

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION**

MAY 28, 2019

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:06 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Army Staff Sergeant Thomas S. Hanrahan.

INVOCATION: The Invocation was given by Legislator Dwight R. Fanton.

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 Board meeting minutes of May 13, 2019, were approved on a motion made by Legislator Dibble, seconded by Legislator Graves, and carried.

PUBLIC HEARING:

Chairman Crandall closed the regular meeting to hold a public hearing on the modification and continuation of Agricultural District Number Three within the Towns of Almond, Birdsall, Burns, and Grove and the Villages of Almond and Canaseraga.

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 remarked that the flag disposal receptacle located outside of the Clerk of the Board's office is nearly full. Chairman Crandall felt it was appropriate to mention this as we just celebrated Memorial Day and remember those who fought for our freedoms. He said, we know there is a proper way to display, and a proper way to dispose of flags once they are tattered and worn. Our Director of Veterans' Services will take those flags to be properly disposed of. Chairman Crandall thanked all who have put flags in the receptacle.

Chairman Crandall presented a certificate to Thomas S. Hanrahan, former United States Army Staff Sergeant, in grateful appreciation of his service to our country. Mr. Hanrahan's service dates were from October 7, 1952, to September 21, 1954. He completed his Basic and Advanced Training at Aberdeen Proving Grounds, MD, and was briefly in Japan before serving in Korea. Commendations he received included: Korean Service

Medal, National Defense Service Medal, United Nations Service Medal, and Meritorious Unit Commendation. Mr. Hanrahan 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 invited Office for the Aging Director Madeleine Gasdik and Office for the Aging Volunteer Coordinator Karen Chamberlain forward to join Mr. Hanrahan. Chairman Crandall stated that Mr. Hanrahan had recently been recognized in Albany for his volunteer work with the Office for the Aging. Mr. Hanrahan was employed for 36 years by the Federal Government Defense Contract Audit Agency. Tom began volunteering with the Allegany County Office for the Aging Tax Counseling for the Elderly Program in 2012. His work with the program requires approximately four months of dedication each year. Mr. Hanrahan travels to different locations in the County to help with tax return preparation. He reviews all of the work of the volunteer preparers and they've never had any tax returns rejected that have been prepared by the volunteers in this program. Mr. Hanrahan has been recognized by Governor Cuomo, Assemblyman Giglio, as well as the New York State Office for the Aging. Chairman Crandall read a proclamation recognizing Mr. Hanrahan for his dedication to the older population in Allegany County.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. June 2019 Calendar
2. Veterans' Service Agency Director Michael Hennessy filed his annual Necrology Report from May 17, 2018, through May 16, 2019, in the Clerk of the Board's Office on May 23, 2019.
3. The NYS Board on Electric Generation Siting and the Environment issued a Notice of Information Forums and Public Statement Hearings for the Alle-Catt Wind Energy Project on May 20, 2019.
4. The NYS Board on Electric Generation Siting and the Environment issued a Notice of Procedural Conference for the Alle-Catt Wind Energy Project on May 20, 2019.
5. Correspondence from Assemblyman Joseph Giglio thanking the Allegany County Traffic Safety Board Chair Linda Edwards for her letter regarding the legalization of marijuana and noting that he is not in favor of legalizing recreational marijuana.

PROCLAMATION:

Chairman recognized Thomas Hanrahan for his dedication to older citizens in Allegany County.

INTRODUCTION OF LEGISLATION:

Legislator Philip G. Stockin introduced Local Law Intro. No. 2-2019, Print No. 1, A Local Law Declaring the Opioid Epidemic and its Effects on Allegany County a Public Nuisance and Further Establishing a Cost Recovery Procedure for the County's Expenditures Incurred in Providing Services Related to the Opioid Epidemic

RESOLUTIONS:

RESOLUTION NO. 118-19

RESOLUTION SETTING DATE OF PUBLIC HEARING ON A LOCAL LAW DECLARING THE OPIOID EPIDEMIC AND ITS EFFECTS ON ALLEGANY COUNTY A PUBLIC NUISANCE AND FURTHER ESTABLISHING A COST RECOVERY PROCEDURE FOR THE COUNTY'S EXPENDITURES INCURRED IN PROVIDING SERVICES RELATED TO THE OPIOID EPIDEMIC

Offered by: Ways & Means Committee

WHEREAS, on this 28th day of May, 2019, a Local Law (Intro. No. 2-2019, Print No. 1) was introduced in relation to allowing the County to recover the costs related to healthcare, family and social services, criminal justice, addiction and rehabilitation, and other areas that are a result of the opioid epidemic; despite the existence of the common-law municipal cost recovery rule (a.k.a. free public services doctrine) and declare the opioid epidemic and its effects on the County a public nuisance, and

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

RESOLVED:

1. That a public hearing shall be held on June 10, 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. 2-2019, 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 a copy 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

Comments made regarding Resolution No. 118-19: Legislator Harris asked if it's possible to make amendments to this local law. County Attorney Knapp suggested he should wait until after the public hearing. Legislator Harris asked if an amendment would require another public hearing. County Attorney Knapp stated that it would not. (Memo: County Attorney Knapp later corrected this information before the meeting was adjourned.)

RESOLUTION NO. 119-19

**ESTABLISHING STANDARD WORK DAYS FOR ELECTED AND APPOINTED OFFICIALS
AND DIRECTING A REPORT OF DAYS WORKED TO THE NEW YORK STATE AND
LOCAL EMPLOYEES' RETIREMENT SYSTEM**

Offered by: Personnel Committee

RESOLVED:

1. Effective immediately, the Allegany County Board of Legislators hereby establishes the following as standard work days for elected and appointed officials and will report the days worked of such officials to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of the Board.

<u>Title</u>	<u>Name</u>	<u>Standard Day (Hrs./Day)</u>	<u>Term</u>	<u>Employer Record of Time (Y/N)</u>	<u>Days Worked Per Month</u>
ELECTED OFFICIALS:					
Sheriff	Whitney, Ricky L.	8	01/01/19-12/31/22	N	24.25

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

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

RESOLUTION NO. 120-19

**APPROVAL OF APPORTIONMENT OF MORTGAGE TAX TO TAX DISTRICTS
AND AUTHORIZING WARRANT THEREFOR**

Offered by: Ways & Means Committee

Pursuant to Tax Law § 261 (3)

RESOLVED:

1. That the Semi-Annual Report for the period October 1, 2018, through March 31, 2019, relating to Mortgage Tax Receipts and Disbursements, and the proposed distribution of such mortgage tax receipts therein, is approved as follows:

TOWN	AMOUNT OF TAX (4B)	PAYABLE TO TOWN (5)	PAYABLE TO VILLAGE (6)	NAME OF VILLAGE
Alfred	5,702.75	4,590.50	1,112.25	Alfred
Allen	3,243.15	3,243.15		
Alma	237.92	237.92		
Almond	3,922.44	3,641.03	281.41	Almond
Amity	5,030.83	4,258.38	772.45	Belmont
Andover	2,694.27	2,256.94	437.33	Andover
Angelica	2,478.88	2,103.76	375.12	Angelica
Belfast	2,271.24	2,271.24		
Birdsall	1,350.82	1,350.82		
Bolivar	2,706.11	2,162.16	507.55	Bolivar
			36.40	Richburg
Burns	2,599.10	2,301.05	298.05	Canaseraga
Caneadea	6,926.15	6,926.15		
Centerville	3,676.64	3,676.64		
Clarksville	3,080.86	3,080.86		
Cuba	6,160.55	5,320.11	840.44	Cuba
Friendship	2,886.28	2,886.28		
Genesee	3,928.45	3,928.45		
Granger	2,292.35	2,292.35		
Grove	2,518.69	2,518.69		
Hume	12,067.43	12,067.43		
Independence	2,442.30	2,442.30		
New Hudson	1,092.33	1,092.33		
Rushford	10,044.66	10,044.66		
Scio	5,106.80	5,106.80		
Ward	131.27	131.27		
Wellsville	15,511.75	11,371.59	4,140.16	Wellsville
West Almond	328.58	328.58		
Willing	2,302.61	2,302.61		
Wirt	3,056.30	2,844.34	211.96	Richburg
TOTALS	115,791.51	106,778.39	9,013.12	

2. That the Clerk of this Board is authorized and directed to execute a warrant of this Board to the County Treasurer directing her to distribute to the several tax districts in the County their respective share of such mortgage tax.

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

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

RESOLUTION NO. 121-19

AUTHORIZING PAYMENT TO TOWNS AND VILLAGES FROM ADDITIONAL MORTGAGE TAX FEE RETAINAGE BY COUNTY CLERK; APPROPRIATING FUNDS THEREFOR

Offered by: Ways & Means Committee

WHEREAS, by Resolution No. 214-2004 the County Clerk was authorized pursuant to Section 262 of the Tax Law to request and receive reimbursement from the State of New York for all of his necessary expenses incurred in the administration of the Mortgage Tax Program on behalf of the State of New York, and

WHEREAS, it was the intent of this Board in adopting such resolution that the Towns and Villages of the County would not suffer any adverse financial consequences as a result of any increased retained expense reimbursement to the County Clerk, and

WHEREAS, the County Clerk has received reimbursement of his necessary expenses incurred in the administration of the Mortgage Tax Program, and

WHEREAS, this Board wishes to appropriate part of such reimbursement of necessary expenses received by the County Clerk for the administration of the Mortgage Tax Program to the Towns and Villages of the County, now, therefore, be it

RESOLVED:

1. The amount of \$25,345.05 is appropriated from Account No. A1410.432 (County Clerk – Contractual) and shall be distributed to the Towns and Villages of the County as follows:

TOWNS	AMOUNT RETAINED BY COUNTY CLERK'S OFFICE FOR MORTGAGE TAX FEE	REBATE AMOUNT TO TOWN	REBATE AMOUNT TO VILLAGE	VILLAGES
Alfred	1,248.25	1,004.79	243.46	Alfred
Allen	709.88	709.88		
Alma	52.08	52.08		
Almond	858.56	796.96	61.60	Almond

Amity	1,101.17	932.09	169.08 Belmont
Andover	589.73	494.01	95.72 Andover
Angelica	542.59	460.48	82.11 Angelica
Belfast	497.14	497.14	
Birdsall	295.68	295.68	
Bolivar	592.33	412.09	178.97 Bolivar
			1.27 Richburg
Burns	568.90	503.66	65.24 Canaseraga
Caneadea	1,516.03	1,516.03	
Centerville	804.76	804.76	
Clarksville	674.36	674.36	
Cuba	1,348.45	1,164.49	183.96 Cuba
Friendship	631.77	631.77	
Genesee	859.88	859.88	
Granger	501.76	501.76	
Grove	551.31	551.31	
Hume	2,641.38	2,641.38	
Independence	534.58	534.58	
New Hudson	239.10	239.10	
Rushford	2,198.63	2,198.63	
Scio	1,117.80	1,117.80	
Ward	28.73	28.73	
Wellsville	3,395.29	2,489.07	906.22 Wellsville
West Almond	71.92	71.92	
Willing	504.01	504.01	
Wirt	668.98	622.58	46.40 Richburg
TOTALS	25,345.05	23,311.02	2,034.03

2. The Chairman of this Board, Allegany County Clerk, and Allegany County Treasurer are authorized to execute any and all vouchers, warrants, and other necessary documents of every nature and kind in order to affect the purpose of this resolution.

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

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

RESOLUTION NO. 122-19

**AMENDING RESOLUTION NO. 60-19 TO REFLECT THE CORRECTED AMOUNT OF
 FEDERAL TRANSIT ADMINISTRATION FORMULA GRANT FUNDS FOR RURAL AREAS,
 SECTION 5311, FOR CALENDAR YEARS 2017 AND 2018 THROUGH THE NEW YORK
 STATE DEPARTMENT OF TRANSPORTATION**

Offered by: Ways & Means Committee

WHEREAS, Resolution No. 60-19 accepted Federal Transit Grant funding for Rural Areas, Section 5311, for calendar years 2017 and 2018 through the New York State Department of Transportation, and

WHEREAS, the grant award was reduced, now, therefore, be it

RESOLVED:

1. That Resolution No. 60-19 is hereby amended to show the corrected award of grant funds in the amount of \$1,187,814.

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

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

RESOLUTION NO. 123-19

**APPROVAL OF GRANT APPLICATION TO THE CATTARAUGUS ALLEGANY
WORKFORCE DEVELOPMENT BOARD TO PROVIDE WORKFORCE INNOVATION AND
OPPORTUNITY ACT TITLE 1 YOUTH PROGRAM SERVICES**

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

WHEREAS, Employment and Training is requesting approval to apply for grant money through the Cattaraugus Allegany Workforce Development Board, and

WHEREAS, if approved, the grant would provide an estimated \$183,292 for Employment and Training to provide Workforce Innovation and Opportunity Act Youth Program Services, now, therefore, be it

RESOLVED:

1. That Employment and Training is authorized to act on behalf of the County of Allegany to apply for grant funds through the Cattaraugus Allegany Workforce Development Board.

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

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

RESOLUTION NO. 124-19

APPROVAL OF GRANT APPLICATION FOR HOMELAND SECURITY AND EMERGENCY SERVICES SHSP FY2019 GRANT BY THE OFFICE OF EMERGENCY MANAGEMENT AND FIRE SERVICE

Offered by: Public Safety Committee

WHEREAS, the Office of Emergency Management and Fire Service is requesting approval to apply for grant money through the Homeland Security and Emergency Services SHSP FY2019 grant, and

WHEREAS, the grant funds would be used to support regional preparedness for the County by increasing communication within and out of the County and to enhance communication between multiple law enforcement, fire, and EMS, and

WHEREAS, if approved, the grant would provide an estimated \$52,485, now, therefore, be it

RESOLVED:

1. That the Office of Emergency Management and Fire Service is authorized to act on behalf of the County of Allegany to apply for grant funds through the Homeland Security and Emergency Services SHSP FY2019 grant.

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

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

RESOLUTION NO. 125-19

AUTHORIZATION OF THE FILING OF AN APPLICATION FOR STATE ASSISTANCE FROM THE HOUSEHOLD HAZARDOUS WASTE (HHW) STATE ASSISTANCE PROGRAM AND AUTHORIZATION OF THE ASSOCIATED STATE CONTRACT UNDER THE APPROPRIATE LAWS OF NEW YORK STATE

Offered by: Public Works Committee

WHEREAS, the State of New York provides financial aid for household hazardous waste programs, and

WHEREAS, the County of Allegany, herein called the Municipality, has examined and duly considered the applicable laws of the State of New York and the Municipality deems it to be in the public interest and benefit to file an application under these laws, and

WHEREAS, it is necessary that a Contract by and between the People of the State of New York, herein called the State, and the Municipality be executed for such State aid, now, therefore, be it

RESOLVED:

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.

2. That the Chairman of the Board or his designee is directed and authorized as the official representative of the Municipality to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the State.

3. That the Municipality agrees that it will fund the entire cost of said household hazardous waste program and will be reimbursed by the State for the State share of such costs.

4. That five (5) Certified Copies of this Resolution be prepared and sent to the NYSDEC together with a complete application.

5. That this resolution shall take effect immediately.

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

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

RESOLUTION NO. 126-19

**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 \$2,258.00, representing the cost, less a \$500 deductible, to repair a Sheriff's Office 2018 Ford Police Interceptor (VIN#1FM5K8AR8JGB19459) that was damaged in a motor vehicle accident on April 10, 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 \$2,258.00 representing the lost, less a \$500 deductible to repair a Sheriff's Office 2018 Ford Police Interceptor (VIN#1FM5K8AR8JGB19459) that was damaged on April 10, 2019, is accepted.

2. That the sum of \$2,258.00 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 Intro. No. 127-19 (**RESOLUTION OPPOSING A PORTION OF PROPOSED LEGISLATIVE BILLS S4676A/A4863 CHANGING THE ORDER IN WHICH MULTIPLE TAX LIENS ARE TO BE REDEEMED**) was not pre-filed and was considered from the floor on a motion made by Legislator Healy, seconded by Legislator Decker, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 127-19

RESOLUTION OPPOSING A PORTION OF PROPOSED LEGISLATIVE BILLS S4676A/A4863 CHANGING THE ORDER IN WHICH MULTIPLE TAX LIENS ARE TO BE REDEEMED

Offered by: Ways & Means Committee

WHEREAS, since the adoption of the Uniform Delinquent Tax Act in 1995, the County of Allegany, New York, (the "County") enforces real property taxes pursuant to Article 11 of the New York State Real Property Tax Law ("Article 11"); and

WHEREAS, Under Article 11, the County is responsible for enforcing school, village, town, and county taxes on all parcels within its boundaries; and

WHEREAS, the County is responsible for guaranteeing town, school, and village taxes; and

WHEREAS, for the year 2019, the County enforces taxes on approximately 33,000 parcels having a total taxable assessed value of approximately \$1,981,114,581 and a total tax amount of approximately \$53,614,769; and

WHEREAS, enforcement of taxes under the current Article 11 has resulted in 99.39 percent of the parcels in the County being paid by the redemption date; and

WHEREAS, Legislative Bills S4676A/A4863 (the "Bill"), have been introduced proposing to amend Article 11; and

WHEREAS, the Bill proposes to amend Article 11, Section 1112(1), by changing the order in which a tax lien must be redeemed when the County holds more than one tax lien; and

WHEREAS, Article 11, Section 1112(1), currently provides that multiple tax liens must be paid in reverse chronological order. In other words, the most recent lien must be redeemed first; and

WHEREAS, the Bill proposes to amend Article 11 so that tax liens must be paid in chronological order. In other words, the oldest tax lien must be paid first; and

WHEREAS, the Bill as proposed will have detrimental effects on both taxpayers and the municipality collecting taxes; and

WHEREAS, the purpose for requiring that tax liens be paid in reverse chronological order is that pursuant to Article 11, Section 1123, the County cannot file its lis pendens to enforce the taxes until twenty-one (21) months after the lien date; and

WHEREAS, this requirement of a two-year cycle combined with the Bill's change allowing the oldest tax lien to be paid first may result in taxpayers always being a year in delinquency; and

WHEREAS, the Bill would result in the County's inability to enforce the most recent tax lien; and

WHEREAS, the Bill would further result in the County expending additional resources to manage the increased number of delinquent parcels; and

WHEREAS, permitting taxpayers to be a year in arrears would be unfair to the taxpayers who timely pay their taxes; and

WHEREAS, the Ways & Means Committee recommends adoption of this resolution; not therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators opposes the Bill to the extent that it changes the order in which multiple tax liens are to be redeemed.

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; State Senate Majority Leader Andrea Stewart-Cousins; State Assembly Speaker Carl E. Heastie; New York Senate District 57 Office; New York State Association of Counties; and InterCounty Association of WNY.

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

Adopted: Roll Call
14 Ayes, 1 No, 0 Absent
Voting No: Harris

AUDITS:

A motion was made by Legislator Stockin, seconded by Legislator Fanton, 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 15 Ayes, 0 Noes, 0 Absent, that the audit of claims, totaling \$3,443,518.87 including prepaid expenses, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$1,829,750.*)

COMMENTS:

County Attorney Knapp stated that the information she had given earlier about amending a local law was not correct. She said, if a local law was amended, a new public hearing would have to be held and a new intro. number would be assigned to the local law as well.

ADJOURNMENT: The meeting was adjourned at 2:40 p.m. on a motion made by Legislator Graves, seconded by Legislator Decker, and carried.