

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION**

MARCH 12, 2018

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 retired United States Navy Chief Petty Officer Stewart L. Bird.

INVOCATION: The Invocation was given by Legislator Philip G. Stockin.

ROLL CALL: 14 Legislators Present: Gary Barnes, Janice Burdick, Curtis Crandall, Philip Curran, David Decker, William Dibble, Karl Graves, Brooke Harris, Steven Havey, Dwight "Mike" Healy, Judith Hopkins, John Ricci, Debra Root, Philip Stockin (Absent: Dwight Fanton)

APPROVAL OF MINUTES:

The Committee of the Whole (Legislators/Dept. Heads) meeting minutes of February 8, 2018 were amended on a motion made by Legislator Decker, seconded by Legislator Root, and carried to reflect that Public Defender Kelley and District Attorney Slep were not in attendance at that meeting.

The Committee of the Whole (Departmental Presentation) meeting minutes of February 8, February 12, February 21, February 26, and March 7, 2018, were approved on a motion made by Legislator Decker, seconded by Legislator Stockin, and carried.

The Board meeting minutes of February 26, 2018, were approved on a motion made by Legislator Curran, seconded by Legislator Barnes, and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Stewart L. Bird, retired United States Navy Chief Petty Officer, in grateful appreciation of his service to our country. Mr. Bird's service dates were from March 2, 1967, to December 18, 1970, and June 4, 1976, to August 31, 1992. Following Basic Training and Advanced Training at Great Lakes, IL, assignments included: USS De Soto County, USS Saginaw, USS Arthur W. Radford, USS Sierra, and USS Macdonough. Commendations he received included: Meritorious Service Ribbon (twice), Navy Marine Corp Achievement Ribbon, Navy Good Conduct Ribbon (four times), National Defense Service Medal (twice), Navy Sea Service Deployment Ribbon, Navy Recruiting Service Ribbon (twice). Mr. Bird 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 and Farm Bureau County Field Advisory Tim Bigham addressed the Board in celebration of National Agriculture Month. Ms. Carnes reminded everyone that the Allegany County Farm Bureau is a grassroots organization whose aim is to support and promote agriculture. The local chapter is a member of the New York Farm Bureau. She stressed the importance of supporting agriculture and reminded the group of how much we depend on agriculture. Ms. Carnes listed several legislative priorities of the Bureau. She thanked the legislators for their continued support. Mr. Bigham remarked on the County Board recognizing veterans at meetings. He feels it's important to recognize their service. Chairman Crandall welcomed the Allegany County Farm Bureau to inform the Board of any legislation they might be able to assist with.

Representatives were present to answer questions regarding 2017 Annual Reports for the following: County Attorney, County Clerk, Probation, Public Works, Information Technology, and Cooperative Extension.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. 2018 Directory
2. Report of IntraFund Transfers Approved by the County Administrator in January 2018
3. Report of Tax Bill Corrections Approved by the County Administrator in January 2018
4. 2017 Annual Reports for Review: Office for the Aging, Community Services, Coroners, Board of Elections, Emergency Services, Fire Service, Health Department, Human Resources, and Real Property Tax
5. Notice of next InterCounty Association meeting to be hosted by Seneca County at the Seneca County Fire Training Facility in Romulus on Friday, March 16, 2018
6. NYS Board of Electric Generation Siting and the Environment forwarded a notice of change of location for pre-application procedural conference issued February 28, 2018, relative to the Proposed Wind Energy Project located in Allegany, Cattaraugus, and Wyoming counties.
7. Notice of next Fire Advisory Board meeting to be held in Room 122 of the Jail and Public Safety Facility on Thursday, March 22, 2018, at 7:00 p.m.
8. Correspondence from the Belfast Library Board thanking the Board for its recent donation in memory of Janine Preston (Journal Clerk Decker's Mother).
9. Correspondence from Sarah Decker thanking the Board for its recent donation to the Belfast Library in memory of her Mother Janine Preston.

10. Notification from the US Department of Energy (DOE) and the New York State Energy Research and Development Authority (NYSERDA) announcing their intent to prepare a Supplemental Environment Impact Statement for Decommissioning and/or Long-Term Stewardship at the West Valley Demonstration Project and Western New York Nuclear Service Center (DOE/EIS-0226-S1) (SEIS). This also marked the beginning of the public scoping period, which will remain open until April 23, 2018.

PROCLAMATIONS:

Chairman Curtis W. Crandall proclaimed March 3, 2018, as **CUBA CHAMBER OF COMMERCE DAY**. This proclamation was read by Chairman Crandall at a program on March 3, 2018.

Chairman Curtis W. Crandall proclaimed March 2018 as **AGRICULTURE MONTH** in Allegany County.

RESOLUTIONS:

RESOLUTION NO. 52-18

AMENDMENT OF RESOLUTION NO. 250-17 TO REFLECT CHANGES IN THE SALARY OF THE DISTRICT ATTORNEY

Offered by: Ways & Means Committee

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

RESOLVED:

1. That Resolution No. 250-17 is amended to include Section 8 which shall read as follows:

8. That beginning January 1, 2018, and ending March 31, 2018, the base salary of the District Attorney, (calculated over a twelve-month period), none of which includes any earned longevity increment, shall be \$185,200. That commencing April 1, 2018, and ending March 31, 2019, the base salary of the District Attorney, (calculated over a twelve-month period), none of which includes any earned longevity increment, shall be \$197,600.

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

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

RESOLUTION NO. 53-18

**CREATION OF THREE PART-TIME ASSISTANT PUBLIC DEFENDER –
COUNSEL AT FIRST APPEARANCE POSITIONS;
AMENDING SECTION 4 OF RESOLUTION NO. 297-75**

Offered by: Personnel and Ways & Means Committees

RESOLVED:

1. That three part-time positions of Assistant Public Defender – Counsel at First Appearance are created in the Section IV Salary Plan at an annual salary (stipend) of \$5,000 each.
2. That Section 4 of Resolution No. 297-75, as amended, is hereby amended by adding the title of Assistant Public Defender – Counsel at First Appearance.
3. This resolution shall take effect on March 13, 2018.

Moved by: Mr. Havey
Seconded by: Mr. Harris

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

RESOLUTION NO. 54-18

**ACCEPTANCE OF PROPOSAL BETWEEN THE COUNTY OF ALLEGANY AND THE
ALLEGANY COUNTY LAND BANK CORPORATION FOR THE ACQUISITION OF
PROPERTIES PRIOR TO THE ANNUAL PUBLIC TAX SALE AUCTION**

Offered by: Ways & Means Committee

RESOLVED:

1. That the proposal between the County of Allegany and the Allegany County Land Bank Corporation for the acquisition of properties prior to the annual public tax sale auction is approved.

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

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

Comments made regarding Resolution No. 54-18: Legislator Harris stated he has some concerns. This proposal was born from negotiations between the Treasurer's Office and the Allegany County Land Bank Corporation. There is a potential for lost revenue for the County

that might otherwise be received from the sale of properties through the auction process. Additionally, the public might have trouble differentiating between Allegany County and the Allegany County Land Bank. He would like to see a clause added stating that the Land Bank won't bid on property that is occupied. Legislator Barnes said that the purpose of this is to try to improve some of the properties in the County. He doesn't feel that it's that big of a loss to the County. If the property is improved and goes back on the tax rolls for greater value, he doesn't feel that anything is lost. Legislator Graves asked that the County Attorney and County Treasurer comment on this proposal. Acting County Attorney Carissa Knapp stated that the agreement has already been worked out with the Land Bank, any changes would have to be approved by the Land Bank before we could make an amendment. Chairman Crandall asked if there would be time to do that before the tax auction. County Treasurer Ross stated that the Land Bank has until April 12 to let her office know what properties they'd like to purchase. She noted that even if the resolution passes today, the properties would have to go before Ways & Means prior to the sale being approved. Right now the Land Bank is looking at a list of properties they could potentially buy. The Board will have time at the committee level to approve or disapprove those purchases. Legislator Harris asked if she would be able to tell them whether or not a property was occupied. Ms. Ross stated that they don't visit the homes so there's no guarantee as to whether or not someone is living there. She reminded the Board that there is a reacquisition process for foreclosed homes that are a personal residence. Those properties can be reacquired by paying the outstanding taxes. Legislator Stockin said that he had sat in on all of the meetings regarding this proposal. Financial ramifications were discussed. He feels it would make sense to follow through with it for this year. Changes can always be made in the future.

RESOLUTION NO. 55-18

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 2018 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 January 16, 2018, 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 2018 County Final Budget for such Association in advance on the first day of each half of the year beginning January 2018, 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
14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 56-18

APPROVAL OF MULTI-JURISDICTIONAL AGREEMENT BETWEEN COUNTY OF ALLEGANY, COUNTY OF CATTARAUGUS, AND THE CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD; AUTHORIZING THE CHAIR TO EXECUTE THE AGREEMENT

Offered by: Planning & Economic Development and Committee

Pursuant to Section 107 [c] [1] [B] of the Workforce Innovation and Opportunity Act of 2014

RESOLVED:

1. That the Multi-Jurisdictional Agreement between the County of Allegany, County of Cattaraugus, and the Cattaraugus-Allegany Workforce Investment Board is hereby approved.

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

Moved by: Mrs. Root
Seconded by: Mr. Dibble

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

Resolution Intro. No. 57-18, Resolution No. 57-18, **(APPOINTMENT OF COMMISSIONER OF ELECTIONS)** was not pre-filed and was considered from the floor on a motion made by Legislator Havey, seconded by Legislator Curran, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 57-18

APPOINTMENT OF COMMISSIONER OF ELECTIONS

Offered by: Personnel Committee

Pursuant to Election Law §§ 3-202, 3-204

WHEREAS, Richard G. Hollis has resigned his position as Commissioner of Elections effective February 28, 2018, 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 Brent L. Reynolds, residing at 773 State Route 244, Alfred Station, New York 14803, to the office of Commissioner of Elections to fill the remainder of Richard G. Hollis' four-year term expiring December 31, 2020, and

WHEREAS, the Personnel Committee has determined that Brent L. Reynolds is qualified to hold such office, now, therefore, be it

RESOLVED:

1. That Brent L. Reynolds is appointed Commissioner of Elections with term of office commencing March 13, 2018, and expiring December 31, 2020.

Moved by: Mr. Havey
Seconded by: Mrs. Burdick

Adopted: Voice Vote

Comments made regarding Resolution No. 57-18: Legislator Healy stated that as the Chairman of the Republican Committee it has been a great honor to bring forth Mr. Reynold's name for this position. He received a unanimous vote by the Republic Committee. Legislator Hopkins added that Mr. Reynolds has a long history of service to Allegany County in various levels of government. She is pleased that he is willing to serve and looks forward to working with him. After the vote, Chairman Crandall introduced Mr. Reynolds and remarked that he had served with him in the past as County Legislator. Mr. Reynolds thanked the Board and the Republican Committee for their support.

AUDITS:

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

Legislator Decker remarked that the Board has always voted on these expenses collectively and by totals. He stated that several legislators attended a tour of the Treasurer's Office last week. The process invoices go through to be paid is extensive. Several sets of eyes check over each invoice before it is processed for payment. It is approved by department heads and the Treasurer's office prior to the Board approving the audit. His hat goes off to Ms. Ross and her staff, County Administrator Boyde, and others who are part of this process. The tour was very enlightening. Legislator Graves asked if the Legislators had the opportunity to look at the invoices. Legislator Decker replied that they did look through a portion of them; there were two bins full of invoices for the last audit. Legislator Graves stated that while he has faith in our Treasurer, he still wants to look at the invoices. He has considered not voting for the audit until he gets to see more detail of what's being paid.

Chairman Crandall said that those invoices are available to be looked over to any degree that you want. Mr. Decker's point is that there are a lot of steps that those invoices go through in the approval process. He encouraged the Board to go through them as they wish. The Board is welcome to review them as long as they aren't protected by HIPPA or confidentiality rules.

A motion was made by Legislator Root, seconded by Legislator Stockin, and adopted on a roll call vote of 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$4,165,994.79 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 \$1,846,070.*)

MEDIA:

Rich Mangels from WJQZ asked what the percentage offset from the State-wide salary for our District Attorney was. County Treasurer Ross stated that percentage hasn't changed since salaries were increased.

Mr. Mangels asked why the Land Bank was allowed to choose properties to purchase before the tax auction and wondered if they were "cherry picking"? Allegany County Land Bank Corporation Chairman Kier Dirlam stated that a property list is developed by the Treasurer's Office. Only certain properties fit with the goal of the Land Bank. Properties that are set to be demolished as well as properties that are in great shape are not appropriate. We are looking for properties that are in the middle or maybe upper-middle range. We are going to work with any developer or individual who wants to get involved in improving the property. Mr. Mangels asked if the Land Bank pays for the property. Mr. Dirlam stated that the Land Bank pays the taxes for the year. They work on the property to get it back on the tax rolls. Mr. Mangels asked how the property is sold once it has been improved. Mr. Dirlam stated they have not yet determined exactly how that will be handled. Chairman Crandall said that the Board helped to develop the Land Bank in an effort to improve the condition of properties in Allegany County. Municipalities have the opportunity to purchase tax foreclosed properties in their locality as well. Legislator Decker remarked that he was initially against the Land Bank because of his experience with a similarly named program years ago where agricultural land sat idle. Land owners were paid not to use their agricultural property. He now sees that this program is completely different and the improved properties will benefit the County. He hopes that the people who purchase the properties after they are improved will keep them up. Legislator Healy asked Mr. Dirlam to affirm that the Land Bank is a separate entity from the County. Mr. Dirlam stated that is was indeed separate.

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