

**COMMITTEE OF THE WHOLE**  
**January 23, 2008**

**\*\* NOT APPROVED \*\***

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**Legislators Present**

G. Benson, D. Burdick, C. Crandall, W. Dibble, D. Fanton, T. Hopkins, K. Kruger, M. McCormick, T. O'Grady, D. Pullen, B. Reynolds, D. Russo (*Absent: W. Hall, R. Truax, N. Ungermann*)

**Others Present**

R. Christman, J. Foels, J. Margeson, B. Riehle, K. Toot, as well as members of the IDA and Sr. Foundation

**Executive Session**

A motion was made by Reynolds, seconded by Fanton and carried to enter into executive session to discuss the proposed acquisition or lease of real property. Immediately following the session, a motion was made by Reynolds, seconded by Fanton and carried to end the executive session and return to regular session.

**Lease of Crossroads Center**

A motion was made by Reynolds, seconded by Hopkins and carried to enter into an agreement with the IDA to lease the Crossroads Commerce and Conference Center located at 6087 NYS Route 19 North, Belmont, NY 14813. **Refer to Ways & Means**

**Adjournment**

There being no further business to come before the committee, a motion was made by Reynolds, seconded by Dibble and carried to adjourn the meeting.

Respectfully submitted,  
Brenda Rigby Riehle, Clerk of the Board

## COMMITTEE OF THE WHOLE

March 24, 2008

**\*\* NOT APPROVED \*\***

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**Members Present:** Chairman C. Crandall, G. Benson, D. Burdick, W. Dibble, D. Fanton, W. Hall, T. Hopkins, K. Kruger, M. McCormick, T. O'Grady, B. Reynolds, D. Russo, R. Truax, N. Ungermann; **Absent:** D. Pullen

**Call to Order:** The meeting was called to order at 3:10 p.m. by Chairman Curtis W. Crandall for the purpose of hearing a special presentation.

### **NYS Attorney General's Office, Intergovernmental Affairs:**

Marthe Ngwashi, Assistant Director of Intergovernmental Affairs with the NYS Attorney General's Office, presented information on the functions of her office. In addition to promoting the Attorney General's agenda, they work with elected officials to increase understanding of what the Attorney General's Office does, create and build on relationships with elected officials through outreach and speaking engagements, and make referrals to other government representatives, whom they also work closely with. The Attorney General's Office performs the following functions: educate, mediate, investigate, litigate, and propose legislation. An outreach representative comes to Allegany County monthly to address consumer concerns. Although the office addresses mainly consumer concerns, they work with a large number of bureaus also, such as Labor, Anti-Trust, Organized Crime, Medicaid Fraud, and Economic Justice. (Handout packets were distributed which included complaint forms and information pamphlets – copy attached to original minutes.)

Mr. Ungermann noted business is declining rapidly in New York State due to excessive government regulations and taxes.

Mr. Fanton mentioned the lack of response from the Attorney General's Office over the past three years regarding the agreement for NYS DEC take-over of the WAG Trail, and asked if Ms. Ngwashi could look into it.

Mr. McCormick asked if there was any situation where a municipality could bring suit against the state. Ms. Ngwashi stated that there wasn't, and that the Attorney General's Office defends the state entity. Mr. McCormick commented that the Genesee River is eroding very closely to State Route 19, and the state has been asked for help. The County is left in a bind and could stand to lose the road. Even though this is a political issue involving legislation, Ms. Ngwashi stated they want to know about these issues in order to help resolve them.

### **NYS Comptroller's Office:**

Michael Johnson, WNY Regional Representative from the Comptroller's Office, also addressed the Committee of the Whole on some of the programs he is involved in. He spends a lot of time in the field meeting with the public, and one of their most popular programs is Unclaimed Funds. (An informational brochure was distributed and is attached to the original minutes.) Mr. Johnson works with the Local Government Office on issues such as audits, problem resolution, and school district audits, and he is available to address concerns. Chairman Crandall mentioned that he has seen representatives from the Office of Unclaimed Funds set up at the Allegany County Fair in the past, and they have a laptop computer available to allow participants immediate access to information.

**Adjournment:** Following a motion made by Truax and seconded by Fanton, the meeting was adjourned at 3:40 p.m.

Respectfully submitted,  
Adele Finnemore, Journal Clerk

**COMMITTEE OF THE WHOLE**  
**May 8, 2008**

**\*\* NOT APPROVED \*\***

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The meeting was called to order at 7:00 p.m. by Chairman Curtis W. Crandall, who then led in the Pledge of Allegiance to the Flag. Invocation was led by Mr. Pullen.

**Roll Call:** Chairman C. Crandall, G. Benson, D. Burdick, W. Dibble, D. Fanton, W. Hall, T. Hopkins, K. Kruger, M. McCormick, T. O'Grady, D. Pullen, B. Reynolds, D. Russo, R. Truax, N. Ungermann

**Others Present:** A. Finnemore, P. Gallmann, R. Hall, J. Margeson, T. Miner, B. Riehle, R. Swarthout, W. Tompkins; **Media:** K. Doyle, Olean Times Herald; B. Quinn, Wellsville Daily Reporter

**Guests: Insurance Representatives:** Richard Ewell, Richardson & Stout Insurance; Ron Oettel, Regional Director, Provident Benefits;  
**Allegany County Fire Advisory Board Representatives:** Jeff Luckey, Chairman; Ed Sackett, Vice-Chairman; Jud Stearns, Jr., Secretary;  
**Allegany County Fire Chiefs' Association Representatives:** (*David Hardman, President, was unable to attend*); Wayne Hatch, Vice-President; David Sweet, Secretary;  
**Volunteer Firemen's Association of Allegany County Representatives:** (*Chris Perkins, President, was unable to attend*); John Wilson, First Vice-President; Terry Richardson, Second Vice-President

**Chairman Curtis W. Crandall's Opening Remarks:**

Chairman Crandall introduced the guests, and summarized that the purpose of the meeting was for an insurance presentation and to discuss thoughts and ideas and field questions from the emergency responder groups. Those attending from the three groups listed above represent 1,278 Volunteer Firemen and 174 Emergency Medical Service personnel.

**Sheriff William R. Tompkins' Comments:**

Sheriff Tompkins spoke on dispatch communication issues. He gave an update about what they're doing in the Dispatch Center. They're trying to address issues that affect some of the transmission and clarity issues, which should make a noticeable difference. Sheriff Tompkins has applied for federal grants that would allow updating all of the system. He has not had a lot of contact from Fire Service personnel about dispatch problems, and if he doesn't know about the problems, he can't deal with them. The Sheriff asked that personnel call him with concerns, so he can try to address the issues. If there is a problem heard on the radio, the date and time will allow them to research it, and in a short period of time they can find the situation, review it, and come to a conclusion. Of the communication the Sheriff has had, the vast majority of problems have not been dispatch error, but there have been reasons for the occurrences and he's addressed them with the people concerned. He doesn't want to see the dispatchers unfairly blamed. Another issue has been Sheriff Tompkins' inability to attend Fire Service meetings, but he realizes the need for better communication and will correct that.

Chairman Crandall commented on the excellent conversation at the Public Safety Committee meeting on May 7 with the Sheriff, Russ Hall, and the Legislators, about Dispatch Center questions, answers, and ideas. The Sheriff had mentioned public informational meetings, and Chairman Crandall stressed again that communication is key.

**Insurance Presentation:**

Richard L. Ewell, Richardson & Stout Insurance, was recently asked by a fire company about accident insurance. Provident has the most comprehensive policy Mr. Ewell could find. This is important coverage, and he felt all the emergency responders in the County should have it. He gave a presentation at the Personnel Committee meeting and was asked to come tonight.

Ron Oettel, Regional Director, Provident Benefits, gave a short history of the agency and summarized benefits provided for emergency services organizations. In the beginning, their coverage looked like Workers' Compensation, but then evolved into supplemental coverage to fill gaps in Workers' Compensation coverage. Provident provides financial benefits for firefighters and their families if they are hurt or killed while serving their communities. All classes of membership are covered. The definition of when coverage is provided is very broad, including all normal activities of the organization, beginning when the insured interrupts his normal routine to act on behalf of the organization and ending when he returns to normal activities. Coverage is also provided for heart attacks and when acting in the capacity of a "good Samaritan," providing the action is within the scope of training. A highlight of the five major benefit categories includes:

1. Death Benefit or "Principal Sum" of the policy
  - In the event of a death from a covered injury or illness, the Principal Sum would be paid to the beneficiary
  - The Principal Sum amount is the benefit limit for many other benefits in the policy such as Dismemberment, Permanent Physical Impairment, and Cosmetic Disfigurement from Burns
  - Numerous other benefits fall under the "Death Benefit" section
2. Impairment Benefits
  - Dismemberment Benefits, Loss of Vision, Loss of Hearing
  - Permanent Physical Impairment for Injuries and Illnesses
3. Income Protection
  - Pays Weekly Disability Benefits for covered injuries and illnesses
  - Total Disabilities caused by injuries are payable up to your lifetime
  - Total Disabilities caused by illnesses are payable up to age 67 or five years, whichever is greater
  - Partial Disabilities are payable up to age 67 or five years, whichever is greater, or normal retirement age
  - First Week Disability benefit of up to \$1,000 in all policies
  - Cost of Living Adjustments allow your benefit to grow to 300 percent of the original limit
4. Medical Expense
  - Provided for Injuries and Illnesses
  - Plastic Surgical Expense Benefit
5. Family Assistance
  - Hospital Confinement
  - Family Expense Benefit – if you need medical treatment as a result of a covered injury or illness, and any immediate member of your family accompanies you for treatment or helps to treat you, we will pay reasonable and customary expenses incurred including the lost gross wages of that immediate family member
  - Mental Stress Management
  - Traumatic Incident
  - Health Insurance Premium Benefit

Mr. Oettel offered to do presentations at individual fire companies. Provident's policy would be considered supplemental to Workers' Compensation, with some benefits that

resemble disability, and some benefits that are stand-alone. Coverage is not contingent on Workers' Compensation findings, and if Workers' Compensation coverage is not there, they are. Their claims service is the most important aspect of the business.

**Discussion with Fire Service Representatives:**

Jeff Luckey thanked the Board for the invitation to discuss concerns of the fire service agencies. He provided copies of "Injured in the Line of Duty, A Volunteer Firefighter's and Ambulance Worker's Guide to NYS Benefits" (copy attached to original minutes). A listing of six main issues or concerns that the agencies would like to have addressed was presented by Mr. Luckey, Mr. Richardson, and Mr. Stearns:

1. ***Some of the 1,278 Firemen and their families have lost faith in the Self-Insurance system. How do we convince our members to continue providing emergency service as we are trained to do?*** A fire chief recently remarked that several members expressed concerns about coverage being provided if needed, and some spouses don't want them to participate because they may not be covered on compensable cases. The agencies are losing membership. It was already difficult to recruit members due to multiple jobs and family responsibilities, but now there is an additional challenge in finding new members when they are unsure if coverage will be there when needed.
2. ***Would you, the Allegany County Board of Legislators, consider adopting a resolution to clarify the policy that would give the Self-Insurance Executive Secretary a clear definition of when we, as Firefighters and EMS personnel are covered by the Self-Insurance Plan? Suggested Policy/Legal Opinion:***

***(Department name) hereby issues the following policy statement:***

***All members are expected to remain on duty at all times when present within the district, except when prohibited from responding as required by other policies of the Department (such as due to alcohol or physical disability). It is the responsibility of any member of this Department to become involved in a rescue when able to do so. The manner and method of how a member becomes involved is up to that individual member, whether it be by rendering medical aid, performing rescue services, calling 911, assisting in extrication, or fire police matters. It is the full intent of this Department that any member performing services to the public as a firefighter shall be protected by all available insurances, including but not limited to VFBL. Firefighters are hereby authorized to take any necessary and reasonable action to protect themselves and the public during an emergency, regardless of whether or not the Department has yet been activated.***

All emergency services members expect to be covered by insurance when performing services they were trained for. This covers some of the "good Samaritan" idea.

3. ***Would you consider having a committee set up to advise the Executive Secretary on controverted decisions involving Fire Department claims if needed?*** Our suggestion would be to have one representative each from the Allegany County Volunteer Firemen's Association, the Allegany County Fire Advisory Board, and the Allegany County Fire Chiefs' Association. These members would be elected by their associations annually. This group would meet with the Executive Secretary and be able to give their respective groups some insight as to how and why decisions are made the way they are. This group would only meet on cases that were controverted. We would ask that department names and names of individuals involved be kept from this group. Any member of this group that has prior knowledge of an incident should be replaced

with an alternate member. The understanding is that presently most controverted cases are decided by one person, and we are interested in correcting the situation. The blame or responsibility shouldn't be placed on one person. The proposed committee would be allowed to have input on how decisions are made and the opportunity to express concerns. It would protect and keep open the lines of communication in these cases.

4. ***When a claim is filed, what is the procedure that the Self-Insurance Plan follows? Is there a certain dollar amount or type of claim that changes this procedure? Does the Executive Secretary have a written protocol?*** Emergency Services personnel are provided with a manual that includes guidelines on filing forms in a timely manner, and indicates that the Executive Secretary will then issue a decision on whether a claim is payable, but it doesn't state how. The Executive Secretary obviously follows Workers' Compensation Law, but they have not seen the guidelines that are followed. They would like to have written guidelines to give them a better idea of what is covered and how decisions are made.
5. ***We acknowledge that there is a system in place to address Fire Department issues. But there has been a lack of participation from both sides. The Public Safety Committee changed their meeting times from evenings to days. This puts a burden on the Fire Advisory Board representatives who have to leave their jobs to come to the meetings. Public Safety Committee members are not attending Fire Advisory Board meetings. We feel we need to have better communication and participation from the Public Safety Committee.***
6. ***There have been concerns from our members about the radio system and procedures. We feel the basic system is good, but there is room for improvement. Changes have been made to procedures with no consultation. We are still gathering information and welcome the Sheriff's invitation to conversation.***

Chairman Crandall questioned if the concern is whether the County is self-insured versus having a different insurance policy in place, or how the Self-Insurance Fund is perceived to be handled and claims accepted or denied. Mr. Luckey responded that it is both. If the Self-Insurance Plan is handled in a way that it appears to be a good policy, that's good; but when there is doubt or a question of whether a procedure is beneficial, there is a problem with being self-insured. Chairman Crandall noted that we could tie a couple of other concerns with this, such as the formation of a committee to meet and talk about claims with the Workers' Compensation Administrator, ways to improve the self-insurance system now in place, protocol for determining claims, policy, and procedure. Chairman Crandall noted that he has learned through his own research over the past year, that ideally it doesn't make a difference whether the County is self-insured or has a policy through an insurance company or independent administrator; the determination lies within the Workers' Compensation Law and New York State Law. Interpretation and procedure is where the question lies. Actually, if the County was covered through a larger insurance company, there is the conception that a lot of claims would just go through, when the opposite is true; they often deny claims.

Mr. Reynolds noted that he appreciated Mr. Luckey's comments and realized that one place we fall short is not involving the firemen in decisions. The advisory committee is a good idea. Policies and procedures can be given to the groups, but it would also be a good idea to involve them. The "good Samaritan" issue should also be discussed to see what can be done. We can work together to bring this to fruition.

Mr. Truax also agreed with the idea of an advisory committee, and felt a representative from the Board of Legislators should also be on the committee to bring issues back to the Board. The County Attorney should review the "good Samaritan" policy.

Chairman Crandall commented that some of these ideas sound good, but what seems practical and makes common sense isn't always possible if there is a legality that would preclude it. Also, knowing and clarifying the policy and protocol for determination of claims as noted in #4 might address other concerns like the loss of faith and the formation of a committee to work with the fund administrator. Understanding policy and procedure would be a good place to start.

Mr. Pullen noted that the Personnel Committee has never voted or had any input on the processing of claims; the Board of Legislators has nothing to do with it. Claims are governed by Workers' Compensation Law and coverage is defined by law. The County provides coverage identical to what would be covered by an insurance company, but basically insurance companies are in business to collect premiums, not pay claims. Claims don't increase or decrease due to self-insurance, which is not handling the coverage for profit. Local communities ultimately pay for the benefits administered by the program. No particular agency needs to choose the Self-Insurance Plan, but can choose another company. The Self-Insurance Plan has been there for years, and undoubtedly there are ways to improve the system, but the further the insurance goes from the County, the less input and responsiveness we'll have. Mr. Pullen endorsed the services of the County's volunteers and recognized the need to address their loss of faith, but reiterated that the existing Workers' Compensation coverage is defined by the New York State Workers' Compensation Law, not this Board of Legislators. The County Attorney will have to advise the Board on what can be done in concert with NYS Law. The issues are complex, and the law provides for an avenue to address them through the Workers' Compensation Board. Through better communication, hopefully we can improve things.

Mr. Kruger noted that he attended a couple of Fire Advisory Board meetings and was confused by the layers of coverage. Clarification is needed, and that will only happen if we have a committee in place to carry information back and forth. It appears to the firemen that the Self-Insurance Plan doesn't like to pay claims. If anything positive can come of this, it would be clarification of self-insurance definitions and limiting the time period between claim and payment. Mr. Kruger supports the firemen's efforts. Part of the problem with recruiting volunteers is that they're worried about what will happen if they're hurt. If they were given a copy of the policy and an explanation as to why determinations are made, it would be a huge step in avoiding future problems and resolving some of their concerns. The core of this problem is lack of explanation; even if the firemen don't agree, at least they would have an explanation. Mr. Kruger commented that he appreciates the firefighters' time. For every ten hours of active service, seven are spent raising money to support their activities, saving taxpayers' dollars. So it's not just the up-front savings we see by their activities, but the unnoticed time they spend supporting their own costs.

Mr. Luckey pointed out that the firefighters don't have an agent speaking on their behalf and pointing out critical points in Workers' Compensation claim determinations. That would be part of the idea of a committee, and he agreed with having a Board member included. Chairman Crandall noted that if the County ends up with a different system in place, either self-funded or not, he's not sure how the committee would work with a more remote agent or company handling the claims. Everyone might feel more comfortable and not need that input, but it also might not be something practical from the administrator's point of view, and maybe not even legal. We need to look at how the Self-Insurance Fund is administered now versus other ways to do it.

Mr. Wilson pointed out that if a person has a claim with other insurances, the agent really doesn't know what happened and right away denies the claim. With self-insurance, you may have to pay first and be reimbursed, but at least there is someone there to talk to. It's time



for one of the legislators that knows about insurance to take over the plan administration and have representatives from all the groups work together. Phone conversations will not solve the problems. Chairman Crandall commented that no matter who makes the decision, whether it's self-insurance with a local administrator or an insurance company, with the insurance, it would be rare to talk with someone making the decision. Mr. Wilson stated that claimants will be better off talking with a local person, rather than someone on the phone. Mr. Truax commented that he would not support any change that didn't include having a local representative to talk to.

Mr. Pullen pointed out that when dealing with larger insurance companies, there is a local agent that acts as a go-between. Our Self-Insurance Plan is small enough that we have only the Executive Secretary and we don't get to the level where an agent advocates for the policy holder. The problem is logistics and overhead for the program. However, Mr. Pullen doesn't see the Executive Secretary in an adversarial role; he is there to administer the program according to the law. Self-insurance requires the County and one other entity in the County to agree to participate. We have had good service at a good cost. Of course, we're always trying to not have claims and to avoid accidents, but the other part is that not every injury or loss is covered under any policy. We're getting Workers' Compensation coverage for what's covered under the law. Previously the Personnel Committee directed going to the Fire Advisory Board to address issues such as the definition of a member and who is covered under Workers' Compensation. That's only the tip of the iceberg. Communication is needed, and we haven't succeeded as well as we could have. Mr. Luckey noted that the committee idea would help with that communication.

Chairman Crandall questioned the wording of the sample resolution in #2. At first glance, it makes sense, but if the resolution goes above and beyond what the laws read, it could be a major decision of this Board. The resolution is in support of the firemen and expedience in clarifying and administering what's in the law, but if it goes on and uses the "good Samaritan" idea and goes beyond what the law covers, we need to clarify the wording and what the bottom line of the resolution is.

Mr. Luckey explained that "good Samaritan" is used only to clarify that gray area of the period of time prior to the tones going off. If a fireman responds within his fire district in the capacity as trained before the tones go off, he is acting in the line of duty. They are not just covered when the tones go off. For instance, firemen are covered for attending meetings. Mr. Luckey is covered for this meeting because he was asked to come speak as a representative of his fire company. This resolution would address that gray area of assisting someone prior to tones going off.

County Attorney Thomas Miner noted that the Fire Benefits Law would need to be changed prior to considering the proposed resolution. It's too ambiguous. The County could not effect a change of law through a resolution, but could send a resolution to Albany in support of a change in legislation. Chairman Crandall pointed out that we regularly request this type of supporting or clarifying resolutions. Mr. Luckey noted that there are some legislative bills already being considered in the Senate. If we could go together in support, it would be good.

Mr. Truax noted that the booklet handed out by Mr. Luckey covers most of the situations referred to, regardless of tones, under the line of duty section. He's not sure if these concerns will require a change in law, or just interpretation.

Mr. Pullen commented on earlier discussions he has had with Mr. Luckey on when coverage kicks in, where it applies, and so on. Coverage depends on where the incident takes place and where the fireman is a member. There are state agencies and legal counsel that could help with drawing up the language for legislation changes for this Board to review. That would be a good place to begin if we need legislation from Albany. If it's the opinion of the State

Comptroller and the Workers' Compensation Board that what we request exceeds the law, the firefighters have clout with their legislators, and other agencies would join them. What are the alternatives? It's either volunteer or paid service. We clearly need to work together.

Mr. Luckey requested that the County Attorney review their proposed resolution. It was written by a lawyer who is also a fireman, and in his opinion is within the confines of the law. Chairman Crandall commented that if there is specific legislation that would benefit the County and emergency services membership, we should support it. Mr. Dibble requested legislative bill numbers so the Board can review the information and refer it on to the Inter-County Association of Western New York for support. Chairman Crandall explained that representatives from nineteen counties attend the Inter-County meetings to discuss and support issues affecting the counties. Supporting resolutions are also referred to the New York State Association of Counties (NYSAC), so issues are now being heard from a large group rather than just one voice in Albany.

Chairman Crandall commented on the regular attendance of Board members at the Fire Advisory Board meetings mentioned in #5. He apologized and noted there should be someone from the Public Safety Committee or himself or a couple of legislators attending on a regular basis. This concern is easy to clear up and is very important. It goes back to communication and to comments made by the Sheriff – we have to know what the others are doing. Chairman Crandall noted that he and the Public Safety Committee members are notified of Fire Advisory Board meeting dates, and he will see that everyone on the Board is notified. Mr. Kruger noted that no Board member is attending EMS Council meetings, so legislators will need notification of those meetings also.

Chairman Crandall remarked on the radio system and procedures in the E-911 Dispatch Center, referring back to the Sheriff's comments. Some excellent points and ideas were discussed in the last Public Safety Committee toward getting the users of the 911 system to understand equipment changes and software updates. He pointed out that just a few years ago, if there was an emergency situation someone ran next door or drove somewhere to make a call and maybe a few neighbors called. Now cars stop and make cell phone calls, and it's not unusual for Dispatch to receive a couple dozen calls. When the need arises, it's important that the technology and training are there, and it all comes down to communication. For all the cell phones, software, equipment, and the millions spent on technology for communication on an instant basis, we still don't have good communication between ourselves.

Regarding the radio concern, Mr. O'Grady noted that about five years ago, there was a committee to address communication which was spearheaded by the Sheriff at that time. It seemed to be a good channel of communication, and the only time for police and firemen from different parts of the County to express their concerns with the Dispatch Center. It might be time to bring that idea back, maybe on a quarterly basis. State government is pushing for communication between agencies. A recent example came to light when Mr. O'Grady heard of a grant possibility and spoke at an Alfred Town meeting to promote compatibility between fire departments. Russ Hall spoke up and said he was already working on that grant. That type of thing needs to be communicated. The committee he spoke of disbanded, for reasons he's unsure of, but when it was active, people had a place to vent, and the Sheriff was made aware of their concerns.

Sheriff Tompkins responded that one of his concerns would be the additional time commitment for the volunteers, but it's a great idea. With all the technology and equipment they do have, they can address any issues or concerns. The answer is there. He wants to see the users, the Firemen and EMS personnel, understand how the equipment works and why problems occur in order for them to have confidence in the system. It's not an issue of having a horrible system; the system is working. There are occasional issues and they are dealt with as

well as possible. Chairman Crandall noted that personnel in the Dispatch Center may have questions of the users also. Instead of a committee, the Sheriff had the idea of user informational type meetings. Maybe this could be a user group meeting to get information and ideas out there. Sheriff Tompkins commented that this is not the volunteers' problem. He and Russ Hall can solve the issues by going to the firefighters' scheduled meetings, rather than having them spend more of their time in additional meetings.

Chairman Crandall felt these issues should be referred to the Public Safety Committee, and he will speak with the County Attorney about them. Information from the fire service groups about the proposed resolution should be given to the Clerk of the Board to be distributed to the County Attorney and Public Safety Committee members. We'll see what can be done to answer the questions that were brought up.

Chairman Crandall thanked those in attendance representing over 1,200 firemen. Their membership constitutes half of what the Self-Insurance Plan covers for employees and volunteers of the County, Towns, Villages, Firefighters, and EMS personnel. The input that they brought forward is needed and appreciated, and the County will need time to go through the information, run it through committee and channels to address it, and get a response back to them. This could take whatever direction they'd like in order to get information to their membership. If another meeting is to be set up, it may be easier to meet with those elected by the groups, as occurred with this meeting, or it could go through the boards and committees. That can be communicated as the process moves along. Communication is key.

**Adjournment:** the meeting was adjourned at 9:00 p.m.

Respectfully submitted,  
Adele Finnemore, Journal Clerk

## COMMITTEE OF THE WHOLE

May 27, 2008

**\*\* APPROVED \*\***

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**Call to Order:** The meeting was called to order at 2:45 p.m. by Chairman Curtis W. Crandall.

**Members Present:** Chairman C. Crandall, G. Benson, D. Burdick, W. Dibble, D. Fanton, W. Hall, T. Hopkins, K. Kruger, M. McCormick, D. Pullen, B. Reynolds, D. Russo, R. Truax, N. Ungermann; (**Absent:** T. O'Grady)

**Others Present:** A. Finnemore, L. Gridley, J. Margeson, T. Miner, B. Riehle; **Media:** K. Doyle, Olean Times Herald; B. Quinn, Wellsville Daily Reporter

### **County Comprehensive Plan, SEQR Environmental Assessment Form Review:**

County Attorney Thomas Miner summarized the County Comprehensive Plan State Environmental Quality Review (SEQR) Process to date. Notices were sent out regarding the County's intent to act as lead agency. Thirty days has elapsed, and there has been no challenge so the County is now the lead agency. As required by law, the next step is for the County as lead agency to take a hard look at environmental questions as they relate to the plan and complete an Environmental Assessment Form. Mr. Miner distributed for review Part 1, which has been completed, and Part 2 to be completed as a group. He noted that because this is a plan or a working document and not an actual project, a lot of the information will be answered "no" or "not applicable," but we still need to look at it.

Part 1 was reviewed for concurrence. A question was raised on Approval Required by City, Town, and Village Boards. Mr. Miner responded that answer should be "no" because although these entities need to be informed, they have no approval authority.

Part 2 was reviewed and completed as a group. Mr. Ungermann commented that these questions are site specific, and he questioned if we had the correct form. Mr. Miner responded that the form is correct, and it is required for the Comprehensive Plan. The plan includes future goals, but doesn't address a particular site. Chairman Crandall noted that once a project is drawn from the plan for implementation, an assessment form would have to be done for that project.

Following completion of the Environmental Assessment, it was established that there were no areas addressed as having any significant impact. A motion was made by Truax, seconded by Hall and carried for a determination of no significant environmental impact regarding the County's Comprehensive Plan. **Prepare Resolution.**

Filing requirements will be taken care of by Mr. Miner. The public hearing date will be set at the next board meeting on June 9, with the public hearing to take place at the end of June. If there are no objections, the plan would go into effect immediately.

### **Attorney/Client Session:**

A motion was made by Dibble, seconded by Truax and carried to enter into an attorney/client session. Following discussion, a motion was made by Reynolds, seconded by Dibble and carried to end the attorney/client session and return to the regular meeting.

**Adjournment:** The meeting was adjourned at 3:25 p.m. following a motion made by Truax, seconded by Reynolds and carried.

Respectfully submitted,  
Adele Finnemore, Journal Clerk

**COMMITTEE OF THE WHOLE  
JULY 28, 2008**

**\*\* APPROVED \*\***

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**Call to Order:** The meeting was called to order at 2:47 p.m. by Chairman Curtis W. Crandall.

**Members Present:** Chairman C. Crandall, G. Benson, D. Burdick, W. Dibble, D. Fanton, W. Hall, T. Hopkins, K. Kruger, M. McCormick, D. Pullen, B. Reynolds, D. Russo, R. Truax, N. Ungermann; (*Absent: T. O'Grady*)

**Guests:** LaBella Representatives M. Kukuvka and Penny Mashtare, Ciminelli Representatives, OCA Representative A. Isenberg

**Court Facilities and County Office Building Presentation by LaBella Associates:**

Mark Kukuvka and Penny Mashtare from LaBella Associates, with assistance from representatives from their estimating team at LPCiminelli, gave a presentation on the Court Facilities Addition and Renovation and County Office Building Renovation Project (a copy of the Powerpoint presentation is attached to the original minutes). Following selection of the Courthouse Addition option by the Court Facilities and County Space Needs Committee, LaBella's project approach has included:

- Provide pre-schematics drawings of the addition to the Courthouse
- Provide furniture and circulation plans
- Review and approve final pre-schematic drawings for the addition and renovation with the County and OCA
- Meet with OCA and County department heads to establish objectives and program requirements
- Develop pre-schematics drawings of the County Office Building showing stacking, departmental grouping, and circulation
- Provide site plan
- Proposed elevations
- Cost estimate

The size of the Courthouse addition has been reduced by about 6,000 square feet. Circulation patterns have been reworked in an effort to maximize back-filling into the existing building as much as possible. Initially a new Court entrance was to be located in back at the side of the addition, but the current plan retains the front monumental entrance of the existing Courthouse as the main entrance. To accomplish handicapped accessibility, a ramp will be built off to the side of the main entrance.

Some parking area will be lost in the back employee lot. There will be a reduction from 141 legal spaces down to 99; a loss of 42 spaces. This issue still needs to be resolved. (The RFP and LaBella's scope of work do not include off-site parking at this point.)

The Department of Social Services has been reworked. The Support Unit will be brought over to the main campus. Records are still being maintained in the basement, but the Support building becomes available. WIC and Cancer Services are also being brought back into the Health Department area of the main building.

The "bridge" between the two existing buildings will become administrative only, with swipe-card access. The main entry of the Courthouse will be security screening 100 percent for the entire existing Courthouse and addition. This caused relocation of the County Treasurer's Offices.



**Floor Plan and Building Perspective Highlights:**

Ground Floor, Courthouse:

- County Clerk records area remains
- Probation gains some space
- County Treasurer's Offices relocated to front area of the addition
- Inmate/Judge/employee shared key-code access elevator and Sheriff Sally port located in back of addition
- Handicapped access restrooms and elevator located in core area at front of addition
- Large "shell space" in addition remains. (In order to maintain the monumental Courtroom and to keep Court functions together, approximately two-thirds of ground floor has been left as shell space.)

Ground Floor, County Office Building:

- Health Department rearranged
- Public Defender
- Buildings & Grounds (part of it) in former Sally port area
- E-911 back-up area remains

First Floor, Courthouse:

- Main entry, security screening area
- Courts
- County Clerk's Office stays
- Department of Motor Vehicles back-filled into a vacated area in existing Courthouse

First Floor, County Office Building:

- Department of Social Services has been reworked and is expanding to two floors

Second Floor, Courthouse:

- Courts and hearing rooms, retained monumental Courtroom
- Judges' chambers reworked a little
- Handicapped access restrooms located in core area
- Some additional shell space for future expansion (roofed in, but not finished off)

Second Floor, County Office Building:

- Department of Social Services expanded into one-half of the floor
- Department of Public Works has been given more space (the department remains in the main building to save money, rather than moving them off-site)
- Information Technology relocated to get the equipment out of the basement

Third Floor, County Office Building (former Jail):

- Moved some of the offices currently on the second floor up to the third floor: Legislative Chambers/Grand Jury, Clerk of the Board's Office, County Administrator, Human Resources, District Attorney, County Attorney

Building Perspectives:

- Front entrance showing the handicapped ramp
- Addition showing the Judges' entry which ties into the appearance of the main entrance and the Sally port

**Cost Estimates for Courthouse and County Office Building:**

LaBella put together very comprehensive data on their pre-schematic design including a demolition plan, narratives, IT system, structural system, analysis of existing building, etc., which gave their estimating team at Ciminelli a lot of information to work with to compile their



cost estimates. The estimate has been broken down by project components; the square footage and cost estimate for each component are indicated below:

Courthouse Renovation:	9,600 sf	\$ 1,852,000
Courthouse Addition:	42,000 sf	11,935,000
County Office Building Renovation:	<u>33,000 sf</u>	<u>4,897,000</u>
Total Project:	84,600 sf	\$18,684,000

Costs are inclusive project costs (including contingencies, construction manager fees, bonding costs, etc.) and are adjusted for inflation according to the assumption that construction will begin Fall 2009, construction mid-point Summer 2010. (For comparison purposes, the September 2007 proposal included a total project square footage of 97,700 at a cost estimate of \$22,678,000; current estimates have been reduced by nearly \$4 million.)

**Discussion** (Responses by LaBella's Mark Kukuvka are italicized):

Mr. Reynolds questioned if the estimates include equipment and furniture. (*Kukuvka: The plan includes trying to salvage as much as possible to save costs.*)

Mr. Ungermann asked what square footage in the addition is for Court use. (*Kukuvka: Court functions are assigned to nearly all of the first and second floors, and not much of the ground floor, or approximately two-thirds of the addition.*) Mr. Ungermann noted that there are a lot of excluded costs, such as high-density storage, fixtures, and equipment. (*Kukuvka: LaBella worked with the County and OCA to be sure all reasonable items are included in the bonding, minus salvaged equipment and furniture. Although excluded in earlier iterations, high-density storage is now included. The full report will be left with County Administrator John Margeson.*)

Mr. Truax questioned the plans for the addition ground floor shell space, and wondered if it wouldn't be better to eliminate a floor. (*Kukuvka: The goal was to keep the existing Courtroom, and to keep Court functions contiguous on the same floors between the existing building and the addition.*) Mr. Truax suggested using the shell space for the offices slated to be moved to the former jail floor, saving those renovation costs. (*Kukuvka: Practicality, accessibility, and adjacencies were considered in the placement of offices, and there were not a lot of options for what could be put in the former jail space.*) Mr. Truax noted that we're paying a lot to build the addition, but we're leaving a lot of space vacant. It could be used for maintenance and storage. (*Kukuvka: The shell space provides the County with space for future expansion as cheaply as possible.*)

Mr. Pullen referred to conversations held with other counties that have gone through this process and already have encountered problems with storage space deficiencies and lack of space to address changes in Court structure, i.e. additional courts. Our County was encouraged to allow for flexibility. It may be cheaper to not include the shell space, but it will never be cheaper to build than it is now. This plan offers the longest term approach with the shortest term effect for taxpayers.

Mr. Reynolds commented that the former jail space has to be utilized. Mr. Truax asked if it could be used for storage. (*Kukuvka: That space works for offices, but the floor loading rating is not adequate for high-density storage.*)

Mr. Ungermann asked if the estimates include a new roof over the entire former jail. (*Kukuvka: No, only the recreation yard which will be built in.*) Mr. Ungermann asked whether Information Technology work is included in the estimate. (*Kukuvka: Wiring and conduit is provided for, but the rest would be done by Information Technology. A lot of the detailed listing*

*includes assumptions, and it's uncertain how much equipment will be salvaged. Also not included in the estimates is off-campus parking.)*

Mr. Ungermann questioned the estimate for renovations per square foot. *(Kukuvka: That would be a difficult number to pin down due to the nature of the project. Some areas will only require "scrape and paint," some need wholesale major renovation, as is the case with the former jail floor. It's a blend of so many levels of renovation. The per square foot estimate for some areas will be close to \$300, and for some areas it will be as low as \$10-15.)*

Chairman Crandall referred to discussion at the last Court Facilities Committee meeting about escalating building material and construction costs. He was left with the feeling that there was ample coverage for projected escalations. Chairman Crandall had questioned the percentages for contingencies and soft costs, amounting to several million dollars to cover the unknowns. Even though the project has gone through extensive analysis, that's what these contingencies are for. We won't know if this estimate is a comfortable number until we go out to bid and get some specific dollar amounts, but there are no hidden numbers. *(Kukuvka: That is correct. The amount included for contingencies is reasonable for this phase of the project.)*

Mr. Reynolds asked about LaBella's past experience on how the contingencies have run. *(Kukuvka: He doesn't like to tamper with contingencies this early in the process. LaBella has a good record for building at less than what they allow for contingencies, but it's too early to say that. It's different with every project. Renovations cause the biggest unknowns.)*

Mr. McCormick questioned if enough public space is included in the addition plans. Mr. Pullen noted that it's difficult to see on the floor plans, but there is a seating area for 20 people at the end of the corridor. We don't presently have that. There are also attorney/client areas, seating in various Court Clerk areas, numerous areas to conference and wait, and a children's area (as required by OCA).

Mr. Ungermann commented that the open shell space on the second floor of the addition covers the windows over the existing Court staircase. *(Kukuvka: The plan is to put some back-lights in so the stained glass will be lighted from behind, or possibly a small sky light.)*

Andrew Isenberg, OCA, advised the Legislature that the Courts have worked collaboratively with the Court Facilities Committee, and he feels that they have worked tirelessly to make certain that the scale and scope of the plan is adequate to accommodate the Courts. The project has been scaled back as much as possible. Mr. Isenberg expressed his appreciation for all their efforts.

Mr. Pullen recommended that if there are any questions, legislators should contact him or Mr. Margeson prior to the next Court Facilities meeting on August 6. The committee will try to find the answers and implement suggestions to refine the plan for the best possible outcome. The Court Facilities Capital Plan will come before the full Board for approval within the next few weeks.

Mr. Kruger asked when the unresolved problems, such as off-site parking, will be addressed, and if those costs would be included in the bond. Chairman Crandall responded that some conversation has taken place, and the bond will cover whatever needs to be included, unless there are other options. Mr. Ungermann questioned if energy costs have been put together. Mr. Kukuvka noted that they have not. Mr. Pullen noted that it is a possibility to work with and receive guidance from NYSERDA, and there are programs available. Participation will increase short-term costs, but there is a long-term pay back. LaBella is working on it. Chairman Crandall noted that lighting, heating, etc. are included with any construction project, and some projection is necessary.

**Attorney/Client Session:** A motion was made by Legislator McCormick, seconded by Legislator Fanton and carried to enter into an Attorney/Client Session. Following discussion, a motion was made by Legislator Reynolds, seconded by Legislator Hall and carried to end the Attorney/Client Session.

**Adjournment:** The meeting was adjourned following a motion made by Legislator Reynolds, seconded by Legislator Hall and carried.

Respectfully submitted,  
Adele Finnemore, Journal Clerk

**COMMITTEE OF THE WHOLE  
AUGUST 25, 2008**

**\*\* APPROVED \*\***

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**Call to Order:** The meeting was called to order at 2:55 p.m. by Chairman Curtis W. Crandall.

**Members Present:** Chairman C. Crandall, G. Benson, D. Burdick, W. Dibble, D. Fanton, W. Hall, T. Hopkins, K. Kruger, M. McCormick, T. O'Grady, D. Pullen, B. Reynolds, D. Russo, R. Truax, N. Ungermann; **Media:** B. Quinn, Wellsville Daily Reporter

**Guests:** Transportation Task Force Representative Carrie Whitwood and Consultant Ryan Harris from Nelson Nygaard (other members of the Transportation Task Force were present in the audience); John Reel, NYS Dept. of Transportation; Jim Gorman, First Transit.

**Transportation Task Force Presentation:**

Transportation Task Force Member Carrie Whitwood, who is also the Executive Director of the Allegany/Western Steuben Rural Health Network, began the presentation by stating that the charge of the Task Force was to develop an Allegany County Mobility Management Plan for the coordination of public transportation in the County.

Timeline of achievements: The Transportation Task Force was formed in 2007. Due to a federal mandate, a transportation coordination plan will now be required in order to receive Federal Transit Administration (FTA) Section 5311 Rural Public Transportation Program funding. A Human Services Transportation Plan was developed and is included in the County's Comprehensive Plan. To achieve coordination among transportation providers, a grant was applied for (and received) to fund a consultant for preparation of a mobility management plan. They have been working over the past three months conducting surveys, focus groups, profiling, and data gathering. Ms. Whitwood introduced the consultant, Ryan Harris from Nelson Nygaard. Mr. Harris presented information on his progress with the transportation plan.

Background information on issues the County is facing: The County's average income is 35 percent lower than the state average. Access to vehicles is a problem, resulting in a transit-dependent population; many people rely on public transportation for basic needs. The transit picture in the County is broad. Allegany County Transit (ACT), Arc, and Department of Social Services are the three main providers, with other smaller systems scattered throughout the County.

Existing transit system: Ridership averaged 4,000 per month during the spring of this year. ACT and Arc route maps were displayed. There are still unmet needs in scheduling and cycles. A DSS trip origin map illustrated medical trips provided through Medicaid and DSS. The Task Force processed 300 surveys from riders and participants in stakeholder meetings. Service issues identified: rising fuel costs, limited availability, full buses, increasing requests for additional services. Scheduling issues: no standardized routing, limited span during day, not in sync with employer schedules, need for more direct service. Passenger issues: need more shelters, park and ride lots, awareness, transport of packages, increasing route deviation.

The Arc transportation system accesses FTA Section 5310 Program funding for transporting the elderly and persons with disabilities.

There is a demonstrated demand and dependant customer base in the County.

ACT provides:

- Improved quality of life for the elderly and disabled
- Mobility options for the aging population
- Mobility that helps to keep people out of the Social Services system
- Indirect economic effect by helping residents get to their jobs
- Reduced cost to the County per trip for those in need

Legislator Fanton questioned if the study showed the usage percentages for medical vs. shopping for the Olean and Hornell routes. Mr. Harris replied that they don't have exact numbers, and it would be difficult to track because some people "stack" trips. Legislator Fanton noted that this is important, and he'd be interested in the numbers. A big share is probably for shopping, and he has a problem with taking business out of the County.

Mr. Harris noted that with the existing financial picture, operating expenses are increasing rapidly causing operators and the County to look at cutting service at the same time more people are being drawn to using the service due to fuel prices. The contracted services for Social Services and Office for the Aging make use of Federal Transit Administration Section 5311 Non-Urbanized Area Grant Funding. County costs for the past three to four years have been running at .3 percent of the total County budget. Legislator Hall pointed out that Statewide Transit Operating Assistance (STOA) moneys are predicated on the number of passengers.

John Reel, from the NYSDOT (involved with Rural Transit), spoke about the state funding picture. Allegany County's local expenses as a percentage of total transit expenses are averaging about 52.6 percent. They'd like to see that number in the 25 to 30 percent range. All systems have varying missions and operate differently. Chautauqua County has a lot of Social Services and various needs, and the County pays one third of costs. The state has had an eye on Allegany County's mission, and they are impressed with the Task Force, its mission statement, and the involvement of the entire community, aside from the mandate of a human service plan. The state encouraged the group through the hiring of a consultant to pursue what was found in the service plan and to apply for Job Access and Reverse Commute (JARC) and New Freedom funding to hopefully wrap this up to be a manageable and sustainable system in the future. More accessibility is important. In rural areas where we're talking about mobility solutions, we have a solution here. Each group now has their own system, and they're going everywhere, with volunteer drivers, cabs, ambulance, transit system, and so on. We need to identify what we have, and hopefully define a new mobility solution that makes more sense financially.

Legislator Burdick asked about Cattaraugus County's numbers. Mr. Reel pointed out that they are just coming on board because they haven't had a system up until now. Legislator O'Grady questioned how Steuben County operates a system for 5.6 percent local cost. Mr. Reel replied that they have a very limited system with a fixed route and only provide service for one small corridor, which doesn't require a lot of money. They have a more condensed need, but there is more area here and more need. Mr. Harris noted that everyone does things differently, and the problem is how to bring the local match amount down without impacting the existing system and to provide increased services without increased cost to the County.

Transportation System Coordination and funding strategies:

- Coordinate existing transportation providers
- Pool funds and seek additional public/private funding opportunities
- Designate formal oversight of transit services within the County
- County will become a funding partner, not the program administrator
- JARC, New Freedom, FTA 5311 Rural, FTA 5310 Elderly
- Leverage additional funding streams to displace local funding
- Implement organizational and management structure
- Streamline and reorient service delivery

- Trunk and feeder lines or district-based demand responsive service
- Provide a central dispatch and mobility manager
- Education and marketing of available transportation services

Organizational models:

- Strong County – central dispatch and mobility manager becomes County function, County oversight
- Autonomous agency
- Contract agency
- Consortium

Service scenarios:

- Reorient – central dispatch, make system more efficient, service from park and ride lots to major destinations, public/private transportation funding, implement a carpool program
- Growth – extend service hours and scheduled service at peak travel time, limited service on Saturdays

Potential look at what transit could be in the County – ACT and Arc coordination

- More service with less local funding
- Continue to meet needs of those who currently depend on transit
- Discussion with colleges in Alfred to combine services
- Arc must coordinate in order to maintain grant funding
- Coordination will go under the name of Allegany County Rides
- There is the potential to bring in about \$150,000 in additional funding per year, looking at existing ACT funding and leveraging different sources of funding in order to reduce the County contribution and provide more service
- Arc will keep fare box receipts

Implementation of the Coordination Plan:

Ms. Whitwood recognized the other Task Force members present and spoke about Federal Job Access and Reverse Commute (JARC) Program funding for provision of transportation service to employment or related activities for welfare recipients. Ms. Whitwood suggested that the County should proceed to the resolution process to receive grant funding in the amount of \$250,000 as soon as receipt of the grant has been confirmed. The Task Force has recommended a mobility manager position. We need to be proactive and take a look at the routes. There is a need for someone to continue to look at the needs and coordinate services. Ms. Whitwood also made note of a grant application for two new shelters, to be erected at the hospital in Wellsville and the Cuba Dollar Store. They are starting to identify locations for “park and ride” lots. Also being looked at are:

- Coordination with other counties for medical transportation, potentially resulting in lower costs
- Marketing to increase awareness, access, and utilization
- Develop an Intelligent Transportation System (ITS)
- Explore additional NYSDOT and NYSDOH cost sharing opportunities

All of these initiatives will aim to increase ridership, which in turn will leverage state and federal funds coming into the County. The Task Force will continue to look at other resources.

Legislator Fanton applauded the efforts of the Task Force. The only problem is supporting shopping in Olean and Hornell with County money, which takes our sales tax money and gives it to those other counties. He suggested looking at ways to restrict transit use outside

of the County to medical rides. Mr. Harris stated that he understands the concern, but we should look at the system in a different light. Instead of seeing it as a way for users to spend money outside of the County, look at it as a County service providing mobility to our residents. Legislator Hall commented that the transit system is taking people to Olean and Hornell for medical reasons anyway, and we receive increased funding from the government to help us provide the service. We'll get the funding regardless of why the people are on the bus. We should look at it as an opportunity to increase ridership for increased funding. Legislator Fanton asked who determines the Olean and Hornell routes. Legislator Hall noted that we will have to have the routes to get people to services that those areas provide. Mr. Reel pointed out that in order to get the STOA funding reimbursement for the Social Services and Medicaid medical runs, the bus has to be open to the public, whether or not they are going shopping. The state will not give the funding if the runs are limited to only medical reasons. The broader County strategy would be to direct where the destination is. Look at enhancing opportunities within the County. It's up to the planners to redefine what the market wants over time.

Legislator Hopkins questioned why we don't consider increasing the fare as a way to offset increased costs. Mr. Harris responded that is something for the Task Force and the transit system to explore, and it could happen. Legislator Fanton asked who determines the rates. Jim Gorman, from First Transit, responded that it would be the Legislature, probably through a public hearing process. Also, regarding the interest in other counties, the Task Force is trying to establish a seamless system for people to get here as well. It depends on where people want to go, and there is interest in coming here. The plan will result in access into Allegany County also. The mobility manager would have his hand on the pulse of what the needs are so that he could come to the Legislature for endorsement for needed changes, i.e. the fare issue. Funding availability to give more for less local contribution has been the goal from the beginning.

Legislator Pullen questioned why Steuben County, although larger than Allegany County, only deals with one small corridor. How are they addressing the rest of their transportation needs? The chart included in the PowerPoint presentation doesn't even address the rest of their system, and we could make Allegany County's numbers look better if all of our system wasn't included. Mr. Gorman noted that the chart only shows County local share. Legislator Pullen stated that he wasn't sure the additional funding amounting to one-half of the County's cost will be enough. We're already at the point where we're maxed out on the Medicaid cap. Mr. Harris noted that the chart of county systems does leave out part of the systems; it only shows county systems. The other chart showing ridership shows not just Medicaid passengers, but all transportation needs. Legislator Pullen stated that a lot of state programs are Trojan horse programs: the program is adopted, and then later the state drops financial support; but the County has the program, people get used to relying on it, and local government has to continue to provide it. The state just proposed a six percent cut. Legislator Pullen would like some assurance that we have a way to address the likely state bail-out.

Legislator Fanton commented that at the start of the public transportation program, there was no local match, and now we have gone to a \$326,000 match. He sees the buses running empty all the time. Legislator Fanton suggested raising the rate to address the increased fuel costs. We need to make the program cost effective.

Ms. Whitwood noted some good points were made during the bus driver focus groups. The timing of some routes is off, some routes are over-full and people are being left behind. With a mobility manager, we can look at those issues and others. It is an ever-changing environment. We need to be proactive and address identified needs.

Legislator Truax commented that in a short time, the Task Force has cut the County's costs in half and they're not done yet. Mr. Reel noted that New York State is behind the

County's efforts through the study and grant applications. Good things are happening here. The main contention is the local share, and it will go down more. He advised bearing with it, with the assurance that STOA has been around for decades, and the reductions proposed by the state will not affect STOA.

Legislator Pullen noted that in the northwestern portion of the County, there is a good sized Amish population. They don't own vehicles, and they find their own transportation. They pay for it rather than expecting the government to. They found a way to make it work. This plan is another effort to say the transit system is our job as government, and taxpayers wonder why their taxes are going up.

Mr. Harris stated that this same conversation is going on all over the country. There are increasing needs in spite of increasing costs.

Chairman Crandall thanked the Transportation Task Force for their efforts to cut our local share cost. He acknowledged the concerns of the Legislature, but noted the benefits of cost savings in all segments of the population that could use the system. The Legislature will have some decisions to make when discussing the budget.

### **Executive Session**

A motion was made by Legislator Fanton, seconded by Legislator Truax and carried to enter into executive session to discuss the employment history of particular employees. Immediately following the executive session, a motion was made by Legislator Truax, seconded by Legislator Dibble and carried to come out of executive session and return to the regular meeting.

### **Adjournment**

There being no further business to come before the committee, the meeting was adjourned on a motion made by Legislator Truax, seconded by Legislator Dibble and carried.

Respectfully submitted,  
Adele Finnemore, Journal Clerk



**COMMITTEE OF THE WHOLE**  
**October 15, 2008**

**\*\* APPROVED \*\***

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**Members Present:** Chairman C. Crandall, G. Benson, D. Burdick, W. Dibble, D. Fanton, W. Hall, T. Hopkins, T. O'Grady, D. Pullen, B. Reynolds, N. Ungermann; **Absent:** K. Kruger, M. McCormick, D. Russo, R. Truax

**Others Present:** A. Finnemore, J. Margeson, B. Riehle, T. Ross

**Call to Order:** The meeting was called to order at 10:15 a.m. by Chairman Curtis W. Crandall.

**2009 Tentative County Budget:**

The purpose of the meeting was for review and discussion of possible adjustments to the 2009 Tentative County Budget. An opportunity was given to everyone present to make suggestions. It was noted that changes to be made will require a resolution. The 2009 Tentative Budget currently reflects a 3.9 percent increase over 2008 (increase in tax levy), but due to an increase in taxable assessed value, the actual increase in tax rate is 1.3 percent.

***State Spending Reductions and Their Impact on County Revenues:*** Concern was voiced by several legislators, with some commenting that we should have more of a cushion given the uncertainty of further state cuts. It was also suggested that we increase the budget a little more now, rather than getting to next year and having to raise taxes even higher. County Treasurer Terri Ross relayed information from the recent NYSAC Conference that more hits are coming, possibly as much as 15 percent. Legislator Hopkins, Chairman of the Budget Committee, felt that our budget is good, but was also concerned about what the state will do. Some counties have large fund balances and can absorb a percentage hit. Trying to make any further reductions in our budget may leave us unable to handle any additional state cuts. Chairman Crandall noted that county fund balances were also discussed at NYSAC. There is concern that the state is looking at what can be absorbed by the counties and not looking at cutting programs. Department heads have been monitoring their particular areas for changes as they are made in Albany. Monthly reports through the Budget Committee will allow us to be able to react. Chairman Crandall commented that the Tentative Budget is as close to a flat budget as we can get.

***Crossroads Water and Sewer Project Bonding:*** County Administrator John Margeson noted that the legislature would probably be asked to approve a bond resolution, and the project would be financed through bond anticipation notes. He wouldn't expect to see a payment due until 2010 at the earliest.

***Jail Revenues for Housing Inmates:*** Mr. Margeson commented that approximately \$2 million has been budgeted. If they average 60 inmates per day at \$90 per inmate per day, we will achieve that (the current average is 65 inmates per day). Legislator Burdick questioned if the surplus revenue would be appropriated to a reserve fund after the Public Safety Facility loan principal payment is paid. Legislator Fanton felt that was the intent of the previous resolution. Mr. Margeson noted that it would be appropriated to the General Fund, and Chairman Crandall pointed out that a resolution would be required to change that.

***Sales Tax Revenue:*** Concern was expressed that the anticipated sales tax revenue figure may be too high. Also, due to the stock market slump, the state may greatly increase the payment due for retirement. Ms. Ross noted that the retirement payment paid this year was down \$200,000 from the year before, so less was budgeted for 2009. We already know what the 2009 payment will be. The 2010 figure may be worrisome, but that won't be paid until 2010.

Mr. Margeson addressed the sales tax revenue concerns by stating that based on 2008 trends, we should be able to achieve the \$18.5 million we budgeted.

**Health Insurance:** The amount budgeted for health insurance has been increased by \$600,000 over 2008.

**Preschool Education Program:** Mr. Margeson explained that this program for the provision of educational services for eligible three to five year old children prior to Kindergarten is state mandated. The County pays \$24,000 per child per year, and the state reimburses 59.5 percent. It has been argued for years that this expense doesn't belong in county budgets, but should be in the state education budget. Allegany County has 80-90 eligible children, and we have no recourse but to pay. NYSAC is currently pushing for the state to take over the program. The appropriation for this program for 2009 has been decreased by \$100,000 based on past history. It is currently budgeted at over \$2.7 million, of which 59.5 percent is offset by state reimbursement. When asked if another organization, such as ARC, could run the program, Mr. Margeson replied that the Health Department is investigating other providers in addition to BOCES. Ms. Ross noted that the County can look for cheaper providers, but we can't eliminate the program.

**Bus Transportation:** Mr. Margeson noted that appropriations for bus transportation are budgeted at \$720,000, and revenues are budgeted at \$600,000. He felt this figure may be achievable, although in the past we haven't been able to hit it. There will be \$120,000 subsidized in this budget. Anticipated grants have been figured in.

**Contingent Account:** There is currently about \$175,000 in the 2008 Contingent Account. The balance at the end of the year falls to fund balance.

**Education, Community College Expense:** Legislator Hopkins felt this account might be very close, because you don't know what will happen. It was noted that the establishment of the Jamestown Community College Extension Site didn't have any impact on the County budget. Ms. Ross commented that the 2009 Appropriation of \$840,000 is a better figure than in the past.

**Health Department, Sale of the Home Health Care Programs:** Ms. Ross noted that payments for the next few years are budgeted, and she created a new revenue account for the sale of the license, but the rest of the income isn't included because we haven't received it. Mr. Margeson pointed out that it depends on when the NYS Department of Health approves the certificate of need.

**Sheriff/Jail Overtime Expense:** Mr. Margeson noted that he adjusted these accounts twice, first cutting \$425,000, and then putting \$300,000 back in.

**Health Insurance Expense:** The projected increase for health insurance was 10 percent, and Mr. Margeson noted that we are running at about 8 percent. We're getting closer to being able to budget adequately for expenses. It's being done over a period of time, and with the 2010 or 2011 budget, we should be caught up.

**Estimated Year-End 2008:** Ms. Ross and Mr. Margeson concurred that if things continue on as they have for the remainder of 2008, we should end the year in the black and have a fund balance. When questioned about the State Comptroller's letter about our constitutional tax limit and bond rating, Ms. Ross responded that we're presently at about 80 percent on the taxing limit, and what has helped us was budgeting for our capital projects rather than bonding them. We were at 92 or 93 percent for the 2007 budget (they want us under 80 percent) so our ratings would be better.

**Home Energy Sales Tax:** Legislator Pullen commented on the home energy sales tax issue, which he noted has been raised in the past. It looks like we're in relatively good shape, and with the increased cost of fuel oil, a reduction in the home energy sales tax now won't have a negative revenue impact. Chairman Crandall responded that the concern is the uncertainty with what the state will be doing with additional cuts and how that will come down to the County level. We don't know where we will be four to six months from now. Legislator Fanton noted that if costs go down lower than they were a year ago, we'll lose revenue. Gas has gone down 35 percent from the high, and natural gas is about where it was a year ago, although Legislator Reynolds pointed out that coal is much higher than a year ago. Legislator Reynolds commented that we haven't been good at cutting any type of tax at all, and he agreed with Legislator Pullen. He felt it would be a good idea to cut the home energy sales tax by something in the area of one percent. Legislator Fanton questioned if potential savings had been estimated back when the state was considering that issue before. The 1.3 percent tax increase in our 2009 budget is probably a savings to taxpayers, given the rate of inflation, and he's not dissatisfied with that. Legislator Fanton pointed out that we'd have to make up for it next year with a larger tax increase if we do something for show now. Legislator Ungermann noted that the actual spending increase in the budget is close to 4 percent, not the 1.3 percent. Ms. Ross noted that while spending is up nearly 4 percent, the amount that is over the assessment is 1.3 due to new construction, etc. Mr. Margeson pointed out that the average county tax rate for 2008 was 16.40 per thousand and is 16.62 per thousand in this 2009 Tentative Budget, an increase of 22 cents.

Chairman Crandall commented that in the past, there have been concerns about sales tax and things beyond our control. He's not sure we've ever had the immediate changes in state finances looming over us like now and this fear of additional costs being shoved down to the county level. The Governor is calling back the Senate and Assembly to deal with the deficit, and some radical things will come about. The concern is that they won't cut the programs and clean up some of the excess programs the state has, but will just shift costs to the county and town levels. Ms. Ross pointed out that there is \$15 million in state aid included in the 2009 Tentative Budget. If the state makes reductions amounting to 6 percent, that will impact our budget by \$900,000.

**Bond Payment that Needs to be Added to the Budget:** County Treasurer Terri Ross was notified by our financial consultants on October 10 that a BAN was rolled over, and we will have to make a \$135,000 principal payment in April 2009. We should add that to the budget. The interest was included but not the principal. Chairman Crandall suggested that funds could be taken from this year's budget to make that payment. Mr. Margeson agreed and noted that funds could be appropriated from the fund balance after the first of the year.

**Public Safety Facility Debt Service:** Legislator Hopkins noted that debt service for the Jail is supposed to be funded from Jail housing revenues, and we should establish that reserve fund. We need a more clear resolution. Due to the increased costs of running the Jail, there needs to be some money for operations, and the previous resolution was not clear enough. We should be saving money now in reserve in the event that the federal rules for the \$90 per day reimbursement ever change. Chairman Crandall pointed out that we can transfer funds from the General Fund to this reserve account at any time when we have firm figures. After the first of the year, we will a figure and can pass a resolution to transfer. Ms. Ross stated that the way it is now in the 2009 Tentative Budget, \$2 million is budgeted for anticipated revenue, offset by \$1.6 million for debt service and \$600,000 for buildings and grounds. We are accomplishing the intent of the resolution by covering the debt first, and then we're keeping the tax increase down by covering most of the operational expenses. Some years we may not get the money in housing, and it leaves no money to cover expenses. For the reserve account, money is not budgeted, but put into the account. Funds appropriated to cover costs won't go in on the revenue side. Ms. Ross noted that to set up the reserve account during the year, it requires a public hearing and a resolution.

**Tax Exemption Impact Report:** Ms. Ross reported that she has been working with Forbes in Batavia to finish this new report for inclusion with the budget, and it is nearly finalized. Legislator Pullen questioned if it would also be done for each town. Ms. Ross stated that the state report only goes so far, and everyone will have to show their taxable value. Towns will have to do their own.

**Public Hearing on the Budget:** November 6, 7:00 p.m.

**Adjournment:** The meeting was adjourned at 11:20 a.m. following a motion made by Legislator Dibble, seconded by Legislator Reynolds and carried.

Respectfully submitted,  
Adele Finnemore, Journal Clerk

**COMMITTEE OF THE WHOLE**  
**November 10, 2008**

**\*\* APPROVED \*\***

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**Members Present:** Chairman C. Crandall, G. Benson, D. Burdick, W. Dibble, D. Fanton, W. Hall, T. Hopkins, K. Kruger, M. McCormick, T. O'Grady, D. Pullen, B. Reynolds, D. Russo, R. Truax, N. Ungermann

**Others Present:** S. Collins, A. Finnemore, J. Margeson, B. Riehle, T. Ross; **Guests:** B. Campbell, T. Halter; **Media:** K. Doyle, Olean Times Herald

**Call to Order:** The meeting was called to order at 2:30 p.m. by Chairman Curtis W. Crandall.

**Executive Session:**

A motion was made by Legislator Dibble, seconded by Legislator McCormick and carried to enter into executive session to discuss the employment history of particular individuals. Following discussion, a motion was made by Legislator Reynolds, seconded by Legislator Kruger and carried to end the executive session and return to the regular portion of the meeting.

**Non-Unit Personnel Salary Increases for 2009:**

***A motion was made by Legislator Reynolds, seconded by Legislator Dibble and carried to recommend salary increases of three percent for Non-Unit personnel. (Voting No: Kruger, McCormick, O'Grady, Pullen, Russo, Truax, Ungermann.)***  
**Referred to Personnel Committee.**

**Centralized Real Property Tax Collection Database Study:**

County Treasurer Terri Ross introduced Brian Campbell from Systems East and Thomas Halter from the NYS Office of Real Property Services. Mr. Campbell conducted a study of the County's present tax collection structure and the feasibility of establishing a centralized tax collection system and database, which would allow the County and tax collectors from all taxing jurisdictions access to up-to-date information. Mr. Campbell reported results of the study (copy attached to original minutes).

The state provided grants for counties to focus on potential improvements to real property tax collections. The grant contains two components of \$25,000 each. The first phase funded the study of the County's tax collection structure and recommendations for establishing a County-wide tax database. From here, a copy will be filed with the state, and a decision will have to be made if the County wants to move forward to apply for the additional \$25,000 grant, which would help defray the cost of implementing the recommendations in the study.

Surveys were distributed to all town, village, and school collectors within the County. Fifty-three of the 59 collection entities responded, providing a good cross section. There was an approximate 50/50 split between those collectors using a computerized system for collections and those who still record tax payments manually. Those who were computerized utilize numerous third-party software vendors. Some municipalities are small with limited funds, and some are in areas with no high-speed internet access.



Advantages of a centralized database:

- Tax collectors could access up-to-date information for taxpayers, such as delinquent taxes in another jurisdiction (County/town/village/school), that they currently have no way of looking up. (They couldn't collect for other jurisdictions, but at least they could access the information.)
- Automation and/or upgrade for all tax collectors, as well as the Treasurer's Office; establishing a single database for use by all collectors for collection of taxes. Counties would access the system via internet.
- Database would be available to the general public as an information source, and eventually would allow online tax payments by credit card.
- Elimination of the disruption in data flow between the three to four month period when collection is in the tax collectors' hands and when it is turned over to the Treasurer's Office. This is a time and data sensitive process, and the centralized database would streamline it for the Treasurer and for the other tax collecting entities. Currently it takes about a week to settle, and for the districts without computerized systems (about one-third), unpaid bills have to be input manually.
- Reduction of manual data entry by the Treasurer's Office.
- Reduction in storage and printing costs. Currently two copies of the tax bills and receipts are kept; with the centralized system, we would only need one. A hard copy of the tax roll with the paid dates is required to be kept; this will only eliminate the bill portion of retention.

Accomplishing these goals would require funding sources in addition to the \$25,000 grant, and collectors would have to have internet access, preferably high-speed. A comprehensive database could then be implemented in stages.

There are two options for location of the central database: here, or since it is internet-based it could be based off-site. The system is very secure, as everything is encrypted. Ms. Ross noted that the Real Property Tax Service Agency, the County Treasurer's Office, and the Towns all use the same information now, but without the benefit of the centralized system.

When asked if the County would bill the towns, Mr. Campbell responded that with technology and the centralized database, towns could connect via internet for collections with no real cost to them, and it would be secure. Ms. Ross commented that some towns can't afford software, so it may be cheaper for them if the County houses the system and charges them back, and then they can access it by internet. There are some problems to overcome, such as internet availability in some areas, so this would be done in phases. Chairman Crandall noted that there were eleven municipalities without high-speed internet. The survey indicated that it wasn't available in some areas, and for some of the towns without it, the service is available and they were considering it.

The question was asked if this centralized tax collection project was just a step toward County-wide tax assessment. Mr. Halter responded that the State's intention is to consolidate in order to save money, and to investigate what is best for municipalities. Mr. Campbell commented that establishment of a centralized database was the intent, not to consolidate collection in any form.

Additional costs for implementation were discussed. Ms. Ross noted that they would need to look at numbers and see what the towns can afford. We can do cost-sharing. For a previous grant she applied for but didn't receive, there was a multitude of towns interested because of the split cost. So there is interest out there, especially for the smaller towns. Mr. Campbell commented that the survey included questions on municipalities' tax collection

budgets, and for those with software, it requested estimates for software costs and maintenance fees. It's not as though they don't already have expenses in this area, but we may be able to save them money through a centralized system.

Taxpayers would pay their bills at the same locations as in the past; however, with the centralized database, collectors could access all the information the County has, which would be backed up on a daily basis, to look up other outstanding amounts owed. Currently, taxpayers have to go to several different places to see what is owed.

When questioned if this new system would mean reductions in personnel, Mr. Campbell replied that it did not. The objective is information in "real time." When taxpayers go to pay, the Treasurer's Office knows right away. It reduces redundancy, and streamlines the process. The customer will benefit. There will be a universal, County-wide method to collect tax.

Many Town Clerks have sporadic office hours, and it was asked if eventually there could be a central office established for collection of all taxes. Ms. Ross noted that the law currently allows for the County to be named as deputy collector for any tax. That's not where this is headed, but it is an option and would allow 7-hours-per-day/5-days-per-week for collection. Towns, villages, and schools would probably have to pass resolutions.

A question was asked about partial payments, and Ms. Ross noted that would be possible, and the current system allows it at the County level, but it would require resolutions and agreements signed with the taxpayers. Implementation of partial payment has been looked at in the past. It should start with the towns.

#### **Next Steps:**

Mr. Campbell noted that this report has to be filed with the state by January. If the County desires to move forward with Phase 2, the application is due by March 31. A grant amounting to \$25,000 is available for this phase. Any additional funds needed for implementation would have to be paid by the County and the towns. The costs will be available within a couple of weeks, but will be in the range of an additional \$2,000 to \$3,000 over the grant amount.

Feedback from towns was not negative, once collectors realized they weren't going to lose their jobs. Collectors were involved in the process through the surveys and meetings. It was communicated to them that this technology will help them do their jobs and give better information to the public.

***A motion was made by Legislator Truax, seconded by Legislator Reynolds and carried to recommend that the County proceed with the grant application for Phase 2 (Implementation) of the Centralized Tax Collection System. (Voting No: Burdick.) Referred to Ways and Means Committee.***

**Adjournment:** The meeting was adjourned at 3:10 p.m. following a motion made by Legislator Truax, seconded by Legislator Dibble and carried.

Respectfully submitted,  
Adele Finnemore, Journal Clerk



**COMMITTEE OF THE WHOLE  
DECEMBER 3, 2008**

**APPROVED**

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**Members Present:** Chairman C. Crandall, G. Benson, D. Burdick, W. Dibble, W. Hall, T. Hopkins, K. Kruger, M. McCormick, T. O'Grady, D. Pullen, B. Reynolds, D. Russo, N. Ungermann; (*Absent: D. Fanton, R. Truax*)

**Others Present:** A. Finnemore, J. Margeson, T. Miner, Municipal Solutions Representatives D. Allardice and M. Chapel, B. Riehle, T. Ross; **Guests:** Approximately 22 Department Heads and Staff; 12 Town Supervisors, Village Mayors, and Councilmen; and 10 Members of the Public; **Media:** B. Quinn, Wellsville Daily Reporter; R. Mangels, WJQZ

**Call to Order:** The meeting was called to order at 7:10 p.m. by Chairman Curtis W. Crandall followed by the Pledge of Allegiance to the Flag. Invocation was given by Legislator Pullen.

**Chairman Crandall's Opening Remarks:**

"I would like to welcome our Town Supervisors and Village Mayors, their representatives, and our County Department Heads. Thank you for responding to our invitation. I would also like to welcome and thank the interested citizens that are attending tonight's meeting. The meeting was designed to present information, not only to the legislators and those who have been invited, but hopefully the information will find its way to every citizen and taxpayer of Allegany County. This presentation is not a platform for debate but an up-to-the-minute picture of the options our legislators face regarding the Allegany County Court Facilities Capital Plan.

As I'm sure you're aware, the Allegany County Legislature is attempting to address deficiencies in our County court facilities as they relate to the Court Facilities Act of 1987, along with other departmental space needs. In a few minutes, you will hear a brief history of that legislation and what it means to you and me, today in Allegany County. You will hear what studies and actions were taken in the past by other County legislators, and you will hear what the financial impact of addressing our court facility needs will have on each of us.

This group of legislators took our oath of office and began serving our current term on January 1, 2006. By June of that year, we were told that Allegany County's time had come as far as addressing the deficiencies of our court facilities. The Office of Court Administration would no longer tolerate delays by this legislative body as our predecessors before had done. They even sent a representative from their Manhattan offices to deliver the message personally.

What would give the Office of Court Administration such power to say they will no longer tolerate Allegany County delaying work on a Capital Plan? Let me quote from the most recent correspondence from New York State Unified Court System Chief Administrative Judge Ann Pfau. I quote, 'Pursuant to Section 1680-c of the New York State Public Authorities Law, I am prepared to approve the County's Capital Plan as soon as I receive an updated schedule of milestones and confirmation that the County Legislature has authorized the financing necessary to advance this plan.' The letter goes on to say, 'Any further delay in completing this Plan and advancing it in accordance with its terms will result in the initiation of the process set forth in the Judiciary Law leading to the imposition of financial sanctions against the County.' End of quote.

In layman's terms, this means that we need to make provisions to finance the Capital Plan or the Office of Court Administration will shut off state funds to Allegany County. These funds include all state aid, state grant funding, and member item funding. Our budgeted amount for 2009 equals \$14,815,596 from these sources. Some have said this will never happen, that New York State is bluffing, and that myself and others will use this as a scare tactic to bolster support for a court project. I assure you that the information provided tonight has been compiled from facts and scenarios calculated to the best of our ability. Several municipalities have attempted to call the state's so-called bluff in regards to the Court Facilities Act, and soon reversed those attempts. I believe you will feel as I do after looking at the facts that this legislature has no other choice but to respond to Judge Pfau's letter in a responsible manner and assume she has clearly stated her intentions.

What gives the Courts the power to say they will no longer tolerate Allegany County's lack of action is State Law, the same State Law that each elected official in this room tonight took an oath of office and swore to uphold.

Thus began a long, hard journey for this Board of Legislators from June of 2006 to now. A journey filled with many meetings, volumes of notes and technical data, rolls of blueprints, and tens of thousands of dollars spent in engineering, legal, and administrative expenses to come up with an acceptable Capital Plan. Acceptable is the key word in that sentence – not a plan that is acceptable to you and me, but a plan that is acceptable to the Office of Court Administration according to State Law.

As this Board began looking at our options to address this issue, efforts were spent on several plans or approaches. We looked at the possibility of moving the courts to a new facility on County property next to the Jail south of Belmont, and a new facility in front of this property where our Child Support Enforcement building is located. We saw the Griffith Plan, the Ungermann Plan, the Parker Plan, and the Parker Plan with the Pullen Atrium. We discussed hybrid plans of each of them and other ideas that were never named, even unofficially such as these. We are grateful for the time and effort that individuals spent on coming up with and pursuing these plans and thoughts, many of which have been incorporated into the final Capital Plan that has been submitted for review.

A couple of months ago, the Board voted and approved a plan to be sent to Manhattan for review and ultimately the approval of the Office of Court Administration, a plan which the Office of Court Administration worked closely with the County on, to assure that it would meet the minimum standards as set forth in state law. That Plan is Allegany County's Capital Plan for our court facilities.

During the presentation, you will hear a repeat of much of what I just said. I believe it's worth repeating, as some of the points just made need to be heard more than once for their true impact to fully register.

I would like to thank David Pullen, Chairman of the Court Facilities and Space Needs Committee, and the committee members for the work that has been done so far, along with Bill Hall, Chairman of the original ad hoc committee that worked hard to head us in the right direction."

**Power Point Presentation, County Administrator John Margeson:**

Allegany County has been living with this court facilities deficiency situation for many years. The information presented may be old ground for some, but fortunately there were a number of invited guests who may not have been as familiar with the steps taken to date. Mr. Margeson noted that the presentation would cover the Court Facilities Capital Plan Act itself, the

attempts made by the past and present Legislatures so far to comply, and the financial impacts of moving forward or not moving forward. Mary Chapel and David Allardice, from Municipal Solutions (formerly Allardice and Associates), financial consultants for the County, were introduced. Text from the Power Point presentation and comments are included below. (A copy, including photos and spreadsheets, is attached to the original minutes.)

### **Court Facilities Capital Plan Act**

- Adopted by NYS legislature in 1987 and signed into law by former Governor Cuomo.
- Purpose was to require city and county governments to identify and rectify deficient conditions in facilities dedicated to judicial operations.
- The law makes provision to sanction (penalize) cities and or counties who fail to comply.
- The penalty takes the form of a withholding of State Aid from the county in an amount "equal to the value of services" the county is failing to provide as determined by the Chief Administrative Judge of the State of New York.

### **Initial Assessment of County Court Facilities**

- A written assessment of the adequacy of our court facilities was performed in 1989.
- The following major deficiencies were identified.
  - Non-compliance with Americans with Disabilities Act.
  - Lack of sufficient attorney/client conferencing space.
  - Lack of sufficient records storage space.
  - Building floor plan does not allow for proper deployment of security personnel.
  - Judicial officers and staff are not segregated from public areas while in route from chambers to main courtroom.
  - Court security equipment is located at top of stairway resulting in unacceptable/dangerous queuing on building stairs.
  - Neither Chief Clerk has private office.
  - Office chamber for visiting Judge is inadequate.
- As a result of these identified deficiencies, the County is required to submit a plan approved by the local Board of Legislators, which sets forth how and when the deficiencies will be corrected.

### **Actions Taken by County since 1991 to Address the Problem**

- 1991 – The Habitterra study, recommendations, and outcome. *(Included assessment of facilities and recommendations to correct the most acute space deficiencies in the courts, as well as in the rest of the County facilities. At that time, they recommended construction of a new County jail to house 72 inmates, renovation of former jail for office space, and construction of a 38,000 square-foot facility dedicated to the courts, at a total cost of \$14.34 million. The Legislature chose to take no action, and there was no submission of any capital plan to OCA.)*
- 1993 – The MRB Group study, recommendations, and outcome. *(Included assessment of County needs for courts, jail, and entire County government. After a very exhaustive 15-month study, they recommended construction of a jail and public safety facility to house 72 inmates, construction of a new office building to house DSS, Health, and Employment and Training, renovation of the former jail for office space, the entire Courthouse would be dedicated to the courts, and construction of a 7,200 square-foot addition at the back of the Courthouse to provide for record storage and a three-floor elevator, at a total cost of \$21.3 million. The Legislature chose to take no action, and there was no submission of any capital plan to OCA.)*
- 1996 – The Sear-Brown Group study, recommendations, and outcome. *(Focused solely on addressing court needs. They recommended dedicating all three floors of the Courthouse to the courts, along with the addition of a three-floor elevator at the rear. There was a submission of information for a capital plan to OCA, which was considered*

by OCA's architect. The architect rejected the plan, and said he would not recommend it for approval because it did not provide for security for staff or judicial officers and did not address ways in which the County intended to provide office space for the departments being vacated from the Courthouse [County Clerk, Treasurer, Probation, Board of Elections, Real Property Tax Service].) (The ten-year lull in activity between 1996 and 2006 was the result of a couple of things. A number of OCA staff, including both architects and the executive assistant for the regional judge, retired or resigned. Also, OCA concentrated their efforts on other municipalities, and many other counties and cities came into compliance.)

- June 2006 – William J. Clark, Counsel for Capital Planning, NYS OCA, addresses the Board of Legislators. (This visit was to reinforce the message received by Chairman Crandall in a letter sent by Ronald Younkins, Chief of Operations, dated June 14, setting forth four points: the County is required to take immediate action on submission of a capital plan, failure to act will result in a recommendation from the Chief Administrative Judge to the State Comptroller that the County be sanctioned by withholding of state aid, the Chief Administrative Judge would determine the amount and report that amount to the Comptroller, and the Comptroller would begin to withhold state aid equal to that amount.)
- July 2006 – Chairman Crandall establishes an Ad Hoc Committee to consider the following options:
  - Fail to act and face sanctioning.
  - Turn entire Courthouse over for court operations.
  - Acquire an existing vacant structure and renovate.
  - Dedicate and renovate floor space in County Office Building.
  - Construct an addition to existing Courthouse.
  - Consider new Courthouse off site.
- August 2008 – Committee comes forth with recommended plan which is adopted by the Board of Legislators.

### **The Plan**

- Renovation of 9,600 square feet within existing Courthouse – estimated cost \$1,852,000.
- The construction of a 42,000 square-foot addition to the rear of the existing Courthouse – estimated cost \$11,935,000.
- Though not a part of the Court Facilities Plan, the Ad Hoc Committee recommended renovating the fourth floor of the County Office Building, which formerly housed the County Jail, into office space – estimated cost \$4,897,000. (LaBella worked with the County on the plans, and cost estimates were provided by LP Ciminelli.)

**Site Plan** (An aerial rendition was provided by LaBella illustrating the three-story addition at the rear of the existing Courthouse. Court functions would occupy the second and third levels of the addition, and the Treasurer would be moved to the ground floor, with the remaining ground floor area left vacant and available for storage by maintenance and possibly storage of new voting machines.)

### **Financial Impact of Bond Resolution Passage Based on Anticipated Expenditure of \$13.78 Million**

- 25-year amortization schedule with annual debt service.
- Interest aid subsidy. (Available through the Court Facilities Capital Plan Act. If the County has to borrow funds to comply, OCA will reimburse a portion of the interest expense, ranging between 25 and 33 percent.)

Proposed \$13,787,000 25-Year Maturity Schedule Consolidated (Table was shown.)

Prepared for: Allegany County  
Prepared by: Municipal Solutions, Inc.  
Project: Courthouse Renovations & Addition

David Allardice addressed the process for the actual borrowing of funds. The County can't move forward on financing a project without a financing resolution, which would be adopted for an estimated maximum cost. Once the resolution is approved, it does not mean borrowing funds the next day. A plan would be developed based on costs and a schedule. We have to have a plan in place to determine how we borrow. The Federal Treasury Department does not allow borrowing all the money at once. For us, it would be \$5 million in one year. You have to be careful when and how. The schedule provided assumes that construction begins in June 2009. Initial borrowing would be based on cash flow requirements in May, and a second issue would follow.

Mr. Margeson explained that the maturity schedule calls for an initial borrowing of \$10.1 million in April 2009 and the second issue of \$3.477 million in April 2010. The first payment would be due in 2009, and would be interest only at an estimated amount of \$249,975. The County is eligible for the OCA interest subsidy, estimated at 25 percent, which brings the County's share of that first year's payment down to \$187,481. In year two (2010), the second borrowing would take place. Total debt service for the year would be \$704,753, minus the OCA aidable share of the interest, leaving the County share of principal and interest at \$581,064. By year three, we reach full payment at \$848,130. These calculations are based on \$13.8 million borrowing. The Court Facilities and County Space Needs Committee recommended that the County enter into a novel type of construction agreement, a Project Labor Agreement (PLA), where we would enter into agreements with local trade unions. This could reduce costs by about ten percent, resulting in \$1.3 million in savings. The provided chart was not based on those savings.

- Impact to Average County Tax Rate Based on 2009 County Budget
  - Year 1 – 0.74% increase.
  - Year 2 – 2.29% increase.
  - Year 3 and forward – 3.39% increase.

#### **Financial Impact of Defeating the Bond Resolution**

- A defeat of the Bond Resolution assumes the NYS Comptroller will proceed to withhold up to \$13.78 million in state aid. *(This would take place over a period of one year.)*
- How do we fill a \$13.78 million hole in the 2009 Budget?
- Mandated versus non-mandated agencies. *(The 2009 Budget currently contains over \$14 million in state revenues. Mr. Margeson would suggest that the Legislature would have to look at cutting agencies and programs that are discretionary, or not required by law.)*

Tables were shown identifying all major budget cost centers for all programs in County government.

The first list included programs that are not mandated by law and not aided by state or federal aid; they would be the most threatened in the event the County loses state aid. Agencies and programs listed were:

County Administrator  
Public Works Administration  
Central Service Telephone

Central Service Copying  
Central Service UPS  
Central Service Postage

Central Service Computer  
(Information Technology)  
Unallocated Insurance  
Municipal Association Dues  
Judgments  
Contingent  
Community College  
Drug Program  
E-911 Dispatch  
STOP DWI  
Jail Buildings & Grounds  
Traffic Control  
Fire  
Fire E-911  
Homeland Security

Nurses-Health  
Economic Development  
County Historian  
Planning  
Solid Waste  
County Reforestation  
Wildlife Habitat  
Conservation  
Cooperative Extension  
Agricultural Society  
Blind/Visually Handicapped  
County Road  
Road Machinery  
WIA Grant Fund (Employment &  
Training)

A number of those agencies and programs may not be required by law, but in the operation of County government, we have to have them. Also, some of them have no County cost (STOP DWI, Fire E-911, Homeland Security, County Reforestation). The total County cost for this first listing was \$12,736,385.

The second list included programs that receive some federal or state aid, but still are not mandated by law. These programs would be subject to consider for elimination, but some, such as programs offered by the Health Department, are so heavily subsidized that the financial savings of abolishing them would be small. Agencies or programs in the second group included:

Buildings & Grounds  
Alternatives to Incarceration  
Intensive Supervision  
County Health Department  
Family Planning  
Lead  
Long Term Home Health Care  
Rabies  
Physically Handicapped Children's  
Program  
Community Health Assessment  
Water Quality  
Tobacco Awareness  
Infant Health Assessment  
Hep-B Vaccine  
Immunization  
Early Intervention Program  
TB Care  
Cancer Screening  
BioTerrorism  
Women/Infant/Children (WIC)  
Rural Health Network  
Adult ICM  
Youth ICM  
Mental Health Drop In Center

Mental Health CSS  
Mental Health Reinvestment  
Mental Health ICM  
Bus Transportation  
Veterans' Services  
OFA-Nutrition  
OFA-Support Services  
OFA-Ombudsman  
OFA-Community Service for Elderly  
OFA-HEAP  
OFA-EISEP  
OFA-SNAP  
OFA-Long Term Insurance  
OFA-Elder Abuse  
OFA-HIICA  
OFA-Title III-F  
OFA-Weatherization  
OFA-CSI  
OFA-Caregiver  
OFA-SPOE  
Tourism  
Beach/Pool  
Other Recreation  
Youth Bureau  
Youth Bureau Advisory

Many programs on the second list have no County cost. The total County cost for this listing was \$2,333,166.

Mandated agencies and programs were listed next. These programs are required by state constitution or county law, but nothing tells how they have to be staffed. That would be up to the discretion of the Legislature. We just have to have them in some form or fashion.

Mandated programs that do not receive state or federal aid:

Legislative Board	Accounting/Auditing
Clerk of the Legislative Board	Taxes on Municipal Property
Unified Court	Sheriff
Justices	Jail
Grand Jury	State Retirement
Auditor	Social Security
Treasurer	Workers' Compensation
Budget	Disability Insurance
Tax Sale	Debt Service
County Clerk	Risk Retention-Health
Personnel	Risk Retention-Medical

Mandated programs that do receive aid:

District Attorney	Day Care Block Grant
Public Defender	Services for Recipients
Coroners	Medicaid
Real Property Tax	Adult Special Needs Homes
County Attorney	Aid to Dependent Children
Elections	Child Care
Education of Handicapped Children	Home Relief
Probation	Fuel Crisis Assistance
Emergency Services	Emergency Aid/Adults
Alcoholism/Substance Abuse	Food Stamps
Mental Health Administration	Consumer Affairs
Social Services Administration	

County Treasurer Terri Ross presented information on how long County government could survive without state aid, based on current fund balances. We ended 2007 with a \$2.9 million fund balance, which could be appropriated to spend in any way necessary. Ms. Ross looked at cash flow figures for the past four years and the amount of state aid received, and arrived at an average of \$1.1 million in state aid received monthly. If everything remained constant, with no increases in expenses caused by inflation, and no decreases in our other funding sources, we would be looking at a \$1.1 million shortfall per month. That \$2.9 million fund balance would last about two and one-half months.

Financial Consultant David Allardice addressed whether or not bankruptcy could be considered as an option for solving the problem. One point to remember is that if the County did, or was able to, declare bankruptcy and have a finance control board take over, it would diminish the quality of life in our County. Control board members are not from the County. Their only goal would be to get finances back in shape. County residents elect County representatives to govern for them, and can discuss with them how they will be governed. If a control board takes over, we would have no say. The County isn't even in a position where we can file for bankruptcy. The judge would have

the County prepare financial documentation showing they could not meet financial obligations, but the County can meet its obligations by: 1) cut expenses, 2) use money set aside, 3) increase fees, and 4) increase taxes. The County is in good financial shape. Our constitutional taxing limit is presently at 79 percent, so there is a margin there. Bankruptcy is not really a viable option right now.

- How towns could be adversely affected. (*Mr. Margeson pointed out that it is important to inform town supervisors on the ramifications if the bond resolution fails and the County is sanctioned. For many years, County government has picked up several services that are actually town costs.*)
  - 85/15 Bridge program. (*Towns are assisted with bridge repair and replacement based on need. Town share is 15 percent, and the County picks up 85 percent. Potentially, that program could be in jeopardy.*)
  - Chargeback Board of Elections cost. (*Most counties do not charge that cost back. The 2009 budgeted expense to run Board of Elections is \$333,000. That is an expense that could be charged back to towns.*)
  - Community college costs. (*A spreadsheet was displayed showing 2007 costs for each town. The budgeted amount for 2009 is \$840,000. For many years, the County has assumed the towns' cost of sending students to community colleges. In New York State, community college expenses are split three ways: the state, the student, and the County each pay one-third. That local expense is actually a town cost by law.*)

Mr. Margeson stated that the scenarios used in his presentation were only examples, but he went on to point out that if the state sanctions the County for failure to comply with the Court Facilities Act, we will be in for a very rough time.

Chairman Crandall thanked all those involved in the presentation. A lot of effort went into outlining the County's financial position and the dilemma faced by the Legislature. It is a serious situation with great implications. Copies of informational brochures, compiled by the Court Facilities Committee and also available on the County's website, were distributed. Chairman Crandall encouraged use of the website as a place to submit questions for an official response or update. Contact information was included in the handouts.

**Adjournment:** The meeting was adjourned at 8:40 p.m. following a motion made by Legislator Reynolds, seconded by Legislator Hall and carried.

Respectfully submitted,  
Adele Finnemore, Journal Clerk