cuba
Gerald Gayford	Fillmore
Carl Greene	Friendship
David Vogel, Sr.	New Hudson
Sherman Gage	Richburg
Dan Metcalf	Rushford
Tim Voss	Short Tract
David Sweet	Wellsville
Larry Erdmann	Whitesville
LeRoy Ives	Willing
Alan Mills	Wiscoy-Rossburg

Moved by: Mr. Healy
Seconded by: Mr. Burdick

Adopted: Voice Vote

RESOLUTION NO. 8-12

**ACCEPTANCE AND APPROPRIATION OF NEW YORK STATE ARCHIVES
LOCAL GOVERNMENT RECORD MANAGEMENT IMPROVEMENT GRANT FUNDING**

Offered by: Ways and Means Committee

WHEREAS, Allegany County was awarded \$26,586 in grant funding to outfit the interior of the new records storage building located near the landfill, now, therefore, be it

RESOLVED:

1. That the sum of \$26,586 from the New York State Archives Local Government Record Management Improvement Fund Grant is accepted.

2. That the sum of \$26,586 is appropriated to Account No. A1620.210 (Buildings – Equipment) with \$13,293 budgeted to Revenue Account No. A10.3060.00 (State Aid – Records Management) and the remaining \$13,293 being appropriated from Account No. A15.599.00 (Appropriated Fund Balance).

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

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

(Memo: The grant accepted in Resolution No. 8-12 was awarded to outfit the interior of the new record storage building with shelving, ladders, and boxes. New York State released 50 percent of the grant in December 2011, and it was booked as revenue in 2011; therefore, that portion needs to be appropriated from Fund Balance to the 2012 Budget. The remaining 50 percent will be received in 2012.)

RESOLUTION NO. 9-12

**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 2012, is approved.

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

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

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

RESOLUTION NO. 10-12

**APPROVAL OF AGREEMENT WITH ALLEGANY COUNTY AGRICULTURAL SOCIETY
FOR PAYMENT OF 2012 BUDGETARY APPROPRIATION**

Offered by: Planning and Economic Development 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. Sinclair
Seconded by: Mr. Pullen

Adopted: Roll Call
13 Ayes, 2 Noes, 0 Absent
Voting No: O'Grady, Ungermann

RESOLUTION NO. 11-12

**APPROVAL OF AGREEMENT WITH VOLUNTEER FIREMEN'S ASSOCIATION OF
ALLEGANY COUNTY, INC., FOR PAYMENT OF 2012 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 2012 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, 2012, 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
15 Ayes, 0 Noes, 0 Absent

RESOLUTION NO. 12-12

**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 2012 BUDGETARY APPROPRIATION FOR
THE WORK OF SUCH ASSOCIATION**

Offered by: Planning and Economic Development 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, 2012, 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 2012 County Final Budget for such Association in advance on the first day of each half of the year beginning January 2012, 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. Sinclair
Seconded by: Mr. Hopkins

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

Comments made regarding Resolution No. 12-12 included the following:

Legislator Ungermann noted that this is one of 173 programs Allegany County administers; and it's also one of the 109 non-mandated programs. The appropriation is \$211,000. Mr. Ungermann pointed out that Cattaraugus County eliminated funding for Cooperative Extension from their budget, and the program is administered jointly for Allegany and Cattaraugus Counties. He realizes there are many who say the services are valuable, but much of the information Cooperative Extension provides is readily available on the internet. They also employ people who administer some of our other programs, but those programs may be non-mandated as well. We need to start making some cuts in the Budget.

Legislator Pullen stated that he understands and agrees with much of what Mr. Ungermann said. What happened in Cattaraugus County was that they were looking at a very large deficit, and they made a decision that he feels was ill-advised. They did include funding for the 4-H Program, so they didn't just pull the plug on everything. Some of the other programs in Home Economics will continue because of state and federal grant money coming in. What they ended up cutting was agriculture. The services and advice that they give to a significant segment of our business population – one of the largest employers and one of the largest revenue generators within our County – that's what they ended up cutting. That's something we'll have to look at in the coming years, which is one of the things that is so ill-advised about the Tax Cap in general. As has been noted frequently, simply capping taxes isn't the answer; we need to cut them. They're too high. When 90 percent of our Budget goes to programs over which we have no control, it leaves the non-mandated programs such as this, the Fair, Office for the Aging, and maintenance of our roads. Is this really the area that we need to cut? For a relatively modest investment, we're supporting what is basically our largest single industry, which has a ripple effect in keeping people employed and paying taxes and making business transactions within our community. Mr. Pullen remarked that he cannot support cutting this program at this time, and he urged others to continue their support until such time as we have to make those hard choices, but hopefully we'll make those choices in a prudent and fiscally responsible manner after having thought our way through it.

Legislator Sinclair commented that when we bring up the idea of non-mandated programs and saying maybe we should be cutting them, we have to look at all the facets of those programs, not only in cost, but also their benefit to the community. As an example, seven of the thirteen positions that are sponsored under Cornell Cooperative Extension are dedicated to one of our nutrition programs: Women, Infants, and Children (WIC). There is a commitment and investment in those positions, but by having that program, we bring over \$1 million in aid to these recipients into the County that is then spent in local businesses. When you're looking at just cutting, you have to consider that you might also be undermining revenues and programs that are part of the overall economic engines that keep our economy going. Mr. Sinclair stated that he supports Cornell Cooperative Extension. They have a tremendous impact on our agricultural community. In the future, small farms and small markets that are being developed for agricultural products are going to be very important to the economic security and the use of our land here in the County. It's a good investment.

Legislator Cady asked if there were other grants besides the one Mr. Sinclair mentioned. Mr. Sinclair noted that there are other positions in other programs and other departments that Cornell Cooperative Extension is involved in.

Legislator O'Grady pointed out that the economic engine referred to by Mr. Sinclair is still all done with tax dollars, whether federal or local. To use tax dollars as an economic engine isn't an economic engine; it's just tax dollars being deferred to other places.

RESOLUTION NO. 13-12

**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, (GTSC Ignition Interlock Device Monitoring Program), providing for the payment of a fee to Allegany County of \$114 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. Hopkins

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

Comments made regarding Resolution No. 13-12 included the following:

In response to a question, Probation Director Robert Starks noted that there are less than 20 of the Ignition Interlock Devices installed in the County.

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 LaForge and adopted on a roll call vote of 14 Ayes, 1 No, 0 Absent, that the audit of claims, totaling \$3,064,749.12, 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 in 2011 totaled \$9,069,656, and year-to-date in 2012 is \$187,562.*)

Legislator Hopkins pointed out that at the end of 2011, the County's local share cost for Medicaid totaled over \$9 million, which represents 40 percent of our property taxes.

Legislator Ungermann referred to the expense for bus transportation included in the audit, and he asked if that's money we're spending on something that's supposed to be 100 percent state and federally funded. He noted that the bus transportation is also a non-mandated program. County Administrator John Margeson replied that the \$8,646.21 constitutes two payments to the Allegany-Western Steuben Rural Health Network. One is a payment from the JARC grant and the other is from the New Freedom grant, but both payments are 100 percent grant funded.

GENERAL COMMENTS:

Legislator Pullen urged all Legislators to obtain and study two reports released over the holidays, one outlines the final recommendations of the Medicaid Redesign Team, and the other is the final report of the Mandate Relief Redesign Team. The mandate relief report includes a summary of what the team accomplished and many pages of proposals made by various state and local groups such as towns, villages, schools, and NYSAC, 90 percent of which the team didn't address. Mr. Pullen estimated that the team made recommendations for only about \$300 million in relief out of over \$11 billion in local money that is mandated to local governments. The job wasn't completed and now it's being sent to another task force. The Medicaid Redesign Team made the recommendation that we can't continue having Medicaid funded significantly by local governments. We're the only state in the country that does that, and it's not sustainable. We were promised when the state passed the Tax Cap that mandate relief and Medicaid relief would follow. There is a lot more to do, and Mr. Pullen urged Legislators to be informed and stay on top of this.

Legislator Ungermann distributed copies of an article on the burden of unwanted emails and also commented on the volume of unnecessary regular mail received by the Legislators. Discussion followed on who should be filtering it, and Chairman Crandall noted that the Clerk of the Board was asked to have the Legislators' names removed from a particular mailing list.

Legislator Cady remarked on another aspect of Medicaid. He noted that it's common knowledge that high medical rates in the state are based on what doctors and hospitals glean from Medicaid. Other people can't compete with that, and it raises the rates to have so much government support for it.

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

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
JANUARY 23, 2012**

**** APPROVED ****

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:12 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Navy Petty Officer 1st Class Howard L. Cornwall.

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, Aaron McGraw, Timothy O'Grady, David Pullen, Frederick Sinclair, Norman Ungermann, Jr.; 1 Legislator Absent: Kevin LaForge

APPROVAL OF MINUTES:

The Board Organization meeting minutes of January 3, 2012, were approved on a motion made by Legislator Fanton, seconded by Legislator Graves and carried.

The Board meeting minutes of January 9, 2012, were approved on a motion made by Legislator Hopkins, seconded by Legislator Curran and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Howard L. Cornwall, former United States Navy Petty Officer 1st Class, in grateful appreciation of his service to our Country. Mr. Cornwall's service dates were from September 1958 to January 2001 (including Naval Reserves and Army Reserves). Following Basic Training at Great Lakes, IL, assignments included: USS Essex and USS Saratoga. He was deployed twice to the Mediterranean. Commendations he received included: several Naval Reserve Meritorious Service Medals, Good Conduct Medals, Expert Pistol and Rifle Awards, and numerous Letters of Commendation and Achievement. Mr. Cornwall led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

CROSSROADS DEVELOPMENT PROJECT PRESENTATION:

Chairman Curtis W. Crandall provided some background information for Resolution Intro. No. 14-12 related to the Crossroads Development Project. This resolution was referred from a meeting on January 11 in which all fifteen Legislators individually signed on as

sponsors. The resolution will allow for a waterline to be developed from Friendship to the Crossroads Area at the intersection of State Route 19, County Road 20, and Interstate 86.

The Crossroads Area has been talked about for some time. Going back to the 1970s when State Route 17, the Southern Tier Expressway, opened, there's been talk of development opportunities in that area, and nothing up to this point has happened. There were a lot of components that needed to be addressed. One of the circumstances that helped was related to the Low-Level Radioactive Waste Siting Commission's designation of Allegany and Cortland Counties as potential dump sites. At the time, funds amounting to \$625,000 were set aside for these counties for legal and other costs. Allegany County used very little of their money.

Through the 1990s, there was still talk of development opportunities at the Crossroads, but no firm action was taken. In the 2000s, former Senator Patricia McGee was approached to sponsor legislation to free up roughly \$500,000 of the funds related to the Siting Commission issue to be used for development in Allegany County. The economic development project had to be specific, and the Crossroads Area was designated. In 2004, former Board Chairman James Palmer appointed a Crossroads Development Advisory Committee to move things forward to be able to utilize the funds that had been freed up.

What has been done between then and now was: a marketing analysis of the Crossroads Area was done by Carr Marketing Communications; a municipal agreement was negotiated with the Town of Friendship and legislation was approved; preliminary waterline engineering was done, including cost estimates; financial analysis was done for the feasibility of a waterline project; legal documents were prepared with the help of the County Attorney and outside attorneys hired by the Industrial Development Agency; and the political will of this Board to move forward with the project was expressed.

Three important parts of the project that were needed were: 1) Financial feasibility – Is it a good investment in the future of Allegany County? The answer to that is yes. 2) Legal aspects – Is it legally possible, and are the proper documents in place? The answer is yes. 3) Political – Does the majority of this Board support moving ahead? Fifteen Legislators have individually sponsored the resolution that will be voted on shortly, and we'll see if that political will moves this legislation forward.

Chairman Crandall commented that it has taken a lot of help, inside and outside of the County, to make this happen. He recognized a few members of the Crossroads Development Team who have been instrumental in putting this together: County Treasurer Terri Ross, County Administrator John Margeson, County Attorney Tom Miner, IDA Board Chairman Chuck Jessup, IDA Executive Director and Director of Development John Foels, IDA Legal Counsel from Hodgson Russ, LLP, Dan Spitzer, County Financial Adviser from Municipal Solutions Jeff Smith, and LaBella Associates Engineer Mike Schaffron. Chairman Crandall turned the privilege of the floor over to Dan Spitzer.

Dan Spitzer spoke about the details of the Crossroads Project. Research shows that this area was known as the Crossroads as far back as the 1880s when there was a

crossroads of three railroads, one of which is still there. It's always been an area that was the center of commerce. In 2004, John Foels was able to obtain a grant from Rochester Gas and Electric to have a study done to determine what would be the best fit for development, given the transportation resources, to create a viable, affordable, fiscally responsible investment. The Carr Communications study identified the travel and hospitality services industry as the most likely to produce the type of sales tax revenue and job growth the IDA was looking for at this site.

The IDA began looking for potential developers and working with local land owners and appraisers. It's been a careful, steady process. They were able to put together the initial engineering and environmental investigation through the use of the funds referred to earlier. The IDA took lead agency status for the environmental assessment, and for the specific project mentioned in the resolution, the IDA has adopted a negative declaration of environmental significance. The route of the proposed waterline is virtually all within County Road 20, so there's very little environmental impact from the actual construction.

After looking at many developers, the IDA settled on an EB5 developer from Rochester. The developer has signed purchase documents for the Truck Stop parcel. That's a private contract and is not part of this resolution. What is being considered today by the Legislature is the legal framework necessary to bring all of this about – to bring development in the form of a hotel and related services to the Crossroads Area. In addition to the developer, the IDA met last week with Congress Construction out of Boston. They are very experienced and have been in contact with Mike Schaffron from LaBella Associates, going over the specifics for the waterline.

Mr. Spitzer explained what the IDA is looking at in this project. Originally they were looking at both water and sewer lines; sewer was dropped, because they didn't believe it was economically viable at this point. The resolution in front of the Board today will authorize the County to enter into a bond purchase agreement with the IDA. The IDA will issue a 30-year bond, with capitalized interest for the first few years to allow the project to get up and running. It is a taxable bond issued at approximately two percent interest. Mr. Spitzer pointed out that the way the bond works is very important, because this is not an "if you build it, they will come" project. The risk is a planning cost risk. The IDA has put together a comprehensive package of a number of users including the developers, the State of New York at the rest stop on I-86, and local residences in a mobile home park in need of higher quality water, and a contract is already in place between the County and the Town of Friendship for the provision of water service. The County will disperse funds as needed, but construction will not go forward until the County is satisfied that there is a financially viable project in place.

The second aspect of this project is the acquisition from the County by lease of the "S curve" properties on County Road 20 that were originally acquired by the County through tax sale. The proposal is to lease those properties to the IDA to allow them to bring in developers for industrial type uses. They've looked at a number of uses, and they'll want to make sure it's compatible with the hospitality industry. The lease will be very pro-County, with the majority of profits going to the County. The IDA will be required to develop it in a way that will generate property and sales tax revenue and jobs. It's set up as a financing

lease, so that whoever the IDA sub-leases to can borrow money; however, any mortgage would not be on the County's property, only the improvements.

The third aspect of the project is necessary for the construction of the waterline to serve the Crossroads Area. It's an easement along County Road 20. It's a broad easement covering not only the waterline, but also a future possible sewer line. The IDA has been in touch with the railroad and other property owners along the way regarding placement of the waterline, and the actual placement will be decided between LaBella and the County Public Works Superintendent. It appears they will not need a water tank at this time, but they have identified lands to be used if necessary for that.

The IDA will also be acquiring property adjoining the Truck Stop, bringing the total area for development up to about 28 acres in that first phase. The first phase for the IDA will be to determine if they have sufficient revenues to pay what they borrow from the County.

In terms of the actual borrowing, it is the IDA's intent to keep it to a minimum. Already through the efforts of County staff and IDA staff, they have a \$150,000 grant lined up with help from Southern Tier West and Arc through the Appalachian Regional Council. There are other grants pending. The IDA is hopeful that the Regional Economic Council, which identified Western New York as one of its primary plan winners, will help bring in other revenues to reduce the cost.

Jeff Smith, the County's Financial Advisor, expanded on the financial details of the project. It's been a long road to get here, and the efforts of the Legislature and the County Treasurer's good fiscal management have made this a reality. The County is now in the financial position to be able to extend the loan necessary to jump-start this project. The timing is excellent based on the interest rates in the market and the very competitive bidding environment. What they've been able to develop is a financing package where the County will be making an investment. Rather than investing in CDs or savings accounts, which are about the only avenues available to the County and right now are paying an interest rate of .3 to .375 percent, the County will be investing this money at an interest rate of about 2 percent. Their goal with this financing plan is to have the project up and running within a 24-month timeframe and to be able to take the financing out down the road after we have a successfully completed project that shows the financial ability to carry the debt associated with it. As the project progresses, the IDA will make sure they abide by the Davis Bacon wage rates, state prevailing wage rates, and all of the environmental requirements so that they are able to place the completed project with the Environmental Facilities Corporation for a 30-year loan from that agency, using their triple-A bond rating, to secure the long-term financing. The loan terms are potentially a 35-year period, but the goal is to have the County graduate the loan into other financing within the first four years. The proposal has been structured in a conservative manner. The only at-risk component is the design, but after the design phase, when the actual project is ready to go, money will be able to be drawn only as needed and only as progress is actually being made. There are a lot of fail-safes that have been developed in the bond purchase agreement. Mr. Smith will be watching this very closely, along with the County Treasurer, and they will make sure that the units are there to be able to repay the debt before they proceed.

IDA Executive Director John Foels gave an overview of the “three Ps” of the project: property, project, and pipe. The initial pipe needed is water. You also have to have the property under control and a viable project. The IDA was able to facilitate acquisition of the property over the past three months, although it’s taken much longer when considering the discussions with landowners and the Truck Stop property bankruptcy and foreclosure proceedings.

Allegany Square, LLC, out of Rochester, is under a firm purchase agreement for the 11-acre Truck Stop parcel, which is now owned by Thunder Road, LLC. They expect to close on that after they do their due diligence, which is now underway. The second parcel is behind the Truck Stop. The IDA will be purchasing 18.5 acres currently owned by the VanDyke family to back up the investment being made on the Truck Stop. This total of a little over 28 acres will be the starting point. The reason for beginning with the northwest quadrant of SR19 and CR20 is that they have to develop the abandoned travel facility first, because no one will be attracted to either side unless that problem is rectified. The developer is interested in attacking that, and he understands the issues inherent with old truck stops.

Their initial game plan is travel-related services: fuel, convenience, complementary retail, hospitality, and lodging. The site plans are being developed, and engineering is underway in Rochester and Boston. When the developer is ready to build, the IDA will do their part also. The County Treasurer will be the dispersing officer on this, and she and Jeff Smith will make sure the IDA has taken care of their responsibilities prior to coming to the County for payment. The IDA sees this as a good first step. They’re very comfortable with the developers and their development partners. Mr. Foels expressed his appreciation for the Board’s consideration of the bond purchase proposal, noting he wished there was another way. It’s good that the County is in a position, where we weren’t five years ago, to be able to take this on.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

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

1. 2010 Journal of Proceedings.
2. February 2012 Calendar of Board and Standing Committee meeting dates.
3. Committee of the Whole Meeting Minutes of January 11, 2012, for review.
4. Legislators’ Compensation Table for 2011.
5. Report of Intrafund Transfers approved by the County Administrator in December 2011.

The following communications were also acknowledged:

1. Correspondence from Assemblyman Joseph Giglio regarding Mandate Relief.

RESOLUTIONS:

RESOLUTION NO. 14-12

**RESOLUTION 1) APPROVING THE PURCHASE OF CERTAIN OBLIGATIONS ISSUED BY THE ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO FINANCE A CERTAIN INFRASTRUCTURE PROJECT FOR THE ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY,
2) AUTHORIZING THE LEASE OF A PIECE OF COUNTY PROPERTY TO THE ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY FOR USE IN THE CROSSROADS PROJECT, AND
3) AUTHORIZING THE GRANT OF AN EASEMENT IN COUNTY ROUTE 20 FROM THE COUNTY TO THE ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY FOR WATER, SEWER, AND OTHER UTILITY LINES**

Offered by: Legislators Glenn R. Benson, Douglas D. Burdick, Donald L. Cady, Curtis W. Crandall, Philip B. Curran, Dwight R. Fanton, Karl Graves, Dwight (Mike) Healy, Theodore L. Hopkins, Kevin S. LaForge, Aaron M. McGraw, Timothy J. O'Grady, David T. Pullen, Esq., Frederick Sinclair, and Norman G. Ungermann, Jr.

WHEREAS, the Allegany County Industrial Development Agency (the "Issuer") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 99 of the 1973 Laws of New York, as amended, constituting Section 906-a of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage, and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping, and furnishing of industrial facilities, among others, for the purpose of promoting, attracting, and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity, and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Issuer is authorized and empowered under the Act to issue its revenue bonds to finance the cost of the acquisition, construction, reconstruction, and installation of one or more "projects" (as defined in the Act), to acquire, construct, reconstruct, and install said projects or to cause said projects to be acquired, constructed, reconstructed, and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, the Issuer is proposing to undertake a project (the "Infrastructure Project") said Infrastructure Project consisting of (A)(1) the acquisition of an interest in various parcels of land along Route 20 in the Town of Friendship and the Town of Amity, Allegany County, New York (the "Land"), (2) the construction on the Land of water, sewer, and related

supporting infrastructure (collectively, the "Infrastructure"), and (3) the acquisition and installation therein and thereon of related machinery and equipment (the "Equipment") (the Land, the Infrastructure, and the Equipment being hereinafter collectively referred to as the "Infrastructure Project Facility"), and (B) the financing of all or a portion of the costs of the foregoing by the issuance of revenue bonds in one or more issues or series in an aggregate principal amount not to exceed \$3,500,000 (the "Bond"); and

WHEREAS, the Issuer intends to construct the water, sewer, and related supporting infrastructure for the Project using in part the right-of-way of County Highway Route 20, and therefore requests the County to issue an easement for such use (the "Easement"); and

WHEREAS, the Issuer intends to lease property on County Route 20 identified as SBL #s 10.-1-14.11 and 157.-1-18.2 for the development as an industrial park, which property was acquired through a tax sale and is currently excess land not used for any County purpose (the "Lease"); and

WHEREAS, the Issuer has asked the County to grant the easement, enter into the lease, and purchase the Bond to assist with the financing of the construction of the Infrastructure Project and, for the reasons set forth below, the County would like to purchase the Bond, grant the Easement, enter into the Lease, now therefore, be it

RESOLVED:

1. The County hereby finds and determines that:

(A) The acquisition, construction, and installation of the Infrastructure Project Facility will promote and maintain the job opportunities, general prosperity, and economic welfare of the citizens of Allegany County, New York, and the State of New York and improve their standard of living; and

(B) It is desirable and in the public interest for the Issuer to issue and the County to purchase the Bond upon terms and conditions ultimately agreed to by the County Attorney and the Chairman of the Board of Legislators of Allegany County; and

(C) The property on County Route 20 identified as SBL #s 10.-1-14.11 and 157.-1-18.2 is currently excess land not used for any County purpose, and it is desirable and in the public interest for the County to lease the property to the Issuer upon terms and conditions ultimately agreed to by the County Attorney and the Chairman of the Board of Legislators of Allegany County; and

(D) It is desirable and in the public interest for the Issuer to construct and operate utility lines serving the Crossroads Project and for County Route 20 to be used for such purposes and the County to grant an easement along the County Route 20 right-of-way upon terms and conditions ultimately agreed to by the County Attorney and the Chairman of the Board of Legislators of Allegany County.

2. In consequence of the foregoing, the County determines to (1) purchase the Bond, (2) enter into the Lease, and (3) grant the Easement on terms and conditions ultimately agreed to by the County Attorney and the Chairman of the Board of Legislators of Allegany County, New York.

3. The Chairman of this Board is hereby authorized and directed for and in the name and on behalf of the County to do all acts and things necessary and required to carry out the purpose of this Resolution, including entering into any and all documents necessary to purchase the Bond, enter into the Lease, and grant the Easement.

4. This resolution shall take effect immediately.

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

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

Comments made regarding Resolution No. 14-12 included the following:

Legislator Hopkins pointed out that the County's biggest method of financing our programs is property tax, and until we can increase our sales tax and other revenues, there's no way to decrease property tax. This proposal will give us the opportunity to increase sales tax to the point where we can start seeing some decrease in property taxes. If you look at other counties that have higher sales tax revenues, their property taxes are lower, because that's how they finance their government. This is a great opportunity for us, especially since a lot of the sales tax revenue will come from out-of-County travelers. The creation of jobs, sales tax, and what this will do for us financially in the future is extremely important.

Legislator Healy remarked that in the history of civilization, all development has taken place along major transportation corridors. The intersection of I-86 and State Route 19 in Belvidere is the best intersection between Painted Post and Erie, Pennsylvania. It has the most flat land that has potential for development. The only drawback we've had is the lack of water. With this resolution, we've reached a crossroads of our destiny in the County – we need to decide whether to live in the past, or invest in the future. We have chosen, or are about to choose, to invest in the future. This resolution is a true County project for the reasons that Legislator Hopkins just expressed: 1) immediate development which is likely to occur in the area, 2) generation of sales tax, the majority of which will be paid by passing motorists on I-86 and not by our local residents, 3) building the infrastructure will add to our tax base, 4) creation of jobs, and 5) it will foster further development, both locally in the area and also County-wide. For most people who come here, this area is the first thing they see when they enter the County. Mr. Healy commended the Board and the leadership of the Board for putting us in a position to be able to take advantage of this.

Legislator Cady noted that Route 275 through Friendship was thought to be the first paved road in the County, and the potential for development in this broad valley is still there. Mr. Cady supports whatever we can do to get this going. He asked about the sales tax revenue from the Truck Stop when it was in operation. County Administrator John Margeson thought it was about \$1.5 million.

Legislator Ungermann referred to a letter regarding this issue that was received by all of the Legislators from Al Carlin of Wellsville, who was also in attendance, and he hoped Mr. Carlin's questions had been answered. The estimate for this project is now at \$3.5 million simply because we are only going to run the waterline at this point. The resolution does allow for sewer eventually, as development advances, which is something Mr. Ungermann was concerned about. Mr. Carlin also questioned why we can't use the former Acme building in Cuba. That's something Mr. Ungermann stated that he would like to see; however, there's no rail service there, and it's the same way with the Wellsville airport. The County owns a piece of property in the proposed location obtained through a tax sale, and the railroad runs right by it, making it easy to put a siding in. As Mr. Healy addressed, we really do have one of the best locations, because it is flat. Nothing is without risk, but Mr. Spitzer has said that we won't be spending any money until we have a signed agreement of some sort to utilize those services. Mr. Sinclair has alluded to the fact that the rest stop on I-86 is looking for water, so we would have a user there, along with one of the trailer parks. Mr. Ungermann felt confident that between the County Treasurer, County Attorney, the IDA, and this Board, no funds will be expended until development is in place. Mr. Ungermann expressed his support.

Legislator Sinclair stated that this resolution brings into focus not only the vision of the past and present Legislature, but also that of many members of the community and the taxpayers who see this investment as one of our best opportunities to create jobs, raise sales tax revenue, increase availability of hospitality services, and support small business development. With this action, we further attain the goals of increasing revenues in support of our government operations and the County as a whole and reducing the tax burden. Not only are all of these dollars to be returned to the County treasury over time, the purchase of these bonds in support of this project takes our reserve funds from a position of earning less than one percent interest to quadrupling that to two percent. All these reasons make this a very good prospect.

Legislator Pullen remarked that this is a very conservative area, and this is also a very conservative Board. He is a firm believer in free enterprise. As Mr. Pullen understands the structure and model that we're following, we will be relying on private enterprise and private investment. This model indicates that until we have a commitment from private developers that they think it's worth the investment of their money, and they're going to put their money down and make an investment to bring new business and new activity to our County, only then will our dollars, taxpayer dollars, be released. If they decide it's not going to work, the taxpayers' dollars won't have been put at risk. We do have to put in the soft costs – the engineering, the legal, the financial consultant costs – to at least make it possible, but overall this will only work if private enterprise says that this is viable. That's really the guarantee. If those who have the experience, the training, and the resources decide that they'll put those resources into play, then he's comfortable putting in those local taxpayer dollars. Mr. Pullen felt that the facts presented support moving forward.

Resolution Intro. No. 15-12 (RESOLUTION AMENDING BOARD RULES TO ABOLISH THE COURT FACILITIES AND COUNTY SPACE NEEDS COMMITTEE AND CREATE THE FACILITIES AND COMMUNICATIONS COMMITTEE; TRANSFERRING

JURISDICTION OVER INFORMATION TECHNOLOGY FROM THE WAYS AND MEANS COMMITTEE TO THE NEW FACILITIES AND COMMUNICATIONS COMMITTEE; AMENDING BOARD RULES TO ELIMINATE AND RENUMBER CERTAIN RULES TO REFLECT SUCH CHANGES) was amended on a motion made by Legislator Hopkins, seconded by Legislator Healy and carried, by adding the Ways and Means Committee as a sponsor of the resolution.

RESOLUTION NO. 15-12

**RESOLUTION AMENDING BOARD RULES TO
ABOLISH THE COURT FACILITIES AND COUNTY SPACE NEEDS COMMITTEE AND
CREATE THE FACILITIES AND COMMUNICATIONS COMMITTEE;
TRANSFERRING JURISDICTION OVER INFORMATION TECHNOLOGY
FROM THE WAYS AND MEANS COMMITTEE
TO THE NEW FACILITIES AND COMMUNICATIONS COMMITTEE;
AMENDING BOARD RULES TO ELIMINATE AND RENUMBER CERTAIN RULES
TO REFLECT SUCH CHANGES**

Offered by: Legislator Curtis W. Crandall and Ways and Means Committee

RESOLVED:

1. That County Board Rule 190.A.2 is amended to reflect material deleted as shown by strike out and material added as shown by material underlined as follows:

~~2. Court Facilities and County Space Needs.~~

2. Facilities and Communications.

2. That County Board Rule 220.B is amended to eliminate the Court Facilities and County Space Needs Committee and create the Facilities and Communications Committee, which amendments are described by material deleted indicated by strike out and material added by material underlined as shown as follows:

~~B. COURT FACILITIES AND COUNTY SPACE NEEDS~~

~~1. General Jurisdiction:~~

~~a. Comprehensive planning for the space needs of the court system and all County departments and offices including capital planning for all costs associated with such planning. Subject to final approval by the full Board of Legislators.~~

~~b. Planning and oversight of all County physical plant construction or acquisition and space allocation including the financing and payment of all costs associated with such construction, acquisition,~~

~~and space allocation. Subject to final approval by the full Board of Legislators.~~

~~2. Specific Jurisdiction:~~

~~a. Study, formulate, and recommend to the County Board for adoption, plans for the utilization of existing and proposed County physical plant facilities for the needs of the court system and all County departments and offices.~~

~~b. Study, formulate, and recommend to the County Board for adoption, methods of financing and paying the costs of any and all renovations, additions, and changes to existing County physical plant facilities and the costs of construction or acquisition of new or proposed County physical plant facilities necessary for the needs of the court system and all County departments and offices.~~

~~c. Supervision of County Administrator's space allocation powers and duties.~~

~~3. Administrative Unit Jurisdiction:~~

~~a. Office of Planning and/or County Planner with respect to planning for proposed County facilities and allocation of space in such facilities.~~

~~b. County Administrator with respect to space allocation powers and duties.~~

B. FACILITIES AND COMMUNICATIONS COMMITTEE

1. General Jurisdiction:

a. Comprehensive planning for the space needs of all County governmental agencies along with facilities provided for the County court system to include capital planning for all costs associated with such planning. Subject to final approval by the Board of Legislators.

b. Comprehensive planning for the provision of vehicular parking areas for County employees, employees of the County court system, and the general public to include capital planning for all costs associated with such planning. Subject to final approval by the Board of Legislators.

c. Planning and oversight of all County physical plant construction or acquisition and space allocation including the financing

and payment of all costs associated with such construction, acquisition, and space allocation. Subject to final approval by the Board of Legislators.

d. Information Technology.

e. Enhanced 911 Dispatch (Communication Infrastructure only).

f. Telecommunications systems including police and emergency systems.

2. Specific Jurisdiction:

a. Study, formulate, and recommend to the County Board for adoption, plans for the utilization of existing and proposed County physical plant facilities for the needs of the court system and all County departments and offices, to include vehicular parking areas.

b. Study, formulate, and recommend to the County Board for adoption, methods of financing and paying the costs of any and all renovations, additions, and changes to existing County physical plant facilities and the costs of construction or acquisition of new or proposed County physical plant facilities necessary for the needs of the court system and all County departments and offices, to include vehicular parking areas.

c. Supervision of County Administrator's space allocation powers and duties.

d. Supervision of the Information Technology Department in performance of data processing powers and duties (see Local Law No. 5 of 1993, as amended by Local Law No. 1 of 2001).

e. Responsible for the development of policies and procedures relating to interdepartmental networking of data processing systems.

f. Responsible for the development of a plan for the future enhancement of the County's telecommunications systems including those systems presently under the jurisdiction of the Public Safety Committee, i.e., police and emergency.

3. Administrative Unit Jurisdiction:

a. County Administrator with respect to space allocation powers and duties.

b. Sheriff with respect to the communications infrastructure of Enhanced 911 Dispatch.

c. Information Technology Department.

3. That County Board Rule 220.E is amended with material deleted indicated by strike out and material added, consisting of renumbering or re-lettering, shown by the material underlined as follows:

E. WAYS AND MEANS

1. General Jurisdiction:

a. General administrative operations rules and regulations of County government.

b. General legislative operations rules of the County Board.

c. County enforcement procedures in relation to the collection of the real property tax.

d. Procedures for the correction of errors on tax rolls, the refund of real property taxes, and the cancellation of void real property taxes.

e. County equalization or alternative method of County equalization procedures.

f. ~~Information Technology.~~

g. ~~Telecommunications systems excluding police and emergency systems.~~

h.f. General responsibility for the planning, control, and oversight of the County Budget.

i.g. Oversight of general County revenues, appropriations, and expenditures.

2. Specific Jurisdiction:

a. Study, formulate, and recommend to the County Board for adoption, rules and regulations which affect the general administrative operations of the County government.

b. Study, formulate, and recommend to the County Board for adoption, rules which affect the general legislative operations of the County Board.

c. Supervision of the Clerk of the Board of Legislators' central service powers and duties (see Res. 74-86).

d. Investigate and report on whether a person recommended to fill any vacancy in the Office of County Legislature meets the qualifications set forth in Local Law No. 3 of 1993.

e. Supervision of County Real Property Tax Service Agency in performance of its respective powers and duties relating to the matters under General Jurisdiction.

f. Specific authority to recommend to the County Board for its approval an offer to purchase the County's interest in real property obtained by the County Treasurer for unpaid real property taxes, if the tax deed to the County of such interest has not been on record in the County Clerk's Office over one year.

~~g. Supervision of the Information Technology Department in performance of data processing powers and duties (see Local Law No. 5 of 1993, as amended by Local Law No. 1 of 2001).~~

~~h. Responsible for the development of policies and procedures relating to interdepartmental networking of data processing systems.~~

~~i. Responsible for the development of a plan for the future enhancement of the County's telecommunications systems excluding those systems presently under the jurisdiction of the Public Safety Committee, i.e., police and emergency.~~

j.g. Receive and evaluate on a monthly basis budget monitoring reports and other budget related information from County departments and offices.

k.h. Review the annual County tentative budget and assess the impact of local conditions and State and Federal actions on the tentative budget. Recommend changes in tentative budget to the full Board of Legislators in a budget report pursuant to County Law Section 357.

h.i. Review Budget Officer's proposed appropriation resolution referring to a tentative budget and making provisions for the conduct of the County Government for the ensuing fiscal year.

m.l. Supervision of County Treasurer's fixed assets records powers and duties (see Res. 74-86).

n.k. Offer for County Board action any of the following:

(1) a transfer of funds between capital projects established by resolution of the County Board.

(2) a transfer of funds from the contingent account or from any other major appropriation account to another major appropriation account.

(3) an appropriation of unanticipated revenues or unappropriated cash surplus within a particular Fund.

(4) an appropriation of grants in aid received from the State and Federal governments.

(5) an appropriation of other gifts which are required to be expended for particular objects or purposes.

(6) an appropriation of insurance proceeds received for the loss, theft, damage, or destruction of real or personal property, when proposed to be used or applied to repair or replace such property (see County Law Section 366).

3. Administrative Unit Jurisdiction:

- a. County Administrator.
- b. Chairman of the County Board of Legislators.
- c. Clerk of the County Board of Legislators.
- d. County Attorney.
- e. Real Property Tax Service Agency.
- ~~f. Information Technology Department.~~
- g.f. Budget Officer and Deputies.

h.g. County Treasurer.

4. This resolution shall take effect immediately.

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

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

Comments made regarding Resolution No. 15-12 included the following:

Legislator Ungermann noted that the new committee has been given some power to do something about the parking problem. He felt that the parking problem should have been taken care of before we ever built the addition. There's been discussion about getting some parking space back by using the church lot and the former Presutti property, but there are some people who have problems with walking up that hill. You're never going to replace the flat parking area we had with something at the bottom of the hill. Ice is a problem in the winter, and there's a sidewalk on only one side of the street. Some people walk up the middle of the street. Mr. Ungermann stated that he was against building the addition out back when there was 90,000 square feet of space given away and 200 parking spaces on the flat. This just takes away the responsibility for parking from the committee that should have done something about it and passes it on to someone else.

Chairman Crandall agreed that there are parking issues that need to be addressed, but in a recent committee meeting, the number of parking spaces that we currently have, including those at the foot of the hill, were compared to those that we started the project with. He stated that he understood Mr. Ungermann's concern with the hill, but we have more parking spaces today than when this project began. The parking issue that needs to be addressed at this time is who parks where and how those parking spaces are utilized. That is going to be looked at in this new committee, nothing different than what has been in place before. It was also explained in Ways and Means that there is a local law that places the delegation of County parking to Public Works. This committee will work in conjunction with Public Works to address that issue.

Legislator Fanton remarked that for most places of employment, you do have to walk a distance to get there. We have handicapped areas, and if we need a couple more, that can be done. Mr. Fanton didn't feel it was asking too much of anyone to walk that far.

Legislator Sinclair noted that obviously we still have facilities and parking issues, but we also have needs in communications. He has monitored the work of our Communications Ad Hoc Committee and has taken part in development of some perspectives concerning where we were regarding communications. There is a federal push for us to develop the next generation of 911 system, which is to be merged with our private communications capability to facilitate all users and all equipment to be able to plug into that. There are critical things that need to be done to bring us fully into the next generation of communications here in the County. That is a part of our Comprehensive Plan, and it will also further development in the County. Having a committee specifically addressing communications is very important.

RESOLUTION NO. 16-12

**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, 2012, to February 1, 2013, is approved.

2. That the premium of \$235,196.80 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 2012 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

(Memo: Regarding Resolution No. 16-12, it was noted that the premium does not include property premium for the new Courthouse Addition and Maintenance Building. These structures are currently insured on a Builders Risk policy, which was paid in full two years ago. When that coverage is cancelled in lieu of the NYMIR Property policy coverage, the endorsement additional premium is expected to be approximately \$10,839.)

RESOLUTION NO. 17-12

CREATING POSITION OF PART-TIME SECRETARY TO CLERK OF THE BOARD

Offered by: Personnel Committee

RESOLVED:

1. That the position of part-time Secretary to Clerk of the Board is created in the Clerk of the Board's Office and is placed in Grade 2 of the Non-Unit Salary Plan.

2. This resolution shall take effect January 24, 2012.

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

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

(Memo: Regarding Resolution No. 17-12, the position would be responsible to take the minutes at all committee meetings, and then transcribe, distribute, and file them. Filling this position will better enable the County to comply with the Board Rules, Open Meetings Law, and Public Officers Law regarding how our minutes are taken, distributed, and retained. It should result in higher quality, consistent minutes prepared in a timely manner for all committees, and it will free up key personnel to work on other things. The approximate fiscal impact is \$14,144, and the funds are included in the 2012 Budget.)

RESOLUTION NO. 18-12

A RESOLUTION IN RELATION TO THE RECONSTRUCTION OF LOCAL BRIDGE NO. 13-03 (B.I.N. 2214500) IN TOWN OF CENTERVILLE

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 Local Bridge No. 13-03 (B.I.N. 2214500) on North Hill Road in the Town of Centerville should be reconstructed, and

WHEREAS, the County Public Works Department has submitted plans, maps, and specifications for the reconstruction of such Bridge and estimated the project costs at \$369,000, 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 Local Bridge No. 13-03 (B.I.N. 2214500) on North Hill Road in the Town of Centerville to be of sufficient importance to be reconstructed.

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

3. That the authorized cost for the construction of such Bridge shall not exceed \$369,000 and will come from Account No. H5120.200 (Maintenance of Bridges) in the 2012 County Budget.

4. That in accordance with Resolution No. 65-95, the County's share of such cost is estimated to be \$313,650 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 \$55,350, shall be paid to the County pursuant to the provisions of section 1 g. of Resolution No. 65-95.

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

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

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

Comments made regarding Resolution No. 18-12 included the following:

Legislator Pullen pointed out that this program is not mandated by New York State, but should be mandated by common sense. If the two percent tax cap continues and we don't find other funding streams, we're going to have to start eliminating some of the things we do. We need to maintain our infrastructure, but we need to understand that as the mandates continue and increase and the tax cap limits our options, we'll be faced with hard choices. He just hopes we can find a way to avoid having to say no to projects like this in the future.

Legislator Sinclair commended the State of New York for continued support of CHIPs appropriation. We were notified that the amount we will receive for roads has remained the same for this coming year.

RESOLUTION NO. 19-12

A RESOLUTION IN RELATION TO THE RECONSTRUCTION OF LOCAL BRIDGE NO. 24-17 (B.I.N. 2215020) IN TOWN OF SCIO

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 Local Bridge No. 24-17 (B.I.N. 2215020) on Pixley Hill Road in the Town of Scio should be reconstructed, and

WHEREAS, the County Public Works Department has submitted plans, maps, and specifications for the reconstruction of such Bridge and estimated the project costs at \$322,000, 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 Local Bridge No. 24-17 (B.I.N. 2215020) on Pixley Hill Road in the Town of Scio to be of sufficient importance to be reconstructed.

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

3. That the authorized cost for the construction of such Bridge shall not exceed \$322,000 and will come from Account No. H5120.200 (Maintenance of Bridges) in the 2012 County Budget.

4. That in accordance with Resolution No. 65-95, the County's share of such cost is estimated to be \$273,700 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 \$48,300, shall be paid to the County pursuant to the provisions of section 1 g. of Resolution No. 65-95.

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

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

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

RESOLUTION NO. 20-12

**A RESOLUTION IN RELATION TO THE RECONSTRUCTION OF
LOCAL BRIDGE NO. 04-04 (B.I.N. 2254690) IN TOWN OF ALMOND**

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 Local Bridge No. 04-04 (B.I.N. 2254690) on Depot Street (a.k.a. Erie Avenue) in the Town of Almond should be reconstructed, and

WHEREAS, the County Public Works Department has submitted plans, maps, and specifications for the reconstruction of such Bridge and estimated the project costs at \$175,000, 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 Local Bridge No. 04-04 (B.I.N. 2254690) on Depot Street (a.k.a. Erie Avenue) in the Town of Almond to be of sufficient importance to be reconstructed.
2. That the plans, maps, and specifications prepared by the County Public Works Department are approved, and the County Public Works Department is directed to construct such Bridge in accordance with such plans, maps, and specifications.
3. That the authorized cost for the construction of such Bridge shall not exceed \$175,000 and will come from Account No. H5120.200 (Maintenance of Bridges) in the 2012 County Budget.
4. That in accordance with Resolution No. 65-95, the County's share of such cost is estimated to be \$148,750 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 \$26,250, shall be paid to the County pursuant to the provisions of section 1 g. of Resolution No. 65-95.
6. That such Bridge shall not be reconstructed until the Town of Almond files the appropriate Town Board resolution in accordance with Resolution No. 65-95.

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

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

Comments made regarding Resolution No. 20-12 included the following: Legislator Fanton pointed out that we're doing three town bridges and only one County bridge this year, and that has to do with efforts made to stay within our two percent tax cap.

RESOLUTION NO. 21-12

**ESTABLISHING A 2012 CAPITAL PROJECT ACCOUNT FOR
COUNTY BRIDGE NO. 02-07, COUNTY ROAD 15, TOWN OF ALLEN;
PROVIDING FUNDING FOR SUCH CAPITAL ACCOUNT**

Offered by: Public Works and Ways and Means Committees

RESOLVED:

1. A Capital Project Account is established within the Capital Fund for County Bridge No. 02-07 on County Road 15 in the Town of Allen.
2. The funding for such Capital Project Account will come from Account No. H5120.200 (Maintenance of Bridges) in the 2012 County Budget.
3. That the sum of \$506,700 for such Capital Project will be transferred to an account number to be designated by the County Treasurer.

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

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

RESOLUTION NO. 22-12

**ACCEPTANCE OF INSURANCE PAYMENTS FROM NYMIR
AND UNITED SERVICES AUTOMOBILE ASSOCIATION (USAA);
APPROPRIATION OF FUNDS TO INSURANCE RECOVERY ACCOUNT**

Offered by: Ways and Means Committee

WHEREAS, a check in the amount of \$314.81, representing a supplemental charge and reimbursement for repairs to a 2010 Chevy Tahoe that was damaged during a motor vehicle/deer accident on November 14, 2011, has been offered by NYMIR in settlement for such damage, and

WHEREAS, a check in the amount of \$2,255.55 and supplemental check in the amount of \$338.74, representing the cost to repair a 2010 Dodge Caravan that was damaged on December 2, 2011, has been submitted from United Services Automobile Association (USAA), now, therefore, be it

RESOLVED:

1. That the sum of \$2,909.10, representing repairs to a 2010 Chevy Tahoe and a 2010 Dodge Caravan, is accepted and placed in the 2011 accounts receivable and posted to Revenue Account No. CS07.2680.00.

Moved by: Mr. Hopkins
Seconded by: Mr. Sinclair

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

(Memo: Regarding Resolution No. 22-12, the 2010 Chevy Tahoe is a Sheriff's Office vehicle, and the 2010 Dodge Caravan is an Office for the Aging vehicle.)

RESOLUTION NO. 23-12

**ACCEPTING AND APPROPRIATING FUNDS FROM
NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES TO
PROBATION PERSONNEL SERVICES ACCOUNT**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That the sum of \$3,624 from New York State Division of Criminal Justice Services for a three-month Probation Eligible Diversion (PED) "bridge" contract for period January 1, 2012, through March 31, 2012, is accepted.

2. That the accepted sum of \$3,624 is appropriated to Account No. A3140.1 (Probation – Personnel) with a like sum credited to Revenue Account No. A10.3310.03 (State Aid – Probation Eligible Diversion).

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

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

RESOLUTION NO. 24-12

**RESOLUTION ACCEPTING FEDERAL AND STATE COLA FUNDS
FOR THE 2012 CHILDREN WITH SPECIAL HEALTH CARE NEEDS PROGRAM;
APPROPRIATION OF FUNDS**

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. The sum of \$1,435 in COLA funds for the County Health Department Children with Special Health Care Needs Program is accepted and appropriated to Account No. A4054.4 with a like sum credited to Revenue Account No. A10.3401.4054.

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

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

RESOLUTION NO. 25-12

**APPROVAL AND RATIFICATION OF SEVEN-YEAR AGREEMENT BETWEEN
COUNTY OF ALLEGANY AND NEW YORK STATE NURSES ASSOCIATION;
IMPLEMENTING 2008 COMPENSATION NOTWITHSTANDING
PROVISIONS OF RESOLUTION NO. 85-2004**

Offered by: Personnel Committee

RESOLVED:

1. That Agreement between the County of Allegany and the New York State Nurses Association covering the period January 1, 2008, to December 31, 2014, is approved.
2. That notwithstanding the provisions of section 3 of Resolution No. 85-2004 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 New York State Nurses 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 Schedule A of such Agreement, and which salary or rate of compensation such unit employee is entitled to receive commencing January 1, 2008, pursuant to such 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 the Chairman of this Board is authorized to execute and ratify 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
14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 26-12

**APPROVAL OF AGREEMENT BETWEEN THE COUNTY OF ALLEGANY AND
THE GREATER ALLEGANY COUNTY CHAMBER OF COMMERCE
TO ADMINISTER COUNTY TOURISM;
AUTHORIZING BOARD CHAIRMAN TO EXECUTE SAID AGREEMENT**

Offered by: Planning and Economic Development Committee

RESOLVED:

1. That Agreement between the County of Allegany and the Greater Allegany County Chamber of Commerce to administer tourism as the County Tourism Promotion Agency for an annual fee of \$80,000, commencing January 1, 2012, and ending on December 31, 2012, is approved.
2. That the Chairman of this Board is authorized to execute said Agreement.

Moved by: Mr. Sinclair
Seconded by: Mr. Curran

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

RESOLUTION NO. 27-12

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

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, 2012, through December 31, 2014, in an amount not to exceed \$3,000 per year, is approved.
2. That an adjustment to the 2012 budget shall be made by appropriating the sum of \$800 to Account No. A4010.1 (Health Department – Personnel) with a like sum credited to Revenue Account No. A03.2280.4037.
3. That the Chairman of this Board is authorized to execute such agreement.

Moved by: Mr. Burdick
Seconded by: Mr. Graves

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

Comments made regarding Resolution No. 27-12 included the following:

Legislator Ungermann questioned if this might be one of the non-mandated programs that has run its course, and it's time to eliminate it. He was told that it's very rare to have more than possibly one lead poisoning case in a year.

Public Health Director Loreen Ballengee responded that she believes the lead program is mandated by the New York State Department of Health. There might be only a couple of cases per year with elevated lead levels, but the Health Department also does a lot with lead prevention. Children are legally required to be tested at ages one and two, and the Health Department assists the doctors and also does the testing themselves as a Public Health service. We have the certified staff and the machine to run the tests. This \$3,000 from Cattaraugus County helps offset the costs of the certification and the machine that we're required to have anyway. Cattaraugus County contracts with Allegany County for the eastern part of their county, and with Chautauqua County for the western part.

RESOLUTION NO. 28-12

**RESOLUTION APPROVING THE INTER-MUNICIPAL MUTUAL AID AGREEMENT
BETWEEN THE COUNTY OF ALLEGANY AND
THE ALLEGANY COUNTY TOWN HIGHWAY SUPERINTENDENTS ASSOCIATION**

Offered by: Public Works Committee

RESOLVED:

1. That the Inter-Municipal Mutual Aid Agreement between the County of Allegany and the Allegany County Town Highway Superintendents Association for period January 1, 2012, to December 31, 2012, is approved.

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

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

(Memo: The Mutual Aid Agreement approved by Resolution No. 28-12 allows any participating municipality within the County to assist another municipality with highway projects, maintenance and emergency road work, or any similar function, and it allows the proper authorities to expedite the work flow as quickly as possible.)

Comments made regarding Resolution No. 28-12 included the following: Legislator Ungermann noted that he's in favor of the County and towns helping each other, but there's no schedule of payments or value for these in-kind services, so he wouldn't support the resolution.

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 Graves and adopted on a roll call vote of 13 Ayes, 1 No, 1 Absent, that the audit of claims, totaling \$2,509,292.09, 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 \$562,686.)*

NEW STANDING COMMITTEE ASSIGNMENTS:

Chairman Crandall distributed copies of his assignments to the **STANDING AND SPECIAL COMMITTEES OF THE BOARD OF LEGISLATORS FOR 2012**, revised due to the Committee changes adopted by Resolution No. 15-12. Assignments are as follows; Chairmen and Vice Chairmen are listed first:

FACILITIES AND COMMUNICATIONS:

Pullen, Healy, Benson, Fanton, Graves, McGraw, Sinclair

HUMAN SERVICES:

Burdick, LaForge, Cady, Curran, Graves, Sinclair

PERSONNEL:

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

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

Pullen, O’Grady

PLANNING AND ECONOMIC DEVELOPMENT:

Sinclair, Pullen, Curran, Graves, Healy, Hopkins, LaForge

PUBLIC SAFETY:

Healy, Benson, Burdick, Hopkins, McGraw, Ungermann

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

Special – Energy & Resources Ad Hoc Committee:

(Sub-Committee of Ways & Means)

LaForge, Benson, Healy, Sinclair, Marvin Covert, Guy James

Legislator Pullen, as Chairman of the new Facilities and Communications Committee, requested the meeting date and time remain the same as it was for the Court Facilities and County Space Needs Committee (first Wednesday of the month at 3 p.m.), at least for the first month. Then a decision can be made based on what works best for those on the committee. (Meeting for February will be Thursday, instead of Wednesday, to allow for attendance at the NYSAC Conference.)

ADJOURNMENT: The meeting was adjourned at 3:42 p.m. following a motion made by Legislator Graves, seconded by Legislator Curran and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
FEBRUARY 13, 2012**

**** 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 3rd Class Larry Barnes.

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, Timothy O'Grady, David Pullen, Frederick Sinclair; 1 Legislator Absent: Norman Ungermann, Jr.

APPROVAL OF MINUTES:

The Committee of the Whole meeting minutes of January 11, 2012, were approved on a motion made by Legislator Curran, seconded by Legislator Graves and carried.

The Board meeting minutes of January 23, 2012, 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 Larry Barnes, former United States Navy Petty Officer 3rd Class, in grateful appreciation of his service to our Country. Mr. Barnes' service dates were from July 1961 to July 1965. Following Basic Training at Great Lakes Naval Base, IL, he was assigned to the USS Taussig. Awards he received included: National Defense Service Medal, Armed Forces Expeditionary Medal, and several letters of commendation. Mr. Barnes 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:

BOCES County Government Intern Instructor John Malachowsky introduced this year's Interns. Due to transportation problems, some Interns were unable to stay for the Board meeting, but a complete roster of the 24 participating students includes: Andover: Colby Allen, Joe Bryan, Ryan Dougherty, Mitchell Gavin, Emily Goldsmith, William Walker, and Zachary Work; Belfast: Dan Cooper; Bolivar-Richburg: Halley Kottwitz; Cuba-Rushford: Grace Armison, Casey Cappelletti, Austin Fowler, Steven Higley, Angela McCutcheon, Danielle Morgan, Kelsey Schwenderman, Alan Sweet, Damian Weierheiser,

and Breanna Winicki; Wellsville: Kelsey Denhoff, Kara Slep, Chloe Smith, Josh Winans, and Tabitha Wisotzke.

Belfast Central School Business Official Robert Lingenfelter, accompanied by Belfast Central School Superintendent Judy May and Fillmore Central School Business Official Thomas Ricketts, gave a presentation on how the state economic picture is affecting County schools and how state aid is currently distributed inequitably (handouts attached to original minutes). For this current school year, a seven percent cut in state aid was proposed for all schools statewide. While that seems, on the surface, to be equitable, the wealthier school districts take a much smaller hit. If the majority of their money comes from their taxpayers, then a seven percent cut in state aid is very small in proportion to our rural districts that have a much higher state aid percentage. A seven percent reduction in aid for a rural school has a much greater impact because we have much more state aid.

If there is no increase, or a very minimal increase, in state aid and with the two percent tax cap in place, school districts will have three choices: 1) reduce expenditures, which means cutting programs; 2) cut positions, which also will mean cutting programs; or 3) use more fund balance. The problem is that schools have a four percent cap on their fund balance. They don't have unlimited access to fund balance to help them through these tough years, and some schools have already used a lot, so they're running low.

Public schools are a significant component in the economic engine of the region. Reduced spending will mean fewer employees and negative growth. Our school system is a critical piece in attracting economic development to the region.

BOCES did a comparison of Cattaraugus and Allegany County schools to similarly-sized wealthier districts downstate to show how state aid cuts have impacted both types of districts. Mr. Lingenfelter used Belfast as an example, and compared them to Remsenburg-Speonk in Suffolk County, which has a similar student enrollment. Belfast's wealth ratio is 0.3; R-S's is 5.37. Wealth ratio is based on an average of 1, with ratios of lower than 1 signifying poorer districts, and ratios of higher than 1 signifying wealthier districts. The Gap Elimination Adjustment for 2012-2013 shows Belfast losing \$440,165 in state aid; R-S is losing \$112,439. They are a wealthier district and don't rely a lot on state aid, so they had a much smaller cut than Belfast did. The information also shows the amounts each district can raise with a 1 percent tax levy increase: Belfast - \$15,158, and R-S - \$107,355. Even though R-S has the same number of students, they rely more heavily on their taxpayers and can raise much more money than Belfast can with a tax increase. If both schools were to try to offset the loss from the Gap Elimination Adjustment, R-S would only have to raise their taxes 1 percent, where Belfast would have to raise theirs 29 percent.

A summary of how the state aid changes have affected our schools this year was compiled by BOCES. The net impact for 2012-13: Allegany-Cattaraugus school districts will have a shortfall of over \$13.8 million. The new tax cap legislation will only allow districts to raise taxes by \$1.8 million. As a result, Allegany-Cattaraugus schools will have to cut an estimated \$12 million from their budgets for the 2012-13 school year. Program cuts would include non-mandated items such as: Kindergarten, athletics, co-curricular activities, AP

courses, enrichment courses, elementary art, music, language programs, after school programs, and summer school. Additional information is available on the Internet at www.statewideonline.org. This website was set up by the Statewide School Finance Consortium, a group that is advocating for more equitable distribution of state aid so that the rural schools aren't hit so hard.

Mr. Lingenfelter requested that the Board of Legislators consider the following: For the short term, there is money set aside for Efficiency Grants at the state level. Some Legislators are pushing to have this money freed up for rural schools without requiring applications. If these funds were released to the rural schools, it would make the state aid picture more equitable. Long term, Mr. Lingenfelter's group is requesting a resolution from the County Legislature in support of a more equitable state aid split for our rural school districts, because, "A student's zip code should not dictate the quality of his education" (*quote from Richard Timbs, Statewide School Finance Consortium*).

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

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

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

The following communications were also acknowledged:

1. The County Treasurer filed Certificates of Withdrawal of Delinquent Tax Lien for properties in the Towns of Wirt and Rushford pursuant to Article 11 of the Real Property Tax Law in the Clerk of the Board's Office on January 31 and February 9, 2012.
2. Correspondence from the Allegany County Association for the Blind and Visually Handicapped thanking the Board for its continued support and annual appropriation check.
3. Invitation for the Business and Educational Community to attend the 2nd Annual Open House/Community Night on February 15 from 3 to 7 p.m. at the Career and Technical Center in Belmont.

APPOINTMENTS:

Chairman Crandall, in a joint measure with Norman Marsh, Chairman of the Cattaraugus County Board of Legislators, appointed Keith Kranick to replace Jesse Gugino on the **CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD** for an unexpired, three-year term ending December 31, 2012.

Chairman Crandall has appointed the following as members of the **ALLEGANY COUNTY YOUTH BOARD**, for terms as listed, subject to confirmation by the Board of Legislators:

Jasmine Heaney	District IV	New appointment, expiring 03/25/13
Amy Jacobson	District V	New appointment, expiring 03/25/14
Jessica Jennings	District I	Reappointment, expiring 03/25/15
Kathy Morris	District II	Reappointment, expiring 03/25/15
Jack Emrick	District III	Reappointment, expiring 03/25/15
Michele Henry	District IV	Reappointment, expiring 03/25/15
Vicky Westacott	District V	Reappointment, expiring 03/25/15

Chairman Crandall has appointed Rodney K. Bennett of Dalton, NY, to serve on the **ALLEGANY COUNTY AGRICULTURAL AND FARMLAND PROTECTION BOARD** coterminous with his designation as Chairman of the Soil and Water Conservation District's Board of Directors, for a one-year term expiring December 31, 2012.

RESOLUTIONS:

RESOLUTION INTRO. NO. 29-12 (RESOLUTION ESTABLISHING NEW BENEFITS PACKAGE FOR ALLEGANY COUNTY POSITIONS DESIGNATED AS PART-TIME) was WITHDRAWN and referred back to Personnel Committee for further clarification following a motion made by Legislator O'Grady, seconded by Legislator Curran, and carried.

RESOLUTION NO. 29-12

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 reappointed to the Allegany County Planning Board, with term of office for each commencing January 1, 2012, and expiring as set forth below:

Robert Ellis	District II, Belmont, NY	December 31, 2014
Wendall Brown	District III, Scio, NY	December 31, 2014
James E. Ninos	District V, Alfred, NY	December 31, 2014

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 reappointed ex-officio members of the Allegany County Planning Board with term of office to commence January 1, 2012, and expiring December 31, 2012.

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

Adopted: Voice Vote

RESOLUTION NO. 30-12

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

Offered by: Planning and Economic Development Committee

Pursuant to Environmental Conservation Law § 11-0501

RESOLVED:

1. That the reappointment by the Chairman of this Board of Dwight R. Fanton, as Legislative Representative Member, and Douglas D. Burdick, as Alternate Legislative Member, to the Region Nine Fish and Wildlife Management Board, with term of office commencing January 1, 2012, and expiring December 31, 2013, is approved.

2. That the reappointment by the Chairman of this Board of Gilbert Childs, as a Sportsmen's Representative Member, and John Lewis, as Alternate Sportsmen's Representative Member, to the Region Nine Fish and Wildlife Management Board, with term of office commencing January 1, 2012, and expiring December 31, 2013, is approved.

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

Adopted: Voice Vote

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 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$4,214,266.85, 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 \$1,125,372.*) Comments made regarding approval of the audits included the following:

Legislator Sinclair asked about the Snowmobile Grant, and County Administrator John Margeson replied that it is pass-through funding from the state with no local contribution.

Legislator Burdick questioned expenditures under Health. County Treasurer Terri Ross responded that \$290,000 is attributed to BOCES for the Handicapped Children's Program, and the rest is regular expenses. Mr. Burdick pointed out that the Handicapped Children's expenses should fall under Education, not Health.

Legislator Pullen noted that the Governor's Office proposed some mandate relief for counties for Medicaid and other programs. There's nothing included in the budget for relief for this year, and next year it's one percent of the increase, not picking up anything of the more than \$7 billion the counties have to pay statewide. Then, over the next several years, there will be a slowing growth in what we have to pay, and theoretically in three years, the increases will stop. Rather than mandate relief, they're just slowing the rate of growth for us. So, it's not only the schools that are being hit with some of these changes, we continue to be hit, and the relief we've been promised is all out in the future. Chairman Crandall commented that the one percent proposed by the Governor for next year's budget amounts to a little over \$80,000 against the \$10 million Medicaid expense Allegany County has budgeted for. It's a very small proportion.

ADJOURNMENT: The meeting was adjourned at 2:35 p.m. on a motion made by Legislator Graves, seconded by Legislator O'Grady and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
FEBRUARY 27, 2012**

**** 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 Army Staff Sergeant Timothy M. Filkins.

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 February 13, 2012, 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 Timothy M. Filkins, United States Army Staff Sergeant, in grateful appreciation of his service to our Country. Mr. Filkins' service dates were from August 5, 2003, to March 5, 2012 (Veteran is on Terminal Leave). Following Basic Training at Fort Leonard Wood, MO, assignments included: Defense Language Institute, Monterey, CA; Goodfellow Air Force Base, San Angelo, TX; Darmstadt, Germany; Fort Bragg, NC; and deployment to Iraq, Afghanistan, and Africa. Mr. Filkins learned to speak Serbian and Persian Farsi languages for military occupation. He worked as a Cryptologic Linguist/Analyst. Commendations he received included: Army Commendation Medal (2nd award), Army Achievement Medal, NATO Campaign Medal, Joint Meritorious Unit Award, Meritorious Unit Commendation, Army Good Conduct Medal (2nd award), National Defense Service Medal, Afghanistan Campaign Medal (with two Campaign Stars), Global War on Terrorism Service Medal, Iraq Campaign Medal with Campaign Star, Non-Commissioned Officers Professional Development Ribbon, Army Service Ribbon, and Overseas Service Ribbon (2nd award). Mr. Filkins led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. March 2012 Calendar of Board and Standing Committee meetings.

2. Correspondence from ACCORD Corporation regarding their Strategic Planning Survey.
3. Executed copy of the Payment in Lieu of Tax Agreement and the Application of Real Property Tax Exemption by and between Allegany County Industrial Development Agency and Swain Recreation Center, LLC.

APPOINTMENTS:

The Clerk of the Board announced that Chairman Crandall has appointed Chris Reinbold of Whitesville, New York, to serve on the **ALLEGANY COUNTY AGRICULTURAL AND FARMLAND PROTECTION BOARD** for a four-year term commencing March 4, 2012, and expiring March 4, 2016.

RESOLUTIONS:

RESOLUTION NO. 31-12

A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE LOCAL GOVERNMENT EFFICIENCY GRANT PROGRAM FOR THE 2011-2012 PROGRAM YEAR TO HELP UNDERWRITE THE COST OF THE ALLEGANY COUNTY WATER SYSTEMS SHARING OPPORTUNITIES ANALYSIS PROJECT; AUTHORIZING THE CHAIRMAN OR HIS DESIGNEE TO SUBMIT SUCH APPLICATION

Offered by: Ways and Means Committee

WHEREAS, this Board is interested in enhancing the quality of public services available to the residents of Allegany County while at the same time reducing the overall cost of such services, and

WHEREAS, this Board finds that reducing the cost and enhancing the overall efficiency of municipal water systems operating in Allegany County is in the interest of all County residents by promoting the general health and economic welfare of the entire County, and

WHEREAS, this Board supports a grant application to the Local Government Efficiency Grant Program for a proposed Allegany County Water Systems Sharing Opportunities Analysis Project to help develop a plan with the goal of fostering greater efficiencies in the operation and provision of water by the various municipal water systems operating in Allegany County, and

WHEREAS, this Board agrees that Allegany County should act as the lead applicant on the grant application, and

WHEREAS, as part of the proposed Allegany County Water Systems Sharing Opportunities Analysis Project, Allegany County will enter into agreements with each municipality requiring the municipality to work with the County and its designated subcontractors to analyze the issues facing each water system, the extent of infrastructure in place for each system, the staff requirements and capacity of each system, available equipment in each system, the projected needs for the next ten years of each system, and other pertinent information applicable to the development of a plan, and

WHEREAS, it is anticipated that the plan will develop a matrix together with supporting documentation that shows how each water system can benefit and/or provide services to other systems in the County, and

WHEREAS, it is further anticipated that the plan will establish sample intermunicipal agreements for the various town and village boards to consider with examples of how operational efficiencies could be obtained by these municipalities while further providing an opportunity to enter into such agreements if deemed beneficial to such municipalities, now, therefore, be it

RESOLVED:

1. That Allegany County is hereby authorized to file an application to the Local Government Efficiency Grant Program as lead applicant in the form required by the State of New York and in conformity with the applicable laws of the State of New York, including all understandings and assurances contained in said application.

2. That the Chairman of this Board or his designee is directed and authorized, as the official representative of Allegany County, to act in connection with the application, 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 Allegany County agrees to provide the cash match required by the grant of approximately \$5,000 with no cost to any of the towns and villages participating in this project and further agrees to provide in-kind service in the form of time by staff and board members to create a thorough analysis and plan solution.

4. The cash match for this project will come from an account to be determined by the County Treasurer.

5. This resolution shall take effect immediately.

Moved by: Mr. Hopkins
Seconded by: Mr. LaForge

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

RESOLUTION NO. 32-12

RESOLUTION DESIGNATING OFFICIAL NEWSPAPERS FOR

**THE PUBLICATION OF LOCAL LAWS, NOTICES, AND OTHER MATTERS
REQUIRED BY LAW TO BE PUBLISHED IN 2012**

Offered by: Ways and Means Committee

WHEREAS, in accordance with subdivision 1 of Section 214 of the County Law, the members of this Board of Legislators, representing respectively each of the two principal political parties into which the people of this State are divided, have designated in writing the newspapers set forth below to publish, in 2012, the concurrent resolutions of the State Legislature, election notices issued by the Secretary of State, and the official canvass:

Concurrent resolutions of the Legislature:

The Alfred Sun, Alfred, New York (Republican)
Cuba Patriot & Free Press, Cuba, New York (Democrat)

Election Notices and Official Canvass:

Wellsville Daily Reporter, Wellsville, New York (Republican)
Cuba Patriot & Free Press, Cuba, New York (Democrat)

WHEREAS, subdivision 2 of Section 214 of the County Law requires this Board of Legislators to annually designate at least two newspapers within the County of Allegany as official newspapers for the publication of all local laws, notices, and other matters required by law to be published, now, therefore, be it

RESOLVED:

1. That the newspapers listed below are designated as the official newspapers of the County of Allegany for the publication of local laws, notices, and other matters required by law to be published in 2012:

Wellsville Daily Reporter, Wellsville, New York (Republican)
Cuba Patriot & Free Press, Cuba, New York (Democrat)

Moved by: Mr. Hopkins
Seconded by: Mr. Curran

Adopted: Voice Vote

RESOLUTION NO. 33-12

**CONFIRMATION OF BOARD CHAIRMAN'S REAPPOINTMENTS AND APPOINTMENTS
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 Jessica Jennings (District I), Belmont, New York, Kathy Morris (District II), Cuba, New York, Jack Emrick (District III), Scio, New York, Michele Henry (District IV), Wellsville, New York, and Vicky Westacott (District V), Alfred, New York, to the County Youth Board, with term of office for each commencing March 25, 2012, and expiring March 25, 2015, are confirmed.

2. That the appointments by the Chairman of this Board of Jasmine Heaney (District IV), Wellsville, New York, with term of office commencing March 25, 2012, and expiring March 25, 2013, and Amy Jacobson (District V), Alfred, New York, with term of office commencing March 25, 2012, and expiring March 25, 2014, to fill vacancies to the County Youth Board due to the resignation of Ann Baldwin and Gary Ostrower, are confirmed.

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

Adopted: Voice Vote

Resolution Intro. No. 35-12 (ACCEPTANCE OF THE INSURANCE PROPOSAL OF SAFETY NATIONAL CASUALTY CORPORATION SUBMITTED BY HUMPHREY AND VANDERVOORT, INC. FOR EXCESS/STOP-LOSS INSURANCE COVERAGE FOR ALLEGANY COUNTY WORKERS' COMPENSATION SELF-INSURANCE PLAN) was amended on a motion made by Legislator O'Grady, seconded by Legislator Graves and carried, by changing Humphrey and Vandervoort, Inc. to EBS-RMSCO, Inc. in both the title and Resolved No. 1.

RESOLUTION NO. 34-12

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

Offered by: Personnel Committee

Pursuant to Local Law No. 3 of 2002

RESOLVED:

1. That the Safety National Casualty Corporation insurance proposal for excess/stop-loss insurance coverage, including employer's liability coverage, for the Allegany County Workers' Compensation Self-Insurance Plan as submitted by EBS-RMSCO, Inc. to the County of Allegany for the period February 15, 2012, to February 15, 2013, is approved.

2. That the premium not to exceed \$72,514 is charged to the several accounts of the 2012 County Final Budget in which the funds are proportionately provided to cover the whole of such premium.

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

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

RESOLUTION NO. 35-12

**RESOLUTION ACCEPTING FEDERAL GRANT FUNDING FROM
THE UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF VIOLENCE AGAINST WOMEN FOR EXPANDING THE RRR PROGRAM,
FORMERLY KNOWN AS THE ACT II PROGRAM;
APPROPRIATION OF SUCH FUNDS**

Offered by: Public Safety and Ways and Means Committees

WHEREAS, in March 2011, the ACCORD Corporation applied for a three-year grant from the United States Department of Justice Office of Violence Against Women, and

WHEREAS, ACCORD requested funding for the Allegany County Sheriff's Office to continue and expand the RRR Program (respect, responsibility and reality), formerly known as the ACT II Program, now, therefore, be it

RESOLVED:

1. That the sum of \$27,300 of federal grant funding for period October 1, 2011, to September 30, 2014, to be used by the Sheriff's Office to continue and expand the RRR Program, is accepted.

2. That the accepted sum of \$27,300 is appropriated to Account No. A3117.449 (ACT II Batterers Program – Contractual) with a like sum placed in Revenue Account No. A03.2260.3117 (Intergovernmental Charges – ACT II Batterers Program).

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

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

(Memo: The grant accepted by Resolution No. 35-12 is for \$27,300 annually for three consecutive years.)

RESOLUTION NO. 36-12

**A RESOLUTION REAPPROPRIATING THE UNEXPENDED FUNDING FROM
NEW YORK STATE FOR THE ACT II BATTERERS PROGRAM**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That unexpended funds in the amount of \$3,726 for the ACT II Batterers Program are reappropriated to Account No. A3117.4 with a like sum credited to Revenue Account No. A03.2260.3117.

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

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

(Memo: The grant funds referred to in Resolution No. 36-12 were originally accepted by Resolution No. 57-09 in the amount of \$10,000, and were reappropriated previously by Resolution Nos. 71-10 and 35-11.)

RESOLUTION NO. 37-12

**A RESOLUTION REAPPROPRIATING THE UNEXPENDED FUNDING
FOR CALENDAR YEARS 2008, 2009, AND 2010 FROM
THE NEW YORK STATE OFFICE OF HOMELAND SECURITY
FOR THE SLETPP HOMELAND SECURITY GRANT**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That unexpended funds in the amount of \$5,938 from the 2008 SLETPP Homeland Security Grant (Project #LE08-1057-E00) are reappropriated to Account No. A3645.2 (Homeland Security – Equipment) with a like sum credited to Revenue Account No. A10.3306.SHF7 (State Aid – Homeland Security – Sheriff).

2. That unexpended funds in the amount of \$8,688 from the 2009 SLETPP Homeland Security Grant (Project #LE09-1076-E00) are reappropriated to Account No. A3645.2 (Homeland Security – Equipment) with a like sum credited to Revenue Account No. A10.3306.SHF7 (State Aid – Homeland Security – Sheriff).

3. That unexpended funds in the amount of \$22,328 from the 2010 SLETPP Homeland Security Grant (Project #LE10-1039-E00) are reappropriated to Account No. A3645.2 (Homeland Security – Equipment) with a like sum credited to Revenue Account No. A10.3306.SHF7 (State Aid – Homeland Security – Sheriff).

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

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

(Memo: The grant funds referred to in Resolution No. 37-12 were originally accepted and/or reappropriated as follows: Resolved No. 1, the 2008 grant was accepted by Resolution No. 40-09 in the amount of \$23,750 and reappropriated by Resolution Nos. 71-10 and 35-11;

Resolved No. 2, the 2009 grant was accepted by Resolution No. 152-10 in the amount of \$34,750 and reappropriated by Resolution No. 35-11; and Resolved No. 3, the 2010 grant was accepted by Resolution No. 64-11 in the amount of \$22,328.)

RESOLUTION NO. 38-12

**A RESOLUTION REAPPROPRIATING THE UNEXPENDED FUNDS
RECEIVED FROM THE GOVERNOR'S TRAFFIC SAFETY PROGRAM
STEPS IN SAFETY GRANT (SAFETY ON WHEELS)
FROM OCTOBER 1, 2011, THROUGH SEPTEMBER 30, 2012**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That the unexpended funds from the Governor's Traffic Safety Program STEPS in Safety Grant (Safety on Wheels) in the amount of \$2,368.92 are reappropriated to Account No. A3114.4 (Traffic Program – Contractual) with a like sum credited to Revenue Account No. A10.3389.3114 (State Aid – STOP-DWI – STEPS in Safety).

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

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

(Memo: The grant funds referred to in Resolution No. 38-12 were originally accepted by Resolution No. 192-11 in the amount of \$2,400.)

RESOLUTION NO. 39-12

**APPROVING SUPPLEMENTAL AGREEMENT #2 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 amended by Resolution No. 119-2011, and

WHEREAS, it is necessary to approve Supplemental Agreement #2 to extend the Contract end date to December 31, 2013, and change the Project Type from Bridge Replacement to Bridge Rehabilitation, and

WHEREAS, Supplemental Agreement #2 will also decrease the Design phase funding, eliminate the Right of Way phase funding, and add the Construction and

Construction Inspection phase funding with correlating Marchiselli monies, now, therefore, be it

RESOLVED:

1. That Supplemental Agreement #2 between the County of Allegany and New York State Department of Transportation to extend the Contract end date to December 31, 2013, change the Project Type from Bridge Replacement to Bridge Rehabilitation, decrease the Design phase funding, eliminate the Right of Way phase funding, and add the Construction and Construction Inspection phase funding with correlating Marchiselli monies, is approved.

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

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

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

(Memo: Regarding Resolution No. 39-12, the Bridge Rehabilitation Project Number is 6754.52.)

RESOLUTION NO. 40-12

AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE OF 100 PERCENT OF THE FEDERAL AID AND STATE "MARCHISELLI" PROGRAM AID ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL AID PROJECT AND APPROPRIATING FUNDS

Offered by: Public Works and Ways and Means Committees

WHEREAS, a Project for the resurfacing of CR 10, in the Towns of Alfred, Ward, and Scio, Allegany County, PIN 6754.57 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80 percent Federal funds and 20 percent non-federal funds, and

WHEREAS, the County of Allegany desires to advance the Project by making a commitment of 100 percent of the non-federal share of the costs of the Resurfacing of CR 10, in the Towns of Alfred, Ward, and Scio, Allegany County, now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators hereby approves the above Project.

2. That the Allegany County Board of Legislators authorizes the County of Allegany to pay in the first instance 100 percent of the federal and non-federal share of the

cost of Design and Construction/Construction Inspection work for the Project or portions thereof.

3. That the sum of \$1,416,000 is appropriated from an account to be designated by the County Treasurer and made available to cover the cost of participation in the above phase of the Project.

4. That in the event the full federal and non-federal share of the Project exceeds the amount appropriated above, the Allegany County Board of Legislators shall convene as soon as possible to appropriate said excess amount immediately.

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

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

7. This Resolution shall take effect immediately.

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

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

Resolution Intro. No. 42-12 (AUTHORIZING ALLEGANY COUNTY TO ENTER INTO AN AGREEMENT WITH SOUTHERN TIER WEST REGIONAL PLANNING AND DEVELOPMENT BOARD TO MANAGE THE ADMINISTRATION OF A NYSERDA GRANT AWARDED 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 Sinclair, seconded by Legislator LaForge and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 41-12

AUTHORIZING ALLEGANY COUNTY TO ENTER INTO AN AGREEMENT WITH SOUTHERN TIER WEST REGIONAL PLANNING AND DEVELOPMENT BOARD TO MANAGE THE ADMINISTRATION OF A NYSERDA GRANT AWARDED UNDER THE CLEANER, GREENER COMMUNITIES REGIONAL SUSTAINABILITY PLANNING PROGRAM

Offered by: Legislator Frederick Sinclair and Ways and Means Committee

WHEREAS, acting as lead municipality, Allegany County previously applied for a grant from the New York State Energy Research and Development Authority (NYSERDA) to develop, in cooperation with other Western New York municipalities, a Western New York Regional Sustainability Plan under the Cleaner, Greener Communities Regional Sustainability Planning Program, and

WHEREAS, Allegany County has been informed that this grant was awarded and NYSERDA is currently in the process of preparing an agreement outlining the specific terms of the grant, and

WHEREAS, timely completion of the Sustainability Plan will require work to commence on the project at the earliest possible date, and

WHEREAS, Southern Tier West Regional Planning and Development Board (Southern Tier West) has been actively involved in assisting Western New York municipalities with the grant application and has agreed to administer the terms of the grant, and

WHEREAS, Allegany County believes that it is in the best interests of the County to enter into an agreement with Southern Tier West to administer the grant on behalf of Allegany County, now therefore, be it

RESOLVED:

1. The agreement between Allegany County and Southern Tier West Regional Planning and Development Board to administer the terms of a NYSERDA grant for the purpose of developing a Western New York Regional Sustainability Plan is approved.

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

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

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

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 Graves and adopted on a roll call vote of 13 Ayes, 0 Noes, 2 Absent, that the audit of claims, totaling \$1,632,753.93, 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 \$1,500,496.*)

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

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
MARCH 12, 2012**

**** 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 (WAVES) Yeoman First Class Eunice M. Berry.

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, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Frederick Sinclair, Norman Ungermann, Jr.; 2 Legislators Absent: Dwight Fanton, Theodore Hopkins

APPROVAL OF MINUTES:

The Board meeting minutes of February 27, 2012, 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 Eunice M. Berry, former United States Navy (WAVES) Yeoman First Class, in grateful appreciation of her service to our Country. Ms. Berry's service dates were from May 1944 to August 1946. Following Basic Training at Columbia University, New York City, NY, assignments included: Stillwater, OK, and Washington, DC, Bureau of Naval Personnel. She received numerous Letters of Appreciation and Commendation. Ms. Berry led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. Report of Intrafund Transfers approved by the County Administrator in February.

2. Annual Reports for 2011 from the following departments and agencies were distributed for review: Cornell Cooperative Extension, County Attorney, County Clerk, Probation, and Public Works. Representatives will be present at the next meeting to answer any questions.

3. Notice of next InterCounty Association meeting hosted by Genesee County at the Fireman's Recreation Hall in Elba on March 16.

4. Notice of next Fire Advisory Board meeting to be held on Thursday, March 22, 2012, at 8 p.m. at the Public Safety Facility.

5. Southern Tier West Regional Planning & Development Board meeting minutes of January 26, 2012.

6. Copy of the First Quarter 2012 ACHS (Allegany County Historical Society) Recorder.

RESOLUTIONS:

RESOLUTION NO. 42-12

A RESOLUTION APPROVING A FUND BALANCE POLICY FOR ALLEGANY COUNTY TO MEET THE REQUIREMENTS SET FORTH IN STATEMENT NO. 54 OF THE GOVERNMENTAL ACCOUNTING STANDARDS BOARD/FUND BALANCE REPORTING

Offered by: Ways and Means Committee

RESOLVED:

1. That the Allegany County Board of Legislators approves a Fund Balance Policy to meet the requirements set forth in Statement No. 54 of the Governmental Accounting Standards Board/Fund Balance Reporting, as set forth below for the County:

GASB STATEMENT NO. 54

Subject: Reserve Funds

Reserve funds (which essentially are a legally authorized savings account for particular specific purposes) are an important component in the County's financial planning for specific expenses, future projects, acquisitions and other lawful purposes. To this end, the County may establish and maintain reserve funds in accordance with New York State Laws. The County will also consider rules and/or opinions issued by the New York State Comptroller when they are not in conflict with law.

County reserve funds must be properly established and maintained to promote the goals of creating an open, transparent and accountable use of public funds. The County may engage independent experts and professionals, including but not limited to auditors, accountants and other financial and legal counsel, as necessary to monitor all reserve fund activity and prepare reports that the County Legislature may require.

Government Fund Type Assignment (GASB 54)

The County shall comply with the reporting requirements of Article 3 of General Municipal Law of the State of New York and the Governmental Accounting Standards Board (GASB) Statement Number 54, Fund Balance Reporting and Governmental Fund Types Definitions. The Legislature authorizes the County Treasurer to complete the following actions as necessary to comply with the requirements of GASB Statement No. 54:

- A. Restricted Fund Balances – restricted fund balances consist of amounts that are subject to externally enforceable legal purpose restrictions imposed by creditors, grantors, contributors, or laws and regulations of other governments; or through constitutional provisions or enabling legislation.
- B. Committed Fund Balances – committed fund balances consist of amounts that are subject to a purpose constraint imposed by a formal action of the County Legislature before the end of the fiscal year, and that require the same level of formal action to remove the constraint.
- C. Assigned Fund Balances – assigned fund balances consist of amounts that are subject to a purpose constraint that represents an intended use established by the County's highest level of decision-making authority, or by their designated body or official. The Legislature authorized the County Treasurer to make a determination of the assigned amounts of fund balance. Assigned funds represent amounts intended to be used for a specific purpose. Assigned fund balances require same level of authority to remove the constraint.
- D. Unassigned Fund Balances – unassigned fund balances consist of the residual amount for the general fund (A) that has not been assigned to other funds and that amount that is not restricted, committed or assigned to any specific purposes within the general fund.

Funding Policy for Restricted or Committed and Assigned Fund Balances

The formal action of the County's highest level of decision-making authority that restricts, commits or assigns fund balance to a specific purpose should occur prior to the end of the reporting period, but the amount, if any, which will be subject to the constraint, may be determined in the subsequent period.

Spending Policy for Fund Balances

The County Legislature will assess the current financial condition of the County and then determine the order of application of expenditures to which fund balance classification will be charged.

Periodic Review and Annual Report

The County Legislature and management will periodically review all restricted, committed and assigned fund balances. The County will prepare and submit an annual

report of all restricted, committed and assigned funds for the County Legislature, during the budget process. The annual report shall include the following information for each reserve fund.

- A. The type and description of the reserve fund
- B. The interest earned on each reserve fund
- C. Capital gains or losses resulting from the sale of investments of the reserve funds
- D. The sum total increase and sum total decrease in the reserve funds
- E. The ending balance in the reserve funds at fiscal year end
- F. A summary statement of projected use and the need of the reserve funds

The Legislature shall utilize the information in the annual report to discuss reserve fund balances and to adequately maintain necessary funds for the County's long-term financial planning. The Legislature will be mindful of its role and responsibility as a fiduciary of public funds when acting on reserve fund issues.

- 2. This resolution shall take effect immediately.

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

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

Comments made regarding Resolution No. 42-12 included the following:

Legislator Ungermann asked about the timeframe to provide the funds for this policy, if some of these funds were for long-term retirement and health care for retirees, and whether we have to have a reserve to cover that. County Treasurer Terri Ross responded that this policy doesn't address setting aside funds for certain things like retirement. It's really just a change in titles and categories according to the requirements of the GASB rules. Mr. Ungermann questioned when the policy had to be fulfilled. Ms. Ross explained that it's just ordinary accounting practices to have a fund balance.

Legislator Sinclair questioned if the policy has provisions for the transfer of funds. Ms. Ross replied that there are provisions for how to transfer, commit, or assign money. It's all part of the policy. The reason for considering this policy now is because the County has to be compliant by the time we file our year-end report for 2011. Mr. Sinclair asked how we guarantee our fund balance that protects our bond rating under this policy. Ms. Ross explained that would be a different policy that the Board would pass. It's not a part of this. There's no percentage maintained here.

RESOLUTION NO. 43-12

CHANGING LOCATION AND DATE OF JULY 23, 2012, 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 2012 shall be held on July 19, 2012, at 2:00 PM and not on July 23, 2012, at 2:00 PM.

2. Notwithstanding Rule 110.F. of County Board Rules, the second regular Board meeting for July 2012 shall be held at the Allegany County Fairgrounds, Angelica, New York and not at the Board Chambers in Belmont, New York.

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

Adopted: Voice Vote

RESOLUTION NO. 44-12

**RESOLUTION TO GOVERNOR CUOMO AND THE NEW YORK STATE LEGISLATURE
TO REQUEST ADVANCING FUNDING AND EXPEDITING COMPLETION OF
PROJECTS IN BROOME, DELAWARE, SULLIVAN, AND ORANGE COUNTIES, AND
PLACING SIGNAGE RECOGNIZING THE DESIGNATION OF
THE DANIEL PATRICK MOYNIHAN INTERSTATE HIGHWAY 86**

Offered by: Ways and Means Committee

WHEREAS, Governors have made commitments to the revitalization and improvement of the economy of "Upstate" New York, and

WHEREAS, Steuben County, along U.S. Route 15 (Corridor U-1 I-99), Chemung County and twelve other counties along the U.S. Route 17 (Corridor T I-86) corridor make up the three Local Development Districts in the thirteen state Appalachian Regional Commission, and

WHEREAS, U.S. Route 15 is the only north/south route in Central Pennsylvania that serves as a vital and direct link between Western New York and Canada and the ports of Baltimore and Philadelphia and the mid-Atlantic states, and

WHEREAS, Governor Pataki committed to a ten-to-twelve year construction program to complete the Route 17 conversion to I-86 beginning with the first designation (177 miles Chemung County West to Pennsylvania) on December 3, 1999, and

WHEREAS, completing the I-99 U-1 Corridor fulfills the desires of both the Commonwealth of Pennsylvania and the State of New York to accelerate economic development opportunities in this area of Appalachia as well as respond to the increasing traffic volumes (primarily commercial vehicles) in the Route 15 Corridor since the passage of the North American Free Trade Agreement, and

WHEREAS, the New York State and Commonwealth of Pennsylvania Departments of Transportation are in the final stages of completing the conversion of Route 15 to Interstate standards (I-99) to meet New York State I-86 (July 2014), and

WHEREAS, the designation of New York State Route 17 to I-86 and Route 15 to I-99 provides a highway network with connection to every Interstate Highway located within New York State and Interstate Highways leading into Pennsylvania, and

WHEREAS, the upgrade and designation of Route 17 as I-86 will make the region more competitive and able to attract substantial growth in business, industry, and tourism as well as improve the safety of the traveling public, and

WHEREAS, the New York I-86 Economic Development Benefit Study, issued in January 2000, which was widely accepted and quoted at all levels of government, called for an aggressive eight-year construction period that would result in a 3.2 billion dollar direct economic benefit to communities along the I-86 Highway Corridor once the conversion has been completed, and

WHEREAS, with proper funding and resources for the remaining projects in Broome, Delaware, Sullivan, and Orange Counties, the conversion of Route 17 to I-86 could be completed many years sooner than on the present schedule, and it would provide the vast economic benefits to the region foreseen by the Appalachian Regional Commission in its study entitled "Economic Impact of Completing the Appalachian Development Highway System," which states in pertinent part that "Completion of the Appalachian Development Highway System (ADHS) would yield significant economic benefits for both the Appalachian Region and the nation ... By facilitating national freight flows, reducing travel times, improving safety, and enhancing access to markets, completion of the ADHS would create new jobs and greater value added activity, returning \$3 in economic benefits to the nation for every \$1 spent to complete the system," and

WHEREAS, the Three Rivers Development Foundation, utilizing funds from the Appalachian Regional Commission, has developed an Economic Blueprint, which was released in June 2009 for the I-86/I-99 Corridor in Southeast Steuben County utilizing properties that have the potential for providing sustainable future economic development opportunities, now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators does hereby request Governor Andrew Cuomo and the New York State Legislature to advance funding and expedite completion of the projects in Broome, Delaware, Sullivan, and Orange Counties on New York State Route 17 (I-86).

2. That the Allegany County Board of Legislators does hereby further request the placement of signage along I-86 recognizing the designation of this highway system as the Daniel Patrick Moynihan Interstate Highway 86 as decreed by the State of New York.

3. That the Clerk of this Board is hereby authorized and directed to forward a certified copy of this resolution to Governor Andrew Cuomo, Assembly Speaker Sheldon Silver, Senate Majority Leader Dean Skelos, Senator Catharine Young, Assemblymen Daniel Burling and Joseph Giglio, the InterCounty Association of Western New York, the New York State Association of Counties, and the I-86 Corridor Counties (Cattaraugus, Chautauqua, Allegany, Steuben, Chemung, Tioga, Broome, Delaware, Sullivan and Orange).

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

Adopted: Voice Vote

A motion was made Legislator O'Grady, seconded by Legislator Graves, and carried that Legislator Ungermann be allowed to abstain from voting on Resolution Intro. No. 46-12 (RESOLUTION ACCEPTING BID OF ZOLADZ CONSTRUCTION AND PROVIDING FUNDING FOR THE LANDFILL CLOSURE PHASE III PROJECT; TRANSFER OF FUNDS).

RESOLUTION NO. 45-12

RESOLUTION ACCEPTING BID OF ZOLADZ CONSTRUCTION AND PROVIDING FUNDING FOR THE LANDFILL CLOSURE PHASE III PROJECT; TRANSFER OF FUNDS

Offered by: Ways and Means Committee

WHEREAS, Zoladz Construction was the low bidder for the Landfill Closure Phase III Project in the amount of \$1,494,050, plus an additional \$500,000 for engineering cost for a total amount of \$1,994,050, and

WHEREAS, funds in the amount of \$900,000 were appropriated in 2011 for such project, and the Solid Waste Landfill Closure Reserve Fund has a balance of \$208,147, and

WHEREAS, the Public Works Committee is requesting additional funds in the amount of \$1,100,000 to complete the Landfill Closure Phase III Project, now, therefore, be it resolved

RESOLVED:

1. That the bid from Zoladz Construction totaling \$1,994,050, is accepted.
2. That the transfer of funds to cover the balance of the Landfill Closure Phase III Project is as follows:

A15.599.0000 Appropriated Fund Balance	\$1,100,000
A9560.904 Interfund Transfer to Capital	\$1,100,000
H12.5031.8172 Interfund Transfer from General	\$1,100,000

H8173.200 Landfill Closure Phase III

\$1,100,000

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

Adopted: Roll Call
12 Ayes, 0 Noes, 2 Absent
1 Abstaining: Ungermann

Comments made regarding Resolution No. 45-12 included the following:

Legislator Burdick questioned why the estimate for engineering at \$500,000 was so high, and what it includes. County Administrator John Margeson explained that this project is intended to provide the final closure on Landfill Cells 7 and 8. Mr. Burdick felt that relative to the bid price, the engineering estimate seems high. Mr. Margeson replied that he couldn't speak specifically to the engineering bid, but that's what the estimate is.

RESOLUTION NO. 46-12

RATIFYING AGREEMENT WITH MAXIMUS, INC. TO PREPARE COUNTY-WIDE COST ALLOCATION PLAN AND RELATED INDIRECT COST RATE PROPOSALS FOR 2011, 2012 AND 2013 FOR FEDERAL AID

Offered by: Ways and Means Committee

RESOLVED:

1. That Agreement with the firm of MAXIMUS, Inc., which provides for the payment of \$8,150 per year to the firm for preparation of a County-wide cost allocation plan and related indirect cost rate proposals for 2011, 2012 and 2013 for Federal aid, is approved.
2. That the cost for such services shall be charged to Account No. A1040.4.
3. That the signature of the County Treasurer on said Agreement is hereby ratified. An executed copy of the Agreement shall be filed with the Clerk of this Board and one sent to the firm of MAXIMUS, Inc.

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

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

Comments made regarding Resolution No. 46-12 included the following:

Legislator Ungermann asked if the services provided for in the agreement relative to federal aid were for everything including Social Services, Public Works, etc. County Administrator John Margeson answered that the agreement does cover everything for federal and state aid. Mr. Ungermann questioned if there was anyone in the County that could do this, and Mr. Margeson replied that there wasn't.

RESOLUTION NO. 47-12

**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 5 Noble Street, Belmont, New York 14813, can provide the aforementioned legal services for an amount not to exceed \$175,000, 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 March 12, 2012, and terminating December 31, 2012, is approved.
2. The Chairman of this Board of Legislators is authorized to execute a contract on behalf of Allegany County.
3. 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. O'Grady

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

Comments made regarding Resolution No. 47-12 included the following:

Legislator Ungermann asked if the addition of the third Public Defender would result in less need for this contract. County Administrator John Margeson felt that it probably wouldn't. If there is a conflict in the Public Defender's Office with one attorney, it conflicts the entire office.

Legislator Pullen remarked that indirectly, this is another state mandate. The state has set the pay rate for assigned counsel, and that affects us directly in what we can pay and what someone will accept for a contract such as this. He has seen more and more types of things

that have become rights. People have rights to all kinds of things, but they don't have any real responsibilities. We provide the Public Defender, we provide this panel, we provide assigned counsel; there's no end to the things the state expects us to provide, but they don't provide the funding.

AUDITS:

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

A motion was made by Legislator Pullen, seconded by Legislator Graves, and adopted on a roll call vote of 12 Ayes, 1 No, 2 Absent, that the audit of claims, totaling \$4,512,254.79, including prepaid expenses, be approved for payment as recommended by the County Administrator (Voting No: Ungermann). *(Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$1,875,620.)*

ADJOURNMENT: The meeting was adjourned at 2:25 p.m. on a motion made by Legislator Graves, seconded by Legislator LaForge and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
MARCH 26, 2012**

**** APPROVED ****

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:07 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Army Sergeant Lyle P. Edwards.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 13 Legislators Present: 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.; 2 Legislators Absent: Glenn Benson, Dwight Fanton

APPROVAL OF MINUTES:

The Board meeting minutes of March 12, 2012, were approved on a motion made by Legislator Graves, seconded by Legislator Curran and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Lyle P. Edwards, former United States Army Sergeant, in grateful appreciation of his service to our Country. Mr. Edwards' service dates were from August 1948 to May 1952. Following Basic Training at Fort Bragg, NC, assignments included: Aberdeen Proving Grounds, MD, Japan, and Korea. Commendations he received included: Army Occupation Medal (Japan), Merit Unit Commendation Medal, Korean Service Medal with 1 Silver Campaign Star, Republic of Korea Presidential Unit Citation, and Good Conduct Medal. Mr. Edwards 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:

Alfred State College President Dr. John Anderson provided an update on the college. Dr. Anderson noted that their efforts focus on project-based learning in the belief that it's more important to teach students how to think, rather than what to think. There are currently two major thrusts: their civic engagement initiative and sustainability initiative (including their Center for Organic and Sustainable Agriculture and Center for Renewable Energy). Dr. Anderson highlighted their zero energy demonstration home on the School of Applied Technology campus in Wellsville built by students as an open laboratory for green building techniques in energy efficiency and renewable energy sources, their alternative fuels

laboratory where students have modified several alternative fuel vehicles and competed in and won a fuel economy challenge, photovoltaic solar energy projects at the National Arboretum, organic and sustainable agriculture and expanded dairy program, opportunities to study abroad, and their new student leadership building with the theme of promoting student leadership through civic engagement projects. Dr. Anderson stressed their quality, value, and opportunity. Their placement and transfer rate is 99 percent, and 87 percent of students seeking jobs get jobs in their field of study.

Creating Opportunities for Rural Education (CORE) Birth to Grade 5 Committee Chairperson Anne Brungard and Literacy West NY Executive Director Lisa Lee addressed the Board regarding Month of the Young Child. Clerk of the Board Brenda Rigby Riehle read a Proclamation whereby Chairman Crandall is proclaiming April 2012 as the Month of the Young Child in Allegany County to encourage making an investment in early childhood by improving early learning opportunities. Lisa Lee remarked that CORE started in 2008, and they have been working to build educational opportunities and partnerships to help expand those opportunities. This past year, they've made a shift to focus on career pathways. Children need those exposures and experiences, and they're here to support that. Anne Brungard explained that the Birth to Grade 5 Committee is a group of professionals from agencies, higher education, and volunteers who come together to determine how to impact what happens in Allegany County relative to the young child. The way a young child begins his life will determine what he does later. It is important to realize how critical a child's first years are. Ms. Brungard read a statement including comments from other committee members about the importance of early learning experiences to prepare children for life.

Representatives from the following departments and agencies were present to answer questions regarding their 2011 Annual Reports: Cooperative Extension, County Attorney, County Clerk, Probation, and Public Works.

Legislator Ungermann addressed Terri Violet on the Cooperative Extension Annual Report. The report states that in 2011, Cooperative Extension saved Allegany County \$197,333 in fringe benefit costs by hiring employees and contracting them out to the County. Mr. Ungermann asked who pays the legacy costs once these employees retire. Chairman Crandall responded that the County doesn't pay those costs, because they are contract employees. That's one of the benefits we derive from that arrangement. Legislator Pullen noted that Cornell University, as the sponsoring agency for Cooperative Extension, provides for those costs out of their budget.

Legislator Sinclair commented that he was amazed at the depth of services and the comprehensive number of programs that the Probation Department sponsors and runs successfully to handle such a broad spectrum of probation issues. Mr. Starks provided a great report.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. 2012 Allegany County Directory of County, Town, and Village Contacts.

2. April 2012 Calendar of Board and Standing Committee meeting dates.
3. Report of Tax Bill Corrections approved by the County Administrator in February 2012.
4. Annual Reports for 2011 from the following departments and agencies were distributed for review: Office for the Aging, Community Services, Coroners, Board of Elections, Emergency Services, Fire Service, Health Department, Human Resources, Public Defender, and Real Property Tax. Representatives will be present at the next meeting to answer any questions.
5. Soil and Water Conservation District Board Executive Director Scott Torrey filed a copy of the Allegany County Forest Management Plan prepared by Paul Kretser and the Soil and Water Conservation District in the Clerk of the Board's Office on March 21, 2012.
6. Correspondence from Probation Director Robert Starks correcting his 2011 Annual Report.
7. Correspondence from the NYS DOT Regional Construction Engineer Christopher Giles indicating that the completed work on the bridge replacement on State Route 305 over Griffin Creek in the Town of Cuba was accepted by the NYS DOT on March 6, 2012, and the completed facility is turned over to Allegany County for maintenance and repair.
8. Correspondence from Office for the Aging Director Kimberley Toot announcing the Senior Forum to be held at the Genesee Valley Central School on April 12 from 8:30 a.m. to 2 p.m.
9. Correspondence from the Allegany/Western Steuben Rural Health Network Associate Director Helen Evans inviting Legislators to attend the Eighth Annual Conference on Aging scheduled for Thursday, April 26, at Alfred University. Registration and continental breakfast begin at 8 a.m. Registration and payment in full are required by April 20.

PROCLAMATION:

Chairman Curtis W. Crandall proclaimed April 2012 as the Month of the Young Child in Allegany County (read previously during Privilege of the Floor).

RESOLUTIONS:

A motion was made by Legislator Graves, seconded by Legislator Ungermann, and carried, to grant Legislator Healy permission to abstain from voting on Resolution Intro. No. 49-12 (CREATING AND FILLING THREE PART-TIME POSITIONS OF ASSISTANT COUNTY ATTORNEY-SUPPORT COUNSEL; AMENDING SECTION 4 OF RESOLUTION NO. 297-75; TRANSFER OF FUNDS).

RESOLUTION NO. 48-12

**CREATING AND FILLING THREE PART-TIME POSITIONS OF
ASSISTANT COUNTY ATTORNEY-SUPPORT COUNSEL;
AMENDING SECTION 4 OF RESOLUTION NO. 297-75; TRANSFER OF FUNDS**

Offered by: Personnel and Ways and Means Committees

RESOLVED:

1. That three part-time positions of Assistant County Attorney-Support Counsel are created in the Section 4 Salary Plan at an annual salary (stipend) of \$10,000 each.
2. That Section 4 of Resolution No. 297-75, as amended, is hereby amended by adding the title of Assistant County Attorney-Support Counsel.
3. That the sum of \$30,000 is transferred from Account No. A1420.432 (Contractual Expenses) to Account No. A1420.1 (Personnel Services).
4. That these three positions are hereby authorized to be filled.
5. This resolution shall take effect on March 27, 2012.

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

Adopted: Roll Call
12 Ayes, 0 Noes, 2 Absent
Abstained: Healy

(Memo: The positions created in Resolution No. 48-12 will provide legal services to the Support Collection Unit. The County Attorney plans to use the services of the three Assistant County Attorneys to take on these additional responsibilities. It is expected that this arrangement will save the County money. Since 1998, the County has contracted out the legal representation of the SCU, with the current budget allocating \$70,000 for those services. With the recent move of the SCU to the Courthouse, the County Attorney believes his office will be able to do a better job representing the SCU at less cost to the County. The funding of \$30,000 for these positions will be transferred from the contractual services account to the personnel services account, leaving a balance of \$40,000 to be used when outside counsel may still be necessary. The surplus remaining in this account at year-end, hopefully most of it, will be returned to the general fund. The County Attorney's office will bill Social Services for time spent in representing the Child Support Unit at the rate of \$75 per hour. Currently, approximately 83 percent of that amount is recouped by DSS from state and federal funds. Therefore, in addition to the reduction in the budgeted cost of representing the Child Support Unit by using "in-house" attorneys, the County should be able to recoup most, if not all, of the actual cost of such services.)

RESOLUTION NO. 49-12

**URGING PASSAGE OF SENATE BILL S.5889-B AND ASSEMBLY BILL A.8644
THAT WOULD IMPLEMENT A MULTI-YEAR STATE TAKEOVER
OF THE LOCAL SHARE OF MEDICAID**

Offered by: Ways and Means Committee

WHEREAS, State mandates are the number one barrier to providing property tax relief to New Yorkers, and

WHEREAS, there are nine State mandates that consume more than 90 percent of the county property tax levy statewide, and that amount grows when the many other State mandates are included, and

WHEREAS, when State lawmakers enacted a property tax cap, they pledged to also enact mandate relief that would enable and empower local leaders to implement that tax cap, but that mandate relief has not materialized, and

WHEREAS, at a local state-wide cost of \$7.3 billion, Medicaid is the number one mandate facing counties, and

WHEREAS, Allegany County property taxpayers will pay approximately \$10.3 million in State Medicaid costs in 2012, and

WHEREAS, if a State takeover of Medicaid is enacted, County property taxes could be reduced by over 36 percent, and

WHEREAS, Senate Bill S.5889-B and Assembly Bill A.8644 would require State legislators to take full fiscal responsibility for New York's largest-in-the-nation Medicaid program, by implementing an eight-year (8) gradual takeover of county Medicaid costs, and

WHEREAS, State lawmakers can fund the takeover with a combination of Medicaid program reforms, state-derived savings, and other spending controls, including applying the State's Medicaid Redesign Team reform savings to mandate relief and pursuing a Federal Medicaid waiver to leverage State cost-containment initiatives that can be applied to obtain property tax relief; now, therefore, be it

RESOLVED

1. That the Allegany County Board of Legislators hereby calls on State lawmakers to keep their promise, by enacting Senate Bill S.5889-B and Assembly Bill A.8644 into law to provide property tax relief for citizens of New York State, in the form of an eight-year State takeover of county Medicaid costs.

2. That the Clerk of this Board is hereby directed to send certified copies of this motion to Governor Andrew Cuomo, Senate Majority Leader Dean Skelos, Assembly Speaker Sheldon Silver, Senator Catharine M. Young, Assemblymen Daniel J. Burling and Joseph M. Giglio, all New York State Counties, the New York State Association of Counties, and InterCounty Association of Western New York.

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

Adopted: Voice Vote

Comments made regarding Resolution No. 49-12 included: Legislator Hopkins noted that the County's local share of Medicaid costs year-to-date is at \$2,250,744. This action will do a little to alleviate some of that cost, but the state needs to take the whole thing over.

RESOLUTION NO. 50-12

TRANSFER OF FUNDS WITHIN PUBLIC HEALTH ACCOUNTS

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the sum of \$977 is transferred as follows: \$680 from Account No. A4010.1 (County Health Department – Personnel) and \$297 from Account No. A4010.8 (County Health Department – Benefits) to Account No. A4050.4 (Water Quality Management – Contractual).

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

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

(Memo: The transfers approved by Resolution No. 50-12 were requested due to the absence of an employee currently on Military Leave until July 2012.)

RESOLUTION NO. 51-12

TRANSFER OF FUNDS WITHIN COUNTY MUTUAL SELF-INSURANCE PLAN ACCOUNT

Offered by: Personnel and Ways and Means Committees

RESOLVED:

1. That the sum of \$15,014 is transferred from Account No. S1720.430 (Self-Insurance Plan, Benefits and Awards - Contractual) to Account No. S1710.406 (Self-Insurance Plan, Administration - Contractual) to cover the cost of excess insurance.

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

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

RESOLUTION NO. 52-12

**RESOLUTION ACCEPTING ADDITIONAL FUNDS FROM ACCORD CORPORATION
TO PROBATION DEPARTMENT FOR THE SUPERVISION OF SEX OFFENDERS;
APPROPRIATION OF FUNDS**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That the sum of \$500 in additional funds from ACCORD Corporation to be used for supervising sex offenders is accepted.
2. That the accepted sum of \$500 is appropriated to Account No. A3140.4 (Probation – Contractual) with a like sum credited to Revenue Account No. A10.3310.05 (State Aid Probation – SORA).

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

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

(Memo: The Probation Department is receiving grant monies from the ACCORD Corporation to be used for supervision of sex offenders. The original annual award was to be \$6,600; however, the award has been increased by \$500 per year, bringing the total annual award amount to \$7,100. ACCORD slotted this money to be used for polygraph testing only for the first year of the contract period [10/01/11-09/30/12]. The three-year contract period is 10/01/11 through 09/30/14.)

RESOLUTION NO. 53-12

**RESOLUTION ACCEPTING NEW YORK STATE COLA FUNDS
FOR CANCER SERVICES PROGRAM; APPROPRIATION OF FUNDS**

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. The sum of \$11,404 in COLA funds to the County Health Department Cancer Services Program is accepted and appropriated as follows: \$3,783.43 to Account No. A4071.2 (Cancer Screening – Equipment), \$7,620.57 to Account No. A4071.4 (Cancer Screening – Contractual) with a like sum credited to Revenue Account No. A10.3401.01 (State Aid – Cancer Screening).

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

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

RESOLUTION INTRO. NO. 55-12 (REAPPROPRIATION OF CALENDAR YEAR 2011 UNEXPENDED FUNDS TO COMPLETE PAYMENTS FOR THE CONSTRUCTION AND PURCHASE OF A COMMUNICATIONS TOWER ON PINGREY HILL ROAD IN THE TOWN OF ANDOVER) was **TABLED** following a motion made by Legislator Sinclair, seconded by Legislator Cady, and carried. The funds were originally appropriated by Resolution No. 74-11 to pay for the referenced tower being built by SAIA Communications, and the balance of \$116,800 remaining at the end of 2011 needed to be reappropriated to complete payments. Legislator Sinclair commented that the Pingrey Hill Tower was one of the towers needed to improve the function of our 911 system. It was sited in a position to give good coverage to the eastern side of the County, and in initial testing, it is doing that; however, there are some unresolved questions about the transmission of signals down into the deep valley and the fire and police departments in Alfred. There is a need to either re-tune the antennae or to make additional adjustments so that signal is clear. He made the motion to table this resolution and withhold the final payment on the tower installation until these issues are resolved.

RESOLUTION NO. 54-12

**A RESOLUTION REAPPROPRIATING THE UNEXPENDED FUNDING
FOR CALENDAR YEAR 2011 FROM THE NEW YORK STATE
OFFICE OF HOMELAND SECURITY
FOR HOMELAND SECURITY GRANT NUMBERS C838280, C838290, AND C838200**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That unexpended funds in the amount of \$11,825.94 from the 2011 Homeland Security Grant #C838280 are reappropriated to Account No. A3645.2 (Homeland Security – Equipment) with a like sum credited to Revenue Account No. A10.3306.EMG8 (State Aid – Homeland Security – OES).
2. That unexpended funds in the amount of \$76,472 from the 2011 Homeland Security Grant #C838290 are reappropriated as follows: \$57,354 to Account No. A3645.2 (Homeland Security – Equipment) and \$19,118 to Account No. A3645.4 (Homeland Security – Contractual) with a like sum credited to Revenue Account No. A10.3306.EMG8 (State Aid – Homeland Security – OES).
3. That unexpended funds in the amount of \$57,672 from the 2011 Homeland Security Grant #C838200 are reappropriated to Account No. A3645.2 (Homeland Security – Equipment) with a like sum credited to Revenue Account No. A10.3306.EMG8 (State Aid – Homeland Security – OES/Health).

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

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

(Memo: The grants being reappropriated in Resolution No. 54-12 are being administered by Emergency Services: 1.) Grant #C838280 – \$11,825.94 will be reappropriated through \$4,310.94 for County-wide Surveillance, \$2,884 for Interoperable Equipment, and \$4,631 for CERT Volunteer Training. The original total grant amount was \$71,250 accepted by Resolution No. 41-09 and reappropriated or amended by Resolution Nos. 31-10, 75-10, and 46-11. 2.) Grant #C838290 - \$76,472 will be reappropriated through \$57,354 for Equipment and \$19,118 for Contractual. The original total grant amount was \$76,472 accepted by Resolution No. 149-10 and reappropriated by Resolution No. 45-11. 3.) Grant #C838200 - \$57,672 will be reappropriated through \$43,422 for Emergency Services and \$14,250 for the Health Department. The original total grant amount was \$57,672 accepted by Resolution No. 166-11.)

Comments made regarding Resolution No. 54-12 included: Legislator Ungermann questioned if all of the money associated with the three grants is earmarked for something, or if it could be appropriated to help with getting everyone up and running on the high-band radio communications. Emergency Management & Fire Director Jeff Luckey explained that some of the funds were earmarked for microwave equipment, which is no longer needed, so he is working with the Sheriff's Office to have that changed to be used for communications.

RESOLUTION NO. 55-12

AUTHORIZING DISTRICT ATTORNEY TO ENTER INTO AGREEMENT WITH FINGER LAKES PARALEGAL SERVICES TO MANAGE THE CIVIL FORFEITURE PROCESS; AUTHORIZING DISTRICT ATTORNEY TO SIGN SUCH AGREEMENT

Offered by: Public Safety and Ways and Means Committee

RESOLVED:

1. The District Attorney is hereby authorized to enter into an agreement with Finger Lakes Paralegal Services to manage the civil forfeiture process.
2. The agreement will provide that the Finger Lakes Paralegal Services is entitled to retain as their fee an amount equal to 10 percent of any forfeitures.
3. The District Attorney is authorized to sign the agreement.

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

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

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 Sinclair, seconded by Legislator Healy, and carried to amend the audit of claims by subtracting \$116,700.62 from Emergency Services, Account No. A3640.201, located on the audit summary sheet under 5.K. Such amount represents the final payment to SAIA Communications for the construction of the Pingrey Hill Tower, and it is being withheld until some signal issues are addressed. Resolution Intro. No. 55-12, reappropriating unexpended funds to complete payments on the Pingrey Hill Tower, was also tabled until the signal issues are resolved.

A motion was made by Legislator Hopkins, seconded by Legislator Sinclair, and adopted on a roll call vote of 12 Ayes, 1 No, 2 Absent, that the amended audit of claims, totaling \$1,495,395.53, 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 \$2,250,744.*)

ADJOURNMENT: The meeting was adjourned at 3:15 p.m. on a motion made by Legislator Graves, seconded by Legislator Burdick, and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
APRIL 9, 2012**

**** 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 William Rollo.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 13 Legislators Present: 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.; 2 Legislators Absent: Glenn Benson, Aaron McGraw

APPROVAL OF MINUTES:

The Board meeting minutes of March 26, 2012, 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 William Rollo, former United States Army Staff Sergeant, in grateful appreciation of his service to our Country. Mr. Rollo's service dates were from January 1944 to March 1946. Following Basic Training at Greensburg, NC, he served in England. Commendations he received included: American Campaign Medal, Air Medal, European/African/Middle Eastern Campaign Medal, and World War II Victory Medal. Mr. Rollo spoke briefly on the history of a company he started in Wellsville that produced generators. This company later became McCulloch Mite-E-Lite, and he served for several years as its President. Mr. Rollo 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 2011 Annual Reports: Office for the Aging, Community Services, Coroners, Board of Elections, Emergency Services, Fire Service, Health Department, Human Resources, Public Defender, and Real Property Tax Service.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

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

3. Annual Reports for 2011 from the following departments and agencies were distributed for review: District Attorney, Employment and Training, STOP-DWI Program, Veterans' Services Agency, Workers' Compensation, and Youth Bureau. Representatives will be present at the next meeting to answer questions regarding those reports.

4. The County Treasurer filed a Certificate of Withdrawal of Delinquent Tax Lien for property in the Town of Cuba pursuant to Article 11 of the Real Property Tax Law in the Clerk of the Board's Office on April 4, 2012.

5. Allegany County Fair Board Annual Report.

6. The County Treasurer filed the Maximus Central Services Cost Allocation Plan Based on Actual Costs for the Year Ended December 31, 2010, in the Clerk of the Board's Office on March 28, 2012.

7. November-December 1966 issue of *Business in New York State* wherein today's honored Veteran William Rollo is featured as the President of Mite-E-Lite.

RESOLUTIONS:

Resolution Intro. No. 55-12 (REAPPROPRIATION OF CALENDAR YEAR 2011 UNEXPENDED FUNDS TO COMPLETE PAYMENTS FOR THE CONSTRUCTION AND PURCHASE OF A COMMUNICATIONS TOWER ON PINGREY HILL ROAD IN THE TOWN OF ANDOVER) was removed from the table following a motion made by Legislator Hopkins, seconded by Legislator Healy and carried. It was originally tabled on March 26, 2012.

RESOLUTION NO. 56-12

**REAPPROPRIATION OF CALENDAR YEAR 2011 UNEXPENDED FUNDS
TO COMPLETE PAYMENTS FOR THE CONSTRUCTION AND PURCHASE OF
A COMMUNICATIONS TOWER ON PINGREY HILL ROAD IN THE TOWN OF ANDOVER**

Offered by: Ways and Means Committee

WHEREAS, by Resolution No. 74-2011 funds were appropriated to pay for a communication tower on Pingrey Hill Road in the Town of Andover, and

WHEREAS, it is necessary to reappropriate unexpended calendar year 2011 funds in the amount of \$116,800 to complete the cost for such construction and purchase of said tower, now, therefore, be it

RESOLVED:

1. That the unexpended calendar year 2011 funds for such project in the amount of \$116,800 is reappropriated to Account No. A3640.2 (Emergency Services – Equipment) with a like sum placed in Account No. A15.599.00 (Appropriated Fund Balance).

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

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

Comments made regarding Resolution No. 56-12 included the following:

Legislator Healy noted that when the resolution was tabled, there were questions concerning the new County radio system and the tower at Pingrey Hill in Andover. At that time, this Board felt it would be financially responsible to withhold final payment on the tower until the questions were answered related to the radio system and the problem in the Alfred area. Mr. Saia appeared before the Public Safety Committee on April 4 and explained satisfactorily how the problems were being worked out. The issues with the Alfred Police Department have been taken care of, and the problems with the Fire Service are expected to be worked out within 30-60 days. Mr. Healy stated that in light of these developments, we're contractually responsible to make that final payment on the Pingrey Hill Tower.

Legislator Sinclair remarked that he has been to the tower and has spoken with the technicians about the modifications they were making to provide better penetration down into the valley. That tower is performing all of the other expected outreach into Whitesville and the surrounding area and is doing the job it was intended to do. The small pieces of equipment and fine-tuning of the system are being done at no additional cost to the County and will address the problems in the Alfred area.

RESOLUTION INTRO. NO. 58-12 (INCREASE IN SALARY OF FULL-TIME DISTRICT ATTORNEY DUE TO STATE MANDATE) was DEFEATED on a roll call vote of 4 Ayes, 9 Noes, 2 Absent. Voting No: Burdick, Cady, Curran, Fanton, Graves, Hopkins, Pullen, Sinclair, Ungermann. Comments made relative to the proposed resolution included:

Legislator Pullen voiced his opposition, stating that it's one thing to have the State mandate certain things on us; it's another thing for them to tell us how to think. Many years ago, the State passed a law that said whatever County or State Judges are paid, the District Attorney must be paid a similar salary. At that time, the State provided the additional funds to pay that salary. There's no question that it's been a long time since Judges' salaries have been increased, and that means that the DA's salary has not been increased. Mr. Pullen stated that he has nothing against our current District Attorney. However, the State has said that since the Judges' salaries have been raised, we must now raise our DA's salary. This year, the State is appropriating funds to cover that, but in future years, they will only cover 41 percent of the increase. We will have to cover the difference. The District Attorney is a County Officer, established under the County Law. Salaries for most similar positions are set by this Board. The State is usurping what it has said it will do in the State Constitution, the statute of local governments, Municipal Home Rule Law, and the County Law. They're doing it by passing a law under the Judiciary Law. It was one thing for them to do it when they provided the funding. Today, we don't have enough for operating the programs that we have

historically provided, and we're going to be facing cuts in programs under Highways, Health Department, Office for the Aging, and others because of the tax cap. Now they're telling us that they can set a salary, and we must pass a law that pays it. If the State wants to change someone's salary, the State should pay for it. For any other office in this type of category, if a change is made in salary during their term, we have to pass a local law, and during that process, the voters in the County have the right to request a referendum. The State agencies that are responsible for this, without explanation, are saying we don't have that choice. We should have that choice because it's the voters who have to pay. We have to draw a line.

Legislator Healy explained his support of the resolution, stating that although it's not popular, and he had misgivings himself, it is the current law. It would be the popular sentiment for the taxpayers to vote no on this, but the record has proven itself the last time this was done, about 20 years ago, and that was the last time that position received a raise, the County lost that lawsuit. Mr. Healy doesn't wish the County to have to spend money defending a lawsuit that it doesn't look like they're going to win, and he doesn't wish to put the District Attorney in a position where he has to take the County to court to remedy the situation.

Legislator Fanton remarked that it's not a reflection on District Attorney Slep; it's the percentage that the State's not paying. If they want to mandate it, then they should pay for it, just like they have in the past.

Chairman Crandall pointed out that normally, he doesn't enter into debate on issues without stepping down from his position as Chairman, but he noted that he would be supporting this. The reason is due to the oath of office taken by all of the Legislators. As distasteful as some of the mandates coming from Albany and the federal government are, Chairman Crandall feels that it falls within that oath of office to follow the law that's put before us. He appreciates anyone that takes a different position, but this is why he is supporting it.

RESOLUTION NO. 57-12

TRANSFER OF FUNDS FROM RECORDS MANAGEMENT RESERVE ACCOUNT TO RECORDS STORAGE BUILDING ACCOUNT

Offered by: Ways and Means Committee

RESOLVED:

1. That the sum of \$30,000 is transferred from the Records Management Reserve Account No. A889.0001 (Records Management Reserve) to Capital Account No. H7510.200 (Records Storage Building), for the purchase of security fencing for the records storage building at the County Landfill.

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

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

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 \$3,440,853.15, 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 \$2,625,868.*) Comments made regarding the audit included:

Legislator Ungermann commented that he's been voting against state mandates for a long time, especially regarding the Courthouse renovations. He didn't vote for the Courthouse, and he won't vote to pay for it.

Legislator Hopkins questioned the process for returning the payment for the Pingrey Hill Tower that was taken out of the last audit, and County Administrator John Margeson explained that it would be taken care of in the next audit.

GENERAL COMMENTS:

Legislator Pullen encouraged Legislators' attendance at the Senior Forum to be held on April 12 at Genesee Valley School beginning at 9 a.m. This is a good opportunity for residents of the County to ask questions of their Legislators.

Legislator Ungermann spoke about an article in the Olean Times Herald, and he expressed concern about the disrepair of the section of Interstate 86 that goes through the Seneca Nation. This affects commerce in all of Western New York, and perhaps our state and federal representatives should be contacted to do something about that section. Chairman Crandall agreed and noted that recently, this Board approved a resolution in support for the I-86 Coalition's efforts regarding a portion of the highway in the southern part of the state. During his discussion with Ted Bennett, Chairman of that Coalition, some of the needs on this end of the state were brought up, and they were supportive. Chairman Crandall also mentioned a recent press release that dealt with some funding that was earmarked for road rehabilitation within the Southern Tier, and he thinks this section was part of it. If not, it needs to be.

ADJOURNMENT: The meeting was adjourned at 2:58 p.m. on a motion made by Legislator Graves, seconded by Legislator O'Grady and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
APRIL 23, 2012**

**** 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 Staff Sergeant Charles D. White.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 13 Legislators Present: Glenn Benson, 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.; 2 Legislators Absent: Douglas Burdick, Donald Cady.

APPROVAL OF MINUTES:

The Board meeting minutes of April 9, 2012, were approved on a motion made by Legislator Curran, seconded by Legislator Fanton, and carried.

The Committee of the Whole meeting minutes of April 9, 2012, were approved on a motion made by Legislator Curran, seconded by Legislator Healy, and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Charles D. White, former United States Marine Corps Staff Sergeant, in grateful appreciation of his service to our Country. Mr. White's service dates were from October 1948 to August 1952. Following Basic Training at Parris Island, assignments included: Porcupine Area, Labrador, Canada, for cold weather training; and the Asiatic Pacific and Korean Areas, where he participated in action against the Chinese Communist Intervention in Korea. Commendations he received included: Korean Service Ribbon with 2 battle stars, United Nations Ribbon, and Good Conduct Medal. Mr. White led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Gwen Cooper addressed the Board regarding Paw Impressions Animal Rescue, which is a new animal rescue facility being built for the County, and she extended an invitation to attend their grand opening on May 19. Ms. Cooper won a \$50,000 Pepsi Refresh Project Award for her proposed kennel facility for abused and neglected dogs. Their mission is to operate and maintain an animal shelter to provide the highest quality of rescue, care, and treatment for homeless animals in Allegany County; to foster a collaborative effort among

animal rescue and shelter groups in addressing the plight of homeless, abandoned, and abused animals; to raise public awareness about animal rescue and shelter groups; to promote interest and educate the public at large in animal rescue and shelter group programs; and to help rehabilitate animals that are not adoptable due to behavioral issues. Ms. Cooper explained that the facility is for the County, and she will be focusing on just dog rescue, due to space and funding constraints. The kennel is designed with eight kennel runs, four of which will be used for boarding to help pay expenses. Eventually they hope to utilize all eight runs for rescues. Ms. Cooper also works with the SPCA on projects and will help house dogs for some of the Towns. The facility is located at 4238 State Route 19 in Belmont.

Representatives from the following departments and agencies were present to answer questions regarding their 2011 Annual Reports: District Attorney, Employment and Training, STOP-DWI Program, Veterans' Services Agency, Workers' Compensation, Youth Bureau.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. May 2012 Calendar of Board and Standing Committee meeting dates.
2. Village Supplement to the Allegany County 2012 Directory.
3. Annual Reports for 2011 from the following departments and agencies were distributed for review: County Historian, Information Technology, Parks and Forests, Sheriff, Soil & Water Conservation District, and Weights & Measures. Representatives will be present at the next meeting to answer questions regarding those reports.
4. The Board of Health filed a copy of their recently amended By-Laws in the Clerk of the Board's Office on April 12.
5. Literacy West NY, Inc., Chief Executive Officer Lisa Lee sent correspondence announcing the Grand Opening and Dedication of the new CORE Learning Center in Belmont at 10 a.m. on April 27. All Legislators are invited to attend and participate in the ribbon cutting.
6. Office for the Aging Director Kimberley Toot announced that the Allegany Senior Foundation Swingin' 2 the Oldies Event will be held on Saturday, May 19, at the Alfred State College Wellsville Campus Activities Center from 4 to 9 p.m. All proceeds will benefit the Meals-on-Wheels Program.
7. Notice of the Annual Fair Board Appreciation Dinner to be held at the 4-H Building on the Fairgrounds on May 8, with punch at 6 p.m. and dinner at 6:30 p.m.

PROCLAMATION:

Chairman Curtis Crandall, in a joint measure with the Chairmen from Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans, and Wyoming Counties, declared May 6 through May 12, 2012, as Western New York Armed Forces Week.

RESOLUTIONS:

RESOLUTION NO. 58-12

**ACCEPTANCE OF DONATIONS FROM REID'S FOOD BARN,
CATTARAUGUS COUNTY BANK, CURVES, AND HIGHLAND HEALTHCARE
TO CANCER SERVICES PROGRAM; APPROPRIATION OF FUNDS**

Offered by: Human Services and Ways and Means Committees

WHEREAS, donations from Reid's Food Barn, Cattaraugus County Bank, Curves, and Highland Healthcare totaling \$1,417 have been received to provide further services to cancer residents of Allegany County, now, therefore, be it

RESOLVED:

1. That the sum of \$1,417 offered by Reid's Food Barn, Cattaraugus County Bank, Curves, and Highland Healthcare is accepted and appropriated to Account No. A4071.463 (Cancer Screening – Contractual) with a like sum credited to Revenue Account No. A08.2705.4071 (Gifts & Donations – Health, Komen).

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

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

RESOLUTION NO. 59-12

**RESOLUTION ACCEPTING STATE COLA FUNDING TO HEALTH DEPARTMENT
CHILDREN WITH SPECIAL NEEDS AND WIC PROGRAMS;
APPROPRIATION OF FUNDS**

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the sum of \$25,464.39 of state COLA funding to Health Department Children with Special Needs and WIC Programs is accepted.

2. That the accepted sum of \$25,464.39 is appropriated as follows: \$769.67 to Account No. A4054.201 (Health-CWSHCN - Office Equipment), \$655.72 to Account No. A4054.407 (Health-CWSHCN - Office Supplies) with a like sum credited to Revenue Account No. A10.3401.4054 (State Aid – Health – CWSHCN); \$4,100 to Account No. A4190.408 (Health-WIC - General Supplies), \$19,939 to Account No. A4190.456 (Health-WIC - Health Contracts) with a like sum credited to Revenue Account No. A11.4452.00 (Federal Aid – Health, WIC).

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

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

RESOLUTION NO. 60-12

**ACCEPTING HOMELAND SECURITY FUNDS (CONTRACT #C969110)
FROM THE NEW YORK STATE OFFICE OF HOMELAND SECURITY;
APPROPRIATION OF 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 \$62,228 for the purchase of high density storage, Cyber Security Protection System hardware and software, and interoperable communications consisting of mobile and portable radios, are accepted.

2. That the sum of \$62,228 is appropriated to Account No. A3645.218 (Homeland Security – Equipment) with a like sum credited to Revenue Account A10.3306.EMG8 (State Aid – Homeland Security – OES).

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

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

(Memo: The contract period for the grant funds accepted in Resolution No. 60-12 is 09/01/11-08/31/14.)

RESOLUTION NO. 61-12

**REAPPROPRIATION OF 2011 CALENDAR YEAR FUNDS
FROM GIFTS AND DONATIONS TO CANCER SERVICES PROGRAM**

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That gifts and donations to the Cancer Services Program totaling \$5,298.96 not spent in calendar year 2011 are reappropriated to Account No. A4071.463 (Cancer Screening – Contractual) with a like sum credited to Revenue Account No. A08.2705.4071 (Gifts & Donations – Health, Komen).

Moved by: Mr. LaForge
Seconded by: Mr. Curran

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

RESOLUTION NO. 62-12

TRANSFER OF FUNDS WITHIN PUBLIC HEALTH ACCOUNTS

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the transfer of the following appropriations within Public Health Accounts is approved:

<u>From:</u>	<u>To:</u>	<u>Amount:</u>
A4010.101 (Health – Personnel)	A4010.802 (Health – Benefits)	\$ 297
A4010.206 (Health – Equipment)	A4189.201 (Bio-Terrorism – Equipment)	282
A4051.409 (ATUPA – Fees)	A4051.201 (ATUPA – Equipment)	325
A4071.456 (Cancer Screen. – Cont.)	A4071.424 (Cancer Screen. – Legal Ads)	15,000
A4071.456 (Cancer Screen. – Cont.)	A4071.408 (Cancer Screen. – Supplies)	7,500
A4010.408 (Health – Gen. Supplies)	A4010.201 (Health – Equipment)	<u>1,000</u>
	<u>Total</u>	\$24,404

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

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

(Memo: Explanation for the transfers approved in Resolution No. 62-12 included that the Cancer Services Health Contracts expenses are lower than budgeted due to a reduction in payroll for the Case Manager/Outreach position, and the Cancer Services Legal Ads and General Supplies expenses have been higher than anticipated.)

RESOLUTION NO. 63-12

**TRANSFER OF FUNDS FROM THE COUNTY ROAD SNOW REMOVAL
GENERAL SUPPLIES ACCOUNT TO COUNTY ROAD
MAINTENANCE ROADS AND BRIDGES GENERAL SUPPLIES ACCOUNT**

Offered by: Public Works and Ways and Means Committees

RESOLVED:

1. That the sum of \$60,000 is transferred from Account No. D5142.408 (County Road – Snow Removal – General Supplies) to Account No. D5110.408 (County Road – Maintenance Roads and Bridges – General Supplies) to cover costs for bridge joint repairs on several bridges.

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

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

RESOLUTION NO. 64-12

**RESOLUTION RATIFYING BOARD CHAIRMAN'S SIGNATURE ON
AGREEMENT WITH NEW YORK STATE OFFICE OF HOMELAND SECURITY AND
EMERGENCY SERVICES FOR THE
STATE LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM (SLETPP);
APPROPRIATION OF FUNDS**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That a Homeland Security Grant from the New York State Office of Homeland Security in the amount of \$31,772 for the State Law Enforcement Terrorism Prevention Program (SLETPP) is accepted.
2. That the sum of \$31,772 is appropriated to Account No. A3645.217 (Homeland Security – Equipment) with a like sum credited to Revenue Account No. A10.3306.SHF7 (State Aid Homeland Security – Sheriff).
3. The signature of the Chairman is ratified on the Homeland Security State Law Enforcement Terrorism Prevention Program (SLETPP) agreement.

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

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

(Memo: The grant approved in Resolution No. 64-12, Contract #T969112, LE11-1043-E00, will be used for Interoperable Communications Mobile Radios and will be administered by the Sheriff's Office. The period covered is 09/01/11-08/31/14.)

RESOLUTION NO. 65-12

**SUPPORTING THE REMOVAL OF THE POSITION OF CRIME VICTIMS COORDINATOR
FROM THE PUBLIC EMPLOYEES FEDERATION, AFL-CIO, BARGAINING UNIT**

Offered by: Public Safety Committee

WHEREAS, the Crime Victims Coordinator has indicated a desire to be removed from the Public Employees Federation, AFL-CIO, "PEF," bargaining unit, and

WHEREAS, under the current collective bargaining agreement between PEF and the County, the Crime Victims Coordinator salary is not one of the positions listed on the Appendices to that agreement describing the various PEF salary grades, and

WHEREAS, the salary provided the Crime Victims Coordinator was not determined pursuant to collective bargaining negotiations between the County and PEF, and

WHEREAS, the Crime Victims Coordinator has requested that PEF allow her position to be removed from the bargaining unit and was advised by PEF that her inclusion in the bargaining unit was at the request of the County, and

WHEREAS, in fact, the County never sought inclusion of the Crime Victims Coordinator position in PEF and supports the removal of this position from PEF, now therefore, be it

RESOLVED:

1. That this Board supports the removal of the Crime Victims Coordinator position from the Public Employees Federation, AFL-CIO, bargaining unit.

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

Adopted: Voice Vote

(Memo: Regarding Resolution No. 65-12, the Crime Victims Coordinator position was added to the PEF bargaining unit per Resolution No. 232-08.)

Comments made regarding Resolution No. 65-12 included: Legislator Pullen noted that when the PEF Unit was organized, there were discussions regarding positions to be properly included. At that time, at the County's request, some positions were allowed to be removed, and some were added. This resolution was not initiated by the County, but was requested by the employee. Originally, the County had asked that this position not be included in the PEF Unit, but that was not agreed to. The employee is now asking for the County to indicate that it is still our desire to have the unit adjusted to remove that position. There is no further action required; this resolution is just an expression of support. The Crime Victims Coordinator position represents a special circumstance with unique salary conditions. It is entirely grant funded, and will not be continued if the grant funding is eliminated. There are no routine raises as there are with other positions, unless there is an increase in grant funding. Since the position is different, it should be treated differently to reflect that.

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 Graves, and adopted on a roll call vote of 12 Ayes, 1 No, 2 Absent, that the audit of claims, totaling \$1,687,191.11, 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 \$3,015,116.)*

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

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
MAY 14, 2012**

**** 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 1st Class Stephen C. Kratts.

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 23, 2012, were approved following a motion made by Legislator Fanton, seconded by Legislator Curran, and carried.

PRIVILEGE OF THE FLOOR:

Chairman Curtis Crandall announced that Memorial Poppies were made available by the American Legion Herbert W. DeLong Post 808 Women's Auxiliary, and he presented some information on the story behind the poppy. Each year around Memorial Day, Veterans of Foreign Wars members and American Legion Auxiliary volunteers distribute the poppies, made by hospitalized veterans, in exchange for contributions to assist disabled and hospitalized veterans and their families. The poppy has become a nationally known and recognized symbol of sacrifice and is worn to honor the men and women who served and died for their country in all wars. Chairman Crandall read a short history of the memorial poppy and made note of the upcoming Memorial Day celebrations that will take place in various towns throughout the County.

Chairman Curtis Crandall presented a certificate to Stephen C. Kratts, former United States Navy Petty Officer 1st Class, in grateful appreciation of his service to our country. Mr. Kratts' service dates were from July 1970 to October 1986. Following Basic Training at Orlando Naval Training Center, FL, assignments included: Naval Station Great Lakes, IL; USS Epperson, Pearl Harbor, HI; Norfolk Naval Ship Yard, VA; Naval Air Station Kingsville, TX; Naval Air Station Keflavik, Iceland; USS Independence; USS Coronado; Naval Station Rota, Spain; and USS America. Commendations he received included: Vietnam Service Medal, Vietnam Campaign Medal, Meritorious Unit Commendation with 1 Star, Navy Expeditionary Medal with 1 Star, Good Conduct Medal (3), National Defense Service Medal,

Combat Action Ribbon, Sea Service Deployment Ribbon with 2 Stars, Navy Unit Citation, Armed Forces Expeditionary Medal, Navy/Marine Corps Overseas Service Ribbon, and New York State Conspicuous Service Cross. Mr. Kratts 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 Curtis Crandall narrated a PowerPoint presentation on the designation of May 14 as "Mayday for Mandate Relief," relating to a resolution to be considered later in the meeting. This effort is in conjunction with the other counties around New York State and was initiated by NYSAC (New York State Association of Counties). The presentation highlighted some of the reasons for this Mayday designation and the need for a continual push for mandate relief in Albany.

The Mayday for Mandate Relief Resolution calls on the Mandate Relief Council, Governor Cuomo, and the State Legislature to take action and address unfunded or underfunded State mandates. In Allegany County, the total net cost for just the top 5 costliest mandates (Medicaid, Safety Net, Child Welfare, Indigent Defense, and Probation) increased by \$1,439,253, or 12.44 percent, from \$11,567,586 in 2011 to \$13,006,839 in 2012. Mandate reform is needed because the projected growth in unfunded mandates based on current trends, coupled with the 2 percent Tax Cap, is not sustainable. (This year, Allegany County could raise the tax levy by \$725,000, while the cost for just the top 5 unfunded mandates rose by \$1,439,253.) Local community spending and services will be choked out due to the growth of unfunded mandates - services such as: Public Works projects like highways and bridges, Office for the Aging programs like Meals on Wheels, Emergency Services and Law Enforcement programs like 911, Veterans' Service programs, Economic Development initiatives, and Local Cultural and Tourism efforts. Chairman Crandall urged the Board to support the resolution before us today and not let up on our message to Albany that Mandate Reform is vital to Allegany County taxpayers. He also stated that County citizens could help by staying informed and spreading information on how tax dollars are spent and the impact unfunded mandates have on local community services and by contacting the Governor and State elected officials to request Mandate Relief.

Allegany County Agricultural Society President Martha Roberts provided an update on the 2012 Allegany County Fair, to be held July 16 to 21, and distributed copies of the Fair Book. She thanked the Legislators and everyone present for their support. Mrs. Roberts noted that grounds upkeep is ongoing, but everything is just about set for this year's Fair. Entertainment is lined up, a new vendor for rides was found, and the price for admission remains the same at \$8. The Fair Board's Appreciation Dinner was held on May 8, and the 2012 Fair and its Fair Book were dedicated to long-time supporter Lee Gridley.

Office for the Aging Director Kimberley Toot spoke about Older Americans Month. This year's theme is, "You're Never Too Old to Have Fun." Mrs. Toot highlighted a fundraising event, "Swingin' to the Oldies," scheduled for May 19, from 4 to 9 p.m. at the Activities Center at the Alfred State College Wellsville Campus to benefit Meals on Wheels. Mrs. Toot referred to Chairman Crandall's comments regarding unfunded mandates and

possible cuts to Office for the Aging programs. This fundraising event is a good opportunity to support the Meals on Wheels program.

Foster Care Program Supervisor Marcia Moore addressed the Board regarding Foster Care Month. The department will recognize foster parents at a dinner on May 22 at Moonwinks. The theme this year revolves around puzzle pieces, and Ms. Moore compared the foster parents, Social Services, legal support, and the biological parents to pieces of a puzzle. The Foster Care Program tries to make it work and tries to provide permanency for the kids they take into care. Foster children come from all walks of life and range in age from an infant born December 2011 up to nearly 21 years old. Foster care is temporary; it's not meant to be permanent. Ms. Moore stated that her plea is to give these kids a home in Allegany County. There is presently a need for homes for sibling groups. Handouts on the Foster Care Program were distributed.

Representatives from the following departments and agencies were present to answer questions regarding their 2011 Annual Reports: County Historian, Information Technology, Parks & Forests, Sheriff, Soil & Water Conservation District, and Weights & Measures.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. Report of Intrafund Transfers approved by the County Administrator in April.
2. Report of Tax Bill Corrections approved by the County Administrator in April.
3. Annual Reports for 2011 from the following departments and agencies were distributed for review: County Administrator, Development, Industrial Development Agency, Planner, Planning Board, Social Services, and Tourism.
4. Notice of the InterCounty Association meeting which was hosted by Wayne County at the Sodus Bay Heights Country Club on May 11.
5. Notice of the next Fire Advisory Board meeting to be held on Thursday, May 24, 2012, at 8 p.m. in the Public Safety Facility.
6. Invitation to attend the Legislative Intern Model Session on Monday, May 21, 2012, at 10:30 a.m. in the Legislative Board Chambers.
7. The County will be offering a Driver Safety Course in conjunction with the AARP. Please see Clerk of the Board Brenda Riehle if you are interested in attending.

APPOINTMENTS:

The Clerk of the Board announced that Chairman Curtis W. Crandall has appointed Dwight (Mike) Healy of Belmont, NY, as the Legislative Representative on the **GREATER ALLEGANY COUNTY CHAMBER OF COMMERCE**, for a three-year term commencing May 1, 2012, and expiring May 1, 2015.

PROCLAMATIONS:

Chairman Crandall proclaimed May 9, 2012, as School Nurse Day in Allegany County to celebrate school nurses everywhere and to acknowledge their accomplishments and their efforts in meeting the needs of today's students by improving the effective delivery of health care in our schools.

Chairman Crandall proclaimed May 13, 2012, as David A. Howe Public Library Day in Allegany County to celebrate the library's 75th birthday. He encouraged all citizens to participate in planned activities, celebrations, and events planned to coincide with this milestone.

Chairman Crandall proclaimed May 2012 as Older Americans Month in Allegany County and urged everyone to take time this month to engage with our older citizens through enjoyable social interactions such as sports, games, contests, and other forms of play.

Chairman Crandall proclaimed May 2012 as Foster Care Month in Allegany County to recognize the valuable and continuing contributions of foster parents who open their homes and hearts and play a vital role in helping children and families heal and reconnect thereby launching young people into successful adulthood.

RESOLUTIONS:

A motion was made by Legislator Ungermann, seconded by Legislator Curran, and carried following a roll call vote of 11 Ayes, 4 Noes, 0 Absent, to **AMEND RESOLUTION INTRO. NO. 68-12 (AMENDING THE COMPREHENSIVE COUNTY PROCUREMENT AND ACQUISITION POLICY OF ALLEGANY COUNTY)** to include professional services (opposed: Crandall, Fanton, Hopkins, and Pullen). Comments included:

Legislator Ungermann noted that raising the dollar amount of goods and services requiring bids is a good idea, but he'd like to see professional services included. He questions just handing jobs to providers of professional services, and feels we should do something to open it up.

Legislator Burdick asked if the resolution includes installment purchases. County Administrator John Margeson replied that typically lease/purchase contracts aren't obtained through the competitive bidding process. Legislator O'Grady pointed out that would circumvent the policy. Mr. Margeson noted that when a department goes out to competitive bid for a piece of equipment, they can bid it both ways - outright purchase and lease/purchase; but they're still supposed to bid it.

Legislator Hopkins explained that he would vote against competitive bidding for professional services, because when you bid it, you almost have to take the lowest bid. He's questions if that's what we really want with professional services. We'd want the person with the best quality of service. Mr. Hopkins was involved in some of those circumstances in the past, and it ended up being very costly because they had to take the lowest bid.

RESOLUTION INTRO. NO. 68-12 (AMENDING THE COMPREHENSIVE COUNTY PROCUREMENT AND ACQUISITION POLICY OF ALLEGANY COUNTY) was TABLED, to allow time for more research on how this amendment will impact professional services, following a motion made by Legislator Fanton, seconded by Legislator Hopkins, and carried on a voice vote.

RESOLUTION NO. 66-12

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, 2011, through March 31, 2012, 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. LaForge

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

RESOLUTION NO. 67-12

**AMENDMENT OF RESOLUTION NO. 202-2011
TO REFLECT AN INCREASE IN THE SALARY OF THE DISTRICT ATTORNEY;
APPROPRIATION OF ANTICIPATED STATE AID TO OFFSET SUCH INCREASE**

Offered by: Ways and Means Committee

Pursuant to Judiciary Law 183-a and Chapter 567 of the 2010 Laws of New York

WHEREAS, Section 183-a of the Judiciary Law states that a district attorney is to have the same salary as a county judge serving in the same county, and

WHEREAS, Section 221-d of the Judiciary Law is the state statute establishing the annual salary of a county judge, and

WHEREAS, in 1982, in the case of Francis v. Mulholland, 113 Misc.2d 821, 449 N.Y.S.2d 848, Allegany County unsuccessfully challenged New York State's authority under Section 183-a of the Judiciary Law to establish the salary of a district attorney, and

WHEREAS, subsequent to that case, the New York Court of Appeals affirmed the authority of the State of New York to establish the salary of a district attorney in the case of Matter of Kelley v. McGee, 57 N.Y.2d 522, 443 N.E.2d 908, and

WHEREAS, once the highest court in a state has ruled on a matter of state law, that ruling is deemed to be the law of the state, and

WHEREAS, the last year the salary for county court judges was raised was in the year 1999, and

WHEREAS, in compliance with state law, as of the year 1999, Allegany County raised the salary of its district attorney from \$99,000 to \$119,800, and

WHEREAS, there has been no raise in the salary of a county judge since 1999 and likewise, in Allegany County, no raise in the salary of the district attorney since 1999, and

WHEREAS, pursuant to Chapter 567 of the 2010 Laws of New York, the state legislature created a Special Commission on Judicial Compensation to make recommendations as to appropriate and fair salaries for the judges of this state, and

WHEREAS, the law creating the Commission provided that the recommendations of the Commission would automatically go into effect as law as of April 1, 2012, unless the state legislature voted otherwise, and

WHEREAS, pursuant to the recommendations of the Commission, the salaries of New York State judges are scheduled to be increased incrementally over a three-year period, and

WHEREAS, the Commission recommended that the twelve-month salary paid a county judge in Allegany County be increased to \$140,300 for the period April 1, 2012, through March 31, 2013, and

WHEREAS, because the New York State Legislature did not amend or otherwise annul the recommendations of the Commission, those recommendations became effective as the law of this state on April 1, 2012, and

WHEREAS, the salary of an Allegany County Judge was raised to \$140,300 on April 1, 2012, and therefore the salary of the Allegany County District Attorney also increases to \$140,300 as of that date, and

WHEREAS, in order to alleviate the financial impact caused by the salary increase, the State of New York amended Section 700 of the County Law by adding paragraph "12,"

which has the effect of authorizing state aid to Allegany County in the amount of \$40,200 for the period April 1, 2012, through March 31, 2013, and

WHEREAS, this Board needs to amend its salary plan governing the District Attorney to reflect the new salary as of April 1, 2012, and make the appropriate adjustments to the budget, now, therefore, be it

RESOLVED:

1. That paragraph "7." of Resolution No. 202-2011 is amended to indicate that for a twelve-month period, commencing April 1, 2012, and ending March 31, 2013, the base salary of the Allegany County District Attorney shall be \$140,300.

2. That the sum of \$20,500 in anticipated state aid for the District Attorney's salary increase is appropriated to Account No. A1165.101 (District Attorney-Personnel Services) with a like sum credited to Revenue Account No. A1165.3030.00 (State Aid-General-District Attorney Salary).

3. This resolution shall take effect retroactive to April 1, 2012.

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

Adopted: Roll Call
9 Ayes, 6 Noes, 0 Absent
Voting No: Benson, Burdick, Cady, Curran, Pullen, Ungermann

Comments made regarding Resolution No. 67-12 included the following:

Legislator Pullen noted that since this issue was first considered by the Board on April 9, there's been extensive discussion, and he believes it now has strong support. Mr. Pullen still opposes it, although there have been court decisions rendered on this matter in the past. His opposition is based on the fact that the State Constitution says the State can't do this, regardless of what the court says. Ultimately, there has to be some law. There have been individuals, Martin Luther King, Jr. was one of them, who said that sometimes you have to take a stand against what is wrong. There have been precedents in the past which have been overruled over time, and part of the process was that a stand was taken. Mr. Pullen is prepared to take such a stand. The State Constitution says that State government cannot act to change the salaries of county and local government officials. The District Attorney has been specified in County Law as a county officer, not a State official; and as such, it is this Board that should set that salary, not the State Legislature. If you look back over history since the 1960s when that law was passed, they have essentially ignored it. The ultimate foundational law of the State of New York is the State Constitution, and they are violating it. There are many County officers, i.e. County Sheriff, County Treasurer, County Clerk, County Health Director, and Commissioner of Social Services, who administer State programs. Are all of those also going to be subject to salary being established and mandated? There's a law, the State Constitution, and we should follow it. If that means litigation, then so be it.

Legislator Sinclair stated that it's apparent in the court cases and in the narratives about the position that the District Attorney is not a County employee. He is subject to the control of the State Attorney General. Any case can be taken over at any time, and he is subject to their bidding. There is something wrong with the structure, but it's obvious in all of the citations that the District Attorney is not subject to County policy, he does not function as any of those other County employees do, and he is not to be subject to pressures as many other officers can be. Based on that, another approach would be to send a resolution to our State Legislature requesting them to fix the designation and to stop trampling on our home rule and the State Constitution. Mr. Sinclair does not feel that denying this State mandate is something that will fix the basic problem or that would be effective in light of the prior court cases that have decided this matter. He supports the resolution and the raise; however, we should draft a resolution addressing the need to fix the problem of designation.

Legislator Ungermann referred to a newspaper account that appeared after the issue of the District Attorney's salary increase came up at the April 9 meeting that included the quote, "Unfunded mandates are a noble cause - I'm against them, too - but that's not this. Why they (the Board) decided to fight this battle, I don't know. This is incredibly stupid." Mr. Ungermann remarked that apparently an unfunded mandate is objectionable when it doesn't affect you, but when it gives you a big raise, it's OK. It seems like it's just a group of lawyers getting together to make sure everybody gets their due. When two parties disagree about something, they each hire an attorney, and then a third attorney tells them which one is right, and they all get paid, win or lose. Unfortunately, most laws are made by lawyers. The little guys without a law degree don't really count that much.

Legislator Hopkins agreed with Mr. Sinclair that the approach to take is changing how it's paid at the State level. He's concerned that if we don't pass this, we'll get into litigation that will cost the taxpayers a lot of money, and chances are we'll lose. Even if by a remote chance we should win, the State will find a way to change it around so that we still end up paying. This isn't the battle we want to fight.

Legislator Fanton noted that the State is picking up the tab for the increase this year. What our focus should be is to pressure them to continue to pick up the increase. That's something we can do through NYSAC and InterCounty. We're not the only county affected. This isn't a fight we can get out of without cost.

Chairman Crandall pointed out that a resolution encouraging the State to continue to pick up the cost of the increase will be considered a little later in the meeting. Taking that a step further, the issue Mr. Sinclair brought up about fixing the designation should probably be taken up by the Ways and Means Committee.

Legislator Healy stated that he respectfully disagreed with Mr. Pullen's interpretation of the State Constitution on this matter. This case was decided in 1982 before the highest court in the State of New York. In the absence of any new circumstances, the outcome is going to be the same. On the best advice of our council, Mr. Healy supported the resolution. We may not like it, but this isn't the battle we want to fight in challenging unfunded mandates. We might better fight one we have a chance of winning.

RESOLUTION NO. 68-12

**RESOLUTION DECLARING MAY 14, 2012, TO BE “MAYDAY FOR MANDATE RELIEF”
AND URGING THE MANDATE RELIEF COUNCIL TO TAKE SWIFT ACTION
IN SUBMITTING A PACKAGE OF MANDATE RELIEF PROPOSALS
TO GOVERNOR CUOMO AND THE STATE LEGISLATURE
TO BE VOTED ON THIS SESSION**

Offered by: Ways and Means Committee

WHEREAS, the State of New York mandates (requires) the delivery of State programs using local resources, causing some counties to dedicate more than 80 percent of their entire budget toward the funding of State mandated programs and fixed costs, and

WHEREAS, the New York State Association of Counties has identified just 9 State mandates that equal 90 percent of all county property taxes levied in 2010 (outside of New York City), consuming \$4 billion of \$4.4 billion in county property taxes levied. These mandates include: Medicaid, TANF/Public Assistance Safety Net, Child Welfare Protective and Preventive Care, Special Education Pre-School, Early Intervention, Probation, Indigent Defense, Youth Detention, and Pensions, and

WHEREAS, these State mandates are the root cause of high county property and sales taxes in New York and have led to a decline in the delivery of important local services, and

WHEREAS, these State imposed mandates continue to contribute to New York's highest in the nation local tax burden for residents and businesses, severely damaging New York's ability to attract, create and maintain good paying jobs, as well as contributing to population losses to other states, and

WHEREAS, at a state-wide cost of \$7.3 billion, Medicaid is the number one mandate facing counties, and

WHEREAS, Allegany County property taxpayers will pay approximately \$10.03 million in State Medicaid costs in 2012, and that amount will increase 3 percent every year as mandated by the State, and

WHEREAS, if a State takeover of Medicaid is enacted, County property taxes could be reduced by over 36 percent, and

WHEREAS, due to other State welfare mandates, the County is required to spend an additional \$8.53 million, or approximately 30 percent of the 2012 tax levy, on three central program groups consisting of Temporary Assistance for Needy Families (TANF), Safety Net, and Child Welfare, and

WHEREAS, State Legislators also mandate numerous other expenses included in Special Education, Youth Detention, Probation, Indigent Defense, and the Public Pension System which will cost the County \$5.96 million or 21 percent of the 2012 tax levy, and

WHEREAS, in total, the various NYS Mandates listed above will cost Allegany County \$24.52 million which comprises 87 percent of the total County Property Tax Levy for 2012, and

WHEREAS, when the State enacted a property tax cap in 2011, a Mandate Relief Council was established to review specific mandates and advance legislative proposals to reduce the statutory and regulatory burden on municipalities, now, therefore, be it

RESOLVED:

1. That Allegany County hereby declares May 14, 2012, to be "Mayday for Mandate Relief" to demonstrate that the decisions made in Albany have a direct impact on the property tax levy and local community services here in Allegany County.

2. That Allegany County hereby calls on the Mandate Relief Council to take swift action in submitting a package of Mandate Relief proposals to Governor Cuomo and the State Legislature to be voted on by our State Representatives during the 2012 State Legislative Session.

3. 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 all those deemed necessary and proper.

Moved by: Mr. Hopkins
Seconded by: Mr. Sinclair

Adopted: Voice Vote

RESOLUTION NO. 69-12

**URGING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK
TO ADOPT LEGISLATION PROVIDING ONGOING STATE AID TO COVER THE COST OF
ANY INCREASE IN THE SALARY PAID A DISTRICT ATTORNEY
DUE TO AN INCREASE IN THE SALARY PAID A COUNTY JUDGE**

Offered by: Ways and Means Committee

WHEREAS, pursuant to Section 183-a of the Judiciary Law, the base salary of a district attorney must be equivalent to a county judge serving in the same county, and

WHEREAS, unlike other county officers whose salaries are established by the county legislature, the salary paid a district attorney has been deemed a matter of “state interest” and as such set by state law, and

WHEREAS, in Allegany County, the salary set for the District Attorney is almost a third higher than other County officers, including those with similar professional credentials, and substantially more than the norm for lawyers practicing in the County, and

WHEREAS, in addition to increasingly expensive mandates imposed upon counties by the State, the State has imposed a 2 percent property tax cap which severely limits a county’s ability to provide governmental services critical to the health and welfare of its residents, and

WHEREAS, a key initiative of Governor Cuomo has been reducing or eliminating unfunded mandates through the creation of the Mandate Relief Council, and

WHEREAS, without relief from State mandates or additional State aid to assist counties in meeting those mandates, many of the “social ills” which county governments deal with on a daily basis can, if left unattended, translate into increased criminal activity, and

WHEREAS, given the role counties play in meeting critical social needs and thereby reducing the risk of criminal behavior, this Board believes that New York State should bear the full cost of any increase in district attorney salaries, and

WHEREAS, the recent amendment to Section 700 of the County Law is due to expire as of March 31, 2013, and there is no assurance of State aid to cover the salary increase beyond that date, now therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators hereby calls on State lawmakers and Governor Andrew Cuomo to pass legislation that makes any additional cost to counties on or after April 1, 2012, for salaries paid district attorneys pursuant to Section 183-a of the Judiciary Law fully reimbursable to counties through the provision of State aid.

2. That the Clerk of this Board is hereby directed to send certified copies of this resolution to Governor Andrew Cuomo, Senate Majority Leader Dean Skelos, Assembly Speaker Sheldon Silver, Senator Catharine M. Young, Assemblymen Daniel J. Burling and Joseph M. Giglio, the New York State Association of Counties, and InterCounty Association of Western New York.

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

Adopted: Voice Vote

RESOLUTION NO. 70-12

**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 \$25,978.32 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 FEES	REBATE AMT TO TOWN	REBATE AMT TO VILLAGE	VILLAGES
Alfred	991.25	795.48	195.77	Alfred
Allen	392.00	392.00		
Alma	274.56	274.56		
Almond	679.57	626.96	52.61	Almond
Amity	494.27	413.17	81.10	Belmont
Andover	302.13	249.44	52.69	Andover
Angelica	504.02	420.19	83.83	Angelica
Belfast	415.94	415.94		

Birdsall	35.74	35.74		
Bolivar	826.39	653.05	160.79	Bolivar
			12.55	Richburg
Burns	390.92	342.97	47.95	Canaseraga
Caneadea	5,811.75	5,811.75		
Centerville	235.09	235.09		
Clarksville	593.40	593.40		
Cuba	1,426.75	1,225.01	201.74	Cuba
Friendship	288.61	288.61		
Genesee	416.37	416.37		
Granger	168.52	168.52		
Grove	418.40	418.40		
Hume	2,589.89	2,589.89		
Independence	174.53	174.53		
New Hudson	266.39	266.39		
Rushford	1,040.14	1,040.14		
Scio	220.27	220.27		
Ward	25.70	25.70		
Wellsville	6,143.03	4,503.08	1,639.95	Wellsville
West Almond	16.12	16.12		
Willing	408.75	408.75		
Wirt	<u>427.82</u>	<u>397.72</u>	<u>30.10</u>	Richburg
TOTALS	25,978.32	23,419.24	2,559.08	

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. Graves

Adopted: Roll Call
15 Ayes, 0 Noes, 0 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 Pullen, and adopted on a roll call vote of 14 Ayes, 1 No, 0 Absent, that the audit of claims, totaling \$3,738,165.98, 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 through May 8 is \$3,591,926.*) Mr. Hopkins remarked that the biggest mandate we have is Medicaid, and as of May 8, we've paid \$3.6 million. We're one of the few states where the counties have to pay this.

ADJOURNMENT: The meeting was adjourned at 3:05 p.m. following a motion made by Legislator Graves, seconded by Legislator Pullen, and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
MAY 29, 2012**

**** 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 Navy Chief Petty Officer April Din.

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 14, 2012, were amended following a motion made by Legislator Ungermann, seconded by Legislator Hopkins, and carried to clarify Mr. Ungermann's comments on Resolution No. 67-12 regarding the District Attorney's salary increase on page 8 of the minutes. The minutes were then approved as amended following a motion made by Legislator Sinclair, seconded by Legislator Graves, and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to April Din, United States Navy Chief Petty Officer, in grateful appreciation of her service to our Country. Ms. Din's service dates were from January 1992 to May 1995 (Active Duty) and May 1995 to the Present (Reserve Duty). Following Basic Training at Orlando, FL, assignments included: Meridian, MS; USS Shasta; Naval Security Force, Pearl Harbor, HI; and called from the Reserves to active duty in the Persian Gulf and at the Pentagon. She is currently assigned to Chief of Naval Operation. Commendations she received included: Navy Commendation Medal, 4 Navy Achievement Medals, 4 Good Conduct Medals, Operation Enduring Freedom Ribbon, Southwestern Asian Service Medal, Rifle Ribbon, Pistol Ribbon, Global War on Terrorism, Armed Forces Reserve Ribbon with Mobil Device, and Sea Ribbon. Ms. Din 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. Din also works for the New York State Court System as Family Court Deputy Clerk.)

Representatives were present from the following departments and agencies to answer questions regarding their 2011 Annual Reports: County Administrator, Development, Industrial Development Agency, Planner, Planning Board, Social Services, and Tourism.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. June 2012 Calendar of Board and Standing Committee meeting dates.
2. Certificates of Withdrawal of Delinquent Tax Liens for properties in the Towns of Wirt and Belfast were filed by the County Treasurer in the Clerk of the Board's Office on May 14, 2012, pursuant to Article 11 of the Real Property Tax Law,.
3. The Greater Allegany County Chamber of Commerce announced the Business after Hours Event to be hosted by the Swain Resort and Bene-Care on Thursday, May 31, 2012, from 5:30 to 8 p.m.
4. Invitation to participate in the 13th Annual Bolivar Pioneer Oil Days Parade on Saturday, June 23.

APPOINTMENTS:

Chairman Curtis W. Crandall, in a joint measure with Norman Marsh, Chairman of the Cattaraugus County Board of Legislators, has appointed the following individuals to serve on the **CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD**:

- Gretchen Hanchett (to replace Christina Hedstrom, filling the remainder of a three-year term to expire December 31, 2012)
- Ed Giardini, Jr. (to replace Donald Giardini, filling the remainder of a three-year term to expire December 31, 2013)

RESOLUTIONS:

RESOLUTION NO. 71-12

**ABOLISHING THREE POSITIONS OF AGING SERVICE TECHNICIAN AND
CREATING TWO POSITIONS OF AGING SERVICE SPECIALIST
IN THE OFFICE FOR THE AGING**

Offered by: Human Services Committee

RESOLVED:

1. That three positions of Aging Service Technician (Grade 13) are abolished and two positions of Aging Service Specialist (Grade 16) are created in the Office for the Aging.
2. This resolution shall take effect on May 30, 2012.

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

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

Comments made regarding Resolution No. 71-12 included: Legislator Pullen noted that this action will result in one position being eliminated, thereby bringing about significant savings. Mr. Pullen applauded the department's creativity and initiative and their efforts to increase services to our residents while reducing the expense as much as possible.

RESOLUTION NO. 72-12

RESOLUTION ESTABLISHING A UNIFORM HOURLY RATE SCHEDULE FOR PART-TIME CORRECTION OFFICERS

Offered by: Public Safety and Personnel Committees

RESOLVED:

1. That the hourly rate of pay for Correction Officers is as follows:
 - a) \$13 per hour at the time of hire;
 - b) \$15 per hour after satisfactory completion of field training and basic Correction Officer Academy;
 - c) \$16 per hour after serving five consecutive years as an officer in the Sheriff's Office; and
 - d) \$17 per hour after serving ten consecutive years as an officer in the Sheriff's Office.
2. In the discretion of the Sheriff, as a condition of employment and payment at the above described rates, a part-time Correction Officer shall be required to work a minimum of 20 hours per month.
3. This resolution shall become effective May 30, 2012.

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

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

RESOLUTION NO. 73-12

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 Susan Dougherty is reappointed to the County Board of Health with term of office commencing July 8, 2012, and expiring July 7, 2018.

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

Adopted: Voice Vote

RESOLUTION NO. 74-12

**TRANSFER OF FUNDS FROM FIRE PREVENTION AND CONTROL
CONTRACTUAL EXPENSES ACCOUNT
TO EMERGENCY SERVICES CONTRACTUAL EXPENSES ACCOUNT**

Offered by: Ways and Means Committee

RESOLVED:

1. That the sum of \$1,000 is transferred from Account No. A3410.411 (Fire Contractual) to Account No. A3640.411 (Emergency Services – Contractual) for vehicle maintenance.

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

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

Comments made regarding Resolution 74-12 included the following: Legislation Ungermann questioned the transfer of funds for vehicle maintenance. Chairman Crandall explained that this will keep the old vehicle running instead of buying a new one. Mr. Ungermann expressed concern that the vehicle is on the road continually. Legislator Healy clarified that originally they were going to replace the Director's vehicle, but decided to save the money, and there wasn't enough budgeted for maintenance of the old vehicle.

RESOLUTION NO. 75-12

**RESOLUTION APPROVING AGREEMENT BETWEEN
THE ALLEGANY COUNTY OFFICE FOR THE AGING AND
P2 COLLABORATIVE OF WESTERN NEW YORK
TO PROVIDE TRANSITIONS COACHING TRAINING;
AUTHORIZING OFFICE FOR THE AGING DIRECTOR TO SIGN SUCH AGREEMENT**

Offered by: Human Services Committee

WHEREAS, P2 Collaborative of Western New York desires to enter into an agreement to employ the Allegany County Office for the Aging to provide transition coaching training to

assist people on Medicaid and Medicare who are discharged from Jones Memorial Hospital, and

WHEREAS, there will be no cost incurred by Allegany County for such coaching sessions, but instead the County will receive \$232.52 per session, now, therefore, be it

RESOLVED:

1. The Agreement with P2 Collaborative of Western New York is approved.
2. The Director of the Allegany County Office for the Aging is authorized to enter into such Agreement.

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

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

(Memo: The contractual relationship between the Office for the Aging and the P2 Network in Erie County approved in Resolution No. 75-12 is for the purpose of providing a Transitions in Care Program funded by CMS [Center for Medicare & Medicaid Services]. Transitions in Care coaches people who are discharged from the hospital, empowering them to be more involved in their own healthcare, avoiding re-hospitalizations. Locally, this program will be a partnership between the Office for the Aging, Jones Memorial Hospital, Willcare, and Visiting Nurses Association. The term of the agreement will run through June 30, 2014.)

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 \$3,741,701.22, 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 \$3,976,466.)* Legislator Ungermann questioned the Assigned Counsel expense for the period, and County Administrator John Margeson explained that Assigned Counsel bills are not paid on a regular basis, but in lump sums about three times per year.

ADJOURNMENT: The meeting was adjourned at 2:22 p.m. on a motion made by Legislator Fanton, seconded by Legislator Graves, and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
JUNE 11, 2012**

**** 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 Army Private First Class Richard H. 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, Timothy O'Grady, David Pullen, Frederick Sinclair, Norman Ungermann, Jr.; 1 Legislator Absent: Aaron McGraw

APPROVAL OF MINUTES:

The Board meeting minutes of May 29, 2012, were approved on a motion made by Legislator Hopkins, seconded by Legislator Curran, and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Richard H. Monroe, of Bolivar, NY, former United States Army Private First Class, in grateful appreciation of his service to our Country. Mr. Monroe's service dates were from September 1946 to January 1948. Following Basic Training at Camp Lee, VA, he was assigned to overseas duty in Kobe, Japan. Commendations he received included: World War II Victory Medal and Army Occupation Medal Japan. Mr. Monroe is an active member of the American Legion in Bolivar and creates portraits to honor Bolivar/Richburg area servicemen who lost their lives while serving their country. The portraits are on display at the Bolivar Legion. 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.

Allegany County Dairy Princess Haley Dibble, sophomore at Cuba-Rushford Central School and sponsored by TD Farms of Cuba, introduced herself to the Board and spoke about the debate over whether chocolate milk should be considered a junk food or an occasional snack with many health benefits. Chairman Crandall noted that Ms. Dibble and Allegany County Fair Board President Martha Roberts were featured on the front page of the *Country Folks* statewide newspaper recently. Ms. Dibble served milk punch and cheese and crackers in the hallway foyer prior to the meeting.

NYS Farm Bureau Field Advisor Timothy Bigham addressed the Board regarding agriculture. He made note of the diversity of agriculture in Allegany County and Western New York. Dairy still dominates, but the County ranks second in the state for cut Christmas trees and third for hog production. Mr. Bigham listed some of the many types of farms, different methods of production, and the multitude of goods our raw products are made into. He also illustrated the variety of agricultural and secondary jobs available in Western New York. Mr. Bigham remarked that Farm Bureau sometimes asks for the Legislature's help with problems they face, and sometimes they offer their voice and strength to help the Legislature convey a message to Albany or Washington. Today, they're just asking for a greater understanding of why agriculture is important to Allegany County and to partner with them in making Allegany County an excellent place to live and do business.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. Report of Intrafund Transfers approved by the County Administrator in May.
2. The County Treasurer filed a Certificate of Withdrawal of Delinquent Tax Lien in the Clerk of the Board's Office on May 31, 2012, for property in the Town of Hume, pursuant to Article 11 of the Real Property Tax Law.
3. The County Treasurer filed a copy of Appendix A and B as reported to the NYS Office of the State Comptroller on the financial condition of Allegany County as of December 31, 2011, in the Clerk of the Board's Office on May 31, 2012.
4. Notice of next InterCounty Association meeting to be hosted by Steuben County in Corning on June 15.
5. ACCORD Corporation Annual Report for the period March 1, 2010, through February 28, 2011.

RESOLUTIONS:

RESOLUTION NO. 76-12

**AUTHORIZING A TEMPORARY LOCAL RETIREMENT INCENTIVE
CONSISTING OF A REDUCED CONTRIBUTION TOWARDS
THE COST OF FAMILY HEALTH CARE COVERAGE AS IT PERTAINS
TO CERTAIN QUALIFIED EMPLOYEES**

Offered by: Personnel Committee

WHEREAS, this Board is seeking to save taxpayer dollars while maintaining quality services, and

WHEREAS, as with most businesses, employees who have been with the County for several years are entitled to more pay for certain jobs that can also be performed by employees with less tenure, and

WHEREAS, it is anticipated that the County will experience cost savings by filling certain positions that become vacant through the retirement of longstanding employees with employees with less years of experience, and

WHEREAS, the County will experience further cost savings by eliminating certain positions deemed no longer necessary upon the retirement of longstanding employees, and

WHEREAS, it has been determined that certain employees who are eligible to retire have delayed their retirement due to the high cost of maintaining family health care coverage, and

WHEREAS, it is believed that some employees who have delayed their retirement due to the high cost of maintaining family health care coverage will choose to retire if the cost of family health care coverage can be reduced, and

WHEREAS, in order to achieve a reduction in overall County expenditures, this Board wishes to implement a temporary local retirement incentive consisting of a reduced contribution towards the cost of family health care coverage as it pertains to certain County employees meeting eligibility requirements, now, therefore, be it

RESOLVED:

1. Allegany County hereby adopts a temporary local retirement incentive on the following terms and conditions.

2. Qualified employees, as hereinafter defined, if retiring within a specific timeframe, shall be entitled to retain family/dependent health insurance coverage upon retirement at a reduced contributory cost of \$200 per month beyond the cost of single coverage. Such additional contributory amount for family coverage shall remain in effect until either the retired employee or his/her spouse attains the age of 62, at which point they must contribute for such coverage to the same extent as if they had retired and reached the age of 62. Except for the reduced premium applicable for family coverage provided herein, premium contributions are not otherwise affected by this policy and shall continue, (and may increase), in accordance with the contribution schedule for the Agreement covering that particular employee in effect at the time they retired. Employees who choose to continue their health insurance must, as a necessary condition of such continuation, enroll in Medicare Parts A and B immediately upon becoming Medicare eligible and continue to take Parts A and B throughout the period they continue their health insurance through the County. Upon enrollment in Medicare Parts A and B, the retiree shall make monthly contributions to the County at the rate established either by Legislative policy or by the collective bargaining agreement covering the employee in effect at the point in time the particular employee retired.

3. Qualified employees are defined as follows:

- a) Any employee enrolled as a member of the New York State and Local Retirement System, who, by September 30, 2012, is 55 years of age or older and has accrued at least 30 years of service credit in the New York State and Local Retirement System.
- b) Any Employee, regardless of age, who is an enrollee of Plan 89P of the New York State and Local Retirement System, provided such employee has attained 25 years of service credit prior to September 30, 2012.

4. The timeframe in which a qualified employee must retire to take advantage of this incentive is as follows:

- a) Except for department heads, a qualified employee must retire between July 1, 2012, and September 30, 2012.
- b) In order to allow ample time to hire a replacement, a qualified employee, who holds a position of department head as so identified in the Section IV salary plan, must notify the County Administrator no later than July 31, 2012, of their intent to retire, and their retirement must occur no earlier than October 31, 2012, and no later than December 31, 2012.

5. This resolution shall take effect immediately.

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

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

Comments made regarding Resolution No. 76-12 included: Legislator O'Grady remarked that the intent of the resolution is not only to reduce the size of the County's workforce through attrition, but to reduce the County budget significantly overall.

RESOLUTION NO. 77-12

RESOLUTION ESTABLISHING NEW BENEFITS PACKAGE FOR ALLEGANY COUNTY POSITIONS DESIGNATED AS PART-TIME

Offered by: Personnel Committee

WHEREAS, this Board desires to establish a new benefits package for Allegany County positions designated as part-time, now, therefore, be it

RESOLVED:

1. That as of January 1, 2012, no employee benefits shall be provided to part-time employees except as specifically set forth herein:

2. That a "part-time" employee shall be defined as any County employee required to work fewer hours on average than the hours established for a full-time employee working in the same Department or Office.

3. That the term "benefits" consists of any employer provided non-monetary consideration. By way of example, but not limitation, the following items would be considered "benefits":

- a) Health insurance
- b) Vacation time
- c) Sick time
- d) Personal time
- e) Holiday pay
- f) Health insurance buyout
- g) Longevity payment

4. That the term "permanent part-time" refers to those positions which are either in Section 4, in a grade/step plan, or encompass an ongoing set schedule, (i.e. not seasonal, on call, or as needed), but excluding therefrom those positions which never received benefits in the past.

5. That any position designated as "permanent part-time" shall be entitled to receive the following benefits:

- a) Health insurance under the Option 1 plan at an employee cost equal to 20 percent of the premium equivalent.
- b) Fourteen (14) hours of personal time each year of service.

6. Part-time Corrections Officers who have worked more than 1,300 hours in a calendar year shall be eligible for health insurance the following year under the following conditions. Health insurance under the Option 1 plan at an employee cost equal to 20 percent of the premium equivalent. They must continue to work a minimum of 1,300 hours each year to maintain coverage.

7. Assistant District Attorneys shall be eligible for the following:

- a) Health insurance under the Option 1 plan at an employee cost equal to 20 percent of the premium equivalent.

8. Executive Secretary, Workers' Compensation shall be eligible for the following:

- a) Health insurance under the Option 1 plan at an employee cost equal to 20 percent of the premium equivalent.

9. Election Commissioners shall be eligible for the following:

- a) Health insurance under the Option 1 plan at an employee cost equal to 20 percent of the premium equivalent.

10. Subject to any requirements imposed by the New York State Retirement System, all part-time employees have the option to join the Retirement System.

11. Part-time employees receiving benefits who were on the County payroll as of December 31, 2011, shall continue to receive the same benefits as in effect on that date.

12. This resolution shall take effect retroactive to January 1, 2012.

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

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

Comments made regarding Resolution No. 77-12 included: Legislator Pullen noted that the Personnel Committee Chairman has worked on this issue for several months. Although it looks straightforward, there have been several complications. Mr. Pullen believes this resolution is in the best interest of the County and its taxpayers. It establishes uniformity and it should result in savings.

RESOLUTION NO. 78-12

TRANSFER OF FUNDS FROM E-911 DISPATCH CONTRACTUAL EXPENSES ACCOUNT TO PUBLIC SAFETY COMMUNICATION CONTRACTUAL EXPENSES ACCOUNT

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That the sum of \$7,000 is transferred from Account No. A3112.403 as follows: \$3,800 to Account No. A3020.427 (Electricity), \$2,000 to Account No. A3020.428 (Natural Gas), and \$1,200 to Account No. A3020.414 (Rentals Real Property).

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

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

(Memo: Regarding Resolution No. 78-12, the Sheriff's Office had funds budgeted for the annual maintenance of the current CAD software. They are anticipating the purchase of a new CAD system; therefore, they felt it unnecessary to pay for this maintenance. The funds are being transferred into radio system tower accounts.)

A motion was made by Legislator Sinclair, seconded by Legislator Hopkins, and carried to amend Resolution Intro. No. 82-12 (APPOINTMENT OF MICHAEL JOHNSEN TO ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY) to add, "and Industrial and Commercial Incentive Board" to the title and to Resolved No. 1.

A motion was made by Legislator Healy and seconded by Legislator Graves to table Resolution Intro. No. 82-12 (APPOINTMENT OF MICHAEL JOHNSEN TO ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY AND INDUSTRIAL AND COMMERCIAL INCENTIVE BOARD) pending amendment of the Industrial Development Agency by-laws to include equal representation on the IDA Board from all Legislative Districts. The motion to table was defeated following a roll call vote of 4 Ayes, 10 Noes, 1 Absent (opposed: Burdick, Cady, Crandall, Curran, Fanton, Hopkins, LaForge, O'Grady, Pullen, and Sinclair).

RESOLUTION NO. 79-12

APPOINTMENT OF MICHAEL JOHNSEN TO ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY AND INDUSTRIAL AND COMMERCIAL INCENTIVE BOARD

Offered by: Planning and Economic Development Committee

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

RESOLVED:

1. That Michael Johnsen of Dalton, New York, is appointed as a member of the Allegany County Industrial Development Agency and Industrial and Commercial Incentive Board with term of office commencing May 16, 2012, and expiring December 31, 2013.

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

Moved by: Mr. Sinclair

Adopted: Voice Vote

Seconded by: Mr. Hopkins

Comments made regarding Resolution No. 79-12 included the following:

Legislator Sinclair commended the civic-minded residents who serve on the Industrial Development Agency Board. They are responsible for the IDA achieving the County's goals in terms of economic development. Those goals also include Countywide industrial and business development and expansion, job creation and retention, and economic growth.

Legislator Hopkins explained the reasons for selecting Mike Johnsen to fill the vacant IDA Board position. He is the Supervisor for the Town of Grove and was heavily involved in the transfer of the Swain Resort ownership. Without that assistance, it may not have happened. Also, when Swain was up and running again, Mike's knowledge and experience at Motorola

were key in establishing the internet and wireless communications they needed, making them a better attraction for the County. Because of Mike's executive position at Motorola, he knows large companies, which will be helpful in the IDA's future dealings with large companies. In the past three or four months, the IDA has been involved in the Point of Presence and the Ion connection, which are going to be key in the development of the County's communications infrastructure. Mike's knowledge and connections will be valuable assets for the IDA in moving that forward, so the County will be able to attract business. It's hard to find people who are willing to serve and who have the knowledge. Mr. Hopkins has served on committees with Mr. Johnsen, and he felt Mike will be a great asset to the IDA Board.

Legislator Healy thanked everyone who serves on the IDA Board and the various other boards and committees throughout the County; it's a thankless job. He also thanked Mr. Hopkins for his comments on behalf of Mr. Johnsen. Mr. Healy explained that his opposition to this appointment has nothing to do with Mr. Johnsen, who is very qualified and knowledgeable, but it leaves Legislative District 2 with no representation on the IDA Board. Past practice has been to attempt to have every district represented equally, which lends a certain degree of legitimacy and transparency to the process. Mr. Healy felt that more effort should have been made to find an equally qualified candidate from District 2. There has been some discussion on amending the by-laws of the IDA to ensure equal representation on the board from every district, and Mr. Healy encouraged efforts on that behalf.

Legislator Pullen remarked that if he thought it was strictly a matter of each district having a representative in office to pitch for the benefit of that particular district, he might be moved to support Mr. Healy's suggestion. His understanding of the IDA operation, both the Executive Director and the Board of Directors of the IDA, is that they approach things on a Countywide basis. They are not serving for the benefit of their specific districts. The entire County needs to reap the benefit. From his involvement with the ad hoc committee dealing with communications, Mr. Pullen has seen that Mike Johnsen has worked very diligently on that. The Ion initiative doesn't actually touch his town, but he has put a lot of effort into it, recognizing that the entire County will benefit from the economic development. For that reason, Mr. Pullen feels that Mr. Johnsen is a good choice. Mr. Pullen understands the sentiment of having balance, and it's something the Board should keep in mind, but not in a slavish manner. He wants what's best for the County.

Legislator Ungermann commented that with the good, comes some not so good. There's a small company called Reno Net, and they have filled in the areas with high-speed internet that didn't have service before, from Elmira all the way to the eastern border of Allegany County. Mr. Ungermann felt that we could have had high-speed internet in this County sooner. For whatever reason, Mr. Johnsen had no interest in giving these people a fair hearing. Mr. Ungermann questioned that, noting that we have to look at all of the options.

RESOLUTION NO. 80-12

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

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That Agreements titled "County of Allegany Contract for Approved Providers of Programs, SEIT, and/or Evaluations for Preschoolers with Disabilities" with Cattaraugus Rehabilitation Center, Inc. d/b/a Children's Learning Center, Kid Start Livingston-Wyoming ARC, Friendship Central School, and Pathways, Inc. for the period September 1, 2011, to August 31, 2012, are approved.

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

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

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

Comments made regarding Resolution No. 80-12 included: Legislator Ungermann stated that there should be another way. This is a very expensive program, and once kids are placed in it, they are stereotyped as handicapped for the rest of their lives. He won't support the resolution.

RESOLUTION NO. 81-12

**APPROVAL OF LEASE BETWEEN FIRST BAPTIST CHURCH, BELMONT, NEW YORK,
AND COUNTY OF ALLEGANY FOR PREMISES OFF COURT STREET**

Offered by: Facilities and Communications Committee

RESOLVED:

1. That Lease dated June 11, 2012, between the First Baptist Church, Belmont, New York, and the County of Allegany for parking off of Court Street, is approved.

2. That the term of this Lease is for two years commencing on April 1, 2012, and ending on March 31, 2014, at a rental of \$500 per month.

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

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

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

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 13 Ayes, 1 No, 1 Absent, that the audit of claims, totaling \$2,538,981.24, 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 \$4,361,006.*)

GENERAL COMMENTS:

Legislator Hopkins referred to a flyer on agricultural statistics in Allegany County that was distributed by Farm Bureau Field Advisor Timothy Bigham, commenting that it's interesting to note that there is still a lot of farming going on in the County, more than people may realize.

Legislative Clambake tickets are available; the date of the Clambake is July 27.

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

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
JUNE 25, 2012**

**** APPROVED ****

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:04 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 Boatswain's Mate Cyril (Skip) E. Merrick.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 13 Legislators Present: 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.; 2 Legislators Absent: Glenn Benson, Aaron McGraw.

APPROVAL OF MINUTES:

The Board meeting minutes of June 11, 2012, were approved on a motion made by Legislator Graves, seconded by Legislator Curran, and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Cyril (Skip) Merrick, of Belmont, NY, former United States Navy Aviation Boatswain's Mate, in grateful appreciation of his service to our country. Mr. Merrick's service dates were from September 1966 to March 1970. Following Basic Training at Great Lakes, IL, assignments included: Lemoore, CA, for plane captain training on the A-7 Corsair Light Attack Bomber; Naval Air Station, Norfolk, VA; and USS Enterprise, stationed at Yankee Station off Vietnam and Korea. Commendations he received included: National Defense Service Medal, Vietnam Service Medal, and Armed Forces Expeditionary Medal. Mr. Merrick is the Commander (and founder) of the American Legion Riders, Trustee for the Wellsville Morris Hayes American Legion Post 702, Honor Guard for deceased active military and veterans (escorting remains home from the airport), Patriot Guard, and he volunteers to assist veterans to appointments. Mr. Merrick 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 Curtis W. Crandall presented a plaque to Personnel Officer Ellen A. Ruckle in recognition of her 39 years of dedicated service to Allegany County, 1973-2012. Ms. Ruckle is planning to retire on June 30, 2012.

Jones Memorial Hospital President/CEO Eva Benedict addressed the Board regarding a Collaborating Institution Agreement between Jones Memorial Hospital and the University of Rochester Medical Center.

ACKNOWLEDGEMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. July 2012 Calendar of Board and Standing Committee meeting dates.
2. Allegany County Mutual Self-Insurance Plan (Workers' Compensation) 2013 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 June 6.
3. Invitation to participate in the 25th Friendship Freedom Fair on July 28.

RESOLUTIONS:

RESOLUTION NO. 82-12

**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:					
County Clerk	Christman, Robert L.	7	01/01/12-12/31/15	N	19.95
District Attorney	Slep, Keith	7	01/01/12-12/31/15	N	20.67
APPOINTED OFFICIALS:					
District Attny-1st Assist.	Finn, Michael B.	6	01/01/12-12/31/15	N	25.56
District Attny-2nd Assist.	Finn, Amanda B.	6	01/01/12-12/31/15	N	21.92
District Attny-3rd Assist.	Cornell, Andrew J.	6	01/01/12-12/31/15	N	22.69
District Attny-4th Assist.	Reisner, Jeffrey P.	6	01/01/12-05/23/12	N	22.36
District Attny -Secretary	Colligan, Suzanne B.	7	12/01/11-12/31/15	Y	NA
Public Defender-2nd Assist.	J. Thomas Fuoco	7	01/01/12-12/31/13	Y	NA

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

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

RESOLUTION NO. 83-12

**APPROVING THE 2012 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 2012 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. Burdick

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

Resolution Intro. No. 87-12 (APPROVAL OF SALE OF 2012 TAX SALE PROPERTIES) was not pre-filed and was considered from the floor on a motion made by Legislator Hopkins, seconded by Legislator Pullen, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 84-12

APPROVAL OF SALE OF 2012 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>
Brown, Douglas R. Brown, Mary A. 6497 Whitford Rd Alfred Station, NY 14803 Tax sale amount: \$4,389.54	Parcel ID: 022089; 152.-1-4 Property loc: 6497 Whitford Rd Assessed value: 86,300 Acres: 1	County of Allegany Book: 725 Page: 00202
Lloyd, Gary C. 4992 Co Rt 12 Andover, NY 14806 Tax sale amount: \$3,300	Parcel ID: 022089; 164.-1-28.1 Property loc: Oak Ridge Ln Assessed value: 10,800 Acres: 1.43	County of Allegany Book: 1134 Page: 195
Johnson, Richard 4509 East Valley Rd Andover, NY 14806 Tax sale amount: \$6,325.63	Parcel ID: 022089; 190.-1-27 Property loc: 4509 East Valley Rd Assessed value: 65,000 Acres: 13.5	County of Allegany Book: 2009 Page: 37600
Oliver, Elizabeth No Street Name or Number P. O. Box 349 Canaseraga, NY 14822 Tax sale amount: \$7,000	Parcel ID: 022200; 56.-1-13.9 Property loc: Co Rd 15A Assessed value: 28,200 Acres: 2.2	County of Allegany Book: 2009 Page: 36736
Goodsell, Joy E. 38 Main St Savona, NY 14879 Tax sale amount: 1,500	Parcel ID: 022200; 56.-1-13.13 Property loc: Co Rd 15A Assessed value: 30,600 Acres: 1.7	County of Allegany Book: 1219 Page: 48
Ramage, James E. 238 E Foster St Palmyra, NY 14522	Parcel ID: 022200; 67.-1-37.12 Property loc: West Hill Rd Assessed value: 12,300	County of Allegany Book: 1247

Tax sale amount: \$13,000

Acres: 9.8

Page: 45

Goodsell, Joy E. 38 Main St Savona, NY 14879 Tax sale amount: \$15,000	Parcel ID: 022200; 93.-1-4 Property loc: Town Line Rd Assessed value: 53,300 Acres: 14	County of Allegany Book: 923 Page: 121
Lloyd, Gary C. 4992 Co Rt 12 Andover, NY 14806 Tax sale amount: \$16,000	Parcel ID: 022400; 262.-1-8.1 Property loc: St Rt 417 Assessed value: 23,200 Acres: 19	County of Allegany Book: 1083 Page: 288
Mills, Sharon A. 4800 Byrne Rd, PO Box 1224 Wellsville, NY 14895 Tax sale amount: \$2,400	Parcel ID: 022400; 263.13-1-5 Property loc: Bellamy Rd Assessed value: 6,000 Acres: 6	County of Allegany Book: 761 Page: 100
Hayes, Terrence P. Hayes, Lynn M. 495 Lein Rd West Seneca, NY 14224 Tax sale amount: \$4,300	Parcel ID: 022400; 289.-1-15 Property loc: Alma Hill Rd Assessed value: 4,500 Acres: 2.4	County of Allegany Book: 884 Page: 00184
Graham, Larry S. Graham, Bridget C. 2830 Bells Run Rd Shinglehouse, PA 16748 Tax sale amount: \$2,000	Parcel ID: 022400; 289.-1-28.8 Property loc: Alma Hill Rd Assessed value: 7,000 Acres: 5.15	County of Allegany Book: 1584 Page: 321
Pilon, Timothy W. 957 S Bolivar Rd Bolivar, NY 14715 Tax sale amount: \$900	Parcel ID: 022400; 302.-1-27 Property loc: 5143 Co Rd 38 Assessed value: 24,300 Acres: 3.7	County of Allegany Book: 2010 Page: 42598
Hering, Edna May Hering, Sherry Ann 40 Willow Place Hornell, NY 14843 Tax sale amount: \$3,400	Parcel ID: 022689; 100.-1-2.6 Property loc: 740 Cnt Rt 32 Assessed value: 10,500 Acres: 1.54	County of Allegany Book: 1708 Page: 45
Towner Living Trust Dated January 5, 1999 3855 So. Goodhue Lake Rd P. O. Box 10 Addison, NY 14801 Tax sale amount: \$4,400	Parcel ID: 022689; 111.-1-3.181 Property loc: John Dixon Rd Assessed value: 12,500 Acres: 5.7	County of Allegany Book: 1196 Page: 172
Oberhelman, Troy	Parcel ID: 022689; 113.-1-5.3	County of Allegany

23 Bickford Hollow Rd Woodford, VT 05201 Tax sale amount: \$3,100	Property loc: 7794 Bishopville Rd Assessed value: 5,500 Acres: 1.7	Book: 1502 Page: 52
Fuller, Robert Fuller, Beuna M. 92 E Genesee St., PO Box 28 Wellsville, NY 14895 Tax sale amount: \$2,100	Parcel ID: 022889; 185.-1-56 Property loc: 4920 Scio Rd Assessed value: 46,100 Acres: 0.34	County of Allegany Book: 1232 Page: 27
Kane, Jon F. 66 Friendship St. Apt. 2 Bolivar, NY 14715 Tax sale amount: \$500	Parcel ID: 022889; 197.-1-3.11 Property loc: Corbin Hill Rd Assessed value: 5,100 Acres: 1.1	County of Allegany Book: 1239 Page: 124
Joyce, James V. RD 2, Box 23 Andover, NY 14806 Tax sale amount: \$1,214.54	Parcel ID: 023001; 216.19-1-5 Property loc: Route 417 Assessed value: 5,900 Acres: 1	County of Allegany Book: Page:
Towner Living Trust Dated January 5, 1999 3855 So. Goodhue Lake Road P. O. Box 10 Addison, NY 14801 Tax sale amount: \$1,900	Parcel ID: 023089; 228.-1-15.4 Property loc: Baker Rd Assessed value: 5,400 Acres: 4.9	County of Allegany Book: 1711 Page: 311
Weirich, Jeffrey W. 9405 Malone Rd Canaseraga, NY 14822 Tax sale amount: \$1,926.65	Parcel ID: 023600; 58.-1-41 Property loc: 9405 Malone Rd Assessed value: 55,000 Acres: 15.63	County of Allegany Book: 1216 Page: 19
Sherk, David R. 102 W Main St, PO Box 214 Angelica, NY 14709 Tax sale amount: \$5,500	Parcel ID: 023600; 70.-1-3.112 Property loc: Worden Rd Assessed value: 13,500 Acres: 4.76	County of Allegany Book: 1606 Page: 306
Sherwood, Robert E. 123 Reed Street, PO Box 274 Bolivar, NY 14715 Tax sale amount: \$400	Parcel ID: 023803; 260.5-1-12.4 Property loc: 166 Reed St Assessed value: 8,800 Acres: 0.29	County of Allegany Book: 1386 Page: 330

Cook, Fred E. 7073 Gleason Hill Rd Belfast, NY 14711 Tax sale amount: \$800	Parcel ID: 023803; 260.6-1-8 Property loc: St Rt 275 Assessed value: 6,800 Acres: 0	County of Allegany Book: Page:
Thatcher, Robert Thatcher, Lorieann 7314 Shaner Hill Bolivar, NY 14715 Tax sale amount: \$1,278.66	Parcel ID: 023889; 260.-1-70.1 Property loc: 7314 Shaner Hill Rd Assessed value: 13,800 Acres: 8	County of Allegany Book: 2009 Page: 37997
Stoll, Gary R. Stoll, Kristina K 1406 Kansas Hollow Rd Bolivar, NY 14715 Tax sale amount: \$4,200	Parcel ID: 023889; 273.-1-40.1 Property loc: Kansas Hollow Rd Assessed value: 8,300 Acres: 6	County of Allegany Book: 1121 Page: 95
Oliver, Elizabeth No Street Name or Number P. O. Box 349 Canaseraga, NY 14822 Tax sale amount: \$17,500	Parcel ID: 024001; 34.15-1-26 Property loc: 74 Main St Assessed value: 72,000 Acres: 0.56	County of Allegany Book: 1148 Page: 103
Rowley, Andrew E. 11 Potomac Ave, PO Box 356 Canaseraga, NY 14822 Tax sale amount: \$200	Parcel ID: 024001; 34.20-2-40 Property loc: 9 Potomac Assessed value: 3,500 Acres: 0.25	County of Allegany Book: 1751 Page: 333
Meadowlands East 1350 E Flamingo Rd Ste 13B, Box 346 Las Vegas, NV 89119 Tax sale amount: \$4,200	Parcel ID: 024200; 77.-3-8.44 Property loc: County Road 49 Assessed value: 7,200 Acres: 3.9	County of Allegany Book: 1365 Page: 191
Pierce, James J. Boire, Regis M. 250 Rice Rd Elma, NY 14059 Tax sale amount: \$1,700	Parcel ID: 024200; 77.19-1-61.5 Property loc: Noontide Rd Assessed value: 1,400 Acres: 0.17	County of Allegany Book: 1146 Page: 277
Charsley, Dennis L. Charsley, Lisa M. 8618 Noontide Rd Caneadea, NY 14717 Tax sale amount: \$4,700	Parcel ID: 024200; 77.19-1-61.6 Property loc: Noontide Rd Assessed value: 13,800 Acres: 0.52	County of Allegany Book: 1146 Page: 277

Bifano, Anthony J. 363 Lakeview Boulevard Delevan, NY 14042 Tax sale amount: \$8,696.66	Parcel ID: 024200; 77.19-1-78 Property loc: Noontide Rd Assessed value: 45,900 Acres: 0.34	County of Allegany Book: 1656 Page: 133
Bifano, Anthony J. 363 Lakeview Boulevard Delevan, NY 14042 Tax sale amount: \$686.62	Parcel ID: 024200; 77.19-1-99.41 Property loc: County Road 49 Assessed value: 100 Acres: 0.03	County of Allegany Book: Page:
Enders, Christopher J. Enders, Mary E. 7123 Crawford Creek Caneadea, NY 14717 Tax sale amount: \$700	Parcel ID: 024200; 91.2-1-35 Property loc: State Route 19 Assessed value: 30,600 Acres: 0.23	County of Allegany Book: 1040 Page: 271
Kaltenbaugh, Deborah L. Box 103 Centerville, NY 14029 Tax sale amount: \$1,881.76	Parcel ID: 024400; 24.5-1-1 Property loc: Buffalo Rd Assessed value: 28,200 Acres: 1	County of Allegany Book: 913 Page: 00116
Goodsell, Joy E. 38 Main St Savona, NY 14879 Tax sale amount: \$5,000	Parcel ID: 024600; 219.-2-4.1 Property loc: 9291 B Lyman Rd Assessed value: 28,700 Acres: 2.7	County of Allegany Book: 2009 Page: 36390
Jennings, Ryan E. 7938 Zimmerman Rd Hamburg, NY 14075 Tax sale amount: \$8,000	Parcel ID: 024600; 219.-2-32 Property loc: Lyman Rd Assessed value: 42,900 Acres: 5.6	County of Allegany Book: 736 Page: 00110
Hinz, Todd S. 1002 State Route 70 Hunt, NY 14846 Tax sale amount: \$6,700	Parcel ID: 024600; 219.-2-42 Property loc: Lyman Rd Assessed value: 45,000 Acres: 1.6	County of Allegany Book: Page:
Sisson, Roderick A. Stewart Rd, PO Box 58 West Clarksville, NY 14786 Tax sale amount: \$4,400	Parcel ID: 024600; 232.-1-9.7 Property loc: 8750 Stewart Rd Assessed value: 15,900 Acres: 2.6	County of Allegany Book: 1026 Page: 69

Smith, Andrew N. Smith, Stephanie M. 9050 Gross Rd Cuba, NY 14727 Tax sale amount: \$3,000	Parcel ID: 024801; 166.20-1-33 Property loc: 140 E Main St Assessed value: 36,600 Acres: 1.1	County of Allegany Book: 1710 Page: 55
Leek, William J. 58 Victory Ave Lackawanna, NY 14218 Tax sale amount: \$5,200	Parcel ID: 024889; 181.-1-6.12 Property loc: Beebe Hill Rd Assessed value: 10,900 Acres: 2.4	County of Allegany Book: 869 Page: 00234
Rapino, Geraldine No Street Name or Number P. O. Box 22 Friendship, NY 14739 Tax sale amount: \$3,200	Parcel ID: 025000; 182.11-2-68 Property loc: 24 Maple Ave Assessed value: 30,000 Acres: 0.4	County of Allegany Book: 1608 Page: 138
Lafleur, Roy D. 102 Williams Ave. Wellsville, NY 14895 Tax sale amount: \$13,000	Parcel ID: 025000; 182.12-1-44 Property loc: 36 E Main St Assessed value: 35,000 Acres: 0.25	County of Allegany Book: 1531 Page: 262
Hunt, Jessica L. 4200 Summit Rd Cuba, NY 14727 Tax sale amount: 3,900	Parcel ID: 025000; 182.16-1-15 Property loc: 41 W Water St Assessed value: 32,700 Acres: 0.33	County of Allegany Book: 876 Page: 00134
McDonald, Roger 848 Hibbard Street Bolivar, NY 14715 Tax sale amount: \$700	Parcel ID: 025200; 285.-1-52.2 Property loc: Co. Rd. 5 Assessed value: 6,018 Acres: 1.03	County of Allegany Book: 1128 Page: 283
Doxey, Jack 9902 Route 417 Portville, NY 14770 Tax sale amount: \$4,961.57	Parcel ID: 025200; 296.-1-3 Property loc: 9902 Route 417 Assessed value: 38,800 Acres: 42.5	County of Allegany Book: 1081 Page: 141
Baham, Darren L. Baham, Patricia A. 8819 Old State Rd Angelica, NY 14709 Tax sale amount: \$600	Parcel ID: 025400; 7.-1-13.2 Property loc: Chapman Rd Assessed value: 3,300 Acres: 0.85	County of Allegany Book: 693 Page: 00211

Harris W. Brooke M. No Street Name or Number P. O. Box 1136 Alfred, NY 14802 Tax sale amount: \$600	Parcel ID: 025600; 21.20-1-1.10 Property loc: Overview Dr Assessed value: 3,300 Acres: 0.4	County of Allegany Book: 1619 Page: 104
Craft, Cassie D. 11815 Route 19A Portageville, NY 14536 Tax sale amount: \$1,510.05	Parcel ID: 025800; 6.-1-24.2 Property loc: 11815 State Rte 19A Assessed value: 16,200 Acres: 1.8	County of Allegany Book: 1747 Page: 168
Hinz, Rodney G. Hinz, Debra M. 10611 Co Rd 23 Fillmore, NY 14735 Tax sale amount: \$14,400	Parcel ID: 025800; 15.-1-21 Property loc: 11174 State Route 19 Assessed value: 31,400 Acres: 0.67	County of Allegany Book: 1123 Page: 86
Mitchell, Harold F. 11313 Weaver Settlement Rd Hunt, NY 14846 Tax sale amount: \$700	Parcel ID: 025800; 16.2-1-48.1 Property loc: 11347 Co Rd 27-Wiscoy Assessed value: 35,700 Acres: 0.17	County of Allegany Book: Page:
Speicher, James L. Speicher, Candace L. 11310 Mills Mills Rd Fillmore, NY 14735 Tax sale amount: \$2,300	Parcel ID: 025800; 26.11-1-3 Property loc: 10931 Mills Mills Rd Assessed value: 14,400 Acres: 0.75	County of Allegany Book: 1178 Page: 275
Bailey, Judith L. Butler, Douglas W. 44 State St Warsaw, NY 14569 Tax sale amount: \$8,600	Parcel ID: 025800; 26.11-1-56.2 Property loc: 10829 Claybed Rd Assessed value: 48,500 Acres: 0.25	County of Allegany Book: 1522 Page: 221
Heslin, Charles E. 10674 Davis Rd Fillmore, NY 14735 Tax sale amount: \$4,900	Parcel ID: 025800; 27.13-2-37 Property loc: 18 W Main St Assessed value: 23,900 Acres: 0.15	County of Allegany Book: 1048 Page: 333
Shute, Duane A. 7403 Route 19 Gainesville, NY 14066 Tax sale amount: \$2,300	Parcel ID: 026200; 103.-1-10.6 Property loc: 8200 Crawford Creek Rd Assessed value: 2,200 Acres: 0.2	County of Allegany Book: Page:

Adams, Teddy J. 8976 St Rt 19, Lot 3 Caneadea, NY 14717 Tax sale amount: \$8,700	Parcel ID: 026200; 116.-1-35 Property loc: 8289 Federal Rd Assessed value: 8,800 Acres: 0.33	County of Allegany Book: 1153 Page: 3
Karn, Kendal A. Karn, Gwen E. 6171 New Mexico Rd Cuba, NY 14727 Tax sale amount: \$4,500	Parcel ID: 026200; 140.-1-31 Property loc: New Mexico Rd Assessed value: 3,000 Acres: 0.42	County of Allegany Book: 971 Page: 00117
Barber, Jeremiah 6351 Co Rd 17 Friendship, NY 14739 Tax sale amount: \$3,800	Parcel ID: 026200; 141.11-1-48 Property loc: 6379 State Route 305 Assessed value: 46,900 Acres: 0.39	County of Allegany Book: 1217 Page: 7
Glosser, Frederick E., Jr. 486 Oakwood Ave East Aurora, NY 14052 Tax sale amount: \$2,400	Parcel ID: 026400; 76.-1-27.221 Property loc: County Road 23 Assessed value: 8,800 Acres: 4.9	County of Allegany Book: 1119 Page: 265
Allegany Housing Opportunities, LLC 2999 South Hill Rd Wellsville, NY 14895 Tax sale amount: \$3,000	Parcel ID: 026600; 212.-1-35.22 Property loc: 3604 Riverside Dr Assessed value: 42,500 Acres: 1.2	County of Allegany Book: 1424 Page: 249
Mundt, Edward J. Mundt, Melissa B. 2245 Dugan Rd., Apt. 2 Olean, NY 14760 Tax sale amount: \$2,900	Parcel ID: 026600; 249.3-1-6 Property loc: 5768 Drum Rd Assessed value: 24,500 Acres: 0.49	County of Allegany Book: 1809 Page: 140
Myriad Inc., LLC 1110 Summit St Elgin, IL 60120 Tax sale amount: \$6,000	Parcel ID: 027001; 238.16-1-53 Property loc: 363 W State St Assessed value: 10,000 Acres: 0.17	County of Allegany Book: 2009 Page: 40529
Allegany Housing Opportunities, LLC 2999 South Hill Rd Wellsville, NY 14895 Tax sale amount: \$5,600	Parcel ID: 027001; 238.16-2-18 Property loc: 10 Pine St Assessed value: 49,000 Acres: 0.11	County of Allegany Book: 1552 Page: 147

Peterson, Robert D. 38 King Street Wellsville, NY 14895 Tax sale amount: \$2,463.28	Parcel ID: 027001; 238.16-2-40 Property Loc: 38 King St Assessed value: 34,700 Acres: 1.6	County of Allegany Book: 882 Page: 00006
Myriad Inc. LLC 1110 Summit St Elgin, IL 60120 Tax sale amount: \$5,000	Parcel ID: 027001; 238.16-3-40 Property loc: 55 King St Assessed value: 13,200 Acres: 0.15	County of Allegany Book: 2010 Page: 42617
Peterson, Addie Rev Living Trust 9254 W Lake Rd Hammondsport, NY 14840 Tax sale amount: \$2,300	Parcel ID: 027001; 238.16-3-42 Property loc: 37 King St Assessed value: 26,300 Acres: 0.18	County of Allegany Book: 2010 Page: 42618
Simons, Maxine 334 South Main St Wellsville, NY 14895 Tax sale amount: \$4,247.32	Parcel ID: 027001; 238.16-3-52 Property loc: 228 S Brooklyn Ave Assessed value: 23,900 Acres: 0.38	County of Allegany Book: 945 Page: 00182
Bailey, Judith L. Butler, Douglas W. 44 State St Warsaw, NY 14569 Tax sale amount: \$14,900	Parcel ID: 027089; 226.-1-19.4 Property loc: 3112 Andover Rd Assessed value: 87,300 Acres: 1.2	County of Allegany Book: 2009 Page: 37781
Raptis, Michael J. 3362 Rauber Hill Wellsville, NY 14895 Tax sale amount: \$1,100	Parcel ID: 027089; 239.-2-47 Property loc: School St (Off) Assessed value: 500 Acres: 1	County of Allegany Book: 1382 Page: 248
Allegany Housing Opportunities, LLC 2999 South Hill Rd Wellsville, NY 14895 Tax sale amount: \$7,100	Parcel ID: 027089; 251.-1-17 Property loc: 2395 Meservey Hill Rd Assessed value: 52,000 Acres: 1.9	County of Allegany Book: 977 Page: 00008
Hinz, Todd S. 1002 State Route 70 Hunt, NY 14846 Tax sale amount: \$22,000	Parcel ID: 027200; 135.-1-21 Property loc: 6517 Co Rd 2B Assessed value: 48,900 Acres: 1,170	County of Allegany Book: 2009 Page: 37329

Brown, Terrance Brown, Shelley 2163 Clark Rd Wellsville, NY 14895 Tax sale amount: \$6,479.64	Parcel ID: 027400; 280.-1-14.3 Property loc: 2163 Clark Rd Assessed value: 82,600 Acres: 5.73	County of Allegany Book: 1694 Page: 131
Casey, James C., II 2521 McCurdy Rd Wellsville, NY 14895 Tax sale amount: \$12,464.65	Parcel ID: 027400; 292.-1-15.1 Property loc: 2521 McCurdy Rd Assessed value: 115,300 Acres: 95.7	County of Allegany Book: 1718 Page: 246
Vossler, Eric P. Vossler, Billie Jo 3062 Madison Hill Rd Wellsville, NY 14895 Tax sale amount: \$7,700	Parcel ID: 027400; 305.-1-49 Property loc: Rooney Rd Assessed value: 4,000 Acres: 9.6	County of Allegany Book: 1054 Page: 116
Taylor, Andrew T. 8458 Dagget Hollow Rd Bolivar, NY 14715 Tax sale amount: \$3,000	Parcel ID: 027601; 247.18-1-53 Property loc: 109 Richardson Ave Assessed value: 42,900 Acres: 0.38	County of Allegany Book: 1246 Page: 238
Hulbert, Eva Marie 240 Main St, PO Box 163 Richburg, NY 14774 Tax sale amount: \$3,984.91	Parcel ID: 027601; 247.18-2-42 Property loc: Main St Assessed value: 35,000 Acres: 0.33	County of Allegany Book: 1744 Page: 185
Gaines, Jeffrey W. Gaines, Jessica L. 2643 Harland Ames Rd Bolivar, NY 14715 Tax sale amount: \$1,700	Parcel ID: 027689; 233.-3-10.9 Property loc: 2739 Harland Ames Rd Assessed value: 4,300 Acres: 0.9	County of Allegany Book: 1150 Page: 30
Gaines, Jeffrey W. 2643 Harland Ames Rd Bolivar, NY 14715 Tax sale amount: \$6,000	Property ID: 027689; 233.-3-35.2 Property loc: 2646 Pine Grove Rd Assessed value: 22,500 Acres: 7.4	County of Allegany Book: 1210 Page: 133
Button, Stanley E. Stocum, Suzanna 2658 St Rte 275 E Notch Rd P. O. Box 100 Richburg, NY 14774 Tax sale amount: \$1,325.52	Parcel ID: 027689; 234.-1-10.1 Property loc: 2658 St Rte 275 East Notch Rd Assessed value: 14,100 Acres: 1	County of Allegany Book: 1202 Page: 37
Millington, Ronald	Parcel ID: 027689; 234.-1-10.22	County of Allegany

Millington, Brandy
2650 St Rte 275 E Notch Rd
Bolivar, NY 14715
Tax sale amount: \$2,471.24

Property loc: 2650 St Rte 275 East
Notch Rd
Assessed value: 28,500
Acres: 0.5

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Faulkner, Gary J.
2292 St Rte 275
East Notch Rd
Bolivar, NY 14715
Tax sale amount: \$3,072.31

Parcel ID: 027689; 247.11-1-3.2
Property loc: 2292 St Rte 275 East
Notch Rd
Assessed value: 54,900
Acres: 0.5

County of Allegany
Book: 1099
Page: 328

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

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

Comments made regarding Resolution No. 84-12 included: Legislator Ungermann remarked that it seemed a shame that the County was not receiving anywhere near the assessed value of the sold properties.

Resolution Intro. No. 88-12 (GRANTING SALARY INCREMENTS EFFECTIVE JULY 1, 2012, TO UNIT AND NON-UNIT EMPLOYEES) was not pre-filed and was considered from the floor on a motion made by Legislator Fanton, seconded by Legislator Hopkins, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 85-12

GRANTING SALARY INCREMENTS EFFECTIVE JULY 1, 2012, 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, 2012, and

WHEREAS, the proper County department heads have recommended that such employees receive their respective annual salary increments effective July 1, 2012, 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, 2012, to wit:

<u>Department</u>	<u>Name</u>	<u>Title</u>	<u>Increment</u>
Sheriff	Nathan Broughton	Correction Officer	\$.4433/hour
Sheriff	Tyler Taylor	Correction Officer	\$.4433/hour
Sheriff	Crystal Chambers	Reg. Prof. Nurse	\$.7870/hour
Social Services	Susan Day	Social Welfare Examiner	\$.4340/hour
County Clerk	Sarah Perkins	M. V. Cashier Examiner	\$.3362/hour

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

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

Resolution Intro. No. 89-12 (RESOLUTION SETTING DATE OF A PUBLIC HEARING ON A \$750,000 BLOCK GRANT APPLICATION TO THE NEW YORK STATE HOUSING TRUST FUND OFFICE TO PROVIDE HOUSING REHABILITATION AND RESIDENTIAL WATER/WASTE WATER SYSTEM ASSISTANCE TO LOW OR MODERATE INCOME HOMEOWNERS RESIDING IN ALLEGANY COUNTY) was not pre-filed and was considered from the floor on a motion made by Legislator Sinclair, seconded by Legislator Hopkins, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 86-12

RESOLUTION SETTING DATE OF A PUBLIC HEARING ON A \$750,000 BLOCK GRANT APPLICATION TO THE NEW YORK STATE HOUSING TRUST FUND OFFICE TO PROVIDE HOUSING REHABILITATION AND RESIDENTIAL WATER/WASTE WATER SYSTEM ASSISTANCE TO LOW OR MODERATE INCOME HOMEOWNERS RESIDING IN ALLEGANY COUNTY

Offered by: Planning and Economic Development Committee

WHEREAS, Allegany County is interested in making a block grant application to the New York State Housing Trust Fund Office in the amount of \$750,000 to assist low and moderate income homeowners with housing rehabilitation and water/waste water system issues, and

WHEREAS, Allegany County is working with the ACCORD Corporation to assist in making the grant application and administration of such grant if awarded, and

WHEREAS, as part of the grant application process, it is necessary to conduct a public hearing to provide residents of Allegany County an opportunity to discuss the potential impacts and benefits of the proposed grant application, now, therefore be it

RESOLVED:

1. That a public hearing shall be held on July 9, 2012, at 2:00 p.m. in the County Legislator's Chambers, Room 221, County Office Building, Belmont, New York, before the Allegany County Board of Legislators, in relation to the proposed grant application.

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 the 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 seven days before the public hearing.

Moved by: Mr. Sinclair
Seconded by: Mr. Hopkins

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

Comments made regarding Resolution No. 86-12 included: Mr. Ungermann remarked it seemed as if the government is trying to help everybody, whether they need it or not. Chairman Crandall noted that this is a federal program and that Allegany County does not set the income requirement levels. Mr. Sinclair commented that most of the time, the funds assist the needy, such as the working poor. Mr. O'Grady was in agreement with Mr. Ungermann, stating that the government is making it hard for people to want to earn a living, because there are so many government handouts. He also noted that this "free" money is actually coming from the taxpayers, the folks who work. Mr. Sinclair also noted that in the long run, these types of programs save taxpayers money by improving the housing stock, allowing homeowners to remain in their homes, thereby relieving the County of having to provide shelter for those individuals.

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 \$2,554,478.11, 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 \$4,745,546.*)

ADJOURNMENT: The meeting was adjourned at 2:52 p.m. on a motion made by Legislator O'Grady, seconded by Legislator LaForge, and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
JULY 9, 2012**

**** APPROVED ****

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:04 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Army Master Sergeant Wendy Ann Seely.

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 25, 2012, were approved on a motion made by Legislator Curran, seconded by Legislator Fanton, and carried.

The Committee of the Whole meeting minutes of June 25, 2012, were approved on a motion made by Legislator Curran, seconded by Legislator Sinclair, and carried.

PUBLIC HEARING:

Chairman Crandall closed the regular meeting to hold a public hearing on a proposed Community Development Block Grant application for \$750,000 to the New York State Housing Trust Fund Office of Community Renewal to provide housing rehabilitation and residential water/waste water system assistance to low- or moderate-income homeowners residing in Allegany County. 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 Curtis W. Crandall presented a certificate to Wendy Ann Seely, former United States Army Master Sergeant, in grateful appreciation of her service to our country. Ms. Seely's service dates were from August 1986 to February 2009. Following Basic Training at Fort Dix, NJ, assignments included: 3 years active duty in Germany and reserve duty with the 98th Division out of Wellsville, Olean, and Rochester. Commendations she received included: Good Conduct, Army Achievement with 6 Oak Leaf Cluster, Army Commendation with 2 Oak Leaf Cluster, Advanced Professional NCO Ribbon, National Defense Ribbon, Overseas Ribbon, Drill Sergeant Badge, and Army Reserve Good Conduct

Medal. Ms. Seely 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 Real Property Tax Director Steven Presutti in recognition of his 25 years of service to Allegany County. Mr. Crandall highlighted Mr. Presutti's tenure with the Real Property Tax Service Agency, beginning as a Tax Map Technician in 1987 and moving up through the ranks to his present position as Director.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

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.
3. There will be a special Personnel Committee meeting at 2:30 p.m. on Wednesday, July 18.
4. Notice of the Annual Kids' Fishing Contest at the Andover Ponds on Saturday, August 4, from 8 a.m. to 3 p.m.

APPOINTMENTS:

Chairman Curtis W. Crandall, in a joint measure with Norman L. Marsh, Chairman of the Cattaraugus County Board of Legislators, has appointed the following individuals to serve on the **CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD** for a three-year term expiring December 31, 2014:

Roger Mitchell
David Wilkinson

RESOLUTIONS:

RESOLUTION NO. 87-12

**GRANTING DEVELOPMENT DIRECTOR AND COUNTY ADMINISTRATOR
AUTHORITY TO EXECUTE ALL DOCUMENTS PERTAINING TO
AN APPALACHIAN REGIONAL COMMISSION (ARC) GRANT FOR
THE CROSSROADS WATER PROJECT**

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

WHEREAS, the County of Allegany is seeking Appalachian Regional Commission (ARC) grant funding, and

WHEREAS, Rural Development has been designated to administer ARC grant funds and to act as ARC's "Basis Agency," and

WHEREAS, Rural Development requires that a full application and other documentation be sent to them, now, therefore, be it

RESOLVED:

1. That John Foels, Development Director, and John Margeson, County Administrator, are authorized to execute any and all documents in connection with an application, as administered by Rural Development, for Appalachian Regional Commission grant funding and release of funds related to the Crossroads Water Project.

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

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

RESOLUTION NO. 88-12

**RESOLUTION AUTHORIZING THE FUNDING AND PURCHASE OF AN
E-911 CAD (COMPUTER-AIDED DISPATCH) SOFTWARE FOR THE COUNTY;
APPROPRIATION AND TRANSFER OF FUNDS**

Offered by: Ways and Means Committee

WHEREAS, the County Administrator, as a follow-up to the Ways & Means meeting of June 20, 2012, and in consultation with the County Treasurer, is recommending funding sources for the outright purchase of E-911 CAD (Computer-Aided Dispatch) software, and

WHEREAS, the funding sources for the E-911 CAD (Computer-Aided Dispatch) software would come from the \$125,000 already budgeted for the first year's lease/purchase installment and the \$75,000 guaranteed from the Homeland Security Grant this year that is eligible to be used for this software, and

WHEREAS, the County Administrator is recommending using these funding sources as the basis of the payment and including transferring \$200,000 from the County's Contingency funds to complete the purchase, now, therefore, to be

RESOLVED:

1. That this Board authorizes the purchase of the E-911 CAD (Computer-Aided Dispatch) software for the County.

2. That the sum of \$125,000 is transferred from Account No. A3112.403 (E-911 Dispatch Contractual) to A3112.203 (E-911 Dispatch Communications Equipment), the sum of \$75,000 in Homeland Security Grant funds when received will be appropriated to Account No. A3112.203 (E-911 Dispatch Communications Equipment), and the sum of \$200,000 is transferred from Account No. A1990.429 (Contingency) to A3112.203 (E-911 Dispatch Communications Equipment).

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

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

RESOLUTION NO. 89-12

**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. Graves

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

RESOLUTION NO. 90-12

**ACCEPTANCE AND APPROPRIATION OF DONATION FROM
ZONTA CLUB OF OLEAN, NEW YORK,
TO HEALTH DEPARTMENT CANCER SERVICES ACCOUNTS**

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the sum of \$350 from Zonta Club of Olean, New York, is accepted.
2. That the accepted sum of \$350 is appropriated to Account No. A4072.463 (Komen Kares Grant-Contractual) with a like sum credited to Revenue Account No. A4072.2706.00.

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

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

RESOLUTION NO. 91-12

**ACCEPTANCE AND APPROPRIATION OF FUNDS FROM THE
NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES (NYS DCJS);
AUTHORIZING CHAIRMAN TO EXECUTE SAID CONTRACT**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That the sum of \$22,338 from the New York State Division of Criminal Justice Services (NYS DCJS), to partially fund the Allegany County Sheriff's budget for Shared Services Project for term beginning July 1, 2012, through June 30, 2013, is accepted.
2. That the accepted sum of \$22,338 is appropriated to Account No. A3140.449 (Services for a Shared Population) with a like sum credited to Revenue No. A3140.3310.06 (Services for a Shared Population).
3. That the Chairman of this Board is authorized to execute said contract.

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

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

RESOLUTION NO. 92-12

TRANSFER OF FUNDS WITHIN SELF-INSURANCE PLAN ACCOUNT

Offered by: Personnel and Ways and Means Committees

RESOLVED:

1. That the sum of \$10,328 is transferred from Account No. S1720.430 (Claimant Medical) to Account No. S1710.406 (Employers' Excess Liab.) to cover an additional premium from Safety National Casualty Insurance Company for Excess Workers' Compensation.

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

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

RESOLUTION NO. 93-12

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

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the Lease between Donald Baldwin and the County of Allegany, for the term August 1, 2012, through September 30, 2014, for premises located at 3453B NYS Route 417 for use by the Allegany County Department of Health, is approved.

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

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

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

(Memo: The lease agreement approved in Resolution No. 93-12 includes payments of \$2,000 per month.)

Comments made regarding Resolution No. 93-12 included: In response to questions from Legislator Ungermann, County Administrator John Margeson and Health Director Lori Ballengee explained that the County has leased this property for six years to house the Women, Infants, and Children (WIC) and Cancer Services Programs. It is staffed five days per week with six full-time and three part-time WIC staff, and three full-time and one part-time Cancer Services staff. At that site, WIC serves between 1,000 and 1,200 people per month. Cancer Services uses the location for office space and does community outreach from there. The property is on the tax roll.

RESOLUTION NO. 94-12

**ACCEPTANCE OF BID FROM RON AND KARINA CARLIN D/B/A KVR SERVICES
FOR OFFICE FOR THE AGING NUTRITION PROGRAM (MEALS-ON-WHEELS);
AUTHORIZING ALLEGANY COUNTY OFFICE FOR THE AGING DIRECTOR
TO SIGN SUCH AGREEMENT**

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the bid from Ronny M. Carlin and Karina Carlin d/b/a KVR Services for Office for the Aging Nutrition Program (Meals-on-Wheels) for period beginning September 1, 2012, to December 31, 2017, is accepted.
2. That the Director of the Allegany County Office for the Aging is authorized to execute said agreement.

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

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

(Memo: The agreement approved by Resolution No. 94-12 includes compensation for the contractor at the following rates per meal including disposable paper products: 09/01/12-12/31/13 - \$3.70; 01/01/14-12/31/14 - \$3.80; 01/01/15-12/31/15 - \$3.90; 01/01/16-12/31/16 - \$4.00; and 01/01/17-12/31/17 - \$4.10. The Office for the Aging provides over 111,000 meals each year at nine luncheon centers and on 22 Meal-on-Wheels routes.)

RESOLUTION NO. 95-12

**APPROVAL OF 2012 OFFICE OF CHILDREN AND FAMILY SERVICES
SUBCONTRACT AGREEMENTS FOR YOUTH PROGRAMS;
PROVIDING PROGRAM FUNDS**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That the following Office of Children and Family Services Subcontract Agreements for calendar year 2012 are approved and appropriated as follows. These funds are paid to the County and passed through to the agencies.

<u>Agreement</u>	<u>Amount</u>	<u>Approp. Account</u>	<u>Revenue Account</u>
Allegany County Mental Health Association, Inc. (Youth Compeer Program)	\$3,083	A7313.488	A7313.3821.07
Allegany County Employment & Training	\$2,945	A7318.486	A7318.3822.02

(SYEP)			
Allegany County Employment & Training (SYEP)	\$1,617	A7318.486	A7318.3822.02
Literacy West NY, Inc. (Success Tracks)	\$1,350	A7318.489	A7318.3820.50
Cattaraugus Co. Youth Bureau (Southern Tier AmeriCorps Resource Team)	\$500	A7327.489	A7327.3820.00
Youth Court	\$4,000	A7321.483	A7321.3825.00
Allegany Council on Alcoholism and Substance Abuse, Inc. (Week of Alternatives)	\$2,420	A7312.488	A7312.3820.85
Southern Tier Youth for Christ (Teen Center)	\$2,423	A7317.488	A7317.3820.07
Southern Tier Traveling Teacher GED	\$2,648	A7318.487	A7318.3822.03
Houghton College (STEP)	\$2,823	A7312.486	A7312.3820.15

TOTAL pass through programs from OCFS: \$23,809

2. That the Office of Children and Family Services funding for the following County-sponsored programs is approved. No budget adjustments are necessary, as these funds are allocated in the County budget.

Rushford Lake Project	\$4,957	A7180.100	A7180.3820.01
Youth Bureau Administration	\$6,523	A7310.000	A7310.3820.03
Cattaraugus/Allegany Board of Cooperative Educational Services (Government for Youth)	\$2,650	A7312.489	A7312.3820.10

TOTAL OCFS Funding for County-sponsored programs: \$14,130

3. That the 2012 Municipal Youth Projects for recreation are approved as follows. No budget adjustments are necessary. These funds are paid directly to municipalities.

<u>Municipality</u>	<u>Amount</u>	<u>Municipality</u>	<u>Amount</u>
Village of Alfred	\$2,176	Village of Cuba	\$401
Town of Andover	\$196	Village of Cuba/A Sound Beginning	\$692
Village of Andover	\$282	Town of Friendship	\$532
Town of Angelica	\$106	Town of Hume	\$577
Village of Angelica	\$208	Town of Independence	\$309
Town of Belfast	\$1,318	Town of Wellsville	\$991
Town of Bolivar	\$244	Town of Wellsville/Dance Theater	
Village of Bolivar	\$276	Program	\$692
Town of Cuba	\$306	Town of Wirt	\$170

TOTAL OCFS Direct Pay to municipalities: \$9,476

TOTAL OCFS funding awarded to County in 2012: \$47,415

4. That the Chairman of the Board is authorized to execute said agreements.

Moved by: Mr. Healy

Seconded by: Mr. Fanton

Adopted: Roll Call

15 Ayes, 0 Noes, 0 Absent

Comments made regarding Resolution No. 95-12 included: Legislator Ungermann remarked that these programs are nice to have, but questioned if the taxpayers can afford them.

RESOLUTION NO. 96-12

A RESOLUTION EXTENDING FIRST TRANSIT'S AGREEMENT IN RELATION TO PROVIDING PUBLIC TRANSPORTATION SERVICES IN ALLEGANY COUNTY; AUTHORIZING CHAIRMAN TO EXECUTE THE AGREEMENT

Offered by: Ways and Means Committee

Pursuant to County Law § 224 (6)

WHEREAS, the County's three-year agreement with First Transit is set to expire in July 2012, with an option of being extended for two additional years, and

WHEREAS, the terms for the two-year extension Agreement with First Transit would include:

a. First Transit would realize a 1.5 percent increase beginning August 1, 2012. The monthly rate would continue for 17 months, at which time the extension would expire on December 31, 2013, aligning the contract with the calendar year.

b. A fuel protection clause that would prompt a meeting between the County and First Transit to negotiate an adjustment to the fee structure if the price of fuel increases by 25 percent as of the date when the contract extension is executed.

c. First Transit will continue to be subject to a 10 percent match on capital purchases.

WHEREAS, the Agreement also calls for requirements and responsibilities of Mobility Management such as tracking and reporting, bus upkeep and maintenance, quality assurance monitoring, bus driver education, and other aspects that needed to be better defined, now, therefore, be it

RESOLVED:

1. That the extended Agreement for seventeen months between the County of Allegany and First Transit in relation to providing public transportation services in Allegany County is approved.

2. That the Chairman of this Board is authorized to execute said Agreement upon the review and approval of the County Attorney.

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

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

Resolution Intro. No. 100-12 (AUTHORIZING THE CHAIRMAN TO EXECUTE A CONTRACT BETWEEN THE COUNTY OF ALLEGANY, COUNTY OF CATTARAUGUS AND CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD FOR DELINEATION OF RESPONSIBILITIES AND DUTIES RELATED TO WORKFORCE INVESTMENT ACT SERVICES) was not pre-filed and was considered from the floor on a motion made by Legislator Hopkins, seconded by Legislator Graves, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 97-12

AUTHORIZING THE CHAIRMAN TO EXECUTE A CONTRACT BETWEEN THE COUNTY OF ALLEGANY, COUNTY OF CATTARAUGUS, AND CATTARAUGUS - ALLEGANY WORKFORCE INVESTMENT BOARD FOR DELINEATION OF RESPONSIBILITIES AND DUTIES RELATED TO WORKFORCE INVESTMENT ACT SERVICES

Offered by: Ways and Means Committee

Pursuant to Section 117 (d) (3) of the Workforce Investment Act of 1998,
29 USCS 2832 (d) (3)

WHEREAS, the current contract between Allegany County, Cattaraugus County, and the Cattaraugus-Allegany Workforce Investment Board expired June 30, 2012, and a new contract is necessary between the parties to delineate the responsibilities and duties of the parties for the continued provision of Workforce Investment Act services, now, therefore, be it

RESOLVED:

1. That the Chairman of the Allegany County Board of Legislators is authorized and directed to execute a contract, on behalf of Allegany County, with Cattaraugus County and the Cattaraugus-Allegany Workforce Investment Board to delineate the responsibilities and duties of the parties to the contract for the continued provision of Workforce Investment Act services.
2. That the contract shall be effective retroactive to July 1, 2012.

Moved by: Mr. Hopkins
Seconded by: Mr. Curran

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

(Memo: The contract approved by Resolution No. 97-12 shall terminate on June 30, 2014.)

Resolution Intro. No. 101-12 (RESOLUTION AUTHORIZING THE CHAIRMAN TO SIGN A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION AND APPROVING AN ADMINISTRATIVE AGREEMENT BETWEEN ALLEGANY COUNTY AND ACCORD CORPORATION TO ADMINISTER A COMMUNITY DEVELOPMENT BLOCK GRANT FROM THE NEW YORK STATE HOUSING TRUST FUND OFFICE) was not pre-filed and was considered from the floor on a motion made by Legislator Sinclair, seconded by Legislator Healy, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 98-12

**RESOLUTION AUTHORIZING THE CHAIRMAN TO
SIGN A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION AND
APPROVING AN ADMINISTRATIVE AGREEMENT BETWEEN
ALLEGANY COUNTY AND ACCORD CORPORATION
TO ADMINISTER A COMMUNITY DEVELOPMENT BLOCK GRANT
FROM THE NEW YORK STATE HOUSING TRUST FUND OFFICE**

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

WHEREAS, Allegany County is in the process of making a block grant application to the New York State Housing Trust Fund Office in the amount of \$750,000 to assist low and moderate income homeowners with housing rehabilitation and water/waste water system issues, and

WHEREAS, Allegany County is working with ACCORD Corporation to assist in preparing the grant application and administration of such grant if awarded, and

WHEREAS, Allegany County wishes to enter into a formal agreement with ACCORD Corporation setting forth the responsibilities and duties of ACCORD Corporation in administering a Community Development Block Grant if awarded, now, therefore, be it

RESOLVED:

1. That the Chairman of the Allegany County Board of Legislators is authorized and directed to sign the grant application and execute an agreement on behalf of Allegany County with ACCORD Corporation setting forth the duties and responsibilities of ACCORD Corporation in administering an award of a Community Development Block Grant.

Moved by: Mr. Sinclair
Seconded by: Mr. Curran

Adopted: Roll Call
13 Ayes, 2 Noes, 0 Absent
Voting No: O'Grady, Ungermann

Comments made regarding Resolution No. 98-12 included the following:

Legislator Ungermann remarked that at the last meeting, when this issue was discussed, he had stated that he felt there were a lot of people taking advantage of this type of program who can well afford to have the work done themselves. Since that time, he has heard other people saying the same thing. It's a program that needs to be watched. Over 50 percent of the Cuba Police Department's calls go to the low-income housing built with these grant funds. Mr. Ungermann wonders if we're not destroying our local communities with these things.

Legislator Sinclair noted that during his term as Town Supervisor, he helped administer one of these grants for the Town of Ward. They had tremendous success working with 12 households, mostly elderly people, and there were no instances of anyone who was not within the state guidelines taking advantage of the program. Millions of dollars have come into this County over the past ten years helping people with the restoration of their homes so they can stay in them, so that they're safer. Parts of this program involve lead abatement, wiring, windows, foundations, plumbing, and roofs. There are many ways this impacts the health and safety of our community and assisting the elderly to stay in their homes. Mr. Sinclair realizes that there are always some people who don't follow the rules of a program, and there can be unpleasant impacts, but those few instances are far outweighed by the number of people who benefit from this program.

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 Pullen, and adopted on a roll call vote of 15 Ayes, 0 Noes, 0 Absent, that the audit of claims, totaling

\$3,625,313.65, including prepaid expenses, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$5,130,086.*)

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

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
JULY 19, 2012**

**** 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 2:08 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, Nicholas Cobin, Conner Cockle, and Gunther Krohn. The Pledge of Allegiance was led by former United States Army Accounting Specialist Douglas L. Gath.

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

PRIVILEGE OF THE FLOOR:

Chairman Curtis W. Crandall introduced the state and federal representatives, County and local officials, and department heads who were in attendance, followed by the County Legislators, listed by district.

Chairman Crandall presented the following Special Awards and Recognitions:

Prior to recognizing the honored veteran, Chairman Crandall explained that several years ago, the Board of Legislators began inviting veterans to lead in the Pledge of Allegiance to the Flag as a way of highlighting all veterans, past and present, whose actions allow us to enjoy the freedoms that we have.

A certificate was presented to Douglas L. Gath, from the Town of Allen, former United States Army Accounting Specialist, in grateful appreciation of his service to our country. Mr. Gath's service dates were from September 1965 to September 1967. Following Basic Training at Fort Benning, Columbus, GA, assignments included: Radio School Training at Fort Jackson, Columbia, SC; Radio Teletype Training at Fort Gordon, Augusta, GA; and overseas duty at Munich, Germany, where he served as Radio Teletype Operator and Accounting Specialist. Commendations he received included: Expert Marksman Badge, held "Secret" (Crypto) Security Clearance Level, Good Conduct Medal, National Defense Service Medal, Operation "Look-See" (visited West and East Berlin in military uniform), Robert S. McNamara (Secretary of Defense) Certificate (joint effort) for correctly decoding his 07/04/66 message to troops at 25 words per minute in Morse Code, Honorable Discharge. Mr. Gath

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 made note that Veteran Douglas Gath has been working on bringing national recognition to military "Taps" and Angelica native Oliver Willcox Norton, bugler, who gave one of the first renditions of Taps 150 years ago. He read some pertinent information and then read a **PROCLAMATION FOR OLIVER WILLCOX NORTON DAY ON JULY 19, 2012**, to pay tribute to him for his performance and talent, to honor all Veterans, and to recognize the importance of "Taps" as part of the military honors accorded at special services.

Certificates of appreciation were presented to Angelica Boy Scout Troop 736 Members Curtis Warner, Nicholas Cobin, Conner Cockle, and Gunther Krohn, who took part in the Flag presentation at today's meeting.

A certificate of appreciation was presented to the Allegany County Agricultural Society, accepted by President Martha Roberts, in recognition of their dedication to agriculture and tourism. The Allegany County Fair has been running for 168 years, and has a great economic and tourism impact for the County.

A certificate of appreciation was presented to Lee Gridley, of Wellsville, NY, in recognition of her contributions to the Allegany County Fair. This year's Fair and the Fairbook were dedicated to Ms. Gridley. Chairman Crandall highlighted some of Ms. Gridley's many years of participation in County committees and organizations, as well as her more than 20 years involvement with the Fair.

A certificate of recognition was awarded to 4-H Member Abby Luzier in honor of her many accomplishments during twelve years in the Cuba Gold Diggers 4-H Club and her involvement with the Allegany County Fair.

The following elected representatives addressed the Board:

New York State Senator Catharine Young recognized the efforts of the Board of Legislators in offering the opportunity for citizen involvement and bringing government to the people by holding this meeting at the County Fair. Senator Young remarked that the Fair represents who we are in Allegany County and reflects our rural way of life. She thanked Martha Roberts and Lee Gridley for all of their efforts. She congratulated Doug Gath and thanked him for his service and his efforts to bring recognition to Oliver Willcox Norton. Senator Young read a State Senate proclamation for Mr. Norton and Taps as a significant part of our American heritage, and presented it to Mr. Gath. Senator Young then spoke about agriculture in New York State and how tough this year has been for the farmers. She stressed the importance of focusing on not only what we have, but the opportunities and bringing our resources back into production, which can translate into career opportunities, jobs, and economic prosperity. Senator Young noted that along with Assemblyman Joseph Giglio and Congressman Tom Reed, they have worked as a team to pass a lot of beneficial legislation, but they are successful because of the local efforts.

New York State Assemblyman Joseph Giglio referred to Senator Young's comments on their great team, and noted that one member wasn't present today - Dan Burling, who chose not to run for re-election to the State Assembly. He will be missed. Assemblyman Giglio spoke about not taking things for granted. In speaking about the Fair and everything it represents, the 4-H'ers, and the Veterans, when we look around us, that's the reason we do it. That's what we call America. Our founding fathers were no different from us. They came to this same kind of meeting, they held the same type of offices, and they used their beliefs to make this the greatest country on earth. Our job is to preserve those dreams, so our children will have the same freedoms.

United States Congressman Tom Reed was represented by Lee James. Congressman Reed extended his thanks to everyone for their hard work and dedication to the area. The partnership he shares with officials at the local level on up through the state representatives helps build relationships and make everyone's jobs easier. Ms. James congratulated Martha Roberts and the efforts of the Fair Board for a great Fair. There are a lot of good, dedicated volunteers. She also recognized Abby Luzier and Lee Gridley. Congressman Tom Reed sent a letter honoring Taps, which Ms. James read and presented to Mr. Gath. Congressman Reed has worked with his colleagues to include language in the National Defense Authorization Act of 2013 to designate Taps as the national song of remembrance, and he is confident the President will sign it into law. He thanked Mr. Gath and others for their efforts to help make this designation of Taps a reality as an appropriate way to honor those who have fallen in service of our country.

APPROVAL OF MINUTES:

The Board meeting minutes of July 9, 2012, were approved on a motion made by Legislator Hopkins, seconded by Legislator Curran, and carried.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. August 2012 Calendar of Board and Standing Committee meeting dates.
2. Reminder of the Legislators' Clambake on July 27.
3. The annual Senior Picnic will be held at the County Fairgrounds in Angelica on July 26, 2012, 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 4 from 8 a.m. to 3 p.m.

PROCLAMATION:

Chairman Curtis W. Crandall proclaimed July 19, 2012, as Oliver Willcox Norton Day in Allegany County (proclamation read earlier in the meeting).

INTRODUCTION OF LEGISLATION:

Legislator Timothy O'Grady introduced Local Law Intro. No. 1-2012, Print No. 1, entitled "A Local Law to Increase the Compensation of the Allegany County Sheriff," a copy of said proposed Local Law having been placed on each legislator's desk.

RESOLUTIONS:

RESOLUTION NO. 99-12

**RESOLUTION SETTING DATE OF PUBLIC HEARING ON
A LOCAL LAW TO INCREASE THE COMPENSATION OF
THE ALLEGANY COUNTY SHERIFF**

Offered by: Personnel Committee

WHEREAS, on this 19th day of July, 2012, a local law (Intro. No. 1-2012, Print No. 1) was introduced to increase the compensation of the Allegany County Sheriff, 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 August 13, 2012, 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. 1-2012, 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. O'Grady
Seconded by: Mr. Healy

Adopted: Voice Vote

RESOLUTION NO. 100-12

**AMENDMENT OF COUNTY NON-UNIT SALARY PLAN
TO REMOVE THE TITLE OF UNDERSHERIFF
FROM THE NON-UNIT GRADED SECTION OF THE PLAN AND
PLACING THE TITLE OF UNDERSHERIFF
IN SECTION 4 OF THE NON-UNIT SALARY PLAN;
INCREASING COMPENSATION OF THE UNDERSHERIFF**

Offered by: Personnel Committee

RESOLVED:

1. That Section 3 and 4 of Resolution No. 297-75, as amended, is hereby further amended by removing the title of Undersheriff from the non-unit graded section of the plan, Section 3, and placing the title of Undersheriff in Section 4 of said plan.

2. Commencing September 1, 2012, the salary of the Allegany County Undersheriff, calculated from such date going forward, shall be increased to an annual amount of \$61,000.

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

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

Comments made regarding Resolution No. 100-12 included: Legislator Ungermann asked if this salary increase would be good through 2013, to which County Administrator John Margeson responded that may not necessarily be true; it would be up to the Board.

RESOLUTION NO. 101-12

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

Offered by: Personnel Committee

Pursuant to General Municipal Law § 811

RESOLVED:

1. That Section 1, Paragraph (c) of Resolution No. 310-90, as amended by Resolution Nos. 162-2002, 66-2007, and 91-2010, is amended to read as follows:

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

- Aging, Office for the, Director
- Board of Legislators, Members
- Clerk of the Board
- Community Services Agency, Director
- Community Services Agency Board, Members
- County Administrator

Deputy County Administrator
County Attorney
First Assistant County Attorney
Second Assistant County Attorney
Third Assistant County Attorney
County Budget Officer
County Clerk
Deputy County Clerk
Deputy County Clerk II
Deputy County Clerk III
County Coroners
County Historian
County Treasurer
Deputy County Treasurer
Development Director
District Attorney
First Assistant District Attorney
Second Assistant District Attorney
Third Assistant District Attorney
Fourth Assistant District Attorney
Fifth Assistant District Attorney
Sixth Assistant District Attorney
Election Commissioners
Deputy Election Commissioners
Emergency Management and Fire Director
Employment and Training Director III
Health, Board of, Members
Information Technology Director
Personnel Officer
Planner
Planning Board, Members
Probation Director
Public Defender
First Assistant Public Defender
Second Assistant Public Defender
Public Health Director
Deputy Public Health Director
Special Education Program Coordinator
Public Works Superintendent
Deputy Public Works Superintendent I
Deputy Public Works Superintendent II
Real Property Tax Agency Director
Sheriff
Undersheriff
Social Services Commissioner
Deputy Social Services Commissioner

STOP-DWI Program Coordinator
Veterans' Service Agency Director
Weights and Measures Director
Youth Bureau Director

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

Adopted: Voice Vote

(Memo: The amendments made by Resolution No. 101-12 included the addition of the positions of Sixth Assistant District Attorney and Second Assistant Public Defender, change in title from Emergency Services Director to Emergency Management and Fire Director, deletion of the positions of Fire Coordinator and Workers' Compensation Executive Secretary, change from Assistant Public Defender to First Assistant Public Defender, alphabetizing Planner above Planning Board Members, and insertion of an apostrophe after Veterans.)

RESOLUTION NO. 102-12

DESIGNATING THE WELLSVILLE DAILY REPORTER AS SOLE OFFICIAL NEWSPAPER FOR THE WEEK OF AUGUST 5, 2012, TO AUGUST 11, 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 August 5, 2012, to August 11, 2012, now, therefore, be it

RESOLVED:

1. Notwithstanding the provisions of Section 1. of Resolution No. 32-2012, 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 5, 2012, to August 11, 2012.

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

Adopted: Voice Vote

RESOLUTION NO. 103-12

RESOLUTION ESTABLISHING SOLID WASTE USER FEES COMMENCING JANUARY 1, 2013

Offered by: Public Works Committee

RESOLVED:

1. Commencing January 1, 2013, the following user fees shall be charged to users of the Allegany County Solid Waste System:

- a. Landfill User Fee – Disposal of solid waste not otherwise categorized below shall be \$40 per ton with a minimum scale fee of \$5.
- b. Disposal of contaminated soil shall be \$25 per ton with a minimum scale fee of \$5.
- c. Disposal of waste water treatment plant sludge shall be \$35 per ton with a minimum scale fee of \$5.
- d. Disposal of white goods containing chlorofluorocarbons (CFCs) shall be \$10 per item.

2. All fees shall be paid at the Landfill at the time of disposal of solid waste or at such other time as shall be specified by the Superintendent of Public Works.

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

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

Comments made regarding Resolution No. 103-12 included: Legislator Fanton clarified that this resolution doesn't raise the tag or bag fees; it establishes a fee of \$10 for white goods containing CFCs to offset costs to remove and dispose of those CFCs, and it increases the tipping fee for disposal of contaminated soil from \$23 to \$25 per ton.

RESOLUTION NO. 104-12

**TRANSFER OF FUNDS FROM OFFICE FOR THE AGING RESERVE ACCOUNT TO
OFA-SUPPORTIVE SERVICES ACCOUNT**

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the sum of \$2,890 is transferred from Account No. A14.511.03 (Reserve Account A889.0009) to Account No. A6773.201 (OFA Supportive Services – Equipment) for the purchase of software for the Insurance Counseling program.

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

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

RESOLUTION NO. 105-12

**TRANSFER OF FUNDS WITHIN OFFICE FOR THE AGING PROGRAMS
OFA-SUPPORTIVE SERVICES ACCOUNT**

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the sum of \$2,000 is transferred from Account No. A6773.101 (OFA-Supportive Services-Regular Pay) to Account No. A6773.475 (OFA Supportive Services-Contractual) to pay legal fees in a Medicare Insurance appeal.

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

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

RESOLUTION NO. 106-12

**RESOLUTION APPROVING THE OFFER FROM
NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYSDOT)
FOR ONE PERMANENT AND ONE TEMPORARY EASEMENT ON LANDS
OWNED BY ALLEGANY COUNTY; APPROPRIATION OF FUNDS**

Offered by: Public Works and Ways and Means Committees

WHEREAS, the Public Works Committee received an offer of \$700 from New York State Department of Transportation (NYSDOT) for one permanent and one temporary easement, and

WHEREAS, the land is located in the Town of Scio at the south corner of the intersection of Drum Road and State Route 417 and to be used for a highway detour, now, therefore, be it

RESOLVED:

1. That this Board hereby accepts the offer for the one permanent and one temporary easement from the New York State Department of Transportation (NYSDOT).

2. That the sum of \$700 is to be appropriated to Revenue Account D5110.2770.00 (County Road-Other Unclassified).

3. That the Chairman of this Board is hereby authorized to execute all documents necessary for the grant of such easements.

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

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

Resolution Intro. No. 110-12 (APPOINTMENT OF COMMISSIONER OF ELECTIONS) was not pre-filed and was considered from the floor on a motion made by Legislator O'Grady,

seconded by Legislator Fanton, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 107-12

APPOINTMENT OF COMMISSIONER OF ELECTIONS

Offered by: Personnel Committee

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

WHEREAS, Elaine Herdman has indicated that she will be resigning her position as Commissioner of Elections effective August 3, 2012, and

WHEREAS, the Chairman of the Allegany County Republican Committee has filed with the Clerk of this Board, a certificate in accordance with Election Law § 3-204 that recommends the appointment of Richard G. Hollis, residing at 10987 Old State Road, Dalton, New York 14836, to the office of Commissioner of Elections to fill the remainder of Elaine Herdman's four-year term expiring December 31, 2012, and

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

RESOLVED:

1. That Richard G. Hollis is appointed Commissioner of Elections with term of office commencing August 4, 2012, and expiring December 31, 2012.

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

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

Resolution Intro. No. 111-12 (RESOLUTION IN OPPOSITION TO ENACTMENT OF THE UNIFORM NOTICE OF CLAIM ACT) 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. 108-12

**RESOLUTION IN OPPOSITION TO ENACTMENT OF
THE UNIFORM NOTICE OF CLAIM ACT**

Offered by: Ways & Means Committee

WHEREAS, the Assembly and Senate have passed the "Uniform Notice of Claim Act," (S07641B, A10657-A), and

WHEREAS, this act amends state law to permit the filing of notices of claim against local governments in New York with the Secretary of State, as opposed to the local governments themselves, and

WHEREAS, this act also excuses non-compliance with the time limits for filing, provided they resulted from “good faith” mistakes and the public entity is unable to prove substantial prejudice as a result, and

WHEREAS, this act will make it easier to commence litigation against local governments and thereby encourage the filing of more lawsuits, and

WHEREAS, an increase in litigation will require municipalities to spend a greater portion of their limited budgets to defend against such lawsuits, and

WHEREAS, local governments are already struggling to maintain critical services while dealing with severe financial constraints, now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators hereby urges the Governor to disapprove the Uniform Notice of Claim Act (S07641B, A10657-A).

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; and Assemblymen Daniel J. Burling and Joseph M. Giglio.

Moved by: Mr. Hopkins
Seconded by: Mr. Curran

Adopted: Voice Vote

Comments made regarding Resolution No. 108-12 included the following:

Legislator Pullen remarked that he’s been an attorney for the past 30+ years and has represented a number of municipalities. There are many frivolous lawsuits, as well as some with some merit. One of the major defenses that municipalities have had is a state law requiring the filing of a notice of claim, which has some pretty strict time frames and requirements. The state is looking at changing that, and there may be some reasons, but there is a very real possibility that this could increase expenses for local governments at a time when we as taxpayers can’t afford it.

Legislator Ungermann noted that a claim is the only opportunity that the public has if they disagree with what the government is doing. He can’t support the resolution. Chairman Crandall pointed out that this legislation just changes the procedure. There are already methods and means for filing claims in place.

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 O'Grady, and adopted on a roll call vote of 13 Ayes, 1 No, 1 Absent, that the audit of claims, totaling \$3,313,193.95, 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 \$5,514,626.*)

ADJOURNMENT: The meeting was adjourned at 3:30 p.m. on a motion made by Legislator Graves, seconded by Legislator Fanton, and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
AUGUST 13, 2012**

**** 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 Army Second Lieutenant Tyler J. Shaw.

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 July 19, 2012, were approved on a motion made by Legislator Curran, seconded by Legislator Sinclair, and carried. Legislator Cady clarified comments reported in a local newspaper regarding Resolution No. 108-12 opposing a state bill establishing new procedure in claims against local governments. The article stated that it was the only way citizens could do this, but it was explained to the Legislators as an alternate way. Fourteen Legislators voted to oppose the bill, because it appears to be just another layer of bureaucracy at more expense to the public, and a way to generate more state revenue.

PUBLIC HEARING:

Chairman Crandall closed the regular meeting to hold a public hearing on Local Law Intro. No. 1-2012, entitled "A Local Law to Increase the Compensation of the Allegany County Sheriff." 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 Tyler J. Shaw, from Wellsville, United States Army Second Lieutenant, in grateful appreciation of his service to our country. Mr. Shaw's service dates are November 2011 through the present. Following Basic Training at Fort Jackson, SC, he was assigned to the 277th Quartermaster Company, Niagara Falls Air Force Reserve Station. Mr. Shaw has also been employed as a Health Technician for the Allegany County Health Department for nearly two years. Mr. Shaw 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 certificates of recognition to members of the Allegany County All-Star Little League Team for their accomplishments in reaching the state finals and winning the state sportsmanship award for 2012. Recognized were: C.J. Pierce (#1); Jordan Mullen (#2); Billy Emery (#3); Michael "Mick" Montesano (#4); Brett Migliore (#5); Mark Bolander (#6); Cole Tracy (#8); Gary Burdick (#9); Reston Pettit (#10); Josh Cline (#11); Kyle Redman (#12); Justin Fisher (#23); John Anderson, Manager; Kevin Redman, Coach; Tim Dixon, Coach; and Jessica Mullen-Romance, Scorekeeper.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. Report of Intrafund Transfers approved by the County Administrator in July.
2. Report of Tax Bill Corrections approved by the County Administrator in July.
3. Pursuant to Article 11 of the Real Property Tax Law, the County Treasurer filed Certificates of Withdrawal of Delinquent Tax Liens for properties in the towns of Bolivar, Angelica, and Alma in the Clerk of the Board's Office on July 23, July 25, and August 2, 2012.
4. Chairman of the Comprehensive Plan Implementation Group Edward Eicher forwarded an Interim Report on July 16, 2012.
5. Notice of the next InterCounty meeting to be hosted by Livingston County at the 1941 Historic Aircraft Group in Geneseo on August 17, 2012.
6. The NYSAC 2012 Fall Seminar will be held at the Holiday Inn in Liverpool from September 12-14. Legislators planning to attend should let Clerk of the Board Brenda Riehle know by August 15.

APPOINTMENTS:

Chairman Crandall appointed Jeffrey N. Luckey of Fillmore as the **COUNTY EMS COORDINATOR**, effectively immediately to serve at his pleasure, in accordance with the provisions of applicable law.

PROCLAMATION:

Chairman Crandall attended a ceremony at the Boxing Hall of Fame in Belfast on July 28, 2012, where he read a proclamation declaring July 28 as William Muldoon Day in Allegany County.

Chairman Crandall attended the annual Women, Infants, and Children (WIC) Program picnic where he read a proclamation declaring August 1-7, 2012, as Breastfeeding Week in Allegany County.

RESOLUTIONS:

RESOLUTION NO. 109-12

**ADOPTION OF LOCAL LAW INTRO. NO. 1-2012, PRINT NO. 1,
A LOCAL LAW TO INCREASE THE COMPENSATION OF
THE ALLEGANY COUNTY SHERIFF**

Offered by: Personnel Committee

RESOLVED:

1. That proposed Local Law, Intro. No. 1-2012, Print No. 1, is adopted without any change in language, to wit:

COUNTY OF ALLEGANY

Intro. No. 1-2012

Print No. 1

**A LOCAL LAW TO INCREASE THE COMPENSATION OF
THE ALLEGANY COUNTY SHERIFF**

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

Section 1. Commencing September 1, 2012, the salary of the Allegany County Sheriff, calculated from such date going forward, shall be increased to an annual amount of \$67,000.

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

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

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

(Memo: Upon adoption, Local Law Intro. No. 1-12 became Local Law No. 1-12.)

Comments made regarding Resolution No. 109-12 included the following:

Legislator Ungermann noted that it's late in the year and nearly time to begin the discussions about raises that take place during the annual budget process. His understanding is that this raise for the Sheriff will be good through 2013. Chairman Crandall responded that it's up to the consensus of this group. Mr. Ungermann stated that his support would be contingent on assurance that the raise is good through 2013.

Legislator Hopkins provided some history to explain the justification of the raise at this time. Currently, Sheriff Whitney's salary is approximately \$59,000. When Sheriff Belmont left office

six years ago, he was making \$61,000. The Sheriff's salary has decreased, but the duties and responsibilities have increased in that time frame. If the salary increases had been kept up for that position at an average of two percent per year, the Sheriff's salary would be \$70,000 per year by this time. Although the increase to \$67,000 looks like a large increase, it's well within the range for other Sheriffs in the area, and puts the salary back somewhat to where it should have been. There's no good time for raises, but this one is overdue.

Legislator Cady made a motion that the \$67,000 salary be extended through 2013. Chairman Crandall stated that there could be consensus among the Legislators on that, but he questioned amending the Local Law. County Attorney Thomas Miner advised that if an amendment is offered, the Local Law can certainly be amended, but the Local Law document would have to be in its final form for at least seven days, excluding Sunday, prior to voting on it. It couldn't be voted on at this meeting. Mr. Cady withdrew his motion, stating that it was adequate to have it on record that it was the consensus of the Board that the salary increase extend through next year.

RESOLUTION NO. 110-12

APPOINTMENT OF HAROLD (BOBBY) BUDINGER AS COUNTY PERSONNEL OFFICER; FIXING ANNUAL SALARY

Offered by: Personnel Committee

Pursuant to Civil Service Law § 15

RESOLVED:

1. That Harold (Bobby) Budinger is appointed as County Personnel Officer for a six-year term commencing August 14, 2012.
2. That notwithstanding the base salary established for such office by Resolution No. 150-2011, the base annual salary for such office is fixed at \$65,000.

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

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

Comments made regarding Resolution No. 110-12 included the following:

Legislator Cady made a motion to amend the resolution to extend the indicated salary through 2013. County Attorney Miner remarked that it can be amended to reflect that change, but even if that change is made, a local law increasing the salary could be adopted later, which would repeal what was done today. Nothing will really be gained, because it's not going to lock it in. The salary will stay at this number until it's changed by local law. Chairman Crandall commented that locking in and guaranteeing salaries have been discussed before, and there is no guarantee, other than what the Board takes action on.

These are all things to be considered when the Committee of the Whole discusses salaries, and a consensus can be reached. Mr. Cady withdrew his motion.

Legislator Healy noted that a process is already in place to address future raises, which he feels is adequate.

RESOLUTION NO. 111-12
AMENDING THE COMPREHENSIVE
COUNTY PROCUREMENT AND ACQUISITION POLICY OF ALLEGANY COUNTY

Offered by: Ways and Means Committee

WHEREAS, this Board, by Resolution No. 129-2006, approved the Comprehensive County Procurement and Acquisition Policy of Allegany County, and

WHEREAS, in 2009, the New York State Legislature amended Section 103 of the General Municipal Law to raise the dollar threshold on Public Works contracts requiring public bids from \$20,000 to \$35,000, and

WHEREAS, in 2010, the New York State Legislature further amended Section 103 of the General Municipal Law to raise the dollar threshold on the purchase of goods, services, and equipment requiring public bids from \$10,000 to \$20,000, and

WHEREAS, the Comprehensive County Procurement and Acquisition Policy of Allegany County sets forth the procedure to be followed for the purchase of goods, services, equipment, and entry into Public Works contracts by Allegany County, and

WHEREAS, Allegany County desires to amend its Comprehensive County Procurement and Acquisition Policy to reflect current State Law, now, therefore, be it

RESOLVED:

1. That the following described paragraphs of the Comprehensive County Procurement and Acquisition Policy of Allegany County are amended to read as follows:

- a) Section A. 1. All purchases of goods, services, and equipment which will exceed \$20,000 in the fiscal year and all public work contracts over \$35,000 shall be formally bid pursuant to Section 103 of the General Municipal Law.
- b) Section A. 3. a. (1) Less than \$20,000 but greater than \$3,000 require written/fax quotes from 3 vendors;
- c) Section A. 3. b. (1) Less than \$35,000 but greater than \$10,000 require a written request for proposals and written/fax proposals from 3 contractors;

2. That the Clerk of this Board is directed to post a copy of the above policy on the official County bulletin board and to distribute a copy to all Department Heads.

3. This resolution shall take effect immediately.

Moved by: Mr. Hopkins
Seconded by: Mr. LaForge

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

Comments made regarding Resolution No. 111-12 included the following:

Legislator Ungermann referred to his request at the May 14 Board meeting to amend Resolution Intro. No. 68-12 to include the requirement that professional service contracts be obtained either through the issuance of a Request for Proposal or competitively bid. *(That resolution was tabled to allow time to determine the potential impact of that amendment.)* County Administrator John Margeson distributed a memo to all Legislators listing reasons why he and County Attorney Thomas Miner felt it was unwise to require the inclusion of professional services. One of the listed reasons that concerned Mr. Ungermann was, *“being forced to obtain professional services by way of competitive bidding potentially prevents the County from using County-based firms or companies as we would be required to select the lowest, responsible bidder which may not be a local vendor.”* Mr. Ungermann noted that three of the major companies we use are LaBella; Bond, Schoeneck and King; and Hodgson Russ. None of those are local, and the County just seems to hand business to them. Mr. Ungermann expressed concern that we may not be getting the best service. The issue about being sued by some company that didn't get the job isn't legitimate either, because in every RFP or bid notice the County releases, there is a statement that the County reserves the right to reject any or all bids and accept the bid it determines to be in the best interest of Allegany County. If one of the businesses threatens to sue because their prices are proprietary, would the County be interested in ever hiring them again? That wouldn't be the case. Mr. Ungermann had no objection to raising the limits in the Policy, but he did have a problem with just handing work to those three companies.

Legislator Hopkins pointed out that any committee, or any person, can request to have an RFP done on any project or any professional service that's required. There's a concern that we're cutting out local companies, but we're not cutting anyone out of the process. If someone on a committee feels that we're going to pay too much or we aren't going to get what we're paying for, we can always put out an RFP. We have to remember that RFPs are expensive and time consuming. There is some question on bidding certain services, and that you'd be obligated to take the low bid, unless you can really prove it's not in the best interest of the County. That burden of proof may be expensive to do. Mr. Hopkins felt we should leave the policy like it is, realizing that we do have a choice with the RFPs, but to require a bid or RFP for every professional service isn't in the best interest of the taxpayers.

RESOLUTION NO. 112-12

**RESOLUTION AUTHORIZING THE COUNTY TO ENTER INTO A CONTRACT WITH
OTIS ELEVATOR COMPANY AND TRANSFER OF FUNDS**

Offered by: Facilities and Communications and Ways and Means Committees

WHEREAS, this Board believes it is in the County's best interest to modify an elevator previously used solely to gain access to the former jail to gain access to all floors of the County Office Building; and

WHEREAS, this elevator can serve as a backup to the current elevator and allow the top floor of the County Office Building to be easily accessed from all floors; and

WHEREAS, in order to properly use this elevator, it will need to be brought up to code, rotated, and new openings created so as to gain access to the elevator from each floor; and

WHEREAS, the current jail elevator is an Otis Elevator Company elevator and any modifications to the elevator need to be made by the Otis Elevator Company so as to assure compatibility of equipment and minimize cost; now therefore, be it

RESOLVED:

1. That this Board hereby authorizes the County to enter into a contract with Otis Elevator Company in the amount of \$147,300 which provides for the modification of the current jail elevator in order to bring it up to code and allow access from all floors of the County Office Building.

2. That the sum of \$177,293 is transferred from Account No. H1640.200 (B&G Maintenance Building Capital) to Account No. H5633.200 (Jail Floor Renovations Capital) to cover the cost of the contract with Otis Elevator Company together with other necessary work involved in the elevator upgrade.

3. That the Chairman of this Board of Legislators is authorized to execute the contract.

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

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

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 Graves, and adopted on a roll call vote of 14 Ayes, 1 No, 0 Absent, that the audit of claims, totaling \$4,892,219.29, 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 \$6,091,436.*)

GENERAL COMMENTS:

Legislator Pullen remarked on a ceremony last week in Fillmore, attended by Senator Young, Assemblymen Burling and Giglio, along with other state representatives, to dedicate a segment of State Route 19 in Hume in honor of Colonel Almond E. Fisher, World War II hero and Congressional Medal of Honor recipient.

ADJOURNMENT: The meeting was adjourned at 2:47 p.m. on a motion made by Legislator Graves, seconded by Legislator Pullen, and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
AUGUST 27, 2012**

**** 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 4th Class John C. Harrington.

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, Aaron McGraw, Timothy O'Grady, David Pullen, Frederick Sinclair, Norman Ungermann, Jr.; 1 Legislator Absent: Kevin LaForge

APPROVAL OF MINUTES:

The Board meeting minutes of August 13, 2012, were approved on a motion made by Legislator Hopkins, seconded by Legislator Sinclair, and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to John C. Harrington of Angelica, former United States Army Specialist 4th Class, in grateful appreciation of his service to our Country. Mr. Harrington's service dates were from August 1961 to August 1964. Following Basic Training at Fort Dix, NJ, assignments included: Fort Lee, VA, and Korea. Commendations he received included: Expert Rifle Badge, National Defense Medal, Korean Defense Medal, and Cold War Medal. Mr. Harrington 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:

Tourism Advisory Board Member Tom Green presented information on the "1812 Overture," a unique musical event which will take place on Sunday, September 23, in conjunction with Angelica's Civil War Weekend. It will be performed by the Houghton Philharmonia and College Choir, and is being sponsored by the Greater Allegany County Chamber of Commerce, Houghton College, and YNN/Time Warner Cable.

Genesee River Wilds Director Christina Hedstrom addressed the Board. The Genesee River Wilds is now a 510-C-3 non-profit organization with an office at Crossroads, and their purpose is to improve and expand trails and launches along the Genesee River for recreation and tourism and to protect the river. The group plans to link the Genesee Valley

Greenway with the Pine Creek Trail and also link Letchworth and Allegany State Parks and the state parks and forests that form the "Pennsylvania Grand Canyon."

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. September 2012 Calendar of Board and Standing Committee meeting dates.

RESOLUTIONS:

RESOLUTION NO. 113-12

**CREATING ONE FULL-TIME POSITION OF NURSE PRACTITIONER
IN THE HEALTH DEPARTMENT**

Offered by: Human Services Committee

RESOLVED:

1. That one position of Full-Time Nurse Practitioner is created in the Health Department.
2. This resolution shall take effect August 28, 2012.

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

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

(Memo: The position created by Resolution No. 113-12 will replace a Part-Time Nurse Practitioner. This position will enable the Health Department to capture maximum revenue, keep the Family Planning and STD Programs, and save County dollars in insurance costs by providing low-cost physicals to employees, families, retirees, etc.)

RESOLUTION NO. 114-12

**ACCEPTANCE OF FUNDING FROM THE NEW YORK STATE CRIME VICTIMS BOARD;
SETTING SALARY OF CRIME VICTIMS COORDINATOR;
APPROPRIATION OF SAME TO DISTRICT ATTORNEY ACCOUNTS**

Offered by: Public Safety Committee

RESOLVED:

1. That funding in the amount of \$32,561 from the New York State Crime Victims Board for the period October 1, 2012, through September 30, 2013, is accepted.
2. That the annual amount of \$32,561 shall be appropriated for 2012 as follows: \$30,194 to Account No. A1165.1 and \$2,367 to Account No. A1165.4.

3. That the position of Crime Victims Coordinator shall remain filled only for so long as such position is fully funded by State, Federal, or other grant-in-aid.

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

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

(Memo: The funding accepted by Resolution No. 114-12 is a one-year extension to the current grant which ran from October 1, 2009, through September 30, 2012. The funds are allocated to salary, travel, training, and third-party contributions, leaving the total salary at \$31,461. A minimum 20 percent match is required for the program. This does not require a budget adjustment, as it is already in the budget.)

Comments made regarding Resolution No. 114-12 included: Legislator Ungermann noted that Resolved No. 3 states that the position shall remain filled only for so long as it is fully funded, and the Memorandum of Explanation indicates a minimum 20 percent match is required. He questioned if the position is still fully funded. County Administrator John Margeson responded that the position is fully funded. The match referred to is an in-kind contribution; it's not a cash match.

RESOLUTION NO. 115-12

TRANSFER OF FUNDS WITHIN PUBLIC HEALTH WIC ACCOUNTS

Offered by: Human Services Committee

RESOLVED:

1. That the sum of \$3,500 is transferred as follows: \$1,100 from Account No. A4190.408 (General Supplies) and \$2,400 from Account No. A4190.424 (Legal Advertising) to Account No. A4190.201 (Office Equipment) for the purchase of locking filing cabinets and an iPad.

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

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

(Memo: The purchases referred to in Resolution No. 115-12 are covered and approved by the WIC grant.)

RESOLUTION NO. 116-12

TRANSFER OF FUNDS WITHIN COUNTY CLERK ACCOUNT

Offered by: Personnel Committee

RESOLVED:

1. That the sum of \$7,400 is transferred from Account No. A1410.201 (County Clerk-Office Equipment) to Account No. A1410.411 (County Clerk-Repairs) to assist in scanning and storing of vital real property documentation.

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

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

(Memo: Regarding Resolution No. 116-12, the goal of the County Clerk's Office is to have all real property documents scanned, tagged, and indexed which will assist the general public, professional abstractors, and land surveyors in accessing real property records.)

RESOLUTION NO. 117-12

TRANSFER OF FUNDS WITHIN SHERIFF'S ACCOUNT

Offered by: Public Safety Committee

RESOLVED:

1. That the sum of \$14,600 is transferred as follows: \$5,000 from Account No. A3110.201 (Equipment), \$2,000 from Account No. A3110.203 (Communication), \$1,000 from Account No. A3110.205 (Furniture) to Account No. A3110.422 (Gas & Oil) and \$3,000 from Account No. A3110.409 (Fees) and \$3,600 from Account No. A3110.421 (Education) to Account No. A3110.422 (Gas & Oil).

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

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

(Memo: The transfers approved in Resolution No. 117-12 were requested due to the increasing number of inmate transports and the increasing cost of fuel.)

RESOLUTION NO. 118-12

**TRANSFER OF FUNDS FROM CONTINGENT ACCOUNT
TO CAPITAL PROJECT ACCOUNT COVERING COST
TO PREPARE ACCESS TO EASTERN HALF OF CELL 9 AT THE COUNTY LANDFILL**

Offered by: Public Works and Ways and Means Committees

RESOLVED:

1. That the sum of \$50,000 is transferred from Account No. A1990.429 (Contingent) to Account No. H8164.200 (Solid Waste Landfill Storm Pipe).

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

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

RESOLUTION NO. 119-12

**APPROVAL OF AGREEMENT WITH ALDRICH & COX, INC.
OF ORCHARD PARK, NEW YORK,
FOR RISK MANAGEMENT AND EMPLOYEE BENEFIT CONSULTING SERVICES;
AUTHORIZING CHAIRMAN TO EXECUTE AGREEMENT**

Offered by: Personnel Committee

RESOLVED:

1. That the agreement with Aldrich & Cox, Inc. for the period June 1, 2012, to May 31, 2013, to provide Risk Management and Employee Benefit Consulting Services is approved.
2. That the Chairman of this Board is authorized to execute said agreement.

Moved by: Mr. O'Grady
Seconded by: Mr. Pullen
Voting No: Ungermann

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

Comments made regarding Resolution No. 119-12 included the following:

Legislator Ungermann referred to the Acquisition and Procurement Policy discussed at the last meeting, and asked if an RFP or bidding process was used for this contract, and if any local people were contacted. County Administrator Margeson replied that an RFP was issued, and they did advertise locally. When questioned about the County's previous insurance consulting contract with Brian Baty, Mr. Margeson noted that contract had expired, and Mr. Baty was no longer in business. Mr. Ungermann pointed out that this contract has an estimated cost of between \$26,000 and \$35,500 as opposed to the \$10,000 we previously spent for Mr. Baty's contract. Mr. Margeson explained that the services provided in this contract are not similar to those provided by Mr. Baty. This contract is to evaluate risk factors and internal procedures and is the result of discussions regarding the need for a full- or part-time Safety Officer. Before we decide to hire, we need to look at the way we're doing business now, and assess to see if this position is needed. Mr. Ungermann asked if they will be looking into whether we should be self-insured for Workers' Comp or not. Mr. Margeson felt they would be willing to do that at no additional charge and to make a recommendation. They will be looking into loss control anyway, so Workers' Comp would be part of that.

Legislator Pullen referred to the two separate documents from Aldrich & Cox that each mention the maximum fee of \$26,000 to \$35,500, and he asked for clarification that they were not duplicate fees. Mr. Margeson replied that they were not two separate figures. The maximum fee is just a range of \$26,000 to \$35,500.

RESOLUTION NO. 120-12

**APPROVAL OF AGREEMENT WITH CONXX, INC.
TO PROVIDE FOR A STUDY AND RECOMMENDATIONS CONCERNING
THE COUNTY'S 911 SYSTEM AND POINT OF PRESENCE (POP);
TRANSFER OF FUNDS**

Offered by: Facilities & Communications and Ways and Means Committees

WHEREAS, the County is in the process of upgrading its 911 system, and

WHEREAS, the County will have a "Point of Presence" (POP) on the newly installed ION fiber optic cable running through the County, and

WHEREAS, the County is interested in improving the operation of its 911 system and using related infrastructure on such system to maximize the benefit to first responders and other public entities, and

WHEREAS, the County wants to determine the best course of action to maximize the benefit of its POP, and

WHEREAS, the County has considered a proposal from CONXX, Inc. to evaluate and make recommendations concerning its 911 system and POP, now therefore, be it

RESOLVED:

1. That the County is authorized to enter into an agreement with CONXX, Inc. at a cost of \$14,750 to study the County's 911 system and County's Point of Presence (POP).
2. That the sum of \$14,750 is transferred from Account No. A3510.416 (Sheriff – E-911) to Account No. A6430.409 (Economic Development – Fees).
3. That the Chairman of this Board is authorized to execute this agreement.

Moved by: Mr. Pullen
Seconded by: Mr. Healy
Voting No: Burdick, Cady

Adopted: Roll Call
12 Ayes, 2 Noes, 1 Absent

Comments made regarding Resolution No. 120-12 included the following:

Legislator Pullen clarified that this agreement provides for a study to be performed by an independent consultant to determine the best way to provide internet and 911 service to County residents. We are not establishing a system of our own. This issue is very technical in nature, and we don't have the personnel with the skills to do that study on our own. It's critical that our citizens have access to the technology, and the price is appropriate.

Legislator Sinclair noted that the Governor just released \$25 million to address this for municipalities. We're in good standing for competing for those funds and other pots of money to wire this County for public and private services. The Communications Committee has been working on this for one and one-half years. This is an important step.

RESOLUTION NO. 121-12

**AUTHORIZING ENGINEERING STUDY OF THE COUNTY ROUTE 46 BRIDGE
OVER THE GENESEE RIVER BY THE FIRM OF BARTON & LOGUIDICE, P.C.;
TRANSFER OF FUNDS**

Offered by: Public Works and Ways and Means Committees

WHEREAS, the bridge on County Route 46 over the Genesee River in the Town of Caneadea was closed to traffic due to structural integrity concerns, and

WHEREAS, this Board is interested in obtaining a professional engineering study of the bridge to determine what would be necessary to re-open the bridge for vehicular traffic, and

WHEREAS, the County sought proposals from engineering firms outlining the scope and cost of their services for an engineering study of the bridge, and

WHEREAS, the engineering firm of Barton & Loguidice, P.C. submitted the lowest cost proposal for such work, now therefore, be it

RESOLVED:

1. That the County enter into an agreement with Barton & Loguidice, P.C. to perform an engineering study on the County Route 46 bridge in the Town of Caneadea at a cost of \$20,400.

2. That the sum of \$20,400 is transferred as follows: \$11,362.58 from Account No. A1990.429 (Contingent) and \$9,037.42 from Account No. D882.CNDA (Reserve Caneadea Bridge) to Account No. H5608.200 (Caneadea Bridge, CR 46, East Hill).

3. That David Roeske, Superintendent of Public Works, is authorized to execute any documents on behalf of Allegany County related to the agreement with Barton & Loguidice, P.C.

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

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

Comments made regarding Resolution No. 121-12 included the following:

Legislator Ungermann remarked that this preliminary study could be done in-house. We have employees that need to step up to the plate to justify their raises. Legislator Fanton pointed out that it's not a matter of County personnel not wanting to do these jobs, they're not able to. There are special certifications required and special training. We did put out an RFP, and this is the company we chose. Mr. Fanton also cited, as an example of our people stepping up, the work on the Landfill storm drain that will be done in-house for an estimated \$50,000 as opposed to an estimate received in the \$240,000 range. There are a lot of times our employees have done what they were able to in-house; look at all the work on the recent construction projects. Legislator Ungermann stated that he thought we could get the certification to evaluate the bridge, because we have an engineer with his PE. Maybe sometimes we do perform some jobs in-house, but we should do it more often.

RESOLUTION NO. 122-12

APPROVAL OF SALE OF 2012 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>
COOK, Frederick E. 7073 Gleason Hill Rd Belfast, NY 14711 Tax sale amount: \$111	Parcel ID: 023801; 260.17-4-34 Prop Loc: 65 Olive St Assessed value: \$48,400 Acres: 0.07	County of Allegany Book: 1577 Page: 275
GOODSELL, Joy E. 38 Main St Savona, NY 14879 Tax sale amount: \$800	Parcel ID: 025200; 258.-1-37.3 Prop Loc: Coon Hollow Rd Assessed value: \$2,700 Acres: 9.8	County of Allegany Book: 1797 Page: 244
SCHMIDT, John J. 6362 New Mexico Rd Cuba, NY 14727 Tax sale amount: \$4,150	Parcel ID: 026200; 127.-1-4.112 Prop Loc: 6831 Mt Monroe Rd Assessed value: \$11,700 Acres: 1	County of Allegany Book: 1197 Page: 252
MUNDT, Edward J. MUNDT, Melissa B. 2245 Dugan RD #2 Olean, NY 14760 Tax sale amount: \$1,000	Parcel ID: 026600; 249.-1-37.7 Prop Loc: Drum Rd Assessed value: \$2,500 Acres: 0.74	County of Allegany Book: 1809 Page: 140
DUNN, Mike E. DUNN, Marcia S. 2473 SR 49E Coudersport, PA 16915 Tax sale amount: \$1,100	Parcel ID: 027089; 239.-2-59.1 Prop Loc: Trapping Brook Rd Assessed value: \$12,400 Acres: 3.9	County of Allegany Book: 1170 Page: 101
STRAWSER, Dana J. 221 Evans Ave, PO Box 127 Richburg, NY 14774 Tax sale amount: \$504	Parcel ID: 027601; 247.18-1-78.3 Prop Loc: Evans St Assessed value: \$4,600 Acres: 0.43	County of Allegany Book: 860 Page: 00282

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

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

(Memo: The properties approved for sale in Resolution No. 122-12 were left over from the 2012 Tax Sale, and bids were received through a sealed bid process.)

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 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$3,044,789.30, including prepaid expenses, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$6,475,976.*)

GENERAL COMMENTS:

Legislator Ungermann made note of several events coming up soon within the County: Rushford Labor Day Celebration on August 31 through September 3; Cuba Lions' Club Steak and Lobster Bake on September 8; and the Cuba Garlic Festival on September 15.

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

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
SEPTEMBER 10, 2012**

**** APPROVED ****

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:07 p.m. by Chairman Curtis W. Crandall. The meeting was held in the Courthouse Hearing Room #317 to allow for some renovation work on the Board Chambers.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Navy Petty Officer 3rd Class Daniel L. Little.

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 27, 2012, were approved on a motion made by Legislator Hopkins, seconded by Legislator Ungermann, and carried.

The Committee of the Whole meeting minutes of August 27, 2012, were approved on a motion made by Legislator Curran, seconded by Legislator Fanton, and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall distributed copies of a historical quiz, as a "fun" way of marking the first time in a long time that the Board of Legislators met in this room. The present Court Room in the Courthouse is the former Legislative Chambers used prior to the new Chambers in the County Office Building built in 1976.

Chairman Crandall presented a certificate to Daniel L. Little of Bolivar, former United States Navy Petty Officer 3rd Class, in grateful appreciation of his service to our country. Mr. Little's service dates were from November 1968 to August 1972. Following Basic Training at Great Lakes, IL, he was assigned to the USS Tulare AKA/LKA 112 (fastest cargo ship in the world at the time). Commendations he received included: National Defense Medal, Vietnam Campaign Medal with 1960 Device, Vietnam Service Medal with 4 Bronze Stars, Navy Good Conduct Medal, Republic of Vietnam Meritorious Unit Citation (Gallantry Cross with Palm and Frame), Navy "E" Ribbon, Tet Offensive Medal, New York State Conspicuous Service Star 4th Silver Device, and New York State Medal of Merit. Mr. Little 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:

National Society Daughters of the American Revolution Catherine Schuyler Chapter Regent Meredith Chilson spoke about Constitution Week. This national celebration began many years ago when the DAR petitioned Congress to designate September 17-23 annually for the observance of Constitution Week. The resolution was signed into law in 1956. DAR's goals during Constitution Week are to preserve the past by educating the community about historical events surrounding the creation of the Constitution and the men who framed the document, to enhance the present by commemorating the 225th anniversary of the signing of the Constitution with events and programs like this one, and to invest in the future by reminding all citizens that the Constitution is a living document guaranteeing the freedoms we enjoy and by encouraging everyone to protect and defend the Constitution so that we may continue enjoying these freedoms. Ms. Chilson also noted that a window in the Wellsville Chamber of Commerce will be set up to commemorate Constitution Week.

Chairman Crandall made note of the Freedom Shrine documents located in the foyer of the County Office Building, including the Constitution, dedicated in 2002. He read a proclamation recognizing September 17-23, 2012, as **CONSTITUTION WEEK** and asked citizens to reaffirm the ideals of the Constitution's founders.

Allegany/Western Steuben Rural Health Network Program Coordinator Melissa Williams addressed the Board regarding Fall Prevention Awareness. The Fall Prevention Collaborative of Allegany County has been in existence for three years. Funding is secured through the New York State Office for the Aging Community Empowerment Grant and the Health Foundation for Western and Central New York Step Up to Stop Falls Grant, which includes the Department of Health, Jones Memorial Hospital, Office for the Aging, along with the Rural Health Network as the lead agency. On September 22, the first day of fall, the Collaborative will be highlighting National Fall Prevention Awareness Day, which is being celebrated by New York State along with 46 other states. Allegany County's efforts, successes, and outcomes will be highlighted at the conference to be held November 16 at Lake Lodge in Alfred.

Chairman Crandall read a proclamation recognizing September 22, 2012, as **NATIONAL FALL PREVENTION AWARENESS DAY** in Allegany County and urged health and human service organizations to continue developing and evaluating strategies to prevent falls among older adults that will translate into effective fall prevention interventions.

Youth Court Coordinator Jessica Jennings spoke about Youth Court Month. Ms. Jennings noted that for the majority of adults who are breaking laws, that law breaking proclivity began when they were juveniles. That's why it's imperative that we reach our youth and help to change their attitudes and behaviors at an earlier age. Youth Court does that by helping youth to realize their potential, focus on future goals, and form an attachment to the community where they realize they have something to offer. In the past year, Youth Court

worked with 27 youthful offenders, and those youth have completed 366 community service hours. They have 35 student members who contributed a total of 495 hours. Youth Court worked with Probation last July to determine the rate of recidivism. Of the 186 youth who had gone through the program at that point, only 19 percent committed further offenses. In these poor economic times when it's so difficult to obtain funding, Ms. Jennings pointed out that juvenile delinquency prevention programs, such as Youth Court, actually save taxpayers seven to ten dollars for every dollar invested. Ms. Jennings thanked the Board for their continued support.

Greater Allegany County Chamber of Commerce Executive Director Gretchen Hanchett and Tourism Specialist Nancy Fusco provided an update on the numerous initiatives that are going on including: the "1812 Overture," Manufacturing Council (copies of the Manufacturing Council Strategic Plan distributed), Business Conference in collaboration with next spring's Career Day, signs for three driving tours are up, Legislative Breakfast coming up September 14, website update, County-wide video program, member benefits including an energy broker program, Buy Local Initiative, and the Fireball Run, which they are very excited about. The Fireball Run gives us an opportunity to highlight Allegany County. They are working with Universal Studios, starting in Ohio, and driving through eight locations in Allegany County. Each location will have exciting things scheduled, such as a rock band, and hot air balloons. There will be 40 cars in the race, and drivers will be given coordinates of the locations and earn points. Nancy Fusco and Bonnie Yox will be representing Allegany County in the race, driving a BMW X5 donated by Rushford Cottage Rentals. The event will be live-streamed to 34 million people, offering a great opportunity for promoting our County (website: www.fireballrun.com). Ms. Fusco noted that one of the most important things we could do would be to go out to the eight sites, because the more they see of Allegany County, the more chance we'll have of appearing in the final production. The cars will also be promoting awareness of missing children. Since 2007, this event has helped to find 38 missing children. There is also an "80 bags for 80 drivers" campaign to include items of interest from the County, and they're selling decals for the cars to give businesses an opportunity to advertise. This will be a fun opportunity to promote the County.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. Report of Tax Bill Corrections approved by the County Administrator for the month of August 2012.
2. Report of IntraFund Transfers approved by the County Administrator for the month of August 2012.
3. There will be a special meeting of the Public Works Committee immediately following the Ways & Means Committee meeting on Wednesday, September 19.

PROCLAMATIONS:

Chairman Curtis W. Crandall proclaimed September 2012 as **YOUTH COURT MONTH** in Allegany County in recognition of one of the most recommended crime prevention

and early intervention programs in the nation, and urged citizens to celebrate the valuable contributions that youth courts and their volunteers, adult and youth, make to keep our communities safe.

Chairman Curtis W. Crandall proclaimed September 16-22, 2012, as **SHERIFF'S WEEK** in Allegany County to celebrate the historical contributions of the Office of Sheriff and the significant role that the Sheriffs play in our modern criminal justice system.

Chairman Curtis W. Crandall proclaimed September 17-23, 2012, as **CONSTITUTION WEEK** in Allegany County. (Read previously during privilege of floor)

Chairman Curtis W. Crandall proclaimed September 22, 2012, as **NATIONAL FALL PREVENTION AWARENESS DAY**. (Read previously during privilege of floor)

RESOLUTIONS:

RESOLUTION NO. 123-12

RESOLUTION OPPOSING CLEAN WATER ACT DRAFT GUIDANCE PROPOSED BY THE ENVIRONMENTAL PROTECTION AGENCY

Offered by: Planning and Economic Development Committee

WHEREAS, Allegany County affirms its commitment to environmental stewardship and the protection of our natural resources, and recognizes the need to harmonize municipal programs and services with the legislative intent and objectives of the Clean Water Act (CWA), and

WHEREAS, the CWA was not intended to protect ditches and other channels through which water flows intermittently, nor was it intended to capture seeps, wet areas, isolated man-made ponds, and other structures not currently subject to the CWA, and

WHEREAS, the Environmental Protection Agency (EPA) and the United States Corps of Engineers (Corps) have developed draft guidance on Identifying Waters Protected by the Clean Water Act (draft guidance) to clarify the EPA and Corps' understanding and definition of the CWA that will inform all of EPA's regulatory programs and policy actions, and

WHEREAS, this draft guidance creates uncertainty, confusion, and would now capture a significant number of public works activities and transportation infrastructure that will now be subject to the CWA and its costly and time-consuming permitting and regulatory protocols, and

WHEREAS, the draft guidance greatly expands the number of projects subject to jurisdictional determination or CWA permitting which do not currently require such oversight at great expense to the taxpayers of Allegany County with little, if any, environmental benefit

while diverting scarce resources from other programs that do provide environmental protection and conservation benefits, and

WHEREAS, the financial impact of the draft guidance to Allegany County will be significant with roadside ditch projects and ongoing maintenance costing significantly more dollars on an annual basis to Allegany County citizens due to the need for jurisdictional determinations by the Corps or CWA permitting, and

WHEREAS, Allegany County believes that it is improper to so significantly change the scope of the Clean Water Act without legislative authorization by the U.S. Congress or through the formal rulemaking process to allow public and stakeholder comments on this critically important and complex issue, now, therefore, be it

RESOLVED:

1. That Allegany County urges EPA and the Corps to withdraw the draft CWA guidance immediately, work collaboratively with states and local governments to enforce the current scope of the CWA while respecting the authority of state and local governments in ensuring the protection of our water resources.

2. That this County supports any federal legislation consistent with the above recommendations and urges its Congressional and State representatives to intercede with EPA and request that EPA report to them on their response and adaptations regarding the aforementioned concerns.

3. That the Clerk of this Board is hereby authorized and directed to forward a certified copy of this resolution to Governor Andrew M. Cuomo; U.S. Senators Charles E. Schumer and Kirsten Gillibrand; U.S. Representative Tom Reed; 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; EPA Administrator Lisa Jackson; and EPA Region 2 Administrator Judith Enck.

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

Adopted: Voice Vote

Comments made regarding Resolution No. 123-12 included the following:

Legislator Ungermann expressed his hope that everyone will support this action in opposition to the change in the Clean Water Act. Rules and regulations like this strangle everybody. The text of this resolution refers mostly to municipalities, but it affects every private business, and ultimately the trickle-down effect will impact the prices of food, clothing, home repairs, energy, and so on. This is just an example of the over-reaching of government.

Legislator Pullen agreed that this action would have the federal government and agencies intruding into virtually every area of every town and county throughout the entire nation. It has to be stopped, and this resolution is an appropriate way to express our opposition.

Legislator Sinclair stated that the original idea of the Clean Water Act was correct, that being to protect the ground water and the surface waters for use by the public. New York State came up with a model program for the implementation of voluntary projects and measures on farms and on private properties which addressed most of the concerns that were originally identified, specifically nutrients and bacterial contamination. That program has been in place for over 20 years and has been very successful. Mr. Sinclair agrees with the original intent of the Act, but this new proposal goes too far. It's just a tagged-on extension of regulation to places it doesn't need to be, and is not necessary, because the voluntary program has done so well.

RESOLUTION NO. 124-12

A RESOLUTION DETERMINING THAT ERRORS EXIST ON THE 2012 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 Scio is ordered and directed to correct in the 2012 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Woodard, Gene: Parcel 199.18-3-1.2
Assessment: Land \$4,000 Total \$4,000

this parcel should have been split and deleted from the roll, and the County Treasurer is directed to make the following charge back:

Allegany County	\$90.97
Town	54.50
Fire	10.24
School Relevy	146.07
Light District	4.52
Cons. Water District	<u>7.77</u>
Total	\$314.07

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

6. The Clerk of this Board shall mail a copy of this resolution to the above named School and the amount to be charged to each School shall not be charged until 10 days after such mailing. Such amount shall be deducted by the County Treasurer from the money payable to each School as a result of school taxes returned after the date such amount is charged and which shall be paid to each School after May 1, 2013. The County Treasurer shall send a written notice to each School of the amount of such deduction prior to May 1, 2013.

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

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

RESOLUTION NO. 125-12

**RESOLUTION ACCEPTING FUNDING TO OFFICE FOR AGING ACCOUNTS
FROM THE FEDERAL TRANSITIONS IN CARE PROGRAM;**

APPROPRIATION OF FUNDS

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the sum of \$5,600 from the Federal Transitions in Care Program to Office for Aging Department is accepted.

2. That the accepted sum of \$5,600 is appropriated as follows: \$1,600 to Account No. A6789.101 (Regular Pay), \$60 to Account No. A6789.401 (Postage), \$200 to Account No. A6789.402 (Mileage), \$200 to Account No. A6789.416 (Telephone), \$100 to Account No. A6789.419 (Printing), \$3,130 to Account No. A6789.474 (Subcontractor), \$160 to Account No. A6789.802 (Retirement), \$120 to Account No. A6789.803 (FICA), \$30 to Account No. A6789.804 (Workers' Comp), with a like sum credited to Revenue Account No. A6789.4772.00.

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

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

RESOLUTION NO. 126-12

**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	8,000.00
CD16400.101	CD16406.101	6,000.00
CD16400.101	CD16402.802	2,000.00
CD16400.101	CD16406.802	3,000.00
CD16400.101	CD16410.802	4,000.00
CD16794.474	CD16795.101	10,850.00
CD16794.475	CD16794.101	<u>9,000.00</u>
Total:	\$42,850.00	

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

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

RESOLUTION NO. 127-12

APPROVAL OF APPROPRIATION FOR DISTRICT OPERATIONS AND AGREEMENT WITH ALLEGANY COUNTY SOIL AND WATER CONSERVATION DISTRICT FOR THE MANAGEMENT OF COUNTY REFORESTATION AREAS, PARKS, AND AGRICULTURAL DISTRICTS FOR A THREE-YEAR PERIOD; AUTHORIZING CHAIRMAN TO EXECUTE AGREEMENT

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

RESOLVED:

1. That the appropriation for District Operations and Agreement with the Allegany County Soil and Water Conservation District for the management of County Reforestation Areas, Parks, and Agricultural Districts, for year beginning January 1, 2013, to December 31, 2013, in the amount of \$130,000; January 1, 2014, to December 31, 2014, in the amount of \$133,000; and January 1, 2015, to December 31, 2015, in the amount of \$136,000, is approved.

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

Moved by: Mr. Sinclair
Seconded by: Mr. Hopkins
Voting No: Cady

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

RESOLUTION NO. 128-12

APPROVING LOCAL PLAN FOR CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD, INC. FOR PERIOD JULY 1, 2012, THROUGH JUNE 30, 2013; AUTHORIZING CHAIRMAN TO EXECUTE THE PLAN

Offered by: Planning & Economic Development Committee

WHEREAS, the Local Plan for the Cattaraugus-Allegany Workforce Investment Board, Inc. for the period July 1, 2012, through June 30, 2013, has been posted for public comment, and

WHEREAS, representations made in the Plan must be affirmed to and signed by the Chairman of this Board as the Local Chief Elected Official, now, therefore, be it

RESOLVED:

1. That this Board hereby approves the Local Plan for the Cattaraugus-Allegany Workforce Investment Board, Inc. for the period July 1, 2012, through June 30, 2013.

2. The Chairman of this Board is authorized to execute said Local Plan.

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

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

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 15 Ayes, 0 Noes, 0 Absent, that the audit of claims, totaling \$2,578,466.90, including prepaid expenses, be approved for payment as recommended by the County Administrator. *(Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$6,860,516.)*

GENERAL COMMENTS:

Legislator Ungermann gave a reminder of the Cuba Garlic Festival to be held September 15 through 16. Last year, this event drew 9,000 people.

ADJOURNMENT: The meeting was adjourned at 3:05 p.m. following a motion made by Legislator Graves, seconded by Legislator Fanton, and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
SEPTEMBER 24, 2012**

**** 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 Director of Veterans' Services Michael Hennessy.

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 September 10, 2012, were approved on a motion made by Legislator Curran, seconded by Legislator Fanton, and carried.

The Committee of the Whole meeting minutes of September 10, 2012, were approved on a motion made by Legislator Curran, seconded by Legislator Graves, and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall recognized Veterans' Services Director Michael Hennessy, who stood in for the veteran scheduled to lead the Pledge of Allegiance. The Chairman acknowledged and noted his appreciation for all that Mr. Hennessy does on behalf of our area veterans.

Chairman Crandall granted privilege of the floor to ACCORD Supportive Services Manager Karen Titus, who spoke about Domestic Violence Awareness Month. She shared some national and local statistics on domestic violence and highlighted services that are available: shelter, 24/7 hotline, crisis intervention, referrals and information, law enforcement advocacy, women and children's education programs, case management services, therapeutic counseling services, and goal planning. Ms. Titus thanked the Board for their continued support.

Chairman Crandall noted that this meeting was the second one to be held in a long time in the former Chambers (Hearing Room in the Courthouse), and he introduced two of the original Legislators who served on the first Board of Legislators: Leonard Watson (1968-1988) and Robert McNinch (1964-1977). (Allegany County shifted from a Board of

Supervisors to a Board of Legislators in 1970.) Mr. Watson and Mr. McNinch each gave some tidbits of history and trivia from their tenure as Legislators.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. October 2012 Calendar of Board and Standing Committee meeting dates.
2. Chairman Crandall signed the Telecommunications Facilities Access Agreement with ION HoldCo., LLC, on September 10, 2012.
3. Elections Commissioner Richard Hollis reported that the NYS Board of Elections Shoebox grant money was spent on a trailer to haul the voting machines to the polling places, cone signs, pouches, and ink cartridges for the machine printers. The request for reimbursement in the amount of \$13,517.25 was sent in on July 31, 2012.
4. The Village of Cuba invited Legislators to attend the opening ceremony for the Cuba portion of the Genesee Valley Greenway on October 6, 2012, at 10 a.m.
5. Correspondence from Allegany County Farm Bureau President Ernest Ramsey thanking the Board for voting against the control of "Navigable Water" to the Federal Government.
6. Meeting notice that the next Fire Advisory Board meeting will be held on Thursday, September 27, 2012, at 8 p.m. in Room 122 at the Public Safety Complex.

PROCLAMATION:

Chairman Curtis W. Crandall proclaimed October 2012 as Domestic Violence Awareness Month in Allegany County in recognition of the important work done by domestic violence programs. Chairman Crandall urged citizens to participate in scheduled activities sponsored by the Allegany County Domestic Violence Consortium and to work toward improving victim safety and holding perpetrators of domestic abuse accountable for their actions.

INTRODUCTION OF LEGISLATION:

Legislator Dwight "Mike" Healy introduced Local Law Intro. No. 2-2012, Print No. 1, entitled "A Local Law to Amend Local Law Number One of Two Thousand Eleven to Increase the Administrative Fee from Ten Dollars to Twenty-Five Dollars for those Individuals 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.

Legislator Timothy O'Grady introduced Local Law Intro. No. 3-2012, Print No. 1, entitled "A Local Law to Amend Local Law Number Three of Two Thousand Five to Increase the Recording Fee the Allegany County Clerk is Authorized to Charge for Recording a Cover

Page from Seven Dollars to Twenty Dollars,” a copy of said proposed Local Law having been placed on each Legislator’s desk.

RESOLUTIONS:

RESOLUTION NO. 129-12

**RESOLUTION SETTING DATE OF PUBLIC HEARING ON
A LOCAL LAW TO AMEND LOCAL LAW NUMBER ONE OF TWO THOUSAND ELEVEN
TO INCREASE THE ADMINISTRATIVE FEE FROM TEN DOLLARS
TO TWENTY-FIVE DOLLARS FOR THOSE INDIVIDUALS 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 September, 2012, a local law (Intro. No. 2, Print No. 1) was introduced to, “Amend Local Law Number One of Two Thousand Eleven to Increase the Administrative Fee from Ten Dollars to Twenty-Five Dollars for those Individuals 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 October 9, 2012, at 2:00 p.m. in the County Legislators’ Chambers, Room 221, County Office Building, Belmont, New York, before the Allegany County Board of Legislators, in relation to proposed Local Law Intro. No. 2-2012, Print No. 1.

2. That the Clerk of the Board of Legislators is hereby 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. Fanton

Adopted: Voice Vote

RESOLUTION NO. 130-12

**RESOLUTION SETTING DATE OF PUBLIC HEARING ON
A LOCAL LAW TO AMEND LOCAL LAW NUMBER THREE OF TWO THOUSAND FIVE
TO INCREASE THE RECORDING FEE THE ALLEGANY COUNTY CLERK
IS AUTHORIZED TO CHARGE FOR RECORDING A COVER PAGE
FROM SEVEN DOLLARS TO TWENTY DOLLARS**

Offered by: Personnel Committee

WHEREAS, on this 24th day of September, 2012, a local law (Intro. No. 3, Print No. 1) was introduced to "Amend Local Law Number Three of Two Thousand Five to Increase the Recording Fee the Allegany County Clerk is Authorized to Charge for Recording a Cover Page from Seven Dollars to Twenty Dollars," 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 9, 2012, 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. 3-2012, Print No. 1.

2. That the Clerk of the Board of Legislators is hereby 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. O'Grady
Seconded by: Mr. Healy

Adopted: Voice Vote

RESOLUTION NO. 131-12

**A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION
IN THE AMOUNT OF ONE MILLION DOLLARS FOR FUNDING
THROUGH THE CONNECT NY BROADBAND PROGRAM**

Offered by: Facilities and Communications and Ways and Means Committees

WHEREAS, the Connect NY Broadband Program is administered by the NYS Empire State Development Broadband Program Office (NYS ESD BPO) and includes funding for last-mile solutions to expand broadband connectivity in unserved and underserved areas of New York State, and

WHEREAS, the Program will fund projects which will acquire and install broadband equipment to expand last-mile services to unserved and underserved areas using existing networks, as well as deploying new infrastructure where applicable, and

WHEREAS, Allegany County is interested in undertaking a project that will greatly expand the availability of broadband coverage in unserved and underserved areas of the County, now therefore, be it

RESOLVED:

1. That Allegany County does hereby approve a grant application to the Connect NY Broadband Program in the amount of \$1,000,000 to expand the availability of broadband coverage in the County and agrees to provide a required cash match of up to \$200,000 if awarded the grant.

2. That pending receipt of monies representing the 80 percent reimbursement of expenditures if awarded the grant, Allegany County agrees to underwrite cash flow to support ongoing work on the project.

3. That the Chairman of the Allegany County Board of Legislators is authorized to act on behalf of the County of Allegany to sign the grant application.

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

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

Comments made regarding Resolution No. 131-12 included the following:

Legislator Ungermann referred to a recent news article stating that this effort would probably only be for the northern part of the County. The resolution doesn't specifically say that, and Mr. Ungermann asked for reassurance that isn't the case. He questioned if the County is going to be in the internet business, and also about the enhancement of 911.

Legislator Sinclair replied that the news article was incorrect. There is going to be benefit for the northern part of the County and carriers that are already in existence there, but the main goal of the program is to deliver the ION access to all areas of Allegany County that are unserved or underserved. We will be using the existing tower system infrastructure, which also delivers the 911 signal to all parts of the County, so it will be a similar delivery. The County is not getting into the internet or the communications business. It's not unusual for public/private partnerships to work on the delivery of critical infrastructure. In that spirit, what we're doing is meeting a need in the County, utilizing some public funds to invest in infrastructure that will give quality, consistent broadband access to internet for people who don't have it yet. It's also a major economic development tool that's been identified in our Comprehensive Plan as something that we need to accomplish. We're taking the initiative to use our existing infrastructure to deliver access to the 96-strand ION cable to remote areas where last mile providers can then pick up on that signal for delivery to individuals, businesses, other municipalities, and libraries. The 911 system is now functioning well. It's been upgraded to high-band broadband and is still in analog mode. This will run parallel to the 911 system using the same towers. Although it would not be directly connected in, it could be set up to be utilized as an enhanced communications network for 911 redundancy.

Legislator Cady referred to potential revenue and asked if this could be used by homeowners to replace other providers, with the fee paid to the County.

Legislator Sinclair stated that if a local company were to tie into this system and decide to compete with an existing internet provider, then that would be a decision the landowner could make, but that's not the intent. As a matter of fact, current providers who are shy on signals at the end of lines or in remote areas may tie into these portals we're creating to increase their bandwidth availability and the quality of the internet they're providing. The quality of internet goes down when there are a lot of people on the system. Having access to a big cable to provide the access helps to mitigate that. So, the answer to Mr. Cady's question is yes and no; it all depends on private enterprise, but this will maintain our access, as municipalities, to clean and very powerful internet connections. When asked about the payment of a fee, Mr. Sinclair noted that if a provider ties in, they would pay a fee to the system.

Legislator Pullen noted that when we started looking into the needs for broadband access for businesses, residents, municipalities, and various service programs five or six years ago, we looked at what some other communities have done. The initial price tag was around \$8 million, and that would have followed roughly what we're looking at now, which is that we simply provide the backbone infrastructure, much like we provide roads, and then businesses and private individuals use that to conduct their business and personal affairs. We received some assistance from Southern Tier West Regional Planning and Development Board a few years ago that provided some access in the northeast corner of the County in the Town of Grove for the Swain community, and that's provided both cell phone and internet service. Southern Tier Wireless received some benefit from a grant that Southern Tier West had obtained from the federal government. That has provided a partial solution. Then a few years ago, the federal stimulus program was established, and the ION fiber channels came through; they just recently went online. What we're looking at now is applying for a \$1 million grant with an 80 percent reimbursement from the State. The State is recognizing that rural areas are at a disadvantage compared to more urban areas due to the population density. If the basic infrastructure, the initial capital contribution, can be provided, the operational expense is much less. The goal then is for private businesses to function and actually to pay for the ongoing operation. That is the model that is being followed right now by the Southern Tier West grant program, largely utilized by Southern Tier Wireless. What we're looking at is, instead of an initial cost of about \$8 million, when we had no funding and no grants, we've reduced that while providing equal or superior service at a cost to the County of \$200,000. If this doesn't work, and there is no guarantee, what we may see is someone coming back saying we need to come up with additional money. Given this time of tight resources and the 2 percent tax cap, Mr. Pullen said he would have a hard time supporting that, but he also feels that we need to give our businesses and residents an opportunity to participate in what has amounted to a revolution in technology and communications. For minimal cost, this will give us an opportunity to provide something that others, including the State government, which also has limited resources, say they think is important. We happen to be well situated, because just a few weeks ago, we authorized the preparation of a study that will provide us with a report that will tell us how to do this. The report will give us a road map to use those

funds to set up a system that should become self-supporting and, if it works the way we envision it, will actually take advantage of another facility, which we have done jointly with ION, and that is the Point of Presence in Belvidere. That will be the channel through which the different programs will connect to the internet backbone. If that works, we could see a stream of revenue that would be coming back into the County to reimburse the \$200,000 and fund future development and growth within the County. This needs to be decided today due to the grant application deadline. Mr. Pullen encouraged support for the resolution. There's no guarantee, but this has a better chance of success than anything else we have, with a lot of bang for the buck.

Legislator Burdick stated he wouldn't be supporting this. Free enterprise can do this cheaper than government can, and they can do it adequately. It's been said that we're not competing with existing providers, but Mr. Burdick believes we will be competing if this goes through. He quoted: "Programs must be evaluated on the basis of whether we can afford them, not whether we want or need them." Our County tax rate is one of the highest in the State. Mr. Burdick feels this is going to take more tax money than the \$200,000.

Legislator Hopkins expanded on Mr. Pullen's comments about Southern Tier West and how that program was very similar. Southern Tier West obtained a grant for \$250,000 for last mile broadband internet services. The first place addressed was Swain, because of the ski center and their need for internet and cell phone service. This is a development tool. Now Swain is looking at building 25 new, high-end homes for seasonal and full-time residents. Those residents are going to want and need internet service. We wouldn't have those homes being built unless we had that service available. This will bring tax dollars and tax value into the County.

Legislator Sinclair noted that we're not suggesting that this \$200,000 investment be put on the tax levy. We have monies in unexpended reserve in the millions of dollars in the bank at less than one-half of one percent interest. Mr. Sinclair believes that if we can take \$200,000 of that and multiply it into \$1 million in purchasing and economic development, that's a good use of our reserve and a good investment. It's not a "spending down." It's going to feed back into that reserve many times over in terms of development. There's a difference in spending tax dollars and using reserves and multiplying it.

RESOLUTION NO. 132-12

**ABOLISHING TWO POSITIONS OF SOCIAL WELFARE EXAMINER
IN THE SOCIAL SERVICES DEPARTMENT**

Offered by: Human Services Committee

RESOLVED:

1. That two positions of Social Welfare Examiner are abolished in the Social Services Department.

2. That this resolution shall take effect September 25, 2012.

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

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

RESOLUTION NO. 133-12

TRANSFER OF FUNDS WITHIN CANCER SCREENING ACCOUNT

Offered by: Human Services Committee

RESOLVED:

1. That the sum of \$262.72 is transferred from Account No. A4071.201 (Cancer Screening - Office Equipment) to Account No. A4071.407 (Cancer Screening - Office Supplies).

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

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

RESOLUTION NO. 134-12

**TRANSFER OF FUNDS FROM OFFICE FOR THE AGING RESERVE ACCOUNT
TO OFA-SUPPORTIVE SERVICES ACCOUNT**

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the sum of \$3,000 is transferred from Account No. A14.511.03 (OFA-Reserve Account A889.0009) to Account No. A6773.475 (OFA Supportive Services – Legal Services) to pay legal fees in Medicare Insurance appeal.

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

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

RESOLUTION NO. 135-12

TRANSFER OF FUNDS WITHIN LAW ENFORCEMENT ACCOUNTS

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That the sum of \$3,000 is transferred from Account No. A3112.403 (E-911 Dispatch – Maintenance Contract Office Machines) to Account No. A3020.427 (Public Safety Communication – Tower Electric) to finance the costs of tower electricity.

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

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

RESOLUTION NO. 136-12

TRANSFER OF FUNDS WITHIN MENTAL HEALTH ACCOUNTS

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the sum of \$28,607 is transferred from Account No. A4315.456 (Mental Health Reinvestment – Health Contracts) to Account No. A4314.458 (Mental Health CSS – Health Contracts) and the sum of \$10,835 from Account No. A4315.456 (Mental Health Reinvestment – Health Contracts) to Account No. A4313.460 (Mental Health Contracts - Health Contracts), for the purpose of making contractual payments to Allegany Rehabilitation Associates.

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

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

RESOLUTION NO. 137-12

**APPROVAL OF TRANSPORTATION OF PRESCHOOL CHILDREN
WITH HANDICAPPING CONDITIONS AGREEMENTS
WITH FOURTEEN CENTRAL SCHOOL DISTRICTS AND
AUTHORIZING CHAIRMAN TO EXECUTE AGREEMENTS**

Offered by: Human Services and Ways and Means Committees

WHEREAS, fourteen central school districts have agreed to provide transportation for County preschool children with handicapping conditions, now, therefore, be it

RESOLVED:

1. That each Agreement titled “Agreement Concerning the Transportation of Preschool Children with Handicapping Conditions” for the period July 1, 2012, to June 30, 2013, with the respective Central School Districts of Alfred-Almond, Andover, Arkport, Belfast, Bolivar-Richburg, Canaseraga, Cuba-Rushford, Fillmore, Friendship, Genesee Valley, Portville, Scio, Wellsville, and Whitesville is approved.

2. The Chairman of this Board is authorized to execute all such Agreements.

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

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

Comments made regarding Resolution No. 137-12 included the following:

Legislator Ungermann questioned how long the County has been doing this and why we're even in this business.

Chairman Crandall explained that it's a mandated program, and we have to take care of it somehow. He believes we've been handling it this way since 1989. Former Legislator Lee Frair put this approach together. There was information distributed last year comparing our costs to other counties, and we were on the lower side. The Public Health Director will share that information again to show how we stand.

Legislator Ungermann noted that the school districts are the ones that have the buses, and if they have handicapped children, they should provide a van and transport them. Mr. Ungermann wondered why we're in the education business.

Chairman Crandall pointed out that New York State Association of Counties (NYSAC) is focusing efforts on this issue.

Legislator Pullen remarked that we're contracting with the schools because the State has said it is our responsibility, but the schools already have the buses and personnel in place. By doing that, we've reduced the cost to a level that's lower than any other County in Western New York. Although we shouldn't be in this business, this is the cost-effective way of approaching it.

RESOLUTION NO. 138-12

APPROVAL OF FIVE-YEAR LEASE OF LAND FROM DUANE AND TERRY GELSER FOR DEPARTMENT OF PUBLIC WORKS PURPOSES

Offered by: Public Works Committee

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

RESOLVED:

1. That Lease dated September 24, 2012, between the County and Duane Gelser and Terry Gelser, for a term of five years beginning January 15, 2013, is approved.
2. That the Chairman of this Board is authorized to execute said Lease and to cause the recording of same in the Allegany County Clerk's Office.

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

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

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 \$3,046,454.43, 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 \$7,245,056.*) Regarding the audit, Legislator Ungermann asked how close we are to spending all of the \$14 million bond issue for the Courthouse Renovation Project and if the cost of the renovations currently being made to the Board Chambers is coming out of that bond money. County Administrator John Margeson replied that the cost of the Chambers' renovations was not coming out of the bond money, and he also stated that within the next 60 days, we will have spent all we're going to spend out of the Courthouse Capital Fund. He estimated that the total expenditures will be about \$12.5 million out of the \$14 million borrowed.

GENERAL COMMENTS:

Legislator Pullen commented further on Resolution No. 137-12. His own analysis on why the State charges the cost of transporting handicapped children against the counties rather than a charge against the schools relates to the state aid reimbursement rates. They give a lot more state aid as a percentage to the schools than they do to us, so it's a cost savings for the State, but this just shifts the cost to the County taxpayers. If it's a mandated program, the State should do it through the State Education program, because that's what it really is.

Legislator Ungermann reported on the Cuba Garlic Festival. Paid attendants numbered about 8,250. He also noted that the Civil War re-enactment in Angelica drew a big crowd, and the Fireball Run stopped in several places within the County. This was a good month for Tourism.

Chairman Crandall also made note of the Houghton College Philharmonia and Choir performance of the "1812 Overture" in Angelica over the weekend. A lot is going on in the County.

ADJOURNMENT: The meeting was adjourned at 3:05 p.m. on a motion made by Legislator Graves, seconded by Legislator Sinclair, and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
OCTOBER 9, 2012**

**** 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 Navy Master Chief Petty Officer Bobby Boyd.

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 24, 2012, were approved on a motion made by Legislator Curran, seconded by Legislator Graves, and carried.

The Committee of the Whole meeting minutes of September 24, 2012, 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 Local Law Intro. No. 2-2012, entitled, "A Local Law to Amend Local Law No. 1-2011 to Increase the Administrative Fee from Ten Dollars to Twenty-Five Dollars for those Individuals 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.

Chairman Crandall closed the regular meeting to hold a public hearing on Local Law Intro. No. 3-2012, entitled, "A Local Law to Amend Local Law No. 3-2005 to Increase the Recording Fee the Allegany County Clerk is Authorized to Charge for Recording a Cover Page from Seven Dollars to Twenty Dollars." Comments from the public included the following: Douglas Rettig, Sr. of Cuba voiced his objection, stating that, "*Taxes are already paying the County Clerk to do his job. We shouldn't be subjected to that fee, especially with that rapid of an increase.*" As there were no further comments, the public hearing was declared closed, and the Board reconvened in regular session.

PRIVILEGE OF THE FLOOR:

Chairman Curtis W. Crandall presented a certificate to Bobby Boyd, retired United States Navy Master Chief Petty Officer, in grateful appreciation of his service to our country. Mr. Boyd was accompanied by his wife Rowena and sister-in-law Mary. Mr. Boyd's service dates were from July 1946 to March 1969. Following Basic Training at Bainbridge, MD, assignments included: USS Randolph; USS Tidewater; USS Robinson; USS Iowa; USS Tallahatchie County; Fleet Training Center Naval Station, Newport, RI; USS George MacKenzie; Navexamcen (Naval Exam Center), Great Lakes, IL. Commendations he received included: World War II Victory Medal, Armed Forces Expeditionary Medal (Vietnam), Republic of Vietnam Campaign Medal with Device, Four Good Conduct Medals. Mr. Boyd 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 Office for the Aging Director Kimberley Toot in recognition of her 25 years of dedicated service to the County. The Chairman summarized her tenure which began in 1987 as an Aging Services Technician, and she moved up through the ranks to the appointment as Director in 1992. Most recently, Mrs. Toot was instrumental in helping the Board to realize the importance of having a nice facility for our seniors and tying services together with Veterans' Services.

Cancer Services Program Representative Madelyn Thornton, RN, addressed the Board regarding Breast Cancer Awareness Month. The Cancer Services Program is beefing up efforts to have everyone screened. The Cancer Services Program is a joint effort by Allegany and Cattaraugus Counties which pays for cancer screenings and diagnostics for women over the age of 40 and men over the age of 50. After diagnosis, the program can help enroll clients in the Medicaid Cancer Treatment Program for payment of treatment expenses. They encourage screenings for early detection to make recovery easier and to save more lives. Ms. Thornton noted another grant program, Komen Cares, which is dedicated to helping women with breast cancer. They assist with gas cards, other supportive services, and co-pays, regardless of insurance coverage. Ms. Thornton stressed the importance of getting screened, and if payment is an issue, there is help available.

Public Health Director Lori Ballengee spoke about the Allegany County Cancer Services Program, a private organization she heads. She thanked the Board for their generous support in the past. Ms. Ballengee reported that since the program's establishment six years ago, this is the first year they didn't raise as much money as they gave out. They gave out nearly \$30,000 in about a year to Allegany County residents. The number of cancer cases in Allegany County is overwhelming for the size of the County. The need is huge. Nearly 84 percent of money distributed is for gas cards to help people get to their treatments. In six years, Allegany County Cancer Services has helped 236 clients with over \$81,000. Very few people don't know someone with cancer. The goal is to find a cure for cancer. Until then, people need to get their screenings. With early detection, cancers are very treatable. Chairman Crandall presented Ms. Ballengee with a check for \$500 to support Allegany County Cancer Services. These are non-tax dollars from the Legislative Flower Fund raised through the clambake, and are a token of the Board's appreciation and support.

County Treasurer Terri Ross announced the 25th Annual Allegany Artisans Studio Tour to be held October 13 and 14, from 10 a.m. to 5 p.m. both days. She displayed a “shop local and save gas map” including 48 artists at 39 shops with a variety of handcrafted items.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. Report of Tax Bill Corrections/Refunds approved by the County Administrator in September.
2. Report of Intrafund Transfers approved by the County Administrator in September.
3. Notice of next InterCounty meeting to be hosted by Orleans County at the Pillars in Albion on October 19.
4. The County Treasurer filed the December 31, 2011, financial statements prepared by EFP Rotenberg in the Clerk of the Board’s Office on September 27, 2012.
5. Invitation to attend the *Hunt for Purple October*, ACCORD Corporation’s Domestic Violence Program Scavenger Hunt, and the Domestic Violence Awareness Recognition Ceremony on the David Howe Library Lawn on October 13.
6. Invitation to attend the Almond Twentieth Century Club Library 100th Anniversary Celebration from 11 a.m. to 2 p.m. on October 20.

PROCLAMATIONS:

Chairman Crandall proclaimed October 6, 2012, as Christopher D. Eldridge and Emergency Services Day in Allegany County at the 11th Annual Emergency Services Expo at the Riverwalk Plaza in Wellsville on Saturday.

Chairman Crandall proclaimed October 2012 as Breast Cancer Awareness Month in Allegany County to increase awareness of the importance of early breast cancer detection.

INTRODUCTION OF LEGISLATION:

Legislator Theodore Hopkins introduced Local Law Intro. No. 4-2012, 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.

A correction was noted on Local Law Intro No. 3-2012, Print No. 1, “A Local Law to Amend Local Law Number Three of Two Thousand Five to Increase the Recording Fee the Allegany County Clerk is Authorized to Charge for Recording a Cover Page from Seven Dollars to Twenty Dollars,” that was introduced at the last Board meeting. The effective date is changed from taking effect immediately to taking effect January 1, 2013.

RESOLUTIONS:

RESOLUTION NO. 139-12

**ADOPTION OF LOCAL LAW INTRO. NO. 2-2012, PRINT NO. 1,
AMENDING LOCAL LAW NO. 1-2011,
TO INCREASE THE ADMINISTRATIVE FEE FROM TEN DOLLARS
TO TWENTY-FIVE DOLLARS FOR THOSE INDIVIDUALS 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. 2-2012, Print No. 1, is adopted without any change in language, to wit:

COUNTY OF ALLEGANY

Intro. No. 2-2012

Print No. 1

**A LOCAL LAW TO AMEND LOCAL LAW NUMBER ONE OF TWO THOUSAND ELEVEN
TO INCREASE THE ADMINISTRATIVE FEE FROM TEN DOLLARS
TO TWENTY-FIVE DOLLARS FOR THOSE INDIVIDUALS 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. Section 2 of Local Law Number One of Two Thousand Eleven is amended to read as follows:

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 twenty-five dollars.

Section 2. Effective Date.

This local law shall take effect immediately.

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

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

RESOLUTION NO. 140-12

**ADOPTION OF LOCAL LAW INTRO. NO. 3-2012, PRINT NO. 1,
AMENDING LOCAL LAW NO. 3-2005
TO INCREASE THE RECORDING FEE THE ALLEGANY COUNTY CLERK
IS AUTHORIZED TO CHARGE FOR RECORDING A COVER PAGE
FROM SEVEN DOLLARS TO TWENTY DOLLARS**

Offered by: Personnel and Ways and Means Committees

RESOLVED:

1. That proposed Local Law, Intro. No. 3-2012, Print No. 1, is adopted with the only change being that the effective date is changed from taking effect immediately to taking effect January 1, 2013.

COUNTY OF ALLEGANY

Intro. No. 3-2012

Print No. 1

**A LOCAL LAW TO AMEND LOCAL LAW NUMBER THREE OF TWO THOUSAND FIVE
TO INCREASE THE RECORDING FEE THE ALLEGANY COUNTY CLERK
IS AUTHORIZED TO CHARGE FOR RECORDING A COVER PAGE
FROM SEVEN DOLLARS TO TWENTY DOLLARS**

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

Section 1. Section 2 of Local Law Number Three of Two Thousand Five is amended to read as follows:

2. Fee. The Allegany County Clerk is authorized to impose a recording fee not to exceed twenty dollars for the recording of the cover page attached to all documents recorded in his office.

Section 2. Effective Date.

This local law shall take effect January 1, 2013.

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

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

Comments regarding Resolution No. 140-12 included the following: Legislator Ungermann remarked that, as with the resolution before this, people who use a service should pay for it, rather than it being paid for from the general tax fund. He supported the resolution for that reason.

RESOLUTION NO. 141-12

**RESOLUTION SETTING DATE OF PUBLIC HEARING ON
A LOCAL LAW TO PROVIDE INCREASES IN THE COMPENSATION
OF CERTAIN COUNTY OFFICERS**

Offered by: Ways and Means Committee

WHEREAS, on this 9th day of October, 2012, a Local Law (Intro. No. 4, 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 22, 2012, 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. 4-2012, Print No. 1).

2. That the Clerk of the Board of Legislators is hereby 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. Fanton

Adopted: Voice Vote

RESOLUTION NO. 142-12

**RESOLUTION DIRECTING A SEQR REVIEW OF A PROPOSED BROADBAND PROJECT
AND DESIGNATING ALLEGANY COUNTY AS LEAD AGENCY**

Offered by: Planning and Economic Development Committee

WHEREAS, Allegany County is in the process of developing a project to extend broadband coverage to unserved and underserved regions of the County, and

WHEREAS, Allegany County needs to conduct a SEQR review of the proposed project, now, therefore, be it

RESOLVED:

1. That pursuant to the New York State Environmental Quality Review Act, Allegany County shall undertake an environmental review of the proposed broadband project.
2. That Allegany County shall act as lead agency in conducting the environmental review.
3. That with the assistance of the Planning and Economic Development Committee, the Allegany County Administrator is directed to prepare the appropriate Environmental Assessment Form for consideration and action of the entire Board of Legislators.

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

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

RESOLUTION NO. 143-12

**ACCEPTANCE OF NYS STOP-DWI ASSOCIATION GRANT
FOR CRACKDOWN ENFORCEMENT FOR FEDERAL FISCAL YEAR
OCTOBER 1, 2012, TO SEPTEMBER 30, 2013**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That NYS STOP-DWI Association Grant in the amount of \$54,800 for Crackdown Enforcement for the federal fiscal year October 1, 2012, to September 30, 2013, is accepted.
2. That the sum of \$54,800 is appropriated to Account No. A3141.447 (STOP-DWI Program-Contracts), with a like sum credited to Revenue Account No. A3141.2615.R1.

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

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

RESOLUTION NO. 144-12

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

Offered by: Planning and Economic Development Committee

RESOLVED:

1. That the Agreement between the County of Allegany and Allegany County Federation of Snowmobilers, Inc., is approved.
2. That the Chairman of this Board is authorized to execute said Agreement.
3. That the sum of \$108,710 in state grant in aid is appropriated to Account No. A7185.483, with a like sum credited to Account A7185.3089.00.

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

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

(Memo: The contract with the Allegany County Federation of Snowmobilers, approved by Resolution No. 144-12, provides for Allegany County to act as sponsor for applications for snowmobile trail development and maintenance assistance grants through the NYS Office of Parks, Recreation, and Historic Preservation. There is no fiscal impact for the County, which will operate as a pass-through to the Federation of Snowmobilers for the \$108,710. Sufficient funding was appropriated in the 2012 Budget, so no budget adjustments were necessary.)

Comments made regarding Resolution No. 144-12 included the following: Legislator Ungermann pointed out that the funds come from snowmobile registration fees, so this is a self-funded agreement. People who use it pay for it. Legislator Cady noted that he has an issue with the way the State writes it up. Although they're taking the money from registrations, they give it out as a "grant."

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 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$3,988,173.39, including prepaid expenses, be approved for payment as recommended by the County Administrator. *(Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$7,629,596.)*

GENERAL COMMENTS:

Chairman Crandall announced that there will be a Committee of the Whole meeting after the Board meeting on October 22.

ADJOURNMENT: The meeting was adjourned at 2:45 p.m. following a motion made by Legislator Graves, seconded by Legislator LaForge, and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
OCTOBER 22, 2012**

**** 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. The meeting was held in the newly-renovated Board Chambers.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Army Air Corps Staff Sergeant James T. Darrin and United States Navy Petty Officer Second Class Whitney Cornell.

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, Kevin LaForge, Timothy O'Grady, David Pullen, Norman Ungermann, Jr.;
2 Legislators Absent: Aaron McGraw, Frederick Sinclair.

APPROVAL OF MINUTES:

The Board meeting minutes of October 9, 2012, were approved on a motion made by Legislator Graves, seconded by Legislator Hopkins, and carried.

PUBLIC HEARING:

Chairman Crandall closed the regular meeting to hold a public hearing on Local Law Intro. No. 4-2012, Print No. 1, entitled, "A Local Law to Provide Increases in the Compensation of Certain County Officers." There being no one desiring to speak, the public hearing was declared closed, and the Board reconvened in regular session.

PRIVILEGE OF THE FLOOR:

Chairman Curtis W. Crandall presented certificates to former United States Army Air Corps/Signal Corps Staff Sergeant James T. Darrin and United States Navy Petty Officer Second Class Whitney Cornell, in grateful appreciation of their service to our country.

Whitney Cornell's service dates were from November 2008 to the present (he will be discharged this November). Following Basic Training at Great Lakes, IL, assignments included: Naval Air Station Oceana, VA, and the USS Enterprise. Commendations he received included: Navy Good Conduct Medal, National Defense Service Medal, Global War on Terrorism Service Medal, and others are pending. Mr. Cornell was a BOCES Government Intern in 2004 through 2005.

James Darrin's service dates were from December 1942 to February 1946. Following Basic Training at Camp Pinedale, CA, assignments included: Hammer Field, Fresno, CA; University of Tennessee; Airplane Mechanic School, Biloxi, MS; Ford B-24 School, MI; Aerial Gunnery School, Apalachicola, FL; Batista Army Air Field, Havana, Cuba; Boise, ID, Air Base; Biak Island, Dutch East Indies; Clark Field, Philippines; Yantan Air Base, Okinawa, Japan; and Tachikawa, Japan. Mr. Darrin is Whitney Cornell's great-uncle.

Mr. Darrin and Mr. Cornell 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 Curtis W. Crandall recognized former Caneadea Town Clerk Dorothy Lendel for receiving the Local Government Award at the annual meeting of the Southern Tier West Regional Planning and Development Board in September. Allegany County is a part of STW, along with Chautauqua and Cattaraugus Counties. The Local Government Award is given to a local government official for outstanding service and support to the community and the region. Ms. Lendel provided dedicated service to the Town of Caneadea and its residents for 36 years. She has been a friend and constant source of advice and information to other Clerks in the area and state, and a supporter and promoter of STW programs, including the Local Government Conference. Ms. Lendel was recognized for her participation in cooperative projects with other local governments. Chairman Crandall summarized her service and achievements and noted that one duty of the Town Clerk is to train new board members. Dorothy trained Chairman Crandall when he was a new board member in Caneadea. Chairman Crandall lauded Dorothy's achievement as a great example of what we can accomplish in Allegany County. Ms. Lendel thanked the Board for the honor, noting that she represents all of the 29 Town Clerks. They all do a great job, and she's been privileged to work with them, as well as the Tax Collectors, the County Treasurer, and the County Clerk.

Alfred Town Clerk Janice Burdick addressed the Board regarding the duties of Town Clerks. She was accompanied by four other Town Clerks, whom Dorothy Lendel was asked to introduce. Ms. Lendel noted that there is an Allegany County Municipal Clerks' Association, of which she currently serves as President, and some of the Clerks present are also officers. Introduced were: Vice President - Janice Dennis, Clarksville Town Clerk; Secretary - Patricia Oliver, Belfast Tax Collector (not present); Treasurer - Melva Clark, Angelica Town Clerk; Deb Buchholz, Willing Town Clerk; and Sue Wlasniewski, Ward Town Clerk. Janice Burdick commented that she has served as Alfred's Town Clerk for 27 years, and her first Supervisor was Legislator Doug Burdick. In summarizing some of the Town Clerk's duties, Ms. Burdick related that the Clerk: takes board meeting minutes, which are a historical record of the town; is custodian of all town records; prepares abstracts of bills for board approval; picks up and returns election materials; provides records under the Freedom of Information Law; administers and files oaths of office for all officials; is licensing officer for games of chance, hunting and fishing licenses, marriage licenses, and dog licenses; often is secretary of planning boards and village boards of appeals; and sometimes is tax collector for the town. The Municipal Clerks' Association does fundraisers for charitable organizations. This year, they'll be raising money for the Comfort House in Wellsville.

Greater Allegany County Chamber Executive Director Gretchen Hanchett spoke about Celebrate Service/Celebrate Allegany. She was accompanied by Celeste Schoonover, one of the owners of Swain Resort, and Jonathan Hilsher, Director of Civic Engagement at Alfred State College. Celebrate Service/Celebrate Allegany is a project developed through Leadership Allegany. Mr. Hilsher reported that it's a day of service, a special project involving college students from the three colleges. They expect about 400 students to participate this Saturday, October 27, at sites throughout the County. They are in hopes that this won't be a "once and done" opportunity, but something that can happen year after year. It's connected with a national event called, "Make a Difference Day." Mr. Hilsher acknowledged involvement by Leadership Allegany, Houghton College, Alfred State College, and Alfred University as partners in this endeavor, and he thanked the Board for the proclamation and their support.

Allegany County Area Foundation Executive Director Donna Sweet was given privilege of the floor to speak about Community Foundation Week. The Foundation was established in 1983 as a means for the community to create a legacy for future generations. The Foundation currently is endowed with nearly \$7 million in assets; these investments are entrusted by the residents of the County to the Foundation. This past year, they gave nearly \$130,000 in scholarships to 68 local students, and they provide grants to organizations. Their annual meeting will be held November 19 at the Crossroads Center, at which time their new annual report will be available. The annual education reception is held in June. Ms. Sweet announced a special event planned in conjunction with Houghton College, Alfred State College, St. Bonaventure University, and the Foundation to circulate a display of a collection of 37 Presidential Christmas cards owned by the Brooks Family in Olean. She also noted that next year will be the Foundation's 30th year. Chairman Crandall presented a check for \$500 on behalf of the Board to the Allegany County Area Foundation. These funds are non-tax dollars, drawn from the Legislators' flower fund, money raised through the annual clam bake, and used to support a few select County programs. The Legislature feels strongly about what the Foundation does. Ms. Sweet was joined by Leslie Haggstrom, 30-year member and one of the incorporators of the Foundation, to accept the donation.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. November 2012 Calendar of Board and Standing Committee meeting dates.
2. 2013 Tentative Budget.
3. Correspondence from Congressman Tom Reed acknowledging receipt and support of our resolution opposing the Clean Water Act draft guidelines proposed by the Environmental Protection Agency (EPA).
4. Correspondence from Assemblyman Daniel Burling acknowledging receipt and support of our resolution opposing the Clean Water Act draft guidelines proposed by the Environmental Protection Agency (EPA). Assemblyman Burling also forwarded a copy of his press release opposing the action of the EPA which would negatively impact farming operations and private property.

5. Correspondence from Allegany County Cancer Services President/Founder Lori Ballengee thanking the Board for its recent donation.

6. Correspondence from the Allegany/Western Steuben Rural Health Network, Inc., regarding the Letting Go Program scheduled every Wednesday morning from October 24 through November 28, 2012.

PROCLAMATIONS:

Chairman Curtis W. Crandall proclaimed October 27, 2012, as "Celebrate Service/Celebrate Allegany" Day to recognize this first annual event involving community service projects, with the support of students from Alfred State College, Alfred University, and Houghton College, connecting participants with neighbors, students, businesses, and fellow community members, and making an impact and a difference in the communities of Allegany County.

Chairman Crandall proclaimed the week of November 12 through 18, 2012, as Allegany County's Community Foundation Week in recognition of the Allegany County Area Foundation's charitable organization and the concerned individuals who donate their time, talent, and material resources to meet important needs in the County.

Chairman Crandall proclaimed November 10, 2012, as Corporal Jason L. Dunham Day (Proclamation to be read at the next Board meeting).

RESOLUTIONS:

RESOLUTION NO. 145-12

**ADOPTION OF LOCAL LAW INTRO. NO. 4-2012, PRINT NO. 1,
TO PROVIDE INCREASES IN THE COMPENSATION OF CERTAIN COUNTY OFFICERS**

Offered by: Ways and Means Committee

RESOLVED:

1. That proposed Local Law, Intro. No. 4-2012, Print No. 1, is adopted without any change in language, to wit:

COUNTY OF ALLEGANY

Intro. No. 4-2012

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, 2013, the annual salary of the incumbents of the following County offices shall be as follows: Public Defender - \$91,616; County Treasurer - \$74,820; Real Property Tax Director - \$57,717; County Clerk - \$64,281; County Attorney - \$96,601; Public Health Director - \$71,911; Social Services Commissioner - \$74,080; Employment and Training Director - \$58,064.

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. O'Grady

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

(Memo: Following adoption, Local Law Intro. No. 4-2012 became Local Law No. 4-2012.)

Comments made regarding Resolution No. 145-12 included the following:

Legislator Ungermann remarked that a few adjustments were made in the Budget related to retirements, and so on, and he voted for that. Then a listing appeared in the *Cuba Patriot* showing 592 parcels with unpaid taxes. His concern is that we continue to give raises every year, but the private sector doesn't always get that. We keep driving up our legacy costs - this year alone by about \$690,000, and another \$750,000 is projected. That's \$1.4 million over two years. We've got to slow this down. Mr. Ungermann voiced his non-support.

Legislator Pullen stated that the entire Legislature shares the concern about high taxes. The proposed 2013 Budget is looking at a decrease, although taxes are still too high. In determining the best way to limit costs and reduce expenses, private industry has found that top management is one of the key ways to keep expenses under control and find creative ways to meet challenges. We've had some senior management people who have shown a lot of creativity and innovation, and that is part of the reason some of the actual expenditures in the proposed Budget are going down. We all want the same objective. Mr. Pullen supported the resolution, stating that we should be giving encouragement to these people, not as an automatic thing, but because they are doing their jobs. They should be recognized and receive compensation to continue providing that same creative, innovative type of leadership for the County. We're part-time Legislators, we're not here all the time, we're not the ones with hands-on. We can help set policy, and that's why Mr. Pullen supported the resolution. As a policy, he wants more of that type of leadership from our top managers.

RESOLUTION NO. 146-12

RESOLUTION SETTING DATE OF PUBLIC HEARING ON 2013 COUNTY TENTATIVE BUDGET AND PROVIDING CONTENTS OF SUCH NOTICE

Offered by: Ways and Means Committee

WHEREAS, the 2013 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 2013 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 2013 County Tentative Budget shall be held in the Legislators' Chambers, Room 221, at the County Office Building, 7 Court Street, Belmont, New York, at 7:00 p.m. on November 8, 2012.

2. That the notice of public hearing shall include a statement that the 2013 maximum salary for members of the Board of Legislators and the maximum salary that may be fixed and payable during said fiscal year 2013 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 NO. 147-12

APPOINTMENT OF RICHARD G. HOLLIS AS COMMISSIONER OF ELECTIONS

Offered by: Personnel Committee

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

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

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

RESOLVED:

1. That Richard G. Hollis is appointed Commissioner of Elections with term of office commencing January 1, 2013, and expiring December 31, 2016.

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

Adopted: Voice Vote

RESOLUTION NO. 148-12

**APPOINTMENT OF GUY R. JAMES AS
COUNTY SUPERINTENDENT OF PUBLIC WORKS**

Offered by: Public Works Committee

RESOLVED:

1. That Guy R. James of the Town of Scio is appointed to the office of County Superintendent of Public Works for a term of four years to commence October 31, 2012, and expire October 30, 2016, at an annual salary of \$80,000.

Moved by: Mr. Fanton
Seconded by: Mr. Ungermann

Adopted: Voice Vote
(Voice Vote was unanimous)

RESOLUTION NO. 149-12

**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 \$2,096.43, representing the cost to repair a 2009 Chevrolet Impala, less a \$200 deductible, that was damaged during a motor vehicle/deer accident on September 18, 2012, has been offered by NYMIR in settlement for such damage, now, therefore, be it

RESOLVED:

1. That the amount of \$2,096.43 from NYMIR, representing the cost to repair a 2009 Chevrolet Impala that was damaged during a motor vehicle/deer accident, less the \$200 deductible for the vehicle, is accepted.

2. That the total sum of \$2,096.43 is appropriated to Account No. CS1931.429 (Risk Retention – Uninsured Property Loss) with a like sum credited to Revenue Account No. CS1930.2680.00 (Risk Retention – Insurance Recovery).

Moved by: Mr. Hopkins
Seconded by: Mr. O’Grady

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

(Memo: The vehicle referred to in Resolution No. 149-12 was operated by the Community Services Agency.)

RESOLUTION NO. 150-12

**ACCEPTING STATE AID FUNDS FOR ALLEGANY COUNCIL AND
APPROPRIATING SUCH FUNDS TO MENTAL HEALTH-
COUNCIL ON ALCOHOLISM AND SUBSTANCE ABUSE ACCOUNTS**

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the sum of \$50,698 in state aid for Allegany Council is accepted.
2. That the accepted sum of \$50,698 is appropriated to Account No. A4220.457 (Council on Alcoholism and Substance Abuse) with a like sum credited to Revenue Account No. A4310.1625.01 (Mental Health – Contribution Allegany Council).

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

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

RESOLUTION NO. 151-12

**ACCEPTANCE OF INCREASED GRANT FUNDS
FROM THE FEDERAL HEALTH INSURANCE INFORMATION, COUNSELING, AND
ASSISTANCE PROGRAM (HIICAP)
TO THE OFFICE FOR THE AGING;
APPROPRIATION OF SUCH FUNDS TO OFA-HIICAP ACCOUNTS**

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the sum of \$4,568 in increased grant funds from HIICAP to the Office for the Aging is accepted.

2. That the additional grant funds are appropriated as follows: \$4,568 to Account No. A6782.101 (OFA-HIICAP-Personnel) with a like sum credited to Revenue Account No. A6782.4772.00 (Federal Aid-OFA).

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

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

RESOLUTION NO. 152-12

ACCEPTANCE OF 2012 SLETPP GRANT FUNDS FOR CAD SOFTWARE UPGRADE; APPROPRIATION TO HOMELAND SECURITY ACCOUNT

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That the sum of \$13,750 from a 2012 SLETPP grant for use in upgrading the CAD software to facilitate use of mobile data terminals by law enforcement and first responders is accepted.

2. That the accepted sum of \$13,750 is appropriated to Account No. A3645.217 (Homeland Security-Equipment) with a like sum credited to Revenue Account No. A3645.3306.SHF7 (Homeland Security).

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

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

Comments made regarding Resolution No. 152-12 included the following:

Legislator Burdick questioned if these funds would cover the full cost of the update project. Legislator Healy replied that it would be premature to say it would totally cover the cost. Sheriff Whitney stated that the funds will totally cover the cost.

Legislator O'Grady referred to an article in Sunday's *Spectator* relating a Friendship fireman's concern about the County spending money in areas other than the radio system, which needs more money invested in it. Mr. O'Grady questioned if this money could be used for radios, or if it has to be used for this specific purpose. Sheriff Whitney responded that we applied specifically for this use. Chairman Crandall noted that there are several grants out there right now, some through Fire Service, and some through the Sheriff, that are specific to radios. Legislator Healy remarked that this is a separate issue, and when he spoke earlier about premature, the funds are intended to cover the total cost of the system.

Legislator Ungermann noted that we've put up new towers and still don't have good high-band capabilities. Is this going to help that at all? He questioned what we're going to do about the areas that still aren't high-band capable. Legislator Healy responded that the signal issues are being worked on, but this grant covers a different, separate issue.

Chairman Crandall remarked that there have been meetings to address reception and radios, but that would be a discussion for another time. It is being addressed.

RESOLUTION NO. 153-12

**ACCEPTANCE OF STEPS IN SAFETY GRANT FUNDS
FROM THE GOVERNOR'S TRAFFIC SAFETY PROGRAM;
APPROPRIATION TO TRAFFIC PROGRAM ACCOUNTS**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That the sum of \$2,400 in STEPS in Safety Grant (Safety on Wheels) from the Governor's Traffic Safety Program for period October 1, 2012, to September 30, 2013, is accepted.
2. That the accepted sum of \$2,400 is appropriated to Account No. A3114.4 (Traffic Program-Contractual) with a like sum credited to Revenue Account No. A3114.3389.00 (STOP-DWI STEPS in Safety).

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

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

RESOLUTION NO. 154-12

**ACCEPTANCE OF GRANT FUNDS
FROM THE DIVISION OF CRIMINAL JUSTICE SERVICES
FOR THE PRE-TRIAL RELEASE PROGRAM;
APPROPRIATION TO ALTERNATIVES TO INCARCERATION ACCOUNTS**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That the sum of \$2,337 in Article 13-A Classification Alternatives to Incarceration grant funding from the Division of Criminal Justice Services for use in the Pre-Trial Release Program for period July 1, 2012, to June 30, 2013, is accepted.
2. That the accepted sum of \$2,337 is appropriated to Account No. A3142.101 (Alternatives to Incarceration-Personnel) with a like sum credited to Revenue Account No. A3142.3310.00 (Alternatives to Incarceration).

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

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

RESOLUTION NO. 155-12

**ACCEPTANCE OF GRANT FUNDS
FROM THE DIVISION OF CRIMINAL JUSTICE SERVICES
FOR COMMUNITY SERVICE PROGRAM;
APPROPRIATION TO ALTERNATIVES TO INCARCERATION ACCOUNTS**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That the sum of \$3,661 in Article 13-A Classification Alternatives to Incarceration grant funding from the Division of Criminal Justice Services for use in the Community Service Program for period July 1, 2012, to June 30, 2013, is accepted.

2. That the accepted sum of \$3,661 is appropriated to Account No. A3142.101 (Alternatives to Incarceration-Personnel) with a like sum credited to Revenue Account No. A3142.3310.00 (Alternatives to Incarceration).

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

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

RESOLUTION NO. 156-12

**INCREASING REVENUES AND EXPENDITURE IN OFFICE FOR AGING ACCOUNTS
DUE TO INCREASES IN THE NUMBER OF HOME DELIVERED MEALS
BEING SERVED UNDER THE SNAP GRANT**

Offered by: Human Services and Ways and Means Committees

WHEREAS, the Office for the Aging has advised that certain Revenue and Expenditure accounts should be increased due to an increase in the number of Home Delivered Meals being served under the SNAP Grant, now, therefore, be it

RESOLVED:

1. That the following Revenue and Expenditure accounts are increased by the designated amounts:

Revenue Accounts:

A6779.1972.00	SNAP-LTHHC	\$9,000
A6779.2801.00	SNAP-Contributions	\$4,000
A6779.4772.00	SNAP-NSIP	<u>\$3,650</u>
	Total	\$16,650

Expenditure Account:
A6779.474 OFA-SNAP-Caterer \$16,650

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

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

RESOLUTION NO. 157-12

TRANSFER OF FUNDS WITHIN OFFICE FOR AGING ACCOUNT

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the following transfers are approved:

<u>From</u>	<u>To</u>	<u>Amount:</u>
A6776.101 (OFA-Com. Ser. for Elderly-Pers.)	A6776.402 (OFA-Com. Ser. for Elderly-Mileage)	\$ 600
A6776.101 (OFA-Com. Ser. for Elderly-Pers.)	A6776.405 (OFA-Com. Ser. for Elderly-Conf.)	\$ 400
A6776.101 (OFA-Com. Ser. for Elderly-Pers.)	A6776.408 (OFA-Com. Ser. for Elderly-Gen. Sup.)	\$ 200
A6776.101 (OFA-Com. Ser. for Elderly-Pers.)	A6776.409 (OFA-Com. Ser. for Elderly-Fees)	\$ 2,000
A6776.101 (OFA-Com. Ser. for Elderly-Pers.)	A6776.423 (OFA-Com. Ser. for Elderly-Food)	<u>\$ 1,800</u>
	<u>Total:</u>	\$ 5,000
A6779.101 (OFA-SNAP-Personnel)	A6779.474 (OFA-SNAP-Caterer)	\$ 4,000
A6772.474 (OFA-Nutrition-Caterer)	A6779.474 (OFA-SNAP-Caterer)	\$ 3,000

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

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

(Memo: The transfers approved in Resolution No. 157-12 will take care of the Lifeline waiting list, make it possible to buy food for about 100 blizzard boxes, and cover the cost of meals in the SNAP budget. The availability of funds in salary accounts is due to not filling a vacant position resulting from a resignation in June 2012.)

RESOLUTION NO. 158-12

TRANSFER OF FUNDS WITHIN DISTRICT ATTORNEY ACCOUNT

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That the sum of \$3,000 is transferred from Account No. A1165.436 (District Attorney-Diversion Program) to Account No. A1190.429 (Grand Jury-Steno/Transcripts) to cover a shortfall in that account.

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

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

RESOLUTION NO. 159-12

TRANSFER OF FUNDS WITHIN COUNTY ROAD MACHINERY ACCOUNT

Offered by: Public Works Committee

RESOLVED:

1. That the sum of \$15,000 is transferred from Account No. DM5130.204 (Road Machinery-Motor Vehicles) as follows: \$14,000 to Account No. DM5130.408 (Road Machinery-General Supplies) and \$1,000 to DM5130.411 (Road Machinery-Repairs Personal Property) to cover equipment repair costs.

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

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

RESOLUTION NO. 160-12

TRANSFER OF FUNDS WITHIN COUNTY ROAD FUND ACCOUNTS

Offered by: Public Works and Ways and Means Committees

RESOLVED:

1. That the sum of \$31,000 is transferred from Account No. D5142.466 (County Road-Snow Removal-Hauling Sand/Salt) to Account No. D5110.422 (County Road-Maintenance Roads and Bridges-Fuel/Oil) to cover increased fuel costs.

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

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

RESOLUTION NO. 161-12

APPROVAL OF AGREEMENT BETWEEN WALSH DUFFIELD COMPANIES, INC. AND ALLEGANY COUNTY FOR HEALTH BENEFITS CONSULTING SERVICES

Offered by: Personnel Committee

RESOLVED:

1. That the agreement between Walsh Duffield Companies, Inc. and Allegany County for health benefits consulting services for the period November 1, 2012, to October 31, 2013, is approved.

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

Moved by: Mr. O'Grady
Seconded by: Mr. Pullen
Voting No: Ungermann

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

RESOLUTION NO. 162-12

APPROVAL OF FINAL 2013 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 2013 STOP-DWI Plan is approved and shall replace on and after January 1, 2013, the Plan approved by Resolution No. 179-2011.

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. Fanton

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

(Memo: The 2013 STOP-DWI Plan approved by Resolution No. 162-12 includes estimated revenues of \$182,800. Revenue is funded by DWI fines.)

RESOLUTION NO. 163-12

APPROVAL OF RENEWAL AGREEMENT BETWEEN THE NEW YORK STATE UNIFIED COURT SYSTEM (CONTRACT #C300235) AND COUNTY OF ALLEGANY FOR SFY 2012-2013 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, 2012, to March 31, 2013, is approved.

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

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

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

(Memo: The renewal agreement approved in Resolution No. 163-12 includes reimbursement for cleaning and minor repair of the Court facilities in the amount of \$212,688 for the period.)

RESOLUTION NO. 164-12

**APPROVAL OF AGREEMENT WITH RITA GEOPPNER,
DOING BUSINESS AS THE FOUNTAIN BISTRO,
TO OPERATE A COFFEE CART/VENDING COUNTER
IN THE COUNTY OFFICE BUILDING**

Offered by: Public Works and Ways & Means Committees

WHEREAS, Rita Geoppner, doing business as The Fountain Bistro, responded to an RFP seeking proposals to locate and operate a food and beverage concession within the County Office Building to serve the general public and County employees, and

WHEREAS, Rita Geoppner has proposed a small coffee cart/vending counter to offer up hot and cold beverages and various food items, and

WHEREAS, other than her existing business, the operation of this concession should not directly compete with nearby businesses, and

WHEREAS, the proposed coffee cart/vending counter should provide a valuable service to the general public and County employees, and

WHEREAS, the terms of the proposed agreement between the County and Rita Geoppner require Rita Geoppner to pay a monthly fee to the County equal to 7% of gross sales or \$100, whichever is greater, now therefore, be it

RESOLVED:

1. That the agreement between Rita Geoppner, doing business as The Fountain Bistro, and Allegany County to locate and operate a coffee cart/vending counter in the main County Office Building is approved.

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

Moved by: Mr. Hopkins
Seconded by: Mr. Curran

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

(Memo: The term of the agreement approved by Resolution No. 164-12 is two years, 11/01/12-10/31/14, and may be extended for additional one-year terms.)

Comments made regarding Resolution No. 164-12 included the following:

Legislator Cady remarked that he didn't know how it could be said that the concession won't compete with nearby businesses. Also, in keeping with the rules about no food or drink in the newly renovated Board Chambers, having the snacks available may cause problems. It may create a mess in other carpeted areas around the County Office Building as well. Legislator Hopkins pointed out that a Request for Proposal was used, and everyone had a chance to bid. In response to a question, County Administrator John Margeson explained that the coffee cart/vending counter will be located outside the County Clerk's Office.

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 Graves, and adopted on a roll call vote of 12 Ayes, 1 No, 2 Absent, that the audit of claims, totaling \$3,916,959.51, 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 \$8,014,136.)* Legislator Hopkins pointed out that the Medicaid payments are now \$8 million and continually increasing. Medicaid accounts for 60 percent of the real property taxes we raise to balance the Budget. If we can reduce this, we may be able to finally reduce taxes.

GENERAL COMMENTS:

Legislator Pullen and Office for the Aging Director Kimberley Toot announced that there will be a Volunteer Recognition Program on November 1 at the Cuba VFW at 2 p.m. Recognizing our volunteers is very important. They bring a tremendous amount of benefit to the County and to the seniors that receive the services. Also, in relation to the presentation on the duties of Town Clerks, Mr. Pullen pointed out that they also train and instruct local Town Attorneys who provide services to the Towns. They train many others besides the board members.

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

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
NOVEMBER 13, 2012**

**** 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 Airman 1st Class Daniel K. Dunham.

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, Timothy O'Grady, David Pullen, Frederick Sinclair; 1 Legislator Absent: Norman Ungermann, Jr.

APPROVAL OF MINUTES:

The Board meeting minutes of October 22, 2012, were approved on a motion made by Legislator Graves, seconded by Legislator Curran, and carried.

PRIVILEGE OF THE FLOOR:

Chairman Curtis W. Crandall took the floor to show a brief clip from a recent WGRZ TV Channel 2 News story in connection with Veterans' Day. Channel 2 collaborated with County Historian Craig Braack and did a follow-up story from our Board meeting at the Allegany County Fair in July. Veteran Douglas Gath spoke at that meeting about his efforts to bring national recognition to military "Taps" and Angelica native Oliver Willcox Norton, bugler, who gave one of the first renditions of Taps 150 years ago.

Chairman Curtis W. Crandall presented a certificate to Daniel K. Dunham, former United States Air Force Airman 1st Class, in grateful appreciation of his service to our country. Mr. Dunham's service dates were from June 1979 to May 1981. Following Basic Training at Lackland Air Force Base in San Antonio, TX, he was assigned to Travis Air Force Base in Fairfield, CA, as an Environmental Systems Specialist. Mr. Dunham 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. Dunham was accompanied by his wife, Deb, and William (Billy) Hampton. Mr. Hampton was one of the Marines saved by Corporal Jason Dunham (Dan and Deb's son) in Iraq in 2004. Chairman Crandall thanked the Dunhams for the opportunity to continue honoring Jason, as well as all veterans for their service.

Chairman Curtis W. Crandall read a proclamation recognizing November 10, 2012, as **JASON DUNHAM DAY** in Allegany County in honor of the memory of Medal of Honor

Recipient Marine Corps Corporal Jason Dunham for his brave service and unselfish heroism, and to shine a light of recognition on all veterans of our armed services.

Chairman Curtis W. Crandall presented a \$500 donation to Allegany Senior Foundation President Wallace Higgins, who was accompanied by fellow Foundation board members Kim Toot, Secretary; Reita Sobeck-Lynch; Rob Christman; Sandy Blake, Treasurer; and Chuck Schultz (it was noted that Chairman Crandall and Legislator David Pullen are also on the Foundation board). Chairman Crandall noted that the Allegany Senior Foundation was started several years ago as a way to take up the slack in funding for services for senior citizens. The donation is non-tax dollars from the Legislators' flower fund, part of which is used to support a select few organizations that provide valuable services for County residents. Mr. Higgins spoke about the Foundation's largest fundraiser, Swingin' with the Oldies Gala, which was very successful. Funds raised are used to support Office for the Aging's Meals-on-Wheels. Other things they are working on are closed captioning for the elderly and a centrally located senior center. Mr. Higgins presented a \$10,000 check, representing the funds raised by the Senior Foundation through their Gala, to Chairman Crandall in support of Meals-on-Wheels. Chairman Crandall thanked the Foundation and noted that as state funding is continually cut back, these donations help keep Meals-on-Wheels going.

Chairman Curtis W. Crandall recognized Public Works staff for the work done on the recent renovations to the Board Chambers: Steve Brown, Building Maintenance Supervisor; Steve Thorp, Building Maintenance Mechanic; Chuck Strope, Building Maintenance Assistant; Phil Windus, Building Maintenance Assistant; Eileen Shephard, Grounds Worker; Jeff Bruhl, Janitor; Kevin Crouch, Janitor; Earl White, Janitor; and Betty White, Janitor. Their efforts on the painting, rebuilding the dais, rearranging furniture, carpeting, and drapes make a big difference.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

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.
3. Replacement Exhibit A – Summary of 2013 Budget by Funds for the 2013 Tentative Budget.
4. The County Treasurer filed a Certificate of Withdrawal for Delinquent Tax Lien for property in the Town of Cuba in the Clerk of the Board's Office on October 24, 2012.
5. Notice of next InterCounty Association meeting to be hosted by Wyoming County in Portageville on November 16.
6. Notice of next Fire Advisory Board meeting to be held on Thursday, November 15, at 8 p.m. in Room 122 of the Jail and Public Safety Facility.

7. Correspondence from Public Works Superintendent Guy James indicating that he has appointed Dean P. Scholes as Deputy Superintendent I.

8. Correspondence from Dorothy Lendel thanking the Board for recognizing her and the other Town Clerks at our Board meeting on October 22.

9. Correspondence from the Allegany County Area Foundation inviting Legislators to their 2012 annual meeting on November 19 at 6 p.m. at the Crossroads Center.

10. Correspondence from the Allegany County Area Foundation thanking the Board for its recent donation.

11. Correspondence from the Allegany/Western Steuben Rural Health Network inviting Legislators to attend the Murray Hospitality House Dedication and Celebration Event on Sunday, November 18, 2012. The event will be held at the Murray Hospitality House at 12 Willets Avenue in Belmont.

APPOINTMENT:

Chairman Curtis W. Crandall has appointed the following individuals as members of the **RADIO COMMUNICATIONS TASK FORCE**, effective immediately, to serve at his pleasure:

Curtis W. Crandall, Chairman of the Board – Task Force Committee Chairman
Ricky Whitney, Sheriff
Jeffrey Luckey, Emergency Management & Fire Coordinator
Mitchell Alger, Deputy County Administrator
Daniel Hanchett, Lieutenant
Dave Hardman, Fire Chiefs' Association President
Dwight "Mike" Healy, Public Safety Committee Chairman
John Margeson, County Administrator
Kevin Monroe, Undersheriff
Jeff Ormsby, Volunteer Firemen's Association President
David T. Pullen, Facilities and Communications Committee Chairman
Jim Rumpfelt, EMS Council
Jud Stearns, Fire Advisory Board Chairman
Randy Swarthout, Head Emergency Services Dispatcher

PROCLAMATIONS:

Chairman Crandall proclaimed November 10, 2012, as **JASON DUNHAM DAY** in Allegany County (proclamation read earlier in the meeting).

Chairman Crandall proclaimed November 11-17, 2012, as **WINTER WEATHER AWARENESS WEEK**, and urged all citizens to prepare now for the upcoming season by heeding the advice and information from the emergency management community so that they can enjoy winter with a greater sense of comfort and safety.

RESOLUTIONS:

RESOLUTION NO. 165-12

**AUTHORIZING THE PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE
OF THE ALLEGANY COUNTY BOARD OF LEGISLATORS
TO ACT AS TOURIST PROMOTION AGENCY AND TO APPLY FOR STATE FUNDS
FOR TOURISM PROMOTION PURPOSES**

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

Pursuant to Article 5-A of the Economic Development Law

RESOLVED:

1. That the Planning and Economic Development Committee of the County Board of Legislators is authorized to act as a tourist 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 such funds.

3. That the action taken by the Planning and Economic Development Committee and the Ways and Means Committee in sending a joint resolution from these committees to the state is hereby ratified and approved as the action of this Board.

4. The Clerk of this Board is directed to send a certified copy of this resolution to the New York State Commissioner of Economic Development if requested by the state.

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

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

(Memo: Regarding the grant referred to in Resolution No. 165-12, the County matches the state funds received for the grant year, if the grant application is successful.)

RESOLUTION NO. 166-12

**CHANGING REGULAR BOARD MEETING DATE IN DECEMBER
FROM MONDAY, DECEMBER 24, 2012, TO FRIDAY, DECEMBER 21, 2012**

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 December of 2012 shall be held on December 21, 2012, at 2:00 p.m. and not on December 24, 2012, at 2:00 p.m.

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

Adopted: Voice Vote

Resolution No. 167-12 (Intro. No. 170-12) (RESOLUTION REQUESTING GOVERNOR CUOMO TO FORMULATE A STRATEGIC PLAN FOR THE DAIRY INDUSTRY IN NEW YORK STATE) was amended on a motion made by Legislator Hopkins, seconded by Legislator Sinclair, and carried, by adding InterCounty Association of Western New York and the New York State Association of Counties (NYSAC) to Resolved No. 4.

RESOLUTION NO. 167-12

**RESOLUTION REQUESTING GOVERNOR CUOMO TO FORMULATE
A STRATEGIC PLAN FOR THE DAIRY INDUSTRY IN NEW YORK STATE**

Offered by: Planning and Economic Development Committee

WHEREAS, for generations, the dairy industry has been the cornerstone of Allegany County and upstate New York economies, and

WHEREAS, Friendship Dairies and Empire Cheese are major employers in Allegany County and major users of dairy products, and

WHEREAS, strong demand for milk by processors/manufacturers directly benefits local dairy farmers and indirectly the entire community, and

WHEREAS, New York State is recognized as a leading producer of milk and has the resources necessary to substantially increase milk production, and

WHEREAS, the increasing demand for yogurt, including newer varieties of Greek-style yogurt, has generated the need to rapidly expand existing manufacturing plants as well as the construction of new plants for the production of yogurt in upstate New York, and

WHEREAS, this explosive growth in yogurt production in upstate New York demonstrates the continued potential that dairy manufacturing has as a source of economic growth and vitality in New York State, and

WHEREAS, New York State is strategically located near several large consumer markets, and

WHEREAS, most dairy farmers have not benefited from the growth of yogurt manufacturing in New York, and

WHEREAS, New York dairy farmers continue to suffer from a lack of profitability, and

WHEREAS, New York State milk producers and dairy processors/manufacturers are hindered by overregulation, lack of innovated credit for the expansion of the dairy industry, and poor coordination of supply and demand, and

WHEREAS, the economic health and continued viability of New York dairy processors/manufacturers is dependent upon an adequate supply of milk and is threatened when the milk supply is irregular or insufficient to meet their needs, and

WHEREAS, there is a lack of consensus and understanding on how to grow New York's dairy industry in a way that benefits both farmers and processors/manufacturers, and

WHEREAS, the State of Wisconsin has demonstrated the value of a statewide strategic plan to grow the milk supply in a way that benefits both farmers and processors/manufacturers, now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators requests that Governor Andrew Cuomo form a commission to develop a long-range strategic plan which seeks to encourage growth in milk production and the processing/manufacture of dairy products in a manner that benefits both milk producers and processors/manufacturers of dairy products.

2. That it is recommended that this commission consist of representatives from New York State dairy producers, processors/manufacturers, dairy cooperatives, dairy lenders, Cornell University, New York State Department of Agriculture & Markets, and the New York State Office of Development.

3. That a position be created and funded within the New York State Department of Agriculture & Markets to work with dairy producers, processors/manufacturers, and government authorities to facilitate and expand the dairy industry in New York State.

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; New York State Senator Catharine M. Young; Assemblymen Daniel J. Burling and Joseph M. Giglio; Agriculture Committees of the New York State Senate and Assembly; InterCounty Association of Western New York; and the New York State Association of Counties (NYSAC).

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

Adopted: Voice Vote

Comments made regarding Resolution No. 167-12 included: Legislator Hopkins stated that for a long time, the dairy industry in New York State has been more of a reactive industry rather than proactive. The new yogurt plants that have come on line in the state and the increase in demand for cheese have brought to light that the market needs in New York have shifted away from fluid milk, and the state has not reacted to it. Wisconsin did a study several years ago. Their dairy industry had also declined. They developed a plan and became more proactive by helping to develop more processors and more milk production to supply those processors. Now their industry has started to come back up. This resolution is asking that New York State look at what Wisconsin did and be more proactive in the dairy industry in trying to encourage the processing, the manufacturing, and also the development of more fluid milk for the industry. We're in a great location for marketing. We should be in a position to capitalize on what we have, and we haven't done that. That's what this resolution should do.

RESOLUTION NO. 168-12

**APPOINTMENT OF KATHERINE BOWER
TO ALLEGANY COUNTY COMMUNITY SERVICES BOARD**

Offered by: Human Services Committee

RESOLVED:

1. That Katherine Bower of Fillmore, New York, is appointed to the Allegany County Community Services Board to fill the remainder of Cathy Freytag's four-year term, with term of office to commence October 1, 2012, and expire December 31, 2012.

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

Adopted: Voice Vote

RESOLUTION NO. 169-12

**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 26, 2012, and November 1, 2012, 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. Curran

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

RESOLUTION NO. 170-12

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 16, 2012.

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

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

RESOLUTION NO. 171-12

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 16, 2012.

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

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

A motion was made by Legislator Graves, seconded by Legislator Fanton, and carried to grant Legislator LaForge permission to abstain from voting on Resolution No. 172-12 (Intro. No. 175-12) (AUTHORIZING SALE AND CONVEYANCE OF COUNTY'S INTEREST IN REAL PROPERTY IN TOWN OF WELLSVILLE TO DOUGLAS V. LYNCH; ACCEPTANCE OF OFFER AND AUTHORIZING CHAIRMAN TO EXECUTE QUIT CLAIM DEED).

RESOLUTION NO. 172-12

**AUTHORIZING SALE AND CONVEYANCE OF COUNTY'S INTEREST
IN REAL PROPERTY IN TOWN OF WELLSVILLE TO DOUGLAS V. LYNCH;
ACCEPTANCE OF OFFER AND AUTHORIZING CHAIRMAN
TO EXECUTE QUIT CLAIM DEED**

Offered by: Ways and Means Committee

WHEREAS, the County is the owner of certain real property consisting of approximately .30 acres of land located at 53 Howard Street, Wellsville, New York, and

WHEREAS, such property is not being occupied or used by the County and there is no planned use of it by the County, and

WHEREAS, Douglas V. Lynch of 141 East Genesee Street, Wellsville, New York, has offered to purchase such property for the amount of One Dollar (\$1.00), now, therefore, be it

RESOLVED:

1. That this Board authorizes the sale to Douglas V. Lynch of the following described premises in the Town of Wellsville, County of Allegany, located at 53 Howard Street:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Wellsville, County of Allegany, and State of New York, formerly owned by Randy Roulo, .30 acres, assessed value \$20,000, and Tax Map No. 238.11-1-24.

EXCEPTING and **RESERVING** to grantor, his successors and assigns, all oil, gas, and minerals in, under, and upon the above described property.

SUBJECT TO all easements and rights of way of record or visible possession.

TOGETHER with all the appurtenances and all the estate and rights of the party of the first part in and to said premises.

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

The County of Allegany shall in no event be or become liable for any defects in or encumbrances or liens on the title hereby conveyed for any cause whatsoever. No claim or demand of any nature that arises from this sale or any of the proceedings leading hereto shall ever be made against the County of Allegany.

It is understood and agreed that the County of Allegany is hereby conveying only such land as aforesaid and described above, and that said property shall be located and laid out by and at the expense of the parties of the second part.

The transferor herein certifies that the within description does not split or combine assessment parcels and that the recording of this deed will not result in the alteration or change to or amendment of an existing tax map.

2. That upon payment of the consideration described above to the Allegany County Treasurer, the Chairman of this Board is authorized to execute a quit claim deed to said premises and to cause delivery of same to Douglas V. Lynch.

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

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

Comments made regarding Resolution No. 172-12 included: Legislator Sinclair noted that the new owner of this leftover tax sale parcel is planning to remove the building on the property, which is a hazard, making the lot ready for Habitat for Humanity. He fully supported the resolution.

RESOLUTION NO. 173-12

**ACCEPTING AND APPROPRIATING ADDITIONAL TANF SUMMER YOUTH FUNDING;
TRANSFER OF FUNDS WITHIN EMPLOYMENT AND TRAINING ACCOUNTS**

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

RESOLVED:

1. That the sum of \$11,800 in additional TANF Summer Youth funding is appropriated as follows: \$200 to Account No. CD16794.803, \$225 to Account No. CD16794.804, \$325 to Account No. CD16794.806, \$9,825 to Account No. CD16795.101,

\$1,125 to Account No. CD16795.803, and \$100 to Account No. CD16795.804, with a like sum credited to Revenue Account No. CD16794.4701.12 (TANF SYEP).

2. That the transfer of \$4,300 within the Employment and Training Accounts is approved as follows:

<u>From Account No.</u>	<u>To Account No.</u>	<u>Amount</u>
CD16794.101	CD16794.802	\$1,675.00
CD16794.201	CD16794.802	1,000.00
CD16794.402	CD16794.802	200.00
CD16794.413	CD16794.802	50.00
CD16794.805	CD16794.802	150.00
CD16794.401	CD16795.804	100.00
CD16794.408	CD16795.804	525.00
CD16794.414	CD16795.804	300.00
CD16794.416	CD16795.804	<u>300.00</u>
	Total	\$4,300.00

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

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

RESOLUTION NO. 174-12

**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 \$10,781.75 has been received representing the cost to repair our Corbin Hill/Ackerman Hill Road Tower, and

WHEREAS, the \$250 deductible on communication equipment has been waived, now, therefore, be it

RESOLVED:

1. That the amount of \$10,781.75 from NYMIR, representing the cost to repair our Corbin Hill/Ackerman Hill Road Tower, is accepted.

2. That the sum of \$10,781.75 is appropriated to Account No. CS1931.429 (Risk Retention – Uninsured Property Loss) with a like sum credited to Revenue Account No. CS1930.2680.00 (Insurance Recovery).

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

Adopted: Roll Call
14 Ayes, 0 Noes, 1 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 Pullen, and adopted on a roll call vote of 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$5,125,177.65, including prepaid expenses, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$8,590,946.*)

GENERAL COMMENTS:

Chairman Crandall remarked on the recent "Celebrate Service, Celebrate Allegany" event that was held and displayed a promotional T-shirt. He reported that approximately 400 college students from Alfred State, Houghton College, and Alfred University participated in service projects for senior citizens and not-for-profit organizations. It was quite an organized effort originating in the Leadership Allegany Program.

ADJOURNMENT: The meeting was adjourned at 3:00 p.m. on a motion made by Legislator Graves, seconded by Legislator LaForge, and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
NOVEMBER 26, 2012**

**** 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 New York Army National Guard 1st Lieutenant James E. Gallman.

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 minutes of the Public Hearing on the Tentative 2013 Allegany County Budget held on November 8, 2012, were approved following a motion made by Legislator Graves, seconded by Legislator Fanton, and carried.

The Board meeting minutes of November 13, 2012, were approved following a motion made by Legislator Curran, seconded by Legislator Graves, and carried.

The Committee of the Whole (Budget Review) meeting minutes of November 13, 2012, were approved following a motion made by Legislator Hopkins, seconded by Legislator Sinclair, and carried.

The Committee of the Whole (Executive Session) meeting minutes of November 13, 2012, were approved following a motion made by Legislator Pullen, seconded by Legislator Graves, and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to James E. Gallman, former New York Army National Guard 1st Lieutenant, in grateful appreciation of his service to our country. Mr. Gallman's service dates were from December 1966 to January 1973. Following Basic Training at Fort Jackson, SC, and Advanced Individual Training at Fort Knox, KY, assignments included: Troop C, 1st Squadron, 121st Armored Cavalry and Troop B, 5th Squadron, 117th Armored Cavalry. He took part in Scout and Officer Candidate School. Mr. Gallman also served at the local and County levels of government. He was a County

Legislator from January 1, 1987, through December 31, 1994, Town and Village of Angelica Board member, and Election Commissioner from January 2, 1997, through January 1, 2009. Mr. Gallman led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

New York State Senator Catharine Young presented James Gallman with the New York State Long and Faithful Service Ribbon and companion certificate; this is a New York National Guard award. Efforts are still on-going to obtain Mr. Gallman's official discharge. Senator Young recognized Mr. Gallman's many years of dedicated service.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. December 2012 Calendar of Board and Standing Committee meeting dates.
2. 2013 Final Allegany County Budget.
3. 2011 Journal of Proceedings.
4. Pursuant to Article 11 of the Real Property Tax Law, the County Treasurer filed Certificates of Withdrawal of Delinquent Tax Liens for properties in the towns of Friendship and Bolivar in the Clerk of the Board's Office on November 20 and 21, 2012.
5. Copy of correspondence that Assemblyman Joseph Giglio sent to Parks & Trails New York in support of the Allegany Trails organization and its application to the Parks & Trails New York for a grant to assist in the development of a website.
6. Correspondence from the Allegany Senior Foundation thanking the Board for its support and recent donation.

INTRODUCTION OF LEGISLATION:

Legislator Dwight Fanton introduced Local Law Intro. No. 5-2012, Print No. 1, entitled **"A LOCAL LAW TO AMEND LOCAL LAW NUMBER THREE OF NINETEEN HUNDRED EIGHTY, AS AMENDED BY LOCAL LAW NUMBER ONE OF NINETEEN HUNDRED NINETY-THREE, ENTITLED 'A LOCAL LAW DESIGNATING COUNTY PARKING AREAS; ADOPTING RULES AND REGULATIONS GOVERNING THE USE OF SUCH AREAS AND PROVIDING FOR THE ENFORCEMENT THEREOF' IN RELATION TO ESTABLISHING ADDITIONAL PARKING AREAS, DESIGNATING HANDICAPPED PARKING AND INCREASING FINES,"** a copy of said proposed Local Law having been placed on each Legislator's desk.

RESOLUTIONS:

RESOLUTION NO. 175-12

RESOLUTION SETTING DATE OF PUBLIC HEARING ON A LOCAL LAW

TO AMEND LOCAL LAW NUMBER THREE OF NINETEEN HUNDRED EIGHTY, AS AMENDED BY LOCAL LAW NUMBER ONE OF NINETEEN HUNDRED NINETY-THREE, ENTITLED "A LOCAL LAW DESIGNATING COUNTY PARKING AREAS; ADOPTING RULES AND REGULATIONS GOVERNING THE USE OF SUCH AREAS AND PROVIDING FOR THE ENFORCEMENT THEREOF" IN RELATION TO ESTABLISHING ADDITIONAL PARKING AREAS, DESIGNATING HANDICAPPED PARKING AND INCREASING FINES

Offered by: Public Works Committee

WHEREAS, on this 26th day of November, 2012, a local law (Intro. No. 5, Print No. 1) was introduced to Amend Local Law Number Three of Nineteen Hundred Eighty, as Amended by Local Law Number One of Nineteen Hundred Ninety-Three, entitled "A Local Law Designating County Parking Areas; Adopting Rules and Regulations Governing the Use of Such Areas and Providing for the Enforcement Thereof" in Relation to Establishing Additional Parking Areas, Designating Handicapped Parking and Increasing Fines, 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 December 10, 2012, 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. 5, 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. Fanton
Seconded by: Mr. Pullen

Adopted: Voice Vote

Comments made regarding Resolution No. 175-12 included: Legislator Ungermann remarked that this was an exercise we did not need to go through.

RESOLUTION NO. 176-12

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>
APPOINTED OFFICIALS:					
District Attny-4th Assist. Election Commissioner (Rep)	Brautigam, David C.	6	05/24/12 - 12/31/15	N	13.05
	Hollis, Richard G.	6	08/04/12 - 12/31/12	N	18.93
Personnel Officer Public Works Superintendent	Budinger, Harold (Bobby)	7	08/14/12 - 08/13/18	Y	NA
	James, Guy R.	7	10/31/12 - 10/30/16	Y	NA
Public Works Super., Deputy I	Scholes, Dean	7	10/31/12 - 10/30/16	Y	NA

Moved by: Mr. Burdick
Seconded by: Mr. Graves

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

RESOLUTION NO. 177-12

AMENDMENT OF 2013 COUNTY TENTATIVE BUDGET

Offered by: Ways and Means Committee

RESOLVED:

1. That the 2013 County Tentative Budget dated October 9, 2012, is amended as follows:

Revenues:

<u>Account No.</u>	<u>Account Name</u>	<u>Amendment</u>
A15.599.00	Appropriated Fund Balance	Change from \$450,000 to \$500,000

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

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

RESOLUTION NO. 178-12

ADOPTION OF 2013 COUNTY FINAL BUDGET

Offered by: Ways and Means Committee

RESOLVED:

1. That the 2013 County Tentative Budget dated October 9, 2012, as amended and revised, is adopted as the 2013 County Final Budget.

Moved by: Mr. Hopkins
Seconded by: Mr. Curran

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

Comments made regarding Resolution No. 178-12 included the following:

Legislator Ungermann noted that although the County is not as close to the “fiscal cliff” as the state or federal government, we don’t have the enthusiasm to make the cuts that could be made, such as looking into self-insurance for workers’ compensation, eliminating employee vacation and sick leave sell backs, and there are too many real property tax exemptions. Mr. Ungermann also commented on employee raises. We started out with a 52-cent reduction in tax rate per thousand in the Tentative Budget, and everyone was pretty excited. Then, an error was discovered, but everyone got their raises; whoever was responsible got a raise. There’s really no incentive to do a better job. There was a comment in the paper about the use of another \$50,000 from fund balance to bring the tax rate per thousand to a reduction of 2 cents from last year. Mr. Ungermann felt we should have gotten the reduction back down to the 52 cents.

Chairman Crandall stated that this is a good budget. He referred to the Budget Hearing presentation on the history of the property tax rate over the past ten years and how it has leveled off over the last couple of years. The reason we didn’t have a 52-cent reduction with this Budget was mathematical and informational, not anything to do with the numbers within the Budget. To have a property tax rate that’s basically flat and actually going down over the last few years is exceptional in these times. This Board has dealt with the 2 percent property tax cap, and we have a fund balance that Allegany County never had before. Chairman Crandall felt that starting off with the County Administrator/Budget Officer, County Treasurer, and Budget Committee Chairman meeting with Department Heads in January to work on next year’s budget set a positive tone for the process. We are fortunate to be in the financial position we are in. The Department Heads should be commended for their stewardship within their departments and working in conjunction with the Legislature to keep a handle on things. Chairman Crandall thanked Department Heads, County Administrator/Budget Officer John Margeson, County Treasurer/Deputy Budget Officer Terri Ross, Budget Committee Chairman Theodore Hopkins, and Budget Committee members for all their efforts and monitoring of the process throughout the year.

RESOLUTION NO. 179-12

**RESOLUTION MAKING APPROPRIATIONS FOR THE CONDUCT OF
THE COUNTY GOVERNMENT FOR FISCAL YEAR 2013**

Offered by: Ways and Means Committee

WHEREAS, this Board, by Resolution No. 178-2012, has adopted a budget for the fiscal year 2013, now, therefore, be it

RESOLVED:

1. That the several amounts specified in the 2013 County Final Budget in the column entitled "Final Budget 2013" be and they hereby are appropriated for the objects and purposes specified.

2. This resolution shall take effect on January 1, 2013.

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

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

RESOLUTION NO. 180-12

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. 178-2012, has adopted a final budget for the fiscal year 2013, and

WHEREAS, this Board, by Resolution No. 179-2012, made appropriations for the conduct of the County Government for the fiscal year 2013, 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 \$28,829,840 upon all the taxable real property in the County liable therefor.

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

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

RESOLUTION NO. 181-12

**RESOLUTION LEVYING TOWNS' 2013 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 \$342,641 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. Curran

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

RESOLUTION NO. 182-12

**CHARGEBACK TO TOWNS OF COST OF VARIOUS TAX SUPPLIES
PURCHASED OR PROVIDED 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 2013 tax rolls, as follows:

Alfred	1,515.60	Friendship	1,585.20
Allen	736.60	Genesee	1,449.60
Alma	1,279.00	Granger	735.40
Almond	1,423.00	Grove	825.60
Amity	1,700.40	Hume	1,425.60
Andover	1,628.40	Independence	1,060.40
Angelica	1,423.20	New Hudson	915.60
Belfast	1,449.40	Rushford	2,056.60
Birdsall	723.60	Scio	1,497.60
Bolivar	1,899.60	Ward	536.40
Burns	962.20	Wellsville	4,454.00
Caneadea	1,778.20	West Almond	670.80
Centerville	770.40	Willing	1,280.40
Clarksville	1,358.40	Wirt	1,204.80
Cuba	2,697.60		

Moved by: Mr. Hopkins
Seconded by: Mr. Curran

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

RESOLUTION NO. 183-12

**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 \$200, representing the cost to replace a windshield on a County vehicle assigned to the Health Department, has been offered by NYMIR in settlement for such property damage, and

WHEREAS, a check in the amount of \$745.10, representing the cost for supplemental repairs made by Schmidt Construction to the Corbin Hill/Ackerman Road Tower, has been offered by NYMIR in settlement of such claim, now therefore, be it

RESOLVED:

1. That the amount of \$200 from NYMIR, representing the cost of replacing a windshield on a County vehicle, and the amount of \$745.10, representing the cost for supplemental repairs made by Schmidt Construction to the Corbin Hill/Ackerman Road Tower are accepted.

2. That the total sum of \$945.10 is appropriated to Account No. CS1931.429 (Risk Retention – Uninsured Property Loss) with a like sum credited to Revenue Account No. CS1930.2680.00 (Risk Retention – Insurance Recovery).

Moved by: Mr. Hopkins

Adopted: Roll Call

Seconded by: Mr. Fanton

14 Ayes, 0 Noes, 1 Absent

RESOLUTION INTRO. NO. 187-12 (ACCEPTANCE OF MONETARY GIFT FROM SPECIAL INVESTIGATOR PAUL WRIGHT TO DISTRICT ATTORNEY'S OFFICE; APPROPRIATION OF FUNDS) was **TABLED** following a motion made by Legislator Hopkins, seconded by Legislator Pullen, and carried.

RESOLUTION NO. 184-12

TRANSFER OF FUNDS WITHIN PROBATION ACCOUNTS

Offered by: Public Safety Committee

RESOLVED:

1. That the sum of \$2,300 is transferred from Account No. A3140.413 (Probation Rentals) to Account No. A3140.201 (Probation Equipment) to cover the cost of purchasing two tasers and accompanying equipment together with ten sets of handcuffs.

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

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

RESOLUTION NO. 185-12

APPROVAL OF AGREEMENT BETWEEN COUNTY OF ALLEGANY AND NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY (NYSERDA)

Offered by: Human Services and Ways and Means Committees

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA) administers the EmPower New York Program, and

WHEREAS, the program is implemented by an independent contractor with services provided through a network of participating local contractors, and

WHEREAS, the program delivers energy-efficiency and energy-use education to low-income New Yorkers, and

WHEREAS, the program prioritizes cost-effective electric reduction measures, and

WHEREAS, NYSERDA will come and train Office for the Aging employees to help assist any income-eligible applicants with the paperwork, and

WHEREAS, NYSERDA will also pay the Office for the Aging \$20 per application, now, therefore, be it

RESOLVED:

1. That the Agreement between the County of Allegany and the New York State Energy Research and Development Authority (NYSERDA) related to the EmPower New York Program is approved.
2. That the Chairman of this Board is authorized to execute said Agreement.

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

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

Comments made regarding Resolution No. 185-12 included: Legislator Ungermann questioned if there was a cost to the County for the agreement. Office for the Aging Director Kim Toot replied that there was no cost to the County. Staff members currently help people fill out the paperwork anyway; now, with this agreement in place, the department will be paid to do it. Mr. Ungermann asked if this is tied in with the sustainability issue, to which Legislator Sinclair replied that it is not.

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 13 Ayes, 1 No, 1 Absent, that the audit of claims, totaling \$3,432,524.14, 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 \$8,975,486.*)

ADJOURNMENT: The meeting was adjourned at 2:35 p.m. following a motion made by Legislator Graves, seconded by Legislator Pullen, and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
DECEMBER 10, 2012**

**** 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 Navy Chief Petty Officer Kevin Hammond.

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 November 26, 2012, were approved on a motion made by Legislator Graves, seconded by Legislator Fanton, and carried.

PUBLIC HEARING:

Chairman Crandall closed the regular meeting to hold a public hearing on Local Law Intro. No. 5-2012, entitled "A LOCAL LAW TO AMEND LOCAL LAW NUMBER THREE OF NINETEEN HUNDRED EIGHTY, AS AMENDED BY LOCAL LAW NUMBER ONE OF NINETEEN HUNDRED NINETY-THREE, ENTITLED 'A LOCAL LAW DESIGNATING COUNTY PARKING AREAS; ADOPTING RULES AND REGULATIONS GOVERNING THE USE OF SUCH AREAS; AND PROVIDING FOR THE ENFORCEMENT THEREOF' IN RELATION TO ESTABLISHING ADDITIONAL PARKING AREAS, DESIGNATING HANDICAPPED PARKING, AND INCREASING FINES." There being no one desiring to speak, the public hearing was declared closed and the Board reconvened in regular session.

PRIVILEGE OF THE FLOOR:

BOCES Culinary Arts Instructor Joseph Fusco introduced this year's students involved in preparing Christmas cookies and Old English Wassail, served by the students and STOP-DWI staff in the hallway outside the Chambers to recognize National Drunk and Drugged Driving Awareness Month.

Chairman Crandall presented a certificate to Kevin Hammond, retired United States Navy Chief Petty Officer, in grateful appreciation of his service to our country. Mr.

Hammond's service dates were from July 1988 to July 2012. Following Basic Training at Great Lakes Naval Station, Ill, assignments included: USS Lasalle; USS Abraham Lincoln; Treasure Island Naval Station, CA; USS Shasta; USS Bridge; Naval Submarine Base, Bangor, WA; Naval Station Bremerton, WA; Naval Base Guam; Naval Station Guantanamo Bay, Cuba (Guard Supervisor); and Mobile Security Squadron 3, Imperial Beach, CA. Commendations he received included: 2 Navy/Marine Corps Commendation Medals, 6 Navy/Marine Corps Achievement Medals, Combat Action Ribbon, Navy Unit Commendation, 5 Good Conduct Medals, National Defense Service Medal, 2 Armed Forces Expeditionary Medals, 2 Southwest Asia Service Medals, Global War on Terrorism Service Medal, Humanitarian Service Medal (Haiti earthquake response), Sea Service Medal, 4 Sea Service Deployment Ribbons, 2 Navy/Marine Corps Overseas Service Ribbons, Kuwait Liberation Medal (Kingdom of Saudi Arabia), Kuwait Liberation Medal, Expert Rifle and Pistol Medals, Coast Guard Achievement Award, Coast Guard Team Award, and Expeditionary Warfare and Enlisted Surface Warfare Specialist. Mr. Hammond 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 plaque to former Public Works Superintendent David Roeske in recognition of his 37 years of dedicated, professional service to Allegany County. Chairman Crandall summarized Mr. Roeske's years with the County beginning in 1975 as a temporary Engineering Aide and moving up to his appointment in 2000 as Superintendent. He also listed a number of major projects that were accomplished by Public Works during that time. Mr. Roeske's service gained the respect of this Board, the Towns' and Villages' Public Works Departments, and our neighboring counties. Mr. Roeske retired effective October 30.

STOP-DWI Program Coordinator Linda Edwards was granted privilege of the floor. The annual Christmas Cookie and Wassail Day is provided in recognition of National Drunk and Drugged Driving Prevention Month. The effort began in 1981 by Presidential Proclamation to raise awareness of the consequences of driving while under the influence of alcohol or drugs. In an average year, 30 million Americans drive drunk, and 10 million Americans drive drugged. One death occurs every 48 minutes nationally due to driving under the influence, with alcohol-related crashes costing about \$51 billion annually. To help ensure everyone's safety this holiday season, designate a sober driver before celebrations begin, never serve alcohol to those under the age of 21, plan safe parties providing non-alcoholic drink options to guests and not serving alcohol during the last hour of the gathering, and be prepared to get everyone home safely. The Allegany County STOP-DWI Office will continue to work with our local agencies for enforcement, prosecution, supervision, and education.

Allegany County United Way Executive Director Barbara Bates addressed the Board on the efforts of the United Way locally. County employees are able to give through payroll deduction, and funds raised are distributed to local agencies in Allegany County. United Way is committed to making a meaningful and lasting impact and is working to ensure that every community member enjoys good health, every family has a stable income, every child has a quality education, and every critical need is met. Last year, United Way supported 21 local programs and initiatives. Over 300 individuals and families received free income tax

preparation resulting in \$365,858 in refunds, ACCORD Access Centers were able to distribute over 600 emergency food boxes, and through their partnership with Allegany Senior Foundation they were able to equip 50 seniors with Lifeline services. Their 2013 campaign began in September with a goal of \$313,000. So far, they've raised \$280,000, or 89 percent. United Way depends on everyone's support, and all investment stays in the County.

Allegany Senior Foundation Secretary Kimberley Toot spoke about the partnership between the Senior Foundation and United Way, which has been in place since 2004, to receive money for Lifeline services. The Senior Foundation gives the money to the Office for the Aging to consolidate all the funding sources for Lifeline services for our County in one location. To date, they've supported 109 people with Lifeline. Thirty-eight percent of those have been funded through United Way. Mrs. Toot presented a check for \$10,800 to the County from United Way for Lifeline. Chairman Crandall remarked that this is a good example of how the Senior Foundation takes up some of the slack in government funding for aging services. A short time ago, Senior Foundation President Wallace Higgins presented a substantial check for Meals-on-Wheels; now there's this one for Lifeline from United Way and the Senior Foundation. Mrs. Toot noted that payroll deduction is a painless way to support United Way and all the agencies they work with.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. Report of Intrafund Transfers approved by the County Administrator in November.
2. Pursuant to Article 11 of the Real Property Tax Law, the County Treasurer filed Certificates of Withdrawal of Delinquent Tax Liens for properties in the towns of Alfred and Cuba in the Clerk of the Board's Office on December 5, 2012.
3. Correspondence from ACCORD Corporation Executive Director Charles Kalthoff thanking the Board for its leadership, partnership, enthusiasm, and support.
4. Allegany County Area Foundation Annual Report for 2011-2012.

PROCLAMATION:

Chairman Curtis W. Crandall proclaimed December as Drunk and Drugged Driving Prevention Month in Allegany County, and he urged the citizens of the County to avoid driving under the influence of alcohol and drugs.

RESOLUTIONS:

RESOLUTION NO. 186-12

ADOPTION OF LOCAL LAW INTRO. NO. 5, PRINT NO. 1,

TO AMEND LOCAL LAW NUMBER THREE OF NINETEEN HUNDRED EIGHTY, AS AMENDED BY LOCAL LAW NUMBER ONE OF NINETEEN HUNDRED NINETY-THREE, ENTITLED "A LOCAL LAW DESIGNATING COUNTY PARKING AREAS; ADOPTING RULES AND REGULATIONS GOVERNING THE USE OF SUCH AREAS; AND PROVIDING FOR THE ENFORCEMENT THEREOF" IN RELATION TO ESTABLISHING ADDITIONAL PARKING AREAS, DESIGNATING HANDICAPPED PARKING, AND INCREASING FINES

Offered by: Public Works Committee

RESOLVED:

1. That proposed Local Law, Intro. No. 5-2012, Print No. 1, is adopted without any change in language, to wit:

COUNTY OF ALLEGANY

Intro. No. 5-2012

Print No. 1

A LOCAL LAW TO AMEND LOCAL LAW NUMBER THREE OF NINETEEN HUNDRED EIGHTY, AS AMENDED BY LOCAL LAW NUMBER ONE OF NINETEEN HUNDRED NINETY-THREE, ENTITLED "A LOCAL LAW DESIGNATING COUNTY PARKING AREAS; ADOPTING RULES AND REGULATIONS GOVERNING THE USE OF SUCH AREAS; AND PROVIDING FOR THE ENFORCEMENT THEREOF" IN RELATION TO ESTABLISHING ADDITIONAL PARKING AREAS, DESIGNATING HANDICAPPED PARKING, AND INCREASING FINES

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

Section 1. Subdivisions a., b., and c. of section two of Local Law Number Three of Nineteen Hundred Eighty, as amended by Local Law Number One of Nineteen Hundred Ninety-Three, are amended to read as follows:

a. The parking area immediately north of and adjacent to the County Office Building is designated as a parking area for County employees who hold a special parking permit issued by the County Administrator's office. In addition, official vehicles shall be allowed to park without a special permit. Finally, parking shall be allowed in specially designated spaces for County judges, emergency vehicles, County-owned vehicles and spaces marked for handicapped individuals displaying a properly issued handicap parking tag.

b. The parking area immediately north and east of and adjacent to the County Courthouse is designated as a parking area for County employees who have been issued and display a special parking permit by the County Administrator's office. In addition, official vehicles shall be allowed to park without a special permit. Finally, parking shall be allowed in specially

designated spaces for County judges, emergency vehicles, County-owned vehicles and spaces marked for handicapped individuals displaying a properly issued handicap parking tag.

c. The parking area immediately south of and adjacent to the County Office Building on the north and further bounded on the south by Court Street; on the east by the entrance road to the parking area described in section two of this local law; and on the west by the exit road from such described parking area is designated as a parking area for County employees except that five parking spaces in such parking area shall be designated by order of the Sheriff, or his designee, that are suitable for use exclusively by the physically handicapped, be they County employees or not.

Section 2. Section three is amended to read as follows:

Section 3. The following area of County-owned or County-leased lands is designated as a non-restricted parking area:

Section 3. Subdivision a. of section three of such local law is amended to read as follows:

a. The parking area immediately south of the County Courthouse building and bounded west by Wells Lane; south by the south line of County-owned lands, being also the north line of the Belmont Hotel property; east by the Genesee River; and north by the north bounds of such parking area which is approximately one hundred and ninety-eight (198) feet from the south bounds of the County-owned lands and designated for public use except that two parking spaces in such parking area shall be designated by order of the Sheriff, or his designee, that are suitable for use exclusively by the physically handicapped. Except for parking spaces designated for handicapped parking, parking in spaces adjacent to the sidewalk running parallel to the front of the Courthouse building shall be limited to thirty-minute parking and marked accordingly. Also, parking in spaces contiguous with and running parallel to Wells Lane shall be limited to one-hour parking and marked accordingly.

Section 4. Section three of such local law is amended to add new subdivisions b. and c. to read as follows:

b. The parking area lying south of Court Street that is currently leased from the First Baptist Church of Belmont known as the church lot.

c. The parking area lying north of Court Street known as the Presutti lot.

Section 5. Section four of such local law is amended to read as follows:

Section 4. Parking of a vehicle by a person or operator on the restricted parking areas is prohibited unless such person or operator shall have a parking permit sticker and also, for those restricted parking spaces immediately north and east of the County Office Building and County Courthouse, a special permit or tag duly issued by the County Administrator pursuant to section six of this law.

Section 6. Section six of such local law is amended to read as follows:

Section 6. A person's or operator's privileges to park in restricted parking areas shall be indicated by placing on or in a vehicle, in a conspicuous position, a small parking permit sticker and/or tag, properly inscribed, and the committee is hereby authorized to approve the form and design of such stickers or tags which shall be placed in the exclusive possession of the County Administrator who is hereby authorized to issue the same to the justices of the Supreme Court, judges of the County Court, County Officers, members of the Board of Legislators of Allegheny County, such County employees as may be certified to by County department heads as being entitled thereto and to such others as come within the intent of this local law, subject to the approval of the committee. The County Administrator shall keep a record of such stickers or tags and place a number on each sticker or tag so delivered.

Section 7. Section eight of such local law is amended to read as follows:

Section 8. In any prosecution or proceeding hereunder, the failure to display such parking permit sticker and/or tag on any vehicle shall be presumptive evidence that said vehicle is parked in violation of these regulations, and the registration plate displayed on a motor vehicle shall be presumptive evidence that the owner of such vehicle was the person who parked such vehicle at the place where any violation of these regulations occurred.

Section 8. Section twelve of such local law is amended to read as follows:

Section 12. Whenever any vehicle is found parked in violation of this law, the Sheriff shall place on such vehicle a notice to the owner thereof that such vehicle has been parked in violation of the provisions of this law, and shall thereby summon such owner to appear at a time indicated on such summons before a local criminal court to answer for such violation in accordance with this law. Such summons may permit the owner, as he may elect, to plead guilty to the offense indicated thereon, signing his true and correct name thereto as such election, and to authorize thereby his appearance in said local criminal court at the time prescribed to be noted, and to pay a fine of fifteen dollars for the first such parking offense and thirty dollars for the second such parking offense within a six-month period from the first offense. This election shall not be permitted to an owner committing more than three such offenses within a six-

month period from the first offense. Such voluntarily paid fine shall be paid to the local criminal court.

Section 9. This local law shall take effect immediately.

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

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

(Memo: Upon adoption, Local Law Intro. No. 5-2012 became Local Law No. 5 of 2012.)

RESOLUTION NO. 187-12

RESOLUTION CALLING FOR THE GOVERNOR AND STATE LEGISLATURE TO COMPENSATE COUNTIES FOR STATE-MANDATED DISTRICT ATTORNEYS' SALARIES

Offered by: Ways and Means Committee

WHEREAS, salaries of full-time district attorneys and the clerks of the five boroughs of New York City are statutorily tied to those of New York State judges and justices in the Unified Court System, and

WHEREAS, when salaries increase for judges and justices, counties are mandated to raise the salaries of their district attorneys as required under section 182-a of the Judiciary Law, and

WHEREAS, New York State has significantly increased judges' salaries over the next three years, forcing counties to increase pay for district attorneys, and

WHEREAS, this increased State mandate requires Allegany County to raise the salary of the district attorney from \$119,200 in 2011 to \$152,500 by 2014, and

WHEREAS, although the State pays the entire salary and benefits to judges and justices, the State only provides supplemental appropriations to counties to partially cover the cost of State-mandated pay for local district attorneys, now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators calls upon the Governor and the State Legislature to reimburse counties for the entire amount of district attorneys' mandated pay and its associated retirement and social security costs, leaving counties responsible only for any portion of district attorneys' compensation that exceeds the State's mandated amount.

2. That the Clerk of this Board of Legislators shall forward certified copies 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 the New York State Association of Counties (NYSAC).

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

Adopted: Voice Vote

RESOLUTION NO. 188-12

**A RESOLUTION IN RELATION TO THE COMPENSATION OF
COUNTY OFFICERS AND EMPLOYEES**

Offered by: Personnel Committee

RESOLVED:

1. That commencing January 1, 2013, 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, 2013, 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, 2013, 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. 25-2012, 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, 2013, 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, 2013, 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, 2013, 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, 2013, 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, 2013, 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, 2013, 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. 203-2011, and which salary such non-unit employee is entitled to receive commencing January 1, 2013; 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, 2013, 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	97,999
Deputy County Administrator	65,087
Clerk of the Board	60,079
Assistant District Attorney (1st)	37,662
Assistant District Attorney (2nd)	34,950
Assistant District Attorney (3rd)	35,000
Assistant District Attorney (4th)	35,000
Assistant District Attorney (5th) RTR	27,383
Assistant District Attorney (6th) Welfare	24,720
District Attorney Investigator (PT)	13,343
Assistant Public Defender (1st)	77,461
Assistant Public Defender (2nd)	70,000
Coroners	150 p/d
Coroners' Physician	50 p/d
Deputy County Auditor	1,200
Assistant County Attorney (1st)	82,158
Assistant County Attorney (2nd)	61,132

Assistant County Attorney (3rd)	60,031
Assistant County Attorney – Support Counsel	10,000
Election Commissioners (2)	14,071
Election Technicians	\$17.50/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	67,833
Probation Director II	62,412
STOP-DWI Coordinator	15,784
Youth Director	32,178
Emergency Management and Fire Director	50,307
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	39,612
Development Director	82,970
Office for the Aging Director	60,815
Office for the Aging:	
Site Managers	7.50-9.50/hr.
Drivers, Aides	7.50-9.50/hr.
Rushford Lake:	
Youth Agencies Director	510/wk.
Lifeguards	9.90/hr.

8. That commencing January 1, 2013, and ending March 31, 2013, the base salary of the District Attorney, (calculated over a twelve-month period), none of which includes any earned longevity increment, shall be \$140,300. That commencing April 1, 2013, and ending March 31, 2014, the base salary of the District Attorney, (calculated over a twelve-month period), none of which includes any earned longevity increment, shall be \$146,400.

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

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

(Memo: Salaries for County Officers that were approved separately by Local Laws or new appointment Resolutions are not included in Resolution No. 188-12 above. They were: Public Defender, County Treasurer, Real Property Tax Agency Director, County Clerk, County Attorney, Public Health Director, Social Services Commissioner, and Employment & Training Director - Local Law No. 4-2012 adopted by Resolution No. 145-12; Sheriff - Local Law No. 1-2012 adopted by Resolution No. 109-12; Undersheriff - Resolution No. 100-12;

Personnel Officer - Resolution No. 110-12; and Public Works Superintendent - Resolution No. 148-12.)

RESOLUTION NO. 189-12

**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, 2013, Section 6 of Resolution No. 297-75, as last amended by Resolution No. 203-2011, 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	27,761	28,587	29,451	30,335	31,239	32,182	33,145	34,146	35,168	36,229	37,310	38,429	970
2	29,451	30,335	31,239	32,182	33,145	34,146	35,168	36,229	37,310	38,429	39,589	40,767	1,029
3	31,239	32,182	33,145	34,146	35,168	36,229	37,310	38,429	39,589	40,767	41,986	43,243	1,091
4	33,145	34,146	35,168	36,229	37,310	38,429	39,589	40,767	41,986	43,243	44,559	45,895	1,159
5	35,168	36,229	37,310	38,429	39,589	40,767	41,986	43,243	44,559	45,895	47,271	48,685	1,229
6	37,310	38,429	39,589	40,767	41,986	43,243	44,559	45,895	47,271	48,685	50,139	51,652	1,304
7	39,589	40,767	41,986	43,243	44,559	45,895	47,271	48,685	50,139	51,652	53,204	54,795	1,382
8	41,986	43,243	44,559	45,895	47,271	48,685	50,139	51,652	53,204	54,795	56,426	58,136	1,468
9	44,559	45,895	47,271	48,685	50,139	51,652	53,204	54,795	56,426	58,136	59,864	61,672	1,556
10	47,271	48,685	50,139	51,652	53,204	54,795	56,426	58,136	59,864	61,672	63,519	65,424	1,650
11	50,139	51,652	53,204	54,795	56,426	58,136	59,864	61,672	63,519	65,424	67,389	69,413	1,752

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

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

RESOLUTION NO. 190-12

**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. Graves

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

RESOLUTION NO. 191-12

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, 2013, 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	30,058.00	105,881.00
Almond	25,457.00	145,510.00
Amity	800.00	328,859.00
Andover	17,398.00	153,696.00
Angelica	2,455.00	40,194.00
Bolivar	18,480.00	210,088.00
Burns	5,910.00	45,760.00
Cuba	0.00	320,269.00
Wellsville	135,949.02	324,355.40
Wirt	1,222.95	111,392.20

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	138,476.00	209,523.00
Allen	102,159.00	125,216.00
Alma	217,165.00	326,067.00
Almond	181,712.00	219,736.00
Amity	196,966.00	0.00
Andover	163,655.00	163,844.00
Angelica	132,816.00	74,743.00
Belfast	255,709.00	392,770.00
Birdsall	126,600.00	49,742.00
Bolivar	149,702.00	208,515.00
Burns	116,220.00	163,000.00
Caneadea	136,247.00	543,940.00
Centerville	114,755.00	254,808.00
Clarksville	155,350.00	319,583.00
Cuba	609,025.00	320,956.00
Friendship	319,465.00	257,308.00
Genesee	150,814.00	408,022.00
Granger	104,900.00	170,800.00
Grove	144,617.00	256,707.00
Hume	195,000.00	421,902.00
Independence	239,363.00	405,821.00
New Hudson	131,220.00	304,947.00
Rushford	271,102.00	437,400.00
Scio	227,410.00	328,508.00
Ward	105,598.00	178,207.00
Wellsville	618,462.35	318,062.97

West Almond	97,725.00	46,235.00
Willing	206,777.00	277,542.00
Wirt	186,133.99	232,901.36

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	14,905.00
Alma	Fire Protection	55,682.00
	Light District	1,800.00
Almond	Fire Protection	25,000.00
Amity	Fire District	47,500.00
Andover	Fire Protection	31,750.00
Angelica	Fire Protection District	33,600.00
Belfast	Water	95,976.00
	Fire Protection	62,503.00
	Light	10,300.00
Birdsall	Fire	25,100.00
Bolivar	Richburg-Wirt Fire District	4,784.00
	Bolivar Joint Fire District	112,363.00
Burns	Canaseraga Fire Protection	17,500.00
Caneadea	Caneadea Water District	226,351.00
	Houghton Sewer District	28,539.00
	Caneadea Light	2,925.00
	Houghton Light	16,425.00
	Oramel Light	900.00
	Rushford Lake District	45,034.00
	Caneadea Fire	109,000.00
Centerville	Fire Districts	25,450.00
Clarksville	Fire District	75,139.00
Cuba	Fire District	246,513.00
	Sewer #1 (Echo Lanes)	0.00
	Sewer #3 (Acme)	0.00
	Sewer #5 (O & M)	25,600.00
	Sewer #5 (Cap note)	50,002.00
	Water #3 (Acme)	0.00
	Water #4 (School)	0.00
	Lake District	38,964.00
Friendship	Fire Protection District	92,000.00
	Street Lighting District	26,845.00
	Sidewalks Fund	28,666.00
	Refuse & Garbage District	55,432.00

Genesee	Fire Protection 1 (Bolivar)	40,596.00
	Fire Protection 2 (Portville)	32,554.00
Granger	Fire Protection	19,000.00
Grove	Swain Lighting District	2,500.00
	Canaseraga Fire District 1	17,500.00
	Nunda Fire District 2	2,000.00
Hume	Fire Protection	93,000.00
	Light District 1 (Hume)	3,765.00
	Light District 2 (R & W)	2,500.00
	Light District 3 (Hume)	8,500.00
	Sidewalk	14,500.00
	Sewer District	0.00
	Consolidated Water Dist.	0.00
Independence	Fire	53,060.00
	Street Light (Whitesville)	10,000.00
	Water District (Whitesville)	0.00
New Hudson	Light District 1	2,500.00
	Fire District 1	35,000.00
Rushford	Lighting District	6,800.00
	Rushford Lake Rec. Dist.	205,154.98
	Rushford Fire District	87,650.00
Scio	Consolidated Water Dist.	35,588.00
	Light District 1	15,600.00
	Fire District 1	109,500.00
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	500.00
	Bolivar Rd. Water District	500.00
	George St. Water District	0.00
	W. Wellsville Water District	18,000.00
	Airway Sanitary Sewer Dist.	0.00
	Phillips Creek Water District	0.00
West Almond	Fire District	9,500.00
Willing	Fire Department	67,430.00
Wirt	Fire Protection Townwide	89,027.59

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. Fanton

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

RESOLUTION NO. 192-12

**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, 2012, through September 30, 2012, 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. 193-12

**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 \$25,588.52 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	1,665.28	1,336.39	328.89	Alfred
Allen	280.59	280.59		
Alma	217.29	217.29		
Almond	699.29	645.16	54.13	Almond
Amity	1,572.94	1,314.86	258.08	Belmont
Andover	297.06	245.26	51.80	Andover
Angelica	685.40	571.41	113.99	Angelica
Belfast	629.00	629.00		
Birdsall	64.01	64.01		
Bolivar	979.33	773.91	190.55	Bolivar
			14.87	Richburg
Burns	931.75	817.47	114.28	Canaseraga
Caneadea	820.38	820.38		
Centerville	616.00	616.00		
Clarksville	533.60	533.60		
Cuba	2,903.91	2,493.31	410.60	Cuba
Friendship	512.02	512.02		
Genesee	957.15	957.15		
Granger	321.99	321.99		
Grove	361.22	361.22		
Hume	1,027.61	1,027.61		
Independence	668.41	668.41		
New Hudson	364.50	364.50		
Rushford	2,080.62	2,080.62		
Scio	1,008.09	1,008.09		
Ward	173.58	173.58		
Wellsville	4,595.56	3,368.72	1,226.84	Wellsville
West Almond	207.29	207.29		

Willing	95.52	95.52		
Wirt	319.13	296.68	22.45	Richburg
TOTALS	25,588.52	22,802.04	2,786.48	

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. 194-12

**TRANSFER OF FUNDS WITHIN APPROPRIATION ACCOUNTS
(CONTINGENT AND PUBLIC SAFETY COMPLEX-BUILDINGS & GROUNDS)**

Offered by: Ways and Means Committee

WHEREAS, the Budget Officer is recommending the transfer of funds within appropriation accounts to cover electricity and water costs, now, therefore, be it

RESOLVED:

1. That the transfer of the following appropriations is approved:

<u>From:</u>	<u>To:</u>	<u>Amount:</u>
A1990.429 (Contingent)	A3152.427 (Jail Electric)	\$61,500
A3152.428 (Jail Natural Gas)	A3152.427 (Jail Electric)	10,000
A3152.428 (Jail Natural Gas)	A3152.426 (Jail Water)	7,000

Moved by: Mr. Hopkins
Seconded by: Mr. LaForge

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

A motion was made by Legislator Fanton, seconded by Legislator Graves, and carried to grant Legislator LaForge permission to abstain from voting on Resolution No. 195-12 (Intro. No. 199-12) (APPROVAL OF AMENDMENT TO AGREEMENT BETWEEN THE COUNTY OF ALLEGANY AND KVR SERVICES LLC).

RESOLUTION NO. 195-12

**APPROVAL OF AMENDMENT TO AGREEMENT BETWEEN
THE COUNTY OF ALLEGANY AND KVR SERVICES LLC**

Offered by: Human Services and Ways and Means Committees

WHEREAS, Ronny M. Carlin, Karina Carlin, and Vicki Carlin, doing business as KVR SERVICES, entered into an agreement with Allegany County, acting by and through its Office for the Aging, to provide meals for the County's Office for the Aging congregate and home delivered meals program, and

WHEREAS, the principals in KVR SERVICES subsequently assigned their interest in that agreement to KVR SERVICES LLC, and

WHEREAS, unanticipated increases in food prices have made it economically untenable for KVR SERVICES LLC to continue to perform the contract at the previously agreed price per meal, and

WHEREAS, the ongoing provision of these meals is critical to the health and well-being of a significant number of our senior citizens, and

WHEREAS, KVR SERVICES was the only business entity to submit a bid after twice advertising for bids to provide meals for the program, and

WHEREAS, there does not appear to be any other entity interested or prepared to provide these meals at a satisfactory price, and

WHEREAS, a minor increase in the per meal price in return for a reduction in the period of time required for the County to give notice of an intent to terminate the contract will help insure the ongoing provision of meals while providing the County greater flexibility in proceeding forward, now, therefore, be it

RESOLVED:

1. That amendment of the existing agreement between the County of Allegany and KVR SERVICES LLC, which grants the County the right to terminate the agreement upon 30 days notice and increasing the price per meal by 10 cents for the month of December 2012, and an additional 10 cents (\$3.90 per meal) for all of 2013, is approved.

2. That the Director of the Allegany County Office for the Aging is authorized to execute the agreement amending the original contract.

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

Adopted: Roll Call
14 Ayes, 0 Noes, 0 Absent
Abstained: LaForge

Comments made regarding Resolution No. 195-12 included the following:

Legislator Ungermann noted that it is getting more and more difficult to project costs. This is a food service issue, and the cost of food goes up right along with the price of fuel. It's an unstable economy. We need to give the contractors some leeway.

Legislator Pullen pointed out that KVR Services is the caterer for the Meals-on-Wheels Program, which is extremely important for Office for the Aging. They had some struggles finding a caterer, and this seems to be working well. This amendment is appropriate.

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 15 Ayes, 0 Noes, 0 Absent, that the audit of claims, totaling \$2,754,261.23, 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 \$9,360,026.*)

GENERAL COMMENTS:

Legislator Pullen remarked that one of his children was involved in a motor vehicle accident in Erie County last week. Someone turned directly in front of them resulting in a collision with some vehicle damage. His child was not hurt, but it could have been a very different outcome. The other driver didn't stop, which the police said was typical for a DWI driver. Mr. Pullen wanted to emphasize the message given earlier by the STOP-DWI Program Coordinator. It could result in a terrible outcome for someone else if someone drives while drunk. We should all try to encourage responsible driving.

ADJOURNMENT: The meeting was adjourned at 2:47 p.m. on a motion made by Legislator Graves, seconded by Legislator Pullen, and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
DECEMBER 21, 2012**

****APPROVED ****

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

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Army Specialist 4th Class Marie A. Schappacher.

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 December 10, 2012, were approved on a motion made by Legislator Graves, seconded by Legislator Pullen, and carried.

PRIVILEGE OF THE FLOOR:

Chairman Curtis W. Crandall acknowledged the new wall clock installed near the back of the Board Chambers which was donated by Department Heads in recognition of the newly completed renovations. On behalf of the Legislators, Chairman Crandall thanked the Department Heads for the gift.

Chairman Crandall presented a certificate to Marie A. Schappacher, former United States Army Specialist 4th Class, in grateful appreciation of her service to our country. Ms. Schappacher's service dates were from July 1976 to July 1990. (She then continued on until 1993 in the North Carolina National Guard.) Following Basic Training at Fort Jackson, SC, (the first class to train with the male soldiers, as the Women's Army Corps was disbanded), assignments included: Fort Leavenworth, KS; Seoul, Korea; Fort Gordon, GA; Fort Campbell, KY; Mannheim, Germany; and Fort Bragg, NC. Commendations she received included: Army Achievement Medal (with one oak leaf cluster), Army Good Conduct Medal, Joint Service Achievement Medal, Noncommissioned Officer Professional Development Ribbon, Army Service Medal, M-16 Rifle Sharpshooter Badge, and National Defense Service Medal. Ms. Schappacher 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 Norilyn Patrick in recognition of 42 years of service to Allegany County. She was hired as a Registered Professional Nurse in the

Health Department in 1970, was appointed as Nurse Practitioner in 1995, and held that position until her retirement in 2002. Norilyn has worked the last ten years as a contracted employee with the Health Department.

Chairman Crandall presented a certificate to Edwin E. Dibert in recognition of 40 years of service to Allegany County. Mr. Dibert began his employment in the Department of Social Services in 1972 as a temporary Clerk (became permanent in 1973), was appointed Account Clerk Typist in 1976, and advanced to Senior Account Clerk Typist in 1978 (the position he currently holds). Mr. Dibert submitted the following statement for the record:

"I am only working at Social Services because my Mom pointed me in that direction. She worked at the County Home in Angelica/West Almond for several years, and she took me to Personnel to take the test for Accounting. I was hired a couple of weeks later at the age of 17. I wish to dedicate my 40 years of service at the County to my Mom, Wilma Dibert, who passed away on October 18, 2012."

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. January 2013 Calendar of Board and Standing Committee meeting dates. Legislator Hopkins requested that the Ways & Means Committee meeting on January 23 be changed to 1 p.m. with the Budget Committee meeting to follow, and that this change be implemented on the third Wednesday of each succeeding month for the foreseeable future.

2. Pursuant to Article 11 of the Real Property Tax Law, the County Treasurer filed Certificates of Withdrawal of Delinquent Tax Liens for properties in the towns of Almond, West Almond, Wellsville, and Wirt in the Clerk of the Board's Office on December 12, 19, and 20, 2012.

3. Notice for the Organization Meeting of the Board of Legislators to be held on Wednesday, January 2, 2013, at 2 p.m.

APPOINTMENTS:

Chairman Curtis W. Crandall has appointed Jeffrey N. Luckey as a member of the **LOCAL BOARD OF THE EMERGENCY FOOD AND SHELTER PROGRAM**, effective immediately, to serve at his pleasure.

RESOLUTIONS:

RESOLUTION NO. 196-12

RESOLUTION FIXING DATE OF 2013 ORGANIZATION MEETING

Offered by: Ways and Means Committee

RESOLVED:

1. That the Board of Legislators shall meet on Wednesday, January 2, 2013, 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. 197-12

SUSPENDING CERTAIN COUNTY BOARD RULES AFFECTING PROPOSED RESOLUTIONS REQUESTED TO BE SUBMITTED AT ORGANIZATION MEETING ON JANUARY 2, 2013

Offered by: Ways and Means Committee

RESOLVED:

1. That section D. of Rule 170 and sections C., D., and E. of Rule 180 of County Board Rules are suspended for proposed resolutions which are requested to be submitted at the organization meeting of the County Board of Legislators to be held on January 2, 2013.

Moved by: Mr. Hopkins
Seconded by: Mr. Curran

Adopted: Voice Vote

RESOLUTION NO. 198-12

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 2013.

2. That for calendar year 2013, 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 2013, 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. Fanton

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

RESOLUTION NO. 199-12

**RESOLUTION DESIGNATING OFFICIAL NEWSPAPERS
FOR THE PUBLICATION OF LOCAL LAWS, NOTICES, AND OTHER MATTERS
REQUIRED BY LAW TO BE PUBLISHED IN 2013**

Offered by: Ways and Means Committee

WHEREAS, in accordance with subdivision 1 of Section 214 of the County Law, the members of this Board of Legislators, representing respectively each of the two principal political parties into which the people of this State are divided, have designated in writing the newspapers set forth below to publish, in 2013, the concurrent resolutions of the State Legislature, election notices issued by the Secretary of State, and the official canvass:

Concurrent resolutions of the Legislature:

The Alfred Sun, Alfred, New York (Republican)
Cuba Patriot & Free Press, Cuba, New York (Democrat)

Election Notices and Official Canvass:

Wellsville Daily Reporter, Wellsville, New York (Republican)
Cuba Patriot & Free Press, Cuba, New York (Democrat)

WHEREAS, subdivision 2 of Section 214 of the County Law requires this Board of Legislators to annually designate at least two newspapers within the County of Allegany as official newspapers for the publication of all local laws, notices, and other matters required by law to be published, now, therefore, be it

RESOLVED:

1. That the newspapers listed below are designated as the official newspapers of the County of Allegany for the publication of local laws, notices, and other matters required by law to be published in 2013:

Wellsville Daily Reporter, Wellsville, New York (Republican)
Cuba Patriot & Free Press, Cuba, New York (Democrat)

Moved by: Mr. Hopkins
Seconded by: Mr. Curran

Adopted: Voice Vote

RESOLUTION NO. 200-12

**REAPPOINTMENT OF THREE MEMBERS TO
ALLEGANY COUNTY COMMUNITY SERVICES BOARD**

Offered by: Human Services Committee

RESOLVED:

1. That Sandra Blake of Fillmore, New York, Sharon Mulligan of Belmont, New York, and Katherine Bower of Fillmore, New York, are reappointed to the Allegany County Community Services Board with term of office to commence January 1, 2013, and expiring December 31, 2016.

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

Adopted: Voice Vote

RESOLUTION NO. 201-12

APPOINTMENT OF MEMBERS TO ALLEGANY COUNTY FIRE ADVISORY BOARD

Offered by: Public Safety Committee

Pursuant to County Law § 225-a.

RESOLVED:

1. That each of the following persons is appointed to the Allegany County Fire Advisory Board, with term of office for each to commence January 1, 2013, and expire December 31, 2013:

G. Douglas Clarke	Alfred
Judson Stearns, Jr.	Alfred Station
Greg Taylor	Allentown
Emily Ormsby	Almond
Brian Ennis	Andover
Richard Sortore	Angelica
David Jennings	Belfast
Brandon LaValley	Belmont
Terry Richardson	Bolivar
Donald Van Skiver	Canaseraga
Robert Lester	Cuba
Gerald Gayford	Fillmore
Carl Greene	Friendship
Loren Luzier	New Hudson
Sherman Gage	Richburg
Dan Metcalf	Rushford
Tim Voss	Short Tract
David Sweet	Wellsville
Dennis Graves	Whitesville
LeRoy Ives	Willing
Alan Mills	Wiscoy-Rossburg

Moved by: Mr. Healy
Seconded by: Mr. Burdick

Adopted: Voice Vote

Resolution No. 202-12 (Intro. No. 206-12) (APPOINTMENT OF TWO NEW MEMBERS AND REAPPOINTMENT OF FOUR INCUMBENT MEMBERS TO COUNTY TRAFFIC SAFETY BOARD) was amended on a motion made by Legislator Healy, seconded by Legislator Graves, and carried, to change the title to read "three" incumbent members, rather than "four."

RESOLUTION NO. 202-12

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

Offered by: Public Safety Committee

Pursuant to Local Law No. 2 of 1972

RESOLVED:

1. That Melanie Miller and Timothy Walsh are appointed to the County Traffic Safety Board, with term of office for each to commence January 1, 2013, and expire December 31, 2015.

2. That Kevin (Fred) Demick, Guy James, and Ann Feuchter are reappointed to the County Traffic Safety Board, with term of office for each to commence January 1, 2013, and expire December 31, 2015.

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

Adopted: Voice Vote

RESOLUTION NO. 203-12

**ABOLISHING ONE POSITION OF DEPUTY SERGEANT AND
CREATING ONE POSITION OF CORRECTION SERGEANT AND
TWO POSITIONS OF CORRECTION OFFICER IN THE SHERIFF'S OFFICE**

Offered by: Public Safety Committee

RESOLVED:

1. That one position of Deputy Sergeant is abolished and one position of Correction Sergeant and two positions of Correction Officer are created in the Sheriff's Office.

2. That this resolution shall take effect December 24, 2012.

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

Adopted: Roll Call
10 Ayes, 4 Noes, 1 Absent
Voting No: Burdick, Cady, O'Grady, Ungermann

(Memo: Regarding Resolution No. 203-12, the Sheriff's Office determined it would be beneficial to have additional supervision dedicated in the Jail; therefore, they requested replacing a vacant Deputy Sergeant position, resulting from a retirement, with a Correction Sergeant. The two new Correction Officer positions are based on an analysis that indicates an approximate savings of \$20,000 per year at the Sheriff's Office budget level and \$6,000 at the County budget level. These positions would be on a Monday through Friday schedule corresponding to additional manpower required during those days, primarily due to federal transports. The Sheriff's Office made this request understanding that if the desired savings are not realized, they will eliminate the new Correction Officer positions and return to using overtime for the additional manpower needed.

Comments made regarding Resolution No. 203-12 included the following:

Legislator O'Grady supported the Sergeant moves, but was undecided on whether the two additional Correction Officers would help with overtime costs. It's been done in the past, and it hasn't had a huge effect. Mr. O'Grady noted that he'd rather pay the overtime than the fringes on new employees. There was discussion that if this didn't work out, they would just eliminate the positions, but that's easier said than done. He didn't support the resolution.

Legislator Healy remarked that this issue has been discussed for nearly nine months in committee and during the budget process. Ultimately, the Sheriff convinced the majority of the committee members to give it a try. It's been stated that if they did not achieve the desired savings, they would return to the original staffing numbers. The Sheriff feels they should have an answer on the savings in six months and will report the findings then, and he also stated he would have no problem with elimination of positions. Mr. Healy supported the resolution.

Legislator Ungermann felt positive, after discussion in committee and correspondence from the Deputy Sheriff's Union, that with these transports, we will never eliminate the overtime. We're going to spend \$109,590 on salaries and benefits for, hopefully, a net savings of \$20,000 over the costs. When you pay overtime, the costs of health insurance, workers' compensation, and unemployment don't go up, although FICA, Medicare, and things of that nature do go up, because they're based on pay. Also, judging from the letter received from the Deputy Sheriff's Union, maybe we should be looking at a part-time accounting person to alleviate the overtime costs in the Accounting Department amounting to \$20,000 per year. Our legacy costs keep going up, and Mr. Ungermann is concerned about costs down the road. The State Retirement Tier 6 has capped overtime at a maximum of \$15,000, which should help.

Legislator Pullen noted that the overtime is necessitated by transporting federal prisoners that we're housing in at the Jail. That is generating a considerable amount of revenue, and this is part of the service we provide. You can't change just one item in isolation without affecting the others. Mr. Pullen remarked that he doesn't know the Jail operations as well as the Sheriff, the Undersheriff, and the Jail Administrator, but he can analyze the numbers six months from now. He felt it was worth looking at. In a way, we've hit a home run with the arrangements for housing in federal inmates. It is helping us to defray expenses. If we realize \$20,000 in net savings, it might be worth it. Mr. Pullen is in favor of looking wherever we can to find savings for the taxpayers, such as the suggested additional services in the accounting area.

RESOLUTION NO. 204-12

TRANSFER OF FUNDS WITHIN HEALTH DEPARTMENT ACCOUNTS AND TO MEDICAL EXAMINERS AND CORONERS ACCOUNT

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the sum of \$800 is transferred from Account No. A4010.416 (Health Department-Telephone) to Account No. A4071.416 (Cancer Services-Telephone) to cover telephone expenses.

2. That the sum of \$1,100 is transferred from Account No. A4010.402 (Health Department-Mileage) to Account No. A1185.402 (Coroners-Mileage) to cover a budget shortfall.

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

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

RESOLUTION NO. 205-12

**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>
CD16403.474	CD16403.802	\$4,000
CD16403.806	CD16403.101	6,250
CD16403.806	CD16403.802	8,750
CD16794.402	CD16795.804	50
CD16794.408	CD16795.804	450
CD16794.416	CD16795.804	<u>30</u>
<u>Total:</u>	\$19,530	

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

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

RESOLUTION NO. 206-12

TRANSFER OF FUNDS WITHIN DISTRICT ATTORNEY ACCOUNTS

Offered by: Public Safety Committee

RESOLVED:

1. That the sum of \$1,700 is transferred from Account No. A1165.436 (District Attorney-Div Program) to Account No. A1165.201 (District Attorney-Office Equipment) for the purchase of new printers.

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

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

Comments made regarding Resolution No. 206-12 included: Legislator Ungermann asked if the County looked into buying these printers locally. Information Technology Director Deborah Button replied that she purchases off state contract.

RESOLUTION NO. 207-12

TRANSFER OF FUNDS WITHIN CAPITAL PROJECT ACCOUNTS

Offered by: Public Works and Ways and Means Committees

RESOLVED:

1. That the sum of \$100,000 is transferred from Account No. H5922.200 (Capital Project-Ward, BR 25-S12) to Account No. H5608.200 (Capital Project-Caneadea Bridge, CR 46) to cover repair costs and estimated engineering charges.

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

Adopted: Roll Call
8 Ayes, 6 Noes, 1 Absent
Voting No: Benson, Burdick, Cady, Curran, O'Grady, Ungermann

Comments made regarding Resolution No. 207-12 included the following:

Legislator O'Grady remarked that he would support this, if there was a plan in place to restrict the size of the vehicles going over the Caneadea bridge. There have been some ideas discussed, but without some restrictions, he doesn't want to be back here in five years considering the same thing.

Legislator Pullen pointed out that we're talking about a very old bridge that's been renovated, but will never be able to handle a full scope of traffic. It's a question of if it's better to have passenger vehicles and pedestrian traffic cross this bridge rather than having no one able to cross it. Unfortunately, there's been some abuse of this. Mr. Pullen agreed with Mr. O'Grady, but also feels it's critical enough for the residents in that area to have access without a very long drive around to be worth this. He spoke with the Caneadea Town Board, and they are open to trying to cooperate with the County to find ways to limit inappropriate and unauthorized, overweight use of this bridge.

Legislator Ungermann agreed with Mr. O'Grady. Apparently, ambulances go around; they don't use the bridge. The only thing using it is cars, and even two cars on the bridge at the

same time exceed the weight limit. To look down the road 20 to 30 years, he feels this is throwing money away. He understands it's a historic bridge and the sentiments of the people in Caneadea, but long range, it's not worth putting the money into it.

RESOLUTION NO. 208-12

TRANSFER OF FUNDS FROM CONTINGENT ACCOUNT TO CAPITAL PROJECT ACCOUNTS

Offered by: Public Works and Ways and Means Committees

RESOLVED:

1. That the sum of \$250,000 is transferred from Account No. A1990.429 (Contingent) as follows: \$100,000 to Account No. H1621.200 (Capital Project – Asbestos Abatement/Building Improvements) for Probation Office renovations and \$150,000 to Account No. H5633.200 (Capital Project – County Bldg. Jail Floor Renovations) for renovations to the former jail elevator.

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. 208-12 included the following:

Legislator Burdick supported the resolution and offered comment on the part related to the elevator project. Going back to January 12, 2009, we considered a resolution to bond for the Courthouse Project and County Office Building renovations. The main reason for the Office Building renovation was to convert the former Jail space to usable space. We amended that resolution deleting the Office Building renovation portion, which was \$5 million. On August 13, 2012, Resolution No. 112-12 moved \$177,000 to the Jail elevator project to make the former Jail space accessible. Today, this resolution moves another \$150,000 from Contingent, and the next resolution moves \$35,000 for engineering. That's a total of \$362,000. Mr. Burdick is in favor of these transfers, because he feels this is moving ahead on a pay-as-you-go project. This money that's being transferred wasn't needed in other accounts, and that's good for the taxpayers. We can continue to work on the project next year with in-house maintenance people, and keep moving in this pay-as-you-go manner to finish this up.

RESOLUTION NO. 209-12

TRANSFER OF FUNDS FROM SHARED SERVICES BUILDINGS CONTRACTUAL EXPENSES ACCOUNTS TO CAPITAL PROJECT EXPENSES ACCOUNT

Offered by: Public Works and Ways and Means Committees

RESOLVED:

1. That the sum of \$35,000 is transferred as follows: \$10,000 from Account No. A1620.404 (Shared Services Buildings-Maintenance Contracts), and \$25,000 from Account No. A1620.428 (Shared Services Buildings-Natural Gas) to Account No. H5633.200 (Capital Project) to cover engineering costs for renovations to the former jail elevator.

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

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

RESOLUTION NO. 210-12

APPROVAL OF AGREEMENTS WITH THE VILLAGES OF BELMONT, BOLIVAR, CUBA, WELLSVILLE; TOWNS OF FRIENDSHIP, CANEADEA; AND CITY OF OLEAN IN RELATION TO THE DISPOSAL OF COUNTY LANDFILL LEACHATE AT THE VILLAGE, TOWN, AND CITY WASTE WATER TREATMENT PLANTS; AUTHORIZING BOARD CHAIRMAN TO EXECUTE AGREEMENTS

Offered by: Public Works Committee

RESOLVED:

1. That Agreements between the County of Allegany and the Villages of Belmont, Bolivar, Cuba, Wellsville; Towns of Friendship, Caneadea; and City of Olean in relation to the County's disposal of leachate at the respective Village, Town, and City waste water treatment plants at the rate of \$.025 per gallon for period January 1, 2013, to December 31, 2014, are approved.

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

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

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

RESOLUTION NO. 211-12

RESOLUTION APPROVING ENTRY INTO AN INTERMUNICIPAL MUTUAL AID AGREEMENT BETWEEN THE COUNTY OF ALLEGANY AND THE ALLEGANY COUNTY TOWN HIGHWAY SUPERINTENDENTS ASSOCIATION

Offered by: Public Works Committee

RESOLVED:

1. That entry into an Intermunicipal Mutual Aid Agreement between the County of Allegany and the Allegany County Town Highway Superintendents Association for period January 1, 2013, to December 31, 2013, is approved.

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

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

(Memo: The agreement approved by Resolution No. 211-12 allows any participating municipality within the County to assist another municipality with highway projects, maintenance and emergency road work, or any similar function to allow the proper authorities to expedite the work flow as quickly as possible.)

RESOLUTION NO. 212-12

RESOLUTION APPROVING TRANSPORTATION MANAGEMENT AGREEMENT BETWEEN ALLEGANY COUNTY AND ALLEGANY ARC

Offered by: Ways and Means Committee

RESOLVED:

1. That the Transportation Management Agreement between Allegany County and Allegany Arc commencing January 1, 2013, and expiring December 31, 2014, is approved.
2. That the Chairman of this Board is authorized to execute said agreement.

Moved by: Mr. Hopkins
Seconded by: Mr. Sinclair

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

(Memo: The agreement approved by Resolution No. 212-12 is aimed at providing a collaborative transportation system within the County. The fiscal impact in 2013 is \$58,000, and in 2014 is \$61,000. These figures are subject to state transportation operating assistance reimbursement.)

Comments made regarding Resolution No. 212-12 included the following:

Legislator Ungermann requested the current total cost to the taxpayers for bus transportation, and how much is reimbursed by grants. County Administrator John Margeson replied that the figure for 2012 isn't available yet, but it's roughly \$70,000. The 2011 local contribution was \$45,000. At one point, it was \$360,000.

Legislator Sinclair questioned the fiscal impact of \$58,000 in 2013 and \$61,000 in 2014 included on the Memorandum of Explanation. Mr. Margeson explained that's the gross fiscal impact. Those are payments that will be made to Arc for their collaborative effort in the overall transportation system. They operate some fixed routes throughout the County, and

they also operate the Wellsville Express route. Those expenditures of \$58,000 and \$61,000 are subject to state operating assistance or state aid. Mr. Margeson estimates that after the revenue is applied against those expenditures, the annual cost will probably be less than \$5,000 out of County funds.

Legislator Fanton extended his compliments to the transportation group for getting the cost down to this level. Chairman Crandall pointed out that it's our obligation to transport some people that we would have to transport in other ways. If we didn't have this bus transportation system, it would exceed the \$45,000, or whatever the net cost is to the County's taxpayers.

Legislator Sinclair noted that there is also a very large population of people who are taking advantage of our literacy program and employment and training programs that rely on this system. There are people who are just starting out, or who just don't have vehicles. We've seen a tremendous increase in the number of riders who are advancing themselves by taking advantage of some of the other programs. Legislator Cady noted that's a good point, because he always disliked seeing empty buses. If people are using them, that's good; that's what it's for.

Resolution No. 213-12 (Intro. No. 217-12) (RESOLUTION AUTHORIZING THE SUBMISSION OF A CONSOLIDATED GRANT APPLICATION FOR SECTION 5311 CAPITAL/OPERATING FUNDING FOR THE ALLEGANY COUNTY PUBLIC TRANSPORTATION SYSTEM FOR CALENDAR YEARS 2013 AND 2014 THROUGH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION [NYSDOT]) was amended on a motion made by Legislator Hopkins, seconded by Legislator Healy, and carried, to change the dollar amount in the second Whereas from \$293,000 to \$293,900.

RESOLUTION NO. 213-12

RESOLUTION AUTHORIZING THE SUBMISSION OF A CONSOLIDATED GRANT APPLICATION FOR SECTION 5311 CAPITAL/OPERATING FUNDING FOR THE ALLEGANY COUNTY PUBLIC TRANSPORTATION SYSTEM FOR CALENDAR YEARS 2013 AND 2014 THROUGH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYSDOT)

Offered by: Ways and Means Committee

WHEREAS, the County of Allegany is submitting a grant application for funding to the New York State Department of Transportation (NYSDOT), pursuant to Section 5311, Title 49 United States Code, for Capital/Operating funding for the Allegany County public transportation system for calendar years 2013 and 2014, and

WHEREAS, the total amount being sought is \$293,900 for calendar year 2013 and \$302,700 for calendar year 2014, now, therefore, be it

RESOLVED:

1. That the Executive Director of the Allegany/Western Steuben Rural Health Network is authorized to act on behalf of the County of Allegany to sign the consolidated grant application for Section 5311 Capital/Operating funding.

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

Adopted: Roll Call
11 Ayes, 3 Noes, 1 Absent
Voting No: Burdick, Cady, Ungermann

(Memo: The grant authorized in Resolution No. 213-12 will require a 10 percent match which the current agreement requires the transportation provider to pay.)

Comments made regarding Resolution No. 213-12 included: Legislator Ungermann noted that this is an application for grant money to fund the transportation system so our local taxpayers don't have to. If the "fiscal cliff" isn't averted, and the federal government cuts the funds, won't the taxpayers have to pay? Mr. Margeson replied that if that scenario were to unfold, in his opinion, this Legislature would have a decision to make on whether or not to pull the plug on the entire program. When asked if these were state funds, Mr. Margeson pointed out that they are federal funds passed through the state. Chairman Crandall remarked that it's not only this program; a large portion of our budget contains monies just like that. We would hope that the funds aren't eliminated; if they are, we'd have to make some changes.

RESOLUTION NO. 214-12

RESOLUTION AUTHORIZING A CONTINUING AGREEMENT WITH THE STATE OF NEW YORK FOR UNDERTAKING THE PROJECT AS IT RELATES TO SECTION 5311 FUNDING FOR THE COUNTY PUBLIC TRANSPORTATION SYSTEM; AUTHORIZING SUBMISSION OF ANNUAL GRANT APPLICATIONS FOR 5311 FUNDS

Offered by: Ways and Means Committee

WHEREAS, Section 5311 of Title 49, United States Code, provides federal financial assistance for public transportation in rural and small urban areas by way of a formula grant program to be administered by the States; and

WHEREAS, the County of Allegany may make application annually to New York State Department of Transportation for such federal aid for operating assistance for a Project to provide public mass transportation service on a continuing basis in Allegany County; and

WHEREAS, the County of Allegany desires to enter into a continuing agreement with the State of New York for the undertaking of the Project; now therefore, be it

RESOLVED:

1. That the Executive Director of the Allegany/Western Steuben Rural Health Network is authorized to act on behalf of the County of Allegany to sign a continuing

agreement between the County of Allegany and the State of New York providing for the undertaking of the Project and authorizing annual grant applications for such Section 5311 funds.

2. That the Executive Director of the Allegany/Western Steuben Rural Health Network is further authorized to act on behalf of the County of Allegany to sign any and all agreements between the County of Allegany and any third party subcontractors necessary to complete the Project.

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

Adopted: Roll Call
11 Ayes, 3 Noes, 1 Absent
Voting No: Burdick, Cady, Ungermann

(Memo: The net fiscal impact of the entire transportation system for Allegany County in 2011 was approximately \$45,000 and is projected to be approximately \$60,000 in 2012.)

RESOLUTION NO. 215-12

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 2012 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 2012 proceedings of this Board following this resolution.

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

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

Resolution No. 216-12 (Intro. No. 220-12) (APPOINTMENT OF MICHAEL MCCORMICK AS COMMISSIONER OF ELECTIONS) 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. 216-12

APPOINTMENT OF MICHAEL MCCORMICK AS COMMISSIONER OF ELECTIONS

Offered by: Personnel Committee

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

WHEREAS, Catherine (Cass) Lorow has indicated that she will be resigning her position as Commissioner of Elections effective December 31, 2012, and

WHEREAS, the Secretary of the Allegany County Democratic Committee has filed with the Clerk of this Board a certificate in accordance with Election Law § 3-204 that recommends the appointment of Michael McCormick, residing at 3496 Pease Hill Rd., Andover, New York 14806, to the office of Commissioner of Elections to fill the remainder of Catherine Lorow's four-year term expiring December 31, 2014, and

WHEREAS, the Personnel Committee has determined that Michael McCormick is qualified to hold such office, now, therefore, be it

RESOLVED:

1. That Michael McCormick is appointed Commissioner of Elections for an unexpired four-year term of office commencing January 1, 2013, and expiring December 31, 2014.

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

Adopted: Voice Vote

Resolution No. 217-12 (Intro. No. 221-12) (AMENDMENT OF RESOLUTION NO. 188-12 TO CHANGE THE POSITION TITLE OF ASSISTANT DISTRICT ATTORNEY [5th] RTR TO READ ASSISTANT DISTRICT ATTORNEY [5th] V&T DIVERSION AND TO DECREASE THE BASE SALARIES OF THE FIFTH ASSISTANT DISTRICT ATTORNEY, SIXTH ASSISTANT DISTRICT ATTORNEY, AND THE DISTRICT ATTORNEY INVESTIGATOR) 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. 217-12

AMENDMENT OF RESOLUTION NO. 188-12 TO CHANGE THE POSITION TITLE OF ASSISTANT DISTRICT ATTORNEY (5TH) RTR TO READ ASSISTANT DISTRICT ATTORNEY (5TH) V&T DIVERSION AND TO DECREASE THE BASE SALARIES OF THE FIFTH ASSISTANT DISTRICT ATTORNEY, SIXTH ASSISTANT DISTRICT ATTORNEY, AND THE DISTRICT ATTORNEY INVESTIGATOR

Offered by: Ways and Means Committee

WHEREAS, this Board previously established the compensation of County Officers and Employees for the year 2013 by Resolution 188-12; and

WHEREAS, this Board wishes to amend Resolution 188-12 to change the position title for Assistant District Attorney (5th) RTR to read Assistant District Attorney (5th) V&T Diversion; and

WHEREAS, the District Attorney has advised this Board that the titled positions of Assistant District Attorney (5th) V&T Diversion, Assistant District Attorney (6th) Welfare, and District Attorney Investigator (PT) are all grant-funded positions and that there was no increase in funding for 2013 over that received in 2012; and

WHEREAS, this Board wishes to further amend Resolution 188-12 to reduce the base salaries for each of those positions to reflect the lesser amount paid in 2012; now, therefore, be it

RESOLVED:

1. That Section 7. of Resolution No. 188-12 is amended to change the position title for Assistant District Attorney (5th) RTR to read Assistant District Attorney (5th) V&T Diversion.

2. That Section 7. of Resolution No. 188-12 is further amended to change the base salary of Assistant District Attorney (5th) RTR (amended to read Assistant District Attorney (5th) V&T Diversion); Assistant District Attorney (6th) Welfare, and District Attorney Investigator (PT) as follows:

<u>TITLE</u>	<u>BASE SALARY</u>
Assistant District Attorney (5 th) V&T Diversion	\$26,585
Assistant District Attorney (6 th) Welfare	\$24,000
District Attorney Investigator (PT)	\$12,954

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

Adopted: Roll Call
14 Ayes, 0 Noes, 1 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 13 Ayes, 1 No, 1 Absent, that the audit of claims, totaling \$6,556,509.97, 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 \$9,744,566.*) Legislator Hopkins pointed out that after the mandate relief we got on some of our Medicaid costs, at the end of the year, we'll have paid a little over \$10 million. It wasn't a lot of relief.

GENERAL COMMENTS:

Legislator Pullen noted that during the Ways & Means Committee meeting, Chairman Crandall referred to a report regarding some funding that's coming from through the state that will benefit a number of projects in Allegany County. Mr. Pullen looked at them and is thankful for what we received, but wished it was more. Chairman Crandall and some others have spent extensive time and effort on this, and it's certainly paying some dividends. It's not all that it might be, but it's better than it would have been without the effort. Mr. Pullen thanked Chairman Crandall and the others in Economic Development and the Planning and Development Committee for all of their efforts in bringing some of this back to the County.

Legislator Sinclair commented on a letter forwarded from the Town of Friendship to the Development Office which was an approval they received from FEMA for the project we applied for two years ago to protect the sewer line. That \$75,000 project has been approved, and it's one of the first in what we hope will be a group of projects approved from our Hazard Mitigation applications. They are very pleased about this news, as it's a critical piece of infrastructure that will be protected.

Legislator Ungermann remarked on funding for the Wellsville waterline extension that was one of the first things this Legislature talked about six or seven years ago, and he's glad to see that finally came through. By the same token, Mr. Ungermann noted that he's sad to see that the State of New York state bid for a printer is with a company in Illinois. Mr. Ungermann also referred to an article in the *Governing Magazine* entitled, "Beyond Traditional Eligibility Verification." If implemented in this County, it could save us \$250,000 or more.

ADJOURNMENT: The meeting was adjourned at 3:03 p.m. following a motion made by Legislator Graves, seconded by Legislator Healy, and carried.