

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION**

JANUARY 25, 2019

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 First Lieutenant Isaac M. Matson.

INVOCATION: The Invocation was given by Legislator Dwight R. Fanton.

ROLL CALL: 15 Legislators Present: Gary Barnes, Janice Burdick, Curtis Crandall, Philip Curran, David Decker, William Dibble, Dwight Fanton, Karl Graves, Brooke Harris, Steven Havey, Dwight "Mike" Healy, Judith Hopkins, John Ricci, Debra Root, Philip Stockin

APPROVAL OF MINUTES:

The Committee of the Whole meeting minutes of January 14, 2019, were approved on a motion made by Legislator Dibble, seconded by Legislator Havey, and carried.

The Board meeting minutes of January 14, 2019, 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 Isaac M. Matson, former United States Army First Lieutenant, in grateful appreciation of his service to our country. Mr. Matson's service dates were from February 19, 2015, to February 19, 2018. Following Basic Training at Fort Jackson, SC, and Officer Training at Fort Benning, GA, he was assigned to Fort Bliss, TX. Commendations he received included: Army Commendation Medal, National Defense Service Medal, Global War on Terrorism Service Medal, and Army Service Ribbon. Mr. Matson 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. February 2019 Calendar
2. Correspondence from former Youth Bureau Director/STOP-DWI Coordinator Linda Edwards thanking the Board for the plaque and recognizing her at our Board meeting.

3. Correspondence from the Career and Technical Center at Belmont and the Allegany County Chamber of Commerce inviting Board members to their annual open house and community night on February 7.

RESOLUTIONS:

RESOLUTION NO. 19-19

DIRECTING NOTICE OF DISTRICT REVIEW OF AGRICULTURAL DISTRICT NUMBER THREE PURSUANT TO SECTION 303-A OF THE AGRICULTURE AND MARKETS LAW

Offered by: Resource Management Committee

Pursuant to Agriculture and Markets Law § 303-a

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

WHEREAS, pursuant to Agriculture and Markets Law § 303-a an eight-year review of the District is required, now, therefore, be it

RESOLVED:

1. That the Clerk of the Board of Legislators is directed to provide proper notice of such district review as provided for in Section 303-a subdivision 2. a. of the Agriculture and Markets Law.

2. That the County Agricultural and Farmland Protection Board is directed to prepare and file with the Board of Legislators a report in accordance with Section 303-a subdivision 2. b. of the Agriculture and Markets Law.

Moved by: Mr. Decker
Seconded by: Mr. Graves

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

RESOLUTION NO. 20-19

A RESOLUTION IN RELATION TO THE CONSTRUCTION OF TOWN BRIDGE NO. 04-11, EMERSON ROAD IN TOWN OF ALMOND

Offered by: Public Works Committee

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

WHEREAS, the County Public Works Department has submitted a report to this Board stating its reasons why Town Bridge No. 04-11 (BIN 2213850) on Emerson Road in the Town of Almond should be constructed, and

WHEREAS, the County Public Works Department has submitted plans, maps, and specifications for the construction of such Bridge and estimated the project costs at \$284,550, and

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

RESOLVED:

1. That this Board of Legislators does determine that it considers Town Bridge No. 04-11 (BIN 2213850) on Emerson Road in the Town of Almond to be of sufficient importance to be constructed.

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

3. That the authorized cost for the construction of such Bridge shall not exceed \$284,550.

4. That in accordance with Resolution No. 65-95, the County's share of such cost is estimated to be \$241,867.50 and shall be transferred to a Capital Project Account No. H5960.2.

5. That the Town's share of such cost, estimated to be \$42,682.50, shall be paid to the County pursuant to the provisions of section 1 g. of Resolution No. 65-95.

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

Moved by: Mr. Fanton
Seconded by: Mr. Ricci

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

RESOLUTION NO. 21-19

**A RESOLUTION IN RELATION TO THE CONSTRUCTION OF TOWN BRIDGE
NO. 11-10, NARROWS ROAD IN TOWN OF BURNS**

Offered by: Public Works Committee

Pursuant to Highway Law § 238 and

Resolution No. 65-95

WHEREAS, the County Public Works Department has submitted a report to this Board stating its reasons why Town Bridge No. 11-10 (BIN 2214400) on Narrows Road in the Town of Burns should be constructed, and

WHEREAS, the County Public Works Department has submitted plans, maps, and specifications for the construction of such Bridge and estimated the project costs at \$368,000, and

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

RESOLVED:

1. That this Board of Legislators does determine that it considers Town Bridge No. 11-10 (BIN 2214400) on Narrows Road in the Town of Burns to be of sufficient importance to be constructed.

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

3. That the authorized cost for the construction of such Bridge shall not exceed \$368,000.

4. That in accordance with Resolution No. 65-95, the County's share of such cost is estimated to be \$312,800.00 and shall be transferred to a Capital Project Account No. H5939.2.

5. That the Town's share of such cost, estimated to be \$55,200, shall be paid to the County pursuant to the provisions of section 1 g. of Resolution No. 65-95.

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

Moved by: Mr. Fanton
Seconded by: Mr. Ricci

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

RESOLUTION NO. 22-19

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

Offered by: Ways & Means Committee

WHEREAS, a check in the amount of \$118,168.76, representing the final settlement for damages to electronic equipment sustained during a lightning strike on May 22, 2018, has been offered by NYMIR (New York Municipal Insurance Reciprocal) in settlement for such damage, now, therefore, be it

RESOLVED:

1. That the sum of \$118,168.76 representing the final settlement for damages to electronic equipment sustained during a lightning strike on May 22, 2018, is accepted.

2. That the sum of \$118,168.76 is placed in Account No. CS1931.429 (Risk Retention - Uninsured Property Loss) with a like sum credited to Revenue Account No. CS1930.2680.00 (Insurance Recovery).

Moved by: Mr. Stockin
Seconded by: Mr. Fanton

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

RESOLUTION NO. 23-19

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

Offered by: Ways & Means Committee

WHEREAS, a check in the amount of \$2,835.67, representing the cost to repair a Public Works 2012 Ford F350 Truck (VIN#1FD7W3E60CEC27364) that was damaged in a motor vehicle/deer accident on December 14, 2018, has been offered by NYMIR (New York Municipal Insurance Reciprocal) in settlement for such damage, now, therefore, be it

RESOLVED:

1. That the sum of \$2,835.67 representing the settlement on a Public Works 2012 Ford F350 Truck (VIN#1FD7W3E60CEC27364) that was damaged on December 14, 2018, is accepted.

2. That the sum of \$2,835.67 is placed in Account No. CS1931.429 (Risk Retention - Uninsured Property Loss) with a like sum credited to Revenue Account No. CS1930.2680.00 (Insurance Recovery).

Moved by: Mr. Stockin
Seconded by: Mr. Fanton

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

RESOLUTION NO. 24-19

**BUDGET ADJUSTMENT TO THE 2019 BUDGET FOR THE COST OF THE
WHITE HILL TOWER CLOSE-OUT**

Offered by: Ways & Means Committee

WHEREAS, Resolution No. 284-18 approved an agreement with Saia Communications, Inc. regarding the White Hill Tower close-out, and

WHEREAS, a 2019 budget adjustment is necessary to complete the tower close-out, now, therefore, be it

RESOLVED:

1. That the transfer of \$5,500 from Account No. A3645.217 (Homeland Security – Equipment Other) to Revenue Account No. A3645.2655.00 (Homeland Security Sheriff – Sales Other) is approved.

Moved by: Mr. Stockin
Seconded by: Mr. Fanton

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

RESOLUTION NO. 25-19

**APPROVAL OF AGREEMENT WITH ADASTRAGOV, INC. FOR THE PROVISION OF
LABOR COSTING MODULE SOFTWARE SERVICES**

Offered by: Ways and Means Committee

RESOLVED:

1. That the agreement with AdastraGov, Inc., to provide Labor Costing Module software services for a five-year period, is approved.

2. The County agrees to pay AdastraGov, Inc. \$9,000 annually for a five-year period with a onetime implementation fee of \$11,500.

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

Moved by: Mr. Stockin
Seconded by: Mr. Fanton

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

RESOLUTION NO. 26-19

**APPROVAL OF AGREEMENT BETWEEN ELDERWOOD AT HORNELL, LLC,
AND THE COUNTY OF ALLEGANY FOR OVERNIGHT RESPITE**

Offered by: Human Services Committee

RESOLVED:

1. That the Agreement for overnight respite services between the County of Allegany and Elderwood at Hornell, LLC, for the period of January 1, 2019, to December 31, 2019, is approved.

2. The provider agrees to accept, and the County agrees to pay for such care as follows:

DAILY RATE: The daily rate (24 hour stay) for such services will be \$325 for a private room and \$265 for a semi-private room.

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

Moved by: Mrs. Hopkins
Seconded by: Mrs. Burdick

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

RESOLUTION NO. 27-19

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 \$8,000 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 2019, is approved.

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

Moved by: Mrs. Hopkins
Seconded by: Mrs. Burdick

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

RESOLUTION NO. 28-19

**APPROVAL OF AGREEMENT WITH FIRSTLIGHT TO PROVIDE INTERNET SERVICE TO
THE COUNTY OFFICE BUILDING**

Offered by: Ways & Means Committee

RESOLVED:

1. That the agreement with FirstLight for internet service to the County Office Building is approved.
2. FirstLight will provide both the fiber connection and managed internet service to the County Office Building at a cost of \$537 per month for a 36-month term.
3. That the Director of Information Technology shall be authorized to execute and receive any and all equipment and services for the FirstLight Service Order form.
4. No budget adjustments are necessary as the funds are already included in the 2019 Budget.

Moved by: Mr. Stockin
Seconded by: Mr. Fanton

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

RESOLUTION NO. 29-19

**APPROVAL OF EQUIPMENT LOAN AGREEMENTS BETWEEN THE COUNTY OF
ALLEGANY AND VARIOUS FIRE AND EMS DEPARTMENTS FOR THE LOAN OF
LAPTOP COMPUTERS PREVIOUSLY PURCHASED WITH
HOMELAND SECURITY GRANT FUNDS**

Offered by: Public Safety Committee

RESOLVED:

1. That Equipment Loan Agreements between the County of Allegany and various fire and EMS departments for the loan of laptop computers previously purchased with Homeland Security Grant funds are approved.
2. That the Chairman of this Board is authorized to execute said Agreements.

Moved by: Mr. Healy
Seconded by: Mr. Dibble

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

RESOLUTION NO. 30-19

**ACCEPTANCE OF THE INSURANCE PROPOSAL OF NYMIR SUBMITTED BY
RICHARDSON & STOUT, A DIVISION OF THE EVANS AGENCY; 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, a division of The Evans Agency, of Wellsville, New York, to the County of Allegany for the period February 1, 2019, to February 1, 2020, is approved.

2. That the premium of \$281,950.80, 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 2019 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. Havey
Seconded by: Mr. Harris

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

Comments made regarding Resolution No. 30-19: Legislator Decker remarked that in the age of doing so much on the internet, it's nice we have a local agent that provides us with this coverage through NYMIR. They do a great job.

AUDITS:

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

A motion was made by Legislator Stockin, seconded by Legislator Root, and adopted on a roll call vote of 15 Ayes, 0 Noes, 0 Absent, that the audit of claims, totaling \$3,760,980.51 including prepaid expenses, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$731,900.*)

MEDIA:

Rich Mangels (WJQZ), asked if there had been any discussion amongst the Legislators about opting out of legalizing cannabis in the County. Chairman Crandall stated that they have not had any formal discussion on the topic. Mr. Mangels then asked about the Governor cutting aid to municipalities and wondered if the County would be affected by that. Chairman Crandall said that particular funding is not something the County would receive; however, all but two towns in the County would be affected. He added that there are some other changes (mandates/unfunded programs) at the State level that are going to cost the County additional money. One example was a change in election laws concerning voting procedures and early voting.

Mr. Mangels remarked on Kmart closing in Wellsville and wondered how much tax revenue might be lost with its closing. Chairman Crandall stated that they don't know for sure. The County sales tax is only a portion of the total tax collected.

Mr. Mangels noted that the County has been giving \$8,000 to the Allegheny County Association for the Blind and Visually Handicapped for several years. He wondered why the County doesn't rotate funding between other charitable organizations in the County. Chairman Crandall stated that there are several entities that we have used County monies for. This particular entity falls under a different category than some other organizations in the County.

ADJOURNMENT: The meeting was adjourned at 2:34 p.m. on a motion made by Legislator Graves, seconded by Legislator Decker, and carried.