



Board of Legislators
County Office Building, Room 201
7 Court Street
Belmont, New York 14813
Phone: 585-268-9222

**2019
REGULAR SESSION
Allegany County Legislative Meeting
Monday, June 10, 2019 – 2:00 p.m.
Legislative Chambers – Belmont, New York**

NOTICE IS HEREBY GIVEN, that in accordance with the Board Rules of the Allegany County Board of Legislators, the first regular scheduled monthly meeting of the Board will be held on Monday, June 10, 2019, at 2:00 p.m. in the Legislative Chambers, County Office Building, 7 Court Street, Belmont, New York 14813.

PROPOSED RESOLUTIONS

BOARD MEETING - June 10, 2019

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ADOPTION OF 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

Offered by: Ways & Means Committee

RESOLVED:

1. That proposed Local Law, Intro. No. 2-2019, Print No. 1, is adopted without any change in language, to wit:

COUNTY OF ALLEGANY

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

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

SECTION 1. Purpose and Intent.

The opioid epidemic is sweeping the country. Indeed, addiction to and abuse of opioids is one of the greatest challenges facing Allegany County, New York, (the "County"). A cause of this increasing crisis is the overabundance of prescription opioids. Vast amounts of prescription opioids were sold, distributed, and prescribed in the County over the past several years, a practice that continues today. The selling, distributing, and prescribing of large amounts of opioids in our community has created a public health and safety hazard affecting the residents of the County. This crisis has devastated families, wreaked havoc on our economy, and produced a generation of narcotic dependence. As a result of the opioid epidemic, costs related to healthcare, family and social services, criminal justice, addiction and rehabilitation, and many other areas have significantly increased. Many of these costs are paid by the County.

The purpose and intent of this legislation is to allow the County to recover these costs, 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. Specifically, the County provides services related to the opioid epidemic, which are funded by tax revenues. This statute clarifies that reimbursement may be sought for the costs of providing such services, whenever practicable, from the responsible party.

To accomplish this, the County establishes this cost recovery procedure and declares the opioid epidemic and its effects on the County a public nuisance.

SECTION 2. Definitions.

“Costs” means all expenditures related to the opioid epidemic that directly or indirectly arise from the County’s response to a responsible party’s action or inaction.

“Responsible party” means any person or corporation whose negligent, intentional, or otherwise wrongful conduct causes the incident resulting in the County incurring costs or who is found liable or made responsible by a court for the costs incurred by the County in the form of damages, regardless of the cause of action.

SECTION 3. Governmental Function Cost Recovery.

The County may recover the costs of governmental functions related to opioids marketed, sold, manufactured, dispensed, prescribed, and/or distributed by the responsible party. If a responsible party fails to pay the costs demanded, the County may initiate and recover costs through administrative, civil, and/or criminal action against the responsible party. In that case, the County may also recover attorney’s fees, interest, and any other payment or type of damages the court deems proper.

SECTION 4. Effect of Criminal or Civil Proceedings on Governmental Function Cost Recovery.

The initiation of administrative or civil proceedings for governmental function cost recovery does not bar the criminal prosecution of a responsible party for any associated violation. Similarly, criminal prosecution does not bar civil collection of costs for the violation giving rise to the criminal prosecution.

SECTION 5. Public Nuisance.

The County hereby finds and declares the following:

1. That addiction to and abuse of opioids is one of the greatest challenges facing the County;
2. A cause of this increasing crisis is the overabundance of prescription opioids. Vast amounts of prescription opioid pain pills were sold, distributed, and prescribed in the County over the past several years, which practice continues today;
3. There is evidence showing that approximately four in five heroin users began their addiction by first using and then misusing prescription pain medications containing opioids;

- 4. The selling, distributing, and prescribing of large amounts of opioid pain pills in the County has created a public health and safety hazard affecting the residence of the County, resulting in devastation to County families, a negative effect on the County economy, wasted public resources, and a generation of narcotic dependence;
- 5. That selling, distributing, and prescribing of prescription opioid pain pills is a hazard to public health and safety, which has created a public nuisance to the citizens of the County, and said nuisance remains unabated;
- 6. That, in addition to all other powers and duties now conferred by law upon the County, the County is authorized to enact ordinances, issue orders, and take other appropriate and necessary actions for the elimination of hazards to public health and safety and to abate or cause to be abated anything which the commission determines to be a public nuisance;
- 7. That manufacturers of prescription opioids and those in the chain of distribution have wrongfully abused the privilege of selling and/or providing medication to our residents and must be held accountable; and
- 8. That it is the duty of the County to vindicate the rights of the citizens of the County and take action to abate this public nuisance.

SECTION 6. Retroactive Application.

This Local Law applies retroactively.

SECTION 7. Severability.

If any provision, clause, sentence, or paragraph of this Local Law or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Local Law which can be given effect without the valid provision or application, and to this end the provisions of this Local Law are declared to be severable.

SECTION 8. Effective Date.

This Local Law shall take effect upon filing with the Secretary of State.

I, Brenda Rigby Riehle, Clerk of the Board of Legislators of the County of Allegany, State of New York, do hereby certify that the foregoing constitutes a correct copy of the original on file in my office and the whole thereof of a resolution passed by said

Board on the _____ day of _____, 20_____.

_____ Dated at Belmont, New York, this _____ day of _____, 20_____

Clerk, Board of Legislators, Allegany County

Moved by _____ Seconded by _____ VOTE: Ayes _____ Noes _____ Absent _____ Voice _____

Intro. No. 129-19

RESOLUTION NO. _____

Page 1 of 1 pages

County Attorney SH

**APPOINTMENT OF DEBORAH A. MCDONNELL AS COUNTY ADMINISTRATOR;
AMENDING RESOLUTION NO. 249-18 TO AMEND THE SALARY OF THE
COUNTY ADMINISTRATOR**

Offered by: Ways & Means Committee

Pursuant to Local Law No. 1 of 2019

RESOLVED:

1. That effective June 11, 2019, Deborah A. McDonnell is appointed County Administrator at an annual salary of \$124,000, with a term of office commencing June 11, 2019, and expiring December 31, 2021.

2. Paragraph number "7" of resolution No. 249-18 is hereby amended to show the annual base salary of the County Administrator as \$124,000.

I, Brenda Rigby Riehle, Clerk of the Board of Legislators of the County of Allegany, State of New York, do hereby certify that the foregoing constitutes a correct copy of the original on file in my office and the whole thereof of a resolution passed by said

Board on the _____ day of _____, 20_____.

_____ Dated at Belmont, New York, this _____ day of _____, 20_____
Clerk, Board of Legislators, Allegany County

Moved by _____ Seconded by _____ VOTE: Ayes _____ Noes _____ Absent _____ Voice _____

Intro. No. 130-19

RESOLUTION NO. _____

Page 1 of 1 pages

County Attorney FNJ

**APPROVAL OF EMPLOYMENT AGREEMENT WITH DEBORAH A. MCDONNELL
AS COUNTY ADMINISTRATOR**

Offered by: Ways & Means Committee

WHEREAS, Allegany County Local Law No. 1 of 2019, Section 2 Subsection c, allows the Allegany County Board of Legislators to negotiate and by resolution authorize the Chairman to execute a written employment agreement with the County Administrator, and such agreement to contain terms and conditions of employment, now, therefore, be it

RESOLVED:

1. That the employment agreement with Deborah A. McDonnell as County Administrator, effective June 11, 2019, through December 31, 2021, is approved.
2. That the Chairman of this Board is authorized to execute said Agreement.

I, Brenda Rigby Riehle, Clerk of the Board of Legislators of the County of Allegany, State of New York, do hereby certify that the foregoing constitutes a correct copy of the original on file in my office and the whole thereof of a resolution passed by said

Board on the _____ day of _____, 20_____.

_____ Dated at Belmont, New York, this _____ day of _____, 20_____

Clerk, Board of Legislators, Allegany County

Moved by _____ Seconded by _____ VOTE: Ayes _____ Noes _____ Absent _____ Voice _____

Intro. No. 131-19

RESOLUTION NO. _____

Page 1 of 1 pages

County Attorney FMC

**CREATION OF ONE TEMPORARY, PART-TIME ADMINISTRATIVE ASSISTANT IN
THE COUNTY ADMINISTRATOR'S OFFICE;
AMENDING SECTION 4 OF RESOLUTION NO. 297-75**

Offered by: Ways and Means Committee

WHEREAS, the Board of Legislators anticipate appointing a new County Administrator, and

WHEREAS, the creation of the temporary, part-time position of Administrative Assistant in the County Administrator's Office will allow the County to retain the current Administrator to aide in the transition, now, therefore, be it

RESOLVED:

1. That one temporary, part-time position of Administrative Assistant is created in the Section IV Salary Plan at a salary of \$56/per hour, not to exceed \$10,000.
2. That Section 4 of Resolution No. 297-75, as amended, is hereby amended by adding the title of Administrative Assistant.
3. That the temporary, part-time position of Administrative Assistant shall take effect June 11, 2019, and be abolished September 1, 2019.

I, Brenda Rigby Riehle, Clerk of the Board of Legislators of the County of Allegany, State of New York, do hereby certify that the foregoing constitutes a correct copy of the original on file in my office and the whole thereof of a resolution passed by said

Board on the _____ day of _____, 20_____.

_____ Dated at Belmont, New York, this _____ day of _____, 20_____

Clerk, Board of Legislators, Allegany County

Moved by _____ Seconded by _____ VOTE: Ayes _____ Noes _____ Absent _____ Voice _____

MEMORANDUM OF EXPLANATION

Intro. No. _____
(Clerk's Use Only)

COMMITTEE: Ways & Means

DATE: May 28, 2019

The Board anticipates appointing a new County Administrator. The creation of the position of Administrative Assistant will allow the County to retain the current Administrator in a temporary, part-time capacity to aide in the transition. Without such a position, the incoming County Administrator will not be able to fully utilize the expertise of the incumbent to provide for a smooth changeover in the duties of the office of the Administrator.

It is requested that the position be eliminated on September 1, 2019.

Given its part-time, temporary nature, it is requested that the position of Administrative Assistant be created and included in the Section IV Salary Plan at an annual salary of \$56 per hour not to exceed \$10,000.

It is further requested that a Resolution be prepared to appoint Timothy T. Boyde as Administrative Assistant.

FISCAL IMPACT:

Intro. No. 132-19

RESOLUTION NO. _____

Page 1 of 1 pages

County Attorney JWS

APPOINTMENT OF TIMOTHY T. BOYDE AS ADMINISTRATIVE ASSISTANT

Offered by: Ways & Means Committee

RESOLVED:

1. That Timothy T. Boyde is appointed Administrative Assistant to serve during the pleasure of this Board of Legislators.
2. That this resolution shall be effective June 11, 2019.

I, Brenda Rigby Riehle, Clerk of the Board of Legislators of the County of Allegany, State of New York, do hereby certify that the foregoing constitutes a correct copy of the original on file in my office and the whole thereof of a resolution passed by said

Board on the _____ day of _____, 20_____.

_____ Dated at Belmont, New York, this _____ day of _____, 20_____

Clerk, Board of Legislators, Allegany County

Moved by _____ Seconded by _____ VOTE: Ayes _____ Noes _____ Absent _____ Voice _____

Intro. No. 133-19

RESOLUTION NO. _____

Page 1 of 1 pages

County Attorney IMS

**APPOINTMENT OF TWO MEMBERS TO THE ALLEGANY COUNTY
LAND BANK CORPORATION BOARD OF DIRECTORS**

Offered by: Planning & Economic Development Committee

RESOLVED:

1. That the appointments by the Chairman of the Board of David Evans of Bolivar, NY, to fill the remainder of Dean Scholes' two-year term and Aaron Whitehouse of Wellsville, NY, 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, are confirmed.

I, Brenda Rigby Riehle, Clerk of the Board of Legislators of the County of Allegany, State of New York, do hereby certify that the foregoing constitutes a correct copy of the original on file in my office and the whole thereof of a resolution passed by said

Board on the _____ day of _____, 20_____.

_____ Dated at Belmont, New York, this _____ day of _____, 20_____

Clerk, Board of Legislators, Allegany County

Moved by _____ Seconded by _____ VOTE: Ayes _____ Noes _____ Absent _____ Voice _____

Intro. No. 134-19

RESOLUTION NO. _____

Page 1 of 1 pages

County Attorney IMS

ADJUSTMENT TO THE 2019 OFFICE OF EMERGENCY SERVICES BUDGET

Offered by: Ways & Means Committee

WHEREAS, by Resolution No. 179-18, grant funds in the amount of \$52,485 for the Office of Emergency Services were accepted, and

WHEREAS, it is necessary to appropriate the funds in the 2019 budget, now, therefore, be it

RESOLVED:

1. That a budget adjustment of \$52,485 for the Office of Emergency Services shall be appropriated as follows:

A3662.204 Homeland Security – Motor Vehicles	\$50,000
A3662.207 Homeland Security – Emergency Services Equip.	<u>2,485</u>
Total:	\$52,485

with a like sum of \$52,485 credited to Revenue Account No. A3662.3306.EM18 (Homeland Security – State Aid).

I, Brenda Rigby Riehle, Clerk of the Board of Legislators of the County of Allegany, State of New York, do hereby certify that the foregoing constitutes a correct copy of the original on file in my office and the whole thereof of a resolution passed by said

Board on the _____ day of _____, 20_____.

_____ Dated at Belmont, New York, this _____ day of _____, 20_____

Clerk, Board of Legislators, Allegany County

Moved by _____ Seconded by _____ VOTE: Ayes _____ Noes _____ Absent _____ Voice _____

MEMORANDUM OF EXPLANATION

Budget Adjustment for Acceptance of GRANTS

INTRODUCTION NO: _____

(Clerk's use only)

Committee of Jurisdiction: Ways and Means Date: May 15, 2019**Explanation of Grant:**

(Please attach copy of grant application and award letter and/or renewal letter with original resolution # and list any future requirements of the grant after expiration.)

Resolution 179-18 was passed on September 24, 2018, accepting the following grant for the Office of Emergency Services. (Approval to apply was granted by Res #92-18). A budget adjustment for 2019 was not done at that time and we are now looking for approval to do a budget adjustment in order to spend this grant:

SHSP 18 grant from Homeland Security**Project # SH18-1007-D00**

Budget Adjustment needed for 2019 as follows:

Appropriations:	A 3662.204 – Motor Vehicles	\$ 50,000
	A 3662.207 – Emergency Services Equipment	<u>\$ 2,485</u>
	Total	\$ 52,485
Revenue:	A 3662.3306.EM18	\$ 52,485

FISCAL IMPACT: Total grant: \$ 52,485Local county share: 0State Grant? Revenue # A 3662.3306.EM18 \$ 52,485Federal Grant? Revenue # _____ \$ _____

If Federal, please list Federal Catalog of Federal Domestic Assistance

(CFDA) number 97-067This grant is a renewal of existing grant funded program or new grant fund program.

Grant Fiscal Year: 2018-2021

Obligation of County after grant expires:

Major benefits of accepting this grant are:

Continued response to emergencies 24 hours a day 7 days a week, and upgrading communications system in the director's vehicle.

Department Head Signature: Terri Ross for Jeff Luckey

Intro. No. 135-19

RESOLUTION NO. _____

Page 1 of 1 pages

County Attorney JMS

APPROVAL OF ADDENDUMS TO LEASE AGREEMENTS WITH ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Offered by: Ways & Means Committee

WHEREAS, by Resolution No. 57-16 Allegany County entered into a lease agreement with the Allegany County Industrial Development Agency for a portion of land at the Crossroads site to be used as a parking lot for a period of twenty-five years effective January 1, 2016, and expiring December 31, 2040, and

WHEREAS, by Resolution No. 58-16 and further amended by Resolution No. 79-16, Allegany County entered into a lease agreement with the Allegany County Industrial Development Agency for approximately 5,275 square feet of space in the Crossroads Commerce Center for a period of 5 years effective January 1, 2016, and expiring December 31, 2020, and

WHEREAS, by Resolution No. 59-16 Allegany County entered into a lease agreement with the Allegany County Industrial Development Agency for approximately 8,000 square feet of space in the Crossroads Commerce Center for a period of 5 years effective January 1, 2016, and expiring December 31, 2020, and

WHEREAS, addendums to the above referenced lease agreements will clarify Allegany County's commitment to maintaining the Allegany County Park and Ride Lot, now, therefore, be it

RESOLVED:

1. That the Addendums to the above referenced Lease Agreements with the Allegany County Industrial Development Agency are approved.
2. That the Chairman of this Board is authorized to execute said Addendums.

I, Brenda Rigby Riehle, Clerk of the Board of Legislators of the County of Allegany, State of New York, do hereby certify that the foregoing constitutes a correct copy of the original on file in my office and the whole thereof of a resolution passed by said

Board on the _____ day of _____, 20_____.

_____ Dated at Belmont, New York, this _____ day of _____, 20_____

Clerk, Board of Legislators, Allegany County

Moved by _____ Seconded by _____ VOTE: Ayes _____ Noes _____ Absent _____ Voice _____

Intro. No. 136-19

RESOLUTION NO. _____

Page 1 of 1 pages

County Attorney FMS

APPROVAL OF AGREEMENT BETWEEN THE COUNTY OF ALLEGANY AND VILLAGE OF BELMONT TO MANAGE AND PROVIDE MAINTENANCE TO ALLEGANY COUNTY WATER DISTRICT NO. 1 LOCATED IN THE VILLAGE OF BELMONT AND TOWN OF AMITY

Offered by: Ways & Means Committee

RESOLVED:

1. That the Agreement with the Village of Belmont, to provide maintenance to Allegany County Water District No. 1, located in the Village of Belmont and the Town of Amity, for the period August 1, 2019, to July 31, 2022, is approved.
2. The County agrees to pay \$12,500 for such services annually for the term of the Agreement
3. That the Chairman of this Board is authorized to execute such Agreement.

I, Brenda Rigby Riehle, Clerk of the Board of Legislators of the County of Allegany, State of New York, do hereby certify that the foregoing constitutes a correct copy of the original on file in my office and the whole thereof of a resolution passed by said

Board on the _____ day of _____, 20_____.

_____ Dated at Belmont, New York, this _____ day of _____, 20_____

Clerk, Board of Legislators, Allegany County

Moved by _____ Seconded by _____ VOTE: Ayes _____ Noes _____ Absent _____ Voice _____

MEMORANDUM OF EXPLANATION

Intro No. _____
(Clerk's Use Only)

COMMITTEE: Ways & Means

DATE: May 15, 2019

Seeking approval for the County to enter into an agreement with the Village of Belmont for the management and maintenance of Allegany County Water District No. 1 located in the Village and the Town of Amity. The contract will commence on August 1, 2019 and will terminate on July 31, 2022.

Please see the attached agreement.

FISCAL IMPACT:

The County agrees to pay for such services the sum of \$12,500 per year during the term of this agreement. The funding is included in the 2019 budget.

FOR FURTHER INFORMATION REGARDING THIS MATTER, CONTACT:

Tim Boyde, Allegany County Administrator
NAME AND TITLE

585-268-9217
TELEPHONE NUMBER