

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION**

MAY 13, 2019

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:08 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by United States Air Force Reserve Technical Sergeant Cory S. Higby.

INVOCATION: The Invocation was given by Legislator William G. Dibble.

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 April 17, 2019, were approved on a motion made by Legislator Dibble, seconded by Legislator Root, and carried.

The Committee of the Whole meeting minutes of April 22, 2019, were approved on a motion made by Legislator Curran, seconded by Legislator Graves, and carried.

The Board meeting minutes of April 22, 2019, were approved on a motion made by Legislator Barnes, seconded by Legislator Decker, and carried.

The Committee of the Whole meeting minutes of May 1, 2019, were approved on a motion made by Legislator Ricci, seconded by Legislator Fanton, and carried.

The Committee of the Whole meeting minutes of May 6, 2019, were approved on a motion made by Legislator Stockin, seconded by Legislator Decker, and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Cory S. Higby, United States Air Force Reserve Technical Sergeant, in grateful appreciation of his service to our country. Mr. Higby enlisted in January 2009 and continues to serve. Following Basic Training at Lackland Air Force Base, TX, and Advanced Individual Training at Charleston Air Force Base, SC, assignments include: Niagara Falls Air Reserve Station, Jordan, and Iraq. Commendations he's received include: Air Force Meritorious Service Award, Air Force Good Conduct Medal, Air Force Longevity Service Ribbon, Air Force Training Ribbon, and Expeditionary Service Medal. Mr. Higby led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Crandall was joined by Belmont American Legion Poppy Chair Suzie Thomas and several American Legion Auxiliary members from around the County. Chairman Crandall read a few lines from the poem "In Flanders Fields" and gave some history regarding Poppy Day. He thanked the members of the Legion Auxiliary for bringing the poppies to the Board meeting and helping to remind us of the freedoms we enjoy. Chairman Crandall read a proclamation declaring May 24, 2019, as Poppy Day in Allegany County.

Chairman Crandall stated that the County is at the point of entering into an agreement for the Friendship Waterline Project. He asked IDA members Craig Clark, Michael Johnsen and Judy Hopkins to join him. (Friendship Town Board members were unable to attend.) Chairman Crandall stated that he's received a number of questions about the project. Former Senator Pat McGee had worked on getting funds that had been earmarked for the County. The funds were for litigation and other costs resulting from the low-level nuclear waste dump that had been proposed for Allegany County in the late 1980s and early 1990s. Senator McGee passed away in 2005, and Senator Young was able to finish securing those funds for the County. Roughly \$400,000 was used to begin the process of mapping out the system. In 2012, the Board of Legislators adopted Resolution No. 14-12 approving the purchase of certain obligations issued by the Allegany County Industrial Development Agency to finance a certain infrastructure project for the Allegany County Industrial Development Agency. It also included the lease of a piece of property and the grant of an easement on County Route 20. That resolution was not sponsored by a committee, but by all fifteen legislators. Mike Healy, Karl Graves, Dwight Fanton, Phil Curran, and Chairman Crandall were legislators at that time. There were no descending votes on the resolution. Before its adoption, Legislator Healy made the following remarks, "In the history of civilization, all development has taken place along major transportation corridors. The intersection of I-86 and State Route 19 in Belvidere is the best intersection between Painted Post and Erie, Pennsylvania. It has the most flat land that has potential for development. The only drawback we've had is the lack of water. With this resolution, we've reached a crossroads of our destiny in the County – we need to decide whether to live in the past, or invest in the future. We have chosen, or are about to choose, to invest in the future. This resolution is a true County project for the reasons that Legislator Hopkins just expressed: 1) immediate development which is likely to occur in the area, 2) generation of sales tax, the majority of which will be paid by passing motorists on I-86 and not by our local residents, 3) building the infrastructure will add to our tax base, 4) creation of jobs, and 5) it will foster further development, both locally in the area and also County-wide. For most people who come here, this area is the first thing they see when they enter the County. Mr. Healy commended the Board and the leadership of the Board for putting us in a position to be able to take advantage of this." Chairman Crandall went on to say that we now have an agreement between Allegany County, the Town of Friendship, and The Allegany County Crossroads Utility Corporation. A waterline will be constructed between Friendship and the Crossroads area. Chairman Crandall commended the Town of Friendship for working toward this goal. Water users will pay fees which will in turn pay for our investment. This project is much needed development in Allegany County. Mr. Johnsen stated that it's heartening to realize that the IDA has a good working relationship with the County Legislature. This is

really the last hurdle before we can call the low bidder and tell them to get started. Dr. Clark thanked the Legislators for their support.

Emergency Management & Fire Assistant Director Bonnie VanHousen spoke in commemoration of EMS Week. Ms. VanHousen stated that EMS Week is being recognized May 19-25. She said that Allegany County has a really good volunteer EMS service. There aren't many paid EMS people in the County. Classes are held at the Crossroads Center and they have some new EMTs who are beginning training. Ms. VanHousen asked that community members please thank their local EMS workers.

Representatives were present to answer questions regarding 2018 Annual Reports for the following: County Administrator, Development, Industrial Development Agency, Planning Department, Planning Board, Probation, Social Services, and Tourism.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. Report of Tax Bill Corrections Approved by the County Administrator in April.
2. Report of Intrafund Transfers Approved by the County Administrator in April.
3. County Treasurer Terri Ross filed Allegany County's Annual Report of Financial Condition to the New York State Comptroller (Appendix A) for the Year Ended December 31, 2018, in the Clerk of the Board's Office on April 29.
4. Allegany County Traffic Safety Board Chair Linda Edwards forwarded a copy of her letter to Governor Cuomo opposing the proposed legalization of Marijuana.
5. Reminder that there will be a special Committee of the Whole meeting at 11:00 a.m. on Tuesday, May 28. The majority of the meeting will be held in executive session to discuss the proposed appointment of a particular individual.
6. Correspondence from the NYS Board on Electric Generation Siting and the Environment indicating that the Article 10 Application filed by Alle-Catt Wind Energy LLC complies with Public Service Law.
7. The Government Intern final program will be in the Board Chambers on Monday, May 20, from 10:00 to 11:15 a.m. All Legislators and Department Heads are invited to attend.

APPOINTMENTS:

Chairman Curtis W. Crandall, in a joint measure with James J. Snyder, Chairman of the Cattaraugus County Board of Legislators, has appointed Kris Green to serve the remainder of Karen Comstock's three-year term as a member of the **CATTARAUGUS-ALLEGANY WORKFORCE DEVELOPMENT BOARD** commencing immediately and expiring December 31, 2019.

Chairman Curtis W. Crandall appointed David Evans of Bolivar, New York, to fill the remainder of Dean Scholes' two-year term and Aaron Whitehouse of Wellsville, New York, to fill the remainder of James Knapp's two-year term as members of the **ALLEGANY COUNTY LAND BANK CORPORATION BOARD OF DIRECTORS** effective immediately and expiring September 30, 2019, subject to confirmation by the Board of Legislators.

Acting County Administrator Timothy T. Boyde appointed Guy R. James as **DEPUTY COUNTY ADMINISTRATOR**, effective April 29, 2019, to serve during the present term and at the pleasure of the County Administrator.

PROCLAMATIONS:

Chairman Curtis W. Crandall proclaimed May 19-25, 2019, as **EMERGENCY MEDICAL SERVICES WEEK** in Allegany County.

Chairman Curtis W. Crandall proclaimed May 24, 2019, as **POPPY DAY** in Allegany County.

RESOLUTIONS:

RESOLUTION NO. 104-19

RESOLUTION SETTING DATE FOR PUBLIC HEARING ON MODIFICATION AND CONTINUATION OF AGRICULTURAL DISTRICT NUMBER THREE WITHIN THE TOWNS OF ALMOND, BIRDSALL, BURNS, AND GROVE AND THE VILLAGES OF ALMOND AND CANASERAGA

Offered by: Planning and Development Committee

Pursuant to Agriculture and Markets Law Sections 303-a and 303-b

WHEREAS, Agricultural District Number Three, being within the Towns of Almond, Birdsall, Burns, and Grove and the Villages of Almond and Canaseraga was created through consolidation of Agricultural Districts Number Seven and Thirteen by Resolution 158-02 on May 28, 2002, and

WHEREAS, by Resolution 19-2019, Allegany County published notice of the eight-year review of Allegany County Agricultural District Number Three, providing notice that any proposed modification of such District must be filed within 30 days with the Allegany County Clerk or the Clerk of the County Board of Legislators, and directing Agricultural District 3 and the Farmland Protection Board to submit a report after the termination of the 30-day period, and

WHEREAS, the 30-day period for requests has terminated and the Farmland Protection Board submitted a report on April 12, 2019, and

WHEREAS, 14 requests for inclusion were submitted, consisting of approximately 1,148.43 acres of predominately viable agricultural land within Agricultural District Number Three, and

WHEREAS, the report of the Allegany County Agricultural and Farmland Protection Board has been received recommending the inclusion of approximately 1,148.43 acres of predominantly viable agricultural land located within Agricultural District Number Three, in the Towns of Almond, Birdsall, Burns, and Grove and the Villages of Almond and Canaseraga, and

WHEREAS, the report of the Allegany County Agricultural and Farmland Protection Board has also recommended the removal of approximately 44.69 acres of predominantly viable agricultural land located within Agricultural District Number Three, in the Towns of Almond, Birdsall, Burns, and Grove and the Villages of Almond and Canaseraga, and

WHEREAS, the continuation and requested modifications to Agricultural District Number Three will result in 160 landowners enrolling approximately 16,668.74 acres, now, therefore, be it

RESOLVED:

1. That a public hearing on the proposed modifications and continuation of Agricultural District Number Three shall be held by this Board at the County Legislative Chambers, Room 221, County Office Building, Belmont, New York, on May 28, 2019, at 2:00 p.m.

2. That the Clerk of the Board of Legislators shall prepare, with the assistance of the County Attorney, a notice of the public hearing, and cause such notice to be published in The Spectator and mailed in accordance with Sections 303-a and 303-b of the Agriculture and Markets Law.

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

Adopted: Voice Vote

RESOLUTION NO. 105-19

SUPPORTING THE CREATION OF A STATE FOREST IN THE TOWN OF ANGELICA

Offered by: Planning & Economic Development Committee

WHEREAS, the New York State Department of Environmental Conservation has proposed the acquisition of land in the Town of Angelica by the State of New York for the purpose of creating a New York State Forest, and

WHEREAS, the location of the proposed State Forest is centrally located in Allegany County and situated on approximately 615 acres along County Road 43 in the Town of Angelica; home to diverse wildlife and natural features, it is comprised of productive upland forest, fertile pastures and cropland, floodplain forest, and significant frontage on the Genesee River, and

WHEREAS, the New York State Department of Environmental Conservation envisions the State Forest being used by the public for a variety of recreational opportunities, including: hunting, fishing, trapping, kayaking, canoeing, hiking, biking, cross-country skiing, snowshoeing, camping, birding, and wildlife viewing, and

WHEREAS, plans and improvements proposed for the State Forest include creation of public fishing access and canoe and kayak launch sites on the Genesee River, conversion of the railroad beds to a multipurpose trail system, and installation of covered pavilions and picnic tables for creation of a day-use picnic area, and

WHEREAS, the creation of a State Forest in the Town of Angelica would be the first such forest created in Allegany County in over 85 years; it is a historic proposal by the State of New York for the investment in Allegany County public lands, and

WHEREAS, the location of the property and its physical assets present a unique opportunity for recreational activities and wildlife enjoyment that are consistent with Allegany County's commitment towards adopting a strategic plan for the development, expansion, and enhancement of all recreational trails located in Allegany County, and

WHEREAS, the creation of a State Forest in the Town of Angelica would enhance the initiatives of Allegany County both towards recreational tourism as well as towards economic development of the crossroads of nearby I-86 and New York State Route 19, and

WHEREAS, the acquisition of lands by the State of New York for a State Forest would have the additional benefit of continued inclusion of the property in the town and school property tax assessments, therefore ensuring that the Town of Angelica and the local school district continue to collect property taxes on the property at the same rate as any other privately-owned property in the Town of Angelica, and

WHEREAS, the recreational, tourism, and economic opportunities presented by the creation of a centrally located State Forest on the banks of the Genesee River would greatly benefit Allegany County, now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators hereby urges the Town of Angelica and the State of New York to approve the creation of a State Forest located on approximately 615 acres along County Road 43 in the Town of Angelica.

2. That the Clerk of this Board is directed to send a certified copy of this resolution to the Town of Angelica and the New York State Department of Environmental Conservation.

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

Adopted: Voice Vote

Comments made regarding Resolution No. 105-19: Legislator Dibble gave a brief description of where the property is located saying that it was in the area of the former Brentwood Stables. Legislator Barnes asked how this parcel becoming State Forest would affect property taxes. Chairman Crandall stated that it was his understanding that town and school taxes will still be paid. There would no longer be an agricultural exemption for the parcel so the school and town would receive more than they currently do. He said he thought the impact to our County tax was minimal, around \$6,500, and wouldn't have much effect on our tax rate. County Treasurer Terri Ross agreed saying that it will result in an increase of approximately one-third of a penny per \$1,000 of assessed value. Legislator Stockin remarked there had been discussion a couple of years ago regarding development of that land. He's glad to see something finally being done and is in support of it. Legislator Dibble noted that the railroad bed is on the property adjacent to it.

RESOLUTION NO. 106-19

OPPOSING PASSAGE OF SENATE BILL S.01747 AND ASSEMBLY BILL A.03675, KNOWN AS THE "DRIVER'S LICENSE ACCESS AND PRIVACY ACT," THAT WOULD AMEND THE VEHICLE AND TRAFFIC LAW IN RELATION TO AUTHORIZING THE DEPARTMENT OF MOTOR VEHICLES TO ISSUE STANDARD DRIVERS' LICENSES

Offered by: Personnel Committee

WHEREAS, Assembly Bill A.03675 was introduced to secure driving privileges for undocumented immigrants and to protect the data of those applying for such privileges from access to any third party, including any law enforcement agency, without a judicial subpoena or judicial warrant and upon notice to the individual identifying the person or agency requesting said records, and

WHEREAS, the justification for the legislation is to address "the long-held need by undocumented immigrants and workers to secure driving privileges not only to get back and forth to work but to conduct the task of their personal lives like going to doctor visits and taking their children to school," and

WHEREAS, Senate Bill A.01747 was introduced and acts as "same as" legislation to Senate Bill S.01428, and

WHEREAS, the federally enacted REAL ID Act of 2005, established minimum security standards for state-issued driver's licenses and prohibits federal agencies from accepting non-compliant driver's licenses for official purposes; said standards require proof of United States citizenship, lawful permanent residency, or temporary lawful status in the United States, and

WHEREAS, Assembly Bill A.03675 and Senate Bill S.01747 would distinguish between New York standard and REAL ID federal-purpose drivers' licenses and would allow individuals who are otherwise ineligible for a federal-purpose driver's license due to their citizenship or immigration status to qualify for a standard driver's license in the State of New York, and

WHEREAS, the legislation requires that standard drivers' licenses shall be visually identical to federal-purpose driver's license "except that such licenses may state "Not for Federal Purposes" in a font no larger than the smallest font otherwise appearing on the face of the card," and

WHEREAS, such insignificant demarcation is likely to cause confusion in identifying whether an individual holds a standard license or a REAL ID compliant federal-purpose driver's license, and

WHEREAS, the inability to readily identify whether an individual holds a REAL ID federally compliant driver's license could hinder other states and jurisdictions from effectively enforcing their laws and interfere in the ability to uphold matters of interstate public safety, and

WHEREAS, as drivers' licenses are a common source of official identification used for obtaining other legal documents, the inability to readily identify whether an individual holds a REAL ID federally compliant driver's license could, at worst, be used to falsely obtain other official documents and, at best, diminish the value of a New York State driver's license as a proof of identity to federal and interstate government agencies, and

WHEREAS, the legislation would also require local Department of Motor Vehicle offices, for the sole purposes of determining eligibility for a standard driver's license, to accept a passport or government identification document issued in a foreign country as a form of proof of identity, and

WHEREAS, employees in local Department of Motor Vehicle offices lack the training and tools common to immigration agents that allow for the verification of foreign passports and government identification are authentic documents, and

WHEREAS, the inability to accurately authenticate such documents may further frustrate both the stated justification of the legislation as well as the overriding public safety concerns inherent in issuing drivers' licenses, and

WHEREAS, New York State presently suspends or revokes drivers' licenses for a variety of acts illegal in this State, yet this legislation proposes to issue drivers' licenses to individuals whose presence is illegal under federal law due to their lack of United States citizenship, lawful permanent residency, or temporary lawful status in the United States, and

WHEREAS, holding a driver's license in New York State is a privilege, not a personal right, and

WHEREAS, issuing drivers' licenses to undocumented immigrants and workers so that they may enjoy the privilege of driving themselves to work or doctor visits or chauffeuring their children to school do not outweigh the underlying and overwhelming purpose of the vehicle and traffic law to promote public safety, and

WHEREAS, there is no evidence or argument that Assembly Bill A.03675 and Senate Bill S.01747 will make the intrastate or interstate roads any safer, now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators hereby calls on the State lawmakers to oppose an amendment to the vehicle and traffic law in relation to authorizing the department of motor vehicles to issue standard drivers' licenses by opposing the enactment of Assembly Bill A.03675 and Senate Bill S.01747 into law.

2. That the Clerk of this Board is directed to send a certified copy of this resolution to Governor Andrew M. Cuomo; Assemblyman Joseph M. Giglio; United States Representative Tom Reed; New York Senate District 57 Office; State Senate Majority Leader Andrea Stewart-Cousins; State Assembly Speaker Carl E. Heastie; New York State Association of Counties; and InterCounty Association of WNY.

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

Adopted: Voice Vote

Comments made regarding Resolution No. 106-19: Legislator Decker asked for someone to give an explanation of this bill. Legislator Graves read a statement he had prepared.

"When is a lie a lie? The resolution we are discussing today has been labeled by Albany as the 'Green Light Bill.' The people in support of this effort say that it 'restores' a 'right' undocumented immigrants had, prior to 9/11, to be issued a New York State Driver License. First of all, let's get one misconception cleared up. 'Undocumented Immigrant' means that you are here in this country illegally. You are an illegal immigrant. You are here in violation of our laws, and you have failed to follow the rules to gain the right to be here. You have no 'right' to anything here. You need to go back where you came from and start to gain access to our country legally. The events of September 11, 2001, were horrific. Illegal immigrants killed 3,000 of our citizens and caused billions of dollars-worth of property damage. If (I say 'if' because I also think it's a lie) a change was made afterwards in our laws regarding issuing drivers licenses, it was made for a very good reason and that reason is that

some of them are not here because they are dreamers, full of hope and opportunity. They are here to disrupt our way of life and to kill us. We need to know who these people are. They need to be vetted properly so that we know that their intentions are honorable, not deadly. My family started here as immigrants. They came her for a better life, not to end life as we know it. They say that licensing these illegals will make our roads safer, that they will have to pass a written exam, a road test, and will be able to buy insurance. All so that they can ‘meet all their needs’ and that it will boost our state’s economy. I think it’s more important that we know that their ‘needs’ are honorable. Licensing them will not help our economy. Only a change in Albany’s way of thinking and doing business will help our economy. Taking jobs from our citizens and giving them to illegal immigrants should be considered an act of treason. The national economy is soaring. Employment is at a fifty-year high. The stock market is at historic levels yet here our economy is struggling. Dresser Rand, a pillar of our local economy for years, is shutting down. Air Preheater is laying dozens of people off. Kmart is gone. Something is terribly wrong. It’s an honorable thing for people to have good intentions, but this ‘green light bill’ is another example of good intentions gone bad. Adding insult to injury, I’m now hearing that the Governor proposes to remove any County Clerk who refuses to enforce this proposed law. A constitutionally elected public official, sworn to uphold the law, is being forced to serve illegal immigrants or be fired by the Governor. Someone should get fired. I agree with that assessment, but I don’t think it should be the County Clerk. The real reason for this law is obvious. The Governor and the Legislature are worried about the upcoming 2020 Census. Reports are that if these illegal immigrants are not included in the Census we stand to lose a Congressional seat. This would mean possibly losing billions of dollars in federal aid for our state. Instead of trying to make New York a place of opportunity, a place to grow your business and to prosper so that people and businesses will return, this is their answer. I urge that this resolution receive unanimous support, and that we also do everything in our power to support and protect our County Clerk.”

Legislator Dibble thanked Legislator Graves for his statement. Mr. Dibble moved that we add Congressman Tom Reed and the New York State 57th District Office to the last paragraph of the resolution directing who the resolution should be sent to. The motion was seconded by Legislator Graves, and carried to add those recipients. Legislator Harris asked County Clerk Robert Christman if he was in support of the resolution as it is written. Mr. Christman said that it’s common sense. His staff would have to be able to interpret documents that they aren’t able to read. He thanked the Board for bringing this resolution forward for consideration.

RESOLUTION NO. 107-19

AMENDMENT OF RESOLUTION NO. 249-18 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. 249-18 is amended to include Section 8 which shall read as follows:

8. That beginning January 1, 2019, 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. That commencing April 1, 2019, and ending March 31, 2020, the base salary of the District Attorney, (calculated over a twelve-month period), none of which includes any earned longevity increment, shall be \$200,355.

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

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

Comments made regarding Resolution No. 107-19: Legislator Harris wanted to note that although he feels our District Attorney is worth every penny, this salary is established by the State.

RESOLUTION NO. 108-19

CREATION OF ONE PART-TIME JAIL PHYSICIAN – MEDICAL DIRECTOR IN THE SHERIFF’S OFFICE; AMENDING SECTION 4 OF RESOLUTION NO. 297-75

Offered by: Personnel and Public Safety Committees

Pursuant to Correction Law § 501

WHEREAS, Correction Law § 501 requires the County to appoint a physician to the jail, now, therefore, be it

RESOLVED:

1. That one part-time position of Jail Physician – Medical Director is created in the Section IV Salary Plan at an annual salary of \$20,000.

2. That Section 4 of Resolution No. 297-75, as amended, is hereby amended by adding the title of Jail Physician – Medical Director.

3. This resolution shall take effect on May 14, 2019.

Moved by: Mr. Havey
Seconded by: Mr. Healy

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

RESOLUTION NO. 109-19

**REAPPOINTMENT OF ONE MEMBER TO THE ALLEGANY COUNTY
TELECOMMUNICATIONS DEVELOPMENT CORPORATION**

Offered by: Planning & Economic Development Committee

RESOLVED:

1. That the reappointment of Jonathan Denehy of Alfred Station, New York, as a member of the Allegany County Telecommunications Development Corporation, with term of office commencing April 24, 2019, and expiring September 30, 2020, is approved.

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

Adopted: Voice Vote

RESOLUTION NO. 110-19

**REAPPOINTMENT OF FIVE MEMBERS AND APPOINTMENT OF
ONE MEMBER TO THE SOUTHERN TIER WEST REGIONAL
PLANNING AND DEVELOPMENT BOARD**

Offered by: Planning & Economic Development Committee

Pursuant to Resolution No. 35-68, as amended by Resolution No. 93-75

RESOLVED:

1. That the reappointments of H. Kier Dirlam of Almond, New York, Jerry Scott of Cuba, New York, and Craig Clark of Alfred, New York, by the Chairman of this Board as members of the Southern Tier West Regional Planning and Development Board, with term of office commencing June 1, 2019, and expiring May 31, 2022, are approved.

2. That the reappointment of Curtis W. Crandall of Belfast, New York, and Lee Gridley of Wellsville, New York, by the Chairman of this Board as Ex-officio members of the Southern Tier West Regional Planning and Development Board, with term of office commencing June 1, 2019, and expiring May 31, 2022, are approved.

3. That the appointment of Justin Henry of Almond, New York, by the Chairman of this Board as Ex-officio member of the Southern Tier West Regional Planning and Development Board, with term of office commencing June 1, 2019, and expiring May 31, 2022, is approved.

Moved by: Mrs. Root

Adopted: Voice Vote

Seconded by: Mr. Barnes

RESOLUTION NO. 111-19

**REAPPOINTMENT OF THREE MEMBERS TO
ALLEGANY COUNTY YOUTH BOARD**

Offered by: Resource Management Committee

Pursuant to Resolution No. 95-79

RESOLVED:

1. That the reappointments by the Chairman of this Board of Corinne Davis (District I) of Angelica, New York, Deborah Hint (District II) of Cuba, New York, and Robert Starks (District III) of Wellsville, New York, to the Allegany County Youth Board, with term of office commencing March 26, 2019, and expiring March 25, 2022, are approved.

Moved by: Mr. Decker
Seconded by: Mr. Graves

Adopted: Voice Vote

RESOLUTION NO. 112-19

A RESOLUTION DETERMINING THAT ERRORS EXIST ON THE 2019 COUNTY AND TOWN TAX ROLLS FOR THE TOWN OF AMITY WITH REGARD TO REAL PROPERTY OF A TAXPAYER THEREIN; DIRECTING MAILING OF NOTICES OF APPROVAL OF APPLICATIONS FOR CORRECTED TAX ROLLS AND ORDERING THE TOWN TAX COLLECTOR TO CORRECT THE TAX ROLLS; PROVIDING FOR CHARGEBACKS OR CREDITS

Offered by: Ways & Means Committee

Pursuant to Real Property Tax Law § 554

WHEREAS, applications, for the taxpayer hereafter described, has been made to the County's Director of Real Property Tax Service Agency, for the correction of certain errors affecting their real property on the 2019 County and Town tax rolls, and

WHEREAS, the Director has transmitted to this Board the applications, in duplicate, together with a written report of his investigation of the claimed errors and his written recommendation for action thereon by this Board as to each application, and

WHEREAS, this Board has examined each application and report to determine whether the claimed error exists, now, therefore, be it

RESOLVED:

1. That with regard to the applications of Francisco Living Trust, Miles & Lois Francisco pertaining to claimed errors regarding their real property on the tax rolls of the Town of Amity, this Board of Legislators does determine that the claimed errors as alleged in those applications exist and does approve those applications.

2. That the Chairman of this Board is authorized and directed to make a notation on those applications and the duplicates thereof that they are approved, to enter thereon the respective correct extension of taxes as set forth by the Director in his report, to enter thereon the respective date of mailing of a notice of approval, to enter thereon the date of mailing of a certified copy of this resolution to the proper Tax Collector, and to sign thereon as Chairman.

3. That the Clerk of this Board is directed to mail to the below listed taxpayer a notice of approval stating, in substance, that their application has been approved, to inform the Chairman of this Board of the date of the mailing thereof, and to inform such taxpayer of the applicable provisions of subdivision seven of Section 554 of the Real Property Tax Law.

4. That the Tax Collector of the Town of Amity is ordered and directed to correct in the 2019 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

Francisco Living Trust, Miles & Lois Francisco: Parcel 185.-1-14
Assessment: Land \$272,300 Total \$272,300

by reducing the taxable value to \$0 and the County Treasurer is directed to make the following chargebacks:

Allegany County	\$4,336.00
Town	2,662.86
Fire	258.69
School Relevy	<u>\$4,570.53</u>
Total:	\$11,828.08

5. That the Tax Collector of the Town of Amity is ordered and directed to correct in the 2019 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

Francisco Living Trust, Miles & Lois Francisco: Parcel 185.-1-14.2
Assessment: Land \$148,500 Total \$148,500

by reaffirming the taxable value of \$148,500 and the County Treasurer is directed to make the following chargebacks:

Allegany County	\$2,401.24
Town	1,385.47
Fire	139.81
School Relevy	<u>\$2,290.17</u>
Total:	\$6,216.69

6. That the Clerk of this Board is directed to forthwith mail a certified copy of this resolution to the Tax Collector for the Town stated above together with the original copies of those applications completed in accordance with section two of this resolution.

7. The Clerk of this Board shall mail a copy of this resolution to the School on which the above described taxes were relevied and the amount to be charged to the School shall not be charged until 10 days after such mailing. Such amount shall be deducted by the County Treasurer from the money payable to such School as a result of school taxes returned after the date such amount is charged and which shall be paid to such School after May 1, 2019. The County Treasurer shall send a written notice to the School of the amount of such deduction prior to May 1, 2019.

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

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

RESOLUTION NO. 113-19

ACCEPTANCE OF INSURANCE PAYMENT FROM NYMIR AND APPROPRIATION OF FUNDS

Offered by: Ways & Means Committee

WHEREAS, a check in the amount of \$140,000, representing the settlement on the 2009 International Tri-Axle Dump Truck (VIN#1HTWXAHT29J107426) assigned to the Public Works Department, that was totaled in a motor vehicle accident on March 21, 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 \$140,000 representing the settlement on a 2009 International Tri-Axle Dump Truck (VIN#1HTWXAHT29J107426), is accepted.

2. That the sum of \$140,000 is placed in Account No. DM5130.204 (Road Machinery – Motor Vehicles) with a like sum credited to Revenue Account No. DM5130.2680.00 (Road Machinery – Insurance Recovery).

Moved by: Mr. Stockin

Adopted: Roll Call

Seconded by: Mr. Fanton

15 Ayes, 0 Noes, 0 Absent

RESOLUTION NO. 114-19

**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 \$50, representing the cost to repair a windshield on a 2017 Dodge Caravan (VIN#2C4RDGBG7HR783947) 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 \$50 from NYMIR, representing the cost to repair a windshield on a 2017 Dodge Caravan (VIN#2C4RDGBG7HR783947), is accepted.

2. That the sum of \$50 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. 115-19

**APPROVAL OF AGREEMENT WITH MEYER SEPTIC SERVICE FOR REPAIRS TO THE
ON-SITE WASTEWATER TREATMENT SYSTEM AT THE PUBLIC SAFETY FACILITY;
AUTHORIZING CHAIRMAN TO EXECUTE AGREEMENT**

Offered by: Public Works Committee

RESOLVED:

1. That the agreement with Meyer Septic Service for repairs to the on-site wastewater treatment system at the Public Safety Facility at a cost not to exceed \$426,000, is approved.

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

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

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

Comments made regarding Resolution No. 115-19: Legislator Dibble stated that he's in favor of this, but he hopes in the future we can get the Public Safety Facility connected to the village sewer system.

RESOLUTION NO. 116-19

APPROVAL OF AN OUT OF DISTRICT WATER SERVICE AGREEMENT BETWEEN ALLEGANY COUNTY, TOWN OF FRIENDSHIP AND THE ALLEGANY CROSSROADS UTILITY CORPORATION

Offered by: Ways & Means Committee

RESOLVED:

1. That an out of district water service agreement between Allegany County, Town of Friendship, and the Allegany Crossroads Utility Corporation is approved.
2. That the Chairman of the Board is authorized to execute said Agreement.

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

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

Comments made regarding Resolution No. 116-19: Legislator Dibble remarked that although this took a while, it's a good thing for the County.

RESOLUTION NO. 117-19

APPROVAL OF LEASE FOR RUSHFORD LAKE SWIMMING AREA; DESIGNATING ALLEGANY COUNTY ADMINISTRATOR AS COUNTY OFFICIAL FOR OPERATION OF PUBLIC BEACH

Offered by: Resource Management Committee

RESOLVED:

1. That the Lease between the Rushford Lake Recreation District, as Landlord, and the County of Allegany, as Tenant, for the leasing of premises at Rushford Lake for recreation purposes for the period January 1, 2019, to December 31, 2021, is approved.
2. That the Chairman of this Board is authorized to execute the Lease.
3. That pursuant to Paragraph 6. of the Lease, the Allegany County Administrator is designated the County official responsible for the administration of the operation of the

public beach for swimming and directly related activities on the Lease premises and is authorized to establish rules and regulations for such operation.

4. That the Clerk of this Board is directed to send a certified copy of this resolution to the Rushford Lake Recreation District and to the Allegany County Administrator.

Moved by: Mr. Decker
Seconded by: Mr. Graves

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

Comments made regarding Resolution No. 117-19: Legislator Decker remarked that this swimming area has been operating since at least the 1950s or 1960s. It's a great thing for kids in the County. Legislator Fanton stated that his children went swimming there in the 1960s. Legislator Dibble said it's a good public place to go swimming.

AUDITS:

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

A motion was made by Legislator Root, seconded by Legislator Decker, and adopted on a roll call vote of 15 Ayes, 0 Noes, 0 Absent, that the audit of claims, totaling \$3,383,137.20 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 \$3,476,525.*)

COMMENTS:

Legislator Healy reminded his fellow Legislators of the Fair Board dinner taking place on May 14.

ADJOURNMENT: The meeting was adjourned at 3:09 p.m. on a motion made by Legislator Graves, seconded by Legislator Decker, and carried.