

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION**

**FEBRUARY 25, 2019**

**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 Specialist Fourth Class Brandy M. Brodman.

**INVOCATION:** The Invocation was given by Chairman Curtis Crandall.

**ROLL CALL:** 14 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, Philip Stockin  
(Absent: Debra Root)

**APPROVAL OF MINUTES:**

The Board meeting minutes of February 11, 2019, were approved on a motion made by Legislator Dibble, seconded by Legislator Graves, and carried.

**PRIVILEGE OF THE FLOOR:**

Chairman Crandall displayed a flag disposal container that the County had received from NYSAC (New York State Association of Counties) in conjunction with NACo (National Association of Counties) as part of a program that was put together in an effort to make proper flag disposal more accessible to the public. Disposal containers will be available outside of the Clerk of the Board's Office as well as the Veterans Service Agency for the collection of worn and tattered flags. Chairman Crandall remarked on the importance of properly disposing of flags.

Chairman Crandall presented a certificate to Brandy M. Brodman, former United States Army Specialist Fourth Class, in grateful appreciation of her service to our country. Mrs. Brodman's service dates were from July 6, 1993, to July 3, 1996. Following Basic Training at Fort Jackson, SC, and Advanced Individual Training at Fort Lee, VA, assignments included: Fort Bragg, NC; Honduras (Joint Task Force); and Haiti (Operation Uphold Democracy). Commendations she received included: National Defense Service Medal, Armed Forces Expeditionary Medal, Army Service Ribbon, Expert Marksmanship Qualification Badge with Rifle Bar, and Army Lapel Button. Mrs. Brodman works for the Department of Public Works. It was mentioned by Chairman Crandall that Mrs. Brodman's grandfather flew with the Flying Tigers in World War II. Mrs. Brodman 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 2019 Calendar
2. Allegany County 2019 Directory
3. 2018 Annual Reports for Review: County Attorney, County Clerk, Cooperative Extension, Information Technology, Public Works, Weights & Measures
4. Pursuant to Article 11 of the NYS Real Property Tax Law, County Treasurer Terri Ross filed a Certificate of Withdrawal of Delinquent Tax Liens for 2017 and 2018 for property in the town of Rushford in the Clerk of the Board's Office on February 21, 2019.
5. Correspondence from the NYS Board on Electric Generation Siting and the Environment regarding the Alle-Catt Wind Energy Project and some deficiencies on their application.

**PROCLAMATION:**

Chairman Curtis W. Crandall declared March 1-7, 2019, as **WEIGHTS AND MEASURES WEEK** in Allegany County.

**RESOLUTIONS:**

**RESOLUTION NO. 32-19**

**APPOINTMENT OF ONE MEMBER 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 appointment of Susan Stout of Wellsville, New York, to the Citizens Advisory Council to the Office for the Aging for a three-year term commencing February 11, 2019, and expiring December 31, 2021, is confirmed.

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

Adopted: Voice Vote

**RESOLUTION NO. 33-19**

**A RESOLUTION IN RELATION TO THE CONSTRUCTION OF LOCAL BRIDGE  
NO. 26-04, WEIDRICK ROAD IN TOWN OF WELLSVILLE**

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 Local Bridge No. 26-04 (BIN 2254400) on Weidrick Road in the Town of Wellsville should be constructed, and

**WHEREAS**, the County Public Works Department has estimated the project costs at \$2,140,000, 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. 26-04 (BIN 2254400) on Weidrick Road in the Town of Wellsville to be of sufficient importance to be constructed.

2. That the authorized cost for the construction of such Bridge shall not exceed \$2,140,000.

3. That the Federal/State share of the project is \$2,033,000.

4. That in accordance with Resolution No. 65-95, the County's share of such cost is estimated to be \$90,950 and has been placed in Capital Project Account No. H5929 for 2019 budget year.

5. That the Town's share of such cost, estimated to be \$16,050, 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 Wellsville files the appropriate Town Board resolution in accordance with Resolution No. 65-95.

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

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

**RESOLUTION NO. 34-19**

**ESTABLISHMENT OF A CAPITAL PROJECT ACCOUNT FOR THE REBUILD OF THE  
CURRENT UNDER BRIDGE UNIT; TRANSFER OF FUNDS FOR THE  
ESTABLISHMENT OF SAID CAPITAL ACCOUNT**

Offered by: Public Works and Ways & Means Committees

**RESOLVED:**

1. A Capital Project Account, designated as Account H5305 (DPW – Bridge Unit Rebuild), is hereby established.
2. That the sum of \$502,000 shall be transferred from Account No. H5197.5031.00 (DPW Highway and Capital Outlay) to Account No. H5305.200 (DPW – Bridge Unit Rebuild) for the rebuild of the current Aspen A-40 under bridge unit.

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

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

**RESOLUTION NO. 35-19**

**COUNTY ROAD 20 OVER TANNERY CREEK, VILLAGE OF CUBA, ALLEGANY COUNTY,  
BRIDGE REPLACEMENT, BIN 3090290; AUTHORIZING THE IMPLEMENTATION AND  
FUNDING IN THE FIRST INSTANCE OF 100 PERCENT OF THE COSTS OF A  
TRANSPORTATION PROJECT WHICH MAY BE ELIGIBLE FOR FEDERAL AID AND/OR  
STATE AID, OR REIMBURSEMENT FROM BRIDGE NY FUNDS; BUDGET ADJUSTMENT  
AND TRANSFER OF FUNDS FOR THE PROJECT**

Offered by: Public Works and Ways & Means Committees

**WHEREAS**, a Project for the Bridge NY (2) Bridge Replacement (BIN 3090290) County Road 20 over Tannery Creek in the Village of Cuba, Allegany County, P.I.N. 6755.35 (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 95 percent federal funds and 5 percent non-federal funds, and

**WHEREAS**, the County of Allegany will design, let and construct the Project, and

**WHEREAS**, the County of Allegany desires to advance the Project by making a commitment of 100 percent of the costs of the work for Project or portions thereof, now, therefore, be it

**RESOLVED:**

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

2. That this Board hereby authorizes the County of Allegany to pay 100 percent of the cost of design work for the Project or portions thereof, with the understanding that qualified costs may be eligible for federal aid, state aid, or reimbursement from Bridge NY funds.

3. That the following adjustments shall be made to the 2019 budget:

<u>Appropriation</u>		<u>Amount</u>
H5958.200	Cuba, BR #15-20, CR 20	\$389,500
<u>Revenue:</u>		<u>Amount</u>
H5958.4097.00	Federal Aid – 95%	389,500

And such funds shall be made available to cover the cost of participation in the above phase of the Project.

4. That this Board hereby agrees that the County of Allegany shall be responsible for all costs of the Project which exceed the amount of federal aid, state aid, or NY Bridge funding awarded to the County of Allegany.

5. That in the event the Project costs not covered by federal aid, state aid, or NY Bridge funding exceed the amount appropriated above, the County of Allegany shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation.

6. That the County of Allegany hereby agrees that construction of the Project shall begin no later than 24 months after award and the construction phase of the Project shall be completed within 30 months.

7. That the Chairman of this Board is authorized to execute all necessary agreements, certifications, or reimbursement requests for federal aid and/or state aid 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 County of Allegany's 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.

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

9. That this Resolution shall take effect immediately.

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

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

**RESOLUTION NO. 36-19**

**ACCEPTANCE OF FUNDS FROM THE FY2017  
EMERGENCY MANAGEMENT PERFORMANCE GRANT**

Offered by: Public Safety Committee

**RESOLVED:**

1. That the sum of \$23,177 from the FY2017 Emergency Management Performance Grant, for the Office of Emergency Services, is accepted.
2. No budget adjustment is necessary as this grant is already budgeted for 2019.

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

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

**RESOLUTION NO. 37-19**

**ACCEPTANCE AND APPROPRIATION OF ADDITIONAL FEDERAL AID FOR THE SFY  
2018-2019 FOR THE DEPARTMENT OF SOCIAL SERVICES – CHILD ABUSE OR  
NEGLECT PREVENTION AND TREATMENT ACT (CAPTA) COMPREHENSIVE  
ADDICTION AND RECOVERY ACT OF 2016 (CARA) FUNDS**

Offered by: Human Services and Ways & Means Committees

**RESOLVED:**

1. That the sum of \$50,000 in Child Abuse or Neglect Prevention and Treatment Act (CAPTA) Comprehensive Addiction and Recovery Act of 2016 (CARA) funds for the 2018-2019 budget year is accepted.
2. That the accepted sum of \$50,000 shall be appropriated to the following accounts:

A6010.103	Social Serv Admin – Premium Pay	\$1,000
A6010.482	Social Serv Admin – Contractual	<u>49,000</u>
	TOTAL	\$50,000

with a like sum credited to Revenue Account No. A6010.4610.00 (Federal Aid – Social Serv Admin – CAPTA Funds).

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

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

**RESOLUTION NO. 38-19**

**ACCEPTANCE AND APPROPRIATION OF UNALLOCATED FUNDS FOR THE WIC PROGRAM FOR THE 2019 BUDGET YEAR**

Offered by: Human Services and Ways & Means Committees

**RESOLVED:**

1. That the sum of \$20,150 in unallocated funds for the WIC Program for the 2019 budget year is accepted.

2. That the accepted sum of \$20,150 shall be appropriated to the following accounts:

A4010.101	Health Dept. – Regular Pay	\$5,000
A4190.201	WIC – Office Equipment	800
A4190.405	WIC – Conference Expense	5,100
A4190.407	WIC – Office Supplies	450
A4190.412	WIC – Repairs: Real Property	750
A4190.416	WIC – Central Serv Telephone	850
A4190.424	WIC – Legal/Advertising	<u>7,200</u>
	TOTAL	\$20,150

with a like sum credited to Revenue Account No. A4190.4452.00 (Federal Aid – WIC).

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

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

**RESOLUTION NO. 39-19**

**APPROVAL OF AGREEMENT WITH JONES MEMORIAL HOSPITAL FOR LABORATORY SERVICES FOR ANALYSIS OF BLOOD LEAD LEVELS; AUTHORIZING PUBLIC HEALTH DIRECTOR TO EXECUTE AGREEMENT**

Offered by: Human Services Committee

**RESOLVED:**

1. That the agreement with Jones Memorial Hospital for laboratory services for analysis of blood lead levels, effective January 1, 2019, through December 31, 2019, is approved.

2. The Hospital shall be reimbursed at the rate of \$10.40 per test for each blood lead test specimen analyzed and \$15.65 per test for venipuncture draw.

3. That the Public Health Director is authorized to execute said Agreement.

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

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

### **RESOLUTION NO. 40-19**

#### **APPROVAL OF AGREEMENT WITH JONES MEMORIAL HOSPITAL FOR TUBERCULOSIS TESTING; AUTHORIZING PUBLIC HEALTH DIRECTOR TO EXECUTE AGREEMENT**

Offered by: Human Services Committee

#### **RESOLVED:**

1. That the agreement with Jones Memorial Hospital for tuberculosis testing, effective January 1, 2019, through December 31, 2019, is approved.

2. The Hospital shall be reimbursed at the rate of \$50.00 per comprehensive metabolic profile, \$15.00 for Venipuncture, and \$46.80 for posteroanterior Chest x-ray and lateral chest x-ray for the testing and diagnosis of tuberculosis.

3. That the Public Health Director is authorized to execute said Agreement.

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

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

### **RESOLUTION NO. 41-19**

#### **APPROVAL OF AGREEMENT WITH WILLCARE, INC. FOR HOME CARE SERVICES FOR THE EISEP, III-E, AND ALZHEIMER'S RESPITE GRANTS; AUTHORIZING BOARD CHAIRMAN TO EXECUTE SAID AGREEMENT**

Offered by: Human Services Committee

#### **RESOLVED:**

1. That the Willcare, Inc. agreement for home care services for the EISEP and III-E grants, for the Office for the Aging effective January 1, 2019, through December 31, 2019, is approved.

2. If the County utilizes the services of the Agency during the term of this Contract, all payments for such services shall be in accordance with the following rates in calendar years 2019:

PCA I (Housekeeping/Chore):	\$21.79 per hour
PCA II (Homemaking/Personal Care):	\$22.55 per hour
RN Supervisory Visits:	\$100.95 per visit

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

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

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

### RESOLUTION NO. 42-19

#### APPROVAL OF COOPERATIVE AGREEMENT BETWEEN THE ALLEGANY COUNTY ATTORNEY'S OFFICE AND THE DEPARTMENT OF SOCIAL SERVICES FOR CHILD SUPPORT ENFORCEMENT

Offered by: Human Services Committee

**WHEREAS**, Section 454 of the Federal Social Security Act, Sections 101 and 111-c of the Social Services Law of the State of New York, and the rules and regulations promulgated by the New York State Office of Temporary and Disability Assistance (OTDA), provide that the Department is responsible through its Child Support Enforcement Unit (CSEU) for providing child support services to eligible individuals, including the establishment of paternity, locating of noncustodial parents, and the collection, modification, adjustment, and enforcement of support, including medical support, from legally responsible relatives of persons applying for or receiving public assistance and care, and foster care, and

**WHEREAS**, Code of Federal Regulations 45 CFR Section 302.33, Social Services Law SSL section 111-g, and New York Code of Rules and Regulations 18 NYCRR 347.17, require that services relating to the establishment of paternity and the establishment, modification, adjustment or enforcement of support obligations be made available to persons (hereinafter referred to as "CSS recipients"): 1) not receiving public assistance and care, and foster care, upon application for such services; 2) upon the filing of a petition to establish paternity and/or support which makes application of child support services; or 3) for persons formally in receipt of public assistance, Medicaid, or foster care, and

**WHEREAS**, 45 CFR 302.34, 303.10, Section 352-a(1)(d) of the Social Services Law and Section 347.4 of Volume 18 of the New York Code of Rules and Regulations require that cooperative agreements and purchase of services be in the form of written agreements meeting the requirements and rules set out in those sections of law, and

**WHEREAS**, an agreement with the Allegany County Attorney's Office is a cost-effective way of providing the services and the cost is reasonable and necessary to ensure the quality of the services, and

**WHEREAS**, the parties desire to enter into an agreement whereby the Allegany County Attorney's Office will provide legal services necessary to the fulfillment of the Department's responsibilities under the child support program established pursuant to Title IV-D of the Social Security Act and the Social Services Law, now, therefore, be it

**RESOLVED:**

1. That the cooperative agreement between the Allegany County Attorney's Office and the Department of Social Services commencing calendar year 2018 with a budget not to exceed \$100,000 for said calendar year, is approved.

2. That the agreement, including new yearly budgets, may be renewed on an annual basis.

3. That the Chairman of this Board, the County Attorney, and the Commissioner of Social Services are authorized to execute said Agreement.

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

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

**RESOLUTION NO. 43-19**

**APPROVAL OF COOPERATIVE AGREEMENT BETWEEN THE ALLEGANY COUNTY ATTORNEY'S OFFICE AND THE DEPARTMENT OF SOCIAL SERVICES FOR LEGAL SERVICES**

Offered by: Human Services Committee

**WHEREAS**, the Allegany County Department of Social Services (ACDSS) requires legal services and support for its staff, and

**WHEREAS**, the Allegany County Attorney's Office represents the County and its departments in all legal matters and serves as legal counsel for the same, and

**WHEREAS**, the Allegany County Attorney's Office may provide legal services to ACDSS in lieu of a separately funded Social Services Attorney as authorized by §66 of the Social Services Law, and

**WHEREAS**, ACDSS has determined that the amount of funds to be paid to Law Department is reasonable and necessary to assure quality services, now, therefore, be it

**RESOLVED:**

1. That the cooperative agreement between the Allegany County Attorney's Office and the Department of Social Services commencing calendar year 2018 with a budget not to exceed \$450,000 for said calendar year, is approved.
2. That the agreement, including new yearly budgets, may be renewed on an annual basis.
3. That the Chairman of this Board, the County Attorney, and the Commissioner of Social Services are authorized to execute said Agreement.

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

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

**RESOLUTION NO. 44-19**

**APPROVAL OF COOPERATIVE AGREEMENT BETWEEN THE ALLEGANY COUNTY  
EMPLOYMENT AND TRAINING CENTER AND THE  
DEPARTMENT OF SOCIAL SERVICES**

Offered by: Human Services Committee

**WHEREAS**, the Allegany County Department of Social Services (ACDSS) has received public funds to render services to Public Assistance clients, and

**WHEREAS**, ACDSS wishes to engage the Allegany County Employment and Training Center to perform a portion of the services required, and

**WHEREAS**, ACDSS has determined that the amount of funds to be paid to the Allegany County Employment and Training Center is reasonable and necessary to assure quality services, now, therefore, be it

**RESOLVED:**

1. That the cooperative agreement between the Allegany County Employment and Training Center and the Department of Social Services commencing calendar year 2018 with a budget not to exceed \$415,464 for said calendar year, is approved.
2. That the agreement, including new yearly budgets, may be renewed on an annual basis.
3. That the Chairman of this Board, the Director of Employment and Training, and the Commissioner of Social Services are authorized to execute said Agreement.

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

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

**RESOLUTION NO. 45-19**

**APPROVAL OF COOPERATIVE AGREEMENT BETWEEN THE ALLEGANY COUNTY DISTRICT ATTORNEY'S OFFICE AND THE DEPARTMENT OF SOCIAL SERVICES**

Offered by: Human Services Committee

**WHEREAS**, the Allegany County Department of Social Services (ACDSS) is responsible for the provision of various forms of public assistance and as such has the authority and responsibility to oversee eligibility requirements and seek reimbursement for payments made to ineligible recipients because of the fraudulent acts or omissions of such recipients of public assistance, and

**WHEREAS**, the Allegany County District Attorney's Office (ACDAO) is charged with enforcing criminal and related laws of the state by prosecuting criminal behavior and as such has both the authority and expertise to investigate and prosecute fraud related matters, and

**WHEREAS**, ACDSS, in undertaking its responsibilities relative to maintaining the integrity of the public assistance grant process, desires to utilize the services of ACDAO to assist in the investigation, prosecution, and recovery of public assistance monies fraudulently obtained, and

**WHEREAS**, ACDSS has determined that the amount of funds to be paid to ACDAO is reasonable and necessary to assure quality services, now, therefore, be it

**RESOLVED:**

1. That the cooperative agreement between the Allegany County District Attorney's Office and the Department of Social Services commencing calendar year 2018 with a budget not to exceed \$25,000 for said calendar year, is approved.

2. That the agreement, including new yearly budgets, may be renewed on an annual basis.

3. That the Chairman of this Board, the District Attorney, and the Commissioner of Social Services are authorized to execute said Agreement.

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

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

**RESOLUTION NO. 46-19**

**APPROVAL OF COOPERATIVE AGREEMENT BETWEEN THE ALLEGANY COUNTY  
SHERIFF'S OFFICE AND THE DEPARTMENT OF SOCIAL SERVICES  
FOR SECURITY SERVICES**

Offered by: Human Services Committee

**WHEREAS**, the Allegany County Department of Social Services (ACDSS) requires office security services and support for its staff, and

**WHEREAS**, the Allegany County Sheriff's Office is willing to provide office security coverage for ACDSS, and

**WHEREAS**, ACDSS has determined that the amount of funds to be paid to Allegany County Sheriff's Office is reasonable and necessary to ensure quality services, now, therefore, be it

**RESOLVED:**

1. That the cooperative agreement between the Allegany County Sheriff's Office and the Department of Social Services commencing calendar year 2018 with a budget not to exceed \$146,916 for said calendar year, is approved.

2. That the agreement, including new yearly budgets, may be renewed on an annual basis.

3. That the Chairman of this Board, the Allegany County Sheriff, and the Commissioner of Social Services are authorized to execute said Agreement.

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

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

**RESOLUTION NO. 47-19**

**APPROVAL OF COOPERATIVE AGREEMENT BETWEEN THE ALLEGANY COUNTY  
SHERIFF'S OFFICE AND THE DEPARTMENT OF SOCIAL SERVICES FOR  
AFTER-HOUR SERVICES**

Offered by: Human Services Committee

**WHEREAS**, the Allegany County Department of Social Services (ACDSS) requires after-hour and holiday phone answering, screening, and services and support for its staff, and

**WHEREAS**, the Allegany County Sheriff's Office is willing to provide after-hour and holiday phone answering, screening, and services and support for ACDSS, and

**WHEREAS**, ACDSS has determined that the amount of funds to be paid to Allegany County Sheriff's Office is reasonable and necessary to ensure quality services, now, therefore, be it

**RESOLVED:**

1. That the cooperative agreement between the Allegany County Sheriff's Office and the Department of Social Services commencing calendar year 2018 with a budget not to exceed \$21,713 for said calendar year, is approved.

2. That the agreement, including new yearly budgets, may be renewed on an annual basis.

3. That the Chairman of this Board, the Allegany County Sheriff, and the Commissioner of Social Services are authorized to execute said Agreement.

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

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

**RESOLUTION NO. 48-19**

**APPROVAL OF COOPERATIVE AGREEMENT BETWEEN THE ALLEGANY COUNTY  
INFORMATION TECHNOLOGY DEPARTMENT AND THE  
DEPARTMENT OF SOCIAL SERVICES**

Offered by: Human Services Committee

**WHEREAS**, the Allegany County Department of Social Services (ACDSS) requires information technology and communication services and support for its staff, and

**WHEREAS**, the Allegany County Information Technology Department represents the County and its departments in all technology and communication matters, and

**WHEREAS**, ACDSS has determined that the amount of funds to be paid to Allegany County Information Technology Department is reasonable and necessary to ensure quality services, now, therefore, be it

**RESOLVED:**

1. That the cooperative agreement between the Allegany County Information Technology Department and the Department of Social Services commencing calendar year 2018 with a budget not to exceed \$47,000 for said calendar year, is approved.

2. That the agreement, including new yearly budgets, may be renewed on an annual basis.

3. That the Chairman of this Board, the Information Technology Director, and the Commissioner of Social Services are authorized to execute said Agreement.

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

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

**RESOLUTION NO. 49-19**

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

Offered by: Human Services Committee

Pursuant to County Law § 675

**RESOLVED:**

1. That the Intermunicipal Agreement between Monroe County and Allegany County for medicolegal death investigative services and forensic pathology services for the period of January 1, 2019, to December 31, 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  
14 Ayes, 0 Noes, 1 Absent

**RESOLUTION NO. 50-19**

**APPROVAL OF AGREEMENT BETWEEN ALLEGANY COUNTY DEPARTMENT OF HEALTH AND CHRISTOPHER DEPNER, M.D. TO PROVIDE MEDICAL DIRECTOR SERVICES; AUTHORIZING THE PUBLIC HEALTH DIRECTOR TO EXECUTE SAID AGREEMENT**

Offered by: Human Services Committee

**RESOLVED:**

1. That the Agreement between Allegany County Department of Health and Christopher Depner, M.D. for Medical Director services for the period of January 1, 2019, through December 31, 2019, is approved.

2. The County agrees to pay the Medical Director \$1,000 per month for his services as Medical Director.

3. That the Public Health Director is authorized to execute said Agreement.

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

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

### **RESOLUTION NO. 51-19**

#### **APPROVAL OF REVOCABLE PERMIT BETWEEN STATE UNIVERSITY OF NEW YORK (SUNY) COLLEGE OF TECHNOLOGY AT ALFRED AND THE COUNTY OF ALLEGANY; AUTHORIZING CHAIRMAN OF THIS BOARD TO EXECUTE SAID REVOCABLE PERMIT**

Offered by: Public Safety Committee

#### **RESOLVED:**

1. That the revocable permit between the State University of New York (SUNY) College of Technology at Alfred and the County of Allegany permitting the County of Allegany to use a road on SUNY property to access the 911 emergency tower located on Educational Foundation property adjacent to SUNY property.

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

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

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

### **RESOLUTION NO. 52-19**

#### **APPROVAL OF MEMORANDUM OF AGREEMENT BETWEEN YOUR LOCAL PRODUCE CONNECTION, LLC, NEW YORK SUSTAINABLE AGRICULTURE WORKING GROUP, AND THE ALLEGANY COUNTY SHERIFF'S OFFICE FOR THE FARM TO SCHOOL PROGRAM**

Offered by: Public Safety Committee

**RESOLVED:**

1. That the Memorandum of Agreement between Your Local Produce Connection, LLC, New York Sustainable Agriculture Working Group, and the Allegany County Sheriff's Office for the "Farm to School" program, is hereby approved.

2. That the Allegany County Sheriff's Office is authorized to execute the Memorandum of Agreement.

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

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

Comments made regarding Resolution No. 52-19: Legislator Decker remarked that it's a wonderful program. He asked Sheriff Whitney to give a brief overview of the program. Sheriff Whitney stated that the program will allow schools to receive produce from local farms. The produce will be processed and stored at the Jail until the schools can use it. It will be a cost savings for the schools. Legislator Dibble added that it will also help to provide healthy lunches for kids.

**RESOLUTION NO. 53-19**

**APPROVAL OF AGREEMENT WITH MOTOROLA SOLUTIONS FOR THE RADIO CHANNEL EXPANSION OF THE ALLEGANY COUNTY 911 RADIO PROJECT; AUTHORIZING CHAIRMAN OF THIS BOARD TO EXECUTE AGREEMENT**

Offered by: Public Safety and Ways & Means Committees

**RESOLVED:**

1. That the agreement with Motorola Solutions for the radio channel expansion of the Allegany County 911 Radio Project, is approved.

2. The project is fully funded through previously accepted Statewide Interoperable Communications Grants as follows:

H3026.200	(SICG-911 FY16 #C198626 – Approved by Res #97-17)	\$80,968.10
H3027.200	(SICG-911 FY17 #C198786 – Approved by Res #65-18)	848,841.00
H3028.200	(SICS-911 FY18 #C198168 – Approved by Res #243-18)	<u>550,191.52</u>
	Total:	\$1,480,000.62

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

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

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

**RESOLUTION NO. 54-19**

**APPROVAL OF AGREEMENT WITH WILLETT BUILDERS, INC. FOR GROUND AND MAIN FLOOR RENOVATIONS FOR THE COUNTY OFFICE BUILDING; AUTHORIZING BOARD CHAIRMAN TO EXECUTE SAID AGREEMENT**

Offered by: Public Works Committee

**WHEREAS**, Willett Builders, Inc. was the lowest bidder for general contracting services on a project to renovate the ground and main floor of the County Office Building; and

**WHEREAS**, the bid price for the renovations from Willett Builders, Inc. was \$388,900, now, therefore, be it

**RESOLVED:**

1. That the agreement with Willett Builders, Inc. for ground and main floor renovations for the county office building, is approved.
2. That the Chairman of this Board shall execute said agreement upon final approval by the County Attorney.

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

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

**RESOLUTION NO. 55-19**

**APPROVAL OF AGREEMENT WITH NEWCASTLE COMMUNICATIONS FOR THE RENEWAL OF THE SERVICE CONTRACT FOR THE SUPPORT OF THE COUNTY NEC UNIVERGE 3C PHONE SYSTEM**

Offered by: Ways & Means Committee

**RESOLVED:**

1. That the agreement with Newcastle Communications for the renewal of the service contract for support of the County NEC Univerge 3C phone system is approved.
2. Newcastle Communications will provide support 24/7/365 for the County NEC Univerge 3C phone system at a cost of \$18,732 for a one-year term.
3. That the Director of Information Technology shall be authorized to execute said Agreement.

4. No budget adjustments are necessary as the funds are already included in the 2019 Budget.

Moved by: Mr. Stockin  
Seconded by: Mr. Decker

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

Resolution No. 56-19, (APPROVAL OF AGREEMENT WITH DOMINIC F. MAZZA TO ASSIST IN THE RECRUITMENT AND HIRING PROCESS FOR A NEW COUNTY ADMINISTRATOR) was not pre-filed and was considered from the floor on a motion made by Legislator Stockin, seconded by Legislator Fanton, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

### **RESOLUTION NO. 56-19**

#### **APPROVAL OF AGREEMENT WITH DOMINIC F. MAZZA TO ASSIST IN THE RECRUITMENT AND HIRING PROCESS FOR A NEW COUNTY ADMINISTRATOR**

Offered by: Ways & Means Committee

**WHEREAS**, the present County Administrator announced his intention to not seek reappointment to the position of County Administrator, and

**WHEREAS**, the present County Administrator is currently serving in that position on an interim basis to assist the Board in the transition process, and

**WHEREAS**, the County is interested in having consulting services available on an as-needed basis to assist in the process of recruiting and hiring a new County Administrator, and

**WHEREAS**, Dominic F. Mazza has expertise in assisting municipalities in finding candidates for key government positions and has indicated he is willing to provide consulting services on an as-needed basis at a rate of \$75 per hour, now, therefore, be it

#### **RESOLVED:**

1. That the agreement for consulting services on an as-needed basis with Dominic F. Mazza related to the recruitment and hiring process for a new County Administrator at the rate of \$75 per hour is hereby approved.

2. The Chairman of this Board is authorized to execute that agreement.

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

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

Resolution No. 57-19, (A RESOLUTION OPPOSING THE PROPOSED AND AMENDED 2020 EXECUTIVE STATE BUDGET IMPACTING AID AND INCENTIVES TO MUNICIPALITIES AND THE STATE COST SHIFTS TO COUNTIES) was not pre-filed and was considered from the floor on a motion made by Legislator Stockin, seconded by Legislator Fanton, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

### **RESOLUTION NO. 57-19**

#### **A RESOLUTION OPPOSING THE PROPOSED AND AMENDED 2020 EXECUTIVE STATE BUDGET IMPACTING AID AND INCENTIVES TO MUNICIPALITIES AND THE STATE COST SHIFTS TO COUNTIES**

Offered by: Ways & Means Committee

**WHEREAS**, on February 15, 2019, Governor Cuomo announced a 30-Day Amendment to the 2020 Executive Budget making impacted towns and villages whole from changes to Aid and Incentives for Municipalities (AIM) funding by utilizing revenue from county sales tax, and

**WHEREAS**, instead of restoring AIM with State funding and signifying a desire by the State to act as partners with local governments, this budget amendment requires counties to make up for lost AIM funding with sales tax revenue, imposing a new mandate on counties, and

**WHEREAS**, already-existing unfunded State mandates are the cause of high local taxes in New York State, and

**WHEREAS**, counties were granted the authority to levy a local sales tax in the late 1960s to help pay for Medicaid, indigent legal defense services, and other state mandates on counties, and

**WHEREAS**, requiring counties to make up for the State's cut in AIM funding to villages and towns sets an unsustainable precedent and unnecessarily shifts the State's burden to local taxpayers who already pay some of the highest property taxes in the nation, and

**WHEREAS**, currently nine state mandated programs placed on counties equals more than 90 percent of the typical county property tax levy, and these mandated costs continue to grow, and

**WHEREAS**, cutting AIM funding in the first place is a tax-shift from broad-based State income taxes to regressive local property taxes, and

**WHEREAS**, the Fiscal Year 2020 Executive Budget recommends a reduction in AIM funding for town and villages in Allegany County, cutting a total of \$507,462, and

**WHEREAS**, replacing what had been State AIM assistance with funding from county revenues is simply a tax-shift that will ultimately result in higher property taxes, now, therefore, be it

**RESOLVED:**

1. That the Allegany County Board of Legislators supports the full restoration of this state aid program to local governments and urges the Governor and State Legislature to fully restore this state funding in the final 2019/2020 state budget.

2. That the Clerk of this Board is directed to send a certified copy of this resolution to Governor Andrew M. Cuomo, State Senator Catharine M. Young, Assemblyman Joseph M. Giglio, State Senate Majority Leader Andrea Stewart-Cousins, State Assembly Speaker Carl E. Heastie, the New York State Association of Counties, and the InterCounty Association of WNY.

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

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

Comments made regarding Resolution No. 57-19: Legislator Graves remarked, "Apparently our governor has his eyes on our sales tax revenue. It's legalized robbery." He went on to say that it's money that is due to the County. The State is going to collect the money and then the County has to distribute it to towns and villages. Legislator Graves said that he's very much opposed. He feels it's an intrusion on the Board's ability to govern. Legislator Havey agreed saying he thinks it's counterproductive and stands in the way of them doing their jobs. Legislator Decker added that sales tax is one of our primary sources of income. Legislator Stockin said that from a town perspective, it would create a large increase in our property tax rates. Legislator Healy said the Governor is going to make the County be the bad guy much like he did with the two percent tax cap. He instituted the tax cap and then increased mandated programs. The County is the scapegoat for the State. Legislator Dibble remarked that the bridges are now ours to take care of. We need sales tax to cover the cost of these items. Legislator Fanton stated that the sales tax generated from sales on the internet is not going to cover the AIM Program. If you look at online sales tax projections, we'll end up a couple hundred thousand dollars short. Sales tax is supposed to be for the counties. Who's to say that at some point he won't take more. Legislator Graves said under the Home Rule Law it's an illegal act. That money should be spent on our priorities. Legislator Hopkins pointed out the sixth whereas. Nine mandated programs account for ninety percent of our local tax dollars. This is just another unfunded mandate. After the vote on the resolution, Chairman Crandall said that this equates to approximately half a million dollars that would go to towns and villages. If this were to go through, it would be backfilled from the County. He also questions the legality of it. He said those in Albany are changing the rules of the game. It's a very scary position that all of the counties are put in.

## **AUDITS:**

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

A motion was made by Legislator Dibble, seconded by Legislator Stockin, and adopted on a roll call vote of 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$3,622,131.26 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 \$1,463,800.)*

**ADJOURNMENT:** The meeting was adjourned at 3:01 p.m. on a motion made by Legislator Graves, seconded by Legislator Decker, and carried.