

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION**

AUGUST 12, 2019

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

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by Chairman Curtis W. Crandall.

INVOCATION: The Invocation was given by Legislator William Dibble.

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

APPROVAL OF MINUTES:

The Board meeting minutes of July 18, 2019, were approved on a motion made by Legislator Dibble, seconded by Legislator Decker, and carried.

PUBLIC HEARING:

Chairman Crandall closed the regular meeting to hold a public hearing on the updated Allegany County Comprehensive Plan. Comments from the public included the following:

Debbie Bigelow, Town of Amity, Concerned Citizens of Allegany County

Ms. Bigelow congratulated the staff who put the Comprehensive Plan together. She remarked that it's a beautiful document and likely another award winner. She said it's very straightforward and informative. The Concerned Citizens of Allegany County had made some suggestions, some of which were incorporated. She believes they had requested an outline of the criteria for selecting the priorities as they are listed near the end of the document. She would like clarification on what steps were taken to select the criteria.

As there were no further comments, the public hearing was declared closed, and the Board reconvened in regular session.

PRIVILEGE OF THE FLOOR:

Chairman Crandall stated that this meeting is one of only a few in recent years that we have had without an honored veteran present. Occasionally, someone who is scheduled to join us will have an illness or something comes up that keeps them from coming to the meeting. Chairman Crandall remarked that it's not just an opportunity to thank our veterans

for their service, but it also serves as a reminder to Allegany County residents of the assistance available through our Veterans' Service Agency.

Legislator Hopkins recognized Personnel Officer Bobby Budinger for his recent service. Mr. Budinger is enlisted in the United States Army Reserve and recently returned from active duty.

William Heaney spoke to those in attendance about Allegany County History Awareness Week which takes place September 23-29, 2019. Mr. Heaney stated that this event was put together four years ago when a group of historians from across the County sat down to discuss Allegany County history and the fact that very few schools in the County delve into local history. He remarked that although Allegany County may not be rich in the financial sense, we are rich in history. Mr. Heaney read a passage from historian and Pulitzer Prize winning author David McCullough's book, "The Pioneers." In it, Mr. McCullough remarks on the lack of basic knowledge of United States history among our younger American population. Mr. Heaney said that this event has provided an opportunity for schools to bring students to the David Howe Library in Wellsville to speak with historians and view displays on Allegany County history. Community members are invited to take part in the event as well. In addition to the displays at the Library, a performance of first-person presentations of local and national personalities will take place at the Palmer Opera House in Cuba on Sunday, September 29. The theme of this year's event is "People, Places, and Collectables." Mr. Heaney said that he has been invited to speak at the New York State Association of Historians meeting in Albany to share about Allegany County History Awareness Week. Our event will be a model for other counties to follow.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. County Administrator's Report of IntraFund Transfers Approved in the Month of July
2. County Administrator's Report of Tax Bill Corrections Approved in the Month of July
3. A Ruling Adopting Litigation Schedule Issued July 19, 2019, from the NYS Board of Electric Generation Siting and the Environment Relative to the Alle-Catt Wind Energy Project
4. A Ruling on Application-Phase Intervenor Funds Requests Issued July 19, 2019, from the NYS Board of Electric Generation Siting and the Environment Relative to the Alle-Catt Wind Energy Project
5. A Ruling Adopting Protective Order Issued July 19, 2019, from the NYS Board of Electric Generation Siting and the Environment Relative to the Alle-Catt Wind Energy Project

6. Correspondence from Industrial Development Agency Executive Director Craig R. Clark announcing a public hearing on August 29, 2019, at 10:00 a.m. at Crossroads Commerce Center regarding the Proposed PILOT Project (Travel Center) on County Road 20
7. Correspondence from the NYS Department of Public Service notifying us of public statement hearings regarding proposed electric and gas rate increases by NYSEG and RG&E
8. Correspondence from Director of Planning H. Kier Dirlam announcing that a Planning Board meeting has been scheduled for 7:00 p.m. on August 21 at the Crossroads Center
9. Correspondence from Director of Planning H. Kier Dirlam announcing a shared services meeting at 5:30 p.m. on August 27 in the Legislative Board Chambers
10. Reminder that the Office for the Aging annual senior picnic is Wednesday, August 14
11. Notice that the next InterCounty meeting will be hosted by Ontario County in Naples on August 16

RESOLUTIONS:

RESOLUTION INTRO. No. 187-19 (CHANGING THE POSITION OF ACCOUNTANT IN THE SHERIFF'S OFFICE FROM A 40-HOUR WORK WEEK TO A 35-HOUR WORK WEEK DESIGNATION) was TABLED following a motion made by Legislator Graves, seconded by Legislator Stockin, and carried.

RESOLUTION NO. 185-19

AMENDING RESOLUTION NO. 249-18 TO INCLUDE THE TITLE OF OFFICE AIDE

Offered by: Ways & Means Committee

RESOLVED:

1. That Resolution No. 249-18 be amended to include the title of Office Aide at a salary of \$11.10 to \$15.00 per hour.

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

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

RESOLUTION NO. 186-19

**APPOINTMENT OF ONE NEW MEMBER TO THE
ALLEGANY COUNTY PLANNING BOARD**

Offered by: Planning & Economic Development Committee

RESOLVED:

1. The Chairman of the Board plans to appoint Robert Thompson of Scio, New York (District II), to fill the unexpired three-year term of William Emrick as a member of the Allegany County Planning Board commencing August 12, 2019, and expiring December 31, 2021.

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

Adopted: Voice Vote

RESOLUTION NO. 187-19

APPROVAL OF SALE OF LEFTOVER 2019 TAX SALE PROPERTIES

Offered by: Ways & Means Committee

Pursuant to New York Uniform Delinquent Tax Enforcement Act and
Resolution No. 195-97, as amended by Resolution No. 95-98

RESOLVED:

1. That the sale of tax delinquent properties as shown below, to the owners and purchasers shown, for the consideration shown, subject to terms and conditions of sale for such properties, is approved.

2. That upon the securing by the County Attorney of a proper court order authorizing the conveyance to the County of the below mentioned properties which are subject to the 2017 and/or back to the year 1995 (TF95 up to and including TF2017) tax foreclosure proceedings and the subsequent execution of a deed of all of the below mentioned properties to the County by the County Tax Enforcement Officer, the Chairman of this Board of Legislators is authorized and directed to execute on behalf of the County of Allegany and to cause to deliver to such owners and purchasers quit claim deeds of the County's interest in such properties and to affix to each such deed the official seal; all upon satisfaction of the terms and conditions of sale and the full payment to the County Treasurer of the monetary considerations.

New Owner Address Sale Price	Parcel Details	County title Recorded date Liber Page
EATON, DANIEL 38 MAIN STREET SAVONA, NY 14879 Tax sale amount: \$2,000	Parcel ID: 022200; 82.-1-18.13 Property loc: 4216 Holdridge Road Assessed value: 47,600 Acres: 2.61	County of Allegany Book: 1685 Page: 212
KRAUSE, JOHN 31 SUNNYSIDE STREET FRIENDSHIP, NY 14739 Tax sale amount: \$4,000	Parcel ID: 025000; 182.15-1-40.1 Property loc: 80 W Main Street Assessed value: 19,600 Acres: .41	County of Allegany Book: 2009 Page: 41103
BUTTON, STEVEN 666 MAIN STREET WHITESVILLE, NY 14897 Tax sale amount: \$500	Parcel ID: 027400; 292.3-1-32.2 Property loc: 282 State Route 19 Assessed value: 51,800 Acres: .33	County of Allegany Book: 689 Page: 00134
ALLEGANY COUNTY LAND BANK 6087 Route 19N, Suite 300 Belmont, NY 14813 Tax sale amount: \$1,950	Parcel ID: 027001; 239.9-2-22 Property loc: 172 East State Street Assessed value: 29,000 Acres: .69	County of Allegany Book: 996 Page: 00042
ALLEGANY COUNTY LAND BANK 6087 Route 19N, Suite 300 Belmont, NY 14813 Tax sale amount: \$1,850	Parcel ID: 027001; 239.9-2-23 Property loc: 178 East State Street Assessed value: 29,000 Acres: .72	County of Allegany Book: 764 Page: 00158
EDDY, DAVID W. & EDDY, JOETTA E. 209 EMICK ROAD LIBERTY, PA 16930 Tax sale amount: \$928.37	Parcel ID: 022089; 151.-1-18 Property loc: 1474 Terbury Road Assessed value: 64,600 Acres: 1.7	County of Allegany Book: 1185 Page: 323

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

Adopted: Roll Call
12 Ayes, 1 No, 2 Absent
Voting No: Harris

RESOLUTION NO. 188-19

AMENDING RESOLUTION 145-19 TO SHOW THE CORRECT AMOUNT OF THE FEDERAL AND STATE PROJECT SHARE OF THE MADISON STREET BRIDGE PROJECT

Offered by: Public Works Committee

Pursuant to Highway Law § 234(14)

WHEREAS, by Resolution 240-18, this Board approved a Project for the Bridge Replacement (BIN 2255160) Madison Street over Western New York & Pennsylvania Railroad in the Town of Wellsville, Allegany County, P.I.N. 6755.18 (the Project) and appropriate funds to cover the cost of participation in the Design and Right-of-Way Incidentals work phase for the Project, and

WHEREAS, by Resolution 241-18, this Board established a capital account for the Bridge Replacement (BIN 2255160) Madison Street over Western New York & Pennsylvania Railroad in the Town of Wellsville, Allegany County, P.I.N. 6755.18 (the Project), and

WHEREAS, the County Public Works Department has submitted a report to this Board stating its reasons why Local Bridge No. 26-19 (BIN 2255160) on Madison Street in the Village of Wellsville should be constructed, and

WHEREAS, the County Public Works Department has estimated the project costs at \$2,572,000, and

WHEREAS, pursuant to Highway Law § 234(14), the County passed Resolution 145-19 authorizing the County to contribute funds towards reconstructing said bridge, and

WHEREAS, Resolution 145-19 incorrectly resolved that the Federal/State share of the project is \$2,224,400 when the actual Federal/State share of the project is \$2,443,400, now, therefore, be it

RESOLVED:

1. That this Board of Legislators does determine that it considers Local Bridge No. 26-19 (BIN 2255160) on Madison Street in the Village of Wellsville to be of sufficient importance to be reconstructed.
2. That the authorized cost for the construction of such Bridge shall not exceed \$2,572,000.
3. That the Federal/State share of the project is \$2,443,400.
4. The County's share of such cost is estimated to be \$109,310 and has been placed in Capital Project Account No. H5965 for 2018 budget year.
5. That the Village's share of such cost, estimated to be \$19,290, shall be paid to the County at a time or times specified by the County Department of Public Works; said amount may be contributed to the Village of Wellsville by the Town of Wellsville at a time or times specified by the County Department of Public Works should the Town and Village of Wellsville agree to share the cost.
6. That such Bridge shall not be constructed until the Village of Wellsville files the appropriate Village Board resolution in accordance with the terms of this Resolution.

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

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

RESOLUTION NO. 189-19

**ACCEPTANCE OF BID FROM TWO RIVERS TIMBER CO., INC., FOR THE SALE OF
TIMBER PRODUCTS ON THE TRAVIS LOT IN THE TOWNSHIPS OF ALLEN AND
ANGELICA; APPROVAL OF AGREEMENT AND AUTHORIZING CHAIRMAN TO
EXECUTE SAID AGREEMENT WITH TWO RIVERS TIMBER CO., INC.,**

Offered by: Resource Management Committee

WHEREAS, at the bid opening held July 17, 2019, Two Rivers Timber Co. Inc., had the highest bid of \$330,000 for the sale of timber products on the Travis Lot located in the Townships of Allen and Angelica, and

WHEREAS, the County wishes to accept the bid from Two Rivers Timber Co., Inc., and enter into an agreement for the sale of timber products on the Travis Lot, now therefore, be it

RESOLVED:

1. That this Board hereby accepts the bid of \$330,000 from Two Rivers Timber Co., Inc., for the sale of timber products on the Travis Lot located in the Townships of Allen and Angelica.
2. That the Agreement with Two Rivers Timber Co., Inc., for the sale of timber products on the Travis Lot is approved.
3. That the Chairman of the Board is authorized to execute said Agreement.

Moved by: Mr. Decker
Seconded by: Mr. Curran

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

Resolution Intro. No. 193-19, Resolution No. 190-19, **(A RESOLUTION PROPOSING ALLEGANY COUNTY ACT AS LEAD AGENCY FOR PURPOSE OF THE SEQR REVIEW OF UPDATES TO THE ALLEGANY COUNTY COMPREHENSIVE PLAN; DIRECTING THE CHAIRMAN TO NOTIFY INVOLVED AGENCIES OF SUCH PROPOSED STATUS; DIRECTING PREPARATION OF THE REQUISITE ENVIRONMENTAL ASSESSMENT FORM)** was not pre-filed and was considered from the floor on a motion made by Legislator Root, seconded by Legislator Ricci, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 190-19

A RESOLUTION PROPOSING ALLEGANY COUNTY ACT AS LEAD AGENCY FOR PURPOSES OF THE SEQR REVIEW OF UPDATES TO THE ALLEGANY COUNTY COMPREHENSIVE PLAN; DIRECTING THE CHAIRMAN TO NOTIFY INVOLVED AGENCIES OF SUCH PROPOSED STATUS; DIRECTING PREPARATION OF THE REQUISITE ENVIRONMENTAL ASSESSMENT FORM

Offered by: Planning & Economic Development Committee

WHEREAS, the draft of the proposed updates to the Allegany County Comprehensive Plan has been completed, and

WHEREAS, under the State Environmental Quality Review Act various actions which may have a significant impact on the environment require a process of governmental review, and

WHEREAS, pursuant to Part 617 of the regulations adopted under the State Environmental Quality Review Act, the adoption of updates to the County Comprehensive Plan constitutes a Type I action requiring the preparation of a Full Environmental Assessment Form, and

WHEREAS, in order to conduct the appropriate environmental review a Lead Agency must be established to coordinate the review process, and

WHEREAS, as the project sponsor Allegany County appears best suited to undertake the role of Lead Agency, now, therefore, be it

RESOLVED:

1. That Allegany County undertakes to act as Lead Agency for purposes of the environmental review of the updates to its County Comprehensive Plan.

2. That the Chairman of the Board of Legislators is authorized and directed to prepare the requisite Environmental Assessment Form and advise all involved agencies of the County's desire to serve as Lead Agency for purposes of the environmental review process.

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

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

Comments made regarding Resolution No. 190-19 included: Legislator Hopkins remarked that the Comprehensive Plan, which was prepared by Kier Dirlam and his staff, is an excellent document and provides a clear plan for Allegany County's future.

Resolution Intro. No. 194-19, Resolution No. 191-19, (**AUTHORIZING THE ALLEGANY COUNTY ATTORNEY TO INVESTIGATE, COMMENCE OR JOIN LITIGATION TO ENJOIN IMPLEMENTATION AND ENFORCEMENT OF THE “GREEN LIGHT LAW” ON BEHALF OF ALLEGANY COUNTY**) was not pre-filed and was considered from the floor on a motion made by Legislator Dibble, seconded by Legislator Ricci, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 191-19

AUTHORIZING THE ALLEGANY COUNTY ATTORNEY TO INVESTIGATE, COMMENCE OR JOIN LITIGATION TO ENJOIN IMPLEMENTATION AND ENFORCEMENT OF THE “GREEN LIGHT LAW” ON BEHALF OF ALLEGANY COUNTY

Offered by: Ways & Means Committee

WHEREAS, on June 17, 2019, New York State Governor Andrew Cuomo signed into law the “Green Light Law” securing driving privileges for undocumented immigrants and protecting 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 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, the “Green Light Law” impedes the purpose of the federally enacted REAL ID Act of 2005, and

WHEREAS, the federally enacted National Voter Registration Act, requires States offer voter registration opportunities to citizens at motor vehicle agencies, and

WHEREAS, the “Green Light Law” would also enable non-United States citizens to register to vote as it fails to provide any provision to allow the employees of the Department of Motor Vehicles to monitor the voter registration application of any such non-United States citizen who registers to vote at the time of applying for such New York State Driver’s license as such voter registration application is in all respects carried out in secrecy, and

WHEREAS, the “Green Light Law” requires the Allegany County Clerk, who is statutorily responsible for the Allegany County Department of Motor Vehicles, to infringe on the intent and purposes of federal legislation, and

WHEREAS, pursuant to Section 501 of the County Law, the County Attorney is authorized to secure legal representation for the County in litigation provided the Board of Legislators provides adequate funding, now, therefore, be it

RESOLVED:

1. That the County Attorney be and hereby is authorized to investigate, commence, or join litigation to enjoin implementation and enforcement of the "Green Light Law" on behalf of Allegany County.

2. That the County Attorney is authorized to enter into such retainer for legal representation under such terms as the County Attorney deems reasonable and in the County's best interest and within the limits of the appropriations set by this Board.

3. That the County Attorney, her duly designated representative or any law firm or counsel which she may retain, are hereby authorized and empowered to undertake such legal proceedings and prepare all documents necessary or desirable to accomplish the purpose of this resolution.

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

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

Comments made regarding Resolution No. 191-19 included: Legislator Harris stated that he's in favor of the resolution and the litigation in general. His concern is if the County would be held liable for court fees if we were to join in the lawsuit and then lose the case. County Attorney Knapp stated that is often a possibility. This resolution will allow her to move forward with investigating litigation and join in if she feels it's in the best interest of the County. She can follow up and keep the Board informed. Legislator Harris asked if Allegany County does not join in the litigation but another county wins a lawsuit will the effect of the lawsuit apply to all of the other counties in the State? Ms. Knapp stated that if a lawsuit is successful it would invalidate the law. Legislator Decker asked if this resolution gives the County Attorney authorization to proceed with litigation. Ms. Knapp stated should would not have to come back to the Board for authorization, but she can keep them informed on the subject.

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 Dibble, seconded by Legislator Root, and adopted on a roll call vote of 12 Ayes, 1 No (Barnes), 2 Absent, that the audit of claims, totaling \$6,360,710.61 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 \$5,855,200.*)

MEDIA:

Rich Mangels (WJQZ) asked if the agreement approved by Resolution No. 189-19 was for cutting of trees. Chairman Crandall stated that the bid and accompanying agreement is for cutting trees on County forest land. Mr. Mangels wondered how it was decided that this was the best time for cutting the trees. County Attorney Knapp stated that Allegheny County Soil and Water Conservation District has a forester on staff. Assessment of the forest and the market was done to aid in the decision. They are not clearcutting the forest. Selective cutting of trees is being done. Legislator Hopkins added that they are cutting the trees to improve the overall health of the forest. Trees are culled in order to provide a better environment for the remaining trees to grow. Mr. Mangels asked what the \$330,000 in proceeds from the agreement would be used for. County Attorney Knapp indicated that the proceeds would go into the General Fund.

ADJOURNMENT: The meeting was adjourned at 2:43 p.m. on a motion made by Legislator Graves, seconded by Legislator Decker, and carried.