

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION**

APRIL 8, 2019

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:05 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Army Specialist 4th Class Cecil E. Jenison.

INVOCATION: The Invocation was given by Legislator Judith D. Hopkins.

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 March 25, 2019, were approved on a motion made by Legislator Root, seconded by Legislator Dibble, and carried.

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

The Committee of the Whole meeting minutes of April 3, 2019, were approved on a motion made by Legislator Dibble, seconded by Legislator Fanton, and carried.

PUBLIC HEARINGS:

Chairman Crandall closed the regular meeting to hold a public hearing on a grant application developed in partnership with the Cattaraugus Community Action Agency and directed to the New York State Community Development Block Grant Program Housing Activities Program, seeking a \$600,000 grant to complete twenty or more owner-occupied home improvement projects within Allegany County. There being no one desiring to speak, the public hearing was declared closed.

Chairman Crandall opened a public hearing on a grant application developed in partnership with Allegany County Community Opportunities & Rural Development (ACCORD) and directed to the New York State Community Development Block Grant Program Housing Activities Program, seeking a \$400,000 grant to complete thirty-one or more well water/septic system replacements within Allegany County. There being no one desiring to speaking, the public hearing was declared closed, and the Board reconvened in regular session.

PRIVILEGE OF THE FLOOR:

Chairman Curtis Crandall asked those in attendance to join him in a moment of silence in honor of former Allegany County Legislator Dr. Robert Hassan. On March 27, Dr. Hassan died from a gunshot wound during a shooting rampage in Seattle. Dr. Hassan was a retired physician and Air Force Colonel. He was a District V Legislator from Belmont and served on the Board from January 1, 1994, to September 1, 1994.

Chairman Crandall presented a certificate to Cecil E. Jenison, former United States Army Specialist 4th Class, in grateful appreciation of his service to our country. Mr. Jenison's service dates were from November 18, 1961, to October 3, 1964. Following Basic Training at Fort Dix, NJ, and Advanced Training at Aberdeen Proving Ground Army Base, Aberdeen, MD, assignments included: Fort Baker, CA, Fort Dix, NJ, and France. Commendations he received included: Good Conduct Medal and Marksmanship Badge (Rifle M-1). Mr. Jenison led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Sheriff Rick Whitney spoke in commemoration of National Emergency Telecommunications Week to honor our dedicated communications officers who last year handled more than 90,000 emergency and non-emergency calls, and generated over 49,000 CAD incident reports. He said, "The Allegany County E911 Center manages dispatch services for the Allegany County Sheriff's Office, New York State Police, Town and Village Police Departments, Allegany County Office of Emergency Services, Allegany County SPCA, and Allegany County Volunteer Fire and EMS. The dispatchers at the Allegany County E911 Center are a team of highly trained and dedicated communications professionals who are ready to respond to the needs of the public in emergency situations. Public Safety Communications Officers are the first and most critical contact citizens have with emergency services and are the single most vital link for our emergency responders." Sheriff Whitney was joined by E911 Coordinator Randy Swarthout and Dispatcher Chantel Cline. Sheriff Whitney shared the story of a recent E911 call received by Ms. Cline. A woman had called because her husband was experiencing a heart attack. Ms. Cline was able to talk the woman through performing CPR on her husband until an ambulance arrived. The man survived the heart attack. Sheriff Whitney presented Ms. Cline with a certificate to honor her for her ability to remain calm and for communicating lifesaving information to the caller. Mr. Swarthout presented Ms. Cline with a CPR Save pin. Chairman Crandall read a proclamation declaring April 14-19, 2019, as Public Safety Telecommunications Week in Allegany County.

Chairman Crandall invited Crime Victims Advocate Shannon Ozzella forward and read a proclamation declaring April 2019 Sexual Assault Awareness Month.

Supervising Public Health Educator Theresa Moore spoke in recognition of National Public Health Week, which is being observed April 1-7, 2019. Ms. Moore noted some of the many programs and services provided by the Allegany County Department of Health, including: immunizations, lead poisoning prevention, water supply testing, rabies testing, cancer services, and restaurant inspections. The Department of Health also provides

services through the WIC program to ensure healthy pregnancies, and to make sure young children have healthy food to eat.

Representatives were present to answer questions regarding 2018 Annual Reports for the following: District Attorney, Employment & Training, Historian, Public Defender, STOP-DWI Program, Veterans, Workers' Compensation, and Youth Bureau. Legislator Stockin stated he found it interesting that Allegheny County is ranked number one, for counties our size, for bringing in money for our veterans. Legislator Barnes remarked that many of the Annual Reports include acronyms that he is not familiar with. He asked that department heads consider including a definition for those acronyms.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. Report of Intrafund Transfers Approved by the County Administrator in March 2019
2. Report of Tax Bill Corrections Approved by the County Administrator in March 2019
3. 2018 Annual Reports for Review: Health Department w/ Coroners, Parks & Forests, Soil & Water Conservation, and Sheriff.
4. Notice of next InterCounty Association meeting to be hosted by Genesee County at the Iroquois National Wildlife Refuge on April 19, 2019.
5. Pursuant to Article 11 of the NYS Real Property Tax Law, County Treasurer Terri Ross filed Certificates of Reinstatement for properties in the towns of Almond and West Almond in the Clerk of the Board's office on April 3, 2019.

APPOINTMENTS:

Chairman Curtis W. Crandall reappointed Jonathan Denehy of Alfred Station, New York, as a member of the **ALLEGANY COUNTY TELECOMMUNICATIONS DEVELOPMENT CORPORATION** for a two-year term effective April 24, 2019, and expiring September 30, 2020. This reappointment is subject to confirmation by the Board of Legislators.

Chairman Curtis W. Crandall reappointed Jack Potter of Scio, New York, and Tom Kent of Andover, New York, as active farmer members on the **ALLEGANY COUNTY AGRICULTURAL AND FARMLAND PROTECTION BOARD** for a four-year term commencing March 5, 2019, and expiring March 4, 2023.

PROCLAMATIONS:

Chairman Curtis W. Crandall declared April 1-7, 2019, as **PUBLIC HEALTH WEEK** in Allegheny County.

Chairman Curtis W. Crandall declared April 14-19, 2019, as **PUBLIC SAFETY TELECOMMUNICATIONS WEEK** in Allegany County.

Chairman Curtis W. Crandall declared April 2019 as **SEXUAL ASSAULT AWARENESS MONTH** in Allegany County.

Chairman Curtis W. Crandall declared April 2019 as **CHILD ABUSE PREVENTION AND AWARENESS MONTH** in Allegany County.

INTRODUCTION OF LEGISLATION:

Legislator Philip G. Stockin introduced Local Law Intro. No. 1-2019, Print No. 1 – A Local Law Establishing the Office of County Administrator for Allegany County and Repealing Local Law No. 3 of 1992, (As Amended by Local Law No. 3 of 1995, Local Law No. 2 of 2010, and Local Law No. 2 of 2016)

RESOLUTIONS:

RESOLUTION NO. 81-19

RESOLUTION SETTING DATE OF A PUBLIC HEARING ON A LOCAL LAW ESTABLISHING THE OFFICE OF COUNTY ADMINISTRATOR FOR ALLEGANY COUNTY AND REPEALING LOCAL LAW NO. 3 OF 1992, (AS AMENDED BY LOCAL LAW NO. 3 OF 1995, LOCAL LAW NO. 2 OF 2010, AND LOCAL LAW NO. 2 OF 2016)

Offered by: Ways & Means Committee

WHEREAS, on this 8th day of April, 2019, a local law (Intro. No. 1-2019, Print No. 1) was introduced establishing the Office of County Administrator for Allegany County and repealing Local Law No. 3 of 1992, (as amended by Local Law No. 3 of 1995, Local Law No. 2 of 2010, and Local Law No. 2 of 2016), and

WHEREAS, it will be necessary to set a date for a public hearing on said proposed law, now, therefore, be it

RESOLVED:

1. That a public hearing shall be held on April 22, 2019, at 2:00 p.m. in the County Legislative Chambers, Room 221, County Office Building, Belmont, New York, before the Allegany County Board of Legislators, in relation to proposed Local Law Intro. No. 1-2019, Print No.1.

2. That the Clerk of the Board of Legislators is directed to prepare, with the assistance of the County Attorney, a notice of said public hearing, to cause the publication of said notice in each of the two newspapers which have been officially designated by this

Board to publish “notices,” and to affix a copy of said notice on the County bulletin board in the County Courthouse at Belmont, New York; both publication and posting to be made at least five days before the public hearing.

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

Adopted: Voice Vote

RESOLUTION NO. 82-19

RESOLUTION AUTHORIZING ALLEGANY COUNTY TO PURSUE A GRANT APPLICATION SEEKING A \$600,000 GRANT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT HOUSING ACTIVITIES PROGRAM FOR OWNER OCCUPIED HOME IMPROVEMENT PROJECTS IN ALLEGANY COUNTY; AUTHORIZING CHAIRMAN TO SIGN DOCUMENTS

Offered by: Ways & Means Committee

WHEREAS, Cattaraugus Community Action agency has approached Allegany County to act as the lead agency on a grant application under the Community Development Block Grant (CDBG) Housing Activities Program, and

WHEREAS, the application will seek a grant in the amount of \$600,000 to complete twenty or more owner occupied improvement projects in Allegany County, and

WHEREAS, eligible recipients will include the elderly, disabled, and veterans, and

WHEREAS, there is no requirement that any County dollars be committed as a condition of receiving the grant, and

WHEREAS, Cattaraugus Community Action intends to prepare the grant application and oversee administration of the grant, and

WHEREAS, the program requires that a municipal corporation act as the lead agency and recipient of the grant funds, and

WHEREAS, Allegany County is willing to serve as the lead agency, and

WHEREAS, as part of the grant process a public hearing was conducted, now, therefore, be it

RESOLVED:

1. That Allegany County is authorized to pursue a grant application seeking a \$600,000 grant under the CDBG Housing Activities Program.

2. That the Chairman of this Board is authorized to sign all documents necessary to apply for the grant.

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

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

RESOLUTION NO. 83-19

RESOLUTION AUTHORIZING ALLEGANY COUNTY TO PURSUE A GRANT APPLICATION SEEKING A \$400,000 GRANT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT HOUSING ACTIVITIES PROGRAM FOR WELL WATER/SEPTIC SYSTEM REPLACEMENTS IN ALLEGANY COUNTY; AUTHORIZING CHAIRMAN TO SIGN DOCUMENTS

Offered by: Ways & Means Committee

WHEREAS, Allegany County Community Opportunities & Rural Development Corporation (ACCORD) has approached Allegany County to act as the lead agency on a grant application under the Community Development Block Grant (CDBG) Housing Activities Program, and

WHEREAS, the application will seek a grant in the amount of \$400,000 to complete thirty-one or more well water/septic system replacements in Allegany County, and

WHEREAS, eligible recipients will include the elderly, disabled, and veterans, and

WHEREAS, there is no requirement that any County dollars be committed as a condition of receiving the grant, and

WHEREAS, ACCORD intends to prepare the grant application and oversee administration of the grant, and

WHEREAS, the program requires that a municipal corporation act as the lead agency and recipient of the grant funds, and

WHEREAS, Allegany County is willing to serve as the lead agency, and

WHEREAS, as part of the grant process a public hearing was conducted, now, therefore, be it

RESOLVED:

1. That Allegany County is authorized to pursue a grant application seeking a \$400,000 grant under the CDBG Housing Activities Program.

2. That the Chairman of this Board is authorized to sign all documents necessary to apply for the grant.

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

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

RESOLUTION NO. 84-19

AUTHORIZING THE ALLEGANY COUNTY ATTORNEY TO EMPLOY OUTSIDE COUNSEL

Offered by: Ways & Means Committee

Pursuant to: Section 501 of the County Law

WHEREAS, Allegany County has a long standing relationship utilizing the legal services of Bond, Schoeneck & King in relation to labor and employment matters, and

WHEREAS, the current County Attorney desires to continue to employ Bond, Schoeneck & King as outside counsel for labor and employment matters pursuant to her powers and duties defined in Section 501 of the County Law, now therefore, be it

RESOLVED:

1. That the County Attorney is authorized to employ Bond, Schoeneck & King as outside counsel to perform services in relation to labor and employment matters under such terms as the County Attorney deems reasonable and in the County's best interest and within the limits of the appropriations set by this Board.

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

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

Comments made regarding Resolution No. 84-19: Chairman Crandall asked for confirmation from the County Attorney that this simply formalizes what we've been doing. County Attorney Knapp affirmed that it doesn't change anything.

RESOLUTION NO. 85-19

CHANGING LOCATION AND DATE OF JULY 22, 2019, REGULAR BOARD MEETING

Offered by: Ways & Means Committee

RESOLVED:

1. Notwithstanding Rule 110. A. of County Board Rules, the second regular meeting of this Board in the month of July 2019 shall be held on July 18, 2019, at 2:00 p.m. and not on July 22, 2019, at 2:00 p.m.

2. Notwithstanding Rule 110.F. of County Board Rules, the second regular Board meeting for July 2019 shall be held at the Allegany County Fairgrounds, Angelica, New York, and not at the Board Chambers in Belmont, New York.

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

Adopted: Voice Vote

RESOLUTION NO. 86-19

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 \$220, representing the cost to replace a windshield on a 2014 Jeep Patriot (VIN#1C4NJRBB1ED924808) assigned to the Office for the Aging, has been offered by NYMIR in settlement for such damage, now, therefore, be it

RESOLVED:

1. That the amount of \$220 from NYMIR, representing the cost to replace a windshield on a 2014 Jeep Patriot (VIN#1C4NJRBB1ED924808), is accepted.

2. That the sum of \$220 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. 87-19

BUDGET TRANSFER FROM CONTINGENCY FUND TO FUND AN ALLOCATION FOR ADDITIONAL START-UP FUNDS TO THE ALLEGANY COUNTY TELECOMMUNICATIONS DEVELOPMENT CORPORATION

Offered by: Planning & Economic Development and Ways & Means Committees

WHEREAS, it is the intent of the County and the Allegany County Telecommunications Development Corporation (ACTDC) that through the terms of a licensing agreement between the parties, most of the income generated by the ACTDC by selling internet service to last mile providers will be returned to the County to assist in the maintenance of its E-911 and wireless broadband systems, and

WHEREAS, the County wishes to provide additional start-up funds to assist the ACTDC in getting the wireless broadband system up and running and entering into contracts with last mile providers, and

WHEREAS, these funds will not be disbursed until an addendum to the current licensing agreement between the County and the ACTDC providing for the eventual repayment of these funds to the County is entered into between the parties, now therefore, be it

RESOLVED:

1. That the sum of \$50,000 shall be transferred from Account No. A1990.429 (Contingent) to Account No. A8676.492 (Home and Community Service - Contractual) to fund an allocation to the Allegany County Telecommunications Development Corporation for the purpose of financing the cost of monthly operating expenses and to erect and service Micro Cells to allow further expansion of the wireless broadband system.

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

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

RESOLUTION NO. 88-19

BUDGET TRANSFER WITHIN THE 2019 TOURISM BUDGET

Offered by: Planning & Economic Development and Ways & Means Committees

RESOLVED:

1. That the sum of \$4,050 shall be transferred from Account No. A6989.478 (Tourism & Culture – Econ Opp & Dev) to Account No. A6989.201 (Tourism & Culture – Equipment) for the purchase of a tourism trailer, is approved.

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

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

Comments made regarding Resolution No. 88-19: Legislator Havey asked for permission to abstain. A motion was made by Legislator Graves, seconded by Legislator Healy, and carried to allow Legislator Havey to abstain from voting on this resolution.

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 Ricci, and adopted on a roll call vote of 14 Ayes, 0 Noes, 0 Absent, 1 Abstaining (B. Harris), that the audit of claims, totaling \$3,112,007.83 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 \$2,561,650.*)

MEDIA:

Rich Mangels (WJQZ) asked if the funding for the Community Development Block Grants is state or federal money. County Administrator Tim Boyde stated that it is a combination.

Mr. Mangels asked how much progress has been made on the telecommunication project. Chairman Crandall stated that the project is progressing. They have recently developed a task force to look at the project. Some things have changed since we first received the \$800,000 grant money from the State. There has been a change from wireless to a fiber optic system that the Governor proposed and came out with. The task force is going to look at the areas that won't be covered by the fiber optic service and see how we can enhance the County system. It's moving forward. Mr. Mangels asked how long this project will take to complete. Chairman Crandall stated it will continually grow and add new customers.

Mr. Mangels stated that as a result of the State's ban on plastic bags, Monroe County has decided it is not going to charge five cents for paper bags. Mr. Mangels wondered if Allegany County had made a decision on this. He added that Erie County Legislators feel this is a form of tax, do you agree? Chairman Crandall remarked that he thinks they could agree.

COMMENTS:

Legislator Decker remarked that today's approval of funding for the Telecommunications Development Corporation is the third installment the Board has authorized for this project.

Today's honored veteran Cecil Jenison remarked that there is a lack of good cellular phone service in his area. Legislator Curran stated there is a new tower in Alfred, but I don't think the service will get over the hill. There are a lot of valleys in that area.

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