

**ALLEGANY COUNTY BOARD OF LEGISLATORS
ORGANIZATION MEETING
JANUARY 2, 2013**

APPROVED *

CALL TO ORDER: The organization meeting of the Board of Legislators was called to order at 2:00 p.m. by Clerk of the Board Brenda Rigby Riehle.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by retired United States Navy Lieutenant Commander Matthew L. Pettis.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 13 Legislators Present: Glenn Benson, Douglas Burdick, Donald Cady, Curtis Crandall, Dwight Fanton, Karl Graves, Dwight (Mike) Healy, Theodore Hopkins, Kevin LaForge, Aaron McGraw, David Pullen, Frederick Sinclair, Norman Ungermann, Jr.; 2 Legislators Absent: Philip Curran, Timothy O'Grady

RESOLUTIONS:

RESOLUTION NO. 1-13

**REAPPOINTMENT OF LEGISLATOR CURTIS W. CRANDALL
TO CHAIRMANSHIP OF BOARD OF LEGISLATORS;
AUTHORITY TO DETERMINE NUMBER OF BOARD MEMBERS ON COMMITTEES**

Offered by: Legislator Dwight "Mike" Healy

Pursuant to County Law § 450

RESOLVED:

1. That Legislator Curtis W. Crandall is reappointed Chairman of this Board of Legislators, with term of office commencing immediately and expiring December 31, 2013.

2. That said Chairman is authorized to determine the number of Board members to serve on each of the standing and special committees of this Board which have been or may be established by this Board.

Moved by: Mr. Healy
Seconded by: Mr. Fanton

Adopted: Voice Vote

OATH OF OFFICE ADMINISTERED:

Allegheny County Judge Terrence Parker administered the Oath of Office to Chairman Curtis W. Crandall, who was accompanied by his wife, Cathy, following adoption of Resolution No. 1-13. Chairman Crandall assumed leadership of the meeting.

RESOLUTION NO. 2-13

REAPPOINTMENT OF LEGISLATOR DWIGHT R. FANTON AS VICE CHAIRMAN

Offered by: Legislator Karl Graves

Pursuant to Rule 70 of County Board Rules as enacted by Resolution No. 77-89

RESOLVED:

1. That Legislator Dwight R. Fanton is reappointed Vice Chairman of this Board of Legislators to act pursuant to, and during the designated time periods specified in, County Board Rules.

Moved by: Mr. Graves
Seconded by: Mr. Hopkins

Adopted: Voice Vote

OATH OF OFFICE ADMINISTERED:

Allegheny County Judge Terrence Parker administered the Oath of Office to Vice Chairman Dwight R. Fanton, who was accompanied by his wife, Linda, following adoption of Resolution No. 2-13.

RECOGNITION:

Chairman Crandall presented a certificate to Matthew L. Pettis, retired United States Navy Lieutenant Commander, in grateful appreciation of his service to our country. Mr. Pettis's service dates were from February 1991 to November 2011. Following Basic Training at Great Lakes Naval Base, IL, assignments included: USS Yorktown, USS Patriot, USS John C. Stennis (Aircraft Carrier), Lakehurst, NJ, Oklahoma City, OK, Pensacola, FL, Norfolk, VA, and Corpus Christi, TX. His primary specialties were: Aviator, Air Operations Officer (Afloat), and Flight Instructor. Commendations he received included: Meritorious Service Medal, Navy Commendation Medal, Navy Achievement Medal, Good Conduct Medals, National Defense Service Medals (2), Global War on Terrorism Service Medal, Sea Service Deployment Ribbons (2), Navy Pistol Expert Medal, Officer Aviation Warfare Insignia, and Enlisted Surface Warfare Specialist Insignia. Mr. Pettis led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

APPOINTMENTS:

The Clerk of the Board announced that Chairman Curtis W. Crandall has made the following appointments:

CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD (In a joint measure with Cattaraugus County Legislative Chairman Norman L. Marsh; Reappointments for a three-year term expiring 12/31/15):

Carrie Childs	Karen Comstock
Gretchen Hanchett	Charles Kalthoff
Matt Keller	Keith Kranick
Arnold McHone	Rocky Mehta
Brad Monroe	

(New appointments to fill an unexpired three-year term expiring 12/31/13):

Meme Yanetsko replacing Karen Knight
Christine Luly replacing Robert Haladay
Patricia Magara replacing Mark Levine

CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD YOUTH COUNCIL (In a joint measure with Cattaraugus County Legislative Chairman Norman L. Marsh, for a two-year term expiring 12/31/14):

Gordon Diffenderfer
Michael Pietrkiewicz
Becky Scott

COMPREHENSIVE PLAN IMPLEMENTATION GROUP (To serve at the pleasure of the Chairman, pursuant to Resolution No. 125-08, as amended by Resolution No. 18-10, for a one-year term):

Charles Jessup, Alfred Station	Linda Clayson, Belmont
Edward Eicher, Wellsville	William Shuler, Cuba
Lee Gridley, Wellsville	Gretchen Hanchett, Belmont
Elaine Hardman, Wellsville	Donald Cameron, Alfred Station
Scott Torrey, Belmont	Lee James, Cuba
Joel Kassirer, Wellsville	Steve Havey, Wellsville
Frederick Sinclair, Scio	Michael Johnsen, Dalton

COMPREHENSIVE PLANNING BOARD (Pursuant to the Allegany County Comprehensive Plan as adopted by Resolution No. 124-08, for a two-year term expiring 12/31/14):

Legislative Members:	Theodore L. Hopkins
	Kevin S. LaForge
	Frederick Sinclair
Planning Board Members:	Charles Jessup
	Lee Gridley
	Aaron Dale Foster
At-Large Members:	Michael Johnsen
	Richard Ewell

Edward Eicher

CORNELL COOPERATIVE EXTENSION OF ALLEGANY COUNTY, LEGISLATIVE REPRESENTATIVE MEMBER (Recommendation by Chairman Crandall to their Board of Directors, for a one-year term):

David T. Pullen, Fillmore

EMERGENCY INTERIM SUCCESSOR (To serve at the pleasure of the Chairman, for a one-year term):

Theodore L. Hopkins, Fillmore

EMERGENCY MANAGEMENT AND FIRE DIRECTOR (To serve at the pleasure of the Chairman, in accordance with the provisions of applicable law, for a one-year term):

Jeffrey N. Luckey, Fillmore

EMS COORDINATOR (To serve at the pleasure of the Chairman, in accordance with the provisions of applicable law, for a one-year term)

Jeffrey N. Luckey, Fillmore

INTERCOUNTY ASSOCIATION OF COUNTY LEGISLATIVE BODIES OF WESTERN NEW YORK (To serve at the pleasure of the Chairman, for a one-year term):

Voting Members:

Glenn R. Benson, Whitesville
Kevin S. LaForge, Wellsville
Brenda Rigby Riehle, Belmont

Alternate Voting Members

Philip B. Curran, Alfred Station
Dwight "Mike" Healy, Belmont

MERCY FLIGHT CIVIC ADVISORY COMMITTEE (To serve at the pleasure of the Chairman, for a one-year term):

Tom Sampson, Houghton

REGION 9 OPEN SPACE ADVISORY COMMITTEE (To serve at the pleasure of the Chairman, for a one-year term):

H. Kier Dirlam, Angelica

RESOURCE CONSERVATION AND DEVELOPMENT BOARD (To serve at the pleasure of the Chairman, for a one-year term):

County Representative Member: Scott Torrey, Belmont
County Alternate: Philip B. Curran, Alfred Station
Legislative Member: Norman G. Ungermann, Jr., Cuba
Member at Large: Thomas Parmenter, Fillmore

SOLID WASTE HEARING BOARD (To serve at the pleasure of the Chairman, pursuant to Resolution No. 211-04 and Local Law No. 3 of 2004, for a one-year term):

Dwight R. Fanton, Chairman of Public Works Committee

Karl Graves, District IV Legislator

Donald L. Cady, District III Legislator

Alternates:

Glenn R. Benson, District III Legislator

Douglas D. Burdick, District V Legislator

SPECIAL TRAFFIC OPTIONS PROGRAM FOR DRIVING WHILE INTOXICATED (STOP-DWI) COORDINATOR (To serve at the pleasure of the Chairman, pursuant to Vehicle and Traffic Law Section 1197 and Resolution No. 29-82, for a one-year term):

Linda S. Edwards, Houghton

ALLEGANY COUNTY TRANSPORTATION TASK FORCE (To serve at the pleasure of the Chairman, for a one-year term):

Dwight R. Fanton, Wellsville

Dwight "Mike" Healy, Belmont

The Clerk of the Board announced that Chairman Crandall has made the following appointments, all of which are subject to confirmation by the Board of Legislators:

CITIZENS ADVISORY COUNCIL TO THE OFFICE FOR THE AGING (For a three-year term expiring 12/31/15):

Keith Folts

Reita Sobeck-Lynch

Beverly Armstrong

Mona Pettit

REGION 9 FISH & WILDLIFE MANAGEMENT BOARD (Pursuant to Environmental Conservation Law Section 11-0501, for a two-year term expiring 12/31/14):

Landowner Representative: Phil May

Alternate Landowner Rep: Richard (Butch) Lorow

ALLEGANY COUNTY PLANNING BOARD (For a three-year term expiring 12/31/15):

District I Member: Benjamin Lipscomb

District II Member: William Emrick

District IV Members: Bryan D. Fanton

Lee Gridley

Ex-Officio Members: (Annual Appointment)

Guy R. James, Superintendent of Public Works, Scio

Terri L. Ross, County Treasurer, Angelica

Theodore L. Hopkins, Ways & Means Committee Chairman, Fillmore

VETERANS' SERVICE AGENCY DIRECTOR (For a one-year term):

Michael D. Hennessy, Wellsville

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. Communication from the Republican Party members of the Allegany County Board of Legislators recommending that the Chairman designate Theodore L. Hopkins as Majority Leader of said Board for 2013.
2. Any Legislator wishing to attend the NYSAC Conference in Albany from February 4 through February 6, 2013, should let Brenda Rigby Riehle know today or as soon as possible.

MESSAGE FROM THE CHAIRMAN:

"I would like to welcome our elected officials, department heads, family, friends, and media to today's meeting, and thank you for being here.

The first order of business is to address my colleagues and again, humbly say "thank you" for the honor and privilege you have given me by selecting me Chairman of the Allegany County Board of Legislators. I accept this position with the utmost sincerity, and I continue my promise that I will treat this position with the dignity it deserves. I will do all I can to help this Board not only meet, but exceed the responsibilities each of us has accepted as County Legislators. It's truly a blessing to serve and work with each and every member of this Board of Legislators and to witness your dedication to making Allegany County a better place to live.

I would like to acknowledge and thank our County Administrator John Margeson and our Deputy County Administrator Mitch Alger for the overall day-to-day management of County operations. As this Board meets, sets policy, and gives direction, it is no small task to have those directions clearly and professionally carried out. Thank you, John and Mitch, for your dedication and professionalism.

I would also like to acknowledge and thank our Clerk of the Board Brenda Rigby Riehle for the work that she and her staff carry out on behalf of the Board of Legislators. The office is run proficiently under Brenda's supervision, and it is truly the hub that keeps our Board in motion. Thank you, Brenda, for all you do and for going beyond the call of duty on a regular basis on our behalf.

Thank you, also, to Tom Miner, our County Attorney, for the research, legal work, and advice he and his staff perform on our behalf. The people at the dais do an excellent job day in and day out for this Board and for Allegany County.

To our dedicated department heads, County employees, and fellow elected officials that work so hard to meet the constant demands and challenges of County government - the personal responsibility you take in meeting these demands and challenges does not go unnoticed, and we appreciate your continued efforts.

There have been some milestones in 2012.

- *We started with possibly the largest fund balance of any Board in our County's history; we have responsibly maintained our financial position. On January 11, 2012, a meeting took place between the department heads, Legislator Hopkins, County Administrator Margeson, and myself to set the tone for the 2013 Budget process, an exercise that paid off. Our budget efforts are truly a year-round proposition.*
- *We began the term of this current Board in 2010 with a project in hand that properly addressed the Court Facilities Capital Plan Act passed by the State Legislature in 1987. On January 6, 2012, we officially cut the ribbon and dedicated the new Court Facilities for Allegany County, under budget and exceeding the original plan by addressing more space needs than anticipated.*
- *We began our term with a municipal agreement in place with the Town of Friendship, the engineering done, and a defined project for development at the Crossroads area at I-86 and State Route 19. Resolution No. 14-2012 granted an easement for a waterline to run along County Route 20 from Friendship to State Route 19 and obligated 3.5 million dollars to be invested in the financing of the infrastructure for the waterline. This was landmark legislation that many talked about in the past, but you, as responsible Legislators, enacted for all of Allegany County. Private development will make this action truly historical in time to come. There were no dissenting votes on this resolution; each of you has a place in our history book.*
- *Our Comprehensive Plan has been in working order and has been utilized. Not only has the plan been utilized, it is getting reworked and updated as we speak to keep it fresh. The updated plan will be ready for adoption in just a few months.*
- *This Board began with a new standing committee, the Planning and Economic Development Committee, with defined goals and direction, a committee that has taken action to bring back a County Planner, a committee that has expanded our vision. Allegany County has shown true leadership in economic development ideas and vision in 2012, and none more pronounced than the position taken in funding our agreement with Cornell Cooperative Extension with Resolution No. 12-2012. Not only did this Board realize the economic importance of this partnership, but has taken additional steps to expand and capitalize further on the agricultural economic engine for Allegany County.*
- *Resolution No. 15-2012 amended our Board Rules and abolished the Court Facilities and County Space Needs Committee and stepped up our efforts in communications, showing we are not afraid to move forward in a proactive manner, and that we are not going to settle for the status quo. Where our efforts in communications will go is yet unseen, but Allegany County is leading the way to capitalize on the technology at hand.*

I am proud of the fact that this Board has moved forward and has had success in a time when others in our position have not. Our challenges remain large as we go into 2013, but you have proven that teamwork can and will prevail.

Our 2013 Budget sets the tax rate at two cents less per thousand than 2012. This is the third year in a row that you have reduced the tax rate for the taxpayers of Allegany

County. Our three-year average rate is down .12 percent for each of those years. Over the past five years, the average rate has increased slightly more than one-half of a percent, and over the past ten years, the rate has increased an average of only 4.32 percent each year. Are taxes still too high? Yes, but you have taken steps to keep them in check. New York State and the Federal Government should take your lead and act as fiscally responsible. We began 2012 with new state legislation, the "Tax Cap" legislation. The 2013 Budget is the second in which we have dealt with our tax levy being capped, but the cost of state-mandated programs not yet addressed.

Over the past couple of years:

- Our Health Insurance costs have been contained.
- Contracts with collective bargaining units have been signed.
- The proper vetting and selecting of key personnel has been addressed in a professional manner in response to the retirement of some long-serving department heads.
- Our infrastructure has been maintained and properly managed, and work has continued on addressing our landfill capacity issues, which looms considerably near.
- Our County Jail has continued to take in revenue from outside sources as planned to reduce the burden of financing the facility by the taxpayers.
- Work has continued on the refinement of departmental space needs and requirements.

If some of this seems repetitive, it's because it is, and in my opinion still worth repeating. Allegany County remains strong in many ways, and it is our duty to be good stewards of the resources entrusted to us. I look forward to working with you in 2013.

Now sit back and enjoy a slide show that is about 12 minutes long. I'd serve popcorn, but as you know, we're under oath that no food is to be allowed in our "new Chambers." Is popcorn even considered food? In the past, Johnny Cash has participated with "Ragged Old Flag." I've now recruited John Wayne to help me out, as you'll see or hear in a minute.

I've said in the past that Allegany County is truly Americana at its best. Allegany County represents freedom, good country living, and good people like you. I hope you enjoy a snapshot of our time together and "Thank You" for making Allegany County a better place to live."

Curtis W. Crandall, Chairman

STANDING AND SPECIAL COMMITTEE ASSIGNMENTS:

Chairman Crandall distributed copies of his assignments to the **STANDING AND SPECIAL COMMITTEES OF THE BOARD OF LEGISLATORS FOR 2013**. Assignments are as follows; Chairmen and Vice Chairmen are listed first:

FACILITIES AND COMMUNICATIONS:

Pullen, Healy, Benson, Fanton, Graves, McGraw, Sinclair

HUMAN SERVICES:

Burdick, LaForge, Cady, Curran, Graves, Sinclair

PERSONNEL:

O'Grady, Burdick, Benson, Cady, Fanton, Graves, Pullen

Special - Negotiations Ad Hoc Committee: (Sub-Committee of Personnel)

Pullen, O'Grady

PLANNING AND ECONOMIC DEVELOPMENT:

Sinclair, Pullen, Curran, Graves, Healy, Hopkins, LaForge

PUBLIC SAFETY:

Healy, Benson, Burdick, Hopkins, McGraw, Ungermann

PUBLIC WORKS:

Fanton, O'Grady, Curran, Healy, Hopkins, McGraw, Ungermann

WAYS & MEANS:

Hopkins, Fanton, Burdick, Healy, LaForge, O'Grady, Pullen, Sinclair

Special - Budget Committee: (Sub-Committee of Ways & Means)

Hopkins, Fanton, Cady, Curran, LaForge, O'Grady

Special - Energy & Resources Ad Hoc Committee:

(Sub-Committee of Ways & Means)

LaForge, Benson, Healy, Sinclair, Marvin Covert, Guy James

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

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
JANUARY 14, 2013**

**** APPROVED ****

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by retired United States Army Sergeant First Class Richard Johnson.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 14 Legislators Present: Glenn Benson, Douglas Burdick, Donald Cady, Curtis Crandall, Philip Curran, Dwight Fanton, Karl Graves, Theodore Hopkins, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Frederick Sinclair, Norman Ungermann, Jr.; 1 Legislator Absent: Dwight (Mike) Healy

APPROVAL OF MINUTES:

The Board meeting minutes of December 21, 2012, were approved on a motion made by Legislator Graves, seconded by Legislator Fanton, and carried.

The Board meeting minutes of January 2, 2013, were approved on a motion made by Legislator Graves, seconded by Legislator Curran, and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Richard Johnson, retired United States Army Sergeant First Class, in grateful appreciation of his service to our country. Mr. Johnson's service dates were from February 1959 to January 1980; he served the first three years in the Navy. Following Basic Training at Fort Jackson, SC, assignments included: two tours in Korea, one tour in Thailand, two tours in Vietnam, Fort Benning, GA, Fort Rucker, AL, four years in Alaska, and Fort Campbell, KY. Commendations he received included: Army Achievement Medal, Army Commendation Medal, Good Conduct Medals, National Defense Service Medal, Army Service Ribbon, and Expert Rifle Badge. Mr. Johnson led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Crandall presented a certificate to Elaine Herdman, former Commissioner of Elections, in recognition of over 22 years of dedicated service to Allegany County. Ms. Herdman held the position of Deputy Commissioner of Elections from 1989 through 2008, then served as Commissioner of Elections from 2009 until her resignation in August 2012.

Chairman Crandall presented a certificate to Catherine (Cass) Lorow, former Commissioner of Elections, in recognition of over nine years of dedicated service to Allegany County. Ms. Lorow was appointed as Deputy Commissioner of Elections in 2003 and held that position through 2009. She then served as Commissioner of Elections from 2010 until her resignation at the end of December 2012.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. Report of Intrafund Transfers approved by the County Administrator in December.
2. Allegany County Agricultural Society President Martha Roberts filed a copy of the Allegany County Fair Annual Report in the Clerk of the Board's Office on January 8, 2013.
3. Pursuant to Article 11 of the Real Property Tax Law, the County Treasurer filed a Certificate of Withdrawal of Delinquent Tax Lien for property in the Town of Amity in the Clerk of the Board's Office on January 10, 2013.
4. A copy of the Notice of Environmental Easement regarding Blades Holding Company was filed in the Clerk of the Board's Office on December 24, 2012.
5. Correspondence from Senator Catharine Young confirming receipt and support of Resolution No. 167-12 requesting the Governor to establish a commission that would develop a long-range plan to encourage the manufacture of dairy products.
6. Notice for the next Fire Advisory Board meeting to be held on January 24, 2013, at 8 p.m. in the Public Safety Facility.
7. Invitation from Leadership Allegany to attend a dinner, mock trial, and silent auction to benefit the Allegany County Youth Court on January 29.
8. Leadership Allegany's January publication of *The Networker*.
9. Correspondence and Resolution No. 27-2012 from the Town of Ward supporting the continuation of the ad valorem tax and the addition of a severance tax on the gas and oil industry.

RESOLUTIONS:

RESOLUTION NO. 3-13

**APPROVAL OF BOARD CHAIRMAN'S REAPPOINTMENT OF MICHAEL D. HENNESSY
AS DIRECTOR OF COUNTY VETERANS' SERVICE AGENCY**

Offered by: Personnel Committee

Pursuant to Executive Law § 357 and Resolution No. 58-45

RESOLVED:

1. That the reappointment by the Chairman of this Board of Legislators of Michael D. Hennessy as Director of the County Veterans' Service Agency for a term commencing January 1, 2013, and ending December 31, 2013, is approved.

Moved by: Mr. O'Grady
Seconded by: Mr. Fanton

Adopted: Voice Vote

RESOLUTION NO. 4-13

**REAPPOINTMENT OF FOUR MEMBERS TO
THE CITIZENS ADVISORY COUNCIL TO THE OFFICE FOR THE AGING**

Offered by: Human Services Committee

Pursuant to Resolution No. 221-74

RESOLVED:

1. That the reappointments of Keith Folts of Fillmore, New York, Reita Sobeck-Lynch of Belmont, New York, Beverly Armstrong of Wellsville, New York, and Mona Pettit of Cuba, New York, to the Citizens Advisory Council to the Office for the Aging, with term of office for each commencing January 1, 2013, and expiring December 31, 2015, are confirmed.

Moved by: Mr. Burdick
Seconded by: Mr. Curran

Adopted: Voice Vote

RESOLUTION NO. 5-13

**APPOINTMENT AND REAPPOINTMENT OF MEMBERS TO
THE ALLEGANY COUNTY PLANNING BOARD**

Offered by: Planning and Economic Development Committee

RESOLVED:

1. That each of the following persons is appointed to the Allegany County Planning Board, with term of office for each commencing January 1, 2013, and expiring as set forth below:

Benjamin Lipscomb
William Emrick

District I, Fillmore, New York
District II, Scio, New York

December 31, 2015
December 31, 2015

Bryan D. Fanton	District IV, Wellsville, New York	December 31, 2015
Lee Gridley	District IV, Wellsville, New York	December 31, 2015

2. That Theodore L. Hopkins, Chairman of the Ways and Means Committee of this Board, Guy R. James, Superintendent of Public Works, and Terri L. Ross, Allegany County Treasurer, are reappointed ex-officio members of the Allegany County Planning Board with term of office to commence January 1, 2013, and expiring December 31, 2013.

Moved by: Mr. Sinclair
Seconded by: Mr. Pullen

Adopted: Voice Vote

RESOLUTION NO. 6-13

REAPPOINTMENT OF TWO LEGISLATIVE MEMBERS AND ONE COUNTY GRANGE APPOINTEE TO THE ALLEGANY COUNTY SOIL AND WATER CONSERVATION DISTRICT BOARD

Offered by: Planning and Economic Development Committee

Pursuant to Soil and Water Conservation District Law §§ 6 and 7

RESOLVED:

1. That Theodore L. Hopkins and Douglas D. Burdick are reappointed to the Allegany County Soil and Water Conservation District Board as Legislative Members, with term of office commencing January 1, 2013, and expiring December 31, 2013.

2. That Phil May is reappointed to the Allegany County Soil and Water Conservation District Board as a Grange Appointee, with term of office commencing January 1, 2013, and expiring December 31, 2015.

Moved by: Mr. Sinclair
Seconded by: Mr. Curran

Adopted: Voice Vote

RESOLUTION NO. 7-13

APPROVAL OF BOARD CHAIRMAN'S REAPPOINTMENTS OF TWO MEMBERS TO REGION NINE FISH AND WILDLIFE MANAGEMENT BOARD

Offered by: Planning and Economic Development Committee

Pursuant to Environmental Conservation Law § 11-0501

RESOLVED:

1. That the reappointments by the Chairman of this Board of Phillip May as Landowner Representative Member and Richard (Butch) Lorow as Alternate Landowner Representative Member to the Region Nine Fish and Wildlife Management Board, with term of office commencing January 1, 2013, and expiring December 31, 2014, are approved.

Moved by: Mr. Sinclair
Seconded by: Mr. Fanton

Adopted: Voice Vote

RESOLUTION NO. 8-13

ACCEPTANCE OF INSURANCE PAYMENT FROM NYMIR AND APPROPRIATION OF FUNDS TO RISK RETENTION ACCOUNTS

Offered by: Ways and Means Committee

WHEREAS, a check in the amount of \$225, representing the cost to replace a windshield on a 2006 Ford Crown Victoria, has been offered by NYMIR in settlement for such damage, now, therefore, be it

RESOLVED:

1. That the amount of \$225 from NYMIR, representing the cost to replace a windshield on a 2006 Ford Crown Victoria, is accepted.

2. That the sum of \$225 is credited to 2012 Account No. CS380.0000 (CS1930.2680.00 Risk Retention-Insurance Recovery).

Moved by: Mr. Hopkins
Seconded by: Mr. Pullen

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

(Memo: The vehicle referred to in Resolution No. 8-13 is assigned to the Sheriff's Office.)

RESOLUTION NO. 9-13

APPROVAL OF AGREEMENT WITH ALLEGANY COUNTY ASSOCIATION FOR THE BLIND AND VISUALLY HANDICAPPED, INC., IN RELATION TO THE RENDERING OF SERVICE, TRAINING OR AID TO INDIGENT BLIND IN ALLEGANY COUNTY

Offered by: Human Services Committee

Pursuant to County Law § 224 (6)

RESOLVED:

1. That the Agreement in the amount of \$7,500 between the County of Allegany and Allegany County Association for the Blind and Visually Handicapped, Inc., in relation to the rendering of service, training or aid to indigent blind in Allegany County during 2013, is approved.

2. That the Chairman of this Board is authorized to execute said Agreement in triplicate.

Moved by: Mr. Burdick
Seconded by: Mr. LaForge

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 10-13

**APPROVAL OF AGREEMENT WITH ALLEGANY COUNTY AGRICULTURAL SOCIETY
FOR PAYMENT OF 2013 BUDGETARY APPROPRIATION**

Offered by: Planning and Economic Development Committee

RESOLVED:

1. That the Agreement between the County of Allegany and the Allegany County Agricultural Society is approved.

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

3. That the County Treasurer, upon receipt of a true copy of said Agreement, is authorized and directed to remit to said Society the sum of \$8,000 and charge Account No. A8752.492 therefor.

Moved by: Mr. Sinclair
Seconded by: Mr. Pullen

Adopted: Roll Call
12 Ayes, 2 Noes, 1 Absent
Voting No: O'Grady, Ungermann

RESOLUTION NO. 11-13

**APPROVAL OF AGREEMENT WITH
VOLUNTEER FIREMEN'S ASSOCIATION OF ALLEGANY COUNTY, INC.,
FOR PAYMENT OF 2013 BUDGETARY APPROPRIATION**

Offered by: Public Safety Committee

Pursuant to County Law § 224

RESOLVED:

1. That the Chairman of this Board is hereby authorized to execute an agreement between the County of Allegany and the Volunteer Firemen's Association of Allegany County, Inc., that shall provide, in substance, (a) that the County of Allegany will disburse in advance to said Association the sum of \$2,000 to be used by said Association for the payment of expenses which it might incur during 2013 in providing fire training schools for training firefighters, (b) that said Association will render a verified account of such expenses on or before December 31, 2013, with verified or certified vouchers therefor attached, and (c) that any unused amount will be refunded to the County of Allegany.

2. That the County Treasurer shall not pay the aforesaid sum until a memorandum receipt signed by the President and Treasurer of said Association agreeing to comply with the terms of this resolution is delivered to her office.

3. That the Treasurer of said Association shall not be required to furnish a bond.

Moved by: Mr. Burdick
Seconded by: Mr. Fanton

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

Resolution No. 12-13 (Intro. No. 12-13) (RESOLUTION TO REPEAL RESOLUTION NO. 213-2012 DUE TO A POTENTIAL CONFLICT OF INTEREST) was not pre-filed and was considered from the floor on a motion made by Legislator Sinclair, seconded by Legislator Hopkins, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 12-13

RESOLUTION TO REPEAL RESOLUTION NO. 213-2012 DUE TO A POTENTIAL CONFLICT OF INTEREST

Offered by: Ways and Means Committee

WHEREAS, by Resolution No. 213-2012, this Board authorized the Executive Director of the Allegany/Western Steuben Rural Health Network to act on behalf of the County of Allegany to sign the consolidated grant application for Section 5311 Capital/Operating funding, and

WHEREAS, the New York State Department of Transportation (NYSDOT) has advised the County that they believe such authorization given to the Executive Director of the Allegany/Western Steuben Rural Health Network to act on behalf of the County of Allegany presents a conflict of interest, and

WHEREAS, a new resolution will be offered authorizing the Chairman of this Board to sign the grant application, now therefore, be it

RESOLVED:

1. Resolution No. 213-2012 is hereby repealed.

Moved by: Mr. Hopkins
Seconded by: Mr. Pullen

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

Resolution No. 13-13 (Intro. No. 13-13) (RESOLUTION TO REPEAL RESOLUTION NO. 214-2012 DUE TO A POTENTIAL CONFLICT OF INTEREST) was not pre-filed and was considered from the floor on a motion made by Legislator Fanton, seconded by Legislator Graves, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 13-13

**RESOLUTION TO REPEAL RESOLUTION NO. 214-2012
DUE TO A POTENTIAL CONFLICT OF INTEREST**

Offered by: Ways and Means Committee

WHEREAS, by Resolution No. 214-2012, this Board authorized the Executive Director of the Allegany/Western Steuben Rural Health Network to act on behalf of the County of Allegany to sign a continuing agreement between the County of Allegany and the State of New York related to the receipt of federal aid for its public transportation project, and

WHEREAS, by the same resolution, this Board further authorized the Executive Director of the Allegany/Western Steuben Rural Health Network to sign any and all agreements between the County of Allegany and any third-party subcontractors necessary to complete the Project, and

WHEREAS, the New York State Department of Transportation (NYSDOT) has advised the County that they believe such authorization given to the Executive Director of the Allegany/Western Steuben Rural Health Network to act on behalf of the County of Allegany presents a potential conflict of interest, and

WHEREAS, a new resolution will be offered authorizing the Chairman of this Board to sign the agreement with the State of New York as well as any and all agreements between the County of Allegany and third-party subcontractors necessary to complete the Project, now therefore, be it

RESOLVED:

1. Resolution No. 214-2012 is hereby repealed.

Moved by: Mr. Hopkins
Seconded by: Mr. O'Grady

Adopted: Roll Call
13 Ayes, 1 No, 1 Absent
Voting No: Burdick

Resolution No. 14-13 (Intro. No. 14-13) (RESOLUTION AUTHORIZING THE SUBMISSION OF A CONSOLIDATED GRANT APPLICATION FOR SECTION 5311 CAPITAL/OPERATING FUNDING FOR THE ALLEGANY COUNTY PUBLIC TRANSPORTATION SYSTEM FOR CALENDAR YEARS 2013 AND 2014 THROUGH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION [NYSDOT]) was not pre-filed and was considered from the floor on a motion made by Legislator Sinclair, seconded by Legislator Graves, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 14-13

RESOLUTION AUTHORIZING THE SUBMISSION OF A CONSOLIDATED GRANT APPLICATION FOR SECTION 5311 CAPITAL/OPERATING FUNDING FOR THE ALLEGANY COUNTY PUBLIC TRANSPORTATION SYSTEM FOR CALENDAR YEARS 2013 AND 2014 THROUGH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYSDOT)

Offered by: Ways and Means Committee

WHEREAS, the County of Allegany is submitting a grant application for funding to the New York State Department of Transportation (NYSDOT), pursuant to Section 5311, Title 49, United States Code, for Capital/Operating funding for the Allegany County public transportation system for calendar years 2013 and 2014, and

WHEREAS, the total amount being sought for calendar year 2013 is \$293,900 and \$302,700 for calendar year 2014, now, therefore, be it

RESOLVED:

1. That the Chairman of this Board is authorized to act on behalf of the County of Allegany to sign the consolidated grant application for Section 5311 Capital/Operating funding.

Moved by: Mr. Hopkins
Seconded by: Mr. Fanton

Adopted: Roll Call
12 Ayes, 2 Noes, 1 Absent
Voting No: Burdick, Ungermann

Resolution No. 15-13 (Intro. No. 15-13) (RESOLUTION AUTHORIZING A CONTINUING AGREEMENT WITH THE STATE OF NEW YORK FOR UNDERTAKING THE PROJECT AS IT RELATES TO SECTION 5311 FUNDING FOR THE COUNTY PUBLIC TRANSPORTATION SYSTEM; AUTHORIZING SUBMISSION OF ANNUAL GRANT APPLICATIONS FOR 5311 FUNDS) was not pre-filed and was considered from the floor on a motion made by Legislator Graves, seconded by Legislator Curran, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 15-13

**RESOLUTION AUTHORIZING A CONTINUING AGREEMENT WITH
THE STATE OF NEW YORK FOR UNDERTAKING THE PROJECT
AS IT RELATES TO SECTION 5311 FUNDING
FOR THE COUNTY PUBLIC TRANSPORTATION SYSTEM;
AUTHORIZING SUBMISSION OF ANNUAL GRANT APPLICATIONS FOR 5311 FUNDS**

Offered by: Ways and Means Committee

WHEREAS, Section 5311 of Title 49, United States Code, provides federal financial assistance for public transportation in rural and small urban areas by way of a formula grant program to be administered by the States; and

WHEREAS, the County of Allegany may make application annually to New York State Department of Transportation for such federal aid for operating assistance for a Project to provide public mass transportation service on a continuing basis in Allegany County; and

WHEREAS, the County of Allegany desires to enter into a continuing agreement with the State of New York for the undertaking of the Project; now therefore, be it

RESOLVED:

1. That the Chairman of this Board is authorized to act on behalf of the County of Allegany to sign a continuing agreement between the County of Allegany and the State of New York providing for the undertaking of the Project and authorizing annual grant applications for such Section 5311 funds.

2. That the Chairman of this Board is further authorized to act on behalf of the County of Allegany to sign any and all agreements between the County of Allegany and any third-party subcontractors necessary to complete the Project.

Moved by: Mr. Hopkins
Seconded by: Mr. Sinclair

Adopted: Roll Call
12 Ayes, 2 Noes, 1 Absent
Voting No: Burdick, Ungermann

Resolution No. 16-13 (Intro. No. 16-13) (RESOLUTION IN OPPOSITION TO ASSEMBLY BILL NO. A.00689 WHICH AMENDS THE ELECTION LAW TO ALLOW FOR EARLY VOTING IN NEW YORK STATE) was not pre-filed and was considered from the floor on a motion made by Legislator Graves, seconded by Legislator Ungermann, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

Resolution No. 16-13 (Intro. No. 16-13) was then amended following a motion made by Legislator Hopkins, seconded by Legislator Graves, and carried, to add Senator Charles E. Schumer, Senator Kirsten Gillibrand, and Congressman Tom Reed to the second Resolved.

RESOLUTION NO. 16-13

**RESOLUTION IN OPPOSITION TO ASSEMBLY BILL NO. A.00689
WHICH AMENDS THE ELECTION LAW
TO ALLOW FOR EARLY VOTING IN NEW YORK STATE**

Offered by: Ways and Means Committee

WHEREAS, a bill has been introduced in the New York Assembly, Bill Number A.00689, to provide for early voting in primary and general elections, and

WHEREAS, this legislation would allow early voting to occur fourteen days before a general election and seven days before a primary election, and

WHEREAS, this legislation would require that the Board of Elections establish five polling places throughout the County which would need to be open for each of the days required for early voting from 8:00 a.m. to 7:00 p.m., including Sunday, and

WHEREAS, under this legislation, it appears that a registered voter within the County could vote early at any one of the five polling places, and

WHEREAS, it would appear that this legislation would require the Board of Elections to provide a total of 170 poll books so as to make available a poll book for each of the 34 election districts at each of the five polling sites, and

WHEREAS, the Board of Elections would also have to provide five sets of ballots at each polling site for each of the 34 election districts, and

WHEREAS, poll books for special elections cost the County approximately \$500 each at a total estimated cost of \$85,000 and ballots currently cost \$.57 each at a total estimated cost of \$17,000, and

WHEREAS, the Board of Elections would have to provide a minimum of four inspectors at \$10 per hour at a total estimated cost of \$33,600 plus technicians to set up the voting machines for each of the five polling sites, and

WHEREAS, the Board of Elections already has a difficult time lining up a sufficient number of election inspectors for elections as they currently exist, and

WHEREAS, it will be nearly impossible to get election inspectors to work seven days straight for a primary and fourteen days straight for a general election, and

WHEREAS, it is anticipated that there would be significant confusion at each of these polling sites due to the necessity of providing each site with 34 poll books and a set of ballots for each of the 34 election districts, and

WHEREAS, confusion caused by multiple poll books and multiple sets of ballots would be compounded by potential voter unfamiliarity with a polling site if allowed to cast an early vote at any of the five polling sites, and

WHEREAS, because of the added complexity and confusion created by the proposed method for early voting, the risk of voter fraud is greatly increased, and

WHEREAS, all of the County's polling sites are regularly used for other purposes when not being used for elections, and

WHEREAS, it will be extremely difficult and burdensome on a host to tie up a polling site for the extended durations required to allow early voting, and

WHEREAS, the added cost of providing early voting at the five polling sites would be significant (in excess of \$135,000 for a general election) and extremely burdensome and amounts to a new unfunded state mandate upon the County, and

WHEREAS, there is no critical need to expand the means for casting a vote, and this legislation would simply make voting more convenient for a few while burdening the limited resources of the County and its taxpayers, now therefore, be it

RESOLVED:

1. That the Allegany County Legislature hereby opposes Assembly Bill A.00689 and urges the New York State Senate to also oppose such a bill.

2. That certified copies of this resolution be sent to Senators Charles E. Schumer and Kirsten Gillibrand; Congressman Tom Reed; New York State Senator Catharine M. Young; New York State Assembly Speaker Sheldon Silver; Assemblyman Joseph M. Giglio; the New York State Association of Counties; and the InterCounty Association of Western New York.

Moved by: Mr. Hopkins
Seconded by: Mr. Cady

Adopted: Voice Vote

Comments made regarding Resolution No. 16-13 included the following:

Legislator Pullen remarked that this may be a good idea in certain areas, but it really is a solution to a non-problem in Allegany County, and it will be horrendously expensive. Mr. Pullen estimates it will cost in excess of \$135,000 in a general election, and that's not counting any of the other elections. For example, in 2012, we had essentially three primaries, and there could be other events. This could easily run up \$250,000 or more. There are other solutions, maybe done by county or region. Some states have completely done away with polling places, and all of their elections are done by absentee ballot. We dealt recently with other issues and mandates coming from the State of New York complying

with the Americans with Disabilities Act. Elections have historically been low cost and low impact. Those days are gone. Machines are expensive and high-tech requiring training. Something like this issue will just mushroom that. Albany, Washington, and New York City don't have all the answers. We should have local say on these matters. This is moving in the opposite direction from that. We need to get a voice out there before something like this gets railroaded through.

Resolution No. 17-13 (Intro. No. 17-13) (RESOLUTION IN OPPOSITION TO ANY ATTEMPT BY THE NEW YORK STATE LEGISLATURE TO ENACT LEGISLATION WHICH BUNDLES ISSUES RELATING TO GUN CONTROL AND AMENDMENT OF THE FREEDOM OF INFORMATION LAW) was not pre-filed and was considered from the floor on a motion made by Legislator Pullen, seconded by Legislator Ungermann, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

Resolution No. 17-13 (Intro. No. 17-13) was then amended following a motion made by Legislator Hopkins, seconded by Legislator Pullen, and carried, to change the last sentence in the first whereas to eliminate the word "to" between law and exempting. The resolution was further amended following a motion made by Legislator Ungermann, seconded by Legislator Sinclair, and carried to delete Assemblyman Daniel Burling from Resolved No. 4.

RESOLUTION NO. 17-13

RESOLUTION IN OPPOSITION TO ANY ATTEMPT BY THE NEW YORK STATE LEGISLATURE TO ENACT LEGISLATION WHICH BUNDLES ISSUES RELATING TO GUN CONTROL AND AMENDMENT OF THE FREEDOM OF INFORMATION LAW

Offered by: Ways and Means Committee

WHEREAS, the Board is aware that two bills have been introduced in the New York State Senate, Bill Numbers S.2131 and S.2132, which propose amendments to the New York State Freedom of Information Law exempting disclosure of gun permit holders in certain instances, and

WHEREAS, this Board supports legislation that would exempt from disclosure records pertaining to gun permit holders except for law enforcement purposes, and

WHEREAS, this Board is also aware of efforts to enact stricter gun control legislation, but has not had an opportunity to review and consider this legislation, and

WHEREAS, this Board believes that the issues surrounding disclosure of gun permit holders and those of enacting stricter gun control are separate issues which should not be bundled together in one law, now, therefore, be it

RESOLVED:

1. That the Allegany County Legislature hereby approves of legislation which would exempt from disclosure those individuals who hold gun permits.

2. That the Allegany County Legislature opposes any effort by the New York State Legislature to enact stricter gun control measures without an opportunity of the residents of this state to debate the merits of such legislation.

3. That the Allegany County Legislature opposes any effort by the New York State Legislature to bundle together stricter gun control legislation with legislation that would exempt the records pertaining to gun permit holders from disclosure under the New York State Freedom of Information Law as it is set out in the Public Officers Law.

4. That certified copies of this resolution be sent to Senators Charles E. Schumer and Kirsten Gillibrand; Congressman Tom Reed; New York State Senator Catharine M. Young; New York State Assembly Speaker Sheldon Silver; Assemblyman Joseph M. Giglio; the New York State Association of Counties; and the InterCounty Association of Western New York.

Moved by: Mr. LaForge
Seconded by: Mr. Cady

Adopted: Voice Vote

Comments made regarding Resolution No. 17-13 included the following:

Legislator Ungermann noted that besides gun control, probably the media has a big part to play in this. He heard mention in conversation of a new Sylvester Stallone movie called, "Bullet to the Head." Mr. Ungermann feels the legislation needs to go more than just to gun owners; there are other places it needs to go first.

Legislator Pullen stated that all of us were horrified at what happened in Newtown, and none of us are encouraging this use of weapons or any other instrumentality that may arise. It's easy for the media to say that no reasonable person can oppose these things, but when you publish the list of everyone who owns guns, it basically gives the criminal element the information about where to go to steal guns. Most criminals don't purchase their guns. Short of banning them entirely, the knee-jerk responses that we think are going to be good are actually the exact opposite. They're facilitating those who haven't thought their way through this in a way that's counterproductive. We want these things debated, and hopefully clear thinking and rational approaches will prevail, but they need to be done individually. We can't just lump everything together, and we should not be acting for political advantage. We should be acting to enhance public safety and to strengthen our nation. Mr. Pullen supports this resolution and opposes the efforts in Albany and Washington to posture and do window dressing and not do anything to protect the public.

Legislator LaForge agreed with Mr. Pullen and added that this legislation is moving ahead in the State Senate and Assembly at break-neck speed toward passage later today or tomorrow. It's not getting the debate needed in any free society.

Legislator Cady remarked that Mr. Pullen mentioned logic, which is the key to the whole thing. Mr. Cady related his experience in NRA competitions and conversation with a friend in the Conservation Department who said that you're either for firearms control or against it; you have to take a stand completely one way or the other. In the next breath, this person complained about another county's policy of giving pistol permits to any 18-year-olds who want them. He contradicted himself. You don't want everyone carrying a revolver around town. It's going to take a lot of logic and cooperation. Mr. Cady stated that he's not taking a stand on any of these items, but you have to keep an open mind.

Legislator Sinclair commented that several years ago, the mental health system in New York State was compromised in the interest of cutting costs. Currently it's almost impossible to quickly get a person evaluated and get them the help they need or institutionalized. This is something that they really should be focused on. Most of these cases where guns have been misused have involved people who are mentally ill. If we had the means to quickly identify and get those people the help they need and away from guns, that would seem to be the logical thing they should be focused on. That is one of the sidebars being considered, but it should be the main thrust of the package.

Chairman Crandall noted that our message to the State Legislature is that some common sense does need to prevail in this legislation. We don't know as we sit here, but this could be getting voted on today. There are good things being looked at. If there are ways to legislate and help a situation, no one would be against that. What happens is that our representatives locally in the Senate and Assembly, as well as others across rural New York, are put in a position where good legislation is bundled in with bad. You've got the expansion of Kendra's Law, a law that is supported across the state, but thrown in with that, it goes beyond the normal, common-sense approach. The Governor set this in motion last week in his "State of the State" address saying he wanted the toughest gun control laws in the nation. Now it just seems to be a push to seize the political high ground on that and be the first to put something in place to be able to say, "look what we've done," when the proper vetting of that legislation isn't there. He bundled this together, put it together fast over the weekend, to pass it today, if that's the push in Albany. Hopefully, this gets up there and more level minds will prevail, and they'll hold off on this quick, knee-jerk reaction and allow more debate out in our neck of the woods to occur. At least this gets our point of view to Albany.

AUDITS:

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

A motion was made by Legislator Hopkins, seconded by Legislator Graves, and adopted on a roll call vote of 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$3,785,588.83, including prepaid expenses, be approved for payment as recommended by the County Administrator. *(The total of Allegany County's Local Dollar Share of the NYS Medicaid Program paid in 2012 was \$9,936,836, and year-to-date for 2013 is \$384,540.)*

GENERAL COMMENTS:

Legislator Ungermann referred to discussion in the Facilities and Communication Committee on the need for a place to store records. He feels we should look into ship containers. They can be fitted for temperature control, if needed. Mr. Ungermann also distributed two articles from the *Governing* magazine: 1) "Beyond Traditional Eligibility Verification" is on helping to reduce fraud in entitlement programs, and 2) "Automated Workforce Action" addresses centralized systems putting accountability, compliance, and transparency with government's grasp. Contrary to what we've been told, PERB says this type of thing is a condition of employment, and it's not negotiable. It's something that we can do. We're looking for places to save money; maybe those are a couple of spots.

ADJOURNMENT: The meeting was adjourned at 2:50 p.m. on a motion made by Legislator Graves, seconded by Legislator LaForge, and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
JANUARY 28, 2013**

**** APPROVED ****

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by retired United States Air Force Master Sergeant Kevin J. Schreiner.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 15 Legislators Present: Glenn Benson, Douglas Burdick, Donald Cady, Curtis Crandall, Philip Curran, Dwight Fanton, Karl Graves, Dwight (Mike) Healy, Theodore Hopkins, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Frederick Sinclair, Norman Ungermann, Jr.

APPROVAL OF MINUTES:

The Board meeting minutes of January 14, 2013, were approved on a motion made by Legislator Graves, seconded by Legislator Curran, and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall made note of the newly installed County Seal on the front of the dais, which was created by Wendy Skinner. A short proclamation stating, "In conjunction with the remodeling of the Allegany County Legislative Chambers, which was completed in 2012 for the first time since construction of this County Office Building in 1976, the Board of Legislators is proud to present this Allegany County Seal to the County on January 28, 2013," was passed around for signatures by the Legislators, and it will be affixed to the back of the Seal.

Chairman Crandall presented a certificate to Kevin J. Schreiner, retired United States Air Force Master Sergeant, in grateful appreciation of his service to our country. Mr. Schreiner's service dates were from January 1979 to January 1999. Following Basic Training at Lackland Air Force Base, TX, assignments included: Shaw AFB, SC; Charleston AFB, SC; Andrews AFB, MD; and Eglin AFB, FL. His primary specialty was Flight Engineer (ground inspection, fueling, ensuring inflight checklist performance). Commendations he received included: Defense Meritorious Service Medal, Meritorious Service Medal with 1 device, Air Medal, Aerial Achievement Medal with 7 devices, Air Force Achievement Medal with 3 devices, Joint Meritorious Unit Award, Air Force Outstanding Unit Award with 4 devices, Combat Readiness Medal with 6 devices, Air Force Good Conduct Medal with 5 devices, National Defense Service Medal, Armed Forces Expeditionary Medal with 2 devices, Southwest Asia Service Medal with 3 devices, Armed Forces Service Medal, Humanitarian

Service Medal, Air Force Service Ribbon with 3 devices, Noncommissioned Officers Professional Military Ribbon with 2 devices, Small Arms Expert Marksmanship Ribbon, Air Force Training Ribbon, Kuwait Liberation Medal (from Saudi Arabian Government), and Kuwait Liberation Medal (Kuwait Government). Mr. Schreiner led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. February 2013 Calendar of Board and Standing Committee meeting dates.
2. Report of Tax Bill Corrections approved by the County Administrator in December 2012.
3. Legislators' Compensation Table for 2012.
4. Report of Town Tax Rates.
5. Pursuant to Article 11 of the Real Property Tax Law, the County Treasurer filed Certificates of Withdrawal of Delinquent Tax Liens for properties in the Towns of Alma and Grove in the Clerk of the Board's Office on January 16 and 22, 2013.
6. Comprehensive Plan Implementation Group Chairman Edward Eicher forwarded his End-of-the-Year Report for the Comprehensive Plan Implementation Group (CPI Group).
7. The Monroe County Medical Examiner's Office filed its 2012 report in the Clerk of the Board's Office on January 23, 2013.
8. Genesee River Wilds Executive Director Christina Hedstrom forwarded the group's Winter 2013 issue of the *Currents*.
9. Greater Allegany County Chamber of Commerce Executive Director Gretchen Hanchett announced the Belmont CTE and Allegany County Chamber of Commerce Open House Business After Hours event on Wednesday, February 13, from 5 to 7 p.m. at the Belmont BOCES Center.

APPOINTMENTS:

The Clerk of the Board announced that Chairman Crandall has appointed Odeney Carty as a member of the **COMPREHENSIVE PLAN IMPLEMENTATION GROUP**, effective immediately, to serve at his pleasure.

RESOLUTIONS:

RESOLUTION NO. 18-13

**ESTABLISHING CAPITAL PROJECT ACCOUNT FOR BRIDGE #12-03
ON COUNCIL HOUSE ROAD IN THE TOWN OF CANEADEA;
TRANSFER OF FUNDS FOR SUCH CAPITAL ACCOUNT**

Offered by: Public Works and Ways and Means Committees

RESOLVED:

1. A Capital Project Account is established within the Capital Fund for Bridge #12-03 on Council House Road in the Town of Caneadea.
2. That the following transfers are required for such Capital Project: \$224,500 from Account No. H5120.200 (Maintenance of Bridges) to Account No. H5630.200 (Caneadea, BR #12-03, Council House Road).
3. That the sum of \$33,675, representing the town's share of the project, is transferred from Account H5120.2300.00 (Revenues-Intergovernmental Charges) to Account No. H5630.2300.00 (Town Share).

Moved by: Mr. Fanton
Seconded by: Mr. Pullen

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

RESOLUTION NO. 19-13

**ESTABLISHING CAPITAL PROJECT ACCOUNT FOR CULVERT PROJECT
ON NORTH BRANCH ROAD IN THE TOWN OF FRIENDSHIP;
TRANSFER OF FUNDS FOR SUCH CAPITAL ACCOUNT**

Offered by: Public Works and Ways and Means Committees

RESOLVED:

1. A Capital Project Account is established within the Capital Fund for the culvert project on North Branch Road in the Town of Friendship.
2. That the following transfers are required for such Capital Project: \$266,100 from Account No. H5120.200 (Maintenance of Bridges) to Account No. H5631.200 (Friendship, Culvert, North Branch Road).
3. That the sum of \$39,915, representing the town's share of the project, is transferred from Account H5120.2300.00 (Revenues-Intergovernmental Charges) to Account No. H5631.2300.00 (Town Share).

Moved by: Mr. Fanton
Seconded by: Mr. Healy

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

RESOLUTION NO. 20-13

**ESTABLISHING CAPITAL PROJECT ACCOUNT FOR BRIDGE #08-02
ON COUNTY ROAD 41 IN THE TOWN OF BELFAST;
TRANSFER OF FUNDS FOR SUCH CAPITAL ACCOUNT**

Offered by: Public Works and Ways and Means Committees

RESOLVED:

1. A Capital Project Account is established within the Capital Fund for Bridge #08-02 on County Road 41 in the Town of Belfast.
2. That the following transfers are required for such Capital Project: \$326,000 from Account No. H5120.200 (Maintenance of Bridges) to Account No. H5632.200 (County Bridge #08-02, CR41 Belfast).

Moved by: Mr. Fanton
Seconded by: Mr. Hopkins

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

Comments made regarding Resolution No. 20-13 included: Legislator Ungermann noted his support for the resolution, but that road was repaved last year, and we should fix the bridges first and then repave to prevent tearing up new pavement. Public Works Superintendent Guy James responded that the road crew left the section of road beyond the bridge unpaved so that wouldn't happen.

RESOLUTION NO. 21-13

**AMENDMENT OF RESOLUTION NO. 47-77
TO INCREASE AMOUNT OF THE ALLEGANY COUNTY
DEPARTMENT OF SOCIAL SERVICES PETTY CASH FUND FROM \$150 TO \$300**

Offered by: Human Services Committee

RESOLVED:

1. That Section 1. of Resolution No. 47-77 is amended to read as follows:
 1. There is hereby established a revolving petty cash fund for the Allegany County Department of Social Services in the amount of \$300 to accommodate the increased amount of certified documents that require cash payments in advance.

Moved by: Mr. Burdick
Seconded by: Mr. LaForge

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

RESOLUTION NO. 22-13

**A RESOLUTION REAPPROPRIATING THE UNEXPENDED FUNDS
RECEIVED FROM THE GOVERNOR'S TRAFFIC SAFETY PROGRAM
STEPS IN SAFETY GRANT (SAFETY ON WHEELS)
FROM OCTOBER 1, 2012, THROUGH SEPTEMBER 30, 2013**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That the unexpended funds from the Governor's Traffic Safety Program STEPS in Safety Grant (Safety on Wheels) in the amount of \$2,400 are reappropriated to Account No. A3114.4 (Traffic Program – Contractual), with a like sum credited to Revenue Account No. A3114.3389.00 (State Aid – Traffic Program).

Moved by: Mr. Healy
Seconded by: Mr. Curran

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

RESOLUTION NO. 23-13

**A RESOLUTION REAPPROPRIATING THE UNEXPENDED FUNDS
RECEIVED FROM NYS STOP-DWI ASSOCIATION FOR CRACKDOWN ENFORCEMENT
FOR FEDERAL FISCAL YEAR OCTOBER 1, 2012, TO SEPTEMBER 30, 2013**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That the unexpended funds from NYS STOP-DWI Association in the amount of \$54,800 for Crackdown Enforcement for the federal fiscal year October 1, 2012, to September 30, 2013, are reappropriated to Account No. A3141.447 (STOP-DWI Program – Contractual), with a like sum credited to Revenue Account No. A3141.2615.R1 (STOP-DWI Reserve).

Moved by: Mr. Healy
Seconded by: Mr. Graves

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

Resolution No. 24-13 (Intro. No. 24-13) (A RESOLUTION REAPPROPRIATING THE UNEXPENDED FUNDING FOR CALENDAR YEARS 2010, 2011, AND 2012 FROM THE NEW YORK STATE OFFICE OF HOMELAND SECURITY FOR THE SLETPP HOMELAND SECURITY GRANT) was amended on a motion made by Legislator Healy, seconded by

Legislator Graves, and carried, to change the dollar amount in Resolved No. 2, line 1, from \$31,722 to \$31,772; likewise, this change should be made on the attached Memorandum of Explanation.

RESOLUTION NO. 24-13

**A RESOLUTION REAPPROPRIATING THE UNEXPENDED FUNDING
FOR CALENDAR YEARS 2010, 2011, AND 2012
FROM THE NEW YORK STATE OFFICE OF HOMELAND SECURITY
FOR THE SLETPP HOMELAND SECURITY GRANT**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That unexpended funds in the amount of \$9,649 from the 2010 SLETPP Homeland Security Grant (DCJS Project #LE10-1039-E00) from August 1, 2010, through July 31, 2013, are reappropriated to Account No. A3645.217 (Homeland Security – Equipment), with a like sum credited to Revenue Account No. A3645.3306.SHF7 (State Aid – Homeland Security – Sheriff).

2. That unexpended funds in the amount of \$31,772 from the 2011 SLETPP Homeland Security Grant (DCJS Project #LE11-1043-E00) from September 1, 2011, through August 31, 2014, are reappropriated to Account No. A3645.217 (Homeland Security – Equipment), with a like sum credited to Revenue Account No. A3645.3306.SHF7 (State Aid – Homeland Security – Sheriff).

3. That unexpended funds in the amount of \$13,750 from the 2012 SLETPP Homeland Security Grant (DCJS Project #LE12-1002-D00) from September 1, 2012, through August 31, 2014, are reappropriated to Account No. A3645.217 (Homeland Security – Equipment), with a like sum credited to Revenue Account No. A3645.3306.SHF7 (State Aid – Homeland Security – Sheriff).

Moved by: Mr. Healy
Seconded by: Mr. Fanton

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

(Memo: The grants referred to in Resolution No. 24-13 were originally accepted as follows: the 2010 Grant by Res. No. 64-11, the 2011 Grant by Res. No. 64-12, and the 2012 Grant by Res. No. 152-12. All grants are being used to enhance interoperable communications.)

Comments made regarding Resolution No. 24-13 included: Legislator Ungermann asked why we're carrying grant money over for three years. County Administrator John Margeson explained that's the way the program operates. Rather than spending it all in one year, the Sheriff has a planned expenditure for the funds to acquire certain equipment over a period of time. Chairman Crandall noted that a more detailed explanation could be obtained from the Sheriff's Office.

RESOLUTION NO. 25-13

**ACCEPTANCE OF THE INSURANCE PROPOSAL OF NYMIR
SUBMITTED BY RICHARDSON & STOUT INSURANCE COMPANY;
CONTINUED AUTHORITY OF BOARD CLERK AND PERSONNEL COMMITTEE
TO SECURE OTHER INSURANCE**

Offered by: Personnel Committee

RESOLVED:

1. That the NYMIR insurance proposal and related services as submitted by Richardson & Stout Insurance Company of Wellsville, New York, to the County of Allegany for the period February 1, 2013, to February 1, 2014, is approved.
2. That the premium of \$244,806.88 plus any additional premium amounts resulting from the addition or inclusion of vehicles, equipment, and other property to the policies is charged to Account No. A1910.406 of the 2013 County Final Budget in which the funds are proportionately provided to cover the whole of such premium.
3. That all other insurance not provided for in the foregoing proposal shall continue to be secured by the Clerk of the County Board of Legislators with approval of the Personnel Committee of such County Board, limited by the funds appropriated by such County Board therefor.

Moved by: Mr. O'Grady
Seconded by: Mr. Graves

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

RESOLUTION NO. 26-13

**APPROVAL OF MEMORANDUM OF AGREEMENT WITH
CORNELL COOPERATIVE EXTENSION ASSOCIATION OF ALLEGANY COUNTY
AND AUTHORIZING CHAIRMAN TO EXECUTE MEMORANDUM OF AGREEMENT;
AUTHORIZING COUNTY TREASURER TO MAKE APPROPRIATION PAYMENTS
IN RELATION TO THE 2013 BUDGETARY APPROPRIATION
FOR THE WORK OF SUCH ASSOCIATION**

Offered by: Planning and Economic Development Committee

Pursuant to County Law § 224 (8)

RESOLVED:

1. That Memorandum of Agreement between the County of Allegany and the Cornell Cooperative Extension Association of Allegany County, dated January 1, 2013, in

relation to the payment of appropriations to such Association by the County and the providing of services for such appropriations is approved and the Chairman of this Board is authorized to execute such Memorandum of Agreement.

2. That the County Treasurer is authorized and directed to pay one-half of the sum provided in the 2013 County Final Budget for such Association in advance on the first day of each half of the year beginning January 2013, to be used by such Association pursuant to the terms and conditions of such Agreement; such payments to be made to the duly bonded Treasurer of such Association.

Moved by: Mr. Sinclair
Seconded by: Mr. Pullen

Adopted: Roll Call
12 Ayes, 3 Noes, 0 Absent
Voting No: Cady, O'Grady, Ungermann

(Memo: The 2013 agreement approved by Resolution No. 26-13 includes appropriation payments totaling \$243,000; \$211,000 of this total is the annual appropriation, and \$32,000 is a supplement to fund an Agricultural Community Educator to allow the Agricultural Development Specialist's full-time involvement with targeted activities as approved by the Ways and Means Committee on September 19, 2012.)

Comments made regarding Resolution No. 26-13 included: Legislator Ungermann remarked that according to the Memorandum of Explanation, the appropriation is \$243,000, but on Cooperative Extension's budget proposal attached to the agreement, the County appropriation line items total \$213,110. Mr. Ungermann questioned the difference. County Administrator John Margeson explained that the Board approved \$32,000 in the 2013 Budget so that Cornell Cooperative Extension could retain the services of an Agricultural Economic Development staff person. It wasn't included in their budget proposal, because it was a separate proposal made after that document was put together. That proposal was brought to the Planning and Economic Development and Budget Committees in the fall of 2012.

AUDITS:

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

A motion was made by Legislator Hopkins, seconded by Legislator Fanton, and adopted on a roll call vote of 15 Ayes, 0 Noes, 0 Absent, that the audit of claims, totaling \$2,843,659.87, including prepaid expenses, be approved for payment as recommended by the County Administrator. *(Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$769,080.)*

GENERAL COMMENTS:

Legislator Ungermann distributed and commented on two articles: "So This is Fair Share," which Mr. Ungermann noted is actually going on in this County, and, "Newsflash: Taxpayers Go Where Tax Rates are Low," from *Scripps Howard News Service*, also going on

in the County. We're losing good people because of our tax structure. Mr. Ungermann added a side bar on his own taxes, noting that the two-cent reduction in tax rate for 2013 translated to an increase of \$139 in his County taxes, and an increase of \$713 in Town and County taxes.

In response to Mr. Ungermann's remarks, Chairman Crandall referred to a spreadsheet on tax rates in each of the County's towns, copies of which were distributed to each Legislator. This is a good resource when answering questions about why an individual's taxes went up, in spite of a two-cent reduction in the County-wide tax rate. There are other explanations besides just a change in assessment. Value and equalization rate play a part. This chart has a good break-down on all that, and it also shows school districts. Mr. Ungermann pointed out that the levy did go up \$610,000 last year, so everybody pays a little more.

Legislator Hopkins distributed copies of a letter from Scott Bailey from Morrisville State College. Two gentlemen from Fillmore have done very well in national dairy judging contests and have been written up in several agriculture magazines. Dairy judging is not as simple as it seems. It's a complicated procedure, and they have to justify what they do. It's quite an accomplishment for our area to have two young men from the same small community to be on the team. Now they're looking to go on to international competition in Scotland. This speaks well for our educational system and the 4-H Program.

ADJOURNMENT: The meeting was adjourned at 2:35 p.m. following a motion made by Legislator Graves, seconded by Legislator LaForge, and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
FEBRUARY 11, 2013**

****APPROVED ****

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

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Air Force Senior Airman Justin O. Smith.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 12 Legislators Present: Douglas Burdick, Donald Cady, Curtis Crandall, Philip Curran, Dwight Fanton, Karl Graves, Dwight (Mike) Healy, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Frederick Sinclair; 3 Legislators Absent: Glenn Benson, Theodore Hopkins, Norman Ungermann, Jr.

APPROVAL OF MINUTES:

The Board meeting minutes of January 28, 2013, were approved on a motion made by Legislator Graves, seconded by Legislator Fanton, and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Justin O. Smith, former United States Air Force Senior Airman, in grateful appreciation of his service to our country. Mr. Smith's service dates were from November 2008 to February 2013. Following Basic Training at Lackland Air Force Base, TX, assignments included: Aviano, Italy, and Kuwait; his primary specialty was Military Police. Mr. Smith will report to Ellsworth AFB, SD, for Air Force Reserves in March 2013. Commendations he received included: Air Force Achievement Medal, National Defense Service Medal, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Good Conduct Medal, Air Force Expeditionary Service Ribbon with Gold Border (Gold Border is for veterans in a combat zone), Small Arms Expert Marksman for Pistol and M-4 Rifle, Basic Training Honor Graduate, and Air Force Training Ribbon. Mr. Smith led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Crandall granted privilege of the floor to BP Deputy Operations Manager Eric Larson for a video presentation on remediation efforts at the former Sinclair Refinery site in Wellsville. This remediation involved establishment of a wetlands treatment system designed to remove groundwater contaminants from beneath the site and prevent contaminants from reaching the Genesee River. BP partnered with Alfred State College on this project, which offers educational opportunities in the environmental and solar energy fields, turning a liability into an asset. Mr. Larson recognized the people responsible for the

actual work on the project over the past five to six years, some of whom were present at the meeting. Chairman Crandall presented Mr. Larson with a plaque recognizing BP's commitment to the community for their involvement in Allegany County. He highlighted the following points:

Some of BP's Involvement in Allegany County Includes:

- *BP and its affiliated companies are committed to being good neighbors in the communities in which they work.*
- *BP is committed to reducing its carbon footprint and has taken a leadership role in pioneering greener environmental cleanup technologies.*
- *BP's "Allegany County vision" is to protect the Genesee River, an important local resource.*

In the Community at Large:

- *BP has restored and re-opened an enhanced walking trail that runs along the Genesee River through the project site, installing educational signage, native plantings, and birdhouses on the trail which is part of a system operated by Allegany Trails, Inc.*
- *BP is a major sponsor of United Way's Rubber Duck Derby.*
- *BP has continued to support other local events, such as Music on the Lawn, the Trout Derby, the Ridge Walk and Run, and the fireworks for the Greater Wellsville Balloon Rally.*
- *BP teamed with Allegany County volunteer fire departments to focus on safety and training in conjunction with National Fire Prevention Week.*
- *BP donated \$1,000 to support the local Trout Unlimited Chapter's major trash-cleaning project along the Genesee River.*
- *BP offered a series of presentations on the environmental cleanup work it performed at the former Sinclair Refinery site (Lions Club, Rod and Gun Club, and info sessions held by the Village and Town of Wellsville).*
- *BP sponsored a Wellsville Chamber of Commerce Business after Hours event at the Culinary Arts Center at Alfred State College.*
- *BP donated \$25,000 for the renovation and expansion of Jones Memorial Hospital's Emergency Department.*
- *BP sponsored a balloon in the Greater Wellsville Balloon Rally.*
- *BP teamed with the Wellsville Volunteer Fire Department, providing funding for U.S. Coast Guard-certified life vests for its rescue boat and equipment.*

Partnership with Education (Alfred State)

- *Sponsored the last three Earth Days with \$1,000 to plant trees with Eric Larson giving a presentation to students.*
- *BP made a donation to the Top Hat Scholarship Fund at Alfred State in appreciation of the efforts made by Alfred State College culinary arts students to cater the Business after Hours event.*
- *BP donated a solar-powered vehicle to Alfred State to assist with training solar energy technicians.*

- *Alfred State College culinary arts students hosted two holiday meals sponsored by BP for more than 30 needy families.*
- *BP donated \$235,000 to help Alfred State complete its Construction Workforce Development Center.*
- *Donated a historic sign on the Wellsville campus (near the Culinary Arts Building) regarding the former Sinclair Refinery.*
- *BP donated \$20,000 for the first large-scale photovoltaic system (5.1Kw) which provides energy for the campus and offers hands-on training for students.*
- *Contracted with Alfred State College for electrician students to build and install a telemetry system as a hands-on learning project.*
- *Worked with current students from both Alfred University and Alfred State on touring the constructed wetlands for classes.*
- *Donated the former Otis Eastern property with constructed wetland to the Educational Foundation of Alfred on behalf of the College.*
- *Agreed to a \$30,000 donation for electrician scholarships to assist the Electrician Program at Alfred State College.*
- *Sponsored the first two years of the College's Sustainability Conference; Eric Larson was the guest speaker last year.*
- *Working to assist in the startup of Alfred State's new Environmental Technology program on the Alfred campus.*

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. 2013 Allegany County Directory.
2. Report of Tax Bill Corrections approved by the County Administrator for the month of January 2013.
3. Report of Intrafund Transfers approved by the County Administrator for the month of January 2013.
4. Correspondence from the Allegany County Association for the Blind thanking the Board for its continued support and updating the Board on its activities.
5. Reminder from Greater Allegany County Chamber of Commerce Executive Director Gretchen Hanchett that the next Business after Hours event will be held at the Belmont BOCES on Wednesday, February 13, from 5 to 7:30 p.m.
6. Invitation to attend a ribbon cutting ceremony for the new Salvation Army Thrift Store on Saturday, February 23, at 11 a.m. on Route 19 just north of the Kwik Fill Gas Station in Scio.
7. Correspondence from Houghton College Development Director Pamela Witter thanking the Board for its donation to the Kenneth and Doris Nielsen Scholarship Fund in memory of former Legislator Ken Nielsen.

RESOLUTIONS:

RESOLUTION INTRO. NO. 27-13 (RESOLUTION IN SUPPORT OF ALLEGANY COUNTY WORKING WITH THE PRIVATE SECTOR AND LOCAL INSTITUTIONS OF HIGHER EDUCATION TO DEVELOP A PROPOSAL FOR THE ESTABLISHMENT OF AN INNOVATION HOT SPOT WITHIN THE COUNTY) WAS WITHDRAWN AND REFERRED BACK TO THE PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE FOR FURTHER DEVELOPMENT AND CONSIDERATION following a motion made by Legislator Sinclair, seconded by Legislator Graves, and carried.

Resolution No. 27-13 (Intro. No. 28-13) (A RESOLUTION ACCEPTING THE NEW YORK STATE TOURISM MATCHING FUNDS GRANT FOR ALLEGANY COUNTY) was amended following a motion made by Legislator Sinclair, seconded by Legislator Pullen, and carried, to change Resolved No. 2 to indicate that the funds have already been appropriated in the 2013 Budget.

RESOLUTION NO. 27-13

**A RESOLUTION ACCEPTING THE NEW YORK STATE
TOURISM MATCHING FUNDS GRANT FOR ALLEGANY COUNTY**

Offered by: Planning and Economic Development Committee

RESOLVED:

1. That the sum of \$58,135 from the New York State Tourism Matching Funds Grant is accepted.
2. That the sum of \$58,135 has been appropriated in the 2013 Budget under Account No. A6989.476 (Tourism & Culture-Contractual) and to Revenue Account No. A6989.3715.00 (State Aid-Tourism Promotion).

Moved by: Mr. Sinclair
Seconded by: Mr. Pullen

Adopted: Roll Call
12 Ayes, 0 Noes, 3 Absent

RESOLUTION NO. 28-13

**ACCEPTANCE OF INSURANCE PAYMENT FROM NYMIR AND
APPROPRIATION OF FUNDS TO RISK RETENTION ACCOUNTS**

Offered by: Ways and Means Committee

WHEREAS, a check in the amount of \$7,150, representing the settlement, less a \$500 deductible, on a 2007 Dodge Caliber that was totaled as a result of a motor vehicle accident on December 21, 2012, has been offered by NYMIR in settlement for such damage, now, therefore, be it

RESOLVED:

1. That the sum of \$7,150, representing the settlement on a 2007 Dodge Caliber that was totaled on December 21, 2012, is accepted.

2. That the sum of \$7,150 is appropriated to Account No. H5997.2 (Vehicle Purchase/Replacement), with a like sum credited to Revenue Account No. H07.2680.00 (Insurance Recoveries).

Moved by: Mr. Fanton
Seconded by: Mr. Graves

Adopted: Roll Call
12 Ayes, 0 Noes, 3 Absent

(Memo: The vehicle referred to in Resolution No. 28-13 was operated by the Office for the Aging.)

RESOLUTION NO. 29-13

**REAPPROPRIATION OF 2012 CALENDAR YEAR GRANT FUNDS
FROM NEW YORK STATE OFFICE OF HOMELAND SECURITY
GRANT NUMBERS #C838200, #C838280, AND #C969110
TO HOMELAND SECURITY ACCOUNTS**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That Homeland Security Program Grant #C838200 funding totaling \$57,672 not spent in calendar year 2012 is reappropriated as follows: \$43,422 to Account No. A3645.218, \$14,250 to Account No. A3645.219, with the sum of \$43,422 credited to Revenue Account No. A3645.3306.EMG8 and \$14,250 to Revenue Account No. A3645.3306.HLT9.

2. That Homeland Security Program Grant #C838280 funding totaling \$11,825.94 not spent in calendar year 2012 is reappropriated to Account No. A3645.218, with a like sum credited to Revenue Account No. A3645.3306.EMG8.

3. That Homeland Security Program Grant #C969110 funding totaling \$62,228 not spent in calendar year 2012 is reappropriated to Account No. A3645.218, with a like sum credited to Revenue Account No. A3645.3306.EMG8.

Moved by: Mr. Healy
Seconded by: Mr. Pullen

Adopted: Roll Call
12 Ayes, 0 Noes, 3 Absent

(Memo: Additional information on the grants reappropriated in Resolution No. 29-13 is as follows:

Grant #C838200, Project #SH10-1079-D00, for \$57,672, was originally accepted by Res. No. 166-11 and reappropriated by Res. No. 54-12, for the period 08/01/10-07/31/13, to be used for CBRNE [Chemical, Biological, Radioactive, Nuclear Event] mobile command vehicle w/ computer and related equipment, portable credentialing system, and portable generator/light;

Grant #C838280, Project #SH08-1042-E02, for \$71,250, of which \$11,825.94 remains, was originally accepted by Res. No. 41-09 and reappropriated by Res. Nos. 31-10, 46-11, and 54-12, for the period 09/01/08-08/31/11 [extended to 02/28/13], to be used for Interoperable Communications, Tax Maps GIS upgrade, Mitigation Plan updates, OES mobile radios, County complex video security, and volunteer training; and

Grant #C969110, Project #SH11-1050-E00, for \$62,228, was originally accepted by Res. No. 60-12, for the period 09/01/11-08/31/14, to be used for Interoperable Communications, high density data storage, cyber security, and portable P25 mobile radios.)

RESOLUTION NO. 30-13

APPROVAL OF AGREEMENT BETWEEN THE COUNTY OF ALLEGANY AND THE GREATER ALLEGANY COUNTY CHAMBER OF COMMERCE TO ADMINISTER COUNTY TOURISM; AUTHORIZING BOARD CHAIRMAN TO EXECUTE SAID AGREEMENT

Offered by: Planning and Economic Development Committee

RESOLVED:

1. That Agreement between the County of Allegany and the Greater Allegany County Chamber of Commerce to administer tourism as the County Tourism Promotion Agency for an annual fee of \$80,000, commencing January 1, 2013, and ending on December 31, 2013, is approved.

Moved by: Mr. Sinclair
Seconded by: Mr. Healy

Adopted: Roll Call
12 Ayes, 0 Noes, 3 Absent

RESOLUTION NO. 31-13

RESOLUTION APPROVING CONTINUATION OF AGREEMENT BETWEEN THE COUNTY OF ALLEGANY AND THE ALLEGANY-WESTERN STEUBEN RURAL HEALTH NETWORK TO PROVIDE MOBILITY MANAGEMENT SERVICES IN ALLEGANY COUNTY

Offered by: Ways and Means Committee

RESOLVED:

1. That the Agreement with the Allegany-Western Steuben Rural Health Network to provide mobility management services in Allegany County for period September 1, 2012, to December 31, 2014, is approved.

2. That the Chairman of this Board of Legislators is authorized to enter into such Agreement.

Moved by: Mr. Fanton
Seconded by: Mr. Healy
Voting No: Burdick

Adopted: Roll Call
11 Ayes, 1 No, 3 Absent

(Memo: The agreement extension approved by Resolution No. 31-13 includes the expense of no local funds, except a budgeted appropriation under Social Services for compensation to the Network for arranging Medicaid transportation, which the County is required to do. Additional compensation to the Network is in the form of rural transportation grant funding, in amounts yet unknown, which do not require a local match from the County.)

AUDITS:

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

A motion was made by Legislator Pullen, seconded by Legislator Fanton, and adopted on a roll call vote of 12 Ayes, 0 Noes, 3 Absent, that the audit of claims, totaling \$2,976,742.14, including prepaid expenses, be approved for payment as recommended by the County Administrator. *(Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$1,153,620.)*

GENERAL COMMENTS:

Legislator Burdick remarked that he'd like the Board to recognize Legislator Timothy O'Grady for his efforts as Village of Alfred Chief of Police in heading up the apprehension of the main suspect in a recent bank robbery. A news article credited Mr. O'Grady for streamlining one of the procedures utilized during that event.

ADJOURNMENT: The meeting was adjourned at 2:42 p.m. following a motion made by Legislator Graves, seconded by Legislator O'Grady, and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
FEBRUARY 25, 2013**

****APPROVED ****

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by retired United States Army Lieutenant Colonel Robert F. Danner.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 11 Legislators Present: Douglas Burdick, Donald Cady, Curtis Crandall, Philip Curran, Karl Graves, Dwight (Mike) Healy, Theodore Hopkins, Kevin LaForge, Timothy O'Grady, David Pullen, Frederick Sinclair; 4 Legislators Absent: Glenn Benson, Dwight Fanton, Aaron McGraw, Norman Ungermann, Jr.

APPROVAL OF MINUTES:

The Board meeting minutes of February 11, 2013, were approved on a motion made by Legislator Graves, seconded by Legislator Curran, and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Robert F. Danner, retired United States Army Lieutenant Colonel, in grateful appreciation of his service to our country. Mr. Danner's service dates were from May 1961 to July 1981. Training and assignments included: Infantry Officers Basic Course; Adjutant Generals Officers Advanced Course; Command and General Staff College; Army War College; United States Army Headquarters, Vietnam; Military Personnel Center, Washington, DC; Allied Forces Southern Europe (NATO), Naples, Italy; Admissions Office, West Point (five years); and Adjutant General, Fort Knox, KY. Commendations he received included: Meritorious Service Medal, Bronze Star Medal, Army Commendation Medal with two Oak Leaf Clusters, Vietnam Service Medal, National Defense Service Medal, Republic of Vietnam Commendation Medal, Vietnam Cross of Gallantry with Palm Unit Citation, Expert Infantry Badge, Parachute Badge, and Overseas Service Ribbon (two tours). Mr. Danner was selected for Full Colonel in June 1981, but retired to take a position at Houghton College as Vice President for Student Life. He was a 20-year member of the Service Academy Selection Committee for the 29th Congressional District, ROTC Advisor at Houghton College for 26 years, and St. Bonaventure University ROTC Hall of Fame inductee in 2009. Mr. Danner recognized his wife, Roselyn, and the importance of those who stay behind to take care of the home fires for our service men and women. Mr. Danner led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. March 2013 Calendar of Board and Standing Committee meeting dates.
2. Correspondence from County Administrator John Margeson as formal announcement to the Legislators of his intent to retire from public service and vacate the positions of Allegany County Administrator, Allegany County Budget Officer, and Allegany County Auditor effective March 29, 2013.
3. Reminder of the Office for the Aging Legislative Luncheon to be held Friday, March 1, at the American Legion in Belmont at 10:30 a.m.

APPOINTMENTS:

Chairman Curtis W. Crandall, in a joint measure with Norman Marsh, Chairman of the Cattaraugus County Board of Legislators, has appointed Brenda Sobeck, Human Resources Director, Jones Memorial Hospital, Wellsville, New York, to serve on the **CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD**. Ms. Sobeck will be filling the remainder of Phil Ghent's unexpired three-year term through December 31, 2014.

Chairman Curtis W. Crandall has appointed Rodney K. Bennett of Dalton, New York, to serve on the **ALLEGANY COUNTY AGRICULTURAL AND FARMLAND PROTECTION BOARD**, coterminous with his designation as Chairman of the Soil and Water Conservation District's Board of Directors, for a one-year term expiring December 31, 2013.

PROCLAMATION:

Chairman Crandall proclaimed the week of March 1-7, 2013, as Weights and Measures Week in Allegany County, to recognize the importance of Weights and Measures oversight in assuring the standards of accuracy in packaged goods, product measurements, and transactions.

RESOLUTIONS:

RESOLUTION NO. 32-13

RESOLUTION CALLING FOR THE REPEAL OF THE NEW YORK SAFE ACT OF 2013

Offered by: Ways and Means Committee

WHEREAS, the New York State Legislature recently enacted and Governor Andrew Cuomo signed into law The New York Secure Ammunition and Firearms Enforcement Act of 2013 ("NY SAFE Act"); and

WHEREAS, this Legislation is viewed by many citizens of the State of New York as being extremely controversial as those citizens view this Legislation as infringing upon their

rights guaranteed to them under the Second Amendment of the United States Constitution; and

WHEREAS, each and every issue that comes before the New York State Legislature before an enactment deserves a fair and open discussion which incorporates all points of view in order to ensure that all citizens are heard and that the Legislation incorporates the various points of view expressed during that discussion and benefits all of the citizens of the State of New York; and

WHEREAS, the NY SAFE Act was adopted after minimal public discussion, contains serious flaws, i.e., police officers are not exempt, and having been on the desks of the members of the New York State Legislature for only a few hours, thereafter was literally adopted in the night and signed into law by Governor Andrew Cuomo; and

WHEREAS, in 2011, amendments were made to the Open Meetings Law (Public Officers Law Section 103), requiring a public body prior to a meeting to post on its website, to the extent practicable, for public benefit all records that may be considered or discussed at that meeting; and

WHEREAS, A.107 has been pre-filed before the New York State Assembly for the 2013-2014 Regular Session, to amend the Public Officers Law (Sections 84 and 90) in relation to publishing records of public interest by agencies and the State Legislature, reading in part "...The people's right to know the process of governmental decision-making and to review the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy or confidentiality..."; and

WHEREAS, the State of New York has a tradition and long history of conducting its deliberations and debates in the public view and that in the enactment of the NY SAFE Act the New York State Legislature and Governor Andrew Cuomo acted in contradiction of this long, time honored tradition of an open government; and

WHEREAS, the members of the InterCounty Association of Western New York and the InterCounty Legislative Committee of the Adirondacks at a joint meeting held February 6, 2013, at Albany, New York, expressed their concern that any legislation which addresses the ownership of guns and the sale of ammunition in the State of New York be conducted only after an open debate pursuant to which the public is allowed to participate and express their points of view; now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators calls for the repeal of the New York Secure Ammunition and Firearms Enforcement Act of 2013 ("NY SAFE Act").

2. That the Allegany County Board of Legislators supports the positions adopted by resolution from the New York State County Clerk's Association and the State Sheriff's Association.

3. That the Allegany County Board of Legislators directs that certified copies of this resolution be forwarded to Governor Andrew Cuomo, members of the New York State Legislature, NYSAC, NACO, New York State Association of Towns, and each New York State County.

Moved by: Mr. Hopkins
Seconded by: Mr. Sinclair

Adopted: Roll Call
11 Ayes, 0 Noes, 4 Absent

Several articles and statements were distributed relative to Resolution No. 32-13. Some were read or commented on for the record, but all statements are on file with the original minutes.

Statement prepared by Legislator Timothy O'Grady, and read for the record:

"The meaning of the Second Amendment will be interpreted in different ways. A group of people will interpret it in a way that will best suit their particular agenda. That's an issue that will have to be determined in the Supreme Court.

"While I do not believe the SAFE Act will have a significant impact on gun violence in NYS, I can understand the rationale, and agree with some of the provisions within it:

- I agree that we need to keep firearms out of the hands of the mentally ill.*
- I agree with extending and strengthening Kendra's Law.*
- I agree that when a judge issues an order of protection and finds a substantial risk that the individual subjected to the order will use a gun against the person protected by the order, the judge is required to have weapons surrendered.*
- I agree that we need to ensure that guns are kept inaccessible to those who are barred from possessing them and require safe storage of firearms in households where individuals live who have been convicted of a crime, involuntarily committed, or are subject to an order of protection.*
- I agree with tougher penalties for those who use illegal guns to commit crimes.*
- I agree with increasing the penalty for possession of a firearm on school grounds or a school bus.*
- I agree that murder of a first responder who is engaged in his or her duties should be a Class A-1 Felony, with a mandatory penalty of life in prison without parole.*

"However:

- The Clinton era assault weapon ban showed to have little or no monumental effect on gun violence or crime nationwide.*
- It is the mental state of the person using the gun, not the type of gun itself, that is the problem.*
- Targeting gun owners as the problem of gun violence is not the answer.*

- *Limiting the capacity of ammunition in magazines will not change the outcome of a mass shooting. The majority of the time, the individual who is committing a heinous act such as that ends up deceased in the end, so I don't think that person will really be worried about the additional misdemeanor criminal charge of possessing a high-capacity or overloaded magazine.*
- *Even an amateur with restricted magazine capacities can swap an expended magazine with a loaded magazine in a matter of seconds.*
- *The statewide recertification of handguns and assault rifles is another area of concern for gun owners. The first question that comes to mind is, how much will this cost a gun owner every five years? Is this another State money grab?*
- *I have concern that requiring recertification of permits may have a negative impact and cause the State to have less information on gun ownership, as current and future permit holders will be less forthcoming with supplying the government with accurate gun ownership information, in fear of an outright gun ban looming in the future. Even though NYS said that this is not on the table at this time, the fear remains.*
- *Using the same rationale as NYS used to enact the SAFE Act, I would conclude that if I wanted to reduce the number of speed-related fatal car crashes in NYS, I would reduce the size of the engines in sports cars, which are made to go fast, to restrict them to 55 mph, so everyone who owns a sports car is unable to drive fast.*
- *My fear is that the SAFE Act will turn law-abiding citizens into criminals. Owning a gun is not a crime; it is a right.*
- *Drafting and adopting the SAFE Act was not an emergency, and I believe it should be repealed and reworked to make it fair for all New Yorkers."*

Comments and statement entered into the record by Legislator Dwight "Mike" Healy:

"I and many members of my family over the years, through the Revolutionary War, the Civil War, World War II, to Vietnam, have served our country in time of peril to defend our Constitution. I was contacted by a local newspaper and asked to make a few written comments on our action today, and I drafted a letter on my thoughts:

"At Monday's Legislative Board meeting, I will vote 'Yes' on the resolution calling for the repeal of Governor Andrew Cuomo's 'NY SAFE Act.' Simply put, it was just plain wrong and ill-conceived. All you have to do is look at the method and manner in which it was passed. The whole process fails the smell test. There was absolutely no legitimate reason to rush this bill through. I believe that we, 'The People,' are quite capable of having an open and honest discussion on this, or any other issue, without having it forced upon us in this manner.

"If the NY SAFE Act is left intact, not only will it affect our rural citizens' ability to protect themselves, it will also discourage participation by current and future shooting enthusiasts. Gone, too, will be many of the other related businesses, as both resident and non-resident hunters alike look elsewhere to buy property and spend their recreational dollars. The real impact of the SAFE Act will once again push small business out of the Empire State. Complex rules and regulations smother small businesses which will find it too costly to market guns and ammo.

“The other guaranteed result will be that NY State mandated taxes and/or fees will undoubtedly go up to support this new bureaucratic fiasco. We have been told that the State dedicated over 30 million dollars to assist with the implementation of the SAFE Act. In this time of record deficits, do we really need another governmentally-run bureaucracy dictating how we manage our lives?”

“I have heard some people express the opinion that by quickly ushering through the passage of the NY SAFE Act, the Governor was trying to use a national tragedy for his own political gain, but instead badly misread public reaction. Personally, I decline to speculate on the Governor’s motives, but it does remind one of that old saying: ‘You can fool some of the people all of the time, and all of the people some of the time, but you can’t fool all of the people all of the time.’ I say to the Governor, ‘Thank You, but No Thank You! We don’t need your NY SAFE Act, and we don’t want it.’”

Legislator Frederick Sinclair read for the record an excerpt from a letter which sums up some important points. It was written by Harold Keech of Friendship, one of several constituents who sent him comments, emails, and letters regarding this issue:

“The majority of your constituents staunchly believe in their rights as outlined in the United States Constitution’s Bill of Rights. The Second Amendment is about protection from tyranny and criminal acts; it is not about hunting. The Bill of Rights did not give politicians the power to pick and choose what they would support. The Second Amendment to the United States Constitution is very explicit, and the 14th Amendment makes it clear: ‘No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.’ In 2008 and again in 2012, the United States Supreme Court upheld the Second Amendment’s individual rights and limits States respecting those rights.”

“We need to stem the increase in ‘suicidal acts’ perpetuated by mentally ill individuals wanting to take as many as they can into oblivion with them. Most of the individuals that do these bad things are identified early in their lives and fall between the cracks of a system that seems unable or unwilling to help them. Even violent mental health patients do not have to list their private medical impairment on a background check for fear of invading their privacy.”

Legislator Karl Graves introduced one of his constituents, Henry Mercer from Andover, who submitted a written statement regarding his opposition to the NY SAFE Act. Mr. Mercer offered comment:

“The only gun control law in America is the Second Amendment. People, keep your guns; Government, keep your hands off. It’s the only constitutional law. If you look in the Constitution, there is no other law that gives any level of government the power to impose any arms control over the people. Every gun law in America is unconstitutional. Except by the consent of the people. There is consent for the government to control criminals and the mentally ill, but no others.”

Legislator David Pullen commented on an article he wrote and distributed:

"I agree with most of the comments that have been made, and may disagree a bit with my colleague, Legislator Healy, as to the motives of our Governor and those who enacted this law. It was prefaced on the fact that we had an emergency. There was an emergency at Sandy Hook, Connecticut, and it was dealt with. That's supposedly what has prompted this. There was no emergency when the State Legislature met, called by the Governor to do something to protect us. The action that they took that day has not changed one iota the safety of any person in this room, this County, this State, or this nation. Ultimately, all that they did was pass a law. It still has to be implemented out on the streets and properties in the countryside of our society. What we have is a moral and ethical breakdown that needs to be dealt with. Unfortunately, by cheapening the political process for what I believe is crass political gain. If you look back at the timeline on what happened, Governor Cuomo called an emergency, but the only emergency I can see was that President Obama had indicated he was going to call Congress back into session to have Congress pass a law like this. He didn't want to be upstaged by the President, so he wanted something pushed through in New York. That's a bad motive, and it led to a bad law.

"I've written an article and distributed it to members of this Board. If you look at some of the facts, and I have not heard this emphasized, what the media did, was responded to the deaths of approximately 20 mostly white, middle-class children in a suburban setting. We have hundreds and thousands of poor children, many of them minority children, that are dying every year, and the media doesn't get excited about it, it's not indignant about it, and I haven't heard any demand for action to address that problem. The crimes that are happening in our inner-cities to people who are just as significant in God's sight and just as significant legally shouldn't be made the subject of politics, but because nobody got indignant over that, we let the carnage in our inner-cities continue. The media ignores it; our Governor ignores it; our Legislature ignores it; and we have laws on the books that make most of those crimes and most of those casualties already illegal, long before they passed the NY SAFE Act. Those guns were illegal; they're used by people who have no basis for having them. They are violating laws that have been on the books for years. Yet, somehow, we think that passing a law is going to make things safe. The media demanded something of this sort, and the Governor complied. The Legislature went along with it. I'm offended by that, because we have laws that we're not enforcing, whether they're legal or not. It's clear that passing a law doesn't make anybody any safer.

"There are laws that are far beyond anything that I've heard proposed that were in effect in Scandinavia, and they had a tragedy in recent years, and they had no one in a position to intervene. They had approximately 80 people die before they could get law enforcement to the site to stop that carnage. That's what some people think is going to make us safer. I respectfully disagree.

"What I urge is that we find what really works, what contributes to the safety of our society, and that's what we should move toward. We've turned away from God, we've turned away from morality, we've turned away from the values that made our nation great and our society a place that people from all over the world want to come to experience, and we're changing it helter skelter for political advantage. I think that's absolutely horrible. We need to

enact this resolution seeking the repeal of this Act, but we need to go beyond that. There are some people going later this week to Albany to protest against this law. I think we need to do that. Not because we want violence or rampant misuse of guns, but because we want to have a safe society, and ultimately, the safety of our society is guaranteed only by each and every citizen acting to protect what is important to them. That's why I'm against what was done, and why it needs to be repealed. Let there be a dialogue, let there be a debate, and let us do things that protect everyone regardless of their wealth, regardless of the media, regardless of the political advantage. That's what our forebears did at the time of the Revolution, and that's what we need to do now. We need to take a stand and stop the cheap exploitation of events for political advantage. This resolution should be passed and the law should be repealed."

Legislator Healy remarked for the record, to correct Mr. Pullen's misconception, in that he did not speculate on the Governor's motives. He said that others had speculated. He quoted from his statement, "personally, I decline to speculate on the Governor's motives."

Legislator Pullen added that he received an email from former County Judge Peter Sprague which contained a quote: "There are four boxes to be used in the defense of liberty - soap, ballot, jury, and ammo. Please use in that order." Mr. Pullen noted that we guarantee our liberty by the use of firearms and ammunition, in many cases, and that's what they're trying to take away from us. We shouldn't let it happen.

Legislator Donald Cady commented:

"My ancestors have been armed and dangerous, right down to me, in the present, and my grandchildren. First, they were dangerous to the French in the French and Indian War. One grandfather drowned near Detroit. Then, of course, they were dangerous to the British, twice. Over 25 ancestors were in the Revolution and at least that many in the War of 1812. Then they were dangerous to the Confederacy. Any enemies of the United States, they were dangerous to. To this day, we haven't been dangerous to innocent civilians, and we don't intend to be. I think it's my obligation to teach my grandchildren the safe use of firearms, because as far as I'm concerned, they'll always be a part of America. You look back through the wars, and Colonel Danner can tell you, those boys easiest to train through World War II were those who handled firearms at home. I know there are urban differences, but I think this is an economic thing, as well. In the future, you'll have a lot of these registrations costing a lot of money, and there's a lot of taxing on ammunition. I wonder what the Governor will replace Remington Arms with when they leave Ilion, New York."

Chairman Curtis W. Crandall remarked that there was a rally on Saturday in Lincoln Park in Olean. He and Legislator Healy were there, as was Sheriff Whitney. Chairman Crandall turned the floor over to Sheriff Rick Whitney for comment:

"Last month, I went to Albany for the State Sheriff's Conference. The NY SAFE Act was just passed. We debated this for four days. It wasn't a debate on whether we agreed with it, it was more a debate on how we were going to respond to it. We have some of the same feelings that Legislator O'Grady has. There are sections of the bill that are good, but

we don't feel that it's going to have any impact on gun violence or the safety of the citizens of New York. In the January 28 issue of Time, there was an article on gun violence in the United States. They stated that over 30,000 people in this country were killed last year by firearms. The majority of those were suicides. Their conclusion was that we have a gun problem. I think that's flawed. To me, the conclusion is that we have a mental health problem. Our Governor needs to decide to quit cutting funds for the mental health problem in New York State, and put more resources there. That's where the problem is. As Legislator Healy said, the way this Act was passed was wrong. Even if you're 100 percent in favor of it, you should be a little scared about the way they passed it. I definitely support the resolution. I hope the Board passes it unanimously to show the Governor that Allegany County stands united in asking him to repeal this Act."

Chairman Crandall noted that at the rally, they were given the opportunity to speak. He pointed out that Allegany County had already taken a position on this Act. He didn't think he'd ever had so many contacts from constituents as with this issue. At the January 14 meeting (that was when the New York State Legislature was meeting and putting together the NY SAFE Act under the emergency conditions that have been pointed out), this Board quickly put together a resolution, brought it off the floor with the required two-thirds support, and sent it to our Senate and Assembly members in Albany. Our representatives, Senator Cathy Young and Assemblyman Joe Giglio, voted "No" on that NY SAFE Act, but it was still pushed through, and the Governor signed it on January 15. So, our Board took action at that time, and we also supported the InterCounty resolution asking for the repeal of the NY SAFE Act. (The InterCounty group is now 19 counties strong, of which we're a good-standing member.) Now, we're taking action on this resolution, today. Chairman Crandall was asked for a roll call vote to be taken on this action to show support, rather than a voice vote. He noted that it's not just this call for repeal by Allegany County, but when you put it together with the other counties and the groups we belong to collectively, the citizens we witnessed in that rally Saturday in Olean, and the group going to Albany Thursday, it's an outcry from a grassroots level that says things need to be addressed differently at our State Capital.

AUDITS:

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

A motion was made by Legislator Hopkins, seconded by Legislator Graves, and adopted on a roll call vote of 11 Ayes, 0 Noes, 4 Absent, that the audit of claims, totaling \$2,904,389.26, including prepaid expenses, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$1,538,160.*)

ADJOURNMENT: The meeting was adjourned at 2:50 p.m. following a motion made by Legislator Graves, seconded by Legislator O'Grady, and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
MARCH 11, 2013**

**** APPROVED ****

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Air Force Airman First Class Karl L. Grantier.

INVOCATION: The Invocation was given by Legislator Aaron McGraw.

ROLL CALL: 11 Legislators Present: Douglas Burdick, Donald Cady, Curtis Crandall, Philip Curran, Karl Graves, Dwight (Mike) Healy, Kevin LaForge, Aaron McGraw, Timothy O'Grady, Frederick Sinclair, Norman Ungermann, Jr.; 4 Legislators Absent: Glenn Benson, Dwight Fanton, Theodore Hopkins, David Pullen.

APPROVAL OF MINUTES:

The Board meeting minutes of February 25, 2013, were approved on a motion made by Legislator Graves, seconded by Legislator Curran, and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Karl L. Grantier, former United States Air Force Airman First Class, in grateful appreciation of his service to our country. Mr. Grantier's service dates were from July 1955 to March 1960. He was medically discharged due to a jet explosion causing burns over 40 percent of his body resulting in 34 surgeries in four months. Assignments included: Sampson Air Force Base, NY; Amarillo AFB, TX; Tyndall AFB, Panama City, FL; and Moody AFB, Valdosta, GA; and his primary specialty was Jet Mechanic. Commendations he received included: Good Conduct Medal and the Cold War Medal. Mr. Grantier is a 45-plus-year member of the Alfred American Legion Post 370 (Commander for 15 years), Post Delegate to the County American Legion, Instrumental and a trustee for Sampson National Cemetery. Mr. Grantier led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program. Mr. Grantier's Legion Post sponsored Jessica Norris, the next speaker, in the Allegany County American Legion Oratory Contest.

Jessica Norris, Allegany County American Legion Oratory Contest winner, presented her speech for the Legislature, entitled, "What Are You Doing with Your Freedom?" Jessica is a 10th grade home-schooled student, and is actively involved in her community. For two years, she has won first place in the Allegany County American Legion Oratory Contest. She took second place in the District 8 competition, and second place in the Zone (making her one of the top ten American Legion student speakers in New York State), and the runner up

in the Frederick Douglass Oratory Contest in 2011. Jessica has spoken at several public schools and colleges, as well as numerous social and political organizations, including Daughters of the American Revolution, the Almond Historical Society, the Livingston County Business Education Alliance, and Toastmasters International.

Youth Bureau Director Linda Edwards spoke about the Youth Leadership Forum and introduced the students who went to the Forum with her this year: Elizabeth Burdick from Scio, Alexander Gabler from Wellsville, Carlos McInnes from Alfred, and Janae Rangel from Houghton. The Allegany County Youth Board includes youth representative members, and these four youth are some of those members. Elizabeth and Carlos related some of their experiences. The Youth Leadership Forum, held in Albany on February 11 and 12, is sponsored by the Association of NYS Youth Bureaus, NYS Partnership for Children, Youth and Families, and NYS OFCS. It is an interactive leadership and educational seminar offered to youth ages 12 and older and Youth Bureau personnel from across New York State. Youth engaged in fun team-building exercises, participated in discussion groups, and were inspired to bring what they learned back to their communities. Youth participated in a "Meet and Greet" with state representatives, then had meetings with Senator Catharine Young and Assemblyman Joseph Giglio to discuss issues relating to youth programming and funding. They related the importance of positive youth development fundamentals in providing programs for youth, as these are the leaders of the future. They also discussed the need for level funding at a minimum to continue to provide programs in the areas of employment, education, and recreation. The Deputy Sheriff's Association provided funding to cover the cost of transportation and registration for four Allegany County youth and the Youth Bureau Director to attend.

Allegany County Arc's Senior Vice President for Employee Relations Corinna McKnight spoke on behalf of Arc's employees and the NYS Office for People with Developmental Disabilities. When Ms. McKnight began her employment at Arc nearly 25 years ago, there were 80 employees; today there are almost 400. She requested privilege of the floor to speak about March being Developmental Disabilities Awareness Month and to stress the importance of continuing the high quality of care to those who serve in Allegany Arc, which is being threatened right now. Arc is asking the Legislature to help preserve the services to people with intellectual and developmental disabilities by opposing the six percent cut to the OPWDD budget proposed by the Governor. Allegany Arc took a significant cut about two years ago, and another six percent cut now will amount to over \$600,000, which will be devastating for them. Arc CEO Mike Damiano is in Albany this week asking our state representatives to help restore funding to voluntary agencies, such as Allegany Arc. In addition to the funding cut, they are also facing the minimum wage increase, which they hadn't budgeted for, and there are many increased mandates they've had to deal with. Allegany Arc is the seventh largest employer in the County. They employ nearly 400 people, but there are also 80 consumers that receive paychecks. Arc has eight residential homes, and they try to spend funds locally for needed expenses. A cut of this magnitude will mean eliminating about 20 positions. This could threaten the health and well-being of the people with intellectual and developmental disabilities served by Allegany Arc. Staff reductions will impact services and affect the quality of care. Arc is asking that the

Legislators contact our state representatives and request they restore the funds, so Arc can save those positions and continue the high quality of care to those they serve.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. Report of Intrafund Transfers approved by the County Administrator during the month of February.
2. Report of Tax Bill Corrections approved by the County Administrator during the month of February.
3. Annual Reports for 2012 from the following departments and agencies were distributed for review: Cornell Cooperative Extension, County Attorney, County Clerk, Probation, and Public Works. Representatives will be present at the next meeting to answer any questions.
4. CONXX Smart Technologies report regarding their study of existing telecommunication infrastructure in the County entitled, "Telecommunications: A Public/Private Partnership."
5. Notice of next InterCounty Association meeting to be hosted by Wyoming County at Beaver Hollow in Java Center on March 15.
6. Correspondence from Senator Catharine Young acknowledging receipt and support of Allegany County Resolution No. 17-13: *Resolution in Opposition to Any Attempt by the New York State Legislature to Enact Legislation which Bundles Issues Relating to Gun Control and Amendment of the Freedom of Information Law.*
7. Invitation from the Greater Allegany County Chamber of Commerce, Inc., for their 5th Annual Dinner Meeting at 6 p.m. on March 22, 2013, at Moonwinks in Cuba.
8. February 21, 2013, meeting minutes for the Southern Tier West Regional Planning & Development Board, along with the agenda for their March 21 meeting.
9. There will be a special Public Works Committee meeting immediately following the Board meeting on Monday, March 25.
10. The annual Office for the Aging Public Hearing and Senior Forum will be held at the Genesee Valley School on April 4, 2013, beginning at 9 a.m.
11. Notice of the Farm-to-School Networking Event on Wednesday, April 24, at the Wellsville Campus of Alfred State College, Culinary Arts Dining Hall.

APPOINTMENTS:

The Clerk of the Board announced that Chairman Curtis W. Crandall has made the following appointments:

ALLEGANY COUNTY YOUTH BOARD YOUTH REPRESENTATIVES (Term of appointments is unfixed, but in no event shall such term exceed the twenty-first birthday of the appointee):

Mikayla Rix	District II
Elizabeth Burdick	District III
Alexander Gabler	District IV

ALLEGANY COUNTY YOUTH BOARD (Term as listed; subject to confirmation by the Board of Legislators):

Corinne Davis	District I	Re-appointment; term expiring 03/25/16
Susan Myers	District II	Re-appointment; term expiring 03/25/16
Robert Starks	District III	New appointment; term expiring 03/25/16
Kim Bolander	District IV	New appointment; term expiring 03/25/16
Tammy Kokot	District V	New appointment; term expiring 03/25/16

ACCORD BOARD OF DIRECTORS (Designated representative of the Allegany County Board of Legislators, to serve at the Chairman's pleasure):

William Hall	Alfred, NY
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RESOLUTIONS:

RESOLUTION NO. 33-13

CHANGING LOCATION AND DATE OF JULY 22, 2013, REGULAR BOARD MEETING

Offered by: Ways and Means Committee

RESOLVED:

1. Notwithstanding Rule 110.A. of County Board Rules, the second regular meeting of this Board in the month of July 2013 shall be held on July 18, 2013, at 2:00 p.m. and not on July 22, 2013, at 2:00 p.m.

2. Notwithstanding Rule 110.F. of County Board Rules, the second regular Board meeting for July 2013 shall be held at the Allegany County Fairgrounds, Angelica, New York, and not at the Board Chambers in Belmont, New York.

Moved by: Mr. Ungermann
Seconded by: Mr. LaForge

Adopted: Voice Vote

(Memo: Regarding Resolution No. 33-13, 2013 will mark the fifth consecutive year that the Legislature conducted a Board meeting at the County Fair. This not only creates a historical

event, it provides an opportunity for our citizens to observe and participate in local government.)

RESOLUTION NO. 34-13

**CREATING PART-TIME ASSISTANT DISTRICT ATTORNEY (6TH) WELFARE POSITION
IN DISTRICT ATTORNEY'S OFFICE**

Offered by: Personnel Committee

RESOLVED:

1. That a part-time Assistant District Attorney (6th) Welfare position is created in the District Attorney's Office.
2. That the salary for such position is established at \$24,720 per year.
3. This resolution shall take effect immediately.

Moved by: Mr. O'Grady
Seconded by: Mr. Graves

Adopted: Roll Call
11 Ayes, 0 Noes, 4 Absent

(Memo: The position referenced in Resolution No. 34-13 was introduced into our Section 4 Salary Plan with Resolution No. 242-07 with an effective date of January 1, 2008. It was subsequently filled on February 6, 2008, but no resolution was ever adopted to create the position. The title of Assistant District Attorney (6th) Welfare needs to be placed in the Allegany County Civil Service Rules as exempt. This would allow the District Attorney to appoint at his pleasure. There is a process for amending our Civil Service Rules, and the creation of this position is the first step in that process. This is a grant-funded position which is already included in Resolution Nos. 188-12 and 217-12 establishing the compensation of County employees for 2013.)

RESOLUTION NO. 35-13

**A RESOLUTION IN RELATION TO THE CONSTRUCTION OF
TOWN BRIDGE NO. 12-03 (B.I.N. 2214450) IN TOWN OF CANEADEA**

Offered by: Public Works and Ways and Means Committees

Pursuant to Highway Law § 238 and Resolution No. 65-95

WHEREAS, the County Public Works Department has submitted a report to this Board stating its reasons why Town Bridge No. 12-03 (B.I.N. 2214450) on Council House Road in the Town of Caneadea should be constructed, and

WHEREAS, the County Public Works Department has submitted plans, maps, and specifications for the construction of such Bridge and estimated the project costs at \$224,500, and

WHEREAS, such Bridge qualifies under the Cost Sharing Plan set forth in Resolution No. 65-95, now, therefore, be it

RESOLVED:

1. That this Board of Legislators does determine that it considers Town Bridge No. 12-03 (B.I.N. 2214450) on Council House Road in the Town of Caneadea to be of sufficient importance to be constructed.
2. That the plans, maps, and specifications prepared by the County Public Works Department are approved, and the County Public Works Department is directed to construct such Bridge in accordance with such plans, maps, and specifications.
3. That the authorized cost for the construction of such Bridge shall not exceed \$224,500.
4. That in accordance with Resolution No. 65-95, the County's share of such cost is estimated to be \$190,825 and shall be transferred to a Capital Project Account to be designated by the County Treasurer.
5. That the Town's share of such cost, estimated to be \$33,675, shall be paid to the County pursuant to the provisions of section 1 g. of Resolution No. 65-95.
6. That such Bridge shall not be constructed until the Town of Caneadea files the appropriate Town Board resolution in accordance with Resolution No. 65-95.

Moved by: Mr. Crandall
Seconded by: Mr. Sinclair

Adopted: Roll Call
11 Ayes, 0 Noes, 4 Absent

RESOLUTION NO. 36-13

**A RESOLUTION IN RELATION TO THE CONSTRUCTION OF
CULVERT PROJECT (LOCAL STRUCTURE # N. B. EAST – 01) ON
NORTH BRANCH ROAD IN TOWN OF FRIENDSHIP**

Offered by: Public Works and Ways and Means Committees

Pursuant to Highway Law § 238 and Resolution No. 65-95

WHEREAS, the County Public Works Department has submitted a report to this Board stating its reasons why Culvert Project (Local Structure # N. B. East – 01) on North Branch Road in the Town of Friendship should be constructed, and

WHEREAS, the County Public Works Department has submitted plans, maps, and specifications for the construction of such Local Structure and estimated the project costs at \$266,100, and

WHEREAS, such Local Structure qualifies under the Cost Sharing Plan set forth in Resolution No. 65-95, now, therefore, be it

RESOLVED:

1. That this Board of Legislators does determine that it considers Culvert Project (Local Structure # N. B. East – 01) on North Branch Road in the Town of Friendship to be of sufficient importance to be constructed.

2. That the plans, maps, and specifications prepared by the County Public Works Department are approved, and the County Public Works Department is directed to construct such Local Structure in accordance with such plans, maps, and specifications.

3. That the authorized cost for the construction of such Local Structure shall not exceed \$266,100.

4. That in accordance with Resolution No. 65-95, the County's share of such cost is estimated to be \$226,185 and shall be transferred to a Capital Project Account to be designated by the County Treasurer.

5. That the Town's share of such cost, estimated to be \$39,915, shall be paid to the County pursuant to the provisions of section 1 g. of Resolution No. 65-95.

6. That such Local Structure shall not be constructed until the Town of Friendship files the appropriate Town Board resolution in accordance with Resolution No. 65-95.

Moved by: Mr. Healy
Seconded by: Mr. Ungermann

Adopted: Roll Call
11 Ayes, 0 Noes, 4 Absent

RESOLUTION NO. 37-13

**ACCEPTANCE OF THE INSURANCE PROPOSAL OF
SAFETY NATIONAL CASUALTY CORPORATION SUBMITTED BY EBS-RMSCO, INC.
FOR EMPLOYER'S EXCESS LIABILITY INSURANCE COVERAGE FOR
ALLEGANY COUNTY WORKERS' COMPENSATION SELF-INSURANCE PLAN**

Offered by: Personnel Committee

Pursuant to Local Law No. 3 of 2002

RESOLVED:

1. That the Safety National Casualty Corporation insurance proposal regarding Employer's Excess Liability insurance coverage, for the Allegany County Workers'

Compensation Self-Insurance Plan submitted by EBS-RMSCO, Inc. for the period February 15, 2013, to February 15, 2014, is approved.

2. That the premium, not to exceed \$100,561, is charged to the several accounts of the 2013 County Final Budget in which the funds are proportionately provided to cover the whole of such premium.

Moved by: Mr. O'Grady
Seconded by: Mr. Graves

Adopted: Roll Call
11 Ayes, 0 Noes, 4 Absent

RESOLUTION NO. 38-13

**RESOLUTION ACCEPTING GOVERNOR'S SAFETY COMMITTEE
IGNITION INTERLOCK DEVICE MONITORING PROJECT AWARD;
APPROPRIATION OF FUNDS**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That the sum of \$11,461 awarded by the Governor's Safety Committee Ignition Interlock Device Monitoring Project for period October 1, 2012, through September 30, 2013, is accepted.

2. That \$8,000 of this award has already been budgeted for 2013, and the remaining \$3,461 is appropriated to Account No. A3140.101 (Probation-Personnel) with a like sum credited to Revenue Account No. A3140.3310.07 (State Aid Probation-Ignition Interlock).

Moved by: Mr. Healy
Seconded by: Mr. Graves

Adopted: Roll Call
11 Ayes, 0 Noes, 4 Absent

Comments made regarding Resolution No. 38-13 included: Legislator O'Grady noted it's humorous that this is a state-mandated program, and then when they give you funds to go toward it, they call it a project award.

RESOLUTION NO. 39-13

**RESOLUTION AUTHORIZING THE PURCHASE OF
TWO MINI-VANS FOR THE OFFICE FOR AGING**

Offered by: Human Services and Ways and Means Committees

WHEREAS, the Office for the Aging needs to replace a mini-van that was totaled in December 2012 and another mini-van to replace a van that will not pass inspection, and

WHEREAS, these two mini-vans will be used for meals-on-wheels delivery, now, therefore, be it

RESOLVED:

1. That this Board approves the purchase of two mini-vans for the Office for the Aging at an estimated cost of \$41,022 from the Vehicle Replacement Capital Fund (H5997.2).

Moved by: Mr. Burdick
Seconded by: Mr. LaForge

Adopted: Roll Call
11 Ayes, 0 Noes, 4 Absent

RESOLUTION NO. 40-13

**RESOLUTION AUTHORIZING THE PURCHASE OF
TWO CHEVROLET TRANSPORT VANS FOR THE SHERIFF'S OFFICE**

Offered by: Public Safety, Public Works, and Ways and Means Committees

WHEREAS, two Chevrolet transport vans are needed to replace the existing transport vans with over 100,000 miles used for transporting federal inmates, and

WHEREAS, that the total cost of the two Chevrolet transport vans is \$63,600, now, therefore, be it

RESOLVED:

1. That the amount of \$63,600 for the purchase of two Chevrolet transport vans from the Vehicle Replacement Capital Fund H5997.2 is approved.

Moved by: Mr. Healy
Seconded by: Mr. Graves

Adopted: Roll Call
11 Ayes, 0 Noes, 4 Absent

Comments made regarding Resolution No. 40-13 included: Legislator Cady questioned the procedure for disposing of vehicles being replaced. County Administrator John Margeson explained that they're auctioned off each year in May, and that auction will be publicized.

RESOLUTION NO. 41-13

**A RESOLUTION AUTHORIZING THE PURCHASE OF
ONE SERVER, TWO DESKTOP COMPUTERS, AND TWO NEW SCANNERS
FOR THE BOARD OF ELECTIONS; TRANSFER OF FUNDS**

Offered by: Personnel and Ways and Means Committees

RESOLVED:

1. That this Board approves the purchase of one server, two desktop computers, and two new scanners for the Board of Elections at a cost of \$14,750.

2. That the sum of \$14,750 is transferred from Account No. A1990.429 (Contingent) to A1450.201 (Board of Elections-Equipment) to cover the cost of the server, computers, and scanners.

Moved by: Mr. O'Grady
Seconded by: Mr. Graves

Adopted: Roll Call
11 Ayes, 0 Noes, 4 Absent

Comments made regarding Resolution No. 41-13 included: Legislator O'Grady noted that a portion of the expenditures will be grant-funded.

RESOLUTION NO. 42-13

ACCEPTANCE OF INSURANCE PAYMENT FROM NYMIR AND APPROPRIATION OF FUNDS TO RISK RETENTION ACCOUNTS

Offered by: Ways and Means Committee

WHEREAS, a check in the amount of \$893, representing the settlement less a \$500 deductible on a Dell Mobile Precision M6600 laptop that was ruined when dropped, has been offered by NYMIR in settlement of such damage, now, therefore, be it

RESOLVED:

1. That the amount of \$893 from NYMIR, representing the settlement less a \$500 deductible on a Dell Mobile Precision M6600 laptop that was dropped, is accepted.

2. That the total sum of \$893 is appropriated to Account No. CS1931.429 (Risk Retention – Uninsured Property Loss) with a like sum credited to Revenue Account No. CS1930.2680.00 (Risk Retention – Insurance Recovery).

Moved by: Mr. Burdick
Seconded by: Mr. O'Grady

Adopted: Roll Call
11 Ayes, 0 Noes, 4 Absent

(Memo: The equipment referenced in Resolution No. 42-13 belonged to Community Services/Mental Health.)

RESOLUTION NO. 43-13

TRANSFER OF FUNDS WITHIN PROBATION ACCOUNTS

Offered by: Public Safety Committee

RESOLVED:

1. That the sum of \$300 is transferred from Account No. A3140.407 (Probation-Supplies) to Account No. A3140.201 (Probation-Equipment) to replace three office chairs.
2. That the sum of \$600 is transferred from Account No. A3140.413 (Probation-Rentals) to Account No. A3140.201 (Probation-Equipment) to purchase taser cartridges.

Moved by: Mr. Healy
Seconded by: Mr. McGraw

Adopted: Roll Call
11 Ayes, 0 Noes, 4 Absent

RESOLUTION NO. 44-13

TRANSFER OF FUNDS WITHIN COUNTY MUTUAL SELF-INSURANCE PLAN ACCOUNT

Offered by: Personnel and Ways and Means Committees

RESOLVED:

1. That the sum of \$15,500 is transferred from Account No. S1720.406 (Self – Insurance Fund-Benefits & Awards-Claimant Indemnity) to Account No. S1710.406 (Self-Insurance Fund-Administration-Employers' Excess Liability) to cover insufficient funds in the latter account needed to secure Employer's Excess Liability in the amount of \$100,561 for period February 15, 2013, through February 15, 2014.

Moved by: Mr. O'Grady
Seconded by: Mr. Graves

Adopted: Roll Call
11 Ayes, 0 Noes, 4 Absent

RESOLUTION NO. 45-13

**RESOLUTION AUTHORIZING THE IMPLEMENTATION AND
FUNDING IN THE FIRST INSTANCE OF 100 PERCENT OF
THE STATE PROGRAM AID ELIGIBLE COSTS OF A TRANSPORTATION PROJECT;
APPROPRIATION OF FUNDS**

Offered by: Public Works Committee

WHEREAS, a Project for the ER NY 11-01 CR 12 Repairs in the Towns of Alfred, Ward, Andover, and Wellsville, CR 9 Repairs in the Town of Scio, and CR 10 in the Towns of Scio and Ward in Allegany County, P.I.N. 6ER1.10.321 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 100 percent federal share for the costs of Emergency Repairs, and

WHEREAS, the County of Allegany desires to advance the Project by making a commitment of 100 percent of the non-federal costs of the Emergency Storm Relief on

County Routes 9, 10, and 12 in the Towns of Alfred, Ward, Andover, Wellsville, and Scio in Allegany County, now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators hereby approves the above-subject project.

2. That the Allegany County Board of Legislators hereby authorizes the County of Allegany to pay in the first instance 100 percent of the cost of 2011 Emergency Storm Relief work for the Project or portions thereof.

3. That the sum of \$46,603 is hereby appropriated from an Account to be determined by the County Treasurer and made available to cover the cost of participation in the above phase of the Project.

4. That in the event the full non-federal share cost of the project exceeds the amount appropriated above, the Allegany County Board of Legislators shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation.

5. That the Chairman of the Allegany County Board of Legislators be and is hereby authorized to execute all necessary Agreements, certifications, or reimbursement requests on behalf of the County of Allegany with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible.

6. That the Clerk of this Board is directed to file a certified copy of this resolution with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project.

7. This resolution shall take effect immediately.

Moved by: Mr. Sinclair
Seconded by: Mr. Burdick

Adopted: Roll Call
11 Ayes, 0 Noes, 4 Absent

RESOLUTION NO. 46-13

**APPROVAL OF AGREEMENT BETWEEN COUNTY OF ALLEGANY AND
ALLEGANY COUNTY FEDERATION OF SNOWMOBILERS, INC.;
APPROPRIATION OF STATE GRANT IN AID**

Offered by: Planning and Economic Development Committee

RESOLVED:

1. That the Agreement between the County of Allegany and Allegany County Federation of Snowmobilers, Inc., is approved.
2. That the Chairman of this Board is authorized to execute said Agreement.
3. That the sum of \$81,440 in State grant in aid was appropriated in the 2013 Budget to Account No. A7185.483, with a like sum credited to Account A7185.3089.00. No budget adjustments are necessary at this time.

Moved by: Mr. Sinclair
Seconded by: Mr. Healy

Adopted: Roll Call
11 Ayes, 0 Noes, 4 Absent

(Memo: The agreement approved by Resolution No. 46-13 allows for the County to act as sponsor for applications for snowmobile trail development and maintenance assistance grants through the New York State Office of Parks, Recreation, and Historic Preservation. The 2012-2013 application was approved for \$81,440. Allegany County will operate as a pass-through to the Federation of Snowmobilers. Sufficient funding was appropriated in the 2013 Budget to A7185.483, with a like sum credited to revenue account A7185.3089.00. No budget adjustments were necessary.)

RESOLUTION NO. 47-13

RESOLUTION APPROVING ALLEGANY COUNTY CORPORATE COMPLIANCE PLAN

Offered by: Human Services Committee

WHEREAS, a County Corporate Compliance Plan is required by the Office of Medicaid Inspector General, and

WHEREAS, such plan applies to all employees, volunteers, contractors, and students in those departments of the County providing billable items/services for which payments are received, and

WHEREAS, the two departments providing these services are Community Services and the Department of Health, and

WHEREAS, such plan also applies to all contractors and agents who furnish or authorize the furnishing of billable services on behalf of the County, or perform billing or coding functions, or are involved in monitoring the care provided by the County, now, therefore, be it

RESOLVED:

1. That the Allegany County Corporate Compliance Plan is approved.

Moved by: Mr. Burdick
Seconded by: Mr. LaForge

Adopted: Roll Call
11 Ayes, 0 Noes, 4 Absent

RESOLUTION NO. 48-13

APPROVAL OF AGREEMENTS WITH APPROVED PROVIDERS OF PROGRAMS, SEIT, AND/OR EVALUATIONS FOR PRESCHOOLERS WITH DISABILITIES

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That Agreements titled "County of Allegany Contract for Approved Providers of Programs, SEIT, and/or Evaluations for Preschoolers with Disabilities" with Cattaraugus Rehabilitation Center, Inc. d/b/a Children's Learning Center, League for the Handicapped, Inc., Portville Central School, Cattaraugus-Allegany BOCES, and Pathways, Inc. for the period September 1, 2012, to August 31, 2013, are approved.

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

Moved by: Mr. Burdick
Seconded by: Mr. LaForge

Adopted: Roll Call
10 Ayes, 1 No, 4 Absent
Voting No: Ungermann

Comments made regarding Resolution No. 48-13 included the following:

Legislator O'Grady pointed out that this is another state-mandated program, this time with no award.

Legislator Ungermann remarked that he's spoken about this program for years; we have no business being in this.

AUDITS:

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

A motion was made by Legislator Graves, seconded by Legislator O'Grady, and adopted on a roll call vote of 10 Ayes, 1 No, 4 Absent, that the audit of claims, totaling \$3,853,275.41, including prepaid expenses, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$1,922,700.*)

ADJOURNMENT: The meeting was adjourned at 3:00 p.m. on a motion made by Legislator Graves, seconded by Legislator Burdick, and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
MARCH 25, 2013**

**** APPROVED ****

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Marine Corps Corporal Gerald L. Bonney.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 14 Legislators Present: Glenn Benson, Douglas Burdick, Donald Cady, Curtis Crandall, Philip Curran, Dwight Fanton, Karl Graves, Dwight (Mike) Healy, Theodore Hopkins, Kevin LaForge, Timothy O'Grady, David Pullen, Frederick Sinclair, Norman Ungermann, Jr.; 1 Legislator Absent: Aaron McGraw.

APPROVAL OF MINUTES:

The Board meeting minutes of March 11, 2013, were approved on a motion made by Legislator Graves, seconded by Legislator Curran, and carried.

The Committee of the Whole meeting minutes of March 11, 2013, were approved on a motion made by Legislator Curran, seconded by Legislator O'Grady, and carried.

PRIVILEGE OF THE FLOOR:

BOCES County Government Intern Instructor John Malachowsky introduced this year's Interns. The complete list of participants includes: Katlyn Adams, Emily Barner, Jacob Bennett, Joshua Bridge, Colton Cunningham, Brandon Drumm, Kevin Gregory, Abram Grossman, Haylee Heckman, Alexandra Joyce, Roger Klein, Cody Miller, Audrey Mundt, Carly Perkins, and Chris Stever, all from Andover, and Elaini Davis, Azure Decker, Chelsi Noniewicz, and Alyssa Staba, all from Wellsville. Mr. Malachowsky noted that the Interns are training and learning what it takes to pass legislation, and they will be holding their own mock legislative session on May 20.

Chairman Crandall also recognized BOCES Intern Emily Barner for being honored by the Catherine Schuyler Chapter of the National Society of the Daughters of the American Revolution on March 23 as one of several 2013 students receiving Good Citizenship Awards, exemplifying characteristics of dependability, service, leadership, and patriotism. Emily was also chosen to compete at the regional level. *(Other Good Citizenship Award winners selected by the DAR were: Amanda Carroll, Emily Gilfert, Jacob Graves, Evelyn*

Mehlenbacher, Caitlin Murphy, Madolyne Rhodes, Sierra Rose, Kayla Ross, Aaron Schue, and Andrea Seib.)

Chairman Curtis W. Crandall presented a certificate to Gerald L. Bonney of Bolivar, former United States Marine Corps Corporal, in grateful appreciation of his service to our country. Mr. Bonney's service dates were from October 1967 to March 1971. Assignments included: Camp Lejeune, NC; USS Independence; Camp Pendleton, CA; and Republic of Vietnam. Training included: Infantry School, Sea Duty Indoctrination Course, Avionics Fundamentals School, and Corrections School. His primary specialty was Infantry Rifleman. Commendations Mr. Bonney received included: National Defense Service Medal, Vietnam Service Medal, Vietnam Campaign Medal with device, Good Conduct Medal, Combat Action Ribbon, and Weapon Qualification in M-1, M-14, M-16, 45 Pistol, and Shotgun. Following his service in the Marine Corps, he also served in the Army Reserves until the early 1990s. Mr. Bonney led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Crandall presented a plaque to John Margeson in recognition of his 36 years of dedicated service. Mr. Margeson will be retiring effective March 29. He began employment with the County in the Probation Office in 1977, served as Administrative Assistant to the Legislative Board Chairman beginning in 1984, and then was appointed as the first County Administrator in October 1992. As Administrative Assistant, he served under John Hasper, Leonard Watson, and Jim Raptis, and as County Administrator, he served under Delores Cross, John Walchli, Ed Sherman, Jim Palmer, and presently Curtis Crandall. The Allegany County Board of Legislators adopted over 5,800 resolutions during Mr. Margeson's tenure as County Administrator. He was involved in budget preparation; legislative committee restructuring; departmental staffing transitions, evaluations, and personnel issues; and special projects including the County Jail and Public Safety Complex, new Office for the Aging and Veterans' Service Agency facilities, and the Court Facilities Project. John thanked the Board for the plaque and the opportunity for a career he greatly enjoyed.

Greater Allegany County Chamber Executive Director Gretchen Hanchett, along with BOCES Career Day Chair Cindy Crandall, BOCES Instructional Support Services Director Tim Cox, and Allegany County Business Conference Chair Judy Hopkins, spoke about the Allegany County Business Conference and Career Day. This two-part event will be held April 10 at the Alfred State College Wellsville Campus, with the College and Career Readiness Fair for Allegany County high school students from 9 am to 1 pm, and the first annual Allegany County Business Conference from 1:30 to 7:30 pm. The College and Career Readiness Fair will feature business exhibitors, interactive career activities, and speakers. The Business Conference is for Allegany County businesses and organizations, and will feature business exhibitors, a session on "Growing Your Own Employees," buffet dinner, workshops (leadership techniques, employee wellness plans, effective website technology), networking, and a keynote speaker (Michael Hess, owner and CEO of Skooba Design in Rochester, speaking on public relations).

Representatives from the following departments and agencies were present to answer questions regarding their 2012 Annual Reports: Cooperative Extension, County Attorney, County Clerk, Probation, and Public Works. Legislator Burdick questioned the Equalization and Assessment Forms Fees listed on the County Clerk's report. County Administrator John Margeson responded that these forms are completed when property is conveyed from one party to another and are required by the NYS Office of Real Property Tax Services, with a copy filed in the County RPTS Office. This process assures that property is maintained on tax assessment roles even though transferred, and it involves a standard fee.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. April 2013 Calendar of Board and Standing Committee meeting dates.
2. Annual Reports for 2012 from the following departments and agencies were distributed for review: Office for the Aging, Community Services, Coroners, Board of Elections, Emergency Services, Fire Service, Health Department, Human Resources, and Real Property Tax. Representatives will be present at the next meeting to answer any questions.
3. Reminder that the annual Office for the Aging Public Hearing and Senior Forum will be held at the Genesee Valley School on April 4, 2013, beginning at 9 a.m.
4. The next Fire Advisory Board meeting will be held at 8 p.m. on March 28 at the Public Safety Facility.
5. Certificate of Appointment from Allegany County Board of Health President Leo Cusumano certifying that Loreen M. Ballengee has been reappointed to the position of Public Health Director for a new six-year term commencing May 22, 2013, and expiring May 21, 2019.
6. Correspondence from the family of Duke Ackley thanking the Board for its contribution to the Trinity Christian Daycare in memory of Mr. Ackley.
7. Correspondence from the Portville Masonic Lodge #579 thanking the Board for its contribution in memory of former Legislator Edmund Burdick.

APPOINTMENTS:

The Clerk of the Board announced that Chairman Curtis W. Crandall has appointed Julie Hart of Wellsville as a member of the **COMPREHENSIVE PLAN IMPLEMENTATION GROUP**, effective immediately, to serve at his pleasure.

PROCLAMATION:

Chairman Curtis W. Crandall proclaimed April 10, 2013, as Business & Education Partnership Day in Allegany County, in recognition of the economic importance of developing

successful career paths for our youth, while fulfilling the present and future needs of Allegany County businesses. He urged all residents to attend the Allegany County College and Career Readiness Fair and the Allegany County Business Conference on April 10 at the Alfred State College Wellsville Campus.

RESOLUTIONS:

RESOLUTION NO. 49-13

APPOINTMENT OF MITCHELL M. ALGER AS COUNTY ADMINISTRATOR

Offered by: Legislators Curtis W. Crandall, Theodore L. Hopkins, David T. Pullen, Dwight (Mike) Healy, Frederick Sinclair, Norman G. Ungermann, Jr., Glenn R. Benson, Donald L. Cady, Dwight R. Fanton, Karl Graves, Kevin S. LaForge, Timothy J. O'Grady, Douglas D. Burdick, Philip B. Curran, and Aaron M. McGraw

Pursuant to Local Law No. 3 of 1992

WHEREAS, the current County Administrator, John E. Margeson, has announced his retirement effective as of 11:59 p.m. on March 29, 2013, and

WHEREAS, this Board wishes to appoint a County Administrator to take office upon the retirement of the current County Administrator, now, therefore, be it

RESOLVED:

1. That Mitchell M. Alger is appointed County Administrator, effective March 30, 2013, at an annual salary of \$89,000, to serve during the pleasure of this Board of Legislators and until his successor is appointed and has qualified.

Moved by: Mr. Fanton
Seconded by: Mr. Hopkins

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

Comments made regarding Resolution No. 49-13 included: Legislator Healy remarked that at the time Mr. Alger was hired as Deputy County Administrator, he had some reservations and concerns regarding the timing and the manner of the appointment. It wasn't long before most of those concerns were alleviated by his dedication to our County and to the job itself. Mr. Healy commended the leadership of the Board and Mr. Margeson on the selection for the County Administrator's replacement, and he trusts the Legislature won't be disappointed by the faith they place in Mr. Alger. Mr. Healy also congratulated Mr. Margeson on his retirement, and voiced his support for this and the following two resolutions.

RESOLUTION NO. 50-13

APPOINTMENT OF MITCHELL M. ALGER AS BUDGET OFFICER

Offered by: Legislators Curtis W. Crandall, Theodore L. Hopkins, David T. Pullen, Dwight (Mike) Healy, Frederick Sinclair, Norman G. Ungermann, Jr., Glenn R. Benson, Donald L. Cady, Dwight R. Fanton, Karl Graves, Kevin S. LaForge, Timothy J. O'Grady, Douglas D. Burdick, Philip B. Curran, and Aaron M. McGraw

Pursuant to County Law § 351(3) and Section 5.j. of Local Law No. 3 of 1992

WHEREAS, John E. Margeson has announced his retirement as Budget Officer effective as of 11:59 p.m. on March 29, 2013, and

WHEREAS, this Board wishes to appoint a Budget Officer to take office upon the retirement of John E. Margeson, now, therefore, be it

RESOLVED:

1. That Mitchell M. Alger, heretofore appointed County Administrator effective March 30, 2013, is appointed Budget Officer effective March 30, 2013, to serve during the pleasure of this Board of Legislators and until his successor is appointed and has qualified.

Moved by: Mr. Pullen
Seconded by: Mr. Fanton

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 51-13

APPOINTMENT OF MITCHELL M. ALGER AS COUNTY AUDITOR

Offered by: Legislators Curtis W. Crandall, Theodore L. Hopkins, David T. Pullen, Dwight (Mike) Healy, Frederick Sinclair, Glenn R. Benson, Donald L. Cady, Dwight R. Fanton, Karl Graves, Kevin S. LaForge, Timothy J. O'Grady, and Douglas D. Burdick

Pursuant to County Law § 600

WHEREAS, John E. Margeson has announced his retirement as County Auditor effective as of 11:59 p.m. on March 29, 2013, and

WHEREAS, this Board wishes to appoint a County Auditor to take office upon the retirement of John E. Margeson, now, therefore, be it

RESOLVED:

1. That Mitchell M. Alger is appointed County Auditor effective March 30, 2013, with term of office to expire December 31, 2013.

Moved by: Mr. Hopkins
Seconded by: Mr. Graves

Adopted: Voice Vote

Comments made regarding Resolution No. 51-13 included the following:

Chairman Crandall noted that concerns were voiced at the March 11 Committee of the Whole meeting regarding the appropriateness of the same person being appointed as both County

Auditor and Budget Officer. County Attorney Thomas Miner researched this issue before and resurrected that information on the legalities and question of conflict of interest and distributed it to all the Legislators.

County Administrator John Margeson expanded on the position of Auditor. Since 1994, the County Administrator has also held the position of County Auditor, at no additional compensation. What he actually does regarding the audit of bills does not rise to the level of a true auditor. When the Office of County Administrator was created in 1992 by Local Law, one of the duties and responsibilities that was set forth was, "pre-audit all bills, vouchers, invoices, and other evidence of claims, demands, or charges paid from County funds or by any County agency, or payment for which the County, its officers, or agents are responsible." That language is very clear and delineates between what a true auditor would do versus what the County Administrator's responsibility is, which is pre-auditing bills.

Before the County Administrator position was created, the standing committees went through a process similar to that in town governments at the time where they looked at all bills for the month, spending between 30 and 45 minutes. It was felt that it was a waste of time for committee members to be pre-auditing bills, so that responsibility was given to the County Administrator. Today, as it was then, we don't pay bills unless the Legislators approve the audit at the Board meeting. That's further evidence of the fact that the activity performed by the County Administrator is a pre-audit.

The question of whether or not there is conflict with the Auditor also being the Budget Officer has been sufficiently answered by the research done by the County Attorney. Mr. Margeson stated that the responsibility of the Budget Officer, as set forth in Finance Law, is to prepare and deliver to the Board of Legislators a tentative County Budget. Once that tentative County Budget is filed, the Legislature has the authority to change it in any way they see fit by resolution. There has never been an occasion in the past 20 plus years where Mr. Margeson felt any conflict by pre-auditing claims and charges against County government while at the same time serving as Budget Officer.

Legislator Ungermann questioned if an accountant or department head reviews that department's bills to make sure they're all legitimate. Mr. Margeson explained that the review is done not only by the department head, but also by an accounting person in that department, so there are two sets of eyes at the department level making sure the charge is legitimate and was for a service or supply ordered by the department. Once it's cleared by the department, it goes to the Treasurer's Office or Clerk of the Board's Office where it goes through another auditing process. From there, an abstract is brought to him as Auditor to sign. Because there have already been three sets of eyes looking at the bills, if anything was wrong, it would be caught before it gets to him. Any concern would be pointed out and Mr. Margeson would meet with the department head.

Legislator Sinclair commented that Mr. Margeson explained previously that the responsibility to pre-audit and review the bills is included in the job description. Mr. Margeson implied that the position of Auditor is not something mandated by the State, but was created by us at the

County level to formalize what is already stated in the job description. Mr. Margeson responded that was correct.

RESOLUTION NO. 52-13

**REQUESTING STATE LEGISLATIVE REPRESENTATIVES
TO INTRODUCE AND SEEK PASSAGE OF LEGISLATION
AUTHORIZING ALLEGANY COUNTY TO CONTINUE THE ADDITIONAL
ONE AND ONE-HALF PERCENT COUNTY SALES TAX FOR THREE YEARS**

Offered by: Ways and Means Committee

WHEREAS, the only two substantial tax revenues available to Allegany County are real property and sales, and

WHEREAS, Allegany County is at its sales tax limit, and

WHEREAS, by Chapter 118 of the 2011 Laws of the State of New York, the County of Allegany was authorized to impose an additional one and one-half percent sales tax for the period December 1, 2011, to November 30, 2013, and

WHEREAS, by Resolution No. 120-2011, such additional sales tax was imposed for such period, and

WHEREAS, Allegany County is presently at 83 percent of its constitutional taxing limit for real estate taxes, and

WHEREAS, Allegany County will be at 100 percent of such constitutional taxing limit if such additional sales tax is not reauthorized, and

WHEREAS, Allegany County has had no substantial growth in real estate assessed valuation in the past five years, and

WHEREAS, in the current economic condition of Allegany County, any substantial increase in real estate taxes would put in financial jeopardy the County's large percentage of senior citizens with fixed incomes who would have no choice but to pay such taxes out of such fixed incomes, now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators requests our State legislative representatives to introduce and seek passage, in the State Senate and Assembly, legislation to authorize Allegany County to continue the additional County sales tax of one and one-half percent for at least the period December 1, 2013, to November 30, 2016.

2. That the Clerk of this Board is directed to send copies of this resolution to Senator Catharine M. Young and Assembly member Joseph M. Giglio.

Moved by: Mr. Hopkins
Seconded by: Mr. Curran

Adopted: Roll Call
13 Ayes, 1 No, 1 Absent
Voting No: Ungermann

(Memo: Based on sales tax revenue receipts of \$18,222,546.45 for 2012, the additional one and one-half percent sales tax resulted in \$6.07 million in revenue.)

Comments made regarding Resolution No. 52-13 included the following:

Legislator Ungermann remarked that he's concerned about Allegany County's competitiveness with neighboring counties. Although Erie County has an 8 $\frac{3}{4}$ percent sales tax, all of the others are at 8 percent, except Allegany County with our 8 $\frac{1}{2}$ percent. It does have a negative effect on our competitiveness. Mr. Ungermann would go along with 1 percent, but objects to the other half percent. In his business, over the course of a year, they collect \$60,000 to \$70,000 in sales tax for the State of New York, and they have to break that out depending on which county it is and what the tax rate is. His concern is that when he buys his fuel and oil, sales tax is charged at the point of delivery. If a company from Allegany County delivers his fuel to Cattaraugus County, he only has to pay 8 percent sales tax on it. Allegany County not only loses that half percent, but they lose the 8 percent, too. This extra half percent, in many cases, is enough to make us uncompetitive. Mr. Ungermann distributed information on population trends. If we're not competitive, we lose population, and we are losing population. Depending on which chart you look at, out of the 3,141 counties, boroughs, parishes, and D.C. nationwide, Allegany County ranks 3rd or 4th in the highest percentage of taxes against our assessed valuation. We're not competitive. We don't have the incomes here that they do in Westchester County where the tax rates are higher. If a company wants to come here and doesn't go after pilot programs, and they spend a million dollars on building materials, that half percent is a big chunk of money. In the resolution, it says we'll be at 100 percent of our constitutional taxing limit if the additional sales tax is not reauthorized. We should have considered that when we built the Courthouse.

Legislator Hopkins commented on Mr. Ungermann's remarks. The problem is that 85 percent of our costs are mandated, and those costs keep going up. If we dropped one-half percent sales tax, and we knew we'd increase our sales tax revenue by doing that, great, but we don't know that. History shows that when we put it in, it did increase our sales tax revenue. So going by that, we'd most likely lose sales tax, and then we'd have to increase property tax. That would be worse. Who pays property tax? Property owners. Sales tax is paid by everybody. An increase in property tax would especially hurt senior citizens. It's very hard now to hold property tax down with the tax structure we have, due to the 2 percent tax cap and increased mandated costs. Mr. Hopkins would like to see lower taxes, but shifting sales tax to property tax is not going to solve any problems; it will probably make them even worse.

Chairman Crandall noted that this is the first of three resolutions in the process to continue the additional County sales tax. We've been through this before, and those Legislators who

have been to NYSAC meetings and follow information coming from the state level know that this is one area that has been hotly contested in Albany, that is having true home rule on setting our sales tax, county-by-county. The reason we're addressing this now is that it has to go to Albany to get permission. Some of the contention on the side of the counties has been that in recent times, state representatives have refused to carry some of this legislation on behalf of counties who are looking to increase their sales tax rate. There has been talk of not having the counties go through this process in the future, but that's not in place yet.

RESOLUTION NO. 53-13

**A RESOLUTION TO SUPPORT NEW YORK STATE ASSEMBLY BILLS A.88 AND A.824
REGARDING THE PROPOSED LAWS CONCERNING CONTACT INFORMATION
FOR VACANT STRUCTURES**

Offered by: Ways and Means Committee

WHEREAS, vacant, abandoned and foreclosed homes and structures have proliferated throughout New York State over the last five years, and

WHEREAS, vacant structures that are not maintained for months at a time degrade and depreciate the value of the vacant structure as well as the value of surrounding properties, and

WHEREAS, lending institutions that hold mortgages on said vacant structures do not always provide the contact information of a responsible party, and

WHEREAS, Assembly Bill A.88 and Assembly Bill A.824, currently pending, would make it mandatory for lending institutions to provide contact information of responsible parties regarding vacant structures and require good faith in obtaining a foreclosure, now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators hereby supports the passage of said Bills and respectfully requests that Senator Catharine M. Young and Assemblyman Joseph M. Giglio, the State Representatives who represent constituents in the Towns and Villages of Allegany County, support the passage of said Bills.

2. That the Clerk of this Board is hereby directed to send certified copies of this resolution to Governor Andrew Cuomo, Senate Majority Leader Dean Skelos, Assembly Speaker Sheldon Silver, Senator Catharine M. Young, Assemblyman Joseph M. Giglio, all New York State Counties, the InterCounty Association of Western New York, and the New York State Association of Counties (NYSAC).

Moved by: Mr. Hopkins
Seconded by: Mr. Graves

Adopted: Voice Vote

RESOLUTION NO. 54-13

**AMENDMENT OF PUBLIC EMPLOYEE FEDERATION SALARY PLAN
TO REMOVE TITLE OF CRIME VICTIMS COORDINATOR AND
PLACING SUCH TITLE IN SECTION 4 OF COUNTY SALARY PLAN**

Offered by: Personnel Committee

RESOLVED:

1. That the title of Crime Victims Coordinator, which was added to the New York State Public Employee Federation by Resolution No. 232-2008, is hereby removed.
2. That Section 4 of Resolution No. 297-75, as last amended by Resolution No. 100-2012, is amended by adding the title of Crime Victims Coordinator to Section 4 of County Salary Plan.
3. This resolution shall take effect immediately.

Moved by: Mr. O'Grady
Seconded by: Mr. Healy

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

Comments made regarding Resolution No. 54-13 included: Legislator Ungermann questioned if this resolution grants the ability to eliminate the position. County Administrator John Margeson explained that this position is subject to being abolished at any time, if that is the wish of the Board; it doesn't matter if the position is in the bargaining unit or not. Legislator O'Grady noted that the issue is whether the position remains 100 percent grant funded. Legislator Pullen remarked that the Board's intention has always been to eliminate the position if grant funding is eliminated. Mr. Margeson voiced affirmation.

RESOLUTION NO. 55-13

**ABOLISHING ONE POSITION OF HEAVY MOTOR EQUIPMENT OPERATOR II AND
CREATING ONE POSITION OF CRANE OPERATOR
IN THE DEPARTMENT OF PUBLIC WORKS**

Offered by: Public Works and Personnel Committees

RESOLVED:

1. That one position of Heavy Motor Equipment Operator II is abolished and one position of Crane Operator, Grade 16, is created in the Department of Public Works.
2. This resolution shall take effect on March 26, 2013.

Moved by: Mr. Fanton
Seconded by: Mr. O'Grady

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 56-13

**TRANSFER OF FUNDS WITHIN OFFICE FOR THE AGING
EXPANDED IN-HOME SERVICES FOR ELDERLY PROGRAM ACCOUNT**

Offered by: Human Services Committee

RESOLVED:

1. That the sum of \$6,000 is transferred from Account No. A6778.474 (OFA-EISEP-Home Care) to Account No. A6778.210 (OFA-EISEP-Equip-Other) to cover costs of assistive equipment for EISEP clients.

Moved by: Mr. Burdick
Seconded by: Mr. Pullen

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 57-13

BUDGET ADJUSTMENT TO CORRECT AN ERROR IN THE MENTAL HEALTH BUDGET

Offered by: Ways and Means Committee

RESOLVED:

1. That the sum of \$12,121 is transferred from Account No. A4311.457 (Mental Health-Adult ICM-Contractual) to Account No. A4316.457 (Mental Health ICM-Contractual).

Moved by: Mr. Hopkins
Seconded by: Mr. Burdick

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 58-13

**APPROVAL OF SERVICE AGREEMENT WITH POMCO, INC.
FOR ADMINISTRATION SERVICES ON WORKERS' COMPENSATION CLAIMS**

Offered by: Personnel Committee

RESOLVED:

1. That the Agreement between POMCO, Inc. and the County of Allegany, for Administration Services on Workers' Compensation claims, is approved.

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

Moved by: Mr. O'Grady
Seconded by: Mr. Graves

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

(Memo: The third-party administration contract with POMCO approved in Resolution No. 58-13 is for a three-year term effective May 1, 2013. The contract fee is \$25,000 plus expenses.)

Comments made regarding Resolution No. 58-13 included the following:

Legislator Ungermann stated that he doesn't feel the County should be self-insured for workers' compensation. He also noted that he didn't see anything in the third-party administrator contract on follow-up or working on closing claims. County Administrator John Margeson replied that it's set forth in the written Request for Proposals (RFP) that the successful candidate for this agreement does have the responsibility to perform that service on behalf of the County. Even though it may not be included in the agreement, the fact that it was listed as a responsibility in the RFP means that it is a responsibility of the contractor to do that. County Attorney Thomas Miner stated that he reviewed the contract, and there is certain language that specifically references all the terms of the RFP that they're agreeing to.

Legislator Pullen remarked that when the Personnel Committee heard the presentations of the three different companies, they had very different approaches on the responsibilities under this contract, but each of the companies did address the issues Mr. Ungermann referenced. All of the applicants have extensive experience, but the committee was unanimous in selecting POMCO in the belief that they will bring some savings and some very skilled services to bear.

Legislator Graves commented that of the three companies interviewed, POMCO was the most aggressive in claims management.

AUDITS:

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

A motion was made by Legislator Hopkins, seconded by Legislator Fanton, and adopted on a roll call vote of 13 Ayes, 1 No, 1 Absent, that the audit of claims, totaling \$3,401,967.36, including prepaid expenses, be approved for payment as recommended by the County Administrator (opposed: Ungermann). *(Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$2,307,240.)* Legislator Pullen noted that the audit amount of \$317,808.24 listed under No. 1.C., Capital - Courthouse Addition/Renovation, was the final payment representing the retainage which was held as security until all issues related to the project were resolved. Mr. Pullen felt it was a successful project.

GENERAL COMMENTS:

Newly appointed County Administrator Mitchell Alger (effective 03/30/13) addressed the Board, noting that it will be a challenge to follow John Margeson. He thanked everyone for their confidence and support. There's a lot of institutional knowledge going out the door with Mr. Margeson, but the way the transition was handled will retain as much of that knowledge as possible. He thanked and congratulated Mr. Margeson on his retirement. Mr. Alger remarked that his training has been a valuable experience, and his appointment is a privilege and honor, as well as the realization of a big career goal. He looks forward to working for and with the Legislature, and will try to provide the best information he can, so the Board can make those difficult decisions they need to make. He will also manage the day-to-day operations of the County, working with department heads to ensure things run smoothly. Fortunately, Mr. Margeson is leaving the County in good condition financially, especially considering the property tax cap difficulties and the ever-increasing unfunded mandates. The improved bond rating, good financial stability, and stable tax rate can be attributed to the decisions this Board has made, as well as the efforts of the Budget Officer. We're doing a lot of things right in this County, and we should continue to do those things we do well.

ADJOURNMENT: The meeting was adjourned at 3:30 p.m. following a motion made by Legislator Graves, seconded by Legislator Fanton, and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
APRIL 8, 2013**

**** APPROVED ****

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:09 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Army Sergeant Gary J. Fries.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 13 Legislators Present: Douglas Burdick, Donald Cady, Curtis Crandall, Philip Curran, Dwight Fanton, Karl Graves, Dwight (Mike) Healy, Theodore Hopkins, Kevin LaForge, Timothy O'Grady, David Pullen, Frederick Sinclair, Norman Ungermann, Jr.; 2 Legislators Absent: Glenn Benson, Aaron McGraw.

APPROVAL OF MINUTES:

The Board meeting minutes of March 25, 2013, were approved following a motion made by Legislator Curran, seconded by Legislator Fanton, and carried.

PRIVILEGE OF THE FLOOR:

Chairman Curtis W. Crandall presented a certificate to Gary J. Fries of Friendship, former United States Army Sergeant, in grateful appreciation of his service to our country. Mr. Fries' service dates were from March 1969 to April 1972. His primary specialty was Military Intelligence, and he was deployed to the Republic of Vietnam. Commendations and awards Mr. Fries received included: National Defense Service Medal, Vietnamese Service Medal, Combat Infantry Badge, the Purple Heart, and Bronze Star with 2 oak leaf clusters. He spent thirteen months in the hospital while in the service. Mr. Fries led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Curtis W. Crandall was joined by Sheriff Rick Whitney for the presentation of certificates to the Public Safety Dispatchers for their dedicated service. Chairman Crandall read a proclamation for National Telecommunications Week, April 14-20, 2013, to honor the men and women whose diligence and professionalism keep our County's citizens safe. Sheriff Whitney recognized the valuable services provided by the Dispatchers. Dispatchers Kupiec, Serra, and Swarthout were present at the meeting to receive their certificates; the remainder will receive theirs at a later date. A listing of the County's 20 part- and full-time Dispatchers follows:

Connie M. Case	4 Years
Penny S. Chamberlain	12 Years
Jennifer P. Chianio	5 Years
Chantel L. Cline	3 Years
Kenneth A. Cottrell, III	5 Years
Jaime L. Dennis	4 Years
Brandon M. Egresi	4 Months
Neal P. Green, III	17 Year
Brian H. Guinnip	23 Years
Russell W. Hall	14 Years
David W. (DJ) Helmer, Jr.	1 Year
Casey D. Howe	3 Years
Gregory D. Howe	2 Years
Bryant A. Hughes	3 Years
Dennis J. Kupiec	8 Years
Shawn E. Mills	1 Year
Jeffrey S. Ormsby	9 Years
Michelle K. Serra	17 Years
Randy L. Swarthout	24 Years
Ashley B. Thompson	1 Year

Chairman Curtis W. Crandall called forward Allegany County United Way Success by 6 Committee Chairman Judy L. May, and read a portion of a proclamation recognizing April 2013 as Month of the Young Child. Ms. May addressed the Board, explaining that Success by 6 is an early childhood initiative involving multi-agency partners pulling resources together to get information to the caregivers. One of their biggest projects is a Getting Ready for Kindergarten Calendar, which includes daily activities to work on with the child. They do publications and flipcharts as another way of getting information out on education, and they also focus on Dental Health and the Healthy Child Program. Ms. May noted that it takes all of us working together to make this a better place for our children.

Chairman Curtis W. Crandall invited Mona Carbone, Jones Memorial Hospital Administrative Director of Emergency & Cardiopulmonary Services, to join him. Chairman Crandall remarked that he had received a request for support from New York State Association of Counties (NYSAC) regarding organ and tissue donation. This is a good issue to support, as it's very important, and so simple to indicate the desire to donate. Nearly everyone knows of someone who has benefitted. Chairman Crandall read a portion of a proclamation declaring April 2013 as Donate Life Month in Allegany County, honoring organ and tissue donors and urging health care professionals, volunteers, educators, government agencies, faith-based and community groups, and private organizations to join forces to boost the number of organ and tissue donors throughout our County. Ms. Carbone spoke about organ donation, representing both Jones Memorial Hospital and Upstate New York Transplant Service (UNYTS). This is the tenth annual recognition of National Donor Awareness Month, and the goal is to increase the number of registered organ, eye, and tissue donors to save and heal lives. There are now 110 million registered donors in the United States; over 2 million are from New York State. Still, the number of people in need

continues to rise. The solution is to educate the public and encourage people to sign up through the New York State Organ Donor Registry. "Share your life, and share your decision."

Representatives from the following departments and agencies were present to answer questions regarding their 2012 Annual Reports: Office for the Aging, Emergency Services, Board of Elections, Health Department, Coroners, Community Services, Real Property Tax (*not able to be present*), Fire Service, Human Resources.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. Report of Intrafund Transfers approved by the County Administrator during the month of March.
2. Annual Reports for 2012 from the following departments and agencies were distributed for review: Employment and Training, Public Defender, STOP-DWI Program, Veterans' Services Agency, Workers' Compensation, and Youth Bureau. Representatives will be present at the next meeting to answer questions regarding those reports.
3. Budget Officer Mitchell Alger filed a Certificate of Appointment in the Clerk of the Board's Office appointing Terri L. Ross as Deputy Budget Officer.
4. Correspondence from Senator Catharine Young acknowledging receipt and support of Allegany County's resolution opposing the SAFE Act (New York State Secure Ammunition and Firearms Enforcement Act) of 2013.
5. Reminder that Southern Tier West, Healthy Schools NY, and Cornell Cooperative Extension are sponsoring a Farm-to-School Networking Event to be hosted by Alfred State College Culinary Arts Dining Hall, Wellsville Campus at 4:15 p.m. on April 24.
6. Correspondence from former County Administrator John Margeson thanking the Board for the retirement gift.
7. Correspondence from Shirley Burdick and family thanking the Board for its donation to the Portville Masonic Lodge #579 in memory of former Legislator Edmund Burdick.
8. ION Focus Broadband Stimulus Update for January/February 2013.

APPOINTMENTS:

Chairman Curtis W. Crandall, in a joint measure with Norman L. Marsh, Chairman of the Cattaraugus County Board of Legislators, has appointed Mitchell M. Alger to serve on the **CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD** for an indefinite period of time coterminous with his appointment as County Administrator for Allegany County.

Chairman Curtis W. Crandall has appointed Sandy Falcone of Freedom, NY, to serve as an active farmer member on the **ALLEGANY COUNTY AGRICULTURAL AND FARMLAND PROTECTION BOARD** for a four-year term commencing March 5, 2013, and expiring March 4, 2017.

PROCLAMATIONS:

Chairman Crandall proclaimed April 2013 as Month of the Young Child in Allegany County (*read earlier in meeting*).

Chairman Crandall proclaimed April 14-20, 2013, as Public Safety Telecommunications Week in Allegany County (*read earlier in meeting*).

Chairman Crandall proclaimed April 2013 as Donate Life Month in Allegany County (*read earlier in meeting*).

RESOLUTIONS:

RESOLUTION NO. 59-13

**RESOLUTION ACCEPTING FEDERAL AND STATE COLA FUNDS
TO VARIOUS DEPARTMENT OF HEALTH PROGRAMS;
APPROPRIATION OF FUNDS**

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. The sum of \$23,147 in COLA funds to the County Health Department WIC Program is accepted and appropriated as follows:

Appropriation Accounts	Amount
A4190.201 (WIC-Equipment)	\$8,428
A4190.405 (WIC-Conference Expense)	1,586
A4190.408 (WIC-General Supplies)	2,651
A4190.409 (WIC-Fees)	319
A4190.419 (WIC-Printing/Microfilming)	280
A4190.456 (WIC-Health Contracts)	9,883
Revenue Account	
A4190.4452.00 (Federal Aid)	\$23,147

2. The sum of \$11,404 in COLA funds to the County Health Department Cancer Services Program is accepted and appropriated as follows:

Appropriation Accounts	Amount
A4071.201 (Cancer Services-Equipment)	\$5,085
A4071.401 (Cancer Services-Postage)	639
A4071.407 (Cancer Services-Office Supplies)	1,479
A4071.408 (Cancer Services-Gen. Supplies)	3,074
A4071.419 (Cancer Services-Printing)	1,127

Revenue Account

A4071.3401.00 (State Aid)

\$11,404

Moved by: Mr. Burdick
Seconded by: Mr. Fanton

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

RESOLUTION NO. 60-13

**ACCEPTANCE OF INSURANCE PAYMENT FROM NYMIR AND
APPROPRIATION OF FUNDS TO RISK RETENTION ACCOUNTS**

Offered by: Ways and Means Committee

WHEREAS, a check in the amount of \$265, representing the cost to replace a windshield on a 2010 Dodge Caravan County vehicle assigned to the Office for the Aging, has been offered by NYMIR in settlement for such property damage, now therefore, be it

RESOLVED:

1. That the amount of \$265 from NYMIR, representing the cost of replacing a windshield on a 2010 Dodge Caravan County vehicle, is accepted.
2. That the sum of \$265 is appropriated to Account No. CS1931.429 (Risk Retention – Uninsured Property Loss) with a like sum credited to Revenue Account No. CS1930.2680.00 (Insurance Recovery).

Moved by: Mr. Hopkins
Seconded by: Mr. Curran

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

RESOLUTION NO. 61-13

**RESOLUTION ACCEPTING FUNDS AS THE LEAD MUNICIPALITY
FROM THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT
AUTHORITY (NYSERDA) CLEANER, GREENER COMMUNITIES GRANT PROGRAM;
APPROPRIATION OF FUNDS**

Offered by: Ways and Means Committee

WHEREAS, by Resolution No. 41-2012, Allegany County was appointed the lead municipality for the Cleaner, Greener Communities Grant Program, and

WHEREAS, such resolution authorized the Southern Tier West Regional Planning and Development Board to administer the terms of the NYSERDA grant for the purpose of developing a Western New York Regional Sustainability Plan, now, therefore, be it

RESOLVED:

1. That the sum of \$998,224 awarded for the Cleaner, Greener Communities Grant is hereby accepted and appropriated to Account No. A1340.429 (Gen Govt. Support Cont) with a like sum credited to Revenue Account No. A1340.3089.00 (State Aid-Other).

Moved by: Mr. Hopkins
Seconded by: Mr. Sinclair

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

Comments made regarding Resolution No. 61-13 included: Legislator Ungermann questioned the amount of money that Southern Tier West will receive for administering this grant. Legislator Sinclair stated that for the amount of work they're doing in sponsoring meetings, organizing the information, and so forth, they will receive somewhere around \$40,000. Each of these was set up through the ten economic development regional councils.

AUDITS:

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

A motion was made by Legislator Hopkins, seconded by Legislator Graves, and adopted on a roll call vote of 13 Ayes, 0 Noes, 2 Absent, that the audit of claims, totaling \$2,857,979.49, including prepaid expenses, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$2,692,696.*)

GENERAL COMMENTS:

Legislator Pullen reminded everyone of the Business Conference to be held on Wednesday, April 10, at the Alfred State Wellsville campus, and he encouraged participation. He also commented on the earlier proclamation for organ and tissue donation. In addition to the tragic conditions involving the death of the donor in a transplant situation, there are circumstances where the gift of life is a living donation of a portion of a liver, bone marrow transplants, or more commonly, blood donation. Allegany County has an excellent record of being very generous.

Legislator Sinclair expanded on the Farm-to-School Networking Event highlighted earlier in the meeting under Acknowledgements. Southern Tier West is collaborating with Healthy Schools NY and Cornell Cooperative Extension to develop this marketing of locally grown food at our schools. It involves a certain level of processing and certification not normally available to local growers. The process will include the planning of a local food hub for processing and distribution. This is a huge market being opened up for our producers.

ADJOURNMENT: The meeting was adjourned at 2:45 p.m. following a motion made by Legislator Graves, seconded by Legislator Pullen, and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
APRIL 22, 2013**

**** APPROVED ****

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

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Navy Airman Peter W. Sandford.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 13 Legislators Present: Glenn Benson, Douglas Burdick, Donald Cady, Curtis Crandall, Dwight Fanton, Karl Graves, Dwight (Mike) Healy, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Frederick Sinclair, Norman Ungermann, Jr.; 2 Legislators Absent: Philip Curran, Theodore Hopkins.

APPROVAL OF MINUTES:

The Board meeting minutes of April 8, 2013, were approved on a motion made by Legislator Fanton, seconded by Legislator Sinclair, and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Peter W. Sandford of Hume, former United States Navy Airman, in grateful appreciation of his service to our country. Mr. Sandford's service dates were from October 1951 to February 1955. Assignments included: San Diego, CA; Jacksonville, FL; Memphis, TN; and Corpus Christi, TX. Commendations he received included: Good Conduct Medal, National Defense Ribbon, and Korean Service Ribbon. He is active in the Fillmore American Legion Post 1155. Mr. Sandford led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Crime Victims Advocate Shannon Ozzella addressed the Board regarding Crime Victims' Rights Week. She shared that the Child Advocacy Centers in Olean and Wellsville have been open for five years, and between the two counties, 900 children have gone through the program. Ms. Ozzella has worked for 15 years in victim services, 13 with the District Attorney's Office. She showed some mementoes from people she has helped, and was accompanied by a friend whose grandchild had been victimized. Ms. Ozzella presented certificates to the following people who have supported the Crime Victims Program over the years: Legislative Board Chairman Curtis Crandall, County Administrator Mitch Alger, Sheriff Rick Whitney, Village of Belmont Justice Steve Presutti, Alfred Police Chief Tim O'Grady, and former NY State Police BCI member Mike Healy. Mr. Healy noted that a high percentage of

crime in the County is against children, and he thanked Ms. Ozzella for her dedication and hard work.

Fair Board Legislative Liaison Lee Gridley invited Legislators to attend the Annual Fair Board Appreciation Dinner on May 14 at the Fairgrounds. She also distributed copies of this year's Fair schedule, and noted some changes. Wednesday evening will feature musical tributes, and on Friday evening, instead of the big-name entertainer, there will be a Quads and Motocross Stunt Show.

Representatives from the following departments and agencies were present to answer questions regarding their 2012 Annual Reports: Employment and Training, Public Defender, STOP-DWI Program, Veterans' Services Agency, Workers' Compensation, Youth Bureau. Legislator Ungermann questioned Employment and Training Director Reita Sobeck-Lynch on the referenced savings in welfare and how many of the 962 grant applicants got jobs. Do they lose their welfare benefits if they refuse to work? Ms. Lynch explained that Employment and Training doesn't control the benefits, but she could get the numbers of those employed. When asked whether some participated in transitional jobs, she stated that they did. Mr. Ungermann commented that it seems like some people continue to go through the system and don't get jobs. Ms. Lynch noted that over 300 people got jobs last year.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. May 2013 Calendar of Board and Standing Committee meeting dates. The Planning and Economic Development Committee meeting on May 15 was moved from 11 a.m. to 10 a.m.

2. Annual Reports for 2012 from the following departments and agencies were distributed for review: County Historian, District Attorney, Information Technology, Parks and Forests, Sheriff, Soil & Water Conservation District, and Weights & Measures. Representatives will be present at the next meeting to answer questions regarding those reports.

3. The County Treasurer filed Certificates of Withdrawal of Delinquent Tax Liens for properties in the towns of Wellsville, Clarksville, and Genesee in the Clerk of the Board's Office on April 11, 16, and 17 respectively, pursuant to Article 11 of the Real Property Tax Law.

4. Correspondence from the Genesee River Wilds, Inc. Board of Directors inviting Legislators to attend the ribbon cutting ceremony for the official opening of the Transit Bridge River Access Area on Friday, April 26, at 3 p.m.

5. Invitation to attend the Legislative Intern Model Session on Monday, May 20, from 10:30 a.m. to noon.

6. Invitation to attend the annual Allegany County Fair Board Appreciation Dinner on May 14 at 6 p.m.

APPOINTMENT:

Chairman Curtis W. Crandall has appointed Jeffrey Luckey as an **INTELLIGENCE LIAISON OFFICER** for Allegany County. The New York State Intelligence Center (NYSIC) and New York State Division of Homeland Security and Emergency Services (DHSES) have launched this program whereby one Fire and one EMS ILO will be identified in each county to act as liaisons with the State's intelligence community. ILOs will receive information for appropriate dissemination to the emergency service community, receive training on the signs of terrorism and the importance of suspicious activity reporting, and they will train other Fire/EMS responders in their community on these concepts.

PROCLAMATIONS:

Chairman Curtis W. Crandall proclaimed April 28 to May 4, 2013, as Severe Weather Awareness Week in Allegany County to recognize the efforts of emergency responders and to raise awareness of all the time and effort that is expended and the training that takes place to keep us safe.

Chairman Curtis W. Crandall proclaimed May 5-11, 2013, as Arson Awareness Week in Allegany County to focus attention on residential arson and to pay special tribute to all fire and law enforcement investigative agencies for their dedicated and tireless service.

RESOLUTIONS:

RESOLUTION NO. 62-13

**CONFIRMATION OF BOARD CHAIRMAN'S APPOINTMENTS AND REAPPOINTMENTS
TO COUNTY YOUTH BOARD**

Offered by: Public Safety Committee

Pursuant to Resolution No. 95-79

RESOLVED:

1. That the reappointments by the Chairman of this Board of Corinne Davis (District I), Angelica, New York, and Susan Myers (District II), Friendship, New York, and the new appointments of Robert Starks (District III), Wellsville, New York, Kim Bolander (District IV), Wellsville, New York, and Tammy Kokot (District V), Almond, New York, to the Allegany County Youth Board, with term of office for each commencing March 25, 2013, and expiring March 25, 2016, are confirmed.

Moved by: Mr. Healy
Seconded by: Mr. Burdick

Adopted: Voice Vote

RESOLUTION NO. 63-13

**APPROVAL OF THE SALE OF A PORTION OF AN UNUSED COUNTY
HIGHWAY RIGHT-OF-WAY IN THE TOWN OF ALLEN TO
BASIL L. DAVIS AND MARJORIE DAVIS**

Offered by: Public Works Committee

WHEREAS, a request has been made by Basil L. Davis and Marjorie Davis to purchase a piece of unused County land of approximately .8 acres that runs through their property in the Town of Allen consisting of land acquired by the County as a part of a proposed highway right-of-way, and

WHEREAS, the proposed highway was never constructed, and

WHEREAS, there are no plans to construct a County highway on these lands, and the lands are not otherwise required for public use, now therefore, be it

RESOLVED:

1. That this Board hereby approves the sale of the unused highway right-of-way running through lands owned by Basil L. Davis and Marjorie Davis in the Town of Allen and consisting of approximately .8 acres to the said Basil L. Davis and Marjorie Davis.
2. That the sales price is \$570, which represents \$320 for the parcel of land (computed at the rate of \$400 per acre), plus attorney fees of \$250.
3. That the County Attorney is directed to prepare a deed quit claiming the County's interest in this parcel of land.
4. That upon payment of the sales price, the Chairman of this Board is authorized to execute such deed.

Moved by: Mr. Fanton
Seconded by: Mr. Graves

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

RESOLUTION NO. 64-13

**APPROVAL OF THE SALE OF A PORTION OF
OLD COUNTY ROAD NO. 15 RIGHT-OF-WAY TO GIRARD KELLY**

Offered by: Public Works Committee

WHEREAS, a request has been made by Girard Kelly to purchase a portion of Old County Road No. 15 which is contiguous to his property, and

WHEREAS, the prior owner of the lands now owned by Girard Kelly, Kirk Gielow, had been given permission to acquire this right-of-way property, but passed away prior to the transfer taking place, and

WHEREAS, this property consists of Old County Road No. 15 beginning from the eastern bank of Baker Creek to the western right-of-way bounds of the new section of County Road No. 15, and

WHEREAS, this portion of Old County Road No. 15 is no longer in use, and

WHEREAS, there is no need to use this portion of the Old County Road No. 15, and it is not otherwise required for public use, now therefore, be it

RESOLVED:

1. That this Board hereby approves the sale of that portion of Old County Road No. 15 which is contiguous to lands of Girard Kelly, beginning from the eastern bank of Baker Creek to the western right-of-way bounds of the new section of County Road No. 15 and consisting of approximately .291 acres to the said Girard Kelly.

2. That the sales price is \$366, which represents \$116 for the parcel of land (computed at the rate of \$400 per acre), plus attorney fees of \$250.

3. That the County Attorney is directed to prepare a deed quit claiming the County's interest in this parcel of land.

4. That upon payment of the sales price, the Chairman of this Board is authorized to execute such deed.

Moved by: Mr. Fanton
Seconded by: Mr. Burdick

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

RESOLUTION NO. 65-13

**APPROVAL OF THE SALE OF A PORTION OF AN UNUSED COUNTY
HIGHWAY RIGHT-OF-WAY IN THE TOWN OF ALLEN
TO GERALD LICHTENTHAL**

Offered by: Public Works Committee

WHEREAS, a request has been made by Gerald Lichtenthal to purchase a piece of unused County land of approximately 3.4 acres that runs through his property in the Town of Allen consisting of land acquired by the County as a part of a proposed highway right-of-way, and

WHEREAS, the proposed highway was never constructed, and

WHEREAS, there are no plans to construct a County highway on these lands, and the lands are not otherwise required for public use, now therefore, be it

RESOLVED:

1. That this Board hereby approves the sale of the unused highway right-of-way running through lands owned by Gerald Lichtenthal in the Town of Allen and consisting of approximately 3.4 acres to the said Gerald Lichtenthal.

2. That the sales price is \$1,610, which represents \$1,360 for the parcel of land (computed at the rate of \$400 per acre), plus attorney fees of \$250.

3. That the County Attorney is directed to prepare a deed quit claiming the County's interest in this parcel of land.

4. That upon payment of the sales price, the Chairman of this Board is authorized to execute such deed.

Moved by: Mr. Fanton
Seconded by: Mr. Burdick

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

RESOLUTION NO. 66-13

**APPROVAL TO SELL A PORTION OF UNUSED COUNTY LAND
IN THE TOWN OF AMITY BY PUBLIC BID**

Offered by: Public Works Committee

WHEREAS, a request has been made by Robert Fuller and Beuna Fuller to purchase a portion of unused County land in the Town of Amity consisting of approximately .426 acres and which is contiguous to property which they own, and

WHEREAS, there is no present nor foreseeable need to use this land, and it is not otherwise required for public use, and

WHEREAS, the sale of this land will allow the property to go back on the tax rolls, and

WHEREAS, pursuant to Section 215 of the County Law, this real property can only be sold to the highest responsible bidder after public advertisement, now therefore, be it

RESOLVED:

1. That this Board hereby determines that this parcel of property, consisting of .426 acres in the Town of Amity contiguous to property of Robert and Beuna Fuller, is no

longer required for public use, and it is in the best interest of the County to offer this parcel for sale to the highest bidder.

2. That this Board hereby directs the Clerk of this Board to prepare and publish, with the assistance of the County Attorney, a legal notice indicating that the County is seeking sealed bids for offers to purchase a parcel of land consisting of approximately .426 acres in the Town of Amity as more particularly described in the notice.

Moved by: Mr. Fanton
Seconded by: Mr. Healy

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

RESOLUTION NO. 67-13

RESOLUTION AUTHORIZING THE PURCHASE OF ONE CHEVY TAHOE WITH EMERGENCY EQUIPMENT FOR THE SHERIFF'S OFFICE

Offered by: Ways and Means Committee

WHEREAS, the Allegany County Sheriff requested permission to purchase a Chevy Tahoe to replace a Jeep Grand Cherokee that was taken out of service in April 2011, and

WHEREAS, the state bid price for a Chevy Tahoe together with the cost of emergency equipment comes to \$36,500, now, therefore, be it

RESOLVED:

1. That the purchase of a new Chevy Tahoe with emergency equipment for \$36,500 is approved.

Moved by: Mr. Fanton
Seconded by: Mr. Healy

Adopted: Roll Call
8 Ayes, 5 Noes, 2 Absent
Voting No: Burdick, Cady, McGraw, O'Grady, Ungermann

Comments made regarding Resolution No. 67-13 included: Legislator O'Grady noted that this and the next few resolutions deal with replacing vehicles. We all know it has to be done, but we're looking at spending roughly \$134,000 on these four vehicles. It's been said that the money has been budgeted, or it's only \$5,000 or \$10,000 more than something else, or it's funded by a grant. There are cheaper alternatives for some of these vehicles, and he'd like people to keep that in mind when approving vehicles in the future.

RESOLUTION NO. 68-13

RESOLUTION AUTHORIZING THE PURCHASE OF ONE CHEVY TAHOE FOR DIRECTOR OF EMERGENCY AND FIRE SERVICES OFFICE

Offered by: Ways and Means Committee

WHEREAS, the Director of Emergency and Fire Services has requested permission to purchase a Chevy Tahoe to be used for both transportation and to serve as a mobile office, and

WHEREAS, the Director advised the Committee that the purchase price will be fully reimbursed by the State Homeland Security Program (SH10-1079-D00; C838200), and

WHEREAS, the total cost of the Chevy Tahoe will not exceed \$43,422, now, therefore, be it

RESOLVED:

1. That purchase of a new Chevy Tahoe, in an amount not to exceed \$43,422, is approved.

Moved by: Mr. Fanton
Seconded by: Mr. Pullen

Adopted: Roll Call
8 Ayes, 5 Noes, 2 Absent
Voting No: Burdick, Cady, McGraw, O'Grady, Ungermann

Comments made regarding Resolution No. 68-13 included: Legislator Ungermann stated that the previous person in this position did a remarkable job, and the jeep sufficed for many years. Mr. Ungermann felt reluctant to approve this until we know exactly what this vehicle will be doing and where it's going. Since we've changed Directors, it seems that the vehicle is on the road a lot more, and he's concerned. Chairman Crandall reminded the Legislators that this position is a combination of what was formerly two positions.

RESOLUTION NO. 69-13

**RESOLUTION AUTHORIZING THE PURCHASE OF A
2013 FORD PICKUP WITH LIFT GATE AND PLOW PACKAGE
FOR THE PUBLIC WORKS BUILDINGS AND GROUNDS DEPARTMENT**

Offered by: Ways and Means Committee

WHEREAS, the Public Works Department requested permission to purchase a 2013 Ford pickup with lift gate and plow package to replace a 1991 pickup that was scrapped in 2012, and

WHEREAS, purchase of a Ford pickup was provided for in the 2012 budget, but was not pursued as the department was waiting for the NYS OGS Bid to be released, now, therefore, be it

RESOLVED:

1. That purchase of a 2013 Ford pickup with lift gate and plow package in the amount of \$28,956.58 is approved.

Moved by: Mr. Fanton
Seconded by: Mr. Healy

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

RESOLUTION NO. 70-13

RESOLUTION AUTHORIZING THE PURCHASE OF A 2013 FORD F-350 XL CREW CAB TRUCK WITH UTILITY BOX FOR DIRECTOR OF WEIGHTS AND MEASURES

Offered by: Ways and Means Committee

WHEREAS, the Director of Weights and Measures requested permission to purchase a 2013 Ford F-350 XL Crew Cab truck with utility box, and

WHEREAS, the Director advised the Committee that the bigger cab and utility box will allow him to avoid extra trips by carrying most of his equipment in the truck while keeping that equipment more protected than with his current vehicle, and

WHEREAS, the Director has budgeted \$25,000 for a new Ford F-350 XL Crew Cab truck with utility box which amount represents the cost of the truck and utility box less the sales price of the van being replaced, now, therefore, be it

RESOLVED:

1. That the purchase of a 2013 Ford F-350 XL Crew Cab truck with utility box in the amount of \$25,000 is approved.

Moved by: Mr. Fanton
Seconded by: Mr. Graves

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

Comments made regarding Resolution No. 70-13 included: Legislator Ungermann questioned if the current van was going to be traded in, or if it could be put to use somewhere else. Weights and Measures Director Gilbert Green replied that Public Works would be using it, or it would be put in the equipment auction. Mr. Ungermann noted that the vehicle is pretty low mileage, with only 46,500 miles, to be headed for the auction if some other department could use it. He understood Mr. Green's position in wanting to get away from using a van.

RESOLUTION INTRO. NO. 72-13 (TRANSFER OF FUNDS FROM CONTINGENT ACCOUNT TO COVER THE COST OF IMPROVING RADIO COMMUNICATIONS IN THE VILLAGE OF ALFRED) was TABLED following a motion made by Legislator Pullen, seconded by Legislator Cady, and carried. The sum considered for transfer was \$148,000. Mr. Pullen requested that the issue be tabled to allow the County Attorney an opportunity to draft a contract with standards for the work that is being contemplated.

RESOLUTION NO. 71-13

**TRANSFER OF FUNDS FROM CAPITAL PROJECT SOLID WASTE
LANDFILL STORM WATER PIPE ACCOUNT TO
SOLID WASTE MOTOR VEHICLES ACCOUNT**

Offered by: Public Works and Ways and Means Committees

RESOLVED:

1. That the sum of \$23,989.65 is transferred from Account No. H8164.200 (Capital Project Solid Waste Landfill Storm Water Pipe) to Account No. A8160.204 (Solid Waste-Motor Vehicles), to supplement funds for the purchase of a Loader and attachments to be used in the Solid Waste Division.

Moved by: Mr. Fanton
Seconded by: Mr. Graves

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

Comments made regarding Resolution No. 71-13 included: Legislator Ungermann asked what type of loader would be purchased. Public Works Superintendent Guy James replied that it is a three-yard machine with a JRB bucket attachment, and they will be working off state bids. The equipment being replaced is a bucket tractor.

RESOLUTION NO. 72-13

**RESOLUTION APPROVING THE CONTRACT AND ACCEPTING GRANT FUNDS FROM
THE DIVISION OF CRIMINAL JUSTICE SERVICES
FOR THE PRE-TRIAL RELEASE PROGRAM**

Offered by: Public Safety Committee

RESOLVED:

1. That the sum of \$2,337 in Article 13-A Classification Alternatives to Incarceration grant funding from the Division of Criminal Justice Services for use in the Pre-Trial Release Program for period July 1, 2013, to June 30, 2014, is accepted.

2. That the accepted sum of \$2,337 has already been budgeted for 2013 under Account No. A3142.101 (ATI-Personnel) and Revenue Account No. A3142.3310.00 (ATI-State Aid).

3. That the Chairman of this Board is authorized to execute the contract.

Moved by: Mr. Healy
Seconded by: Mr. Pullen

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

RESOLUTION NO. 73-13

**RESOLUTION APPROVING THE CONTRACT AND ACCEPTING GRANT FUNDS FROM
THE DIVISION OF CRIMINAL JUSTICE SERVICES
FOR COMMUNITY SERVICE PROGRAM**

Offered by: Public Safety Committee

RESOLVED:

1. That the sum of \$3,661 in Article 13-A Classification Alternatives to Incarceration grant funding from the Division of Criminal Justice Services for use in the Community Service Program for period July 1, 2013, to June 30, 2014, is accepted.
2. That the accepted sum of \$3,661 has already been budgeted for 2013 under Account No. A3142.101 (ATI-Personnel) and Revenue Account No. A3142.3310.00 (ATI-State Aid).
3. That the Chairman of this Board is authorized to execute the contract.

Moved by: Mr. Healy
Seconded by: Mr. Graves

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

RESOLUTION NO. 74-13

**RESOLUTION APPROVING THE CONTRACT AND ACCEPTING FUNDS FOR
FFY 2013 LOCAL EMERGENCY MANAGEMENT PLANNING GRANT
FROM NEW YORK STATE EMERGENCY MANAGEMENT OFFICE;
APPROPRIATION OF FUNDS**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That the contract and acceptance of funds from New York State Emergency Management Office Grant in the amount of \$22,880 for FFY 2013 (Oct 2012 – Sep 2013) to offset operational costs within the Office of Emergency Management are approved.
2. That \$22,880 is appropriated to Account No. A3640.101 (Emergency Serv.-Personnel) with a like sum credited to Revenue Account No. A3640.4305.00 (Emerg. Serv.-Federal Aid-Civil Defense).
3. That the Chairman of this Board is authorized to execute the contract.

Moved by: Mr. Healy
Seconded by: Mr. Fanton

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

(Memo: The grant funds accepted in Resolution No. 74-13 will be used to offset operational costs in the Office of Emergency Management related to mitigation, preparing, planning, and recovery from man-made and natural disasters. The County has participated in this program for over 20 years.)

RESOLUTION NO. 75-13

**A RESOLUTION ACCEPTING THE HOMELAND SECURITY CONTRACT #T969120
FROM THE NEW YORK STATE OFFICE OF HOMELAND SECURITY;
RATIFYING CHAIRMAN'S SIGNATURE AND APPROPRIATION OF FUNDS**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That funds in the amount of \$41,250 from New York State Office of Homeland Security Contract #T969120, (Project #SH12-1001-D00 SHSP), for initial Contract period September 1, 2012, to August 31, 2014, are appropriated as follows: \$40,000 to Account No. A3645.218 (Homeland Security-Equipment) and \$1,250 to Account No. A3645.448 (Homeland Security-Contractual) with the sum of \$41,250 credited to Revenue Account No. A3645.3306.EMG8 (Homeland Security-St Aid Emerg Serv).

2. That the signature of the Allegany County Board Chairman to the contract, dated January 24, 2013, is hereby ratified.

Moved by: Mr. Healy
Seconded by: Mr. Fanton

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

(Memo: The grant funds accepted by Resolution No. 75-13 will be used for mobile data terminals and personal protective equipment.)

RESOLUTION NO. 76-13

**APPROVAL OF AGREEMENT BETWEEN THE COUNTY OF ALLEGANY AND
THE COUNTY OF WYOMING FOR HOUSING WYOMING COUNTY
MALE AND FEMALE PRISONERS IN THE ALLEGANY COUNTY JAIL**

Offered by: Public Safety Committee

Pursuant to Corrections Law § 504

RESOLVED:

1. That the Agreement between the County of Allegany and the County of Wyoming in relation to the housing in of Wyoming County male and female prisoners in the Allegany County Jail for period March 5, 2013, to December 31, 2013, is approved.

Moved by: Mr. Healy
Seconded by: Mr. Graves

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

AUDITS:

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

A motion was made by Legislator Graves, seconded by Legislator Pullen, and adopted on a roll call vote of 13 Ayes, 0 Noes, 2 Absent, that the audit of claims, totaling \$2,213,030.71, including prepaid expenses, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$3,079,068.*)

GENERAL COMMENTS:

Legislator Fanton announced a short Public Works Committee meeting following the Board meeting.

Legislator Burdick announced that a tour of community service agencies has been scheduled to allow Legislators to see the day-to-day operations and what these agencies do for the County. It will be held on May 7 beginning at 9:30 a.m. on the Bolivar Road in Wellsville. Alice Alsworth is taking reservations.

Legislator Sinclair noted that at a previous meeting, a question arose regarding the reimbursement to Southern Tier West for administrative services for the Cleaner, Greener NYSERDA Grant. It was not \$40,000. The amount is \$14,000. That's for five counties encompassing the Western Economic Development Region. Mr. Sinclair also announced that on May 3 at the Crossroads Center, a 2013 Community Health Assessment leaders' discussion group will be held. This is in support of developing the 2013 Health Assessment for the County, and it involves discussion among health care leaders in an effort to update the Integrated Health Plan for the County.

ADJOURNMENT: The meeting was adjourned at 3:00 p.m. following a motion made by Legislator Graves, seconded by Legislator LaForge, and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
MAY 13, 2013**

**** APPROVED ****

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Army Private Roy E. Betteridge.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 15 Legislators Present: Glenn Benson, Douglas Burdick, Donald Cady, Curtis Crandall, Philip Curran, Dwight Fanton, Karl Graves, Dwight (Mike) Healy, Theodore Hopkins, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Frederick Sinclair, Norman Ungermann, Jr.

APPROVAL OF MINUTES:

The Board meeting minutes of April 22, 2013, were approved on a motion made by Legislator Graves, seconded by Legislator Fanton, and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Roy E. Betteridge of Swain, former United States Army Private, in grateful appreciation of his service to our country. Mr. Betteridge's service dates were from November 1966 to November 1968. Assignments included: Fort Sill, OK; Fort Ord, CA; Fort Dix, NJ; and Vietnam. His specialty was Supply. Commendations he received included: Republic of Vietnam Campaign Medal with Device, Vietnam Service Medal, National Defense Service Medal, and Overseas Ribbon (Vietnam). Mr. Betteridge led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Crandall intended to present a certificate of recognition to Dr. G. Edna Howard, Community Services Board Chair, for her many years of dedicated service, but she was not able to attend the Board meeting to accept her award. Chairman Crandall talked about the history of the Community Services Board, noting that it was created in 1966 under the name of Mental Health Board, and it underwent name changes in 1972 to Allegany Mental Health, Mental Retardation, and Alcoholism Services Board, and in 1978 to Allegany County Community Services Board. Chairman Crandall stated that Dr. Howard served on this Board from 1992 to 2013, and served as Chairman from 1997 to 2013.

Allegany County Sheriff Rick Whitney addressed the Board, stating that this week is National Police Week, and May 15 is Peace Officers' Memorial Day. Sheriff Whitney acknowledged the Officers who were able to attend the Board meeting, and he thanked them for their service and dedication to Allegany County. Present were: Allegany County Undersheriff Kevin Monroe; New York State Police Sergeants Tim Slade and Amie Feroletto; New York State Environmental Conservation Police Ken Basile and Russ Calanni; Legislator Tim O'Grady of the Alfred Police Department; Legislator Karl Graves, Allegany County Sheriffs' Office retiree; and Legislator Mike Healy, New York State Police Investigator retiree. Sheriff Whitney stated that last year in the United States, 120 law enforcement officers were killed in the line of duty. Throughout the years, Allegany County has experienced the loss of four Officers: Constable Norman Chalker, who was beaten and shot on April 20, 1910, in the Town of Belfast; New York State Troopers Robert Roy and Arnold Rasmussen, who

were shot on September 27, 1927, while attempting to serve a warrant in the Town of Caneadea; and Allegany County Deputy Sheriff Derek P. Ward, who died on July 3, 2004, from injuries received the previous day when another driver struck his patrol cruiser.

Representatives from the following departments and agencies were present to answer questions regarding their 2012 Annual Reports: County Historian, District Attorney, Information Technology, Parks & Forests, Sheriff, Soil & Water Conservation District, and Weights & Measures.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. Report of Tax Bill Correction approved by the County Administrator for April.
2. Report of Intrafund Transfers approved by the County Administrator for April.
3. Annual Reports for 2012 from the following departments and agencies were distributed for review: County Administrator, Development, Industrial Development Agency, Planner, Planning Board, Social Services, and Tourism.
4. Correspondence from Senator Catharine Young acknowledging receipt of Allegany County Resolution 53-13 in support of NYS Assembly Bills A88 and A824 regarding the proposed laws concerning contact information for vacant structures. The Senator indicated that although she agrees with the intent of this legislation in alleviating local municipalities of the costs and burdens resulting from foreclosures, some of the language included could have unintended negative consequences.
5. Notice that the last InterCounty meeting was held at the Holiday Valley Resort in Ellicottville on May 10.
6. Greater Allegany County Chamber of Commerce Executive Director Gretchen Hanchett issued a press release last week regarding the restoration of Fireball Run Executive Director J. J. Sanchez's 1978 Rolls Royce Silver Wraith II by Alfred State College's Automotive Students. Legislators are invited to take a tour and have lunch when Mr. Sanchez is in town on May 17.
7. Correspondence from Genesee River Wilds Secretary Lee Gridley thanking Chairman Crandall and the Board for their support of the River Access Site at Transit Bridge.
8. Correspondence from Genesee River Wilds Executive Director Christina Hedstrom inviting Legislators to attend an annual River Float on June 2.
9. Reminder that the annual Allegany County Fair Board Appreciation Dinner will be held on Tuesday, May 14, and all Legislators are encouraged to attend.
10. Southern Tier West Regional Planning & Development Board meeting minutes from April 18, 2013, and agenda for May 16.

APPOINTMENTS:

The Clerk of the Board announced that Chairman Curtis W. Crandall has appointed Kier Dirlam of Almond and reappointed Jerry Scott of Cuba and Frederick Sinclair of Scio as members of the **SOUTHERN TIER WEST REGIONAL PLANNING & DEVELOPMENT BOARD** for a three-year term commencing June 1, 2013, and expiring May 31, 2016, subject to confirmation by the Board of Legislators. In addition, he appointed ex-officio members as follows: Public Works Superintendent Guy R. James, Chairman of the Board of Legislators Curtis W. Crandall, and Planning Board Chair Lee Gridley.

PROCLAMATION:

Chairman Curtis W. Crandall proclaimed May 12-18, 2013, as Police Week, and called upon Allegany County citizens and patriotic, civic, and educational organizations to observe this week with appropriate ceremonies and observances to commemorate our law enforcement officers, past and present, who by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens. Chairman Crandall further called upon Allegany County citizens to observe Wednesday, May 15, 2013, as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their communities or have become disabled in the performance of their duties, and to recognize and pay respect to the survivors of our fallen heroes.

RESOLUTIONS:

RESOLUTION NO. 77-13

REFUNDING BOND RESOLUTION DATED MAY 13, 2013.

**A RESOLUTION AUTHORIZING THE ISSUANCE
PURSUANT TO SECTIONS 90.00 AND 90.10 OF THE LOCAL FINANCE LAW
OF REFUNDING BONDS OF THE COUNTY OF ALLEGANY, NEW YORK,
TO BE DESIGNATED SUBSTANTIALLY
"PUBLIC IMPROVEMENT REFUNDING (SERIAL) BONDS,"
AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND
THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY**

Offered by: Ways and Means Committee

WHEREAS, the County of Allegany, New York, (hereinafter, the "County") heretofore issued \$3,930,000 Public Improvement (Serial) Bonds, 2001 pursuant to a bond determinations certificate executed by the County Treasurer (the "Bond Certificate"), to finance the cost of the purchase and installation of a new telephone system and improvement of the landfill site, in and for said County as further described in the Bond Certificate, such bonds being dated July 23, 2001, with remaining maturities on June 15 in the years 2013 through 2016, both inclusive (the "Refunded Bonds"); and

WHEREAS, it would be in the public interest to refund all or a portion of the outstanding principal balance of the Refunded Bonds maturing in 2014 and thereafter by the issuance of refunding bonds pursuant to Sections 90.00 and 90.10 of the Local Finance Law; and

WHEREAS, such refunding will only be undertaken if it results in present value savings in debt service as required by Sections 90.00 and 90.10 of the Local Finance Law; **NOW, THEREFORE, BE IT**

RESOLVED, by the Board of Legislators of the County of Allegany, New York, as follows:

Section 1. For the object or purpose of refunding the outstanding principal balance of the Refunded Bonds as more fully set forth in the Refunding Financial Plan (hereinafter defined), including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of such Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on such Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including the development of the refunding financial plan, as hereinafter defined, compensation to the underwriter or underwriters, as hereinafter defined, costs and expenses of

executing and performing the terms and conditions of the escrow contract or contracts, as hereinafter defined, and fees and charges of the escrow holder or holders, as hereinafter mentioned, and (iv) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding \$940,000 refunding serial bonds of the County pursuant to the provisions of Sections 90.00 and 90.10 of the Local Finance Law (the "Refunding Bonds"), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$920,700, as provided in Section 4 hereof. The Refunding Bonds shall each be designated substantially "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND" together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be numbered with the prefix R-13 (or R with the last two digits of the year in which the Refunding Bonds are issued as appropriate) followed by a dash and then from 1 upward, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi-annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the County Treasurer pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at a discount in the manner authorized by paragraph a of Section 57.00 of the Local Finance Law pursuant to subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds, subject to the limitation hereinafter described in Section 10 hereof relating to approval by the State Comptroller.

Section 2. The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York, ("DTC"), which will act as securities depository for the bonds in accordance with the Book-Entry-Only system of DTC. In the event that either DTC shall discontinue the Book-Entry-Only System or the County shall terminate its participation in such Book-Entry-Only system, such bonds shall thereafter be issued in certificated form of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to DTC, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such Book-Entry-Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the County Treasurer as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the County maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or first business day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the County Treasurer providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the County Treasurer as fiscal agent of the County for the Refunding Bonds (collectively the "Fiscal Agent").

Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount.

Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

The County Treasurer, as Chief Fiscal Officer of the County, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act, in connection with the Refunding Bonds, as the Fiscal Agent for said County, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the County, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form.

The Refunding Bonds shall be executed in the name of the County by the manual or facsimile signature of the County Treasurer, and its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph j of Section 90.10 of the Local Finance Law and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the County Treasurer shall determine. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

Section 3. It is hereby determined that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law;

(b) the maximum period of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for the object or purpose for which such Refunded Bonds were issued is twenty years;

(c) the last installment of the Refunding Bonds will mature not later than the expiration of the period of probable usefulness of the object or purpose for which said Refunded Bonds were issued in accordance with the provisions of subdivision 1 of paragraph c of Section 90.10 of the Local Finance Law;

(d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, with regard to the Refunded Bonds is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the refunding authorized by this resolution (the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit A attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in one series, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth on Exhibit A

attached hereto and made a part of this resolution. This Board of Legislators recognizes that the Refunding Bonds may be issued in one or more series, and for only portions thereof, that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the County will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit A. The County Treasurer is hereby authorized and directed to determine the amount of the Refunding Bonds to be issued, the date or dates of such bonds and the date or dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds and all powers in connection therewith are hereby delegated to the County Treasurer; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The County Treasurer shall file a copy of his certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the Clerk of the Board of Legislators not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The County Treasurer is hereby authorized and directed to enter into an escrow contract or contracts (collectively the "Escrow Contract") with a bank or trust company, or with banks or trust companies, located and authorized to do business in this State as said County Treasurer shall designate (collectively the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

Section 6. The faith and credit of said County of Allegany, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall be annually levied on all the taxable real property in said County a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Accrued interest on the Refunding Bonds shall be paid to the County to be expended to pay interest on the Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the County irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this resolution, so long as any of the Refunding Bonds shall be outstanding, the County shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended,

and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder.

Section 9. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Local Finance Law, in the event such bonds are refunded, the County hereby elects to call in and redeem each Refunded Bond which the County Treasurer shall determine to be refunded at the earliest call date available. The sum to be paid therefor on such redemption date shall be the par value thereof plus the redemption premium, as provided in the Refunded Bond Certificate, and the accrued interest to such redemption date. The Escrow Agent for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the County in the manner and within the times provided in the Refunded Bond Certificate. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at competitive sale for purchase prices to be determined by the County Treasurer, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of the delivery of and payment for the Refunding Bonds.

Section 11. The County Treasurer and all other officers, employees and agents of the County are hereby authorized and directed for and on behalf of the County to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 12. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the County Treasurer and all powers in connection thereof are hereby delegated to the County Treasurer.

Section 13. The validity of the Refunding Bonds may be contested only if:

1. Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
3. Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. A summary of this resolution, which takes effect immediately, shall be published in the official newspaper of said County, together with a notice of the Clerk of the Board of Legislators in substantially the form provided in Section 81.00 of the Local Finance Law.

Dated: May 13, 2013.

Moved by: Mr. Hopkins
Seconded by: Mr. Pullen

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

(Memo: Resolution No. 77-13 authorizes the refunding of the County's 2001 Public Improvement Serial Bonds issued for \$3,930,000 to finance the cost of purchase and installation of a new telephone system and improvement of the landfill site. There is approximately \$900,000 owing on this bond through the maturity date of June 15, 2016. This bond is currently callable on any interest payment

date on or after June 15, 2013. The County's financial consultant, Municipal Solutions, has advised that there would be considerable savings at this point if we refinance the balance. They have estimated a new rate of 1.75 percent, which would result in a net savings of \$32,000 through June 2016. This is net of all costs of the issuance.)

RESOLUTION NO. 78-13

RESOLUTION DECLARING "MAYDAY FOR MANDATE RELIEF" AND URGING THE STATE TO ADOPT LAWS THAT DO NOT IMPOSE FURTHER FISCAL STRESS ON LOCAL GOVERNMENTS AND TAXPAYERS AND BUILD UPON RECENT EFFORTS TO REFORM COSTLY UNFUNDED MANDATES

Offered by: Ways and Means Committee

WHEREAS, counties are mandated to administer and finance dozens of state and federal programs, and

WHEREAS, many counties in New York State face significant fiscal challenges made worse by the recent recession and slow economic recovery, and

WHEREAS, these county fiscal challenges are also directly tied to state-imposed mandates and in recent years reduced state reimbursement, and

WHEREAS, the New York State Association of Counties has identified 9 state mandates that consume 90 percent of all county property taxes levied across the state (outside of New York City), representing over \$4 billion in county property taxes levied. These mandates include: Medicaid, Public Assistance Safety Net, Child Welfare Protective and Preventive Care, Special Education Preschool, Early Intervention, Probation, Indigent Defense, Youth Detention, and Pensions, and

WHEREAS, these mandated and fixed employee costs can consume more than 80 percent of a county's total budget, leaving fewer local dollars that can be devoted to local programs and services, and

WHEREAS, these State mandates are the root cause of high county property and sales taxes in New York and have led to a decline in the delivery of important local services, now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators hereby declares the month of May to be "Mayday for Mandate Relief" to raise awareness that decisions made in Albany have a direct impact on the property tax levy and local community services here in Allegany County.

2. That the Allegany County Board of Legislators strongly encourages the Governor and State Legislature to continue working to enact meaningful mandate relief.

3. That the Allegany County Board of Legislators calls on State lawmakers to enact legislation preventing future unfunded mandates without corresponding state aid to pay for them.

4. That the Clerk of this Board is hereby authorized and directed to forward a certified copy of this resolution to Governor Andrew Cuomo, the New York State Legislature, Senator Catharine M. Young, Assemblyman Joseph M. Giglio, the InterCounty Association of Western New York, the New York State Association of Counties, and others deemed necessary and proper.

Moved by: Mr. Hopkins
Seconded by: Mr. Fanton

Adopted: Voice Vote

Comments made regarding Resolution No. 78-13 included: Legislator Hopkins noted that we continue to operate under the 2 percent tax cap. We were promised mandate relief, and hopefully, it will come this year. We can't continue to have our costs from the state increase and still hold ourselves under the 2 percent cap. Chairman Crandall stated that it may be a difficult challenge. We can't let up on this with Albany.

Resolution No. 79-13 (Intro. No. 81-13) (TAX SALE REFUND TO FREDERICK E. COOK AND DAWN COOK OF BELFAST, NEW YORK, FOR PROPERTY PURCHASED AT THE COUNTY TAX SALE AUCTION IN 2011) was amended following a motion made by Legislator Cady, seconded by Legislator Graves, and carried, by changing the location of the property from Belfast to Wirt in Resolved No. 1.

RESOLUTION NO. 79-13

**TAX SALE REFUND TO FREDERICK E. COOK AND DAWN COOK
OF BELFAST, NEW YORK,
FOR PROPERTY PURCHASED AT THE COUNTY TAX SALE AUCTION IN 2011**

Offered by: Ways and Means Committee

Pursuant to Real Property Tax Law § 556

WHEREAS, a letter from the County's Director of Real Property Tax Service Agency has determined that the property purchased in the Town of Wirt by Frederick E. Cook and Dawn Cook is incorrect on the tax map, and

WHEREAS, the Director of Real Property Tax Service Agency is unable to determine the location of this property in the Town of Wirt, Tax Map #207.-3-11, as described in the deed, and

WHEREAS, such County Director has transmitted a written report of his investigation and letter from Michael Roeske, the land surveyor, to Mr. and Mrs. Cook stating his opinion that Tax Map #207.-3-11 is incorrectly located, and

WHEREAS, this Board has examined the report submitted by the Director of Real Property Tax Service Agency, now, therefore, be it

RESOLVED:

1. That this Board of Legislators has determined that the refund requested by Frederick E. Cook and Dawn Cook of the Tax Sale property they purchased in 2011 located in Wirt, New York, is approved.

2. That the County Treasurer is directed to refund to Frederick E. Cook and Dawn Cook, the total sum of \$1,155.72, that the Cooks paid towards the tax sale property:

Bid	\$ 311.00
2011 Taxes	251.72
Filing Fees	295.00
Additional Deed Fees	<u>298.00</u>
Total	\$1,155.72

Moved by: Mr. Hopkins
Seconded by: Mr. LaForge

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

(Memo: The property referred to in Resolution No. 79-13 was purchased from the County's 2011 Tax Sale Auction by Mr. Cook of Belfast, who then sold it to Tony France of Friendship in February 2012. While trying to clear title to the property, an abstractor and land surveyors were hired. It was determined that the location could not be found. Documentation from the Real Property Tax Service Agency and the land surveyor verifies that the location cannot be identified after a tax sale proceeding in 1945.)

RESOLUTION NO. 80-13

APPROVAL OF AGREEMENT BETWEEN THE COUNTY OF ALLEGANY AND IOC SERVICES, LLC; AUTHORIZING BOARD CHAIRMAN TO EXECUTE SAID AGREEMENT

Offered by: Ways and Means Committee

RESOLVED:

1. That Agreement between the County of Allegany and IOC Services, LLC to allow access to the former Allentown School property in order to clean up the property and secure the building against intruders, is approved.
2. That the Chairman of this Board is authorized to execute said Agreement.

Moved by: Mr. Hopkins
Seconded by: Mr. Fanton

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

(Memo: Regarding Resolution No. 80-13, the County acquired title to the tax parcel comprising the former Allentown School as a result of a past tax foreclosure proceeding. The property is in very bad condition. IOC Services is a company formed by Jack W. Wood to assist in promoting real estate development and renewal in Allegany County. The agreement grants access to the property for the purposes of cleaning it up and securing the building against outside intrusion. Allowing access also enables the County and potential investors to ascertain what would be needed to repair and/or modify the building for new uses and hopefully will prevent this property from repeatedly ending up in the County tax sale as it has in the past. The Superintendent of Public Works will grant approval for each occasion of access and for each intended action while on the property. The agreement also requires IOC Services to maintain insurance in amounts deemed appropriate by the County Attorney. IOC must indemnify and hold the County harmless against any liability, damage, claims, demands, costs, judgments, fees, or loss. Other terms and conditions are set forth in the agreement to protect the County and limit our liability as well as set forth the parameters of this arrangement. There is no fiscal impact.)

Comments made regarding Resolution No. 80-13 included: Legislator Ungermann stated that the purpose of the resolution was to clean up the old Allentown School, and he asked if there were any strings attached in the future. County Attorney Thomas Miner confirmed that there are no strings attached to the resolution. Chairman Crandall explained that there were a couple of individuals who attended a Ways and Means Committee meeting stating that they wanted to volunteer to clean up the Allentown School. At that time, the County Attorney was instructed to write up an agreement to cover the clean-up.

RESOLUTION NO. 81-13

APPROVAL OF A STATE LEGISLATIVE BILL WHICH AUTHORIZES THE EXTENSION OF ALLEGANY COUNTY'S ADDITIONAL ONE AND ONE-HALF PERCENT SALES AND COMPENSATING USE TAXES UNTIL NOVEMBER 30, 2015; DECLARING EXISTENCE OF NECESSITY AND REQUESTING PASSAGE OF

BILL BY STATE LEGISLATURE

Offered by: Ways and Means Committee

Pursuant to Municipal Home Rule Law § 40

WHEREAS, the only two substantial tax revenues available to Allegany County are real property and sales, and

WHEREAS, Allegany County is at its sales tax limit, and

WHEREAS, by Chapter 118 of the 2011 Laws of the State of New York, the County of Allegany was authorized to impose an additional one and one-half percent sales tax for the period December 1, 2011, to November 30, 2013, and

WHEREAS, by Resolution No. 120-2011, such additional sales tax was imposed for such period, and

WHEREAS, Allegany County is presently at 83 percent of its constitutional taxing limit for real estate taxes, and

WHEREAS, Allegany County will be at 100 percent of such constitutional taxing limit if such additional sales tax is not reauthorized, and

WHEREAS, Allegany County has had no substantial growth in real estate assessed valuation in the past five years, and

WHEREAS, in the current economic condition of Allegany County, any substantial increase in real estate taxes would put in financial jeopardy the County's large percentage of senior citizens with fixed incomes who would have no choice but to pay such taxes out of such fixed incomes, now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators approves of a State legislative bill bearing Senate No. S.4454 and Assembly No. A.6645, entitled

AN ACT to amend the tax law, in relation to extending the expiration of the provisions authorizing the County of Allegany to impose an additional one and one-half percent of sales and compensating use taxes

2. That such Board does declare that a necessity exists for the passage of such bill and requests its passage by the State Legislature.

3. That the Clerk of this Board is authorized and directed to submit to the Senate and Assembly the foregoing request in such form and manner that conforms to rules promulgated by concurrent resolution of the Senate and Assembly pursuant to Article 3-A of the Legislative Law.

Moved by: Mr. Hopkins
Seconded by: Mr. Pullen

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

(Memo: On March 25, 2013, the Board adopted Resolution No. 52-13, "Requesting State Legislative Representatives to Introduce and Seek Passage of Legislation Authorizing Allegany County to Continue the Additional One and One-Half Percent County Sales Tax for Three Years." We received

notification from Senator Catharine Young and Assemblyman Joseph Giglio that they drafted bills (S.4454 and A.6645) authorizing an extension for two years through November 30, 2015. The second step in the Home Rule Legislation process requires Allegany County to pass a resolution approving and requesting passage of the Senate and Assembly bills (pursuant to Municipal Home Rule Law §40). Based on sales tax revenue receipts of \$18,222,546.45 for 2012, the additional one and one-half percent sales tax resulted in \$6.07 million in revenue.)

Comments made regarding Resolution No. 81-13 included: Legislator Ungermann stated that everyone knows how he feels about the extra one-half percent tax on Allegany County residents. It gets confusing figuring what the rate should be when we are selling to our neighbors in other counties. He feels there is a need to clean up some of the confusion, and we may be money ahead. Chairman Crandall stated that this is the second step, and it's the third time this has come before the Board in order to have the home rule take care of our sales tax legislation in Albany.

AUDITS:

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

A motion was made by Legislator Hopkins, seconded by Legislator Graves, and adopted on a roll call vote of 14 Ayes, 1 No, 0 Absent, that the audit of claims, totaling \$4,430,595.99, including prepaid expenses, be approved for payment as recommended by the County Administrator (opposed: Ungermann). *(Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$3,658,626.)*

ADJOURNMENT: The meeting was adjourned at 2:43 p.m. following a motion made by Legislator Graves, seconded by Legislator O'Grady, and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
MAY 28, 2013**

****APPROVED ****

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

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by retired United States Army Sergeant First Class James T. Mitchell.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 13 Legislators Present: Glenn Benson, Douglas Burdick, Donald Cady, Curtis Crandall, Dwight Fanton, Karl Graves, Dwight (Mike) Healy, Theodore Hopkins, Kevin LaForge, Timothy O'Grady, David Pullen, Frederick Sinclair, Norman Ungermann, Jr.; 2 Legislators Absent: Philip Curran, Aaron McGraw.

APPROVAL OF MINUTES:

The Board meeting minutes of May 13, 2013, were approved following a motion made by Legislator Graves, seconded by Legislator O'Grady, and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to James T. Mitchell, retired United States Army Sergeant First Class, in grateful appreciation of his service to our country. Mr. Mitchell's service dates were from November 1965 to January 1994. Assignments included: Fort Leonard Wood, MO; Fort Bragg, NC; Fort Belvoir, VA; Camp Grafton, near Devils Lake, NC; Fort Drum, NY; Fort Indiantown Gap, PA; and Seneca Army Depot, NY. His primary specialties were Combat Engineer, Dining Facility Manager, and Instructor for Combat Engineer Bridge Building. Commendations he received included: Army Commendation Medal, Army Achievement with 4 Oak Leaf Cluster, Ten-Year Service Medal, National Defense Service Ribbon, Instructor Training Medal, Expert Rifle Marksman Badge, and Battalion Non-Commissioned Officer of the Year Award. Mr. Mitchell led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Crandall announced the availability of American Legion poppies provided by the American Legion Auxiliary in Belmont for donation to benefit disabled veterans.

Allegany Senior Foundation President Reita Sobeck-Lynch presented the Board with a check for \$2,000 in donation from the Oriona Grove Lodge #229 for the County's Meals-on-Wheels Program. This is the 10th anniversary of the Senior Foundation. They've raised over \$240,000 for aging services programs in Allegany County. Last year alone, they spent

\$27,280. Swingin' to the Oldies, the Foundation's annual fundraiser, will be held on Saturday, June 8, at the Alfred State College Student Activity Center in Wellsville. Proceeds will benefit the Meals-on-Wheels Program. Chairman Crandall noted that the Senior Foundation is an independent, not-for-profit agency established to fill the gap where government funding leaves off. He encouraged everyone to attend the Swingin' to the Oldies event.

Representatives were present from the following departments and agencies to answer questions regarding their 2012 Annual Reports: County Administrator, Development, Industrial Development Agency, Planner, Planning Board, Social Services, and Tourism.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. June 2013 Calendar of Board and Standing Committee meeting dates. Chairman Crandall stated that he would be scheduling a Committee of the Whole meeting sometime in June for a presentation of information and changes on the Comprehensive Plan Update. He would like as many as possible to attend. Clerk of the Board Brenda Riehle announced a special meeting of the Ways and Means Committee to be held on May 30 at 3 p.m., most of which will be in executive session.

2. Radio Communications Task Force's Interim Report.

3. County Treasurer Terri Ross filed a copy of the County's Annual Financial Report for fiscal year ended December 31, 2012, in the Clerk of the Board's Office on May 23.

4. The students who participated in the 2013 County Government Intern Program presented a proclamation expressing their gratitude and appreciation to the Board at their Mock Intern Session on May 20.

5. Announcement that NYS Comptroller Thomas DiNapoli will be at a "Meet & Greet" event at the Black-Eyed Susan Acoustic Café in Angelica on June 1 at 3 p.m.

RESOLUTIONS:

RESOLUTION NO. 82-13

**GRANTING SALARY INCREMENTS EFFECTIVE JULY 1, 2013,
TO UNIT AND NON-UNIT EMPLOYEES**

Offered by: Personnel Committee

Pursuant to Resolution No. 1-69, as amended, and Resolution No. 297-75, as amended

WHEREAS, fifteen County unit and non-unit employees are eligible to receive an annual salary increment effective July 1, 2013, and

WHEREAS, the proper County department heads have recommended that such employees receive their respective annual salary increment effective July 1, 2013, having been satisfied, after review, with each of such employees' service, with attention having been given to the efficiency with which each of such employees has performed his or her respective duties, as well as the attendance record of each and all other factors having an effect on the work record of each, and

WHEREAS, this Board concurs in such recommendation, now, therefore, be it

RESOLVED:

1. That the following listed employees are granted their respective annual increment effective July 1, 2013, to wit:

<u>Department</u>	<u>Name</u>	<u>Title</u>	<u>Avg. Increment</u>
Sheriff	Joshua Taft	Correction Officer	\$.4488
Sheriff	Benjamin Grover	Correction Officer	\$.4488
Sheriff	Guy Middaugh	Correction Officer	\$.4488
County Clerk	Jessica Slep	Sr. Recording Clerk	\$.4064
Social Services	Valerie Smith	Caseworker	\$.5973
Social Services	Lesley Hurlburt	Sr. Caseworker	\$.6330
Social Services	Wendy Clemons	Social Welfare Exam.	\$.4449
Empl. & Training	Kimberlee Bolander	Sr. Clerk	\$.3185
Empl. & Training	Heather Garrish	Sr. Empl. & Training Counselor	\$.6330
Public Works	Justin Bordeaux	Motor Equipment Op.	\$.3817
Public Works	Jacob James	Motor Equipment Op.	\$.3817
Public Works	Brock Waite	Motor Equipment Op.	\$.3817
Public Works	Joshua Shutt	Motor Equipment Op.	\$.3817
Public Works	Brent Beiring	Transfer Station Op.	\$.4050
Public Works	Steven Childs	HMEO I	\$.4050

Moved by: Mr. O'Grady
Seconded by: Mr. Fanton

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

(Memo: The employees eligible for a salary increment as indicated in Resolution No. 82-13 were hired between 07/01/12 and 12/31/12, and did not receive an increment in January.)

RESOLUTION NO. 83-13

**CREATING TWO POSITIONS OF ELECTION TECHNICIAN LEVEL 1 AND
TWO POSITIONS OF ELECTION TECHNICIAN LEVEL 2;
ESTABLISHING THE HOURLY RATE OF PAY;
ABOLISHING THE POSITION OF ELECTION TECHNICIAN;
AMENDING SECTION 4 OF RESOLUTION NO. 297-75**

Offered by: Personnel Committee

RESOLVED:

1. That two part-time positions of Election Technician Level 1 and two part-time positions of Election Technician Level 2 are created in the Board of Elections Office.
2. That the rate of pay for Election Technician Level 1 shall be \$16 per hour, and the rate of pay for Election Technician Level 2 shall be \$17.50 per hour.
3. That the position of Election Technician is abolished.
4. That Section 4 of Resolution No. 297-75, as amended, is hereby amended by removing the title of Election Technician and adding the title of Election Technician Level 1 and the title of Election Technician Level 2 and setting forth the rate of pay of \$16 per hour for Election Technician Level 1 and \$17.50 per hour for Election Technician Level 2.
5. This resolution shall take effect immediately.

Moved by: Mr. O'Grady
Seconded by: Mr. Pullen

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

(Memo: Regarding Resolution No. 83-13, the Election Technician Level 2 positions are existing employees; the Election Technician Level 1 positions are new. These positions are paid for only the hours worked and have no benefits other than NYS retirement.)

RESOLUTION NO. 84-13

**CREATING JOB TITLE OF ELECTION INSPECTOR/COORDINATOR AND
SETTING PER DIEM RATE OF PAY FOR
PRIMARY ELECTIONS AND GENERAL ELECTIONS;
AMENDING SECTION 4 OF RESOLUTION NO. 297-75**

Offered by: Personnel Committee

WHEREAS, the Board of Elections has entered into a Memorandum of Understanding with the New York State Attorney General's Office to address ADA concerns, and

WHEREAS, this agreement requires the Board of Elections to have a specially trained individual present at each polling site to oversee ADA compliance at the site, now, therefore, be it

RESOLVED:

1. That the job title of Election Inspector/Coordinator is hereby created.

2. That the per diem rate of pay for an Election Inspector/Coordinator is hereby set at \$125/day for a Primary Election and \$200/day for a General Election.

3. That Section 4 of Resolution No. 297-75, as amended, is hereby amended by adding the job title of Election Inspector/Coordinator and setting forth the rate of pay of \$125/day for Primary Elections and \$200/day for General Elections.

4. This resolution shall take effect immediately.

Moved by: Mr. O'Grady
Seconded by: Mr. Healy

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

(Memo: Regarding Resolution No. 84-13, there will be one Election Inspector/Coordinator in each election district. This position will have additional responsibilities concerning handicapped accessibility and running the poll site. Costs are reimbursed to the County by the towns.)

RESOLUTION INTRO. NO. 87-13 (CREATING POSITION OF CORRECTION LIEUTENANT AND POSITION OF CORRECTION CAPTAIN; ABOLISHING THE POSITION OF CORRECTION MASTER SERGEANT AND POSITION OF ASSISTANT JAIL ADMINISTRATOR) WAS WITHDRAWN and referred to the County Attorney to split the issue into two separate resolutions following a motion made by Legislator Graves, seconded by Legislator Healy, and carried.

RESOLUTION NO. 85-13

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

Offered by: Ways and Means Committee

Pursuant to Tax Law § 261 (3)

RESOLVED:

1. That the Semi-Annual Report for the period October 1, 2012, through March 31, 2013, relating to Mortgage Tax Receipts and Disbursements, and the proposed distribution of such mortgage tax receipts therein, is approved.

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

Moved by: Mr. Hopkins
Seconded by: Mr. Pullen

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

RESOLUTION NO. 86-13

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

Offered by: Ways and Means Committee

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

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

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

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

RESOLVED:

1. The amount of \$25,807.66 is appropriated from Account No. A1410.432 (County Clerk – Contractual) and shall be distributed to the Towns and Villages of the County as follows:

TOWNS	AMOUNT RETAINED BY COUNTY CLERK'S OFFICE FOR MORTGAGE TAX FEE	REBATE AMT TO TOWN	REBATE AMT TO VILLAGE	VILLAGES
Alfred	882.00	707.37	174.63	Alfred
Allen	795.28	795.28		
Alma	438.27	438.27		
Almond	742.60	685.79	56.81	Almond
Amity	718.04	600.19	117.85	Belmont
Andover	916.89	757.97	158.92	Andover
Angelica	1,084.89	899.06	185.83	Angelica
Belfast	712.92	712.92		
Birdsall	48.67	48.67		

Bolivar	1,014.08	801.89	196.54	Bolivar
			15.65	Richburg
Burns	312.69	274.24	38.45	Canaseraga
Caneadea	920.94	920.94		
Centerville	639.56	639.56		
Clarksville	500.64	500.64		
Cuba	2,712.57	2,331.22	381.35	Cuba
Friendship	469.71	469.71		
Genesee	801.80	801.80		
Granger	275.99	275.99		
Grove	703.29	703.29		
Hume	1,177.87	1,177.87		
Independence	1,113.19	1,113.19		
New Hudson	497.30	497.30		
Rushford	1,884.89	1,884.89		
Scio	1,233.99	1,233.99		
Ward	592.95	592.95		
Wellsville	3,482.48	2,558.49	923.99	Wellsville
West Almond	0.00	0.00		
Willing	653.27	653.27		
Wirt	480.89	447.10	33.79	Richburg
TOTALS	25,807.66	23,523.85	2,283.81	

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

Moved by: Mr. Hopkins
Seconded by: Mr. Sinclair

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

RESOLUTION NO. 87-13

RESOLUTION ACCEPTING A GIFT OF REAL PROPERTY IN THE TOWN OF BELFAST FROM THE VILLAGE OF ANGELICA

Offered by: Public Works and Ways and Means Committee

WHEREAS, Allegany County is supportive of efforts to enhance recreational opportunities and tourism in the County, and

WHEREAS, Genesee River Wilds has partnered with numerous individuals and agencies interested in developing the use of the Genesee River for outdoor recreation and enjoyment of the natural environment, and

WHEREAS, Genesee River Wilds has secured grant funds to assist in the development of river access parks along the Genesee River, and

WHEREAS, Allegany County has partnered with Genesee River Wilds to help develop a river access site on lands it owns near Transit Bridge in the Town of Belfast, and

WHEREAS, the Village of Angelica owns a small parcel of real estate consisting of approximately .77 acres, (tax map no. 131.-1-44), which lies contiguous to County lands at the Transit Bridge river access site, and

WHEREAS, the Village of Angelica has agreed to convey for no consideration this parcel of land to Allegany County in order to assist in the development of the Transit Bridge river access site, now, therefore, be it

RESOLVED:

1. Allegany County hereby accepts the gift of real property from the Village of Angelica consisting of approximately .77 acres of land in the Town of Belfast and comprising those lands shown at tax map no. 131.-1-44.

2. That the Chairman of this Board is authorized to sign any paperwork necessary to complete the transfer of this property into Allegany County.

Moved by: Mr. Fanton
Seconded by: Mr. Graves

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

RESOLUTION NO. 88-13

**ACCEPTANCE OF INSURANCE PAYMENT FROM NYMIR AND
APPROPRIATION OF FUNDS TO RISK RETENTION ACCOUNTS**

Offered by: Ways and Means Committee

WHEREAS, a check in the amount of \$225, representing the cost to replace a cracked windshield on a 2004 Chevrolet Trailblazer (VIN #GNPT135842241883), has been offered by NYMIR in settlement for such property damage, now, therefore, be it

RESOLVED:

1. That the amount of \$225 from NYMIR, representing the cost to replace a cracked windshield on a 2004 Chevrolet Trailblazer (VIN #GNPT135842241883), is accepted.

2. That the total amount of \$225 is appropriated to Account No. CS1931.429 (Risk Retention – Uninsured Property Loss) with a like sum credited to Revenue Account No. CS1930.2680.00 (Insurance Recovery).

Moved by: Mr. Hopkins
Seconded by: Mr. Healy

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

(Memo: The vehicle referred to in Resolution No. 88-13 is assigned to the Sheriff's Office.)

RESOLUTION NO. 89-13

RESOLUTION APPROVING ALLEGANY COUNTY COORDINATED PUBLIC TRANSIT-HUMAN SERVICES TRANSPORTATION PLAN 2013 UPDATE AS PREPARED BY ALLEGANY/WESTERN STEUBEN RURAL HEALTH NETWORK, INC.

Offered by: Ways and Means Committee

RESOLVED:

1. That the Allegany County Board of Legislators hereby approves the Public Transit-Human Services Transportation Plan 2013 Update prepared by Allegany/Western Steuben Rural Health Network, Inc, which is an update to the original Plan dated July 2007.

Moved by: Mr. Hopkins
Seconded by: Mr. LaForge

Adopted: Roll Call
10 Ayes, 3 Noes, 2 Absent
Voting No: Burdick, Cady, Ungermann

(Memo: Regarding Resolution No. 89-13, the original Transportation Plan was approved by Resolution No. 157-07.)

AUDITS:

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

A motion was made by Legislator Graves, seconded by Legislator Hopkins, and adopted on a roll call vote of 12 Ayes, 1 No, 2 Absent, that the audit of claims, totaling \$3,030,438.05, including prepaid expenses, be approved for payment as recommended by the County Administrator (opposed: Ungermann). *(Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$4,044,998.)* Legislator Ungermann questioned if the Road Machinery Fund expense included payment for the new Gradall, and Public Works Superintendent Guy James responded that it did.

GENERAL DISCUSSION:

Legislator Ungermann remarked on the spirited discussion that took place at the District II Legislative Meeting on May 14, including a request to repair the concrete wall on Wells Lane coming up the hill from the Hotel, the stagnant condition of the County, the feeling that the Legislature doesn't listen to the taxpayers, questions on what the Office of

Development is doing and that they don't seem to be very aggressive in bringing in new business, and the sales tax issue. Comments were made on eliminating the extra one-half percent sales tax to make our County more competitive. Less could mean more. We need to do something to encourage people to spend here. Mr. Ungermann also commented on a newspaper article stating that over the past three years, the Board of Legislators has kept spending under control and actually reduced property taxes. He didn't feel that was the case, as the levy went up by about \$610,000, and it's gone up each year since he's been on the Legislature.

Legislator Healy commented on the District II Meeting. Regarding the request for repairs to the concrete wall on Wells Lane, he questioned if the time to enhance the appearance and safety of that wall might be coordinated with the disposition of the former church property/Historian's Office. Mr. Healy also remarked on the tax structure issue. He noted that none of us likes to pay taxes, but we get close to \$19 million in sales tax revenue. If we didn't have that, real property taxes would have to go up. It's just a question of where that revenue is coming from, and the majority of the Board feels it should come from sales tax where we also derive a benefit from people outside of the County.

Legislator Sinclair also attended the District II meeting, and he remarked on the spirited debate concerning the statement that nothing is happening in Allegheny County, and there's no economic development. Mr. Sinclair suggested that people making such statements should come to our Development Office or to him, and they can outline all of the things that are happening. Maybe they don't get publicized very much, but those statements that were made were the beginning of a myth, and it's wrong. People need to be informed on what is actually happening in the County. We have a very broad-based program, and a lot has happened over years and is happening right now. Many things are under development, and the planning efforts are tremendous and bearing fruit, bringing money into the County. Some of the statements that were made were based on misinformation or not being informed.

Legislator Cady remarked on the recent Community Services facilities tour. For him, it was a real eye-opener. At Arc, disabled people sit for hours putting things together, and they're good workers. It's a place for them, and they're making money. Mr. Cady also commented on the Counseling Center and the Rehabilitation Center. These are good programs, and so much is funded through other sources. The County has to put very little money into it.

ADJOURNMENT: The meeting was adjourned at 2:45 p.m. on a motion made by Legislator Graves, seconded by Legislator Fanton, and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
JUNE 10, 2013**

****APPROVED ****

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:10 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Navy Petty Officer Third Class Jeffery Spencer.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 14 Legislators Present: Glenn Benson, Douglas Burdick, Donald Cady, Curtis Crandall, Philip Curran, Dwight Fanton, Karl Graves, Dwight (Mike) Healy, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Frederick Sinclair, Norman Ungermann, Jr.; 1 Legislator Absent: Theodore Hopkins.

APPROVAL OF MINUTES:

The Board meeting minutes of May 28, 2013, were approved on a motion made by Legislator Graves, seconded by Legislator Curran, and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Jeffery Spencer of Rushford, former United States Navy Petty Officer Third Class, in grateful appreciation of his service to our country. Mr. Spencer's service dates were from June 1978 to June 1984. Following Basic Training at Great Lakes Naval Base, IL, and Supply School at Meridian Naval Air Station, MS, assignments included: USS Kinkaid (homeport San Diego, CA), two West Pac tours of the Pacific, and he participated in the Recruiter Assistance Program. His primary specialty was Supply Clerk. Commendations he received included: Navy Expeditionary Medal, Sea Service Medal, and Humanitarian Service Medal. Mr. Spencer led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Allegany County Agricultural Society President Martha Roberts provided an update on the Fair. The Fair Board initiated a new sponsorship program to offset rising costs while avoiding a gate fee increase. Also new is the availability of credit card machines at two gates. The Boy Scouts of the Allegheny Highlands Council will handle parking this year. A big change evident on the grounds is the Pittsburg Shawmut and Northern Railroad's construction of a roof over the railroad cars' "rolling stop," which is being funded by a bequest they received. Mrs. Roberts also commented on a report put together by the New York State Fair Association that estimates the economic impact of the Allegany County Fair, based on

attendance and sales over the past several years, is approximately \$1,523,147; increase in jobs for the week is 33; and tax revenue for the County is about \$67,181. The benefits are wider reaching, as people who come into the County to visit the Fair also stop at other locations. Improvements on the Fairgrounds include construction of a second addition on the dairy arena, replacement of a portion of the draft horse barn roof, improvements in the electrical system. Mrs. Roberts provided fair schedule highlights, and noted that admission remains at \$8 with week-long and senior passes available. Chairman Crandall noted that the Legislature will again conduct a meeting at the Fairgrounds on July 18.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. Report of Intrafund Transfers approved by the County Administrator for May.
2. Report of Tax Bill Corrections approved by the County Administrator for May.
3. Allegany County Mutual Self-Insurance Plan (Workers' Compensation) 2014 Budget together with the apportionment of costs of the budget to the County, Towns, and Villages of Allegany County approved by the Personnel Committee on June 5.
4. Notice of next InterCounty meeting to be hosted by Chemung County at the Chemung County Historical Society and Chemung Valley History Museum on June 21.
5. Correspondence from former County Administrator John Margeson thanking the Board for the gift card presented at his retirement party.

RESOLUTIONS:

RESOLUTION NO. 90-13

**RESOLUTION IN SUPPORT OF THE HOUGHTON COLLEGE SOLAR ENERGY PROJECT
AND AMENDMENT OF THE CANADEA TOWN ZONING ORDINANCE TO ALLOW
CONSTRUCTION OF A SOLAR ARRAY IN THE LAND CONSERVATION DISTRICT**

Offered by: Planning and Economic Development Committee

WHEREAS, one of the major employers in Allegany County, Houghton College, has made a commitment to environmental sustainability and as part of that commitment has agreed to move its campus to a goal of being carbon neutral by 2050, and

WHEREAS, as part of its ongoing sustainability efforts, Houghton College has received a grant from NYSERDA which will allow it to construct, in partnership with Smart Energy Capital, a photovoltaic (PV) array on eleven acres of property owned by Houghton College, and

WHEREAS, it is estimated that the electric power generated by the PV array will meet a substantial portion of the electricity needs of the college with any surplus energy to be returned to the electric grid, and

WHEREAS, the construction and operation of the PV array will generate economic and environmental benefits for the residents of Allegany County, and

WHEREAS, the site where the solar array is to be constructed is within the Town of Caneadea's Zoning Ordinance Land Conservation District, and

WHEREAS, at the time the Town Zoning Ordinance was originally enacted, construction of PV arrays in this region would have been thought of as technically and economically unfeasible, and

WHEREAS, in order to allow for the construction of a PV array in a Land Conservation District, the Caneadea Town Zoning Ordinance will need to be amended, and

WHEREAS, this Board believes allowing a PV array in a Land Conservation District is consistent with the underlying objectives behind the creation of such a District and can provide major economic and environmental benefit to the residents of the entire County, now therefore, be it

RESOLVED:

1. That this Board supports the efforts of Houghton College to construct, in partnership with Smart Energy Capital, a photovoltaic array on lands zoned as part of a Land Conservation District.
2. That this Board further supports amendment to the Town of Caneadea Zoning Ordinance to allow for the construction of solar arrays in a Land Conservation District.
3. That the Clerk of the Board is directed to send a certified copy of this resolution to the Caneadea Town Supervisor, Philip G. Stockin and the President of Houghton College, Dr. Shirley Mullen.

Moved by: Mr. Sinclair
Seconded by: Mr. Pullen

Adopted: Voice Vote

RESOLUTION NO. 91-13

APPOINTMENT OF SARAH M. DECKER AS JOURNAL CLERK

Offered by: Ways and Means Committee

Pursuant to County Board Rules 100.C.

RESOLVED:

1. That effective June 17, 2013, Sarah M. Decker is appointed Journal Clerk of this Board to serve at the pleasure of this Board.

Moved by: Mr. Fanton
Seconded by: Mr. Graves

Adopted: Voice Vote

RESOLUTION NO. 92-13

APPROVAL OF BOARD CHAIRMAN'S APPOINTMENT AND REAPPOINTMENT OF MEMBERS TO SOUTHERN TIER WEST REGIONAL PLANNING AND DEVELOPMENT BOARD

Offered by: Planning and Economic Development Committee

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

RESOLVED:

1. That the appointment of Frederick Sinclair of Scio, New York, and reappointment of H. Kier Dirlam of Almond, New York, and Jerry Scott of Cuba, New York, by the Chairman of this Board as members of the Southern Tier West Regional Planning and Development Board, with term of office commencing June 1, 2013, and expiring May 31, 2016, are approved.

2. That the reappointment of Curtis W. Crandall of Belfast, New York, Guy R. James of Scio, New York, and Lee Gridley of Wellsville, New York, by the Chairman of this Board as Ex-officio members of the Southern Tier West Regional Planning and Development Board, with term of office commencing June 1, 2013, and expiring May 31, 2016, is approved.

Moved by: Mr. Sinclair
Seconded by: Mr. Healy

Adopted: Voice Vote

RESOLUTION NO. 93-13

**CREATING POSITION OF CORRECTION LIEUTENANT;
ABOLISHING THE POSITION OF CORRECTION MASTER SERGEANT AND
POSITION OF ASSISTANT JAIL ADMINISTRATOR**

Offered by: Personnel Committee

RESOLVED:

1. That one full-time position of Correction Lieutenant is created in the Sheriff's Office.
2. That the position of Correction Master Sergeant and position of Assistant Jail Administrator are hereby abolished.
3. This resolution shall take effect immediately.

Moved by: Mr. Healy
Seconded by: Mr. Pullen

Adopted: Roll Call
10 Ayes, 4 Noes, 1 Absent
Voting No: Burdick, Cady, Curran, Ungermann

(Memo: The position created by Resolution No. 93-13 replaces the existing title of Correction Master Sergeant, which previously replaced the title of Assistant Jail Administrator per Resolution No. 206-09. This action will not result in a new hire.)

RESOLUTION INTRO. NO. 97-13 (CREATING POSITION OF CORRECTION CAPTAIN) was TABLED following a motion made by Legislator Healy, seconded by Legislator Graves, and carried. This position would replace the existing title of Jail Administrator.

RESOLUTION NO. 94-13

ACCEPTANCE AND APPROPRIATION OF DONATIONS FROM ORIONA GROVE LODGE (FILLMORE MASONS), NATIONAL FUEL, AND ALFRED-ALFRED STATION COMMUNITY CHEST

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the sum of \$2,000 from Oriona Grove Lodge, \$1,500 from National Fuel (for Meals-on-Wheels), and \$676 from Alfred-Alfred Station Community Chest (for Lifeline) is accepted.
2. That the accepted sum of \$4,176 is appropriated as follows: \$676 to Account No. A6776.409 (OFA-Community Services for Elderly-Fees), \$3,500 to Account No. A6779.474 (OFA-SNAP Caterer), with the sum of \$676 credited to Revenue Account No. A6776.1972.00 (CSE-Local Contrib), and \$3,500 to Revenue Account No. A6779.2801.00 (SNAP-Local Contrib).

Moved by: Mr. Burdick
Seconded by: Mr. LaForge

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 95-13

**ACCEPTANCE AND APPROPRIATION OF FUNDING INCREASING THE
SFY 2013-14 CONSOLIDATED HIGHWAY IMPROVEMENT PROGRAM (CHIPS)**

Offered by: Public Works and Ways and Means Committees

RESOLVED:

1. That the sum of \$368,997.50 increasing the SFY 2013-14 Consolidated Highway Improvement Program (CHIPS), is accepted and appropriated to Account No. D5112.223 (County Road CHIPS Paving), with a like sum credited to Revenue Account No. D5110.3501.00 (State Aid – CHIPS Revenue).

Moved by: Mr. Fanton
Seconded by: Mr. Healy

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

RESOLUTION INTRO. NO. 100-13 (APPROVING AGREEMENT BETWEEN COUNTY OF ALLEGANY, COUNTY OF CATTARAUGUS AND CATTARAUGUS - ALLEGANY WORKFORCE INVESTMENT BOARD, INC. FOR WORKFORCE INVESTMENT ACT SERVICES FOR PERIOD JULY 1, 2013, THROUGH JUNE 30, 2014; AUTHORIZING CHAIRMAN TO EXECUTE AGREEMENT) was WITHDRAWN following a motion made by Legislator Sinclair, seconded by Legislator Fanton, and carried. The wording in this resolution was not specific for the agreement, so it will be replaced by Resolution No. 96-13 (Intro. No. 101-13).

Resolution No. 96-13 (Intro. No. 101-13) (APPROVING LOCAL PLAN FOR CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD, INC. FOR PERIOD JULY 1, 2013, THROUGH JUNE 30, 2014; AUTHORIZING CHAIRMAN TO EXECUTE THE PLAN) was not pre-filed and was considered from the floor following a motion made by Legislator Sinclair, seconded by Legislator Graves, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 96-13

**APPROVING LOCAL PLAN FOR CATTARAUGUS-ALLEGANY WORKFORCE
INVESTMENT BOARD, INC. FOR PERIOD JULY 1, 2013, THROUGH JUNE 30, 2014;
AUTHORIZING CHAIRMAN TO EXECUTE THE PLAN**

Offered by: Planning and Economic Development Committee

WHEREAS, the Local Plan for the Cattaraugus-Allegany Workforce Investment Board, Inc. for the period July 1, 2013, through June 30, 2014, has been posted for public comment, and

WHEREAS, representations made in the Plan must be affirmed to and signed by the Chairman of this Board as the Local Chief Elected Official, now, therefore, be it

RESOLVED:

1. That this Board hereby approves the Local Plan for the Cattaraugus-Allegany Workforce Investment Board, Inc. for the period July 1, 2013, through June 30, 2014.
2. The Chairman of this Board is authorized to execute said Local Plan.

Moved by: Mr. Sinclair
Seconded by: Mr. Fanton

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

Comments made regarding Resolution No. 96-13 included: Legislator Ungermann questioned the difference in the two resolutions, and County Attorney Thomas Miner explained that this is a more general plan.

AUDITS:

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

A motion was made by Legislator Fanton, seconded by Legislator Graves, and adopted on a roll call vote of 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$2,682,576.83, including prepaid expenses, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$4,431,370.*)

GOOD OF THE ORDER:

Chairman Crandall announced a Committee of the Whole meeting to commence following this Board session for a presentation on the Comprehensive Plan Update.

ADJOURNMENT: The meeting was adjourned at 2:45 p.m. on a motion made by Legislator Pullen, seconded by Legislator Sinclair, and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
June 24, 2013**

****APPROVED ****

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Army Sergeant Kelison R. Helms, III.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 14 Legislators Present: Glenn Benson, Douglas Burdick, Donald Cady, Curtis Crandall, Dwight Fanton, Karl Graves, Dwight (Mike) Healy, Theodore Hopkins, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Frederick Sinclair, Norman Ungermann, Jr.; 1 Legislator Absent: Philip Curran

APPROVAL OF MINUTES:

The Board meeting minutes of June 10, 2013, were approved on a motion made by Legislator Graves, seconded by Legislator Sinclair, and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Kelison R. Helms, III, former United States Army Sergeant, in grateful appreciation of his service to our country. Mr. Helms' service dates were from August 12, 1986, to August 8, 1989. He also served in the reserves from December 13, 2002, to February 19, 2004. Assignments included: Infantry School and JFK Training (unconventional warfare). Commendations he received included: Bronze Star Medal, Army Commendation Medal, Army Achievement Medal (2nd Oak Leaf Cluster), National Defense Service Medal (with Star), Expeditionary Medal, Combat Action Badge, Global War on Terrorism, Armed Forces Reserve Medal and Mobilizations, Army Service Ribbon, Overseas Service Ribbon II, Overseas Training Ribbon, Expert Badge for M16 Rifle. Mr. Helms led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Crandall presented retirement plaques to Steven Presutti, Kimberley Toot, and Adele Finnemore. Mr. Presutti is retiring from the position of Real Property Tax Service Director. He was recognized for 26 years of service. Kimberley Toot is retiring from the position of Office for the Aging Director and was recognized for almost 26 years of service. Adele Finnemore is retiring from the position of Journal Clerk and was recognized for almost 21 years of service.

Allegheny County Dairy Princess Alyssa Santangelo introduced herself to the Board and spoke about the importance of dairy products. Ms. Santangelo is sponsored by TeeDee Farms of Cuba, NY, and will be a sophomore at Cuba-Rushford Central School. She is the daughter of Chris and Vickie Santangelo. Ms. Santangelo served milk punch in the hallway foyer prior to the meeting.

NYS Farm Bureau Field Advisor Timothy Bigham addressed the Board regarding the work of the Farm Bureau. Mr. Bigham is a Field Advisor for Allegheny, Cattaraugus, Chautauqua, Erie, and Steuben counties. The Farm Bureau would like to see towns adopt a right-to-farm law as a proactive approach to keeping agriculture strong in each town. Mr. Bigham also commented on some of the

challenges facing NYS Farm Bureau members including land assessment, the Farmworker Fair Labor Practices Act, Health Insurance Tax, and the Farm Bill.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. July 2013 Calendar of Board and Standing Committee meeting dates.
2. Correspondence from Caneadea Town Attorney David Pullen regarding the Town's Zoning Ordinance Amendments.

RESOLUTIONS:

RESOLUTION INTRO. NO. 102-13 (APPROVAL OF SALE OF 2013 TAX SALE PROPERTIES) was TABLED following a motion made by Legislator LaForge, seconded by Legislator Graves, and carried. Legislator LaForge requested that the resolution be considered at the end of the meeting with a possible attorney/client session to be held.

RESOLUTION NO. 97-13

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

Offered by: Personnel Committee

RESOLVED:

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

<u>Title</u>	<u>Name</u>	<u>Standard Day (Hrs./Day)</u>	<u>Term</u>	<u>Employer Record of Time (Y/N)</u>	<u>Days Worked Per Month</u>
ELECTED OFFICIALS:					
APPOINTED OFFICIALS:					
County Administrator	Alger, Mitchell M.	7	03/30/13-12/31/13	Y	NA
District Attny-3 rd & 4 th Assist	Fuoco, J. Thomas	6	12/24/13-12/31/15	N	24.31
Elections Commissioner(Rep)	Hollis, Richard G.	6	01/01/13-12/31/16	N	18.64
Elections Commissioner(Dem)	McCormick, Michael	6	01/01/13-12/31/14	Y	NA
Public Defender-2 nd Assist.	Carter, J.R. Santana	7	12/24/12-12/31/13	Y	NA

Moved by: Mr. O'Grady
Seconded by: Mr. Fanton

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 98-13

APPOINTMENT OF JOSEPH L. BUDINGER AS INTERIM DIRECTOR OF THE ALLEGANY COUNTY REAL PROPERTY TAX SERVICE AGENCY TO FILL THE UNEXPIRED TERM OF STEVEN G. PRESUTTI; AMENDMENT OF THE SECTION 4 SALARY PLAN

Offered by: Ways & Means Committee

Pursuant to Real Property Tax Law § 1530

WHEREAS, Steven G. Presutti has announced his retirement as Director of the Allegany County Real Property Tax Service Agency effective as of 11:59 p.m. on June 28, 2013, and

WHEREAS, this Board wishes to appoint an interim Director of the Allegany County Real Property Tax Service Agency to take office upon the retirement of Steven G. Presutti and to serve for the duration of the unexpired term of Steven G. Presutti, now therefore, be it

RESOLVED:

1. That effective June 29, 2013, Joseph L. Budinger is appointed as interim Director of the Allegany County Real Property Tax Service Agency to serve from June 29, 2013, through September 30, 2013, at an annual salary of \$64,214.

2. That effective June 29, 2013, Section 4 of Resolution No. 297-75, as amended, is hereby amended to show the annual salary for the Director of the Allegany County Real Property Tax Service Agency as \$64,214.

Moved by: Mr. Hopkins
Seconded by: Mr. Graves

Adopted: Voice Vote

RESOLUTION NO. 99-13

APPOINTMENT OF MADELEINE GASDIK AS DIRECTOR OF THE OFFICE FOR THE AGING; AMENDMENT OF THE SECTION 4 SALARY PLAN

Offered by: Human Services Committee

Pursuant to Local Law No. 8 of 1974

WHEREAS, Kimberley Toot, the current Director of the Office for the Aging has announced her retirement which shall become effective 11:59 p.m. on June 28, 2013, and

WHEREAS, this Board wishes to appoint a new Director of the Office for the Aging to become effective upon the retirement of Kimberley Toot, now therefore, be it

RESOLVED:

1. That effective June 29, 2013, Madeleine Gasdik is appointed Director of the Office for the Aging at an annual salary of \$55,000 to serve during the pleasure of this Board of Legislators and until a successor is appointed and qualified.

2. That effective June 29, 2013, Section 4 of Resolution No. 297-75, as amended, is hereby amended to show the annual salary for the Director of the Office for the Aging as \$55,000.

Moved by: Mr. Burdick
Seconded by: Mr. Fanton

Adopted: Voice Vote

RESOLUTION NO. 100-13

**RESOLUTION IN SUPPORT OF THE APPOINTMENT OF LINDA EDWARDS AS CHAIR OF THE
COMMUNITY SERVICES BOARD**

Offered by: Human Services Committee

WHEREAS, Dr. Edna Howard has faithfully served for many years as the Chair of the Allegany County Community Services Board, and

WHEREAS, Dr. Howard has recently moved out of the area and resigned her seat on the Community Services Board, and

WHEREAS, the Allegany County Director of the County Youth Bureau, Linda Edwards, was elected the Chair of the Community Services Board on May 14, 2013, now therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators hereby declares its support for the ongoing work of the Community Services Board and the appointment of Linda Edwards as Chair of that Board.

Moved by: Mr. Burdick
Seconded by: Mr. Graves

Adopted: Voice Vote

RESOLUTION NO. 101-13

APPOINTMENT AND REAPPOINTMENT OF MEMBERS TO COUNTY BOARD OF HEALTH

Offered by: Human Services Committee

Pursuant to Public Health Law §§ 343 and 344

RESOLVED:

1. That Dr. David Brubaker is appointed to serve a new six-year term on the County Board of Health, with term of office commencing July 8, 2013, and expiring July 7, 2019.

2. That Douglas D. Burdick is reappointed to the County Board of Health, with term of office commencing July 8, 2013, and expiring July 7, 2019.

Moved by: Mr. O'Grady
Seconded by: Mr. Pullen

Adopted: Voice Vote

RESOLUTION NO. 102-13

RESOLUTION ACCEPTING STATE COLA FUNDS FOR THE 2012-2013 CHILDREN WITH SPECIAL HEALTH CARE NEEDS PROGRAM AND LEAD POISONING PREVENTION PROGRAM; APPROPRIATION OF FUNDS

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. The sum of \$1,247 in COLA funds for the County Health Department Children with Special Health Care Needs Program is accepted and appropriated as follows: \$1,130 to Account No. A4054.201 (Health CWSHCN-Office Equipment), \$110 to Account No. A4054.405 (Health CWSHCN-Conference Expense), \$7 to Account No. A4054.407 (Health CWSHCN-Office Supplies) with a like sum credited to Revenue Account No. A4054.3401.01 (State Aid-Health CWSHCN).

2. The sum of \$198 in COLA funds for the County Health Department Lead Poisoning Prevention Program is accepted and appropriated to Account No. A4037.407 (Health Lead-Office Supplies) with a like sum credited to Revenue Account No. A4037.3437.00 (State Aid-Lead).

Moved by: Mr. Burdick
Seconded by: Mr. Graves

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 103-13

ACCEPTANCE OF PROBATION STATE AID BLOCK GRANT FROM THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES; AUTHORIZING CHAIRMAN TO EXECUTE ANY AND ALL DOCUMENTS

Offered by: Public Safety Committee

RESOLVED:

1. That the Probation State Aid Block Grant in the amount of \$151,101 for the 2013-2014 State Fiscal Year from the New York State Division of Criminal Justice Services, is accepted.

2. That the accepted sum of \$151,101 has already been budgeted for 2013 under Account No. A3140.101 (Probation-Personnel) and Revenue Account No. A3140.3310.00 (Probation Block Grant).

3. The Chairman of the Board of Legislators is authorized to execute and deliver all necessary documents and agreements to secure such funds.

Moved by: Mr. Healy
Seconded by: Mr. Hopkins

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 104-13

ACCEPTANCE OF A SIX-MONTH INCREASE EXTENSION FROM THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES TO CONTINUE THE OPERATION OF THE ATI SHARED SERVICES PROJECT

Offered by: Public Safety Committee

RESOLVED:

1. That a six-month increase extension for the ATI (Alternatives to Incarceration) Shared Services Project in the amount of \$11,168 from the New York State Division of Criminal Justice Services, beginning July 1, 2013, through December 31, 2013, is accepted.
2. That the accepted sum of \$11,168 has already been budgeted for 2013 under Account No. A3140.449 (Probation-Services for a Shared Population) and Revenue Account No. A3140.3310.06 (Probation-State Aid-Services for a Shared Population).
3. That the Chairman of this Board is authorized to sign the extension.

Moved by: Mr. Healy
Seconded by: Mr. Fanton

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 105-13

APPROVAL OF BI INCORPORATED MONITORING SERVICE AGREEMENT

Offered by: Public Safety Committee

RESOLVED:

1. That Monitoring Service Agreement No. 062707TS1 between the County of Allegany and BI Incorporated for period July 1, 2013, to June 30, 2014, is approved.
2. That the Director of Probation is authorized to execute and deliver any and all documents necessary to complete the Monitoring Service Agreement.
3. That the Chairman of this Board is authorized to certify the approval of the agreement.

Moved by: Mr. Healy
Seconded by: Mr. Graves

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 106-13

APPROVAL OF ENGINEERING CONTRACT WITH CLARK PATTERSON LEE FOR SANITARY SURVEY ENGINEERING WORK

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the Contract between the County of Allegany and Clark Patterson Lee to provide engineering services for sanitary surveys is approved.
2. That the Chairman of this Board is authorized to execute such Agreement.

Moved by: Mr. Burdick
Seconded by: Mr. Hopkins

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 107-13

APPROVAL OF AGREEMENT WITH ION HOLDCO, LLC

Offered by: Facilities & Communications Committee

RESOLVED:

1. That the Master Service Agreement between ION HoldCo, LLC and Allegany County to provide broadband internet service is approved.
2. That the prior execution of this agreement by the Chairman of this Board is hereby ratified and approved.

Moved by: Mr. Pullen
Seconded by: Mr. Healy

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 108-13

**APPROVAL OF 2013 OFFICE OF CHILDREN AND FAMILY SERVICES
SUBCONTRACT AGREEMENTS FOR YOUTH PROGRAMS; PROVIDING PROGRAM FUNDS**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That the following Office of Children and Family Services Subcontract Agreements for calendar year 2013 are approved and appropriated as follows. These funds are paid to the County and passed through to the agencies.

Agreement	Amount	Approp. Account	Revenue Account
Allegany County Mental Health Association, Inc. (Youth Compeer Program)	\$3,083	A7313.488	A7313.3821.07
Allegany County Employment & Training (SYEP)	\$2,945	A7318.486	A7318.3822.02
Allegany County Employment & Training (SYEP)	\$1,617	A7318.486	A7318.3822.02
Literacy West NY, Inc. (Success Tracks)	\$1,350	A7318.489	A7318.3820.50
Cattaraugus Co. Youth Bureau – Southern Tier AmeriCorps Resource Team	\$500	A7327.489	A7327.3820.00
Youth Court	\$4,000	A7321.483	A7321.3825.00
Allegany Council on Alcoholism and Substance Abuse, Inc. – Week of Alternatives	\$2,970	A7312.488	A7312.3820.85
Southern Tier Traveling Teacher GED	\$2,648	A7318.487	A7318.3822.03
Houghton College – STEP	\$3,470	A7312.486	A7312.3820.15

TOTAL pass through programs from OCFS: \$22,583

2. That the Office of Children and Family Services funding for the following County-sponsored programs is approved. No budget adjustments are necessary, as these funds are allocated in the County budget.

Rushford Lake Project	\$4,679	A7180.100	A7180.3820.01
Youth Bureau Administration	\$6,610	A7310.000	A7310.3820.03
Cattaraugus/Allegany Board of Cooperative Educational Services – Government for Youth	\$3,260	A7312.489	A7312.3820.10

TOTAL OCFS Funding for County-sponsored programs: \$14,549

3. That the 2013 Municipal Youth Projects for recreation are approved as follows. No budget adjustments are necessary. These funds are paid directly to municipalities.

Municipality	Amount	Municipality	Amount
Village of Alfred	2,176	Village of Cuba	401
Town of Almond	278	Village of Cuba/A Sound Beginning	1,000
Town of Andover	196	Town of Friendship	532
Village of Andover	282	Town of Hume	577
Town of Angelica	106	Town of Independence	309
Village of Angelica	208	Town of Wellsville	991
Town of Belfast	1,318	Town of Wellsville/Dance Theater	1,000
Town of Bolivar	244	Town of Wirt	170
Village of Bolivar	276		
Town of Cuba	306		

TOTAL OCFS Direct Pay to municipalities: \$10,370

TOTAL OCFS funding awarded to County in 2013: \$47,502

4. That the Chairman of the Board is authorized to execute said agreements.

Moved by: Mr. Healy
Seconded by: Mr. Hopkins

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

Resolution No. 109-13 (Intro. No. 115-13) A RESOLUTION PROPOSING ALLEGANY COUNTY AS LEAD AGENCY FOR PURPOSES OF THE SEQR REVIEW OF UPDATES TO THE ALLEGANY COUNTY COMPREHENSIVE PLAN; DIRECTING THE CHAIRMAN TO NOTIFY INVOLVED AGENCIES OF SUCH PROPOSED STATUS; DIRECTING PREPARATION OF THE REQUISITE ENVIRONMENTAL ASSESSMENT FORM was not pre-filed and was considered from the floor on a motion made by Legislator Hopkins, seconded by Legislator Sinclair, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 109-13

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

Offered by: Ways and Means Committee

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

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

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

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

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

RESOLVED:

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

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

Moved by: Mr. Hopkins
Seconded by: Mr. Sinclair

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

A motion was made by Legislator LaForge, seconded by Legislator Graves, and carried to remove tabled Resolution Intro. No. 102-13 (APPROVAL OF SALE OF 2013 TAX SALE PROPERTIES).

A motion was made to go into attorney/client session at 2:55 p.m. by Legislator LaForge, seconded by Legislator Fanton, and carried. Following discussion a motion was made to come out of attorney/client session at 3:10 p.m. by Legislator Healy, seconded by Legislator Graves, and carried.

A motion was made by Legislator Fanton, seconded by Legislator Graves and carried to amend Resolution Intro. No. 102-13 to remove the bid for parcel ID: 239.45-1-39 from the tax sale properties.

RESOLUTION NO. 110-13

APPROVAL OF SALE OF 2013 TAX SALE PROPERTIES

Offered by: Ways and Means Committee

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

RESOLVED:

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

2. That upon the securing by the County Attorney of a proper court order authorizing the conveyance to the County of such of the below mentioned properties which are subject to the 2011 and/or back to the year 1995 (TF95 up to and including TF11) tax foreclosure proceedings and the subsequent execution of a deed of all of the below mentioned properties to the County by the County Tax Enforcement Officer, the Chairman of this Board of Legislators is authorized and directed to execute on behalf of the County of Allegany and to cause to deliver to such owners and purchasers quit claim deeds of the County's interest in such properties and to affix to each such deed the official seal; all upon satisfaction of the terms and conditions of sale and the full payment to the County Treasurer of the monetary considerations.

New Owner Address Sale price	Parcel details	County title Recorded Date Liber, Page
SZAK, JESSE A. SZAK, KRISTA R. 1571 Waterwells Rd Alfred Station, NY 14803 Tax sale amount: 1,100	Parcel ID: 022089; 164.-1-30.134 Property loc: Waterwells Rd Assessed value: 400 Acres: 0.22	County of Allegany Book: 1715 Page: 300
LLOYD, GARY 4992 Elm Valley Rd Andover, NY 14806 Tax sale amount: 674.29	Parcel ID: 022089; 189.-3-4 Property loc: Elm Valley Rd Assessed value: 8,100 Acres: 2.4	County of Allegany Book: 1149 Page: 58
RHODES, DEAN L. RHODES, ANGELA N. 1953 Melvina St Alma, NY 14708 Tax sale amount: 10,100	Parcel ID: 022400; 262.6-1-78 Property loc: 1953 Melvina St Assessed value: 28,300 Acres: 0.19	County of Allegany Book: 1687 Page: 210
WASHBURN, SCOTT E. 52 Glendale Lane Cheektowaga, NY 14225 Tax sale amount: 2,400	Parcel ID: 022400; 276.-1-21.12 Property loc: Alma Hill Rd Assessed value: 7,200 Acres: 15.1	County of Allegany Book: 1391 Page: 239
ENTY, COLIN 3395 Route 155 Port Allegany, PA 16743 Tax sale amount: 1,000	Parcel ID: 022400; 290.-1-22.16 Property loc: Co Rd 38 Assessed value: 7,800 Acres: 10.5	County of Allegany Book: 2009 Page: 40606
OLIVER, ELIZABETH W. P. O. Box 349	Parcel ID: 022601; 126.11-1-4 Property loc: 11 Angelica St	County of Allegany Book: 1520

Canaseraga, NY 14822 Tax sale amount: 8,800	Assessed value: 61,000 Acres: 0.64	Page: 77
STEPHENS, ANDREW W. JR. 7 Norton St Belmont, NY 14813 Tax sale amount: 4,615.31	Parcel ID: 022801; 171.16-2-9 Property loc: 7 Norton St Assessed value: 52,600 Acres: 0.29	County of Allegany Book: 1262 Page: 30
LONG, ZACHARY N. LONG, JORDAN M. 35 Schuyler St Belmont, NY 14813 Tax sale amount: 1,384.06	Parcel ID: 022801; 171.16-2-26 Property loc: 5 South St Assessed value: 55,300 Acres: 0.18	County of Allegany Book: 855 Page: 00160
GOMINIAK, DAVID J. 18 Martin St Belmont, NY 14813 Tax sale amount: 2,300	Parcel ID: 022889; 159.-1-19 Property loc: 4999 Phillips Creek Rd Assessed value: 13,600 Acres: 1	County of Allegany Book: 1221 Page: 240
PHILLIPS, PAUL F. 7417 Lamont Rd Angelica, NY 14709 Tax sale amount: 3,200	Parcel ID: 022889; 184.-1-20 Property loc: 5487 Cemetery Hill Rd Assessed value: 27,600 Acres: 1.1	County of Allegany Book: 1198 Page: 9
PENNY, PATRICIA K. 3374 Davidson Rd Friendship, NY 14739 Tax sale amount: 3,400	Parcel ID: 022889; 185.-1-12.41 Property loc: 4686 Plum Bottom Rd Assessed value: 10,400 Acres: 0.8	County of Allegany Book: 1635 Page: 24
PHILLIPS, PAUL F. 7417 Lamont Rd Angelica, NY 14709 Tax sale amount: 400	Parcel ID: 022889; 185.-1-12.43 Property loc: 4698 Plum Bottom Rd Assessed value: 2,300 Acres: 0.3	County of Allegany Book: 1324 Page: 310
DUNN, BRANDY L. DUNN, DAVID C. 3109 Hallsport Rd Wellsville, NY 14895 Tax sale amount: 1,600	Parcel ID: 023001; 216.10-1-1.13 Property loc: 53 Grove St Assessed value: 30,000 Acres: 0.5	County of Allegany Book: 1199 Page: 279
ROULO, LEIGHA L. P. O. Box 62 Allentown, NY 14707 Tax sale amount: 800	Parcel ID: 023001; 216.10-1-31 Property loc: 11 Baker St Assessed value: 17,500 Acres: 0.63	County of Allegany Book: 1407 Page: 104
WEST, LELAND J., JR. WEST, BARBARA L. 48 Wind Way Circle Rochester, NY 14624 Tax sale amount: 1,200	Parcel ID: 023001; 216.10-1-33 Property loc: 19 Baker St Assessed value: 18,000 Acres: 0.25	County of Allegany Book: 1386 Page: 114
K. WILKINS PROPERTIES, LLC	Parcel ID: 023001; 216.10-1-41.1	County of Allegany

461 Webb Rd Hornell, NY 14843 Tax sale amount: 3,300	Property loc: Baker St Assessed value: 47,400 Acres: 0.32	Book: 983 Page: 00128
SON, YOUNG 26 Carter St Norwood, NJ 07648 Tax sale amount: 2,000	Parcel ID: 023001; 216.15-3-21 Property loc: 42 E Greenwood St Assessed value: 42,500 Acres: 0.15	County of Allegany Book: Page:
SON, YOUNG 26 Carter St Norwood, NJ 07648 Tax sale amount: 3,000	Parcel ID: 023001; 216.15-3-49 Property loc: 26 Dyke St Assessed value: 46,000 Acres: 0.33	County of Allegany Book: 1243 Page: 229
JOYCE, CHRISTINE JOYCE, JAMES 807 St Rte 417 Andover, NY 14806 Tax sale amount: 21,156.03	Parcel ID: 023089; 216.-1-43 Property loc: 839 St Rte 417 Assessed value: 165,200 Acres: 30.7	County of Allegany Book: 1199 Page: 200
LAFLEUR, ROY D. 102 Williams Ave Wellsville, NY 14895 Tax sale amount: 9,000	Parcel ID: 023089; 216.-1-71 Property loc: 1332 Dyke Rd Assessed value: 60,000 Acres: 1	County of Allegany Book: 2010 Page: 42946
STAUFENBERGER, PAUL 90 Sherman St Belfast, NY 14711 Tax sale amount: 3,068.96	Parcel ID: 023400; 105.09-1-44.2 Property loc: 90 Sherman St Assessed value: 18,000 Acres: 0.21	County of Allegany Book: 1245 Page: 154
DEJAC, SYLVIA P. 7047 Gleason Hill Rd Belfast, NY 14711 Tax sale amount: 21,000	Parcel ID: 023400; 116.-1-5 Property loc: 7651 Gleason Hill Rd Assessed value: 75,000 Acres: 4.3	County of Allegany Book: 1671 Page: 139
KELLEY, LAURIE L. 9405 Keller Hill Rd Cuba, NY 14727 Tax sale amount: 2,100	Parcel ID: 023400; 131.-1-8 Property loc: 6872 County Road 17 Assessed value: 12,000 Acres: 0.66	County of Allegany Book: 1638 Page: 260
WASHBURN, SCOTT E. 52 Glendale Lane Cheektowaga, NY 14225 Tax sale amount: 800	Parcel ID: 023600; 58.-1-10.2 Property loc: Co Rd 15A Assessed value: 4,300 Acres: 0.6	County of Allegany Book: Page:
CONE, RICHARD H. 10 Sheldon St Hornell, NY 14843-1219 Tax sale amount: 1,500	Parcel ID: 023801; 259.20-1-18 Property loc: 115 First St Assessed value: 38,700 Acres: 0.12	County of Allegany Book: Page:
GRAY, CRYSTAL L.	Parcel ID: 023803; 260.5-1-2.31	County of Allegany

602 Birr St Rochester, NY 14613 Tax sale amount: 2,500	Property loc: Co Rd 40 Assessed value: 11,000 Acres: 0.47	Book: 1180 Page: 88
COBADO, KENT COBADO, BARBARA 4544 Five Mile Rd Allegany, NY 14706 Tax sale amount: 6,200	Parcel ID: 023803; 260.6-1-1.3 Property loc: 103 N Main St Assessed value: 57,000 Acres: 0.6	County of Allegany Book: 1594 Page: 141
LOCKWOOD, ALAN H. LOCKWOOD, JENNIFER L. 86 East Notch Rd Bolivar, NY 14715 Tax sale amount: 500	Parcel ID: 023803; 260.6-1-15.3 Property Loc: St Rt 275 Assessed value: 1,000 Acres: 1.5	County of Allegany Book: 1208 Page: 233
GREENE, WILLIAM C. MCCARTHY, BETTY J. 20 Willets Ave Belmont, NY 14813 Tax sale amount: 500	Parcel ID: 023889; 272.8-1-18 Property loc: 560 S Main St Assessed value: 17,800 Acres: 0	County of Allegany Book: Page:
ROSS, JENNIFER 7811 St Rt 417W Bolivar, NY 14715 Tax sale amount: 1,112.84	Parcel ID: 023889; 272.12-1-19 Property loc: 7811 St Rt 417 W Assessed value: 13,600 Acres: 0.23	County of Allegany Book: 1751 Page: 324
PIFER, ROBIN D. 10319 Freiner Hill Rd Canaseraga, NY 14822 Tax sale amount: 9,507.56	Parcel ID: 024089; 47.-1-19.2 Property loc: 10319 Friener Rd Assessed value: 80,000 Acres: 6.1	County of Allegany Book: 1064 Page: 101
TOWN OF CANEADEA 8911 State Rt 19 P. O. Box 596 Caneadea, NY 14717 Tax sale amount: 1,435.38	Parcel ID: 024200; 78.1-1-52 Property loc: State Route 19 Assessed value: 61,100 Acres: 0.87	County of Allegany Book: 1336 Page: 80
HAND, THOMAS E. HAND, JOHN E., JR. 2 Grey Fox Lane Fairport, NY 14450 Tax sale amount: 76,500	Parcel ID: 024200; 92.-1-40.2 Property loc: 8652 Oramel Hill Rd Assessed value: 81,400 Acres: 64.6	County of Allegany Book: 1287 Page: 269
HANSON, GERALD F. HANSON, ERLA 10267 Bliss Cross Rd Fillmore, NY 14735 Tax sale amount: 4,053.78	Parcel ID: 024400; 38.-1-2.2 Property loc: 10267 Hancock Rd Assessed value: 59,100 Acres: 19	County of Allegany Book: 2010 Page: 43623
GOODSELL, JOY E. 38 Main St	Parcel ID: 024600; 206.-1-31.6 Property loc: Davis Rd	County of Allegany Book: 1110

Savona, NY 14879 Tax sale amount: 7,000	Assessed value: 40,200 Acres: 7.2	Page: 17
FEDEROWICZ, JULIE A. 21 1/2 Schuyler St Belmont, NY 14813 Tax sale amount: 3,800	Parcel ID: 024600; 218.23-2-20 Property loc: 3212 Wolf Creek Rd Assessed value: 35,800 Acres: 3.4	County of Allegany Book: 765 Page: 00038
ROGERS, GORDON 3048 Rte 305 Cuba, NY 14727 Tax sale amount: 2,004.46	Parcel ID: 024600; 219.18-1-1 Property loc: 3048 Rte. 305 Assessed value: 28,500 Acres: 1.5	County of Allegany Book: 1591 Page: 19
HOOVER, JENNIFER E. HENSON, WILLIAM D. 9740 Hewitt Rd Cuba, NY 14727 Tax sale amount: 9,368.08	Parcel ID: 024600; 244.-1-7.121 Property loc: 9740 Hewitt Rd Assessed value: 85,500 Acres: 3.14	County of Allegany Book: 1337 Page: 146
FEDEROWICZ, JULIE A. 21 1/2 Schuyler St Belmont, NY 14813 Tax sale amount: 2,300	Parcel ID: 024600; 245.-1-49.2 Property loc: 2253 Rte. 305 Assessed value: 33,800 Acres: 0.75	County of Allegany Book: 978 Page: 00241
RUTKOWSKI, KYLE R. 17 Chamberlain St Wellsville, NY 14895 Tax sale amount: 4,000	Parcel ID: 024801; 166.19-3-37 Property loc: 1 Windsor St Assessed value: 46,000 Acres: 0.29	County of Allegany Book: 1801 Page: 129
GILCHRIST, STANLEY W., JR. 6547 Co Rd 20, Lot 22 Friendship, NY 14739 Tax sale amount: 1,100	Parcel ID: 024801; 179.7-3-73 Property loc: Vincent Ave Assessed value: 3,400 Acres: 0.06	County of Allegany Book: 1643 Page: 151
LIGUORI, SHARON L. 8874 Balcom Beach Rd Rushford, NY 14777 Tax sale amount: 3,200	Parcel ID: 024889; 155.-1-2.23 Property loc: Dekay Rd Assessed value: 13,100 Acres: 3.7	County of Allegany Book: 1774 Page: 19
LIGUORI, SHARON L. 8874 Balcom Beach Rd Rushford, NY 14777 Tax sale amount: 150	Parcel ID: 025000; 168.-1-1.2 Property loc: N Branch Rd Assessed value: 200 Acres: 0.25	County of Allegany Book: 1119 Page: 53
KISSINGER, ROBERT J. 5257 Maple Grove Rd Friendship, NY 14739 Tax sale amount: 5,161.91	Parcel ID: 025000; 169.-1-6.2 Property loc: 5257 Maple Grove Rd Assessed value: 26,100 Acres: 5.3	County of Allegany Book: 2010 Page: 43641
LAFLEUR, ARTHUR W. 7292 North Branch Rd Friendship, NY 14739 Tax sale amount: 5,900	Parcel ID: 025000; 169.-1-34.2 Property loc: 7293 N Branch Rd Assessed value: 19,000 Acres: 0.7	County of Allegany Book: 1531 Page: 255

FEDEROWICZ, JULIE A. 21 1/2 Schuyler St Belmont, NY 14813 Tax sale amount: 1,800	Parcel ID: 025000; 182.-1-25.2 Property loc: 6832-6 County Rd 31 Assessed value: 8,000 Acres: 0.69	County of Allegany Book: 1751 Page: 345
COTLER, TERRY A. 17298 Ladue Rd Holley, NY 14470 Tax sale amount: 11,000	Parcel ID: 025000; 182.11-2-8 Property loc: 18 Depot St Assessed value: 50,000 Acres: 0.17	County of Allegany Book: 2009 Page: 39432
FEDEROWICZ, JULIE A. 21 1/2 Schuyler St Belmont, NY 14813 Tax sale amount: 700	Parcel ID: 025000; 182.12-2-10 Property loc: 8 W Main St Assessed value: 12,000 Acres: 0.06	County of Allegany Book: 2009 Page: 39939
FRIENDSHIP REVITALIZATION & ECONOMIC DEVELOPMENT, INC. 9 West Main St. P. O. Box 128 Friendship, NY 14739 Tax sale amount: 100	Parcel ID: 025000; 182.12-2-11 Property loc: 6 W Main St Assessed value: 16,900 Acres: 0.05	County of Allegany Book: 1248 Page: 41
FRIENDSHIP REVITALIZATION & ECONOMIC DEVELOPMENT 9 West Main St. P. O. Box 128 Friendship, NY 14739 Tax sale amount: 300	Parcel ID: 025000; 182.12-2-12 Property loc: 4 W Main St Assessed value: 16,900 Acres: 0.07	County of Allegany Book: 1248 Page: 43
FRIENDSHIP REVITALIZATION & ECONOMIC DEVELOPMENT 9 West Main St. P. O. Box 128 Friendship, NY 14739 Tax sale amount: 100	Parcel ID: 025000; 182.12-2-13 Property loc: 2 W Main St Assessed value: 32,000 Acres: 0.06	County of Allegany Book: 2009 Page: 40232
BOSINSKI, RUSSELL 24 Grant Blvd Lackawanna, NY 14218 Tax sale amount: 2,020.86	Parcel ID: 025000; 196.-1-24.4 Property loc: 4164 Blouvet Rd Assessed value: 10,100 Acres: 3.1	County of Allegany Book: 1765 Page: 99
PUTT, JOHN P. 9175 Coon Hollow Rd Portville, NY 14770 Tax sale amount: 811.86	Parcel ID: 025200; 258.-1-40.2 Property loc: 9175 Coon Hollow Rd Assessed value: 9,300 Acres: 0.7	County of Allegany Book: 1256 Page: 235
WHITE, DEBORAH 10305 Co Rd 15 Fillmore, NY 14735 Tax sale amount: 1,827.31	Parcel ID: 025400; 42.1-1-7 Property loc: Co. Rd. 15 Assessed value: 19,400 Acres: 0.25	County of Allegany Book: 1072 Page: 299

HALL-STOUT, AMY 11830 County Rd 16 Dalton, NY 14836 Tax sale amount: 6,014.12	Parcel ID: 025600; 9.-1-4 Property loc: Co. Rd. 16 Assessed value: 52,950 Acres: 2.5	County of Allegany Book: 2010 Page: 43585
LIGUORI, SHARON L. 8874 Balcom Beach Rd Rushford, NY 14777 Tax sale amount: 1,800	Parcel ID: 025600; 32.-1-18 Property loc: Co Rd 24 Assessed value: 1,350 Acres: 0.4	County of Allegany Book: 1110 Page: 14
BUNDY, TOMMY MYRA P. O. Box 173 Whitesville, NY 14897 Tax sale amount: 2,387.33	Parcel ID: 026000; 281.-1-5.42 Property loc: St Rt 248 Assessed value: 40,500 Acres: 8.5	County of Allegany Book: 1212 Page: 229
HOWARD, ROBERT 931 Maple Ave P. O. Box 13 Whitesville, NY 14897 Tax sale amount: 4,789.21	Parcel ID: 026000; 295.5-1-20 Property loc: 931 Maple Ave Assessed value: 110,000 Acres: 0.29	County of Allegany Book: 1235 Page: 144
CAVANAUGH, BRIAN K. CAVANAUGH, TABITHA A. 457 Main St Whitesville, NY 14897 Tax sale amount: 3,000	Parcel ID: 026000; 295.5-2-33 Property loc: 461 Main St Assessed value: 3,700 Acres: 0.31	County of Allegany Book: 2010 Page: 42436
ALESSI, MARK A. ALESSI, DEBORA L. 6191 B Ward Rd Orchard Park, NY 14127 Tax sale amount: 26,000	Parcel ID: 026000; 306.-3-3.3 Property loc: South Hill Rd Assessed value: 28,200 Acres: 35.9	County of Allegany Book: 968 Page: 00099
CONE, RICHARD H. 10 Sheldon St Hornell, NY 14843-1219 Tax sale amount: 19,000	Parcel ID: 026200; 116.-1-8.3 Property loc: 7384 Cloverleaf Rd Assessed value: 33,100 Acres: 1.69	County of Allegany Book: 1130 Page: 193
EISENHART, ROXANNE 3117 Knights Creek Rd Scio, NY 14880 Tax sale amount: 4,738.14	Parcel ID: 026600; 224.-1-15.2 Property loc: W Knights Creek-Co Rd 9 Assessed value: 24,000 Acres: 0.57	County of Allegany Book: 1237 Page: 142
GARDNER, MATTHEW J. 5796 Wolf Spring Rd Scio, NY 14880 Tax sale amount: 500	Parcel ID: 026600; 249.-1-5.2 Property loc: 5063 Wolf Spring Rd Assessed value: 1,000 Acres: 0.3	County of Allegany Book: 1319 Page: 124
GARDNER, MATTHEW J. 5796 Wolf Spring Rd Scio, NY 14880 Tax sale amount: 3,657.86	Parcel ID: 026600; 249.-1-8.3 Property loc: 5796 Wolf Spring Rd Assessed value: 29,000 Acres: 1.4	County of Allegany Book: 1319 Page: 124

BALDWIN, ROGER HARVEY 2117B Petrolia Rd Wellsville, NY 14895 Tax sale amount: 3,500	Parcel ID: 026600; 250.18-1-5 Property loc: Brimmer Brook-Co Rd 18 Assessed value: 19,000 Acres: 0.83	County of Allegany Book: 2010 Page: 41519
DOMAGALA, ALLEN J. 20 Hickory Lane New Fairfield, CT 06812 Tax sale amount: 7,500	Parcel ID: 026800; 162.-1-35.4 Property loc: 2443 St. Rte. 244 Assessed value: 48,600 Acres: 7.88	County of Allegany Book: 1216 Page: 344
WASSON, JAMES R. JR. P. O. Box 329 Wellsville, NY 14895 Tax sale amount: 23,000	Parcel ID: 027001; 238.11-1-9 Property loc: 91 Seneca St Assessed value: 38,200 Acres: 0.36	County of Allegany Book: 1674 Page: 113
ATILLA, TARIK 8 Clearbrook Dr Rochester, NY 14609 Tax sale amount: 800	Parcel ID: 027001; 239.9-1-24 Property loc: 157 E State St Assessed value: 20,800 Acres: 0.63	County of Allegany Book: 2010 Page: 43585
MARSH, DAVID A. 99 Rauber St Wellsville, NY 14895 Tax sale amount: 389.69	Parcel ID: 027001; 239.14-1-53 Property loc: Rauber St Assessed value: 1,000 Acres: 0.28	County of Allegany Book: 1155 Page: 214
ALLEGANY HOUSING OPPORTUNITIES, LLC 2558 Hanover Hill Rd Wellsville, NY 14895 Tax sale amount: 300	Parcel ID: 027001; 239.38-1-19 Property loc: 40 E State St Assessed value: 4,500 Acres: 0.16	County of Allegany Book: 1722 Page: 259
O'KEEFE, DENNIS M. 4023 County Rd 12 Andover, NY 14806 Tax sale amount: 9,000	Parcel ID: 027001; 239.38-1-35 Property Loc: 58 N Broad St Assessed value: 19,400 Acres: 0	County of Allegany Book: 1231 Page: 81
HASKINS, MARIA A. 7740 Crawford Creek Rd Caneadea, NY 14717 Tax sale amount: 2,400	Parcel ID: 027089; 239.-1-5 Property loc: 3005 Madison Hill Rd Assessed value: 15,000 Acres: 0.4	County of Allegany Book: 2010 Page: 43663
ROSITZKE, ERNEST T. ROSITZKE, LYNN M. 4479 Dry Brook Rd Scio, NY 14880 Tax sale amount: 10,100	Parcel ID: 027089; 252.19-1-22 Property loc: 2036 Stannards Rd Assessed value: 23,400 Acres: 0	County of Allegany Book: 2010 Page: 43929
BROWN, JAMES J. 1087 Riverside Dr Hornell, NY 14843	Parcel ID: 027200; 110.-1-29.1 Property loc: 2897 Co Rd 2A Assessed value: 68,200	County of Allegany Book: 1160 Page: 114

Tax sale amount: 26,000	Acres: 2	
JONES, ANGELA 200 East 10th St #330 New York, NY 10003 Tax sale amount: 2,700	Parcel ID: 027400; 265.2-1-19 Property loc: 3105 Hallsport Rd Assessed value: 25,000 Acres: 0.79	County of Allegany Book: 2010 Page: 43930
THOMAS, LUCAS J. MOWER, COURTNEY 1462 Covell Rd Wellsville, NY 14895 Tax sale amount: 3,272.89	Parcel ID: 027400; 279.-1-8 Property loc: 1462 Covell Rd Assessed value: 34,300 Acres: 6.76	County of Allegany Book: 1114 Page: 181
HERSHBERGER, ADAM R. HERSHBERGER, ELLA M. 11884 Leon Rd Conawango Valley, NY 14726 Tax sale amount: 34,000	Parcel ID: 027400; 280.-1-20 Property loc: 2187 Beech Hill Rd Assessed value: 82,800 Acres: 35.8	County of Allegany Book: 2010 Page: 43670
COOK, KRISTOPHER C. 79 W Main St Friendship, NY 14739 Tax sale amount: 1,000	Parcel ID: 027601; 247.18-2-6 Property loc: Main St Assessed value: 39,500 Acres: 0.24	County of Allegany Book: 1143 Page: 249
GOODSELL, JOY E. 38 Main St Savona, NY 14879 Tax sale amount: 7,500	Parcel ID: 027601; 247.18-2-31 Property loc: 156 Main St Assessed value: 65,900 Acres: 0.47	County of Allegany Book: 1477 Page: 259
CASS, DAVID M. 7739 Monahan Rd Friendship, NY 14739 Tax sale amount: 12,073.32	Parcel ID: 027689; 233.-3-26 Property loc: 7739 Monahan Rd Assessed value: 93,100 Acres: 100.9	County of Allegany Book: 1522 Page: 277
WAGNER, ROBERT W. 30 Sunnyside St Friendship, NY 14739 Tax sale amount: 2,700	Parcel ID: 027689; 234.-1-8.3 Property loc: St Rt 275 East Notch Rd Assessed value: 7,100 Acres: 5.3	County of Allegany Book: 1752 Page: 106
MARLETT, TIMOTHY E. 3996 Gile Hollow Rd Hinsdale, NY 14743 Tax sale amount: 2,600	Parcel ID: 027689; 246.-3-20.2 Property loc: 7720 Co Rd 40 Assessed value: 12,300 Acres: 0.9	County of Allegany Book: 1115 Page: 137
FARRELL, SCOTT P. 486 Apple Orchard Lane Webster, NY 14560 Tax sale amount: 3,600	Parcel ID: 023089; 203.-1-18.131 Property loc: 536 Lever Hill Road Assessed value: 3,800 Acres: 2.7	County of Allegany Book: Page:
FARRELL, SCOTT P. 486 Apple Orchard Lane	Parcel ID: 023089; 203.-1-18.132 Property loc: 536 Lever Hill Road	County of Allegany Book:

Webster, NY 14560
Tax sale amount: 3,000

Assessed value: 21,400
Acres: 2.7

Page:

Moved by: Mr. Hopkins
Seconded by: Mr. Healy

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

AUDITS:

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

A motion was made by Legislator Hopkins, seconded by Legislator Graves, and adopted on a roll call vote of 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$2,728,424.70, including prepaid expenses, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$4,817,742.00.*)

GOOD OF THE ORDER:

Legislator Ungermann expressed his concerns regarding the recent flash floods in Cuba and surrounding areas. He suggested urging state and federal legislators to reconsider allowing local municipalities to perform maintenance on streams and other waterways. Currently DEC regulations do not allow this without a lengthy permit process. Legislator Ungermann would like to see municipalities to be allowed minimum maintenance. He feels it would lessen damage and expense. Quite often municipalities are waiting for the next available grant to fix problems. Farmers lose valuable crops because of waiting for municipal grants.

ADJOURNMENT: The meeting was adjourned at 3:16 p.m. on a motion made by Legislator Graves, seconded by Legislator Fanton and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
JULY 8, 2013**

****APPROVED ****

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

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Navy Seaman Ricky L. Carmer.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 14 Legislators Present: Glenn Benson, Douglas Burdick, Curtis Crandall, Philip Curran, Dwight Fanton, Karl Graves, Dwight (Mike) Healy, Theodore Hopkins, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Frederick Sinclair, Norman Ungermann, Jr.; 1 Legislator Absent: Donald Cady

APPROVAL OF MINUTES:

The Board meeting minutes of June 24, 2013, were approved on a motion made by Legislator Fanton, seconded by Legislator Graves, and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Ricky L. Carmer, former United States Navy Seaman, in grateful appreciation of his service to our country. Mr. Carmer's service dates were from November 29, 1979, to October 30, 1982. He also served in the reserves through 1985. Following Basic Training at Orlando, FL, assignments included: Barbers Point, HI, Guam, Philippines, Thailand, Singapore, and Diego Garcia. Mr. Carmer's specialties were aircraft handler, flight deck, and firefighting. Commendations he received included: Sea Service Ribbon and Expeditionary Medal. Mr. Carmer led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Crandall spoke about the importance of veterans registering with our County Veterans' Service Agency. Veteran's information will go on record with the County and will help make it easier for veterans to receive benefits should they become available.

Chairman Crandall presented a plaque to County Planner Kier Dirlam for a Planning Excellence Award the County received from the Upstate Chapter of the American Planning Association for the 2012 WNY Sustainability Plan.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. The County Treasurer filed a Certificate of Withdrawal of Delinquent Tax Lien in the Clerk of the Board's Office on June 25, 2013, for property in the Town of Centerville, pursuant to Article 11 of the Real Property Tax Law.
2. The County Treasurer filed a certificate of appointment in the Clerk of the Board's Office wherein she appointed Jenna L. Nelson as Deputy County Treasurer from June 28 through December 31, 2013.
3. Correspondence from Caneadea Town Attorney David Pullen regarding modifications to the Town's Zoning Ordinance Amendments.
4. The Allegany County Senior Picnic will be held on Thursday, July 25, from 11 a.m. to 3 p.m. at the County Fairgrounds in Angelica.
5. The Annual Kids' Fishing Contest will be held at the Andover Ponds on Saturday, August 3, from 8 a.m. to 3 p.m.
6. Correspondence from former Real Property Tax Director Steven Presutti thanking the Board for the retirement plaque and recognition at the Board meeting on June 24.
7. Invitation to attend the Lufkin-RMT grand opening ceremony and tour at 2 p.m. on July 9.

APPOINTMENTS:

The Clerk of the Board announced that Chairman Curtis W. Crandall, in a joint measure with Cattaraugus County Chairman Norman L. Marsh, has appointed Kirk Gilbert (Cattaraugus Community Action) and Rebecca Cooper (Housing Options Made Easy, Inc.) to the **Cattaraugus-Allegany Workforce Investment Board Youth Council** for a two-year term expiring December 31, 2014.

Chairman W. Crandall has appointed Vicki Grant, of Houghton, New York, to the **ACCORD Board of Directors** to serve at his pleasure.

Legislator Frederick P. Sinclair has appointed Reita Sobeck-Lynch, of Wellsville, New York, to the **ACCORD Board of Directors** to serve at his pleasure.

RESOLUTIONS:

RESOLUTION NO. 111-13

AUTHORIZING CHAIRMAN TO FILE A CERTIFICATE DESIGNATING THE SECRETARY OF STATE AS THE AGENT FOR SERVICE OF NOTICES OF CLAIM

Offered by: Ways & Means Committee

Pursuant to Section 53 of the General Municipal Law.

WHEREAS, the State Legislature has enacted and Governor Cuomo has signed Chapter 24 of the Laws of 2013, which, *inter alia*, adds a new Section 53 to the General Municipal Law, effective June 15, 2013, and

WHEREAS, Chapter 24 of the Laws of 2013 permits claimants to serve notices of claim upon the Secretary of State rather than effecting personal service of such notices upon the municipality which is the subject of the claim, and

WHEREAS, the statute directs the Secretary of State to forward copies of notices of claim served in the above-referenced manner to the municipalities involved, and

WHEREAS, Section 53 of the General Municipal Law requires that municipalities, including Allegany County, within thirty days after the effective date of the law, file a certificate in the office of the Secretary of State designating the Secretary of State as the agent for service of notices of claim and providing the name, post office address and electronic mail address of an officer, person or designee, nominee or other agent-in-fact for the transmittal of notices of claim served upon the secretary, now, therefore, be it

RESOLVED:

1. That the Chairman be, and hereby is, authorized and directed to file, not later than July 12, 2013, a certificate with the Secretary of State designating the Secretary of State as Allegany County's agent for the service of notices of claim.

2. That the County Attorney is hereby designated to receive such notices of claim served in the manner set forth herein.

3. That the Chairman in such certificate, and in amendments thereof as from time to time may be necessary, shall provide the Secretary of State with the name, post office address and electronic mail address of the County Attorney.

Moved by: Mr. Hopkins
Seconded by: Mr. Graves

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

Comments made regarding Resolution No. 111-13 included: Legislator Pullen wants to note that this applies to every municipality in the state. He urged everyone to make sure that their community has designated a representative to receive the notices that are filed in Albany. If this isn't done a notice of claim against a municipality could be filed and the municipality won't receive it.

RESOLUTION NO. 112-13

AUTHORIZING THE COUNTY ADMINISTRATOR TO ISSUE LETTERS OF INTENT TO TVGA CONSULTANTS, CONXX SMART TECHNOLOGIES , AND SOUTHERN TIER

**WEST FOR PROFESSIONAL SERVICES RELATED TO THE CONNECT NY
BROADBAND GRANT AWARD TO ALLEGANY COUNTY**

Offered by: Facilities & Communications Committee

WHEREAS, Allegany County has been advised that it was awarded a \$1 million dollar grant under the Connect NY Broadband Grant Program, and

WHEREAS, Allegany County is waiting to receive and review the contract with the state outlining the terms of the grant, and

WHEREAS, Allegany County has been in touch with and anticipates using the professional services of TVGA Consultants, CONXX Smart Technologies and Southern Tier West to assist in the implementation of the broadband project, and

WHEREAS, given the scope of the project, it is critical that Allegany County be in a position to commence work on the project at the earliest possible date, and

WHEREAS, it is believed that issuance of a Letter of Intent to TVGA Consultants, CONXX Smart Technologies and Southern Tier West indicating an intent to utilize their professional services as part of the broadband project will expedite efforts to bring the project to fruition in a timely manner, now, therefore, be it

RESOLVED:

1. That the County Administrator, with the assistance of the County Attorney, is hereby authorized and directed to issue a Letter of Intent to TVGA Consultants, CONXX Smart Technologies, and Southern Tier West advising each of them of the County's intent to engage their services once a formal agreement with the state outlining the terms of the grant award is entered into.

Moved by: Mr. Pullen
Seconded by: Mr. Sinclair

Adopted: Voice Vote

RESOLUTION NO. 113-13

**TRANSFER OF FUNDS FROM CONTINGENT ACCOUNT TO COVER THE COST OF
IMPROVING RADIO COMMUNICATIONS IN THE VILLAGE OF ALFRED; APPROVAL OF
AGREEMENT WITH SAIA COMMUNICATIONS, INC.**

Offered by: Ways and Means Committee

RESOLVED:

1. That the sum of \$122,000 is transferred from Account No. A1990.429 (Contingent) to Account No. A3020.203 (Public Safety-Communications), to cover the cost of improving radio communication capabilities in the Village of Alfred.
2. That the agreement with Saia Communications, Inc. for improving radio communications in the Village of Alfred is approved.
3. That the Chairman of this Board is authorized to execute said Agreement.

Moved by: Mr. Fanton
Seconded by: Mr. Graves

Adopted: Roll Call
12 Ayes, 1 Noes, 1 Absent, 1 Abstain

(Memo: This resolution was tabled at the 4/22/13 Board meeting.)

A motion was made by Legislator Hopkins, seconded by Legislator Healy, and carried, to remove the resolution from the table. Legislator Hopkins moved that the resolution be amended, and he read the amendments that were to be added to the resolution. This was seconded by Legislator Healy. Legislator O'Grady asked to abstain from the vote to approve the resolution. A motion to approve Legislator O'Grady's request was made by Legislator Fanton, seconded by Legislator Graves, and carried by voice vote.

AUDITS:

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

A motion was made by Legislator Hopkins, seconded by Legislator Fanton, and adopted on a roll call vote of 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$2,396,011.58, including prepaid expenses, be approved for payment as recommended by the County Administrator. *(Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$ 5,204,114.00.)*

ADJOURNMENT: The meeting was adjourned at 2:30 p.m. on a motion made by Legislator Graves, seconded by Legislator Pullen, and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
JULY 18, 2013**

****APPROVED ****

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

PLEDGE OF ALLEGIANCE TO THE FLAG: The Flag was presented by Angelica Boy Scout Troop 736 represented by Nicholas Cobin, Conner Cockle, and Gunther Krohn. The Pledge of Allegiance was led by former United States Navy Petty Officer 3rd Class Alan B. Cole.

INVOCATION: The Invocation was given by Legislator Pullen.

ROLL CALL: 13 Legislators Present: Douglas Burdick, Curtis Crandall, Philip Curran, Dwight Fanton, Karl Graves, Dwight (Mike) Healy, Theodore Hopkins, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Frederick Sinclair, Norman Ungermann, Jr.; 2 Legislators Absent: Glenn Benson, Donald Cady

PRIVILEGE OF THE FLOOR:

Chairman Crandall mentioned the recent passing of Allegany County Correction Officer Daniel J. "Jamie" Barkley, Jr. Some were not able to attend the Board meeting today due to the funeral services. Our thoughts and prayers are with his family and friends, as well as his colleagues at the Allegany County Jail.

Also mentioned was the recent passing of Ernie Ramsey. Mr. Ramsey was President of the Farm Bureau and very active in agriculture. Our thoughts and prayers are with the Ramsey family and friends, and especially his wife Sandy.

Chairman Crandall stated that this meeting is an official scheduled meeting of the Allegany County Board of Legislature. Each year the Board of Legislators passes a resolution allowing the meeting to be held at the fair. This is the fifth year the meeting has taken place at the fair.

Chairman Crandall introduced the Legislators and County officials who were present. He also introduced some of our state and local representatives including Senator Catharine Young, Assemblyman Joseph Giglio, Joe Sempolinski (representing Congressman Tom Reed), as well as the Mayor of Angelica, Robin Robbins.

Special Awards and Recognition:

Chairman Crandall presented a certificate to former United States Navy Petty Officer 3rd Class Alan B. Cole, in grateful appreciation of his service to our country. Mr. Cole's service dates were from March 16, 1993, to March 15, 1997. Mr. Cole's assignments included: Norfolk, Virginia; and Gulfport, Mississippi. Commendations he received included: National Defense Service Medal, Humanitarian Service Medal, Sea Service Deployment Ribbon Second Award, Meritorious Unit Commendation Battle "E", Southwest Asia Service Medal with 1 star, and a Good Conduct Medal. Mr. Cole went on to receive Engineering degrees from Corning Community College and Alfred University. He currently works as a Senior Engineer at Dresser-Rand in Wellsville, New York. Mr. Cole led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Crandall presented Nicholas Cobin, Conner Cockle, and Gunther Krohn with certificates recognizing them for their hard work as members of Angelica Boy Scout Troop 736.

A certificate of appreciation was presented to 4-H member Rachel Beiler for her many 4-H accomplishments.

Chairman Crandall mentioned to the audience that at last year's Board meeting held at the fair, there was a proclamation designating July 19, 2012, as Oliver Willcox Norton Day. Oliver Willcox Norton was a bugler from Angelica, who gave one of the first renditions of the song *Taps* over 150 years ago. United States Army Veteran Douglas Gath of Angelica was instrumental in helping to get *Taps* designated as a National Song of Remembrance. Chairman Crandall offered his thanks to Congressman Reed and Mr. Gath for their help in making this happen.

Martha Roberts, President of the Fair Board, was acknowledged for all of her hard work with organizing the fair. Chairman Crandall read aloud a proclamation naming July 15-20, 2013, as Allegany County Fair Week.

Chairman Crandall presented this year's Fair Book Honoree Paula Van Dyke with a certificate recognizing her hard work and dedication to the Allegany County Fair.

The following elected representatives addressed the Board:

Senator Cathy Young stated that people from all over New York State and beyond travel to the Allegany County Fair. It shows what a great attraction the fair is in promoting Allegany County. Senator Young congratulated all of the volunteers, especially Martha Roberts and Paula Van Dyke. She thanked Chairman Crandall for his great leadership, and thanked the legislators for all they do. Holding the meeting at the fair is a great example of government being accessible to the people. Senator Young congratulated Veteran Alan Cole for all he's done for his country, and mentioned that there are so many great veterans from Allegany County. She then congratulated Rachel Beiler for her accomplishments in 4-H, and shared with the audience her own memories of being a 4-H member. She felt she learned a great deal and mentioned what a valuable program it is. She also expressed her view on how important agriculture is to the economy here in Allegany County. Senator Young

finished by calling Chairman Crandall forward and presenting him with a new New York State flag for the legislative chambers. Chairman Crandall expressed his appreciation for the new flag, as the one currently used is quite worn.

Assemblyman Joseph Giglio remarked how lucky he is to represent Allegany County. He stated there are many good things that the fair represents, citing the Veterans, Boy Scouts and 4-H. He feels that action speaks louder than words. Many good things are a result of team work. When we stand together we get more, and do more. This helps us to win the battles to get the things we need to prosper in our County. As we walk through the fair today I'm sure we'll get more great ideas for what can be done.

Joe Sempolinski (representing Congressman Tom Reed) said the fair meeting shows accessibility to our local government and it's an opportunity for people to see County government at work. It shows teamwork between the local and state government. It shows that Allegany County officials know who they work for, the people of Allegany County. He feels there is no place where the legislature is more engaged than with those in Allegany County government. The County Administrator, Chairman Crandall, and the Legislators are engaged with the people of the County. He remarked that many great things are taking place in Allegany County. He gave several examples of this including, recognizing our veterans, working to protect the second amendment, and supporting agriculture. He stated he was refreshed to be in Allegany County with people who "get it."

ON THE DESKS:

1. Board Meeting Minutes of July 8, 2013 – for review
2. August 2013 Calendar of Board and Standing Committee meeting dates.
3. Report of Intrafund Transfers Approved by the County Administrator in June.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. Reminder of the Legislators' Clambake on July 26. Money and any remaining tickets should be turned in to the Clerk of the Board's Office as soon as possible.
2. The annual Senior Picnic will be held on the County Fairgrounds in Angelica on July 25, 2013, from 11 a.m. to 3 p.m.
3. Reminder of the Andover Wetlands Restoration Project Annual Kids' Fishing Contest to be held August 3 from 8 a.m. to 3 p.m.

PROCLAMATION:

Chairman Curtis W. Crandall proclaimed July 15-20, 2013, as Allegany County Fair Week in Allegany County (proclamation read earlier in the meeting).

Chairman Crandall explained the process that resolutions go through to get to the Board meetings. The Board of Legislators operates under a committee system. Most of the discussion and debate takes place at the committee meetings. Chairmen of the standing committees were introduced. Chairman Crandall reminded the audience that everyone is welcome at committee and Board meetings. Committee meetings take place at least once per month and Board meetings take place on the 2nd and 4th Mondays of the month.

RESOLUTIONS:

RESOLUTION NO. 114-13

APPROVAL OF SALE OF 2013 TAX SALE PROPERTIES

Offered by: Ways and Means Committee

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

RESOLVED:

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

2. That upon the securing by the County Attorney of a proper court order authorizing the conveyance to the County of such of the below mentioned properties which are subject to the 2011 and/or back to the year 1995 (TF95 up to and including TF11) tax foreclosure proceedings and the subsequent execution of a deed of all of the below mentioned properties to the County by the County Tax Enforcement Officer, the Chairman of this Board of Legislators is authorized and directed to execute on behalf of the County of Allegany and to cause to deliver to such owners and purchasers quit claim deeds of the County's interest in such properties and to affix to each such deed the official seal; all upon satisfaction of the terms and conditions of sale and the full payment to the County Treasurer of the monetary considerations.

New Owner	Parcel details	County title
Address		Recorded Date
Sale price		Liber, Page
James Dickerson & Charmaine Wade 6814 Old State Road Bolivar, NY 14715 Tax sale amount: \$2,000	Parcel ID: 022400; 262.6-1-79 Property loc: 5833 St Rt 417 Assessed value: \$15,700 Acres: 0	County of Allegany Book: 2009 Page: 37330

Timothy Combs 1440 Four Mile Rd Lot 17 Allegany, NY 14706 Tax sale amount: \$201	Parcel ID: 025000; 182.-1-25.3 Property loc: 6832-1 County Rd 31 Assessed value: \$3,000 Acres: 0.5	County of Allegany Book: 1712 Page: 261
William Baker 7035 Gleason Hill Rd Belfast, NY 14711 Tax sale amount: \$222.22	Parcel ID: 025200; 284.-1-48 Property loc: 627 Sanford Hollow Rd Assessed value: \$64,127 Acres: 0.81	County of Allegany Book: 874 Page: 00153
Susan Sekoll 4097 Back River Road Scio, NY 14880 Tax sale amount: \$2,000	Parcel ID: 026600; 199.18-2-14 Property loc: 4424 Sinon St Assessed value: \$8,600 Acres: 0.32	County of Allegany Book: 1238 Page: 258
Mary M. Cross & Victoria Cross 3008 Madison Hill Road Wellsville, NY 14895 Tax sale amount: \$100	Parcel ID: 026600; 249.3-1-15 Property loc: 5764 Bolivar Rd Assessed value: \$27,000 Acres: 0.1	County of Allegany Book: 1732 Page: 252

Moved by: Mr. Hopkins
Seconded by: Mr. Curran

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

Comments made regarding Resolution No. 114-13 included: Legislator Hopkins explained the process behind the sale of these properties. He explained that these properties went through the annual tax auction sale. They didn't receive bids so they then go through a sealed bid process. Once the bids are accepted the properties then go back on the tax rolls.

**RESOLUTION NO. 115-13
APPROVAL OF SALE OF 2013 TAX SALE PROPERTY**

Offered by: Ways and Means Committee

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

RESOLVED:

1. That the sale of the tax delinquent property shown below, to the owner and purchaser shown, for the consideration shown, subject to terms and conditions of sale for such property, is approved.

2. That upon the securing by the County Attorney of a proper court order authorizing the conveyance to the County of the below mentioned property which is subject to the 2010 tax foreclosure proceedings and the subsequent execution of a deed of all of the property to the County by the County Tax Enforcement Officer, the Chairman of this Board of Legislators is authorized and directed to execute on behalf of the County of Allegany and to

cause to deliver to such owner and purchaser a quit claim deed of the County's interest in such property and to affix to such deed the official seal; all upon satisfaction of the terms and conditions of sale and the full payment to the County Treasurer of the monetary consideration.

New Owner Address Sale price	Parcel details	County title Recorded Date Liber, Page
Richard C. Middaugh 6148 County Rd 18 Alma, NY 14708 Tax sale amount: \$1,100	Parcel ID: 025000; 183.5-1-7.1 Property loc: 4933 Maple Grove Rd Assessed value: \$219,200 Acres: 9.71	County of Allegany Book: 1659 Page: 276

Moved by: Mr. Hopkins
Seconded by: Mr. Curran

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

**RESOLUTION NO. 116-13
ACCEPTANCE OF BID BY ROBERT FULLER AND BUENA FULLER FOR A PARCEL OF
LAND CONSISTING OF .426 ACRES IN THE TOWN OF AMITY**

Offered by: Public Works Committee

RESOLVED:

1. That the bid in the amount of \$205 (equaling \$481.22 per acre) from Robert Fuller and Buena Fuller for a parcel of land consisting of .426 acres in the Town of Amity, is accepted.

Moved by: Mr. Fanton
Seconded by: Mr. Graves

Adopted: Roll Call
1 Ayes, 1 Noes, 2 Absent
Voting No: Ungermann

Comments made regarding Resolution No. 116-13 included: Legislator Fanton briefly described the small parcel of land and stated that this resolution will put the property back on the tax rolls.

RESOLUTION NO. 117-13

**DESIGNATING THE WELLSVILLE DAILY REPORTER AS SOLE OFFICIAL NEWSPAPER
FOR THE WEEK OF AUGUST 11, 2013, TO AUGUST 17, 2013**

Offered by: Ways and Means Committee

WHEREAS, the Clerk of this Board was informed that the Cuba Patriot & Free Press, one of the official newspapers, will not be publishing during the period of August 11, 2013, to August 17, 2013, now, therefore, be it

RESOLVED:

1. Notwithstanding the provisions of Section 1. of Resolution No. 32-2012, the newspaper the Wellsville Daily Reporter is designated as the sole official newspaper to publish local laws, notices, and other matters required by law to be published during the period of August 11, 2013, to August 17, 2013.

Moved by: Mr. Hopkins
Seconded by: Mr. Pullen

Adopted: Voice Vote

RESOLUTION NO. 118-13

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

Offered by: Public Works Committee

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

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

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

RESOLVED:

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

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

3. That the Municipality agrees that it will fund the entire cost of said Household Hazardous Waste Program and will be reimbursed by the State for the State share of such costs.

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

5. That this resolution shall take effect immediately.

Moved by: Mr. Fanton
Seconded by: Mr. Healy

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

Comments made regarding Resolution No. 118-13 included: Legislator Sinclair stated that this was probably at least the 20th year of the program. He commended the Department of Public Works for their part and added that the benefit to the environment is significant.

RESOLUTION NO. 119-13

APPROVING THE 2013 RESOURCE ALLOCATION PLAN AGREEMENT WITH OFFICE OF CHILDREN AND FAMILY SERVICES; PROVIDING APPROPRIATION OF FUNDS FOR THE YOUTH DEVELOPMENT/DELINQUENCY PREVENTION (YDDP) AND THE SPECIAL DELINQUENCY PREVENTION PROGRAMS (SDPP)

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That the 2013 Resource Allocation Plan agreement with Office of Children and Family Services in relation to the State's allocation of funds to the County for providing youth services under its Comprehensive Youth Service Plan is approved.

2. That the Chairman of this Board is authorized to execute such Plan Agreement.

3. That a portion of the funds to be received under such Plan agreement shall be appropriated from time to time to cover the costs under sub-contractor service provider agreements as may be approved by this Board.

Moved by: Mr. Healy
Seconded by: Mr. Hopkins

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

Comments made regarding Resolution 119-13 included: Legislator Healy explained to the audience that this is an annual pass through measure to accept money from the state. The funding is for summer youth and other year round programs. It is fully state funded. He said that Linda Edwards does a fine job with getting funding and thanked her for her work.

AUDITS:

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

A motion was made by Legislator Hopkins, seconded by Legislator Fanton, and adopted on a roll call vote of 13 Ayes, 0 Noes, 2 Absent, that the audit of claims, totaling \$3,031,290.39, including prepaid expenses, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$5,590,486.00.*)

Comments regarding Audit included: Legislator Hopkins commented on the cost of Medicaid. He stated that approximately 40% of property taxes go to Medicaid.

COMMENTS:

Chairman Crandall gave Allegany County department heads credit for their part in keeping an eye on the budget. Allegany County is in the best financial position it has ever been in the history of the County. Several years ago we were running in the red. We were continually adding to the deficit. Now we have a piggy bank of almost \$20 million. It improves our bond rating. It gives us more opportunity to work in economic development. If it wasn't for the great work of the department heads we wouldn't be in such a great position.

Legislator Pullen spoke of the Cooperative Extension program and mentioned that Diane Baker was retiring. He asked that Diane Baker stand up and be recognized for her contributions to the 4-H program. Mr. Pullen said finding a replacement for Diane would be a tall order.

Legislator Ungermann mentioned not only is the Allegany County Fair going on this week, but that the Wellsville Balloon Rally was going on this weekend as well. Mr. Ungermann added that tourism is alive and well in Allegany County.

ADJOURNMENT: The meeting was adjourned at 3:11 p.m. on a motion made by Legislator Graves, seconded by Legislator LaForge and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
AUGUST 12, 2013**

****APPROVED ****

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

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Army 1st Lieutenant Daniel P. Ward.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 15 Legislators Present: Glenn Benson, Douglas Burdick, Donald Cady, Curtis Crandall, Philip Curran, Dwight Fanton, Karl Graves, Dwight (Mike) Healy, Theodore Hopkins, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Frederick Sinclair, Norman Ungermann, Jr.

APPROVAL OF MINUTES:

The Board meeting minutes of July 8, 2013, were approved on a motion made by Legislator Graves, seconded by Legislator Ungermann, and carried.

The Board meeting minutes of July 18, 2013, were approved on a motion made by Legislator Fanton, seconded by Legislator Pullen, and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall spoke briefly about a ceremony he and Senator Cathy Young recently attended honoring Lieutenant Colonel Art VanTyne. Mr. VanTyne was recently inducted into the New York State Veterans' Hall of Fame. Chairman Crandall remarked that Mr. VanTyne's service record is impressive, and we are glad he was selected.

Chairman Crandall presented a certificate to Daniel P. Ward, former United States 1st Lieutenant, in grateful appreciation of his service to our country. Mr. Ward's service dates were from January 30, 1967, to December 9, 1969. Following Basic Training at Fort Dix, NJ; assignments included: Fort Lewis, WS; Ft. Benning, NC; Fort Sill, OH; Fort Stewart, GA; and Vietnam. Commendations he received included: Vietnam Service Medal, Vietnam Campaign Medal with 60 Device, Air Medal with 6th Oak Leaf Cluster, Distinguished Flying Cross, Air Medal with Numeral 10, Vietnam Service Medal with Four Bronze Service Stars, Republic of Vietnam Campaign Ribbon with Device, Republic of Vietnam Gallantry Cross with Palm Unit Citation Badge, Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation Badge, Expert Rifle Badge, Expert Machine Gun Badge, and Expert 45

Weapons Badge. Mr. Ward led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Crandall presented members of the Allegany County Little League Senior Division Team with certificates recognizing their successful season. The team earned the titles of District 2 Champs, Section 1 Champs, and New York State Champs. The team finished the post season with a record of 13-2. This left them with a ranking of 4th in the Eastern Region, 10th in the Nation, and the 15th left playing in the World. Chairman Crandall remarked what great representatives they were of Allegany County. Recognized were Team Members C.J. Pierce, Billy Emery, Brett Miglore, Allen Murphy, Liam Cunningham, Josh Cline, Reston Petit, Gary Burdick, Justin Fisher, Hunter Kane, Alex Cornell, Cole Tracy, Andrew Weigman, Kyle Redman, and Kirby Weinbauer; Manager, John Anderson; Coaches Bob Murphy and Kevin Redman; and Scorekeepers Marty Kane and Jon Nickerson.

Chairman Crandall granted privilege of the floor to Jackie Green, Mercy Flight Outreach Coordinator. Ms. Green gave some historical and background information about Mercy Flight. Mercy Flight began in 1981. It was the first air-medical service in New York. It is a non-profit community based organization, receiving 91 percent of its funding through insurance reimbursements with the remaining 9 percent coming from fundraising, development, and other miscellaneous sources. Ms. Green remarked on the importance of such a service in a rural area such as ours.

ON THE DESKS:

1. Report of Intra-fund Transfers approved by the County Administrator in July.
2. Report of Tax Bill Corrections approved by the County Administrator in July.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. The NYSAC 2013 Fall Seminar will be held at the Hilton Hotel in Saratoga Springs from September 25-27. If you plan to attend, please let Clerk of the Board Riehle know as soon as possible.
2. The next Greater Allegany County Chamber of Commerce Business After Hours Event will be hosted by the Sunny Hill Campground on August 22, 2013, from 5:30 to 7:30 p.m.
3. Notice of next InterCounty Association meeting to be hosted by Chautauqua County at the Turner Community Center in Mayville, New York, on August 16.
4. The Whitesville Public Library will be holding their annual Ice Cream Social on Wednesday, August 14, from 6 to 8 p.m.

APPOINTMENTS:

Chairman Curtis W. Crandall has reappointed Timothy O'Grady of Wellsville, New York to the **CHAUTAUQUA, CATTARAUGUS, ALLEGANY AND STEUBEN SOUTHERN TIER EXTENSION RAILROAD AUTHORITY** for a three year term commencing immediately.

PROCLAMATION:

Chairman Crandall proclaimed August 1-7, 2013, as Breastfeeding Week in Allegany County.

INTRODUCTION OF LEGISLATION:

RESOLUTIONS:

RESOLUTION NO. 120-13

APPROVING AGREEMENT WITH ALLEGANY/WESTERN STEUBEN RURAL HEALTH NETWORK FOR ADDITIONAL PAYMENTS OF \$1,500 PER MONTH THROUGH DECEMBER 31, 2014

Offered by: Ways and Means Committee

WHEREAS, Allegany/Western Steuben Rural Health Network provides Mobility Management Services for Allegany County pursuant to contract, and

WHEREAS, the provision of Mobility Management Services by Allegany/Western Steuben Rural Health Network has been critical in allowing Allegany County to reduce the cost of various mandated services, and

WHEREAS, the provision of Mobility Management Services has allowed the County's transportation system to serve the dual role of assisting with mandated transportation needs while providing transportation to the general public, and

WHEREAS, due to unforeseen circumstances, Allegany/Western Steuben Rural Health Network is no longer able to provide its employees with medical insurance coverage through the auspices of Cornell Cooperative Extension, and

WHEREAS, Allegany/Western Steuben Rural Health Network can only obtain lesser medical insurance coverage at a much higher expense than previously budgeted, and

WHEREAS, Allegany/Western Steuben Rural Health Network will be unable to retain its workforce and continue to provide Mobility Management Services without additional revenue to cover the cost of medical insurance, and

WHEREAS, the inability of Allegany/Western Steuben Rural Health Network to continue to perform Mobility Management Services for Allegany County would compel the

County to hire additional employees and result in a significant increase in County expenditures to meet the cost of mandated services, and

WHEREAS, this Board deems it to be in the best interest of County taxpayers to provide a temporary increase in payments to Allegany/Western Steuben Rural Health Network to enable it to continue to perform ongoing Mobility Management Services, now therefore, be it

RESOLVED:

1. That the agreement between Allegany County and Allegany/Western Steuben Rural Health Network to pay an additional \$1,500 per month commencing August 1, 2013 and terminating December 31, 2014 is approved.

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

Moved by: Mr. Hopkins
Seconded by: Mr. Cady

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

Comments made regarding Resolution No. 120-13 included: Legislator Ungermann questioned how many counties does this program serve? What are other counties contributing to the program? How many people are employed? Chairman Crandall asked Carrie Whitwood, Executive Director for Allegany/Western Steuben Rural Health Network to come forward to answer the questions. Ms. Whitwood said that they do offer services to those outside of Allegany County. Legislator Ungermann wanted to know if she had asked for additional funding from any other municipalities. She replied No, just Allegany County. Chairman Crandall reminded everyone that we are required to make medical transportation available. He stated that we provide the transportation service through a contract with Allegany/Western Steuben Rural Health Network and our expense for transportation has gone down since we've used this. Without this service, it's going to cost us much more than what we're currently spending. Ms. Whitwood remarked that public transportation is much less expensive than private transportation. Legislator Healy added that there was also greater liability with private transportation. Legislator Sinclair commented that these additional payments were a reduction in the amount of savings, not an increase in cost. We are saving several hundred thousand dollars each year using this service.

Resolution No. 121-13 (Intro. No. 125-13) REFUND OF REAL PROPERTY TAXES FOR LEVEL ACRES LLC was not pre-filed and was considered from the floor on a motion made by Legislator Hopkins, seconded by Legislator Curran, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 121-13

REFUND OF REAL PROPERTY TAXES FOR LEVEL ACRES LLC

Offered by: Ways and Means Committee

Pursuant to Real Property Tax Law §556

WHEREAS, pursuant to a Supreme Court Order rendered on April 30, 2013, by the Hon. Timothy J. Walker, Acting Supreme Court Justice of the State of New York, In the Matter of Level Acres LLC vs. The Board of Assessment Review for the Town of Wellsville, the Assessor of the Town of Wellsville and the Town of Wellsville, County of Allegany, New York, a change of assessments and refunds on the 2013 County and Town Tax Roll for the Town of Wellsville has been ordered, and

WHEREAS, such County Director has transmitted to this Board a copy of said Order, together with a written report of his investigation of the claimed “clerical error” set forth in the application and his written recommendation for action thereon by this Board, and

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

RESOLVED:

1. That this Board of Legislators does determine that pursuant to Supreme Court Order dated April 30, 2013, the claimed “clerical error” as alleged in application made by or for Level Acres LLC of Wellsville, New York under the date of July 30, 2013, exists and that the application is approved.

2. That the County Treasurer is directed to refund to Level Acres LLC, the total sum of \$5,885.21 and to make the following charges on her books:

Allegany County	\$3,811.71
Town of Wellsville	1,849.09
Wellsville Fire	224.41

Moved by: Mr. Hopkins
Seconded by: Mr. Fanton

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

Resolution No. 122-13 (Intro. No. 126-13) was not pre-filed and was considered from the floor on a motion made by Legislator Hopkins, seconded by Legislator Graves, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 122-13

**ACCEPTING STATE AID FUNDS FOR ALLEGANY REHABILITATION
ASSOCIATION PROS PROGRAM ACCOUNTS; APPROPRIATION OF FUNDS**

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the sum of \$147,417 in state aid for Allegany Rehabilitation Association Pros Program is accepted.

2. That the accepted sum of \$147,417 is appropriated to Account No. A4313.463 (Mental Health Contracts) with a like sum credited to Revenue Account No. A4313.3490.1037 (Mental Health Contracts – State Aid – Pros Program).

Moved by: Mr. Burdick
Seconded by: Mr. LaForge

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

Resolution No. 123-13 (Intro. No. 127-13) was not pre-filed and was considered from the floor on a motion made by Legislator Pullen, seconded by Legislator Healy, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 123-13

ESTABLISHING CAPITAL PROJECT FOR THE CONNECT NY BROADBAND GRANT PROJECT; AUTHORIZING COUNTY ADMINISTRATOR TO SUBMIT THE CONNECT NY INCENTIVE PROPOSAL; AUTHORIZING AGREEMENTS WITH CONXX SMART TECHNOLOGIES, TVGA CONSULTANTS AND SOUTHERN TIER WEST; AUTHORIZING CHAIRMAN TO SIGN AGREEMENTS

Offered by: Facilities and Communications and Ways and Means Committee

RESOLVED:

1. That there is established a Capital Project for the H 1997 Connect NY Broadband Grant Project-CFA#21283.

2. That the sum of \$1,000,000 is appropriated to Account No. H 1997.200 and the sum of \$200,000, representing the County's share of the grant award, is transferred from Contingency Account No. A 1990.429 and credited to Revenue Account No. H 1997.5031.00 (Connect NY Broadband Grant-County's Share), and the sum of \$800,000, representing total state aid payable from the grant is credited to Revenue Account No. H 1997.3097.00 (State Aid-Connect NY Broadband Grant).

3. That subject to approval of the form thereof by the County Attorney, the County Administrator is directed to complete and submit the Connect NY-Incentive Proposal.

4. That a contract for professional services with Conxx Smart Technologies in the amount of Eighty-Five Thousand Dollars (\$85,000), to assist the County in the Connect NY Broadband Grant Project, is hereby approved and the County Attorney is directed to prepare the contract.

5. That a contract for professional services with TVGA Consultants in the amount of Fifteen Thousand Dollars (\$15,000), to assist the County in the Connect NY Broadband Grant Project, is hereby approved and the County Attorney is directed to prepare the contract.

6. That a contract for professional services with Southern Tier West Regional Planning and Development Board in the amount of Ten Thousand Eight Hundred Dollars (\$10,800), to assist the County in the Connect NY Broadband Grant Project, is hereby approved and the County Attorney is directed to prepare the contract.

7. That the Chairman of this Board is authorized to execute all such Agreements together with any other paperwork related to this project.

Moved by: Mr. Pullen
Seconded by: Mr. Sinclair

Adopted: Roll Call
11 Ayes, 4 Noes, 0 Absent

Comments made regarding Resolution No. 123-13 included: Legislator Ungermann asked who was going to administer this project. The County Administrator, Mitch Alger stated that he would be along with the Facilities and Communications Committee. Legislator Ungermann stated he understood the urgency, but felt he wasn't clear on the project. Mr. Alger then added that there were several agencies who would also be involved with the administration of it. Legislator O'Grady voiced his concerns saying that he wasn't going to support it. He stated that he still has some hesitations without knowing who is going to control mid-mile service. That's his concern. If this was all established, he would be more comfortable. Legislator Pullen remarked that while we don't understand exactly how this is going to work, this is a proven model. There are others who have used this model. He went on to give some examples of other types of infrastructures that are provided to our citizens. He stated that this is going to enhance our E911 system. We need to do this before we get left behind.

AUDITS:

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

A motion was made by Legislator Hopkins, seconded by Legislator Graves, and adopted on a roll call vote of 15 Ayes, 0 Noes, 0 Absent, that the audit of claims, totaling \$3,719,566.77, including prepaid expenses, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$6,170,044.*)

GENERAL COMMENTS:

Chairman Crandall briefly mentioned that Legislator McGraw had recently competed in the Tough Mudders competition held in Andover.

Legislator Pullen shared his own personal story of the great service Mercy Flight provides. The timely manner of their service and wonderful care make a world of difference in recovery.

ADJOURNMENT: The meeting was adjourned at 3:16 p.m. following a motion made by Legislator Graves, seconded by Legislator O'Grady, and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
AUGUST 26, 2013**

****APPROVED ****

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:02 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former U.S. Army Specialist Fourth Class Joseph A. Stephens.

INVOCATION: The Invocation was given by Legislator Pullen.

ROLL CALL: 15 Legislators Present: Glenn Benson, Douglas Burdick, Donald Cady, Curtis Crandall, Philip Curran, Dwight Fanton, Karl Graves, Dwight (Mike) Healy, Theodore Hopkins, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Frederick Sinclair, Norman Ungermann, Jr.

APPROVAL OF MINUTES:

The Board meeting minutes of August 12, 2013, were approved on a motion made by Legislator Graves, seconded by Legislator Curran, and carried.

Legislator Ungermann commented that all kinds of numbers had been thrown around regarding the medical transport the County is providing. We've gotten carried away throwing around numbers regarding this program. One year we budgeted a million dollars, that's not what we spent, but we budgeted that. We spent \$750,000 that year. We've never spent as little as \$25,000. Last year we spent \$34,000. Now we're going to add an additional \$18,000. The big reason the expense went down according to Social Services is due to NYS e-med system taking over the majority of the payments and efforts of Social Services and the call center. We got carried away throwing out numbers that are far from accurate. Our savings keep shrinking. We've got to keep a handle on this. The \$90,000 we're saving is shrinking.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Joseph A. Stephens, former United States Army Specialist Fourth Class, in grateful appreciation of his service to our country. Mr. Stephens' service dates were from August 19, 1969, to October 26, 1971. Following Basic Training at Fort Dix, NJ; assignments included: Fort Ord, CA; and Vietnam. Commendations he received included: National Defense Service Medal, Vietnam Service Medal, Republic of Vietnam Campaign Ribbon with 60 Device, Republic of Vietnam Civil Action Unit Citation, Vietnam Service Medal with Bronze Star, Army Accommodation Medal with Oak Leaf Cluster, Good Conduct Medal, Purple Heart, Combat Infantry Badge. Mr.

Stephens led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. September 2013 Calendar of Board and Standing Committee meeting dates.
2. Comprehensive Plan Implementation Group Chairman Edward Eicher forwarded an interim report.
3. In July, Elections Commissioner Rick Hollis filed with the Clerk of the Board a summary of how the Poll Worker/Voter Education Grant funds will be expended.
4. Reminder that the Greater Allegany County Chamber of Commerce 2013 Legislative Breakfast will be held on Friday, September 13, 8:30-11:30 a.m., at the Reinhold Campus Center at Houghton College. If you plan to attend, please contact the Chamber by September 4.

RESOLUTIONS:

RESOLUTION NO. 124-13

AMENDING RESOLUTION NO. 118-67, AS AMENDED, TO IMPOSE ALLEGANY COUNTY SALES AND USE TAX AT THE RATE OF FOUR AND ONE-HALF PERCENT FOR THE PERIOD BEGINNING DECEMBER 1, 2013, AND ENDING NOVEMBER 30, 2015, AND THEREAFTER SAID RATE OF SALES AND USE TAX TO REVERT TO THREE PERCENT

Offered by: Chairman Curtis W. Crandall and Ways & Means Committee

Pursuant to Article 29 of the Tax Law, and Chapter 329 of the Laws of 2013

BE IT RESOLVED AND ENACTED by the Board of Legislators of the County of Allegany as follows:

Section 1. Section 4-A of Resolution No. 118-67, as amended, is hereby amended to read as follows:

Section 4-A. Imposition of additional rate of sales and compensating use taxes

Pursuant to the authority of section 1210 of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional one and one-half percent rate of such sales and compensating use taxes, for the period beginning December first, two thousand four, and ending November thirtieth, two thousand fifteen. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as

are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

Section 2. Paragraph (D) of Subdivision (1) of Section 11. of Resolution No. 118-67, as amended, is hereby amended to read as follows:

(1) (D) With respect to the additional tax of one and one-half percent imposed for the period beginning December first, two thousand four, and ending November thirtieth, two thousand fifteen, in respect to the use of property used by the purchaser in this county prior to December first, two thousand four.

Section 3. This resolution shall take effect December first, two thousand thirteen.

Moved by: Mr. Hopkins
Seconded by: Mr. Fanton

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

Comments made regarding Resolution No. 124-13 included the following: Prior to the vote, Legislator Ungermann stated if he thought the last two sentences would come to pass he would vote for it, but this has gone on since 1967. Following the vote, Chairman Crandall commented on the importance of this resolution being passed. It raises around \$6 million dollars that would have to be made up through property taxes if it hadn't been passed. He said that some would say we need to cut \$6 million from the budget. We've looked at cutting the budget. The budget is a continual process that we work on year round. There's not \$6 million that can just be "sliced" out of the budget. He also noted that the counties that have asked for a property tax rate increase have run into a roadblock at the state level. The State is going along with the extension, but not an increase. There are a lot of counties that haven't been able to increase their property tax rates. This is a very important piece of legislation that has just passed. I would rather see sales tax revenue come in, than have property taxes increase.

Ways & Means was supposed to be included as a co-sponsor for Resolution No. 124-13. A motion was made by Legislator Hopkins to add Ways & Means as a co-sponsor, seconded by Legislator Pullen, and carried.

A motion was made by Legislator O'Grady, seconded by Legislator Graves, and carried to amend Resolution No. 125-13. The amount listed under the first whereas should read \$27,720.

RESOLUTION NO. 125-13

AMENDING RESOLUTION NO. 34-2013 TO CHANGE THE SALARY STATED FOR THE POSITION OF ASSISTANT DISTRICT ATTORNEY (6th) WELFARE FROM \$24,720 TO \$24,000

Offered by: Personnel and Ways and Means Committees

WHEREAS, Resolution No. 34-2013 incorrectly stated the salary for the position of the Assistant District Attorney (6th) Welfare to be \$24,720, and

WHEREAS, the correct salary of the position of Assistant District Attorney (6th) Welfare is \$24,000 as set forth in Resolution No. 217-2012, now therefore, be it

RESOLVED:

1. That paragraph 2 of Resolution No. 34-2013 is hereby amended to change the salary for the position of Assistant District Attorney (6th) Welfare from \$24,720 to \$24,000.

A motion was made by Legislator O'Grady, seconded by Legislator Graves, and carried to amend the resolution. The amount listed under the first whereas should read \$27,720.

Moved by: Mr. O'Grady
Seconded by: Mr. Graves

Adopted: Roll Call
15 Ayes, 0 No, 0 Absent

RESOLUTION NO. 126-13

ACCEPTANCE OF ADDITIONAL FUNDS RECEIVED FROM THE FEDERAL TITLE VII OMBUDSMAN PROGRAM AND THE HEALTH INSURANCE INFORMATION, COUNSELING AND ASSISTANCE PROGRAM; APPROPRIATION TO OFFICE FOR THE AGING ACCOUNTS

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That funds from the Federal Title VII Ombudsman Program and the Health Insurance Information, Counseling and Assistance Program in the amount of \$7,060 are accepted and appropriated as follows:

Appropriation Accounts (\$7,060)	Amount
A6781.402 (OFA Title VII Ombudsman Program- Mileage)	1,492
A6782.101 (OFA HIICAP-Regular Pay)	1,500
A6782.413 (OFA HIICAP-Rental: Pers. Prop)	1,200
A6782.416 (OFA HIICAP-Telephone)	1,300
A6782.419 (OFA HIICAP-Printing)	1,000
A6782.805 (OFA HIICAP-Health Ins.)	568

Revenue Account (\$7,060)

A6781.4772.00 (Title VII-Ombudsman)	1,492
A6782.4772.00 (HIICAP)	5,568

Moved by: Mr. Burdick
Seconded by: Mr. LaForge

Adopted: Roll Call
15 Ayes, 0 No, 0 Absent

RESOLUTION NO. 127-13

ACCEPTANCE OF ADDITIONAL STATE AID FOR COMMUNITY SERVICES FOR THE ELDERLY (CSE) MILEAGE; APPROPRIATION TO OFFICE FOR THE AGING ACCOUNTS

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That additional State Aid in the sum of \$1,000 for Community Services for the Elderly (CSE) mileage is accepted and appropriated to Account No. A6776.402 (OFA CSE-Mileage) with a like sum credited to Revenue Account No. A6776.3772.00 (CSE/Transportation).

Moved by: Mr. Burdick
Seconded by: Mr. Pullen

Adopted: Roll Call
15 Ayes, 0 No, 0 Absent

RESOLUTION NO. 128-13

ACCEPTANCE OF ADDITIONAL FUNDS RECEIVED DUE TO INCREASE IN THE NUMBER OF HOME DELIVERED MEALS CLIENTS RECEIVING LONG TERM HOME HEALTH CARE FUNDING IN THE C2 BUDGET; APPROPRIATION TO OFFICE FOR THE AGING ACCOUNTS

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That an additional sum of \$10,000 received from Long Term Home Health Care funding due to an increase in the number of Home Delivered Meals Clients receiving LTHHC funding is accepted and appropriated to Account No. A6772.474 (OFA Nutrition-Caterer) with a like sum credited to Revenue Account No. A6772.1972.01 (III-C2-LTHHC [Long Term Home Health Care]).

Moved by: Mr. Burdick
Seconded by: Mr. Pullen

Adopted: Roll Call
15 Ayes, 0 No, 0 Absent

RESOLUTION NO. 129-13

ACCEPTING AND APPROPRIATING FUNDS RECEIVED FROM ACCORD CORPORATION FOR THE ACT II BATTERERS PROGRAM

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That the sum of \$17,014 received from ACCORD Corporation for the ACT II BATTERERS Program is accepted and the sum of \$17,014 is appropriated to Account No. A3117.449 (ACT II BATTERERS Program-Contractual) with a like sum credited to Account No. A3117.2260.00 (ACT II BATTERERS Program).

Moved by: Mr. Healy
Seconded by: Mr. Graves

Adopted: Roll Call
15 Ayes, 0 No, 0 Absent

RESOLUTION NO. 130-13

TRANSFER OF FUNDS WITHIN JAIL ACCOUNTS TO COVER THE COST OF THE FORENSIC COUNSELOR CONTRACT

Offered by: Public Safety Committee

RESOLVED:

1. That the sum of \$9,450 is transferred from Account No. A3150.447 (Jail-Medical) to Account No. A3150.448 (Jail-Contract-FCC) to cover the cost of the Forensic Crisis Counselor Contract.

Moved by: Mr. Healy
Seconded by: Mr. Fanton

Adopted: Roll Call
15 Ayes, 0 No, 0 Absent

RESOLUTION NO. 131-13

TRANSFER OF FUNDS FROM CAPITAL PROJECT ACCOUNT TO VARIOUS ACCOUNTS TO COVER UNANTICIPATED COSTS FOR BUILDING REPAIRS AND TOOLS NEEDED FOR PROBATION DEPARTMENT RENOVATION

Offered by: Public Works and Ways and Means Committees

RESOLVED:

1. That due to unanticipated costs for building repairs and tools needed for the Probation

Department renovation, the sum of \$53,000 is transferred from Capital Project Account No. H3198.200 (Capital Project-POD-Work at Jail) to the following accounts:

Appropriation Accounts	Amount
A3152.412 (Public Safety Jail Buildings and Grounds-Repairs to Real Property)	25,000
A1620.202 (Buildings and Grounds-Tools)	3,000
A1620.412 (Buildings and Grounds-Repairs to Real Property)	15,000
DM5130.412 (Road Machinery-Repairs to Real Property)	10,000

Moved by: Mr. Fanton
Seconded by: Mr. Graves

Adopted: Roll Call
13 Ayes, 2 No, 0 Absent
Voting No: Sinclair, Ungermann

AUDITS:

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

A motion was made by Legislator Hopkins, seconded by Legislator Graves, and adopted on a roll call vote of 15 Ayes, 0 Noes, 0 Absent, that the audit of claims, totaling \$2,510,239.57, including prepaid expenses, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$ 6,556,416.*)

ADJOURNMENT: The meeting was adjourned at 2:31p.m. on a motion made by Legislator Graves, seconded by Legislator O'Grady and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
September 9, 2013**

****APPROVED ****

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

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Marine Corps Corporal John L. Moore.

INVOCATION: The Invocation was given by Legislator Pullen.

ROLL CALL: 13 Legislators Present: Glenn Benson, Donald Cady, Curtis Crandall, Dwight Fanton, Karl Graves, Dwight (Mike) Healy, Theodore Hopkins, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Frederick Sinclair, Norman Ungermann, Jr.
2 Legislators Absent: Douglas Burdick, Philip Curran

APPROVAL OF MINUTES:

The Board meeting minutes of August 26, 2013, were approved on a motion made by Legislator Graves, seconded by Legislator Fanton, and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to John L. Moore, former United States Marine Corps Corporal, in grateful appreciation of his service to our country. Mr. Moore's service dates were from July 2006 to July 2011. Assignments included: Camp Lejeune, NC; and Camp Hansen, Okinawa, Japan. Commendations he received included: Navy and Marine Corps Overseas Service Ribbon, National Defense Service Medal, Global War on Terrorism Service Medal, Good Conduct Medal, Rifle Qualification Badge, Pistol Badge, Navy Unit Citation, and Marine Corps Unit Citation. Mr. Moore is the Second Vice Commander of the Belfast American Legion. Mr. Moore led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Crandall granted privilege of the floor to Ms. Meredith Chilson, Regent of the Catherine Schuyler Chapter, National Daughters of the American Revolution. Ms. Chilson gave some history of National Daughters of the American Revolution as well as the United States Constitution. National Daughters of the American Revolution is the largest women's service organization in the world. She mentioned several ways in which the DAR promotes and recognizes the importance of the Constitution. Ms. Chilson noted that the United States Constitution is oldest constitution still in active use in the world today. Chairman Crandall read a proclamation designating September 17 – 23, 2013, as Constitution Week in Allegany County.

NYS Department of Taxation & Finance Real Property Analyst Robert Wright shared information on the STAR Program. New legislation was enacted that allowed the NYS Department of Taxation & Finance to re-register all STAR recipients in the state. Re-registration only affects the basic STAR exemptions. The reason for re-registration is due to audit results which indicated some residents were receiving more than one STAR exemption. Mr. Wright explained the process of registering for the STAR Program.

Ms. Helen Evans, Associate Director of the Allegany/Western Steuben Rural Health Network, Inc. presented information on Fall Prevention. In collaboration with a number of other organizations and volunteers, the Allegany/Western Steuben Rural Health Network, Inc. is working to raise awareness and prevent falls in the older adult population. Ms. Evans gave statistical information on falls, and expressed the importance of fall prevention.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. NYS Department of Taxation and Finance Press Release regarding STAR Registration Letters.

2. Pursuant to Article 11 of the NYS Real Property Tax Law, the County Treasurer filed a Certificate of Withdrawal of Delinquent Tax Liens for property in the Town of Amity in the Clerk of the Board's Office on September 5, 2013.

3. A copy of correspondence that Senator Catharine Young sent to Governor Cuomo in support of Allegany County's request to change the date of Federal Disaster Declaration 4129.

4. Resolution #5-2013 from the Town of Birdsall entitled, "Notice to Proceed with the L.C. Whitford Co., Inc., for the Hiltonville Road Over Canisteo River Bridge Rehabilitation Project for the Contract Sum of \$152,717 (Local Bridge #09-S9, BIN 2214320)."

5. Correspondence from the Wellsville Volunteer Ambulance Corps thanking the Board for its donation in memory of Anne Wright.

6. Reminder that the Genesee Valley Rotary Camp's (GVRC) 50th Anniversary Celebration will be held at the River Reception & Conference Center in Mount Morris on October 5. Tickets are available online at www.gvrc.org until October 2.

APPOINTMENTS:

1. Chairman's appointments to the Citizens Advisory Council to the Office of the Aging.

PROCLAMATION:

1. Chairman's proclamation of September 17-23, 2013, as Constitution Week in Allegany County.

2. Chairman's proclamation of September 22, 2013, as National Fall Prevention Awareness Day in Allegany County.

RESOLUTIONS:

RESOLUTION NO. 132-13

RESOLUTION SETTING DATE OF PUBLIC HEARING RELATIVE TO THE UPDATED ALLEGANY COUNTY COMPREHENSIVE PLAN

Offered by: Ways and Means Committee

WHEREAS, Allegany County has completed its environmental review of the updated Allegany County Comprehensive Plan, and

WHEREAS, the updated Allegany County Comprehensive Plan has been distributed to all county and regional planning boards, planning boards of each municipality, legislators, mayors and supervisors for review, and

WHEREAS, it will be necessary to set a date for public hearing on said updated Allegany County Comprehensive Plan, now, therefore, be it

RESOLVED:

1. That a public hearing shall be held on September 23rd, 2013 at 2:00 o'clock P.M. in the County Legislators' Chambers, Room 221, County Office Building, Belmont, New York, before the Allegany County Board of Legislators, in relation to the updated Allegany County Comprehensive Plan.

2. That the Clerk of the Board of Legislators is directed to prepare, with the assistance of the County Attorney, a notice of said public hearing, to cause the publication of a copy of said notice in each of the two newspapers which have been officially designated by this Board to publish "notices", and to affix a copy of said notice on the county bulletin board in the County Courthouse at Belmont, New York; both publication and posting to be made at least five days before the public hearing.

Moved by: Mr. Hopkins
Seconded by: Mr. Sinclair

Adopted: Voice Vote

RESOLUTION NO. 133-13

REAPPOINTMENT OF JOSEPH L. BUDINGER AS DIRECTOR OF ALLEGANY COUNTY REAL PROPERTY TAX SERVICE AGENCY

Offered by: Ways and Means Committee

Pursuant to Real Property Tax Law § 1530

RESOLVED:

1. That Joseph L. Budinger is reappointed to the office of Director of the Allegany County Real Property Tax Service Agency for a term of six years to commence October 1, 2013, and expire September 30, 2019.

Moved by: Mr. Hopkins
Seconded by: Mr. Healy

Adopted: Voice Vote

RESOLUTION NO. 134-13

**APPROVAL OF BOARD CHAIRMAN'S REAPPOINTMENT OF ONE MEMBER TO THE
CHAUTAUQUA, CATTARAUGUS, ALLEGANY AND STEUBEN SOUTHERN TIER
EXTENSION RAILROAD AUTHORITY**

Offered by: Planning and Economic Development Committee

RESOLVED:

1. That Timothy J. O'Grady of Wellsville, New York, is reappointed to the Chautauqua, Cattaraugus, Allegany, and Steuben Southern Tier Extension Railroad Authority, with term of office to commence August 28, 2013, and expire August 27, 2016.

Moved by: Mr. Sinclair
Seconded by: Mr. Graves

Adopted: Voice Vote

RESOLUTION NO. 135-13

**AUTHORIZING THE PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE OF THE
ALLEGANY COUNTY BOARD OF LEGISLATORS TO ACT AS TOURIST PROMOTION
AGENCY AND TO APPLY FOR STATE FUNDS FOR TOURISM PROMOTION PURPOSES**

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

Pursuant to Article 5-A of the Economic Development Law

RESOLVED:

1. That the Planning and Economic Development Committee of the County Board of Legislators is authorized to act as a tourist promotion agency and to apply for state funds up to \$218,000 for tourism promotion purposes.

2. That if the application for the funding is approved, such Committee shall submit the grant agreement to this Board for approval and appropriation of funds prior to commencing any work pursuant to the terms of the grant agreement or expending any funds.

3. The Clerk of this Board is directed to send a certified copy of this resolution to the New York State Commissioner of Economic Development if requested by the state.

Moved by: Mr. Sinclair
Seconded by: Mr. Pullen

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

RESOLUTION INTRO. No. 140-13 (TRANSFER OF FUNDS FROM UNALLOCATED INSURANCE CONTRACTUAL EXPENSES ACCOUNT TO CLERK OF THE BOARD CONTRACUTAL EXPENSES ACCOUNT) was TABLED following a motion made by Legislator Hopkins, seconded by Legislator Fanton, and carried.

AUDITS:

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

A motion was made by Legislator Hopkins, seconded by Legislator Healy, and adopted on a roll call vote of 13 Ayes, 0 Noes, 2 Absent, that the audit of claims, totaling \$3,023,289.05, including prepaid expenses, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$6,942,788.*)

GENERAL COMMENTS:

Legislator Ungermann mentioned the Cuba Garlic Festival would be taking place September 21-22, 2013. He encouraged everyone to attend.

GOOD OF THE ORDER:

Chairman Crandall announced a Committee of the Whole meeting to commence following this Board session.

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

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
SEPTEMBER 23, 2013**

**** APPROVED ****

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:04 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Marine Corps Sergeant Ronald H. Meyer.

INVOCATION: The Invocation was given by Legislator Pullen.

ROLL CALL: 13 Legislators Present: Glenn Benson, Donald Cady, Curtis Crandall, Philip Curran, Dwight Fanton, Karl Graves, Dwight (Mike) Healy, Theodore Hopkins, Kevin LaForge, Timothy O'Grady, David Pullen, Frederick Sinclair, Norman Ungermann, Jr; 1 Legislator Absent: Aaron McGraw.

APPROVAL OF MINUTES:

The Board meeting minutes of September 9, 2013, were approved on a motion made by Legislator Graves, seconded by Legislator Fanton, and carried.

PUBLIC HEARING:

Chairman Crandall closed the regular meeting to hold a public hearing on the proposed amendments to the Allegany County Comprehensive Plan. Chairman Crandall invited comments from those in attendance. There being no one desiring to speak, the public hearing was declared closed and the Board reconvened in regular session.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Ronald H. Meyer, former United States Marine Corps Sergeant, in grateful appreciation of his service to our country. Mr. Meyer's service dates were from December 1968 to December 1975. Following Basic Training at Parris Island, SC; Assignments included: New River Air Station, NC; Camp Pendleton, CA; Okinawa, Japan; and Vietnam. Commendations he received included: National Defense Service Medal, Vietnam Service Medal with 1 Star, Vietnam Campaign Medal with Device 1960, Air Medal with Numeral One, Purple Heart Medal, Good Conduct Medal, Meritorious Unit Citation, and Mission Air Medal with Bronze Star. Mr. Meyer led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Crandall granted privilege of the floor to United Way Executive Director Barbara Bates and United Way Chairman Alice Alsworth. They presented a brief video on the services provided, and people assisted by the United Way of Allegany County.

ACCORD Community Operations Director Belinda Knight presented information on domestic violence. Ms. Knight gave statistical information on the number of people who had been assisted by their program. She spoke of the importance of their program and invited everyone to attend their upcoming events to help raise awareness.

Public Health Director Lori Ballengee presented information on Cancer Services. Ms. Ballengee presented data on the number of people in Allegany County who had been assisted by Cancer Services in the past year. Chairman Crandall presented Ms. Ballengee with a donation for Cancer Services from the Board of Legislators; the funds coming from the Legislator's Clambake and raffles.

Supervising Public Health Educator Theresa Moore spoke about Lead Poisoning Prevention. Ms. Moore indicated that her office is working to increase screening rates of children between the ages of 18 and 36 months. Children aged two and younger are at the highest risk for lead poisoning. The Department of Health hopes to encourage physicians, parents, and grandparents to have children tested.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. October 2013 Calendar of Board and Standing Committee meeting dates.
2. Report of Intrafund Transfers approved by the County Administrator for the month of August
3. Correspondence from the Richburg Fire Company thanking the Board for its donation in memory of Correction Officer Dan Barkley.
4. The next Fire Advisory Board meeting will be held Thursday, September 26, 2013, at 8 p.m.

APPOINTMENTS:

1. Chairman's appointment of David Pullen to the Law Library Board of Trustees.

PROCLAMATION:

1. Chairman's proclamation declaring October 2013 as Domestic Violence Awareness Month in Allegany County.

RESOLUTIONS:

RESOLUTION NO. 136-13

**CREATING POSITION OF PART-TIME SECRETARY IN THE PUBLIC DEFENDER'S
OFFICE**

Offered by: Public Safety Committee

RESOLVED:

1. That the position of part-time Secretary is created in the Public Defender's Office and is placed in Grade 2, Step 2 of the Non-Unit Salary Plan.
2. That the position of part-time secretary is authorized to be filled after referral to the Ways and Means Committee.
3. This resolution shall take effect September 24, 2013.

Moved by: Mr. Healy
Seconded by: Mr. Fanton

Adopted: Roll Call
13 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 137-13

**APPOINTMENT OF TWO MEMBERS TO THE CITIZENS ADVISORY COUNCIL TO THE
OFFICE FOR THE AGING**

Offered by: Human Services Committee

Pursuant to Resolution No. 221-74

RESOLVED:

1. That the appointments of Rita Sibble of Andover, New York and Dawn Young of Belfast, New York, to the Citizen Advisory Council to the Office for the Aging, for the remainder of a three-year term of office for each, commencing immediately, and expiring December 31, 2014, are confirmed.

Moved by: Mr. LaForge
Seconded by: Mr. Pullen

Adopted: Voice Vote

RESOLUTION NO. 138-13

ENDORISING THE NEW YORK STATE ASSOCIATION OF COUNTIES DENTAL CARD PROGRAM TO RESIDENTS OF ALLEGANY COUNTY

Offered by: Personnel Committee

WHEREAS, the New York State Association of Counties (NYSAC), has taken steps to improve the dental health of New Yorkers, and

WHEREAS, the New York State Association of Counties (NYSAC) has endorsed the "Dental Network Card Program" which has already benefitted thousands of New York residents, and

WHEREAS, while not insurance, the Dental Network Card program provides a way for patients to obtain the dental services they need at reduced fees, and

WHEREAS, the program utilizes the DenteMax Network consisting of more than 8,000 dentists and dental practices in New York, and more than 100,000 throughout the United States, and

WHEREAS, the cost of NYSAC's Dental Network Card Program is \$36.50 per year for an individual and \$52.00 annually for an entire family, and

WHEREAS, this NYSAC endorsed program is for people who do not have dental coverage: particularly people who have been laid off from their jobs, employees who work for small businesses and other organizations that do not offer dental benefit plans, and those who are retired and no longer have dental insurance, now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators hereby endorses the Dental Network Card Program.

Moved by: Mr. O'Grady
Seconded by: Mr. Curran

Adopted: Voice Vote

Comments made regarding Resolution No. 138-13 included the following: Legislator Ungermann asked for clarification on the amount people would have to pay to use this service. Legislator O'Grady stated that there wasn't any kind of registration fee, it was just a way for people to get pre-negotiated prices for dental services.

RESOLUTION NO. 139-13

RESOLUTION REJECTING THE BID OF JAMES G. DORSETTE FOR THE PARCEL DESCRIBED AS 20 WEST STATE STREET, TAX MAP #239.45-1-39, LOCATED IN THE VILLAGE OF WELLSVILLE

Offered by: Ways and Means Committee

WHEREAS, James G. Dorsette was the successful bidder at the 2013 May Allegany County tax sale on property previously owned by Bernard Prentice located at 20 West State Street, Wellsville, New York, Tax Map #239.24-1-39, and

WHEREAS, the total amount paid by James G. Dorsette for this parcel was \$1,137.31, which included the bid deposit, 2013 taxes and recording costs, and

WHEREAS, after extensive review of the bid submitted by James G. Dorsette for this parcel, the Ways and Means Committee decided to not accept it and refund to him the total amount paid, now, therefore, be it

RESOLVED:

1. That the bid of James G. Dorsette for the parcel described as 20 West State Street, Wellsville, New York Tax, Map #239.24-1-39, is hereby rejected and the County Treasurer is directed to refund to him the sum of \$1,137.31.

Moved by: Mr. Hopkins
Seconded by: Mr. O'Grady

Adopted: Roll Call
13 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 140-13

**ACCEPTANCE OF FUNDING FROM THE NEW YORK STATE CRIME VICTIMS BOARD;
SETTING SALARY OF CRIME VICTIMS COORDINATOR; APPROPRIATION OF SAME
TO DISTRICT ATTORNEY ACCOUNTS**

Offered by: Public Safety Committee

RESOLVED:

1. That funding in the amount of \$32,561 from the New York State Crime Victims Board for the period October 1, 2013, through September 30, 2014, is accepted.

2. That the annual amount of \$32,561 shall be appropriated for 2013 as follows: \$32,061 to Account No. A1165.1 and \$500 to Account No. A1165.4.

3. That the position of Crime Victims Coordinator shall remain filled only for so long as such position is fully funded by State, Federal or other grant-in-aid.

Moved by: Mr. Healy
Seconded by: Mr. Graves

Adopted: Roll Call
12 Ayes, 1 No, 1 Absent
Voting No: Ungermann

RESOLUTION NO. 141-13

ACCEPTANCE OF INSURANCE PAYMENT FROM NYMIR AND APPROPRIATION OF FUNDS TO RISK RETENTION ACCOUNTS

Offered by: Ways and Means Committee

WHEREAS, a check in the amount of \$210, representing the cost to replace a windshield on a 2007 Ford Focus, that was cracked/broken on or around August 6, 2013, has been offered by NYMIR in settlement for such damage, now, therefore, be it

RESOLVED:

1. That the amount of \$210 from NYMIR, representing the cost to replace a windshield on a 2007 Ford Focus, that was cracked/broken on or around August 6, 2013 is accepted.

2. That the total sum of \$210 is appropriated to Account No. CS1931.429 (Risk Retention – Uninsured Property Loss) with a like sum credited to Revenue Account No. CS1930.2680.00 (Risk Retention – Insurance Recovery).

Moved by: Mr. Hopkins
Seconded by: Mr. Curran

Adopted: Roll Call
13 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 142-13

TRANSFER OF FUNDS WITHIN WIC PUBLIC HEALTH ACCOUNT

Offered by: Human Services Committee

RESOLVED:

1. That the sum of \$2,400 is transferred from Account No. A4190.456 (Health Contracts) as follows: \$594 to Account No. A4190.201 (Office Equipment), \$531 to Account No. A4190.206 (Health Equipment) and \$1,275 to Account No. A4190.424 (Advertising).

Moved by: Mr. LaForge
Seconded by: Mr. Graves

Adopted: Roll Call
13 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 143-13

TRANSFER OF FUNDS WITHIN ELECTIONS ACCOUNTS

Offered by: Personnel Committee

RESOLVED:

1. That the sum of \$6,750 is transferred from Account No. A1450.432 (Elections-General Government) Support) to Account No. A1450.201 (Elections-Office Equipment) to cover the costs of computer upgrades, a copier, and a comb-binding machine.

Moved by: Mr. O'Grady
Seconded by: Mr. Fanton

Adopted: Roll Call
13 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 144-13

TRANSFER OF FUNDS WITHIN SHERIFF'S ACCOUNT

Offered by: Public Safety Committee

RESOLVED:

1. That the sum of \$13,494 is transferred as follows:

From	To	Amount
A3110.201 (Sheriff-Equipment)	A3110.422 (Sheriff-Gas & Oil)	\$4,000
A3110.203 (Sheriff-Communication)	A3110.422 (Sheriff-Gas & Oil)	1,500
A3110.208 (Sheriff-Police)	A3110.422 (Sheriff-Gas & Oil)	4,494
A3100.419 (Sheriff-Printing-Microfilming)	A3110.422 (Sheriff-Gas & Oil)	1,000
A3110.424 (Sheriff-Legal Ads)	A3110.422 (Sheriff-Gas & Oil)	500
A3110.408 (Sheriff-General Supplies)	A3110.415 (Sheriff-Central Services-Xerox)	2,000

Moved by: Mr. Healy
Seconded by: Mr. Hopkins

Adopted: Roll Call
13 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 145-13

APPROVAL OF AN INDEPENDENT CONTRACTOR AGREEMENT BETWEEN THE COUNTY OF ALLEGANY AND GOVERNMENT PAYMENT SERVICE, INC. TO ACCEPT DEBIT OR CREDIT CARDS SO DEFENDANTS CAN PAY FINES, RESTITUTION AND COURT SURCHARGES

Offered by: Public Safety Committee

RESOLVED:

1. That an independent contractor agreement between the County of Allegany and Government Payment Service, Inc., as an alternative for defendants to pay fines, restitution and court surcharges, is approved.

2. That the Allegany County Probation Director is authorized to execute said Agreement.

Moved by: Mr. Healy
Seconded by: Mr. Graves

Adopted: Roll Call
13 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 146-13

APPROVAL OF RENEWAL COURT SECURITY AGREEMENT (C200433) BETWEEN THE NEW YORK STATE UNIFIED COURT SYSTEM AND THE ALLEGANY COUNTY SHERIFF'S DEPARTMENT; AUTHORIZING SHERIFF TO EXECUTE SAID AGREEMENT

Offered by: Public Safety Committee

WHEREAS, by Resolution No. 50-2010, a new five-year agreement was approved and divided into annual one-year renewal periods commencing April 1, 2009, and terminating March 31, 2014, for the provision of Court Security, and

WHEREAS, the total amount of reimbursement for this renewal Court Security Agreement shall not exceed \$515,275, now, therefore, be it

RESOLVED:

1. That Court Security Renewal Agreement commencing April 1, 2013 to March 31, 2014, between the New York State Unified Court System and the Allegany County Sheriff's Department for the provision of Court Security, is approved.

2. That the Allegany County Sheriff is authorized to execute such Court Security Renewal Agreement on behalf of the County.

Moved by: Mr. Healy
Seconded by: Mr. Fanton

Adopted: Roll Call
13 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 147-13

APPROVING THE TERMS OF AN AMENDED AND RESTATED PILOT AGREEMENT WITH BELMONT APARTMENTS ASSOCIATES LLC AND BELMONT APARTMENTS HOUSING DEVELOPMENT FUND CORP.; AUTHORIZING CHAIRMAN TO EXECUTE THE AGREEMENT

Offered by: Ways & Means Committee

WHEREAS, Allegany County, the Village of Belmont, the Town of Amity and the Genesee Valley Central School District constitute the various taxing jurisdictions with an interest in taxable real estate located in the Village of Belmont, and

WHEREAS, pursuant to Section 577 of the Private Housing Finance Law, the Village of Belmont entered into a Payment in Lieu of Taxes Agreement, (PILOT), with Belmont Apartments Associates, LLC and Belmont Apartments Housing Development Fund Corp., and

WHEREAS, in order to address confusion as to the impact of that PILOT agreement on the other taxing jurisdictions not made a party to it and in order to fix arrearages due Allegany County, an Amended and Restated PILOT agreement encompassing all the taxing jurisdictions has been negotiated, now therefore, be it

RESOLVED:

1. That the Amended and Restated Payment in Lieu of Taxes Agreement with Belmont Apartments Associates LLC and Belmont Apartments Housing Development Fund Corp. is hereby approved.

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

Moved by: Mr. Hopkins
Seconded by: Mr. Fanton

Adopted: Roll Call
13 Ayes, 0 Noes, 1 Absent

Comments made regarding Resolution No. 138-13 included the following: Legislator Ungermann remarked that this shows how difficult it is for a business to survive in Allegany County. Maybe we have assessments that are too high. We've got to do something to alleviate the tax burden on all residents.

Resolution Intro. No. 153-13 (DESIGNATING THE WELLSVILLE DAILY REPORTER AS SOLE OFFICIAL NEWSPAPER FOR THE WEEK OF OCTOBER 6, 2013 TO OCTOBER 12, 2013) was not pre-filed and was considered from the floor on a motion made by Legislator Hopkins, seconded by Legislator Pullen, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 148-13

DESIGNATING THE WELLSVILLE DAILY REPORTER AS SOLE OFFICIAL NEWSPAPER FOR THE WEEK OF OCTOBER 6, 2013, TO OCTOBER 12, 2013

Offered by: Ways and Means Committee

WHEREAS, the Clerk of this Board was informed that the Cuba Patriot & Free Press, one of the official newspapers, will not be publishing during the period of October 6, 2013, to October 12, 2013, now, therefore, be it

RESOLVED:

1. Notwithstanding the provisions of Section 1. of Resolution No. 32-2012, the newspaper the Wellsville Daily Reporter is designated as the sole official newspaper to publish local laws, notices and other matters required by law to be published during the period of October 6, 2013, to October 12, 2013.

Moved by: Mr. Hopkins
Seconded by: Mr. Pullen

Adopted: Roll Call
13 Ayes, 0 Noes, 1 Absent

Resolution Intro. No. 154-13 (RESOLUTION DIRECTING NOTICE OF DISTRICT REVIEW OF AGRICULTURAL DISTRICT NUMBER TWO PURSUANT TO SECTION 303-a OF THE AGRICULTURE AND MARKETS LAW) was not pre-filed and was considered from the floor on a motion made by Legislator Sinclair, seconded by Legislator Curran, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

A motion was made by Legislator Sinclair, seconded by Legislator Graves, and carried to grant Legislator Ungermann permission to abstain from voting on **Resolution No. 149-13 (Intro. No. 154-13)** (RESOLUTION DIRECTING NOTICE OF DISTRICT REVIEW OF AGRICULTURAL DISTRICT NUMBER TWO PURSUANT TO SECTION 303-a OF THE AGRICULTURE AND MARKETS LAW).

A motion was made by Legislator Graves, seconded by Legislator Curran, and carried to grant Legislator Fanton permission to abstain from voting on **Resolution No. 149-13 (Intro. No. 154-13)**

A motion was made by Legislator Graves, seconded by Legislator Cady, and carried to grant Legislator Sinclair permission to abstain from voting on **Resolution No. 149-13 (Intro. No. 154-13)**

RESOLUTION NO. 149-13

RESOLUTION DIRECTING NOTICE OF DISTRICT REVIEW OF AGRICULTURAL DISTRICT NUMBER TWO PURSUANT TO SECTION 303-a OF THE AGRICULTURE AND MARKETS LAW

Offered by: Planning and Economic Development Committee

WHEREAS, Agricultural District Number Two, being within the Towns of Allen, Amity, Andover, Angelica, Belfast, Birdsall, Clarksville, Cuba, Friendship, Scio, Ward, West Almond, Wellsville and Wirt, was created on August 13, 2001 by Resolution No. 198-2001 and subsequently modified and continued on February 13, 2006 by Resolution No. 49-2006, and

WHEREAS, pursuant to Agriculture and Markets Law § 303-a, an eight year review of the District is required, now, therefore, be it

RESOLVED:

1. That the Clerk of the Board of Legislators is directed to provide proper notice of such district review, which shall include publication of such notice in a newspaper having general circulation within the district, as provided for in Section 303-a subdivision 2. a. of the Agriculture and Markets Law.

2. That at least five copies of such notice shall also be posted in conspicuous places within the district.

3. That the County Agricultural and Farmland Protection Board is directed to prepare and file with the Board of Legislators a report in accordance with Section 303-a subdivision 2. b. of the Agriculture and Markets Law.

Moved by: Mr. Sinclair
Seconded by: Mr. Curran

Adopted: Roll Call
10 Ayes, 0 Noes, 1 Absent, 3 Abstain
Abstaining: Fanton, Sinclair, Ungermann

Resolution Intro. No. 155-13 (RESOLUTION APPROVING SNOW REMOVAL AND ICE CONTROL CONTRACTS BETWEEN COUNTY OF ALLEGANY AND VARIOUS TOWNS IN ALLEGANY COUNTY) was not pre-filed and was considered from the floor on a motion made by Legislator Fanton, seconded by Legislator Pullen, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 150-13

RESOLUTION APPROVING SNOW REMOVAL AND ICE CONTROL CONTRACTS BETWEEN COUNTY OF ALLEGANY AND VARIOUS TOWNS IN ALLEGANY COUNTY

Offered by: Public Works Committee

Pursuant to Highway Law § 135-a

WHEREAS, the Public Works Committee and the County Superintendent of Public Works have recommended to this Board that they approve the proposed contracts between the County of Allegany and various Towns in Allegany County for the removal of snow from County Roads and for sanding or otherwise treating them for the purpose of removing the danger of snow and ice, now, therefore, be it

RESOLVED:

1. That Snow Removal and Ice Control Contracts between the County of Allegany and various Towns in Allegany County for a term covering three (3) seasons beginning with the 2013-2014 snow season and ending with the 2015-2016 snow season, are approved.

2. That an executed duplicate original of each such Contract shall be filed in the office of the Clerk of this Board along with a certified copy of each such Town Board's resolution approving such Contract.

3. That the Clerk of this Board is directed to send a certified copy of this resolution to each of the Town Clerks of such Towns for filing in his or her office.

Moved by: Mr. Fanton
Seconded by: Mr. Pullen

Adopted: Roll Call
13 Ayes, 0 Noes, 1 Absent

AUDITS:

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

A motion was made by Legislator Hopkins, seconded by Legislator Pullen, and adopted on a roll call vote of 13 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$2,728,469.73, including prepaid expenses, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$7,329,160.*)

COMMENTS:

Chairman Crandall stated that there would be a Committee of the Whole Meeting following the Board Meeting.

Legislator Ungermann commented on the attendance at the Cuba Garlic Festival. He indicated that the event was a success, even with poor weather. He stated there were over 5,300 in attendance. He also reminded everyone of the Civil War Reenactment to be held in Angelica September 27-29, 2013.

Legislator Hopkins wanted to clarify that the levy doesn't affect what taxpayers pay. The tax rate is what determines property taxes.

ADJOURNMENT: The meeting was adjourned at 3:05 p.m. on a motion made by Legislator Graves, seconded by Legislator Fanton and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
OCTOBER 15, 2013**

**** APPROVED ****

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:02 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by Former US Army Major, Robert G. Thompson.

INVOCATION: The Invocation was given by Legislator Pullen.

ROLL CALL: 14 Legislators Present: Glenn Benson, Donald Cady, Curtis Crandall, Philip Curran, Dwight Fanton, Karl Graves, Dwight (Mike) Healy, Theodore Hopkins, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Frederick Sinclair, Norman Ungermann, Jr.

Chairman Crandall requested a motion to temporarily suspend the Board rules in order to consider Resolution Intro. No. 156-13. A motion was made by Legislator Graves, seconded by Legislator Curran, and carried to temporarily suspend the Board Rules.

RESOLUTION NO. 151-13

APPOINTMENT OF CHARLES O. JESSUP AS COUNTY LEGISLATOR FROM DISTRICT V FOR PERIOD OCTOBER 15, 2013, TO AND INCLUDING DECEMBER 31, 2013

Offered by: Ways and Means Committee

WHEREAS, a vacancy has occurred in the office of County Legislator from District V due to the death of Douglas Burdick, and

WHEREAS, pursuant to Section 7 of Local Law No. 3 of 1993, it will be necessary for this Board to appoint a person to fill this vacancy until January 1, 2014, and

WHEREAS, Charles O. Jessup, of the Town of Alfred has been recommended to this Board as the person who should be appointed to fill such vacancy, and

WHEREAS, the Ways and Means Committee of this Board believes that Charles O. Jessup will meet the qualifications established for such office by Section 5 of said Local Law No. 3 of 1993, now, therefore, be it

RESOLVED:

1. That Charles O. Jessup of the Town of Alfred is appointed as a County Legislator from District V with term of office commencing October 15, 2013, and ending December 31, 2013.

2. That the appointee shall take and file his official oath in the Allegany County Clerk's Office within thirty days after the commencement of said term of office and shall also, within such thirty day period, file in said Clerk's Office an affidavit, subscribed and sworn to by the appointee, that he is presently a resident of the Town of Alfred and was a continuous resident of said Town for at least one year immediately preceding the 15th day of October, 2013; and further, that he holds no other elective county office nor holds any elective town or village office. The foregoing affidavit shall be in such form as shall be approved by the County Attorney.

3. That within ten days of the respective filing date or dates of such official oath and affidavit the County Clerk shall transmit in writing to this Board a notification that such official oath and affidavit have been filed and specifying the respective filing date or dates of such official oath and affidavit.

Moved by: Mr. Curran
Seconded by: Mr. McGraw

Adopted: Voice Vote

OATH OF OFFICE ADMINISTERED:

Allegany County Judge Thomas Brown administered the Oath of Office to Legislator Charles Jessup following the adoption of Resolution No. 151-13. Legislator Jessup participated in the remainder of the meeting.

APPROVAL OF MINUTES:

The Committee of the Whole meeting minutes of August 26, 2013, were approved on a motion made by Legislator Curran, seconded by Legislator Graves, and carried.

The Committee of the Whole meeting minutes of September 9, 2013, were approved on a motion made by Legislator Graves, seconded by Legislator Curran, and carried.

The Board meeting minutes of September 23, 2013, were approved on a motion made by Legislator Pullen, seconded by Legislator Hopkins, and carried.

The Committee of the Whole meeting minutes of September 23, 2013, were approved on a motion made by Legislator Fanton, seconded by Legislator Curran, and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Robert G. Thompson, former United States Army Major, in grateful appreciation of his service to our country. Mr. Thompson's service dates were from August 11, 1991, to March 21, 2006. Commendations he received

included: Bronze Star Medal, Meritorious Unit Commendation, Army Achievement Medal, Reserve Component Achievement Medal – 4 awards, National Defense Service Medal – 2 awards, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Armed Forces Reserve Medal with Mobilization Device, Army Service Ribbon, Reserve Component Overseas Training Ribbon. Mr. Thompson served as Company Executive Officer, Platoon Leader, Assistant S-4 Supply Officer, S-2 Intelligence Officer, Battalion Civil Engineer, Company Commander, and Staff Environmental Engineer. During his service he was stationed in multiple locations in New York State, as well as Tikrit, Iraq. Mr. Thompson led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Crandall recognized members of the Comprehensive Planning Board for their work on the updated Comprehensive Plan for Allegany County. Allegany County never had a comprehensive plan until 2008. Allegany County had made attempts at putting together a plan, but it had never been put through all of the necessary steps to be adopted until 2008. Chairman Crandall declared, "It's more than a binder on the shelf. It's an extremely important document for Allegany County." It helps not just the County, but other entities to be able to apply for and receive funding because it's part of the County Comprehensive Plan. In 2008 the Legislative Board saw reason to implement a committee to work on Comprehensive Plan. A lot of accomplishments have been made by this committee. One thing that stands in the way of putting together a comprehensive plan is the cost. It's very expensive to have plans updated. Nothing was budgeted for this plan. To give you an idea of some of the costs, had we hired an outside firm we would have been looking at \$200,000-\$300,000. The costs to print these Comprehensive Plan binders would have been \$10,000-\$11,000 had we used an outside source. There are requirements as to who needs to have copies of the plan. In addition to the copies we are required to have, each municipality has to have them. Copies will go out to the libraries. We did the printing in house and saved a great deal. The new plan is also available online. In Chapter 7 there is a list of accomplishments. This is from the 2008 County Plan. There are two and a half or three pages of accomplishments listed. Some of these we take for granted. Creation of the County Chamber, contracting with County Chamber for Tourism, Genesee River Wilds development and organization, Belmont sewer plant, update to the transit bus system, Crossroads waterline, Communications, grant funding for northern communication towers through Southern Tier West, etc. This plan is for 10 years, but will need to be addressed in a four to five-year cycle. Chairman Crandall stated, "Although we did this cheaply, it's not a cheap plan. It's a first class plan." Chairman Crandall called forward committee members for recognition. Committee members included: Theodore Hopkins, Kevin LaForge, Frederick Sinclair, Charles Jessup, Lee Gridley, Aaron Dale Foster, Michael Johnsen, Richard Ewell, and Edward Eicher. He also brought Kier Dirlam, County Planner, forward to be recognized.

Chairman Crandall granted privilege of the floor to Cancer Services Program Representative Madelyn Thornton, RN. Ms. Thornton reminded everyone that October is Breast Cancer Awareness Month. Cancer Services Program of Allegany County helps fund screening for women who are uninsured. So far this year 227 people have been screened because of this program. Of those people screened, we've had three breast cancer diagnoses and three more people who are going through the diagnostic process who will

likely be diagnosed also. We've had two people diagnosed with cervical cancer, and one person with colorectal cancer. Breast cancer is the second leading cause of cancer death in women. One out of eight women will be diagnosed with breast cancer in their lifetime.

County Treasurer Terri Ross spoke about the 26th Annual Allegany Artisans Studio Tour. Ms. Ross gave background on the Allegany Artisans. This year's tour includes 50 artisans in 40 studios. She invited everyone to visit the Artisans' studios.

Dianne Baker from Cooperative Extension presented information on the great things the Extension does to support agriculture in Allegany County. She introduced farmers Janice Brown and Denis Reynolds. Ms. Brown owns a small dairy farm in Birdsall. She has been involved with Cooperative Extension for over 20 years. She mentioned many of the services the Extension has provided her with over the years, including technical advice, a small farm program, bookkeeping skills, and many other forms of education. She reminded those in attendance that the Cooperative Extension is a big help with organizing the County Fair, which generates a lot of revenue for local businesses and the County. She encouraged the Board to continue funding for the Cooperative Extension. Mr. Reynolds grows organic produce and owns a produce farm market in Almond. He mentioned several ways the Cooperative Extension has helped his business, giving examples such as helping him to produce marketable quality vegetables, pest and weed control as well as many other things. He reminded those present that when we buy from local producers, we are recycling money in our communities. His farm buys materials and equipment locally. He feels without the guidance of the Cooperative Extension, he wouldn't be here as a small business. Chairman Crandall stated that Allegany County plans to continue to maintain funding for Cooperative Extension. What we spend with Cooperative Extension goes a long way in helping Allegany County.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. 2014 Tentative Budget
2. Report of Intrafund Transfers approved by the County Administrator for the month of September.
3. Report of Tax Bill Corrections approved by the County Administrator for the month of September.
4. The County Treasurer filed Allegany County's Financial Statements prepared by EFP Rotenberg for the period ending December 31, 2012, in the Clerk of the Board's Office on September 27, 2013.
5. Pursuant to Article 11 of the Real Property Tax Law, the County Treasurer filed a Certificate of Withdrawal of Delinquent Tax Lien for property in the Town of Alma in the Clerk of the Board's Office on October 9.

6. The Allegany County Farm Bureau forwarded a copy of Resolution No. 1-13 wherein they express their appreciation for the Board retaining the 4.5 percent County Sales Tax noting that they prefer sales tax over property tax as a source of revenue for the County.

7. Invitation from the Allegany County Area Foundation to attend its annual meeting on October 28 at the Wellsville Country Club from 6 to 8 p.m.

8. Correspondence from Allen Kerkeslager thanking the Board for its support of the ongoing work on the Genesee River Wilds Project.

9. Notice of next Inter County Association meeting to be hosted by Cayuga County at Emerson Park Pavilion in Auburn on October 18.

10. Correspondence from Allegany County Cancer Services Founder and Board President Lori Ballengee thanking the Board for its recent donation.

11. The next Business after Hours event will be hosted by Kent Farms on October 23 at 5:30 p.m.

12. Reminder that there will be a Radio Communications Information Forum at the Genesee Valley Central School Auditorium on Wednesday, October 16, beginning at 7 p.m.

APPOINTMENTS:

Chairman Curtis W. Crandall appointed Steven B. Rennie of Fillmore, New York, to the Comprehensive Plan Implementation Group.

PROCLAMATION:

Fire Prevention Week in Allegany County – October 6-12, 2013

Breast Cancer Awareness Month in Allegany County – October 2013

Make a Difference Day in Allegany County – October 26, 2013

INTRODUCTION OF LEGISLATION:

Legislator Hopkins introduced Local Law Intro. No. 1-2013, Print No. 1, entitled "A LOCAL LAW TO PROVIDE INCREASES IN THE COMPENSATION OF CERTAIN COUNTY OFFICERS," a copy of said proposed Local Law having been placed on each Legislator's desk.

RESOLUTION NO. 152-13

RESOLUTION SETTING DATE OF PUBLIC HEARING ON A LOCAL LAW TO PROVIDE INCREASES IN THE COMPENSATION OF CERTAIN COUNTY OFFICERS

Offered by: Ways and Means Committee

WHEREAS, on this 15th day of October, 2013, a local law (Intro. No. 1-2013, Print No. 1) was introduced to provide increases in the compensation of certain county officers, and

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

RESOLVED:

1. That a public hearing shall be held on October 28, 2013, at 2:00 p.m. in the County Legislators' Chambers, Room 221, County Office Building, 7 Court Street, Belmont, New York, before the Allegany County Board of Legislators, in relation to proposed Local Law Intro. No. 1-2013, Print No. 1.

2. That the Clerk of the Board of Legislators is directed to prepare, with the assistance of the County Attorney, a notice of said public hearing, to cause the publication of a copy of said notice in each of the two newspapers which have been officially designated by this Board to publish "notices," and to affix a copy of said notice on the county bulletin board in the County Courthouse at Belmont, New York; both publication and posting to be made at least five days before the public hearing.

Moved by: Mr. Hopkins
Seconded by: Mr. Fanton

Adopted: Voice Vote

RESOLUTION NO. 153-13

RESOLUTION SETTING DATE OF PUBLIC HEARING ON 2014 COUNTY TENTATIVE BUDGET AND PROVIDING CONTENTS OF SUCH NOTICE

Offered by: Ways and Means Committee

WHEREAS, the 2014 County Tentative Budget has been presented to this Board together with a copy of the proposed appropriation resolution, and

WHEREAS, it is necessary to hold a public hearing on the Budget before any further action can be taken on the Budget and on the appropriation resolution, and

WHEREAS, it is necessary to provide notice to the public of such public hearing and to also include in such notice or in a separate notice published in the same manner and at the same time as such notice of public hearing, a statement of the maximum salary that may be fixed and payable during the year 2014 to the members of the County Board of Legislators and to its officers, now, therefore, be it

RESOLVED:

1. That a public hearing on the 2014 County Tentative Budget shall be held in the Legislators' Chambers, Room 221, at the County Office Building, 7 Court Street, Belmont, New York, at 7:00 p.m. on November 7, 2013.

2. That the notice of public hearing shall include a statement that the 2014 maximum salary for members of the Board of Legislators and the maximum salary that may be fixed and payable during said fiscal year 2014 to the Majority Leader, Minority Leader and Board Chairman, are as follows:

Members of the Board of Legislators	\$8,500. annual
Chairman of the Board of Legislators	\$8,500. annual
Majority Leader of Board	\$300. annual
Minority Leader of Board	\$300. annual

Moved by: Mr. Hopkins
Seconded by: Mr. Curran

Adopted: Voice Vote

RESOLUTION NO. 154-13

DETERMINATION OF NO SIGNIFICANT ENVIRONMENTAL IMPACT WITH RESPECT TO THE ADOPTION OF THE UPDATED ALLEGANY COUNTY COMPREHENSIVE PLAN

Offered by: Ways and Means Committee

WHEREAS, Allegany County previously declared its intent to act as Lead Agency for purposes of the SEQRA environmental review of its proposed updated County Comprehensive Plan and provided the required notice to involved agencies who might wish to be heard on the question of Lead Agency status or assume the role of Lead Agency, and

WHEREAS, more than thirty days have elapsed since providing such notice of Lead Agency status and no party having objected to Allegany County acting as Lead Agency, and

WHEREAS, the Allegany County Board of Legislators, acting as Lead Agency, met at a Committee of the Whole meeting on September 9, 2013, and undertook an environmental review of the updated County Comprehensive Plan, and

WHEREAS, following a review of a Full Environmental Assessment Form and discussion of the potential environmental significance of the updated County Comprehensive Plan it was determined that the updated County Comprehensive Plan would not have a significant environmental impact, now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators hereby finds that the updated County Comprehensive Plan will not have a significant environmental impact and determines

that a Negative Declaration shall be issued and authorizes the Chairman to prepare and sign the Negative Declaration.

2. That the Clerk of the Board of Legislators is directed to send a copy of the Negative Declaration to all towns and villages within Allegany County, all local and regional planning boards, all involved agencies and appropriate state agencies.

3. That the Clerk of the Board of Legislators is directed to cause the Notice of the Negative Declaration to be published in the Environmental Notice Bulletin (ENB).

Moved by: Mr. Hopkins
Seconded by: Mr. Pullen

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

RESOLUTION NO. 155-13

RESOLUTION APPROVING THE UPDATED ALLEGANY COUNTY COMPREHENSIVE PLAN

Offered by: Ways and Means Committee

WHEREAS, the proposed updated Allegany County Comprehensive Plan has undergone the appropriate environmental review, and

WHEREAS, the proposed updated Allegany County Comprehensive Plan has been referred to the county and regional planning boards as well as to the legislative bodies and to the planning boards of each municipality within Allegany County for review and recommendation, and

WHEREAS, upon proper notice being given a public hearing was held on September 23, 2013, with regard to the proposed updated Allegany County Comprehensive Plan, and

WHEREAS, there has been no public comment or objections noted to the proposed updated Allegany County Comprehensive Plan, and

WHEREAS, it appears that all appropriate legal steps leading up to the adoption of the proposed updated Allegany County Comprehensive Plan have been taken and that adoption of the proposed updated Allegany County Comprehensive Plan is in the best interest of the County, now, therefore, be it

RESOLVED:

1. That Allegany County does hereby adopt the proposed updated Allegany County Comprehensive Plan as its county comprehensive plan.

2. That the Clerk of the Board of Legislators is authorized and directed to file the updated County Comprehensive Plan in the Office of the County Clerk and file a copy of the

same in the Office of the County Planning Board, with the Secretary of State, and with the clerk of each town and village within Allegany County.

Moved by: Mr. Hopkins
Seconded by: Mr. Sinclair

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

AUDITS:

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

A motion was made by Legislator Hopkins, seconded by Legislator Curran, and adopted on a roll call vote of 15 Ayes, 0 Noes, 0 Absent, that the audit of claims, totaling \$5,106,044.04, including prepaid expenses, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$7,908,718.*)

Chairman Crandall handed out updated committee assignments, and reminded everyone of the Human Services Committee meeting following the Board meeting.

Legislator Ungermann stated that he is concerned with how we present things. At the last meeting it was stated that "the levy doesn't affect what the taxpayers pay; the tax rate is what determines the property taxes." He added "it's the levy that determines the tax rate. So we need to be careful about that." There's also an article in the Wellsville paper that says it's "four years in a row the property taxes have gone down. That isn't correct. The tax rate has declined a little, but the property taxes haven't really gone down." "I think we lose our credibility when we don't really say the entire story." "I'm concerned about that." I've provided everyone with a spreadsheet about the history of the taxes in Allegany County over the last five or six years. Chairman Crandall replied that he uses the tax rate, when speaking about property taxes, and that's what people are interested in. That's what people pay per thousand. There are different components that go into a tax bill. It really comes down to dollars and cents per \$1,000 of assessed value. With the Tentative Budget as it stands, that's four years in a row property taxes have gone down in Allegany County. Legislator Ungermann replied that as long as you use "tax rate" that's fine. Maybe this is a misprint in the newspaper. Legislator Pullen commented that properties that have not been improved have had their taxes go down. When comparing apples to apples, taxes have gone down.

ADJOURNMENT: The meeting was adjourned at 3:06 p.m. on a motion made by Legislator Graves, seconded by Legislator LaForge and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION**

OCTOBER 28, 2013

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

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by Former US Army Sergeant Michael Piskorowski.

INVOCATION: The Invocation was given by Legislator Pullen.

ROLL CALL: 15 Legislators Present: Glenn Benson, Donald Cady, Curtis Crandall, Philip Curran, Dwight Fanton, Karl Graves, Dwight (Mike) Healy, Theodore Hopkins, Charles Jessup, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Frederick Sinclair, Norman Ungermann, Jr.

APPROVAL OF MINUTES:

The Board meeting minutes of October 15, 2013, were approved on a motion made by Legislator Graves, seconded by Legislator Curran, and carried.

PUBLIC HEARING:

Chairman Crandall closed the regular meeting to hold a public hearing on Local Law Intro. No. 162-2013, entitled "A Local Law to Provide Increase in the Compensation of Certain County Officers." There were no comments from the public.

There being no one desiring to speak, the public hearing was declared closed and the Board reconvened in regular session.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Michael Piskorowski, former United States Army Sergeant, in grateful appreciation of his service to our country. Mr. Piskorowski's service dates were from January 13, 1963, to January 12, 1966. Commendations he received included: Good Conduct Army Achievement Medal, M-1 and M-14 Weapons Expert. Subsequently, Mr. Piskorowski spent time serving with the NYS Police and the Alaska State Police. Mr. Piskorowski led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Crandall honored Alice Alsworth, Confidential Secretary to the County Administrator, on the occasion of her retirement. Mrs. Alsworth worked in several departments prior to her arrival at the County Administrator's Office. Mrs. Alsworth served as an Account Clerk Typist in the Office of Development, 1996-97; Typist in the Probation

Department, 1997; Account Clerk Typist in the Office of Development 1997-98; and again in the Probation Department, 1998. She was appointed to the County Administrator's Office in January 1998. Chairman Crandall presented Mrs. Alsworth with a plaque, expressing his gratitude, and that of the current Board, former Board members, Department Heads, and Staff members.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. November 2013 Calendar of Board and Standing Committee meeting dates.

RESOLUTIONS:

RESOLUTION NO. 156-13

**ADOPTION OF LOCAL LAW INTRO. NO. 1-2013, PRINT NO.1, TO PROVIDE INCREASES
IN THE COMPENSATION OF CERTAIN COUNTY OFFICERS**

Offered by: Ways and Means Committee

RESOLVED:

1. That proposed Local Law, Intro. No. 1-2013, Print No. 1, is adopted without any change in language, to wit:

COUNTY OF ALLEGANY

Intro. No. 1-2013

Print No. 1

**A LOCAL LAW TO PROVIDE INCREASES IN THE COMPENSATION OF CERTAIN
COUNTY OFFICERS**

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

Section 1. Commencing January 1, 2014, the annual salary of the incumbents of the following County offices shall be as follows: Real Property Tax Director - \$65,819; County Clerk - \$66,209; Personnel Officer - \$66,950; Public Health Director - \$74,068; Public Works Superintendent - \$82,400; Sheriff - \$69,010; Social Services Commissioner - \$76,302; Employment & Training Director - \$59,806; Coroners: Local Transport - \$300 p/d; Coroners: Autopsy Transport - \$600 p/d.

Section 2. This local law shall take effect on the date of its filing with the Secretary of State.

Moved by: Mr. Hopkins
Seconded by: Mr. O'Grady

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

RESOLUTION NO. 157-13

RESOLUTION IN SUPPORT OF AN ACT TO AMEND THE HIGHWAY LAW TO DESIGNATE A PORTION OF THE STATE HIGHWAY SYSTEM AS THE "SERGEANT OMAR G. BLOWERS MEMORIAL HIGHWAY"

Offered by: Public Works Committee

WHEREAS, a request has been made that this Board sponsor a resolution directed to the New York State Senate and New York State Assembly that legislation be enacted to amend the Highway Law to designate a portion of State Route 70, which is located within Allegany County from the Canaseraga Village line to the Livingston County line, as the "Sergeant Omar G. Blowers Memorial Highway", and

WHEREAS, Sergeant Omar G. Blowers was from Swain, New York and served in the U.S Army during the time of the Korean War, and

WHEREAS, on February 12, 1951, Sergeant Blowers, while on duty with his Unit, was taken prisoner and sent to a North Korean prison camp, and

WHEREAS, Sergeant Blowers, while in captivity, died on May 30th, 1951 from dysentery at the age of 19 and is now buried at St. Mary's Cemetery in Canaseraga, New York, and

WHEREAS, Sergeant Blowers' sacrifice is a shining example of a brave Allegany County resident who made the ultimate sacrifice for his country, and

WHEREAS, the Town of Grove has passed a resolution in unanimous support of legislation that would designate a portion of State Route 70, from the Canaseraga Village line to the Livingston County line, as the "Sergeant Omar G. Blowers Memorial Highway", and

WHEREAS, this Board wishes to join with the Town of Grove in seeking to recognize this local hero, now therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators does hereby urge the State Senate and State Assembly to enact legislation to amend the Highway Law to designate that portion of State Route 70 which lies within Allegany County from the Canaseraga Village line to the Livingston County line as the "Sergeant Omar G. Blowers Memorial Highway".

2. That the Clerk of this Board is hereby authorized and directed to forward a certified copy of this resolution to Governor Andrew M. Cuomo; New York State Senator Catharine M. Young; Senate Majority Coalition Leader Dean G. Skelos; Assembly Speaker

Sheldon Silver; Assemblyman Joseph M. Giglio and Commissioner of Transportation Joan McDonald.

Moved by: Mr. Fanton
Seconded by: Mr. Curran

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

Comments made regarding Resolution No. 157-13 included the following: Legislator Pullen commented that he had read the account of Sergeant Blowers' travails in prison and his loss of life, having given the "last full measure." He noted there is little we can do to make up for this loss and that this action is entirely appropriate and fitting to recognize Sergeant Blowers' sacrifice.

Legislator Cady remembers delivering newspapers during this time (Korean War era) and reading the terrible news stories and viewing the horrific photos as a youth. He noted that the Korean War is often called the Forgotten War; this is an opportunity, he said, to recall it and to recall Sergeant Blowers.

RESOLUTION NO. 158-13

AMENDING RESOLUTION NO. 139-2013 ENTITLED "RESOLUTION REJECTING THE BID OF JAMES G. DORSETTE FOR THE PARCEL DESCRIBED AS 20 WEST STATE STREET, TAX MAP #239.45-1-39, LOCATED IN THE VILLAGE OF WELLSVILLE"

Offered by: Ways and Means Committee

RESOLVED:

1. That the first **WHEREAS** of Resolution No. 139-2013 is amended to read as follows:

WHEREAS, James G. Dorsette was the successful bidder at the 2013 May Allegany County tax sale on property previously owned by Bernard Prentice located at 20 West State Street, Wellsville, New York, Tax Map #239.45-1-39, and

2. That paragraph 1. under **RESOLVED** of Resolution No. 139-2013 is amended to read as follows:

1. That the bid of James G. Dorsette for the parcel described as 20 West State Street, Wellsville, New York Tax, Map #239.45-1-39, is hereby rejected and the County Treasurer is directed to refund to him the sum of \$1,137.31.

3. This resolution shall take effect immediately.

Moved by: Mr. Hopkins
Seconded by: Mr. Graves

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

RESOLUTION INTRO. No. 164-13 (APPOINTMENT OF ONE MEMBER TO COUNTY BOARD OF HEALTH) was TABLED following a motion made by Legislator LaForge, seconded by Legislator Graves, and carried.

RESOLUTION NO. 159-13

APPOINTMENT OF JOHN "JACK" ORMOND TO THE ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY AND THE INDUSTRIAL AND COMMERCIAL INCENTIVE BOARD

Offered by: Ways and Means Committee

Pursuant to Title 1 of Article 18-A
and Section 906-a of the General Municipal Law

RESOLVED:

1. That John "Jack" Ormond of Cuba, New York, is appointed as a member of the Allegany County Industrial Development Agency and Industrial and Commercial Incentive Board to fill the vacancies created by the resignation of Charles O. Jessup, with term of office commencing October 15, 2013 and expiring December 31, 2013.

2. That the Clerk of this Board is directed to send a certified copy of this resolution to the Secretary of State for filing pursuant to Section 856(2) of the General Municipal Law.

Moved by: Mr. Hopkins
Seconded by: Mr. Sinclair

Adopted: Voice Vote

RESOLUTION NO. 160-13

APPROVAL OF SALE OF 2013 TAX SALE PROPERTIES

Offered by: Ways and Means Committee

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

RESOLVED:

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

2. That upon the securing by the County Attorney of a proper court order authorizing the conveyance to the County of such of the below mentioned properties which are subject to the 2011 and/or back to the year 1995 (TF95 up to and including TF11) tax foreclosure proceedings and the subsequent execution of a deed of all of the below mentioned properties to the County by the County

Tax Enforcement Officer, the Chairman of this Board of Legislators is authorized and directed to execute on behalf of the County of Allegany and to cause to deliver to such owners and purchasers quit claim deeds of the County's interest in such properties and to affix to each such deed the official seal; all upon satisfaction of the terms and conditions of sale and the full payment to the County Treasurer of the monetary considerations.

New Owner Address Sale price	Parcel details	County title Recorded Date Liber, Page
Combs, Timothy 2073 Wolf Creek Road Cuba, NY 14727 Tax sale amount: \$1	Parcel ID: 022400; 262.6-1-31 Property loc: 5802 St Rt 417 Assessed value: 36,500 Acres: 0.14	County of Allegany Book: 945 Page: 00132
Moran-Combs, Danielle D. 2073 Wolf Creek Road Cuba, NY 14727 Tax sale amount: \$25	Parcel ID: 022601; 126.7-1-10 Property loc: 15 Main St Assessed value: 10,000 Acres: 0.3	County of Allegany Book: 1140 Page: 11
Combs, Timothy 2073 Wolf Creek Road Cuba, NY 14727 Tax Sale Amount: \$1	Parcel ID: 026600; 249.3-1-18 Property loc: St Rte 417 Assessed value: 10,000 Acres: 0.15	County of Allegany Book: 945 Page: 00059

Moved by: Mr. Hopkins
Seconded by: Mr. Fanton

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

RESOLUTION NO. 161-13

TRANSFER OF FUNDS WITHIN SPECIAL EDUCATION PHC ACCOUNT

Offered by: Human Services Committee

RESOLVED:

1. That the sum of \$410,887 is transferred as follows:

From Account No.

A2960.439 (Education Contracts-Evals)	\$ 18,023
A2960.441 (Education Contracts-SEIT)	109,032
A2960.442 (Education Contracts-Related Services)	283,832

To Account No.

A2960.421 (Education Contracts-Tuition)	\$351,187
A2960.438 (Education Contracts-Trans)	59,700

Moved by: Mr. LaForge
Seconded by: Mr. Graves

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

RESOLUTION NO. 162-13

TRANSFER OF FUNDS WITHIN PUBLIC HEALTH ACCOUNTS

Offered by: Human Services and Ways & Means Committees

RESOLVED:

1. That the sum of \$12,500 is transferred from Account No. A4010.409 (General Fund-Fees) to Account No. A4043.409 (Fees), to pay for Rabies treatment claims.

Moved by: Mr. LaForge
Seconded by: Mr. Curran

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

RESOLUTION NO. 163-13

**TRANSFER OF FUNDS FROM SOLID WASTE ACCOUNT TO PUBLIC SAFETY
COMPLEX – BUILDINGS AND GROUNDS CONTRACTUAL EXPENSES ACCOUNT**

Offered by: Public Works and Ways & Means Committees

RESOLVED:

1. That the sum of \$26,500 is transferred from Account No. A8160.495 (Solid Waste Engineering) to Account No. A3152.429 (Public Safety Complex – Buildings & Grounds), to fund a study connecting sewer from the County Jail to the Village of Belmont system.

Moved by: Mr. Fanton
Seconded by: Mr. Graves

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

RESOLUTION NO. 164-13

**ACCEPTING AND APPROPRIATING FUNDS FROM NEW YORK STATE TO NARCOTIC
ADDICTION CONTROL CONTRACTUAL EXPENSES ACCOUNT**

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the sum of \$30,000 from New York State is accepted and appropriated to Account No. A4220.461 (Council on Alcoholism & Substance Abuse-Health Contracts

OASIS) with a like sum credited to Revenue Account No. A4220.3486.00 (Council on Alcoholism & Substance Abuse-State Aid-Substance Abuse).

Moved by: Mr. LaForge
Seconded by: Mr. Curran

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

RESOLUTION NO. 165-13

ACCEPTING AND APPROPRIATING FUNDS FROM NEW YORK STATE FOR ARBOR DEVELOPMENT TO MENTAL HEALTH CONTRACTUAL EXPENSES ACCOUNT

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the sum of \$75,836 from New York State for Arbor Development is accepted and appropriated to Account No. A4313.456 (Mental Health Contracts) with a like sum credited to Revenue Account No. A4313.3490.1078 (Mental Health Contracts).

Moved by: Mr. LaForge
Seconded by: Mr. Pullen

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

RESOLUTION NO. 166-13

APPROVAL OF FINAL 2014 ALLEGANY COUNTY PLAN UNDER COUNTY SPECIAL TRAFFIC OPTIONS PROGRAM FOR DRIVING WHILE INTOXICATED; AUTHORIZING STOP-DWI COORDINATOR TO ENTER INTO AGREEMENTS FOR SERVICES

Offered by: Public Safety and Ways and Means Committees

Pursuant to Vehicle and Traffic Law § 1197

RESOLVED:

1. That the final Allegany County 2014 STOP-DWI Plan is approved and shall replace on and after January 1, 2014, the Plan approved by Resolution No. 162-2012.

2. That the STOP-DWI Coordinator is authorized to enter into agreements with Towns and Villages who wish to participate in the STOP-DWI Program; all such agreements to be in accordance with the approved Plan.

Moved by: Mr. Healy
Seconded by: Mr. Graves

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

RESOLUTION NO. 167-13

APPROVAL OF AGREEMENT WITH CATTARAUGUS COUNTY FOR RELATED SERVICES FOR PRESCHOOL HANDICAPPED CHILDREN

Offered by: Human Services and Ways & Means Committees

RESOLVED:

1. That the agreement between the County of Allegany and the County of Cattaraugus for the provision of related services for preschool handicapped children, with term of July 1, 2013 to June 30, 2014, is approved.
2. That the Chairman of the Board is authorized to execute the agreement.

Moved by: Mr. LaForge
Seconded by: Mr. Fanton

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

RESOLUTION NO. 168-13

APPROVAL OF TRANSPORTATION OF PRESCHOOL CHILDREN WITH HANDICAPPING CONDITIONS AGREEMENTS WITH FIFTEEN CENTRAL SCHOOL DISTRICTS AND AUTHORIZING CHAIRMAN TO EXECUTE AGREEMENTS

Offered by: Human Services and Ways and Means Committees

WHEREAS, fifteen central school districts have agreed to provide transportation for County preschool children with handicapping conditions, now, therefore, be it

RESOLVED:

1. That each Agreement titled "Agreement Concerning The Transportation Of Pre-School Children With Handicapping Conditions" for the period July 1, 2013, to June 30, 2014, with the respective Central School Districts of Alfred-Almond, Andover, Arkport, Belfast, Bolivar-Richburg, Canaseraga, Cuba-Rushford, Fillmore, Friendship, Genesee Valley, Portville, Scio, Wellsville, Whitesville and Livingston-Wyoming is approved.

Moved by: Mr. LaForge
Seconded by: Mr. Pullen

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

RESOLUTION NO. 169-13

APPROVAL OF AGREEMENT WITH APPROVED PROVIDERS OF PROGRAMS, SEIT AND/OR EVALUATIONS FOR PRESCHOOLERS WITH DISABILITIES

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That Agreements titled "County of Allegany Contract for Approved Providers of Programs, SEIT and/or Evaluations for Preschoolers with Disabilities" with Cattaraugus Rehabilitation Center, Inc., Kid Start Livingston-Wyoming Co. ARC, Cattaraugus-Allegany BOCES, Pathways, Inc., Friendship Central School, Fillmore Central School and Portville Central School for the period September 1, 2013, to August 31, 2015, are approved.

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

Moved by: Mr. LaForge
Seconded by: Mr. Fanton

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

Comments regarding Resolution No. 169-13 included the following: Some discussion followed regarding specific savings . Public Health Director Lori Ballengee said because that her office is seeing an increase in need in these children, more services are being used at center-based programs over SEIT. Although she did not have exact figures with her at the meeting, she assured Mr. Ungermann that she would get him the numbers.

AUDITS:

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

A motion was made by Legislator Hopkins, seconded by Legislator Graves, and adopted on a roll call vote of 15 Ayes, 0 Noes, 0 Absent, that the audit of claims, totaling \$1,812,679.83, including prepaid expenses, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$8,295,090.00.*)

Moved by: Mr. Hopkins
Seconded by: Mr. Graves

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

ADJOURNMENT: The meeting was adjourned at 2:55 p.m. on a motion made by Legislator Graves, seconded by Legislator Cady, and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
NOVEMBER 12, 2013**

**** APPROVED ****

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:03 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by retired Sergeant First Class Timothy J. Kendall.

INVOCATION: The Invocation was given by Legislator Pullen.

ROLL CALL: 13 Legislators Present: Glenn Benson, Curtis Crandall, Philip Curran, Dwight Fanton, Karl Graves, Dwight (Mike) Healy, Charles Jessup, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Frederick Sinclair, Norman Ungermann, Jr.
2 Absent: Donald Cady, Theodore Hopkins

APPROVAL OF MINUTES:

The Board meeting minutes of October 28, 2013, were approved on a motion made by Legislator Graves, seconded by Legislator Curran, and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Timothy J. Kendall, retired United States Sergeant First Class, in grateful appreciation of his service to our country. Mr. Kendall's service dates were from June 1966 to June 1999 (1971 to 1999 Reserve Time). His assignments included: Ft. Bragg (3rd Special Forces), Vietnam (5th Special Forces), 19th Special Forces of the New York State National Guard, 42nd Infantry Division of the New York State National Guard. Commendations he received included: Bronze Star, Purple Heart with One Oak Leaf Cluster, Combat Medic Badge, Expert Rifle, Senior Jump Wings, Expert Infantry Badge, Vietnam Jump Badge, Vietnam Combat Award, Vietnam Campaign Medal, Air Medal for Combat Operation, Army Achievement Medal, Army Accommodation Medal. Mr. Kendall led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. Report of Tax Bill Corrections Approved by the County Administrator in October.
2. Report of Intrafund Transfers Approved by the County Administrator in October.

3. Pursuant to Article 11 of the Real Property Tax Law, County Treasurer Ross filed a Certificate of Withdrawal of Delinquent Tax Lien for Property in the Town of Friendship in the Clerk of the Board's Office on November 6, 2013.

4. Notice of the next InterCounty meeting to be hosted by Chemung County at the Elmira Corning Regional Airport on November 15.

5. Notice of Energy Informational Session to learn about reducing energy costs. The session will be held at the Crossroads Conference Center on Thursday, November 21, from 11:30 a.m. to 1:30 p.m.

6. Notice of next Fire Advisory Board meeting to be held on Thursday, November 21, at 8 p.m. in the Public Safety Building.

APPOINTMENTS:

Chairman Curtis W. Crandall, in a joint measure with Norman L. Marsh, Chairman of the Cattaraugus County Board of Legislators, has appointed Jeremy Martin to the Cattaraugus-Allegany Workforce Investment Board.

RESOLUTIONS:

RESOLUTION NO. 170-13

A RESOLUTION LEVYING THE AMOUNT OF UNPAID SEWER AND WATER RENTS IN VARIOUS TOWN SEWER AND WATER DISTRICTS AGAINST THE VARIOUS REAL PROPERTIES LIABLE THEREFOR

Offered by: Ways and Means Committee

Pursuant to Article 14-F of the General Municipal Law and Town Law § 198

WHEREAS, the Towns of Belfast, Caneadea, Friendship, Hume, Independence, Scio and Wellsville have submitted to this Board of Legislators statements showing sewer and water rents unpaid by the persons or entities noted therein and the real property to be charged with such unpaid rents, and

WHEREAS, pursuant to law this Board is required to levy such sums against the real property liable therefor, now, therefore, be it

RESOLVED:

1. That the unpaid sewer and water rents by the persons or entities noted in statements filed with this Board of Legislators by the respective Supervisors of the Towns of Belfast, Caneadea, Friendship, Hume, Independence, Scio and Wellsville between

September 16, 2013, and November 1, 2013, are levied against the real property noted in such statements and are to be placed on the tax rolls of such Towns in the manner provided by law.

Moved by: Mr. Fanton
Seconded by: Mr. Pullen

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

RESOLUTION NO. 171-13

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

Offered by: Ways and Means Committee

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

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

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

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

RESOLVED:

1. The amount of \$25,571.22 is appropriated from Account No. A1410.432 (County Clerk – Contractual) and shall be distributed to the Towns and Villages of the County as follows:

TOWNS	AMOUNT RETAINED BY COUNTY CLERK'S OFFICE FOR MORTGAGE TAX FEES	REBATE AMT TO TOWN	REBATE AMT TO VILLAGE	VILLAGES
Alfred	1,267.29	1,017.01	250.28	Alfred
Allen	226.38	226.38		
Alma	525.46	525.46		

Almond	936.38	863.90	72.48	Almond
Amity	1,027.19	858.65	168.54	Belmont
Andover	1,320.51	1,090.23	230.28	Andover
Angelica	1,065.92	888.64	177.28	Angelica
Belfast	417.06	417.06		
Birdsall	191.35	191.35		
Bolivar	1,367.22	1,080.44	266.02	Bolivar
			20.76	Richburg
Burns	433.52	380.35	53.17	Canaseraga
Caneadea	1,086.38	1,086.38		
Centerville	893.08	893.08		
Clarksville	681.85	681.85		
Cuba	2,409.07	2,068.44	340.63	Cuba
Friendship	515.39	515.39		
Genesee	927.26	927.26		
Granger	227.49	227.49		
Grove	465.34	465.34		
Hume	745.24	745.24		
Independence	1,108.92	1,108.92		
New Hudson	348.22	348.22		
Rushford	1,321.17	1,321.17		
Scio	397.22	397.22		
Ward	252.04	252.04		
Wellsville	4,114.85	3,016.34	1,098.51	Wellsville
West Almond	138.59	138.59		
Willing	542.54	542.54		
Wirt	618.28	574.79	43.50	Richburg
TOTALS	25,571.22	22,849.77	2,721.45	

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

Moved by: Mr. Fanton
Seconded by: Mr. Healy

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

RESOLUTION NO. 172-13

RELEVY OF RETURNED SCHOOL TAXES

Offered by: Ways and Means Committee

Pursuant to Real Property Tax Law § 1330

RESOLVED:

1. That the amount of the unpaid returned school taxes of the several school districts of Allegany County with seven per centum of the amount of principal and interest in addition thereto, is relieved upon the real property upon which the same were imposed.

2. This resolution shall take effect on November 16, 2013.

Moved by: Mr. Fanton
Seconded by: Mr. Graves

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

RESOLUTION NO. 173-13

RELIEF OF RETURNED VILLAGE TAXES

Offered by: Ways and Means Committee

Pursuant to Local Law No. 4 of 1978 and Real Property
Tax Law § 1442

RESOLVED:

1. That the amount of the unpaid returned village taxes of each village of Allegany County which has complied with the provisions of Local Law No. 4 of 1978, together with seven per centum of the amount of principal and interest, is re-relieved upon the real property upon which the same were originally imposed by each such respective village.

2. This resolution shall take effect on November 16, 2013.

Moved by: Mr. Fanton
Seconded by: Mr. Curran

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

RESOLUTION NO. 174-13

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

Offered by: Ways and Means Committee
Pursuant to Tax Law § 261 (3)

RESOLVED:

1. That the Semi-Annual Report for the period April 1, 2013, through September 30, 2013, relating to Mortgage Tax Receipts and Disbursements, and the proposed distribution of such mortgage tax receipts therein, is approved.

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

Moved by: Mr. Fanton
Seconded by: Mr. Pullen

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

RESOLUTION NO. 175-13

RESOLUTION ESTABLISHING A RESERVE ACCOUNT FOR THE DEPARTMENT OF HEALTH/CANCER SERVICES FOR GIFTS AND DONATIONS GIVEN FOR A SPECIFIC PURPOSE

Offered by: Ways and Means Committee

RESOLVED:

1. That the Allegany County Board of Legislators does hereby establish a reserve account for the Department of Health/Cancer Services for gifts and donations that are given for a specific purpose.

2. That the new accounts to be added and used strictly for Gifts and Donations for the Department of Health/Cancer Services are as follows:

GL	A889.4074	Cancer Services Reserve
RE	A4074.2705.R	G&D's Cancer Services Reserve
EX	A4074.463	Cancer Services Expense from G&D's

3. That gifts and donations made for Cancer Services shall be used throughout the year in the manner designated when made and any balance remaining at the end of the year shall be reserved for future needs with budget appropriations from the reserve undertaken as needed.

4. That the balance of \$5,298.96 from the 2011 calendar year and the balance of \$12,017.13 from the 2012 calendar year is hereby appropriated to Reserve Account No. A889.4074, and any balance from the 2013 calendar year shall be moved to reserve with the year-end journal entries after the year is completed.

5. That any revenues received will be posted to the Reserve Revenue Account No. A4074.2705.R and any expenses from donated funds will be posted in Account Number A4074.463.

Moved by: Mr. Fanton

Adopted: Roll Call

Seconded by: Mr. LaForge

13 Ayes, 0 Noes, 2 Absent

RESOLUTION NO. 176-13

APPOINTMENT OF ONE MEMBER TO COUNTY BOARD OF HEALTH

Offered by: Human Services Committee

Pursuant to Public Health Law §§ 343 and 344

RESOLVED:

1. That Dr. M. Zahi Kassas is appointed to fill a vacant position to the County Board of Health, with term of office commencing October 2, 2013, and expiring July 7, 2017.

Moved by: Mr. LaForge
Seconded by: Mr. Graves

Adopted: Voice Vote

(Memo: This resolution was tabled at the 10/28/13 Board meeting.)

AUDITS:

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

A motion was made by Legislator Pullen, seconded by Legislator Graves, and adopted on a roll call vote of 13 Ayes, 0 Noes, 2 Absent, that the audit of claims, totaling \$2,404,731.79, including prepaid expenses, be approved for payment as recommended by the County Administrator. *(Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$8,681,462.)*

ADJOURNMENT: The meeting was adjourned at 2:25 p.m. on a motion made by Legislator Graves, seconded by Legislator Jessup and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
NOVEMBER 25, 2013**

**** APPROVED ****

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:03 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by Michael Hennessy, Director of Veterans' Service Agency.

INVOCATION: The Invocation was given by Legislator Pullen.

ROLL CALL: 14 Legislators Present: Glenn Benson, Curtis Crandall, Philip Curran, Dwight Fanton, Karl Graves, Dwight (Mike) Healy, Theodore Hopkins, Charles Jessup, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Frederick Sinclair, Norman Ungermann, Jr. 1 Legislator Absent: Donald Cady

APPROVAL OF MINUTES:

The Committee of the Whole (Budget Review) meeting minutes of October 15, 2013, were approved following a motion made by Legislator Curran, seconded by Legislator Graves, and carried.

The minutes of the Public Hearing on the Tentative 2014 Allegany County Budget held on November 7, 2013, were approved following a motion made by Legislator Graves, seconded by Legislator Curran, and carried.

The Board meeting minutes of November 12, 2013, were approved on a motion made by Legislator Pullen, seconded by Legislator Fanton, and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall granted privilege of the floor to Mr. Michael Hennessy. Mr. Hennessy reminded everyone that we have a number of Veterans in our County who are hurting. Some of them are house-bound and in nursing homes. He urged everyone to send a card or package, or simply give them a telephone call. Let them know that their service wasn't in vain. We do a good job of honoring our Veterans on Veterans' Day, but not necessarily throughout the remainder of the year. Mr. Hennessy also reminded those present that if they know a Veteran who would like to come to a Board meeting and lead us in the pledge, please let him know.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. December 2013 Calendar of Board and Standing Committee meeting dates.

2. 2014 Final Budget

3. Correspondence from Allegany Senior Foundation thanking the Board for the recent donation.

APPOINTMENTS:

1. Chairman's appointments to the Citizens Advisory Council to the Office of the Aging.

RESOLUTIONS:

RESOLUTION NO. 177-13

REAPPOINTMENT OF TWO MEMBERS TO THE CITIZENS ADVISORY COUNCIL TO THE OFFICE FOR THE AGING

Offered by: Human Services Committee

Pursuant to Resolution No. 221-74

RESOLVED:

1. That the reappointments of Wallace Higgins of Alfred Station, New York, and David T. Pullen of Fillmore, New York, to the Citizens Advisory Council to the Office for the Aging, with term of office for each commencing January 1, 2014, and expiring December 31, 2016, are confirmed.

Moved by: Mr. LaForge
Seconded by: Mr. Fanton

Adopted: Voice Vote

Comments made regarding Resolution No. 177-13 included: Legislator LaForge made a motion to amend the resolution by removing Beverly Grantier's name from the Resolution. This was due to the recent passing of Mrs. Grantier. The motion was seconded by Legislator Graves and carried. Legislator Pullen remarked that Mrs. Grantier had served for close to 15 years on the Advisory Council to the Office for the Aging. He added, "She was a very conscientious and insightful member. She was a wonderful individual and a joy to work with. Her presence and contributions will be sorely missed."

RESOLUTION NO. 178-13

AMENDMENT OF 2014 COUNTY TENTATIVE BUDGET

Offered by: Ways and Means Committee

RESOLVED:

1. That the 2014 County Tentative Budget dated September 23, 2013, is amended as follows:

Appropriations:

<u>Account No.</u>	<u>Account</u>	<u>Amendment</u>
A4316.457	Mental Health ICM – Cont.	Change from \$0 to \$24,235
A9522.901	Interfund Transfer, County Rd.	Change from \$7,027,490 to \$7,132,290
D5110.408	Maintenance, Roads & Bridges	Change from \$880,000 to \$934,000
D9553.904	Interfund Transfer, Capital Project	Change from \$864,900 to \$999,700
DM9553.904	Interfund Transfer, Capital Project	Change from \$137,000 to \$162,000
H5937.2	Ward Town Bridge #25-06	Change from \$0 to \$188,000

Revenues:

<u>Account No.</u>	<u>Account</u>	<u>Amendment</u>
D5110.2801.09	Capital Town Bridges	Change from \$249,500 to \$333,500
D5110.5031.00	Interfund Transfer	Change from \$7,027,490 to \$7,132,290
DM5130.2801.09	Capital Town Bridges	Change from \$67,000 to \$92,000
H5937.2300.00	Transportation Services	Change from \$0 to \$28,200
H5937.5031.00	Interfund Transfers	Change from \$0 to \$159,800
A15.599.00	Appropriated Fund Balance	Change from \$825,000 to \$1,035,000

Moved by: Mr. Hopkins
Seconded by: Mr. Fanton

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

RESOLUTION NO. 179-13

ADOPTION OF 2014 COUNTY FINAL BUDGET

Offered by: Ways and Means Committee

RESOLVED:

1. That the 2014 County Tentative Budget dated September 23, 2013, as amended and revised, is adopted as the 2014 County Final Budget.

Moved by: Mr. Hopkins
Seconded by: Mr. Fanton

Adopted: Roll Call
13 Ayes, 1 No, 1 Absent
Voting No: Ungermann

Comments regarding Resolution No. 179-13 included: Legislator Sinclair stated, "Over the past four years there have been things in the budget process that some of us agree with, and some of us don't. It's a balancing act that needs to be taken very seriously. Overall I support

this budget and the people that work for the County and their salaries, and the costs that are put into our roads and bridges, and the projects we have going on. Overall, I fully support this budget. However, there are small things which could be improved upon, and I hope in the years coming, those things will be looked at seriously. I think we've hashed those things out in committee. I want to express my support of the overall Budget and congratulate the Board on producing it."

Mr. Ungermann read the following prepared statement:

"Each year at budget time I stand here before you and offer several reasons as to why I vote as I do on the budget, and this year is no exception..."

Each year we spend approximately \$350,000 to buy back sick time and vacation time. Sick time is a privilege and is supposed to be used when sick, not as an avenue for extra income. None of us are indispensable, and with 13 paid holidays and up to 5 weeks of vacation, why should the taxpayer be buying it back and paying it twice? I have been a proponent for time clocks. I have given all of you information on how automated time keeping could save as much as \$250,000 or more, yet we refuse to discuss it. Accurate time keeping has been identified as a problem here on at least two occasions in the last six months.

We have 89 separate property tax exemptions in Allegany County. 33.92% of the County is tax exempt. Several on this board have said "there is nothing we can do, they're required by law", yet 26 of the 89 have a local option. The State Comptroller says that municipalities should be looking into these exemptions. He even stated that the City of Syracuse has reached an agreement with Syracuse University for a P.I.L.O.T. Program. Allegany County has \$277.3 million in assessment that is exempt in this category, or \$4.6 million in County tax revenue this is lost out on using the current \$16.70/thousand tax rate. Our County IDA is holding over \$50 million in exempt assessment, worth \$838,570 in County tax. Do we have some control? We just appointed a new member to their board didn't we? Rule #7 of the IDA refers to projects being done in a timely fashion...are we just sitting on these exemptions? Is a year timely, or is it five years or even nine years – such as one project in my home town still with nothing done.

I have also become convinced that the County should only be doing repairs and painting of county and town bridges, and not be doing replacement work. The private sector's profit motive and payment of wages while on the job-site only, have proven less expensive, even with factoring in union scale wages. With county personnel, an 8-hour pay day may only equate to a 5-hour production day on average.

These are just a few examples of where dollars can be saved. There is much we can do to lessen the burden for the taxpayers who pay their full share, and yes, the budget committee and department heads have worked hard on this budget (within the parameters allowed by the leadership). However, we must begin to think outside this very narrow box we're in."

Mr. Pullen commented on the differences in the 2014 Budget and the 2009 Budget. The total Budget for 2009 was \$105.1 million; the Budget for 2014 is \$112.3 million. He noted that he was surprised the overall increase in the Budget over the course of five years wasn't as great as he thought it would be, especially when you look at the rate of inflation. Also important to note, in 2014 we are budgeting for \$13,052,000 in State Aid. In 2009 we were budgeting for \$14,815,000 in State Aid. State Aid has decreased by \$1,763,000. State mandates are shifting. They aren't reducing what is required of us, but they are reducing their contribution.

Our achievements are praiseworthy. Given the circumstances, our results are nothing short of remarkable.

Chairman Crandall thanked the Budget Officer and Legislator Hopkins, who serves as Chairman of the Budget Committee, for their hard work in putting the Budget together. He commented that compared to neighboring counties, who are still working on putting budgets together, we are doing well. This can be attributed to our Budget process being a year-round project. It's a January through December project. Our better financial position in Allegany County is reflective of the work that goes into the Budget.

RESOLUTION NO. 180-13

RESOLUTION MAKING APPROPRIATIONS FOR THE CONDUCT OF THE COUNTY GOVERNMENT FOR FISCAL YEAR 2014

Offered by: Ways and Means Committee

WHEREAS, this Board, by Resolution No. 179-2013, has adopted a budget for the fiscal year 2014, now, therefore, be it

RESOLVED:

1. That the several amounts specified in the 2014 County Final Budget in the column entitled "Final Budget 2014" be and they hereby are appropriated for the objects and purposes specified.

2. This resolution shall take effect on January 1, 2014.

Moved by: Mr. Hopkins
Seconded by: Mr. Sinclair

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 181-13

RESOLUTION LEVYING COUNTY TAXES

Offered by: Ways and Means Committee

Pursuant to County Law § 360 and Real Property Tax Law § 900

WHEREAS, this Board, by Resolution No. 179-2013, has adopted a final budget for the fiscal year 2014, and

WHEREAS, this Board, by Resolution No. 180-2013, made appropriations for the conduct of the County Government for the fiscal year 2014, and

WHEREAS, in order to meet such appropriations it will be necessary to levy taxes, now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators levies County taxes in the amount of \$29,349,498 upon all the taxable real property in the County liable therefor.

Moved by: Mr. Hopkins
Seconded by: Mr. Curran

Adopted: Roll Call
13 Ayes, 1 No, 1 Absent
Voting No: Ungermann

RESOLUTION NO. 182-13

RESOLUTION LEVYING TOWNS' 2014 SHARE OF ALLEGANY COUNTY MUTUAL SELF-INSURANCE PLAN

Offered by: Ways and Means Committee

Pursuant to § 67 (2) and § 71 of the Workers' Compensation Law
and § 13 of Local Law No. 3 of 2002

RESOLVED:

1. That this Board levies the sum of \$353,988 upon the taxable property of the Towns participating in the Allegany County Mutual Self-Insurance Plan, in the proportionate amount which each such Town is required to pay for such participation as determined by the provisions of Section 12 of Local Law No. 3 of 2002.

Moved by: Mr. Hopkins
Seconded by: Mr. Graves

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 183-13

CHARGEBACK TO TOWNS OF COST OF VARIOUS TAX SUPPLIES PURCHASED OR PROVIDED BY COUNTY

Offered by: Ways and Means Committee

WHEREAS, assessment rolls, field books, and various other tax supplies have been purchased or provided by the County for Towns within the County, and

WHEREAS, it is necessary to charge the cost of such items back to the Towns, now, therefore, be it

RESOLVED:

1. That the cost of assessment rolls, field books and various other tax supplies purchased or provided by the County to the Towns within Allegany County shall be charged back to the Towns on the 2013 tax rolls, as follows:

Alfred	1,527.60	Friendship	1,572.00
Allen	737.80	Genesee	1,449.60
Alma	1,276.60	Granger	714.00
Almond	1,405.20	Grove	829.20
Amity	1,706.40	Hume	1,429.20
Andover	1,630.80	Independence	1,033.00
Angelica	1,429.20	New Hudson	914.40
Belfast	1,428.00	Rushford	2,042.40
Birdsall	718.80	Scio	1,492.80
Bolivar	1,898.40	Ward	538.80
Burns	944.40	Wellsville	4,447.00
Caneadea	1,756.80	West Almond	670.80
Centerville	769.20	Willing	1,298.20
Clarksville	1,366.80	Wirt	1,200.00
Cuba	2,702.40		

Moved by: Mr. Hopkins
Seconded by: Mr. Jessup

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 184-13

ACCEPTANCE OF INSURANCE PAYMENT FROM NYMIR AND APPROPRIATION OF FUNDS TO RISK RETENTION ACCOUNTS

Offered by: Ways and Means Committee

WHEREAS, a check in the amount of \$4,277.25, representing the cost to repair a 2008 Chevrolet Impala, less a \$500 deductible, that was damaged during a motor vehicle accident on October 24, 2013, has been offered by NYMIR in settlement for such damage, now, therefore, be it

RESOLVED:

1. That the amount of \$4,277.25 from NYMIR, representing the cost to repair a 2008 Chevrolet Impala that was damaged during a motor vehicle accident, less the \$500 deductible for the vehicle, is accepted.

2. That the total sum of \$4,277.25 is appropriated to Account No. CS1931.429 (Risk Retention – Uninsured Property Loss) with a like sum credited to Revenue Account No. CS1930.2680.00 (Risk Retention – Insurance Recovery).

Moved by: Mr. Hopkins
Seconded by: Mr. Healy

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 185-13

**ACCEPTANCE OF THE FFY2013 (OCT 2012-SEP 2014) EMERGENCY MANAGEMENT
PLANNING 50/50 GRANT; AUTHORIZING CHAIRMAN TO EXECUTE THE GRANT
CONTRACT**

Offered by: Public Safety Committee

RESOLVED:

1. That the FFY2013 (Oct 2012-Sep 2014) Emergency Management Planning 50/50 grant is accepted.
2. That no budget adjustment is necessary as funds for this grant, totaling \$22,542.00, appear in the current budget under Account No. A3640.
3. That the Chairman of this Board is authorized to execute the grant contract.

Moved by: Mr. Healy
Seconded by: Mr. Graves

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 186-13

**TRANSFER OF FUNDS WITHIN OFA –SUPPLEMENTAL NUTRITION ASSISTANCE
PROGRAM ACCOUNTS**

Offered by: Human Services Committee

RESOLVED:

1. That the sum of \$15,000 is transferred from Account No. A6779.101(OFA-SNAP-Regular Pay) to Account No. A6779.474 (OFA-SNAP- Caterer) to cover the cost of meals in the Wellness in Nutrition (WIN) Account.

Moved by: Mr. LaForge
Seconded by: Mr. Curran

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 187-13

TRANSFER OF FUNDS WITHIN PUBLIC HEALTH ACCOUNTS

Offered by: Human Services Committee

RESOLVED:

1. That the sum of \$5,000 is transferred from Account No. A4010.456 (Health Department Contracts) to Account No. A4010.201 (Health Department-Office Equipment) to be used for the replacement/upgrade of computers.

Moved by: Mr. LaForge
Seconded by: Mr. Pullen

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 188-13

**APPROVAL OF AGREEMENT WITH REGIONAL WASTE SOLUTIONS, LLC IN
RELATION TO THE SALE OF LANDFILL DISPOSAL SPACE FOR AUTO SHREDDER
FLUFF; AUTHORIZING BOARD CHAIRMAN TO EXECUTE AGREEMENT**

Offered by: Public Works Committee

RESOLVED:

1. That Agreement between the County of Allegany and Regional Waste Solutions, LLC in relation to the receipt of auto shredder fluff as an alternate daily cover for the County Landfill for the period January 1, 2014, to December 31, 2016, is approved.

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

Moved by: Mr. Fanton
Seconded by: Mr. Curran

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

Comments made regarding Resolution No. 188-13 included: Legislator Ungermann questioned whether we purchase the auto fluff. Legislator Fanton responded that Regional Waste Solutions, LLC pays the County for taking the auto fluff. Legislator Ungermann pointed out that the resolution says that we "purchase" it. Mr. Fanton offered a motion to amend the resolution to more accurately describe the arrangement between the County and Regional Waste Solutions, LLC. The motion was seconded by Legislator Graves and carried.

RESOLUTION NO. 189-13

**APPROVAL OF AGREEMENT WITH SIMONSEN ENTERPRISES IN RELATION TO DEER
CARCASS REMOVAL SERVICES; AUTHORIZING BOARD CHAIRMAN TO EXECUTE
AGREEMENT**

Offered by: Public Works Committee

RESOLVED:

1. That Agreement between the County of Allegany and Simonsen Enterprises in relation to Deer Carcass Removal Services for the period January 1, 2014, to December 31, 2016, is approved.

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

Moved by: Mr. Fanton
Seconded by: Mr. Curran

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

AUDITS:

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

A motion was made by Legislator Hopkins, seconded by Legislator Graves, and adopted on a roll call vote of 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$3,562,617.68, including prepaid expenses, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$9,067,834.*)

ADJOURNMENT: The meeting was adjourned at 2:39 p.m. on a motion made by Legislator Graves, seconded by Legislator Jessup and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
DECEMBER 9, 2013**

**** APPROVED ****

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:03 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by United States Air Force Airman First Class Julia K. Smith.

INVOCATION: The Invocation was given by Legislator Pullen.

INTRODUCTION OF GUESTS:

BOCES Culinary Arts students were introduced by Linda Edwards, Coordinator for the STOP-DWI Program. The students, in conjunction with the Allegany County STOP-DWI Office, served Old English Wassail and Christmas Cookies outside the Clerk of the Board's Office for several hours before the Board meeting. BOCES Culinary Instructor Joe Fusco thanked everyone for allowing his students this catering experience. The students participating included:

Samantha Ryan, Fillmore Central School
Kaylee Middaugh, Belfast Central School
Emily Ringler, Genesee Valley Central School
Trace Gould, Genesee Valley Central School

ROLL CALL: 14 Legislators Present: Glenn Benson, Curtis Crandall, Philip Curran, Dwight Fanton, Karl Graves, Dwight (Mike) Healy, Theodore Hopkins, Charles Jessup, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Frederick Sinclair, Norman Ungermann, Jr. Absent: Donald Cady

APPROVAL OF MINUTES:

The Board meeting minutes of November 25, 2013, were approved on a motion made by Legislator Graves, seconded by Legislator Curran, and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Julia K. Smith, United States Air Force Airman First Class, in grateful appreciation of her service to our country. Ms. Smith enlisted May 7, 2013. Following Basic Training at Lackland Air Force Base in Texas, assignments have included: Goodfellow Air Force Base, Texas; and Joint Base Langley-Eustis, Virginia. Commendations she has received include: National Defense Service Medal, Basic Training Honor Graduate Ribbon, and Air Force Training Ribbon. Ms. Smith led the Pledge of

Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Crandall honored County employees you have achieved thirty years of service. Chairman Crandall remarked that the County is blessed by the experience we have in our workforce. There is great value in the employees that have been here for many years. They continue to be an important part of transitioning new employees. Those employees honored were Jeff Fontaine, Deputy Sheriff for the Sheriff's Department; Vickie Pettit, Accountant for the Office for the Aging; Denise Regan, Probation Supervisor in the Probation Department; and Suzie Thomas, Senior Account Clerk Typist in the Treasurer's Office.

Chairman Crandall granted privilege of the floor to Denis Dahlgren, Allegheny County Area Foundation Executive Director. Mr. Dahlgren noted that the mission of the organization is to improve the lives of people in Allegheny County. The organization provides grants and scholarships, which are possible thanks to endowments and contributions from individuals and organizations throughout the year. Over the last year the Allegheny County Area Foundation has provided 74 scholarships worth over \$168,000. Chairman Crandall presented the Allegheny County Area Foundation with a check for \$500. He indicated that the money comes from an account established personally by the Legislators. Money for the account is raised by the Legislators through various raffles and events.

Linda Edwards, STOP-DWI Program Coordinator presented the following regarding the annual Cookie and Wassail Day:

"The Allegheny County STOP-DWI Office provides the Annual Cookie and Wassail Day in December in recognition of National Drunk and Drugged Driving Prevention Month. This effort began in 1981 with a Presidential Proclamation to raise awareness about the consequences of driving while under the influence of alcohol and drugs. Presidential Proclamations have continued annually since then, with President Barack Obama asking Americans 'to recommit to preventing the loss of life by practicing safe driving practices and reminding others to be sober, drug-free, and safe on the road'. In order to raise awareness of this special month, this year we have been able to make arrangements to bring into the County a Prescription Drug Abuse Exhibit. This 12-panel double-sided exhibit with display cases provides educational information about the abuse of prescription drugs and gives detailed information about three crashes in New York State that involved drivers under the influence of prescription drugs. One of the crashes occurred here in Allegheny County and took the life of Cheyenne Wolfer. The exhibit was first displayed in Belfast Central School; it then went to Randolph School, this week to Wellsville School, and on to Friendship School. For the weeks of December 23 and December 30, the exhibit will be on display in the main lobby of the Courthouse. Finally, for the week of January 6-10 the exhibit will be at Cuba-Rushford School where Cheyenne attended school. I would like to note that we are the first County to have this display available for public viewing and would ask that everyone please take the time to view the exhibit while we have it here in the County. The Allegheny County STOP-DWI Office will continue to work with our local agencies for enforcement, prosecution, supervision, and education in an effort to address this issue. Please remember the 3-D slogan, "Don't Drink, Don't Drive, Don't Die." Have a safe and happy Christmas holiday."

Chairman Crandall granted privilege of the floor to ACCORD Community Operations Director Belinda Knight, to speak about ACCORD's Community Action Angels Program. Ms. Knight distributed brochures providing information on the Community Action Angel Program. One of the things this program does is provide Christmas gifts for area children. The program will serve around 150 children this year, and appreciates all of the support the program receives.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. Report of Intrafund Transfers approved by the County Administrator in November.
2. The Allegany County Planning Board Annual Dinner will be January 15, 2014.
3. Southern Tier West Regional Planning & Development Board meeting minutes from October 17, 2013, and Meeting Notice for December 19, 2013.
4. Correspondence from Mary Jane Burdick and family, thanking the Board for the donation made to the Alfred Station Fire Company in memory of Legislator Douglas Burdick.

APPOINTMENTS:

Chairman Crandall's appointment of Matthew Mayes as a Youth Representative on the Allegany County Youth Board.

Chairman Crandall's appointment of Dr. William Coch as a member of the Citizens Advisory Council to the Office for the Aging.

PROCLAMATION:

Chairman Crandall read a proclamation declaring December 2013, as Drunk and Drugged Driving Prevention Month in Allegany County.

INTRODUCTION OF LEGISLATION:

Legislator Theodore L. Hopkins introduced Local Law Intro. No. 2-2013, Print No. 1, entitled "A Local Law to Amend Local Law Number One of Nineteen Hundred Eighty-two in Relation to Establishing Fees for the Reproduction of County Tax Maps," a copy of said proposed Local Law having been placed on each legislator's desk.

RESOLUTIONS:

RESOLUTION NO. 190-13

**RESOLUTION SETTING DATE OF PUBLIC HEARING ON A LOCAL LAW TO AMEND
LOCAL LAW NUMBER ONE OF NINETEEN HUNDRED EIGHTY-TWO IN RELATION TO
ESTABLISHING FEES FOR THE REPRODUCTION OF COUNTY TAX MAPS**

Offered by: Ways and Means Committee

WHEREAS, on this 9th day of December, 2013, a local law (Intro. No. 2-2013, Print No. 1) was introduced which seeks to amend local law number one of nineteen hundred eighty-two in relation to establishing fees for the reproduction of County tax maps, and

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

RESOLVED:

1. That a public hearing shall be held on December 23, 2013 at 2:00 P.M. in the County Legislators' Chambers, Room 221, County Office Building, Belmont, New York, before the Allegany County Board of Legislators, in relation to proposed Local Law Intro. No. 2-2013, Print No. 1.

2. That the Clerk of the Board of Legislators is directed to prepare, with the assistance of the County Attorney, a notice of said public hearing, to cause the publication of said notice in each of the two newspapers which have been officially designated by this Board to publish "notices", and to affix a copy of said notice on the County bulletin board in the County Courthouse at Belmont, New York; both publication and posting to be made at least five days before the public hearing.

Moved by: Mr. Hopkins
Seconded by: Mr. Fanton

Adopted: Voice Vote

RESOLUTION NO. 191-13

**A RESOLUTION IN RELATION TO THE COMPENSATION OF COUNTY
OFFICERS AND EMPLOYEES**

Offered by: Ways and Means Committee

RESOLVED:

1. That commencing January 1, 2014, each unit employee occupying a position set forth in the "County Unit Salary Plan" shall receive the salary or rate of compensation for the step of the Grade of the position occupied that is set forth in "Appendix A-3" or in "Appendix B-3" of Agreement approved by Resolution No. 36-2011, and which salary or rate of compensation such unit employee is entitled to receive commencing January 1, 2014, pursuant to said Agreement and pursuant to the "County Unit Salary Plan"; the increment

recommendations from the department heads for each such unit employee under their jurisdiction receiving such recommendation being approved.

2. That commencing January 1, 2014, each unit employee occupying a position set forth in Agreement between the County of Allegany and the New York State Nurses Association, which Agreement was approved by Resolution No. 25-2012, shall receive the salary or rate of compensation for the step of the Grade of the position occupied that is set forth in "Schedule A" of said Agreement, and which salary or rate of compensation such unit employee is entitled to receive commencing January 1, 2014, pursuant to said Agreement and pursuant to the "County Unit Salary Plan"; the increment recommendation from the Public Health Director for each such unit employee under her jurisdiction receiving such recommendation being approved.

3. That commencing January 1, 2014, each unit employee occupying a position set forth in Agreement between the County of Allegany and the Allegany County Deputy Sheriff's Association, which Agreement was approved by Resolution No. 130-2011, shall receive the salary or rate of compensation for the step of the Grade of the position occupied that is set forth in "Appendix A" of said Agreement, and which salary or rate of compensation such unit employee is entitled to receive commencing January 1, 2014, pursuant to said Agreement and pursuant to the "County Unit Salary Plan"; the increment recommendation from the Sheriff for each such unit employee under his jurisdiction receiving such recommendation being approved.

4. That commencing January 1, 2014, each employee occupying a position set forth in Agreement between the County of Allegany and the New York State Public Employees Federation, which Agreement was approved by Resolution No. 174-2010, shall receive the salary or rate of compensation for the step of the Grade of the position occupied that is set forth in said Agreement, and which salary or rate of compensation such employee is entitled to receive commencing January 1, 2014, pursuant to said Agreement and pursuant to the "County Unit Salary Plan"; the increment recommendations from the department heads for each such employee under their jurisdiction receiving such recommendation being approved.

5. That commencing January 1, 2014, each non-unit employee occupying a position set forth in the "County Non-Unit Salary Plan" shall receive the salary for the step of the Grade of the position occupied that is set forth in section 6 of Resolution No. 297-75, as last amended by Resolution No. 189-2012, and which salary such non-unit employee is entitled to receive commencing January 1, 2014; the increment recommendations from the department heads for each such non-unit employee under their jurisdiction receiving such recommendation being approved.

6. That the Personnel Officer is directed to prepare and deliver a list of the names and pay of the employees affected by sections one, two, three, four and five of this resolution to the County officers who are responsible for preparing the payrolls of such employees.

7. That commencing January 1, 2014, the base salaries, none of which include any earned longevity increment, of the incumbents of the titled positions herein set forth shall be the amount set forth opposite such position, to wit:

<u>TITLE</u>	<u>BASE SALARY</u>
County Legislators (15)	8,500
Chairman of the Board	8,500
Majority Leader	300
Minority Leader	300
Budget Officer	2,500
Deputy Budget Officer	2,500
County Administrator	91,225
Clerk of the Board	61,881
Assistant District Attorney (1st)	37,662
Assistant District Attorney (2nd)	34,950
Assistant District Attorney (3rd)	35,000
Assistant District Attorney (4th)	35,000
Assistant District Attorney (5th) V & T Diversion	26,585
Assistant District Attorney (6th) Welfare	24,000
District Attorney Investigator (PT)	12,954
Crime Victims Coordinator	32,061
Public Defender	94,364
Assistant Public Defender (1st)	79,398
Assistant Public Defender (2nd)	71,750
Deputy County Auditor	1,200
County Treasurer	77,065
County Attorney	99,499
Assistant County Attorney (1st)	84,212
Assistant County Attorney (2nd)	62,660
Assistant County Attorney (3rd)	61,532
Assistant County Attorney – Support Counsel (3)	10,000
Election Commissioners (2)	16,380
Election Technicians – Election Machine Tech 1	\$16.40/hr.
Election Technicians – Election Machine Tech 2	\$17.94/hr.
Election Inspectors – Primary	\$100/day
Election Inspectors – General	\$160/day
Election Inspectors – Training	\$35/day
Seasonal Laborers (Public Works)	8.00/hr.
Laborers (Gatekeepers) Part-time	\$12.45/hr.
Information Technology Director	69,868
Undersheriff	62,525
Probation Director II	64,284
STOP DWI Program Coordinator	16,258

Youth Director	33,143
Emergency Management and Fire Director	51,816
E911 Enumerator	\$10/hr.
Medical Director	20,000
Physical Therapist (EI Part-time)	\$10/hr.
Occupational Therapist (EI Part-time)	\$10/hr.
Speech-Language Pathologist (EI Part-time)	\$10/hr.
Special Education Teacher (EI Part-time)	\$10/hr.
Community Services Director	40,800
Development Director	85,459
Office for the Aging Director	56,375
Office for the Aging:	
Site Managers	8-10/hr.
Drivers, Aides	8-10/hr.
Rushford Lake:	
Youth Agencies Director	520/wk.
Lifeguards	10.20/hr.

8. That commencing January 1, 2014 and ending March 31st, 2014, the base salary of the District Attorney, (calculated over a twelve month period), none of which includes any earned longevity increment, shall be \$146,400. That commencing April 1, 2014 and ending March 31st, 2015, the base salary of the District Attorney, (calculated over a twelve month period), none of which includes any earned longevity increment, shall be \$152,500.

Moved by: Mr. Hopkins
Seconded by: Mr. Graves

Adopted: Roll Call
12 Ayes, 2 Noes, 1 Absent
Voting No: Sinclair, Ungermann

Prior to voting on Resolution No. 191-13, Legislator Hopkins offered a motion to amend Resolution No. 191-13 to change the way the District Attorney's salary was listed. The amendment removes the District Attorney's salary from paragraph seven, and adds paragraph eight to address the District Attorney's salary. The District Attorney's salary is based upon the State's fiscal year and therefore will not increase until April 1, 2014. This motion was seconded by Legislator Healy and carried.

RESOLUTION NO. 192-13

APPOINTMENT OF JACK W. WOOD TO THE ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY BOARD AND THE INDUSTRIAL AND COMMERCIAL INCENTIVE BOARD

Offered by: Planning and Economic Development Committee

Pursuant to Title 1 of Article 18-A
and Section 906-a of the General Municipal Law

RESOLVED:

1. That Jack W. Wood of Allentown, New York, is appointed to the boards of the Allegany County Industrial Development Agency and the Industrial and Commercial Incentive Board, to fill the remainder of John Corneby's term commencing immediately and expiring December 31, 2013.

2. That the Clerk of this Board is directed to send a certified copy of this resolution to the Secretary of State for filing pursuant to Section 856(2) of the General Municipal Law.

Moved by: Mr. Sinclair
Seconded by: Mr. Fanton

Adopted: Voice Vote

RESOLUTION NO. 193-13

TRANSFER OF FUNDS WITHIN OFFICE OF DEVELOPMENT ACCOUNTS

Offered by: Planning and Economic Development Committee

RESOLVED:

1. That the sum of \$1,102 is transferred from Account No. A6430.474 (Office of Development - Marketing) to Account No. A6430.201 (Office of Development – Equipment), for the purchase of two shredders.

Moved by: Mr. Sinclair
Seconded by: Mr. Jessup

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 194-13

TRANSFER OF FUNDS WITHIN LEGISLATIVE BOARD ACCOUNTS

Offered by: Ways and Means Committees

RESOLVED:

1. That the sum of \$500 is transferred from Account No. A1010.405 (Legislative Board – Conference) to Account No. A1010.201 (Legislative Board – Equipment), to finance the cost of a projector.

Moved by: Mr. Hopkins
Seconded by: Mr. Graves

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 195-13

**AMENDMENT OF RESOLUTION NO. 297-75 TO PROVIDE NEW SALARY GRADE
SCHEDULE IN COUNTY NON-UNIT SALARY PLAN**

Offered by: Ways and Means Committee

RESOLVED:

1. That effective January 1, 2014, Section 6 of Resolution No. 297-75, as last amended by Resolution No. 189-2012, is amended to read as follows:

Section 6. The following salary grades are hereby established for use in determining the compensation for the positions graded in Section Three of this resolution:

Grade	Base	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Inc
1	28,565	29,414	30,303	31,213	32,143	33,113	34,104	35,135	36,186	37,278	38,390	39,542	998
2	30,303	31,213	32,143	33,113	34,104	35,135	36,186	37,278	38,390	39,542	40,735	41,947	1,059
3	32,143	33,113	34,104	35,135	36,186	37,278	38,390	39,542	40,735	41,947	43,201	44,495	1,123
4	34,104	35,135	36,186	37,278	38,390	39,542	40,735	41,947	43,201	44,495	45,849	47,224	1,193
5	36,186	37,278	38,390	39,542	40,735	41,947	43,201	44,495	45,849	47,224	48,639	50,094	1,264
6	38,390	39,542	40,735	41,947	43,201	44,495	45,849	47,224	48,639	50,094	51,590	53,147	1,342
7	40,735	41,947	43,201	44,495	45,849	47,224	48,639	50,094	51,590	53,147	54,744	56,381	1,422
8	43,201	44,495	45,849	47,224	48,639	50,094	51,590	53,147	54,744	56,381	58,059	59,818	1,511
9	45,849	47,224	48,639	50,094	51,590	53,147	54,744	56,381	58,059	59,818	61,597	63,457	1,601
10	48,639	50,094	51,590	53,147	54,744	56,381	58,059	59,818	61,597	63,457	65,357	67,318	1,698
11	51,590	53,147	54,744	56,381	58,059	59,818	61,597	63,457	65,357	67,318	69,340	71,422	1,803

Moved by: Mr. Hopkins
Seconded by: Mr. Curran

Adopted: Roll Call
12 Ayes, 2 Noes, 1 Absent
Voting No: Sinclair, Ungermann

Comments made regarding Resolution No. 195-13 included the following: Legislator Ungermann referred to a news article (Livingston County Supervisors Adopt \$148.9M Budget) with handwritten notes that had been handed out by another Legislator at a previous meeting. The article was about the Livingston County Budget, property values, and property tax rates. Legislator Ungermann made some calculations based on this article and information he found in the Real Property Tax department, as well as online census information. He suggested that the handwritten notes claiming that the average home value of \$55,000 is "way off base". "No matter how to look at it, Allegany County residents pay more in taxes, County taxes, than Livingston County residents and they do it on 27% less income. Somewhere something's got to give. If I could see some movement, say if the five or six Legislators who get health insurance would contribute 10 percent like the new ones are going to have to, then I could justify it in my mind a little bit. But I don't see any movement on those things at all." Legislator Ungermann requested that his calculations be placed in the minutes:

Newspaper article and notes claim:

	<i>Livingston County</i>	<i>Allegany County</i>
<i>Median home value</i>	\$126,000	\$55,000
<i>2014 tax rate</i>	\$7.85/thousand	\$16.70/thousand
<i>Tax paid (according to article and handwritten notes)</i>	\$989.10	\$918.50 (\$70.60 less)

*Verification of current median home value for Allegany County has of 12/6/13:
(by Real Property Director)*

	<i>Allegany County</i>
<i>Median home value</i>	\$61,748
<i>2014 tax rate</i>	\$16.70/thousand
<i>Tax paid (using accurate figures)</i>	\$1,031.19 (\$42.09 more)

(Director also noted that average sale price of homes is currently at \$75,000+)

2012 estimated data based on 2010 census figures via internet search:

	<i>Livingston County</i>	<i>Allegany County</i>
<i>Population</i>	64,810	48,357
<i>Change in population since 2010</i>	-0.9%	-1.2%
<i>Persons over age 65</i>	14.7%	16%
<i>Median home value</i>	114,300	66,800
<i>Median household income</i>	53,231	41,900
<i>Persons below poverty level</i>	11.7%	16.6%

Resulting taxes if using above census data:

	<i>Livingston County</i>	<i>Allegany County</i>
	<i>(114.3 x 7.85)</i>	<i>(66.8 x 16.70)</i>
<i>Tax paid</i>	\$897.25	\$1,115.56 (\$218.31 more)

Conclusion:

When looking at what the article claims and after further review, it appears that Allegany County residents pay very near to or even more in tax than Livingston County residents...only our people have to do so on a much smaller household budget (noting the 11,331 difference or 27% less income).

Additionally Legislator Sinclair commented that he wouldn't be supporting this resolution, "...it's not that I don't think that employees are doing their job, or that they're not worthy of good, solid pay. But I think the system of incremental steps, longevity payments, and how we award a percentage each year on top of all that is not sustainable. I fear that in the future the County is going to come up against a wall that is going to require changes all at once. It's something to be looked at carefully now and adjustments need to be made in the way we formulate who gets paid what, and how increments are given out. I'm not in favor of these going up, which inflates the cost of the buy-back program which I also challenge. I don't believe we should be paying for sick-leave that is not used."

RESOLUTION NO. 196-13

TRANSFER OF FUNDS WITHIN SOCIAL SERVICES ACCOUNTS

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That transfer of the following appropriations within Social Services Accounts is approved to balance the accounts:

From:	To:	Amount:
A6109.474 (SS-Aid to Dependent Children) \$16,000	A6101.475 (SS-Contractual Expenses)	
A6109.474 (SS-Aid to Dependent Children) \$18,000	A6101.478 (SS-Contractual Expenses)	
A6010.476 (SS-Contractual Expenses) \$12,000	A6010.481 (SS-Contractual Expenses)	
A6010.101 (SS-Personnel Services)	A6010.103 (SS-Personnel Expenses)	\$30,000
A6010.101 (SS-Personnel Services)	A6010.107 (SS-Personnel Expenses)	\$14,000
	Total	\$90,000

Moved by: Mr. LaForge
Seconded by: Mr. Fanton

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

RESOLUTION INTRO. NO. 202-13 (A RESOLUTION ACCEPTING AND APPROPRIATING FUNDS RECEIVED FROM THE GOVERNOR'S TRAFFIC SAFETY PROGRAM STEPS IN FAETY GRANT (SAFETY ON WHEELS) FROM OCTOBER 1, 2013, THROUGH SEPTEMBER 30, 2014) was REFERRED BACK TO THE PUBLIC SAFETY COMMITTEE following a motion by Legislator Healy, seconded by Legislator Graves and carried.

RESOLUTION NO. 197-13

APPROVING THE COUNTY ENTERING INTO AGREEMENTS WITH TOWNS, VILLAGES AND FIRE DISTRICTS TO SHARE THE COST OF PURCHASING AND SERVICING RADIOS USED FOR PUBLIC SAFETY PURPOSES; AUTHORIZING THE CHAIRMAN TO EXECUTE SUCH AGREEMENTS

Offered by: Ways and Means Committee

WHEREAS, it is deemed to be in the best interest of Allegany County for Allegany County to facilitate the acquisition of radio equipment that is compatible with the County's E-911 system for use by various first responders, and

WHEREAS, Allegany County desires to assist local municipalities with purchasing and servicing radio equipment used by first responders involved in fire and ambulance services by covering one-half the cost thereof, and

WHEREAS, all radio equipment to be purchased must be compatible with the County's E-911 system, and

WHEREAS, the County has established a Capital Project account for this program, (known as the Municipal Public Safety Radio Program), to cover the County's share of expenses incurred as part of such program, and

WHEREAS, it will be necessary for the County to enter into a shared cost agreement with each municipality opting to acquire radio equipment as part of the Municipal Public Safety Radio Program, and

WHEREAS, the shared cost agreement, to be entered into individually with each participating municipality, will set forth the requirements for any radio equipment using the County's E-911 system as well as the terms governing repayment of the municipality's share of costs, now therefore, be it

RESOLVED:

1. Allegany County is hereby authorized to enter into a shared cost agreement with any Town, Village or Fire District desiring to work with the County in acquiring radio equipment for use of first responders involved in fire and ambulance services.

2. Subject to the review and approval by the County Attorney as to the specific terms of each agreement, the Chairman of this Board is authorized to execute such agreements.

Moved by: Mr. Hopkins
Seconded by: Mr. Pullen

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

Comments made regarding Resolution No. 197-13 included the following: Legislator Pullen remarked that the resolution represents the culmination of work that began over a year ago. It was a result of decisions made at the federal level. There are new regulations that require that we go to high band broadcasting for our emergency and law enforcement agencies. The question was how the fire departments, ambulance squads, and local police agencies were going to get the money to pay for these. The County has taken the lead and is working with local communities so that those who provide the services to our citizens will get the equipment that they need. Everyone will be on the same page with compatible equipment. Yes, there are County dollars involved, but it's important for everyone to be able to communicate. He urged his fellow legislators to support the resolution, saying that it was a good example of the things that can happen when people work together. Legislator Healy said he agreed with Legislator Pullen's comments, although he wanted to stress that the

project goes back further than a year. He said it went back to shortly after the current Board was elected. It wasn't just a matter of improving service, it was a matter of dealing with deficiencies. He commended the committee of the last year for all of their hard work. He stated that it was a big step forward, and will add to the infrastructure and benefit the County overall.

RESOLUTION NO. 198-13

ACCEPTANCE OF FIRST TRANSIT PROPOSAL AND APPROVAL OF A THREE YEAR AGREEMENT WITH FIRST TRANSIT IN RELATION TO PROVIDING PUBLIC TRANSPORTATION SERVICES IN ALLEGANY COUNTY; AUTHORIZING CHAIRMAN TO EXECUTE AGREEMENT

Offered by: Human Services and Ways and Means Committees

Pursuant to County Law § 224 (6)

WHEREAS, companies were solicited to submit proposals for providing public transportation services in Allegany County, and

WHEREAS, First Transit, Inc., MV Transportation, Inc., Ride Right, LLC., and James William Cipollone Enterprises, submitted proposals for such transportation services, and

WHEREAS, the proposal of First Transit, Inc. to provide transportation services at a cost of \$799,442 for year 2014, \$815,462 for year 2015 and \$834,604 for year 2016 was deemed to be the best proposal, now, therefore, be it

RESOLVED:

1. That the proposal of First Transit, Inc. to provide public transportation services in Allegany County is accepted.
2. That a three-year Agreement between the County of Allegany and First Transit, Inc. in relation to providing public transportation services in Allegany County is approved.
3. That the Chairman of this Board is authorized to execute said Agreement upon the review and approval of the County Attorney.

Moved by: Mr. LaForge
Seconded by: Mr. Jessup

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

Comments made regarding Resolution No. 198-13 included the following: Legislator Ungermann stated that he would like to see some ridership numbers as opposed to miles driven. He hadn't seen those figures. Legislator Sinclair remarked that he believes those numbers have been compiled. He added that Mr. Kaminski (Mobility Management Planner for Access Allegany) was planning to schedule a meeting to share ridership information. (Mr.

Kaminski was in the audience, but didn't have ridership figures with him.) Chairman Crandall questioned if it was fair to say that ridership numbers were up? Mr. Kaminski replied that it was up. Chairman Crandall remarked that they would plan to hold a meeting regarding ridership after the first of the year. He added that it was not just about the numbers of people riding, but also about the benefit of the service provided by the County. Legislator Sinclair noted that the program is a savings for the County. It is a way to offer medical transport. The elderly and handicapped rely on this service. There are also many students who are using this transportation. It is one of the best services we are providing, and it's at a savings. Legislator Pullen remarked that at a recent meeting he had attended at the Crossroads Center, the subject of this transportation system came up. According to what he was hearing from others, the parking lot is crowded each morning with people headed in different directions. Some people are there to switch buses, some are getting on a bus to come to the County Office Buildings, some people are headed to medical appointments. He added that if we don't have this service, it creates a real burden.

RESOLUTION NO. 199-13

ESTABLISHING AND FUNDING A CAPITAL FUND PROJECT ACCOUNT FOR THE MUNICIPAL PUBLIC SAFETY RADIO PROGRAM; TRANSFER OF FUNDS FOR SUCH CAPITAL FUND PROJECT ACCOUNT

Offered by: Ways and Means Committee

WHEREAS, Allegany County has established a Municipal Public Safety Radio Program to assist Towns, Villages and Fire Districts in acquiring radio equipment compatible with the County's E-911 system for use by first responders involved in fire and ambulance services, and

WHEREAS, it is necessary to establish a capital fund project account and transfer money from contingency together with making an appropriation and crediting revenue accounts related thereto, now therefore, be it

RESOLVED:

1. A Capital Project Account, designated as Account H3021, Municipal Public Safety Radio Program, is hereby established.
2. That the sum of \$197,500 is appropriated to Account No. H3021.200 (Equipment Purchase) with the sum of \$98,750 being transferred from Account No. A1990.429 (Contingency) and credited to Revenue Account No. H3021.5031.00 (Municipal Public Safety Radio Program-County Share) and a like sum of \$98,750 credited to Revenue Account No. H3021.2321.00 (Municipal Public Safety Radio Program-Other Governments).
3. Subject to approval by the new Board of Legislators taking office in 2014, for fiscal year 2014, the sum of \$50,000 shall be appropriated to an account designated as Account No. A3021.403 (Municipal Public Safety Radio Program-Maintenance Expense) with

offsetting revenue in the amount of \$31,250 coming from contingency and the balance of \$18,750 coming from the local governments share of expenses with such local share credited to Revenue Account No. A3021.2260.00 (Public Safety Radio Program-Other Governments).

Moved by: Mr. Hopkins
Seconded by: Mr. Sinclair

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

Resolution Intro. No. 206-13 (REQUESTING THE STATE OF NEW YORK TO ESTABLISH MORE STRINGENT RESIDENCY REQUIREMENTS IN ORDER TO RECEIVE WELFARE BENEFITS) was not pre-filed and was considered from the floor on a motion made by Legislator Hopkins, seconded by Legislator Curran, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

Resolution Intro. No. 206.-13 (REQUESTING THE STATE OF NEW YORK TO ESTABLISH MORE STRINGENT RESIDENCY REQUIREMENTS IN ORDER TO RECEIVE WELFARE BENEFITS) was amended on a motion made by Legislator LaForge, seconded by Legislator Graves and carried, to add the Western New York Inter-County Association to the list the Clerk of the Board is directed to send certified copies of the resolution to.

RESOLUTION NO. 200-13

REQUESTING THE STATE OF NEW YORK TO ESTABLISH MORE STRINGENT RESIDENCY REQUIREMENTS IN ORDER TO RECEIVE WELFARE BENEFITS

Offered by: Ways and Means Committee

WHEREAS, there are limited residency requirements in the State of New York for anyone seeking to receive welfare benefits, and

WHEREAS, people from other states throughout the country have been known to come to New York State to receive welfare benefits as a result of the State's total benefit package, including Medicaid, and

WHEREAS, Allegany County has experienced an influx of out of state residents seeking to receive said benefits which creates a substantial burden on County taxpayers, now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators goes on record as requesting the State of New York to establish more stringent residency requirements for the receiving of welfare benefits.

2. That the Clerk of the Board is directed to forward certified copies of this resolution to Governor Andrew M. Cuomo, Senator Catharine M. Young, Assemblyman Joseph M. Giglio, Senate Majority Leader Dean Skelos, Assembly Speaker Sheldon Silver,

Assembly Minority Leader Brian Kolb, the New York State Association of Counties (NYSAC), the Western New York Inter-County Association and all others deemed necessary and proper.

Moved by: Mr. LaForge
Seconded by: Mr. Fanton

Adopted: Voice Vote

Comments made regarding Resolution No. 200-13 included: Legislator Pullen remarked that he hears different comments that creating a residency requirement may be unconstitutional. He added, "I think that's balderdash. I say that as an attorney." There are various residency requirements that are established for numerous programs at various levels (local, state, and national). He stated, "To argue that this particular program is different, is simply preposterous. I don't find any support for that in the law." To the best of my knowledge there isn't any other state that allows someone to become eligible for Medicaid on day one of residency in a state. I don't know why we have to have that in New York, especially when New York is also the only state that requires a substantial contribution from local governments to the cost of Medicaid. We are burdened with people who are moving across borders to take advantage of our Cadillac, super easy, super generous programs, and it's being paid for on the backs of the working people. We simply can't afford it. I think we need to send a message, and we need to get a report back from our state legislators as to why it can't be done. Legislator Sinclair stated that he supported it from the standpoint of the straws that are breaking the camel's back and that cost containment has to happen at some point. Legislator Sinclair quoted a bible passage and reminded everyone that there is a point of compassion for others and to maintain humanity. He added, "This isn't being done to punish anyone. We are not angry at people's misfortune. But there is a point at which resources are strained, and we just can't do it." Legislator Ungermann noted that he and many others present do a lot for various charities that help people who maybe haven't gotten a fair shake in life or have fallen on hard times. He stated, "What I have a problem with is the government being the biggest charity. I'm dismayed that in some cases charitable organizations are shoved aside by government." Legislator O'Grady stated, "I respect Legislator Sinclair's statements, but there is a huge abuse of the system. We certainly don't want to disenfranchise those who are less fortunate, but we don't to reward bad decisions. Life is full of decisions, good ones and bad ones. The few of us left working need to stand up and say enough is enough."

AUDITS:

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

A motion was made by Legislator Hopkins, seconded by Legislator Fanton, and adopted on a roll call vote of 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$2,195,551.61, including prepaid expenses, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$9,454,206.*)

Comments made regarding the audit included: Legislator Pullen pointed out the report on the audit that shows what Allegany County has had to pay as our local share for the NYS Medicaid Program to date. Currently the amount is \$9,454,206. By year end, Allegany County's contribution for 2013 will be over \$10 million. In light of our previous discussion regarding welfare residency requirements, I think we have been generous. Our people have demonstrated generosity, as shown by our Allegany County Area Foundation and some of the other organizations in the County. We do a lot for our neighbors, but you lose something when it's mandated as opposed to heartfelt and spontaneously done.

Closing Comments:

Legislator Pullen wanted to remind everyone to be sure to keep service men and women in mind. It's a difficult time for families when they can't be together. Let them know we appreciate their service, and they aren't forgotten.

ADJOURNMENT: The meeting was adjourned at 3:11 p.m. on a motion made by Legislator Graves, seconded by Legislator O'Grady and carried.

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION
DECEMBER 23, 2013**

****APPROVED****

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:02 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by United States Army Active Guard Reserve Staff Sergeant Amy L. Reesman.

INVOCATION: The Invocation was given by Legislator Pullen.

ROLL CALL: 15 Legislators Present: Glenn Benson, Donald Cady, Curtis Crandall, Philip Curran, Dwight Fanton, Karl Graves, Dwight (Mike) Healy, Theodore Hopkins, Charles Jessup, Kevin LaForge, Aaron McGraw, Timothy O'Grady, David Pullen, Frederick Sinclair, Norman Ungermann, Jr.

APPROVAL OF MINUTES:

The Board meeting minutes of December 9, 2013, were approved on a motion made by Legislator Graves, seconded by Legislator Curran, and carried.

PUBLIC HEARING:

Chairman Crandall closed the regular meeting to hold a public hearing on Local Law Intro. No. 2-2013, entitled "A Local Law to Amend Local Law Number One of Nineteen Hundred Eighty-Two in Relation to Establishing Fees for the Reproduction of County Tax Maps."

There being no one desiring to speak, the public hearing was declared closed and the Board reconvened in regular session.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Amy L. Reesman, United States Army Active Guard Reserve Staff Sergeant, in grateful appreciation of her service to our country. Ms. Reesman enlisted July 2004. Her assignments include: Bravo Company, 402 Civil Affairs Battalion; Headquarters and Headquarters Company, 402 Civil Affairs Battalion; Headquarters and Headquarters Company, 401 Civil Affairs Battalion; and Bravo Company, 414 Civil Affairs Battalion. Commendations she has received include: Army Commendation Medal, Army Achievement Medal, Good Conduct Medal, Army Reserve Components Achievement Medal, National Defense Service Medal, Global War on Terrorism Service Medal, Noncommissioned Officers Professional Development Ribbon, and Army Service

Ribbon. Ms. Reesman led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Crandall presented Plaques of Appreciation to the three outgoing Legislators in recognition of their dedicated service.

Frederick Sinclair	Republican, District II	01/01/10-12/31/13
Glenn R. Benson	Republican, District III	01/01/06-12/31/13
Donald L. Cady	Republican, District III	01/01/10-12/31/13

Chairman Crandall recognized three employees who have served the County for 30 years. Terri Ross, County Treasurer began in 1983 as an Account Clerk Typist, and was soon after appointed the Deputy Treasurer. She was elected County Treasurer in 2002. Deb Rahr was hired as an Audit Clerk, and currently works as an Account Clerk Typist in the Department of Social Services. Jeff Fontaine was hired as a Part Time Correction Officer and currently works as a Deputy Sheriff, a position he was promoted to in 1988.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. January 2014 Calendar of Board and Standing Committee meeting dates.
2. Report of Tax Bill Corrections approved by the County Administrator in November.
3. Correspondence from Allegany County Area Foundation Executive Director Denis Dahlgren thanking the Board for its recent donation.
4. Correspondence from Allegany County Agricultural Society President Martha Roberts regarding advertising for the Fair.
5. The County Treasurer filed a list of Delinquent Taxes in the Clerk of the Board's Office on December 19.
6. The NYSAC 2014 Legislative Conference will be held at the Desmond Hotel in Albany from February 3-5, 2014. Please let Clerk of the Board Riehle know if you plan to attend as soon as possible.
7. Correspondence from the Genesee County Legislature inviting Board members to attend a retirement party in honor of Mary Pat Hancock.

APPOINTMENTS:

Chairman Curtis W. Crandall, in a joint measure with Norman Marsh, Chairman of the Cattaraugus County Board of Legislators, has appointed Raymond Mooney, Human Resources Business Partner, Saputo Dairy Foods, Friendship, New York, to serve on the

CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD. Mr. Mooney will be filling the remainder of Roger Mitchell's unexpired term through December 31, 2014.

Chairman Curtis W. Crandall, in a joint measure with Norman Marsh, Chairman of the Cattaraugus County Board of Legislators, has appointed Joe Hart, Sales Manager, Lufkin-RMT/Lufkin Industries LLC, Wellsville, New York, to serve on the **CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD.** Mr. Hart will be filling the remainder of Gretchen Hanchett's unexpired term through December 31, 2015.

RESOLUTIONS:

RESOLUTION NO. 201-13

ADOPTION OF LOCAL LAW INTRO. NO. 2-2013, PRINT NO. 1, A LOCAL LAW TO AMEND LOCAL LAW NUMBER ONE OF NINETEEN HUNDRED EIGHTY-TWO IN RELATION TO ESTABLISHING FEES FOR THE REPRODUCTION OF COUNTY TAX MAPS

Offered by: Ways and Means Committee

RESOLVED:

1. That proposed Local Law, Intro. No. 2-2013, Print No. 1, is adopted without any change in language, to wit:

COUNTY OF ALLEGANY

Intro. No. 2-2013

Print No. 1

A LOCAL LAW TO AMEND LOCAL LAW NUMBER ONE OF NINETEEN HUNDRED EIGHTY-TWO IN RELATION TO ESTABLISHING FEES FOR THE REPRODUCTION OF COUNTY TAX MAPS

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

Section 1. Section two of local law number one of nineteen hundred eighty-two is amended to add subparagraphs two, three, four, five, six and seven to read as follows:

2. A fee of one dollar each for an eight and one-half inch by eleven inch, eight and one-half inch by fourteen inch and eleven inch by seventeen inch black and white print of a county tax map.

3. A fee of six dollars for an eighteen inch by twenty-four inch and larger black and white print of a county tax map.

4. A fee of three dollars each for an eight and one-half inch by eleven inch and eight and one-half inch by fourteen inch color print of a county tax map.
5. A fee of ten dollars each for an eighteen inch by twenty-four inch and larger color print of a county tax map.
6. A fee of three dollars each for creating and emailing a .PDF section of a county tax map.
7. A fee of two thousand dollars for an entire set of Allegany County tax maps consisting of six hundred and eleven prints.

Section 2. This local law shall take effect as of January 1, 2014.

Moved by: Mr. Hopkins
Seconded by: Mr. Fanton

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

RESOLUTION NO. 202-13

RESOLUTION DENYING THE USE OF THE COUNTY SEAL OR ANY OTHER ALLEGANY COUNTY IDENTIFICATION WITH REGARD TO THE NEW YORK SAFE ACT

Offered by: Public Safety Committee

WHEREAS, the State of New York has passed a gun control law referred to as the SAFE Act, and

WHEREAS, this act clearly indicates that enforcement of this law is the responsibility of New York State, and

WHEREAS, in recent discussions the State has indicated an interest in using the Seal of Allegany County and the names of the offices of the Allegany County Sheriff and Allegany County Clerk in pistol permit recertification notices, and

WHEREAS, the County Sheriff and County Clerk have voiced their strong objection to this request and suggestion, now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators denies the State of New York permission to use the name, letterhead, address or seal of the County of Allegany, Allegany County Sheriff or Allegany County Clerk for purposes of correspondence with legal and registered gun owners regarding permit recertification or for any other purpose associated with the SAFE Act.

2. That the Clerk of this Board is directed to send copies of this resolution to the Office of the Governor of New York State, The Superintendent of the New York State Police, New York State Senator Catharine Young, Assemblyman Joseph Giglio and the Legislature of every county in the State of New York.

Moved by: Mr. Healy
Seconded by: Mr. Graves

Adopted: Voice Vote

Comments made regarding Resolution Intro. No. 207-13: Legislator LaForge requested that NYSAC and InterCounty be added to the distribution list of those to receive copies of the resolution.

RESOLUTION NO. 203-13

RESOLUTION FIXING DATE OF 2014 ORGANIZATION MEETING

Offered by: Ways and Means Committee

RESOLVED:

1. That the Board of Legislators shall meet on Thursday, January 2, 2014, at 2:00 P.M. in the Legislators' Chambers in the County Office Building, Belmont, New York, for the purpose of organizing the Board, selecting a Chairman and such other officers or appointees as may be desired, and for the transaction of any other business which could properly come before any regular meeting of the Board.

Moved by: Mr. Hopkins
Seconded by: Mr. Curran

Adopted: Voice Vote

RESOLUTION NO. 204-13

SUSPENDING CERTAIN COUNTY BOARD RULES AFFECTING PROPOSED RESOLUTIONS REQUESTED TO BE SUBMITTED AT ORGANIZATION MEETING ON JANUARY 2, 2014

Offered by: Ways and Means Committee

RESOLVED:

1. That section D. of Rule 170 and sections C., D. and E. of Rule 180 of County Board Rules, are suspended for proposed resolutions which are requested to be submitted at the organization meeting of the County Board of Legislators to be held on January 2, 2014.

Moved by: Mr. Hopkins
Seconded by: Mr. Fanton

Adopted: Voice Vote

RESOLUTION NO. 205-13

**CREATING ONE PART-TIME POSITION OF AGING SERVICES TECHNICIAN IN THE
OFFICE FOR THE AGING**

Offered by: Human Services Committee

RESOLVED:

1. That one part-time position of Aging Services Technician is created in the Office for the Aging.
2. This resolution shall take effect December 24, 2013.

Moved by: Mr. LaForge
Seconded by: Mr. Curran

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

Comments made regarding Resolution Intro. No. 211-13 included: Legislator LaForge noted that this is an example of another unfunded State mandate. The position is required to provide someone to fill out the questionnaire for people requesting services from Office for the Aging. The lengthy questionnaire is required by the State.

RESOLUTION NO. 206-13

**APPOINTMENT OF ONE MEMBER TO THE CITIZENS ADVISORY COUNCIL TO THE
OFFICE FOR THE AGING**

Offered by: Human Services Committee

Pursuant to Resolution No. 221-74

RESOLVED:

1. That the appointment of Dr. William Coch of Alfred Station, New York, as Member At-Large, to the Citizens Advisory Council to the Office for the Aging, with term of office commencing January 1, 2014, and expiring December 31, 2016, is confirmed.

Moved by: Mr. LaForge
Seconded by: Mr. Pullen

Adopted: Voice Vote

RESOLUTION NO. 207-13

**APPOINTMENT AND REAPPOINTMENT OF MEMBERS TO ALLEGANY COUNTY
BOARD OF ETHICS**

Offered by: Personnel Committee

Pursuant to Local Law No. 2 of 1970

RESOLVED:

1. Kimberley Toot of Wellsville, New York, Dorothy Lendel of Caneadea, New York and Brent L. Reynolds of Alfred Station, New York are appointed as members of the Allegany County Board of Ethics to serve at the pleasure of the Board of Legislators with term of office commencing January 1, 2014, and expiring December 31, 2017.

2. Darwin Fanton of Wellsville, New York and Brenda Rigby Riehle, County Employee of Belmont, New York are reappointed as members of the Allegany County Board of Ethics to serve at the pleasure of the Board of Legislators with term of office commencing January 1, 2014, and expiring December 31, 2017.

Moved by: Mr. O'Grady
Seconded by: Mr. Jessup

Adopted: Voice Vote
Opposed: Ungermann

RESOLUTION NO. 208-13

APPOINTMENT OF MEMBERS TO ALLEGANY COUNTY FIRE ADVISORY BOARD

Offered by: Public Safety Committee

Pursuant to County Law § 225-a.

RESOLVED:

1. That each of the following persons is appointed to the Allegany County Fire Advisory Board, with term of office for each to commence January 1, 2014, and expire December 31, 2014:

G. Douglas Clarke	Alfred
Judson Stearns, Jr.	Alfred Station
Emily Ormsby	Almond
Paul Edwards	Allentown
Brian Ennis	Andover
Paul Gallmann	Angelica
David Jennings	Belfast
Brandon LaValley	Belmont
Terry Richardson	Bolivar
Scott Kenyon	Canaseraga
John Wilson	Cuba
Gerald Gayford	Fillmore

Carl Greene	Friendship
Loren Luzier	New Hudson
Sherman Gage	Richburg
Dan Metcalf	Rushford
Tim Voss	Short Tract
David Sweet	Wellsville
Dennis Graves	Whitesville
LeRoy Ives	Willing
Alan Mills	Wischoy-Rosburg

Moved by: Mr. Healy
Seconded by: Mr. Graves

Adopted: Voice Vote

RESOLUTION NO. 209-13

DELEGATING AUTHORITY FOR CERTAIN REAL PROPERTY TAX REFUNDS AND CORRECTION OF TAX BILLS AND TAX ROLLS

Offered by: Ways and Means Committee

Pursuant to Sections 554 (9) (a) and 556 (8) (a) of the
Real Property Tax Law

WHEREAS, Sections 554 and 556 of the Real Property Tax Law authorize the County Board of Legislators to delegate the authority to make real property tax refunds and correct tax bills and tax rolls where the recommended refund or correction is \$2,500 or less, and

WHEREAS, utilization of this option will save numerous resolutions per year, and

WHEREAS, it is proposed that the County Administrator, who is also the County Auditor, as the individual who audits bills for payments, would be the official to perform the delegated refund and correction duties, and

WHEREAS, should the County Administrator as County Auditor deny the refund, the application would then be presented to the County Board of Legislators for its consideration, and

WHEREAS, the delegation must be given each calendar year, now, therefore, be it

RESOLVED:

1. This Board does delegate the authority to make real property tax refunds and to correct tax bills and tax rolls to the County Administrator as County Auditor pursuant to the above sections of the Real Property Tax Law subject to the limitations in paragraphs 2. and 3. of this resolution for calendar year 2014.

2. That for calendar year 2014, the County Administrator as County Auditor is authorized to perform the duties of the County Board of Legislators in providing real property tax refunds, where the recommended refund is \$2,500 or less, in accordance with Section 556 of the Real Property Tax Law.

3. That for calendar year 2014, the County Administrator as County Auditor is authorized to correct tax bills and tax rolls, where the recommended correction is \$2,500 or less, in accordance with Section 554 of the Real Property Tax Law.

Moved by: Mr. Hopkins
Seconded by: Mr. Pullen

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

RESOLUTION NO. 210-13

RESOLUTION APPROVING THE FINAL ASSESSMENT ROLLS WITH TAXES EXTENDED THEREON; AUTHORIZING AND DIRECTING THE PREPARATION AND EXECUTION OF TAX WARRANTS AND CAUSING DELIVERY OF TAX ROLLS TO COLLECTING OFFICERS

Offered by: Ways and Means Committee

Pursuant to Real Property Tax Law §§ 900 and 904

WHEREAS, upon the final assessment rolls of the several Towns the several taxes have been duly extended as provided by law, now, therefore, be it

RESOLVED:

1. That the final assessment rolls of the several Towns with the taxes so extended thereon are approved.

2. That the taxes so extended opposite the assessment of each parcel of real property in such rolls are determined to be the taxes thereon.

3. That there be annexed to each such roll a tax warrant in the form prepared by the Clerk of this Board to contain the respective amounts heretofore authorized to be levied upon the taxable property in each such roll and to bear the seal of the County Board of Legislators.

4. That the Chairman and Clerk of this Board shall sign each such warrant.

Moved by: Mr. Hopkins
Seconded by: Mr. Graves

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

RESOLUTION NO. 211-13

**LEVYING TAXES AND ASSESSMENTS REQUIRED FOR PURPOSES OF
ANNUAL BUDGETS OF THE TOWNS OF ALLEGANY COUNTY**

Offered by: Ways and Means Committee

Pursuant to Town Law § 115

WHEREAS, there has been presented to the Board of Legislators a duly certified copy of the annual adopted budget of each of the several Towns in the County of Allegany for the fiscal year beginning January 1, 2014, now, therefore, be it

RESOLVED:

1. That there is levied, assessed and raised by tax and assessments upon the real property liable therefore situated in the following Towns outside of any incorporated villages wholly or partially located therein, the General Fund and Highway Fund amounts specified in the annual adopted budgets of such Towns and indicated opposite such Towns, as follows:

	General Fund	Highway Fund
Alfred	28,899.00	112,410.00
Almond	25,457.00	145,510.00
Amity	700.00	305,646.00
Andover	17,267.00	159,307.00
Angelica	2,506.00	46,935.00
Bolivar	18,451.00	213,859.00
Burns	5,910.00	50,760.00
Cuba	0.00	326,825.00
Wellsville	113,150.00	334,000.00
Wirt	1,222.95	109,392.20

2. That there is levied, assessed and raised by tax and assessments upon the real property liable therefore situated in the following Towns, the General Fund and Highway Fund amounts specified in the annual adopted budgets of such Towns and indicated opposite such Towns, as follows:

	General Fund	Highway Fund
Alfred	176,197.00	182,842.00
Allen	105,159.00	130,455.00
Alma	214,991.00	343,633.00
Almond	181,712.00	219,736.00
Amity	182,983.00	0.00
Andover	164,674.00	168,141.00
Angelica	139,175.00	74,944.00
Belfast	255,709.00	406,714.00

Birdsall	137,550.00	42,805.00
Bolivar	152,796.00	210,562.00
Burns	116,220.00	167,815.00
Caneadea	185,800.00	493,579.00
Centerville	113,805.00	261,508.00
Clarksville	158,400.00	326,950.00
Cuba	652,173.00	291,510.00
Friendship	319,465.00	357,308.00
Genesee	167,489.00	402,978.00
Granger	115,400.00	164,300.00
Grove	139,688.00	281,228.00
Hume	230,720.00	388,902.00
Independence	239,660.00	405,603.00
New Hudson	137,140.00	312,017.00
Rushford	264,950.00	397,448.00
Scio	228,475.00	292,325.00
Ward	114,748.00	174,953.00
Wellsville	640,000.00	317,344.80
West Almond	99,347.00	47,002.00
Willing	221,611.00	271,966.00
Wirt	184,357.36	232,011.00

3. That there is levied, assessed and raised by tax and assessments upon the real property liable therefore in the following fire, fire protection, improvement and other special districts in the following Towns, the amounts specified in the annual adopted budgets of such Towns for such districts and indicated opposite such Towns, as follows:

Alfred	Fire Protection	35,700.00
	Hydrant	352.00
Allen	Fire District	13,765.00
Alma	Fire Protection	57,682.00
	Light District	1,550.00
Almond	Fire Protection	25,000.00
Amity	Fire District	48,000.00
Andover	Fire Protection	32,500.00
Angelica	Fire Protection District	33,600.00
Belfast	Water	95,976.00
	Fire Protection	63,198.00
	Light	9,500.00
Birdsall	Fire	25,230.00
Bolivar	Richburg-Wirt Fire District	4,787.00
	Bolivar Joint Fire District	110,160.00
Burns	Canaseraga Fire Protection	17,500.00
Caneadea	Caneadea Water District	227,804.00
	Houghton Sewer District	28,054.00
	Caneadea Light	3,000.00

	Houghton Light	18,000.00
	Oramel Light	1,100.00
	Rushford Lake District	42,032.00
	Caneadea Fire	109,000.00
Centerville	Fire Districts	25,450.00
Clarksville	Fire District	76,815.00
Cuba	Fire District	261,513.00
	Sewer #1 (Echo Lanes)	0.00
	Sewer #3 (Acme)	0.00
	Sewer #5 (O & M)	70,695.00
	Sewer #5 (Cap note)	46,465.00
	Water #3 (Acme)	0.00
	Water #4 (School)	533.00
	Lake District	41,534.00
Friendship	Lighting District #1	23,916.00
	Fire District	92,720.00
	Sidewalks Fund	28,666.00
	Refuse & Garbage District	55,432.00
Genesee	Fire Protection 1 (Bolivar)	41,408.00
	Fire Protection 2 (Portville)	33,169.00
Granger	Fire Protection	19,500.00
Grove	Swain Lighting District	2,500.00
	Canaseraga Fire District 1	17,500.00
	Nunda Fire District 2	2,000.00
Hume	Fire Protection	92,880.00
	Light District 1 (Hume)	3,775.00
	Light District 2 (R & W)	3,000.00
	Light District 3 (Hume)	11,500.00
	Sidewalk	14,500.00
	Sewer District	0.00
	Consolidated Water Dist.	0.00
Independence	Fire	54,120.00
	Street Light (Whitesville)	10,000.00
	Water District (Whitesville)	0.00
New Hudson	Light District 1	2,500.00
	Fire District 1	37,000.00
Rushford	Lighting District	6,800.00
	Rushford Fire District	87,650.00
	Rushford Lake District	220,666.00
Scio	Consolidated Water Dist.	36,555.00
	Light District 1	15,600.00
	Fire District 1	104,000.00
Ward	Fire Protection	9,100.00
Wellsville	Fire Protection District	118,500.00
	Hillcrest Lighting District	300.00

	E. State St. Sewer District	500.00
	Sinclair Sewer District	500.00
	Airport Sewer District	0.00
	Sinclair Water District	500.00
	Riverside Water District	500.00
	East State Water District	200.00
	Bolivar Rd. Water District	0.00
	W. Wellsville Water District	17,500.00
	Airway Sanitary Sewer Dist.	0.00
	Phillips Creek Water District	0.00
West Almond	Fire District	9,740.00
Willing	Fire Department	67,430.00
Wirt	Fire Protection Townwide	90,927.01

4. That such taxes and assessments, when collected, shall be paid to the Supervisors' of the several Towns in the amounts as shown in this resolution, for distribution by them in the manner provided by law.

Moved by: Mr. Hopkins
Seconded by: Mr. Fanton

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

RESOLUTION NO. 212-13

TRANSFER OF FUNDS WITHIN COUNTY HEALTH DEPARTMENT ACCOUNTS

Offered by: Human Services Committee

RESOLVED:

1. That the sum of \$7,600 is transferred from Account No. A4010.456 (Health Contracts) to Account No. A4010.201 (Office Equipment), to be used for the replacement of a copier/printer.

Moved by: Mr. LaForge
Seconded by: Mr. Curran

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

RESOLUTION NO. 213-13

TRANSFER OF FUNDS WITHIN MEDICAL EXAMINERS AND CORONERS ACCOUNTS

Offered by: Human Services Committee

RESOLVED:

1. That the sum of \$2,000 is transferred from Account No. A1185.101 (Regular Pay) as follows: \$500 to Account No. A1185.408 (General Supplies) and \$1,500 to Account

No. A1185.431 (Gen Gov-Support Cont), to cover costs associated with Coroner removals and supplies.

Moved by: Mr. LaForge
Seconded by: Mr. Graves

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

RESOLUTION NO. 214-13

**TRANSFER OF FUNDS FROM CAPITAL PROJECT ACCOUNT FRIENDSHIP
CULVERT – NORTH BRANCH TO CAPITAL PROJECT COUNTY
BUILDING – JAIL FLOOR RENOVATION**

Offered by: Public Works and Ways and Means Committees

RESOLVED:

1. That the sum of \$73,000 is transferred from Capital Project Account No. H5931.200 (Friendship Culvert – N. Branch) to Capital Project Account No. H5633.200 (County Building – Jail Floor Renovation), to cover additional costs related to modifications to the elevator servicing the old jail floor.

Moved by: Mr. Fanton
Seconded by: Mr. Pullen

Adopted: Roll Call
9 Ayes, 6 Noes, 0 Absent
Voting No: Cady, Curran, Jessup,
McGraw, O'Grady, Ungermann

Comments made before the vote regarding Resolution Intro. No. 220-13 included:

Legislator Hopkins clarified that the money was surplus from bridge projects that came in under budget, and it wouldn't affect any 2014 bridge projects. If the money isn't transferred, it will go back into the General Fund.

Legislator Ungermann read the following prepared statement:

"Mr. Chairman!

I have a couple of problems with this resolution... First, on several occasions, I have complained about not receiving an agenda of what is to be discussed at committee meetings several days in advance. All we get is a generic outline of the meeting's section titles – the details of expenditures are sprung upon us with only a few seconds to think about how to vote on matters of thousands and sometime millions of dollars. There is no time to properly research or ask the appropriate questions – this transfer is one of those instances where I believe if there had been adequate time to think about the outcome, the Public Works Committee may have voted differently.

Secondly, everyone is always complaining that we don't have enough money to fix bridges. About the time we were building the Court House, the Town of New Hudson suffered two years with a closed bridge on Haskins Rd. Was it from lack of money, or was there a political reason? The former DPW Superintendent stated in a letter that it was Board policy to appropriate bridge funds to only the towns that participated with the County snow plowing contract – which sounds like political blackmail to me. You may have noticed that I voted “no” on Resolution Intro. No. 213-13, appointments to the Ethics Board; because one of your appointees approved of this policy, which I believe to be unethical. The towns of Alfred and Clarksville do not enter into a County snowplowing contract, and that's the way it used to be with the Town of Birdsall. However, for the last seven or eight years, Birdsall has participated in the County snow plowing contract.

The Town of Birdsall had a bridge on Hiltonville Rd., constructed in 1936 that never saw so much as a paint job. For nearly 20 years, it has been receiving flags from NYS DOT inspections requesting required maintenance. In 2011, it was red flagged again, and the County DPW wrote a letter to the DOT stating it would most likely be replaced in the County's cost share program in 2012. It is clear that the County does not keep its word, because upon inspection in 2013, the DOT again red flagged the bridge, closed it to one lane, and lowered its weight limit to a point where town trucks could no longer utilize it. This bridge is located on the main artery for Birdsall residents traveling to and from work. The County estimated the cost of replacement for this bridge at \$400,000 and judging from the length of time to complete other bridges, would have required closure for at least 3-4 months to complete. After 17 years submitting this bridge to the County to be considered in the cost share program, the Town of Birdsall obviously couldn't wait any longer. Birdsall proceeded with engineering services and put the bridge work out to bid with the private sector. The bridge deck was removed, the abutments rehabilitated, and a new 24'9" wide by 31' long concrete deck was installed over the course of just 18 working days and at a total cost (including engineering) of roughly \$175,000 (less than half of the County's estimate). The bridge has since been re-inspected by DOT, scoring a 6 out of possible 7 rating. All flags have been removed, and there is no longer any weight restriction. The County does not want to pay their 85 percent share, even though they indicated they would most likely fix it in 2012. Instead, the County wants to take this left over bridge money from the Friendship project and put it up an elevator shaft? The County says the Town of Birdsall did not follow the County Bridge Policy rules, yet this \$73,000 came from a bridge on North Branch Rd. The Bridge Policy says that the County shall not replace any Town bridge less than 25' in length, yet they drove all new sheet piling and set three 19'6" long bridge panels on tops of the sheet piling for the Town of Friendship.

Allegany County has budgeted nearly \$19 million for sales tax revenue for 2014. Allegany County does not share that revenue with the towns and villages, because it has long surmised that in lieu of sharing the sales tax, the County pays 85 percent of town bridge repair/replacement work and pays the town share of Community College tuition. The County has budgeted less than \$1 million for each of these services, leaving approximately \$17 million to go into the County's general fund. Perhaps the County, instead of creating a capital project for each bridge, should create a dedicated bridge fund, then maybe bridges like the one in Birdsall wouldn't fall through the cracks. It's also clear to me that the County may not have the engineering capabilities that the private sector does, nor can they estimate cost properly – to have this amount of money left over.

It seems that we can keep our promises if it's politically expedient at the time. After our budget was complete, we threw in another \$160,000 for a bridge in the Vice Chairman's district, taking the money from the \$20 million reserve fund that we've been bragging about. Even though the tax levy went up by over \$600,000 the increase in County-wide assessment went up enough to lower the tax rate by what was thought initially to be a 16 cent decrease. We boasted this decrease in the tax rate since September, but when the final assessment rolls were tallied and the rate was determined to be an 11 cent decrease, we were able to quickly take another \$80,000 from our reserve fund to make up the five cent deficit so we could all continue to boast about the 16 cent decrease; telling the public what a great job we are doing. And now we want to transfer money from a bridge project and put it up an elevator shaft, when we have bridges to pay for? You've got to be kidding!

By the way, on December 19th, the American Public Works Association, New York Chapter, Western Branch announced the 2013 Public Works Projects of the Year Awards, naming 3 individuals and 7 projects – one of which was the Town of Birdsall, Hiltonville Bridge over Canisteo River.”

Chairman Crandall stated that he felt Legislator Ungermann's comments were inappropriate during what was supposed to be discussion of the resolution to be voted on. He was of the opinion that it was inappropriate for Legislator Ungermann to bring up so many topics that had nothing to do with the resolution at hand. He stated that Legislator Ungermann's position was strictly political. He reminded the Board that the resolution had to do with the transfer of funds, not the bridge program.

Legislator Fanton disputed Legislator Ungermann's claim that the County "threw in" another \$160,000 for a bridge in Legislator Fanton's district, saying the bridge is actually located in District II. (District II Legislators are: Healy, Sinclair, and Ungermann.)

Legislator O'Grady stated that he wasn't going to support the resolution. His decision was not because of where the money came from, but just the project in general. He feels the cost to renovate the jail floor is too high, and there are better alternatives for providing additional office space.

Legislator Pullen stated that he supports the resolution because of the need for an alternative handicap accessible means for people to access the entire building if the main elevator is down. He feels accessibility is the primary reason for supporting the resolution.

RESOLUTION NO. 215-13

RESOLUTION APPROVING ENTRY INTO A INTERMUNICIPAL MUTUAL AID AGREEMENT BETWEEN THE COUNTY OF ALLEGANY AND THE ALLEGANY COUNTY TOWN HIGHWAY SUPERINTENDENTS ASSOCIATION

Offered by: Public Works Committee

RESOLVED:

1. That entry into a Intermunicipal Mutual Aid Agreement between the County of Allegany and the Allegany County Town Highway Superintendents Association for period January 1, 2014, to December 31, 2014, is approved.

Moved by: Mr. Fanton
Seconded by: Mr. Graves

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

RESOLUTION NO. 216-13

**APPROVING THE HARTFORD AS THE ALLEGANY COUNTY EMPLOYEE
DISABILITY INSURANCE CARRIER**

Offered by: Personnel Committee

RESOLVED:

1. That the disability insurance agreement with The Hartford, with office at 325 Essjay Road, Suite 402, Williamsville, New York 14221, to provide disability benefits to eligible employees, is approved.

2. That the agreement provides disability benefits at a rate of 50% of wages up to a maximum of \$400 per week at a monthly cost to Allegany County of \$10.32 per employee, with such amount guaranteed for two years.

3. That the term of such disability insurance through The Hartford for employees of Allegany County shall commence January 1, 2014 and expire on December 31, 2016.

Moved by: Mr. Cady
Seconded by: Mr. O'Grady

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

RESOLUTION NO. 217-13

**APPROVAL OF RENEWAL AGREEMENT BETWEEN THE NEW YORK STATE UNIFIED
COURT SYSTEM AND COUNTY OF ALLEGANY FOR MAINTENANCE AND
OPERATION OF COURT FACILITIES**

Offered by: Public Works Committee

RESOLVED:

1. That Renewal Agreement between the New York State Unified Court System and County of Allegany, in relation to cleaning services for the interior of the Allegany County Courthouse as well as minor and emergency repairs to that facility for the period April 1, 2013, to March 31, 2018, is approved.

Moved by: Mr. Fanton

Adopted: Roll Call

Seconded by: Mr. Curran

15 Ayes, 0 Noes, 0 Absent

RESOLUTION NO. 218-13

APPROVAL OF AGREEMENT WITH LABELLA ASSOCIATES, D.P.C. TO CONDUCT THE ENVIRONMENTAL MONITORING PROGRAM AT THE COUNTY LANDFILL

Offered by: Public Works Committee

RESOLVED:

1. That an agreement with LaBella Associates, D.P.C., to conduct the environmental monitoring program at the County Landfill for an annual fee of \$66,100, commencing January 1, 2014, is approved.

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

Moved by: Mr. Fanton

Adopted: Roll Call

Seconded by: Mr. Hopkins

15 Ayes, 0 Noes, 0 Absent

RESOLUTION NO. 219-13

TRANSFERS BETWEEN APPROPRIATION ACCOUNTS

Offered by: Ways and Means Committee

WHEREAS, the Committees of this Board have authorized expenditures and such expenditures may be in excess of appropriations, and

WHEREAS, unexpended, unencumbered balances may exist in accounts, now, therefore, be it

RESOLVED:

1. That the County Treasurer is authorized to make transfers between appropriation accounts upon her books and to expend the same therefrom as she deems necessary for the purpose of balancing the accounts for the end of the 2013 fiscal year.

2. That upon the completion of such transfers the County Treasurer shall file a certification listing such transfers with the Clerk of this Board. Such certification shall be incorporated in the 2013 proceedings of this Board following this resolution.

Moved by: Mr. Hopkins

Adopted: Roll Call

Seconded by: Mr. Pullen

15 Ayes, 0 Noes, 0 Absent

Resolution Intro. No. 226-13 (Resolution Amending Board Rules to Create a New Resource Management Standing Committee and Amending Board Rules to Eliminate and Renumber Certain Rules Due to Duties Being Assumed by New Resource Management Committee) was not pre-filed and was considered from the floor on a motion made by Legislator Hopkins, seconded by Legislator Healy, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 220-13

RESOLUTION AMENDING BOARD RULES TO CREATE A NEW RESOURCE MANAGEMENT STANDING COMMITTEE AND AMENDING BOARD RULES TO ELIMINATE AND RENUMBER CERTAIN RULES DUE TO DUTIES BEING ASSUMED BY NEW RESOURCE MANAGEMENT COMMITTEE

Offered by: Ways and Means Committee

RESOLVED:

1. That County Board Rule 190. A. is amended with the addition of a new subparagraph "8" as shown by the material underlined as follows:

8. Resource Management (See Rule 220.H)

2. That County Board Rule 220 is amended with the addition of a new subparagraph "H" as shown by the material underlined as follows:

H. RESOURCE MANAGEMENT

1. General Jurisdiction:

a. Agricultural districting.

b. Use of natural resources.

c. County historical matters to include historical real and personal property and historical records.

d. Youth programs and activities.

e. Snowmobile issues.

2. Specific Jurisdiction:

a. Supervision of County Planner in performance of powers and duties relating to the proposed establishment and periodic review of Agricultural Districts.

b. General supervision of the County Agricultural and Farmland Protection Board.

c. Recommendation to the County Board on the establishment or non-establishment of a proposed Agricultural District or the continuance of an established Agricultural District.

d. Supervision of the Youth Director's powers and duties relating to the Rushford Lake leased recreation area.

e. Supervision of the County reforested lands to include the disposition of trees, timber and other forest products on such lands.

f. General supervision of the Allegany County Soil and Water Conservation District and its governing board, the Soil and Water Conservation District Board.

g. Contract administration of any County Board approved contract with the Agricultural Society and the Cooperative Extension Association of Allegany County.

h. Liaison with the Region 9 Fish and Wildlife Management Board, the Region 9 Forest Practice Board and the Resource Conservation and Development Board.

i. Supervision of the County Historian.

j. Supervision of the Youth Bureau and its advisory board, the County Youth Board, in performance of their powers and duties relating to the establishment and operation of Youth programs and activities.

k. Supervision of County forest lands, parks, and recreation areas.

l. Administration of the State Environmental Quality Review Act (SEQRA) as it affects County governmental operations.

m. General supervision of the contractual relationship between the County Board and the Allegany County Federation of Snowmobilers, Inc. for the development and maintenance of snowmobile trails.

3. Administrative Unit Jurisdiction:

a. Allegany County Soil and Water Conservation District Board.

b. County Agricultural and Farmland Protection Board.

c. County Historian.

d. County Youth Bureau.

e. County Youth Board.

3. That County Board Rule 220. C. is amended with material deleted indicated by strike out and material added, consisting of renumbering or re-lettering, shown by the material underlined as follows:

C. PUBLIC SAFETY

1. General Jurisdiction:

- a. Fire and Police protection.
- b. Criminal Law prosecution and defense services.
- c. Incarceration, supervision, and rehabilitation of adult and juvenile offenders.
- d. Weights and Measures program.
- e. Emergency services in relation to natural disasters and enemy attack.
- f. Civil process services.
- g. Traffic Safety.
- ~~h. Youth programs and activities.~~

2. Specific Jurisdiction:

- a. General supervision of Sheriff in performance of police, jail, and civil process powers and duties.
- b. General supervision of District Attorney in performance of criminal law prosecutions and motor vehicle law violations powers and duties.

c. General supervision of the County Traffic Safety Board.
(See Local Law No. 2 of 1972)

d. Supervision of Public Defender in performance of criminal law and Family Court legal defense.

e. Supervision of Office of Emergency Services in performance of emergency services powers and duties.

f. Supervision of Office of Probation in performance of probation powers and duties.

g. Supervision of Director of Weights and Measures in performance of weights and measures powers and duties.

h. Supervision of Fire Coordinator in performance of firemanic and fire safety powers and duties.

i. Oversight of fire and medical mutual aid programs and unified frequency communications network system.

j. Supervision of assigned counsel plan.

k. Liaison with County Jury Board.

~~l. Supervision of the Youth Director powers and duties relating to the Rushford Lake leased recreation area.~~

~~m. Supervision of the Youth Bureau and its advisory board, the County Youth Board, in performance of their powers and duties relating to the establishment and operation of youth programs and activities.~~

n. Supervision of STOP DWI Coordinator in performance of driving while alcohol or drug impaired prevention program powers and duties.

3. Administrative Unit Jurisdiction:

a. Sheriff.

b. District Attorney.

c. Public Defender.

d. Office of Emergency Services.

e. Office of Probation.

f. Director of Weights and Measures.

g. Fire Coordinator.

h. Administrator, Assigned Counsel Plan.

i. County Traffic Safety Board.

~~j. County Youth Bureau.~~

~~k. County Youth Board.~~

l. STOP DWI Coordinator.

4. That County Board Rule 220. G. is amended with material deleted indicated by strike out and material added, consisting of renumbering or re-lettering, shown by the material underlined as follows:

G. PLANNING AND ECONOMIC DEVELOPMENT

1. General Jurisdiction:

a. Development of business, industry and recreation.

b. Comprehensive planning.

c. Tourism.

- ~~d. — Agricultural districting.~~
 - ~~e. — The preservation of natural resources and the management of County-owned lands.~~
 - ~~f. — County historical matters and preservation of records.~~
 - ~~g.~~d. Workforce development and training.
2. Specific Jurisdiction:
- a. Supervision of the Office of Development.
 - b. General supervision of the Allegany County Industrial Development Agency and its governing board, the Allegany County Industrial Development Agency Board.
 - c. Supervision of the County Planner.
 - d. General supervision of the County Planning Board.
 - e. Supervision of the Office of Employment and Training. Liaison with the Cattaraugus-Allegany Workforce Investment Board.
 - ~~f. — Supervision of the County Historian and his duties as the Records Management Officer.~~
 - ~~g. — General supervision of the Allegany County Soil and Water Conservation District and its governing board, the Soil and Water Conservation District Board.~~
 - ~~h. — Supervision of the proposed establishment and periodic review of County Agricultural Districts and recommendation to the County Board on the establishment of a proposed Agricultural District or continuance of an established Agricultural District.~~
 - ~~i. — Supervision of County reforested lands to include the disposition of trees, timber, and other forest products on such lands.~~
 - ~~j. — General supervision of the County Agricultural and Farmland Protection Board.~~
 - ~~k. — Liaison with the Region 9 Fish and Wildlife Management Board, the Region 9 Forest Practice Board, and the Resource Conservation and Development Board.~~
 - ~~l.~~f. Contract administration of any County Board approved contract for the administration and performance of tourism promotion.
 - ~~m.~~g. General supervision of Tourism.
 - ~~n. — Contract administration of any County Board approved contract with the Allegany County Agricultural Society and the Cornell Cooperative Extension of Allegany County.~~
 - ~~o. — Administration of the State Environmental Quality —~~
~~Review Act (SEQRA) as it affects County governmental —~~
~~operations.~~
 - ~~p. — General supervision of the contractual relationship between the County Board and the Allegany County Federation of Snowmobilers, Inc. for the development and maintenance of snowmobile trails.~~
3. Administrative Unit Jurisdiction:
- a. Office of Development.
 - b. Allegany County Industrial Development Agency Board.
 - c. Office of Planning and/or County Planner.

- d. County Planning Board.
 - e. County Comprehensive Planning Implementation Group.
 - f. County Office of Employment and Training.
 - ~~g. Allegany County Soil and Water Conservation District~~
- ~~Board:~~
- ~~h. County Agricultural and Farmland Protection Board.~~
 - ~~i. County Historian.~~
5. This resolution shall become effective January 1, 2014.

Moved by: Mr. Hopkins
Seconded by: Mr. Healy

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

Resolution Intro. No. 227-13 (Sale of Tax Land in the Village of Wellsville, Tax Map No. 239.45-1-39) was not pre-filed and was considered from the floor on a motion made by Legislator O'Grady, seconded by Legislator Graves, and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 221-13

SALE OF TAX LAND IN THE VILLAGE OF WELLSVILLE, TAX MAP NO. 239.45-1-39

Offered by: Ways and Means Committee

WHEREAS, the Village of Wellsville, 156 North Main Street, Wellsville, New York 14895 has agreed to Terms of Sale and offered the sum of \$1.00 for a deed of the County's interest in premises formerly assessed on the tax rolls to Bernard Prentice and described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Village of Wellsville, County of Allegany, State of New York and described as follows, viz: 20 W State St .20 Acre – 35' x 31' Assessed Value \$8,500 Tax Map No. 239.45-1-39, and

WHEREAS, the Ways and Means Committee believes that the Terms of Sale and the above sum offered is fair and reasonable and the best that can be obtained under the circumstances and that the said sale will be advantageous to the County, now, therefore, be it

RESOLVED:

1. That such agreed to Terms of Sale and monetary offer is accepted and the Chairman of this Board is authorized and directed to execute on behalf of the County of Allegany and to cause to deliver to such purchaser a quit claim deed of the County's interest in such premises, and to attach to such deed the official seal; all upon satisfaction of the Term of Sale and full payment to the County Treasurer of the monetary offer.

Moved by: Mr. Graves
Seconded by: Mr. Jessup

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

Abstained: LaForge

Legislator LaForge requested to abstain from the vote on Resolution Intro. No. 227-13. A motion to approve Legislator LaForge's request was made by Legislator Graves, seconded by Legislator O'Grady and carried to allow Legislator LaForge to abstain.

AUDITS:

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

A motion was made by Legislator Hopkins, seconded by Legislator Pullen, and adopted on a roll call vote of 15 Ayes, 0 Noes, 0 Absent, that the audit of claims, totaling \$2,385,662.87, including prepaid expenses, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$9,840,578.*)

Legislator Hopkins noted that the County will spend \$10 million by year end in Medicaid costs for 2013. He also mentioned that the Clerk of the Board had forwarded an email from the Governor concerning mandate relief. It will be interesting to see how it turns out. Is it more political, or will we actually see some mandate relief? He added that it would be nice to get rid of this \$10 million expense.

Closing Comments:

Chairman Crandall remarked that he had the Clerk of the Board distribute forms to the Legislators looking for feedback on what their interests and strengths are in regards to committee assignments. He asked that the Legislators return those to the Clerk of the Board as soon as possible. Chairman Crandall added that he will do the best he can on committee assignments as far as using people's strengths. Everyone can't be where they want to be, but I will do my best at putting them together the best I can. Our committee system is key to how this Board operates. Committees are an important part of the resolutions that come to the full Board. The real discussion takes place in committees. Legislator Pullen concurred with Chairman Crandall adding, "...that's where the debate and argument occurs. If the thought is that everything is rubber stamped, people haven't been to committee meetings."

Legislator Hopkins reminded all of the Legislators that the Farm Bureau would be hosting a dish to pass dinner at 7:30pm on January 8. This event will take place at the Cooperative Extension building in Belmont.

Chairman Crandall noted that it takes a while for a new Board to begin "clicking" together when a new term begins. He added, "I think this has been a good Board." There is a great deal of time invested by Legislators. They do a lot of research and other work outside of meetings. He closed by saying, "I appreciate the time I've been able to spend with you."

Legislator Sinclair stated, "It is with a deep reverence for Allegheny County, for the people, and the work of this Legislature, that I make a motion to adjourn this session."

ADJOURNMENT: The meeting was adjourned at 3:18 p.m. on a motion made by Legislator Sinclair, seconded by Legislator Cady and carried.