

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION**

**MARCH 11, 2019**

**CALL TO ORDER:** The regular meeting of the Board of Legislators was called to order at 2:24 p.m. by Chairman Curtis W. Crandall.

**PLEDGE OF ALLEGIANCE TO THE FLAG:** The Pledge of Allegiance was led by retired United States Army First Sergeant Philippe C. Rocheleau.

**INVOCATION:** The Invocation was given by Legislator David A. Decker.

**ROLL CALL:** 13 Legislators Present: Gary Barnes, Janice Burdick, Curtis Crandall, Philip Curran, David Decker, William Dibble, Karl Graves, Brooke Harris, Dwight "Mike" Healy, Judith Hopkins, John Ricci, Debra Root, Philip Stockin (Absent: Dwight Fanton, Steven Havey)

**APPROVAL OF MINUTES:**

The Board meeting minutes of February 25, 2019, were approved on a motion made by Legislator Decker, seconded by Legislator Curran, and carried.

**PRIVILEGE OF THE FLOOR:**

Chairman Crandall presented a certificate to Philippe C. Rocheleau, retired United States Army First Sergeant, in grateful appreciation of his service to our country. Mr. Rocheleau's service dates were from April 15, 1986, to August 31, 2012. Following Basic Training and Advanced Training at Fort Sill, OK, assignments included: Fort Benning, GA, Fort Bragg, NC, Fort Campbell, KY, Fort Polk, LA, Germany, Saudi Arabia, Korea, Schofield Barracks, HI, Kuwait, Afghanistan, Iraq, and St. Bonaventure University, Alfred University, and Houghton College (ROTC). Commendations he received included: Bronze Star Medal (2 awards), Meritorious Service Medal (4 awards), National Defense Service Medal (2 awards), Iraq Campaign Medal with two Campaign Stars, South West Asia Medal with Bronze Service Star, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Korean Defense Service Medal, Kuwait Liberation Medal (Saudi Arabia), Kuwait Liberation Medal, Army Commendation Medal (5 awards), Army Achievement Medal (5 awards), Good Conduct Medal (7 awards), Non-Commissioned Officer Professional Development Ribbon (3 awards), Overseas Service Ribbon (5 awards), Gold Recruiter Badge with Three Star Sapphires, Combat Action Badge, Master Parachutist Badge, Air Assault Badge, Army Service Ribbon, Meritorious Unit Commendation, Expert Marksmanship Badge with Rifle Bar, Driver and Mechanic Badge with Driver-Wheeled Vehicle Clasp, and Russian Parachutist Badge. Mr. Rocheleau 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 Farm Bureau Vice President Nora Carnes spoke in recognition of Agriculture Month. Ms. Carnes stated it's important to appreciate and support agriculture. Agriculture is entwined in the history of our county. It's easy to forget about farming. She asked that everyone reach out to farmers to show appreciation, and she encouraged residents to take part in supporting agricultural programs. Ms. Carnes extended an invitation to the Agriculture Foundation's Fundraising Feast as a way to support agriculture. Chairman Crandall read a proclamation declaring March 2019 as Agriculture Month in Allegany County.

Representatives were present from the following departments to answer questions regarding their 2018 Annual Reports: County Attorney, County Clerk, Cooperative Extension, Information Technology, Public Works, Weights & Measures. Legislator Dibble thanked DPW Superintendent Justin Henry for a recent presentation Mr. Henry had given.

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

1. Report of Intrafund Transfers Approved by the County Administrator in February 2019.
2. Report of Tax Bill Corrections Approved by the County Administrator in February 2019.
3. 2018 Annual Reports for Review: Office for the Aging, Community Services, Board of Elections, Emergency Management & Fire, Human Resources, Real Property Tax
4. Correspondence from the Allegany County Association for the Blind thanking the Board for their annual appropriation.
5. Notice of next InterCounty Association meeting to be hosted by Seneca County in Waterloo on March 15
6. Correspondence from the NYS Board on Electric Generation Siting and the Environment regarding a notice of availability of application stage intervenor funds and schedule for requesting funds issued March 4, 2019, relative to the Alle-Catt Wind Energy Project
7. Correspondence from the NYS Board on Electric Generation Siting and the Environment regarding a ruling requiring further action for party status issued March 6, 2019, relative to the Alle-Catt Wind Energy Project

#### **PROCLAMATION:**

Chairman Curtis W. Crandall declared March 2019 as **AGRICULTURE MONTH** in Allegany County.

**RESOLUTIONS:**

**RESOLUTION NO. 58-19**

**ESTABLISHING OFFICE HOURS FOR COUNTY OFFICES;  
REPEALING RESOLUTION NOS. 87-74 AND 229-92**

Offered by: Ways & Means Committee

Pursuant to County Law Section 206

**WHEREAS**, Section 206 of the County Law authorizes the Board of Legislators to fix the hours that the County Clerk, County Treasurer, Clerk of the Board of Legislators, the Civil Office of the Sheriff, and other County departments shall be kept open for the transaction of business, and

**WHEREAS**, Allegany County desires to fix the hours that offices shall be kept open for the transaction of business and establish standardized core hours of operation, now therefore, be it

**RESOLVED:**

1. All County offices except Community Services shall be kept open for the transaction of business every day, from 8:30 a.m. to 4:00 p.m., except Saturdays, Sundays and holidays; said hours shall be known as the core hours of operation.

2. That in addition to the core hours of operation, the County Administrator is authorized to approve County offices, on a case-by-case basis, to extend their office hours between 8:00 a.m. and 8:30 a.m. and between 4:00 p.m. and 5:00 p.m.

3. That within the core hours of operation, the County Administrator is authorized to approve County offices, on a case-by-case basis, to close for a lunch period if minimum staffing requirements for the transaction of business cannot otherwise be met.

4. That the County Administrator is authorized to approve County offices, other than the County Clerk, County Treasurer, Clerk of the Board of Legislators, and the Civil Office of the Sheriff, to be kept open for the limited transaction of business at such other times and days not inconsistent with law or Resolution of this Board and as are necessary for the effective and efficient provision of public services.

5. That for the purposes of this Resolution, the word holiday means those public holidays set forth in Section 24 of the General Construction Law of the State of New York or as otherwise defined by Resolution of this Board.

6. That the Community Services office shall be kept open for the transaction of business at least thirty-five hours per week, but no regular office hours shall be scheduled on

Sundays or holidays. The days and times of business hours shall be established by the County Community Services Board except as limited above.

7. That the hours hereby fixed to keep County offices open for the transaction of business shall not alter the terms and conditions of any collective bargaining agreement.

8. That Resolution No. 87-74 is hereby REPEALED.

9. That Resolution No. 229-92 is hereby REPEALED.

10. That this Resolution shall take effect June 1, 2019.

Moved by: Mr. Stockin  
Seconded by: Mr. Curran

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

#### **RESOLUTION NO. 59-19**

#### **AUTHORIZING THE ALLEGANY COUNTY ATTORNEY TO JOIN THE OPIOID ADDICTOIN EPIDEMIC LITIGATION ON BEHALF OF ALLEGANY COUNTY**

Offered by: Ways & Means Committee

**WHEREAS**, more than 50 counties have now joined lawsuits to seek payment of damages resulting from actionable conduct in what is commonly known as the opioid addiction epidemic, and

**WHEREAS**, the New York State Attorney General has also commenced a lawsuit to seek the same or similar remedies on behalf of the State of New York, and

**WHEREAS**, it is in the best interest of Allegany County to establish independent legal standing as well as being dependent upon consideration in such damages as the Attorney General may elect to secure in his action, and

**WHEREAS**, pursuant to Section 501 of the County Law, the County Attorney is authorized to secure legal representation for the County in litigation provided the Board of Legislators provides adequate funding therefore, and

**WHEREAS**, the County Attorney has received proposals for retaining such counsel and after review has recommended to this body a retainer proposal providing reasonable compensation for counsel from any proceeds of an award out of this action, now therefore, be it

**RESOLVED:**

1. That the County Attorney be and hereby is authorized to institute legal proceedings on behalf of Allegany County against any and all persons and/or entities responsible, in any part, for damages caused to Allegany County out of what is known as the Opioid Addiction Epidemic.

2. That the County Attorney is authorized to enter into such retainer for legal representation where compensation thereof is to be paid out of proceeds of an actual award to the County under such terms as the County Attorney deems reasonable and in the County's best interest.

3. That the County Attorney, her duly designated representative or any law firm or counsel which she may retain, are hereby authorized and empowered to undertake such legal proceedings and prepare all documents necessary or desirable to accomplish the purpose of this resolution.

Moved by: Mr. Stockin  
Seconded by: Mr. Curran

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

### **RESOLUTION NO. 60-19**

#### **ACCEPTANCE OF FEDERAL TRANSIT ADMINISTRATION FORMULA GRANT FUNDING FOR RURAL AREAS, SECTION 5311 FOR CALENDAR YEARS 2017 AND 2018 THROUGH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION**

Offered by: Ways & Means Committee

**WHEREAS**, Allegany County previously approved a Mass Transportation Capital Project by Resolution No. 64-17; and

**WHEREAS**, Allegany County has received Federal Transit Administration Grant funding for Rural Areas, Section 5311 for calendar years 2017 and 2018 through the New York State Department of Transportation, now therefore, be it

#### **RESOLVED:**

1. The Allegany County Board of Legislators does hereby accept the award of grant funds in the amount of \$1,194,314.

Moved by: Mr. Stockin  
Seconded by: Mr. Dibble

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

Comments made regarding Resolution No. 60-19: Legislator Dibble remarked that this is a good program for the County. Legislator Harris stated that it's a good program but it's extraordinarily expensive, especially for the few people who are transported. Legislator

Healy said that it saves the County money, and that's the main purpose of this resolution and the agreement.

**RESOLUTION NO. 61-19**

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

Offered by: Ways & Means Committee

**WHEREAS**, a check in the amount of \$3,335.40, representing the cost less a \$500 deductible to repair a Department of Public Works 2012 Ford F350 Truck (VIN#1FD7WE60CEC27364) that was damaged in a motor vehicle accident on January 31, 2019, has been offered by New York Municipal Insurance Reciprocal (NYMIR) in settlement for such property damage, and

**WHEREAS**, a check in the amount of \$1,333, supplemental charges associated with repairs to said Department of Public Works 2012 Ford F350 Truck, has been offered by NYMIR in settlement of such claim, now therefore, be it

**RESOLVED:**

1. That the sum of \$3,335.40 from NYMIR, representing the cost less a \$500 deductible to repair a Department of Public Works 2012 Ford F350 Truck (VIN#1FD7WE60CEC27364), and the amount of \$1,333, representing the cost for supplemental charges associated with repairs to said Department of Public Works 2012 Ford F350 Truck, are accepted.

2. That the total sum of \$4,668.40 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. Stockin  
Seconded by: Mr. Curran

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

**RESOLUTION NO. 62-19**

**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 \$20,196.89, representing the cost less a \$2,500 deductible, to repair a Department of Public Works 2006 Kenworth Dump Truck (VIN#1NKDL40X9GR495302) that was damaged in a motor vehicle accident on January 4, 2019, 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 \$20,196.89 representing the cost less a \$2,500 deductible, to repair a Department of Public Works 2006 Kenworth Dump Truck (VIN#1NKDL40X9GR495302) that was damaged in a motor vehicle accident on January 4, 2019, is accepted.

2. That the sum of \$20,196.89 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. Dibble

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

**RESOLUTION NO. 63-19**

**BUDGET ADJUSTMENT NECESSARY TO RESTRUCTURE STATE AID REVENUE FOR GRANT FUNDS RECEIVED BY THE PUBLIC DEFENDER’S OFFICE FROM THE NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES**

Offered by: Ways & Means Committee

**RESOLVED:**

1. That the 2019 revenue budget be adjusted as follows:

From:		Amount:
A1170.3025.00	State Aid – Indigent Legal Services	\$140,868
To:		Amount:
A1170.3025.ILS7	State Aid – Indigent Legal Services District #7	\$35,217
A1170.3025.ILS8	State Aid – Indigent Legal Services District #8	70,434
A1170.3025.ILS9	State Aid – Indigent Legal Services District #9	<u>35,217</u>
	Total:	\$140,868

Moved by: Mr. Stockin  
Seconded by: Mr. Curran

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

**RESOLUTION NO. 64-19**

**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 2019 BUDGETARY  
APPROPRIATION FOR THE WORK OF SUCH ASSOCIATION**

Offered by: Resource Management 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 February 10, 2019, 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 2019 County Final Budget for such Association in advance on the first day of each half of the year beginning January 2019, 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. Decker  
Seconded by: Mr. Graves

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

**RESOLUTION NO. 65-19**

**APPROVAL OF AGREEMENT BETWEEN THE COUNTY OF ALLEGANY AND TYLER  
TECHNOLOGIES FOR THE UPGRADE OF THE CURRENT PAYROLL SYSTEM**

Offered by: Ways & Means Committee

**RESOLVED:**

1. That the agreement between the County of Allegany and Tyler Technologies for the upgrade of the current payroll system to include ExecuTime Time and Attendance and ExecuTime Advanced Scheduling, is approved.

2. The County agrees to pay Tyler Technologies \$124,760 for the upgrade to the payroll system, no budget adjustments are necessary as the funds are included in the 2019 budget.



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

Moved by: Mr. Stockin  
Seconded by: Mr. Curran

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

Comments made regarding Resolution No. 65-19: Legislator Dibble stated that he would like to see a timeframe for this including a projected completion date.

### **RESOLUTION NO. 66-19**

#### **APPROVAL OF AGREEMENT BETWEEN THE COUNTY OF ALLEGANY AND OLIVER WYMAN ACTUARIAL CONSULTING, INC.**

Offered by: Ways & Means Committee

#### **RESOLVED:**

1. That the agreement in the amount of \$6,000 between the County of Allegany and Oliver Wyman Actuarial Consulting, Inc. for actuarial consulting services, is approved.
2. That the signature of the County Treasurer on said Agreement is hereby ratified.

Moved by: Mr. Stockin  
Seconded by: Mr. Healy

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

#### **AUDITS:**

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

A motion was made by Legislator Root, seconded by Legislator Dibble, and adopted on a roll call vote of 13 Ayes, 0 Noes, 2 Absent, that the audit of claims, totaling \$3,875,208.79 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 \$1,829,750.*)

#### **MEDIA:**

Rich Mangels (*WJQZ*) referring to Resolution No. 59-19, asked what the advantage might be of not joining the other counties in the opioid addiction epidemic litigation. County Attorney Carrisa Knapp stated that this falls under attorney-client privileged conversations and it's not something she can disclose right now.

Mr. Mangels asked if buses had been purchased for the public transportation system in the County. Mr. Larry Kaminski (*Mobility Management Planner, Ardent Solutions*) stated that the buses have been purchased, and they will be retained through their normal useful life.

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