

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION**

APRIL 22, 2019

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:02 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Army and Army Reserve Staff Sergeant Thomas E. Farmer.

INVOCATION: The Invocation was given by Chairman Curtis Crandall.

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

APPROVAL OF MINUTES:

The Committee of the Whole meeting minutes of April 8, 2019, were approved on a motion made by Legislator Dibble, seconded by Legislator Curran, and carried.

The Board meeting minutes of April 8, 2019, were approved on a motion made by Legislator Fanton, seconded by Legislator Havey, and carried.

PUBLIC HEARING:

Chairman Crandall closed the regular meeting to hold a public hearing on Local Law Intro. No. 1-2019, entitled "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 1996, Local Law No. 2 of 2010, and Local Law No. 2 of 2016)." There being no one desiring to speak, the public hearing was declared closed and the Board reconvened in regular session.

PRIVILEGE OF THE FLOOR:

Chairman Crandall read a proclamation declaring May 5-18, 2019, as the 59th Anniversary Celebration of Western New York Armed Forces Week. He remarked that this proclamation is signed by all eight county legislative chairpersons from Western New York.

Chairman Crandall presented a certificate to Thomas E. Farmer, former United States Army and Army Reserve Staff Sergeant, in grateful appreciation of his service to our country. Mr. Farmer served in the United States Army from March 28, 1983, to July 1, 1983 and United States Army Reserve from 1985 to 1995. Following Basic Training and Advanced Training at Fort Leonard Wood, MO, he was assigned to Fort Drum, NY. Commendations he

received included: Army Accommodation Medal, Army Achievement Medal, Good Conduct Medal, Army Service Ribbon, Expert Marksmanship Badge- Rifle (M-16), and Expert Hand Grenade Badge. Mr. Farmer led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Allegheny County Fair President Karen L. Tripp updated the Board on what to expect at this year's County Fair. Ms. Tripp said that would not hold a preview night as they did in 2018. The turnout for it wasn't very good which may have been due to not having advertising well enough in advance. Other than that, the schedule is similar to previous years. She encouraged everyone to check out their Facebook page. Ms. Tripp thanked the Board for its continued support for the Fair and for holding a meeting at the Fair each year. Legislator Barnes asked if there were any plans to upgrade the stage and grandstand area. Ms. Tripp stated that they have been working on securing some grants to make some upgrades. One of the grants would allow them to make improvements to the barns including plumbing, electrical, and roofing repairs. They have also talked about widening the track which would allow for better shows and make it safer for spectators.

Office for the Aging Services Specialist Lynn Oyer thanked the Board for supporting older Americans. She said their office's main goal is to keep people in their homes as long as they can. Meals on Wheels, home care, and other services help. They have a grant for caregivers who take care of loved ones with dementia. This program is doing well. Chairman Crandall read a proclamation declaring May 2019 as Older American's Month in Allegheny County. Ms. Oyer reminded everyone of the upcoming Senior Forum's coming up on May 3 and May 10.

Representatives were present to answer questions regarding the 2018 Annual Reports for the following: Health Department, Coroners, Parks & Forests, Soil & Water Conservation, and Sheriff.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. May 2019 Calendar.
2. 2018 Annual Reports for Review: County Administrator, Development, Industrial Development Agency, Planning Department, Planning Board, Probation, Social Services, and Tourism.
3. Pursuant to Article 11 of the NYS Real Property Tax Law, County Treasurer Terri Ross filed a Certificate of Withdrawal of Delinquent Tax Lien for Property in the Town of Genesee in the Clerk of the Board's Office on April 12, 2019.
4. Pursuant to Article 11 of the NYS Real Property Tax Law, County Treasurer Terri Ross filed a Certificate of Reinstatement of Delinquent Tax Lien for Property in the Town of Independence in the Clerk of the Board's Office on April 12, 2019.

5. Pursuant to Article 11 of the NYS Real Property Tax Law, County Treasurer Terri Ross filed Certificates of Partial Reinstatement of Delinquent Tax Liens for Properties in the Town of Rushford in the Clerk of the Board's Office on April 12, 2019.
6. Notice of the Allegany County Office for the Aging 2019 Public Hearing and Senior Forum to be held on May 3 at the Wellsville American Legion and on May 10 at the Houghton Wesleyan Church
7. Correspondence from the Allegany County Agricultural Society inviting Board members to attend the Annual Allegany County Fair Appreciation Dinner on May 14. Please let Clerk of the Board Riehle know if you plan to attend by May 3.

APPOINTMENTS:

Chairman Curtis W. Crandall has appointed Corrine Davis of Angelica, Deborah Hint of Cuba, and Robert Starks of Wellsville, as members of the **ALLEGANY COUNTY YOUTH BOARD** for a three-year term effective March 26, 2019, and expiring March 25, 2022, subject to confirmation by the Board of Legislators.

The Board of Health has reappointed Lori Ballengee to a six-year term as **PUBLIC HEALTH DIRECTOR**.

PROCLAMATIONS:

Chairman Curtis W. Crandall declared May 2019 as **OLDER AMERICAN'S MONTH** in Allegany County

Chairman Curtis W. Crandall, in conjunction with the other county legislative chairpersons from Western New York, declared May 5-18, 2019, as the **59TH ANNIVERSARY OF THE WESTERN NEW YORK ARMED FORCES CELEBRATION**.

RESOLUTIONS:

RESOLUTION NO. 89-19

ADOPTION OF 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)

Offered by: Ways & Means Committee

RESOLVED:

1. That proposed Local Law, Intro. No. 1-2019, Print No. 1, is adopted without any change in language, to wit:

COUNTY OF ALLEGANY

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)

BE IT ENACTED, by the Board of Legislators of the County of Allegany, State of New York, as follows:

Section 1. Legislative Intent. The Allegany County Board of Legislators established the position of County Administrator by Local Law No. 3 of 1992, which was subsequently amended by Local Law No. 3 of 1995, Local Law No. 2 of 2010, and Local Law No. 2 of 2016, and set forth the powers and duties of said position. The Board of Legislators of the County of Allegany now desires to revise the powers and duties set forth in said Local Law and by this Local Law set forth the powers, duties, mode of selection and removal, and term of Office of the County Administrator.

Section 2. County Administrator: Appointment and Term of Office. There shall be a County Administrator who shall be directly responsible to the Board of Legislators and on behalf of the Board of Legislators shall perform the functions of a Chief Administrative Officer, with the Board of Legislators retaining the final administrative authority.

- a. The position of County Administrator shall be unclassified for Civil Service purposes.
- b. The Board of Legislators shall have the power to appoint and remove the County Administrator and shall set the County Administrator's annual salary and allowable expenses and benefits.
- c. The Board of Legislators shall have the authority to enter into a written agreement with the County Administrator setting forth the County Administrator's salary, allowable expenses and benefits, and such other terms and conditions of employment as the Board of Legislators deem appropriate.
- d. The County Administrator shall, on an annual basis, undergo an evaluation of his or her job performance as conducted by the Board of Legislators in a manner to be determined by the Board of Legislators.
- e. The term of office of the first County Administrator appointed pursuant to this local law shall commence on the date of his or her appointment and shall expire on December 31, 2021.

- f. The term of office of each subsequent County Administrator shall be for four years or such lesser term as agreed upon between the Board of Legislators and the County Administrator in a written employment agreement; however, in no event shall the Board of Legislators appoint a County Administrator to a term of office that exceeds the tenure of the Board of Legislators making said appointment.

Section 3. Removal of County Administrator During His or Her Term. The Allegany County Board of Legislators may remove the County Administrator prior to the expiration of the County Administrator's term of office upon the terms and conditions agreed upon between the Board of Legislators and the County Administrator in a written employment agreement or upon cause; cause being insubordination, neglect of duty, or inability, by reason of sickness or disability, to discharge the duties and responsibilities of office beyond the period of any leave authorized by the New York State Civil Service Law, subject to the following conditions:

- a. The Board of Legislators shall adopt a Resolution stating their intention to remove the County Administrator and the reasons therefore.
- b. A copy of the Resolution shall be served upon the County Administrator. The County Administrator may, within thirty (30) days, demand a hearing.
- c. If the County Administrator demands a hearing, the Board of Legislators shall appoint a committee to hold a hearing, in executive session, not less than ten (10) days or more than twenty (20) days from the date of the demand. After the hearing, the committee shall recommend dismissal or retention of the County Administrator. The Board of Legislators may accept or reject the recommendation of the committee. The decision of the Board of Legislators shall be final and binding, subject to the right of appeal in accordance with law.
- d. If the County Administrator does not demand a hearing, the Board of Legislators may dismiss the County Administrator thirty (30) days after service of a copy of the Resolution upon the County Administrator.
- e. Upon the passing of the Resolution, the Board of Legislators may suspend the County Administrator from official duties without pay. If the charges against the County Administrator are not sustained by the Board of Legislators or are not sustained after any appeal from the decision of the Board of Legislators, the County Administrator shall be entitled to be paid for the period of suspension.

Section 4. Qualifications. At the time of appointment, the County Administrator shall have the following education, training, and/or experience:

- a. Possess a Bachelor's Degree from an accredited college or university and have seven years paid full-time management experience in a private or public business or industrial enterprise, or

- b. Possess a Master of Public Administration or Master of Business Administration Degree and have five years of paid full-time management experience in private or public business or industrial enterprise, or
- c. An equivalent combination of education, training, and managerial experience listed above.
- d. The County Administrator shall have the qualifications set forth in Section 3 of the Public Officer's Law except that the County Administrator need not be a resident of Allegany County at the time of his or her appointment but instead shall be subject to the residency requirements as set forth in this Section.
- e. The appointee need not be a resident of Allegany County at the time of appointment but shall become so within 180 days of appointment and remain so during his or her term of office. Failure to become such a resident or to remain such a resident shall be cause for dismissal by the Allegany County Board of Legislators. Once appointed and residence in Allegany County is established, no such 180-day grace period for residency shall apply to any reappointments to the office unless the appointee previously vacated office or was granted leave of absence approved by the Board of Legislators.
- f. The County Administrator is to hold no other public office, political office, or other employment, except upon the approval of the Board of Legislators. This position is a full-time position in service to Allegany County.
- g. The County Administrator shall be appointed on the basis of these and such other qualifications as may be required for the responsibilities of the office.

Section 5. Powers and Duties. Without curtailing, diminishing, or transferring the powers of any elected County Official, the County Administrator shall oversee, provide leadership for, and have general supervision over all departments, offices, and agencies within the county government structure. The County Administrator shall act as the representative of the Board of Legislators. Within the limits of his or her authority, the County Administrator shall be responsible to the Board of Legislators for the overall administration of county government, as directed by the Board of Legislators, and shall provide a full range of staff services to the Board of Legislators, the Chairman of the Board of Legislators, and the various committees of the Board of Legislators. The County Administrator shall coordinate the activities of the several officers, employees, agents, departments, boards, and agencies so that the policies and programs enunciated by the Board of Legislators, as well as programs mandated by other governmental authority are implemented in a cost effective manner for the most benefit to the citizens served. The County Administrator shall perform all the duties now and hereafter conferred or imposed upon the office by law and directed by the Board of Legislators and shall have all the powers and perform all the duties necessarily implied or incidental thereto. Such powers and duties include the following:

- a. To appoint staff within the Office of the County Administrator as may be authorized by the Board of Legislators.
- b. To assist the Chairman in ensuring that statutes, local laws, and resolutions of the Board of Legislators are faithfully executed and to report to the Board of Legislators any neglect of duty.
- c. To attend meetings of the Board of Legislators, its committees, and such other meetings as the Board of Legislators may direct.
- d. To participate when requested by a member of the Board of Legislators in discussions of issues being considered by the Board at its meetings.
- e. To develop policy and procedural recommendations for consideration by the Board of Legislators.
- f. To aid the Board of Legislators in evaluating proposals presented to it and make recommendations concerning such proposals.
- g. To undertake such administrative and management studies that are requested by or approved by the Board of Legislators.
- h. To submit to the Board of Legislators reports and recommendations regarding governmental operations.
- i. In conjunction with Board of Legislators, to maintain liaisons and represent the Board of Legislators with political subdivisions, state and federal officials, and agencies.
- j. To have general supervision of all County Department Heads except the County Attorney, Clerk of the Board, and those that are elected officials.
- k. To work in conjunction with and coordinate the activities of County Department Heads and the administration of all units of county government in order to most efficiently implement the directives of the Board of Legislators, with a particular emphasis on the provision of consistent and fair departmental goals, objectives, staffing practices, and operations in accordance with established policies.
- l. To conduct regular meetings with County Department Heads and others deemed necessary and to ensure all County Department Heads are aware and kept abreast of all developments which would have a potential impact to the individual departments.
- m. To have the administrative responsibility of approving the organization and staffing within any specific department, or agency or operation subject to his or her administrative control.

- n. To make recommendations for appointments by the Board of Legislators for all heads of units of county government, except the County Attorney, Clerk of the Board, and those that are elected officials.
- o. To undertake annual performance evaluations and annual salary recommendations to the Board of Legislators for all head of units of county government except the County Attorney, Clerk of the Board, and those that are elected officials.
- p. To determine what officer shall perform a particular power or duty not clearly defined by law.
- q. To review proposed department and office budgets collaboratively with County Department Heads and the Budget Officer, if one is separately appointed, and make recommendations for expenditures to be in the County Budget, and monitor expenditures throughout the year.
- r. If also appointed as Budget Officer, prepare the annual tentative budget for review and adoption by the Board of Legislators to ensure appropriate budgetary controls and to promote the effective, efficient, and economical management of appropriated funds.
- s. To recommend for approval all bills, vouchers, invoices, and other evidence of claims, demands, or charges paid from County funds or by any County agency, or payment for which the County, its officers, or agents are responsible.
- t. With the approval of the County Treasurer, to prescribe the form of financial reports, receipts, vouchers, bills, or claims to be filed by all administrative agencies, departments, offices, or officials of the County.
- u. To authorize individual departmental transfers of funds within any equipment or contractual expense appropriation account in amounts of less than \$5,000 per transaction and report same to the Board of Legislators on a monthly basis.
- v. To authorize all attendance at conferences, conventions, and schools pursuant to Local Law 2 of 1995 as the same may be amended from time to time.
- w. To direct all labor relations activities, including the responsibility for collective bargaining, contract administration, grievance processing, the modification and administration of county work rules, and to cooperate with the County Attorney in the selection and employment of such counsel as may be required to assist in these matters.
- x. To execute and approve contracts and other related documents, in the name of the County, up to an amount and process directed by the Board of Legislators subject

to the approval of the County Attorney as to form and legality, and subject to the rules and regulations of the Board of Legislators and applicable laws.

- y. To perform those specific tasks directed to be performed by him or her by the Board of Legislators or Standing Committee overseeing the Office of the County Administrator pursuant to its authority under the County Board Rules. The County Administrator shall not perform specific tasks requested of him or her by any individual Legislator.
- z. To have such other related powers and perform such other related duties as may now or hereafter be confirmed or imposed by the Board of Legislators.

Section 6. Deputies.

- a. The County Administrator shall have the power to appoint a Deputy County Administrator in the exempt class for purposes of the Civil Service Law and who shall serve at the pleasure of the County Administrator with a term of office to coincide with that of the County Administrator, provided that any such appointment may be revoked, at any time, by the County Administrator, by written revocation filed with the County Clerk and the Clerk of the Board of Legislators.
- b. The Board of Legislators may authorize the County Administrator's appointment of such additional deputies as it may determine and whose positions are created by separate Resolution and subject to the Civil Service Law. Any additional deputies determined to be in the exempt class for purposes of the Civil Service Law shall serve at the pleasure of the County Administrator with a term of office to coincide with that of the County Administrator, provided that any such appointment may be revoked, at any time, by the County Administrator, by written revocation filed with the County Clerk and the Clerk of the Board of Legislators.
- c. Deputies shall have the qualifications set forth in Section 3 of the Public Officer's Law except that a Deputy County Administrator need not be a resident of Allegany County at the time of his or her appointment but instead shall be subject to the same residency requirements as the County Administrator set forth in Section 4(e) above.
- d. Every appointment of a Deputy shall be in writing, filed and recorded in the Office of the County Clerk and the Clerk of the Board of Legislators.
- e. Deputies shall perform such duties not inconsistent with law and pertaining to the Office of the County Administrator as shall be assigned to the Deputy by the County Administrator.
- f. If there be but one Deputy, the Deputy County Administrator shall possess the powers and perform the duties of the County Administrator during the County Administrator's absence, the inability of the County Administrator to act, or during a

vacancy in the Office of the County Administrator. The Deputy County Administrator shall possess said powers and perform said duties until the Board of Legislators appoints an Acting County Administrator or until the County Administrator returns, is able to act, or, in case of a vacancy, until a successor is appointed. If there be more than one Deputy, the County Administrator shall designate in writing and file in the Office of the County Clerk and with the Clerk of the Board of Legislators the order in which they are to serve during the County Administrator's absence, the inability of the County Administrator to act, or during a vacancy in the Office of the County Administrator.

Section 7. Acting County Administrator; Delegation; Powers and Duties. In the event that either i) the County Administrator is absent or unable to perform and exercise the powers and duties of his or her office, or ii) a vacancy in the Office of County Administrator occurs; the County Board of Legislators may appoint a person to serve as Acting County Administrator or more than one person to serve simultaneously as Acting County Administrators.

- a. Any person appointed as an Acting County Administrator shall have only those powers and duties of the County Administrator as are granted and directed to them by the County Board of Legislators, as well as any other additional and related powers and duties granted and directed by the County Board of Legislators.
- b. Any person serving as Acting County Administrator does not have to possess the minimum qualifications prescribed for the office of County Administrator.
- c. The work hours, work schedule, and total compensation for any person service as an Acting County Administrator shall be determined by the County Board of Legislators at its discretion.
- d. The position of Acting County Administrator shall be at will, and as such, any person so appointed as an Acting County Administrator shall serve at and during the pleasure of the County Board of Legislators appointing him or her; but in no event shall such service extend beyond the time when the County Administrator is no longer absent or unable to act, or any vacancy in the Office of County Administrator is filled by the appointment and qualification of a new County Administrator.

Section 8. Limitations. Nothing contained herein shall be deemed to alter or impair any powers, duties, or responsibilities which are provided to the County Board of Legislators under law, nor shall anything herein be deemed to curtail, diminish, or transfer the powers of any elected County Official.

Section 9. Separability of Provisions. If any clause, sentence, paragraph, subdivision, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment, decree, or order shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation of the clause, sentence,

paragraph, subdivision, section, or part thereof directly involved in the controversy in which such judgment, decree or order shall have been rendered.

Section 10. Local Laws Repealed. The following Local Laws are collectively hereby repealed and shall be superseded by this Local Law, with said repeal to take effect upon the effective date of this Local Law:

- a. Local Law No. 3 of 1992 entitled "A Local Law Establishing the Office of County Administrator", and all amendments thereto, including Local Law No. 3 of 1995, Local Law No. 2 of 2010, and Local Law No. 2 of 2016.

Section 11. Conflict with Previous Local Laws or Resolutions. In the event of a conflict or inconsistency between this Local Law and any previous Local Law or Resolution of the Board of Legislators, the terms of this Local Law shall govern.

Section 12. Effective Date. This Local Law shall become effective upon its filing in the Office of the New York State Secretary of State.

Moved by: Mr. Fanton
Seconded by: Mr. Curran

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

RESOLUTION NO. 90-19

AMENDING RESOLUTION NO. 48-94, TO DEFINE THE DUTIES OF THE COUNTY AUDITOR

Offered by: Ways & Means Committee

RESOLVED:

1. That Section 2. of Resolution No. 48-94 is hereby amended to read:
 2. That the County Auditor shall audit all claims, accounts, and demands which are made county charges by law and which otherwise would be audited by the Board of Legislators. Additionally, the County Auditor's powers and duties shall expressly include, but not be limited to:
 - a. The County Auditor shall audit those claims, accounts, and demands against certain social services funds as required by and in accordance with section 83 of the New York State Social Services Law.
 - b. The County Auditor shall audit those claims, accounts, and demands against funds of the Allegany County Health District as required by and in accordance with section 346 of the New York Public Health Law.

c. The County Auditor shall audit those claims, accounts, and demands which relate to a County self-insurance medical plan or plans which have been or may be approved by resolution or local law of the County Board of Legislators.

d. The County Auditor shall examine and audit, at times to be determined by the Board of Legislators, the books, records, vouchers, and other papers pertaining to the money, funds, and property of any County Officer or department and render a report to the Board of Legislators as to whether proper books and records have been kept and all money and property accounted for.

Moved by: Mr. Fanton
Seconded by: Mr. Healy

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

RESOLUTION NO. 91-19

APPOINTMENT OF DR. CHRISTOPHER DEPNER AS THE CORONER'S PHYSICIAN

Offered by: Human Services Committee

Pursuant to County Law § 400(4-b)

RESOLVED:

1. That Dr. Christopher Depner shall be appointed as the Coroner's Physician commencing April 22, 2019 and expiring December 31, 2019.

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

Adopted: Voice Vote

RESOLUTION NO. 92-19

CREATION OF ONE TEMPORARY FULL-TIME POSITION OF CORRECTIONS SERGEANT IN THE SHERIFF'S OFFICE

Offered by: Public Safety Committee

RESOLVED:

1. That one temporary full-time position of Corrections Sergeant (Council 82, Local 39889 Bargaining Unit) within the Sheriff's Office is created.

2. That this position shall take effect April 23, 2019.

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

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

RESOLUTION NO. 93-19

**CREATION OF ONE TEMPORARY FULL-TIME POSITION OF
ACCOUNTANT IN THE SHERIFF'S OFFICE**

Offered by: Public Safety Committee

RESOLVED:

1. That one temporary full-time position of Accountant (PEF, Grade 7) within the Sheriff's Office is created.
2. That this position shall take effect April 23, 2019.

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

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

Comments made regarding Resolution No. 93-19 included: Legislator Harris asked about the fiscal impact of this resolution and the previous one. Sheriff Whitney stated that neither position has been budgeted as we didn't know the people in these positions were going to retire.

RESOLUTION NO. 94-19

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

Offered by: Ways & Means Committee

WHEREAS, a check in the amount of \$1,517.96, representing the cost to repair the 2006 Chevrolet Silverado (VIN#3GCEK14V86G217277) assigned to the Department of Public Works that was damaged in a motor vehicle accident on February 21, 2019, has been offered by Nationwide in settlement for such damage, now, therefore, be it

RESOLVED:

1. That the amount of \$1,517.96 from Nationwide, representing the cost to repair the 2006 Chevrolet Silverado (VIN#3GCEK14V86G217277), is accepted.

2. That the sum of \$1,517.96 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. Fanton
Seconded by: Mr. Havey

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

RESOLUTION NO. 95-19

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 \$299.44, representing the cost to replace a windshield on a 2008 Chevrolet Impala (VIN#2G1WB58N889192392) assigned to the Community Services Agency, has been offered by NYMIR in settlement for such damage, now, therefore, be it

RESOLVED:

1. That the amount of \$299.44 from NYMIR, representing the cost to replace a windshield on a 2008 Chevrolet Impala (VIN#2G1WB58N889192392), is accepted.

2. That the sum of \$299.44 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. Fanton
Seconded by: Mr. Curran

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

RESOLUTION NO. 96-19

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 \$235, representing the cost to replace a windshield on a 2016 Dodge Caravan (VIN#2C4RDGBGXG3832345) 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 \$235 from NYMIR, representing the cost to replace a windshield on a 2016 Dodge Caravan (VIN#2C4RDGBGXG3832345), is accepted.

2. That the sum of \$235 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. Fanton
Seconded by: Mr. Decker

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

RESOLUTION NO. 97-19

APPROVAL OF TRANSPORTATION OF PRESCHOOL CHILDREN WITH HANDICAPPING CONDITIONS AGREEMENTS WITH SIXTEEN CENTRAL SCHOOL DISTRICTS; AUTHORIZING CHAIRMAN TO EXECUTE AGREEMENTS

Offered by: Human Services Committee

WHEREAS, sixteen central school districts have agreed to provide transportation for County preschool children with handicapping conditions, now, therefore, be it

RESOLVED:

1. That each Agreement titled "Agreement Concerning The Transportation Of Preschool Children With Handicapping Conditions" for the period July 1, 2019, to June 30, 2021, with the respective Central School Districts of Alfred-Almond, Andover, Arkport, Belfast, Bolivar-Richburg, Canaseraga, Canisteo-Greenwood, Cuba-Rushford, Fillmore, Friendship, Genesee Valley, Keshequa, Portville, Scio, Wellsville, and Whitesville, is approved.

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

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

Comments made regarding Resolution No. 97-19: Chairman Crandall stated that former Legislator Lee Friar (1980-1993), who chaired the Human Services Committee, was the Principal of Portville Central School. He lived just this side of the Cattaraugus County line. He came up with this idea for transportation, and it has saved the County millions of dollars. Other counties have looked at it as well.

RESOLUTION NO. 98-19

**APPROVAL OF AGREEMENT WITH ANDOVER CENTRAL SCHOOL TO PROVIDE
EVALUATION SERVICES TO PRESCHOOL PROGRAM RECIPIENTS; AUTHORIZING
PUBLIC HEALTH DIRECTOR TO EXECUTE AGREEMENT**

Offered by: Human Services Committee

RESOLVED:

1. That Agreements titled "County of Allegany Contract for Evaluation Services for Preschool Children with Disabilities" with Andover Central School for the period December 15, 2018, to August 31, 2019, is approved.
2. That the Public Health Director shall execute said Agreement.

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

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

RESOLUTION NO. 99-19

**APPROVAL OF AGREEMENT BETWEEN IOWA STATE UNIVERSITY OF SCIENCE AND
TECHNOLOGY AND THE ALLEGANY COUNTY DEPARTMENT OF HEALTH TO ALLOW
INTERNSHIP FOR STUDENTS' CURRICULUM STUDIES; AUTHORIZING CHAIRMAN TO
EXECUTE AGREEMENT**

Offered by: Human Services Committee

RESOLVED:

1. That the Agreement to allow students to shadow and/or complete an internship for their curriculum studies between Iowa State University of Science and Technology and the Allegany County Department of Health, 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
13 Ayes, 0 Noes, 2 Absent

RESOLUTION NO. 100-19

APPROVAL OF AGREEMENT BETWEEN LIFESTATION, INC. AND THE COUNTY OF ALLEGANY FOR PERSONAL EMERGENCY RESPONSE SYSTEM SERVICES; AUTHORIZING BOARD CHAIRMAN TO EXECUTE SAID AGREEMENT

Offered by: Human Services Committee

RESOLVED:

1. That the LifeStation, Inc. agreement for Personal Emergency Response System services for the Office for the Aging for a term of three years, is approved.
2. Services will be paid at the following rates with consideration not exceeding \$30,000 per calendar year:

Landline Compatible:	\$13.50 per calendar month per individual
In-Home Cellular:	\$13.50 per calendar month per individual
Mobile/GPS Compatible:	\$15.50 per calendar month per individual
Fall Detection (Optional):	\$Additional \$5.00 per calendar month per individual
3. No budget adjustments are necessary as the funds are included in the 2019 budget.
4. That the Chairman of this Board is authorized to execute said agreement.

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

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

RESOLUTION NO. 101-19

APPROVAL OF EXTENSION OF AGREEMENT WITH NEW YORK STATE DEPARTMENT OF WEIGHTS AND MEASURES FOR THE REIMBURSEMENT OF TIME SPENT COLLECTING PETROLEUM SAMPLES; AUTHORIZING CHAIRMAN TO EXECUTE AGREEMENT

Offered by: Public Safety Committee

RESOLVED:

1. That the extension of the Agreement with the New York State Department of Weights and Measures for the reimbursement of time spent collecting petroleum samples, is approved.
2. That the Chairman of this Board shall execute said Agreement.

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

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

Resolution Intro. No. 102-19, **(APPOINTMENT OF TIMOTHY T. BOYDE AS ACTING COUNTY ADMINISTRATOR)** was not pre-filed and was considered from the floor on a motion made by Legislator Fanton, seconded by Legislator Dibble, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 102-19

APPOINTMENT OF TIMOTHY T. BOYDE AS ACTING COUNTY ADMINISTRATOR

Offered by: Ways & Means Committee

Pursuant to Local Law No. 1 of 2019

WHEREAS, Resolution 260-18 appointed the County Administrator pursuant to Local Law 3 of 1992, as subsequently amended by Local Law No. 3 of 1995, Local Law No. 2 of 2010 and Local Law No. 2 of 2016, and

WHEREAS, Resolution 89-19 adopted Local Law 1 of 2019 and repealed Local Law 3 of 1992, Local Law No. 3 of 1995, Local Law No. 2 of 2010 and Local Law No. 2 of 2016, and

WHEREAS, this Board desires to continue Mr. Boyde's service in his current role by exercising its authority, granted by Local Law No. 1 of 2019, to appoint an Acting County Administrator, and

WHEREAS, this Board believes that it is in the County's best interest to appoint Timothy T. Boyde as Acting County Administrator pending the appointment of a new County Administrator, now therefore, be it

RESOLVED:

1. That effective April 22, 2019, Timothy T. Boyde is appointed Acting County Administrator to exercise the full powers and duties of the Office of County Administrator as set forth in Local Law No. 1 of 2019 until such time as this Board appoints his successor as County Administrator.

Moved by: Mr. Fanton
Seconded by: Mr. Dibble

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

Resolution Intro. No. 103-19, **(CREATION OF ONE TEMPORARY FULL-TIME POSITION OF DIRECTOR OF PATIENT SERVICES IN THE HEALTH DEPARTMENT)** was not pre-filed and was considered from the floor on a motion made by Legislator Hopkins, seconded by Legislator Root, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 103-19

CREATION OF ONE TEMPORARY FULL-TIME POSITION OF DIRECTOR OF PATIENT SERVICES IN THE HEALTH DEPARTMENT

Offered by: Human Services Committee

RESOLVED:

1. That one temporary full-time position of Director of Patient Services (PEF, Grade 9) is created.
2. That the temporary position of Director of Patient Services shall be effective May 1, 2019, and abolished October 1, 2019.

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

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

Comments made regarding Resolution No. 103-19: Legislator Harris apologized for not being present for the committee discussion on this position. He asked Public Health Director Lori Ballengee for a description of the position. Ms. Ballengee explained the need for the position saying that they cannot be without a clinical medical director.

AUDITS:

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

Legislator Barnes asked about RTA (Raise the Age) expenses under Public Safety. County Administrator Boyde explained that this is money we have to pay out to two facilities, and we get reimbursed by the State.

A motion was made by Legislator Fanton, seconded by Legislator Ricci, and adopted on a roll call vote of 13 Ayes, 0 Noes, 2 Absent, that the audit of claims, totaling \$4,121,321.59 including prepaid expenses, be approved for payment as recommended by the County Administrator. *(Allegheny County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$2,927,600.)*

COMMENTS:

Legislator Barnes asked what the topics were for the Committee of the Whole meetings on May 1 and May 6. County Administrator Tim Boyde stated that the meeting on May 6 will be to interview candidates for the County Administrator position. The meeting on May 1 would be with our consultant for the County Administrator search in order to go over the process for May 6.

ADJOURNMENT: The meeting was adjourned at 2:56 p.m. on a motion made by Legislator Decker, seconded by Legislator Dibble, and carried.